

MINUTES

Town of Wappinger Planning Board
June 4, 2018
Time: 7:00 PM

Town Hall
20 Middlebush Road
Wappingers Falls, NY

Summarized Minutes

Members:

Mr. Flower	Chairman	Present
Mr. Ceru	Member	Absent
Mr. Hussain	Member	Present
Mr. Marinaccio	Member	Present
Mr. Pesce	Member	Present
Mr. Phillips	Member	Present
Mr. Valdati:	Member	Present

Others Present:

Mr. Roberts	Town Attorney
Mr. Gray	Town Engineer
Mr. Stolman	Town Planner
Mrs. Roberti	Zoning Administrator
Mrs. Ogunti:	Secretary

SUMMARY

Discussion:

Wireless Edge Towers, LLC

Balloon Test on June 27, 2018
Resubmit

Extension:

Smart Subdivision

Ninety (90) day extension granted

Mr. Phillips: **Motion to accept the Minutes of May 21, 2018.**
Mr. Hussain: Second the Motion.
Vote: All present voted Aye.

Discussion:

18-3393 (Site Plan) / 18-4079 (Special Use Permit) Wireless Edge Towers, LLC:

To discuss a public utility personal wireless services facility on 4.90 acres in an R40 Zoning District. The proposed facility consists of a 120 foot monopole designed to resemble a tree extending to a height of 125 feet with a multi-carrier equipment compound at the base. The property is located at **30 Soccerfield Drive** and is identified as **Tax Grid No. 6357-01-114590** in the Town of Wappinger. (Snyder & Snyder)

Present: Robert Gaudioso – Attorney (Snyder & Snyder)

Mr. Flower: Our first item on the agenda is a discussion for Wireless Edge Towers, LLC.

Mr. Gaudioso: Good evening Mr. Chairman and members of the board. I am Rob Gaudioso and I'm here on behalf of the applicant Wireless Edge Towers, LLC. An Orange County Poughkeepsie Limited Partnership doing business as Verizonwireless.

Mr. Flower: So the proposal is to install a wireless edge tower at 30 Soccerfield Drive?

Mr. Gaudioso: That's correct.

Mr. Flower: Did you receive the memo from the planner?

Mr. Gaudioso: Yes, we did.

Mr. Flower: Without presentation to the public we might as well jump into the letter and discuss the issues starting with Mr. Stolman.

Mr. Stolman: There's not too much to say. We are looking for additional information as the code requires it be submitted with the application. If Robert has any questions about that I can answer those questions.

Mr. Gaudioso: We did receive the Town Planner's comments and there was not much that was problematic. There were a few things on the site plan that were some technical additions. There were three items. One is the structural foundation design. We will have the foundation on the towers approved when we go for the building permit. We can show roughly what the

foundation could be. It will be within the 6,400 sf. compound but we won't have the actual diagram.

Mr. Stolman: You will have that for the building permit?

Mr. Gaudioso: Yes, we can certainly have that for the building permit.

Mr. Stolman: That will be consistent with what you submit?

Mr. Gaudioso: Yes, it will.

Mr. Stolman: I think that's fine.

Mr. Gaudioso: As you know one of the things on Town property we are proposing for it to resemble a tree. Again, that is a custom made product and we will order that title as a condition of this approval before building permit can be issued.

Mr. Stolman: We don't need plans that you will build from but this board does have a tradition of wanting a palm tree.

Mr. Gaudioso: We could certainly do a palm tree if the weather can ever improve but I don't have a lot of confidence in that.

Mr. Stolman: Make it a waiver.

Mr. Gray: Because this is a fill system when you do the building permit, there should be a soil analysis.

