North Salem Planning Board Minutes
December 11, 2013
7:30 PM – Annex

PRESENT:	**Cynthia Curtis, Chairwoman** **Charlotte Harris, Board Member** **Gary Jacobi, Board Member** **Bernard Sweeney, Board Member** **William Agresta, AICP**
ABSENT:	**Roland A. Baroni, Town Attorney** **Robert Tompkins, Board Member**

ATTENDANTS:	**Purdy's Farmer and the Fish:**	**Viktor Solarik**
	Homeland Towers LLC:	**Robert Gaudioso**
	Spring Nextel Corp.:	**Adam Moss**

Chairwoman Cynthia Curtis calls the December 11, 2013 North Salem Planning Board Meeting to order.

REGULAR MEETING:

1. Purdy's Farmer and the Fish: Viktor Solarik (owner – Purdy Family Trust)
Amended Site Dev. Plan (location – 100 Titicus Road)

- Consider Request for Relocation of Dumpsters
- Consider Draft Resolution of Approval

Cynthia states we have Viktor Solarik here tonight representing the Applicant. Cynthia states if Mr. Solarik had listened to Gary a few months ago, the dumpster would have been moved in the first place. Mr. Solarik states he doesn't know exactly how this happened, as he knows there was a discussion about dumpsters. Cynthia states that at the time the Applicant mentioned having a distance issue in terms of there being a long way to go. Mr. Solarik states when Mr. Taylor realized the dumpster would be so close, he wasn't happy. Mr. Solarik states they went back to the end of the parking lot which is kind of where it was originally. Mr. Solarik states there are three 60 yard dumpsters. Mr. Solarik states there will be refuse, cardboard, and other recyclable materials in the dumpsters. Mr. Solarik states a truck comes every day for pickup. Mr. Solarik states there is a 24 foot wide enclosure and the three dumpsters are all in a row. Mr. Solarik states there is a gate which swings open so the whole front is accessible. Cynthia confirms with Mr. Solarik that the enclosure and dumpsters are already there. Cynthia states she did speak with the Building Inspector to confirm that this would not trigger the need for a variance. Cynthia states the enclosure is slightly bigger than what was originally discussed because there are three compartments instead of one. Cynthia states they all fit in one location. Mr. Solarik states it doesn't impact vehicles from turning out of the parking lot as there is still nine feet for the last two spots. Mr. Solarik states it is spacious now. Mr. Solarik refers to the Draft Resolution and states there is a reference to coming back before the Board for any Field Changes. Mr. Solarik states there will probably be a slight grading change as the parking lot will be less steep than what was originally shown. Mr. Solarik states they will have the surveyor indicate that and come back before the Board to get everything on the record. Cynthia states the as-built will pick that up. Cynthia asks Will whether the Applicant has to come back. Will states if the layout or the drainage will not change it isn't necessary. Mr. Solarik states the catch

basins are exactly where originally proposed. Mr. Solarik states the grade is 1 ½ feet lower than what was originally shown. Cynthia states she appreciates Mr. Solarik bringing this up. Cynthia states the as-built should pick it up. Cynthia states if the layout were to change or shift it would be necessary to come back before the Board. Mr. Solarik states the layout is exactly as how it was designed. Mr. Solarik states they had the area staked out by their surveyor. Cynthia asks Mr. Solarik if he took a look at the Draft Resolution. Mr. Solarik refers to revising the Plan Sheet S3 and states he will indicate the site of the dumpster as approved on the June 19, 2013 and indicate the removal of it as well as the relocation area. Cynthia asks the Board whether they have any questions on the Draft Resolution. Charlotte states no.

Chairwoman motions that the Planning Board Adopt the Draft Resolution Amendment of the Approved Site Development Plan Providing Authorization for a Change in the Location of the Dumpsters at Purdy's Farmer and the Fish Restaurant. Charlotte Harris seconds. All in favor. No opposed.

2. Homeland Towers LLC: Robert Gaudioso (owner – Bloomerside Cooperative, Inc.)
Cond. Use/Site Dev. Plan (location – 101 Bloomer Road)

- Discussion Regarding Proposed Communications Facility
- Consider Report From Radio Frequency Engineer
- Consider Report From Planning Consultant
- Consider Report From Town Engineer

Cynthia confirms that Robert Gaudioso from the law firm of Snyder and Snyder is here tonight to represent both Homeland Towers and New York SMSA Limited Partnership doing business as Verizon Wireless. Cynthia states that Ron Graiff is here with us tonight. Mr. Graiff states he is an independent Radio Frequency Consulting Engineer. Cynthia states the Board may recall a Report Mr. Graiff had prepared a few years ago in reference to a different tower. Cynthia states this is the first time Mr. Graiff has come to one of our Meetings. Cynthia states this is a new tower proposal and asks Mr. Gaudioso if he brought a map with him to display. Mr. Gaudioso states he doesn't have anything different than what the Board received. Cynthia gives Charlotte one of her maps to put up. Cynthia states the three Consultants Reports are very detailed and raise a lot of questions. Cynthia states in general we will start by asking why the tower is being proposed at 120 feet. Cynthia states as the Board tries to understand the areas being proposed for coverage, they are trying to figure out whether this may be achieved with Verizon at a lower height which is always the goal. Cynthia states there are Reports from Mr. Graiff, Mr. Agresta, and Mr. Annunziata. Cynthia asks Mr. Gaudioso if he has any specific questions as to what is being asked of him within the Reports.

Mr. Gaudioso states he thinks, for the most part, he understands what has been requested. Mr. Gaudioso refers to the Report from the Town Engineer at Hahn Engineering and states he doesn't have any questions other than Item No. 3 on Page 2 which is a question in regards to the driveway. Mr. Gaudioso states they will look at that further and provide a response. Mr. Gaudioso states that one of the reasons they feel the angle of the driveway is useful is because it doesn't provide a clear direct view right into the compound, so that was one of the benefits to the angle of the driveway.

Mr. Gaudioso refers to the Report from Mr. Graiff and states it is pretty straight forward and they are happy to reformat the materials based on some of his requests. Mr. Gaudioso states that the maps they submitted, while Mr. Graiff takes exception to some of them, are consistent with what the Zoning Code requires. Mr. Gaudioso states they will be happy to revise the maps and provide additional detail. Mr. Gaudioso states they are happy to provide a full response.

