

Application #: \_\_\_\_\_  
Date: \_\_\_\_\_

## Town of Glen Site Plan Application

### Application Fee:

-A completed application must be filed with the Town Clerk at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, including all applicable attached information.

**Applicant:** Cellco Partnership d/b/a Verizon Wireless

**Address:** c/o Young/Sommer LLC  
5 Palisades Dr, Albany NY 12205

**Phone:** (518) 438-9907 ext 224 (Dave Brennan)

**Property Owner:** Montgomery County  
(if different)

**Address:** 200 Clark Drive  
Fultonville NY 12072

**Phone:** (518) 621-2622

**Professional Advisor:** Steven Matthews  
(engineer, architect, surveyor)

**Address:** Tectonic Engineering  
36 British American Blvd Latham NY 12110

**Phone:** (518) 783-1630  
**License #:** 087507

**Contact Person:** David C. Brennan, Esq.  
Young/Sommer LLC

**Address:** 5 Palisades Drive  
Albany NY 12205

**Phone:** (518) 4385-9907 ext 224

### Property Location:

**Address:** 200 Clark Drive  
**General Location:** Rear portion of Montgomery County Jail

**Tax Parcel ID# (SBL):** 52.-2-30.12  
**# of Acres:** .12 acres of a 37.79 acre parcel

-The Applicant must submit (with this application) all the required information as described on the Site Plan Submission Requirement Checklist (see attached). This checklist is intended to be a guide to the applicant, for specifics on submission requirements, procedures, timeframes, etc., the applicant should refer to the Town of Glen Site Plan Review Local Law, and/or State Law (SEQR, Ag & Markets, etc.).

**Applicant Signature:** David C Brennan **Date:** 9/3/24

**Property Owner's Signature:** See TAB 2 **Date:** \_\_\_\_\_  
**(if different)**

Application #: \_\_\_\_\_  
Date: \_\_\_\_\_

**For Office Use Only:**

Site Plan #: \_\_\_\_\_  
Application Fee: \$ \_\_\_\_\_

Other Fees: \_\_\_\_\_  
Describe: \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Total Amount Received: \$ \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Check #: \_\_\_\_\_  
Received By: \_\_\_\_\_

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**For Planning Board Use Only**

The Planning Board held a Public Hearing on \_\_\_\_\_ (Day) of \_\_\_\_\_  
(Date), \_\_\_\_\_ (Year) in consideration of this application.

The application is hereby:

- ☐ Approved
- ☐ Approved with Modifications
- ☐ Disapproved

Modifications and Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairperson, Town of Glen Planning Board

\_\_\_\_\_  
Date

**Subject to the 150-day FCC Shot Clock Timeframe Set Forth in 47 CFR § 1.6003(c)(1)(iv)**

**PLANNING BOARD**

**TOWN OF GLEN, MONTGOMERY COUNTY, NEW YORK**

In the Matter of the Application of

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**CELLCO PARTNERSHIP d/b/a Verizon Wireless**

Premises:      Lands of Montgomery County  
                    200 Clark Drive  
                    Town of Glen, Montgomery County, New York  
                    Section 52., Block 2, Lot 30.12

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**STATEMENT OF INTENT and  
APPLICATION FOR SPECIAL USE PERMIT and SITE PLAN REVIEW**

**I.      Introduction**

CELLCO PARTNERSHIP d/b/a Verizon Wireless (“Verizon Wireless” or the “Applicant”) proposes the construction of an unmanned public utility/personal wireless service facility (a “communications facility”) on a 100± ft. x 100± ft. (10,000± sq. ft.) portion of land n/f owned by Montgomery County and located at 200 Clark Drive in the Town of Glen, County of Montgomery, State of New York (Tax Map Parcel No. 52.-2-30.12) (Rural Residential Zoning District) (the “Premises”) [TABS 1, 2 and 14].