Mr. Gaudioso: Yes, we will do all of that. The third item is rather a twofold item. The landscaping there have some heavy and matured wood surrounding the site but more importantly and what we would like to do is we want your input and we wanted to work with you on this. Conducting a balloon test is required according by your code, put out the public notice for a date that's convenient for you folks. Mr. Chairman if I may hand out a proposed methodology with a view shed map and propose view point locations. Between now and the balloon test if anyone has additional locations they would want us to take photographs from we could take those as well. Once we do the balloon test we can determine exact locations and prepare a full report based on that and use computer modeling to show various locations. This is really to give you an idea of what the proper methodology we will be using and it's compliant with your code provision. In this case we will actually put a crane on the site and put the balloon on top and that would help to weatherize the process and if the wind is really blowing that day we will still be able to conduct it.

It has to be in the newspaper 14 days in advance according to the code. I believe your town newspaper is the Southern Dutchess News and they only publish on Wednesdays and we have to have it to them by the Monday before. This means the earliest we could possibly do it would be June 27th.

Mrs. Ogunti: You could also use the Poughkeepsie Journal.

Mr. Gaudioso: Okay if that is acceptable.

Mr. Flower: The Poughkeepsie Journal I believe is acceptable, correct?

Mrs. Ogunti: Yes.

Mr. Gaudioso: I want to run the draft notice with your staff to make sure they are comfortable with it.

Mr. Flower: So the first date you are proposing is June 27th.

Mr. Gaudioso: Okay, so let's pick June 27th and if that's acceptable to you and each consecutive day thereafter in case of inclement weather. It has to be up for four hours sometime between the hours of 8:00am and 5:00pm pursuant to your code. We would rather start first thing in the morning. I'm sorry it's 9:00am to 5:00pm.

Mrs. Roberti: If you do it first thing in the morning, almost everyone is at work so no one is going to see it. Can we do it later in the day or on a Saturday because the people around there would want to have that opportunity?

Mr. Gaudioso: My only concern about a Saturday and we may want to put the crane adjacent to the property and I don't want to interfere with the soccer games.

Mrs. Roberti: You could do it later in the day.

Mr. Gaudioso: We have no problem with doing it later in the day and the minimum 1:00pm to 5:00pm or earlier we can certainly do so.

Mr. Roberts: I would try go into 6:00pm to 7:00pm when it's daylight hours.

Mr. Gray: The soccer field where the septic system is?

Mr. Gaudioso: No, what we are worried about is getting the crane over into the property so we want to put it next to the property.

- Mr. Gray: I don't think so because there's a road and heavy equipment that goes to that pump station every day.
- Mr. Gaudioso: It's entirely up to you.
- Mr. Flower: We need to allow the residence around there to see it.
- Mr. Gaudioso: Maybe 1:00pm to 7:00pm. That's much longer than the code requires but it is code compliant.
- Mr. Flower: As long as it doesn't go past 7:00pm. Again, the residence in the area needs to see what's being proposed. So on June 27th from 1:00pm to 7:00pm.
- Mr. Gaudioso: If the weather doesn't permit it can be rolled over to another day.
- Mr. Stolman: There was another item in our review memo and that is Item 2(c) on Page 3 regarding whether the client might want to have a radio frequency in here in the application. We can discuss this a little bit and Jim Horan, Al's colleague is both an electrical engineer and an attorney so perhaps that could be handled in Al's office if you think it is okay.
- Mr. Roberts: We will get back to you on that.
- Mr. Flower: Let's leave that as an open ended item if Jim is willing to look at that and give us some feedback on that to see if that might be acceptable.
- Mr. Roberts: It's well below the Federal threshold.
- Mr. Stolman: It would be good for somebody to check to make sure the towers are not going to be substantially higher than it needs to be.
- Mr. Flower: I don't know if that's something Jim is able to give us feedback on also.
- Mr. Roberts: We looked at several of these in the past and if it's not we will let you know right away.
- Mr. Flower: So just leave those as open ended items for now since we need to get some additional research done on that.
- Mr. Gaudioso: We will respond to David in writing with respect to the various heights. For the tower it's 120 feet and it rises above that but we are proposing to go up to 125 feet to give the right shape. We also prepared to be able to accommodate the Town's public safety and emergency communications. We did our due diligence up to 145 feet for that. It's not part of the

application but we just took that as a consideration and that's important. We designed the tower to be able to handle the four wireless carriers that operate in this area so that way we don't encourage colocation in the future.

