

Appeal 2026-04

**Thomas Kowalske
Parcel #01-031-596
125 Cornelius Rd**

RECEIVED

2026-04

MAR 11 2026
FINANCE DEPT.

Petersburg Borough
Petition for Adjustment of Assessed Valuation
Real Property

Date Filed: 3/11/26

The deadline for filing an appeal with the Assessor is Monday, **March 31, 2026, at 4:30pm.** However, the Board of Equalization, in what is deemed to be unusual circumstances, by vote may waive this time provision. The Assessor **must be** contacted during the 30-day appeal period.

Parcel Identification No 06-031-596

1. I, Thomas Kowalske, representing myself, the owner of the above identified property, hereby request the Assessor review the assessment of said property.

2026 Assessed Value:

Land \$ 62,600 Building(s) \$ 245,600 Total \$ 308,200

2. Please answer the following questions for the information of the Assessor and the Board of Equalization in considering this appeal:

- A. What date was the property acquired? 1/18/2021
- B. What was the full consideration/price? \$ 275,000
- C. Did this price include any furniture/ fixtures? If so, List approximate value\$ No
- D. What do you consider the market value?
Land\$ 44,000 Bldg\$ 174,000 Total\$ 218,000
- E. What would you consider a fair assessment value?
Land\$ 43,820 Bldg\$ 171,920 Total\$ 215,740
- F. Have you ever offered this property for sale in the past two years? Yes No X
If yes, with who and for how much?
- G. Have you ever received an offer? Price/when No
- H. Have you had the property appraised in the past 2 years? \$ No
- I. How much is the property insured for? \$ 633,000 (Home, cars, stuff, boat)

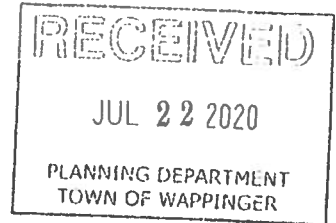
3. There is an error or omission on the assessment of this property for the following reason(s):
A 150 Foot Communication Tower was built less than 500 feet from my house this year. Property values typically decreases between 20% to 30% in these situations. The greater decrease is justified because aesthetic value ranks very highly among Alaskans living in areas surrounded by beautiful scenery.

CERTIFICATION: I hereby certify that the answers given on this application are true and correct to the best of my knowledge.

Print Name: Thomas Kowalske Phone #: 907-660-7495

Email: Kowalsketon@gmail.com

Sign here:  Date: 3/11/26



Chairman, Bruce Flower
Planning Board
Town of Wappinger
20 Middlebush Road
Wappingers Falls, NY 12590

July 21, 2020

Dear Chairman Flower and Planning Board Members,

At last night's Planning Board Meeting part of the discussion concerned the cell tower and how it would negatively affect property values.

As part of the Memorandum and Exhibits in Opposition to the Tarpon Towers application that was submitted to the Board on June 8, 2010, were four letters from local realtors that discussed the negative impact the 150 – 170-foot cell tower would have on our property values.

I am attaching a copy of those letters for your review once again.

As you will see these, the letters from local realtors show how this tower will no doubt affect all our property values. These are local realtors, not realtors as presented by the Tarpon representatives from parts of the state and country that do not know our market

I have enclosed copies for each member of the Planning Board.

Thank you once again for thoughtful consideration of all the neighbors and residents that will be adversely affected by this tower.

Sincerely,

A handwritten signature in cursive script that reads "Christopher Barclay".

Christopher Barclay
86 Chelsea Road
Wappingers Falls, NY 12590
(518) 479-9933



May 21, 2020

To Whom It May Concern:

I have been a Licensed Real Estate Associate Broker for over 25 years serving the Southern Dutchess County area. I am a member of the Dutchess County Board of Realtors and the Women's Council of Realtors. I have several years of experience marketing/selling homes. Also, I have a Accredited Buyer's Representative Designation and have been a top producer for many years.

In my professional opinion, irresponsible placement of a cell tower or wireless facility can reduce the value of a nearby residence and affect its marketability. If a cell tower is installed where proposed it will reduce the value of the home on 86 Chelsea Rd, Wappingers Falls, NY by approximately 15%-20%.

When marketing a home there are so many factors that need to be taken into consideration, but one that will never change is the importance of the property location. Location is the key to determining value. I feel that even at a reduced purchase price, the "new" property location, after installation of a cell tower, will make the home less marketable and more challenging to sell.

Sincerely,

Susan A. Wynne
Licensed Real Estate Associate Broker



RE/MAX

GUSAN A WYNNE
Licensed Real Estate
Associate Broker

RE/MAX Benchmark Realty Group

susanwynne@remax.net | <http://www.susanawynne.com>
845-222-0610 (Direct) | 845-568-0004 ext. #324 (Office)
367 Temple Hill Road, New Windsor, NY 12553

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**BERKSHIRE
HATHAWAY**
HomeServices

Hudson Valley Properties

May 16, 2020

To Whom It May Concern,

My name is Kimberlee Markarian and I am a Licensed Associate Real Estate Broker with Berkshire Hathaway HomeServices Hudson Valley Properties. I have been a licensed realtor in the Dutchess County area and have marketed residential properties since 1998. I am a member of the Dutchess and New York State Association of Realtors.

