

TOWN OF CORTLANDT
PLANNING AND ZONING BOARDS

BOARD MEETING

Nyberg Meeting Room

Town Hall

1 Heady Street, Cortlandt Manor, NY 10567

November 1, 2022

7:00 p.m. - 10:40 p.m.

November 1, 2022

MEMBERS PRESENT:

Thomas A. Bianchi, Vice-Chairperson

Robert Foley, Member

Nora Hildinger, Member

Stephen Kessler, Member

Jeffery Rothfeder, Member

Peter McKinley, Alternate

ALSO PRESENT:

Chris Kehoe, Town Planner

Michael Cunningham, Deputy Town Attorney

Michael Musso, Consultant

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2 (The board meeting commenced at 7:00p.m.)

3 MR. THOMAS BIANCHI: To the November 1,
4 2022 town of Cortlandt planning board meeting.
5 Please rise for the pledge.

6 MULTIPLE: I pledge allegiance to the
7 flag of the United States of America and to the
8 Republic for which it stands, one nation under
9 God, indivisible, with liberty and justice for
10 all.

11 MR. BIANCHI: Roll call.

12 MR. CHRIS KEHOE: Ms. Hildinger?

13 MS. NORA HILDINGER: Here.

14 MR. KEHOE: Mr. Rothfeder?

15 MR. JEFFREY ROTHFEDER: Here.

16 MR. KEHOE: Mr. Kessler?

17 MR. STEPHEN KESSLER: Here.

18 MR. KEHOE: Mr. Bianchi?

19 MR. BIANCHI: Here.

20 MR. KEHOE: Mr. Foley?

21 MR. ROBERT FOLEY: Here.

22 MR. KEHOE: Mr. McKinley?

23 MR. PETER MCKINLEY: Here.

24 MR. KEHOE: Ms. Decker and Ms. Taylor

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2 are noted as absent. And Tom, could you just
3 announce that Peter is promoted tonight, as an
4 alternate?

5 MR. BIANCHI: Uh --

6 MR. KEHOE: Or I could.

7 MR. BIANCHI: Yeah, why don't you take
8 it? Peter McKinley is our, uh --

9 MR. KEHOE: Alternate member.

10 MR. BIANCHI: -- alternate member, I
11 couldn't think of the word, alternate member
12 who's been promoted to a position on our board
13 tonight. Okay. A couple of changes to the agenda,
14 case number 2022-4, which is a public hearing for
15 Gurdjieff has been postponed at the request of
16 the applicant, and case number 6-15 under old
17 business for Hudson Wellness also has been
18 adjourned as per the applicant, as requested by
19 the applicant. Can I have a motion to adjourn
20 those two meetings?

21 MR. MCKINLEY: So moved.

22 MR. FOLEY: Second.

23 MR. BIANCHI: Thank you. On the
24 question? All in favor?

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2 MULTIPLE: Aye.

3 MR. BIANCHI: Opposed? Okay. Next we
4 have the adoption of the minutes of the meeting
5 for the October 11, 2022 meeting. Could I have a
6 motion for that?

7 MR. KESSLER: So moved.

8 MR. ROTHFEDER: Second.

9 MR. BIANCHI: Thank you. On the
10 question? All in favor?

11 MULTIPLE: Aye.

12 MR. BIANCHI: Thank you. Okay. Moving to
13 the agenda, under correspondence, we have a
14 couple of items here. The first one is planning
15 board case number 2021-1, a letter dated October
16 11, 2022 from David Steinmetz requesting the
17 first one year time extension of site development
18 plan approval for NRP Properties, LLC located at
19 119 Oregon Road.

20 MR. KESSLER: Mr. Chair, I move that we
21 adopt Resolution 14-22 granting the one year time
22 extension.

23 MR. BIANCHI: Okay. Thank you.

24 MR. DAVID STEINMETZ: Thank you. No?

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2 MR. BIANCHI: Okay.

3 MR. STEINMETZ: I'm just here to answer
4 any questions if needed.

5 MR. BIANCHI: Do I have a second on
6 that?

7 MR. FOLEY: Second.

8 MR. BIANCHI: Okay. On the question? All
9 in favor?

10 MULTIPLE: Aye.

11 MR. BIANCHI: Opposed?

12 MR. STEINMETZ: Thank you.

13 MR. BIANCHI: Okay. Our next item under
14 correspondence is planning board number 2021-6,
15 letter dated October 13, 2022 from Daniel
16 Richmond and a memo dated October 20, 2022, from
17 the code enforcement office as required by
18 condition number two of Planning board Resolution
19 1-22, to provide an update to the planning board
20 on the operation of the site and any substantial
21 code violations for Yeshiva Ohr Hamier located at
22 141 Furnace Woods Road.

23 MR. ROTHFEDER: Do we want to put on the
24 record that there were no violations noted?

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2 MR. KEHOE: Yes. Also the applicant and
3 the planning board has received the memo from the
4 fire inspector. It just came in too late to make
5 it to the agenda. And there were no violations
6 noted by the fire inspector either.

7 MR. ROTHFEDER: I move that we receive
8 and file the letter.

9 MR. KESSLER: Second.

10 MR. BIANCHI: Thank you. On the
11 question? All in favor?

12 MULTIPLE: Aye.

13 MR. BIANCHI: Opposed?

14 MR. DANIEL RICHMOND: Thank you.

15 MR. BIANCHI: Our third item under
16 correspondence is a letter, planning board number
17 2020-3, a letter dated October 19, 2022 from
18 Heike Schneider, architect requested the second
19 one year time extension of site development
20 approval for the 3451 Lexington Avenue Classic
21 Car Storage Classic Car facility. Is there
22 anybody here to speak to that?

23 MS. HILDINGER: I move that we adopt
24 Resolution 15-22.

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2 MR. ROTHFEDER: Second.

3 MR. BIANCHI: On the question?

4 MR. KEHOE: Just on the question, it's
5 noted in the resolution, I just want to say it
6 for the record, that you're only allowed two one
7 year time extensions, so this is their second one
8 year time extension. They either have to meet all
9 their conditions and file the plan or they would
10 need to make a new application at this time next
11 year.

12 MR. FOLEY: On the question, to be
13 consistent the way I voted initially whenever it
14 was, two years ago, I voted no on this proposal
15 for two or three reasons. One was there was no
16 site visit. I and one other member went there.
17 Second, I thought there should have been a
18 traffic study in that area, particularly with the
19 expansion of the assisted living, which is almost
20 complete, and a development further down on the
21 Yorktown side of condos that are now built. So I
22 will, I'm not voting for the extension, for what
23 it's worth.

24 MR. BIANCHI: Okay. Thank you. Alright.

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I think we're on the question?

MR. FOLEY: Yeah.

MR. BIANCHI: Okay. All in favor?

MULTIPLE: Aye.

MR. BIANCHI: Opposed?

MR. FOLEY: Against.

MR. BIANCHI: Okay.

MR. KEHOE: Ms. Hildinger?

MS. HILDINGER: Aye.

MR. KEHOE: Mr. Rothfeder?

MR. ROTHFEDER: Aye.

MR. KEHOE: Mr. Kessler?

MR. KESSLER: Aye.

MR. KEHOE: Mr. Bianchi?

MR. BIANCHI: Aye.

MR. KEHOE: Mr. Foley?

MR. FOLEY: No.

MR. KEHOE: Mr. McKinley?

MR. MCKINLEY: Aye.

MR. KEHOE: Motion passes five to one.

MR. BIANCHI: Okay. Thank you. Okay. Our next couple of hearings or resolutions, the first one is, let's see, excuse me for a second. The

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2 first one is 2022-3, application of James
3 Connolly for preliminary and final subdivision
4 approval for a two-lot minor subdivision of an
5 approximately 1.49-acre parcel of property
6 located at 49 Dutch Street, drawings latest
7 revised September 30, 2022. Good evening.

8 MS. HEATHER GUSHUE: Good evening. I'm
9 counsel for the applicant and just here in
10 support of the resolution.

11 MR. BIANCHI: So you've seen the
12 resolution --

13 MS. GUSHUE: Yes.

14 MR. BIANCHI: -- and you're in favor of
15 it?

16 MS. GUSHUE: Yes.

17 MR. BIANCHI: Alright. So we can move on
18 it.

19 MR. KESSLER: Mr. Chair, I move that we
20 adopt Resolution 16-22 granting preliminary and
21 final subdivision approval for the subdivision?

22 UNIDENTIFIED FEMALE: Can I ask a
23 question?

24 MR. BIANCHI: This --

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2 UNIDENTIFIED FEMALE: Does that include
3 the feedback?

4 MR. BIANCHI: Excuse me?

5 UNIDENTIFIED FEMALE: There was feedback
6 --

7 MR. KEHOE: Well, we'll --

8 MR. BIANCHI: This is not a public
9 hearing, so.

10 MR. KEHOE: We'll get to that.

11 UNIDENTIFIED FEMALE: I'm sorry, I just
12 wanted [unintelligible] [00:07:09].

13 MR. KEHOE: When you get to the
14 question.

15 MR. BIANCHI: Okay. Do we have a second?

16 MR. ROTHFEDER: Second.

17 MR. BIANCHI: Okay. On the question? All
18 in favor?

19 MR. KEHOE: Well, no, no, no. On the
20 question, as we discussed, the neighbor group
21 sent an email which I shared with all of the
22 planning board members with some suggestions for
23 additional conditions. The attorney and myself
24 have looked over those. I think there's five of

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2 them. One of them is pretty much purely advisory,
3 to make sure that the town carefully monitors the
4 construction. That's definite. One of them talks
5 about not having any contractors parking their
6 cars on Sycamore. I think we feel that that's
7 reasonable.

8 MR. MICHAEL CUNNINGHAM: I mean so long
9 as it's practical, right.

10 MR. KEHOE: Right. But we're not in
11 favor of the other three suggested conditions.
12 Those are not typical conditions that would be
13 not a normal thing to require of any legal
14 approved project in the town.

15 MS. GUSHUE: Can I make a comment
16 please? I would just note that the applicant has
17 no problem providing, complying with the
18 condition that there be open and safe passage on
19 Sycamore Court. And there have been other
20 residents on Sycamore Court that has used that
21 road for parking of construction vehicles. And
22 they will have no problem providing open an safe
23 passage. And I don't necessarily think that it's
24 necessary for the additional conditions suggested

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2 by the neighbors to be included in the
3 resolution.

4 MR. KEHOE: It's up to the board.

5 MR. BIANCHI: Okay.

6 MR. KEHOE: What we had said is that no
7 construction vehicles can be on Sycamore Court
8 really unless they're working on the driveway
9 connection or specific work. I thought the
10 condition was that if, if work is going on on the
11 lot, that contractors would choose to park their
12 personal vehicles or pickup trucks on Sycamore
13 while they were working on the house. So that,
14 that was our concern. But once again, if -- it
15 depends on the characteristics of Sycamore Court
16 whether it would prohibit such parking, it just
17 seemed reasonable to have those contractors not
18 park their personal vehicles on Sycamore.

19 MR. BIANCHI: Okay, any comments from
20 the board on that? Are we all in agreement?

21 MR. FOLEY: That's what I thought we
22 were agreeing to.

23 MR. BIANCHI: That was my understanding
24 too.

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2 MR. FOLEY: Yeah.

3 MR. BIANCHI: Okay. If there are no
4 further comments --

5 MR. KEHOE: So you have a resolution
6 with seven conditions. We can add language which
7 would just be a whereas clause to ensure that the
8 construction is carefully monitored by the town.
9 You know, we would word it, I mean that's what we
10 do, I mean they would need building permits and
11 our inspectors will be out there. The, as I said,
12 we don't agree with the other three. The only
13 other issue, of issue -- if you want us to add
14 something to the note on the drawing regarding
15 parking vehicles on Sycamore or not.

16 MR. KESSLER: Alright. So the other
17 three that, I don't have the letter in front of
18 me, but the other three that we didn't agree on
19 is --

20 MR. CUNNINGHAM: One of them is
21 providing notice to a specific neighbor. We've
22 never, we don't recall ever doing that in the
23 past.

24 MR. KESSLER: Right.

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2 MR. CUNNINGHAM: Another one is written
3 notice to all neighbors at the time of a driveway
4 application. Yeah, we've never done that in the
5 past either. And then, oh, there was a word,
6 replacing the word generally with only, I think
7 we were comfortable with generally how it was
8 phrased.

9 MR. FOLEY: Which number was that, Mike?

10 MR. CUNNINGHAM: That was paragraph
11 five.

12 MR. KESSLER: Alright. Well, we'll, the
13 town will do as much as it can to monitor the
14 situation there and advise construction crew if
15 any of the agreed upon conditions are not being
16 followed.

17 MR. FOLEY: And the neighbors would have
18 to do due diligence and --

19 UNIDENTIFIED FEMALE: Can we comment or
20 no?

21 MR. KESSLER: It's not a public hearing.

22 UNIDENTIFIED FEMALE: I understand that,
23 but something was committed to in the last
24 meeting of no construction vehicles on Sycamore,

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2 nobody parking on that. Your chairperson also
3 offered up to us that we would get 48-hour notice
4 when they were working on the driveway and now
5 all of a sudden that's -- this is all that was
6 discussed in the last meeting. I, I really, I'm
7 tired of coming to these meetings. I would like
8 to wrap this up for everybody. I, I would just --
9 we're looking to protect the road. The heirs
10 [unintelligible] [00:11:43] own the ground, but
11 this is a road. The road will be damaged and we
12 are financially responsible for it.

13 MS. GUSHUE: Listen, I just want to note
14 that the public hearing has been closed at the
15 last time --

16 MR. KESSLER: I was just going to say
17 that.

18 MS. GUSHUE: And the board should not
19 consider any further comments. I, I don't find it
20 necessary to rehash and go over everything that
21 was discussed at the last hearing. It, it, the
22 condition of the road, I mean if the board wants
23 to know, there's a road maintenance agreement
24 that provides anybody, sorry, the applicant is

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2 the signatory of that. And if there is any damage
3 done to the road maintenance agreement it takes
4 into account and he has, has agreed to be liable
5 to that in the agreement between himself and the
6 other residents on Sycamore Court.

7 MR. BIANCHI: You've got to remember --

8 MS. GUSHUE: We've gone through all of
9 this with, with the board --

10 MR. BIANCHI: Right, right.

11 MS. GUSHUE: -- on two other, three
12 other public hearings.

13 MR. BIANCHI: We have to remember that
14 the town is not the construction contractor for
15 this project. And to get 48-hours notice is
16 difficult to do unless you're in control of the
17 construction and you know what's going to be
18 happening tomorrow or the day after. So, I don't
19 think that's under -- I don't think that's
20 enforceable and I don't think it's appropriate
21 actually, for the town to take that under its
22 responsibility. So the resolution is as it
23 stands.

24 MR. FOLEY: Can I ask a question?

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2 MR. BIANCHI: Go ahead.

3 MR. FOLEY: So in other words, in our
4 construction phase code of the town, and similar
5 to subdivisions, there's nothing -- I know all
6 went over, nothing could be accommodated even
7 through that?

8 MR. CUNNINGHAM: As far as which point?

9 MR. FOLEY: Isn't there a code -- in the
10 code, isn't there a construction phase that we
11 always look at? Meaning when you're building a
12 subdivision or something similar to what we're
13 talking about here.

14 MR. KEHOE: Not, not --

15 MR. CUNNINGHAM: There's generally a
16 phasing construction plan, but this is one house,
17 that, you know, they're just building one house.
18 At other times, too, you know, they have to put
19 in a new road before they put in, this is just
20 one house. It's not a large project.

21 MR. KEHOE: But what you're really
22 saying is do we require prior notification to a
23 specific person prior to construction starting?
24 No.

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2 MR. CUNNINGHAM: We've never done that,
3 no.

4 MR. BIANCHI: Okay. I think the
5 consensus of the board is they're comfortable
6 with the conditions of the board as they stand
7 and we'll vote on that.

8 MR. CUNNINGHAM: And also on the
9 question, Mr. McKinley who is voting tonight, he
10 is familiar with the applicant, so he's going to
11 abstain on this matter.

12 MR. BIANCHI: Okay. So I guess we'll
13 entertain a resolution unless we've done that
14 already?

15 MR. ROTHFEDER: We did that already.

16 MR. BIANCHI: Okay. We're on the
17 question. All in favor?

18 MULTIPLE: Aye.

19 MR. BIANCHI: Opposed. The motion
20 passes.

21 MS. GUSHUE: Thank you.

22 MR. BIANCHI: Our next resolution is
23 planning board number 2022-9, application of
24 Brookfield Resource Management, Inc. for the

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2 property of 2114 APR, LLC for the renewal of a
3 junkyard special permit for property located on
4 the east side of New York and Albany Post Road,
5 500 north of Dutch Street as shown on the drawing
6 entitled Brookfield Resource Management Site
7 Plan, prepared by Nosek Engineering and dated
8 October 22, 2010. Can I can a resolution for
9 this?

10 MR. FOLEY: I make a motion that we
11 approve Resolution number 17-22, with the four
12 conditions specified.

13 MR. KESSLER: Second.

14 MR. BIANCHI: I have a second, okay. On
15 the question? All in favor?

16 MULTIPLE: Aye.

17 MR. BIANCHI: Opposed?

18 UNIDENTIFIED MALE: Thank you.

19 MR. BIANCHI: Okay. Moving to the section
20 of the agenda that it concerns public
21 hearings, and our first is, as I had
22 indicated at the beginning of this meeting,
23 has been postponed. It's the Gurdjieff
24 Foundation application for Danish Home for

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2 the Aged and that has been postponed to the
3 December meeting. I'm not sure when that is,
4 December 6th. Okay. So that's taken care of.
5 Our next public hearing is 2019-5,
6 application of Homeland Towers LLC and New
7 York SMSA Limited partnership dba Verizon
8 Wireless for the property of Bezo Enterprises
9 LCC for site development plan approval and a
10 special permit for a proposed public utility
11 personal wireless facility, a
12 telecommunications tower, on a portion of a
13 6-acre parcel of property located at 52
14 Montrose Station Road, drawings latest
15 revised September 28, 2022. Good evening.

16 MR. SHERIDAN: Good evening. My name is
17 Michael Sheridan, attorney with Snyder & Snyder,
18 the attorneys for Homeland Towers and New York
19 SMSA Limited Partnership dba Verizon Wireless, in
20 connection with the installation of a 140-foot
21 monopole telecommunications tower at the property
22 at 52 Montrose Station Road. As this board is
23 aware, we've been here for a few meetings, and
24 I'd like to state that the application complies

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2 with the Wireless Law, that there are no
3 variances required in connection with this
4 application, that the need for the facility has
5 been established. The town's consultant, who I
6 understand you're looking forward to hearing from
7 tonight, HDR, concluded that the applicant's RF
8 engineers provided the technical information that
9 attest to the need for the proposed tower
10 location such that the gap in Verizon Wireless'
11 coverage has been identified.

12 We've also confirmed that there are no
13 other locations where the facility can be
14 located. In connection with the meeting last
15 month where additional information was requested,
16 we provided an October 20th submission with an
17 alternative site analysis from Vincent Xavier,
18 Homeland Towers, confirming that there's no other
19 locations in the vicinity. With that was also a
20 report from the applicant's wireless RF engineer,
21 who, CSquared, who also confirmed that there are
22 no alternative sites that would provide the
23 adequate coverage to the significant gap, which
24 the proposed site is intended to address.

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2 We have tonight here Vincent Xavier from
3 Homeland Towers if you have any questions
4 regarding that report. Also on Zoom is Martin
5 Lavin from CSquared if you have any questions
6 regarding his report and at this point, I
7 understand that this board wants to hear from its
8 consultant.

9 MR. BIANCHI: Yes.

10 MR. SHERIDAN: So we will allow the
11 consultant to provide its presentation and we'll
12 be available to answer any questions if you have
13 any after that.

14 MR. BIANCHI: Okay, yeah. We had
15 received a deck of slides tonight that were I
16 believe similar to those presented to us at the
17 work session last week, Mr. Musso?

18 MR. MICHAEL MUSSO: Right.

19 MR. BIANCHI: So before we get into the
20 public comment portion, I think it's important to
21 hear from you. And is Mr. Campanelli on the line
22 too? Is he available?

23 MR. KEHOE: Mr. Campanelli is in the
24 audience.

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2 MR. BIANCHI: Oh, he's here? Hi.

3 MR. CAMPANELLI: Good evening.

4 MR. BIANCHI: We can hear from him after
5 that, and then public comment can follow. Okay.
6 Mr. Musso.

7 MR. MUSSO: Yep. Okay, great. Acting
8 chair, members of the board, member of the
9 public, thanks for having me here tonight. My
10 name is Mike Musso. I work with HDR on behalf of
11 the town. I'm going to speak tonight a little bit
12 about our technical review of the application at
13 hand. I could be happy to share some more
14 exhibits, but basically I'm going to run through
15 the PowerPoint that you have in front of you
16 tonight.

17 Acting Chair Bianchi, you noted that we
18 did discuss on last Thursday. So we did make some
19 additions to what I presented to the board last
20 week, and with that, I'd like to get started. So
21 just a rough agenda tonight, I'd be happy to talk
22 about our September tech memo that you have in --

23 MR. BIANCHI: Could you enlarge the
24 slides? Just presentation mode.

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2 MR. MUSSO: A technical moment, I
3 apologize for that.

