

## NOTICE

The backup work for the Zoning Board of Appeals Meeting of September 11, 2017 is available for viewing at the Town Hall. There are over 500 pages, unable to post.



**ZONING BOARD OF APPEALS**

**July 10, 2017**

**MINUTES**

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, July 10, 2017, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

**PRESENT:** Robert Dee - Chairman  
Vincent Cestone - Member  
Paula Clair - Member  
Granite Frisenda - Member  
Leonard Lim - Member  
Adam Rodd - Attorney (Drake Loeb PLLC)  
Ron Gainer - Engineer

**\*\*PLEASE NOTE that these minutes were abstracted in summary from being present at the meeting and the television video. If anyone should seek further clarification, please review the video.**

**Chairman Robert Dee** opened the meeting at 7:34 P. M. with the Pledge of Allegiance.

**Minutes**

**Robert Dee** – The minutes of the June 12th's meeting. Do we have any corrections?

**Vincent Cestone**- I make a motion that we accept them.

**Leonard Lim** – I'll second.

**Robert Dee** – All in favor?

**Vincent Cestone** – Aye.

**Paula Clair** – Aye.

**Granite Frisenda** – Aye.

**Leonard Lim** – Aye.

**Robert Dee** – Aye. The minutes are accepted. The first order of business now is going to be appeal for a lot line adjustment and that is Mr. Watson handling that. Can you give us a little explanation of what we are looking at here? We deemed the application as complete at last months meeting so this is the public hearing.

**McHugh 200 Surprise Lake Road (TM#27.-1-29 and 30)**

**Glenn Watson-** (not audible) Glennon Watson from Badey and Watson. It's an application of Martin McHugh and his siblings for a lot line adjustment that's before the Planning Board. We are not eligible because we are seeking to reduce the frontage on one of the two lots. Essentially the family together inherited a large piece of property about 67 acres. Adjacent to it is another piece of property that one of the siblings owns individually, Mary McHugh and her husband, they want to, Mary wants to increase the size of her property and take her value out of this inheritance with that, with by adjusting her lot to make it about 8 acres bigger. The problem that we face is that if you look at the maps that we gave you last month, this particular one, the frontage on this large lot is already deficient, it's 157 feet, I think, no 175 feet. But it's in two places. Most of the property about 160 feet has frontage along Lake Surprise Road down on the lower part of the road. The first point of which you get to the property from Fishkill Road and there is about twenty two hundred feet of other private property that has nothing to do with the McHugh family. And then they have 22 feet of road frontage before Mary McHugh's property starts so where's... In order to achieve this lot line adjustment to makes sense we had two choices; we can do what we proposed here which is an excess of 22 feet onto Mary McHugh's property and seek the variance to reduce our frontage even further to 157 feet I believe. Our alternate is to create a skinny flagpole of a land to get to this frontage. The frontage has no practical value as we said in the application. It has a very steep drop at that point It drops 36 feet within the first 100 feet so it's a 36% drop. It just doesn't make any sense to do that. So we are seeking relief on that point so we get additional variance. It's a quite a large variance it's a 92% variance I believe when you add it all up from the original requirement of 250 feet. It has no environmental consequence that we can see. Nobody is going to build because of it. Nobody is not going to build because of it. It's not going to affect the neighbors. It just makes more sense then to have a flagpole of useless land attached to this thing simply to make the frontage requirement work. I guess it's arguable as to whether or not this is self created. We're asking for it so in that sense it's self created but we're in a situation where we had a piece of property that came into being where the only requirement was for 20 feet of frontage and it's just there is lots of little changes that occurred in the Zoning Law when it was adopted in 2011 and this was one of them. So we don't believe... to reiterate we don't believe we have any environmental consequences. The variance that we're actually granting, 22 feet, is not terribly big if you look at it from it's absolute value. It doesn't have any effect on the neighbors and it avoids making really an irregular useless strip of land that would be a useless appendage to a larger piece of property. With that I would be happy to answer any questions if you (not audible) any.

**Robert Dee** – Okay. Now seeing that this is a public hearing does anybody wish to speak on this issue, on this lot line adjustment? Okay I'm sorry Yes.

**Susan Freeman** -I'm Susan...

**Robert Dee** - Can you come up here please to the microphone and introduce your self.

**Susan Freeman** – Yes, I'm Susan Freeman, I'm the neighboring.

**Robert Dee** – Okay where do you live? What's your address?

**Leonard Lim** – Your name?

**Susan Freeman** – 56 Lake Surprise Road.

**Robert Dee** – 56 Lake Surprise Road, Okay.

(not audible)

**Robert Dee** – What's your question or concern?

**Susan Freeman** – I have an easement that is very close that would come into that 157 feet, yes?

**Glenn Watson** – That is correct.

**Susan Freeman** – Yeah, and so you know, I only recently found out about this and I am a little bit in the dark and I would like to have some time and some advice on it because it will be right next to my driveway.

**Robert Dee** – You can answer.

**Glenn Watson** – The point is that we want to take this little bit of frontage that's part of this overall property up by where the gorge is up by where it drops down right opposite Deer Hollow Road and we want to take that little tiny bit of frontage right there put it on this piece of property that Mary owns.

**Susan Freeman** – Yeah. Mary's land.

**Glenn Watson** – And not have any effect on this. It would just be what it is. It's not going to change.

**Susan Freeman** – Oh, you are never going to put a driveway there?

**Glenn Watson** – I didn't say that I said it's not going to change the frontage.

**Susan Freeman** – Oh.

**Glenn Watson** – It's not my property what they are going do with their own property is their own business.

**Susan Freeman** – Alright well I would just like to look into it further that's all.

**Robert Dee**- Were you notified by mail?

**Susan Freeman** – Yes.

**Robert Dee** – Okay.

**Susan Freeman** – I was.

**Robert Dee** – What's your concern basically?

**Susan Freeman** – My concern is that there will be, since this is a variance, there is a curve here, It's kind of a dangerous way of coming out. If the driveway is put into this big parcel that is for sale it would have to be right smack next to my driveway. I have an easement onto that. I don't know what you thought about what my easement is going to be but I'm concerned that there will be two driveways right next to each other on quite an awkward spot on the road it could be dangerous.

**Vincent Cestone** – That would still be there.

**Robert Dee** – I'm sorry?

**Vincent Cestone** – That would still be there whether it was approved or not.

**Susan Freeman** – Excuse me?

**Granite Frisenda** – Either way it would still be there because you can put a driveway in that corner because of the drop so if they want to put a driveway there without getting an easement they still could.

**Susan Freeman** – (not audible)

**Robert Dee** – I guess that's what he's saying that you could still put a driveway there no matter what.

**Susan Freeman** – Yeah, no matter what? Okay

**Glenn Watson** – There's no way to make this an alternate driveway. It drops 36 feet.

**Susan Freeman** – Yeah, I see, I mean I understand what the dilemma is but still would like to look into it a little further.

**Robert Dee** – Well we had the meeting last month where we looked at it and everything was explained to us.

**Susan Freeman** – Well I didn't get a notice about that.

**Linda Valentino** – We only send for public hearings.

**Robert Dee** – We only send public hearing notices right. So when did you get a notice? A couple weeks ago?

**Susan Freeman** – On June 21<sup>st</sup>.

**Glenn Watson**- June 21<sup>st</sup>. Okay, fine. What we're trying to explain to you, I understand what you are trying to say is you can put a driveway there anyway right?

**Susan Freeman** – Excuse me?

**Robert Dee** – You're saying you're worried about a driveway going there correct?

**Susan Freeman** – Yes.

**Robert Dee** - But there could be a driveway going there no matter what correct? If we granted this or not there still could be a driveway there I guess is my question?

