

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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

8 THE TAPED AND TRANSCRIBED MINUTES of the above
9 entitled proceeding BY NANCY STRANG-VANDEBOGART
10 commencing on February 9, 2010 at 7:00 p.m. at the
11 Public Operations Center 347 Old Niskayuna Road,
12 Latham, New York 12110

13 BOARD MEMBERS:

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

21 Also present:

- 22 Joe LaCivita, Director, Planning and Economic Development
- 23 Mike Cusack, Esq., Verizon Wireless
- 24 Sarah Mayberry-Stevens, Verizon Wireless
- 25 Gary Mittleman
- Elaine Woroby
- Susan Smith
- Lynne Janquieres
- Sharon Bright-Holub, Greater Loudonville Association
- Jim Growney
- Orkan Stasior

1 CHAIRMAN O'ROURKE: First on the agenda
2 this evening we have the Loudonville
3 Presbyterian Church, 22 Old Niskayuna Road.

4 For those of you that are with us and
5 have been with us in the past, we have made a
6 couple of changes. The way that we're going to
7 approach anything on the calendar - the person
8 before the board will speak first. If there is
9 a town designated engineer or somebody from
10 the department involved, they'll speak after
11 the applicant's representative speaks. We'll
12 then open it to the board and then to members
13 of the audience for questions.

14 So, with that, Mr. Cusack?

15 MR. CUSACK: Thank you Mr. Chairman. I'm
16 Michael Cusack, attorney for Verizon Wireless.
17 I'm appearing before you this evening on an
18 application for site plan review. With me
19 tonight are Sarah Mayberry-Stevens, the real
20 estate manager from Verizon Wireless and Rich
21 Andras, a radio frequency engineer who is
22 assigned to this project for technical
23 questions. On Sarah's left is Michael Orchard.
24 He is a real estate representative who helps
25 the company finds sites.

1 The applicant here is technically
2 Loudonville Presbyterian Church and Verizon
3 Wireless because the church is the property
4 owner. They have signed the application. A
5 number of folks are here as well from the
6 church itself.

7 I have brought a thumbnail sketch of the
8 project. What we're proposing is a 60-foot
9 stealth church bell tower. It has the
10 appearance of a standard bell tower but these
11 days it can be designed simultaneously to
12 camouflage wireless antennas and behind that
13 are our transparent panels.

14 The antennas and other appurtenances will
15 not be visible. It will have the appearance of
16 a church bell tower to the naked eye.

17 Also, proposed as part of the project is
18 a 12 foot by 30 foot equipment shelter which
19 contains Verizon Wireless' telecommunications
20 equipment. This shelter is going to be
21 conformed to the architecture of the existing
22 church building and will be placed adjacent to
23 the tower in the area shown right here on the
24 plan (Indicating).

25 The site itself is located at

1 22 Old Niskayuna Road. It's a 5.8 acre parcel
2 located in the single family residential
3 zoning district.

4 Back on June 18, 2009 the Town of Colonie
5 approved a variance under the Rosenberg Public
6 Utility variance exception standard to address
7 the allowability of this use on the property
8 as well as the failure of the ability of
9 Verizon Wireless' antennas to meet the 40 foot
10 height requirement that ordinarily applies in
11 this district.

12 It's kind of an interesting point but the
13 bell tower and church features are exempt from
14 the height regulations because we have the
15 antennas inside that facility. We had to
16 include that within the scope of our variance.

17 The total project area is approximately
18 5,658 square feet but the basic improvements
19 are going to occur within a much smaller area;
20 35 by 65 feet for approximately 2,275 square
21 feet. That is shown here (Indicating).

22 The site is sufficiently large to meet
23 all of the applicable design criteria and the
24 setbacks in the Town of Colonie's zoning
25 regulations.

1 In particular I wanted to mention that
2 the site itself has ample frontage on
3 Old Niskayuna Road; 566 feet. The bell tower
4 itself will be setback a minimum distance from
5 adjoining property lines of 177 feet. That
6 would be the closest distance to the north
7 west here towards the [SIC] Goey house and the
8 right of way that's behind that. So, a minimum
9 of 177 feet in that direction to a maximum of
10 395 feet going south in this direction here
11 (Indicating). So we are able to easily meet
12 the 100% tower height setback or 66 feet
13 requirement that would apply under the code
14 ordinarily if this were a straight tower and
15 not a camouflaged church bell tower.

16 The driveway itself will be extended
17 approximately 52 feet on the plan as it's
18 currently proposed just to get Verizon
19 equipment in and out. Otherwise, it's a very
20 small modification to the existing conditions.

21 The utility services that we require are
22 either available right on the site or readily
23 available at Old Niskayuna Road so we do not
24 see any significant modifications for the
25 utilities.

1 All service connections will be placed
2 underground as required by the town's
3 regulations.

4 Last but not least there are a couple of
5 site constraints that I wanted to point out
6 that were in relation to some of the questions
7 that we heard the last time that we were here.

8 First and foremost, the church has a
9 restriction in their deed. It is a 50 foot
10 buffer strip where trees must be maintained
11 and not be cut along the back border of the
12 property. On our plan that's shown here
13 (Indicating) and for that reason we have
14 attempted to keep our facility on the closer
15 side of the building.

16 In addition the town's regulations
17 encourage us as an applicant to develop our
18 facilities in a manner that minimizes the
19 removal of existing vegetation and preserves
20 existing features as much as we possibly can.
21 So that was all taken into account very much
22 with respect to the possibility of moving it
23 further into the woods or in a direction
24 north. We thought that at the time that we
25 laid out the site that would not be beneficial

1 because we eventually would be encroaching on
2 the 50 foot buffer area where the trees cannot
3 be cut. Also that we would be taking out more
4 vegetation than would be necessary. In
5 addition to that, on our plan there is shown a
6 series of other improvements.

7 We have an underground gas line going
8 across the property on the northerly side
9 adjacent to the building providing a gas
10 service to the church itself. There is also an
11 underground on-site sewage disposal system at
12 the rear corner of the church here
13 (Indicating) that is still in service that was
14 pointed out in the technical review by the
15 various agencies in the town. That's to make
16 sure that when we went forward and did our
17 design that we would not intrude on that if
18 there was a reference in the deed. We looked
19 at the conditions on the property and that was
20 still there.

21 We have some constraints, but in the end
22 the design and layout that's in front of the
23 board basically tries to balance all of the
24 conditions of the property and the
25 requirements of the code and come up with a

1 plan that seemed to make sense.

2 With that in mind, I don't have a lot
3 more to say on the site but that we did do a
4 balloon test back in march and that is
5 following the standard that is in the town's
6 code. That was publicly noticed and the result
7 of that balloon test was very, very
8 satisfactory from a standard visual impact
9 assessment standpoint. In particular, the
10 trees on the property are in the range of 60
11 to 65 feet as is the trees in the surrounding
12 community. The top of this bell tower facility
13 is going to remain a part of the church after
14 we're gone. There was no community wide visual
15 impact to speak of.

16 With that, I'll turn it over to the board
17 for questions.

18 CHAIRMAN O'ROURKE: Joe, for the
19 audience, if you could bring us up to speed as
20 to how we got here tonight?

21 MR. LACIVITA: This is a minor
22 application and typically when there is a
23 minor application it goes under an in-house
24 review and approval. But the fact that this
25 had impact to the neighborhood, it then

1 becomes reviewed by the Planning Board.

2 It received Zoning Board approval for the
3 application forward and it was under in-house
4 review.

5 I did reach out after receiving the
6 minutes from the Zoning Board of Appeals. I
7 reached out to Mr. Plant who was the engineer
8 for the town on behalf of the Zoning Board.
9 Unfortunately, he could not attend tonight so
10 we could hear his comments as to how the site
11 was located and how it was cited on the
12 location. He actually did the review process
13 for the town for zoning purposes. When I asked
14 him why he did not offer anything to the
15 Planning and Economic Development Department
16 at the time, he said that they were referred
17 not to do so by our planners within the
18 Planning Department. I have asked Mr. Plant to
19 try to attend this evening so that we could
20 hear that based on the fact that we did not
21 hear what I felt to be an internal review that
22 was proper.

23 CHAIRMAN O'ROURKE: Mr. Cusack, again,
24 after pouring through the litany of
25 information on this project, I am very upset.

