

**North Salem Planning Board Minutes
February 19, 2014
7:30 PM – Annex**

PRESENT: **Cynthia Curtis, Chairwoman
Charlotte Harris, Board Member
Bernard Sweeney, Board Member
Gary Jacobi, Board Member
William Agresta, AICP**

ABSENT: **Roland A. Baroni, Town Attorney – not required to attend**

ATTENDANTS: **Homeland Towers LLC: Robert Gaudioso
Pietsch Gardens Coop./Gizzi: Don Rossi
Bridleside/Salem Hunt: John Bainlardi**

Chairwoman Cynthia Curtis calls the February 19, 2014 North Salem Planning Board Meeting to order.

REGULAR MEETING:

1. Financial Report:

- January, 2014

Chairwoman motions that the Planning Board Approve the January, 2014 Financial Report. Gary Jacobi seconds. All in favor. No opposed.

2. Minutes:

- December 11, 2013
- January 8, 2014
- January 22, 2014

Chairwoman motions that the Planning Board Approve the Minutes for December 11, 2013. Bernard Sweeney seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes for January 8, 2014. Bernard Sweeney seconds. All in favor. No opposed.

Chairwoman motions that the Planning Board Approve the Minutes for January 22, 2014. Bernard Sweeney seconds. All in favor. No opposed.

3. Comments From the Chair:

- Update Regarding Fuelco/BP Referral for Variances

Cynthia states she wanted to let the Board know what is going on with Fuelco. Cynthia states she drafted the Referral Letter in regards to the Area Variances and a question came up about the Use Variances. Cynthia

states the Applicant now has to go for three Use Variances because the Building Inspector has ruled they are required for the two Uses we knew about, plus the third Use for the actual reopening of the Service Station. Cynthia states the Applicant had to reapply to the Zoning Board of Appeals (ZBA), and the Meeting was cancelled due to the weather. Cynthia refers to the Referral Letter whereas she will state the Board is in favor of all three Area Variances, and even though the Use Variances are not in our area of domain, we view them as favorable, particularly since the convenience store is generally part and parcel for a Service Station. Cynthia states she crafted the Letter with the hope that the Convenience Store Use would stay as an Accessory Use even though technically it has to be a stand-alone Use as a Use Variance. Cynthia states maybe the ZBA will consider our comments and somehow tie the two together so the Convenience Store runs with the Service Station.

4. Monomoy Farm: (owner – Monomoy Farm, LLC)
Amended Wetland Permit (location – 806 Peach Lake Road)

- Consider Draft Resolution of Approval Regarding Extension Request

Cynthia states the Board Approved this back almost a year ago and the Applicant actually had everything in order and received final Approval from the Army Corps of Engineers (ACOE), except when the deadline date was in front of them there wasn't enough time to submit the Mylar's to us. Cynthia states she now has the Mylar's to sign, but the Applicant will need an Extension. Cynthia reads the Draft Resolution to the Board.

Chairwoman motions that the Planning Board Adopt the Draft Resolution Granting a 30-day Extension of the May 1, 2013 Resolution of Approval per Written Request From Jeri Barrett for Monomoy Farm. Charlotte Harris seconds. All in favor. No opposed.

5. Pietsch Gardens Coop./Gizzi: Don Rossi (owner – Pietsch Gardens Coop./Gizzi)
Lot Line Adjustment (location – 886 & 1 Peach Lake Road)