**Susan Freeman** – I guess, isn't the question that there isn't enough frontage? It's a 157 square feet.

**Robert Dee** – Well because they are trying to break up the lot differently. I guess there is different people involved that want to sell and different family members and all like that so I don't believe they can't put a driveway there because of the drop so it's going to have to go there one way or the other is what I'm trying to say.

**Glenn Watson** – This driveway cannot be put up here without (not audible) because it drops so steeply down into the brook.

**Susan Freeman** – Yeah, I know where that spot is.

**Glenn Watson** - This 157 feet is the only practical way into that property and that's not going to change. It's not going to get shorter; it's not going to be graded it just does not (not audible) anything with that.

**Susan Freeman** – Yes.

**Adam Rodd** – I think the point is that even if there was no variance, the concern that you have would be raised either with the variance or without a variance. If your concern is would my easement be affected on that small segment of...

**Susan Freeman** – Yes.

**Adam Rodd** -...On that small segment of property. That's something that would be an issue with or without the grant of the variance. They are simply just reducing the road frontage on a completely different part of the property where I understand your easement isn't located.

**Susan Freeman** – I don't know but you have to be there to see but my driveway comes out here and there's a little spot where you go into the property is pretty, pretty close to my driveway.

**Adam Rodd** – Understood, I mean I can't give you legal advice.

**Susan Freeman** – No. (not audible)

**Adam Rodd** – My only point is with or without the variance I can't give you an opinion as to what your rights are on that particular part...

**Susan Freeman** – No, yeah, well that's probably.

**Adam Rodd** -...of the application I'm just saying it would be unaffected whether you had a right or didn't have a right by what this Board would do on a variance on an entirely different part of the parcel.

**Susan Freeman** – Yes.

**Adam Rodd** – Is that correct Glenn?

**Glenn Watson** – Yes that is correct.

**Susan Freeman** – But are you saying that like my desire to have someone else look at this and talk to me about it is a problem?

**Adam Rodd** – It's not a problem for me. The question is, is the Board willing to put it over for the sake of putting it over.

**Susan Freeman** – Yes that's what I'm requesting.

**Robert Dee** – Myself, I don't see any reason to put it over. I'll poll the Board members. Because they're going to put a driveway there one way or the other. I understand your concern.

**Vincent Cestone** – And that section isn't being touched. That section isn't even being touched.

**Robert Dee** – Right. So as far as putting it over I don't see.

**Susan Freeman** – What do you mean that section isn't being touched isn't this where the driveway is going to be?

**Vincent Cestone** – No that's not a subject of this variance.

**Glenn Watson** – All's we are saying is we won't put a driveway over here and you can't put a driveway over here. If this property, if this variance is not granted if somebody wants to build a driveway in here they only need 157 feet, that's not going to change.

**Vincent Cestone** – The subject of the variance is that green box basically.

**Robert Dee** – Right.

**Susan Freeman** – Well I'm just requesting that I be able to speak with someone further.

**Robert Dee** – You can speak with anyone you like further.

**Susan Freeman** – Before it's decided.

**Robert Dee** – Well no we're not going to hold it up this is the second month you know what I'm saying one month we had this is the second month next month we don't meet that will have to hold it off until September so I'm not going to do that.

**Susan Freeman** – Well I didn't know about the other meeting.

**Robert Dee** – Well you would not have to be notified (not audible) but it is on the town website. I know some people don't check all the time but it's there but what I'm trying to say is that in my opinion it doesn't have to be held over. I understand your concern but they're not saying they're going to put a driveway in but if they did...

**Susan Freeman** – (not audible) Yes if this parcel is sold that is the only way, that is the only place they can have access to it.

**Robert Dee** – To get into the property correct. I don't think you're looking to land lock the property are you for you? For you, you would like somebody to use that property wouldn't you?

**Susan Freeman** - To?

**Robert Dee** - To use the property?

**Susan Freeman** – Would I want that? I mean that's, I can't say that, I mean I'm not going to object to that of course.

**Robert Dee** – Well that is the only way they could use it.

**Susan Freeman** – Well that maybe so I still request to speak to somebody about it.

**Robert Dee** – Okay and I deny the request then.

**Susan Freeman** – All right.

**Robert Dee** – Okay, thank you. Is there anybody else who would want to hear this? Speak on this? alright lets just go over the five factors.

**Paula Clair** – There's one other person.

**Robert Dee** - I'm sorry one other person, yes.

**Christine Zakalak** - Yes.

**Robert Dee** – Do you want to step up please tell me who you are. Give her the mike please.

**Christine Zakalak** – Hi, my name is Christine Zakalak, I live on 34 Follis Drive.

**Robert Dee** – Zakalak spell that one that's a long one.

**Christine Zakalak** – It's like boom-zakalack-a-boom-boom.

**Robert Dee** – That's right.

**Christine Zakalak** – with my husband, John Pearlman.

**Robert Dee** – Zakalak you could guess that one.

**Christine Zakalak**- “Z” as in Zebra A-K-A-L-A-K Christine. We live on the opposite side of this proposed property subdivision and my concern is I wanted to thank Greg for posting 148 pages on Philipstown.com of all the information on this, however, it was very very difficult to read especially on some of the overlay maps and one of the things that I am very concerned about is, Mr. Watson, you had mentioned the incredible steepness, doesn't that fall under the steep slope laws as far as even driveways?

**Robert Dee** – No they're not putting a driveway there. I think they said they can't put it there because it's too steep.

**Christine Zakalak** – Okay, and I could not see there were certain things that were checked on the forms but it was no legend to see what was there for instance endangered species were listed, were not listed, but it was checked there were endangered species there and also this is open space conservation overlay district with the Foundry Brook Water Shed (not audible) so what does that mean for the subdivision? I mean I understand that you are just moving this lot line however it does repeat the word “sub-division” many times.

**Robert Dee** – If he is granted the variance he still has to go back to the Planning Board, am I correct?

**Glenn Watson** – Yes, this is...

**Robert Dee** – This is not finished?

**Glenn Watson** – This is technically a sub-division. It is a sub-division because it involves moving a lot line to change the smaller lot more than 10% of its area. There is nothing physically being proposed. All we are proposing to do is move the lot line to make Mary Mchugh's lot line bigger and take off and give her that little 20 feet of frontage that is otherwise useless.

**Christine Zakalak** – and will this set a precedent for all the other Rural Residential areas where it is required to have the 250 foot frontage and now that someone's granted a much smaller frontage does that mean that anybody who's got 50 feet or 30 feet can just just build on flag properties?

**Robert Dee** – No, no each application is taken by itself. Someone may be approved, some we may disapprove it depends on all the variations of the information given the five factors of what's involved, there are five questions that are involved here, we look at the entirety. Now that doesn't mean that the guy down the street may have the same situation would he get the variance let's say or he may not. There's no cookie cutter.

**Christine Zakalak** – Okay, so it's not going to set a precedent.

**Robert Dee**- No.

**Christine Zakalak** – This is no foreseeing of things to come that there may be a possibility of 15 homes being built in that area. Which I think is the amount...

**Robert Dee** – I don't know I have no idea how many homes can be built in that area. That part I wouldn't know.

**Christine Zakalak**- Well Rural Residential according to I think 2011 was five acres but I heard it might be approved to 15 acres.

**Glenn Watson** – It is already 15 acres.

**Christine Zakalak** – it's already 15 acres?

**Glenn Watson** – Yes. That is the overlay district. It might be five acres as basic zoning but because it's in the overlay district lots in the overlay district or conventional sub-division are an open area development sub-division which is the kind of sub-division that you live in is 15 acres minimum lot sizes, it's been that way since 2011.

**Christine Zakalak** – Okay thank you.

**Glenn Watson** – The matter of, the question of precedent in terms of this the explanation again is if your question goes directly to that in that we have a unique situation in our frontage is split 157 feet at one end and then 22 hundred feet away there's 22 feet of frontage and virtually it goes over a cliff that we are trying to attach to the next lot.