1 I'm very upset on a couple of fronts.
2 This area of the town has historical
3 significance that I'm not sure was dealt with
4 property in my estimation. It's put this board
5 in a very difficult and precarious spot. As
6 you know, the variances were granted by the
7 Zoning Board of Appeals.

8 If we vote against your ability to put it
9 up, we open the town to litigation.

10 I've conferred with multiple people in
11 regard to this because of the way that it
12 falls under the 1996 FCC Regulation which
13 again, I know that you're aware of. Once those
14 variances were in fact granted the use is now
15 permitted and we as a board can't tell you
16 that it's not. The only control that we have
17 and recourse that we have as a Planning
18 Board - that one of the biggest historical
19 areas in the town is now going to have this
20 thing - is where on the site does it suit the
21 town best to be? In my estimation, and I'm
22 only one board person, it's certainly not in
23 the front. So, there are a couple of things
24 that I'd like to make statements in regard to
25 this.

1 As I poured through all of the minutes
2 from the Zoning Board of Appeals, and I
3 reached out to Mike Rosch who gave me a list
4 of everyone -- the first thing that bothered
5 me was that when it first came before us,
6 nobody from the Greater Loudonville
7 Association was present. That struck me as
8 odd. Usually with anything in the Loudonville
9 area, there is a representative here. So, I
10 asked if they were contacted and they in fact
11 were.

12 I reached out to Mike Rosch who gave me a
13 list of addresses and a yeoman's job was done
14 as far as contacting. I think where the
15 town - and as a Planning Department we missed
16 the boat was information people that if these
17 variances are granted, it's going in.

18 We could vote it down tonight but I'm
19 sure that Verizon with the funds that they've
20 spent would probably litigate and we'd have no
21 leg to stand on because the uses have already
22 been given.

23 Within a single family residential area,
24 there are a few uses we as a town and many
25 towns allow to schools and churches. So, once

1 that particular use was granted to the
2 Presbyterian Church, it limits the authority
3 of this board to do anything, in my
4 estimation. So that's one thing that I'm a
5 little bit peeved about.

6 The second is the use of the language in
7 regard to this project. I have poured through
8 the minutes again of the Zoning Board of
9 Appeals and the word steeple was used. I'm not
10 very smart so I have to go to Webster and I've
11 pulled it up. A steeple is a tall tower that
12 forms a super structure of a building. This
13 certainly is not a steeple.

14 The next term that I hear a lot is a bell
15 tower. A bell tower, as Webster's puts it, is
16 a tower which contains or is designed to
17 contain or hold bells. This is neither of
18 those. This is a telecommunications tower
19 that's going into a historically significant
20 area of the Town of Colonie and the Planning
21 Board has no recourse.

22 So, that said, I would like to open it to
23 the rest of the board if they have questions.
24 In my estimation from where I sit, it's not
25 going where you want it.

1 Paul do you have anything?

2 MR. ROSANO: I have nothing for
3 Mr. Cusack right, now but I do have a few
4 questions later on.

5 CHAIRMAN O'ROURKE: Elena?

6 MS. VAIDA: I have a question about the
7 tower itself. Is it going to have any other
8 use or whether it is in fact just a camouflage
9 for the cellular use?

10 MR. CUSACK: That's a good question. To
11 answer it, this is a functional bell tower.
12 It's designed to also accommodate the antennas
13 behind the trees as indicated on the
14 architectural rendering that's in your
15 packages and also up here on the board.

16 You have a copy of our lease agreement in
17 the packet but the way that this is intended
18 to function is -- I just want to answer this
19 and set it up for you is that when our lease
20 term ends and the church doesn't extend to us,
21 this stays as a church feature. It's a very
22 standard type of a facility. The chairman is
23 right. This is built also for the dual purpose
24 but that doesn't mean that it doesn't also
25 have a full purpose of an ordinary bell tower.

1 MS. VAIDA: So there is going to be bells
2 in it?

3 MR. CUSACK: We have it shown here with
4 the bell functions. I don't know if there will
5 be electronic bells such as you hear in a fire
6 department or manual ones; but it's designed
7 to be a church bell tower.

8 MS. MAYBERRY-STEVENSON: It would be
9 electronic. It's by no means a one design
10 solution. It's becoming an even more common
11 design solution for a dual purpose facility to
12 have at least one other operational use. The
13 Town of Pittsford or maybe it's Henrietta had
14 a design to work just like this and could be
15 something as a bell tower. Do bells swing like
16 an old time bell steeple? If we did refer to
17 it as a steeple, it was an oversight.

18 CHAIRMAN O'ROURKE: Mr. Cusack did.

19 MS. MAYBERRY-STEVENSON: This is intended
20 to be a bell tower and it was never intended
21 to be a steeple on the church. It is a bell
22 tower next to the church and it will function
23 as a bell tower. As we said it does have the
24 dual purpose of concealing a cell tower which
25 would be looked at very favorably in any

1 municipality. It allows a public utility in an
2 area where they need service where a typical
3 standard lattice tower would not be
4 appropriate. We came to the town with this
5 design in mind.

6 CHAIRMAN O'ROURKE: Tim?

7 MR. LANE: I think that one of the things
8 that is clearly the concern of the board and a
9 lot of people here is in regard to the health
10 issues regarding a cell tower in the
11 neighborhood.

12 What is the distance of the tower to the
13 nearest homes? I should say, the nearest home.
14 Not just the property, but to the nearest
15 home. Do you know what that would be?

16 MR. CUSACK: We didn't track the distance
17 to the nearest home.

18 MR. LANE: Can you approximate it?

19 MR. CUSACK: I will.

20 MS. MAYBERRY-STEVENSON: As he is looking
21 at that and approximating it, you may want to
22 look at Tab 11 of the submittal. We do have a
23 consultant form. Typically anything beyond 50
24 feet away from an antenna is not even
25 something that has to be considered, but we do

1 provide this information so that you can see
2 what the calculations would be.

3 MR. LANE: Just to boil it down for the
4 board, I have an article - it's actually
5 something that I pulled off the Internet.

6 I know this is currently superficial
7 research but it's the American Cancer Society
8 discussing the impact of cell towers. This is
9 not an unusual situation. From what I saw,
10 this happens in a lot of communities and
11 actually this usage has been in other areas.
12 You're not just turning a tree into a cell
13 tower but actually bell towers on church
14 property. It states here according to their
15 information that:

16 The National Council on Radiation
17 Protection and Measurements - the
18 International Radiation Protection Association
19 and the Institute of Electronics and Engineers
20 and the American National Standards Institute
21 have established guidelines for exposure to RF
22 radiation originating from cellular
23 communication bay stations. These guidelines
24 were designed for tech workers as well as the
25 public from potential harmful radio frequency.

1 The recommended exposure limits are in the
2 range of .41 to .45 milliwatts per square
3 centimeter for cellular radio frequencies.

4 Is this power within that range?

5 MS. MAYBERRY-STEVENSON: Yes. In this
6 report - just so that you know - the exposure
7 of ground level and distance from the
8 structure are substantially below 1% of the
9 FCC exposure limits due to Verizon Wireless
10 antennas.

11 MR. LANE: But isn't this tower somewhat
12 short? Don't they put these up generally about
13 150 feet?

14 MS. MAYBERRY-STEVENSON: They typically are
15 60, 80 or 100 -

16 MR. LANE: And this one is -?

17 MS. MAYBERRY-STEVENSON: This is 60. We do
18 some things lower. We don't like to do them
19 lower but anything over 50 feet away and
20 that's vertical -

21 MR. LANE: And that's when you are
22 directly in front of the -- this is the power
23 directly in front of the antenna?

24 MS. MAYBERRY-STEVENSON: Right, and this is
25 why there is a greater concern with rooftop

1 facilities. That's where people have access to
2 the rooftop. There are different exposures.
3 The FCC looks at that differently.

4 Our calculations in here are based on
5 public exposure and not a worker who has been
6 trained and who is meant to recognize any
7 inherent difficulties with RF. This is based
8 on public exposure for anybody who doesn't
9 have any knowledge and is just walking around.
10 It's less than 1% of that.