In my professional opinion, if the proposed 150-cell tower with multiple attachments is installed where proposed, it will reduce the value of the home at 86 Chelsea Rd, Wappingers by approximately 20% and it will make the home less marketable, even at a reduced purchase price.

If you have any questions, please feel free to contact me.

Sincerely,

Kimberlee Markarian

Kimberlee Markarian
Associate Real Estate Broker
Berkshire Hathaway HomeServices Hudson Valley Properties
892 Main Street
Fishkill, NY 12524
845.505.9174 Mobile
kmarkarian@bhhshudsonvalley.com



BERKSHIRE HATHAWAY
HomeServices
Hudson Valley Properties

May 18, 2020

TO WHOM IT MAY CONCERN:

I have been a licensed Real Estate Agent with Berkshire Hathaway Hudson Valley Properties for 29 years, I know the value of a beautiful view and pristine landscape in the properties of the Hudson Valley, New York. Our views are so important that many municipalities have a "view tax" which puts a levy on some properties for their spectacular views.

In this light, I feel the impact of a large encumbrance (a cell tower) to a property's view will definitely impact the value of such property. Depending upon the size and location to the property in question, the negative impact could be anywhere between 15% to 25% of the property value.

Sincerely,

Diane Splak-Pisanelli
Licensed Real Estate Salesperson

Diane Splak-Pisanelli

Real Estate Salesperson
845-858-3879 C
845-831-9095 F
Berkshire Hathaway
Home Services Hudson Valley Properties
882 Main Street
Fishkill, NY 12524

dsplakpisanelli@bhshudsonvalley.com E.M.

My Website

bhshudsonvalley.com

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Fortuna Realty, Inc

2593 Route 52 Hopewell Jct NY 12533
(845) 632-3492

May 19, 2020

To Whom it May Concern:

I have been a licensed Real Estate Broker and the owner of K. Fortuna Realty Inc. for over Twelve years. As a Real Estate professional in the Hudson Valley I am aware of the value of our Hudson Valley Views. Many of our clients come specifically to live in the beauty of the Hudson Valley.

I am aware of the positive impact a beautiful view will have on the value of a property. In turn encumbering a view will have a negative impact on the property. I believe the addition of a cell tower to any property will have a negative impact on that properties value.

Sincerely,

Kevin Fortuna
Owner/ Licensed Real Estate Broker
K. Fortuna Realty Inc.

(845) 728-1970

(845) 632-3492

KFortuna70@aol.com



880 S. Old Woodward Avenue • Birmingham, MI 48009 • 248-646-6200

RE: Proposed Cell Tower Location Adjacent To:
3255 Stoney Creek Road
Oakland Township, MI 48363
Ascend Equestrian

3/14/2024

To whom it may concern:

I am a licensed full-time Real Estate Salesperson, and a member of both the Greater Metropolitan Association of Realtors (GMAR) and the North Oakland County Board of Realtors (NOCBOR). With over 30 years of experience both listing and selling homes and properties, primarily in Oakland County, I have extensive knowledge and familiarity with Oakland Township. Many visits to the car wash have been required after returning from showing prospective buyers the true beauty and nature of Oakland Township, and why they should strongly consider making it their new home.

This experience strikes at the heart of why, in my professional opinion, the installation of the proposed cell tower will adversely affect both the value of 3255 Stoney Creek Road, and the operations of Ascend Equestrian.

Prospective buyers always keep two main things in mind: location and aesthetics. No one prefers to live near a 195-foot-tall cell tower, as they are unsightly and always visible, and will choose another location if possible. This is especially true in Oakland Township, when one of the main decisions to live there in the first place is to enjoy the natural setting. Additionally, the marketability of a property is diminished as there are fewer buyers interested (even at a reduced price), taking longer to sell and exposing the property owner to greater market risks. These factors will decrease the property value by a minimum of 15-20%.

In addition, the perception of what a cell tower brings to an area, even if not borne out in fact, also directly affects value – prospective buyers will avoid these locations based on how they feel. A cell tower, and related support equipment and buildings, today – what will the future bring to this location as needs change? Perception is reality in the marketplace.

The operations of Ascend Equestrian rely in large part on their setting – clients come out to enjoy their horses in the beauty of the natural surroundings. How many will choose to find another location due to the visual impact of the proposed cell tower is unknown, but not insignificant.

Sincerely,

A handwritten signature in black ink, appearing to read 'John James', written over a white rectangular area.