**Robert Dee** – Okay. Anybody else. We are going to go over the five factors quickly on this okay. Question A is: What possible detriment would the variance have on nearby properties?

**Glenn Watson** – And again there's a direct answer in the application but essential there is no...

**Robert Dee** – No detriment.

**Glenn Watson** – ...there's no detriment because it doesn't make any kind of construction even possible.

**Robert Dee** – Okay. What impacts would the variance have on the character of the neighborhood? Well the same thing I don't see...

**Glenn Watson** -The same nothing changes. You're not going to see it, it's not going to be painted on the ground there's not going to be a fence put up.

**Robert Dee** – Right. If you didn't get the variance, how else could you build what you want and how would you accomplish your goal?

**Glenn Watson** – Well what we could do, as I explained to you during my presentation, is we could create a slender...

**Robert Dee**- Flag lot.

**Glenn Watson** – Flag lot to capture this frontage and keep it as part of the lot. We don't see that it does any real good or there is any point to it.

**Robert Dee** – Okay. What is the code requirement that you seek to vary? That's the road frontage.

**Glenn Watson** – The road frontage yes.

**Robert Dee** – Okay. Are there any questions from any member of the Board?

**Vincent Cestone** – Yeah. Just looking at this. How come they didn't take the addition to that lot from the top and completely avoid this? You know the top of the property?

**Glenn Watson** – the problem is that they used an old ancient deed to create that parcel for Mary the sister that owns the parcel up on the top, and it ran to the middle of the road and when you reconstruct, when you construct land with a road line, a side line to the road geometry changes. The rules to do that change and created this little, just created this little extra frontage that just didn't get conveyed to Mary, I think that's what they originally intended it's not what they accomplished.

**Vincent Cestone** – No I think you miss-understood the green box that's on the map here, how come, why didn't they just grab this whole green box and go to the top of the property and completely move that box to the top.

**Glenn Watson** – I think that was a matter, I believe that was a matter of what the four siblings who were involved that own the property believed was an equitable solution.

**Vincent Cestone** – Oh okay.

**Robert Dee** – Any other questions from the Board members? At this time I make a motion that the public hearing be closed.

**Vincent Cestone** – I'll make a motion.

**Robert Dee** – Alright. Do I have a second?

**Leonard Lim** – Second.

**Robert Dee** – Okay all in favor.

**Vincent Cestone** – Aye.

**Leonard Lim** – Aye.

**Granite Frisenda** – Aye.

**Paula Clair** – Aye.

**(the public hearing closed at 7:54 P.M.)**

**Robert Dee** – Aye. At this time I'm going to call for a vote on the (not audible). You have to go back to the Planning Board right?

**Glenn Watson** – I do.

**Robert Dee** – to issue a variance for the front lot line adjustment you will be either in favor or against. Mr. Cestone?

**Vincent Cestone** – I will vote to approve.

**Robert Dee** – Okay, Mr. Lim?

**Leonard Lim** – I'll vote to approve.

**Granite Frisenda** – I approve.

**Paula Clair** – And I vote to approve as well.

**Robert Dee** – And I approve so it's a unanimous vote.

**Glenn Watson** – Thank you very much.

**Robert Dee** – The attorney will make up the resolution.

**Glenn Watson** – Alright.

*(Homeland Towers, 2700 Route 9 Cold Spring)*

**Robert Dee** – Thank you. The next order of business is, that's what everybody is here for, is the cell tower 2700 Route 9. Now the attorney we usually deal with is not here tonight so you're Mr. Kenny right?

**David Kenny** – Yeah. Good evening, Mr. Gaudioso apologizes for not being here he had a scheduling conflict...

**Leonard Lim** – Yeah, I just picked up that form.

**David Kenny** – ...real scheduling problem. So tonight we are actually here, we have some comments from the Board from the last meeting that the applicant is still making...

**Robert Dee** - Well I'm going to go over this. It's not comments, what it was was we reviewed, you weren't here I don't think, were you here?

**David Kenny** – No I was not here.

**Robert Dee** – We reviewed the application; we found some mistakes that had to be corrected, okay. What I want to do is go over those mistakes to see if you corrected them.

**David Kenny** – I believe what we're asking the Board is to schedule a public hearing, a joint public

hearing with the Conservation Board for September and...

**Robert Dee** – No we're not ready for that we are no-where's near that.

**David Kenny** -Well the comments we don't have them for you tonight. I can go over briefly the comments that we will be ready to finalize and present the Board before that public hearing.

**Robert Dee** – I would like to ask the questions that we brought up last month to see if they've been addressed, is that fine?

**David Kenny** – Sure absolutely.

**Robert Dee** – Okay. Now we're going to go by the letter that Mr. Gaudioso introduced to us. There were like 13 exhibits.

**David Kenny** – Sure, May I grab that letter from my box.

**Robert Dee** – Sure go ahead. Grab the whole file. It's not much we will go over it quickly. Now we'll go over them by number as the way Mr.Gaudioso has them numbered.

**David Kenny** – What is the date of the letter you're referring to?

**Robert Dee** – His letter is May 23<sup>rd</sup>.

**David Kenny** – That's the letter I have.

**Robert Dee** – Snyder & Snyder. Okay. Number 1 you have here is a “Special Permit Application Form”, now on that form what I asked him to do was he has an address here of 2700 Route 9. That's not 2700. 2700 Route 9 is the commercial building.

**David Kenny** – Correct.

**Robert Dee** – So Mr. Gaudioso said he was going to get a 911 address, did he do that?

**David Kenny** – It's being applied for the road name would be Vineyard Drive, we are proposing number 50 but we are still getting approval for that.

**Robert Dee** - Okay, you can have that at the next meeting. The next one on the application what I would like to see, it just says “Wireless Communications Tower”. I want to see the height.

**David Kenny** – Correct.

**Robert Dee** – Okay so I would like to see by next meeting which would be September 11 Okay?

**David Kenny** – Yes.

**Robert Dee** – That completed new application.

**David Kenny** – Sure.

**Robert Dee** – Okay. Now number, let's see? What have we got here number two is the...

**David Kenny** – No violations letter.

**Robert Dee** – Yeah that's fine. Number three is a "Vesting Deed to Property", that's good. Four you got FAA determination affected a hazard that's fine. Number five is the "Structural Certificate Letter", that's fine. Number six is your "Visual Addendum with View Shed Maps", that's okay. Number seven is "Radio Frequency Exposure Report" that was from Pinnacle Telecom you prepared that correct?

**David Kenny** – Yes.

**Robert Dee** – and Page 10 you talk about distances 500 feet. It talked about the health hazards, maybe after 500 feet there is no health hazards well we discovered that there is actually a house at 375. There is a home that is 375 feet. I'll will show you that later on.

**David Kenny** – Okay sir, I believe...

**Robert Dee** – What we need is a report. What are the health hazards to that home, okay, at 375? What are the health hazards under 500 feet okay? And also I think there is something in there about the address. You have an address that the closest house is 750 feet away and by your own survey it's not. The closest house is 375.

**David Kenny** – That correction will be made.

**Robert Dee** – So I want a whole complete and new report. I don't want changes to the report. I want the report like I said it, that a health hazard and the fact that the actual house is 375 or what ever you come to the exact measurement on.

**David Kenny** – Right the accurate measurements.

**Robert Dee**- Okay. Let's see oh! number eight is a "State Environmental Quality Control". I'm not going to go over it but on the second page there is a question about "Description of Existing Visual Environment". Now you go down it says within a quarter mile, within a mile you got Suburban Residential there's no box checked. There is Suburban Residential within a quarter mile that would have to be checked. Now you go down, there is one is there a river, lake or pond there is no box checked there is a pond there. You got a pond on both sides. You go down to question number six, exposure. The annual number of viewers likely to observe the proposed project annually is 500. Now this is going to be seen by Route 9 and Route 301 so at any given hour it could be 500. There is going to have to be a lot of zeros added on to that okay.

