

**North Salem Planning Board Minutes
December 10, 2014
7:30 PM – Annex**

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

ABSENT: **Roland A. Baroni, Town Attorney**

ATTENDANTS:	Fuelco/BP (Getty):	Marc Petrero
		Justin Stone
		Brian Orser
		Joseph Bryson
		Ann Morley
	Homeland Towers/Verizon/AT&T:	Robert Gaudioso
		Anthony Morando
		Stephane Guillabert
		Manuel Vicente
		Martin Lavin
		Ray Vergati
		Greg Lahey
		Ron Graiff

Chairwoman Cynthia Curtis calls the December 10, 2014 North Salem Planning Board Meeting.

REGULAR MEETING:

- 1. Fuelco/BP (Getty):** Marc Petrero (owner – Joseph Bryson)
Amended Site Development Plan (location – 2 Fields Lane & Hardscrabble Road)

- Consider Alternatives to Site Plan Sketch

Cynthia states the Board is working with Fuelco on a new revised Plan to get it in good enough shape to hopefully refer them over to the Zoning Board of Appeals (ZBA) for their Use Variance. Cynthia asks Marc Petrero to give the Board a quick overview of the revised Plan and states the Board will then have questions on it. Mr. Petrero states they have made revisions based on comments that were discussed at the last Meeting. Mr. Petrero states there were discussions at the last Meeting about rotating the building, providing parking on either side, and not having parking in the front. Mr. Petrero states in discussions with the property owner and the client, these changes do not work to satisfy both parties. Mr. Petrero states that Justin Stone is with him tonight and he will discuss the details. Mr. Stone refers to the Plan which shows the building being turn 90 degrees. Mr. Stone refers to the main intersection and states that according to New York State Law the employees need to have a view point of the gas dispensers at all times. Mr. Stone refers to the register area and states the employees backs would be turned to the gas pumps at all times. Cynthia refers to the Shell Station and states she believes that is how it is set up. Mr. Stone states the Shell Station employees look right

out at the dispensers. Cynthia states that is right and they have two registers. Cynthia asks Mr. Stone if Fuelco is proposing only one register. Mr. Stone states they will have two registers, but the employees will be facing the wrong way, as the gas dispensers will be on the other side. Cynthia asks whether the counter may be turned so that the employees are facing the front so as to look to their right. Will suggests the far right corner be utilized. Will states he has a suggestion, even though it will not work with the current floor plan. Will shows on the Plan where the counter could be located so the employees will have a full view. Mr. Stone refers to statistics involving crime at gas stations and states without having a storefront facing the road, the amount of crimes increased 67 to 100 percent, as well as 37 percent of drive-offs. Mr. Stone states he brought statistics with him tonight from Rutgers. Cynthia asks why the store front cannot face the way the Applicant wants it to face, with the people walking around the sidewalk and in the front door. Mr. Stone states they had asked to have the store front in that area. Cynthia states if the parking is left where it is people will walk along the sidewalk and in the front door. Christopher asks why the parking has to be right in the front near the main entrance. Cynthia states the parking could be on both sides with people walking around to the front door. Will refers to the front door and asks where the counter would be. Mr. Stone shows the options. Cynthia refers to trucks being parked there and states employees will not be able to see anything beyond them. Mr. Stone talks about not having the front row parking that they are looking for. Cynthia states she thinks front row parking is going to obstruct the views out the window to the pumps. Cynthia asks Mr. Stone to put the first Plan back up and tell her why the front door cannot go in the location the Board has suggested, with the parking on the left and right. Mr. Stone states they talked with the customer and he is looking to have parking in the front from a safety point of view. Mr. Stone states when there is parking in the front, with the store front in the front, the police may see in and the employees may see out. Mr. Stone states that customers feel safer and statistics show the crime rates are decreased by 67 to 100 percent. Cynthia states she goes to three gas stations in this area and none of them have parking in the front. Cynthia states the Shell Station does not have it in the front. Mr. Stone states yes it does. Cynthia states she lives in Croton Falls and goes there all the time and the parking is not in the front. Mr. Stone clarifies that the discussion is about the parking and agrees that it is not in front, and there are two spaces to the side. Cynthia refers to a station in Brewster and states they do not have parking in the front. Cynthia states if parking is in the front the view to the pumps will be obstructed. Cynthia states if there is a whole row of vehicles parked there, how is the person on the inside going to see through the vehicles. Gary refers to the new Mobile Station that was just finished on Route 100 in Somers and states they also do not have the parking in the front. Gary states they have parking in the back and on the sides. Gary states the Board is confused as to why the parking has to be in the front. Gary states as Cynthia correctly pointed out, if someone has a fairly tall vehicle, the line of sight will be lost, and we all agree that is important to reduce theft and other problems. Mr. Stone refers to theft and the landscaped beds and states they are more apt to be robbed than if the parking were in the front. Cynthia asks Mr. Stone who he is worried about being robbed. Mr. Stone states the client is very worried about the safety of the employees, customers, and everybody. Will asks why gas stations have a higher rate of customer robberies than anyone else. Mr. Stone refers to the statistics. Will states he understands the averages may be higher when a station is closer to a highway. Mr. Stone asks what the reasoning is to remove the parking from the front of the building. Will states it is unsafe to have parked cars backing up into the traveled lanes where cars are gassing up. Will states he wouldn't put the gas pumps in the front; they should go in the back or along the side. Will states he doesn't believe there should be anything in the front. Cynthia states she agrees; there shouldn't be anything in the front. Will states there are plenty of gas stations in New York State where everything is on the side or the rear and nothing is in the front. Cynthia refers to the current Site and asks Joe Bryson whether there is parking in the front. Ann Morley states no, the parking is on the side. Cynthia states the discussion seems to be stuck and asks Mr. Stone if he has to go back and speak to his client or whether the Board should ask questions regarding the current design. Mr. Stone states his client does not agree with the current design and talks about coming to an agreement regarding the layout. Mr. Stone talks about utilizing the existing store and work off the existing tenant space in order to make modifications. Cynthia asks whether the existing building is going to be used, or whether it will be coming down. Mr. Stone states if they keep the layout they will be able to

modify the existing building. Mr. Stone states that the property owner, Joe Bryson, has made it clear that he does not want the building torn down. Ms. Morley states they gave permission to only have the front piece taken off. Mr. Bryson states not the back. Cynthia talks about leaving the front, squaring it off, and taking the back off and asks Mr. Bryson how he feels about that. Ms. Morley states they would still have the same square footage. Cynthia states the Board is not comfortable with the parking being in the front. Cynthia states a recommendation needs to go to the ZBA for the Use and in her opinion, this is unsafe. Cynthia states this does not work. Gary refers to the Somers station and states it is very busy and very nice and there is no parking in the front. Gary states he is not sure why the client is digging their heels in about having the parking in the front. Gary states when people are backing out, people will be pulling into the pumps and that will potentially create a safety issue. Cynthia asks Mr. Stone to put the other Plan back up and refers to the turning radius paperwork that was submitted. Cynthia states a huge vehicle was used for the demonstration and asks why it is necessary to show such a huge oversized vehicle. Cynthia asks if these are fueling trucks. Mr. Stone states yes, they are WB67's and we have to show a truck route for State approval. Cynthia states she believes the truck shown in the paperwork is bigger than a fueling truck. Mr. Stone states he believes it is labeled as a WB67. Cynthia states that is what is listed, but it is bigger than the trucks she sees coming through Croton Falls. Cynthia asks if there are different sizes of fueling trucks. Mr. Stone states no, not fueling trucks. Will asks whether the fueling trucks are larger than the largest semi-trucks which are 62's. Mr. Petrero states a WB67 is bigger than a 62. Cynthia states if this is the right size vehicle, she would like an explanation of the changes that would need to be made to make it work in regards to this layout. The mountable curbs are discussed. Mr. Petrero states there will either be pavers or pervious pavement. Cynthia asks whether the edge of the Department of Transportation (DOT) road will be moved. Mr. Petrero states it will be an extension of the shoulder. Will asks if this is a brand new requirement as he is not aware of any other locations having this type of driveway. Mr. Stone asks if Will is referring to the truck route. Will refers to the amount of clearance the truck would have to generate especially when exiting the property. Will states he doesn't know any place in the area having mountable curbs, as well as a driveway that wide to accommodate such a vehicle. Will asks if it is a new State Requirement to have a WB67. Mr. Stone states the trucks go into the other lane on the original turning radius they had showed. Mr. Stone states at the last Meeting the Board requested the trucks not go into the other lane at all, and the only way to make that work was to create a mountable curb. Will states trucks cannot go into the other lane as that would be a traffic violation and totally unsafe. Mr. Stone talks about using the existing approach originally and states the Site has been used as a gas station for the delivery trucks for approximately 30 years. Will states that was a long, long time ago. Will asks Mr. Stone where there is an example of someone building a gas station in the last five years having this type of driveway. Mr. Stone asks whether Will is talking about the approaches or canopy and parking in front. Will states he is referring to the size and width of pavement needed to accommodate a WB67. Mr. Stone states that a truck route has to be shown for every gas station. Mr. Petrero states that a lot of gas stations have a wide impervious area along the street frontage. Mr. Stone states he just finished a station in Spring Valley in Rockland County where a mountable curb was installed.

