

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS
DAVE FURFARO
CARL STONE
KIM KUGLER
RAYMOND COTE
ROBERT FRENKEL

TOWN OF CARMEL PLANNING BOARD



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MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.
Town Engineer

PATRICK CLEARY
*AICP, CEP, PP, LEED AP
Town Planner*

PLANNING BOARD MINUTES

AUGUST 14, 2019

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
DAVE FURFARO, CARL STONE, KIM KUGLER, RAYMOND COTE,
ROBERT FRENKEL

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>TYPE</u>	<u>ACTION OF THE BOARD</u>
Taco Bell	55.11-1-3	2-7	A. Site Plan	Public Hearing Scheduled.
Baker Residential (Countryscapes)	65.5-1-38	7	Bond Return	Removed from Agenda.
Homeland Towers Lake Casse	65.19-1-43	7-33	P.H.	Public Hearing Left Opened.
Homeland Towers Dixon Lake	54.-1-6	33-40	P.H.	Public Hearing Left Opened.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Rose Trombetta

**THE ATTACHED TRANSCRIPTON WAS PREPARED BY JENNIFER NICOLE FRENCH,
CERTIFIED COURT REPORTER FROM VERITEXT LEGAL SOLUTIONS**

1 TOWN OF CARMEL: PLANNING BOARD

2
3 COUNTY OF PUTNAM

4 -----x

5
6 60 McAlpin Avenue

7 Meeting Room #1

8 Mahopac, New York 10541

9 August 14, 2019

10 7:00 p.m.

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12 -----x

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14
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16 Craig Paeprrer, Chairman

17 Anthony Giannico, Vice Chairman

18 Michael Carnazza, Director of Code Enforcement

19 Richard Franzetti, P.E. Town Engineer

20 Patrick Cleary, Town Planner

21 Dave Furfaro, Board Member

22 Carl Stone, Board Member

23 Kim Kugler, Board Member

24 Raymond Cote, Board Member

25 Robert Frenkel, Board Member

1 MR. PAEPRER: Good evening,
2 everybody. Taco Bell amended site plan?

3 MR. DIMANCE: We're here.

4 MR. CARNAZZA: I checked on their
5 signs, and they are inclined. I have no
6 further comments on this action.

7 MR. PAEPRER: Rick?

8 MR. FRANZETTI: With regards to a
9 performance bond, race track, and sizing,
10 and for the requirement of permits, they are
11 all good to go.

12 MR. FRANZETTI: And since that last
13 date, the architectural consultant had
14 revisions made for the plan, including
15 information of some of the objectionable
16 architectural features. And I think the
17 architect can speak to that to you tonight,
18 and, I think, speak to the public hearing.

19 MR. DIMANCE: Good evening, Mr.
20 Chairman and members of the Board. My name
21 is Paul Dimance(ph). Since we were last
22 before you, we made a submission to the town
23 engineer with the architectural consultant.

24 Just to summarize that, it was to
25 revise the accent trims, and the details of

1 the proposals. And we made very minor
2 revisions as to the sidewalk with the new
3 door locations. We have submitted a sign
4 package, detailing signage for the project.
5 And as it has been indicated, it complies
6 with the town code.

7 Also as you can see here, showing to
8 the Board, showing the proposed paint
9 colors, and also have an example of the
10 stone that will be on the tower.

11 We had an opportunity to meet this
12 afternoon, with the samples in person. And
13 noted, they are acceptable to him and issues
14 in the email, this afternoon, Mr. Chairman.

15 So, at this time, we are happy to
16 answer any questions you have. And look
17 forward to advancing the process.

18 MR. PAEPRER: Questions from the
19 board?

20 MR. GIANNICO: I guess I have
21 questions with regards to the finishes,
22 because the memo we have is that they have
23 been submitted to him electronically. But
24 never got to actually physically --

25 MR. DIMANCE: We noticed that in the

1 initial submission memo. And we had a
2 meeting with him this afternoon, and brought
3 the samples. He issued a memorandum late
4 this afternoon, in email. And I believe he
5 copied myself and Mr. Chairman on that
6 email. But he did have an opportunity to
7 review those samples.

8 MR. GIANNICO: Okay. And the other
9 question I have, is that with regard to the
10 accent, the mural, that's --

11 MR. DIMANCE: That's gone. We have
12 removed that.

13 MR. GIANNICO: Thank you. Thanks for
14 all of your responses. It's very helpful.

15 MR. PAEPRER: Other questions?

16 MR. GIANNICO: Mr. Chairman, I have a
17 question.

18 MR. PAEPRER: Okay.

19 MR. GIANNICO: Last time you were
20 before this board, there were comments on
21 issues. But I specifically hoped to focus
22 on how we liked the building, liked the look
23 of the building. And I see you have
24 fulfilled a rendition totally disregarding
25 it. Obviously it has to, at some point, fit

1 the needs of Taco Bell. But what I see is a
2 blatant disregard of that.

