

OLD BUSINESS - Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT & T 1106, Route 9W (Special Exception & Site Plan Section 12 Block 1 Lot 10.11 B District)

Mr. Tony Gioffre reviewed the supplemental submission addressing the comments from the Consultants to the Board, including:

- The balloon flow and visual analysis
- Comment letters from Mr. Rider and Mr. Hutchins
- The need to go before the Zoning Board of Appeals
- Interpretation issues for this use
- Building Inspector determination
- The language of the Wireless Law with regard to co-location on an existing building

After much discussion by the Chairman, Mr. Rider, and Mr. Gioffre, it was determined that the Applicant would contact the Building Inspector for his determination with possible referral to the Zoning Board of Appeals.

The Chairman stated that Board Members have received correspondence from Mr. Mark F. Hutchins, Radio Frequency Engineer. He is available for either appearance at a meeting or a telephone discussion during a meeting.

The Chairman continued stating that a requirement of the Code, and something that was requested with the first submittal, is the alternate site search did not meet the Board's satisfaction. The Board is looking for some alternatives or proof that there is no alternative to what has been suggested.

Mr. Rider feels that the concern is that the Board is not seeing enough to substantiate that this is the site, the best site, or the least intrusive site when you consider other factors, including: Visual impact, abuts residential district that abuts the Hudson River, balloon tests analysis, highly visual, and is extremely large.

Mr. Gioffre stated that in trying to avoid the proliferation of towers we try to find an area and a location that would be able to provide the best chance of closing those gaps in coverage to avoid the proliferation of towers. You don't need multiple towers to close a particular area. He questioned the Board's request for alternative sites and what type of documentation and data would be required.

The Chairman stated his concerns: it abuts the R1R, the visual impact, and how it meshes with the neighborhood surroundings. He provided a list of tax lots within a half mile and mile and a list of lots in the town that are vacant correlated by vacant land, vacant residential and vacant commercial. He requested that the Applicant entertain looking at some of the alternate sites.

Mr. Gioffre explained that it takes a lot of work and large amount of money finding a site. We analyzed the Code and the area for this type of facility and feel it is compliant with the Code. They will review the list of tax lots.

Ms. Dotson stated that one of the things to consider when evaluating the parcels is looking on the ground as to the nature of the parcels and how they fit in terms of the character of the facility itself and the suitability of the site.

Mr. Gioffre would like to identify all the issues and concerns of the Board and make determinations, responses, and submissions. He will review the Comment Letters from J. R. Folchetti and Garling Associates. Mr. Gioffre will contact the Chairman with any questions.

ANNUAL REORGANIZATION FOR 2011

A motion was made by Dr. Kelly and Seconded by Mr. Dyroff to make the following appointments for the Town Planning Board for 2011:

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|------------------------------|---|
| Meeting Time and Date | The third Thursday of each month at 7:00 P. M. |
| Deputy Chairperson | Terry Holt |
| Secretary | Fran DeWitt |
| Newspapers | News of the Highlands and Times Herald Record (when necessary) |
| <u>Consultants</u> | |
| Attorney | Justin Rider of Rider, Weiner & Frankel, P. C. |
| Planner | Leslie Dotson of Garling Associates |
| Engineer | Paul Pelusio of J. Robert Folchetti & Associates |

The Chairman provided the Board Members with a copy of a sample of the Planning Board Application package from Mr. Hager for their review. He also told the Board that he, Mr. Holt, Mr. Hunter, and the Mr. Hager had a sit down to exchange information and ways to streamline things.

PUBLIC COMMENT

Mr. Scott Barr, 26 Garrison Road, Fort Montgomery, NY

Questioned the Local Law of 1,000 feet and why we are in discussion
Health Concerns
He appreciates all the work the Board is doing

The Chairman explained that the process of a variance request to the Planning Board and Zoning Board of Appeals.

Mr. Rider explained that not only Local Law applies, but that the Federal Telecommunications Act also applies, and this is the appropriate process for this Applicant.

Ann Marie Fiducia, 71 Corbin Hill, Fort Montgomery, NY

How will the project progress?
Will there be a Public Hearing?

The Chairman and Mr. Rider explained that it is impossible to predict the progress. With the proposed site, it is expected that there would be at least two Public Hearings related to the cell tower, not necessarily two hearings by this Board.

James DeVito, 22 Garrison Road, Fort Montgomery, NY

If this project does need a variance, would it be something that the residents would sign off on?

The variance decision is made by the Zoning Board of Appeals. All decisions are made by the Boards respectively. The public has the ability to comment at the Public Hearings. Decisions are made by either respective Board.

Deborah Kopald

Thank you to the Board for addressing most of her concerns.
Presented pictures from her and Jim Thompson
Questions on the Foil of the submission of the company's amended comments
New EAF addendum
Structures within proximities that are listed on the State Register of Historic Places
Description of visual environment
Wetlands
Annual number of visitors in the area
Appalachian Trail
Pictures from Corbin Hill, Bear Mountain Bridge, Bryant House, 9W and Old State Road
Economic dynamic
Presented a letter from Jim and Vivian Thompson
Site placement for tower not the Board's job

Mr. Rider noted that there is some obligation on the part of the Planning Board to be able to provide other sites within the Town. In the review and analysis of some of the surrounding areas, some of that task would fall to the Planning Board. This is not the forum for legal analysis. No sites have been recommended by this Board.

Cathy Feliciano, Overlook Place, Fort Montgomery, NY

Presented a photo of what she will have to look at from her back deck and front.

Jumah Taylor, Fort Montgomery, NY 10922

Firehouse cell tower proposal
Health issues, scientific evidence
Closer to the Elementary School than it needs to be
The beautiful area
Onus on the Board

Moral obligation to the community

Mr. Rider explained that the Board is listening to all the comments and appreciates them.

Deborah Kopald

In reviewing her files from 1998 when the last variance was proposed, the comments were all much the same.

The Chairman thanked all those present for their comments.

At 8:18 P. M. a motion was made to adjourn the meeting.

Motion: Mr. Dyroff Seconded: Mr. Hunter Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, February 17, 2011**