Cynthia states she will speak with the Town Engineer as this isn't making sense to her. Cynthia asks if the real goal here is to attract 18-wheelers off I-684. Mr. Stone states no, it has nothing to do with that. Mr. Stone states they are trying to go back to a design originally discussed, modifying the existing building, with parking in front, having the employees face the dispensers. Cynthia asks how the fuel trucks will maneuver and will there be the same issue. Mr. Stone shows the route the fuel trucks will take and where the tanks will be located. Cynthia asks whether the fuel trucks will have the same issue and whether mountable curbs will be needed on both sides. Mr. Stone states yes. Cynthia asks whether the owner is here tonight. Cynthia states she doesn't understand why the existing foot print couldn't be utilized with parking on both sides. Cynthia talks about the Board being able to move forward from there. Cynthia states if the client insists on having the parking in front, the Board has a big issue. Cynthia states the Board will read the Rutgers Report. Cynthia states a serious issue has been raised tonight about the people inside not being able to see the people at the

pumps and she would like to know what the real necessity is and what the requirement is. Cynthia states if the Law states that the people inside need to see the people at the fuel pumps, you have just set up a barrier that is going to prevent that. Mr. Stone states that his Company has built hundreds of gas stations throughout the Country every year and 90% of them have the parking in front. Cynthia asks whether the people inside are up on a platform, and states that a person her size and 5'2" cannot look through or over a truck or a cap in order to see someone pumping gas. Cynthia states there is no way she could do it with all the cars parked in front. Will asks how the people will see the cars when they are waiting on the people. Christopher states the three closest stations where he obtains gas frequently do not have parking in the front. Christopher states maybe it is special and unique to this area but he doubts it. Christopher states the potential owner's argument that the parking has to be in front, and the other Plan doesn't work is not compelling to him; notwithstanding the Rutgers Report which he will read. Christopher states it is not a compelling argument to him. Cynthia states she does not want vehicles backing up into the flow of traffic when people are trying to drive through. Cynthia states this does not work for safety reasons. Cynthia states the Board wants to help move this forward and they have made accommodations to have this matter placed on their Agendas. Cynthia states the alternatives just do not make sense to them. Christopher states he thought the Board was pretty clear at the last Meeting.

Cynthia states someone had said earlier that all the land in the front is owned by the Town of North Salem and she is pretty sure that it is owned by the DOT. Cynthia asks if there has been a resolution as to who owns the land that will be utilized for creating the driving lane. Mr. Petrero states he hasn't spoken with the Assessor yet. Cynthia states she spoke with the Assessor and she doesn't think the Assessor has the answer. Cynthia states she thinks a surveyor should be consulted and all of the maps should be looked at. Ms. Morley asks if Cynthia is referring to the circle in the middle. Cynthia states yes, in the front. Ms. Morley states the State owns it. Cynthia states that is what she thought. Cynthia states she knows the State allows for access in and access out, but now a travel lane is being suggested on State land. Cynthia states that a conversation needs to be had with the DOT. Cynthia states she would be embarrassed to refer this matter over to the ZBA saying it makes sense to the Board only to find out that the State will not allow the travel road in the front. Cynthia asks Mr. Petrero to work on that. Ms. Morley refers to the size of the circle and the portion that sits in front of the garage and states it is back as far as it can go and she doesn't think it can go back any further. Cynthia states there is a suggestion that a travel lane be created on the State land. Cynthia asks Mr. Petrero to turn the Plan around so Ms. Morley may see it and asks him to point out the lane to her. Cynthia states that a lane is being proposed to be created on the DOT property. Will states it was originally thought this was Town property. Ms. Morley states that portion may still be Town property. Cynthia states that someone will have to verify this. Cynthia states a surveyor should be consulted in order to confirm whether this is the existing traveled way or not. Ms. Morley states she believes it is. Cynthia tells Ms. Morley that it wasn't on another Plan. Cynthia states she knows there has always been a lane there but she doesn't know whether it is on State property, Town property, the Owners property, or both.

Christopher states the Board really wants to get this done, but he feels like the comments they made at the last Meeting were rejected out of hand, and the Applicant has come back with something similar to what the Board saw last time which they didn't like. Christopher states it seems as if we are going in circles instead of moving the process forward.

Cynthia asks whether there are any questions. Mr. Petrero states no. Mr. Petrero states they will talk with the necessary parties, make revisions, and come back before the Board. Cynthia states the Board is happy to continue to put them on their Agendas in order to help move this forward.

Cynthia asks Mr. Petrero to find out if there are choices in terms of the size of the fueling trucks and whether there may be slightly smaller trucks. Mr. Petrero states he will try to find out if there are options. Cynthia states she will also ask the Town Engineer.

**2. Homeland Towers/Verizon Wireless/AT&T: Rob Gaudioso/ (owner – Bloomerside Coop.)
Cond. Use/Site Dev. Plan Anthony Morando (loc. 101 Bloomer Road)**

- Consider Report From Planning Consultant
- Consider Report From Town Engineer
- Consider Report From Radio Frequency Engineer

Cynthia states in addition to our Planner, Will Agresta, we have our Radio Frequency Engineer Ron Graiff here tonight. Cynthia asks Mr. Gaudioso to introduce his team. Mr. Gaudioso states he is with the Law Firm of Snyder & Snyder. Mr. Gaudioso states he is joined by the President of Homeland Towers, Manuel Vicente, and Martin Lavin from C Squared Engineering who prepared the R.F. Engineering Report. Mr. Gaudioso states Ray Vergati is with him tonight, and Mr. Vergati prepared a number of the alternative site analyses and follow-up work with respect to the Public Service entities and their equipment. Mr. Gaudioso states that Greg Lahey is with him tonight from Tectonic. Mr. Gaudioso states that Anthony Morando is representing Cuddy & Feder and he will introduce his Consultants. Mr. Gaudioso states that Mr. Morando has submitted a separate Application from AT&T proposing to co-locate on the proposed Application submitted by Homeland Towers for Verizon Wireless.