4 MR. BIANCHI: That's better.

5 MR. MUSSO: Great.

6 MR. KEHOE: And can you pull the mic
7 closer to you, Mike?

8 MR. MUSSO: Yes.

9 MR. KEHOE: Thanks.

10 MR. MUSSO: Yeah, hopefully that's
11 better.

12 MR. BIANCHI: Yes.

13 MR. MUSSO: Okay. Great. Right, so I'd
14 be happy to talk about our September tech memo
15 that you have. That's the large one where we went
16 through nine or ten items off our summary
17 findings at the end, starting on page 32 I
18 believe and also recommendations. I'm just going
19 to summarize for you the applicant's supplemental
20 submittals. Obviously, by the case number, this
21 application came in front of the board in 2019, a
22 long hiatus, as you're aware, as ensued. The
23 application was resurrected, this time with a co-
24 applicant, Verizon plus Homeland Towers, who's an

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2 infrastructure company.

3 I also want to touch upon what I boil
4 down to, looking at all the public comments that
5 the board has provided to me, including Mr.
6 Campanelli's memoranda, planning board and public
7 comments that have come in, especially over the
8 last couple of months. Those have to do with
9 alternate sites, some notes on coverage maps and
10 resources that have been brought up, alternative
11 technologies like satellite, which is I think a
12 good question that's come up and I'd like to
13 address that, and then the back lay of the FCC
14 rulings and directives.

15 I think you've heard a little bit from
16 the planning board attorney about that. These
17 applications are unique, as you know. You have a
18 lot of power in how to look at these, you have a
19 pretty good code in place. We've certainly asked
20 for more information outside of what your code
21 requires. And we've received and reviewed that.
22 But there is a case here that does take some
23 authority, if I may say that, away from
24 municipalities under the FCC rulings and

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2 regulations and the licenses that are given to
3 the carriers like Verizon.

4 So the first exhibit I just wanted to
5 put up here and hopefully you could see them,
6 board members and follow along a little bit. This
7 is a, of course, a zoom out of the beautiful town
8 of Cortlandt. Right in the middle, the large
9 yellow dot is the proposed site, 52 Montrose
10 Station Road, where there's a 140 foot tower
11 that's proposed.

12 I think you're aware through our tech
13 memo, or maybe some past history, that the
14 application has been revised over time. It's
15 moved to a lower elevation, 434 down to 410 feet.
16 The design of the tower has changed, based on
17 previous town comments, a lattice tower now a
18 monopole is on board, and the need for variances
19 has been eliminated based on that retooled
20 design, among some other things, the amount of
21 tree removal has decreased slightly.

22 So this map shows the proposed site. If
23 you look around the horn, you see the radial maps
24 that are labeled one mile, two mile, just to give

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2 you some scale and reference. You see the Blue
3 Mountain Reservation, which is beautiful. I live
4 up in Putnam County, I'd never been down here
5 before, and I was really happy to have the chance
6 to, to walk it and get acquainted with that.

7 Further around the horn here, you do see
8 a couple of symbols. One is this tannish symbol,
9 if you look at off to the right. It's a white
10 circle with a mini tower symbol. Those are the
11 existing Verizon sites in the area. And you can
12 see not all of these are within the town of
13 Cortlandt. So looking all around the radius, you
14 see a number of sites, Furnace Woods, that's the
15 tower on Scenic Drive, for instance. Mount Airy,
16 that's the existing tower off of Yorktown Road.

17 HDR has some familiarity with these, not
18 only through this application, but also working
19 with your department of technical services and
20 looking at upgrades at these tower sites. So, on
21 behalf of this application, doing field work and
22 recon and some of the map exercises I'm going to
23 show you, we're also working on some other
24 existing cell sites.

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2 The red triangles that you see here are
3 alternate sites that have been bought up over
4 time by both public and by the board. I'll get
5 into that a little bit more. Those sites with the
6 red triangles have been evaluated in detail by
7 the applicant's RF engineer, who I understand is
8 on Zoom tonight, if you have any questions for
9 him or his qualifications. But HDR will summarize
10 these for you in just a little bit.

11 The purple stars are other locations
12 that we've heard in our participation at past
13 meetings and reading comments and talking to the
14 board about interest.

15 So the yellow site is of course the
16 proposed location. That's sort of centered on
17 this map. You have this surround area of where
18 there's existing Verizon cell sites and then you
19 have the purple stars and red triangles, which
20 I'll get into in just a little bit.

21 Same map, just a zoom in for you a
22 little bit. The proposed site is still centered,
23 you see Blue Mountain Reserve off to the west as
24 a reference. This time the purple stars and the

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2 red triangles are labeled. So these are the
3 alternates that HDR has looked at independently.

4 MR. BIANCHI: Could you, I'm sorry,
5 could you again, just clarify the black tower
6 symbol, tower search results. What do those
7 represent?

8 MR. MUSSO: Yeah, the white circle with
9 the black outline with the little tower symbol
10 within it, those are existing Verizon sites.

11 MR. BIANCHI: They're all Verizon sites,
12 right?

13 MR. MUSSO: Correct.

14 MR. BIANCHI: Right. So there are no non
15 Verizon sites shown on this map right now?

16 MR. MUSSO: No non-Verizon sites shown
17 on this map, right.

18 MR. BIANCHI: Okay.

19 MR. MUSSO: And that's, I think a great
20 question. So, in my drive through and look at
21 these sites, the other carriers are collocated at
22 these sites also. There's no other single tower
23 that we have identified by recon or by, or by map
24 searches that show an independent cell site.

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2 MR. BIANCHI: So, what you're saying it
3 -- oh, go ahead.

4 MR. ROTHFEDER: No, I was just going to
5 follow on that. So you're saying there are no
6 other existing cell towers that doesn't have
7 Verizon have on it --

8 MR. MUSSO: That, that --

9 MR. ROTHFEDER: -- besides the ones you
10 named here, those are the only towers in the
11 community?

12 MR. MUSSO: To my knowledge, yes.

13 MR. ROTHFEDER: Could you answer that?

14 MR. SHERIDAN: What was your question?

15 MR. ROTHFEDER: In his map, he shows a
16 few Verizon sites.

17 MR. SHERIDAN: I mean I do know that
18 Verizon's RF consultant has reviewed all the
19 towers in the area and confirm that there aren't
20 any that Verizon could co-locate on to provide
21 the coverage necessary to fill this gap in
22 coverage. So --

23 MR. ROTHFEDER: But there are other,
24 other towers in the area?

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2 MR. SHERIDAN: I don't know all the
3 towers in the area, but Verizon's RF engineer,
4 who's on tonight did the search and confirmed
5 that there are no towers that Verizon could co-
6 locate on, because I think the ones that are
7 existing in the area, I do know Verizon's on many
8 towers in this area, the existing towers and
9 Verizon's RF consultant has confirmed that
10 there's no towers that Verizon could co-locate on
11 that would provide coverage to this gap in
12 services.

13 MR. MUSSO: Jeff, if I could add to that
14 if I may, for a second.

15 MR. ROTHFEDER: Yeah.

16 MR. MUSSO: It is possible that there
17 could be other antenna sites on rooftops, lower,
18 smaller, or lower to the ground locations. I'm
19 not aware of any small cells, which is another
20 technology that's making its way up into this
21 area. So that's what we have. We have Verizon
22 data in front of us. That's what we used to look
23 at. But I think we went a little beyond that on
24 your behalf to look to see if there's any other

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2 existing cell sites.

3 MR. KEHOE: Is the question are there
4 co-locations on the Verizon towers?

5 MR. KESSLER: Are there other services
6 co-located on the Verizon towers?

7 MR. KEHOE: Is like AT&T on one of those
8 towers?

9 MR. ROTHFEDER: No, they probably are
10 co-located on this. Well, just one other thing
11 before we go to that. So the sites that he's
12 showing on this map, do you agree that those are
13 the Verizon sites that exist in this town?

14 MR. SHERIDAN: Yes, I mean from my, from
15 my knowledge, these appear to be the sites. I can
16 have, we have the Verizon RF consultant who's on
17 Zoom tonight, he will look at these as we're
18 going on, and he can confirm if there's anything
19 different.

20 MR. MUSSO: Yeah, I do have a set of
21 maps in a minute, which are born from the
22 applicant's RF engineer. So if you look at these
23 symbols, you're going to see those get carried
24 over to what the applicant has submitted.

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2 MR. ROTHFEDER: Okay. I'm still not sure
3 we have an answer to the question of are there
4 other sites that Verizon isn't on, other cell
5 towers that Verizon isn't on in the area?

6 MR. VINCENT XAVIER: Good evening.
7 Vincent Xavier, regional manager for Homeland
8 Towers. Whether or not we have time to go through
9 and see exactly what Mike put on there is exactly
10 accurate or not, you know, I do rely on his
11 expertise there. When we get out past two miles,
12 it doesn't even matter, because they don't
13 provide coverage to the search area. So what I've
14 represented, Verizon has represented, they're
15 independent or not independent, but there are
16 wireless consultants indicated is that they
17 looked at everything. And within this area, there
18 is no existing tower that Verizon is not already
19 on that they could co-locate on that would
20 provide coverage to the area.

21 Now there are other sites, like Mr.
22 Musso said, on rooftops, or even there's a water
23 tank near my community, where only T-Mobile is
24 there. But it's irrelevant, because a site from

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2 that area is too far away to provide coverage to
3 this location. So, again, what all the reports
4 and what HDR has concluded previously, there is
5 no existing site or even tall structure, upon
6 which we can locate that will provide coverage to
7 this area.

8 MR. BIANCHI: Okay. But I still --

9 MR. ROTHFEDER: I mean I --

10 MR. BIANCHI: -- I'm not completely
11 clear.

12 MR. ROTHFEDER: No, I mean I understand
13 your position and I think what we are trying to
14 get at because we're trying to figure out whether
15 to approve this or not, whether there are, just
16 that we want to have the information to know
17 whether there are co-location possibilities. I
18 know you just said there aren't. But, but, you
19 know --

20 MR. SHERIDAN: Right. That, that's what
21 the RF consultant for Verizon has confirmed, that
22 there are no co-location possibilities. And I
23 think another thing that this board should
24 remember is that T-Mobile has also indicated its

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2 interest in going on this tower.

3 MR. ROTHFEDER: Right.

4 MR. SHERIDAN: If there were other
5 things already built, they might already be
6 there, or they'd be potentially they would be,
7 they would already be there or potentially they
8 would be wanting to go on that. There's not
9 something that could cover this area. That's what
10 Verizon's RF consultant that there's not. Again,
11 he's on Zoom if you want to ask him that same
12 question, but the answer he's going to give you
13 is we've reviewed the area, there are no existing
14 towers or tall structures that Verizon can co-
15 locate its antennas on to provide coverage to the
16 existing significant gap in the area that Verizon
17 is looking to provide coverage with this site.

18 MR. ROTHFEDER: Okay. Well, we may ask
19 him, but you can go ahead, I think.

20 MR. MUSSO: May I proceed on? Okay.

21 MR. BIANCHI: I'm sorry to belabor this,
22 but and likewise there are no, on the current
23 cell towers that are in the two-mile radius,
24 there are no non-Verizon co-located services

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2 located on those towers at this point.

3 MR. MUSSO: Where you see a Verizon cell
4 site, and one example is Scenic Drive, they call
5 Furnace Dock, another example is behind the Home
6 Depot on Main Street, those have other carriers.
7 Verizon is on it.

8 MR. BIANCHI: They do have other
9 carriers located on those?

10 MR. MUSSO: Absolutely. Yes.

11 MR. BIANCHI: AT&T, T-Mobile or
12 whatever?

13 MR. MUSSO: Yeah, behind Home Depot is
14 Verizon, AT&T and Dish has been co-located there
15 recently.

16 MR. FOLEY: You mean at the Town Center,
17 Cortlandt Town Center?

18 MR. MUSSO: Correct, correct Mr. Foley,
19 yes. So that is a nice thing about your code is
20 that if somebody comes into the area, there's an
21 incentive for them to use the existing
22 infrastructure. And Verizon has looked at that.
23 I've done my recons and map reviews and we're not
24 seeing any opportunities of such, existing

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2 structures or existing communication towers.

3 MR. BIANCHI: Okay. Unless there are any
4 questions, you can --

5 MR. FOLEY: What about on Route 129 that
6 you mentioned, Yorktown Road?

7 MR. MUSSO: 451 Yorktown Road.

8 MR. FOLEY: That's just Verizon?

9 MR. MUSSO: Verizon and AT&T I believe
10 are there

11 MR. FOLEY: Oh.

12 MR. MUSSO: Yes.

13 MR. FOLEY: And one in the middle of the
14 auto body shop, the industrial area?

15 MR. MUSSO: Correct. Right behind the
16 auto repair.

17 MR. FOLEY: Past the dam, just past the
18 dam.

19 MR. MUSSO: Correct.

20 MR. FOLEY: Okay. I saw it, okay.

21 MR. MUSSO: That's right. And it's
22 labeled as Mount Airy on some of these exhibits,
23 that site.

24 MR. BIANCHI: Okay. You can continue.

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2 MR. MUSSO: So, just a quick overview.
3 You're aware, we did go back and review the older
4 files. HDR was not consulting on behalf of this
5 when the application first came in, in 2019. We
6 did look back at what was submitted then and the
7 comments from the Division of Technical Services
8 here with your town and another consultant. We
9 did conduct site visits. I was out there in June,
10 at the subject or proposed site. I was also out
11 during the balloon test on July 23rd, and more
12 recently I've been out to the area.

13 We did submit a pretty robust
14 information request in July that gave us scope
15 for the balloon test, and if you, you might
16 recall, there was a balloon test that was
17 conducted earlier. We really wanted to see that
18 in person. We demanded or heavily requested, this
19 board agreed, that a second balloon test would be
20 conducted. That request also asked for several
21 clarifications, including some of the maps that
22 I'll show you about existing sites, about
23 modeling that was done prior and about updates to
24 that modeling.

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2 The balloon test, as I mentioned, was
3 conducted on July 23rd. We did, HDR, HDR did note
4 a few other viewpoints, based on our drive
5 through the area that we asked the applicant to
6 take a picture from and also provide simulations
7 from. That was in the Blue Mountain Reservation.
8 That resulted in a supplemental submittal, a very
9 robust visual resource evaluation that we helped
10 scope.

11 Within that are simulations of what the
12 tower would look like from various vantage
13 points. There's also a view shed map that was
14 created.

15 So our technical reviews really focused
16 on overall the need, the questions that you were
17 just asking and discussing, the need for the
18 site, what your code says about new towers and
19 the process. This is a site plan special permit
20 application that you're reviewing. And also
21 looked, we also looked at alternate sites. By
22 site recon, boots on the ground, but also mapping
23 analysis, which I'm going get to.

24 September 23rd tech memo, the big

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2 deliverable from us, you also have the slide deck
3 that I'm showing now. Within that memo was
4 findings and a few supplemental needs that have
5 been addressed, in our opinion. The big points
6 are we assessed the changes in the initial layout
7 and the prior town comments. We did look at
8 existing sites and towers and tall structures.
9 There is supplemental information that's been
10 requested. I'll look at that in a second, and
11 there are recommendations for if this board
12 elects to approve the application.

13 Just a quick summary for you, you have a
14 lot of material in front of you, as you know.
15 Aside from the earlier submittals, and what we
16 based our information requests back in July,
17 there was a large filing by the applicant on
18 August 24th that gave you an update VRE, a view
19 shed resource report, there are additional photo
20 sims and also a view shed map that were updated.
21 It gave an inventory of the design changes. There
22 was also a drawing set update at that time,
23 looking at, for example, a generator and lighting
24 details that we had asked for. No tower lighting,

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2 by the way, that's proposed. I think that's
3 important to point out there was an update RF
4 engineer's report and also what we asked for is
5 an updated radio frequency emissions report.

6 We wrote our memo in September, that
7 included in that submitted, that included the
8 prior information. You've seen two other
9 applicant filings since then, one on October 3rd,
10 which gave an update on cultural resources
11 through SHPO. We asked, didn't receive the first
12 time, but we got them on October 3rd, simulations
13 of a stealth tree design. I'm familiar with that
14 design and I can answer questions if you like.
15 There was also a revised EAF that was submitted
16 on October 3rd, a letter documenting interest
17 from another licensed carrier, T-Mobile, another
18 drawing setup based on comments and some other
19 response to comments, including an attempt to
20 respond to public comments and Mr. Campanelli's
21 memo.

22 There was the most recent filing was
23 October 20th, so about two weeks ago. There was
24 an alternate site analysis. That's the testimony

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2 of Vincent Xavier from Homeland, who is here
3 tonight and also an RF engineer's report that
4 looked at ten alternatives that I'm going to go
5 through in a second.

6 So, what I'd like to show you now is a
7 series of maps, nice color maps, right. So the
8 three panels shown on this slide, the first panel
9 is the existing Verizon coverage. So there you
10 see that symbol again of the existing Verizon
11 sites, right, going around the yellow dot of the
12 proposed site.

13 So, what you see here in green and blue
14 is coverage at their low band frequency that
15 they're licensed to operate on, around 750 MHz.
16 So this is everything turned on at the present
17 moment. The coverage that's modeled and verified
18 by the RF engineer from the existing cell sites.
19 The middle panel is keeping all that turned on
20 but it's adding 750 coverage from the proposed
21 site at 52 Montrose Station Road. And the third
22 panel gives in black outline, sort of around
23 these arrows, the coverage from just the proposed
24 site. Alright. So I'm just going to talk about

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2 that for a second on the next slide.

3 MR. BIANCHI: Mr. Musso, were you able,
4 one of the things we talked about last Thursday
5 was to provide an acreage --

6 UNIDENTIFIED MALE: We can't hear you.

7 MR. KESSLER: I'm sorry. One of the
8 things we talked about last Thursday was to
9 provide an acreage evaluation of the coverage.
10 Were you able to do that on any of these maps?

11 MR. MUSSO: We were not able to do that
12 yet. And the question I wanted to respond to that
13 on, it's a little bit difficult to do it. We
14 could certainly do it by area, but I think
15 there's a little bit of a gain of salt. Looking
16 at a differential from one site to another site,
17 for example, on the slide I have up, the third
18 panel off to the right, if you go above the
19 yellow dot, you can see a light pink area. That
20 would be the coverage that's afforded only by the
21 proposed site. So I'm going to get through all
22 the alternates in a minute. But calculating that
23 acreage might actually be in an area not highly
24 trafficked or not where people congregate or

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2 outside of a residential area. We could certainly
3 provide a qualified analysis like that, but I
4 just wanted to bring that up, that it could be a
5 little bit deceiving to do that.

6 The next slide is the same thing, two
7 panels, but this is at the higher licensed
8 frequency. Existing, turned on, on the left of
9 the existing Verizon sites, and on the right is
10 with the proposed site turned on. The reason why
11 there's a difference here is that this is a
12 higher licensed frequency that Verizon operates
13 on. The higher the frequency, the lower the
14 spread of coverage that would be out.

15 So conservatively, for this slide
16 presentation, I wanted to show the most
17 optimistic existing coverage. I used the 750.
18 This is just for a reference.

19 A little key of how to interpret these
20 maps coming up, so, you know, on the left is
21 something that I spoke about, the existing
22 coverage. On the right, where you see a pink,
23 light pink, that's where coverage would be
24 afforded by 52 Montrose Station Road, 140-foot

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2 monopole with Verizon at the top at 137-foot
3 centerline. Again, you see the yellow dot in the
4 middle. Where you see sort of the mix of purple
5 and brown, that's where both the proposed site
6 and the alterative that I'll be evaluating, would
7 provide synonymous coverage. So Mr. Bianchi,
8 would be HDR calculate the pink. That would be
9 the differential. And we could probably do
10 something like that, but it would be taken with a
11 grain of salt and be qualified.

12 MR. BIANCHI: Where is the heaviest
13 population on, it's hard to read these, the
14 heaviest population concentrated on this map on
15 the right?

16 MR. MUSSO: Yeah, you know, without
17 having a zoning map nearby, you know, the roads
18 nearby from Lexington and Maple and then going
19 down to Furnace Brook, Furnace Dock to points
20 south, I don't have a population overlaid. But
21 part of the software the applicant uses, it does
22 take into effect terrain, it does take into
23 effect what's called clutter, buildings and
24 trees, and this is all geo maps and their

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2 software is all geo referenced. It also puts in
3 criteria for roadways and type of roadways and
4 population base.

5 MR. KESSLER: So just a question. So
6 broadly speaking, why is most of the increased
7 coverage seems to be in the eastern hemisphere
8 here?

9 MR. MUSSO: This, this map, Mr. Kessler,
10 is just kind of a base. I want to go through each
11 of the alternates with you. But that is a trend
12 that you'll see in this. East, north and a little
13 bit south. Blue Mountain effectively blocks
14 service going further to the west.

15 So, the first one I want to show you
16 now, and hopefully this makes a little more
17 sense, and I'm able to explain it okay, three
18 panels here. On the left is Montrose Station Road
19 turned off, Verizon only. For reference, I'm
20 adding the red triangles, which are the
21 alternates that we looked at, and the other
22 points of interest that you've heard from the
23 public in purple. So that's the existing
24 condition on the left.

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2 The middle is just with the alternate
3 turned on. So in this case, this is Spitzenberg
4 Mountain. So the middle panel is looking at the
5 red triangle in the middle, that's where
6 Spitzenberg Mountain would be. And that's with
7 everything else turned off.

8 The panel on the right now shows you the
9 differential. Again, the light pink would be the
10 extra that the subject site would provide. So you
11 have these in hard copy format, right. This is
12 the Valeria Wastewater Treatment Plant is the
13 next one, and just toggling back and forth, which
14 I'm doing now, you can kind of see the
15 differences. This obviously, you see the red
16 star, or the red triangle in the middle. This
17 sits at a lower elevation and you can see that
18 the coverage is mainly southeast of the proposed
19 site. And again, off to the right would be the
20 differential in coverage, okay.