- Consider Report From Planning Consultant

Don Rossi is here tonight representing the Applicants. Mr. Rossi states he has received a copy of the Report from Will at MDRA. Mr. Rossi states that this Application is for a boundary line adjustment between lands owned by Pietsch Gardens Cooperative, Inc., and lands owned by John and Marilyn Gizzi. Mr. Rossi states that Mr. & Mrs. Gizzi bought one of the lots across from Route 121 Restaurant. Mr. Rossi states the lots were part of the Piedmont Subdivision. Mr. Rossi states the area in question is remote from the location of the Gizzi residence and over the years various improvements were built on the individual lots in the Cooperative which encroached onto the Gizzi property. Mr. Rossi states this is remote because there really wasn't anything that delineated the boundary line. Mr. Rossi states it was remote from the residence so Mr. & Mrs. Gizzi didn't know anything about it. Mr. Rossi states it became apparent to the Board of Directors of the Cooperative that these encroachments existed. Mr. Rossi states as a result, after a lot of negotiations with Mr. & Mrs. Gizzi, they have submitted their proposal to rectify the situation. Mr. Rossi states the line would still, as it is drawn, have some encroachments, but those will be removed and something that would be agreeable as far as the Lot Line Adjustment is concerned. Mr. Rossi states those are minor encroachments. Mr. Rossi states there was reference in the Application to Mr. and Mrs. Gizzi receiving an Easement from the Cooperative and they would like to avoid having to plot that on the Map. Mr. Rossi states it is basically an Easement so they may pop their boat in at the existing ramp on the Pietsch Gardens Cooperative property. Cynthia confirms with Mr. Rossi that it is not an Easement by Metes and Bounds. Mr. Rossi states there will not be a delineated area. Mr. Rossi states Mr. & Mrs. Gizzi will be allowed to do activities appropriate for the use of the lake such as keeping a trailer on the Cooperative property also the storing of their boat. Will asks

Mr. Rossi to craft a Note to that affect. Mr. Rossi states there will be a recorded Easement. Will asks Mr. Rossi to reference this as a Note on the Plat. Cynthia states this will also assist the Town with the Sewer District because a piece of their equipment has also landed on the 25 foot transfer. Mr. Rossi states yes, a grinder pump has been placed in an area that is in the best interest of the Cooperative, but it is currently on Mr. & Mrs. Gizzi's property which will become part of our property.

Cynthia states aside from the minor details which Mr. Rossi should be able to fix based on the Report from Will, the question remaining is where Mr. Rossi stands with the improvements receiving prior ZBA Approvals, and those not having received ZBA Approvals. Cynthia asks Mr. Rossi if it is the current opinion of the Building Inspector, and research done by Mr. Rossi, that it will be necessary to be referred to the ZBA in order to fix some of these items. Mr. Rossi states yes. Cynthia confirms Mr. Rossi will need a Referral from the Planning Board. Cynthia asks Mr. Rossi if he has been able to prepare an itemized list. Mr. Rossi states he hasn't been able to prepare an itemized list and had hoped to be able to do it by reference to the Map. Cynthia asks Mr. Rossi if he plans to do them all. Mr. Rossi states yes, they will submit one Application to the ZBA that would apply to all the various lots. Mr. Rossi states the lots are shown as tax lots. Mr. Rossi states as the Planning Board might imagine, the Cooperative doesn't have deep coffers, and a lot of the people are on fixed incomes. Mr. Rossi states there has been a significant amount of expense just to get to this point and also going forward with the lot surveys that the Town has required of us which will be a separate matter for which we will go to the Town Board to request an extension which is in the works. Cynthia states the idea of a single Application is something she had suggested and she thinks Bruce Thompson as well as Brian Ivanhoe the Chairman of the ZBA had stated Mr. Rossi could go this route, except she believes delineation has to be done to confirm which items need variances. Mr. Rossi states he will speak with resident Chris Harrigan to confirm what has gone on at this point. Mr. Rossi refers to the Map. Cynthia asks Mr. Rossi if he is going to reference everything on the Map, including items which had received ZBA variances before. Mr. Rossi states no, only the items which need variances. Mr. Rossi states he may list each one even if there were prior variances because the Lot Line has changed, so there will be people impacted by the rear Lot Line. Mr. Rossi states this way Bruce Thompson will have a baseline to utilize. Mr. Rossi states there will not be any new construction without the individual lot surveys being completed, so if we go to the ZBA for all existing improvements, then following that all the information will be shown on the Master Survey which is being completed. Mr. Rossi states there will be a check and balance as to where the Boundary Line would be and what variances would be required. Will asks Mr. Rossi if it hasn't been surveyed yet, how he knows what's there. Cynthia states they are only dealing with the distance from one line, not the sides. Mr. Rossi refers to the Map and states it shows existing buildings and sheds, but not the individual lot lines. Will asks whether the lines and distances will now be known. Mr. Rossi states yes, they will be delineated. Will asks whether variances will be required relative to the specific lines. Mr. Rossi states he doesn't think they will need variances relative to the interior lot lines because everything is existing. Mr. Rossi states the only reason they will need variances is to qualify for the exemption from the planned subdivision regulations to have the lot line change approved they have to draw a new line which does not create any violations of the Code. Will asks Mr. Rossi if the line will be moving farther away. Mr. Rossi states it is moving farther away. Will states one could argue that this will make it better not worse. Mr. Rossi states this will be an improvement. Cynthia states technically she believes there are two or three improvements on the Map which didn't receive variances or Building Permits, so those are the items Mr. Rossi should fix. Cynthia states that technically, in addition to doing the rear lot line, something has to be done with the sidelines as currently understood. Mr. Rossi states yes, but he doesn't think they will require variances. Cynthia states that she doesn't think Mr. Rossi will need a Referral from the Planning Board on that. Mr. Rossi states that is correct. Mr. Rossi states the Referral will deal with any variances that would be required based on the drawing of the new line. Cynthia states the Referral will be very generic as this is an improvement. Cynthia asks Will whether he can think of any reason why the Board would need the details of the variances. Will states no.