3 MR. DIMANCE: Understood. And we
4 touched upon this at the last meeting, as
5 well. The architecture, as well. However
6 it was not an option for our clients, or
7 Taco Bell, to keep that existent roof line.
8 However, I feel that the plan that is before
9 you balances both sides of it to the best
10 that we can.

11 MR. GIANNICO: I respect your point,
12 but it doesn't balance both sides. It
13 balances Taco Bell's needs. It's a very
14 nice modern-looking building. But since it
15 sits next to the new gas station, to me it
16 looks out of place. We have captured some
17 of the roofline --

18 MR. DIMANCE: Understood, understood.
19 We did, with the roofline, put that out of
20 the question from our perspective. We did
21 try to take some of the other elements from
22 those projects, the gas station, and tried
23 to incorporate some of the materials.

24 MR. PAEPRER: Did you discuss some of
25 Anthony's questions with Taco Bell?

1 MR. DIMANCE: Yeah. I do have with
2 me tonight, Eric Leeman's(ph), the architect
3 on the project, he might be able to better
4 explain the considerations that came into
5 our design, if that will help.

6 MR. PAEPRER: Sure, please.

7 MR. LEEMAN: Hi, my name is Eric
8 Leeman(ph). With regard to the existing
9 building, most of the Friendly's were built
10 in that direction. In the eyes of Taco
11 Bell, and in the case of modifying that
12 roofline the way it is, is that there is no
13 modifying. It would be a complete
14 rebuilding of it. Even if so, I think there
15 is a balance between the existing
16 surroundings, as well as any
17 recommendations. And I think I can bear
18 witness.

19 MR. GIANNICO: My comments were not
20 to modify. It was to observe it, and bring
21 your color schemes to work with that
22 existing --

23 MR. PAEPRER: One of the other
24 questions from our architect, on item number
25 ten, the drive-through menu details were

1 submitted. As provided, the frame is black.
2 And there are no dark brown features on the
3 design. Could this be all black to match
4 the design elements?

5 MR. LEEMAN: Yes, it can.

6 MR. PAEPRER: Any other questions
7 from any other board members? If not, is
8 there a motion to send this to a public
9 hearing?

10 MR. GIANNICO: I make a motion to set
11 this to a public hearing.

12 MR. PAEPRER: All in favor?

13 THE BOARD: Aye.

14 MR. PAEPRER: All opposed?

15 THE BOARD: (No verbal response.)

16 MR. PAEPRER: Number two on the has
17 been removed from tonights agenda.

18 The next one, Lake Casse, 254 Croton
19 Falls Road. I am anticipating some
20 questions from the public tonight. I ask
21 when you come, please state your name. We
22 have a court stenographer here tonight. We
23 anticipate there be a large turnout.
24 Please, clearly state your name. This is
25 also on the zoning board agenda for a week

1 from tomorrow.

2 MR. CORMIOSA: Good evening. Thank
3 you Mr. Chairman, and members of the Board.
4 Robert Cormiesa(ph), Homeland Towers LLC,
5 and Verizon Wireless.

6 MR. PAEPRER: Mike, comments?

7 MR. CARNAZZA: My only comment is
8 that they still need from the zoning board,
9 they are on the agenda for a week from
10 tomorrow. Once that is done, everything is
11 set for me.

12 MR. PAEPRER: Rich?

13 MR. CLEARY: The applicant has been
14 addressed. There are a couple of items that
15 they still need to look at. But nothing
16 that would stop the public hearing.

17 MR. PAEPRER: Pat?

18 MR. CLEARY: This is on for tonight
19 for a public hearing, and I think we should
20 keep that in mind.

21 MR. PAEPRER: I think we would like
22 to go in order. I will go through the
23 audience. If you would like to come up,
24 we'll start in the front row. Just state
25 your name clearly, so the court stenographer

1 can capture it for the record.

2 MR. CLEARY: I think the applicant
3 would like to make a presentation.

4 MR. PAEPER: I think we want to hear
5 from the public tonight.

6 MR. CORMIOSA: I will try to keep it
7 brief tonight. This is a permit and site
8 plan for a Verizon Wireless communication
9 facility at 254 Croton Falls Road, in the
10 Town of Carmel. It was originally filed on
11 August 2, 2018. It included a 180-foot cell
12 tower, which has now been reduced to a
13 height of 120 feet.

14 As part of the application over the
15 past year, we have submitted a number of
16 documents, including a site plan application
17 form, disclosure statements investigating
18 the needs of the property, as well as
19 restrictions and the site plan certification
20 form. We submitted the assessment form, as
21 well as from the assessor, if all goes well.
22 Included with that are letters to the US
23 Fish and Wildlife Service in DC, noting
24 threatened and endangered species, including
25 bats. That tree cutting should be limited

1 from October first to March 31st, during
2 that time.