Mr. Gaudioso refers to the Report from Mr. Agresta and states most of it is pretty straight forward. Mr.

Gaudioso states he would like to clarify a few of the details. Mr. Gaudioso states he wants to make sure to respond to the Reports and any questions the Board or the public have. Mr. Gaudioso states he doesn't want to second guess, mind read, or shadow box. Mr. Gaudioso refers to Item 2 on Page 2 in regards to having seasonal Site and landscape maintenance provisions provided and detailed. Mr. Gaudioso asks if that is something there would be standard detail on. Will states this has to do with how the physical Site will be maintained as far as the driveway and compound. Will states it is going to change over time due to the change of the seasons. Will talks about wanting to see a proposal for the landscaping and how it will be maintained. Will states it would be considered a Maintenance Plan. Mr. Gaudioso refers to the third item in No. 2 in terms of having a suitable access and turnaround for fire, police and emergency services demonstrated on the Plans and the adequacy of same confirmed in writing by such providers. Mr. Gaudioso states they do not have a problem demonstrating this information on the Plans. Mr. Gaudioso states he would like to clarify who the providers are that Mr. Agresta is referring to as far as fire, police and emergency services. Cynthia states it would be the Town's local Fire District. Cynthia states the Plans will be referred to them once they are complete. Cynthia states the police would be the Chief of Police. Cynthia states the emergency services would be the local Ambulance Corp. Mr. Gaudioso states he doesn't have a problem reaching out to them, but cannot guarantee any type of a response.

Mr. Gaudioso refers to the alternative tower designs and states a lot of those comments overlap with the Report from Mr. Graiff and he will provide a response to that from Verizon. Mr. Gaudioso refers to the height and states that 120 feet is the Code Requirement. Cynthia states it is not a requirement, 120 feet is the maximum allowed. Cynthia states the Board would like to know whether Verizon may achieve what they are proposing, for example, at 100 feet. Cynthia states the tree proposal is the Applicant's proposal. Cynthia states the Town would rather see the least amount of visibility. Cynthia asks why the Applicant isn't proposing a single monopole with everything on the inside. Mr. Gaudioso states there are technical reasons for that and also competing provisions in the Code. Mr. Gaudioso states the number one item listed under objectives is to minimize the amount of towers in the Town and they think that the tree proposal will allow for future co-location. Cynthia states it is a balancing act because of the visual impact. Mr. Gaudioso states before there is a determination that there will be a visual impact, an evaluation has to be done. Cynthia talks about the Board going on a Site Inspection. Mr. Gaudioso states he believes the Applicant has picked a good location for a lot of different reasons and he is sure this will be discussed as the Application goes forward.

Mr. Gaudioso refers to Item 7 on Page 3 and states the comment about propagation maps being deficient is something they disagree with because he doesn't think the Code specifies anything as far as scale and proportion. Mr. Gaudioso states they agree to disagree, but will provide additional formatting and information

Mr. Gaudioso refers Item 8 on Page 4 and states he understands there have been discussions about a potential Site at the Highway Garage and in conjunction with the comments from Mr. Graiff show the coverage from that Site and how it differs from their proposed Site. Mr. Gaudioso states they believe there will be substantial differences because of the ridgeline between the two. Mr. Gaudioso states it is his understanding that there has not been an Application filed. Cynthia states that is correct; not yet. Cynthia states she believes the Town has entered into a Contract. Mr. Gaudioso states there is no Application and that is his point. Mr. Gaudioso states they cannot propose to co-locate on something that doesn't exist, nor has an Application pending. Will states it is more real than just hypothetical, as the Town has done negotiations and there is a Contract which makes it real. Will states that whether steps have been taken to apply to the Planning Board is not as relevant as the fact that it is a real Site and is being considered by the Community. Mr. Gaudioso states they will evaluate it, but will agree to disagree as he doesn't think it is real since there isn't an Application. Mr. Gaudioso considers this speculative. Cynthia states that part of the plan will be for the Applicant to go around and reach out to everybody and see whether there is a willing Applicant in Town. Mr. Gaudioso states they don't agree because they approached them and didn't receive a response. Cynthia states that Homeland approached them,

but she doesn't know whether Verizon did. Mr. Gaudioso states that Homeland is still the Applicant here. Cynthia states that Homeland is a builder of towers and Verizon is the real public utility. Mr. Gaudioso states it doesn't change the analysis and the bottom line is if it is that real we would ask for a copy of the Plans showing where it is located and what the proposed height and design are and we will evaluate it appropriately, but those Plans don't exist. Will states with regards to Homeland Towers they really couldn't do anything on their own because a tower by itself is not a Permitted Use. Mr. Gaudioso states it is irrelevant in this case because Verizon is a Co-applicant. Mr. Gaudioso states that Verizon and Homeland are Co-applicant's here and Homeland did approach the Town and received no response. Mr. Gaudioso states if there is an Application we will be happy to review it, but we are confident that it doesn't cover the areas that our proposed Site will cover. Cynthia states Mr. Gaudioso should pay attention as to why the Town wasn't happy with Homeland Towers as they wanted to have high towers with a lot of visible equipment on the exterior of the pole. Cynthia states the reason why the Town Board was talking with and signed a Contract with AT&T is because their monopole will have all of the equipment on the inside of the pole. Cynthia states this is a very big difference and it is what the Community wants. Cynthia talks about having a few towers at 80 or 90 feet and states that is better than one tall tower with a lot of equipment on the outside. Mr. Gaudioso states he can't speak for the Community; he can speak for the Zoning Code. Cynthia states she is trying to tell Mr. Gaudioso what the Community and Town Board are saying. Mr. Gaudioso states they have put in an Application under the Code and they think it meets the requirements of it. Mr. Gaudioso states they will go through the process and ultimately the Board will make a decision. Mr. Gaudioso states they did approach the Town Board and he doesn't think it is fair to say that they declined to do a flag pole design, as he doesn't think that conversation ever materialized as he doesn't think the Town Board ever got back to them. Cynthia states she believes there were a lot of conversations with the Town Board. Mr. Gaudioso states they are not on the record here so if someone wants to put them on the record he will be happy to respond to them. Mr. Gaudioso states they did put information on the record as far as who their contacts were. Mr. Gaudioso states that someone from Homeland Towers did talk with the Town Supervisor directly and he suggested they find a piece of property away from residences on a large wooded parcel. Mr. Gaudioso states he would like to add that testimony to the record. Mr. Gaudioso states that Homeland Towers endeavored, and believes they were successful, in finding a large parcel in a wooded area away from residences. Mr. Gaudioso states his question would be why would the Highway Garage, other than the design of the facility, be a better Town alternative than their proposal. Mr. Gaudioso states that he believes from a visual standpoint it is not a better alternative, as well as from a Code standpoint. Mr. Gaudioso states if the Board does feel there is an alternative that is better, he would like to understand the reasons why so it may be analyzed. Cynthia states from a visual standpoint Mr. Gaudioso is proposing a pine tree that will only be a pine tree above the natural tree line where there isn't a single pine tree in the area. Cynthia states that we are going to see something artificial rising out of a wooded area. Mr. Gaudioso states he believes the Chair is speculating because we haven't done the analysis yet. Cynthia states the Board will go out to the Site. Will states the analysis has to be done. Cynthia states she is not speculating, she is telling Mr. Gaudioso what his drawing is depicting. Cynthia states she hopes as the Board goes through this process Mr. Gaudioso listens to their concerns so as to work together to get something that will work for everybody. Mr. Gaudioso states he understands. Cynthia states the Board knows the companies are trying to provide the service. Mr. Gaudioso states they believe they took the direction from the Supervisor. Mr. Gaudioso states they put a lot of work into this and have submitted a tremendous amount of materials. Cynthia states that Mr. Gaudioso's directions come from this Board, as we are the Permitting Board. Mr. Gaudioso states the question of the Town Board's input is not relevant then.