21 So, don't need to sit on all these
22 unless you want me to, but just follow through
23 these maps, the title on top gives you the
24 alternate name, and then in the middle and the

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2 right panel, the red triangle gives you the
3 location of that alternate. This is Croton Solar,
4 which I think is located actually outside of town
5 limits.

6 Furnace Dock Road, you can see the
7 differences, KP Lounge, so this is located about
8 a mile southeast. You can see it doesn't really
9 see up to the site area, it doesn't see north of
10 the proposed site. The next one would be Ohr
11 Hamier, so this is actually very close to the
12 subject site. But you can see on the right where
13 some of the service would be blocked by
14 topography and clutter.

15 Blue Mountain Sports Center, this is
16 south, about a mile, half-mile. You can see the
17 red triangle again. Going up north, now Chapel
18 Hill, you can see that that location and by the
19 way, all these, we geo-referenced all these
20 points with our topo maps that I screen-shared at
21 the work session. And we did that level of ground
22 truthing. For all these alternates, it's assuming
23 a 140-foot structure built at that location.

24 So Chapel Hill, an alternate site to the

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2 north, a little bit north, northwest if you want,
3 it's not really covering south or southeast as
4 the existing site is. A couple others at the very
5 end, so these are further afield, further south
6 and actually close to some existing sites, Cook
7 Pond Pool and Flanders Lane.

8 MR. FOLEY: And Cook Pond Pool is not a
9 viable one?

10 MR. MUSSO: No, we don't think it is.

11 MR. FOLEY: Because of the lack of
12 elevation or interference?

13 MR. MUSSO: It comes up with lack of
14 elevation and clutter that would block the
15 signal. You can see on this map, there's a lot of
16 pink, which would indicate service is really
17 lacking as opposed to the proposed site.

18 Now, a lot of this, and I truly do
19 appreciate this, may seem counterintuitive,
20 right. There's some, there's an alternate called
21 Spitzenberg Mountain. Sptitzenberg is a mountain
22 within itself, why can't that work? So what I
23 want to take you through in a second here is just
24 going back to that alternate site. So for

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2 example, looking at the middle panel for
3 Spitzenberg here, why doesn't it get further
4 north? Right? How come it doesn't cover, I mean
5 it's not that far away. There's a lot of white
6 though when you look to the north of the proposed
7 site.

8 So what we wanted to do also is just
9 give you maybe another line of information. And
10 we did three different cross-sections. I know
11 we're not in Colorado and Utah. The vertical
12 scale on the cross section I have up now is
13 exaggerated, but it's placing the subject site as
14 a 140-foot structure in gray, and it's placing
15 the alternate in red. And in this case, it's a
16 third of those elevations, Spitzenberg Mountain.

17 At the bottom left of this figure, you
18 can see a topo map and the line that we studied.
19 So it basically goes throughout the maximum
20 radius that we looked at. This trends in a
21 southwest to northeast trend, looking at the
22 yellow line. It goes through the proposed site.
23 So the interesting thing about this is that if
24 you know that service is based not exclusively,

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2 but significantly on line-of-site and that these
3 profiles do not include buildings or trees,
4 right. So you could, in a lot of cases you could
5 add bulk of tree to this. Something I think kind
6 of interesting happens when you look over towards
7 the proposed site, you might hit a line-of-site,
8 or a good line-of-site, good service, either in
9 vehicle or in building that gets you to that
10 site. But as you go further north, to the left of
11 this cross section, you're going some blockage
12 that occurs. It's called shadowing.

13 And the interesting thing, if I could
14 just toggle back to the coverage maps that we
15 reviewed, this is the middle panel Spritzenberg,
16 there is a deficiency. And there is some signal
17 that's afforded further north, but there's a lot
18 of white immediately north of the site.

19 I might ask my colleague on the phone
20 who's responsible for much of this, many of these
21 graphics, to screen share you an exhibit later,
22 but for now, I'm just going to keep going. I
23 don't have too much more to say at this point. So
24 I gave you a few profiles to think about with the

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2 topo lines to further, to further look at this.

3 One of the alternates that's come up is
4 Dickerson Mountain. So we looked at some map
5 resources that'll show you -- we spoke about it
6 at the work session. We did look specifically at
7 three parcels. Two are town owned and are deed
8 restricted. We confirmed that with planning
9 department. There is a third parcel in that
10 vicinity that is private and we wanted to really
11 get boots on the ground, walk around, staying on
12 the town property but getting an understanding of
13 this third parcel.

14 So there are some things I just want to
15 put out about steep slopes and tree removal. What
16 it's worth, objectively the application at hand
17 is looking at removing about 19 trees, no more
18 than 19 trees. There would be more tree removal
19 for your consideration, but it would also be
20 steep slopes that would need to be disturbed and
21 I'll show you a couple of things about it.

22 Keep in mind also there would have to be
23 a hypothetical access drive, so accessing from
24 the base of the hill, around Dickerson, there

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2 would have to be either an easement, possibly
3 something immediately adjacent to existing
4 driveways and homes, and I think the ironic thing
5 about this too is that some of the coverage
6 further, south, southeast Valeria, would be
7 blocked by the mountain itself where the existing
8 site does get you some coverage past Dickerson
9 Mountain, based on its situation.

10 Constraints, never impossible to get by,
11 I understand that, but there is a significant
12 utility corridor that goes through the top of the
13 ridge. It's just another item to bring up. These
14 are photos that we had taken last Tuesday, a week
15 ago today. On the left you can see where we
16 entered one of the town owned parcels. In the
17 middle is the third parcel between homes. This
18 could be, could be an access drive that would go
19 up to say a tower location.

20 MR. FOLEY: What street is this on?

21 MR. KEHOE: Hilltop.

22 MR. FOLEY: Hilltop.

23 MR. MUSSO: Yes, thank you. The other
24 three pictures and the last one being the right

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2 of way, it's hard to see how that utility, buried
3 utility line traverses through the top of the,
4 top of the ridge there, but you do get a feel of
5 some of the terrain, some of the ecological
6 constraints that are out.

7 So here's what we did. I mean this is,
8 these are the third parcel is this private parcel
9 overlaid on a topo and an aerial base. Hilltop is
10 here, so we walked in off to the right, if you
11 could see that, where Abee Rose Parcel is town
12 owned and, you know, we circled around. We went
13 to the very top of the ridge. That's where some
14 of the photos were from. We wanted to take a look
15 at this rather large parcel.

16 The photo that I had about hypothetical
17 or conceptual access road is at that cul-de-sac
18 here on Hilltop. So, from what we understand, the
19 information we reviewed, this is private property
20 that runs up that way. You could see the top of
21 Dickerson at 780 I want to say, or 750 plus
22 elevation. But from our understanding the
23 constraints to build up here, the amount of tree
24 cutting, steep slopes I think would be very

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2 challenging.

3 This is an overlay from the Westchester
4 County GIS. Yellow indicates steep slopes between
5 15 and 25 percent, red would be greater than 25.
6 Again, this is a mapping resource. We didn't
7 survey this, but we made some consistent
8 observations with this. And this is Dickerson
9 Road, you know, winding down, down a little bit
10 off of Hilltop.

11 So I believe there's some photos and
12 recon that was conducted by a member of the
13 public about this too, and I believe he's going
14 to be presenting tonight. So we wanted to capture
15 this area in general, Dickerson.

16 MR. FOLEY: Can you point out the Maple
17 Avenue and Furnace Dock Road on either of these
18 two projections?

19 MR. MUSSO: They wouldn't show up on
20 this particular one I have. It's just the scale,
21 it's too much of a zoom in to the base of
22 Dickerson Mountain area, and those three parcels.

23 MR. ROTHFEDER: Mike, excuse me,
24 approximately what's the distance from the cul-

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2 de-sac to the top of Dickerson Mountain,
3 approximately?

4 MR. MUSSO: Colin, did you get that
5 question? You might be able to do a quick line,
6 so going from the cul-de-sac to the purple star
7 here, the top of Dickerson.

8 MR. KESSLER: I don't know if he heard
9 you.

10 MR. MUSSO: Let's see what's the scale
11 on this. These are just for reference, if you
12 haven't been up there, these are residential
13 homes that are here.

14 MR. KESSLER: On these maps, where would
15 a tower be located? Is it where the star is, at
16 the summit?

17 MR. MUSSO: The star, following our key,
18 those were some other sites that we had looked
19 at.

20 MR. KESSLER: Okay.

21 MR. MUSSO: No, I'm not, I don't think
22 that's feasible to get up to that star, for a
23 number of reasons. Looking at the private parcel,
24 this odd shaped on with the, with the little leg

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2 off of it, you know, that's not deed restricted,
3 as far as our understanding goes. But what we did
4 want to study is the topo and some of the steep
5 slopes that run with it. So, I don't know exactly
6 where that would go. I mean I think there's a bit
7 of a balancing act about whether or not that even
8 gets up, because if you remember, some of our
9 alternate sites, the red triangles and the purple
10 stars, they do look in this area, they do look
11 well south of the site and even southeast of the
12 site a little bit.

13 MR. KESSLER: So our attorney, Michael
14 Cunningham has indicated that, correct me if I'm
15 wrong, but that there's a deed restriction on the
16 Abee Rose parcel for a cell tower. Is that
17 correct?

18 MR. MUSSO: That's correct, right. The
19 cell phone infrastructure would not be able to be
20 built there.

21 MR. KESSLER: So this is a moot point
22 isn't it?

23 MR. MUSSO: Well, but there's, there's
24 this third --

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2 MR. KESSLER: Oh, on a private parcel,
3 yeah.

4 MR. MUSSO: Right. The other ones would,
5 I agree. I mean that's how I read the deed
6 restriction.

7 MR. KEHOE: The star is just off of the
8 Abee Rose parcel though.

9 MR. KESSLER: Right.

10 MR. KEHOE: I believe that's actually in
11 the Valeria parcel.

12 MR. FOLEY: So the deed restriction is
13 pretty recent when the Abee Rose became --

14 MR. CUNNINGHAM: That was when it was
15 transferred to the town.

16 MR. FOLEY: Yeah, within the past year.

17 MR. CUNNINGHAM: Right. That was in the
18 past four years and that was --

19 MR. FOLEY: It can't be revised in any
20 way, or --

21 MR. CUNNINGHAM: That's correct, right.
22 I mean I think the whole point of the town
23 acquiring that parcel was to keep it open space.

24 MR. KEHOE: Well, and plus it was the

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2 person who owned it wants it named, it's the
3 something something Russ Nature Preserve and that
4 was part of the deal when the town acquired the
5 property. And that's why it's specifically
6 prohibited, it's not just cell towers, but a
7 whole variety of other --

8 MR. CUNNINGHAM: It's not just cell
9 towers, it's really any large infrastructure is
10 not allowed.

11 MR. MUSSO: Yeah, I think water tanks,
12 right.

13 MR. CUNNINGHAM: Yeah.

14 MR. MUSSO: [unintelligible] [00:59:58]
15 on it.

16 MR. KEHOE: The water tank was
17 discussed, but once it was acquired there would
18 be no more water tanks.

19 MR. FOLEY: And that's up where if I go
20 down south on Furnace Dock Road from Maple Avenue
21 and make a left, that's Dickerson Road, or
22 Hilltop, I'm trying to remember.

23 MR. MUSSO: I think that's right.

24 MR. FOLEY: And you've got to go all the

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2 way up to the top where --

3 MR. KEHOE: You've been all the way up
4 to the top for site inspections into the Abee
5 Rose Parcel.

6 MR. FOLEY: And then further east on
7 Maple Avenue would be towards Hemlock Farm, in
8 that area, right, okay.

9 MR. MUSSO: I think that, you know.

10 MR. KEHOE: Off the map.

11 MR. FOLEY: Yeah.

12 MR. KEHOE: Yeah.

13 MR. MUSSO: I just have a couple more
14 slides and I have some extra items that were
15 thrown in at the end. So I think maybe I'll
16 finish up. Certainly some other comments that
17 have come in, good comments from the board and
18 also from the public. So one I just wanted to
19 talk about a little bit, there are FCC broadband
20 maps that were provided and the statement was is
21 that, hey, it looks like you have coverage here,
22 right. There was, if you remember in one of the
23 filings, it showed the whole area, including the
24 site area as an orange or pink shade.

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2 So we wanted to find out more about
3 that, certainly. We're familiar with the FCC's
4 broadband data connection initiatives, which was
5 started a few years ago. Some of that is covered
6 in the Infrastructure and Investment Jobs Act
7 about rolling out broadband, especially in
8 underserved areas. The FCC has really developed
9 an unbelievable set of maps, very user friendly.
10 You can get in by zip code, by location. And you
11 could even put in the name of a carrier in a
12 region. So in the filing, all that was followed.
13 We replicated that, but wanted to get a deeper
14 understanding of those maps.

15 So we did. We had a call with the BDC
16 Task Force on the 26th, of last week. And I asked
17 them what these maps can and cannot be used for,
18 and what, you know, what's next, there's still
19 more work that they're doing. So currently
20 available, if you went to that website now, right
21 now, and put in the information about the site
22 location, turned on Verizon, subject to this
23 application, the map that's available is for
24 outdoor service stationary. So the FCC has more

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2 work to do. The next wave of what their
3 facilitating, information that they're getting
4 from the carriers is going to be in vehicle
5 service. And that's one of those signal strength
6 criteria on those blue and green maps, right, I
7 spoke to you guys about. That's not available
8 yet. It may be available, someone said, hopefully
9 by the end of this year or early next.

10 But the point is that they want to make
11 this user friendly for everybody, that you can go
12 into and almost use this as a tool. The FCC is
13 facilitating this information. It's not their
14 maps. This is information that they're collecting
15 and compiling and patching together from all the
16 carriers all over the country.

17 I asked them then well, what about in
18 building service. And as part of their task force
19 and their initiative, they're not requiring those
20 maps. So right now, what you have is outdoor
21 stationary service. What you will have soon, or
22 we will be able to search soon is in vehicle
23 service, which is -95 DBM or better and that's
24 pretty much going to conclude their data

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2 collection.

3 There will be interestingly a challenge
4 process for either carriers or people in the
5 public that say these aren't right, hey I live
6 here and I don't have signal type thing. It's a
7 work in progress. I just wanted to give you a
8 snapshot of who I reached out to and the status
9 that they gave me on those maps.

10 So they're not quite as granular as we
11 need for this application, because this
12 application does talk about in vehicle, it does
13 talk about in building service. And those are the
14 signal strength thresholds that you see.

15 If the applicant said I'm going to give
16 you an open space, not negative 95 but negative
17 110, negative 115, it's possible you would have
18 seen something that was provided. So it's a
19 little bit apples and oranges. I think it's a
20 good comment that was put in, but we just wanted
21 to follow up a little bit more.

22 A quick note, maybe this is the last one
23 for now on alternate technologies. E911 service,
24 there are people at meetings, including here I

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2 think that would say hey, you know, I can make a
3 satellite call. Not everybody has that service on
4 their phone. I know this summer I was up in the
5 Adirondacks, I got a dead signal, but it said 911
6 only, which tells me, you know, I got some kind
7 of backup there. I don't know, and I can't say, I
8 don't think anyone can say for sure, exactly what
9 satellite service is going to bring in a few
10 years from now. Maybe it's going to be excellent.
11 Do I think towers are going to be obsolete, and
12 terrestrial based antenna systems, I don't, or at
13 least that's a ways off.

14 So I think we have to look at the
15 technologies that are available now. And I'll
16 just maybe color that a little bit or add some
17 color to it is that several years ago, I did work
18 on a code update in another municipality here in
19 the Hudson Valley. And we wanted to put an
20 incentive to actually use an alternate
21 technology. And it wasn't satellite, but it was
22 using distributed antenna systems, small cells in
23 certain neighborhoods. That municipality was
24 challenged when they passed that code in saying

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2 you can't require alternate technology. And then
3 I said well, we're not requiring it, but we're
4 adding an incentive that maybe would take
5 carriers to that technology.

6 So I think the alternate technologies
7 and actually that case, Town of Clarkstown, was
8 referenced by the applicant in one of their
9 supplemental submittals. I think the alternate
10 technologies, you can't rely on it.

11 And then the last bullet here is with
12 FCC timing and clocks. Now, I don't think you've
13 heard very strongly from the applicant, and I'm
14 glad, because they disappeared for two years. And
15 then, you know, we had a pandemic about then. But
16 there are timeframes, including on those other
17 applications I'm working on in Cortlandt
18 involving upgrades and things like that.

19 So, the rest of your slides are some
20 supporting photos and some simulations that were
21 provided but I think if okay with this board,
22 I'll wrap it from there.

23 MR. BIANCHI: Just a question on
24 alternate technologies, I think our counsel, Mr.

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2 Cunningham also mentioned that in his memo. Am I
3 correct in remembering that?

4 MR. CUNNINGHAM: Right, so I mean I
5 think we've all heard about the sort of Starlink
6 technologies that are helping Ukraine with its
7 Wi-Fi outage, but at this point, I've read
8 through FCC guidance in the past, and I just
9 don't think that that's a viable alternative
10 under the law. And like Mr. Musso said, maybe in
11 the future it'll really be something, but right
12 now, I don't think that's really a permissible
13 alternative to consider.

14 MR. BIANCHI: Okay. I just wanted to get
15 that out.

16 MR. CUNNINGHAM: Right.

17 MR. BIANCHI: Any other questions for
18 Mr. Musso before we move to --

19 MR. MUSSO: I just want to conclude you
20 have an awful lot of information to look at.

21 MR. BIANCHI: Yeah, just a concluding
22 question though. I mean you've done a lot of
23 analysis here, and if you had to wrap it all up
24 in a few words or less, what would you say about

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2 the coverage that's being proposed, the tower
3 that's being proposed versus the coverage for
4 alternative sites?

5 MR. MUSSO: Well, to boil it down to --
6 yeah, I think maybe I'll lead you back to our
7 September tech memo, in that I think there's a
8 documented gap in service. I think there's a need
9 for another site. I think the applicant was asked
10 to provide supplemental information. We did
11 independent review of it. And I think the site at
12 hand makes sense for a number of reasons that I
13 talked about tonight.

14 MR. BIANCHI: Okay. Thank you. Okay.
15 I'll turn the floor over, unless there's any
16 other questions of Mr. Musso, I'll turn the floor
17 to Mr. Campanelli, if you'd like to take the
18 floor and speak.

19 MR. ANDREW CAMPANELLI: Good evening,
20 Mr. Chairman and members of the board. My name is
21 Andrew Campanelli, I'm an attorney. I appreciate
22 the opportunity to appear in person before this
23 board. I haven't had the pleasure before. I've
24 been a litigation attorney for 26 years. I've

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2 been handling cell tower cases and litigation
3 under the Federal Telecommunications Act of 1996,
4 since 1996, I've handled cases not just across
5 the state of New York but across the entire
6 United States.

7 And my goal this evening is to enable
8 you to make an informed decision and to apply
9 your local code in the manner in which it was
10 intended. You've adopted what I commonly refer to
11 as a smart planning provision. I've drafted local
12 code provisions for local governments across the
13 entire United States. And when I design the local
14 codes, I design them to vest the local government
15 with the maximum power to control the placement
16 of wireless facilities. Wireless facilities are a
17 necessary evil. Everyone loves their cell phone,
18 everyone loves their iPad. So the goal of a smart
19 planning provision is not to prohibit cell
20 towers. It's to achieve three objectives
21 simultaneously.

22 And this applicant, given what they've
23 submitted, would not enable you to achieve those
24 objectives. So what are the objectives? Well, the

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2 first objective is you want to allow carriers,
3 not this applicant, the carriers to saturate your
4 town with coverage. Everybody wants to use their
5 cell phone. But at the same time, you want to
6 minimize the number of towers you need to provide
7 that coverage and number three, you want to avoid
8 to the greatest extent reasonably possible, any
9 unnecessary adverse impacts upon individual homes
10 or residential neighborhoods caused by the
11 irresponsible placement of wireless facilities.

12 Now, you've got some conflicting
13 information and I'm going to be constrained to
14 disagree with Mr. Musso, but it won't be the
15 first time. I've encountered Mr. Musso before,
16 not too many times, but we've had differences of
17 opinion and I'm going to base mine on fact,
18 because I don't agree with his findings.

19 The first thing I want to talk about is
20 the FCC submission that we provided to you.
21 Apparently, Mr. Musso contacted the FCC to
22 inquire about what we provided you. And what we
23 provided you is extremely important. I'll tell
24 you why. I've been following very closely the

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2 fact that the FCC became, let's say, displeased
3 with the wireless companies, because they
4 required the wireless companies to provide them
5 with accurate coverage maps of where they have
6 reliable coverage. And the reason is they get
7 federal funding based upon how much coverage they
8 have. And so Verizon went to the FCC and gave
9 them data. You heard Mr. Musso talk about
10 coverage maps. But he said it wasn't the FCC's
11 data. He's right. The data came from Verizon
12 Wireless.

13 And Verizon Wireless submitted data to
14 the FCC under penalties of perjury about their
15 coverage, and they have a map. And the map shows
16 where their coverage is. And they provided that
17 map of coverage to get federal monies. If that
18 information was false, they'd be subject to
19 prosecution under multiple provisions of federal
20 law. So, the coverage maps, the coverage data
21 they get to the FCC is maps showing reliable
22 coverage in the area reflected in the map.

23 I have given you the map, which I
24 obtained directly from the FCC. Those maps are

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2 completely different than what this applicant has
3 shown to you in terms of coverage. So you have
4 certified maps submitted to the FCC under
5 penalties of perjury versus maps provided by this
6 applicant which are certified by nobody. And
7 quite frankly, make no sense.

8 So, I'm going to talk about the
9 coverage. But even before I can talk about the
10 coverage, I want to talk about how this all
11 started. In 2019, I believe it was, Homeland
12 Towers came to the town for a tower. Homeland
13 Towers is not a wireless carrier. It's a site
14 developer. It only makes money if it builds
15 towers and then leases space on the towers to
16 carriers.