Chairwoman motions that the Planning Board Authorize her to Make a Referral to the Zoning Board of Appeals on the Rear Lot Line Variances for all of the Properties on the Southside of Cottage Lane for the Pietsch Gardens Cooperative/Gizzi Lot Line Change Application. Charlotte Harris seconds. All in favor. No opposed.

After the motion Cynthia confirms that the ZBA can act. Mr. Rossi states this is a Type II Determination. Mr. Rossi states he will make a determination as to whether they will wait for the ZBA to make a decision before submitting a revised Map to the Planning Board. Cynthia states the zoning line doesn't matter according to Bruce Thompson. Cynthia asks Mr. Rossi to remind her when he needs the Referral Letter.

**6. Bridleside/Salem Hunt: John Bainlardi (owner – June Road Properties, LLC)
Site Development Plan (location – Bridleside Lane)**

- Discussion Regarding Proposed Relief of Foot Bridge Condition due to Weather

Cynthia states that John Bainlardi is here with us tonight and asks him for a quick overview of the Project status. Mr. Bainlardi states the first three Residential Buildings are open and occupied and the Certificate of Occupancy (COO) was just received for the Club House. Mr. Bainlardi states they are looking towards receiving the COO for fourth Residential Building, No. 4, by the end of this month. Mr. Bainlardi states that building has been rented and is ready for occupancy. Cynthia asks if the parking will be ready. Mr. Bainlardi states yes. Mr. Bainlardi states with respect to Building No. 5, they are looking to finish it by the end of March, as it is on schedule. Mr. Bainlardi states the last three Building No's 6, 7, and 8 have been at different points with their foundations for about six weeks as they have been stopped due to the weather. Mr. Bainlardi refers to Building No. 6 and states the walls are in. Mr. Bainlardi states they are ready to pour the slab for Building No. 8, and the footings and foundation walls are in. Mr. Bainlardi refers to Building No. 7 and states they have the footings in. Mr. Bainlardi states they have not had enough consecutive days when it has been above freezing or dry enough in order to work. Mr. Bainlardi states the Wastewater Treatment Plant and the Water Control Building have been up and operational since this past November, and are doing well. Mr. Bainlardi states the Department of Health has come out to the Site for monthly visits and Inspections. Mr. Bainlardi states they have an Operator who is signed up and registered with the County who performs operations there every day. Mr. Bainlardi states they have completed all of the Wetland Mitigation Work. Mr. Bainlardi states the road is in to the two locations indicated for Building No's 4 and 5. Mr. Bainlardi states they have gone a little further past Building No. 5 to Building No. 8. Mr. Bainlardi states what is left is just the section which requires a special installation and special drainage. Mr. Bainlardi states once they get past March they will be able to get to that section quickly. Mr. Bainlardi states they may have to pull out some material along that section depending on the water.

Cynthia refers to the bridge work and states it is possible it may be done before June. Mr. Bainlardi states yes, that is correct, it is their intention to do it at the earliest point the weather will allow. Cynthia states she is reluctant to hold off until the last COO and talks about picking either the fifth or sixth COO. Cynthia states she would like Mr. Bainlardi to come back before the Board at their first Meeting in April. Cynthia states at that Meeting Mr. Bainlardi will be able to better advise us on the status of the timing. Cynthia states that may be a good time for the Board to make a Referral to the Wetlands Inspector as to whether it is a good time of year or not. Mr. Bainlardi states that is fine. Cynthia talks about it being whichever comes first, either the first Meeting in April, or the COO for Building No. 6. Mr. Bainlardi states that works well. The Board agrees.