John James
Berkshire Hathaway HomeServices
Kee Realty

Signature

Sotheby's
INTERNATIONAL REALTY

415 S Old Woodward
Birmingham, MI 48009
t 248.644.7000
f 248.644.8226
signaturesothebys.com

3/14/2024

RE: Cell Tower affecting 3255 Stoney Creek Road

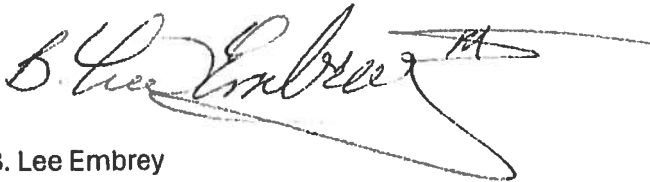
To whom it may concern:

I am a local Realestate Agent with over 30 years experience in my profession. I deal with high end Horse Properties and Farms in the Metamora, Michigan and North Oakland County, Michigan

In my opinion from extensive experience I would tell you the Cell Tower would negatively effect the price of the property between 15% - 30%. Not only that but close to 90% of my clients would refuse to consider looking at or buying the property. The visual obstruction made by the Cell Tower would take away peace and tranquility that my clients move to the country to achieve.

My clients in the area I service have great success using Satelite Internet and Phone Service. I would see no reason that a Cell Tower (eyesore) would be needed.

Sincerely



B. Lee Embrey

Licensed Realestate Agent

Signature Sothebys International Realestate

915 Old Woodward, Birmingham, MI 48009

March 14, 2024

Charter Township of Oakland
4393 Collins Rd
Rochester, MI

Dear Oakland Township board of trustees,

Having been in the local real estate business for the last 40 years as a Broker and realtor I am confident in stating that Cell tower facilities altering natural views substantially decrease property values.

Typically, properties will sell 10-20% lower than properties free and clear from that equipment in sight.

In my opinion and experience, prospective buyers lean away from purchasing a home that is located near transmission equipment.

These properties also tend to stay on the market longer and typically sustain a reduction in Value.

The property at 3255 Stoney Creek Rd has had an equestrian facility there since 1967. The outdoor arena would have a 19-story cell tower looming over this beautiful naturally wooded property.

Horses, riders, spectators, and students all have had the pleasure of enjoying the beautiful natural view for over 50 years. This tower could cause potential loss of income to the owners of the facility should horse owners choose to move and rent pastures without a cell tower nearby.

In my professional opinion the placement of a cellular facility adjacent to 3255 Stoney Creek Rd. will substantially decrease the value of this property and should they choose to sell it would take additional months to close on a sale of that property, even at a reduced price.

Sincerely,

Kathy Wilson



Associate Broker

Top Agent Realty

March 15th 2024

To Whom It May Concern:

My name is Charles Tamou, Broker/CEO of Top Agent Realty in Troy. In my 15+ years of experience I've noticed that cell towers can have a huge impact on the value of homes. In my professional opinion, the presence of a cell tower in the area of a property can decline its market value for a few reasons.

Reasons such as the proximity of the tower and the aesthetics of the surrounding area may cause decline in value.

In regards to the proximity of the tower, the closer the tower is, the more it will decline the value. Aesthetically speaking, homeowners simply do not like the look of large cell towers.

As far as the amount of decline, the decline can be around 15%-45% of the value!

A handwritten signature in blue ink, appearing to read 'Charles Tamou', with a long horizontal flourish extending to the right.

Charles Tamou
CEO/Broker
CEO@TopAgentMI.com

Christi Braxton

[REDACTED]
Lapeer, MI 48446

Filename: Letter to Dispute Building of Cell Tower-031524 CMB.docx

March 15, 2024

To Whom It May Concern,

I am a friend of Lawrence Foltényi whose properties, He and his sister own that are located at 3255 and 3265 Stoney Creek Rd., Oakland, MI 48363. The first address is of the horse barn, paddocks, and riding arenas. The second address is the home that my friends grew up in, and use for retreats.

As a retired Appraiser I do believe that the Cell tower in question would impact the value of the surrounding homes. There is a formula that is currently popular among appraisers to use up to 7 % Market Value Decrease for Cell towers and other large utility type structures and while that is a guideline, as an appraiser you need to be objective and look at every situation. Without doing a full appraisal, and market analysis, it would be hard to say the exact amount of decrease. I can state that the impact on the value would stand in the area of you would be taking away the very draw of a rural area, the natural countryside with beautiful open vistas, with such a dominate structure. Before a decision is made I would ask you to walk the tranquility of the beautiful woods, ponds, farmland and all it's gorgeous scenery. If they build this huge 19 story cell tower at the proposed location, which is adjacent to their property, and see how it will negatively impact the views and natural beauty that is out there.

Therefore, we ask that you please do the right thing and reject the proposal to build this 19-story cell tower which would dominate the skyline and take away from the majestic beauty that this area currently provides.

Thank you very much for your understanding and consideration in this matter.

Sincerely,



Christi Braxton



Jane Konoya
KW DOMAIN
210 S Old Woodward Ave #200
Birmingham, MI 48009
janek@kw.com
(248)497-2706

March 15, 2024

Charter Township of Oakland Board of Trustees
Charter Township of Oakland Hall
4393 Collins Road,
Rochester Michigan 48306

Dear Members of the Charter Township of Oakland Board of Trustees,

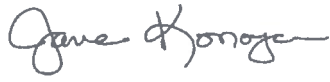
I write to you as a concerned realtor with significant experience in Oakland County, representing the voices of homeowners and residents who are deeply troubled by the proposal to construct a 19-story cell phone tower on Property ID: 10-7-400-009. This development, if approved, would undoubtedly cast a shadow of detriment over the surrounding properties, particularly those situated at 3255 Stoney Creek Rd (Property ID: 10-7-400-012) and 3265 Stoney Creek Rd (Property ID: 10-7-400-011).

