

Zoning Board of Appeals
Jan. 22, 2014 Village Hall

Note: The conversation notes in these minutes are not verbatim.

Attendees: Chairman Marsha Sweet, Artie Hatfield, Ed Cantrall, Sharon LaFauce, Carrie Adams, Vince King, Attorney John Myers and Acting Secretary Deborah Lakamp. Audience: Dave Kuehl, Dennis Pauley, CIS Communications, William Jenkins, CIS Communications, Larry Frank, Mr. & Mrs. Mark Witt, and Steve Frank. *+ Doug Cantrall*

Chairman Marsha Sweet called the meeting to order at 6:15 p.m.

Moved by: Sharon LaFauce
Seconded by: Vince King
Motion carries unanimously.

OLD BUSINESS: None

NEW BUSINESS:

The purpose of the meeting is to consider a petition for a Communications Tower Special Use by AT&T.

Myers-In 2007, the Village adopted a cell tower ordinance. There is a special use in the ordinance. The statute says a notice must be published and the vendor must meet the standards.

AT&T has asked for waivers of some conditions in the ordinance. The Village Board has to agree. Also, no evidence of electromagnetic fields is allowed.

Jenkins—CIS Communications assists telecommunication carriers with developing networks. They are working with AT&T and have been looking at New Berlin site 8 months. The tower is designed to eliminate a coverage gap. They contacted Steve Walters at the fairground association proposing using their overflow parking lot at 14790 Old Route 54 for a 190 ft monopole, small generator and equipment building. It will be fenced and locked. Try to fit into Village requirements.

Adams- Could you please discuss your variance requests?

Jenkins: There are a total of 5 variance requests:

- 1) Set back on the south property line (Northfolk Southern Railroad Line) requires 142.5 ft (75%) to property line—requesting variance of 42.5 ft. A letter from Northfolk Southern states the railroad is okay with the variance.
- 2) Variance requests 2-4 are all residential property setback variances. The requirement is 570 ft. Each of the three residents are 454 ft, 421 ft, and 516 ft.
- 3) The 5th variance request is to waive the landscaping requirement as it is a field. However, AT&T is flexible on this request.

Myers: What are the wind loads the tower can handle?

CSI Rep: There are 4-5 engineering companies that are the vendors for different wind categories throughout the U.S. so the tower is designed to meet wind speeds required here as well as the soils it will be placed upon.

King: What is the fencing material?

Jenkins: Chain link fence

LaFauce: Is the tower going to be setback on the middle of the plot of ground?

Jenkins: Yes, it is in the back and in the middle of the plot to meet the setback requirements.

Sweet: From the railroad—100 ft from the railroad right of way, correct?

Jenkins: Yes

L. Frank: What is the range of the tower?

Jenkins: I don't have the technical details but it is designed to cover the village and the surrounding areas.

L. Frank: So if you move it a ¼ mile one way or the other, it won't hurt?

Jenkins: Engineers say it needed to be in the middle of the village.

L. Frank: There are towers by the truck stop and ¾ mile down the road, so why does it have to be in our backyard?

Jenkins: The engineers look at all existing tall structures first and they did evaluate these areas. None of them worked for AT&T. So, it is the new site we are proposing. New sites are very expensive and nothing else will work for RF purposes.

Kuehl: Will tower blend in with surrounding buildings and area?

Jenkins: It is a steel galvanized cylinder structure. It looks like a tall telephone pole. The sight is a vacant property so it will fit in but that is open to interpretation.

Witt: Cell phones/cancer/radiation?

Myers: FCC says we can't talk about this

Witt: Will it interfere with other electronic devices?

Jenkins: ATT&T has its own spectrum frequency and is mandated to stay on it.

Cantrall: (neighbor) I'm concerned about it blending in. Concerned that every other year there is 2 foot of water standing on the proposed site. Concerned that it will push water to my house. Would like to see a good landscaping plan. Are there any guide wires or supports?

Jenkins: No guide wires or supports, it is a monotower. The landscaping is flexible.

Cantrall: Where is the power supply for the facility coming from?

Jenkins: Check plans—pull off Illinois Street, down the gravel driveway and set standard 200 amp meter.

