

APPROVED: 5/16/13
MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
APRIL 18, 2013

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, April 18, 2013, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Cathy Kelly
John Hunter
Chris Dyroff

Absent:

Terry Holt, Deputy Chairman

M. Justin Rider, Attorney, (Rider, Weiner & Frankel, P. C.)
Leslie J. Dotson, Town Planner (Garling Associates)

ALSO PRESENT: James G. Sweeney, Esq. (Fort Montgomery Homeowners), Cathy Feliciano, Joe Feliciano, James Thomson, Christine Moyer, Glendon Moyer, Nancy Patrick, Farrell Patrick, Michael Colacicco, Vincent Xavier, Anthony Gioffre, Kathy Hamel, Sal Fiducia, Deborah Kopald, and Elaine Graf.

The meeting was called to order at 7:00 P. M. by the Chairman with the Pledge to the Flag. It was noted there was a quorum.

A motion was made to approve the February 21, 2013 Minutes, as amended.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

A motion was made to approve the March 21, 2013 Minutes, as amended.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

VOUCHERS – April, 2013

Rider, Weiner & Frankel, P. C.

General Planning	\$278.82
Rodway	74.00
Homeland Towers	314.50

Garling Associates

Rodway	\$115.50
Homeland Towers	73.50

Orange County Municipal
Planning Federation \$ 30.00

Secretary, February & March \$ 124.74

The Chairman will submit these vouchers to the Comptroller.

COMMUNICATIONS

- New York State Planning Federation Conference
- “Protecting the Highlands from Alien Invaders” (Invasive Species)

NEW BUSINESS - None

OLD BUSINESS

Rodway, 23 Mine Dock Road - (Site Plan & Special Exception, Section 16, Lot 1, Block 14 & 15, R-5 Zone) – Not Present

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, began his discussion stating they were here last month to restart the process. The request for substantiation of the rejection of the two alternate sites has been received by the Board. They would like to move toward a Public Hearing process. He was provided a Draft Positive Declaration and Resolution of Determination of Significance at this meeting and wanted to comment.

HIS COMMENTS INCLUDED:

- Concerns of protecting the views from the R1R.
- His review of the Comprehensive Plan.
- They are not aware of any town inventory that that identifies the R1R as a Visual Resource or designation that the R1R is a visual resource.
- Do not believe there is a significant number of people that would be able to view the monopole, particularly from the R1R, when compared with other areas of the town.
- This proposal is no different than the Holiday Inn which was granted a Negative Resolution.
- Details, quotes, and goals noted in the Town’s Comprehensive Plan.
- Safety concerns with reference to contact with emergency personnel.
- Once-a-month maintenance.
- No impact on noise levels, demands on municipal services, school system, traffic, air quality, water quality, water quantity, vegetation or fauna, habitat or resident fish or wildlife species, threat animal species, natural resources, or environmental areas.
- Access exists and no curb cuts proposed.
- There will be a small motion light for the maintenance person.
- Environmental and aesthetic impact.
- Balloon float over a period of two days.
- The Code permits towers in all districts.

- They submit that a Draft Positive Declaration is not warranted.

The Chairman noted that the Consultants have prepared drafts for the Board. What needs to be discussed by the Board important factors and what the Board believe s would be have a significant impact. He feels there is a difference between the Holiday Inn and a 150 foot monopole; requiring a separate discussion. He is in favor of a Positive Declaration.

Consultant Leslie Dotson

- PIPC's rejection letter because of aesthetic concerns.

Response by Mr. Gioffre: He agrees that the PIPC reviews things differently than a municipality. Their determination was based upon the tower being placed on one of two locations on their property. There were significant amounts of other environmental considerations: tree removal, it not being located in an area of disturbance, and ridge wide concerns.

The Chairman noted the number of emails he has read concerning the request to the Town to site a potential tower on the Town garage property. The Town took no action; there was no denial.

Mr. Rider agrees that there was no specific denial but there were certainly delays in responses. He attended a public meeting where certain concerns were raised, but there was not an unwillingness to review further.

Response by Mr. Gioffre: He agrees there was no outright denial. He participated in a meeting, along with Mr. Rider in the supervisor's office with further discussion on the tower. Since that time there has been no response whatsoever for almost one year. To him one year constitutes a denial.