Drawing upon my professional expertise and extensive tenure in both the finance and real estate industries, I can confidently assert that allowing such a tower to be erected would precipitate a tangible decline in property values for the neighboring residences. Fewer buyers are likely to make offers on surrounding properties, the homes will sit on the market for longer and the final sales price will be significantly lower than similar properties without adjacent cellular transmission equipment. Based on market analysis and past observations, I estimate that the implementation of a towering structure of this nature would result in a reduction of property values by approximately 12 - 18% in this area, given the rural feel of the surrounding properties.

In conclusion, I implore the Oakland Township Board of Trustees to carefully consider the implications of approving the construction of a 19-story cell phone tower on Property ID: 10-7-400-009. The negative impact on property values and community cohesion far outweigh any potential benefits this project may offer.

Thank you for your attention to this matter. I stand ready to provide any additional information or assistance that may be required to make an informed decision.

Sincerely,



Jane Konoya

Realtor
KW DOMAIN



Jane Konoya
Real Estate Consultant

📞 248-497-2706

✉️ jane@kw.com

DOMAIN



JANE KONOYA
REAL ESTATE
LIVE THE DREAM

BERKSHIRE
HATHAWAY
HOME SERVICES

KEE REALTY

Board of Trustees
Oakland Township, Michigan
4393 Collins Road, Rochester, MI 48306

Dear Members of the Board of Trustees,

I am writing to express my concerns regarding the proposed construction of a cell tower facility in Oakland Township. As a seasoned realtor with a primary focus in Oakland County and Oakland Township since 2015, I have extensive experience in assessing property values and market trends in the area.

Based on my professional opinion and firsthand experience, I firmly believe that the presence of a cell tower facility can significantly impact the saleability and value of nearby homes. Properties located in close proximity to such facilities often face longer listing periods and may ultimately sell at a considerable discount, ranging from 15% to 20% below market value.

Oakland Township prides itself on its commitment to preserving nature and maintaining its abundance of parks. Introducing a towering structure such as a 195-foot-tall, 20-story cell tower contradicts the township's values and could detrimentally affect the desirability of residential properties in the vicinity.

The reluctance of potential buyers to invest in homes near cell tower facilities is understandable, given concerns about aesthetic depreciation, financial loss, and potential disruptions to the surrounding environment. As stewards of Oakland Township's welfare and prosperity, I implore you to reconsider the proposed construction of the cell tower facility.

I urge the Board of Trustees to prioritize the long-term interests and well-being of Oakland Township residents by exploring alternative locations for the cell tower facility or implementing measures to mitigate its impact on property values and the community's quality of life.

Thank you for considering my perspective on this matter. I trust that you will weigh all factors carefully and make a decision that aligns with the best interests of Oakland Township and its residents.

Sincerely,



Nicolette Jenaras

Realtor

Berkshire Hathaway, Home Services
880 S. Old Woodward Ave., Birmingham, MI 48009



3/14/2024

To whom it may concern,

Based on my 10+ years of experience as a Residential Appraiser and a licensed Realtor, I have found that the majority of the time that a commercial building being in close proximity to a residential property has an adverse effect on marketability. The proposed 19 story, 195-foot-tall communications facility being located near residential properties, in my opinion, will affect the value of these homes in an adverse manner. In turn, this will lead to a lower number of buyers in the future.

Sincerely,

Joey Barash

Certified Appraiser

Licensed Realtor

SILVERSTONE

REAL ESTATE

Hello,

My name is Matt Abro, a Broker at Silverstone Real Estate. I bring seven years of dedicated service to residential properties in Oakland County. For four consecutive years, I have achieved the status of being among the top 5% in sales of all licensed agents in Oakland County, a testament to my commitment and success in the real estate industry. Drawing from my extensive experience, I firmly assert that the proposed installation of a cell tower or wireless facility can exert a notable impact on the value and marketability of neighboring residences, potentially reducing them by 15 to 20%. This perspective is informed not only by market trends but also by practical insights gained from assisting numerous clients who, due to concerns about radiation emissions from such installations, have opted to forego properties they otherwise admired.

Matthew Abro

4.15.24

872 E Auburn Rd, Rochester Hills, MI 48307
248.321.0718
Matt@TheSilverstoneGroup.com



210 West University, Suite 4, Rochester, MI 48306
248-651-1200

March 15 2024

[REDACTED]

Thank you for the opportunity to submit an opinion letter regarding the proposed cell tower in your neighborhood and specifically how it will affect the value of your home [REDACTED] Oakland, MI 48363.

I am a licensed Real Estate Broker in the State of Michigan, and have been licensed as a Sale Professional for over 10 years.

In my professional opinion, the residential real estate market in Oakland and Macomb counties responds negatively to utility towers of any sort- cell towers and transmission lines specifically. Working with buyers, this comes up frequently- often if towers or lines are visible the buyer won't even go into the house, much less make an offer.