Verizon Wireless is considered a public utility under New York decisional law (*Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364 (1993)) [TAB 3], and a provider of “personal wireless services” under the federal Telecommunications Act of 1996 (the “TCA”) [TAB 4]. Verizon Wireless’ equipment will be in operation twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year. Copies of the applicable Verizon Wireless FCC licenses are included herewith [TAB 5].

The proposed communications facility consists of nine (9) panel antennas on a 180± ft. monopole tower (184± ft. when including a 4± ft. lightning rod), equipment and related appurtenances at grade in a proposed 50± ft. x 50± ft. fenced compound, utility and RF equipment on an H-frame, an emergency backup generator (diesel fueled) on a 4± ft. x 8± ft. concrete pad and all associated RF equipment, improvements and access/utilities. The project is an allowable land use subject to the Applicant obtaining Special Use Permit and Site Plan Review approval from the Town of Glen Planning Board in accordance with the Town of Glen Land Use Management Law (“Zoning Law”), including Section 7.16, Public Utility Facility Personal Wireless Service Facility.

**II.     Purpose of the Auriesville Communications Facility**

The purpose of the Project (referred to internally as the “Auriesville” communications facility) is to provide new and improved emergency and non-emergency Fourth Generation (4G) wireless telecommunications coverage to the Town of Glen, and more specifically Interstate 90,

Route 5, 5S West and East, Route 30A, as well as neighboring residential and commercial areas along and near these roads.

From a network perspective, the Town of Glen is currently lacking coverage and capacity. The project area is subject to significant terrain and foliage challenges, and the existing sites ("Fonda", "Fultonville", and "Gasner Farm") are not capable of effectively serving the project area. The proposed Auriesville site will extend seamless coverage across and into several commercial areas and housing communities in Glen and improve wireless service reliability along major roads for the traveling public. Accordingly, construction of a new, locally-based communications facility is required to provide a dominant (i.e., continuous) level of advanced communications service to this area. *See*, RF Justification Analysis prepared by Verizon Wireless' Radio Frequency (RF) Engineer, detailing the purpose and need for this facility [TAB 6].

### **III. Description of Land Use**

Verizon Wireless' communications facility will consist of the following general components: panel antennas and equipment mounted at the top position of a proposed 180± ft. monopole (184± ft. when including a 4± ft. lightning rod), equipment and related appurtenances on a 12.5± ft. x 11± ft. concrete pad with ice canopy, utility and RF equipment on an H-frame, an emergency backup generator (diesel fueled) on a 4± ft. x 8± ft. concrete pad and all associated RF equipment, improvements and access/utilities. [*see*, **Zoning Site Plan of Tectonic Engineering, included herewith at TAB 14**].

The communications facility will be located within a 50± ft. x 50± ft. fenced compound. A 20± ft. wide easement area will provide the Applicant with access to and from the Premises. Access to the proposed facility will originate from NYS Route 5S and along Clark Drive. A separate 10± ft. wide utility easement will provide access to utility services. Utilities will be installed underground in a trench. A six (6) foot chain link safety fence (with 3 strands of barbed wire on the top) will be installed to secure the tower site and protect the tower and Verizon Wireless' telecommunications equipment from unauthorized access.

The proposed communications facility is unmanned and will be visited for routine maintenance purposes approximately 2 - 3 times per year. As such, the project will not have any impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted.

### **IV. Compliance with the Glen Land Use Management Ordinance**

Verizon Wireless' proposed communications facility complies in all material respects with the Town of Glen Land Use Management Ordinance ("Zoning Law") and issuance of a Special Use Permit and Site Plan Review approval is appropriate:

#### **A. COMPLIANCE WITH SITE PLAN and SPECIAL PERMIT REQUIREMENTS:**

- 1. Site Plan Review and Special Permits (Article VI):** A Site Plan complying with the requirements of the Town of Glen Zoning Law is attached as **TAB 14**. This submission has been prepared by Steven M. Matthews, P.E., a New

York licensed professional engineer with Tectonic Engineering. Based on the submission, it is clear the proposed project meets all of the required factors of a special use permit:

- a. The proposed structures and equipment are readily accessible for fire and police protection (See **TAB 14**). Please note that the facility will be unmanned and therefore will have no impact on water, fire and/or police services.
- b. The neighborhood character and surrounding property values are reasonably safeguarded. Based on existing vegetation and existing county jail, the monopole tower will be adequately screened and therefore will not have an impact on neighboring properties. In terms of property values, property values will benefit from having reliable telecommunications coverage in and around the homes.
- c. Undue traffic congestion or creation of a traffic hazard will not result. There will be no traffic generated by this site. The facility will be fenced and is not accessible to pedestrians or the general public.
- d. Any other conditions or standards specified in this chapter are fulfilled. Please see discussion below.

## **B. COMPLIANCE WITH TELECOMMUNICATIONS SPECIFIC PROVISIONS**

1. **Setbacks** (Zoning Law § 7.16(1): Verizon Wireless' telecommunications tower is required to be surrounded by a fence and set back from property lines in conformance with the district regulations. The setbacks for the RR zoning district are met, with the fenced compound located at minimum 256 feet from any property line. [**TAB 14, Sheet SB-1**].
2. **Visibility and Design Standards:**
  - a. **General Aesthetics:** The exterior finish of the telecommunications tower will consist of galvanized steel which will naturally weather to an unobtrusive gray, thereby minimizing visual impact to the extent practicable. Verizon Wireless' equipment platform will not be significantly visible off site and will blend with natural surroundings to the maximum extent practicable (Zoning Law § 7.16(3)). Based on the existing county jail, VZW is not proposing any additional landscaping around the facility.
  - b. **FAA Marking/Lighting:** Notice is not required to the Federal Aviation Administration and therefore tower marking and/or lighting will not be required under Federal Aviation Administration (FAA) regulations [**TAB 10**].

- c. **Tower Design:** The telecommunications tower will be a monopole designed to accommodate collocation of three potential future providers, artificial lighting is not required, and does not require guy wires (Zoning Law § 7.16(4) [TABS 11 & 14]. Adequate emergency and service access, as well as adequate off-street parking is provided.
- d. **Signage:** The required emergency contact information and RF safety signage will be posted at the gate to the tower yard and/or affixed to Verizon Wireless' equipment platform. No portion of the telecommunications tower or site shall be used for advertising purposes.
- e. **Noise:** Attached hereto as **TAB 13** is a noise evaluation prepared by Tectonic Engineering that identifies that the occasional running of the emergency generator will be at noise levels much lower than that experienced for normal conversation.

### 3. **Operational Matters**

- a. **RF Safety/FCC Licenses:** A certification from a New York licensed professional engineer is included at **TAB 7**, to document that Verizon Wireless' proposed transmissions will be: (a) in full compliance with the current FCC RF emissions guidelines (NIER); and (b) categorically excluded from local regulation under applicable federal law. Applicant' s FCC licenses for the Montgomery County area are provided at **TAB 5**.
  - b. **Non-Interference:** The Applicant has submitted a letter from the Verizon Wireless RF Engineer, certifying that the proposed facility will not interfere with communications devices operating in the surrounding vicinity [TAB 8].
- 4. **Financial Security:** The Applicant commits that, as a condition of approval and prior to the issuance of a building permit, it will post with the Town a tower removal bond in the amount to be reasonably set by the Town.
  - 5. **Removal:** The Applicant agrees to remove all structures if facilities become technically obsolete or cease to be used. Upon removal, the land will be restored to its previous condition (foundation/footing excepted). [TAB 12].

### **Public Necessity**

As noted above and in **TABS 3 and 4**, Verizon Wireless is recognized as a public utility under New York law and a provider of personal wireless services under the federal Telecommunications Act of 1996. This project is a public necessity in that it is required to render adequate and safe coverage (mobile and in-building) to a significant portion of the Town of Glen. This, combined with the federal mandate to expeditiously deploy advanced wireless services across

the nation and Verizon Wireless' FCC licenses to provide such services in the Town of Glen, demonstrates that Verizon Wireless' facility is a public necessity. Without the construction of the communications facility proposed, the public would be deprived of an essential means of communication, which, in turn, would jeopardize the safety and welfare of the community and traveling public.