17 So why ever would Homeland Towers want
18 to co-locate? That's why this record is
19 completely void of any identified alternative
20 existing cell tower that they made a reasonable
21 inquiry into to see if it could be used as an
22 alternative site. Now, I received this about
23 seven minute before this hearing began. Had it
24 not been for that, I would have been equipped to

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2 show you the location of existing AT&T towers.

3 It's my understanding that there are at least
4 four in Cortlandt.

5 And there's zero evidence in the record
6 that this applicant approached any owner of any
7 other tower to see if Verizon could co-locate,
8 nor could they be expected to, because if Verizon
9 co-locates on AT&T's tower instead of Homeland
10 being able to build a 140-foot tower, Homeland
11 doesn't get paid a penny. It's in the business to
12 make money. And there's nothing wrong with that.
13 But they're not going to try to co-locate. And
14 that's why there is zero evidence, they haven't
15 identified a single existing facility which they
16 meaningfully considered for co-location of
17 Verizon, for Verizon, nor would they. So the
18 record is void.

19 Excuse me. The other problem I have with
20 the submissions, well, first of all, Mr. Musso is
21 obviously experienced, he's an intelligent
22 gentleman, but the first problem I have with his
23 analysis is that it seems that they're accepting
24 what the applicant is giving them as gospel.

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2 They're not giving you hard data. What does that
3 mean?

4 When a carrier, not a site developer,
5 when a carrier approaches a town and says listen,
6 we have a significant gap, we want to remedy the
7 gap. We don't want to build anymore towers than
8 are necessary. So here's what we're going to do.
9 The first thing we're going to do is tell you the
10 minimum signal strength we need to provide
11 reliable service in the town of Cortlandt. In
12 most cases, and I've handled them all over the
13 country, Verizon comes in and says in your town
14 the minimum signal strength I need is -98 DBM,
15 sometimes -95. I've never had them say it has to
16 be -85. -85 is something like eight times
17 stronger. So for beginnings, I don't understand
18 how anyone, your consultant or the applicant can
19 claim they need -98 DB- -85 DBM for in building
20 coverage when they've represented to the FCC that
21 -95 DBM is sufficient for reliable service.

22 Now, for those of you who aren't aware,
23 this is the way signal strength is measured. It's
24 minus DBMs, the closer you get to zero, the

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2 stronger the signal strength. The higher the
3 minus number, the weaker the signal strength. In
4 case after case after case all across the
5 country, Verizon has come before boards in front
6 of me and said on the record, for reliable
7 service, they need -98 DBM or -95.

8 Why does this applicant claim in
9 Cortlandt you need -85, which is six times as
10 strong? It makes no sense and there's no grounds
11 for it. Just as there's no grounds for their
12 maps. It makes no sense at all. Just as it makes
13 no sense that you can't use a mountain. I watched
14 Mr. Musso give his presentation and again, I'm
15 doing this 20 years. I'm not an RF engineer. But
16 I don't understand how someone can sit there and
17 say if you put a cell tower on a mountain, the
18 highest location, above everything else, elevated
19 above anything else, that something is going to
20 block the signal. It's physically impossible. It
21 just doesn't happen.

22 I've handled cases from New York to
23 California, to Tennessee. I've never heard that
24 position asserted by anyone in over 20 years. So

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2 I'd ask you to think about that. Think about if
3 you put it on the top of a mountain, what is
4 going to block the signal.

5 So, I would respectfully submit that
6 this board needs more information and the reason
7 I'm submitting that to you is it's not enough for
8 this board to exercise its power, whatever that
9 may be, if you choose to grant it or deny it, I
10 want to make sure that whatever your decision you
11 make, it is as immune from challenge as possible,
12 because I also represent municipalities who made
13 a mistake and they get sued in federal court.
14 Okay. You get sued in federal court, not the end
15 of the world. If the applicant wins in federal
16 court, they don't get attorneys' fees, they don't
17 get damages, you don't pay them a penny, but they
18 get to make the tower.

19 If this board deems it appropriate to
20 deny the tower, I want to make sure that it's
21 done in a way that your decision is immune from
22 challenge. How do I do that? I have to reveal to
23 you that you are required to make two specific
24 types of factual determinations. Now, the good

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2 news is, under federal law, you and you alone get
3 to make determinations of fact, and you and you
4 alone get to determine what weight to be given to
5 any evidence that is presented to you. If you
6 find maps from the FCC more credible than maps
7 submitted by the applicant, you can discount the
8 maps given by the applicant. That is well within
9 your power.

10 So the two types of factual
11 determinations you need to make is one, under
12 your zoning code. And the second is under the
13 telecommunications act. I'll explain why and how.
14 First, you have to determine whether or not this
15 application is consistent with your smart
16 planning provisions chapter 277. Now under your
17 planning provision, it has a hierarchy of most
18 preferred sites to least preferred sites.

19 This is the least preferred site. The
20 second most preferred site is co-location and
21 this record is entirely void that this applicant
22 has made any effort whatsoever to co-locate. They
23 haven't identified one cell tower or one small
24 cell owned by T-Mobile or AT&T or Sprint, none of

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2 them. They didn't give you coverage maps for it
3 or anything. So there's no evidence that they
4 couldn't choose a site of higher priority.

5 Again, I'm not saying you want to
6 prevent Verizon from providing service to
7 everyone. The goal is don't have more towers than
8 you need and don't adversely impact the property
9 owners unnecessarily. Now, as you know, based
10 upon my submissions, I represent 17 property
11 owners who will in fact be adversely impacted by
12 this tower.

13 And one of those impacts would be
14 adverse aesthetic impacts. Now, adverse aesthetic
15 impacts have been recognized by federal courts as
16 a perfectly valid legal ground upon which to deny
17 an application. The applicant's attorney tries to
18 say well, letters from homeowners' generalized
19 concerns can't serve as a basis. They're right.
20 But the letters that have been submitted as
21 evidence are not generalized concerns. They are
22 specifics. They tell you specifically from what
23 vantage point in their home they will be forced
24 to stare at this thing, this 14-story structure,

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2 every single day if it's built. Those are
3 precisely the types of adverse aesthetic impact
4 letters that the United States Second Circuit
5 Court of Appeals has recognized as evidence
6 sufficient to sustain the denial of an
7 application. So these aren't generalized letters.
8 These are the homeowners from their perspective
9 telling you the adverse aesthetic impacts they're
10 going to suffer. So you have the evidence in the,
11 in your record with which you can deny this
12 application under the code and you should.

13 In addition, you don't have evidence
14 showing that granting the application will be
15 consistent with your code. Your code makes it
16 clear. You're supposed to try to minimize the
17 number of towers you need to provide coverage.
18 The applicant hasn't given you the evidence to
19 enable you to make that determination, because if
20 there are four AT&T towers and two Sprint
21 facilities and they can co-locate, they can
22 simply add their antennas to existing towers, and
23 you don't need any more cell towers, and all the
24 other individuals who need coverage get it,

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2 you're doing your job. You're applying the code
3 in the specific manner it was intended to be
4 applied.

5 MR. BIANCHI: Can I ask you a question?

6 MR. CAMPANELLI: Of course.

7 MR. BIANCHI: You're adverse aesthetic
8 impact, is there a differentiation whether it's a
9 stealth or a non-stealth monopole?

10 MR. CAMPANELLI: Of course it can be. I
11 mean any homeowner is going to tell you what
12 they're going to see. And obviously, a 90-foot
13 tower very often will be less impactful than a
14 140-foot tower. You know, it depends upon the
15 height. Balloon tests, they're wonderful. They
16 don't give you an accurate depiction of what it's
17 going to look like because you have a four foot
18 balloon attached to a string. The string is not
19 four feet wide. It doesn't give you an accurate
20 understanding of what this thing is actually
21 going to look like.

22 Even worse, they have the classic
23 omission in this case, which I see case after
24 case after case. In the Omnipoint case, which I

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2 cited earlier, the United States Court of Appeals
3 for the Second Circuit, which is the highest
4 court, second only to the United States Supreme
5 Court, told a local board you can dismiss an
6 aesthetic impact or visual impact as defective if
7 it does not include photographs actually taken
8 from the backyards or the properties of the homes
9 that will be most dramatically adversely
10 impacted. That has been the law for 18 years.
11 Homeland knows about it. I've raised this issue
12 on their applications for at least eight years.
13 They know it's there.

14 And then they say, yeah, well, you know,
15 if your consultant wanted photographs taken from
16 the backyards, they could have taken those. It's
17 not his job. It's not your job. They know what
18 they're supposed to do. The whole purpose of a
19 visual impact analysis is to give you, this
20 applicant to give you the most accurate
21 understanding of the actual adverse aesthetic
22 impacts that this 14-story tower is going to
23 impact on the homes so close. Okay. If you want
24 to give the board an honest depiction, why would

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2 you omit those photographs, why? What valid legal
3 grounds would you have, especially when it's been
4 the law of the land for 18 years that a visual
5 impact analysis that doesn't include it is
6 defective? Not my words, United States Court of
7 Appeals of the Second Circuit. Why didn't they do
8 it? Why didn't your consultant make them do it? I
9 have a problem with that.

10 If I'm not mistaken, let me back up. I
11 started explaining how wireless carriers coming
12 in and making a genuine effort to assist local
13 governments to minimize the number of towers you
14 need, they come in and they say okay, based upon
15 your topography, we need -98 DBM. They then do a
16 drive test. They come through, they drive through
17 the area with a recording device that records the
18 actual signal strength at every pinpoint location
19 in your town. They then give you actual data. Not
20 a map, which they purportedly took the data and
21 used in software to manipulate to create a map,
22 because as the FCC has determined, these maps are
23 completely unreliable. They range in accuracy
24 from 62 percent down to 16.5 percent, based upon

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2 analysis by the FCC's own staff. I've been
3 watching this for two years. There's been a
4 battle between the FCC and the wireless
5 companies, we don't want these maps, the same
6 maps that they've submitted. They're not
7 reliable, we want drive test data.

8 Your consultant, your applicant is
9 claiming we gave you the drive test data. No,
10 they didn't. What they gave you is a map that
11 they claim they created with the drive test data.
12 That's what they do. It's not certified. Nobody
13 said this is accurate. Nobody gave you the actual
14 data. I've been present at cases where they gave
15 the actual data, because if you get the actual
16 data, that will show you, number one, the actual
17 existence of gaps. And I'm not claiming there are
18 no gaps. Number two, it'll show you the
19 geographic boundaries of the gaps and number
20 three, their locations.

21 If and only if you get that data are you
22 then capable of making a decision to say hey this
23 is a good spot for a tower because it's going to
24 cover the whole gap or most of the gap, because

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2 if this tower doesn't, Homeland is coming back in
3 two years for another tower, which they're happy
4 to do because they make more money.

5 So that's why sophisticated local
6 governments say give us the actual data. Don't
7 give us your manipulated software creations using
8 Atoll software or another program.

9 This is a staff report, which was
10 completed by the FCC's staff, okay. The FCC's
11 staff got so sick and tired of, I'll just use the
12 term falsified coverage maps being provided by
13 the carriers, including Verizon, AT&T, they went
14 out and did their own drive test. They did 10,000
15 miles of drive tests in nine states, 64,000 tests
16 and they found that the maps being provided by
17 the wireless companies again range in accuracy
18 from 62 percent down to 16.5 percent. And so the
19 FCC staff said don't take these maps anymore.
20 Request the hard data.

21 Now, I think, if I'm not mistaken, Mr.
22 Musso suggested, drive tests, they're archaic
23 nobody uses that anymore. Again, I've been
24 watching this. This is a report from T-Mobile in

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2 a merger with Sprint, agreed with the FCC to do,
3 and it's dated January 8, 2020, it's available,
4 it's a public record. The FCC required T-Mobile
5 and Sprint to do a one-million mile drive test in
6 2020, because the maps, as given to them by the
7 carriers, were recognized to be completely
8 inaccurate. That's what you have here. Maps with
9 zero hard data.

10 MR. ROTHFEDER: So you, uh, to that
11 point of the FCC maps, you're kind of saying both
12 things aren't you? You're saying that Verizon
13 lied to the FCC. But that's not our issue. And,
14 and you're saying that well in fact they do have
15 more coverage than they're telling you?

16 MR. CAMPANELLI: No, what I'm saying was
17 in the study, the -- and there's two different
18 types of map. This is broadband, the first maps
19 that I talked about was broadband. The coverage
20 map that I gave you is specifically the precise
21 coverage that this applicant claims doesn't
22 exist. It's not broadband, it's voice. It's
23 cellular voice.

24 MR. ROTHFEDER: Right. And the F- I got

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2 that record, that map, directly from the FCC. The
3 FCC created that map and then provides them
4 directly from Verizon, not Homeland Towers.

5 MR. ROTHFEDER: Right. I understand
6 that.

7 MR. CAMPANELLI: Directly from Verizon.

8 MR. ROTHFEDER: But I'm just trying to
9 clear up this FCC issue of the maps. And, you
10 know, you're saying that, that the maps are what
11 Verizon gave them. You both agree on that. And
12 that it, it really shows minimal coverage, I mean
13 they're basically the maps, they're not in
14 building, they're not even in vehicle, they're
15 stationary.

16 MR. MUSSO: The FCC maps, yeah, that's
17 right.

18 MR. ROTHFEDER: And you're saying,
19 because you provided those maps, you're saying
20 that those maps are deceptive?

21 MR. CAMPANELLI: No, not the one I gave
22 you. That's the current map showing Verizon's
23 reliable coverage.

24 MR. ROTHFEDER: Okay. So that's really

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2 all that matters to us.

3 MR. CAMPANELLI: Right.

4 MR. ROTHFEDER: In this case. But do you
5 agree with him that that's just showing
6 stationary coverage?

7 MR. CAMPANELLI: That's not the
8 impression I got when I contacted the FCC, and
9 I've been dealing with this for two years. I
10 didn't make one phone call. I don't know who he
11 spoke to, but I've been dealing with this because
12 I come up against this issue again and again and
13 again. And so I've been dealing with the FCC and
14 my understanding is, that is a map, a current map
15 as of four, five days ago --

16 MR. ROTHFEDER: And as far --

17 MR. CAMPANELLI: -- of the reliable
18 service in this area.

19 MR. ROTHFEDER: In building?

20 MR. MUSSO: No.

21 MR. CAMPANELLI: Well, okay, when you
22 say in building, it's kind of a, it's kind of a
23 red herring and here's why. When a site developer
24 wants to build a cell tower in an area where

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2 there is sufficient coverage, but they want to
3 build a tower anyway for future capacity. They
4 know if they build a tower, eventually Verizon,
5 AT&T, they'll rent space because capacity demand
6 keeps increasing. So they will say well, our
7 testing is only outside. It shows in building
8 coverage, but it's not enough for outside
9 coverage, it's not enough for in building. And to
10 come up with the signal strength in building we
11 have to take the actual recorded signal strength
12 and multiply it by a variable which accounts for
13 the reduction in signal strength when the signal
14 passes through the materials of which your
15 building is made. And it's hogwash.

16 If they want to know what the signal
17 strength is in a building, they can step inside
18 and test it. And it doesn't go from 95, -95 DBM,
19 to -98 DBM going through a wall, that's hogwash.

20 MR. ROTHFEDER: Right. But, but we do
21 know from the people who live in these
22 communities and neighborhoods --

23 MR. CAMPANELLI: Yes.

24 MR. ROTHFEDER: -- that are not getting

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2 coverage, that it's not in building.

3 MR. CAMPANELLI: Yes.

4 MR. ROTHFEDER: And it's not even in
5 cars in a lot of cases.

6 MR. CAMPANELLI: That's right.

7 [applause] I am not saying to you that there are
8 no gaps in coverage. I'm not saying to you
9 [laughter] I'm not saying to you that more
10 antennas have to go somewhere. What I'm saying is
11 you want to approach this intelligently and in a
12 sophisticated manner. You don't want to have more
13 cell towers than you need. If this tower doesn't
14 cover where they need coverage, then it's not
15 going to accomplish what they want it to
16 accomplish. You're going to need another tower
17 and possibly completely unnecessarily. And the
18 problem is this applicant hasn't given you the
19 data you need to be able to figure that out. And
20 it's not hard. A drive test costs next to
21 nothing. Why wouldn't you do it? Why wouldn't
22 they give you the actual data? Yet they say we
23 gave you the drive test data. They created a map.
24 If they have the data, they can give you the

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2 data. And then you can decide. But, there's
3 nothing in the record showing they can't simply
4 co-locate on existing towers. And --

5 MR. ROTHFEDER: Do you know all the
6 existing towers that they're not on?

7 MR. CAMPANELLI: Well, the problem is I
8 only found out seven minutes before the meeting.
9 My understanding is there's at least four AT&T
10 towers.

11 MR. ROTHFEDER: And did you study
12 whether -- well, you said you haven't studied it
13 yet, because you haven't --

14 MR. CAMPANELLI: I couldn't. I just
15 found out seven minutes before this meeting
16 started.

17 MR. ROTHFEDER: Okay. Are you going to
18 [unintelligible] [01:30:53] --

19 MR. CAMPANELLI: If I'm afforded the
20 opportunity, absolutely.

21 MR. ROTHFEDER: Okay. Well, I think the
22 board would like that.

23 MR. BIANCHI: Yeah, will you show us
24 where those towers are?

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2 MR. CAMPANELLI: I'll do a search for
3 all --

4 MR. BIANCHI: Because we've heard that
5 there are none and now you're telling us there
6 are four.

7 MR. CAMPANELLI: Well, you can, you can
8 --

9 MR. BIANCHI: So --

10 MR. CAMPANELLI: -- Mr. Fein, one of my
11 clients is going to get up and tell you that he
12 searched the, searched that issue and he's
13 identified four locations with AT&T towers, yeah.

14 MR. ROTHFEDER: Well, we'd like to see
15 that if you develop it.

16 MR. CAMPANELLI: Absolutely. Absolutely.
17 Any other questions? Anybody still awake? Now I
18 got offline here, where was I? Okay, FCC maps,
19 okay, I do want to point out the Flower Hill
20 decision because I need to create a record. I
21 told you you have to make two types of factual
22 determinations. The first is does it meet the
23 requirements of your code chapter 277. Got that.

24 Since this applicant is claiming that a

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2 denial of their application would be an effective
3 prohibition, you must make two additional
4 determinations. Now, what does that mean? One of
5 the provisions -- well, I should say that one of
6 the constraints that the Telecommunications Act
7 of 1996 imposed upon local governments deciding
8 cell tower applications is it says you can't
9 prohibit or effectively prohibit the provision of
10 personal wireless services.

11 So, if an applicant comes forward and
12 proves to you as a question of fact, number one,
13 that an identified carrier has a significant gap
14 in personal wireless services, and number two,
15 that its proposed installation at the specific
16 location they want it, and at the specific height
17 they want it is the least intrusive means of
18 remedying that gap, if you find that they've
19 proven both of those things, then you must grant
20 the application, even if it violates your local
21 zoning code.

22 So you must determine did they prove
23 significant gap in a greater import, did they
24 prove that this proposed installation is the

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2 least intrusive means of remedying that gap, and
3 there's no possible less intrusive alternative
4 location. Now that has been the law since 1998.
5 When the Telecommunications Act was adopted in
6 1996, it took only two years, every time the
7 tower got turned down, the applicants filed a
8 lawsuit in federal court and said oh, it's an
9 effective prohibition.

10 In 1998, the United States Court of
11 Appeals for the Second Circuit, again, highest
12 federal court in New York, second only to the
13 Supreme Court, said, this is the standard,
14 significant gap, least intrusive means. The site
15 developers, not carriers, site developers,
16 weren't happy with that, so they went to the FCC
17 and they tried to get them to strip more powers
18 from local governments. And so they got the FCC
19 to reinterpret that language and to say you know
20 what, we don't think they need to show that. We
21 think that they've shown effective prohibition,
22 all they have to say is they need a new tower to
23 enhance services or to provide a new service.

24 And now, the law from [unintelligible]

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2 [01:33:35] comes before you and says that's the
3 new standard, the old standard doesn't apply.
4 Here's the problem with that. This law firm made
5 that argument before a federal court several
6 years ago and it was squarely rejected by the
7 federal court and it was just rejected again in
8 the Flower Hill decision, which again, brings me
9 to take issue with some of the things that Mr.
10 Musso has presented to the board.

11 The Flower Hill decision was a case of
12 mine. I represented the homeowners. I went before
13 the Village of Flower Hill where a site developer
14 known as Extanet wanted to install the
15 distributed antenna system. And kind of like
16 here, they provided evidence of a gap in only one
17 or two frequencies at which the carrier provides
18 personal wireless service. Verizon provides
19 wireless service on seven frequencies.

20 They've given you data on two and claim
21 we have a gap. In Flower Hill, they came and they
22 said look we have a gap in 4G service and so
23 we've proved a gap, you have to give it to us or
24 it's a denial. The village turned it down. They

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2 sued. The federal court said no, just because you
3 have a gap in one frequency does not mean you've
4 established a gap in service. To establish a gap
5 in service, Verizon has to actually prove that
6 their end use customers cannot connect to a
7 landline. That decision came down on July 29th of
8 this year. That's the standard.

9 UNIDENTIFIED MALE: [unintelligible]

10 [01:34:53] landline from[unintelligible]

11 [01:34:54].

12 MR. BIANCHI: Excuse me, you can't
13 speak. Let him speak and then you can speak
14 afterwards.

15 [CROSSTALK]

16 MR. BIANCHI: Mr. Campanelli, at this
17 point, we've given you equal time roughly.

18 MR. CAMPANELLI: Okay.

19 MR. BIANCHI: So if you could sort of
20 wrap it up.

21 MR. CAMPANELLI: Okay. Alright. any
22 questions then? I don't want to bother you
23 further, but based upon this record, I
24 respectfully submit, and again, I'm not saying

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2 you don't need improved coverage.