3 We submitted the proper certification
4 letter. The tower will be constructed in
5 accordance with all of the structural
6 standards, and specific procedures. We
7 submitted a radio frequency report, and we
8 did a worst case scenario report. Between
9 the carriers, it would actually be at 1.76
10 percent. That's 55 times below the federal
11 warrant. We submitted an RF radio frequency
12 investigational report, including a service
13 plan, which I will get to in a moment. As
14 far as that, we showed different gaps based
15 on different frequency plans. We showed
16 that in the 700 megahertz frequency gap,
17 which is the larger gap, there is
18 approximately 788 residents, as well, in
19 that area.

20 We actually did a bypass back on
21 February third, of this year. And
22 maintained property, and tested at multiple
23 heights. Tested the facility at multiple
24 heights. 160 feet, and it's at 140 feet,
25 the current proposal. We also did KPI, as

1 well as number of dropped calls and
2 failures. We submitted an FAA opinion
3 letter, from the FAA opinion on the tower.
4 And we submitted a co-location letter. We
5 submitted a letter from Elocal Solutions.

6 We do have an application we are
7 going to file this week, based on the board
8 to the ECB. There are two wetlands in the
9 area, running utilities in the access drive.
10 They will be approximately 84 feet from the
11 wetland. We submitted a letter from the DEC
12 confirming there are no violations on the
13 property. We submitted a property value
14 appraisal report, from 15 different existing
15 towers in the past five years, both with a
16 view and without a view of the existing
17 facility, and determining there was no
18 declination in property values. We
19 submitted a visual analysis, including six
20 balloon tests over the non-leaf foliage time
21 of the year. And a rendering now, of 40
22 feet, at this time.

23 As far as the site plan, the facility
24 is centrally located on the property. There
25 is a proposed eight-foot-tall fence. The

1 height of the standing tower is six feet.
2 That also has privacy slots. The Verizon
3 equipment in the compound, is a ten-foot by
4 12-foot pad.

5 In addition, we are proposing to
6 plant trees, and twelve 20-foot spruces. We
7 were planning on using the existing access
8 road until all of the setbacks are met. As
9 far as offsite presences, the code requires
10 200 feet, and we have approximately 270
11 feet. Going back to the locational
12 priority, if it's possible for us to go back
13 to the lights in the front, last year we had
14 submitted a radio frequency report assessed
15 by the consultant. As far as that report,
16 we showed a couple of maps. This is a map
17 overlaid on it's own map. And this rounding
18 of the dots are the Verizon Wireless
19 existing sites. In fact, they are
20 co-located in the green area that is shown
21 in the covering from those sites. If we had
22 shown the 21 megahertz, this is actually the
23 best case scenario. All of the co-location
24 opportunities, the structure opportunities,
25 and all of the zone opportunities, are shown

1 as being used. This is in the residential
2 zone this is in. In addition, I would be
3 happy to answer any questions from the
4 board.

5 MR. PAEPRER: Any questions from the
6 board?

7 MR. STONE: Do you happen to have a
8 similar coverage map that would show the
9 change in coverage from the cell tower?

10 MR. CORMIOSA: Yes, we do. This is a
11 700-megahertz band. In the full report we
12 have all various heights, all the various
13 frequency bands, at best-case scenario.
14 This is the coverage at a 136-foot sima
15 line, maximum height 40 feet. As you can
16 see, it does, thus far, cover the gap area
17 as on the outline.

18 MR. PAEPRER: Thank you. Just for
19 everyone that is going to speak tonight,
20 we're getting some feedback. Just speak
21 into the microphone within three to four
22 inches. I personally would like to hear
23 from the public.

24 Keep in mind, the first tower is the
25 Croton Falls tower. Would anybody like to

1 be heard on the Croton Falls Road tower? If
2 anybody would like to be heard on the Croton
3 Falls Road tower, please come up.

4 MR. STONE: I would make a motion to
5 open a public hearing in regards to the 254
6 Croton Falls Road Tower.

7 MR. PAEPRER: I'll second. All in
8 favor?

9 THE BOARD: Aye.

10 MR. PAEPRER: Okay, 254.

11 MS. DONELLY: Hi, my name is Emily
12 Donelly(ph). I am not sure that people at
13 home can hear right now. I am not sure that
14 anybody can hear what's going on. They can
15 see it, but they are not hearing anything.

16 MR. PAEPRER: No, he just gave the
17 thumbs up.

18 MS. DONELLY: I mean, like, they are
19 seeing it but not hearing anything.

20 So, I had a couple of things. One
21 thing was that the last thing they discussed
22 was the possibility of them putting up
23 poles. As far as running everything
24 underground, I don't want seven telephone
25 poles on my property.

1 MR. PAEPRER: At the last meeting, we
2 did address that. We were told there would
3 be no telephone poles.

4 MS. DONELLY: Okay. And another
5 thing, I would like to see a maintenance
6 agreement. I know they did it in
7 Philipstown, in which Homeland would take
8 care of the property in the easement of what
9 they would be accessing. It was also agreed
10 upon that they pave the entire location they
11 would be digging. As well as the fact when
12 the Deals did construct the entire house,
13 they did not meet the site mandate required.
14 So, I would like that taken care of. Their
15 drainage issue has become my drainage issue.

