

# Woodstock Planning Board blocks 5G cell tower upgrades, cites visual impact

by [Nick Henderson](#)/July 2, 2021

The Woodstock Planning Board unanimously denied an application to install new, 5g-capable T-Mobile antennas on the town-owned cell tower because their size would cause a negative visual impact and criticized the company for appearing to purposely run out a federally imposed time limit.

“The six antennas T-Mobile wishes to install are larger in size than T-Mobile’s existing antennas and will create more than 100 square feet of outward-facing panel antenna surface area on its array,” said planning board vice chair Stuart Lipkind, who drafted the decision.

While the new equipment would provide better data bandwidth, planning board members were skeptical it will result in better coverage in areas with marginal or no service. The board has requested detailed signal propagation maps but none have been provided.

The application’s defeat prompted loud cheers and applause from the packed Comeau Drive meeting room.

## **The review process**

Lipkind conducted extensive research including the history of the town agreement to build the tower,

before drafting his decision, which the five members present approved. Members James Conrad and Conor Wenk were absent.

The applicant, Crown Castle, stated its application is an “eligible facilities request” — a specific designation under FCC guidelines that limits the ability of state and local governments to deny applications and imposes a 60-day limit on the review process for modifications that don’t “substantially change the physical dimensions” of a cell tower

If it is not considered an eligible facility, a so-called 60-day shot clock does not apply to the application. Crown Castle cited the 60-day clock when it filed its application, which was dated May 5 but not received by the Planning Department until May 10.

Crown Castle manages tower operations and evenly splits lease revenue from AT&T, T-Mobile and Verizon with the town. It took over from JNS Enterprises, the original company that constructed the tower.

Lipkind was careful to note for the record neither Crown Castle nor T-Mobile sent any representatives to the meeting despite requests for their presence.

The Planning Board heard from Crown Castle representative Richard Zajac at its June 17 meeting. Unsatisfied with his answers, the board sent a letter June 21 requesting more information because some of the proposed equipment is 5G-capable and some are concerned about impacts such new technology poses.

While the new equipment would provide better data bandwidth, Planning Board members remain skeptical it will result in better coverage in areas with marginal or no service. The board has requested detailed signal propagation maps but none have been provided.

It asked Crown Castle to agree to pause the 60-day clock and come to a public hearing to answer additional questions. It received no response other than a phone call and email from Crown Castle attorney Kiely Lewandowski stating they are still connecting internally and with T-Mobile and would not be available to make a presentation at the July 1 meeting.

Planning Board member John LaValle called the lack of information provided by Zajac and the applicant's apparent offer to extend the shot clock from July 4 to July 9 "a slap in the face" to the board.

"They had no intention of showing up here before July 9 and therefore, just let the shot clock run out and get what they want," LaValle said. "Well in that case, they have left us no alternative. This is called a denial."



Opposition to 5g technology motivated many opponents to the proposal, though possible ill health effects isn't an allowable reason to defeat a cell tower modification. (Photo by Nick Henderson)

### **No longer an eligible facility**

“There’s a question before us that’s relevant in any

case involving an eligible facilities request, of whether the proposed changes to the equipment on the tower would impact negatively the concealment elements so as to defeat their function as a camouflaging presence,” Lipkind said.

“I believe the applicable standard is whether the changes in the transmission equipment will render ineffective the concealment elements of the tower.”

Opponents to 5G technology raised alarm bells when they discovered the application contained a brochure touting the advantages of the new wireless technology.

The new 5G technology can provide faster internet speeds and higher bandwidth, but opponents claim the frequencies used can cause ill health effects. FCC regulations prohibit communities from denying cell tower construction or modification based on health effects, but it can deny the application if it violates local zoning.

Steve Romine, a 5G opponent, arranged for telecommunications litigator Andrew Campanelli to speak to the Town Board, where he pointed out the enormous size relative to current antennas and that such equipment would likely pose visual impact problems.

### **Minimal impact integral to tower design**

The Planning Board determined the proposed antennas defeat measures that are part of the tower

design, which is a monopole made to look like a pine tree, often referred to as a monopine.

Artificial branches and pine boughs throughout the tower and extending 13 feet above the 140-foot monopole are intended to help it blend in with natural surroundings.

This was so important for officials that the town in 2007 modified its original 2004 agreement with JNS enterprises and dropped the traditional three-legged lattice tower design in favor of the “monopine.” In exchange for the expense of the design change, the town agreed to forgo its share of lease payments for five years.

“The town, by giving up its lease rentals for five years, gave up almost \$100,000 in revenue. And that was a considerable amount of money in order to have it concealed. And to defeat that concealment, it’s a major issue,” Planning Board member John LaValle said.

Lipkind particularly took issue with photo simulations included in the application and criticized their perspective.

He said they are created at too close an angle to the tower to show what the new antennas will look like from a distance.

“And so, from my perspective, that part of the application provides no meaningful information to assist us in evaluating the impact of the new array. I don’t see that it would give us any evidentiary value,”

Lipkind said.

Planning Board member Judith Kerman agreed with Lipkind's assessment.

"It looks more cluttered, but it's basically a silhouette," she said.

"But that does not tell us what it's going to look like and it is from a pretty close perspective/ It doesn't provide any real information."

Councilwoman Laura Ricci said the Town Board is in full support of the Planning Board's decision.

"You really got it covered very well. And I want to say I'm very impressed, Stuart (Lipkind), with your work of pulling this all together, building the story, because you had kind of a short period of time to do it. And you did a beautiful, thorough, compelling job."