**David Kenny** – Okay (not audible).

**Robert Dee** - All I'm looking for is last month there were mistakes made in these things okay. So I would like your Homeland to sit down with all your consultants and look over these things.

**David Kenny** – That is the plan. They're actually going over those comments right now.

**Robert Dee** – But we went over these last month and you have nothing ready for me tonight. What I'm doing, what I'm hoping to do is you are saying you want a public hearing in September, It ain't going to happen. Okay a public hearing on September 11<sup>th</sup> will be to see if you have all this stuff corrected.

**David Kenny** – That is what we were requesting.

**Robert Dee** – Okay, there will be no public hearing on that okay.

**David Kenny** – Could the public hearing be contingent on making these...

**Robert Dee** – No we are going to get this straight first.

**David Kenny** – Sure.

**Robert Dee** – Number nine he's got the "Environmental Assessment Form". We are not going to go over that now. That's a lengthy form. We don't need to go over that now. Number 10 you got "Saratoga Visual Resource Assessment". I'm sorry in there is where we have 750 feet. Page one under "Landscape Setting" it says "the tower site is approximately 2050 feet northeast of route 9 and 1570 feet south east of Route 301. The nearest residential structure is approximately 760 feet northeast of tower site on Rockwald Road." but we know that is not correct because your own survey, which our attorney last month agreed with me, is only 375 so that report has to be done over or corrected.

**David Kenny** – Again, Sir, we were aware of these comments that you... we just didn't have them ready for the Board tonight.

**Robert Dee** – No problem what I try to do as being Chairman of the Board is to treat every applicant fairly okay and make sure the application proceeds as timely as possible but in order to do that I got to have your help.

**David Kenny** – absolutely, understood.

**Robert Dee** – Okay. Also in there, there's these simulated towers. I spoke to Saratoga about this. In Simulated Towers the pictures they gave only gave one set of...

**David Kenny** – The Renderings.

**Robert Dee** – Renderings on top. You're going to have four companies here so I would actually like to see what it's going to look like. They have to do the pictures over again.

**David Kenny** – Absolutely.

**Paula Clair** – Also the simulated towers only show Route 9 and Vineyard Road it doesn't show the view from the residential areas you know from Round Tree.

**Robert Dee** – Yeah, I think when we had the balloon test, I think the gentleman from Saratoga was there taking pictures of the balloon test so I, probably what we'll do is the same company, sorry, I don't know the fellas name.

**Someone noted** – It was Matt Allen from Saratoga (not audible).

**Robert Dee** – Matt Allen, Okay, I spoke to him and I said line up the residential houses with photos and he did take photos from Mr. Gorevic's home at 60 Round Hill. He took photos okay so I would like to see what their simulated thing would look like.

**David Kenny** – I believe those are being prepared so absolutely.

**Robert Dee** – Okay, no problem. But this is stuff we have to have.

**David Kenny** – Absolutely sir, I understand.

**Robert Dee** – You're talking public hearings. We're no where's near public hearings. Lets see what else we got here. Okay I guess one of the things we wanted but is not ready yet is a survey on exactly the need, you know show the need that this is needed. I guess I don't know how else to say it you know.

**David Kenny** – Absolutely.

**Robert Dee** – Because I was there myself (not audible) I just want to see from your company so we can have our RF guy look at it and see if it matches.

**David Kenny** – I believe an updated RF report is being prepared to address those comments.

**Robert Dee** – Okay. You'll have that for September?

**David Kenny** – Absolutely Sir.

**Robert Dee** - Now let me explain to you about September okay September 11<sup>th</sup> we have our meeting. Do not give any information that night because it will be useless, it will be another month Okay. Our secretary mails it out to us about 10 days before.

**Linda Valentino** – Yeah.

**Robert Dee** – At least, so you're going to have to the secretary...

**Leonard Lim** – To the secretary.

**Robert Dee** – In the town at least 10 days before.

**David Kenny** – Absolutely We'll make sure we do it before that.

**Robert Dee** – So when she mails the package we'll have time to look it over. The stuff that's handed me that night I can't do anything with you understand?

**David Kenny** – Absolutely understood.

**Robert Dee** – Now you got a wetlands permit, I know you're in front of the wetlands...

**David Kenny** – In front of the Conservation Board, correct?

**Robert Dee** – Okay, and you have a meeting with them tomorrow night?

**David Kenny** – Tomorrow night and that would be the goal if we were to set up a public hearing it would be a joint public hearing with the Conservation Board.

**Robert Dee** – Correct.

**David Kenny** – Yes.

**Robert Dee** – And we would like any input from the Conservation Board too. I already spoke to several members and stuff like that.

**David Kenny** – Absolutely

**Robert Dee** – So we work on the same...

**David Kenny** – Correct.

**Robert Dee** – Now on your site plan on page four you show us the site with buildings, I think it was 5600 square feet.

**David Kenny** – (not audible).

**Robert Dee** – Page number four. It's going to be 5,600 square feet for storage. I guess you got to make a concrete pad.

**David Kenny** – Correct.

**Robert Dee** – You show four buildings okay, well actually four buildings well actually five buildings, now I think this 10X10 is a platform. You show four buildings, the size anywhere between 12X20 two buildings have the measurements in them the other two do not. You understand what I'm looking at?

**Vincent Xavier** – Yeah, I can address that.

**Robert Dee** – Sure.

**Vincent Xavier** – My name is Vincent Xavier, I'm the Regional Manager for Homeland Towers. One point of verification is you said that the pad was going to be 56...

**Robert Dee** – Is that not correct, no?

**Vincent Xavier** – There will not be a concrete pad on both sides it's going to be a gravel.

**Robert Dee** – Oh, no concrete it's going to be gravel.

**Vincent Xavier**- No all the concrete for the tower is going to be sub-surface.

**Robert Dee** – Okay.

**Vincent Xavier** – The reason you see the two different indications there the Verizon spec which we now know what it is now because of the co applicant would call for an elevated steel platform on four piers. The four piers are the circles you see, so that's how you get to the dimension of 11.5X20. The other three are proposed standard typical size in their layout so the other ones are 12X20 but it only shows one. But the application now is for the tower and the one carrier.

**Robert Dee** - Okay so these buildings contain equipment?

**Vincent Xavier** – Well the 11.5 X 20 is actually not a building, it's going to be a steel platform with outdoor equipment on top.

**Robert Dee** – Okay.

**Vincent Xavier** – The other carriers may use a shelter or a building and in that building would be their equipment.

**Robert Dee** – Okay, as long as you got the map go back to the page before, I think it's page two.

**Paula Clair** – Can I ask a question on that?

**Robert Dee** – Yeah sure.

**Paula Clair** – In addition to the equipment that is going to be located in these building, what else is going to be in there?

**Vincent Xavier** – Besides equipment? Nothing it will just be telecommunications equipment in the building which would consist of Radio racks, potentially a backup battery source. Maybe I'm not fully understanding the question besides Radio Telecommunications equipment?

**Paula Clair** – Yeah.

**Vincent Xavier** – There is nothing else in the shelters. They're not designed to hold a couch or anything like that.

**Vincent Cestone** – They do have generators in them don't they?

**Vincent Xavier** – right now I think the proposal is for this one to be a generator outside on the steel platform often times the generator itself wouldn't be in the shelter you know depending on what type it

is, it's an issue with fumes that your engineer eventually confirmed. But generally speaking another carrier came in they would have a generator on the outside of the shelter most likely.