16 Additionally, in regards to the
17 maintenance agreement, I am now the only
18 person taking care of that entire easement
19 area. If they are going to be putting this
20 on their property, I would like some sort of
21 help from Homeland. Another thing I would
22 like to add, is that what was put upon for
23 Philipstown, was that they put up cedar
24 fencing. And they would agree to be in
25 charge of dismantling it. And I would hope

1 for that in this scenario.

2 Additionally, I know they had
3 discussed in that last meeting, that they
4 had tried to alter the cell tower in some
5 way that they would be able to do that
6 potentially. I would like to be able to
7 know now, before they do that now, what the
8 next proper procedure would be. For
9 example, if they would like to increase
10 height by ten to 20 feet, I would like to be
11 aware as a landowner, and also the public,
12 what the next steps would be. Those were a
13 couple of my main concerns. And that was
14 another item on the Philipstown. Those were
15 some of the main issues.

16 In regards to Homeland, I would like
17 to be paid, since they are going to be
18 digging everything up. I would like some
19 sort of drainage issue fixed that the Deals
20 did not do, that was site-mandated when they
21 constructed the property. Again I would
22 like everything to be underground, no poles,
23 and the other issue being the drainage.

24 MS. FIARA: My name is Gail
25 Fiara(ph), and I live at 301 Croton Falls

1 Road.

2 There is a problem with all of the
3 applications, because I have a letter from
4 the New York State Parks and Recreation
5 Historical Society, from William
6 Krattinger(ph). Where I live, we have
7 property next door, 292 to 200.
8 Specifically 294 was a home that Richard
9 Yates, the famous author, lived in. And he
10 wrote a book in the well house.

11 So I did, I think my first letter to
12 the Board was in December 2018, explaining
13 this. And I just now got this letter, I
14 would like to read it. They are, all of
15 Homeland's applications are going to need to
16 be redone. This is from the well house, and
17 the fountain house, number 294 Croton Falls
18 Road. And it's Richard Yates, related for
19 the state eligibility. The state has a
20 register.

21 And they wrote, dear Mrs. Fiara(ph),
22 thank you for taking the time, for taking
23 the time to meet with us and my colleagues,
24 in July, on the property. And we
25 appreciated the opportunity to see the

1 former Putnam Playhouse property, and
2 particularly the town in which the Yates
3 family resided between 1956 and 1961. And
4 as well as the well house, in which Mr.
5 Yates wrote often, Revolutionary Road, which
6 was later made into a movie. The work
7 published in 1961 is today viewed as one of
8 the more important works of contemporary
9 American literature, and which received
10 acclaim along Tennessee Williams and Kurt
11 Vonnegut.

12 There has been a careful assessment
13 of these resources, and we have concluded
14 that they have satisfied the criteria. More
15 specifically, a property appears to satisfy
16 criteria in the area of literature for it's
17 direct and familial association with the
18 Yates, all while the Yates family resided
19 there. The writer and novelist, the name of
20 the author, he resided on the Croton Falls
21 Road property. He resided on the property
22 following his family's relocation to the
23 Mahopac area. The property contains the
24 dwelling where the Yates family resided, 294
25 Croton Falls Road. We have tenants living

1 in there for 15 years now.

2 In regards to the outbuilding, a well
3 house, he used it for a small but
4 comfortable writing space. It was there
5 that Yates authored Revolutionary Road,
6 which was chosen as a finalist for the
7 National Book Award in 1962. Both the cabin
8 and the well house survive today, and
9 maintain a historic interrelationship with
10 one another. The larger setting is largely
11 intact today as at the time, so far as the
12 various playhouse cabins where the some more
13 stock theater was housed. This is all
14 recognized for years in the Putnam
15 Historical. They have the landscape
16 terraces, along with natural landscape
17 features, and round-out the setting. These
18 features collectively provide a historically
19 accurate sense of place, relative to the
20 Yates's occupancy period in which he offered
21 the work, and placed his name among the
22 leading American authors of America. Little
23 changed from the time that Yates used it as
24 a small, secluded work space.

25 It provides an authentic glimpse into

1 the writing of Revolutionary Road, for which
2 he is best known. This determination of his
3 eligibility is his listing on the SNRHP,
4 which takes some time to complete, in terms
5 of compliance, Section 1409 of the New York
6 State Historical Preservation Act of 1980,
7 and Section 106 of the Historical
8 Preservation Act of 1986.

9 And it states, there is no
10 distinction between determinability, and
11 actual listing on the registered. And as
12 such, eligibility in relation to the
13 Yates-related sources should be taken into
14 consideration relative to any action that
15 triggers these historical preservation laws.
16 Eligibility will be noted, information
17 systems shortly. Thank you for your
18 interest in pursuing this.