Cynthia states the Board had hoped to have a Complete Application in order to move to the next step, which would be the Referrals, and setting of the Public Hearing. Cynthia states it looks like more detail and information is needed. Cynthia states she would like to go over a few of the points. Cynthia states she will start by asking Mr. Gaudioso whether he has any questions in regards to the comments that were prepared by the Town Consultants. Mr. Gaudioso states he would like to take an opportunity to go through the comments because they do believe they have submitted everything by the Code and are in a position where they may respectfully request the Public Hearing be set. Mr. Gaudioso states they did make changes to their Plan since the last Meeting back in June. Mr. Gaudioso states back in June, they stated they wanted to fully respond to Mr. Graiff, not only by providing propagation maps, but also to do a drive test in order to compile the actual data Mr. Graiff refers to as the gold standard. Mr. Gaudioso states they took a lot of effort to do this and believe it was worth it to get the correct data. Mr. Gaudioso states this process took a lot of time because a crane had to go up. Mr. Gaudioso states they also modified the Plan in a lot of ways based on comments at some of the prior Meetings. Mr. Gaudioso states that one of the biggest items, no matter how you slice it, has to do with aesthetics. Mr. Gaudioso states that some of the comments had to do with the view into the compound, and trying to make the equipment cabinets look like one shelter. Mr. Gaudioso states they came up with the idea of having a stable façade from the front of the building to the compound so it blends in without taking too much space and creating operational problems. Mr. Gaudioso talks about trying to maintain the character of the area. Mr. Gaudioso states that the landscaping, driveway location, and gate were changed. Mr. Gaudioso states the gate was moved to the side and signage was changed per a comment from the Chairwoman. Mr. Gaudioso states the utility meters were moved back and will have landscaping around them. Mr. Gaudioso states they incorporated the treatment for the Stormwater as requested by the Town Engineer. Mr. Gaudioso states that he believes all of these items helped to improve on the Plan and the overall aesthetics of the Project. Mr. Gaudioso states with respect to the Report and comments from Ron Graiff, they have nothing to go over. Mr. Gaudioso states with respect to the Report from Hahn Engineering they do not have a problem with any of the comments. Mr. Gaudioso states that Hahn Engineering had asked for a change on the outlet from the 10 year storm to the 100 year storm. Mr. Gaudioso states they do not believe that is supported by the design manual, nevertheless, if that is something the Board insists upon, they will be happy to make that change. Mr. Gaudioso states he has comments in regards to the Report from Will Agresta.

Cynthia suggests everyone go through the Reports and states she has additional questions. Cynthia refers to the MDRA Memo and states the very first comment has to do with providing alternatives. Cynthia states in

one of the Applicants Reports at the end there is a drawing of what a monopole would look like with all of the antennas inside. Cynthia states the example shows a tower at 150 feet. Cynthia asks what type of coverage would there be if the tower is kept at 120 feet and both Applicant Users are put inside. Mr. Gaudioso states the point of the Report was that they couldn't do that, as it would take up too much vertical real estate to put all of the antennas and equipment into the pole. Cynthia states she will repeat her question. Cynthia asks what kind of coverage would there be if everything were adjusted to make it work with a 120 foot pole. Mr. Gaudioso states it wouldn't work because the height would be below the minimum height they would need so the top of the first stack of antennas would be at 120 feet, but they then would go down from there, as shown on the diagram the Chairwoman referred to. Mr. Gaudioso states this would provide insufficient coverage. Cynthia states she would like to see what coverage it would provide. Cynthia states she would like to know, for example, whether putting the antennas on the inside versus the outside would mean that the coverage would be half the amount, or not work at all. Cynthia states that is where she was getting at with the question. Mr. Lavin states all of their antennas would be 37 feet lower which would put them 37 feet below their minimum which would put their lowest level of antennas and possibly the next one up below the tree line. Mr. Lavin states the Site would cover next to nothing. Cynthia refers to Verizon and asks if they were the only carrier on the inside of the pole would they be able to get coverage. Mr. Lavin states they would get drastically reduced coverage. Charlotte asks whether all of the equipment would be able to fit above the tree line for just one provider. Cynthia refers to the latest Propagation Report and states she had to go back and pull the original Report because the latest Report did not have the propagation of the proposed tower, it only had all the alternatives. Cynthia states it raised the question whereas if we had the propagation, and could lower the tower a little bit, what would that do to the coverage. Cynthia states that is what she doesn't understand. Mr. Gaudioso states the Report from Mr. Graiff did cover this, as he did conclude they are at the minimum height necessary. Mr. Gaudioso refers to their Report and states at the corner of June Road and Hardscrabble Road it is still barely connecting. Mr. Gaudioso states they would prefer the tower to be 10 feet higher, but the concession was based on the Zoning Code Requirement of 120 feet. Mr. Gaudioso states if they pushed it, they think they could justify trying to close that area between June Road and Hardscrabble Road at 116 feet by going up another 10 feet. Cynthia states she believes there will still be a little gap to the west of Route 124. Mr. Gaudioso refers to Figure O and states that is the higher height at 126 feet and the area will be handled better which is just common sense. Cynthia states that Figure C has an antenna centerline at 116 feet. Mr. Gaudioso states the drawing is simulated at 126 feet because of the ground elevation difference. Mr. Gaudioso states it is not Figure C, it is Figure O on Page 22. Christopher asks whether Mr. Gaudioso is referring to the Visibility Analysis dated May 14, 2014. Mr. Gaudioso states no, he is referring to the RF Report dated October 16. Christopher states he was looking for it online and it isn't labeled. Gary asks Cynthia whether her question had to do with a monopole and a tower where the antennas are outside. Cynthia states it will all be a monopole. Cynthia states the antennas are proposed to be on the outside. Gary asks why. Cynthia states her question was why can't the antennas go on the inside like the tower in Somers. Gary asks why the antennas cannot go on the inside. Cynthia states the response was that they can go on the inside but the tower has to go up to approximately 156 feet in order to get the coverage. Gary asks if the surface of the monopole cuts that much out on the frequency transmission. Mr. Gaudioso asks Gary whether he saw the October 16th RF Report. Gary states he did see it, but doesn't have it in front of him. Mr. Gaudioso states there is a diagram in the Report that shows all of the equipment that has to go inside the pole, and when the equipment is stacked starting at the lowest height of 116 feet, there are antennas and equipment inside the pole. Mr. Gaudioso states that when these items are stacked up rather than horizontally on three arms, it takes up more space. Mr. Gaudioso talks about squeezing everything into the pole and having to go higher. Mr. Gaudioso states it could be done, but it would bring the tower up to 156 feet 8 inches tall. Mr. Gaudioso states they did show that by having four slots below Verizon, co-locators would end up at an approximate 55 foot level with their lowest set of antennas. Will confirms the pole would not be able to be used for co-location. Mr. Gaudioso states the bigger problem would be that they would be way above the height limit of 120 feet. Cynthia asks Mr. Graiff whether he agrees that if the tower were to be 120 feet tall the Applicant would not be able to get their