**Paula Clair** – And what would fuel those generators?

**Vincent Xavier** – It would depend on several different sources there is no natural gas so either propane or diesel. But this application itself we don't know what those carriers' requirements are going to be post Sandy. A lot of the requirements changed and they will use any fuel source they can which taken into account environmental concerns so we won't know that until the future applicant comes in. And once that application for co-location does occur they are going to have to go before the boards and seek separate approval.

**Paula Clair** – The generators produce emissions whether they're propane or gas?

**Vincent Xavier** – Well a combustion engine yeah would produce...

**Robert Dee** – Okay. Go back to...

**Paula Clair** – Yeah, toxic emissions.

**Robert Dee** – ...page two.

**Vincent Cestone** – How much fuel do you typically have stored with the generator?

**Vincent Xavier** - It all depends on the generator I couldn't give you the specs for like diesel size.

**Vincent Cestone** - For like 12 hours, 24.

**Vincent Xavier** – it's most likely going to be propane. I would have to get back to you. Do you want to know the quantity of the fuel and how long it would run for?

**Vincent Cestone** – Yeah, typically, yeah.

**Robert Dee** – So being in a valley with a generator I guess there would be a noise to it if it was outside?

**Vincent Xavier** – we can provide a noise study but these things don't run all the time. They're only on during emergency situations.

**Robert Dee** – Right.

**Vincent Xavier** – and if like Hurricane Sandy you would want the generator to run so people would have communications.

**Robert Dee** – I live in Philipstown and I have Central Hudson and it goes out every week. A couple hours a week so have a lot of fuel that's all I'm saying. All right now page number two, are you leasing the 64 acres completely?

**Vincent Xavier** – No.

**Robert Dee** – No. What are you leasing?

**Vincent Xavier** – We're leasing just access to and page ZD3 really shows it a little clearer. The rectangle, the bold rectangle here and this is access to it. Our lease space is fully contained within the fenced compound area.

**Robert Dee** – Okay. That's all you're leasing is that?

**Vincent Xavier** – Yes.

**Robert Dee** - So it means you can't move it on the 64 acres right?

**Vincent Xavier** – No.

**Robert Dee** – So you can't move it like if I asked you to go to another site on the 64 acres like further down towards the commercial area or something like that you don't have that?

**Vincent Xavier** – I don't have those rights right now.

**Robert Dee** – Let me ask you a question so this part is residential so I guess there still can be houses built there?

**Vincent Xavier** – Sure.

**Robert Dee** – Around there?

**Vincent Xavier** – Yeah, Well it's not exactly a residential zoned property, it's commercial.

**Robert Dee** – So there's no other alternative site on that location that's here?

**Vincent Xavier** – Correct.

**Robert Dee** – Okay, now in your package you gave me a letter from the Town Board from 2015 I believe and it speaks to I believe I guess you had a couple of meetings with the Town Board you were going to put this at 59 Lane Gate Road?

**Vincent Xavier** – Several years back I was involved in that as well even though it was not a more favorable zone given our current application to discuss using the potential use the land fill site as a possible opportunity but the site but was rejected.

**Robert Dee** – Okay the Board actually has to look at different things like alternative sites. You know a some people in the area have complaints and like that you know so would that be an alternative site?

**Vincent Xavier** – Well when I first approached them...

**Robert Dee** – The Town?

**Vincent Xavier** - ... knowing the (not audible) area. Just land to use looking around I just wanted to see what options (not audible)

**Robert Dee** – Right.

**Vincent Xavier** – We did recently meet with the Town Supervisor and one of the reasons we are not fully prepared with all the documentation to complete our obligation today was because we just had the meeting with them about two weeks ago.

**Robert Dee** – What was that meeting about?

**Vincent Xavier** - About alternate uses and to rehash our discussion regarding the Lane Gate Road property and alternatives.

**Robert Dee** – Okay.

**Vincent Xavier** – So we are going to be re-evaluating that and part of it is having the RF report and our RF engineer and sub-contractor will be assigned to re-evaluate that property as well.

**Robert Dee** – Okay I'll tell you in looking I know the Lane Gate, I know it's the town land fill and everything like that. You wouldn't need a wetlands permit Right?

**Vincent Xavier** – Well in this instance the wetlands permit gives us access next to a wetland.

**Robert Dee** – Well you still have to go before the Board to get it right?

**Vincent Xavier** – Sure.

**Robert Dee** - you really wouldn't be cutting that many trees down I don't think

**Vincent Xavier** – Well that would depend where it would go.

**Robert Dee** - Right yeah, and the town would get the income right?

**Vincent Xavier** - They would if we were to lease on their property. But right now I can't assure that site actually works from our respect we are still evaluating (not audible)

**Robert Dee** – Well can you look at that and evaluate that and have that for us

**Vincent Xavier** – We are we expect to have that answer before...

**Robert Dee** - by September 11<sup>th</sup> to see if that can be an alternative site is my question because I don't know if the town will go along with it but I would just like to know if we can use it as an alternative site.

**Vincent Xavier** – We are evaluating that we expect to have that answer prior to the next meeting.

**Robert Dee** – Okay great, I appreciate that. Thank you very much.

**Leonard Lim** – Is that the only other alternative site you are looking at?

**Vincent Xavier** – We had originally looked at alternative sites that is the only one we are re-looking at at this time.

**Robert Dee** – Okay, All right. Let me speak to the attorney for a second?

**Vincent Xavier** – Sure.

**Robert Dee** – There's a couple of things you are going to need to be in compliance. You got an agreement on removal and repair.

**David Kenny** – Yeah.

**Robert Dee** – Okay you are going to need an agreement of proof of insurance.

**David Kenny** – Yes sir.

**Robert Dee** – All right, now the agreement of removal and repair has to be that the owners of the lessee express an interest in the town. You can pretty much have your guy speak to Ron Gainer, our town engineer exactly what you're going to need exactly on that.

**David Kenny** – Absolutely.

**Robert Dee** - Because there are a few things that you are going to need and have information on that by the next meeting. Okay there are three things that things are the agreement, the insurance and financial security. I know you have somebody dealing with Ron who is our town engineer

**David Kenny** – Absolutely.

**Robert Dee** – and they get together and he can tell them exactly what is needed.

**David Kenny** – Absolutely we'll make that happen.

**Robert Dee** – And I know according to the Town Board it has to be a joint between our Board and the Conservation Board for a public hearing. Right now you don't even have correct what I asked to be corrected last month. I'm not chastising you. I'm here to help you and to make sure things go quickly but you have to help me.

**David Kenny** - I understand sir. We'll make it happen.

**Robert Dee** – Okay, thank you. Now this is not a public hearing and you all have been very patient,

thank you.

**David Kenny** – Can I ask one more question?

**Robert Dee** - Oh sure go ahead.

**David Kenny** – As part of this application will be an environmental review can we get your ability to make your selves with the intent to be lead agency for the environmental review under SEQRA?

**Robert Dee** – I want to speak to... Mr. Gainer how should we go about that?

**Ron Gainer** – The intent of the New York regulations is to initiate the environmental review is only in the application process so I chatted with your attorney and we are both in agreement that it's an appropriate thing to initiate. We have identified one other board that's an involved agency, that would be the Conservation Board. The only provision or condition I would have on declaring your intent to be lead agency is that you wouldn't initiate that circulation to other agencies until you get the corrected environmental documents that you referred to. So any corrections necessary to the EAF or for the other environmental documents that are in that application. They should be filed in a corrected form and then we can assist the secretary to do the circulation with the Conservation Board.

**Robert Dee** – Okay so that would probably be done by next meeting.

**Ron Gainer** – Well you can conditionally act to initiate that to declare your intent condition upon receipt of corrected EAF materials and we would work with the secretary to get those corrected documents issued and get the circulation started.