Professionally, I would value a house lower if a cell tower or high voltage transmission line were visible or within 2500 feet of the house, visible or not. While the number depends on many factors, I am comfortable with a number of 7-10% lower as a general rule versus the same house outside that radius of 2500 feet.

In addition to pricing, cell and transmission towers also affect time on the market- again, in my professional opinion and experience this proximity can add 15 to 40 days on market, resulting in additional costs to you.

Below please find professional citations regarding this issue- it is prevalent over the entire country, and an ongoing issue. Specifically, please note that the US Government through HUD explicitly requires that the appraisal note whether or not a tower is within the vicinity.

The Journal of Real Estate Finance and Economics found that for properties located within 0.72 kilometers [2362 feet] of the closest cell tower, property values declined 2.46% on average, and up to 9.78% for homes within tower visibility range compared to homes outside tower visibility range. "In aggregate, properties within the 0.72-kilometer band lose over \$24 million dollars.

The US Department of Housing and Urban Development (HUD) long considers cell towers as "Hazards and Nuisances."

"With regard to new FHA originations, the guide provides that "the appraiser must indicate whether the dwelling or related property improvements are located within the easement serving a high-voltage transmission line, radio/TV transmission tower, cell phone tower, microwave relay dish or tower, or satellite dish," which is radio, TV cable, etc.

"If the dwelling or related property improvement is located within such an easement, the DE Underwriter must obtain a letter from the owner or operator of the tower indicating that the dwelling and its related property improvements are not located within the tower's engineered fall distance in order to waive this requirement."

"If the dwelling and related property improvements are located outside the easement, the property is considered eligible and no further action is necessary. The appraiser, however, is instructed to note and comment on the effect of marketability resulting from the proximity to such site hazards and nuisances."

The California Association of Realtors' Property Sellers Questionnaire specifically "cell towers" listed on the disclosure form for sellers of real estate. The seller must note "neighborhood noise, nuisance or other problems from.." and includes cell towers and high voltage transmission lines on the long list problems.

If I can be of further assistance, please don't hesitate to ask.

Jerami King
Berkshire Hathaway HomeServices, Kee Realty
Michigan Broker License #6504431382
248-980-1047



BURGOYNE

APPRAISAL COMPANY

DAVID E. BURGOYNE ASA SR/WA
CERTIFIED GENERAL REAL ESTATE APPRAISER
MICHIGAN, INDIANA, NORTH AND SOUTH CAROLINA
AQB CERTIFIED USPAP INSTRUCTOR

MARK J. ST. DENNIS
BRIAN A. O'NEILL SR/WA RW-AC
SCOTT M. CARLSON
RICHARD J. ANTIO
GOKHAN ANDI

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

STREAMLINING DEPLOYMENT)
OF SMALL CELL INFRASTRUCTURE)
BY IMPROVING WIRELESS FACILITIES) WT Docket No. 16-421
SITING POLICIES;)
)
MOBILITIE, LLC)
PETITION FOR DECLARATORY RULING)
)

**REPORT AND DECLARATION OF DAVID E. BURGOYNE
FOR THE SMART COMMUNITIES SITING COALITION**

Exhibit 62 (c)
OZAH Case No: CU 22-09



BURGOYNE

APPRAISAL COMPANY

DAVID E. BURGOYNE ASA SR/WA
CERTIFIED GENERAL REAL ESTATE APPRAISER
MICHIGAN, INDIANA, NORTH AND SOUTH CAROLINA
AQB CERTIFIED USPAP INSTRUCTOR

MARK J. ST. DENNIS
BRIAN A. O'NEILL SR/WA RW-AC
SCOTT M. CARLSON
RICHARD J. ANTIO
GOKHAN ANDI

Burgoyne Appraisal Company has investigated the impact of communication towers and communication equipment on nearby property values, including residential properties, commercial properties, and properties in historically designated areas. Our report on such impacts is based upon our more than thirty years of professional appraisal experience and drawing upon literature search of other articles and appraisal papers.

Please note that due to the nature of the report our investigation is general in nature and is not specifically related to any given location.

IMPACT OF COMMUNICATION TOWERS AND EQUIPMENT ON NEARBY PROPERTY VALUES

I. Executive Summary

- The Burgoyne Appraisal Company ("Burgoyne"), drawing upon its thirty-two (32) years of experience as a Real Estate Appraiser specializing in detrimental conditions, takings, adverse impacts and right-of-way, finds that:
- As a general matter, assuming two generally comparable areas, aesthetics will have the most significant impact on property values. If, for example, I assume two houses of equal age, size and condition in the same residential area, the relative value of one home will be most affected by the aesthetics in the immediate vicinity of that home.
- As a general matter, visible utility structures do adversely affect property values. This is reflected in the fact that, as a general matter property values are higher in areas where there are no aboveground utility facilities (other than lighting) than in areas where utilities are aboveground.
- The impact will generally be related to the size of the facility, the characteristics of the facility, its location (including proximity), and visibility. That is to say, I would expect a tower or other structure that is larger than existing structures to have a greater impact on property values than a structure that is similarly sized and in keeping with other structures. I would expect that installation of equipment that is widely visible to have a more significant impact than equipment that is not (so, for example, a transformer at the top of a pole would have less of an impact than a box of similar size that is within a normal site line, or on the

ground). The characteristics of the facility are also important. An unorganized conglomeration of various boxes and wires would have a greater impact than a streamlined and contained single cabinet.