coverage. Mr. Graiff states he would like to address a portion of his Report that deals with this. Mr. Graiff states the evidence that was submitted by the Applicant was a result of his request. Mr. Graiff states when we first began doing these towers ten, fifteen, twenty years ago life was a lot simpler and basically the carriers had one frequency, the 800 megahertz cellular band. Mr. Graiff states that as the technology evolved, and more frequencies were made available, they are now using 700, 800, 1,900, and 2,300 megahertz cellular bands. Mr. Graiff states whereas they just had one set of frequencies, they now have four or more. Mr. Graiff states the antennas that transmit this energy are very specific to the frequency they are transmitting. Mr. Graiff states to get an antenna to efficiently transmit 700, 800, 1,900, and 2,300 megahertz cellular bands becomes an issue whereas they are no longer efficient and do not work very well. Mr. Graiff states the carriers have had to utilize more antennas, one for 700 or 800, one for 1,900, and one for 2,300. Mr. Graiff states the carriers have more antennas and that is the speaker that gets the signal out. Mr. Graiff refers to the pole at Exit 8 off I-684 and states there are four antennas per layer/sector there. Mr. Graiff states in this proposed installation they are doing something similar to that with three or four antennas per level so that they are all transmitting at the same height in this case, 126 feet effectively. Mr. Graiff states because of the tree pole design the antennas may all be at the same level. Mr. Graiff refers to the MDRA Report whereas it questions why the carriers are not on the flagpole. Mr. Graiff states the reason for that is because they cannot get the antennas inside the flagpole. Mr. Graiff states the flagpole holds one set of antennas for one carrier. Mr. Graiff states if they were to do that here, so they would have enough space for the antennas all to exist, with the lowest antenna at the minimum height necessary to provide the coverage, they would have to increase the height of the pole to the level they previously stated. Mr. Graiff states that was relatively supported in the Applicant's Report. Mr. Graiff refers to the minimum height necessary and states when you look at Figure O, this is where they show the measured proposed site of the coverage. Mr. Graiff states this is their best shot that they are showing. Mr. Graiff refers to the intersection. Cynthia states the pole is proposed to be located on Bloomer Road and when going west, Starr Ridge is north and the next road over is Route 124. Mr. Graiff states another road comes in towards the west. Cynthia states yes, Hardscrabble Road. Mr. Graiff states there is a gap there. Cynthia asks if that is where the red circle is. Mr. Graiff states yes, the red circle and then you see the blue. Mr. Graiff states the Applicant states that this is an area of minimum signal strength. Mr. Graiff states in many Applications he has reviewed, including one recently in Westchester County, he requested that Verizon lower the height of the antennas because he thought the coverage was sufficient. Mr. Graiff states he asked Verizon to lower the tower by 20 feet to meet rules the Town may have had or to have the least obstructive situation. Mr. Graiff states that a tiny gap such as we are talking about tonight was left. Mr. Graiff states the Applicant stated that they couldn't live with that, and it was terrible to live with a tiny gap in coverage. Mr. Graiff states the Applicant wanted the tower to be higher. Mr. Graiff states the Board may ask Verizon why they will accept that here when they wouldn't accept it somewhere else even at 126 feet effective height. Mr. Graiff states even at 126 feet they have a gap they find unacceptable in other Towns and he would like to know why they find it acceptable here. Mr. Graiff states it may be because they thought it would be easier to get it through the whole process. Gary states there may be other reasons, such as traffic going in and out might be much lower in this sector versus being down County. Mr. Gaudioso states there were other reasons. Mr. Gaudioso states in that case the Code was different, the limit was 150 feet, and Verizon was proposing 150 feet. Mr. Gaudioso states that Mr. Graiff recommended 130 feet. Mr. Graiff states that his job was to make sure it was the least intrusive facility. Mr. Graiff states it is part of his job to make sure the towers are not too high because the Applicants may be overreaching and that is why he suggested 130 feet. Mr. Graiff refers to the comment from Mr. Jacobi regarding traffic and states these drive tests are traffic insensitive, and are strictly a measurement of the strength of the signal. Mr. Graiff states his conclusion is that it appears that from what Verizon has presented here that indeed the minimum height still leaves a gap that they find pesky in other areas. Mr. Graiff states if the Applicant had to begin stacking the antennas his guess would be to put the weak antennas at the top and keep going down lower. Mr. Graiff refers to Page 28 of the C Squared Report and states the Verizon aperture goes all the way down to just above 95 feet. Mr. Graiff states the propagation analysis shows that 126 feet is the minimum height even with gaps. Mr. Graiff states the bad news is that if

someone is interested in co-location, 95, 85, 65, and 55 feet would be in the tree canopy. Mr. Graiff states that he loves how Mr. Gaudioso offers RF testimony. Mr. Graiff states that the green leaves on the trees in June, July and August significantly reduce the coverage. Mr. Graiff states it is necessary to look at the worst case coverage. Mr. Graiff talks about the Site being rendered useless to AT&T. Mr. Graiff states the flaws would be seen and clearly the Applicant could show the anticipated coverage. Mr. Graiff refers to the gold standard drive test analysis and states when compared to the calculated coverage there is a good nexus there. Mr. Graiff states the calculated coverage does a reasonable job of explaining what the coverage would be so therefore any new calculated coverage should be a reasonable representation of what you might get. Mr. Graiff states this may be something the Board is interested in in order to cement this, and be certain that 95, 85, 75, or 65 feet will not work. Mr. Graiff states he makes the statement, but the Board may seek the evidence. Mr. Graiff states he believes the Board should ask how the Applicant will get by with the little gaps in coverage. Mr. Graiff states it may be determined that the gaps are so small that they may not be considered significant.

Mr. Gaudioso states they are not proposing a 126 foot tower. Mr. Gaudioso states they are proposing to concede at 116 feet which meets the 120 foot height limit. Mr. Gaudioso states if they tried to prove it out for a height variance under either Federal or State Law, he doesn't think that would be an Application worth pursuing given the nature of that one little corner. Mr. Gaudioso states because of that, from both a technical and legal standpoint, and working with the Code, that was the concession referred to in Mr. Lavin's Report.

Will states notwithstanding all that, even with the antennas on the exterior, which give you more bang for your buck, it builds out the Applicant's coverage gap in that location. Will states that as you go down the pole, the carriers that are down lower will not have that kind of closure of the gaps. Mr. Gaudioso states maybe or maybe not, you cannot speculate because they might have different surrounding coverage. Mr. Graiff states that AT&T did specify in their calculated coverage propagations the lower height. Will states the reality of this is true, but the puzzle doesn't work so perfectly. Will states that Verizon came in first, so obviously they will be on the top. Will refers to six co-locations on the tower and states there are not that many players. Will states he understands how the coverage is less when doing a needle or monopole design. Will asks how many carriers will be able to effectively co-locate on this tower. Mr. Gaudioso states that both Verizon and AT&T have already submitted Applications at 120 feet. Mr. Gaudioso states with the needle design we are talking approximately 156 feet tall. Christopher asks how many more will there be. Mr. Gaudioso states he does not want to speculate as the law does not allow any of us to speculate. Mr. Gaudioso states another carrier could come in and they would have to prove under the Local, State and Federal Law whether they could co-locate or not co-locate. Mr. Gaudioso states if they can co-locate and they can accept it from an RF engineering standpoint they are going to do that. Mr. Gaudioso states they may make concessions if the tower is already there and the space is available. Mr. Gaudioso states they can only make their tower available and build it structurally to support co-location. Will states his understanding is that it is not so much that there could be six co-locaters, but the tower will be built so if they get their coverage, it could physically be done. Mr. Gaudioso states yes, he believes that is the best they can do, and that is the best the Code can make them do. Mr. Gaudioso states it makes good sense if there is nothing visually different between a pole that can support four co-locaters and a pole that can support six co-locaters because maybe in five years something else happens in terms of sharing. Mr. Gaudioso states they will build the tower so it has sufficient structural support. Will questions the diameter of the pole. Mr. Gaudioso refers to the diameter and states the tree branches are a controlling factor. Will states the Compound could be half the size if there were only two carriers. Mr. Gaudioso states the location being proposed is in the back of the property. Mr. Gaudioso states if there were only two carriers there would be a savings in money, as well as saving a few trees.

Mr. Graiff refers to an ongoing Homeland Application with AT&T in Pawling and states that pole is being proposed to have six carriers. Mr. Graiff states he brought up the fact that there are not six carriers. Mr. Graiff states the response from Mr. Vicente was that they like to build the towers strong. Mr. Graiff states that is true

but the fact is that today there are probably four viable carriers in this area; AT&T, Verizon, Sprint and T-Mobile. Mr. Graiff refers to the evidence and states that AT&T and Verizon have the best frequencies. Mr. Graiff states it is his opinion, and perhaps it is speculation, that on the results of the drive tests, there are three carriers that could actively find some use here. Mr. Graiff states it is a toss-up between Sprint and T-Mobile in terms of whoever thinks they could provide coverage to the Town. Mr. Graiff states he is not saying it would be contiguous coverage. Mr. Graiff states the shorter the pole, the less chance for co-location, and the higher, the better chance. Mr. Graiff states in many municipalities they specify to the Applicant that they want the pole it to be a specific height and have it designed so it may expand additionally to a certain height so that in the future when a carrier comes before the Town wanting coverage, and justifies needing additional height, the pole foundation will be correct, the steel at the bottom will be correct, and it will be extendable. Mr. Graiff states he is not saying the Town would want the pole extended, but it would be better than having two poles next to one another. Cynthia talks about having two poles, especially shorter trees.