Mr. Bainlardi states while he is here he would like to give the Board an update on the progress with NYSEG. Cynthia states she heard already as she watched the Town Board Meeting from last night, but asks Mr. Bainlardi to update the Planning Board. Mr. Bainlardi states they have been having bi-weekly conference calls

with individuals at NYSEG in regards to the gas extension. Mr. Bainlardi states that the Town Supervisor has been in on those calls, along with individuals from NYSEG, and a representative from the School. Mr. Bainlardi states NYSEG has been doing their preliminary engineering which is basically completed, and are trying to get down to their cost estimate so they may provide us, hopefully within the next week or so, our portion of the costs. Mr. Bainlardi states if the School participates then they would extend all the way down from Field's Lane to the High School. If the School does not participate, and we elect to go forward, it will extend down to Bridleside Lane, our Project entrance. Cynthia asks how this will extend to the Peach Lake Sewer District. Mr. Bainlardi states that right now they are only talking about Phase I which would be from Fields Lane, down June Road, to the School. Mr. Bainlardi states there are some discussions with the Town which do not have anything to do with the Bridleside Project. Mr. Bainlardi states work is being done there already, and they may see if they can get a pipe in the ground. Gary asks if NYSEG wants to run a gas line from Field's Lane all the way down to the School. Mr. Bainlardi states yes. Gary asks why. Cynthia states the savings will be incredible. Gary asks who the customer will be. Mr. Bainlardi states that the Bridleside Project will be a customer and the School. Mr. Bainlardi states a survey was sent out. Gary asks Mr. Bainlardi how Bridleside is being heated now. Mr. Bainlardi states with propane. Cynthia states the Planning Board approved the temporary tanks. Mr. Bainlardi states he is not involved in the analysis by the School District as to whether or not they will elect to do this or not. Cynthia states the Town Board held a Public Hearing in May on the Franchise and last night they voted to sign off on the Franchise which will allow all of this to happen. Cynthia states it will be a good savings for the Peach Lake Sewer District if it gets there. Mr. Bainlardi states this is a no brainer for the Bridleside Project. Mr. Bainlardi states they anticipated this could happen, so they put the gas main into their Site so they are ready to receive the fuel. Mr. Bainlardi states the goal from NYSEG was to have contracts to us within the next couple of weeks and have their entire package ready for May to be submitted to the Public Service Commission. Mr. Bainlardi states that NYSEG anticipated that it will take 90 days for the Public Service Commission to review and approve or disapprove. Mr. Bainlardi states if it were to be approved the gas main extension would start in time for next year's heating season. There is a discussion about the road right of way. Charlotte asks if the pipe will go along the road. Mr. Bainlardi states yes. Mr. Bainlardi states that an issue had come up because paving had just been done, and this is a County Road from the municipal boundary down to the school. They have figured out how to stay out of the road because if they go into the road it will have to be milled. Will states it is still in the right of way.

Chairwoman motions that the Planning Board Amend the Approved Site Development Plan for Bridleside/Salem Hunt to Require That the Construction of the Equestrian Foot Bridge Over the Stream be Erected Prior to the Issuance of the Sixth Certificate of Occupancy. The Applicant Shall Come Back Before the Board on April 2, 2014 for a Status Report on the Construction Schedule. Gary Jacobi seconds. All in favor. No opposed.