3 MR. BIANCHI: One question, in your two
4 criteria, if I got them right, one was
5 significant gap --

6 MR. CAMPANELLI: And the other --

7 MR. BIANCHI: -- that sounds very
8 subjective.

9 MR. CAMPANELLI: Well, it's a fact
10 finding determination. What is the significant
11 gap. The law doesn't define it and the courts
12 have said it's a fact by fact case analysis. It's
13 not just a gap. The telecommunications act does
14 not guarantee seamless service. To have a
15 significant gap, you look at the factors. What
16 are the factors? How large of a geographic area
17 does it cover? What percentage of the population
18 or the applicant's customers would it affect? If
19 it's on a road, is it on a rarely traveled road
20 or a highly trafficked road? Again, it's a
21 factual analysis and the good news is you get to
22 determine that. Homeland does not get to come
23 here and tell you we have a significant gap and
24 this is the least intrusive means of remedying

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2 it. You get to make those factual determinations,
3 you and you alone. They don't get to dictate it
4 to you.

5 MR. BIANCHI: So the hundred people
6 sitting here are significant?

7 MR. CAMPANELLI: That's pretty
8 significant, yes, okay. [applause] So let's say,
9 so let's say there's a significant gap.

10 UNIDENTIFIED MALE: It's time to let
11 other people speak.

12 MR. CAMPANELLI: Let me have a minute.

13 MR. BIANCHI: I have asked, I have asked
14 Mr. Campanelli, he's answering a question right
15 now, we will turn to the public right after this
16 question is answered.

17 MR. KESSLER: We're not going anywhere.

18 MR. CAMPANELLI: I'm just finishing your
19 question. Let's say there's a significant gap.
20 Apparently there is. Is this the least intrusive
21 means? This proposed 14-story tower in this
22 location, as opposed to putting it on top of a
23 tower, on a mountain, where it's not near anybody
24 else's house, or simply putting their antennas on

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2 existing towers that are already there. Is that a
3 least intrusive alternative location? That's for
4 the board to decide. Okay. Thank you for the time
5 --

6 MR. BIANCHI: Thank you, Mr. Campanelli.

7 MR. CAMPANELLI: Thank you, Mr.

8 Chairman.

9 MR. BIANCHI: We will turn now to, if
10 you'd like to respond, but be brief, because I'd
11 really like to get to public comment at this
12 point.

13 MR. SHERIDAN: I'd just like to take
14 this opportunity to rebut a couple of Mr.
15 Campanelli's comments before we get too far into
16 the public comments and this board forgets. One,
17 I think first, it's important to note, I mean Mr.
18 Campanelli tries to paint the applicants with a
19 brush of money hungry applicants, but that's not
20 what we're here for. We're here to provide
21 coverage to the people in the area so they can
22 have wireless service and emergency 911.

23 Mr. Campanelli mentions that Homeland
24 Towers is the site developer of towers and that

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2 that's why they're doing this, money. I think
3 this board is aware and maybe Mr. Campanelli is
4 not, that the application was originally a
5 Verizon Wireless application. Verizon presented
6 this application first. They are a carrier, they
7 identified a need for coverage. They identified a
8 significant gap in coverage. That's why this
9 application was submitted to this town, to this
10 board.

11 It was later that Homeland Towers came
12 and agreed to join Verizon Wireless with this
13 application. So the application, just so you're
14 aware, was done for a need. It wasn't done for
15 any ulterior motives that Mr. Campanelli may be
16 saying. There was a lot to go through.

17 MR. BIANCHI: Be brief. We want to get
18 to the public.

19 MR. SHERIDAN: Second of all -- I'll try
20 and be brief. Talks about -85 to -95, if you
21 notice, the maps show both that were provided.
22 Again, we have Verizon's RF engineer who can
23 rebut more of these in more detail. I'll just do
24 a brief level of it. But certainly, we have an RF

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2 engineer, Mr. Campanelli, I think he admitted
3 himself, is not an RF engineer, but we have one
4 who provided the maps, who provided the coverage,
5 who provided the coverage to this board, an RF
6 engineer who detailed -85, -95 are the two, the
7 green and the blue on your maps and the area of
8 white is no coverage. So to the extent that Mr.
9 Campanelli says there are a higher level of
10 coverage, that's not the case.

11 With regard to Zoning Code 277, Mr.
12 Campanelli says we've complied with the zoning
13 code. We've mentioned that in numerous
14 applications, numerous submissions. We've
15 complied with the requirements of the zoning
16 code. That is what this board is supposed to look
17 at. And we've complied that. I think Mr. Musso
18 said in his presentation that we've gone above
19 and beyond what has been submitted for this board
20 to review. I think this board needs to keep in
21 mind, keep focused on that.

22 I think, again, they're saying no
23 evidence of higher priority. It's interesting to
24 me because the only discussion we had left was

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2 about a private property only Dickerson Mountain,
3 which is I believe in a residential zone and next
4 to a community with homes and that's the same
5 level priority as the one we're going on. So it's
6 interesting that he's pushing that one, which is
7 the same level priority as the one we're going on
8 in your code. Which shows to me, and maybe to
9 you, that there's no higher priority that we can
10 go on.

11 He talks about towers that may not
12 exist. It's hard to prove something that doesn't
13 exist. We've shown the towers in the area. We've
14 had our consultant, our RF consultant provide you
15 with details on coverage from the existing
16 towers. In his report, he searched for additional
17 towers in the area, did not find any that could
18 provide the coverage necessary to fill this
19 significant gap. We provided drive test data and
20 I think the Flower Hill case is interesting, as
21 Mr. Campanelli even said it himself, it deals
22 with DAS antennas, which is something completely
23 different than we're dealing with here. And deals
24 with a higher frequency I believe. Again, I'm not

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2 an RF engineer. So I don't want to comment too
3 much on it, but basically, we provided coverage
4 with the lowest frequency that Verizon has which
5 provides the most coverage. So we're showing the
6 largest area that Verizon provides coverage for.
7 And it's beyond that area that the gaps exist.
8 That's what this tower is there to provide
9 coverage for. It's to fill that significant gap
10 in coverage in the vicinity of the site, which
11 goes all the way up to Chestnut Hill, all the way
12 down to Valeria. Thank you.

13 MR. BIANCHI: Thank you, Mr. Sheridan.

14 MR. ROTHFEDER: I don't think you've
15 given us the co-location towers yet though,
16 right? I mean the other towers in the area. You
17 said you have, but you haven't.

18 MR. SHERIDAN: We, in one of the
19 original reports, the RF, the Verizon's RF
20 consultant indicated that they did a search for
21 towers in the area.

22 MR. ROTHFEDER: Right.

23 MR. SHERIDAN: They did not find any
24 towers that they could co- --

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2 MR. ROTHFEDER: But you haven't told us
3 what they are.

4 MR. SHERIDAN: I mean there's none in
5 the area that can provide the coverage necessary.

6 MR. ROTHFEDER: I know. But you haven't
7 told us of the other towers in the area, so that
8 we can see where they are.

9 MR. SHERIDAN: We can, if, if a map
10 wasn't provided in the original one, I can, I can
11 certainly look at that. But I can tell you that
12 there are none and --

13 MR. ROTHFEDER: I understand what you're
14 saying.

15 MR. SHERIDAN: -- if, and --

16 MR. ROTHFEDER: But I'm --

17 MR. SHERIDAN: -- again, we have another
18 carrier who doesn't have coverage in the area
19 who's interested already in co-locating on this
20 tower.

21 MR. ROTHFEDER: Right, we got it.

22 MR. SHERIDAN: Which shows a need for,
23 for a tower in this area, because you already
24 have two carriers that are interested in going on

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2 it.

3 MR. ROTHFEDER: Right.

4 MR. XAVIER: If I could, just to
5 piggyback on what Mike said --

6 MR. BIANCHI: Please be brief.

7 MR. XAVIER: Sure. So what he's
8 referring to back is the original CSquared report
9 produced by Martin Lavin during the initial
10 submission which was submitted by Verizon in
11 2019, and not Homeland Towers. And Section 5,
12 page 14, it documents a four-mile wide search of
13 the area and confirms there's only 17 towers or
14 other tall structures in that area, that Verizon
15 does not already have a current or planned
16 facility on and that none of those facilities
17 will remedy the gap in service. That report from
18 2019 was also reviewed by Mr. Musso and he
19 concurred.

20 You know, it's unfortunate to have to
21 get up here with Mr. Campanelli. It seems like
22 he's either intentionally misleading or has
23 difficulty reading the record, because the
24 assertions that are made about just HT basically

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2 submitting coverage maps that aren't accurate and
3 that we came here just for money in 2019, the
4 timing isn't even factually true. I didn't get
5 involved in this application until 2022. At that
6 time, Verizon independently identified the need
7 and brought this application to you. At that
8 time, they gave you the drive test information
9 that he said you never got. You have the drive
10 test data.

11 We should be past, at this point,
12 whether or not the maps are accurate and there's
13 a need. Everybody knows there's a need. For him
14 to get up here and even insinuate that there's
15 not is disingenuous. You know, like he said, he
16 does say he's not an engineer and that he doesn't
17 understand how line-of-site technology works. As
18 Mr. Musso tried to explain previously, including
19 the topographic maps that he showed as to why,
20 just because you're on top of a tall mountain
21 does not mean you cover everything in the entire
22 area. He called it shadowing. It's because when
23 you have clutter, whether it's a building, a
24 mountain, or trees that block the signal, it

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2 creates a shadow where there is no coverage
3 after, within that shadow. He tried to explain
4 that to you.

5 That is why you can't just be on top of
6 a tall mountain and expect to cover everything
7 let's say within a two mile radius, because the
8 topography is very important. This is line-of-
9 site technology. We've had multiple people try to
10 explain this and Mr. Musso did just tonight and
11 we should be past that. There is a coverage need.

12 Now, when it comes to, you know, these
13 other tall structures again, we should be past
14 that as well, because I don't know what other
15 AT&T towers, first of all, most of these towers
16 are not AT&T or T-Mobile towers. Most of them are
17 owned by tower developers or ATC, which is
18 American Tower Corporation or Crown Castle.

19 There are no towers. If there was a
20 tower, I would not be here, for business reasons,
21 for money reasons, because if I were to develop a
22 tower that has an existing competition in some
23 other existing site that would cause a carrier to
24 want to go onto another site instead of mine,

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2 that would be a bad business decision on my
3 company's part to build the tower, because
4 there's existing competition. Why would I want to
5 build a tower somewhere where, we're in a now
6 bidding war with carriers to see who can use
7 which tower?

8 If you look at it just logically -- it
9 doesn't make sense that I as a company would come
10 here and propose this type of structure if a
11 structure already existed that would do the same
12 job. So we need to step back a little bit and
13 just look at it from a realistic perspective. For
14 several years now, you've been told there are no
15 existing tall structures. I've said it again. I
16 said it in my most recent alternate site analysis
17 on October 20th. I really hope we're past that.

18 I hope we're past the fact that there is
19 a coverage need in this area and why we're here.
20 I'm not going to go through my whole ASA tonight,
21 because I think Mr. Musso went through it quite
22 fine. If you have any questions on specifically
23 what I've submitted in any of the alternatives,
24 or the history of me working with the town of

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2 Cortlandt since 2015, proposing sites at Cook
3 Pool and doing a balloon test, getting rejected,
4 looking at all the other town properties, all the
5 deed restrictions, the huge Valeria property
6 which includes most of Dickerson Mountain, which
7 was deeded, at least in part, to the Westchester
8 Land Trust back in 2008 and at the time, they
9 called it the Valeria story, if you go to their
10 website. It's the biggest transfer of land to
11 dedicated parkland in Westchester County's
12 history.

13 And we're talking about potentially
14 putting a tower up there and seeing if deed
15 restrictions can be removed. It's not realistic
16 and it's not feasible. And just because we call
17 something an alternate site doesn't mean it's
18 truly an alternative, because in order to be an
19 alternative, besides just having to work and be
20 constructable, it has to be available as well. So
21 even though we're calling these other sites that
22 we reviewed and in my ASA, alternatives, they're
23 not truly alternatives unless they meet all of
24 those criteria. And I believe that I've shown

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2 that none of the other sites this board has
3 brought up that I looked at independently are
4 true alternatives. The site we're at is unique.
5 It is the least intrusive means. If you look at
6 even any of the other sites that have been
7 brought up by this board, you'll see that there's
8 residential communities surrounding them. This
9 property is unique because there's only going to
10 be residences on one side of it. Sure, it's not
11 completely non-intrusive, but it is the least
12 intrusive, because it limits the number of people
13 that will have a view of this tower.

14 For example, the private property you're
15 talking about on Dickerson, if we were to put
16 something there on the side of the mountain, on a
17 steep slope, it's going to be directly behind,
18 you know, at least five houses that are at the
19 end of that cul-de-sac, which means if you pull
20 up, you're going to see this tower right behind
21 them.

22 All the other homes, you can see the
23 tower we're proposing at 52 Montrose Station
24 Road, if you're looking at their homes, the tower

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2 is going to be behind you. It's not going to be
3 in those pictures. And I would argue even if they
4 provide the comparable coverage, that the 52
5 Montrose Station Road site is less intrusive
6 definitely than the Hilltop Road site but the
7 least intrusive of all the other alternatives
8 that we looked at, that there are no
9 alternatives, there are no existing tall
10 structures. 52 Montrose Station is the least
11 intrusive to remedy the significant gap of
12 service, and if you have any questions, I'd love
13 to answer them.

14 MR. BIANCHI: Thank you. If you'd like
15 to -- wait a minute, if you'd like to, if you or
16 Mr. Sheridan would like to respond to Mr.
17 Campanelli's comments, he's submitted two memos
18 to us, we would be happy to entertain those if
19 you would like to respond to them directly. I
20 really want to get to the public at this point.

21 MR. SHERIDAN: I understand that. And we
22 have provided responses to Mr. Campanelli's memos
23 in our previous submissions. There are responses
24 in there.

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2 MR. BIANCHI: Okay.

3 MR. SHERIDAN: And I do just want to say
4 one more thing regarding coverage, regarding
5 existing towers, which again, our RF engineer
6 provided information on that, providing with
7 regard to visuals, you know, this board has a lot
8 to look at and comprehend and you have the
9 applicant here who is providing you with
10 information and you have someone who is trying to
11 show you that what we're providing is incorrect.
12 I would submit that what we're providing is in
13 compliance with the code and is correct. But you
14 don't have to necessarily take my word for it,
15 because you hired a consultant, Mr. Musso from
16 HDR, who has reviewed the documentation that we
17 provided, has done his own review, his own
18 research and come to the conclusions that we came
19 to that there's an existing gap in coverage, that
20 there isn't an existing site that can provide
21 that gap in coverage that we can co-locate on and
22 that was present at the balloon test that day and
23 saw the visuals and came to his own conclusions
24 that's, it's doesn't have to be a he said/she

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2 said. It can be you have the tools and the
3 mechanisms and have done, have used those tools
4 and mechanisms to hire a consultant where it's
5 reviewed this application.

6 Again, what we've provided is detailed
7 and factual and correct and Mr. Musso has
8 reviewed it and come to very similar conclusions
9 that we came to. I just want this board to keep
10 that in mind.

11 MR. BIANCHI: Thank you, Mr. Sheridan.
12 We'll now entertain comments from the public.
13 Please state your name in your address before
14 you, as you speak, I should say.

15 MR. RICH GOLDFARB: Rich Goldfarb, 9
16 Goldman Court, Valeria. I am an owner and a tax
17 payer. For the second meeting in a row, I've come
18 here thinking I would say one thing and now I
19 think I'm compelled to say another. But I'll
20 start with which was going to be kind of short
21 and sweet, and that is first and foremost, there
22 is a public safety and health issue without cell
23 service. [applause] That's first and foremost.
24 And by the way, I totally understand the need for

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2 due diligence to a point and I'll get back to
3 that in a moment.

4 But the other points I want to make are
5 the following, that everyone should be entitled
6 where the live to feel safe and literally be
7 safe. We are not, I will state again,
8 unequivocally, outside of my home, I have no cell
9 service. When I walk my dogs around a one-and-a-
10 half mile lake trail, I have no cell service.
11 When I'm on the road in my car, on narrow,
12 twisting roads, I have no cell service. My family
13 doesn't. My neighbors don't. That is a fact. Come
14 visit me anytime you wish and I will show you.
15 You can use that equipment.

16 Now, this is a clear and present danger.
17 What I've witnessed is an amazing sterile
18 conversation and I know to an extent it has to be
19 done. It's about topography, it's about
20 technology, it's about cross agendas, it's about
21 money, it's about let's rail against corporate
22 America and Verizon and whoever. All I care about
23 is not being at risk. We are at risk. Every day
24 that goes by, we're at risk. I walk that trail.

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2 And now of course, this is elevating my blood
3 pressure, but I walk that trail and I think about
4 what if I have a heart attack or a stroke, what
5 if one of my dogs is attacked by a bear, or some
6 other, you know, predator. What am I going to do?
7 I have no resource. My neighbors have no
8 recourse. My family has no resource. And the
9 thought of continuing to ad infinitum, review
10 information over and over while every day goes by
11 and we're at risk is unacceptable to me.
12 [applause] It should be unacceptable to
13 everybody. There is a time to act. Perfection
14 does not exist in our world. Progress needs to
15 happen. Protecting the public safety needs to
16 happen. This may not be a perfect solution,
17 Verizon may not be a perfect company, but there
18 is a problem that needs to be fixed and it needs
19 to be fixed now.

20 And I'll say one more thing. And it's to
21 the very interesting and entertaining attorney,
22 Mr. Campanelli. I take offense at the fact that
23 he said people love their cell phones, as if
24 we're all playing video games all day long and

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2 that's why there's an issue. Everyone loves their
3 cell phones. I love being alive. I love not
4 having to be brain dead because I can't reach
5 first responders. That's what I say to that.
6 [applause] and then he made a very curious
7 reference. You said something about T-Mobile,
8 well if T-Mobile towers existed and were
9 effective, why are they considering partnering on
10 this tower as I saw in this gentleman's report.
11 Why would that be?

12 And I'll say another thing, thank you
13 Mr. Kessler, for pointing out there are many
14 people here that have a cell phone issue. This is
15 a pimple. There are hundreds, possibly thousands
16 of people that have a cell phone issue. This
17 gentleman talks about 17 households, people, I
18 don't know which, that have an aesthetic issue.
19 Last time I looked, an aesthetic issue doesn't
20 kill you. An aesthetic issue doesn't injure you.
21 Where are the priorities? This is ridiculous!
22 He's interesting. He's good. But from a priority
23 point of view, it is BS with a capital B.

24 I am asking you to please help us,

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2 please protect your citizens and don't wait.

3 Thank you. [applause]

4 MR. BIANCHI: Thank you.

5 MR. PAUL LEVITZ: Thank you, Paul
6 Lavitz, another Valeria resident, 7 Deforest
7 Drive. A very simple point to make, I think we
8 can eliminate the whole issue of this co-location
9 nonsense very quickly. There are hundreds of
10 people in Valeria. They get no service. They
11 don't get no service if they have AT&T, they get
12 no service if they have Verizon, they get no
13 service no matter what carrier they have. We're
14 not stupid. In a community of that size, people
15 would talk to each other and if AT&T worked
16 because there was an AT&T pole that you could
17 pluck something on, we would have all damned
18 switched to AT&T very quickly. Many of us are
19 Verizon users, certainly. I am. But there are
20 many AT&T users, there are users of every
21 provider of it. This whole co-location thing is a
22 fake. There may indeed be additional poles, there
23 may not be. It doesn't matter. They don't serve
24 us in this process and I believe Chapel Hill is

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2 equally difficult circumstance. If you have
3 people who can't get any kind of service,
4 discussing co-location is completely a phantom. I
5 support everything that the preceding speaker
6 said about safety and family behavior, but you've
7 heard that, you don't need another round of it.
8 Thank you very much for your efforts. [applause]

9 MR. BIANCHI: Thank you.

10 MR. THOMAS GOODWIN: Good evening, my
11 name is Thomas Goodwin, 14 Deforest Drive, also a
12 Valeria resident. I've been to the last two
13 meetings. Obviously, I'm here tonight, and when I
14 attend these meetings, and I'm just reminded of a
15 quote attributed to Voltaire, "Perfect is the
16 enemy of the good." What we've been listening to
17 for the last two hearings and this hearing, are
18 complaints voiced by people who actually -- it's
19 not 17 homeowners. People own nine houses on
20 Montrose Station, compared to hundreds if not
21 thousands of residents of Cortlandt, who need the
22 cell phone service. You've heard the prior
23 speakers talk about the risks that we face when
24 we don't have that service. I will not repeat

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2 that.

3 I'm hearing people complaining saying
4 well, there's not adequate documentation of the
5 lack of cell phone service, I invite you to ask
6 the people here how many people do not have cell
7 phone service in their home, in their car,
8 driving between Maple Avenue, Furnace Dock Road
9 up to the farm on Croton Avenue. There is no
10 service. I don't know what more we can do to
11 convince you of that fact.

12 Mr. Goldfarb also mentioned the fact
13 that -- there are really two prime objections
14 voiced by again the people who own nine homes.
15 There are a list of I believe seven on the
16 opposition that's been submitted. I believe
17 there's a list of 17 names, maybe 19 names, all
18 but one of whom lives on Montrose Station Road.
19 One lives in downtown Manhattan. So I don't know
20 what objection that individual has. Okay.