19 And he says if I have any other
20 recommendations, to call him. And anybody
21 who would like a copy of this, I would be
22 glad to give them a copy of it.

23 MR. PAEPRER: I think the Board would
24 like a copy of it.

25 MS. FIARA: Okay. And the other

1 thing, it's number five, as we all know on
2 the one through six. When Mr. Deal, I know
3 he said he was going to build his retirement
4 home, he said there would be zero impact on
5 his neighbors. And no one knew he had this
6 in mind. But because of the way the public
7 was notified, we didn't know right away.
8 But, thank you God, we did find out about
9 it. We can give this all we got. I also
10 have the DEC report. I have all kinds of
11 reports I have read thoroughly. They all
12 say it's not in contingency to any
13 historical place which is even being
14 considered. So, I would believe these
15 applications would all have to be altered.

16 I have copies, and says is it in
17 within contingency? Is it within a place
18 being considered? And he always wrote no.
19 And he has to say yes, because no is not the
20 truth. And this is a similar situation to
21 the Agar(ph) property. I think it was in
22 2015, they tried to put a tower on. And
23 they will always be recognized also as
24 historic, but they are not listed. So I
25 know there is no difference if you are

1 listed, or as Mr. Krattinger(ph) said. And
2 I will be happy to give anyone a copy. And
3 I also have the FCC form 620. That also has
4 the same thing, that needs to be changed to
5 state it.

6 My house is 497 feet from this tower.
7 My son and daughter-in-law live near the
8 294, where Yates lived. And it's all you
9 can see right back there. It's not that
10 far. And my daughter and her husband live
11 at 310, and my three grandchildren. And I
12 know you can't bring up any health things
13 with all of this, but I don't know why
14 anyone would want this, who cares about
15 their families. Especially children.

16 Just one other thing. They already
17 were issued the one variance when they
18 constructed their retirement home, so now
19 would need three or four more variances.

20 MR. PAEPRER: We would be happy to
21 take any documentation you have.

22 MS. FIARA: All of these other ones
23 with how it was being considered, I think
24 you all have a lot of that. I will give you
25 this final letter, where they really

1 accepted it.

2 MR. PAEPRER: Thank you.

3 MS. FIARA: Thank you.

4 MR. PAEPRER: Would anyone else like
5 to speak on behalf of Croton Falls Road?

6 MS. SWANSON: Good evening, my name
7 is Emily Swanson(ph). And this is my
8 partner. We are located within 1,000 feet
9 within Croton Falls Road. We are first-time
10 homeowners.

11 We thought our biggest troubles would
12 be moving in and maintaining character of
13 our historic house, which was built decades
14 before cell towers even existed. Instead it
15 has been an enigma, and a source of anxiety,
16 making us revisit our plans of whether or
17 not we plan to continue to live in this
18 area, in which I was born and raised. Our
19 home has been a major investment, like many
20 folks who are here today. But it seems like
21 one neighbor has another plan for us, so
22 where is our break?

23 We are not prepared to have our home
24 value adversely affected, so others could
25 collect a check. Is the town prepared to

1 give everybody within 1,000 feet a tax
2 break? Or maybe we can take our check in
3 the form of a share from Verizon? Better
4 yet, a check by Homeland Towers, fueled by
5 greed? Because hey, they don't have to live
6 next it. Commercial activity of this scale
7 and nature has no place in residential
8 areas. Thank you.

9 MR. PAEPRER: Anyone else like to be
10 heard?

11 MR. LEAVENAR: Thank you. Ron
12 Leavenar(ph), resident of Stacey Lane.

13 I believe our home is either the
14 closest home to the actual site of the
15 tower, or very nearly the closest home to
16 the site. I wanted to just touch on a
17 couple of questions that I am hoping the
18 Planning Board and Homeland Towers could
19 respond to.

20 First I want to highlight and come
21 back to the point that Gail made. When the
22 property in question was originally
23 subdivided, the property owner came before
24 the town and asked for a variance. And
25 presented various arguments in favor of the

1 variance. And also made no mention
2 whatsoever of the current proposed use. And
3 it really wasn't very long ago. So, it
4 strikes me as strange that someone could
5 come before the town, and fail to tell the
6 truth.

7 I don't know whether the homeowner at
8 the time didn't have these plans, I can't
9 say. But in any case, even if it was the
10 truth at the time, the idea that the town
11 authorities would grant the variance on
12 those grounds, that would end up being
13 simply not true. And when you ask to grant
14 another variance for the additional uses,
15 and couldn't, or wouldn't take that change
16 into account, just seems strange to me. If
17 there is a reason why that's okay, or if
18 there is a reason why it shouldn't be taken
19 into account, or if it has been taken into
20 account, or if there is a determination it
21 doesn't make a difference, I would like to
22 get an explanation. And I am guessing other
23 members of the public would as well.