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

- Discussion Regarding Site Walk Held on January 12, 2014
- Consider Proposed Visual Methodology Memo and Report From Planning Consultant
- Consider Setting a Date for the Balloon Test

Cynthia states the purpose of tonight's Meeting is to concentrate on one item which is the potential visual impact. Cynthia states a Site Walk was held on January 12th. Cynthia states that she and Charlotte attended the Site Walk, as well as Will Agresta from MDRA. Cynthia states that two of the Applicant's Representatives attended and asks Mr. Gaudioso to let the Board know their names. Mr. Gaudioso states their names are Mr. Vicente and Mr. Vergati. Cynthia states that Mr. Gaudioso has submitted, for the Board's consideration, a

Visual Methodology Memo. Cynthia states that Mr. Gaudioso has received a Report from Will regarding some of the details in the Visual Methodology Memo. Cynthia states there isn't anything earth shattering, but the one item that is most important to the Board is what are the viewpoints that are going to be considered. Cynthia states that was difficult to review given the Map Mr. Gaudioso submitted even though she tried to enlarge it. Mr. Gaudioso states he brought a larger set of Maps which he believes will be helpful, including a topo. Mr. Gaudioso passes out the Maps he brought. Cynthia asks Mr. Gaudioso if he needs to review any of the issues in the Report from Will. Mr. Gaudioso states the issues are fairly straight forward and he agrees with them because the Code doesn't lay out certain requirements. Mr. Gaudioso states he assumes the Board would prefer the Balloon Test to be done on a weekend date. Cynthia states probably. Cynthia asks Mr. Gaudioso how long the balloon will be able to stay up. Mr. Gaudioso refers to the Code which suggests the balloon should be kept up for eight hours and states that will be very difficult. Mr. Gaudioso states they will keep the balloon up for as long as possible; given the weather and the trees. Mr. Gaudioso states they do not want to cut down trees. Mr. Gaudioso states the date they are suggesting is March 22nd. Mr. Gaudioso states the date seems far away, but it would give them time to send out notices, and also give them enough time, between now and then, to obtain additional viewpoints from the Board, or members of the public. Mr. Gaudioso states given the weather, and the tightness in between the trees, they will prepare the notice for March 22nd, and in case of inclement weather, it would be moved to March 23rd, and then each weekend date thereafter. Mr. Gaudioso states a contact number will be provided in case additional viewpoints are requested. Mr. Gaudioso states they will also provide a contact number for the day of the visit in case they overlook something, and someone is on a certain road, they could call the contact number and that viewpoint will be included. Mr. Gaudioso states they will start at 9:00 a.m., and try to keep the balloon up for eight hours if it is a perfect day and the balloon doesn't pop. Mr. Gaudioso states he believes they will be able to hit all the viewpoints because he thinks it will be limited in geographic area. Mr. Gaudioso states he believes they will be able to hit all the viewpoints within three hours, but will try to keep the balloon up even longer. Charlotte asks Mr. Gaudioso if photographs will be taken. Mr. Gaudioso states the balloon will go up and the their photographer will drive the roads in order to spot check the tree heights. Mr. Gaudioso refers to the Map and states the program assumes a 60 foot tree height. Mr. Gaudioso states the average tree height on the property is about 78 feet. Mr. Gaudioso states their photographer will spot check the tree heights and adjust the Map accordingly. Mr. Gaudioso states their photographer will go to the pre-determined locations, as they have picked 14 already. Mr. Gaudioso states that if we have more, they will be added. Mr. Gaudioso states that photographs will be taken from each location and photographs will also be taken if a spot is noticed that is visible. Mr. Gaudioso states once they have the photographs they will prepare computer renderings as well as a Report which will explain their methodology and results of the test. Mr. Gaudioso states they will also suggest different tower designs. Mr. Gaudioso states he recommends having the notice go out by next Friday and asks Cynthia if he may forward a Draft for her to review and approve. Cynthia states that would be fine. Mr. Gaudioso states he will include the phone numbers previously talked about as well as back up dates and times. Mr. Gaudioso states they would like to make sure they have a good day. They would rather have a good day in order to have a good test rather than rush it.

Cynthia asks Mr. Gaudioso who the notices will go to. Mr. Gaudioso refers to the Code which states that there has to be sufficient notice to the neighbors. Mr. Gaudioso states he reads that so as they have to notice the neighboring properties to the 100 acre property which would be quite a significant number. Mr. Gaudioso states he doesn't know whether that will work for the Board. Cynthia states there is enough time to do this and do it well and states the Board will meet again March 5th and everything could be confirmed then. Cynthia states when Mr. Gaudioso sends her the Draft Notice he should also send her the list of properties he identifies. Mr. Gaudioso states the other option would be to notify the 500 foot notice list which is on the Plans. Mr. Gaudioso states it is a large list of approximately 120 names. Cynthia states she thinks that would work, but would like to take a look at it as additional names could be added. Mr. Gaudioso talks about having the notices out in the mail by next Friday in order to provide plenty of time to everyone. Cynthia states that is

fine. Will states that the notice may also be posted at the Library. Cynthia states there are email lists and once the Cooperative finds out they will notify their individual groups.