Mr. Rider did attend that meeting and did discuss the Town Board involvement. He noted there were other ways to communicate. There were concerns raised. The Applicant was not present at that meeting. The purpose now is to focus on essential issues that may have significant impacts.

The Chairman also noted that with the recent submittal it is noted that the Applicant did explore Federal property but there is no correspondence concerning the suitability.

Response by Mr. Gioffre: They do have emails from the Federal Government with respect to a rejection. They did reference a letter which they are not willing to reproduce that was sent to AT&T.

Mr. Rider's recollection is that it referred to one particular area, not all the Federal lands.

Consultant Leslie Dotson

- Use off SEQR with regard to consideration of alternatives.
- Repeaters

Response by Mr. Gioffre: He believes those issues have been addressed and that the Board's Consultant indicated that the site was a good location.

The Chairman stated that he and other Members of the Board made a point to call the Consultant to ask questions and for clarifications. The Consultant did say there were gaps in coverage and also stated that there were alternatives. Part of the reason for a Positive Declaration is what the focus is and that there are substantial environmental issues left to discuss.

Mr. Dyroff's concerns include the visual impacts and the proximity of the R1R.

Dr. Kelly was on the Town Board during construction of the Holiday Inn. Things were carefully monitored during that process. She noted the negative visual image of the construction and then the favorable image upon completion.

Mr. Hunter agrees that he is concerned with the visual impact, the community character, and the tourism in the R1R area, and how they could be impacted by this project. He is fully in support of Positive Declaration which addresses these concerns.

A motion was made to approve the following Positive Declaration for this project.

POSITIVE DECLARATION

HOMELAND TOWERS AND NEW CINGULAR WIRELESS PCS, LLC TOWN OF HIGHLANDS PLANNING BOARD, COUNTY OF ORANGE

Please take notice that, according to the provisions of the New York Code of Rules and Regulations Part 617.7, the Town of Highlands Planning Board, having been established as SEQR Lead Agency for Coordinated SEQR review of the following Type I Action, hereby issues notice that it has determined that the following action may create significant adverse environmental impacts, and therefore has adopted a Positive Declaration pursuant to Article 8 of the State Environmental Conservation Law for SEQR Review of the action listed below:

Name of Project: Homeland Towers and New Cingular Wireless PCS, LLC

Action Type: Type I Action

Location: Town of Highlands, County of Orange

Location: 1106 Route 9W, Fort Montgomery, New York

Zoning District: B (Business)

Tax Map Parcel: Section 12 Block 1 Lot 10.11

Summary of Action:

The action involves a request for site plan approval and the grant of a special exception use permit for a 150 foot tall telecommunications tower and related ground equipment to be

located at the site of the Holiday Inn Express. The action also involves a request for a variance, requiring action by the Consolidated Zoning Board of Appeals.

Reasons Supporting This Positive Declaration:

The Planning Board adopted a Positive Declaration due to concerns that the proposed tower may create significant adverse environmental impacts in the following areas:

- Visual Impacts: potentially adverse visual impacts to regionally important viewsheds, in the Hudson Highlands Scenic Area of Statewide Significance, and the extreme visual prominence of the proposed tower in the proposed location so close to the Hudson River and visibility from specific vantage points including but not limited to the Bear Mountain Bridge, which incorporates a segment of the Appalachian National Scenic Trail, and lands of the Palisades Interstate Park;
- Community Character Impacts: potentially adverse community character impacts to the closely proximate occupied residential properties, particularly those within the R-1-R district.
- Consistency of proposed site development with municipal and regional planning & zoning: potentially adverse impacts on consistency with local and regional plans; relate to the visual and community character impacts set forth above; intent and purpose of adjacent R-1-R zoning.
- Alternatives/Mitigation Measures: evaluation/consideration of possible alternatives or mitigating measures such as co-location on existing tall structures or features (e.g., church steeples, Bear Mountain Bridge?) or making use of repeaters in order to boost signal to acceptable levels. Such alternatives should be evaluated in sufficient detail in order to determine what, if any, variances or approvals would be required for each alternative and the economic, planning & zoning, community character and visual impacts associated with each compared with the proposed action.

