Approved
9/28/2026

Town of Taghkanic Zoning Board of Appeals

Meeting Date: August 24, 2026

Present: Chairman Jim Romaine; Members: Ray Colgrove, Tom Mirabelli, Elizabeth O'Donnell, Kent Sammons and Ron Bel Bruno

Also Present: Attorney Rob FitzSimmons

Live Audience: Scott Olson, Attorney for Verizon; Jack Redmond, Verizon Wireless-Real Estate; Perry Ascher, Taghkanic Town Board

Zoom Audience: None

7:00pm: Jim Romaine opens the meeting with the Pledge of Allegiance.

7:05pm: Jim Romaine motions to accept the minutes from the April 2026 meeting. Seconded by Ray Colgrove. All in favor.

7:10pm: Attorney Scott Olson presented on behalf of the Verizon application for a proposed 154-foot cell tower at 1115 Route 82. The tower would be built within a secure 50-foot by 50-foot compound on the 22-acre residential property. Verizon would be leasing 10,000 square feet of the residential property for the cell tower.

Taghkanic Local Law 6 of the Year 2002 requires that all newly constructed transmission towers be sited for setbacks of 400 feet to property lines and setbacks of 500 feet to residential structures. Attorney Olson noted the need for a variance due to a 400-foot property line setback not being met on the east side of the proposed compound. The setback on the east side would be approximately 256 feet away from the property line. The elevation is the key determination in the location of the tower.

Attorney Robert Fitzsimmons explained that while federal regulations and local laws setting requirements exist, local municipalities may determine specific setbacks based on site conditions. He noted that if required setbacks cannot be met the ZBA has authority to grant variances for public utilities, as established in a 1993 Court of Appeals case. The ZBA noted that the lot selected by Verizon could accommodate the 400 ' setback requirement from all property lines.

Further discussion was made regarding uncertainty about the location of the current structures as they were not clearly indicated on the maps and the proposed setback measurements and their rationale.

The ZBA discussed Taghkanic's zoning requirements for a telecommunication tower, explaining that while the current height poses no structural risk to neighboring properties, the board would need to decide on variance requests using a relaxed standard. The property owner's consent may influence the decision for the ZBA to provide an area variance for some requirements regarding the proximity to dwellings.

The conversation also addressed the environmental concerns in relation to the Federal Waters R3UBH Wetlands on the property as stated on the Environmental Assessment Form. The regulations require a 200-foot setback from the protected area.

The discussion also addressed the access concerns regarding a steep driveway that has rarely been used. Attorney Olson noted that the existing driveway would be a shared driveway, but that Verizon would enhance the gravel subbase and extend it into the site.

The site would be automated and connected to the operation center for monitoring. There would be a generator onsite for power backup. Attorney Olson explained that the tower would be compliant with FCC regulations on radio emissions.

Board members raised further concerns about visual impact and the limited area of improved service. Attorney Olson explained that other wireless carriers typically co-locate transmitters once service improves in an area. The discussion also covered the need for structural engineering reports every 5 years and that the current design can accommodate up to 3 carriers. The board confirmed that other companies would need to provide environmental assessments and viewshed maps as part of their application for co-location. Attorney Olson explained the co-location requirements and site selection analysis for a new tower installation, noting that while the local law prefers co-location on existing towers, the required search area is much smaller than the 8-mile radius analyzed. He presented engineering maps showing the existing poor current service coverage and demonstrated how the proposed tower would significantly improve service, but in a relatively small area. The discussion highlighted the technical challenges with the topography of the land in the surrounding area. Questions were asked about the antenna technology expressing the need for additional cell service around the access to the Taghkanic Parkway on Route 82. Attorney Olson explained the modern installations typically use sectorized panel antennas that can be remotely tuned and adjusted to target populated areas. Also, questions were asked about balloon testing procedures for the visibility of the cell tower requiring public notice and typically conducted on Saturdays with rain dates.

The ZBA asked about the feasibility of co-location on existing county towers and the possibility of exploring municipal land options for siting the tower, which could provide direct fiscal benefit to the town.

Attorney Fitzsimmons asked if the board would want to conduct the balloon test. A motion was made by Ray Colgrove to require a balloon test to determine if the proposed cell tower is visible to surrounding roads or properties. The motion was seconded by Elizabeth O'Donnell. All in favor. Vote unanimous.

Verizon agreed to provide additional information about the setbacks, including the distances to the existing structures on the property, and whether the setbacks can be met by adjusting the tower location. Attorney Olson agreed to coordinate and schedule the balloon test for the proposed tower location, including proposing dates, rain dates, and handling the required public notice in the newspaper 7 and 14 days in advance of the test.

Attorney Olson agreed to have the engineer look at the viability of locating the tower at the Gallatin transfer station and the Taghkanic highway garage site as potential alternative location for the tower.

Attorney Olson agreed to provide detailed drawings showing the location of the existing dwellings and the location of the wetlands on the property to ensure compliance with all relevant setback requirements.

The Zoning Board will consider the need for a variance regarding the setback requirements, if the tower location cannot be adjusted. Verizon to demonstrate why a variance may be necessary.

Attorney Olson will provide a waiver or no-objection statement from the property owner regarding the 500-foot setback from a residence, if required because the tower location cannot be adjusted.

All application materials and any new submissions (e.g., maps with buildings and wetlands) to the Zoning Board via email (PDF format) at least 7 days prior to the next ZBA meeting.

Attorney Fitzsimmons agreed to engage the town engineer (Patrick Pendergast) to review the application materials for structural approval once the exact location is finalized and determine the appropriate escrow amount for the review.

Attorney Fitzsimmons advised referring the completed application to the Planning Board for an advisory opinion.

8:10pm: With no further business before the Board, a motion to adjourn at 8:10pm was made by Jim Romaine and seconded by Ray Colgrove. All in favor.

Respectfully submitted,
Linda Holik, Secretary