Mr. Vergati states he would like to make an additional point as far as planning goes. Mr. Vergati states he thinks people get confused with six carriers versus carriers. Mr. Vergati states it is a function of good planning in terms of the space on the ground and the tower. Mr. Vergati states that something people do not understand as well is that the amount of equipment has increased substantially over the years, as well as the weight of the equipment. Mr. Vergati states when they design a tower they want to be very careful that they can accommodate new individuals from the market place should that occur but also to anticipate modifications with more equipment and heavier equipment so the foundation and steel are done correctly. Mr. Vergati states there are a lot of components as to why we design and what we design. Mr. Vergati states there are a lot of pieces that go into planning this and he thinks it is wise to plan for the future and plan for a more robust Site when they have the space.

Will asks whether the size of the antennas have decreased over the last ten or fifteen years. Mr. Gaudio states no, they have actually increased. Mr. Vergati states that Mr. Graiff touched upon this when he talked about the different frequencies. Mr. Vergati states the trend is larger/heavier, not smaller/lighter. Mr. Graiff states that frequencies are wave length dependent; the lower frequencies have longer wave lengths and the higher frequencies have shorter wave lengths. Mr. Graiff states the size of the antenna is based primarily on the frequency because lower frequencies require a bigger antenna to accommodate the longer wave lengths. Mr. Graiff states that today they have tried to incorporate both shorter and longer together. Mr. Graiff refers to the radio equipment and states now that equipment goes up on top of the pole and is called remote radio heads. Mr. Graiff states this used to be done in a room with cables running up the tower pole. Mr. Graiff states that today, one fiber optic cable is used and all the voice and data signals go on it, and run them up to the remote radio head that turns this data into radio frequencies in order to feed the antennas. Mr. Graiff states that most towers today have remote radio heads that would be three per layer. Mr. Graiff states they weigh approximately 120 pounds. Mr. Graiff states if you tell the remote radio head what frequency you would like to transmit, it will send it to the antenna, and if you tell it the data, it will send it to the antenna. Mr. Graiff states that the size of the poles have been minimized. Mr. Graiff states he didn't see where remote radio heads were being proposed for this Project. Mr. Graiff states he agrees that a tower is designed to be structurally sound, but he does not like carrier counts. Mr. Graiff states he would prefer to have a pole designed to have the technology of the future with 6 remote radio heads and 12 antennas. Mr. Graiff states from a planning point of view, if the Board approves this, they want to make sure the tower is capable of doing what they are being told it will do. Mr. Graiff refers to the I-684 pole off I-84 and states there are long white antennas about six or eight feet long, and behind them there are big cubes. Cynthia states we have seen the cubes coming onto some of our existing poles. Mr. Graiff states they are remote radio heads and it is tough to squeeze those inside as they are big and heavy. Mr. Graiff states the important factor is what is the minimum height necessary in order to achieve the coverage the Applicant seeks. Cynthia states that is exactly where she was going. Cynthia states her question is what if the tower was 110 feet high having both Verizon and AT&T on

it. Cynthia states she thought that question had been previously asked in terms of what happens to the propagation maps. Mr. Gaudioso refers to the crane test/drive test and states that multiple heights were done. Mr. Gaudioso states they did not rely on the propagation maps. Mr. Gaudioso refers to Exhibit M, which simulates 96 feet. Cynthia asks why the data she has states 116 feet. Mr. Gaudioso refers to Exhibit M whereas it states 86 feet agl. simulates 96 feet due to the 10 foot ground difference. Mr. Gaudioso states he is on Page 20. Cynthia states she was looking at the box at the top and the number wasn't changing. Mr. Gaudioso refers to Page 21 and states they took that and added it to the existing coverage. Mr. Gaudioso states this shows what happens when they go lower in height. Cynthia confirms with Mr. Gaudioso that M on Page 20 shows the coverage at 96 feet. Mr. Gaudioso states they added it to the existing coverage to give you a composite in N on Page 21. Cynthia states there is a big gap on Hardscrabble Road. Mr. Gaudioso states also on June Road. Mr. Gaudioso states that the request from Mr. Graiff for them to do the topo really helped as it clearly shows the problem. Cynthia states this just relates to Verizon, not AT&T. Gary asks whether this will make the tower useless to AT&T. Mr. Gaudioso states he doesn't want to speak for AT&T and prefers that question be asked when their Application discussion comes up. Mr. Gaudioso states it would be useless for Verizon. Gary states it may be useless for AT&T as they operate from the same frequencies or have other towers nearby and are trying to fill smaller holes. Cynthia states it appears to her as if Verizon and AT&T are both on the tower at Deans Corner and the tower off of Delancey Road, but only AT&T is on the tower to the east of Peach Lake. Mr. Gaudioso states yes, that is correct. Mr. Gaudioso states it wouldn't be useful to them.

Cynthia asks whether anyone else has questions about propagation and height. Charlotte asks how much higher the pole would have to be to reach the corner of Routes 121 and 116, near Vox Restaurant. Charlotte states the restaurant is directly affected. Cynthia states that is a whole different coverage area. Charlotte states the coverage almost gets there. Mr. Gaudioso suggests Mr. Lavin answer the question and states doesn't believe they will be able to get over that hill with anything realistic. Mr. Gaudioso refers to Exhibit R, on Page 26 and states that is a bigger blow up of the Town. Mr. Gaudioso states the high points are circled in red. Mr. Gaudioso states Verizon doesn't have anything proposed right now near what they are calling the Titicus Lake target area. Mr. Gaudioso states even if they did, that area and the area they are proposing to cover operate independently because of all of the ridge lines. Mr. Gaudioso talks about having to jack a tower up very high in order to get over the ridge lines and states that would cause chaos in terms of interference on the network. Will asks if this is in reference to the comments he made in regards to alternatives. Mr. Gaudioso states this has to do with the Master Plan type comments. Will states the Applicant showed coverage that would be gained by the alternative locations and there were two or three alternative locations towers that seemed to capture a larger coverage in the northeast portion of the Town. Will refers to the maps submitted by the Applicant and states it looks as if in order to cover the northeast portion of North Salem, three locations will be needed, and that is if this proposed tower goes up. Mr. Gaudioso states he understands the point being made by Mr. Agresta and they looked at it very closely. Mr. Gaudioso states he believes they are covering the northeast corner very well. Mr. Gaudioso talks about not having coverage along Finch Road. Mr. Gaudioso states he doesn't think anything will provide coverage along Finch Road. Cynthia talks about coverage being provided from Connecticut. Mr. Gaudioso states maybe if it is allowed. Mr. Gaudioso states there is a golf course and a park on the other side and Finch Road is the result of the topography as opposed to where they are proposing to locate the tower. Mr. Gaudioso states even if one of the alternatives were added, there still wouldn't be coverage at Hardscrabble Road and June Road. Mr. Gaudioso states when studying the maps carefully, the benefit of their Site is that Route 121, Bloomer Road, and June Road down to Hardscrabble will have Verizon coverage. Mr. Gaudioso refers to Route 121 and states that the coverage from AT&T is better due to the Vails Gate flagpole. Will states there are two key gaps near the major roads for 1/2 a mile each. Mr. Gaudioso states that is not correct. Mr. Gaudioso refers to Map K on Page 17 of the RF Report and states L on the next page shows the composite of the proposed Site. Mr. Gaudioso states the Board will see that the only area they are not getting in the northeast portion of the Town is Finch Road. Will confirms his comments

relate to AT&T.

Cynthia asks whether there are any more questions regarding coverage. Christopher states he understands and appreciates the thorough technical explanations given. Mr. Gaudioso states they took all summer to obtain the information because they did not think the propagation maps told the story. Mr. Gaudioso states when Mr. Graiff asked for the drive test data, they thought that was the right thing to do.