L. Frank: I had AT&T for years—never had a problem with Internet connections or phone except during the fair.

Jenkins: In past, put up a temporary AT&T service (cow) on the fairgrounds for the last few years to help prevent the overload.

LaFauce; What is the revenue to for the fairgrounds (for leasing land for cell tower to AT&T)?

Jenkins: I don't have a copy of the lease and it is a bit of privacy issue.

LaFauce: Is it long term?

Jenkins: 20-30 years

Sweet: How far out will coverage extend? Record of poor service?

Jenkins: No record for his office but AT&T determines when to generate a new site.

Sweet: Would mghz determine speed? Would that make computer speed faster?

Jenkins: Closer to site quicker the speed

Adams: AT&T phone hit mail and update and its up

Hatfield: I have lots of trouble with AT&T—have to stand in one spot to get service.

Cantrall: Just changed to another service because of AT&T service. Don't understand why there are no guide wires.

Jenkins: Don't think a guide wire design will fit on the site. Also, with guide wires, if something clips it then the tower goes down. Monotowers are very stable. When you see pictures of Katrina and tornadoes, these towers are the only ones left standing. From an emergency planning point-of-view, these sites are where people mobilize to get up and running.

LaFauce: Is there a monopole close so I could go and look at it?

Pauley: There are two in Springfield.

Jenkins: On plans, page C3 there is a picture. They are designed to be under FAA requirements of 200 feet so no lighting is required. An FAA study will have to be done.

Cantrall: How big a footprint from the fence?

Jenkins: 50 ft x 50 ft = 2500 sq ft

Cantrall: Brought up that other communications companies can piggy back.

Jenkins: AT&T will encourage other co-locators on the tower. Towers will hold multiple carriers.

Cantrall: Yes

LaFauce: See some people here but know several others are not here and I want to know what they think

Myers: Adjacent property owners all received letters about meeting. Waivers then we will have

L. Frank: If you grant waivers then will have windmill companies asking and can of worms will be opened.

Myers: This ordinance is not directed to wind turbines. I bought the ordinance language many years ago and many towns have adopted it. The set back distances are really to protect from lattice towers that fall over. Monotowers tend to crumble not fall over. The setbacks are somewhat arbitrary and include engineering standards that date back to 2002. Ordinance promotes co-location of other companies.

Took some time here for Jenkins to show audience the plans for the cell tower.

Sweet: (ask audience) Can you clarify for us are you objecting?

Witt: My main concern is water retention

Myers: How big is the tower pad?

Jenkins: It has a small circular concrete pad. 12 x 28 for the shelter and a small generator, 4 x 11. I will ask for some clarification on drainage plans for the area?

Myers: Gravel or grass within the fence?

Jenkins: Gravel. Spray for weeds two times per year.

LaFauce: Does the pole anchor in the ground?

Jenkins: The pole doesn't go into the ground but the pad will go deep. How deep is based on the engineering.

Sweet: Can they determine further flooding for adjacent property owners?

Jenkins: I can the engineering firm take a look at that.

Adams: Residential hydrologist needed. Can that be done?

Jenkins: I can ask.

LaFauce: Fairgrounds said to go for it? Not concerned with issues?

Jenkins: We have a lease and they are onboard.

Pauley: Nothing can happen without village approval.

L. Frank: Can AT&T piggy back on other towers?

Jenkins: They looked and no existing sites work for the RF

Cantrall: I have to object. Suggest more co-location so don't lose property values. Plus, it prohibits wife's view.

L. Frank: Agree with Cantrall

Witt: Object

Adams: Have an obligation to respect citizens' objections. Disrespectful that no one from the fair board came tonight.

Sweet: Ask for a motion

Myers: Will AT& T withdraw the vegetation request?

Jenkins: Yes

MOTION: To recommend to Village Board to approve the special use for AT&T communications tower with all the requested variances except the landscaping one.

Moved by: Sharon LaFauce

Seconded by: Vince King

Adams-No
LaFauce-No
Cantrall-No

King-Yes
Hatfield- Yes

MOTION: To adjourn.


Moved by: Sharon LaFauce

Seconded by: Carrie Adams

Motion carries unanimously.

The meeting adjourned at 7:25 p.m.

Respectfully Submitted,


Deborah Lakamp
Clerk, Village of New Berlin