11 MR. LANE: How many milliwatts will this
12 be? You're saying 1%.

13 MR. STUTO: See, you're speaking about
14 the FCC standard. He's talking about a
15 different standard.

16 MS. MAYBERRY-STEVENS: These are the same
17 standards.

18 MR. LANE: These are to determine the
19 guidelines.

20 MR. CUSACK: To answer your question,
21 it's a federal standard. The basic rule of
22 thumb that the federal government puts out for
23 local government is that if the facility is
24 broadcasting at the standard power levels and
25 it's higher in the air than 10 meters, which

1 is approximately 32 feet, then it's
2 categorically excluded from local regulations.
3 So it falls within the federal standard. As a
4 result of that type of an issue and from the
5 federal government, we always get questions
6 from the applicant like, well, do you meet the
7 standard? Can you demonstrate or provide us
8 with something that demonstrates that we meet
9 the standard? That's why we include the report
10 under Tab 11, which is done by a licensed
11 professional engineer who is licensed by the
12 State of New York. It's a pretty important
13 question and it's a standard question and we
14 have documented that in our application.

15 MR. LANE: Thank you.

16 CHAIRMAN O'ROURKE: Mike?

17 MR. SULLIVAN: I did have one suggestion
18 and it's basically what I had mentioned at a
19 previous meeting and that is to move the tower
20 back farther.

21 I understand that the church would like
22 to have the tower as a symbol of the church.
23 However, I think that it would be a neighborly
24 compromise if you will to move it back and
25 have a natural buffer of trees in front of it.

1 It would still be visible, but not as visible.
2 Right now a passerby will get a clear shot at
3 it. I realize that's the intent but that's
4 also the problem. I would like to see that
5 moved back and perhaps in the back of the
6 building and leave as many trees as possible
7 in front of it. I realize that it's only an
8 access road to get to the facility, but it
9 would still have mature trees left in front of
10 it.

11 MR. CUSACK: One of the constraints that
12 we have is that on the property itself in that
13 area where the corner of the building is
14 located is already used by the church for
15 their outdoor activities and as a playground
16 for the children when they're there for church
17 services and other activities. So we did not
18 want to go back there and be further into that
19 area.

20 Also back there is the onsite septic
21 system that I mentioned earlier and the gas
22 line that runs along side the building. What
23 did we have as ideas? We had several ideas. If
24 you could shift the building slightly and the
25 church would approve, we would be going more

1 into the trees. It would require that we take
2 down some additional trees. What this would
3 enable us to do would be instead of having the
4 driveway go straight in and providing that
5 straight view that you're concerned with, you
6 could end it there or curve it slightly and
7 then just put more plantings in front of the
8 structure. We would rotate the building
9 slightly. It wouldn't be a complete swing, but
10 we could move it back a little bit. It would
11 give us a little bit more of a buffer and a
12 little bit more space so that we could do some
13 more planting. I don't know if that's
14 something that you would be interested in
15 seeing as an option but we thought that it
16 might be worth mentioning.

17 MR. LANE: I don't know if you play golf
18 but if you could picture a golf course with a
19 dog leg -- have the tower off to the side and
20 like I said, have a kink in it such that when
21 you're driving along you don't get a straight
22 shot of the tower itself, yet still provide
23 access to it and still have access to get your
24 materials in to build the structure. But I
25 think that it could be moved back and away

1 from the building and then also still leave
2 some of the existing trees and a place in
3 front of it to access a buffer.

4 MR. CUSACK: That's part of the reason
5 that the driveway is the way that it is.
6 There's a rather large spruce there on the
7 plan. We wanted to go around it to one side or
8 the other and we're trying to be sensitive to
9 how much we have to pull out. It does a very
10 good job of screening the facility area and
11 would do a good job for years to come. I don't
12 want to say no to moving it back, I just want
13 to throw out as an idea that if it's the bell
14 tower itself that there is a concern with -

15 MR. SULLIVAN: The bell tower is my
16 primary concern, that's why I wanted to leave
17 the existing trees in place in front of it. It
18 helps screen the bell tower. Right now it's
19 the clear view of it and the driveway is
20 pretty much a straight shot off of the main
21 road. I'd like to see a dog leg in the
22 driveway, if you will, and then push it back
23 farther into the woods and leave the existing
24 trees in front of it.

25 MR. CUSACK: The church is certainly

1 going to have to help us comment on that, but
2 the feature of the bell tower makes sense if
3 it is somehow connected to the architecture of
4 the church. If we were to slide the tower back
5 and get some more space but keep it roughly
6 the same distance from the building and that
7 would help with your concerns.

8 It's just an intuitive call, but I see an
9 easier dog leg coming around this way
10 (Indicating) than I see here because you have
11 a lot of work going on.

12 MR. SULLIVAN: However it could be
13 managed, I'd like to see it have some buffer
14 in front of it and a dog leg driveway.

15 MR. CUSACK: Ordinarily I'd agree to that
16 but we have to consult with the church.

17 MR. SULLIVAN: That's all I have; thank
18 you.

19 CHAIRMAN O'ROURKE: You're welcome.

20 Pete?

21 MR. GANNON: I just share C.J. and Mike's
22 concerns. C.J.'s is mainly with liability that
23 this board exposes the town to. If we reject
24 this proposal as it is, we're exposed to the
25 actions that Verizon and the church undertake.

1 C.J. and Mike's concerns that the
2 visibility from Old Niskayuna Road -- while
3 the church leadership and their counsel have
4 expressed that they desire having the tower
5 there for those purposes so that it's visible
6 from Old Niskayuna Road for people that travel
7 by their facility, we've had not just
8 Mr. Mittleman at the last meeting but since
9 then the weeks that have passed, several other
10 residents have expressed concerns about the
11 presence; especially the part of the property
12 there. There seems to be growing concerns. I
13 don't know if those are trickling out now
14 because of a lobbying effort or just because
15 as C.J. indicated earlier the notification
16 wasn't as thorough as it could have been. So,

17 I think that Mike Sullivan and Mike
18 Cusack might be onto something in terms of
19 presenting a new idea of exactly where it
20 should be located.

21 MS. MAYBERRY-STEVENSON: One of the things
22 that I'd like to offer as well is the
23 potential of the redesign that I think that we
24 can do better as well. We do have a lot of
25 photographs from the road and although we have

1 provided those photographs, I don't think that
2 we have provided to you the photo simulation
3 of what it actually looks like; the bell tower
4 itself. And I think that is something that
5 could be useful to the board because there is,
6 as we have seen in those photographs, a lot of
7 screening and we all may be under the
8 misconception of how visible it may be. That
9 might be something that would be a benefit to
10 all of the board and including Verizon
11 Wireless. We didn't provide that.

12 MR. GANNON: Especially for Paul and I as
13 we are just starting terms on the board and
14 this project predates us.

15 MS. MAYBERRY-STEVENSON: So that's
16 something that I think that we can do to
17 assist in this process.

18 CHAIRMAN O'ROURKE: Paul, did you have
19 question?

20 MR. ROSANO: I just have a quick
21 question. On Tab 11 there, I just had a
22 question about one line. It kind of disturbs
23 me a little bit just so you know for the
24 future.

25 The post communication facility consists

1 of a proposed 60 foot bell tower. Is there any
2 reason why the word proposed is there?

3 MS. MAYBERRY-STEVENS: That's because at
4 the time that we were doing this and even
5 right now today it's a proposed tower. It's
6 not approved. This is just proposed.

7 MR. ROSANO: This is just general
8 language that I could possibly hear again in
9 the future?

10 CHAIRMAN O'ROURKE: Although it's
11 proposed, you have the variances in place to
12 put the structure up. The only thing that this
13 board can do is effect where on the site this
14 is going to go - and the design.

15 MS. MAYBERRY-STEVENS: Maybe Mike can
16 help me, but I guess that this could be
17 designed right now if the board so chose. It
18 could be a monopole. It could be a tree. It
19 could be a lot of different things. From the
20 perspective of this report and what we're
21 talking about right now -

22 CHAIRMAN O'ROURKE: I think that this
23 board wants what's best for the church, but
24 understand the historical significance. Some
25 of these homes and some of this area have been

1 there for generations. The only legacy that we
2 as a board and we as a people can leave is
3 history. You can't leave footprints.

4 MS. MAYBERRY-STEVENSON: That's why we have
5 proposed what we have.

6 CHAIRMAN O'ROURKE: You're aware that
7 there was at one point a 60 foot cross that
8 the church had left the cross. If the church
9 had left that, we wouldn't be worried about
10 this. You'd be going up the cross.