24 The other point I am hoping to touch
25 on, goes to the analysis that Homeland

1 provided. They mentioned today, and
2 provided documentation around analysis
3 regarding loss of property value. They
4 provided analysis around a sufficiency of
5 coverage. And they provided analysis, that
6 I would understand to be an effort to show
7 they complied with the prioritization
8 efforts of our local code. I certainly
9 don't have the technical knowledge to judge
10 the quality of the analysis with respect to
11 coverage sufficiency, or with respect to the
12 other potential sights. But with respect to
13 loss of property value, I certainly have an
14 insight on the topic. And I think anyone
15 who has been a homeowner in this town, or
16 really anywhere else, has a feel for the
17 likelihood that that analysis is really
18 thorough and unbiased.

19 And it calls into question for me,
20 and perhaps other members of the public, and
21 hopefully the Board, whether the other two
22 analyses are thorough and objective. Or
23 whether they are irretrievably motivated by
24 the desire to get the application accepted.

25 So the question I would appreciate

1 getting an answer to from Homeland, what
2 sort of insurance could they provide us with
3 respect to the analysis? What can they tell
4 us about the team that performed those
5 analysis? And especially whether they would
6 be willing to boost the credibility, to have
7 independent experts to provide analysis, and
8 provide those to the Board.

9 MS. SIMON: I'm sorry, I came late.
10 So, I apologize if I repeat anything.
11 Jennifer Simon(ph). I live at Two Weber
12 Hill Road. So, I live right next to the
13 property that this tower is proposed on.
14 And I have a few questions regarding a
15 couple of things that have been probably
16 stated.

17 First, one of the things that has
18 come up a few times was that the site that
19 was chosen by the Homeland Towers is fifth
20 on the priority list location-wise, on the
21 town code. And the last hearing, they still
22 hadn't answered whether or not they had
23 evaluated, and why they had chosen something
24 so far down on the priority list. I want to
25 know what that answer is. It seems to me a

1 residential site second to last on the
2 priority list seems to be a chosen zone at
3 random.

4 Second, I know that Homeland Towers
5 stated that they have lots of studies
6 showing that home values increase within a
7 radius of a tower. The science says
8 otherwise. And I would just like to know
9 who conducted those studies, and if they
10 were going to be made available to us to
11 use, as well.

12 I would also to know if they used
13 special economic analysis, or what they used
14 for that study. Because according to the
15 National Association of Realtors, and
16 economics and finance, and also the National
17 Association of Appraisal Institute, and the
18 National Institute for Public Policy, that's
19 not true. According to them, there is a
20 significant overcost. And declining values
21 of two and a half percent, on average. And
22 for homes within view of those towers, the
23 decline is 9.7 percent. So the three most
24 reputable real estate and public policy
25 institutes in the country, and globally, say

1 otherwise. So, I would like to know where
2 they got this information.

3 And if this does go through, I would
4 like to know how the properties directly
5 abutting this, whether they would be
6 compensated for this loss. There is other
7 loss in other towns, and other counties,
8 across the United States. I would like to
9 know if I am going to be compensated at all
10 for the loss of value of my home.

11 MR. PAEPRER: Thank you. Show hands,
12 would anyone else like to speak? Please.

13 MR. DRIVSKOSKI: My name is Drev
14 Drivskoski(ph). We live at 24 Stacey Lane,
15 so actually very close to mine. Just a
16 couple of observations.

17 Where is the value? I am sure most
18 of you shopped and purchased a home before.
19 If had you a choice for the cell tower for
20 the same price, I am telling you which one
21 you would buy? Somebody tells you
22 otherwise, look at those analyses. I am
23 sure someone did analyses in the real estate
24 values, the market, home values, the market
25 is climbing. Not back to what it was, but

1 two or three percent higher. So, if you
2 still have some kind of appreciation in
3 value.

4 Second one, variance. Did somebody
5 say what variance needs to be cleared? Can
6 somebody say what variances need to be
7 cleared before this is approved?

8 MR. PAEPRER: It's on the zoning
9 board agenda, a week from tomorrow.

10 MR. DRIVSKOSKI: I read some
11 information. It was from 180 to 160?

12 MR. PAEPRER: Now 140.

13 MR. DRIVSKOSKI: And I think I saw
14 somewhere, that the permit requires, and the
15 zoning is 78?

16 MR. PAEPRER: 75.

17 MR. DRIVSKOSKI: So, 100 percent
18 higher than what is allowed by zoning?

19 MR. PAEPRER: That is correct.

20 MR. DRIVSKOSKI: I see that some were
21 looking at one neighbor to another neighbor,
22 and there was no exchange here. They didn't
23 like the window looking from the other
24 house, because it was against the zoning.
25 Obviously, the zoning board didn't approve

1 of it. And it was not nearly close to the
2 height of the tower.

3 And last of all, the health. I know
4 there is no proof that cell phones, which we
5 are all attached to, are any kind of health
6 hazard. You know what? 20 years ago, they
7 said aspirin is the best thing you can have.
8 And if you look at the reports from the
9 government, you are not going to last long.
10 You know?