The literature does not tell us the impact of various iterations of DAS designs on residential properties; there is more information about towers of the sort imposed by Mobilitie. Nonetheless, based on my experience, it would be unwise to assume that the impact of additional ground cabinets, or of structures of the sort that entities would be entitled to install under the FCC's Section 6409 rules is zero or so near to zero. Just looking at the literature on property values in underground v. non-underground areas, there are reasons for concern that justify maintenance of significant latitude at the local level over siting and compensation.

While it is certainly recognized that DAS systems and Cellular antennas are an important part of our nation's infrastructure, and that it is inevitable that new antennas will need to be installed as we move into the future, it is important for municipalities (and property owners, in the case of right-of-way easements) to retain significant control over the size, location, scope, expansion, and characterization of the installations. This is because adverse impacts from negative externalities vary considerably with the size, location, scope, expansion, and characterization of the installations.

Hidden, smaller, and neatly mounted "small cells," will have an impact, but that impact will be lesser than other alternatives. Likewise, there needs to be control over future growth of installed facilities. It is my opinion that the Commission needs to analyze those impacts in detail before considering additional rules. It is also my opinion that municipalities need to retain some regulatory control over these installations in order to minimize impacts and protect the health, welfare, and safety of their residents in the same way that other regulations and the exercise of reasonable police powers do.

II. Qualifications

David E. Burgoyne, ASA, SRWA, is a native of Ann Arbor, Michigan and attended Greenhills School in Ann Arbor. He graduated in 1981 from Colgate University in Hamilton, New York with a Bachelor of Arts Degree in Liberal Arts with a concentration in Physics-Astronomy. He also served as a graduate instructor at the University of Wyoming as a Doctoral Candidate in Astrophysics.

Mr. Burgoyne is an independent fee appraiser currently licensed as a Certified General Real Estate Appraiser by the States of Michigan, Indiana, North and South Carolina. Mr. Burgoyne is a Senior Member of the American Society of Appraisers holding the ASA Designation for Real Property. Mr. Burgoyne is currently re-accredited as an ASA through June 10, 2017. He is also a senior member holding the SRWA designation and is a Past Chapter President of the International Right of Way Association. Mr. Burgoyne is currently re-certified as an SRWA through June 15, 2018.

Mr. Burgoyne is an AQB certified USPAP instructor #44603 (expiring March 31, 2018) and is also a CLIMB Certified Instructor of right-of-way appraisal and other courses for IRWA, including courses on the appraisal of partial takings, easement valuation, appraisal review, ethics and standards, USPAP, adult education, and the valuation of contaminated properties. In 2015, Mr. Burgoyne was awarded the 2014 W. Howard Armstrong International Instructor of the Year Award by the International Right of Way Association.

Mr. Burgoyne has qualified as an expert witness in the United States Court of Claims, the United States District Courts for the Eastern and Western Districts of Michigan; the Michigan Circuit Courts of Allegan, Barry, Cass, Eaton, Genesee, Grand Traverse, Huron, Ingham, Jackson, Kent, Lapeer, Leelanau, Lenawee, Macomb, Montmorency, Muskegon, Oakland, Ottawa, Tuscola, Washtenaw, Wayne, and Wexford Counties; Hamilton and Marion Counties in Indiana, The Michigan Public Service Commission, and The Michigan Tax Tribunal. He has also been appointed as an independent appraiser by the U. S. District Court, Eastern District of Michigan.

FORMAL EDUCATION

Greenhills School - Ann Arbor, Michigan (1976)

Colgate University - Hamilton, New York: BA in Liberal Arts - concentrating in Physics-Astronomy (1981)

Courses included Architecture, Economics, Mathematics, Statistics and Economic Geography.

University of Wyoming - Laramie, Wyoming: Ph.D. candidate in Astrophysics. (1981-1982)

III. Introduction

Our analysis and the literature we reviewed is focused on single family residential units, and does not take into account any location-specific analysis. For example, we do not consider whether there are special impacts of an installation on particular historic properties, or commercial properties. Burgoyne understands that this report will be contained in a filing by Smart Communities Siting Coalition in response to the Federal Communications Wireless Telecommunications Bureau request for public input¹ including, but not limited to suggestions offered by Mobilite in its Petition for Declaratory Ruling.²

Burgoyne provides the following analysis following a literature scan on appraiser research on communications towers impact and on Mr. Burgoyne's more than 32 years in business.

¹ Public Notice, *Comment Sought on Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilite, LLC Petition for Declaratory Ruling*, WT Docket No. 16-421 (released Dec. 22, 2016)("Public Notice").

² See Mobilite, LLC Petition for Declaratory Ruling, *Promoting Broadband for All Americans by Prohibiting Excessive Charges for Access to Public Rights of Way* (filed Nov. 15, 2016)(Mobilite Petition).