Cynthia refers to the data in terms of once the photographs are taken and states the computer renderings will show the 120 height as well as alternatives. Mr. Gaudioso states they will look at the tree design, and stick poles. Cynthia confirms this will not be seen when the balloon is up, it is something they will see later with the computer renderings. Mr. Gaudioso states the value of the balloon is not to show what the tower will look like. Mr. Gaudioso states the value of the balloon is to show the height and the location so people may see where the bright orange balloon will be visible from. Mr. Gaudioso states that sophisticated, state of the art 3-D computer modeling will be used to superimpose into that location information from the various viewpoints, different types of designs, and alternatives. Cynthia asks Mr. Gaudioso to tell the Board when the balloon is up what they will be looking at. Cynthia asks if the top of the balloon will be at the 120 height, or the center of the balloon. Mr. Gaudioso states the top of the balloon would be at 120 feet. Cynthia states that should be put in the notice so people understand what they are looking at. Mr. Gaudioso states he will also send a copy to Dawn.

Will asks Mr. Gaudioso if he has figured out how the balloon will float. Mr. Gaudioso states they will float the balloon on a string with tethers, but they will not be able to get a crane in there. Mr. Gaudioso states they analyzed it as they would have preferred to utilize a crane. Mr. Gaudioso states the balloon will go up and it will be monitored as it is going to float around. Mr. Gaudioso refers to the wind which is why they want to have the backup dates because if there are 10 mile an hour winds the test will be cancelled. Mr. Gaudioso states the concerns are not only about snow and ice, they are about wind. Mr. Gaudioso states they will know the day before whether the test will take place or not. Mr. Gaudioso states he will send an email if the test is rolled over to the next day. Mr. Gaudioso states if people do not see the balloon they will know the test will be each consecutive weekend date until the test is completed. Cynthia states Mr. Gaudioso should also put in the notice that people may call Dawn's number for the most current information. Cynthia states Dawn has access to update her answering machine from any point. Cynthia states people will be able to call in and find out whether the balloon test is on or off.

Cynthia asks if the Board is in agreement with the dates discussed tonight and states they sound good to her. The Board agrees. Cynthia states now that the Board has better maps, they will probably put this matter on their first Meeting in March to see if they would like to add any other sites to the list. Cynthia suggests Mr. Gaudioso add this information in the notice. Mr. Gaudioso states to make it simple, if there are additional sites, the Board should make a notation on the Map. Mr. Gaudioso states that Will had mentioned adding the School and as long as it is publically accessible they do not have a problem with that. Mr. Gaudioso suggests the Board print out a larger Google Earth Map to make their notations on. Cynthia states by doing this at the March 5th Meeting there will be a coordinated presentation where Maps may be put up. Cynthia states a lot of people will be going around with their own cameras to take pictures as well. Mr. Gaudioso states they propose people use 50 millimeter film and states if there is time they may also include different lens angles. Mr. Gaudioso states the point of this is to have views that are natural. Cynthia states we have a lot of public use land such as the Schools and their fields, as well as Open Land Foundation trails.

Will asks Mr. Gaudioso to briefly go through each point even though they are on the Map so the Board may get a better understanding. Mr. Gaudioso refers to the Map and states there are two different colors on the Map even though they seem very similar. Mr. Gaudioso states the colors represent a worst case scenario. Mr. Gaudioso states the yellow shows year round foliage assuming there are no leaf-off conditions on the trees. Mr. Gaudioso refers to the methodology and states just because it is shown in yellow the trees may be so thick from that distance the balloon will not be seen. Mr. Gaudioso states the yellow shows year round leaf-on and leaf-off and the orange strictly shows the leaf-off conditions. Mr. Gaudioso states they started at the Site and