**Robert Dee** – Well does the Board agree that it should be the lead agency in this one.

**Paula Clair** – I think so.

**Vincent Cestone** – I agree.

**Robert Dee** – You agree alright let's work towards that and we'll make a tentative.

**Ron Gainer** – The motion would be that you declare your intent to be lead agency pursuant to SEQRA and initiate that process condition upon receipt of the environmental documents.

**Vincent Cestone** – Okay I make a motion to declare us lead agency in relation to SEQRA.

**Leonard Lim** – Second.

**Robert Dee** – All in favor?

**Vincent Cestone** – Aye.

**Paula Clair** – Aye.

**Granite Frisenda** – Aye.

**Leonard Lim** – Aye.

**Robert Dee** – Aye. Okay.

**Ron Gainer** – Thank you,

**Robert Dee** – Alright like I said it's not a public hearing but there is a lot of people here and I'm sure you all have a lot of interest in this and concern so I'm going to give everybody a couple of minutes to speak on it but I want to tell you one thing first we got, we just got handed these a couple hours ago they're letters from people concerned in the area. I guess (not audible) Mr. Kenny I just want to let you know these are letters...

**David Kenny** – Yeah.

**Robert Dee** – Oh, you got them? Okay good as long as you got them. There is a lot roughly 55 somewhere in between there. Now I don't know for sure how many there are but that's about 55. These are letters from people in the area who live around the area who have concerns so. We don't have time to read them tonight. But we don't have a meeting until September so this will give everybody on the Board summer reading on the beach. I'm sure that they'll be sitting on the beach (not audible). Now let me speak a little about the balloon test. We had the balloon test Tuesday June 22<sup>nd</sup>. It was conducted between 8am and noon. We had a couple of days that it was canceled. They tried to get the best day with the wind that didn't work out to well because the balloon kept going down with the wind. Homeland Towers did a great job in trying to keep it and it did. There were times when we could actually see the actual true height of it. In fact I know one time around 10:30 or so we put two balloons together to give us a better. But I understand with the wind and the factors being caught in the trees and stuff like that. It did cooperate and the test was concluded. Ron you are going to give me some type of report? Maybe about the balloon test. Do you want to speak to it?

**Ron Gainer** – The applicant as part of that balloon test went to a great number of areas throughout that area of town and they took photographs of the balloon in place and they're going to replicate the environmental assessment that they did. Photo simulations that represented the towers you've already seen they'll recreate those again with the actual photographs from the balloon test so you will have some comparison. That will all be in the subject documents to be filed.

**Paula Clair** – I wanted to say I would like to see the photographs of the proposed tower, I guess photo shop it in but I would also like to see the equipment pads or what ever you call them.

**Ron Gainer** – At the base?

**Paula Clair** – Yeah at the base because that is going to be a part of the view.

**Ron Gainer** – We'll make sure that's done.

**Paula Clair** – Okay.

**Robert Dee** – Thank you. Like I said the test was done between 8 and 12 and Mr. Gainer was there and Homeland towers was there, they cooperated. A gentleman from Saratoga was there I believe.

**David Kenny** – May I speak to that one point from the view shed? The visual analysis was done so you can only see what can actually be seen what can actually be seen from the visual. A lot of the times the equipment base will be below a tree line, below or a screening so it wouldn't be there as part of the natural view. We can make renderings so that part plans but might not be part of the view shed if the photo during the balloon test wasn't able to see that.

**Paula Clair** – Right well it wouldn't be part of the view from Route 9 but it would be part of the view from the residential areas on Round Hill Road.

**David Kenny** – We'll make sure the views that are shown that are detailed will be accurate.

**Robert Dee** – During the test there was a, Board members were able to observe it and a couple of members of the Conservation Board were there I spoke with. A lot of time I looked at was at 60 Round Hill Road, Mr. Gorevic's home, I observed the balloon from there and I spoke to a number of different people. Personally what I observed from Round Hill Road was that the balloon is above the tree lines which would be the tower it would be visible above the tree lines. But there again from the deck is seasonal so what I did was I went inside I went inside around to the living room, and to his kitchen and to the dining room and the back of his house is glass, two stories of glass. I sat down in the living room, yes you can see, you would be able to see this tower above the tree line okay. That was my personal observation and in the winter time it would be more. Now while I was there I spoke with Mrs. Jordan, 24 Rock Lane, she's over here right? She asked myself and Ron to go over her house so she could express her concerns, which we did and also the gentleman from Saratoga went with us. He took some photos. While I was there I met a Mrs. Dilello of 10 White Rock Lane. She's here too or he's here too and she told me her concerns so they're here and what I'm going to do is let them speak a little bit for themselves. Now I'm going to open it up to the public but I'm going to ask you because there is a lot of people here and like I said we are nowhere near a public hearing. But I understand your concerns anybody can get up stop give us a few minutes okay don't make it to lengthy because you will have time at the public hearing okay. Mr. Gorevic, you were there and you are going to have to give your name and address maybe write it down. If you can Write it down.

**Roger Gorevic** – Write it down.

**Robert Dee** – So the secretary has it.

**Roger Gorevic** – Okay.

**Robert Dee** – I ask everybody to be patient, everybody take a few minutes.

**Roger Gorevic** – My name is Roger Gorevic and I live at 60 Round Hill Road. There are so many facets to this thing it's hard to get a hold of so if we just get into esthetics for the purpose of this discussion. When we look obviously out our view now which it's wonderful. Just from the balloon which we are almost of the opinion we should have another balloon test and the thing was during the course it got caught on the trees. I went and had to pull the thing off the trees. We have pictures of it at a 45 degree angle. There were some of the Conservation Board people were there they were looking

they were saying 60 and sometimes they know more about angles than I do. All I know is this thing on the basis that we would probably be 40 to 50 feet above our tree line so what we're going to see now is not just one antenna up there, there is going to be four antennas up there. So what we're going to have is this mass on top. One of the things that we talk about again I'm supposed to stick to the esthetics tonight because that is where we want to focus. There are so many different facets which was brought up already between emissions and gas emissions frequency etc. We obviously live within 500 feet but were not the closest person. There are more people who are even closer. All the people on Rockwald

**Audience member** - Not all of them.

**Roger Gorevic** – Not all of them but most of them are on Rockwald. The Eldridges are closer than we are and that hasn't been indicated and that is not even part of the plan either. So as you've gone through and pointed out all the mistakes it is obviously of great concern to us. We would like to see in hindsight now another balloon test, that this things gets delayed, until the leaves have gone a little further so we can actually see this massive steel that is going to be put up there. This is whole different story. It was bad enough looking at the balloon as it was and you were there Mr. Dee so you know.

**Robert Dee** – I was there, I know. I told you my opinion.

**Roger Gorevic** – You were there to Mr. Lim.

**Leonard Lim** – I told you my opinion too.

**Roger Gorevic** – The fact is you know you go and look at this and this is not indicative of what we're all going to see. It's true from Route 9 that true from White Rock, that's true from Rockwald. There's a lot of things going on here which seem to...

**Audience member** – From Lane Gate.

**Roger Gorevic** - from Lane Gate there are a lot of things that people are obviously going to see here which people obviously don't see which is going to ruin what we all fought for up here and what we've all worked for and that's why most of us move up here. That's why the people wrote the letters. We don't want to see this destroyed. We don't want to see tourism stop because people are going to see big steel structures, they can stay in New York to see that. They don't need to come up here and we're going to ruin our businesses and take this to another level. This is a very, very dangerous situation. I have great faith in the Zoning Board. I have great faith in the Conservation Board and that our town will do the right thing. I think you are all very careful about what you do. Nobody wants to just agree nobody wants to give a (not audible) for what they want to do, but I think we have to be super careful in how we go forward here.