11 MR. PAEPRER: Anyone else wish to be
12 heard on Croton Falls Road?

13 MS. DONELLY: I am not speaking
14 again, but I am still letting you guys know
15 there is still no sound. Just keeping you
16 updated so you are all aware.

17 MR. GIANNICO: I would like to make a
18 motion to keep this open.

19 MR. CLEARY: Mr. Chairman, identify
20 the date for this public hearing? That
21 would be September 11th?

22 MR. PAEPRER: When we come back here,
23 it goes to the zoning board eight days from
24 now. And comes back to us, the planning
25 board.

1 AUDIENCE MEMBER: And when do you
2 make a final decision?

3 MR. PAEPRER: After we consult with
4 them.

5 AUDIENCE MEMBER: After September
6 11th?

7 MR. PAEPRER: It's a public hearing
8 on the 11th. And you can still make written
9 comments if you like.

10 MR. CORMIOSA: The only thing was
11 that we didn't get the letter that was read
12 before. If I can also have a copy of
13 anything else submitted to the record? And
14 just note, we have permits of the EAF with
15 regard to August of last year.

16 MS. MONROE: My name is Linda Monroe,
17 and I live on Eleanor Drive. I want to
18 know, the height of the tower went from 180
19 to 140, and Dixon is 110. Can I get an
20 explanation why it's 140?

21 MR. PAEPRER: That will be discussed
22 at zoning board. This is about coverage.
23 There is adequate coverage at Dixon Road,
24 and it's all about coverage. What we want
25 to try to avoid is having several.

1 MS. MONROE: Maybe you can. Maybe we
2 don't have to have a monster, and have one a
3 little bit down the road. And we don't have
4 to be the one to take care of everybody.

5 MR. PAEPER: We will discuss that at
6 the next board.

7 MR. GIANNICO: I make a motion to
8 open item number four, 36 Dixon Road.

9 MR. PAEPER: I will second that.

10 MR. CORMIOSA: Good evening, again.
11 For the record, Robert Cormiosa(ph), with
12 the law firm of Schneider and Schneider, on
13 behalf of Verizon Wireless.

14 MR. PAEPER: So, I am getting a
15 feedback that the people with Verizon TV are
16 getting it okay. Possibly feedbacks on
17 different networks, we don't know.

18 MR. PAEPER: Any comments on Dixon
19 Road?

20 MR. CARNAZZA: Next for the height,
21 the driveway, and the --

22 MR. CLEARY: Final memo. Still
23 comments in there to be addressed so the
24 applicants are aware of those comments, and
25 we will address them.

1 MR. CLEARY: I just want to point out
2 that we have a court reporter taking down
3 every comment. We understand there are some
4 complications here today.

5 MR. PAEPRER: That's actually why, we
6 anticipated, we wanted to capture properly.

7 MR. CORMIOSA: Thank you,
8 Mr. Chairman. Again, in light of the prior
9 presentation during the civil comments, this
10 is an application for a site plan permit
11 approved through the planning board. This
12 is an application for 36 Dixon Road, that
13 originally included a 157-foot tower.

14 We, again, did submit all the of the
15 various materials, deeds, and restrictions.
16 We submitted the environmental assessment
17 form, and certification letter. We also
18 submitted a radio frequency exposures
19 report, license carriers with letters, 3.34
20 of the allowable one percent notation,
21 approximately 25 times below the FCC unit.
22 Again, we did receive the radio frequency
23 report. The service plan, submitted back on
24 August 2, 2018, it did include a full
25 analysis. We submitted with that a radio

1 frequency coverage report, approximately 949
2 residences within that gap area. We
3 submitted the drive tests an April 22nd.
4 150 feet, 130, and 110 for Verizon Wireless.
5 We submitted the drop call and success
6 failure data. We submitted, FAA writing and
7 walking. We submitted a co-location. And
8 also property appraisal, at that time. 50
9 studies, in a five-year period. That study
10 does include all of the data, doesn't
11 include the square footage.

12 That property, basically the data was
13 right there for everyone to look at. And
14 that's on record. That methodology is on
15 numerous accusations in various courts. In
16 Philipstown, and the town of Kent, that's
17 that methodology. We did submit, based on
18 the ballon and crane test, equal analysis,
19 the balloon test.

20 Again, this site plan includes
21 utilities, an eight-foot fence, antennas.
22 The equipment that, in this case, opens the
23 existing access drive. And proposing an
24 access drive to approve that path, we agreed
25 to abide by the town. 35 trees and spruces,

1 as well as the additional spruces. As far
2 as the setbacks and all of the setback
3 requirements, as far as an outside presence,
4 requires offsite. Code requirement is 225
5 feet. We have approximately 375 feet.