Date of Adoption of Positive Declaration: April 18, 2013

Date of Mailing: April 19, 2013

Agency Address: Town of Highlands Planning Board

**Town Hall – 254 Main Street
Highland Falls, New York 10928**

Contact Person: Erik Smith, Planning Board Chairman

Involved and Interested Agencies:

Consolidated Zoning Board of Appeals
of the Town of Highlands and the Village of Highland Falls
David Weyant, Chairman
254 Main Street
Highland Falls, NY 10928

Town of Philipstown Town Clerk
Tina Merando
PO Box 155
Cold Spring, NY 10516

Putnam County Clerk
Dennis Sant
Putnam County Office Building
40 Gleneida Ave, Room 100
Carmel, NY 10512

Town of Cortlandt Clerk
Joann Dyckman
1 Heady Street
Cortlandt Manor, NY 10567

Westchester County Clerk
Timothy Idoni
110 Dr. Martin Luther King, Jr. Blvd
White Plains, NY 10601

Village of Cold Spring Clerk
Mary Saari
85 Main Street
Cold Spring, NY 10516

City of Peekskill Clerk
Pamela Beach
840 Main Street
Peekskill, NY 10566

Village of Buchanan Clerk
Kevin Hay
236 Tate Avenue
Buchanan, NY 10511

Village of Highland Falls Clerk
Regina Taylor
303 Main St
Highland Falls, NY 10928

PIPC Executive Director
James Hall
PO Box 427
Bear Mountain, NY 10911

West Point Garrison Commander
Col Kevin Crawford
Bldg 681
West Point, NY 10996

Rockland County Clerk
Paul Piperato
Rockland County Courthouse
1 South Main St, Suite 100
New City, NY 10956-3549

Stony Point Town Clerk
Joan Skinner
74 E. Main St
Stony Point, NY 10980

Putnam County Planning Department
John Lynch, Planning Commissioner
841 Fair Street
Carmel, NY 10512

Rockland County Planning Department
Salvatore Corallo, Planning Commissioner
Dr. Robert Yeager Health Center, Bldg. T
Pomona, NY 10970

Westchester Planning Department
Edward Burougs, Acting Planning Comm.
148 Martine Avenue, 4th Floor
White Plains, NY 10601

Orange County Planning Department
David E. Church, AICP, Planning Com.
1887 County Bldg.
124 Main Street
Goshen, NY 10924

Motion: Dr. Kelly

**Seconded: Mr. Hunter
With a Roll Call Vote**

Approved

Mr. Dyroff	-	Aye
Dr. Kelly	-	Aye
Mr. Hunter	-	Aye
Mr. Smith	-	Aye
Mr. Holt	-	Absent

The topic of “Scoping” was discussed at length. The Board considered this and agreed they would forgo “Scoping” at this time.

With the approval of the Positive Declaration, the Chairman will contact the ZBA to receive feedback from that Board.

Rodway, 23 Mine Dock Road - (Site Plan & Special Exception, Section 16, Lot 1, Block 14 & 15, R-5 Zone) – Not Present

A discussion of the Applicant’s new plans and the Comment Letters was held. It was agreed that a GML will be required for this project. The Board will look for the Applicant to attend the next meeting.

PUBLIC COMMENT

James G. Sweeney, Esq., Fort Montgomery Property Homeowners

Items of concern:

- SEQRA Process and a Type 1 Action (Scoping Session).
- Requires a Lead Agency, Applicant and Public.
- Jurisdiction of this Board until variances are granted.
- 1996 Telecommunications Act
- New Singular Wireless is not AT&T (They deal in internet only, not station to station telephone service). An information service. He believes they are not covered by the 1996 Telecommunications Act.

Glenn Moyer, 6 Hillcrest Road, Fort Montgomery, NY

Items he feels have been misrepresented:

- There would be no impact on emergency services.
- Visual impact comparison of a cell tower to the Holiday Inn is an incorrect analogy.

At 8:04 P. M., a motion was made to adjourn the meeting.

Motion: Dr. Kelly

Seconded: Mr. Dyroff

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, May 16, 2013**