11 MS. MAYBERRY-STEVENSON: That probably
12 wouldn't support this.

13 CHAIRMAN O'ROURKE: Again, the cross was
14 taken down and my understanding and my
15 investigation was that it became too costly
16 for the congregation to maintain the cross so
17 they took it down.

18 In 20 years, the town will then deal with
19 if Verizon -- obviously if communications were
20 advanced quite a bit in the next 20 years as
21 it did in the prior 20, your need for these
22 type towers will probably be insignificant.
23 So, then at that point we can all decide what
24 we want to do with the bell tower that sits on
25 the side of Old Niskayuna Road.

1 In my opinion, not that I'm against what
2 Mike wants with the dog leg, but I have a way
3 to save all the trees and to save you a bunch
4 of money and that's to put it at the back of
5 the building. The congregation actually had a
6 harder time in 1961 putting a shed up than
7 they have trying to put this in. I would like
8 to see various points when you come back
9 before the board.

10 Again, I'll entertain any motions from
11 the board but I want to see additional sites
12 and I'd be happy to take any phone calls and
13 meet with anybody as a team within the board
14 to ensure that as we go forward, we get what's
15 best now for everyone in the Town of Colonie
16 and in this area.

17 With that, does anybody else on the board
18 have anything?

19 ***(There was no response.)***

20 CHAIRMAN O'ROURKE: At this point I'd
21 like to open it up to the residents.

22 MS. BRIGHT-HOLUB: I'm Sharon
23 Bright-Holub and I'm the president of the
24 Greater Loudonville Association we have
25 several concerns.

1 I would like to speak and there are a
2 couple of other members here that may have
3 additional concerns that they would like to
4 speak to.

5 I noticed that when we read the
6 information that we have and we did not or did
7 not go over it, it mentions that Verizon wants
8 to build a cell tower and as you mentioned, we
9 know that the whole dynamics of communication
10 are changing very rapidly.

11 I wondered just what kind of regulations
12 were given to Verizon in terms of if they
13 decide to do this or that to change the status
14 of the kind of bell tower -- will they need to
15 come back before the board? What kind of
16 control do we have over that kind of issue?

17 I'm concerned because it is a church.
18 That church does have Sunday school and for
19 many years and to my knowledge it still has a
20 preschool and early childhood education
21 program. So, it's in essence a school as well
22 as a church. I think that we should be very
23 careful when we start giving blind okays for
24 this kind of building when we really don't
25 quite understand - or I certainly don't

1 understand what it is that we are talking
2 about. I just wanted to make that point and I
3 thank you for your time.

4 MR. LACIVITA: C.J., can I respond to
5 that?

6 CHAIRMAN O'ROURKE: You may.

7 MR. LACIVITA: There are things that this
8 administration had done since
9 telecommunications has been more prevalent.
10 This is the last application that we're going
11 to see come before the Planning Board for
12 something like this. We actually have hired a
13 consulting firm for the Town of Colonie. We
14 have changed the telecommunications law so if
15 this tower has any modifications or anything
16 it's going to come under the new law that's in
17 place. It will go through the review by the
18 town consultant.

19 CHAIRMAN O'ROURKE: Did you want to
20 answer from Verizon's standpoint?

21 MR. CUSACK: It can wait.

22 CHAIRMAN O'ROURKE: You want to make
23 notes and answer all at once?

24 MR. CUSACK: Yes.

25 CHAIRMAN O'ROURKE: That's fine.

1 Anyone else?

2 MS. JANQUIERES: My name is Lynne
3 Janquieres and I'm with the Greater
4 Loudonville Association also. I would just
5 like to see what it's going to look like.
6 There is a sketch there but it doesn't really
7 give us a very good sense of what we're going
8 to have to look at. I don't know if that's a
9 possibility or not.

10 MS. BRIGHT-HOLUB: Also, can anyone here
11 verify that there will in fact be bells in
12 this bell tower at this Presbyterian Church on
13 Old Niskayuna Road, or will it strictly be
14 camouflage?

15 MS. WOROBY: Why?

16 MS. BRIGHT-HOLUB: Why? Because to me a
17 bell tower and bells are pertinent to a
18 church. Using a church as a camouflage for
19 cell phone towers - it's a different use than
20 for bells.

21 CHAIRMAN O'ROURKE: Thank you. Anyone
22 else?

23 MR. MITTLEMAN: Good evening. My name is
24 Gary Mittleman from 33 Old Niskayuna Road.
25 I've spoken before the board before. I would

1 like to make an additional comment. I
2 understand the dilemma that the board is in.
3 Back against the wall it looks like the
4 antenna does need to go up on the property.

5 One of my concerns and I believe many of
6 my neighbor's concerns is the commercial like
7 atmosphere that is being created around this
8 church in a residential neighborhood that is
9 historical for our community.

10 I'd like to bring something up to the
11 board.

12 CHAIRMAN O'ROURKE: You may.

13 MR. MITTLEMAN: I just gave the board a
14 picture of the Verizon telephone boxes that
15 are right along Old Niskayuna Road. When you
16 talk about any type of structure, some of it
17 is you say tomato and I say tomato. One person
18 thinks it's pretty and another person thinks
19 that it's not pretty and that it's commercial.
20 As a point of reference I point to these
21 telephone lines. I don't think that they
22 belong where they belong but they're there.

23 Once the cell phone tower goes up, it
24 will be there and it will be there for a very
25 long time. It may look one way on day one and

1 it may look another way in the picture that we
2 see. But what we have is a 60-foot tower
3 wrapped in brown and white material. What will
4 that look like a year after it goes up? How do
5 we know that storm damage and other things
6 won't make it look terrible? When that does
7 happen, who will come up with the money to
8 make it look good again?

9 One of the things that I request is no
10 matter what goes up on the property, we have
11 at minimum \$20,000 escrow fund set aside for
12 repairs, landscaping or whatever so that when
13 something does need to be done to this tower,
14 no one is saying well, we'd love to fix it but
15 the money isn't available.

16 Now, there is a second point that I'd
17 like to talk about with this location. I work
18 for Ameritech, a mid-west telephone company. I
19 also work for Detroit Edison; Michigan's
20 largest utility company. I know that if
21 companies want to place underground facilities
22 someplace, that they can do it.

23 So, when we look at the map and we say
24 that well gee, maybe it would be better to
25 place it over here on the other side of the

1 church and we hear Verizon or their
2 representatives say, oh, but we have to go
3 under roads or other gas lines - it's hogwash.
4 If they want to do it, they can do it.

5 We heard a lot of talk about moving the
6 tower back, which I think is good. The further
7 away from the road, the better. I also hate
8 the idea of taking down trees. One thing that
9 we may want to think about is moving it to the
10 side of the church which is near the parking
11 lot. The advantages are the parking lot is
12 already somewhat commercial like in nature.
13 The church recently made it larger. They
14 recently put up large lighting in that lot.
15 All of that would kind of fit in my mind, more
16 accurately than taking down trees and moving
17 it into the woods.

18 Another point is that there will be
19 commercial traffic going to the cell phone
20 antenna. Verizon trucks will be there on a
21 regular basis doing work on the site. We see
22 this at the telephone boxes that exist on Old
23 Niskayuna Road today where the only time that
24 a few of those boxes seem to be blocked is
25 when a Verizon utility truck is sitting right

1 out front. To the extent that trucks need to
2 get to and from this antenna, if it's located
3 on a parking lot side, it would make it that
4 much easier. I appreciate that everyone
5 listens to me and I also appreciate if the
6 board would take some of this into account
7 when thinking about the places for this
8 antenna. Thank you very much.

9 CHAIRMAN O'ROURKE: Thank you,
10 Mr. Mittleman. I must say that you have
11 attended every meeting that I've seen from the
12 Zoning Board all the way through. Thank you.

13 Anyone else?

14 MR. STASIOR: Orkan Stasior, Physician.
15 I'm a physician and have been in practice for
16 many years.

17 I know that the cell phone industry in
18 1983 had their first cell phone improved and
19 not long after that there was a law suit
20 against them when a youngster had a brain
21 tumor. That's when the cell phone industry put
22 in 27 million dollars to research this to see
23 that there definitely was a concern. They
24 asked Doctor George Carlo to take these funds
25 and buy some great marketing material

1 regarding cell phones. He said that he was
2 treated as a white knight in shining armor and
3 that the next time that he came they said,
4 what are you doing? He said, well I need
5 scientific evidence as to why cell phone are
6 safe so that I can properly write articles.
7 They said, that's not what we asked you to do.
8 He said, well, I have several medical
9 complexes already investigating cell phones
10 and they have shown that it can damage the DNA
11 and red blood cells and that it stimulates all
12 kind of neurotoxic problems. Cell phones are
13 not something that they're just going to toy
14 with. This had been played with over the
15 years.