IV. Background

The FCC Notice focuses on small cells and DAS systems. It is our understanding that the placement of these systems could involve:

- Erection of a new tower or monopole 100 to 120 feet in height in public right-of-way. This in fact appears to be proposed by applicant Mobilite.
- Placement of new base station equipment on existing utility poles in the rights of way, which may involve an initial extension of anywhere between 3-15 feet to that pole for placement of an antenna at the top of the pole, and addition of equipment cabinets, plus additional utility infrastructure (meters and disconnect boxes). It is our understanding that the wireless industry is seeking authority in several states to place equipment cabinets as large as 28 cubic feet on the poles, which could then be expanded significantly as of right under the FCC's Section 6409 rules. In addition, there may be ground cabinets for back-up power or for equipment that might otherwise be placed on the poles of up to 50 cubic feet. Under Section 6409, the placement of these facilities could result in up to three additional ground cabinets being added in the right of way in front of a residential unit.
- Erection of new utility poles, sometimes exceeding 40 feet in height, in the public right-of-way for placement of the above referenced equipment
- Please note that public road rights-of-way are often owned in fee by the municipality but are also not uncommonly easements over private property owned in fee by a private citizen or company. This can be common in areas served by the Government Survey System (outside of the original 13 colonies as well as portions of Ohio, Kentucky and Tennessee). As a result, in these cases, neither the municipality, nor the utility, have complete authority to dictate what is permitted within the right of way.³
- From the point of view of sound appraisal practice, it is necessary to presume and consider full utilization of rights granted by virtue of a particular authorization. That is, one must consider the impact of a 120 foot pole if a 120 foot is allowed as of right (even if only a 100 foot pole is installed in the instant case at this time). Likewise, in assessing whether the impact of the authorization of a DAS in a residential neighborhood, one would consider the additions and expansions that would be permitted as of right under the Commission's Section 6409 rules.

³ "... "[a]ctivities by the owner of the dominant estate [easement holder] that go beyond the reasonable exercise of the use granted by the easement may constitute a trespass to the owner of the servient estate." *Schadewald v Brule*, 225 Mich App 26, 40; 570 NW2d 788 (1997)... p.2

...we decline to infringe on the private property rights of a landowner through unsupported implication, particularly when there is a complete absence of any legislative intent in the LDA to give a public utility free reign to build on an easement as it pleases. ... AT&T provided no legal basis, facts, or documentary evidence to establish that the city or county has the legal authority to decide on the nature, size, or scope of equipment a utility may install in a utility easement or whether the city or county actually considers said questions when they issue a building permit...p.3. 289 Mich App 70 (2010)

Thus, unless a provider can agree otherwise, if a DAS cabinet is not subject to concealment elements, it appears an appurtenance up to 6 feet could be attached horizontally to the same pole, and that appurtenance would only be subject to the limits that might be imposed by the owner of the pole.

- In this case, I have attempted to consider the impacts of various “small cell” and “DAS” installations by Mobilitie and others, both in light of, and without considering the impact of the FCC Section 6409 rules. I have also looked at state legislation and considered possible impacts if facilities of the permitted size were installed.

V. Areas of Concern

The following areas of concern have been considered and investigated. The most significant are discussed in the following sections.

- Market resistance (or stigma) in general.
- Aesthetics.
- Underground Utilities.
- Changes in the highest and best use of properties.
- Wireless infrastructure and service providers' history of paying for the right to place towers on private property.
- Perceived safety risks from potential failure of a structure.
- Right of way easements

A. Market Resistance

Market resistance (or stigma) in general is quantified in scholarly articles and peer-reviewed journal publications as it relates to the impact of communication towers and equipment on nearby property values. Hedonic studies and surveys generally address market resistance to the placement of new towers or equipment without regard to the cause of said market resistance.

There has been significant research regarding the question of the impact on residential property values from construction of cell phone towers in neighborhoods. The results of these studies vary but they commonly indicate that there is a significant impact. While the magnitude of the impact varies, the studies uniformly indicate that there is a significant impact on residential property values from installation of cell phone towers. Not surprisingly, the studies that show little or no impact are universally commissioned by and paid for by the telecommunications industry.

Most studies have dealt with more conventional, larger towers and not DAS installations. These studies would nevertheless be directly applicable to the proposed 100 to 120 foot monopole referenced on the previous page. As to “small cell” and DAS

installations, it should be noted that “small cell” references the size of the coverage area and not necessarily the size of the equipment. Furthermore, small cell and DAS installations will generally be located much closer to nearby properties and they will be installed in hundreds of locations ubiquitously. The FCC Public Notice dated December 22, 2016 states “Although the facilities used in these networks are smaller and less obtrusive than traditional cell towers and antennas, they must be deployed more densely – *i.e.*, in many more location – to function effectively (Page 1).

In addition, to numbers that exceed the location of larger towers by orders of magnitude, small cell and DAS installations are often directly within the line of site (midway up a 40 foot pole, for example) and even include ground cabinets, which are particularly egregious. Even if the individual impact of small cells is lesser than for larger towers (which is by no means a given), this may be offset or partially offset by the location, closer proximity and the numbers that exceed tower installations by orders of magnitude. Some of the studies are briefly discussed below.