*(Clapping)*

**Robert Dee** – Thank you very much. I'm going to ask Mr. and Mrs. Jordan only reason is because I spoke to you. Oh Mrs. Dilello either one.

(Not audible)

**Robert Dee** – Alright nobody wants to talk. Mrs. Jordan. It's only because I spoke to these ladies when I was there.

**Kerry Jordan** – Do I speak then sign? My name is Kerry Jordan, I live at 24 White Rocks Lane. I feel the same way Roger does. There were things left out on the application. One being our street, wasn't even on or there were no pictures taken from our area.

**Robert Dee** – And your area is White Rock Lane.

**Kerry Jordan** – So the tower, the proposed tower will be over our house. So my whole back yard is windows. When we moved up here from the city. So we built our home all windows we look at this beautiful mountain valley it is just spectacular. The balloon test, I would really like that they do it again because I think Ive had friends because the date kept getting changed because people really didn't know when it was happening. So I had friends that live all throughout town saying “when is it? What are you talking about?”.

**Robert Dee**- Right.

**Kerry Jordan** – So a lot of people in the community didn't get the opportunity to get out of their homes and actually look up. This test I drove around and I noticed the balloon was all over the place. So If we can get another test maybe even with a bigger balloon this time. I mean it was fairly small.

**Robert Dee**- One of your concerns were that during the winter you see the structure and the buildings more than the tower because you are below the tower.

**Kerry Jordan** – Yes. I would see the structures right I would be looking at the whole entire tower.

**Robert Dee** – You will be looking at the buildings and the structures.

**Kerry Jordan** – I would be looking at the whole entire structure going up.

**Robert Dee** – Right. You wouldn't see it in the summer but it would probably be in fall.

**Leonard Lim** – Oh yeah.

**Kerry Jordan** – You can see it which I was told by the gentleman that was there taking photos that we'll see it above the one tree line...

**Robert Dee**- Okay.

**Kerry Jordan** - ...during the summer. And the other issue we had is we have a stream that goes behind our home and around our house so if they start messing around with the pond up there...

**Robert Dee** – You're concerned with the water coming down from there I remember you showed me on your home, you're concerned with the water coming down to your house.

**Kerry Jordan** - exactly.

**Robert Dee** – I don't think they are going to change the water. I understand where your concern is.

**Kerry Jordan** – So if they start, I know they said they were going to put drainage in so if that somehow gets into our stream and water gets into our basements and also our road.

**Robert Dee** – Well Homeland Towers is taking notes I ask him to give us some kind of an answer at our next meeting which in two months it will give them time to look at these things.

**Kerry Jordan** – Okay, Thank you.

**Robert Dee** – Thank you. Yes.

**Priscilla Eldridge** – I am Priscilla Eldridge, I live at 100 Rockwald Road. I'll sign in.

**Robert Dee** – Oh yeah. Please so the secretary has it. We'll have a record. Go ahead.

**Priscilla Eldridge** - Unlike my good neighbors I was not aware of the balloon test. I read in the Current when it was going to be held but dates and wind changed it. I live on 100 Rockwald Road which is very close to where the tower is going to be built. I think our property line is 70 yards from the tower. But I was in my home and my home is solar, big windows like everyone else to enjoy the trees. Four big windows, solar panels just like everyone else facing south. I was walking down stairs looking at my Hummingbird feeders and I saw these enormous balloons straight out off my deck. In my letter to the Board I included, I grabbed my camera I was not aware of anybody taking pictures mostly I didn't see any photographs of the balloon test.

**Robert Dee** – They haven't come to us yet either.

**Priscilla Eldridge**- And I didn't see anybody on my property or on the road at the time taking photographs and (not audible) I could see it from my bedrooms, my living rooms, the downstairs bedroom, the dining room, the kitchen, the entire house.

**Robert Dee** – Your address is what, I'm sorry?

**Priscilla Eldridge** – 100 Rockwald.

**Leonard Lim** – Did you take any photographs?

**Priscilla Eldridge** -I did and it's included in your packet.

**Robert Dee** – Okay.

**Priscilla Eldridge** – I took four. So I saw the balloons going up and down and left and right. But the last one shows the balloon and it's way above the tree line. Now I have a little Sony camera so it looks like it's a hundred miles away it's about 700 feet from my deck.

**Robert Dee** – Okay right no I this is from your...

**Priscilla Eldridge** – From my deck.

**Robert Dee**- From your deck alright.

**Priscilla Eldridge** – This is black and white but it's pretty red balloons.

**Robert Dee** – That's when we tied the two balloons together.

**Priscilla Eldridge** – I saw them (not audible) But since there were no balloon photographs and how they are going to be able to show me when the tree leaves are down what this cell tower is going to look like. I can see it now but I don't think their photographs are going to be indicative of the Rockwald neighborhood.

**Robert Dee** -Right. Okay thank you very much. The gentleman over there. Just sign in first then (not audible) just sign your name so we have it. Thank you.

**Steve Sterling** – My name is Steve Sterling I live on 125 Lane Gate Road. I want to leave you with three questions so I will try to be brief.

**Robert Dee** – Sure.

**Steve Sterling** – I was actually here two years ago

**Robert Dee** - At 59 Lane Gate at the Town Landfill?

**Steve Sterling**- yes actually my property is up against the land fill.

**Robert Dee** – So you don't want it on that side of the street?

**Steve Sterling** – What's that?

**Robert Dee** – So you don't want it on that side of the street?

**Steve Sterling** – Well I don't have good cell service but I am. You know what it doesn't bother me and I work around it. I have one place in my house and one place on my terrace where I can get service. I laugh and I say I don't have good cell service and I was happy to call you from a land line and I'm happy to suffer through that and I come up Route 9, I live and work off my phone so coming up Route 9 I loose my cell service and people who know me know that. That said I want to first thank you for running these gentleman through their paces. This is what we really count on the fact that you all have been the gate keepers are really reassuring. The questions that I have are is what other places were suitable for this? Every single one of them we know the last time we heard it was important for emergency services. We all know that is important. Emergency services is really coming down and they want everybody to be connected. You guys are the gatekeepers for what our whole Philipstown area is going to look like and this is a legacy decision because we are all going to look at this and thanks for making the point that it's not 500 people it's 500 people an hour on Route 9 driving through Philipstown going oh my God and it's a real plight. I happen to have the experience, my brother leased

a piece of his property for a cell tower. His neighbors hate him. In the fine print it turned out that he didn't have any control of anything they added a tier to it they kept adding to and adding to it. He had no control and at the end of the day one of the guys said you are never going to have enough money to fight us about it so he couldn't even take up a legal pursuit. So one other question that I'm curious about what the scope of the esthetics is. If you look at one year, three year, five year business plan that these guys will eventually build out to it is going to be substantial and their job isn't to fulfill the minimum requirement, it may be satisfactory to a lot of people here but their job is to build the biggest possible facility that they can possible get away with in order to make the most amount of money over the longest period of time possible. Well I get the sense that you are mindful of this and this poor gentleman here has to step in on short notice and you basically pointed out a ton of things that they basically hadn't prepare for and it does come off the data the less questions they can answer the quicker they can move this along they will be and I'm happy to see that you know that it will not serve us all well.

**Robert Dee** – It's not going to move quickly. It's not going to move forward with this board until we have all the information that we need.

**Steve Sterling** – And thank you for that. My next question is if we can all look at the possibilities in this area where something can go and what is the minimum requirement that would satisfy what is really trying to be accomplished here not what the 25 million dollar potential is. I think that will be a better reference of what we're trying to look at because in the end you are never going to take this away, never. The last question I had which again is not an esthetic one but one of two processes is the amount of heat that comes off of these things when they keep building up and adding to them is really substantial. In my brothers case the trees around this were browning because of the amount of heat that was being thrown off all these buildings and all the things that they're doing so I guess I want to be a little mindful. I don't want to say to much because obviously these good gentleman here have to go back to their bosses that may be better prepared to answer this and work with that. But I am more confident than I was that with the vigilance here and also with the Conservation folks that everybody is very mindful that we are never going to take away what this does to our community.