16 We know that many years ago there was
17 concern about Leukemia in children. People
18 pooh-poohed it and later on that was actually
19 true. Now we have the same concern.

20 As a physician interested in preventive
21 medicine, I have been watching this carefully.
22 If cell phones get out of hand, what can we do
23 as physicians to protect people from cell
24 phones? That is a very real problem right now
25 because cell phones are here. They're here to

1 stay and they're getting more and more
2 sophisticated and we're getting 24 hours, 7
3 days a week electromagnetic energy which is
4 creating all kinds of problems.

5 When this was approached a few years ago
6 there was not enough follow-up to be
7 scientifically meaningful. The bio-initiative
8 study took a 10 year follow-up and scientists
9 from 13 countries got together and they
10 discussed it. They showed the number one
11 biggest concern was in children who have still
12 developing brains and thin skulls. They were
13 being bombarded with radiation and more
14 significant brain cancers and significant
15 jumps in leukemia in children who were using
16 cell phones.

17 I know one boy in Connecticut who was
18 eight years old and he was using cell phones
19 and all kinds of electronic equipment and
20 passed away of cancerous tissue. That already
21 has been proven that cell phones are quite
22 dangerous to young children.

23 In Sweden in the European Union, they
24 said that cell phones should be used at an
25 absolute minimum for emergencies and people

1 under the age of 8. Also, preteens should be
2 discouraged for any long calls.

3 What else have they found? They found in
4 adults an increase in dementia, cancer of the
5 eye, carotid glands - cancers have increased
6 and rashes have had an increase. There is very
7 definite concern. Now one other concern is the
8 location of the cell phone tower.

9 The aesthetics that I've heard discussed
10 here are meaningless. They're lodged all over.
11 I see them on churches, fire houses and
12 schools. That is the last place that you want
13 them along with parks as they are radiating
14 this electromagnetic energy.

15 In London, a five story apartment
16 building had towers on the fifth floor. Almost
17 everybody on the top floor had some kind of
18 cancer and some kind of serious illness. They
19 named it the tower of doom.

20 One woman developed cancer of the breast.
21 She had surgery, chemotherapy and while she
22 was in the hospital she thought it was amazing
23 that in a very small village many of the
24 people in the hospital were from her village.
25 The only common denominator that they had was

1 that this transpired since the center of town
2 got a cell phone tower.

3 Cell phone towers in Egypt found where
4 they camouflaged them in coconut trees and
5 various palm trees that those who are under
6 the tower had various mental changes. Those
7 who were a little farther away were getting
8 more cancers, more serious changes. So the
9 proximity of us to the towers is very
10 important.

11 My job as a physician is to try to steer
12 you into investigating to have proper
13 scientific evidence to make public policy,
14 which should be to protect our citizens here
15 in Colonie and the Loudonville Association, to
16 which I am a proud member of.

17 Setting cell towers by schools and there
18 at the church and putting in a bell tower
19 right there and all the congregation is
20 blasted -- we know that it's cumulative over
21 the years.

22 The antenna in England went on the top
23 floor in '84 and around 2002 is when they
24 started getting their cancers. Here we are
25 about eight years later. So, it's cumulative

1 and therefore we are now creating what we
2 think is going to be one of the greatest
3 epidemics of all kinds of weird diseases over
4 the next 10 or 20 years from the cell phones.
5 They are getting better and better and we have
6 these handheld computers that do all of this
7 magic. I can hit a button and talk to someone
8 in Hong Kong and all that. So, that's here to
9 stay.

10 As a physician, I recommend coils to
11 people to reverse the bombardment at home and
12 offices where there are similar systems. You
13 are getting not only cell phones now but the
14 cordless phones are also day and night
15 bombarding us at home. Those who have them by
16 the bedside which is most of us - it's
17 bombarding into our brains nonstop.

18 So this is a source of great concern and
19 globally now more and more scientists are
20 speaking up and saying okay here is a ten year
21 follow-up. Societies all over as well as
22 Europe are way ahead of us in saying that if
23 there are towers as they say in Switzerland,
24 it can't be over this much power coming out of
25 those towers. We want to keep them away from

1 areas of dense population and absolutely away
2 from children because they're in so much more
3 danger.

4 CHAIRMAN O'ROURKE: Thank you, Doctor.
5 Anyone else?

6 MS. WOROBY: I'm Elaine Woroby and I'm
7 the pastor of the church. I have already
8 shared my vision of the church before this
9 board and before the Zoning Board, so I won't
10 do that again.

11 We do serve with a food shelf, used
12 clothing and household items. We have a
13 nursery school that has a great reputation. We
14 have AA in our building and we provide rent
15 free space for a crisis counseling center. All
16 of the funds coming in from this are going to
17 be used for the mission of the church.

18 I'm a little confused. We don't want an
19 unattractive ugly thing on our property
20 either. The whole point for us as a bell tower
21 is to attract people to us. We have an award
22 winning building. It won awards when it was
23 built. We want to add to that. It's not an
24 unattractive cell tower. It looks like a bell
25 tower. It's actually an attractive building.

1 The site is heavily wooded. We have very
2 tall trees all along Old Niskayuna Road and
3 all along the side here (Indicating) between
4 us and our neighbors. This side too is heavily
5 wooded with 60 and 65 foot high pine trees.
6 There is no long view of the church when you
7 drive by. The straight on view could only be
8 the width of the driveway as you're driving
9 by. The only straight on view really is at the
10 bottom of Gary's driveway. The cell tower is
11 not going to be a blight on our neighborhood.
12 It's consistent with our church architecture.
13 We're excited about having a bell tower put
14 there.

15 We certainly over the years have talked
16 about these different spots on our property
17 for the bell tower. With our nursery school,
18 our playground and our wanting to have the
19 cell tower/bell tower look like part of our
20 building - this is a good spot for us so that
21 it looks like it's part of our whole building.
22 This wall of the church is plate glass
23 windows. That's our sanctuary. So we'll see
24 the tower too. We'll see more of the tower
25 than anyone.

1 We certainly treasure the children in our
2 nursery school. We have read about the RF
3 radiation. Nobody lives close to that tower
4 close enough to be impacted by radiation.
5 We're just a little baffled by the resistance
6 to it. I don't see our closest neighbors here
7 but they have been to the other meetings. They
8 are the ones that have the best sight of this
9 tower day in and day out. Driving along, you
10 would have to look for this tower to see it,
11 the same way that you have to look for our
12 entire building.

13 We do have a parking lot which we
14 recently expanded. We only turn lights on in
15 the parking lot when we have a meeting. We
16 turn them off at night. We do have a light
17 here (Indicating) which is a National Grid
18 light. The lights in our parking lot are off
19 unless there is a church dinner and then
20 they're on for the dinner and then they're
21 off.

22 We really try to be good neighbors and we
23 want it to be an attractive place where people
24 can say, hey that looks great. I'd like to try
25 going there. Why would we build a monstrosity?

1 That doesn't make sense. We really want to
2 build an attractive bell tower that will be a
3 nice addition to our church. Lots of our
4 church members came out to support it.

5 CHAIRMAN O'ROURKE: Pastor, I don't think
6 that anybody doubts the good that you as a
7 congregation may do.

8 I think that anytime as a community you
9 allow certain uses in an area and you're in a
10 single family residential area -- then to
11 allow that to become commercial, in my
12 estimation was egregious by the Zoning Board
13 of Appeals. That's my opinion.

14 There are other areas in my estimation
15 that this could have gone. I understand that
16 it's going to produce revenue for you. My
17 whole outlook as I sit on this Planning Board
18 is to ensure the historic nature -- people to
19 this day still say one of the best things
20 about Siena College was their drive in as they
21 came down Route 9; the view of the majestic
22 homes as well as down Old Niskayuna Road.
23 Those areas haven't changed in 100 years. You
24 have the right and you have the variance. But
25 we are going to ensure that it impacts the

1 residents that anybody drives down - that area
2 stays the same for the next 100 years. In my
3 estimation, that's what my plan is.