Sandy Bond and Ko-Kang Wang performed a 2005 study in New Zealand where they support a 15% diminution in residential property value within 300 Meters of communication antennas. Their Summer 2005 publication in the *Appraisal Journal* (as published by the Appraisal Institute, Summer 2005, Pages 256 – 277) summarizes this study. They indicate survey results ranging from 10% to over 20% diminution, which is supported by multiple regression analysis (a hedonic study) indicating 21% diminution in residential property values.

Sandy Bond also performed and presented a study from December 2003 in Florida that supported just over 2% diminution.

Stephen L. Locke and Glenn C. Blomquist published “The Cost of Convenience: Estimating the Impact of Communication Antennas on Residential Property Values” in *Land Economics* in February 2016. This is the most current study. They conclude that a visible antenna up to 1,000 feet away (vs 4,500 feet as the control) results in a market diminution of 1.82% for residential homes (\$3,342 per home in the market studied). While this seems like a relatively small percentage, they correlate this to an Aggregate impact of a reduction of market value of Ten Million Dollars when applied to all of the homes around a single tower in their study area.

While there have not been any scientific studies of the impact on property values from small cell and DAS deployments, there are many anecdotal examples indicating both a negative market perception and adverse impacts on property values. (Of course, negative market perception is precisely what causes an adverse impact on property values). These include published articles and petitions from Real Estate Professionals ranging from Manhattan to Burbank indicating negative impact, reduced property value, and market resistance. From an August 10, 2010 article in the *New York Times*...

“TINA CANARIS, an associate broker and a co-owner of RE/MAX Hearthstone in Merrick, has a \$999,000 listing for a high ranch on the water in South Merrick, one of a handful of homes on the block on the market. But her listing has what some consider a disadvantage: a cell antenna poking from the top of a telephone pole at the front of the 65-by-100-foot lot. “Even houses where there are transformers in front” make “people shy away,” Ms. Canaris said. “If they have the opportunity to buy another home, they

do.” She said cell antennas and towers near homes affected property values, adding, “You can see a buyer’s dismay over the sight of a cell tower near a home just by their expression, even if they don’t say anything.”

B. Aesthetics and Underground Utilities

In 32 years of experience as a Real Estate Appraiser specializing in detrimental conditions, takings, adverse impacts and right-of-way, I have found that aesthetics (or rather the adverse impact on aesthetics) of externalities routinely has the largest impact on property values. As a result, proximity to towers of all types (cell, wind turbine, and electric transmission) has an impact on property values. The same is true with all sorts of surface installations such as pump stations and communication equipment boxes. This would apply to new small cell and DAS equipment, although again, one would expect that the less intrusive the facility, the less significant the impact. Small cell and DAS installations can be unsightly, bulky, inconsistent, and even noisy. A few demonstrative photos are included on Page 10.

While it is certainly recognized that DAS systems and Cellular antennas are an important part of our nation’s infrastructure, and that it is inevitable that new antennas will need to be installed as we move into the future, it is important for municipalities (and property owners, in the case of right-of-way easements) to retain some control over the size, location, scope, expansion, and characterization of the installations. This is because adverse impacts from negative externalities vary considerably with the size, location, scope, expansion, and characterization of the installations.

All things being otherwise equal...

- Larger facilities have a greater impact than smaller facilities.
- Facilities on the ground and located closer to common sight lines have a greater impact than those that are less visible.
- Underground facilities have a lesser impact than above-ground facilities in most instances (although there are cases where the structures required for vaulting may be as intrusive as the above-ground facilities).
- Streamlined and contained facilities have a lesser impact than unorganized conglomerations of diverse elements.
- Impact tends to lessen over time as a facility remains unchanged so that changes and expansions have an additional negative impact.
- Facilities that are designed to be in balance with existing utility structures have a lesser impact than less harmonious installations. For example, an above ground facility will have a greater impact in an area with existing underground utilities. And a new pole that is three times higher than existing poles will have a greater impact than a new pole that is the same height as existing poles. Please reference the proposed Tx 120 (120 foot) Mobilite tower shown below (particularly as compared to the existing wood utility poles).



Likewise, please compare this set of examples of unorganized and uncontrolled conglomerations of diverse elements with more streamlined installations.



It is not an accident that the articles, cases, and publications of the wireless industry often address circumstances that involve *hiding* wireless facilities, or show pictures of physically small “small cells” neatly mounted. Hidden, smaller, and neatly mounted “small cells,” will have an impact, but that impact will be lesser than other alternatives. Likewise, there needs to be control over future growth of installed facilities.

It is my opinion that the Federal Communications Commission should analyze the potential impact of small cell and DAS deployments in detail before considering additional rules. It is important for the Commission to have information as to which installations may have *De Minimis* impacts and which may have significant impacts before establishing national rules.

It is also my opinion that municipalities need to retain significant regulatory control over these installations in public rights-of-way in order to minimize impacts and protect the health, welfare, and safety of their residences in the same way that other regulations and the reasonable exercise of police powers have over the last hundred years.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 7, 2017.

David E. Burgoyne, ASA, SRWA
 Certified General Real Estate Appraiser
 (Indiana, Michigan, North and South Carolina)