Cynthia refers to the tree design and states the Board understands the Applicant is moving towards something variegated. Cynthia states the Board did not actually see it on the drawings. Cynthia asks Mr. Gaudioso to tell the Board what they may anticipate. Mr. Gaudioso states they are working with what they think is the best manufacture, Sabre. Mr. Gaudioso states they have submitted a letter from Sabre that pointed out a number of items. Mr. Gaudioso states the highest density branches will be used, as well as the highest amount of branches that will go on the pole down to 40 feet. Mr. Gaudioso states the tree line is at 78 feet, so they will be 40 feet above the ground level. Mr. Gaudioso states they will be staggering the height of the branches from the top to the bottom from about nine feet to the shortest branches on top to fourteen feet to the biggest branches on the bottom. Mr. Gaudioso states the branches are installed at different pitches, and have different variations in shape. Mr. Gaudioso states it is a manufactured product and will never be as variable as nature. Cynthia refers to the staggering and gives an example of there being a nine foot branch, a few larger branches, and then a fourteen foot branch. Mr. Gaudioso refers to the diagram that Sabre provided in their letter which gives a breakdown. Mr. Gaudioso refers to the inventory of the branches listed and states the breakdown. Mr. Gaudioso states the branches get bigger as they stagger down. Mr. Gaudioso states he believes Mr. Agresta suggested the branches be staggered so they are not so uniform. Mr. Gaudioso states they need to have branches big enough to cover the antennas. Cynthia asks if there is a tower in the area that does has staggered branches. Mr. Gaudioso states yes, the tower that the Chairwoman took a picture of. Mr. Gaudioso states as soon as you get any type of distance away from the tower it is not as noticeable. Mr. Gaudioso refers to the visual rendering shot from the golf course and the tree in the foreground and states it may have been trimmed recently but it is so uniform. Mr. Gaudioso states once you get a distance away from the golf course, the tree design will look uniform. Mr. Gaudioso states as soon as you get any kind of distance away, it will not be that dramatic. Will states the variations in uniformity he is referring to have to do with the visuals from Bloomer Road. Mr. Gaudioso states they will ask the manufacturer if the branches may be staggered more. Mr. Gaudioso states the Board should keep in mind that they have to put the antennas, equipment, and mounting brackets on before the branches so they do not have gaps. Will refers to the staggering and suggests having a few crazy sizes in there. Cynthia states the color of the pole is alright, and the branches will look as real as they can be. Cynthia asks what the color of the equipment will be. Mr. Gaudioso states the equipment will not be seen. Mr. Gaudioso states they could paint the equipment to match the pole color. Mr. Vicente states there are two options, a dark green with a color the manufacturer suggests, or paint the equipment the same color as the pole. Mr. Vicente states that covers or socks are placed over the antennas, having a mesh on them utilizing the fake needles of the tree. Mr. Vicente states in order to do a tree product correctly the antennas, mounts, and cables are painted the same color of the pole, thunder grey, which looks like white pine. Mr. Vicente states if covers go over the antennas, they have found that white, grey or black is not seen. Cynthia states light reflection will not be seen. Mr. Vicente states they have seen this done incorrectly, when there was no focus on the antennas, brackets and cables; there is a fake tree and the antennas are clearly visible. Will refers to the texture and states that when looking at the tree design from a distance that is what will make it less noticeable versus looking at a cold surface.

Cynthia states she was going to suggest that Mr. Graiff may leave if there are no other questions about coverage and propagation. Cynthia refers to the AT&T proposal and asks Mr. Morando if he has any questions in regards to the Memo from Mr. Graiff. Mr. Morando states for the record he is an Attorney with Cuddy & Feder. Mr. Morando states he is here on behalf of AT&T. Mr. Morando states they took a look at

the Memo they received from Mr. Graiff. Mr. Morando states the conversation tonight has been very in depth and he believes it has addressed much of what AT&T is dealing with as far as coverage and location. Mr. Morando states Stephane Guillabert, their RF Consultant is here tonight as well. Mr. Morando states Mr. Guillabert has reviewed the Memo as well and most of the information requested from Mr. Graiff is fairly easy for them to provide. Mr. Morando states the only question that came up had to do with the scanner data along Bloomer Road. Mr. Morando states that AT&T simply did not drive that road for the scanning data. Mr. Morando states they do this from a global perspective and the propagation models are accurate in their opinion, but they will reach out to the Consultant in order to provide the scanning data. Mr. Morando states other than that item, they do not have further questions for Mr. Graiff. Mr. Graiff states the area talked about tonight having a lack of coverage had no data. Mr. Graiff refers to the Town of Milan up in Dutchess County and states that Verizon had an Application there for a tree pole design. Mr. Graiff states there was a concern by their Board about the shape of the tree in terms of the size of the branches. Mr. Graiff states he hasn't seen any drawings for the current proposal in terms of what Verizon is proposing to do in regards to the mounts for their antennas. Mr. Graiff states in the Town of Milan, Verizon did agree to decrease the size of the mount to bring it in closer to the pole. Mr. Graiff states that allowed the branches at the top of the tree to be closer in to give the tree more shape as opposed to the bottle brush look. Mr. Graiff states it has an insignificant impact on the diversity reception of the antennas. Mr. Graiff states that all of the antennas are still at the same level. Mr. Graiff states the Board may feel this is something important in regards to the shape of the tree being proposed in North Salem. Cynthia states it is good to know that this is a possibility. Mr. Graiff states that Verizon already agreed to do this on another Application. Mr. Vicente states they look at this aspect without having any comments from Boards or Consultants because they do not want the antennas to stick out of the branches. Mr. Vicente states that generally they are looking at 8 to 10 foot mounts in order to accommodate the amount of equipment that is requested by the carriers. Mr. Vicente states at the top of the pole instead of the traditional 12 foot mounts, they are looking at between 8 and 10 feet. Mr. Vicente states there is a bit of a reduction in order to pull the horizontal design of the tower in. Mr. Vicente states Mr. Graiff is absolutely correct. Mr. Vicente states the only balancing act has to do with making sure that the mounts are covered with branches, and that the equipment will be accommodated. Cynthia asks what the Board is being shown. Mr. Gaudioso states it is 6 feet to the farthest point away from the tower on the triangle, and it is 10 feet across. Mr. Gaudioso states they have already tried to bring the mounts in. Cynthia confirms that AT&T will be lower on the pole. Cynthia confirms this is the most the mounts may be brought in.

Will states before Mr. Graiff leaves he would like to talk about AT&T's coverage in two key places on main roads. Will states there are approximately 1/2 mile gaps in two key locations. Will asks how this will get addressed at the proposed Site. Mr. Graiff states he did suggest in his Report that this question be asked. Mr. Morando asks whether Mr. Graiff is referring to the intersection of Hardscrabble Road and June Road. Mr. Graiff refers to the last page in his Report whereas he states that the pesky gap in coverage along June Road at the intersection of Hardscrabble Road remains and is, as might be expected, even larger than the remaining Verizon gap in coverage in that area. Mr. Graiff states that AT&T should provide information, as was requested for Verizon, as to how it is going to handle the lack of acceptable coverage in this area. Will states he has June Road, Route 138, and also a segment along Starr Ridge Road written down in his notes. Mr. Morando states this was discussed earlier and the topography of the area really limits the ability to get in there. Mr. Morando states that Mr. Guillabert would be able to best describe this. Mr. Morando states that AT&T is proposed to be at 106 feet on the tower. Mr. Morando states the Code requires a height of 120 feet. Mr. Morando states as talked about earlier, to be able to cover the area would require a substantial increase in height. Mr. Morando states it is a situation whereas because of the topography there is not much that may be done to provide coverage. Mr. Morando states it is not necessarily an acceptable gap, it is what we are dealing with because of the reality of the topography. Mr. Morando states this is a difficult area to cover period, and this is part of those acceptable concessions that have to be dealt with. Mr. Guillabert states that they did a study, and would have to be at 128 feet in height in order to provide continuous coverage. Mr. Guillabert