4 Yes, sir.

5 MR. MITTLEMAN: Can we ask how much money
6 the church is getting paid?

7 CHAIRMAN O'ROURKE: I don't think that's
8 necessary.

9 You can answer if you want.

10 MS. MAYBERRY-STEVENSON: It's confidential.

11 MR. MITTLEMAN: I was asking because I
12 think it highlights the commercial aspect of
13 this tower.

14 CHAIRMAN O'ROURKE: I don't think that
15 anybody disputes that they had a cross on the
16 property. So if they wanted a bell tower, they
17 could build a bell tower. I think that was a
18 legitimate question.

19 I would like to ask the pastor going
20 forward is if in fact it going to be a bell
21 tower? Are there going to be bells in it?

22 MS. MAYBERRY-STEVENSON: Yes, as I
23 indicated earlier, it will be a bell tower.

24 CHAIRMAN O'ROURKE: No, the pastor didn't
25 answer the woman from the Loudonville

1 Association. Is it going to be an operating
2 bell tower?

3 MS. WOROBY: We are undecided. We were
4 going to check with our neighbors to see if
5 the sound of bells was liked or not liked.

6 CHAIRMAN O'ROURKE: I can't speak for
7 everybody but I can hear St. Pius from my
8 house and I enjoy the bells.

9 Again, I hope you understand the concern
10 that people have when certain commercial
11 aspects have been kept out of a roadway. A
12 perfect example is a picture that
13 Mr. Mittleman gave to the board. That's what
14 Verizon leaves. They didn't put a hedge in
15 front of those boxes. They plopped two big
16 boxes on the side of the road. That's not what
17 we wanted.

18 MS. WOROBY: This isn't by the side of
19 the road. This is in the front yard of the
20 church.

21 CHAIRMAN O'ROURKE: You're going to be
22 able to see it.

23 MS. WOROBY: It's literally in the front
24 yard of the church.

25 CHAIRMAN O'ROURKE: Right, you hit it on

1 the head, Pastor. It's in the front yard of
2 your church. We don't want it in your front
3 yard.

4 MS. WOROBY: Why?

5 CHAIRMAN O'ROURKE: Mr. Cusack, how many
6 historic sites, through the Zoning Board of
7 Appeals were named off? I don't know them all,
8 per se.

9 MS. MAYBERRY-STEVENSON: Probably what
10 would be the best thing is when we've heard
11 all the questions and then we could respond to
12 them.

13 CHAIRMAN O'ROURKE: We want to be fair.
14 You have the variances and you're going to get
15 your cell tower. We're just going to ensure
16 that it's in the best location for residents
17 of the Town of Colonie, and in particular
18 Loudonville. That's what we're charged with as
19 a board.

20 Yes, ma'am.

21 MS. SMITH: Hi. My name is Susan Smith
22 and I'm a resident and also a member of the
23 Greater Loudonville Association. I had a
24 couple of concerns about the bell tower.

25 We really don't have an idea of what this

1 is going to look like other than the fact that
2 it's connected to the church and it's 60 feet
3 tall.

4 CHAIRMAN O'ROURKE: No, ma'am. It's not
5 connected to the church. It's actually three
6 poles. It's a tripod and a building that is 12
7 by 30. And the poles are roughly 18 inches in
8 diameter, Mr. Cusack?

9 MR. CUSACK: We can use that as an
10 approximation.

11 MS. SMITH: I think that it would be
12 important for all of us to be able to see the
13 rendering of what this might look like.

14 MR. CUSACK: I think it's been agreed to,
15 so that will be provided for us.

16 MS. SMITH: I think that would be great.
17 Even if there are trees there, it's not hidden
18 within the trees. It will be seen.

19 The electromagnetic field is another
20 thing that concerns me.

21 CHAIRMAN O'ROURKE: Again, we as a town
22 are bound - and Mr. Cusack will tell you the
23 same thing. The federal government is going to
24 control that. We as a board and as a town have
25 no real say that's ruled by the FCC. There are

1 guidelines that Verizon certainly adheres to
2 and has to meet those certain requirements,
3 ma'am.

4 Whether the good doctor is 100% right or
5 not, I don't know. I don't know if I'm going
6 to carry my phone with me all the time now.

7 MS. SMITH: My final concern is one that
8 you spoke of tonight and that's a commercial
9 structure within a historic neighborhood.
10 That's something that we talked about over the
11 years. That's a huge concern.

12 CHAIRMAN O'ROURKE: The places that have
13 been here for 200 years should be here for 200
14 more, in my opinion.

15 MS. SMITH: I can't imagine that this was
16 the only location considered for this.

17 CHAIRMAN O'ROURKE: There were three.

18 Mr. Cusack, can you explain to Ms. Smith?

19 MS. SMITH: What other locations were
20 considered?

21 CHAIRMAN O'ROURKE: The three that you
22 mentioned that I read in the notes of
23 Malloy -- I'm not going to remember them all.

24 MR. CUSACK: Those were existing tall
25 facilities, Mr. Chairman. A number of

1 alternative sites were considered in the
2 search area in addition to that.

3 What we definitely did first, as is
4 required under the Town Code, is we looked for
5 existing tall structures to collocate our
6 antennas.

7 One preexisting structure that came up in
8 the inventory under the Town Code was the
9 State Police tower across from Siena College
10 and that did not work for us because we are on
11 the town's water tank right next door to the
12 State Police tower. Putting another facility
13 essentially next door would accomplish nothing
14 in terms of coverage.

15 The second facility was located on the
16 Malloy construction property on the opposite
17 side of Latham Ridge, more towards Albany.
18 Essentially you can't put a facility there at
19 a height tall enough to get over to the other
20 side of Latham Ridge. Latham Ridge is
21 insignificant in our opinion. It's a defining
22 geographic feature of your area.

23 The federal government is going through
24 here right now and requiring that all tall
25 obstructions on the ridge be removed for air

1 safety purposes which is not only impacting
2 your water surfaces in the community but it's
3 also impacting smaller facilities on the other
4 side of the hill. That was also considered. On
5 the opposite side of Latham Ridge, you'd have
6 to get through the land mass to the church
7 side of the ridge.

8 The third facility that was in our report
9 is an existing Time Warner tower and there was
10 a larger water tank on the edge of Albany and
11 that was too far south to provide any service
12 to this area.

13 You bring up an important question. We
14 didn't say there is someone that will let us
15 on their land and would like to go forward
16 with this. We have been in the process working
17 with the town - not this board but the town
18 officials since September of 2008 when this
19 application was originally filed. There has
20 been a fairly exhaustive consideration of
21 those alternatives and other alternatives.

22 Just to touch on Chairman O'Rourke's
23 point: The evaluation of alternatives
24 specifically included consideration of impact
25 on historic resources in the community.

1 Verizon Wireless can just do their own study
2 and sit back and say we don't think that it's
3 an impact, therefore we're going forward. We
4 actually consulted all the resources that are
5 available and submitted the project to the
6 State Historic Preservation office for a
7 ruling.

8 They ruled that just solely because of
9 its minimal height in relation to surrounding
10 trees, would have a negligible impact on
11 potential historic or cultural resources. That
12 information has been provided to the town
13 throughout the process that I just described.

14 There clearly is not an existing tower
15 near Ireland's Corners. I use the name
16 Ireland's Corners because that's what it said
17 on the sign where the roads meet. There is
18 nothing that's really there that's usable for
19 telecommunication purposes. There is nothing
20 that is of sufficient height. It happens to be
21 surrounded by a lot of terrains that go down
22 hill toward the Hudson River. You have some
23 physics problems that the technology can't go
24 through land or vegetation, particularly when
25 it's combined with that terrain that's around

1 that particular area. More importantly when
2 you start looking at the area, it's very
3 densely developed. We found that there were a
4 lot of constraints in terms of the various
5 alternatives that we could consider and
6 actually had to compromise our design in order
7 to make this work.

8 We hope to convey somewhat of a sense of
9 appreciation here that this is a thorough and
10 exhaustive evaluation of potential
11 alternatives on our end and we're not
12 overreaching on the height. We're trying to
13 confine the height here to something to mesh
14 with the surrounding vegetation; not just on
15 the site but with the surrounding community.