**Robert Dee** – Thank you very much.

*(clapping)*

**Robert Dee** – Yes sir, just sign in if you would please. I want to remind everyone to that what these hearings are for. This is not a public hearing but we bend the rules a little bit but you have to go to these meetings to give your concern like the Conservation Board and this meeting like that because that is the only way we know. If nobody shows up that's it if nobody shows up for these things. You have to protect yourselves I guess. Yes sir.

**Paul Eldridge** – My name is Paul Eldridge and I'm the worst half of that lady that spoke earlier.

**Robert Dee** – Okay.

**Paul Eldridge** – If you stood on our deck looking out to our front yard it is dead center in front of us the proposed location. If I was to stand on the ground in our front yard we are at about 740 foot elevation. The proposed tower as I understand it is somewhere around 680-700 so literally if I stood on

my front yard and I looked at it it's going to be 120 -140 feet above me. If you come up Rockwald Road our property is sort of at the last turn which when you make that turn or as you approach that turn from a lower level it will be looming over you. So all of our neighbors on Rockwald Road will see this every day coming and going. I took some measurements. There's a stake that says the center point of the tower. The center point of the tower which I used a 300 foot measuring tape, our property line is 212 feet away or 70 yards as Priscilla mentioned. Look at where the fence is, the fence is 170 feet from our property line. CF Diversified has 64 acres they couldn't have gotten any closer to our property unless they put it on our property. It is that close. As Priscilla mentioned every room that you look from: living room, kitchen, all the bedrooms, it will be there. The balloon test clearly shows it's dead center. This is in the summer time when there are lots of trees but it is way above the tree line even using a setback and an angle it still looms over us. It is esthetically, it will ruin our property from my perspective and our perspective If you look at the area where this is proposed it is not far from one of the retention ponds that was placed there when they put in Vineyard Road and I guess eventually Round Hill. There are two ponds. The access road going in, I believe, is supposed to be 12 feet wide. It's going to come off Vineyard Road and it's going to go right by the pond and it's going to go to the fenced area and then you will have the 5610 whatever it is square feet. In the summer time we will clearly see probably the top half and in the winter time I think you will see the whole thing. Our property goes down, obviously we are at 740 this is some where 680-700, so we will look down towards it and we will look up at it when it's completed. It's incomprehensible to me that there's 64 acres and that's where it is put. However I do know that I think it was said earlier that this is supposedly not the only place whatever is being proposed.

**Robert Dee** – Well we've asked them and I have confidence that they will look into alternate sites and what I mean by alternate sites I mean you know Lane Gate Road that's possible. On this 64 acres could it be possible to move it closer to say Route 9 to a more commercial area that's something I'm sure they are going to look at it okay and that will be for the next meeting September 11<sup>th</sup>. They're going to give us a report of what alternative sites they looked at, what other possibilities there may be.

**Paul Eldridge** – I think to that whatever the structure is at the bottom would have to be substantial to support a hundred... and is it 180 foot or 199?

**Robert Dee** – 180.

**Paul Eldridge** – It is 180 feet?

**Robert Dee** – Correct.

**Paul Eldridge** - That would assume that that would have to be fairly substantial to hold that.

**Robert Dee**- We're confident.

**Paul Eldridge** – What if it doesn't and it falls down?

**Robert Dee** – Well I understand what you're saying but as with any cell tower there is going to be insurance, there is going to be bonds and so forth so all of that would be covered, not that I would want to see it fall on your house but I would say that all of that would be covered so that's not an issue.

**Paul Eldridge** – I'll end with this - I've always looked at our piece of property as a little piece of heaven in the middle of chaos. We bought this property in 1981 so we've owned it for 36 and ½ years. We built the house and moved in in January of 1983 so we've been in the house for 34 and ½ years. We love this spot we love the area we love our neighbors we have a great community. Unfortunately this will destroy that.

**Robert Dee** – Okay thank you.

*(Clapping)*

**Robert Dee** – I'm going to ask you to sign the pad.

**Cali Gorevic** – I'm sorry. I feel for the Eldridges and for everybody who we already know who is going to lose their view or gain a steel structure as part of their view. I'm really worried about the people who we don't know about because if that test was done in the winter and the leaves were not on the trees, I am sure there will be 20 or 30 people whose views are going to be changed drastically. So I don't know if it's possible, I really think there should be a balloon test without the leaves on the trees. It is very misleading and the other thing that I want to say is about fire and the heat. The heat that comes off the tower there are cell tower fires. Sometimes the cooling doesn't work. Sometimes they catch fire for something else. There was a recent one where somebody was welding. One of the people servicing the tower was doing welding and the tower caught fire. We're in the middle of a forest. If the conditions are right. If it's dry and windy and hot and the tower is hot there is going to be a forest fire. There are at least four of us and two dogs that would not be able to get off the mountain.

**Robert Dee** – Thank you anyone else who wants to speak? Okay Yes.

**Roger Gorevic**- I just want to say one more thing.

**Robert Dee** – Don't crowd the microphone now it's your second time up here.

**Roger Gorevic** – This is real simple.

**Robert Dee** – Okay.

**Roger Gorevic** - If you're looking for an alternate site.

**Robert Dee** – Yes.

**Roger Gorevic** – I'll give you an alternate site.

**Robert Dee** – Sure.

**Roger Gorevic** – I suggest that you go back to Mr. Fadden and ask him to build the tower next to his house on top of the hill in which case you can put up an 110 foot tower it doesn't have to be 200 because it will be right on top of the mountain. He's only selling his house for 8.8 million it clearly won't effect anything so put it up there leave the rest of us alone and get on with your life.

**Robert Dee** - Thank you very much.

*(clapping)*

**Roger Gorevic** – There's 26 acres up there by the way and Fahnestock. The animals wouldn't care they won't say a word.

**Robert Dee** – Well I appreciate everyone coming out tonight and you've all been very patient and believe me I will go through all 55 or so of these letters. I won't do it tonight but we will go through them we will. We take you seriously. We all live in the same town.

*(clapping)*

**Robert Dee** – The cell tower, they are going to look at other alternatives. They're going to look at, maybe speak to Mr. Fadden. Maybe if it's possible move it closer to Route 9. Maybe you can lower the tower you know what I mean. The only reason the tower is 180 is because you are going to have four people on it. So the guy who is down at 120 has the same reception as the guy who is 180.

**Vincent Xavier** - We're reviewing all the options.

**Robert Dee** - Okay I want all those options reviewed when you come back here September 11<sup>th</sup> You know I expect to have some kind of an answer, proposals or something that we can look at.

**Vincent Xavier** – We will.

**Robert Dee** – Yes sir.

**David Kenny** – I just want to say we heard all the town's comments.

**Robert Dee** – I cut them down tonight, you haven't heard them all we would be here until one o'clock in the morning if you heard them all.

**David Kenny** – We received the letters and we'll be attempting to address all those comments as well as addressing the comments we received tonight.

**Robert Dee** – That's all we're asking for. Thank you very much okay. At this time there is nothing else I would like to make a motion to adjourn.

**Leonard Lim** – I second.

**Robert Dee** – All in favor?

**Robert Dee** – Aye.

**Paula Clair** – Aye.

**Granite Frisenda** – Aye.

**Leonard Lim – Aye.**

**Robert Dee – Second Aye. Okay that's it.**

**(The meeting adjourned at 8:49 by a unanimous decision.)**

NOTE: These minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: \_\_\_\_\_

Respectfully submitted,  
Linda Valentino  
Secretary