

A Public Hearing was held Thursday, May 14, 2015 at the Newfield Town Hall for the purpose of allowing the public to comment on the proposed Building Permit Application for a Cell Tower to be built on Tupper Road in the Town of Newfield. Present were: Supervisor Hart, Councilperson Trask, Councilperson Laughlin, Councilperson Powers and Councilperson James (arriving at 6:35). There were also 17 others in attendance. The Public Hearing was called to order at 6:30 p.m. by Supervisor Hart.

Verizon representative Mr. Robert Burgdorf from Nixon Peabody LLP presented the Newfield Town Board Members with an overview of the purposed wireless cell tower project. Mr. Burgdorf also introduced Ms. Kathy Pomponio, Ms. Emily McPherson and Mr. Curt Kolakowski as members of the team of project engineers involved with this project.

Mr. Burgdorf explained there was inadequate coverage in the West Danby cell and the need for seamless coverage in the Route 34 corridor down to Spencer NY. Mr. Burgdorf stated the site specifics; the area for the purposed cell tower would be .23 acres leased from Ronald Brashear; the compound would include a 195 foot free standing tower, 12x30 equipment shed surrounded by a chain link fence. It would be an unmanned site with no water or septic at the facility. The tower would not need to be lit as it is under the aviation standards for lighting. Mr. Burgdorf stated procedurally required would be a County 239 review from Tompkins County, a supermajority vote if Tompkins County were to recommend change, a SEQR resolution and subsequent approvals, from the Town of Newfield: a special permit approval and set back waiver. Mr. Burgdorf stated Tompkins County raised two concerns: whether there could be co- locations available and view shed concerns. He stated that coexisting locations had been sought and none would work. He also stated that the view shed concern was in the entire search area. A photo simulation of the view was shown taken from two and one quarter miles, for the Board to view. Mr. Burgdorf commented on a resolution received from the Town of Danby. The Town of Danby resolution refers to Tompkins County Department of Planning determination of possible negative inter-community or county-wide impacts, centering on the effect of the tower and existing view sheds, many of which originate from within the Town of Danby. The Town of Danby recommended additional visual impact studies, and suitable landscaping and other mitigating changes be required as part of the special permit, including but not limited to, the planting of tall trees surrounding the proposed tower and artificial foliage on the tower itself.

Councilperson Laughlin asked if the tower could be located higher on the property and shorten the height of the tower. Mr. Burgdorf explained that the reason for the height and location requested was so it would provide seamless handoff to two other cell towers. Councilperson Trask asked what customer base was being targeted. Mr. Burgdorf responded it was not a target base but rather being able to provide seamless coverage in the 34/96 corridor down to Spencer. Councilperson Laughlin also asked who besides Verizon Wireless would be using the proposed tower. Mr. Burgdorf explained at the moment it was only Verizon Wireless, but there was a colocation agreement policy included in "exhibit A". Mr. Burgdorf also explained that another cell carrier wanted to collocate on to the Verizon Wireless tower a site location agreement would be worked out and then the cell carrier wishing to collocate onto the tower would approach the town for permission. Supervisor Hart asked if another carrier were to collocate would the tower footprint need to be increased. Mr. Burgdorf explained that the carrier would bring in its own equipment shelter.

Public Comment:

*Ted Crane* from the Town of Danby agreed there was a lack of service in the area. Mr. Crane stated he would be able to see the area where the purposed tower would be located. He also feels there would be a visual impact and noted 2 errors in the application; mislabeled photos of the visual study do not include the west facing eastern ridge. Mr. Crane felt that the purposed tower would be an eye sore, for hikers on the Finger Lakes Trail as well. Mr. Crane agreed with Tompkins Counties comment that the purposed tower could become an inter municipal problem.

*George Kloppel* of Tupper Road feels the purposed tower would be above the horizon from his view point. While he is happy the tower will not be lit, but is concerned about future co-locations and the possibility of having to be lit. Mr. Kloppel stated his concern of its view from Thatcher's Pinnacles. While Mr. Kloppel appreciates the need, Mr. Kloppel stated he came prepared to support and general concern regarding visual mitigation.

Councilperson Laughlin asked if the base of the equipment could be seen driving south on Tupper Road from the road? Mr. Burgdorf answered, -no.

Attorney Hooks asked regarding the Local Town Law referring to visual impact analysis being prepared by a land scape architect registered with New York State. Mr. Burgdorf explained that was part of the package in the application. Attorney Hooks asked what would be the best visual migration offered: Mr. Burgdorf stated the tower would be unlit; it would be dull gray in color and landscape surrounding the base of the tower and the compound. Mr. Burgdorf commented that colocation was sought first

*Sharon Kelly* of Tupper Road supports the purposed cell tower project.

*Heather Kelly* of Tupper Road supports the purposed cell tower project.

Attorney Hooks asked what would be the best mitigation Verizon could offer the town: Mr. Burgdorf stated; no lights, dull gray in color and to land scape the base of the compound.

Supervisor Hart asked if colocation were requested would this change the height or shape of the tower: no. If another company were to apply for colocation, it would need to come before the Town Board for approval.

*George Kloppell* commented that the local law required fire hydrants to be in place at the tower site. Attorney Hooks will look into that concern.

Attorney Hooks asked if a coordinated review would be needed: no as it was a single agency permitting.

*Marie Terlizzy*: asked how the notice for the Public Hearing was put out: Town Clerk Karen Miller Kenerson responded there was a legal in the Ithaca Journal, Town website, letters to property owners in close proximity to the proposed tower site and discussion at a prior Board Meeting.

*Diana Bryant*: supports the proposed cell tower project

*Marie Terlizzy*: asked if native conifer could be used rather than Austrian Pine.

*Gundy Lee*: agreed with Ms. Terlizzy's request to use native trees for the compound mitigation. Mr. Burgdrof suggested that the Town add as a condition to plant 8-10 foot native trees for the evergreen screen.

Councilperson Laughlin asked how long the construction would take, opening up a concern for the Town's Road Preservation Law.

*Bob Seeley*: commented when fiberoptics were brought up Starks Road the road was left a mess. He wondered who would supervise the job.

Being no other comments concerning proposed cell tower construction on Tupper Local Law, Supervisor Hart declared the Public Hearing closed at 7:35 p.m.

Respectfully Submitted,

June 15, 2015

Karen Miller Kenerson, Town Clerk