Mr. Gaudioso refers to Item 12 on Page 5 in regards to the propane storage tank(s) in terms of burying them and doesn't understand what is meant by the words "coordinated solution". Will states that the Applicant is proposing a 1,000 gallon tank and there is the potential for five other providers who may want their own tanks or some type of other service. Will talks about the tanks being buried so as not to attract a nuisance. Will states a coordinated solution should be provided to minimize the potential safety impacts resulting from

multiple unmanned stations with significant quantities of stored fuel. Will states the same would be true for the design of the building as well.

Mr. Gaudioso refers to Item 14 on Page 5 in regards to the color of the branches and states he suggests they submit samples from different manufactures, and provide sample branches. Gary asks if a monopole is not a consideration. Mr. Gaudioso states they would be happy to do monopole and would prefer it. Mr. Gaudioso states they offered the stealth treatment of the pole disguised as a Pine Tree based on wording in the Code and the thought that they were trying to show good faith, as it is a much more expensive build for them. Cynthia asks Mr. Gaudioso if he is referring to a monopole with everything inside. Mr. Gaudioso states no, the antennas would be on the exterior. Gary asks why the antennas can't be inside the pole. Mr. Gaudioso states they will provide documentation on that. Mr. Gaudioso states there are a lot of limitations as far as fitting the equipment, cables, co-locators, and vertical space because the antennas are vertically mounted rather than horizontally mounted. Mr. Gaudioso states it is a much more confined space and it has limitations as far as co-location. Mr. Gaudioso states they will provide documentation about this. Gary states that monopoles do work. Mr. Gaudioso states that monopoles work as far as having exterior mounted antennas. Gary and Cynthia state no. Mr. Gaudioso states in some instances they have been used. Gary asks what the difference would be. Mr. Gaudioso states they will provide details for the Board. Mr. Gaudioso states the difference is that they are taking twelve six or eight foot antennas, four into each direction, and turning them into one, or stacking them. Gary states he understands. Mr. Gaudioso states that different carriers have different frequencies and sometimes use different antennas. Gary asks who the owner of Homeland Towers is. Mr. Gaudioso states that Homeland Towers is an LLC. Gary states he didn't ask how it is formed; he asked who the owner is. Mr. Gaudioso states it is all laid out on the forms. Mr. Gaudioso states that Mr. Vicente, their President is here with him tonight. Gary states he is still questioning who the owner is and doesn't know why Mr. Gaudioso doesn't want to give him an answer. Mr. Gaudioso asks what the basis and relevance of the question is. Gary states profit motive. Mr. Gaudioso states that profit motive is not relevant to the Zoning Application. Gary states the owner wants to build a bigger and taller tower so he can have more profit. Mr. Gaudioso states he doesn't see the relevance under the Zoning Code. Gary asks Mr. Gaudioso if he doesn't see the relevance of a bigger and uglier tower. Mr. Gaudioso states he thinks there is an assumption that this will be a bigger, uglier, taller tower, and somehow profit is driving it. Gary states no, Mr. Gaudioso made the assumption that there is a need to have 12 antennas stacked, which wouldn't be needed if Verizon were to be the sole occupant. Gary states if Verizon were the owner they would want to be the sole occupant. Mr. Gaudioso states there are provisions in the Code that encourage and require co-location. Gary states he just asking a question and has received an answer. Mr. Gaudioso states for the record that it is an inappropriate inquiry. Cynthia states that co-location doesn't mean everyone has to be within the same pole; co-location can be more than one facility on the same lot. Cynthia states this is a 100 acre lot. Cynthia states what the Board is looking for is something that is more reasonable where maybe there would be two users in one lower interior based tower. Mr. Gaudioso states he believes it is already in the record, that the Board is making the assumption that Verizon can somehow go lower and that they are proposing a 120 foot tower for a profit motive. Gary states if Verizon cannot go in at 90 feet, why would Sprint be able to go in at 90 feet? Mr. Gaudioso states they use different services, frequencies, and may have different surrounding Sites. Mr. Gaudioso states he cannot speak for Sprint because they are not part of the Application tonight. Mr. Gaudioso states they may not want to go lower in the pole. Gary asks what different services Sprint uses. Mr. Gaudioso states he misspoke; he meant to say frequencies. Mr. Gaudioso states the Board is jumping to the conclusion that the facility will be big, tall, and ugly, and that it is required just for co-location. Mr. Gaudioso states if the materials they submitted are looked at, you will see that Verizon would like to go higher to get more coverage. Mr. Gaudioso states that Verizon is going with the 120 feet because it is the Town's height limit. Cynthia states the Board would like to know the lowest height Verizon can go in order to service the area that needs servicing. Cynthia states it may not be this Site; it may be an alternate Site. Cynthia states the Board wants to see different Sites propagated out. Will states it is more than seeing the maps propagated out because they are