- Mr. Roberts: The Town's code encourages colocation.
- Mr. Stolman: So what is the height of the balloon actually?
- Mr. Gaudio: We are doing 125 feet. If I have any questions am I free to contact David?
- Mr. Stolman: Yes.
- Mr. Flower: So just going back to this, you are proposing 145 feet currently?
- Mr. Gaudio: We are proposing 120 feet and to the top of the branch it is 125 feet but we did some of our due diligence to make sure it is clear up to 145 feet.
- Mr. Flower: With 145 feet you are leaving the extra between for emergency services?
- Mr. Gaudio: Correct. Typically, what they do they put whipping antennas on top. It's not like we are extending the pole, we are just putting whipping antennas on top.
- Mr. Flower: Has anyone approach you about doing that yet?
- Mr. Gaudio: No, we don't have anything documented yet but it's always a good idea. Particularly, since it's Town property.
- Mr. Flower: David, are you good?
- Mr. Stolman: It's just the request for additional information.
- Mr. Flower: So we will get an updated plan and the required information?
- Mr. Gaudio: Sure.
- Mr. Flower: Mr. Gray.
- Mr. Gray: Did you receive my letter?
- Mr. Gaudio: No, I did not.

- Mr. Gray: We wrote the letter on May 17th. We asked for structural analysis for the soil and you want to put that off until later. How about the generator noise?
- Mr. Gaudioso: We can certainly have the engineer address the noise per the Town code. That's not a problem.
- Mr. Gray: You might want to look at Item 3. You've already covered Item 2.
- Mr. Flower: Bob, you said the letter went out on May 17th?
- Mr. Gray: Yes.
- Mr. Flower: I didn't see it. I'm going back to check my emails and I don't have it.
- Mr. Gaudioso: We can respond to it.
- Mr. Flower: Did any other board receive his letter?
- Mr. Marinaccio: I didn't get it.
- Mr. Gray: I sent it to all of the board members.
- Mr. Flower: How did you send it?
- Mr. Gray: I sent it by email.
- Mr. Marinaccio: Does this run on natural gas or propane?
- Mr. Gaudioso: In this case we are proposing propane.
- Mr. Marinaccio: Will a structure be near the pole?
- Mr. Gaudioso: There's no structure but they are equipment cabinets on the platform.
- Mr. Marinaccio: If the Town wants to use the antennas for TV, is that an expense the Town will incur?
- Mr. Gaudioso: Typically, we'll place the antenna on the tower and we don't charge for tower space. We do the installation and have the equipment ready. Typically, the Town buys their own equipment.
- Mr. Roberts: I think it is covered in the lease agreement.
- Mr. Gaudioso: Yes, we submitted the lease agreement as part of the application.

- Mr. Flower: Are there any questions or concerns from the board?
- Mr. Gaudioso: When will we have to file to be back here in July?
- Mr. Flower: In July we have two meetings and in August we have one.
- Mr. Gaudioso: Okay, I'll check the schedule online. We'll make the changes based on all of the comments.
- Mr. Flower: So, you are going to get the notices out for the crane for June 27th?
- Mr. Gaudioso: Correct. We will take care of that.
- Mr. Flower: So you are going to get all of the legal notices to our office?
- Mr. Gaudioso: Could you say that again?
- Mr. Flower: You are going to publish it in the newspaper?
- Mr. Gaudioso: Yes, and I will run the draft notice pass David.
- Mr. Flower: Other than that I think we are all set for now. It's just a matter of establishing the crane and getting your resubmission together.
- Mr. Gaudioso: Thank you very much.