16 Your standard tree height in this area
17 had to be in the 65 foot range, as I mentioned
18 earlier. We had made a fairly exhaustive
19 effort to not only cite a facility properly
20 but also take into account the various
21 concerns that the chairman has mentioned. Thus
22 far everyone has agreed that given the
23 potential range -- because no matter where we
24 move this thing around in the community, this
25 just seems to be the least intrusive location.

1 On that basis, the Zoning Board of Appeals was
2 able to grant the variance.

3 We were here in September of 2008 and now
4 we're still here, but we're still working on
5 the questions and we're going to try to answer
6 those questions. Alternative locations have
7 been exhaustive.

8 Would you like me to touch on some of the
9 other questions?

10 CHAIRMAN O'ROURKE: Yes, please.

11 MR. CUSACK: The question of what this
12 will look like is a very good question. The
13 town's regulations require an architectural
14 rendering of the facility in addition to the
15 one that I have here which is in our package.
16 On sheet C3 there is also a very site specific
17 architectural rendering; SE-1. This is the
18 package that's on file with the town. You
19 should find that sheet on Tab 13.

20 There are fold-out construction drawings
21 and it shows an illustration of what the
22 utility will look like. There are also
23 photographic simulations that are with the
24 visual impact assessment. It's the seventh tab
25 of the application. Sarah Mayberry did agree

1 to take a further look at that and see if we
2 can provide some more meaningful information
3 on what this will appear to be once it's
4 constructed. Also, the pastor from the church
5 also pointed out that on their website you can
6 see a representative of the bell tower.

7 Question two on my list was: Will this
8 function as a bell tower? As far as Verizon
9 Wireless is concerned, yes, that's how it's
10 going to be designed and that's how it will be
11 ordered.

12 We heard the pastor say that she may or
13 may not operate the bells but certainly it is
14 our intension and our design; there is no
15 intent to avoid that. We're paying the cost of
16 that and it's included within our package.

17 The third question that came from
18 Mr. Mittleman's comments was the
19 commercialization of the area. This is where
20 we have some disagreement. We're not proposing
21 a standard tower here. As was mentioned we're
22 trying to combine the functions with the
23 church bell tower and camouflage our antennas.
24 We're matching our equipment shelter and other
25 features to match the church's existing

1 architecture. This is not a commercial land
2 use. Under the law, this use is considered a
3 public utility. There is a very significant
4 distinction. We're trying to provide an
5 essential service that a community needs and a
6 community benefits from. We're trying to do it
7 in the very best way that is as unobtrusive as
8 possible.

9 The next question on my list was
10 regarding how this facility might look in the
11 future and how storm damage might be handled.
12 Basically the facility is going to look
13 exactly as we say that it's going to - the
14 design. These designs withstand a wide variety
15 of adverse weather conditions. There are
16 standards that apply to this for wind loading
17 and ice loading and things like that but
18 sufficed to say that this will be a very
19 durable structure without losing its
20 appearance as a church bell tower.

21 With respect to the telephone boxes that
22 Mr. Mittleman referenced, these are found in
23 every residential neighborhood. I don't know
24 how to answer that. It was characterized as a
25 commercial appearance. These are necessary for

1 your local phone service. They're also an
2 essential service. It's how we get service to
3 our homes.

4 We would be happy to provide maintenance
5 bonding and a commitment for that and our
6 application material and that it be in
7 writing. One thing that we can't control or
8 agree to control is what happens in the event
9 of a storm if trees fall down, that has
10 nothing to do with our facility. They are
11 certainly willing to be responsible for
12 anything relating to our facility or the plan
13 as part of the bond on this approval. We're
14 going into the 50 foot buffer zone and other
15 areas of the church property. Nature will do
16 what nature does and the church has been a
17 good neighbor. They have maintained those
18 plantings over the years. I just don't see any
19 need for going into this any further.

20 MR. STUTO: Is the maintenance found in
21 this book?

22 MR. CUSACK: It's not. We are required to
23 file a commitment so there is a letter signed
24 by -

25 CHAIRMAN O'ROURKE: It's a \$25,000

1 maintenance bond, right?

2 MR. CUSACK: Yes.

3 MS. MAYBERRY-STEVENS: If you need a
4 letter in addition to what we have provided
5 the ZBA, I'm certainly willing to provide
6 that. What we find historically with these
7 applications is that becomes a condition of
8 the approval and we submit that maintenance
9 bond.

10 MR. CUSACK: The answer to the Chairman's
11 question is behind Tab 12.

12 The last point on our list here is that
13 as I mentioned earlier, we will provide some
14 options for the design. We have a concern and
15 I'll just point it out to you as a practical
16 concern that right now we feel that this
17 facility, where it's located is fairly well
18 buffered from adjoining residences. However,
19 as we go back to the rear portions of the
20 church in addition to the other challenges, I
21 have to at least bring up the possibility of
22 possibly having another issue from Reddy Lane
23 or Laurel as we move closer to the back of the
24 church. I want to point that out because it's
25 something that we took into account when we

1 were looking at this for the church. We like
2 the church's location but we also thought as a
3 practical matter that it would be advantageous
4 to stay on that side of the building and not
5 intrude on the 50 foot buffer. Having said
6 that, we have heard your direction. We'd like
7 to look at some alternatives over on the side
8 of the building. If something else does come
9 up, we'll contact you.

10 CHAIRMAN O'ROURKE: Why can't you take
11 the leech field out? You said you couldn't put
12 it in the back of the building because it's a
13 septic - a leech field?

14 MR. CUSACK: The septic system is in use
15 by the church.

16 CHAIRMAN O'ROURKE: So Verizon won't hook
17 them up to the sewer? There's no sewer? Where
18 does it end?

19 FROM THE FLOOR: Right at Cobble Hill.

20 MR. CUSACK: It ends on Reddy Lane and
21 then Cobble Hill on the other side.

22 CHAIRMAN O'ROURKE: So where does the
23 sewer go to?

24 Joe, can you find out? I can't believe
25 there's not a trunk line down Old Niskayuna.

1 MR. STUTO: Can I ask a question on the
2 maintenance bond?

3 MR. CUSACK: Certainly.

4 MR. STUTO: You referred to it as a
5 maintenance bond and I thought you said to
6 maintain the look of the structure. This
7 letter refers to a performance bond to ensure
8 the removal of the radio tower component but
9 not the bell tower. Just for clarification
10 could you want to address that?

11 MR. CUSACK: It's really tied into what
12 Sarah was saying earlier. When we obtain an
13 approval from a municipal board, there is
14 often conditions of approval that are attached
15 to that approval.

16 The performance bond ensures our
17 performance of those obligations. The only
18 named obligation in your law and at the time
19 that this letter was written was for the
20 removal of the facility. So, therefore the
21 language in the letter is tied to that. But
22 it's very much a performance bond to cover -

23 MR. STUTO: So you have no objection if
24 that covers the wording - maintenance of the
25 aesthetics of the tower as well as the

1 screening and the vegetation?

2 MR. CUSACK: You have our agreement on
3 that.

4 MS. JANQUIERES: May I ask you what
5 materials are the bell tower made of?

6 MS. MAYBERRY-STEVENSON: The structure
7 underneath whatever finishing material -- I
8 don't know if it will be a brick on the legs
9 or what but there obviously would be a steel
10 supporting structure underneath and a panel of
11 that screen would be at a lower level. I
12 believe that it's also to be white to match
13 the church.

14 MS. JANQUIERES: So it would be white
15 brick?

16 MS. MAYBERRY-STEVENSON: It would be white
17 with brick -

18 MR. CUSACK: I believe that it's on the
19 website. It's designed to match the
20 architecture of the church.

21 In closing, I don't have anything.

22 CHAIRMAN O'ROURKE: Elena has a couple of
23 questions.

24 MS. VAIDA: Just some quick little
25 questions.

1 On the environmental assessment form, you
2 mentioned that one of the impacts is going to
3 be an increase in stormwater run-off due to an
4 increase in impervious surface. It was
5 significant enough to be listed here. I'm
6 wondering if that was something that the town
7 looked at. What kind of impact is that action
8 is going to have in that area?

9 MR. CUSACK: The note that is on the EAF
10 is a standard note, due to the fact that the
11 driveway will be covered with gravel and
12 crushed stone.