not the whole picture. Will states if the Applicant is going to say that 120 is their minimum and that 100 or 110 will not work, they have to submit meaningful information that tells us how it is different and how it affects the coverage requirements and also how it relates to the handoffs and the overlaps. Will states there are a lot of variables. Mr. Gaudioso states he agrees. Mr. Gaudioso states as far as looking at alternative Sites, if the Board tells us where would be more appropriate, we would be happy to run the analysis. Mr. Gaudioso states he believes they picked a Site that is within the confines the Town Supervisor suggested. Mr. Gaudioso states the Site meets the Zoning Code and setbacks and doesn't impact wetlands. Mr. Gaudioso states it is on a heavily wooded parcel, provides good buffering, and is distant from a significant number of residences. Mr. Gaudioso states there are a lot of benefits to this particular site. Mr. Gaudioso states he is a little bit surprised that there is such a push back without even really analyzing what they have already submitted. Mr. Gaudioso states if there is a particular alternative site, they will be happy to look at it and run the analysis. Mr. Gaudioso states he believes they gave 23 alternate Sites and numbered at least 4 where there were potentially willing landlords. Mr. Gaudioso states if one of those Sites is a Site with a less intrusive alternative they will take the analysis further. Cynthia states she did follow the discussions pretty closely with the Town Supervisor in terms of the Site he had talked about and it is very clear the Town Board wants a monopole with all of the equipment on the inside if that is feasible. Cynthia states that Mr. Gaudioso is standing in front of her telling her that the Town Supervisor talked about a tree design just because the site is wooded. Cynthia states she doesn't think so. Mr. Gaudioso states he didn't say that. Will states the Board is objective and will continue to be objective. Will states the Board has had several Applications regarding facilities such as this, and have a lot of experience, knowledge, and personal understanding of the issues involved. Will states these facilities are visually impacting. Will states there are ways of hiding them, and making the impacts less. Will states that Mr. Gaudioso mentioned once or twice tonight that the proposed area is wooded. Will states the Applicant only has a small lease area and asks Mr. Gaudioso what control or guarantee he has for the community that the wooded area will remain in order to do the visual mitigation he has suggested. Mr. Gaudioso states the wooded nature is one piece, as well as the distance from everything else. Mr. Gaudioso states that this Board and the Town has control over the wooded area in terms of potential future developments. Mr. Gaudioso states he is not aware of any potential future developments. Mr. Gaudioso states the proposal is next to a golf course on one side, and open space on the other side. Mr. Gaudioso states there is a large uphill area that is not likely to be developed. Mr. Gaudioso states he cannot guarantee that landscaping or existing screening will last in perpetuity. Mr. Gaudioso states he doesn't think any Applicant or Board can. Mr. Gaudioso states even if an easement were to be put on the property, a hurricane could come through and take down all the trees. Mr. Gaudioso states the Board has to take into account what is there today as it is a benefit. Mr. Gaudioso states due to the topography and the existing Uses in the area, the Site is very well separated from residences.

Mr. Gaudioso refers to Item 14; No. 3 on Page 5 in terms of White Pine's not being the best evergreen for screening and asks Will what he recommends. Will states Spruce or Fir Trees.

Mr. Gaudioso refers to Item 15, Letter G on Page 5 in regards to surveying accurate property boundaries and states they can add additional survey information in terms of the property boundary which they are a little over 220 feet from.

Mr. Gaudioso refers to Item 15, Letters aa and bb on Page 6 and states that Mr. Agresta had pointed out that a wetland verification would be needed by the Town Wetlands Inspector, Dr. Bridges. Mr. Gaudioso states they do not want to wait until the spring, and do not want to do it twice. Mr. Gaudioso states they are open to discussion as they did provide a detailed Report. Mr. Gaudioso states he is happy to follow up with the New York State Department of Environmental Conservation (NYSDEC).

Cynthia states the Board will be doing a Site Walk and in order for them to do this they will require that the

Applicant set up stakes so the Board will know where they are in the field. Cynthia requests the center line of the driveway be staked at Bloomer Road as well as where the actual monopole would be. Will requests the closest point to where the 100 foot buffer comes into play also be staked. Cynthia asks Will whether it would be worthwhile for Joe to go see the Site at this point. Will states that a lot of the indicators are not there at this point. Will talks about Joe possibly having to go out to the Site twice. Mr. Gaudioso asks whether March would be better than now. Will states that there has to be an emergence of plants which would be missing now. Will states it is too bad that the Applicant didn't ask the Wetlands Inspector to go out in September or October as that could have been done outside the Application.

Mr. Gaudioso states those were the main issues he had and they will respond accordingly to the Memos from the Consultants.

Cynthia asks Will at what point should the Board work on the visual analysis, and whether they should wait for the next round of information. Mr. Gaudioso states they would like to pick dates in January for the analysis. Cynthia states the Board will not know the prime location areas for the visual analysis until they go for the Site Walk. Will talks about the Board scheduling a Site Walk, as well as Mr. Gaudioso coming up with some methodology or outline which could be approved at the January Meeting. Mr. Gaudioso asks when the next Meeting will be. Cynthia states January 8th. Cynthia states the Holidays are coming up, in addition to all of this being contingent upon the Site being staked, as well as Board availability for a Site Visit this time of year. Mr. Gaudioso states he will make every effort to provide the methodology and talks about possibly having a test done towards the end of January which would give them enough time to notify the property owners. Will states that Mr. Gaudioso should not only spell out where the testing will be done, but also how it will be done. Mr. Gaudioso states they would typically provide the Board with a View Shed Map which is computer generated, and it will show where the tower is likely to be seen. Mr. Gaudioso talks about picking proposed viewpoints, taking photographs, and spelling out the timeframe for the test. Mr. Gaudioso states if the Board has viewpoints that he misses on his map, they should let him know and he will incorporate them. Mr. Gaudioso talks about the requirement of a Notice to go out to the public. Mr. Gaudioso states they would also propose to provide photo renderings. Will asks if the Site has proper access for testing. Mr. Gaudioso states he has to speak to and obtain confirmation from the property owner. Mr. Gaudioso talks about doing a balloon test. Mr. Gaudioso states they cannot get a crane to the Site but they may be able to put a crane next to the Site and boom it over which would be the best of both worlds. Cynthia states this area is close to the edge of the golf course.