Extension:

15-5172 / Smart Subdivision: Seeking their second extension on a proposed 2-lot subdivision where there is an existing home on lot 1 and a second lot will be created in the rear of the parcel. Each lot will be served by private wells and subsurface sewage disposal systems and the existing driveway will continue to be used as a shared driveway for both lots. An individual paper driveway is shown on the plan as an alternate means of ingress/egress for Lot 2. This extension is being requested to allow for time to complete the process with Board of Health approval and the attorneys to finalize the easements and agreements. This extension, if granted will begin June 12, 2018 through September 17, 2018. The property is 2.059 acres and is located at **191 River Road North** and is identified as **Tax Grid No. 6056-01-241913** in an R-40 Zoning District in the Town of Wappinger. (Hudson Land Design) (Cantor) (LA January 6, 2017) (PH opened 2/6/17 – closed 3/6/17)) (Neg. Dec. approved 7/17/17)(Variances granted on August 22, 2017) (Approved September 18, 2017)

- Present: Jon Bodendorf – Engineer
- Mr. Bodendorf: Good evening. Mike Bodendorf, engineer for the applicant. I'm here tonight to request an extension. We made a submission to the Health Department

and based on the concept that we received last month and they have had it for three and the half weeks now. In light of the expiration coming up we want another extension. When we get those comments back we want the consultants to give it one last look before the chairman's signature. On the legal side the attorney has submitted the easement agreement and metes and bounds to the conflict attorney so we expect comments any day now.

Mr. Flower: At this point we need to entertain a motion to either deny or grant the extension for another 90 days.

Mr. Marinaccio: Motion to grant a 90 day extension to begin June 12, 2018 through September 17, 2018.

Mr. Pesce: Second the Motion.

Roll Call Vote:	Mr. Marinaccio	YES
	Mr. Pesce	YES
	Mr. Phillips	YES
	Mr. Valdati	NO
	Mr. Hussain	YES
	Mr. Flower	YES

Mr. Bodendorf: Thank you. I have one question. I got a comment from the Health Department and this goes to Mr. Gray. They want documentation from the Town indicating the acceptance of connecting to the water system.

Mr. Gray: I think I need to speak to the attorney on this.

Mr. Bodendorf: Okay.

Mr. Flower: At this point I think it might be advantageous for their attorney to contact the Town's staff and set up a meeting. That might be the best bet to get things finalized.

Mr. Bodendorf: Okay, sounds good. Thank you everybody.

Miscellaneous:

Alexey Nechaev Subdivision: Discuss closing of second driveway as approved by resolution on February 6, 2027 at 36 Middlebush Road.

Mrs. Roberti: Last year Alex Nechaev came in for a 2-lot subdivision and it was granted. The existing lot which is just up the street on Middlebush and Cameli and this particular piece had a driveway off Middlebush and almost to the corner of Cameli which is a sight distance issue. In the

plan he was to remove the driveway and plant grass so he just threw dirt over the driveway and he thought it would work. It won't. Bob had an idea for him to remove and cut the driveway at the property line. Go up 50 feet and remove all of the blacktop, bring in fill and then plant grass. Would you be okay with that? It didn't specify how much of the driveway.

- Mr. Valdati: Yes, that makes sense.
- Mr. Gray: It's like a graveled driveway.
- Mrs. Roberti: This house is sold so we want him to do this work before they turn it over so that someone else is not stuck with this.
- Mr. Flower: For the record for some reason you get a request for municipal letter for the property, if that's not done it will be flagged on there as a violation and the title company will be aware of it.
- Mrs. Roberti: He's waiting to hear from me tonight. He wants to have this done tomorrow.
- Mr. Flower: You don't want this to be stuck on the new owners.
- Mrs. Roberti: I already let the broker know that this has to be done so the new owners don't get stuck with this. He wants to get this done tomorrow or Wednesday knowing that the municipal search will be coming in.
- Mr. Flower: I guess that's the end of everything on the agenda unless somebody has something they would like to bring up.

Mr. Pesce: **Motion to Adjourn.**
Mr. Hussain: Second the Motion.
Vote: All present voted Aye.

Adjourned: 7:30 pm

Respectfully submitted,

Bea Ogunti, Secretary
Town of Wappinger Planning Board