21 But, we live in Cortlandt, okay. We
22 expect service Valeria residents pay millions of
23 dollars a year in taxes. We do not have municipal
24 sanitation, we do not have municipal snow

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2 removal. We do not burden the school systems. I
3 think perhaps more than 80 percent of the
4 residents of Valeria do not have school age
5 children.

6 All we are asking for -- not all we are
7 asking, but what we are asking from this town is
8 that they give us a fundamental service and that
9 is access to cell phone coverage.

10 In opposition to that, we're faced with
11 two arguments, as was mentioned before, is
12 aesthetics. But we have, your consultant says
13 actually the amount of people that are, may have
14 views of this tower is five to seven parcels.
15 That's a reason to deny this application?

16 On top of that then, we have the
17 argument that's been voiced before about a loss
18 of economic value to their property values. Money
19 should not come before public health and safety.
20 Plus, I believe there's been contrary evidence
21 submitted by a licensed appraiser in contrast to
22 just real estate agents submitting letters, but
23 there's been evidence from a licensed appraiser
24 that there will not be a loss of property values.

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2 And even if there is a loss of property values
3 and even if you think that an economic analysis
4 here is justified, which frankly, I believe is
5 ridiculous, but if you do, think of that
6 theoretic -- that loss of economics value, the
7 home value is only going to be felt when these
8 people go to sell their homes, if it's felt at
9 all.

10 In contrast, residents of Valeria, other
11 residents of Cortlandt are paying thousands of
12 dollars a month for landline coverage that they
13 should not have to pay for. In addition, their
14 businesses are suffering, if they work from home,
15 which is what many people do now after COVID.
16 That argument that the economics of this for
17 again nine homes should not trump the needs of
18 every other resident that's been before this
19 board. Again, I recommend don't let the perfect
20 defeat the good. That we've been here, this
21 application has been pending since 2019. We here
22 arguments, suggestions that we go look at
23 alternative sites. There are homeowners near
24 there too. If they go to some other site, we'll

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2 be back here before you again, asking for the
3 same relief years from now. The so-called
4 Starlink technology that someone mentioned
5 before, that's years away. I believe your own
6 consultant said that.

7 And you, again, getting back to what one
8 of my neighbors said, you don't have to listen to
9 us, the applicant, the opponent that you pay hard
10 earned money for. He has come in favor of this
11 application. I suggest you should as well.

12 [applause].

13 MR. BIANCHI: Thank you.

14 MR. ALAN MOST: Hi, good evening. My
15 name is Alan Most. I live on Underhill Lane in
16 Chapel Hill. I've a letter from Matt Alexander,
17 who is the city manager of the city of Peekskill,
18 written to Dr. Becker and the town board. I'd
19 like to read that out loud. It says, Dear Dr.
20 Becker, the emergency service agencies and
21 citizens of Peekskill are very interested in the
22 erection of a cell tower that would provide
23 additional cell service to the eastern side of
24 the city, especially in the Chapel Hill

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2 Homeowners Association area. In August of 2020,

3 During Hurricane Isaiiah, citizens of Peekskill

4 who live in the Chapel Hill development were

5 unable to communicate with emergency service

6 agencies due to lost landline connections as well

7 as inadequate cell phone coverage. Our Office of

8 Emergency Management worked diligently with

9 Verizon to find a location where additional

10 coverage could be made available. After much

11 investigation, it was determined that there was

12 no suitable location in the city of Peekskill,

13 however, Verizon has let us know that another

14 location in the town of Cortlandt would provide

15 coverage to residents of Chapel Hill. While the

16 city has not evaluated the scale or the aesthetic

17 characteristics of the tower proposed in the town

18 of Cortlandt, the city is desirous of improved

19 communication for its residents in Chapel Hill,

20 especially as severe storms have increased over

21 the past decades and promise to continue in the

22 future. This letter is written to ask for you and

23 your board to please consider permitting the

24 construction of this tower so that residents of

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2 Chapel Hill can be protected with more
3 connectivity and cell coverage in the event of an
4 emergency. Thank you in advance for your careful
5 consideration and attention to this request.
6 Matthew C. Alexander, city manager. And just as a
7 reminder, there are over 400 housing units in
8 Chapel Hill, somewhere between 800 and 1,000
9 people. Thank you. [applause]

10 MR. BIANCHI: Thank you.

11 MR. WILLIAM BROJO: My name is William
12 Brojo, I live on 7 Goldman Court. I'm also the
13 president of Valeria Homeowners Association II.
14 I'm going to keep my comments brief. And I really
15 want to address two key points. One is words
16 matter when people speak, right. And it was very
17 interesting to me when Mr. Campanelli introduced
18 himself. Does anybody remember what he said? He's
19 a litigation attorney. Litigation attorney, not
20 I'm an attorney, I'm a litigation attorney. That
21 says a lot.

22 The second thing that I personally found
23 offensive because I think we have a great
24 planning board, he kept using the words

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2 sophisticated planning boards. Are you suggesting
3 we don't have a sophisticated planning board? I
4 think you have all the information you need. At
5 the last meeting, I spoke to you about what is
6 your process. You told us you needed additional
7 information. That additional information was
8 regarding other sites. You've been given that
9 information today. There's a lot of issues with
10 those sites. Whether there's coverage, that's not
11 even germane, it's that your own attorney has
12 told you that there's restrictions of using those
13 sites.

14 The other point that has been made is
15 this issue about whether there are other AT&T
16 towers. And I think like my fellow neighbors have
17 spoken to you about that. You don't need
18 additional information on that. The simple fact
19 is that you can go to Valeria, you can drive
20 around with an AT&T phone and you're not going to
21 get service. So trying to get additional data,
22 I'm not sure what that's going to give you. So
23 we'd request, you know, ask, that you close the
24 meeting tonight and move it forward. Close the

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2 hearing, close the public comment, make a
3 decision. Thank you. [applause]

4 MR. BIANCHI: Thank you.

5 MS. INDIA SCARBRACIE: Good evening, my
6 name is India Scarbracie [phonetic], I'm an owner
7 at Chapel Hill, 129 Underhill Lane. I just wanted
8 to make two points. The idea of having a landline
9 is actually fallacy. My landline is through the
10 cable company. If there is no electricity, I
11 therefore have no landline and I will not be able
12 to use my cell phone. I wanted to share not a
13 hypothetical, but a situation that occurred over
14 the summer when my niece was visiting me. She has
15 suffered from epilepsy all of her life and while
16 she was visiting me, she had a seizure. Prior to
17 that, a month before, she had major brain
18 surgery. And the number one rule was she cannot
19 hit her head, her head cannot be banged. As she
20 was having her seizure, and I cradled her, I did
21 have my cell phone next to me, however, I had to
22 make a decision whether or not to let her go or
23 get up to go get my landline to be able to call
24 911. Obviously, I had to let her go, but as I

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2 walked to get the landline, imagine the
3 trepidation that I had thinking about her perhaps
4 hitting her head. So this is not a hypothetical.

5 This is real life. I am a mom who is
6 single, I have a nine-year old daughter, and god
7 forbid something happens to her or me and she
8 will not be able to reach emergency services.
9 Enough is enough. We need to be able to use our
10 cell phones in our homes, on the roads and this
11 is for the greater good. I understand aesthetics.
12 But this is for the greater good. Please make a
13 decision. Thank you. [applause]

14 MR. BIANCHI: Thank you.

15 MS. MELISSA CUMNINS: Melissa Cummins,
16 and I'm 33 Arbor Way in Chapel Hill. As everyone
17 has said, there is no service when you are on
18 these roads. I work at Hudson Valley Hospital, I
19 drive from the hospital to my home and at least
20 half my trip, I have no cell phone service. I
21 have to go to work when it snows, I have to go
22 work when there are trees down blocking roads,
23 half the nurses, doctors, technicians, everybody
24 I work with, a lot of them live in the town of

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2 Cortlandt and in Peekskill. I am not singular, a
3 healthcare professional who has to go to work
4 during inclement weather.

5 I have lived in Chapel Hill for eight
6 years. I grew up across the street off of Maple
7 Avenue. My parents still live there. Earlier this
8 year, my father had a medical emergency. If he
9 was outside of his home, there would have been
10 either he lays there, bleeding in his brain for
11 extra time for somebody to go in and call for an
12 ambulance or you've just -- we need to have the
13 ability to call for help sooner when we need it.
14 I run the risk of going off the road in snow and
15 there is no way for me to all for help. And that
16 is not a fun feeling.

17 So, please, not only like, there's so
18 much that needs to be looked at. It's the people
19 that are on the roads, people that don't have the
20 ability to stay home, the health issues, there's
21 just so much to look at and we need to have
22 coverage. [applause]

23 MR. BIANCHI: Thank you.

24 MR. KYLE CRAGNONE: Good evening, Mr.

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2 Chairman and members of the board. I won't take
3 up but a few minutes of your time. I just wanted
4 to clarify --

5 MR. BIANCHI: Can you state your name,
6 please and address?

7 MR. CRAGNONE: Kyle Cragnone [phonetic]
8 Valeria. I wanted to just clarify a few things.
9 Last time, I spoke extemporaneously, not meaning
10 to speak, but I didn't like the tenor of the
11 meeting, so I felt I had to say something. I
12 spoke of my tenure at Valeria, a long tenure,
13 long before we all had cell phones in our pockets
14 and managed pretty well over the last 22 years.
15 I'm not saying I'm not in sympathy with many of
16 these comments that you're hearing tonight from
17 these people. Certainly, as I said last time, I
18 stipulate to the fact that there's a problem with
19 cell phone service and the board obviously is
20 well aware of that.

21 I'm painting with a broader brush
22 though. When I said last time that I was hopeful
23 that the board would set a precedent, I think
24 more specifically what I meant was inasmuch as I

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2 am a member of the Valeria community and have
3 been for a long time, I'm also a member of a
4 larger community which is the community in the
5 town of Cortlandt.

6 And I don't care whether there's nine
7 homes or 14 homes, these people have a right to a
8 voice. I think that the law certainly, there's
9 the code, the local law that although it's
10 residential allows for a special use for
11 commercial, but as a judicial body, my thinking
12 is the, the object of a judicial body is to
13 interpret what was the intent of those laws, and
14 I know this. I know that on Montrose Station
15 Road, we have commercial use as a horse farm and
16 riding stable. Very good, positive, good for the
17 community commercial. We had a Christmas tree
18 farm up there for many years, commercial use,
19 very good positive thing for the community.

20 But a line has to be drawn somewhere as
21 far as what the scope of that commercial use
22 should be. How about a rock crushing operation
23 there? That would be commercial. It would
24 certainly be very destructive to the property

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2 values of the home there. Certainly not a quarry.
3 You know, there's noise pollution, there's
4 traffic pollution and there is visual pollution.

5 And regarding Valeria, as the gentleman
6 rightly pointed out, that there are very few
7 young families. Valeria consists mainly of
8 retired people who have at one point in time most
9 likely owned a home. They've benefitted from the
10 fact that over the years that home has
11 appreciated in value and at some point, they
12 cashed their home in, retired and moved to
13 Valeria. Not true of everyone, not true of
14 everyone, but many people there that I know and
15 have known over the years would fit that profile.

16 Now, we all can agree that for most of
17 us, and I would say over 90 percent of us, the
18 single greatest investment that we make in our
19 lives is the home that we buy and live in and
20 ultimately sell. That is our retirement. That is
21 our future.

22 So, yes, we, we have an issue, as you
23 all know, with cell phone coverage. Yes, I would
24 like three or four extra bars on my phone at

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2 Valeria. But I will not advocate for it at the
3 expense of these good people that came here to
4 defend their homes and their lifetime
5 investments. And, you know, I won't be very
6 popular at the Valeria Christmas party this year,
7 but I always felt you've got to like the guy you
8 brush your teeth with in the morning. Thank you
9 for what you do.

10 MR. BIANCHI: Thank you.

11 MR. JOHN FEIN: Good evening, John Fein,
12 26 Montrose Station Road, and if I weren't
13 personally impacted by this, I would find this
14 debate fascinating. My son was on the Hen-Hud
15 debate team, I did some judging and it was always
16 a case of weighing competing values. No one was
17 totally right, no one was totally wrong, but this
18 is your job to listen to all the information and
19 weigh the factors and make the best decision.

20 And I don't need to tell you what a
21 fundamental decision you have before you with
22 serious ramifications and likely unforeseen
23 consequences. People have a right to choose their
24 cell phone carrier based on service and prices,

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2 telecommunication companies, like Verizon, have
3 the right to appropriately expand their
4 offerings, and construction companies like
5 Homeland Towers, have the right to try to
6 maximize profits by minimizing expenses.

7 But rights end when they begin to
8 infringe upon the rights of others. As Mr.
9 Sheridan and Mr. Xavier frequently point out,
10 your responsibility is the health, safety and
11 welfare of the town and its inhabitants. And I
12 briefly want to just comment on some of the
13 concerns that people of Valeria have expressed
14 tonight. And I don't think it's an issue of
15 pitting them against us.

16 On the matter of reaching 911, if you
17 decided immediately to approve this tower, it
18 wouldn't go up tomorrow, but as of today,
19 November 1st, if you have a current iPhone, you
20 can call 911 on it without a cell phone contract
21 and the next iteration of android phones will all
22 have that capability. That's real. That's now.
23 That's not speculative in the future. You'll be
24 able to reach 911 from all these locations that

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2 they're talking about. Most people change cell
3 phones every two years. You know, I'm not saying
4 that someone's got to make the big burden of
5 going out and buying a new cell phone, but if
6 this is a concern, it can be met without having
7 to impose the burdens on others.

8 If someone to erect a chemical plant, an
9 incinerator or even a big box store in a
10 residential area, you'd think long and hard about
11 approving it. Similarly, if someone proposed
12 putting up a 14-story high pornographic statue,
13 you'd weigh its possible benefits against its
14 violations of quality of life of the community.

15 For those who would have to face a huge
16 cell tower every day and even more so, during the
17 large part of the year when trees are bare, a
18 radiation-emitting cell tower would be obscene.

19 Other forums can debate the fairness of
20 the 1996 Telecommunications Act and the 40 year
21 old radiofrequency emissions standards on which
22 it is based. We can't do that here. So, we the
23 people most likely affected by your decision want
24 to help you thread the needle so that more people

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2 can avail themselves of more services while
3 quality of life, property values and the special
4 characteristics of our Cortlandt community are
5 not eroded.

6 I do want to point out that for a second
7 time, we concerned Cortlandt residents and the
8 attorney we've hired to help us and you, were not
9 provided with the applicant's filings in a timely
10 manner. The letters dated October 20th were not
11 transmitted to us until last Friday, October
12 28th. And we, the residents, have not received
13 the PowerPoint slides and photos Mr. Musso has
14 provided to you. As Mr. Campanelli pointed out,
15 he got it seven minutes before the meeting.

16 MR. KEHOE: Just to clear that for the
17 record, the planning board got it like ten
18 minutes before the meeting. So no one had it in
19 advance.

20 MR. FEIN: Okay.

21 MR. KEHOE: Specially with that, I --

22 MR. FEIN: What I'm saying is in all
23 fairness, we should have enough time to digest to
24 that evidence and the claims made by Mr. Sheridan

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2 and Mr. Xavier, many of which can be readily
3 disproved.

4 Before I suggest avenues of research
5 that you would need to pursue before you can
6 confidently make your decision, I want to remind
7 you that if you approve the cell tower and it
8 truly meets FCC requirements, there is no
9 requirement for independent testing of the amount
10 of radiation it will be emitting, nor enforcement
11 of those initial requirements. And that, without
12 coming back to you, Homeland Towers and Verizon
13 will be able to increase their 140-foot tower to
14 160 feet.

15 We've closely read and heard the claims
16 made and the testimony of the consultant you
17 hired, someone being paid to serve the town's
18 residents. At last Thursday's work session, when
19 Mr. Foley asked Mr. Musso how many times in his
20 company's 23 years they have advised against a
21 cell tower, he could not cite one. And by not
22 sufficiently questioning Verizon and Homeland's
23 data and assertions, HDR has not served this town
24 well.

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2 Who is responsible for locating the
3 prospective sites, quote, in the best interest of
4 the health, safety and welfare of the town and
5 its inhabitants? Mr. Musso says you should ask
6 the applicant. But it stands to reason that
7 Verizon and Homeland's priorities are different.
8 Profits are paramount to them and avoiding higher
9 construction costs. Homeland Towers doesn't make
10 any money if there's a co-location of antennas.
11 MR. Xavier's letter rejects co-location sites
12 without specifying them and demonstrating why
13 they would not be effective.

14 At one point, Mr. Musso said regarding
15 other carrier's towers, maybe Verizon is third on
16 the totem pole or second, and AT&T happens to be
17 at the top. Really? Maybe? How much would ten
18 feet lower degrade the signal? Do have that
19 information and would it change the town's
20 priorities for siting? Speaking of height, how
21 tall is the tower at 260 Croton Avenue, the so-
22 called Dickerson Mountain site? Can it be made
23 higher and extend its range?

24 But as co-location is high on the town

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2 code and on your priorities, you were right to
3 ask Mr. Musso about AT&T towers, since people
4 with AT&T have good service and Mr. Hanley will
5 speak to that.

6 [CROSSTALK]

7 MR. FEIN: And presumably, if Verizon
8 were on the same towers, they would too. When
9 have you asked them? You're saying we can't get
10 that information unless the applicant is willing
11 to give it to us, and he said correct. Now, he
12 did follow that up with a suggestion to look at
13 the town's files. That being said, within 15
14 minutes, I was able to find the locations of
15 some, if not all of AT&T's towers in the area.

16 I went to the website, cellmapper.net
17 and I also called AT&T. The towers I discovered
18 are located at Wheelabrator facility, Fork Hill
19 Park in Peekskill, Crompond Road, 181 Benefield
20 Road and the Courtlandt train station. I'm not a
21 telecommunications consultant. Why couldn't Mr.
22 Musso present you with the same research?

23 In driving around, I saw what could be
24 other potential sites far enough away from

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2 impinging on homes. Furnace Dock Lake, which I
3 believe is owned by the town, the cleared areas
4 along the overhead electrical line south of
5 Washington Street, and along the cleared area
6 through which the gas lines run. I'm sure there
7 are others away from homes and necessitating
8 relatively few tree cutting. Again, I'm not an
9 expert at this, but I could find enough that
10 raises questions about the true due diligence of
11 the applicant.

12 A map of coverage related to Spitzenberg
13 Mountain was presented by Mr. Musso at the work
14 session and again tonight based on Verizon data.
15 It is difficult to understand that the coverage
16 from Spitzenberg, a hundred feet higher than the
17 proposed site would result in so little
18 additional coverage. And when he had his
19 associate flip from prospective coverage maps to
20 that of the proposal, to that of Spitzenberg, all
21 the areas of additional coverage disappeared. And
22 this makes us wonder why Blue Mountain, at 663
23 feet, that's 123 feet higher than Spitzenberg,
24 wasn't considered at all, in any case. The

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2 coverage maps are complicated and hard to read
3 and as several of you noted in the work session,
4 you know, they need additional understanding. And
5 obviously we haven't had a chance to look at them
6 and comment.

7 On Friday, I hiked to the peak of
8 Spitzenberg, and from there, one can see for many
9 miles in all directions, to the mountains in the
10 east, south to the Cuomo Tappen Zee Bridge and
11 past the Hudson River in the west. You're
12 probably aware that cell tower range is up to 45
13 miles, although with varied topography, it can be
14 one to three miles. And yes, there are shadow
15 areas and no cell tower location is going to be
16 perfect for everything. Still, height matters.

17 So on Friday, I also hiked to the peak
18 of Dickerson Mountain. Verizon, Homeland and HDR
19 rejected it on town land because the deed for the
20 land owned by the town forbids cell towers. Mr.
21 Foley asked what would be involved in modifying
22 the deed. Have you gotten an answer to that
23 question?

24 From what I've heard, New York State

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2 Courts frown on restrictive covenants. You
3 discussed a privately owned parcel of land and
4 seemed to reject it because Mr. Musso said that
5 an access road would have to be built on a narrow
6 area between two home driveways. Mr. Musso said
7 that the land in that area was steep and that the
8 mountain would block coverage of Valeria.

9 Perhaps from the town's land on the
10 north side. But I found several flat areas with
11 relatively few trees on the southwest side of the
12 peak, one in particular at location 41.258071-
13 73.870034. That's a site that overlooks Dickerson
14 Pond and Valeria, as well as site distance of the
15 school buildings, the Blue Mountain Reservations
16 and the Hudson River. This deserves further
17 investigation.

18 This site also would be considerably
19 farther from homes in the proposed site and not
20 visible to them as it's on the other side of the
21 mountain. I found a possible entry location for
22 an access road to that area that wouldn't be
23 between two driveways and it exists across from
24 20 Dickerson Road.

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2 Mr. Musso also mentioned a coaxial cable
3 as being an impediment. I saw its location and
4 the only issue would be building an access road
5 over it without cutting it.

6 You should have received photographs I
7 took of my hikes. If possible, I would appreciate
8 them being displayed now, so I can walk you
9 through them.

10 [CROSSTALK]

11 MR. BIANCHI: We have, we have a number
12 of other folks --

13 MR. FEIN: I appreciate the fact that
14 you folks are in a hurry, but this is very
15 serious and the ramifications for this go well
16 beyond your --

17 [CROSSTALK]

18 MR. BIANCHI: Please, please, please,
19 people. We'll let you finish, but we do have a
20 number of other people who would like to speak
21 too, so I want to be fair to everybody.