Cynthia asks Mr. Graiff if he has any guidance or input to give to the Board at this stage. Mr. Graiff states he appreciates the opportunity and would like to talk about a few items. Mr. Graiff states the Report from the Town Engineer listed many issues. Mr. Graiff states that the critical radio frequency review of the need for this Site by Verizon begins like building a tower, starting with the foundation. Mr. Graiff states notwithstanding Attorney Gaudioso's comments about whether the maps apply with the Town Code or not, they are useless from a radio frequency point of view to look at terrain, road location, and land use. Mr. Graiff states that while a USCES topographic map may not be the gold standard, it is better than a Rand McNally Map. Mr. Graiff states until we get to that point, where we see coverage presented on those maps and presented individually will we know. Mr. Graiff states he has seen Mr. Vicente a couple of times at Hearings and most recently in the Town of East Fishkill where he did a Verizon Co-Application. Mr. Graiff states that a different engineering firm upstate was used. Mr. Graiff states the coverage maps from the upstate engineering firm were much better. Mr.Graiff states after several meetings, we finally refined the coverage maps so the Board could see a half a mile gap along the Taconic Parkway which Verizon stated they needed to fill. Mr. Graiff states that a lot of work has to be done to refine this information that was submitted so we may get to the issue as to what the minimum necessary height would be because we cannot tell by utilizing the maps that were submitted. Mr. Graiff states as he mentioned in his Report, we don't even know where the search ring

was. Mr. Graiff states that the Town Engineer pointed out that Verizon has the Telecommunications Act right to request to build a wireless facility and Homeland Towers helps them out in doing that. Mr. Graiff states that Verizon has set the location for the search ring, which we haven't seen. Mr. Graiff states that we do not know where Verizon believes they need coverage. Mr. Graiff refers to the foundation work, and states that proper maps, proper propagation analyses, and alternate analyses need to be submitted. Mr. Graiff states he always looks at what he thinks are reasonable gold standards which is the reason he has requested scan drive data. Mr. Graiff states to make this a complete record is to have something that verifies the model. Mr. Graiff states the scan drive tests are real tests that are done on a routine basis. Mr. Graiff refers to a comment from Mr. Gaudioso in regards to having a crane go from one location to the proposed Site for a visual analysis. Mr. Graiff states if there is a proposal to have a crane go from one location to the proposed Site, an antenna should be hung at the same time to obtain continuous wave drive tests from the Site so as to be at gold standards. Mr. Graiff talks about a continuous wave drive being done at 120 feet, 110 feet, 100 feet, and 90 feet. Mr. Graiff states the problem with the propagation model is that it isn't accurate enough to predict any more than a 20 foot difference in height. Mr. Graiff refers to the continuous wave drive test in terms of real world information as far as how a customer actually makes a phone call. Mr. Graiff states the big issue will be getting a crane into the Site. Mr. Graiff states he didn't ask for a crane test due to not knowing the location and not knowing whether trees would have to be disturbed. Mr. Graiff states that is the last thing he would want to do just to test. Mr. Graiff states that reliable base maps, propagation maps verified through models, and alternate site analyses should be submitted. Mr. Graiff refers to the question in regards to poles and states towers have been built whereas everything is contained inside. Cynthia states there is a 90 foot tower in Somers. Mr. Graiff states the number of carriers would be limited by the antennas but it is possible. Mr. Graiff states that technically, almost anything is possible, with time and money. Mr. Graiff states it can be done and gives an example of having two 90 foot monopoles as opposed to one monopole at 120 feet. Mr. Graiff states that is a Planner's job, not his. Mr. Graiff states that technically antennas may be enclosed. Mr. Graff states he has seen this done in Connecticut all the time. Mr. Graiff states he has knowledge of an Application in Bridgewater, Connecticut where AT&T is using a flag pole with two sets of antennas whereas having two different carriers inside the pole. Mr. Graiff states that a pole may be built that could be extended. Mr. Graiff states that Sprint is a PCS carrier and they operate in the 1,900 megahertz band and in the 2,300 advanced wireless services band. Mr. Graiff states those frequencies are challenged as far as propagation; they do not propagate very well. Mr. Graiff states they need very high locations, a lot of power, and flat terrain. Mr. Graiff states that Verizon utilizes cellular frequencies at 800 megahertz, LTE frequencies at 700 megahertz, 1,900 megahertz as well as the advanced wireless services band, so Verizon has it all. Mr. Graiff states that the Board has seen 850 megahertz in the propagation maps that were submitted and that is a fair representation because that is where the majority of their traffic is right now. Mr. Graiff states if it works for 850 at 110 or 120 feet, it won't work for Sprint at 90 feet. Gary talks about leaving Sprint aside, and refers to AT&T and T-Mobile with the 600 megahertz spectrum option which would be even better. Gary states with the government setting it up it looks very likely as if Sprint would have a good shot at winning. Mr. Graiff states that Sprint is not a part of this Application. Gary states that Mr. Graiff brought Sprint up. Mr. Graiff states that he can only look to the Verizon/AT&T proposal for the flagpole at the Town's transfer station. Mr. Graiff states he cannot give the Board real input and real advice until he has the basis in order to determine where the gap is, how big it is, is the gap being filled correctly, can we do something else to fill in the gap, and whether other sites are being looked at as alternatives. Mr. Graiff states there is a lot of work to do.