states the only available height for AT&T is at 106 feet. Mr. Guillabert states this is a compromise that AT&T agreed to do in order to provide coverage in this area. Mr. Morando states he does not believe it is unique to the Site, it is about the topography in that particular area. Mr. Morando states that other Sites would create the same type of cavity. Will states there is a difference between the cavity being in the woods or along the road. Mr. Graiff states if this gap ultimately proves to be unacceptable to AT&T, they may come to the Board at a later time with a request for a tower somewhere else. Mr. Graiff states it is important that AT&T state that yes they realize there is a gap in coverage and they will work with it, and their customers will get around it, as opposed to saying they could only co-locate at 106 feet and need to come back for something else. Mr. Graiff states there has to be some type of an indication by AT&T. Mr. Graiff states Verizon also has remaining gaps. Cynthia asks to be reminded where the gap is located. Mr. Morando states there is a gap at the intersection of June Road and Hardscrabble Road. Cynthia states there is a circle of towers in this area and no one is planning any other towers. Mr. Gaudioso states that is exactly the point. Mr. Gaudioso states if someone had to come in and justify closing the gap, they couldn't justify it with a tower that is 120 feet. Cynthia asks how bad the loss of coverage is and states she has Verizon as her carrier and her coverage is fine right up to the end of Hardscrabble Road. Mr. Morando states as far as he is aware, there is no other tower being proposed in the community. Mr. Morando states the community has gaps in other places. Mr. Gaudioso refers to the signal levels. Mr. Graiff refers to an Applicant such as Verizon stating that minus 85 dBm is their absolute minimum signal strength and they cannot tolerate anything less, and unless they get that, they will take the issue to Court. Mr. Graiff refers to his Report and talks about having a discussion as to what the acceptable level is. Mr. Graiff states the phones will work to minus 95 dBm. Mr. Graiff states maybe the data speed will not be as fast, but a call will be able to be made. Cynthia states that Mr. Graiff is answering her question about gaps. Mr. Graiff states in reality, when he talks about pesky gaps, that is not what he would call significant. Cynthia states if she was on the phone and wanted to download something it might take a long time. Mr. Graiff states yes, the data transfer rate would be slower because the signal would be slower. Mr. Graiff states the same is true for AT&T. Mr. Graiff states that AT&T never stipulated in their Report what their design standards were. Mr. Graiff states he assumes they are the same as Verizon. Cynthia states she is just trying to put a practical twist on this to understand it better. Mr. Graiff states that the Federal Government does not define what the signal strength is. Cynthia states this is practice for the Public Hearing so when someone uses the word gap they will understand what is being talked about, such as whether their phone is going to go dead or whether they will lose their signal. Cynthia states people want coverage and do not want to see poles so we have to figure out how to make this work. Will states the hardest part is figuring out how to judge how 10 or 15 feet in pole height actually affects the use of the coverage. Mr. Gaudioso states because they did the drive test, and have the data, they know there is a verifiable difference in the heights. Mr. Gaudioso states no one is going to be able to come in and justify a tower in that corner based on the gap. Mr. Gaudioso states that realistically, financially, from a legal standpoint, and a planning standpoint, you will not see that type of an Application as it does not make sense. Mr. Gaudioso states if the gap affected all of Hardscrabble Road someone may eventually come in and propose a tower. Will states companies go to lengths to build these towers and even if there is a small gap it could be a big annoyance. Mr. Gaudioso states that Verizon has said in writing that this is a concession they are willing to accept. Mr. Gaudioso states if Verizon didn't think they could accept it, as Mr. Graiff just said, they wouldn't accept it. Mr. Gaudioso states they think in this context, this size, this location, this Code, this height limit, and this design they are willing to concede.

Cynthia refers to June Road and Hardscrabble Road and states that is where two schools are located. Cynthia states the High School/Middle School are higher up and she doesn't believe they will have an issue. Cynthia states that PQ School is also higher. Cynthia asks that the gap be looked at to see how it might translate because of the topography for the two schools. Mr. Gaudioso states when they submit the coverage map it will show that this area is covered. There is a discussion as to whether the track will be covered. Cynthia states that questions may come up at the Public Hearing.

Mr. Morando refers to the design standard and states it is universal. Mr. Morando states it is about meeting the design standard across the board. Mr. Morando states there are 43 communities in Westchester County and making revisions per municipality will not work.

Mr. Graiff asks whether a supplemental report will be provided to him if AT&T responds to his comments. Cynthia states yes, he will receive a supplemental report. Will states the submittal will go to the Board and then it will be circulated.

Mr. Gaudioso states he believes most of the items have been discussed and they will make a submittal in order to respond to the MDRA comments. Mr. Gaudioso states that some they will agree to disagree on. Mr. Gaudioso talks about showing where the rocks will be located. Mr. Gaudioso states the only comment that needs to be discussed has to do with tweaking the access drive and bringing the façade around. Mr. Gaudioso states that bringing the façade around will only get in the way. Mr. Gaudioso states they will propose different materials in order to make the fence look better. Mr. Gaudioso states they can turn the access drive a little bit, but there will be an issue with the fire and police vehicles backing out. Cynthia refers to the simulated picture and asks whether something may be accomplished with plantings. Mr. Gaudioso states yes. Mr. Gaudioso refers to the berm area and states they have identified it as an area they would like to do something with. Mr. Gaudioso talks about having similar plantings that are proposed in the back be in the front. Mr. Gaudioso talks about planting in and around the berm and states that coverage will be achieved. Cynthia states she drives on Bloomer Road a lot and the driveway is practically perpendicular coming in. Cynthia talks about the Applicant showing what the view shed would look like across the Golf Course for the Public Hearing. Mr. Gaudioso asks what area the Chairwoman is referring to. Cynthia talks about people driving west on Bloomer Road, looking up over the Golf Course, and asks for a visual of what the proposed plantings will look like. Mr. Gaudioso asks if the Chairwoman would like to send him something with an x on it as they have done in the past. Cynthia states she guesses she could do that. Mr. Vicente asks for the best landmark to be identified so they are in the right spot. Will asks where the Norway Spruces are proposed to be. Mr. Gaudioso states they will be squeezed inside along the stone wall. Mr. Lahey of Tectonic confirms that the Norway Spruces are proposed to be on the right on the edge, outside the stone wall.

Will refers to the driveway in terms of emergency vehicles backing out. Mr. Gaudioso asks Mr. Agresta to go up to the Plan and point out where he thinks the driveway is located. Mr. Gaudioso states a concern about fire trucks making turns. Will shows what he is suggesting and states that a fire truck will never go close to the facility. Will suggests the curve be worked on. Will states the whole concept is to try and get a bump out. There is a discussion about possibly losing more trees in order to do that. Cynthia asks what the distance is from the road to the driveway. Mr. Gaudioso states about 200 feet. Cynthia states the Fire Department should be asked whether they could function from the edge of Bloomer Road. Mr. Gaudioso states they also need to get a crane in there. Mr. Gaudioso asks Mr. Lahey if he understands what Mr. Agresta is suggesting. Mr. Lahey states he doesn't know whether they would be able to put that much of a curve in. Will states it is not so much the curve. Will states he would like something to block the opening and states it should be looked at from an engineering perspective. Mr. Lahey states they will take a look at it. Mr. Vicente states that originally they wanted to use the old wagon trail. Mr. Vicente talks about trying to hide the compound from the road as much as possible. Mr. Vicente talks about making minor alternations and states he doesn't know whether it will get them anywhere. Mr. Vicente states there is a lot of landscaping on the woods side and he does not know how functional it will be. Mr. Vicente states that they want to make sure the side of the Golf Course is landscaped properly. Mr. Vicente talks about having more plantings along the berm and sides and states that is the best they can do. Mr. Vicente states the advantage is that there is a natural berm on both sides of the roads. Mr. Vicente states there is only so much they can do and if they take down more trees they might actually do more damage. Mr. Vicente talks about trying to do better landscaping from one point to another point. Cynthia asks what the width of the cut and driveway are. Mr. Lahey states the apron at the road entrance is 30