22 MR. FEIN: Yes, I'm near the end. And
23 I'll just quickly describe them. The top one is a
24 panorama from Spitzenberg, the second one is a

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2 view from Spitzenberg and then there are three
3 photos of level areas near the Dickerson peak,
4 three photos of views from the southwest side of
5 Dickerson with Dickerson Pond, Valeria, the
6 schools, Blue Mountain, and the Hudson River
7 visible, and the flat area from which I took the
8 pictures, and the area of the buried coaxial
9 cable and the location across from 20 Dickerson
10 Road close to the site I'm suggesting for a
11 possible entry of an access road and I believe
12 you have these pictures.

13 Now, one of the people from Chapel --
14 one of the people speaking earlier spoke from
15 Chapel Hill. When Mr. Musso gave his
16 presentation, he showed you that the proposed
17 site would not cover most of Chapel Hill. So
18 that's also a red herring.

19 On footnote four on page seven of the
20 October 20th submission, Mr. Sheridan states that
21 concerns related to perceived environmental and
22 health effects from radio frequency emissions
23 cannot be disguised as property value concerns.
24 Now, just because federal law currently prohibits

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2 municipalities from using certain reasons for
3 denial of cell towers doesn't mean that such
4 reasons aren't important to people in deciding
5 where to live and how much they're willing to pay
6 for homes near sources of radiation. Nothing is
7 disguised. This is how real estate market works.
8 Would you buy a home next to a cell tower? And,
9 if you live, if you owned a beloved horse, would
10 you keep it 24/7 in the shadow of the cell tower,
11 for whatever reason?

12 The stables and the opportunity to
13 engage with these wonderful creatures and be able
14 to ride in the reservation is an important
15 resource to the town and a vital characteristic
16 of our local community. Now just as a doctor, you
17 are responsible to first do no harm. Before you
18 close your hearing and your seeing and your
19 thinking, you need to have your questions
20 answered and to know that you have accurate
21 information and all the information needed to
22 make this major decision. I trust you will do
23 that. Thank you.

24 MR. BIANCHI: Thank you.

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2 MS. THERESA KARDOS: I am Theresa
3 Kardos, I live at 26 Montrose Station Road. I
4 don't envy you. This is a difficult decision to
5 make, very complicated, a lot of moving parts.
6 You can imagine that those of us who are not so
7 familiar with all the procedures involved in such
8 decisions find it that much more complicated and
9 you can imagine our distress that my husband and
10 I and our attorney did not receive the
11 applicant's materials due October 20th until
12 October 28th. After the work session on October
13 27th, and as my husband said, this was the second
14 time materials we were supposed to receive either
15 were not sent or were significantly late. And we
16 would like to remind you that we too are
17 residents and taxpayers of the town since 1986.
18 And we find this really unacceptable.

19 Now, regarding the health, safety and
20 welfare of the town and its inhabitants, Mr.
21 Sheridan disputes the letter he received from
22 Douglas Wood, national director of Americans for
23 Responsible Technology. And I urge you to read
24 the letter dated April 26, 2021 by utility and

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2 fire safety consultant Susan Foster, which I'm
3 about to hand out.

4 Okay. Regardless of whom the board
5 believes about what caused the ignition of
6 wildfires in Malibu, California, cell towers are
7 a risk for fires, and if they are burning, they
8 cannot be treated the traditional way, by dousing
9 with water. And this is just a brief quote from
10 the, from her letter that I just handed out. Cell
11 tower fires are electrical fires. Here is what
12 happens when a cell tower catches on fire.
13 Electrical fires cannot be fought through
14 conventional means. That means the firefighters
15 can arrive on scene and do nothing except put
16 short bursts of water on the surrounding area.
17 They cannot touch a blazing cell tower with water
18 because to do so is to risk electrocution. The
19 fire department will call the utility company to
20 cut the power, end quote.

21 In working in California, her team,
22 which also included a California licensed subject
23 matter expert in electric fire safety and an
24 attorney with decades of telecom/utility

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2 experience, quote, discovered exemptions for
3 telecom to fundamental electrical codes at the
4 federal, state and county level. In other words,
5 telecom is policing telecom when it comes to
6 their electric fire safety, end quote.

7 This risk must be considered carefully
8 in the midst of a wooded area and especially
9 considering the two natural gas pipelines located
10 very nearby. Wouldn't it be a good idea to have
11 the Mohegan Lake Fire Department weigh in on this
12 issue?

13 And I would also like to share a
14 document that, a document called protecting
15 Malibu's future, preventing electrical fires in
16 cell towers by introducing enhanced, but
17 generally accepted engineering design rigor and
18 adequate proof of work in the application. I know
19 that's a formidable title, but it's really quite
20 readable that I just received this evening. And
21 despite its title, it speaks to the frequency of
22 cell tower fires nationally and puts forth
23 standards to minimize risk. It's rather lengthy,
24 so I have only one copy.

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2 And then, just two more quick points, as
3 for the possibility of co-location on existing
4 towers, it is understandable that the applicant
5 would not want to pursue this route since co-
6 location would not gain them any profit. However,
7 it is much more difficult to comprehend why the
8 planning board's consultant did not have any
9 information or any answer for the board.

10 According to town code, this has a higher
11 priority than erecting a new tower in a
12 residential area and yet absolutely no
13 information on this subject was presented, no
14 specifics at all, yet an ordinary citizen came up
15 with the locations of AT&T towers very quickly.

16 And lastly, I would like to remind you
17 that according to the maps shown tonight, the
18 proposed cell tower on Montrose Station Road
19 would not increase coverage to Chapel Hill. Thank
20 you.

21 MR. BIANCHI: Thank you.

22 MS. LAKEA WILLIAMS: Hi, Lakea Williams,
23 Chapel Hill, 27 Arbor Way, homeowner and I would
24 be remiss if I didn't come up and speak this

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2 evening. One of my fellow neighbors there
3 mentioned the economics of the home value, but I
4 just want to call out the fact that life has
5 changed post COVID. I'm sure you all heard, a lot
6 of people are working virtually. A lot of offices
7 are now hybrid, open a few days a week. Not many
8 of us are going back into the city into our
9 offices on a regular basis and are relying on our
10 networks to work from home.

11 So in addition to the safety of being on
12 a side of a road being able to make a phone call,
13 I want to call out the livelihood of folks who
14 are working from home, paying taxes in these
15 lovely cities that we are discussing this
16 evening. So I want to call out the fact that not
17 only safety but I want to be alive and I want to
18 maintain my livelihood. [applause]

19 MR. BIANCHI: Thank you.

20 MR. JOHN HANLEY: Hello, my name is John
21 Hanley, I live at 20 Montrose Station Road and by
22 all metrics presented our home will be negatively
23 affected, we'll be able to see the cell tower
24 from in front of our house. Some of the pictures

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2 you have in the reports are from directly in
3 front of our house. I want to remind you that I
4 personally invited the photographer into my yard
5 to take pictures of, at the balloon test, and he
6 refused. I think that speaks for itself.

7 What also speaks for itself is the fact
8 they didn't do a balloon test in the winter, when
9 the leaves are off the trees. I guess they figure
10 we're not going to walk outside and gaze in that
11 direction or something. It speaks to the
12 disingenuous nature in which they have approached
13 this from the start. The board has had to go back
14 to them repeatedly asking them for more
15 information that they weren't going to volunteer
16 unless you asked for it.

17 The same thing is going on now. I work
18 from home, I have for ten years. I had AT&T and
19 it wasn't that good. I tried Verizon for a year,
20 wasn't much better. AT&T lured me back with a
21 deal and much to my surprise, they had done
22 something in that intervening year to improve
23 service.

24 Now, John Fein, my neighbor referred to,

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2 that I could attest to I got good service. I
3 called him yesterday from Pleasantville, on the
4 way home, okay. We've been losing a lot of sleep
5 over this. And we were talking about what went on
6 with it, etc. We had an uninterrupted call for 33
7 minutes. I drove right by Valeria, I went through
8 Valeria --

9 [CROSSTALK]

10 MR. HANLEY: I did, no.

11 MR. BIANCHI: Please.

12 MR. HANLEY: I'm not saying --

13 MR. BIANCHI: Please.

14 MR. HANLEY: -- you don't have a
15 problem. But, but we did --

16 MR. BIANCHI: Let, let, let him speak,
17 please.

18 MR. HANLEY: I appreciate it, because
19 it's frustrating when you don't have service. But
20 I went right by Valeria, made a left onto Sniffen
21 Mountain, all the way home past Blue Mountain to
22 my home on 20 Montrose Station Road, got out of
23 my car, got into my house and finished the call
24 at home. I'm not say there's not a gap for

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2 Verizon. I'm just saying somehow AT&T has managed
3 to give at least that minimum amount of service
4 so you can have a call. And it's plain as day
5 they have not, the applicant has not looked into
6 those locations. John just went on and in ten
7 minutes, found the sites at the planning board
8 meeting the other day, the work session, they
9 said that it wasn't available. Mr. Musso said oh,
10 you'd have to ask Verizon for that, the location
11 of those antennas.

12 We live in a bucolic neighborhood and I
13 understand we're outnumbered by the people that
14 live in the condo complexes, but that doesn't
15 change the fact that we --

16 [CROSSTALK]

17 MR. BIANCHI: Please. Please keep your
18 comments down. Let him speak.

19 MR. HANLEY: It's a more densely
20 developed area, okay. We want the wide open space
21 as much as we can. That's why we moved here. We
22 moved from Ossining, from the village, from a
23 historic district to this area for that very
24 reason. My son is behind me. He's going to speak

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2 next He grew up from five years old to 29, being
3 able to walk by horses into the park, enjoy that
4 open space. And we feel that is an integral part
5 of this town. And if we start losing those
6 spaces, it's a detriment to the town.

7 Now, back to the problem and you have
8 letters from us that, our evidence, that it will
9 negatively affect our area, our historic area. I
10 know it's not designated historic, but I live in
11 101-year old house. And the guys across the
12 street have similar homes. All the new homes in
13 the neighborhood were all built like farmhouses.
14 It's what we want there. We don't need the
15 service, we don't want the service. We're being
16 asked to bear all the burden for adding service
17 to other parts of the town. I think that's
18 unfair.

19 Now, it just came out that there was a
20 balloon test done years ago at Cook Pool? Is
21 that, did I hear that correctly?

22 MR. KEHOE: Yes.

23 MR. HANLEY: So Verizon approached the
24 town about that site? Or otherwise they wouldn't

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2 have done a balloon test, right?

3 MR. KEHOE: No, I think it was Homeland
4 Towers that --

5 MR. HANLEY: Okay. Okay. So, why was,
6 why didn't that go through?

7 MR. CUNNINGHAM: That was for the
8 aesthetic impact to everyone using the Pool
9 complex.

10 MR. HANLEY: Okay. So it was okay to
11 deny that location, which is a priority location
12 owned by the town but it's not okay to deny our
13 same complaint? I think that's unfair. Now, no
14 one likes cell towers, no one likes looking at
15 them. I think we can all agree on that. So how do
16 we solve this problem? I think Mr. Campanelli
17 makes a good point. If you go to the tower
18 company, they're going to focus on solving the
19 solution with a tower. What are the other ways of
20 solving this?

21 Now if you look at the tower, it's a
22 tower, in Croton, that they put at the train
23 station, that's at sea level, so it's projecting
24 up. Now we have a lot of valleys and that's the

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2 challenge of the area, right. We're trying to
3 fill these valleys, all the blank spots that are
4 in the valleys. So why not put antennas in the
5 valleys? For example, the water treatment plant
6 across the street from Valeria would most
7 certainly fulfill their needs, without even
8 putting a tower probably. You can probably put it
9 on the existing structure. That has not even been
10 looked at. Okay. We, we received a map that's
11 kind of vaguely put together. Let's say it's
12 accurate. It shows that that whole area will be
13 bathed in, in the signal.

14 Now you put another one on Chapel Hill
15 and you got that covered. Now, at the work
16 session, we were shown maps where they overlaid
17 the service and what I noticed was that this
18 proposed tower will reach the top of Chapel Hill,
19 but not the road. It won't solve Maple Avenue.
20 And Homeland Towers themselves had said, you
21 know, you're probably going to need a few towers.
22 So I think we really need to look at putting
23 antennas discreetly placed on existing
24 structures. Now, to, let's show of hands, before

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2 everyone here --

3 MR. BIANCHI: Sir, sir, please.

4 MR. HANLEY: Can we?

5 MR. BIANCHI: Let's not do that.

6 MR. HANLEY: Well, you understand.

7 MR. BIANCHI: Please wrap up your
8 comments --

9 MR. HANLEY: Okay. I'll wrap it up.

10 MR. BIANCHI: -- we still have other
11 speakers. Thank you.

12 MR. HANLEY: Thanks for your time.

13 MR. BIANCHI: Thank you very much.

14 MR. HANLEY: I appreciate it.

15 MR. BIANCHI: Appreciate it. Next.

16 MR. SEAN QUINN HANLEY: Good evening.

17 MR. BIANCHI: It's on.

18 MR. HANLEY: Thank you. I'm Sean Quinn
19 Hanley, I live at 20 Montrose Station Road. You
20 just heard from my father, and I've lived in this
21 town for 24 years of my life. I've enjoyed the
22 beautiful nature and one thing that I think has
23 kind of been overlooked in all the meetings I've
24 been pretty much observing for the last two or

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2 three I think. People have not really been
3 addressing the nature impact. Blue Mountain
4 Reserve is one of the town of Cortlandt's very
5 few and beautiful undeveloped land spaces.

6 To build a giant cell tower right at the
7 entrance of the park seems to be a bit invasive
8 and as the evidence today was showing, from Mr.
9 Musso, it doesn't seem to cover all the
10 designated areas. I believe my father actually
11 mentioned that previously as well.

12 Two sites that Mr. Musso in fact did
13 show on the maps, A, on Chapel Hill and G,
14 somewhere in Valeria, I believe it was the waste
15 treatment plant, those would be very ideal for
16 the two communities which I actually really
17 sympathize for because for the longest time, as I
18 said, I've lived in this community for my entire
19 life. There was a huge service problem and there
20 was times when I was learning how to drive, I'd
21 be nervous if I got into an accident, people
22 wouldn't be able to reach me. Thankfully, near my
23 house it's solved, but I know that there are gaps
24 all throughout the community.

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2 And I just wanted to address that it
3 seems like erecting two towers, one in A and one
4 in G might be a better solution that's less
5 invasive to the entire community and what little
6 pieces of green we have in our town. Outside of
7 that, I just want to say I thank you guys for
8 letting me speak, thank you guys for taking the
9 time to research and hear from everyone, and
10 thank you for my neighbors, my family and the
11 people in Valeria and Chapel Hill for all voicing
12 their opinions, because I think we can come to a
13 solution on this that actually will please all of
14 us. It may not be easy, but I think a quick fix
15 is something we all should avoid. Thank you.

16 MR. BIANCHI: Thank you.

17 MR. RICH GOLDFARB: I'll be brief. I'm
18 back again. Rich Goldfarb, 9 Goldman Court,
19 Valeria. Just a couple of things, for the record
20 for that large gentleman with the long hair and
21 the beard, who has been with Valeria for 20
22 years, I am not retired, and there are many
23 people that live in Valeria that are not retired.
24 [applause] Secondly, and this is going to sound

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2 sarcastic and for a change, it's really not meant
3 to be, but I am a real estate agent. If anyone is
4 concerned about property values, I'd be happy to
5 work with you right now, while there is no tower
6 present, to sell at a very strong price, your
7 home. [laughter] I knew you would appreciate
8 that.

9 Alright, lastly, this to be kind of a
10 little more serious, one thing I didn't mention
11 about Mr. Campanelli earlier. He made a not so
12 veiled reference to legal action in terms of the
13 responsibility that you have in this particular
14 matter. And I would simply put out there that I
15 would think there would be a lot of legal
16 liability if there were a death or an injury to
17 somebody as a consequence of not having cell
18 service. So I'd like you to think about that, and
19 I'd like you to think about the girl that has
20 epilepsy that had an episode that could have
21 ended really badly because of a lack of cell
22 service. Thank you. [applause]

23 MR. BIANCHI: Thank you.

24 MS. DAWN KEMPSKI: Good evening, I'm

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2 Dawn Kempster. I live at 9 Montrose Station Road
3 and I'm allowed to ask a question?

4 MR. BIANCHI: Talk to the board and --

5 MS. KEMPSKI: Okay. So my question is
6 what is the purpose --

7 MR. BIANCHI: -- it's not a question and
8 answer period. You state your question --

9 MS. KEMPSKI: Okay. Then if I have to
10 state it like that, the purpose of a balloon
11 test, what is the purpose of the balloon test?

12 MR. BIANCHI: It's a visual --

13 MS. KEMPSKI: Right. To see how --

14 MR. BIANCHI: -- examination of what it
15 would look like at different angles of the town.

16 MS. KEMPSKI: Okay. So --

17 MR. BIANCHI: It's a visual
18 representation of what it would look like.

19 MS. KEMPSKI: Right. And if that is the
20 purpose of the balloon test, then as a resident,
21 from my front yard, from my aunt's front porch,
22 that data is just not true. That's just what I
23 want to present to the board, because from every
24 angle, I do see. I mean if it doesn't matter what

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2 we see. But I do pay taxes. And although we are
3 maybe a small number, my family matters. And I
4 haven't been living there, just I've been hiking
5 in these mountains for over 50 years with my
6 father and with my children. Okay. So I've been
7 here a long time. I think me and my family do
8 matter. I really think that there's a problem
9 with service, because my fellow people from
10 Cortlandt have a problem. It should be addressed.
11 But I think other areas should be considered and
12 if the purpose of that balloon test is to say
13 what we see, I'm telling you that -- I am an
14 engineer, not that it really takes an engineer to
15 know this, that data is useless, because it, it's
16 just false and I guess that scares me a little
17 bit. Thank you. [applause]

18 MR. BIANCHI: Thank you.

19 MS. LINDA FIRST: Hi, my name is Linda
20 First. I live at 7 Montrose Station Road.
21 Cortlandt Manor is blessed with open land and
22 natural beauty and distinctive communities that
23 have beautiful vistas and I'm really sad to see
24 that it's being destroyed at a fast, at a fast

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2 pace. Since this tower is being proposed on our
3 street, I am really wondering the same thing my
4 sister said, why wasn't a visible, I'm sorry, a
5 visual assessment done from each of our homes? We
6 have over, as we said 17 or 19 homes. Why, if
7 that was the point of the test, why did this
8 person not come on to my property that day and
9 take a picture. I sent one picture to the board,
10 which I randomly happened to take and you can see
11 in that picture, you can see my pool. You can
12 see, from my pool, you would be able to see it.
13 From my pond, from my garden, from my yard, and
14 then my house faces that way. From my living
15 room, from my bedroom, from my dining room, from
16 my kitchen, the whole time I'm standing there
17 washing dishes or whatever I'm doing.

18 Why weren't there any pictures showing
19 that? And then as I walk down my road, which I'll
20 be going to my aunt's and my sisters, I am seeing
21 that balloon. What is that going to look like
22 when it's a 140-foot tower possibly to be 160-
23 foot tower? And I'm really sick and tired of the
24 snarky comments in the back from everybody

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2 Valeria that just absolutely has no respect for
3 what we are feeling and going through. Okay. That
4 this is our community and we care and -- I mean
5 we -- I've been riding horses in this community
6 since I've been like five years old, and my dad
7 grew up in this community. And it's really
8 important to all of us there, and we want this to
9 be taken seriously. This cannot be the only
10 location where there's an answer to this problem.

11 Why are we not looking at these rooftop
12 antenna situations? It is Valeria and Chapel Hill
13 only that is talking at these. It is obviously
14 planned, it is dramatic. They're being eaten by
15 bears. I mean are you kidding me? I mean it's
16 infuriating.

17 And another thing I wanted to mention
18 was I spoke a friend today in Croton. There is
19 another cell tower being proposed right now in
20 Croton by Hessian Hills, and the word on the
21 street with that is that that tower is going to
22 benefit residents in Cortlandt. Why is that not
23 part of this? Is Valeria going to benefit from
24 that? Well, I would like to know that. I mean I

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2 think that would be a big, you know, a big --
3 help us make a decision on this. That should be
4 part of this information.

5 There are other options besides this one
6 tower. I don't even know why we are discussing
7 this one tower anymore. It is going to absolutely
8 ruin the beautiful neighborhood we live in. It is
9 not okay. There has to be something else that we
10 can do. Thank you. [applause]

11 MR. BIANCHI: Thank you. Okay. It's
12 approximately seven minutes to 10:00. Any
13 comments from the board on how we should proceed
14 from here?

15 MR. KEHOE: I hate to bring this up, but
16 we need to confirm if anyone on the Zoom wishes
17 to speak.

18 MR. BIANCHI: Oh. Okay.

19 MR. CUNNINGHAM: Please raise your hand
20 if you'd like to speak and you're on Zoom. It
21 looks like just the one who I'm trying to allow
22 to speak now. Hang on a second.

23 MR. BIANCHI: Sure.

24 MR. CUNNINGHAM: Alright, M.V. if you're

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2 there, you have to unmute yourself. They have to
3 unmute themselves, I can't unmute them. Okay.
4 We'll try for Bonnie Franks now.

5 MR. BIANCHI: How many speakers are in
6 the queue?

7 MR. CUNNINGHAM: This is the last one.

8 MR. BIANCHI: Oh, just one, oh.

9 MR. CUNNINGHAM: Ms. Franks, we can't
10 hear you.

11 MR. BIANCHI: Can we -- can we discuss
12 while you're doing that?

13 MR. CUNNINGHAM: You can discuss, yeah.

14 MR. BIANCHI: Bob, didn't you have some
15 comments?

16 MR. FOLEY: Yeah, I'd like to real
17 quick, a lot's been said here, and the last lady
18 who spoke, about the demeanor over here, you all,
19 as I said at the last meeting, at ease, everyone.
20 Hear all the sides with politeness, okay. I would
21 like, before I make any decision, I want some
22 written comments and maybe they're in here and I
23 lost them from the Mohegan Fire Department, in
24 reference to fire suppression in the eventuality

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2 that there should be a fire at the site. We dealt
3 with this with solar farms, if there was ever to
4 be a fire. And with electronic, you know, with
5 cell towers, and I discussed it a little bit with
6 Mike on the phone this afternoon, in the interest
7 of disclosure, you know, does Mohegan Fire
8 Department have a plan? And I bring it up because
9 of lithium battery lawn mowers that catch on fire
10 and it takes hours to get them out.