Cynthia asks Mr. Gaudioso how soon he would be able to have the property staked. Mr. Gaudioso states they would be able to have the property staked next week. Mr. Gaudioso states if it has to be done earlier in order to stay on track with the January 8th Meeting, they will make it happen. Cynthia states there is not a specific date yet, and usually we will communicate by email to figure out a date. Mr. Gaudioso talks about the weekend of December 21st. Cynthia states if Mr. Gaudioso can have the property staked, they will see about getting a group together. Cynthia states it is a tough weekend due to the Holidays. Mr. Gaudioso states he

understands. Mr. Gaudioso states a suggestion about the first weekend after the New Year. Cynthia states the Board may have to break up and go in two separate groups based on availability. Mr. Gaudioso states he will be happy to go to the Site twice for tours. Cynthia asks Mr. Gaudioso to let Dawn know who the person would be to get in touch with when arrangements have been made. Mr. Gaudioso states that Dawn should contact him.

3. **Sprint Nextel Corp.:** Adam Moss (owner – 4 West Cross Street Realty, LLC)
Cond. Use/Site Dev. Plan (location – 4 West Cross Street)

- Consider Exemption Request
- Consider Draft Resolution of Approval

Cynthia states when she first received this package she had it mixed up with the Conditional Use Renewal which is something she would have normally handled, but this is a request for an Exemption because of the changes. Cynthia states she didn't send the submittal over to Will for his review, and we didn't request an escrow. Cynthia states she tried as best as she could to try and understand the proposal for consideration. Cynthia refers to the letter Adam Moss, Attorney representing the Applicant wrote and states it appears to be a simple process whereas changing the six antennas down to three antennas. Cynthia states there are two pieces of equipment in the basement which will be replaced as well as the addition of a smaller third piece of equipment. Cynthia states when the Applicant's consultant did the calculations for the bulk the words that slipped her attention initially referred to the related equipment. Cynthia states the related equipment may be substantial and may have to be considered because there now are four antennas on one side and two on the other side currently. Cynthia states there is a box on the roof and she isn't sure whether it is part of the equipment for this Site or not. Cynthia states the proposal isn't to go from six antennas down to three. There is a discussion about the remote radio head units. Mr. Moss refers to the remote radio head units in terms of the equipment in the basement moving up closer in order to help the signal. Cynthia states she thought it was minor as well until she took a look at the cabinet. Mr. Moss refers to the 509 Route 22 Site which was approved for a modification. Mr. Moss states they had proposed the remote radio head units which do need to be near the antennas, to be mounted to the side of the building at that Site. Mr. Moss states the Board had requested we try to move the equipment onto the roof of the building so it wouldn't be visible. Mr. Moss states this dovetails into the conversation about incorporating the other equipment into the five percent Bulk Calculation. Mr. Moss states because they were able to move the remote radio head units onto the roof and therefore minimize the visibility, they weren't included in the calculation and we were able to get an Exemption for that Site. Cynthia asks Will for his guidance. Will confirms that six panel antennas are coming down, and three new panel antennas will be going up, in addition to six remote radio head units. Will asks Mr. Moss what the volume of the existing six panel antennas would be versus the new three panel antennas and the six remote radio head units. Mr. Moss states it was their interpretation based on how this was handled in the past that those wouldn't have to be in the calculation. Mr. Moss states the six compared to the three that are coming down would probably end up being over the five percent. Mr. Moss states they are smaller in height. Will states it is all about volume. Mr. Moss states they are more bulky which is why they will be more than five percent. Will states that the five percent also includes everything that is attached. Will asks Mr. Moss if he knows what the volume of the six antennas are. Mr. Moss states yes, that is in the Report he submitted from their Engineer. Mr. Moss states when they remove the six and add the three they will be at 79% of the volume of the six. Mr. Moss states the reduction was 79% of what is there and they are allowed to go five percent over to get the Exemption. Will confirms this is on a rooftop of a building. Cynthia states we are splitting hairs here trying to decide whether this may be done as an Exemption, or whether it has to be an Amendment. Cynthia states she believes the Board will be comfortable with the proposal. She isn't sure whether they will like the box and what color they would want. Mr. Moss states those are design elements. Mr. Moss states the remote radio head units are a little shorter and he doesn't know how visible they will be to

begin with. Mr. Moss states the idea behind the box would be for the remote radio head units to be enclosed. Mr. Moss states the design is such to match the HVAC units on the roof so as not to look like they are part of the antennas. Mr. Moss states if the Board doesn't see fit for them to have the box, they could remove it and add the remote radio head units. Mr. Moss talks about splitting hairs between obtaining an Exemption or an Amendment and states in the past and in this case, we have submitted a copy of the Tax Relief Act and basically what that legislation which passed through congress last year states is that an eligible facilities request for a wireless modification is ultimately required to be approved by the Municipality and an eligible facilities request is when there is not a substantial increase to the size of the facility. Mr. Moss states in this case they are reducing the number of antennas. Mr. Moss states they are adding the small boxes but he thinks this is exactly what Congress had in mind. Cynthia states that three four foot boxes are not so small. Will states he believes there is a difference when the facilities are on buildings versus towers. Mr. Moss states the Tax Relief Act covers base stations which would be considered as towers or buildings. Mr. Moss states he believes that particular piece of legislation applies to whether a building or tower is utilized. Mr. Moss states the idea is where there are Applications such as our proposal where there is an existing approval, and there is no substantial change such as adding 10 feet in height. Mr. Moss states this is laid out by the Federal Communications Commission in a directive recently released. Mr. Moss states when proposals are minor, they are required to be approved. Mr. Moss states that doesn't mean that the Municipality is not allowed to take a look at design issues and provide comments to make sure everything is as it should be and safe. Mr. Moss states he does believe this type of Application should ultimately be allowed to be approved, but it is a matter of how we are going to get there. Mr. Moss states they have submitted Plans which show a reduction in antennas and there is not much that they can do based on the technology. Mr. Moss states that one issue has to do with the boxes proposed to cover the remote radio head units. Mr. Moss states if those are something the Planning Board would rather have removed or modified, they are happy to accept that as a Condition of Approval.