included the corners of June and Bloomer Road as well as going up in that direction, which are listed as No's. 12, 13, and 14 on the Map. Mr. Gaudioso states that No. 8 is heading towards the east on Bloomer Road. Mr. Gaudioso states that No's. 9 and 10 head down towards Route 121. Mr. Gaudioso states that No's. 2 and 3 are where there were views across the lake. Mr. Gaudioso states that No. 3 is a view up towards the Town of Southeast which we thought would be visible. Mr. Gaudioso states to the south, No's. 11 and 15 are in areas where we thought there might be some visibility. Mr. Gaudioso states that No's. 5 and 6 are way out to the northeast and if there is visibility out there we will find it even though we think it will be a very distant view. Will refers to No. 6 and asks if it is at the end of the road. Mr. Gaudioso states he believes it is at the end of the road, but he isn't 100% positive. Mr. Gaudioso states it is a high point. Mr. Gaudioso states they will also take photographs where the balloon is not visible to make sure they show the places where people may be concerned or sensitive areas. Mr. Gaudioso refers to the Hammond Museum and states it is an important spot, but he is fairly confident the balloon will not be visible that far south given the topography and trees.

A resident by the name of Michael Sclafani asks if the balloon will be seen from 4 Bloomer Road. Mr. Gaudioso states he doesn't know yet until the test is done. A resident by the name of Charles Voelkl states he lives at 23 Bonniview Street and would like to know the exact location being proposed. Mr. Voelkl also asks how many feet in the tower is being proposed. Mr. Gaudioso states the Site is approximately 225 feet in from Bloomer Road. Mr. Gaudioso states the Site is just west of the Golf Club. Mr. Gaudioso shows Mr. Voelkl the proposed location on the Map. Cynthia states unfortunately the location is pretty close to Bloomer Road and there is going to be visibility at the base of the tower. Mr. Gaudioso shows the location of a stone wall and states the location is being proposed on the other side of the stone wall. Will states it is just west of the Golf Course and right at the edge of the woods. Cynthia asks if the survey marker is still there. Charlotte states it may be under a snow bank now. A resident in the audience confirms that it is there. Mr. Voelkl refers to the visual analysis for a 120 foot proposal and states Cynthia eluded or the Board suggested doing a visual analysis at 90 feet. Mr. Voelkl states that many of the cell towers are also constructed at 90 feet. Mr. Gaudioso states they will be looking at various heights such as 120, and 90, utilizing the data from the balloon test. Cynthia states the Board will be asking for a lot of different options whether at 90 or 100 feet, or two towers at 100 feet.

Mr. Sclafani asks how far along the Project is and states he received a note in his mailbox this evening. Cynthia states this is very early in the process and the visual test is done in the beginning. Cynthia states that if Mr. Sclafani would like, we will forward the last Report prepared by the Town Planner. Cynthia states the Applicant has not responded to it yet. Cynthia states the Report asks a lot of questions, and requests more details. Cynthia states one reason the Applicant hasn't responded yet is because it is important to do the visual portion now. Will states this is only the second time this matter has been discussed at a Planning Board Meeting. Mr. Sclafani asks if this is a process which will come to fruition at some point. Cynthia states they all do, absolutely. Mr. Voelkl states this is not a Permitted Use unless he is mistaken, and a Special Permit would be required from the Zoning Board of Appeals (ZBA). Cynthia confirms that this doesn't have to go through the ZBA; it stays with the Planning Board. Cynthia states that cell towers are allowed in just about every Residential Zone. Will states the only reason they would need to go before the ZBA would be if a variance were needed in regards to the height, or distance off the road. Mr. Sclafani asks how big the property is where the tower is being proposed. Mr. Gaudioso states it is a little over 100 acres. Mr. Sclafani asks whether the tower may go in further. Mr. Gaudioso states there are wetlands behind the property. Cynthia states that part of the Application response the Board hasn't heard yet is the whole analysis of the coverage. Cynthia states the Planning Board has a Consultant who will advise them when the next round of information comes in as to why this spot was chosen, and why the tower is being proposed at 120 feet tall. Cynthia states those discussions haven't taken place yet since we haven't receive the responses yet. Cynthia states the Board is working on two different things at the same time and tonight is the visual portion of the discussion. Cynthia states there will be a whole series of Reports submitted which will be analyzed. Cynthia states the proposal

may be just as effective at 100 feet high. Cynthia states that the Applicant is proposing to have one carrier right now, which is Verizon and Homeland Towers, LLC has stated there may be multiple carriers, but we don't know at the end of the process what will be best for this Site. Cynthia states the Board has an open mind and does not have all of the information yet.

