

**APPROVED: 4/18/13**

**MINUTES OF THE  
TOWN OF HIGHLANDS PLANNING BOARD  
MARCH 21, 2013**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, March 21, 2013, at 8:01 P. M.

**THERE WERE PRESENT:**

**Board Members:**

Erik Smith, Chairman

John Hunter – Arrived – 8:00 P. M.

Chris Dyroff

**Absent:**

Terry Holt, Deputy Chairman

Cathy Kelly

M. Justin Rider, Attorney, (Rider, Weiner & Frankel, P. C.)

Leslie J. Dotson, Town Planner (Garling Associates)

**ALSO PRESENT:** Bill Edsall, Liaison to Town Board, Tony Gioffre, Esq. (Cuddy & Feder), Manny Vicente (Homeland Towers), Kathy Hamel (Hudson Highlands Land Trust), R. Croughan, Esq., Glendon Moyer, Chris Moyer, Susan Salazar, Karen Parashkevov, Mary McCormack, Judith Taylor, Vivian Thomson, James A. Thomson, Deborah Kopald, Ralph Hearera, Ned Kopald, James DeVito, Scott Barr, Farrell Patrick, and Nancy Patrick.

**The meeting was called to order at 8:01 P. M. by the Chairman with the Pledge to the Flag. Apologies were made for the delay of the start of the meeting due to traffic issues. It was noted there was a quorum.**

**Due to computer issues in the Town Hall, the February 21, 2013 Minutes and March vouchers will be presented at the April 18, 2013 meeting.**

**TRAINING**

- New York Planning Federation in Saratoga In April
- Orange County Federation Sessions

**COMMUNICATIONS** - None

**NEW BUSINESS** - None

**OLD BUSINESS - AT&T and Homeland Towers**

Tony Gioffre, of the law firm Cuddy & Feder of White Plains, and on behalf of the Applicants Homeland Towers and AT&T Wireless, stated that they seek to obtain a special permit and site plan approvals from this Board to construct a wireless telecommunications facility on property located on 1106 Route 9W in Fort Montgomery. They will also need to obtain a variance from the Consolidated Zoning Board of Appeals. There is a pending application before the ZBA.

Mr. Gioffre further explained that this proposal is classified in a B Zoning District that permits wireless facilities by special permit through site plan approval from this Board. AT&T and Homeland Towers are proposing to construct a 150 foot tall monopole and locate the antennas on the top of the monopole. The monopole will be constructed to provide co-location opportunities for five (5) additional carriers consistent with Code requirements and to avoid the proliferation of towers. At the base of the tower will be an approximately 3,000 square foot fenced compound to house the equipment. There is sufficient room within that compound for any future co-locators as well. The coverage proposed by this facility will provide coverage to Route 9W, the Palisades Interstate Parkway, the Bear Mountain Bridge Traffic Rotary, as well as the local surrounding railroads, businesses, and residences in the vicinity.

After submissions were made at previous meetings, this Board requested that they investigate alternative sites. The Applicants submitted lengthy materials with respect to the alternative sites' analysis. After contacting the Palisades Interstate Park Commission, Mr. Jim Hall, Executive Director, indicated that the PIPC would not entertain such a proposal on their property.

They contacted the Town of Highlands to explore a two (2) site option, which would involve a potentially lower tower on the Holiday Inn property, as well as an additional facility on the Town Garage property in the Village of Highland Falls. He stated that there was not a lot of communication; and after many months, they rejected it because of the lack of communication.

They are back to the original proposal for the Holiday Inn parcel and would like to start the process forward, including setting the Public Hearing.

The Chairman noted there was adequate notice for the Board to prepare for tonight which included previous submittals and comments. As far as the alternative sites that were requested by the Board, he feels the Board would require substantiation of the pursuing those other sites. His biggest concerns for the proposed site are the proximity to the R1R District, and that it would affect the character and that the visual impacts are something to be considered. Mr. Hunter further noted that each project is critically reviewed, that the Board must do due diligence, follow the Comprehensive Plan, and make sure every alternative has been explored. Mr. Dyroff concurred.

The Chairman suggested that the SEQR Determination be done next month. He also noted that this Board would require ZBA action before any final action is taken by this Board. Mr. Rider and Ms. Dotson concurred.

**A motion was made to authorize the Chairman to contact the ZBA, in writing, requesting they start their review process, in conjunction with this Board, moving toward receiving the SEQRA Determination for the process of moving forward with this proposal.**

**Motion: Mr. Hunter    Seconded: Mr. Dyroff    Approved**

Mr. Gioffre will be in contact with Mr. Rider concerning the Escrow Account to bring it up to date.

The Chairman reiterated that the Board would like to see correspondence showing that the Applicant worked with possible alternative site possibilities and the reasons they were not viable.

The Chairman noted that Mr. Rodway had made a submission but there was not sufficient time for Ms. Dotson to review the submission. He will be on the agenda on April 18, 2013.

### **PUBLIC COMMENT – QUESTIONS AND CONCERNS**

#### **Farrell Patrick, 22 Bridge Terrace, Fort Montgomery, NY**

- Questioned as to why the PIPC turned down the request, and that it should be made part of the public record.
- Questioned as to whether they contacted the Federal Government.

#### **Chris Moyer, 6 Hillcrest Road, Fort Montgomery, NY**

- Why are presenters leaving at this time?
- Concerned about property values.

#### **James DeVito, 22 Garrison Road, Fort Montgomery, NY**

- Note that the gentlemen left before hearing public comment.

#### **Mary McCormack, 2 Overlook Place, Fort Montgomery, NY**

- They were told to seek other possibilities two years ago.
- They only went to PIPC and Town of Highlands.
- Why did they not go to the Federal Government?
- Why did they not do the job that the Board told them to do?

#### **Glenn Moyer, 6 Hillcrest Road, Fort Montgomery, NY**

- Major factor for the choice of the Holiday Inn is it is going to be cheap for them.
- Power is there and the roads are there.
- They don't want to look farther because it is going to be expensive.

**Deborah Kopald, Fort Montgomery, NY**

- Need for the tower has never been demonstrated.
- AT&T website says coverage is very good all throughout the Town of Highlands.
- Telecom Act does not entitle companies to absolute coverage for every single hole.
- Nowhere in the Telecom Act of 1996 is a company granted the right to cover every last ounce with data coverage.
- We are able to have basic phone coverage, able to stream videos, watch TV shows, and send video text messages.
- The Act was to have phone coverage and use your cell phone if you got into an accident.

**Mr. Glendon Moyer, 6 Hillcrest Road, Fort Montgomery, NY**

- Question whether ZBA would even have the authority to grant a waiver of 75% of what the Law is.
- It is a 1,000 foot restriction and Brian's house is 250 feet away from the tower.
- What would be allowed in a variance?

**The Chairman thanked the Public for being here tonight and for their comments on this project.**

**At 8:30 P. M., a motion was made to close the Public Comment part of the meeting.**

**Motion: Mr. Hunter      Seconded: Mr. Dyroff      Approved**

**At 8:31 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, April 18, 2013**