Cynthia states the Applicant has done a good job with keeping the materials towards the center of the building and low. Cynthia states she didn't know technically whether this would qualify as an Exemption or an Amendment. Cynthia asks the Board whether they would like to weigh in with an opinion regarding the boxes. Gary asks whether they will be visible. Cynthia states they will be a little bit visible. Gary states he thought the boxes were going to be in the center of the building. Cynthia states yes, but they will be seen from Route 22 and a few other spots. Gary states he is okay with it. Charlotte asks how much higher the boxes will be above the equipment they will cover. Cynthia states the proposed height of the antennas will be eight feet and right now there are five foot antennas and they are going to add six foot antennas so they are going to keep the height the same. Mr. Moss states without the boxes they would be lower. There is a discussion about the colors. Cynthia asks Will his opinion. Will states he doesn't understand the calculation as it isn't like the others he has seen. Will states if the five percent is exceeded the Applicant isn't eligible for an Exemption. Mr. Moss states he believes the calculation is the difference between the existing and the proposed antennas. Cynthia states she believes this should be set up as an Amendment rather than an Exemption. Mr. Moss talks about the remote radio head units not being visible. Cynthia asks Will whether it is based on visibility. Will states it is about the volume on the support structure. Mr. Moss states if that is the issue, as a Condition of Approval, they will submit a Structural Report that would demonstrate that the added bulk isn't a problem. Mr. Moss states we all seem to be in agreement about what the ultimate result would be if we were to put this through the Zoning process.

Cynthia states she has heard the arguments from Mr. Moss. Will states if Mr. Moss is stipulating that it is more than five percent and the only argument is that it can't be seen, that is not relevant. Will states that not seeing it is the acceptance of it and it would have to be processed as an Amendment. Mr. Moss states he would believe there would be a Code argument on the language in the Code. Mr. Moss states that you can't tell by looking at it that it is wireless equipment and he doesn't know if that factors into the five percent

calculation. Mr. Moss talks about the Federal Legislation most likely superseding the Code Legislation. Mr. Moss states those two issues could be combined and there could be a Code argument whereas an Exemption could be granted. Will states it cannot be denied. Cynthia states it will not take a lot more work to change from an Exemption to an Amendment. Mr. Moss asks whether a Public Hearing would be required. Cynthia talks about the Board waiving the Public Hearing. Cynthia talks with Mr. Moss about submitting new Bulk Calculations so they may be reflected in the Amendment. Mr. Moss states they are happy to do it, but he doesn't know how relevant Bulk Calculations will be if they will not be receiving an Exemption. Will states the Bulk Calculations are not needed. Cynthia agrees.

Cynthia states this will be set up as a Site Plan Amendment for the next Meeting. Cynthia asks Will if procedurally the Board has to go through and Waive the Public Hearing. Will states that will be taken care of in the Draft Resolution. Cynthia talks with the Board about sticking with the color that is already there and asks them to drive by the Site and take a look. Cynthia talks about all the equipment matching. Mr. Moss confirms the next Meeting will be January 8th. The colors will be stipulated in the Draft Resolution.

4. Minutes:

- November 6, 2013
- November 20, 2013

Chairwoman motions that the Planning Board Approve the Minutes of November 6, 2013. Gary Jacobi seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes of November 20, 2013. Gary Jacobi seconds. All in favor. No opposed.

5. Financial Report:

- November, 2013

Chairwoman motions that the Planning Board Approve the November, 2013 Financial Report. Gary Jacobi seconds. All in favor. No opposed.

WORK SESSION:

6. Discussion of Proposed Zoning Amendments:

- Review of Definitions
- Review of Use Tables

Cynthia asks Will to quickly take the Board through the Definitions in terms of anything he would like to point out otherwise we will assume it is what we asked for at the previous Meeting. Will states the Definition for Golf Course changed in regards to excluding the use of netting. Will states in regards to Clubs, we took all of the Definitions and now Membership Clubs will refer also to Golf Clubs and Country Clubs. Will states below the Definition for Membership Clubs are items that were in a variety of the other alternative Definitions. Will states there are existing Standards for Country Clubs and the Board may want to talk at a later date about amending or updating them. Will refers to the Definition for Recreation Grounds and Facilities and states the direction was to break it down to a much smaller Definition and let the Standards take care of most of the limitations and exclusions which is appropriate. Will states he does not believe the Board changed the

meaning, it was made more concise. Will refers to the Definition for Libraries and states there were a couple alternates which he combined into one Definition. Will states the Board talked about deleting hospitals from the Code as a Permitted Use and that is something the Board should reaffirm. Will states there are many different types of hospitals, such as Danbury Hospital, and Four Winds in Lewisboro which is a different type of hospital. Will talks with the Board as to whether the intent is to have none or something more rural. Will states that right now, the direction was to delete them. Will states with regards to Animal Hospitals he did provide a newer Definition. Will states if kennels will not be allowed, and veterinary services are covered, he isn't sure about allowing an animal hospital for farm animals. Will asks the Board whether there is likelihood that someone will actually open that type of an animal hospital here in Town. Charlotte states there was one just over the boarder which the person sold in order to build a bigger facility in Patterson, NY. Charlotte states there is another facility in Connecticut. Cynthia talks about there being a lot of trailers coming to one specific Site and asks the Board whether they would want that in North Salem. Will asks if the current facilities are beyond capacity. Charlotte states probably not. Will states if someone really wants to do it, they should come before the Town. Will refers to the Definition for Hotels and states he revised it to include restaurants and open facilities for meetings. Will refers to Museums and Art Studios/Galleries and states he added in language in regards to the outdoor display aspects. Will states he also added in certain time periods for the Board to review. Will states this isn't intended to be for retail purposes, just for promoting the art and the work. Cynthia asks whether the Museums and Art Studios/Galleries will have Standards. Will states there are no Standards because they have Site Plan review and they are Permitted Uses. Charlotte inquires about the 30-day duration and asks whether that is long enough. Cynthia talks about the Board doing their own research. Cynthia refers to the outdoor duration and asks if this is in regards to one specific display or all of them. Cynthia asks if someone could have one display up for 30 days, take it down, and put up another one for 30 days. Will talks about not having the displays become a fixed fixture. Cynthia states that some museums have permanent monuments outside. Will refers to the Definition for Churches and Places of Worship and states he added language for parish halls and rectories. Will asks whether Convents should be added in. Will states he thought the Board discussed taking Convents out. Gary asks why let Priests live there but not Nuns. Will states as far as the function of Churches, Nuns are not affiliated as much anymore. If it was a school it would be different. Will states this doesn't mean that a Nun couldn't live in a rectory. Gary refers to the Definition for Nursery Schools and asks why there is language in there about having groups of six or more. Will states he looked at the State Definition Requirements and a Nursery School can be registered with the Education Department. It is not necessarily a requirement. Gary questions as to why six is the magic number. Cynthia states it is a minimum. Will states it has to do with the difference between family daycare and something different. Will states that family day care has a six or less requirement. Gary asks what if someone had seven. Will states it would have to be a Nursery School. Gary refers to the school schedules and states that a lot of the schools are used during the summer. Will states the primary purpose of the school is to mimic the public school without being a public school. Will refers to the Definition for Roadside Stands – Farm or Produce Stands and states there were changes suggested in terms of square footage and signs. Cynthia asks whether the board was hung up on temporary structures versus temporary uses. Will states the permitted use that has been in existence is called temporary. Cynthia refers to the current Code having language in regards to roadside stands having displays for the sale of agricultural products. Will states we are deleting that. Will refers to the current Code, 250-74 and reads language about roadside stands being subject to Supplementary Requirements, not being closer than 15 feet from the road and may be permitted on a temporary basis not to exceed six months. Will states the Planning Board Definition doesn't say temporary but the Standards do. Cynthia states she wonders if those Standards were written for the Zoning Board of Appeals (ZBA) and not for the Planning Board. Will states they are all under the same category for some reason. Cynthia states she believes it is right to keep this with the ZBA. Cynthia states she will talk with Bruce as to whether this will affect the Ag. and Markets. Cynthia states there is a difference between regulating structures and someone selling products on their farms. Will refers to the Definition for Household Pets and states he didn't change anything; he highlighted the word pig. Will states he doesn't know whether this Definition is needed. Will states there may