Will states this part of the visibility analysis is about the upper section of the tower. Mr. Sclafani refers to the fake tree proposal. Cynthia states that the Board isn't thrilled with the big tree look, and will be looking at alternatives.

Cynthia states that questions were received from the CAC which were forwarded to Mr. Gaudio. Mr. Gaudio states they will respond to the questions in writing. Cynthia states she believes the CAC is trying to get a better understanding before they prepare their Report. Mr. Gaudio states they did a Report with the Federal Aviation Administration (FAA) to confirm there would be no FAA lighting which he will submit. Mr. Gaudio states there will be no lighting 24/7. Mr. Gaudio states the only lighting will be a small light on a motion detector. Cynthia refers to the cutting. Mr. Gaudio states there will be no clear-cutting. Cynthia states at some point Mr. Gaudio will talk with the Board about the access road, as she doesn't know whether it will stay the same or change. Mr. Gaudio states they have brought the access road in on a slight angle. Mr. Gaudio states the Town Engineer suggested moving it closer to the crest in the road to increase the sight line looking eastbound. Mr. Gaudio states he believes moving it to the west may be better from a planning perspective. Mr. Gaudio states they may lose 25 feet of sight line, but think that may be better from a tree preservation standpoint and better angle not looking straight into the compound. Charlotte refers to the logging road. Mr. Gaudio states they are still looking at that and may provide details on both options. Mr. Gaudio states he believes the logging road is the better alternative. Mr. Gaudio states he believes there is 475 feet from the site line as it was and may get to 500 if they move closer to the crest, but that may not be aesthetically pleasing. Mr. Gaudio states they will look at it from both angles. Mr. Gaudio states the sight line may be less important when compared to the aesthetics. Mr. Voelkl asks whether the Board will also consider that there is a tower right on the opposite of Peach Lake in the Town of Southeast which was put up about a year ago. Cynthia states yes. Mr. Gaudio states that their analysis will include all of the surrounding sites. Mr. Voelkl asks whether Verizon Wireless has considered co-locating to that tower. Mr. Gaudio states they have submitted a Report which shows all the surrounding Verizon Sites and the Town's Consultant has asked them for additional information. Will asks Mr. Gaudio whether Verizon is on the tower in Southeast. Mr. Gaudio states he believes they are but he isn't positive. Mr. Sclafani asks whether the tower in Southeast could be used instead of building a new one. Mr. Gaudio states he did not say that. Mr. Sclafani states he didn't ask Mr. Gaudio if he said that. Mr. Sclafani asks whether that could be explored. Cynthia states that everything will be explored. Cynthia states she highly recommends that Mr. Sclafani ask Dawn for copies of the Reports from the Planner and Consultants. Cynthia states that Mr. Sclafani will see the questions that the Board and the Consultants have raised and the continued information that has to come in well before the Applicant gets to the Public Hearing stage.

A resident by the name of Casey Demetropoulos states she just moved to the area. Ms. Demetropoulos states she will be looking at this tower along with her neighbor in their back yards. Ms. Demetropoulos states this will devalue their homes. Ms. Demetropoulos asks what this tower will give off in terms of health issues. Cynthia states that all of those answers will be included in the Reports. Cynthia states this is being proposed on Bloomerside property and that Board voted to have a tower there. A resident by the name of Lynn Burt states that she didn't vote for it. Cynthia states that part of the concerns should be addressed to the Bloomerside Board. Cynthia states that any questions may be emailed to the Planning Board and if the information is not part of what has already been asked, it will be included.

Mr. Gaudio states he will prepare the Draft Notice and see the Board at the first Meeting in March. Mr.

Gaudioso asks Cynthia to let him know if she has any comments on the Notice.

Cynthia confirms that Mr. Voelkl would like copies of the Consultants Reports as well. Mr. Voelkl provides Dawn with his email address.

8. Next Meetings:

- Regular Meeting – March 5, 2014
- Work Session – March 19, 2014

9. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Charlotte Harris seconds. All in favor. No opposed.