

The following information was generated in response to the February 14, 2024 letter to Supervisor Chris Koetzle. The information has been drafted by Planning Department Director Anthony Tozzi, at the Supervisor's request.

The following answers are provided using 'best efforts' and should not necessarily be considered decisions or opinions made by the Town Board, the Planning and Zoning Commission, the Planning Department, or any other Town agency. Best efforts used include attempting to answer questions as factually as possible, based on known and readily available information.

1. William P. Johnson has been contracted (not hired) to provide consultant services.
2. Dr. Johnson is a tenured professor at the Rochester Institute of Technology where he predominately teaches electrical engineering. He is both a licensed electrical engineer and an attorney. He has served several municipalities throughout NYS to assist in the review of cell tower applications. The Planning Department Director has reviewed his resume and credentials and finds them to be exceptional. Because of Dr. Johnson's qualifications, and based on consultant services he has provided to other municipalities, the original scope that the PZC expected to be reviewed (a cell coverage needs assessment only), the actual scope has been greatly expanded to essentially provide a full review of the entire CellCo application.

Dr. Johnson is an independent consultant with no relationship with CellCo or with Verizon. Based on the Planning Director's conversations with him, before engaging him as the Town's consultant to assist in the cell tower review, it was obvious that he takes a straightforward approach in his review. There is a very high level of confidence that Dr. Johnson will not be undertaking a 'shrill' review. He would not have been engaged if there was any indication that he would.

3. The Town is prohibited by federal law from denying a cell tower application based on RF environmental/health factors.
4. A visual assessment was included with the CellCo site plan application and a final determination of environmental significance has been completed, partially based on that information.
5. The PZC has review authority from two sections of Town Code. Chapter 270 Article VIII Section 270-46 Personal Wireless Service Facilities, and Chapter 270 Article XVI Site Plan Review.

The PZC's Site Plan Review authority does not allow the PZC to direct an applicant to find an alternate site, so doing an analysis would not be appropriate. Under these regulations, the PZC has to review the site an applicant proposes. For example, if Home Depot were to apply to construct a new big box store somewhere along Freeman's Bridge Road, the PZC could not make them choose a site on, for example, Saratoga Road.

The PZC's Personal Wireless Service Facilities authority denotes *'The PZC may consider a new personal wireless service facility when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical'*. Under this authority, part of the evaluation by Dr. Johnson will include an assessment as related to this code provision.

6. Currently the PZC has not indicated any plans to hire an independent real estate professional to offer insight on actual property value losses (or gains) for homes near the tower.

7. This question seems more of a statement. Verizon did not have an 'independent real estate professional' provide a presentation. Whether a person believes or does not believe what Verizon says is an independent judgment, so this question cannot be directly answered.

8. All FOIL requests have been addressed as required by law. To the best of the Town's knowledge, no open FOIL requests presently exist, and all received to date have been satisfied to the degree the law allows.

9. The PZC has made a final environmental determination and has issued a negative declaration of significance pursuant to the State Environmental Quality Review Act (SEQRA).

10. The applicant has indicated the cell tower height will be reduced, but no actual site plan alterations have been received to date by the Planning Department to identify the actual reduced height. If the current site plan application is approved by the PZC, and if an increase to the approved tower height is proposed, a site plan amendment must be submitted to the PZC for review.

11. Verizon would only be required to submit a new application if the present application is withdrawn by the applicant for some reason. It is rare for any applicant to withdraw a site plan application. However, if the present application is withdrawn by the applicant and a new application is submitted, a public hearing is required to be conducted.

12. The PZC is required by law to render a decision within 62 days from the date an application is considered 'complete'. That timeline can be extended by a joint agreement between the PZC and the applicant, which has occurred. When the 62-day timeline is extended for any site plan applications, it is almost always because additional information is required or requested that will require time exceeding 62 days. Specifically, regarding the PZC action to table the CellCo application, the length of time it will take before the PZC continues review of the application is indeterminable because all information required has not yet been provided. When all outstanding information and reports are received by the Planning Department to allow the PZC to make a reasonably informed decision, the application will be placed on a PZC meeting agenda.

13. The Town has discussed the issue regarding the use of the town seal. We expect to request the Town Attorney to contact the website to ask that the seal be removed from it. The Town Attorney will likely need to determine if the Town Seal has copyright protection before that request is made.

14. The answer to this question will depend on the copyright status of the Town Seal, or if there are other legal rights regarding the Town Seal that the Town has, to insist on its removal from that website.

The Town does not intend to "inform EVERYONE" given that it is impossible to determine who "EVERYONE" is. The online petition does not denote the addresses of those who electronically signed it, and the Planning Department has not and does not plan to research the addresses of those who have signed that petition.

15. The Town, particularly the Planning Department and the PZC have become VERY frustrated that the applicant has not provided ANY answers to questions generated by residents. The Planning Department has requested that the applicant respond at least a half-dozen times. Very recently the

applicant was informed that if questions are not provided before the February 21st Town Board meeting the Planning Department will post notice on the Town Website that it has been unable to obtain any answers from the applicant, and that we will be posting the applicant's contact information as part of that notice. The applicant has replied with an apology and a promise to provide the answers 'soon', which the Planning Department replied to and indicated that 'soon' be by Monday, February 19th, so that a website notice can be placed.

The PZC requested that the applicant, not the Planning Department or any other Town agency, answer questions from residents. The applicant agreed to do so.

16. Asking PZC members this question is inappropriate because it is improper for the PZC to consider that in determining their final decision on the site plan application. It would be very appropriate for the PZC to take into consideration the impact to the actual neighborhood the cell tower is proposed to be situated in, and which the PZC has been doing.

17. The Planning Department will follow all applicable Town and State notification requirements.

18. While this question can only be answered by Supervisor Koetzle directly, town zoning can be modified if the Town Board desires to do so, provided that such zoning revisions are supported by the Town's Comprehensive Plan.