not be a need for it. Cynthia states the numbers will have to be regulated. The Board decides to delete it.

Cynthia asks the Board whether they are up to taking a quick look at the Use Tables.

Don Rossi asks whether there will be any public comments allowed tonight.

Will refers to the RO Table and states that language was added in regards to a utility emergency staging area and he didn't take a look to see which Use Group it should be in. Gary asks Will which page he is on. Will states the RO Table, which is the last Page. Cynthia refers to Column B1 and states she is going to write the acreage sizes so the Board may envision the Uses. Cynthia states when allowing these uses in RO we have to consider what the minimum acreage should be. Will states right now the largest acreage Use Group is 15 acres. Will states the acreages go from under an acre to four, six, five, ten, and fifteen. Will states the Town Board did want us to go back and take a look at these which we haven't done yet. Will asks how big the NYSEG property is on Fields Lane. Cynthia states 25 acres.

Will states there were no changes in the PO, NB, GB, PD-CCRC, R-MF/4, and R-MF/6 Tables except he added a new date so as to keep track of the latest Draft. Will refers to the R-4 Table, Column B and states the language all reads similar. Will refers to No. 5 in Column B and states the totals will change if they are supposed to be each instead of not exceeding. Gary states he doesn't know what it was previously, and talks about not wanting to allow someone to have 25 foxes, rabbits, and minks. Will confirms with the Board it should be a total. Cynthia states it is not a number in No. 2, but it should be a total in No. 5. Gary asks why. Cynthia states she knows it's not. The Board discusses adding the word "total". They all will be made clear that 25 in total will be allowed. Cynthia states that churches are highlighted to show if they are taken out, the other columns that would go with them. Cynthia refers to No. 12, Column E and states that works for commercial properties, but it should be footnoted that it is subject to Site Plan Approval for the non-residential uses. Will states that is a give in. Cynthia states that isn't the way some people have interpreted it. Will states that should be a footnote for the Column. Will states he will add in a footnote for Column C. Will refers to Column C and states Membership Clubs were inserted in Item 4. Will states that hospitals were deleted. Will states the highlights are there because we were considering not having churches in R-4.

Cynthia states the Board will work on the Standards and she will work with Will to have a draft ready for the January Meeting.

Will states he had a question in regards to R-1 and R ¼ and states he highlighted the nursery schools and day care centers in conjunction with the churches. Will states he wasn't sure why this was being considered. Will gives an example of churches being allowed in R-1 and refers to Nos. 8 and 9 in Column E which are presumably accessories to churches. Cynthia states she doesn't think this should be done without coming before the Planning Board. Will states a nursery school/day care center run by the church could be accessory and not the same thing as a standalone principal use. Will states they are open to the public. The Board decides to take them out. Will states that No. 4 in Column E will come out all together on all the Tables.

Mr. Rossi refers to the Membership Club Definition being written in a way to include Golf and Country Clubs and states those entities are typically not for profit. Mr. Rossi states with Membership Clubs, we may end up with the same definition as Recreation Grounds and Facilities because there is a broad range of Uses permitted. Mr. Rossi states that should be looked at. Mr. Rossi refers to whether or not private schools would or would not be appropriate in Residential Districts. Mr. Rossi questions as to what the Board has determined. Mr. Rossi refers to universities, colleges, and other types of private schools. Cynthia states that one of the exercises the Board is going to go through is to look at the potential build out of some of these Uses in the Town. Cynthia states that the Board also raised questions as to whether they want large private schools in

Town. Cynthia states she doesn't know whether the Standards will suggest whether they could be restricted in size. Will states that could be done by lot area and square footage. Mr. Rossi talks about the Board refocusing on the Uses. Mr. Rossi refers to dormitories and states they would have an impact in regards to size. Will asks Mr. Rossi if the clubs today are primarily for profit. Mr. Rossi refers to Membership Clubs in terms of the Hunt Club or a Rod and Gun Club and states some might not be appropriate. Mr. Rossi states he belongs to Salem Golf Club and pays a membership fee and various fees throughout the season. Mr. Rossi states they also have banquet and dining facilities. Will states that the interesting thing is that the Clubs that are not for profit aren't permitted in Town now. Will states that rentals are allowed. Cynthia states in the Code today are both Golf Clubs and Membership Clubs and they both appear to be athletic based. Will states there are athletic, social and recreational Clubs. Cynthia states they are listed as two separate Uses.

7. Next Meetings:

- Regular Meeting – January 8, 2014
- Work Session – January 22, 2014

8. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney seconds. All in favor. No opposed.