6 MR. PAEPRER: Thank you. At this
7 time, I want to hear from the public.

8 MR. MONTANARA: My name is Robert
9 Montanara(ph). I live at 30 Brittany Lane,
10 within a few hundred feet of this proposed
11 tower. This tower proposed 30-some-odd-feet
12 from the property line.

13 I represent a group of people here.
14 And much of what I talk about, you will be
15 receiving in a formal brief from my
16 attorney. And interesting of it, a ten acre
17 parcel they have chosen. I have heard about
18 Homeland and their attorney making claims of
19 no property values being damaged.

20 Just on the rare instance of an
21 attorney for a for-profit corporation,
22 whether giving misleading data or making a
23 mistake, we went out and did our homework.
24 We went out and spoke to a dozen local
25 realtors. They make their money, make a

1 percentage. You would think they wanted a
2 cell phone tower in everybody's front yard.
3 What did we find? We found quite the
4 opposite. They agreed it decreases. What
5 they could not agree upon was the
6 percentage. We have percentages by as much
7 as a ten percent decrease in the adjacent
8 surrounding homes. Up to 30 percent.

9 I took a ride around, and I counted
10 30 homes between Angelo, Dixon, Brittany,
11 and Bianca, roughly affected by this
12 150-foot Homeland tower. Those 30 homes
13 range in value from \$400,000, to an excess
14 of \$700,000. It's a conservative estimate
15 of half a million dollars, and multiply it
16 by 30. That's \$15 million in home values.
17 I took the realtor percent, and 20 percent
18 of \$15 million in home values? \$3 million.
19 Those same 30 homes pay close to \$500,000.
20 Let me say that again, \$500,000 in
21 real-estate and school taxes to this town
22 every year. These numbers are staggering,
23 and are certainly large enough to be
24 considered for a litigation.

25 When you receive our brief, you will

1 also get various esthetic letters from our
2 homeowners, that it has destroyed the beauty
3 of where they live. To add insult to
4 injury, the rent for this cellphone tower is
5 going to go to a private individual, instead
6 of looking for alternate sites in the town,
7 where the town would be the landlord,
8 collect the money, and perhaps use that
9 money to hold over the property taxes that
10 all of the people in this town are paying.

11 I have seen bad deals. But I would
12 describe this as a bad, bad deal. And I
13 would summarize it as being bad planning.
14 So, we implore this board to turn down the
15 variances. We will gladly walk you through
16 Angelo, Dixon, Brittany, around all
17 properties. We can walk you around these
18 sights that are non-intrusive, and can bring
19 money around the town if a tower is even
20 needed in this area. When you see bad data
21 being brought to you on one point, you
22 should be considering all of the data you
23 are being given.

24 With all due respect, I implore this
25 Board to recommend these variances are not

1 granted, and this tower not be built.

2 MR. PAEPRER: Thank you. Anyone else
3 on Dixon Road like to be heard? Please.

4 M. GUERRA: My name is David
5 Guerra(ph), 34 Brittany Lane.

6 Most of what I wanted to say has been
7 stated and covered. But I myself have three
8 letters from realtors, saying exactly what
9 Rob had said. So if, in fact, the data
10 collected by Schneider and Schneider and
11 Homeland Towers is different than the
12 information we are finding in town, is
13 different, I think we should all take a look
14 at the percentages. I think it's up to the
15 town, the Board, to do that research on all
16 of that information. And, at least, give us
17 the benefit of the doubt. And take a look
18 at all of that information to be sure that
19 their information is credible. We are all
20 homeowners here. We have all worried about
21 property values. I think we are all in
22 agreeance with that.

23 MR. PAEPRER: Anyone else like to be
24 heard on Dixon Road? So, just like Croton
25 Falls Road, this will be on for a week from

1 tomorrow.

2 MR. GIANNICO: And I make a motion to
3 keep the public hearing open. Make a motion
4 to --

5 MR. PAEPRER: Until September 11,
6 2019?

7 MR. GIANNICO: Sorry. Keep the
8 public meeting until September 11, 2019.

9 MR. PAEPRER: All in favor?

10 THE BOARD: Aye.

11 MR. GIANNICO: I will make a motion
12 to adjourn the meeting.

13 MR. PAEPRER: All in favor.

14 THE BOARD: Aye.

15 MR. PAEPRER: Thank you.

16 (Time Noted: 7:40 p.m.)

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C E R T I F I C A T E

I, Jennifer Nicole French,
Certified Court Reporter, before whom this proceeding
was taken, do Hereby state on the Record:

This to be a true and accurate
transcript of the aforesaid proceeding and that due to
the Interaction in the spontaneous discourse of the
proceedings, dashes (--) have been used to indicate
pauses, changes in thought, and/or talkovers; that
same is the proper method for a Court Reporter's
transcription of proceedings, and that the dashes (--)
do not indicate that words or phrases have been left
out of this transcript;

That any words and/or names which
could not Be verified through reference material have
been denoted with the parenthetical "(ph)."



JENNIFER NICOLE FRENCH

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