feet. Cynthia asks if it can go down to 12 feet. Mr. Lahey states they could reduce it. Mr. Vicente asks if it could go down to 12 feet earlier. Mr. Lahey states he believes so and talks about maintaining the curb cut. Mr. Vicente asks what the curb cut requirements are. Mr. Vicente talks about taking the 30 feet and incline it to 12 feet, in order to use the area between for landscaping. Mr. Lahey states he has to look at the requirements again, but it should be able to be done. Cynthia confirms that the Applicant understands what the Board is trying to achieve. Mr. Gaudioso refers to the old stone wall and talks about bringing it up to the berm area. Mr. Gaudioso talks about taking the stones that they are going to take out in order to move them up to rehabilitate the front area. Mr. Vicente states his concern is that the berm will be replaced with stone. Cynthia states no, don't do that. Will talks about having a country-look. Will states that those things that are closer vision-wise will catch your eye more. Mr. Gaudioso states he is suggesting the old stone be hand-stacked to rehabilitate the other wall. Mr. Vicente states they will look at the curb cut requirements to see what kind of flexibility they have in terms of reducing the width of the road from Bloomer Road in. Mr. Vicente states they will look into doing some stone work to compliment what is already there. Mr. Vicente states they will look at plantings in the section where it goes from 30 feet down to 12 feet. Cynthia states plus, any curvature that would help. Mr. Vicente states the concern he has with the curvature is that the existing trees will be impacted. Tree removal is discussed. Mr. Vicente states they will take the comments and do the best they can with them. Mr. Vicente states he believes they have an opportunity to do some tweaking, but not major redesign. Mr. Lahey talks about retaining the 90 degrees off of Bloomer Road for the sight line.

Cynthia refers to the questions regarding the buffer area outside of the lease and states if the Applicant is dependent on the tree cover as part of their visual screening then will they be able to go in and replace trees if they come down. Cynthia asks whether a discussion may be had with the Owner. Mr. Gaudioso states the Board is empowered to impose reasonable conditions such as along those lines. Cynthia states the Board will try to define the areas that are most important to them. Cynthia gives an example of a storm coming through that takes 20 trees down and states the Board wants to make sure people will not then be looking at this tower. Mr. Gaudioso states he is not in a position to offer something like that, as it is speculative from his standpoint. Mr. Gaudioso states the Board has the power as a reasonable condition. Will states his comment had more to do with the integrity of the existing woodlands, he wasn't contemplating storms. Will states he has reviewed Applications in other areas having a leased area and woods for screening where the same issues have come up. Will states this Application does not just have to do with the carriers, it has to do with the property owner. Mr. Gaudioso states there is a practical side of this. Cynthia states that the Golf Course may want to make improvements. Mr. Gaudioso talks about having a condition that states how important the existing woodlands is and any future clearing would have to be approved by the Board.

Cynthia asks Will if the Applicant is able to provide answers to all of the comments in a timely fashion whether the Board is in a position to move to the next step procedurally. Will states he believes so. Will states there is some information that needs to be revised, and the design needs to be tweaked. Mr. Gaudioso states he calculates the Federal clock ending on February 4th. Mr. Gaudioso states that doesn't mean that on February 4th we throw up our hands and go away. Mr. Gaudioso states all that does is either we go to Court and have to prove why this took too long, or before February 4th we mutually agree for an extension as long as the process is working collaboratively. Mr. Gaudioso states that come February 4th they would like to work with the Town to have a proper approval in place and all the procedures done. Mr. Gaudioso talks about opening the Public Hearing in January. Mr. Gaudioso states they will turn around their comments in a timely manner. Cynthia states Mr. Gaudioso should aim to get everything in so a Public Hearing may be set for January 7th. Cynthia states if the information provided is insufficient, the Public Hearing will have to be kept open. Mr. Gaudioso asks whether the Public Hearing could be scheduled for January 7th. Cynthia states that is what the Board would like to do if Mr. Gaudioso tells her that he can get the information in for circulation. Cynthia asks what will be circulated. Will asks whether the circulation will be based on the current Plans, or the revisions. Mr. Gaudioso asks what the deadline is for the January 7th Meeting. Cynthia states it would be

three weeks prior, which would be December 17th. Cynthia refers to the Public Hearing Notice procedure in terms of notification to the neighbors and asks Dawn whether she recalls whether it has to be done 10 days in advance. Dawn responds that it is either five or seven. Cynthia states December 24th is the day before Christmas and she will not be here. Cynthia asks Mr. Gaudioso if he would be able to submit everything by December 22nd. Mr. Gaudioso states that should not be a problem. Cynthia states that the circulation will take place on December 22nd. Mr. Gaudioso confirms the Public Hearing will be on January 7th and asks who prepares the Notice. Cynthia states she usually drafts the Notice and has Will review it. Mr. Gaudioso asks who mails the Notice and who publishes it. Cynthia states the Planning Office handles the publication of the Notice in the newspaper and the Applicant handles mailing all the Notices to the neighbors. Mr. Gaudioso asks whether the Notices to the neighbors have to go out seven days prior to the Public Hearing. Cynthia states she believes so, but Mr. Gaudioso should check the Code to confirm as she does not have it in front of her. Cynthia states to the greatest extent possible she would like to circulate everything electronically. Cynthia states that a certain amount of hard copies will also be required. Cynthia states she will work with Dawn and Will over the next few days to figure out how many hard copies will be needed. Mr. Gaudioso states last time they put the documents on disks and that worked out very well. Mr. Gaudioso asks whether the County will receive the circulation. Cynthia states a Notification will be done to the County. Will states there is a 30 day window of time for comments. Cynthia asks Will whether the Board needs to reaffirm that they are Lead Agency. Will states no, they did the circulation, and may confirm the status and state for the record that there were no objections.

Mr. Gaudioso thanks the Board for the long discussion tonight.

Mr. Lahey states there were a couple of dark sky comments in regards to lighting. Will states the details should be as literal as possible so when standing right next to the light it will not be shifted. Mr. Lahey states there was a comments on the Wetland Report that the 8 ½ x 11 Plan was hard to read. Mr. Lahey states he has a larger Plan that he can provide right now if it is appropriate. Will states the suggestion was to include that Sheet in with the set of drawings. Mr. Gaudioso states that is fine but they cannot change the name on it because it has already been signed by the DEC. Will asks whether a copy of it could be made. Mr. Gaudioso states they can make a copy, but cannot change the label. Mr. Lahey states they had to go through a painstaking process in order to receive the signed copy from the DEC. Will states a copy will be fine.

Mr. Morando states they will also provide comments per the Report from Mr. Graiff. Mr. Morando refers to providing the scanning data and states hopefully it will not be an issue.

3. Release of Escrow:

- Sunrise Farm Subdivision - \$1,782.86
- Interstate 684 Associates - \$2,722.88

Cynthia reads the Draft Resolution for the Sunrise Farm Release of Escrow whereas it states “Resolved, that the North Salem Planning Board hereby grants John Sanzo release of Planning Board Escrow in the amount of \$1,782.86 for the Sunrise Farm Subdivision per his written request”.

Chairwoman motions that the Planning Board Release the above-mentioned Escrow for Sunrise Farm Subdivision in the amount of \$1,782.86. Gary Jacobi seconds. All in favor. No opposed.

Cynthia reads the Draft Resolution for the Interstate 684 Associates Release of Escrow whereas it states “Resolved, that the North Salem Planning Board hereby grants Interstate 684 Associates release of Planning Board Escrow in the amount of \$2,722.88 for the Interstate 684 Associates Reed Road Zoning Change Project

Application per written request from Marsha Stocker”.

Chairwoman motions that the Planning Board Release the above-mentioned Escrow for the Interstate 684 Associates Reed Road Zoning Change Project Application in the amount of \$2,722.88. Charlotte Harris seconds. All in favor. No opposed.

4. Financial Report:

- November, 2014

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

5. Next Meetings:

- Regular Meeting – January 7, 2015
- Work Session – January 21, 2015

6. Resolution:

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