

## MEMORANDUM

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Date: January 26, 2010

To: Kristine Pederson  
Town of Shawangunk

From: George M. Janes, AICP

CC: Drayton Grant, Esq.  
Bonnie Franson, AICP  
Ronald Graiff, PE

**RE: Cellco Partnership 01/08/2010 submission**

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I am in receipt of the January 8, 2010 submission for the Proposed Verizon Wireless Telecommunications Structure at 23 Twin Pond Lane. This memo details my comments on that submission.

### **Inventory of visual resources**

This submission contains an inventory of visual resources of statewide concern that had been previously lacking. This submission discloses that two resources not already evaluated will have views or partial views to the project. These are the Reformed Church of Shawangunk Complex (identified as number 3 on the new viewshed map found in Exhibit F), and the Shawangunk Kill River (number 28 on same map).

The Shawangunk Kill River may have partial views as it passes close to the tower but these are likely to be glimpses through trees as most of the riverbank is vegetated. These views are unlikely to materially affect the public's appreciation of the resource.

The Reformed Church of Shawangunk Complex should have an unobstructed view to the Tower. The Reformed Church of Shawangunk (shown at right) was added to the National Register of Historic Places in 1982. Considering that the tower is about a mile away, it is likely that distance will mitigate impacts on this resource. The Planning Board may request the applicant conduct further visual analysis, however, should it believe additional information is necessary to confirm these assessments.



**Discussion of Impacts on Visual Resources**

There is still no discussion of impacts on visual resources in this application. The application merely discloses from where the tower may be visible. When assessing visual impacts the DEC has instructed that “Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making.” How does the addition of the proposed cellular affect the views from resources analyzed? The Ulster County Planning Board letter was looking for an assessment that evaluated “distance of view, sensitivity of site, context of surround [*sic*] land uses, number of people impacted, length of time element will be in the view, incongruity of the element.” The application does not attempt to evaluate visual impacts based on any of these criteria.

**Change in elevation from new location**

The revised location for the tower had an increase in elevation of seven feet. The added seven feet created additional questions regarding the visibility analysis conducted previously, but the new application decreased the height of the proposed tower by 20 feet. All previous comments regarding the increase in elevation have been rendered moot by the decrease in tower height.

**New Tower Design**

The new tower design lowers the height of the tower from 140 feet to 120 feet, removes the microwave antenna, and shortens the brackets holding the cellular panels from 12 feet to six feet. All of these changes lessen the impact of the facility on visual resources. However, an additional antenna array is now shown in place of the microwave antenna, significantly decreasing the effectiveness of removing the microwave antenna as a visual mitigation measure.

The following images compare a simulation from the previous design and application with that from the current application. From this viewpoint the changes proposed in the tower design make it appear less prominent, though it is still clearly visibility above the treeline.



*Photosimulation of Viewpoint 18 (from the Shawangunk Grasslands National Wildlife Refuge) from previous application with taller tower, larger panel array and microwave antenna*



*Scanned photosimulation of Viewpoint 18 (from the Shawangunk Grasslands National Wildlife Refuge) from current application reflecting a shorter tower, no microwave antenna and the additional antenna array*

Other viewpoints show a similar change, as the decrease in tower height lessens the prominence of the tower, yet in most viewpoints analyzed it remains clearly visible.

The Town's local law states that a telecommunications facility must be ". . . designed so as to be camouflaged to the greatest extent possible, . . ." (page 11). Despite the changes that have been made in the current application that lessen the prominence of the tower from many viewpoints, it is my opinion that the new tower design is not camouflaged to the greatest extent possible. Designs involving close-mounted panels or a flagless flagpole would likely reflect better camouflage techniques.

### **Nearby proposed towers**

The applicant has added a map showing the locations of other existing wireless communication services facilities in the Town, as well as existing and proposed facilities within a five mile area extending from the Town boundaries, as required by your local law.

The map shows that no tower is planned in Gardiner. Does the applicant plan on resubmitting an application in Gardiner to replace the approval recently struck down by the NYS Supreme Court? If so, how might the coverage area from that tower impact the attractiveness of the coverage areas shown in the supplemental plots shown in Appendix E1? If the applicant does not plan on resubmitting an application in Gardiner, does that affect the attractiveness of Alternative 8, which while having less coverage in Shawangunk, has a larger coverage area in Gardiner? Alternative 8 is the alternative on a silo and is studied in Exhibit C.

### **Other issues**

The photographs and photosimulations found in Exhibit I are not printed using photo quality paper or processing as recommended in my January 28, 2008 letter. Nor do they use the higher quality coated paper used in the October 2, 2009 submission. Nevertheless, the print quality of the version I was sent was reasonable and I believe of high enough quality so that decisions could be made using them. If the Planning Board has any concerns about print quality impacting the quality of the images--and therefore the impact they disclose--it may ask the applicant for photo-quality images that were first requested in 2008.

### **Close**

While I still have some criticisms, this is the best application the Planning Board has yet received on this proposal. The most serious issue identified is the Town law requirement that the tower be "designed so as to be camouflaged to the greatest extent possible." While the changes seen are a significant improvement, I believe the application fails to make a convincing argument that the tower as proposed is camouflaged to the greatest extent possible. Without a clear, convincing argument using visual evidence that this tower uses camouflage to the greatest extent possible, it is not clear how the design as proposed can be approved by the Planning Board.