



555 Theodore Fremd Ave, Suite C-301
Rye, NY 10580
T: 914.967.6540
www.hardestyhanover.com

MEMORANDUM

<i>To:</i>	Bruce M. Flower, Chairman And the Town of Wappinger Planning Board	<i>Date:</i>	6/14/2023
<i>From:</i>	Malcolm M. Simpson	<i>Project:</i>	Kent Road Micro
<i>cc:</i>	James Horan, Barbara Roberti, Bea Ogunti		
<i>Subject:</i>	Kent Road Micro Application Review		

As requested, we reviewed the application made by Verizon Wireless, (the “Applicant”) for Site Plan and Special Use Permit Approval.

The Property

The subject property is in the public ROW on Kent Road, adjacent to 2 Baldwin Drive, and is located within the R-20 Residential District (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing a new 43-foot utility pole and antenna at the top thereof, with related cables and related equipment (Proposal or Proposed Action).

Submission

The Applicant has submitted for review an Application for Site Plan Approval form dated 5/3/23; an Application for Special Permit Approval dated 5/3/23; a project narrative prepared by Scott Olson dated 5/3/23; an RF Analysis dated 4/3/23; a Full Environmental Statement form dated 4/14/23; a real estate site selection report, including visual impact analysis, dated April 2023; a Site Compliance Report dated 3/9/23; and the following site plan (6 sheets) generally entitled “Kent Road Micro” prepared by Tectonic dated 4/14/23;

REVIEW COMMENTS

1. SEQRA. The Application is an Unlisted Action with regard to SEQRA. The Planning Board should determine if they would like to engage in a coordinated review or pursue an

uncoordinated review. If the Planning Board would like to engage in a coordinated review, they should discuss if they would like to serve as Lead Agency.

2. Radio Frequency. The Planning Board should determine whether it desires to have a Radio Frequency (RF) Engineer review this application.
3. Section 240-81.
 - a. In accordance with Section 240-81.F(4)(f)[8] of the Zoning Law a visual impact analysis was conducted using visual simulations. It appears that the visual impact is minor with the pole being taller than but comparable to other utility poles in the surrounding area.
 - b. Section 240-81.F(4)(f)[9] requires that a balloon test be conducted for all new telecommunication towers, antennas, and personal wireless service facilities. There does not appear to be latitude in the code the Planning Board to waive this requirement. However, the code likely envisioned telecommunication towers, antennas, and personal wireless service facilities to be substantially taller than the Proposed Action and have a much larger visual impact. It is unclear if the Planning Board would be able to waive this requirement if it wished to. We defer to the Planning Board Attorney with regard to this matter.
 - c. In accordance with Section 240-81.K of the Zoning Law, a removal plan should be included in future submissions.