13 In the design materials, the engineers
14 have included standard measures with regard to
15 stormwater. Since this is not larger than one
16 acre, we're not sure during the stormwater
17 prevention -

18 MS. VAIDA: I understand that.

19 MR. CUSACK: But there are standard
20 measures built into this to handle that. We
21 try to answer these as honestly as possible
22 because you are changing the positions on the
23 site so there is a change to the pervious and
24 impervious nature of the material that's on
25 the ground right now. However the design is

1 planned so that it takes this into account and
2 handles everything on-site with no off-site
3 discharge.

4 MS. VAIDA: So the water will go where,
5 then?

6 MR. CUSACK: Into the ground. It's
7 designed to drain away from the sides and into
8 the grass and into the other area that
9 surrounds the developed property.

10 MS. VAIDA: The other question that I had
11 was on the form number 11. You had answered
12 no to the question: Will the proposed action
13 effect aesthetic resources? I think that it's
14 appendix B - the visual EAF addendum appears
15 that it actually does affect aesthetic
16 resources. I was just wondering if that was a
17 mistake.

18 MR. CUSACK: No, during the course of the
19 revision, during the course of the last
20 meeting we were asked -- even though the
21 project would not be visible from the various
22 historic sites that are around the community,
23 they have asked us to at least know the
24 existence of those resources on the visual
25 EAF. Everyone more or less agreed that there

1 wouldn't be a significant impact on the visual
2 resources in the community. But since there
3 are so many visual resources in the community,
4 we should at least address them so that it is
5 acknowledged in the material that they were
6 examined by the town's engineer.

7 MS. VAIDA: The visibility being
8 seasonal, can you just explain that a little
9 bit?

10 MR. CUSACK: Sure. The visibility of the
11 project is seasonal. We routinely leave the
12 door open and say yes, because it just might
13 be. Here we're less concerned with seasonal
14 visibility because originally all the trees in
15 the area are non-disingenuous trees. However,
16 it is theoretically possible that one tree
17 next to another tree, next to another
18 tree - that the leaves comes down and through
19 the branches maybe you could get a glimpse of
20 the facility. We usually check the yes box
21 because you can't guarantee that every single
22 tree is a pine tree.

23 MS. VAIDA: Thank you.

24 MR. CUSACK: In closing we're sorry that
25 the board feels that they are in a bad

1 position but Verizon Wireless has worked very
2 hard over the last year and four months to try
3 to get this project into a form that's
4 acceptable and we don't feel that we're trying
5 to do anything that's inappropriate. We do
6 want to try to consider your comments and come
7 back next month with some additional
8 materials.

9 CHAIRMAN O'ROURKE: I would suggest,
10 Mr. Cusack, to get with Joe in the Planning
11 and Economic Department with any renderings.
12 We certainly don't want to waste any more of
13 your time. We want the project to be done and
14 to be done right. I hope that you can
15 appreciate our concern in regard to this. We
16 want it to last 200 years and be there. It's
17 just that it's a historically significant area
18 and we want to preserve it.

19 MR. GROWNEY: Can I just make a comment?

20 CHAIRMAN O'ROURKE: Yes, sir. If you
21 could state your name?

22 MR. GROWNEY: My name is Jim Gowney and
23 I've been a resident of Colonie for about 35
24 years. I'm a member of the church. I'm sorry
25 about the cold tonight. I'll try to be brief.

1 Location on the property: I scaled off
2 the residents from an overhead map that I had.
3 It was on the Internet. I wanted to try to
4 determine where this tower resided relative to
5 the residents and we don't have all the
6 residents here, but I just will quickly point
7 out that it's closest to the Hines' residence,
8 which is right here (Indicating). It's about
9 325 feet. Next is the [SIC] Mertas which are
10 right here (Indicating). That's about 400 feet
11 and then we have the Murphys are down here
12 (Indicating) and that's about 467. The Phelps,
13 which are right behind the Hines' is about
14 667 feet. The Mittlemans is about 800 feet
15 which is down this way (Indicating). On the
16 backside, the house on Cobble Hill is only
17 about 300 to 350 feet and there are a couple
18 of houses here and they're all at about 300
19 and 325. It's pretty balanced where it is. If
20 it's moved over here, you're right on top of
21 the [SIC] Mertas' residence and you're also
22 impacting several houses on Reddy Lane. So as
23 far as the distances, it's fairly well
24 balanced.

25 As the pastor pointed out, it's

1 architecturally in keeping with the church.

2 I also have to admit a selfish reason.
3 When my wife and I get into the car to drive
4 somewhere, that's the time for her to use her
5 cell phone. A lot of people use their cell
6 phones, as you know. So, we get in our car and
7 drive up the street and she's talking away. We
8 turn down Albany-Shaker and the up Crumitie.
9 and without fail, the phone goes off on
10 Crumitie. There is no coverage until we get
11 back out to Route 9.

12 CHAIRMAN O'ROURKE: Mr. Cusack said at
13 the last meeting when I asked that - because I
14 drop calls on Crumitie. He said that this
15 wouldn't have an effect on those calls that
16 are dropped on Crumitie. Crumitie is up by
17 St. Pius.

18 MR. GROWNY: I thought it was to improve
19 the reception farther down that area and down
20 onto Route 9.

21 CHAIRMAN O'ROURKE: I asked that question
22 and I was told no.

23 MR. GROWNY: Okay, maybe he can answer
24 that later.

25 CHAIRMAN O'ROURKE: If my question was

1 answered incorrectly, which I would highly
2 doubt it was from Mr. Cusack -

3 MS. MAYBERRY-STEVENS: Can you point out
4 where you're speaking of?

5 MR. GROWNY: It's way down.

6 CHAIRMAN O'ROURKE: Actually the second
7 driveway on St. Pius is where you drop the
8 calls.

9 MR. GROWNY: The point of this is that
10 town governments have a difficult time. People
11 don't want cell phone towers. Up around in the
12 Adirondacks and down in New Jersey they call
13 them Frankenpines and they try to disguise
14 them. This is a very difficult thing. But all
15 your residents or most of your residents use
16 cell phones. So you have to balance between
17 the needs of your whole community and the
18 calling life of the immediate neighbors.

19 CHAIRMAN O'ROURKE: I agree.

20 MR. GROWNY: It's tough. I wanted to
21 point out the distances, anyway.

22 MR. CUSACK: It's probably much further
23 south. There are areas that we might get
24 through there.

25 CHAIRMAN O'ROURKE: It's north of Ross.

1 MR. CUSACK: So it would be this cut
2 across road here (Indicating). It would cut
3 across and straight down to Shaker.

4 CHAIRMAN O'ROURKE: Correct.

5 MR. CUSACK: It's not within the intended
6 service area of the site.

7 CHAIRMAN O'ROURKE: That's what you told
8 me.

9 MR. CUSACK: No, I want to be honest.
10 It's not where we're targeting.

11 CHAIRMAN O'ROURKE: I know. I just want
12 the gentleman to know that if he's going to
13 pull out and go down Lacy Lane down Crumitie
14 that he's going to drop the call.

15 MR. CUSACK: For those of you who are
16 dropping regularly at the intersection of
17 Ireland's Corners and around the church,
18 around Old Niskayuna Road and out Osborne Road
19 where the ridge cuts across - this is what
20 this is intended to take care of. It also
21 provides us a platform to be able to add
22 another site to our network that we would like
23 to add using the town water tanks.

24 CHAIRMAN O'ROURKE: Thank you.

25 Anyone else?

1 MR. ROSANO: I have a question.

2 Pastor, if I may, I'm new to this board.

3 Prior to September 2008 did you or your

4 congregation ever think or have imagined

5 having a bell tower on your property?

6 MS. WOROBY: Yes.

7 MR. ROSANO: So this was not something

8 that just popped out of mid air when

9 Mr. Cusack approached you.

10 MS. WOROBY: Actually, it did pop out of

11 the air but we always wanted to have one.

12 MR. ROSANO: That's all I needed to know,

13 thank you.

14 CHAIRMAN O'ROURKE: Mr. Cusack, we'll see

15 you soon.

16 MR. CUSACK: Thank you.

17

18

19 ***(Whereas the proceeding concerning the***

20 ***above entitled matter was adjourned***

21 ***at 8:37 p.m.)***

22

23

24

25

CERTIFICATION

1
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
13
14 _____
 NANCY STRANG-VANDEBOGART

15
16
17 ***Dated February 22, 2010***