### **Compelling Reasons for Approval**

There are compelling reasons, economic or otherwise, for approving Verizon Wireless' application for a Special Use Permit and Site Plan Review.

The Applicant's Radio Frequency (RF) Design Engineer has demonstrated that: (a) there are significant gaps in Verizon Wireless network coverage (mobile and in-building) in the identified area of Glen; and (b) construction of a new 180± ft. monopole tower (184± ft. when including a 4± ft. lightning rod) at 200 Clark Drive will provide adequate and safe Verizon Wireless coverage to the identified area of Glen, including numerous roads, places of business and residences in the vicinity. Additionally, the proposed communications facility will integrate to the extent practicable with Verizon Wireless' existing network in the nearby area.

The proposed communications facility is located on a parcel of substantial size (37.79± acres) which has been improved with the Montgomery County Jail Building and existing access ways and parking lot.

In this context, the proposed communications facility will provide an essential public service, and has been sited to have the least practical adverse visual effect on the environment. Any resultant visual impact is minimal in nature and scope. And as noted above, the Applicant has proposed a facility that will enable Verizon Wireless to provide adequate and safe coverage to a significant portion of the Town of Glen, in accordance with its FCC licenses. In this regard, the proposed communications facility will not give rise to an undue visual impact.

### **V. Conclusion**

Approval of the Auriesville Communications Facility will enable Verizon Wireless to provide an adequate and safe level of hand-held wireless telephone service to the identified area of the Town of Glen and surrounding environs, within the confines of applicable technological and land use limitations. Such approval will also be in the public interest, in that it will allow Verizon Wireless to comply with its statutory mandate to build out its network and provide local businesses, residents and public service entities with safe and reliable wireless communications services. Based upon the foregoing, Verizon Wireless respectfully submits that this project complies in all material respects with the Special Use Permit and Site Plan Review standards of the Town of Glen Zoning Law, and any potential impact on the community created by this approval may properly be considered to be minimal and of no significant adverse effect.

Attached to this Application and Statement of Intent are the following:

1. Full Environmental Assessment Form ("Full EAF") prepared by Tectonic Engineering & Surveying Consultants P.C.;

2. Redacted Lease with Montgomery County Authorizing Submission of Application for Town Approvals;
3. Documentation of Public Utility Status and Overview of the *Rosenberg* Decision;
4. Overview of Telecommunications Act of 1996;
5. Copy of Verizon Wireless' FCC Licenses for the Montgomery County area;
6. Radio Frequency (RF) Justification Analysis prepared by John DeCarlo, RF Design Engineer with the Verizon Wireless Network Engineering Department and Site Selection Analysis Prepared by Airosmith Development;
7. Radio Frequency (RF) Safety Report;
8. Non-Interference Letter prepared by John DeCarlo, RF Design Engineer;
9. Visual EAF Addendum;
10. FAA Notice Criteria Tool, statement of no notice required and TOWAIR Report;
11. Tower Design Letter prepared by Steven M. Matthews, P.E., Tectonic Engineering;
12. Maintenance Letter prepared by Kathy Pomponio, Real Estate Manager for Verizon Wireless;
13. Noise Generation Information on the Emergency Generator; and
14. Zoning Site Plan Drawings prepared by Tectonic Engineering.

Kindly place this matter on the agenda for the next meeting of the Glen Planning Board. In the meantime, if you should have any questions or require any additional information, I can be reached at (518) 438-9907.

Thank you for your consideration.

Dated: September 4, 2024

Respectfully submitted,

CELLCO PARTNERSHIP  
d/b/a Verizon Wireless

A handwritten signature in black ink, appearing to read "David C. Brennan". The signature is fluid and cursive, with the first name "David" being the most prominent.

David C. Brennan, Esq.  
Regional Local Counsel