11 So that's a major concern for anyone who
12 lives right there, and on top of that, you have a
13 gas line there, okay. So that to me is safety,
14 health and welfare from both sides. And we learn
15 about safety, health and welfare at our courses
16 at PACE for accreditation to be planners, to be
17 volunteer planners. And I think that has to be
18 looked from both sides. So I'd like to see
19 something, and maybe it's here, from the fire
20 department. I believe it's Mohegan covers that
21 area, that far down.

22 And I'll hold off some of my other
23 comments. But I think that the Cook, I went up to
24 Cook Pool Park, I hadn't been in years since my

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2 kids were growing up and there's a wide area, and
3 I just wondered about it, and I talked to this
4 issue with Mike also, in addition to the sites
5 that Mr. Fein pointed out.

6 And it just seems like there probably is
7 a better solution to this. And whether it's
8 through AT&T or Verizon to providing service to
9 the people at Valeria who need it and Chapel
10 Hill. And I know Chapel Hill, I know Mt.
11 Florence. I know that whole area. And I know
12 Valeria, I spent all, half of Saturday there
13 going around. And I just have a problem with this
14 particular so-called solution and Chapel Hill may
15 not even benefit if this is done, if this tower
16 is done. So that's, there may be two other things
17 here, but go ahead, proceed.

18 MR. BIANCHI: Okay. Yeah, we've had two
19 lengthy meetings, public meetings on this
20 application. I'd just like to discuss with the
21 board how to proceed from here, if we are
22 comfortable with what we have and we need to
23 consider the pros and cons as you will, or do we
24 continue to keep the public hearing open for the

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2 next session.

3 MR. CUNNINGHAM: One option could be
4 just before the board deliberates, you could
5 always close the verbal parts. There's clearly
6 been robust public discussion and you'd leave
7 open the written comment period for however many
8 days.

9 MR. BIANCHI: I was going to say that,
10 yeah. I think there's some information we would
11 like to get. I mean there's still this question
12 out there, are there or are there not other cell
13 towers in this area? You know, we've heard some
14 people say there are, some people say, others say
15 they're not. So that's still sort of not clear to
16 us. And if there's any other comments that could
17 be provided by Mr. Campanelli, for instance, or
18 for members of the public or from the applicant,
19 we would welcome them. They could be submitted
20 written to us by a certain date. We'd have to
21 figure out what the date would be but it would be
22 by, before the next meeting.

23 MR. SHERIDAN: Can I just make two
24 comments? One I believe we did submit that

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2 information previously, but we'll resubmit it
3 about the towers. That was one of the original RF
4 compliance, RF reports submitted by CSquared.
5 Another thing I'd just like to mention to this
6 board is, although it'll cover areas of Valeria
7 and areas of Chapel Hill, those are not the only
8 two areas that this site is going to cover.
9 That's why it's proposed where it's located. It's
10 going to cover a large area where there's
11 significant gap in coverage. It just happens to
12 include those two areas and those happen to be
13 the areas you've heard most about, because they
14 have the most residents who have come out to
15 voice their opinion on the lack of reliable
16 coverage that they have. This is not just
17 covering those two areas. It's covering a large
18 area in between and that's what it shows on the
19 coverage map and that's what I'd just like to
20 remind this board.

21 MR. BIANCHI: Okay.

22 MR. BRESSNER: And Tom, Hessian Hill was
23 brought up. I know where it is. And I think if we
24 -- isn't there an intermunicipal agreement

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2 between Croton the village and the town as to --
3 could we find out what this tower that's being
4 proposed there.

5 MR. KEHOE: Well, it's a village
6 project. It's on their water tower.

7 MR. FOLEY: I know.

8 MR. KEHOE: And there, it's similar to
9 what the town was thinking about with Cook Pool.
10 I mean the village is the one that's promoting
11 that tower. But I don't know how far along it is
12 in the process. We haven't received any
13 information about it.

14 [CROSSTALK]

15 MR. XAVIER: Well, I know there is, and
16 I can do better, because it's my project. Okay.
17 Yeah, sit down, Mr. Campanelli.

18 MR. BIANCHI: Sir.

19 MR. XAVIER: You're -- he's speaking of
20 things you don't know what you're talking about.

21 MR. BIANCHI: Please don't get --

22 UNIDENTIFIED MALE: I want to speak.

23 MR. BIANCHI: No, wait a minute. Go
24 ahead. You can speak.

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2 UNIDENTIFIED MALE: Look, at the last
3 meeting, you told us you're going to get all the
4 information you need. I respect that you have a
5 process. What I would like to know is are you
6 closing the hearing period today, are you going
7 to vote on it at the next meeting, or we're going
8 to come to the next meeting and you're still
9 going to want additional information.

10 MR. BIANCHI: We're discussing that, as
11 I brought up a few minutes ago. We will decide
12 that in a few minutes.

13 UNIDENTIFIED MALE: Okay.

14 MR. BIANCHI: Thank you.

15 MR. XAVIER: Just real quick, on the
16 project with the village of Croton. There is a
17 project that I am proposing with them. There is
18 no lease. It's still very, very early in the
19 process. Yes, we conducted a balloon float that
20 to determine aesthetics. The village has taken no
21 action at all moving forward with it. Even if
22 they did, that site would not provide coverage to
23 this area in need. Similarly, all these AT&T
24 towers that some people brought up tonight,

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2 including the Croton train station, the Croton
3 train station is another project that my firm
4 designed and built. And no, that will not provide
5 coverage to this area.

6 Just because somebody says that there's
7 this AT&T magical tower, I've told you, Verizon
8 has told you, Mr. Musso has confirmed, there are
9 no existing towers that we can co-locate on. It's
10 just they don't exist. If we could, Verizon would
11 be there.

12 MR. ROTHFEDER: Mr. Musso didn't confirm
13 that.

14 MR. XAVIER: in his report in response
15 to our analysis from 2019, he did mention it and
16 I can quote him.

17 MR. ROTHFEDER: Well, not in current
18 examination when you went out to all the sites,
19 because we asked you about that.

20 MR. MUSSO: Yeah, and I can go to web
21 sites too. And Mr. Campanelli has said this, I'm
22 not sure in this record, but others, the FCC
23 searches, and you can Google them right now,
24 Jeff, show me the FCC licensed towers by carrier,

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2 you're going to find different sites, some are
3 good, some are bad. Not every, and I think Mr.
4 Campanelli could attest to this, not every
5 wireless antenna site, say on top of the water
6 tank on Elm Street, which by the way, no one else
7 could fit up there, and the town would have to
8 enter a lease, so that's a moot point. I looked
9 at though. That's an existing structure.

10 Those websites are a little bit
11 inaccurate or clunky and there's qualifications
12 given with them. We heard from Mr. Fein tonight
13 talking about, you know the dash lines that I
14 had, the circles going out two miles, we heard
15 about a 45-mile radius, we also heard that
16 antennas project upward from the train station.
17 That's not sound science.

18 I also just want to mention, I've done,
19 I'm guessing 600 or 700 public meetings over the
20 years. There's a lot of opposition to it. I've
21 heard all sorts of cases made. I'm very cognizant
22 and I hope you know that I'm respectful by my
23 demeanor here tonight and how I've taken,
24 conducted myself.

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2 On behalf of HDR, we're going to do
3 things objectively. Every application brings
4 forth what we've done on every other application,
5 but we also look at everything fresh. I've ridden
6 around the area. There's no other tall structures
7 to co-locate on. We do not have AT&T dots of
8 existing AT&T sites. I don't have that
9 information readily handy. I could go to one of
10 those websites, including the one that was
11 mentioned and give you a decent idea. Or you
12 could do that yourself. You could look at that.

13 What I am telling you is that many of
14 those tower sites where Verizon is located also
15 have AT&T on those sites and you know what, ten
16 feet or 15 feet antenna height can make a
17 difference. It absolutely can. So I'm looking at
18 the information at hand, for one of the four
19 licensed carriers that service the region and
20 that's how I conducted the review of this.

21 I think I went a little bit beyond that
22 by site recognizance, by map reviews and by
23 looking at any existing structure opportunities
24 in the area.

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2 MR. ROTHFEDER: Right. And I'm not
3 questioning the credibility of your review. I
4 think actually you did a really good review of
5 the various sites and showed it and gave us data
6 about it. But obviously, as we're trying to
7 figure out what to do, we're asking you, I mean
8 rather than us looking around, because as you
9 said, we won't even know what we're looking at.
10 And it now seems to have come down to is there a
11 co-location possibility. You've looked at all of
12 the other possible sites, you've given reasons
13 why you don't think it would work.

14 We can't seem to get that, or I can't
15 get satisfied about that simple question of where
16 are the other sites that Verizon isn't on. And
17 why are they not filed? And that's all I'm asking
18 for at this point. I think, as I said I think
19 your report is pretty credible and I appreciate
20 your efforts.

21 MR. BIANCHI: I have to agree with that.
22 I think that's a missing link in a lot of this
23 right now.

24 MR. FOLEY: Me too.

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2 MR. BIANCHI: We certainly need that
3 information before we can arrive at any kind of a
4 meaningful decision.

5 MR. ROTHFEDER: Okay. There's one more -
6 -

7 MR. SHERIDAN: I believe that
8 information was provided in one of the original
9 RF reports, but we'll provide that information
10 again and to the extent it wasn't provided, we'll
11 update it. But I believe it was in one of the
12 original RF reports.

13 MR. BIANCHI: Let's be clear, you know,
14 you came to us in '19, you went away for a year
15 plus and you come back and it's hard for us, you
16 know, without that continuity, to go back through
17 your stuff that you gave us in '19 and resurrect
18 it, you know.

19 MR. SHERIDAN: That's fine.

20 MR. BIANCHI: No fault of ours. I mean
21 you're the guys that took a time out here.

22 MR. SHERIDAN: We're happy to provide it
23 again.

24 MR. BIANCHI: And now we're back here,

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2 and you know, we've heard criticism from the
3 public, you know, what's taking you so long, but
4 in fairness, there's been a timeout here. And now
5 it's back and it's been back for a few months now
6 and we're trying to get this resolved.

7 MR. SHERIDAN: I understand that. I'm
8 just saying that we will get you that
9 information. I believe, and I can't confirm it,
10 it was provided previously. We'll --

11 MR. BIANCHI: Okay.

12 MR. SHERIDAN: -- either re-provide it
13 again or --

14 MR. BIANCHI: But three years ago is a
15 long time.

16 MR. SHERIDAN: I understand that. But,
17 and we'll make sure you have that information, or
18 point you in the direction of where we provided
19 it previously.

20 MR. FOLEY: And also, Mr. Xavier, you
21 said you only entered into this application this
22 year, 2022?

23 MR. XAVIER: Yes.

24 MR. FOLEY: Okay.

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2 MR. XAVIER: Everything before that was
3 done from Verizon directly. We use the same
4 attorney, but that was all Verizon's application,
5 it was their site that they originally found that
6 they provided [unintelligible] [03:08:31] for and
7 then I came in as the developer to resurrect and
8 improve the project.

9 MR. FOLEY: Alright.

10 MR. XAVIER: And then [unintelligible]
11 [03:08:41].

12 MR. SHERIDAN: That's why this was a
13 site based on a gap in coverage. Because it was
14 Verizon that came in as the original applicant
15 because of the gap in coverage.

16 MR. BIANCHI: We have one more speaker.
17 Be brief please, if you could.

18 UNIDENTIFIED MALE: Yeah, I'm sure there
19 are many issues that come before you that can be
20 resolved and you can get all the information in
21 two or three hearings. I think it's clear from
22 the back and forth that there's still information
23 that you need to get. If you decide to close the
24 hearing and just have written comments, does that

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2 mean that you're not going to investigate some of
3 the information that we've brought forward, the
4 Dickerson Mountain site, to really look into
5 that? I mentioned Furnace Dock, yeah, Furnace
6 Dock Lake, which could possibly cover both the
7 Hessian Hill and Valeria. I mean there are a lot
8 of things before you make this decision, you need
9 to be sure you fully understand. And, you know, I
10 would appreciate it if you would take the time
11 that you need in order to know that you're making
12 the right decision. Thank you.

13 MR. BIANCHI: Yes, we will consider all
14 information right up until the point we make a
15 decision or vote on a resolution, so any material
16 that's submitted to use should we close tonight,
17 between now and let's say the next meeting, we
18 will need to deliberate on all that.

19 MR. KESSLER: So here's the issue that
20 we've got here, we keep the public hearing open,
21 or, which is I think what I'm proposing here is
22 that we close the public hearing, bring this back
23 under old business, get an agreement from these
24 guys that there's no 62-day clock where we have

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2 to make a decision, and we work, you know, with
3 our consultant and with the board and with the
4 applicant to, you know, make sure we're satisfied
5 with all the information. But again, you know, if
6 we close the public hearing, you've got to agree
7 to some, you know, time extensions for us to make
8 a decision.

9 UNIDENTIFIED MALE: I don't agree with
10 that.

11 MR. KESSLER: I don't care.

12 MR. BIANCHI: Please. Sir, sir.

13 UNIDENTIFIED MALE: I don't
14 [unintelligible] [03:10:38].

15 MR. KESSLER: I don't care.

16 MR. FOLEY: Well.

17 MR. BIANCHI: Sir, please.

18 UNIDENTIFIED MALE: [unintelligible]
19 [03:10:41] fine.

20 MR. BIANCHI: Please, you've had your
21 chance to speak, please.

22 MR. KESSLER: I don't care. We are
23 discussing this among ourselves here.

24 UNIDENTIFIED MALE: I think it's

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2 unacceptable that, that [unintelligible]
3 [03:10:49] information, you take the vote at the
4 next meeting.

5 MR. KESSLER: I'm not saying we're
6 taking a vote. That's not what I said. You're not
7 listening.

8 MR. KEHOE: No, he wants you to take a
9 vote at the next meeting.

10 UNIDENTIFIED MALE: I would like for you
11 to take a vote at the next meeting.

12 MR. ROTHFEDER: We won't have enough
13 information yet.

14 UNIDENTIFIED MALE: That's nonsense.

15 MR. KESSLER: Okay.

16 UNIDENTIFIED MALE: [unintelligible]
17 [03:11:03] responsibility. You don't care.

18 MR. BIANCHI: Sir, that's not the case.

19 MR. KESSLER: Sir, you're out of order.
20 You're out of order, sit down please.

21 MR. BIANCHI: Please, please, sir.

22 MR. ROTHFEDER: We understand your
23 position.

24 MR. BIANCHI: Sir, we have a process to

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2 follow here. We are going to follow the process
3 in accordance with what our mission is here. And
4 we're going to give equal weight to both sides
5 and get deliberation from both sides and make a
6 decision the way it's meant to be.

7 UNIDENTIFIED MALE: [unintelligible]
8 [03:11:26].

9 MR. BIANCHI: Steve, did you finish?

10 MR. KESSLER: Yeah, so --

11 MR. KEHOE: The --

12 MR. KESSLER: But I think they're
13 caucusing here. Honestly, I don't think you want
14 to force us to make a decision.

15 MR. SHERIDAN: Right now, no. That's not
16 what we're discussing. We do want a decision, but
17 we understand that you haven't received
18 information that you need to digest. We're just
19 trying to figure, to discuss your request and how
20 you presented it, so.

21 MR. KEHOE: I believe, I believe the
22 meeting in January will be Tuesday, January 3rd,
23 which I believe is 63 or 64 days from --

24 MR. KESSLER: Right. I just don't think

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2 we're going to be, you know, depending on what
3 happens as we discuss it at our next meeting,
4 that we're going to have a decision to bring
5 forth.

6 MR. KEHOE: Well, well, in your
7 scenario, the vote would be in January. Let's
8 just say possibly, and that would be beyond 62
9 days, so we would need the time extension.

10 MR. KESSLER: Right. But I'm not
11 guaranteeing, there could be a vote in January. I
12 don't know. You know, as we said, there's more
13 information, there's a few more pieces of
14 information we're missing here to this puzzle to
15 be solved.

16 MR. SHERIDAN: So what if we -- what if
17 we --

18 MR. KESSLER: The alternative is we keep
19 the public hearing open. If that's what you want,
20 we'll do that.

21 MR. SHERIDAN: Well, I guess my question
22 is if we kept the public meeting open until the
23 next meeting, could we get a vote in January?

24 MR. ROTHFEDER: We don't know yet.

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2 MR. KESSLER: No.

3 MR. SHERIDAN: So why don't --

4 MR. KESSLER: We're not going to
5 guarantee that that's going to happen.

6 MR. SHERIDAN: But just a vote.

7 MR. CUNNINGHAM: This would be up to the
8 board though, but this could maybe be a solution,
9 so you'll agree to extend the 62-day period to
10 January 3rd, we have a close the verbal public
11 hearing today, a 20-day written comment period
12 and then, you know, if you want to vote in
13 January, if the board doesn't think that, you
14 know, it has all its information, it could be,
15 you know, a vote that you wouldn't like, but
16 that's, you know, but we could always agree to
17 extend it past then.

18 MR. BIANCHI: I think we --

19 MR. KESSLER: I mean if you're
20 hesitating, then, then we keep the public hearing
21 open.

22 MR. BIANCHI: I think that we need to
23 move --

24 MR. KESSLER: As much as I'd like to

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2 close it, that's fine.

3 MR. BIANCHI: -- move this process along
4 and close it and get that extension.

5 MR. SHERIDAN: But I guess my question
6 is if you have everything in December and --

7 MR. CUNNINGHAM: There could be --

8 MR. KEHOE: Well, they're not precluding
9 a vote in January.

10 MR. CUNNINGHAM: -- there could be a
11 vote in December or January too.

12 MR. BIANCHI: Absolutely.

13 MR. CUNNINGHAM: It's just, it depends
14 on how quick all the information gets in.

15 MR. KEHOE: I don't think there's going
16 to be a vote in December.

17 MR. KESSLER: And it depends how
18 satisfied we are with the information also.

19 MR. SHERIDAN: Yeah, I mean I guess my
20 question is if you have all the information in
21 December, that's going to give you a month with
22 all of this information to make your
23 determination to have a vote in January.

24 MR. KEHOE: Right. And I think what

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2 they're saying is they're going to see that
3 everything that you're going to get them in
4 December. They will decide in -- they'll know in
5 December if they're going to vote on it on
6 January 3rd or not. But they can't make that
7 decision until what you see what you get for the
8 December meeting.

9 MR. KESSLER: Depending on what we
10 received, the information we receive, we would
11 make the recommendation on how to prepare a
12 resolution for the January meeting at the next
13 meeting possibly, either way, depending on what
14 the board feels.

15 MR. XAVIER: You want to just basically
16 close the public hearing, leave a written comment
17 period open and as long as the understanding from
18 us that we'll extend the shot clock to January
19 4th and we'll access at that meeting in January
20 where we stand, but we'll at least extend it so
21 that you're not somehow in default of the shot
22 clock or something like that by January 3rd.

23 MR. SHERIDAN: Well, I think they're
24 talking about the shot clock, but also the 62

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2 days they have to make the determination.

3 MR. KESSLER: Well, that's what we're
4 asking you to waive, you know --

5 MR. XAVIER: Regardless of anything,
6 we're going to waive it. It's one day, I'm not
7 going to sit here and --

8 MR. KESSLER: Well, it's not one day.
9 It's not one day.

10 MR. XAVIER: Well, it would be the 63rd
11 day, right?

12 MR. KESSLER: No, no, but we're not here
13 on the 63rd -- well, we are here on the 63rd day.

14 MR. KEHOE: Yeah.

15 MR. KESSLER: But we can't guarantee
16 that we're going to be ready to make a decision.
17 We may be. We may not be.

18 MR. XAVIER: Well, we'll have this
19 conversation again in January, then.

20 MR. KESSLER: Exactly.

21 MR. XAVIER: But we'll extend it to the
22 January meeting for now.

23 MR. KESSLER: Right.

24 MR. XAVIER: Yeah, yeah.

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2 MR. CAMPANELLI: [unintelligible]
3 [03:15:32] Mr. Chairman, if we're going to extend
4 the shot clock, if the meeting is January 3rd, I
5 respectfully submit that you actually extend the
6 shot clock to enough time after, like January
7 8th, because if you make a decision January 3rd,
8 it may take a number of days to prepare the
9 written decision. If you want to get the written
10 decision published [unintelligible] [03:15:48].

11 MR. BIANCHI: We would probably know
12 that in December. And then we can make that --

13 MR. KESSLER: Yeah, the point is will we
14 have enough information in the December meeting
15 to say, you know, prepare a resolution thumbs up,
16 thumbs down.

17 MR. BIANCHI: Yeah, we can always
18 request an extension to the extension if that's
19 the appropriate thing to do.

20 MR. CAMPANELLI: [unintelligible]
21 [03:16:03] January 3rd, are you going to be able
22 to make a decision that day? Because if you don't
23 --

24 MR. KEHOE: Well --

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2 MR. KESSLER: There's always a draft
3 decision.

4 MR. KEHOE: The way we operate here is
5 there would be a resolution for them to adopt.

6 MR. BIANCHI: Okay. So unless there's
7 any other comments from the board at this time,
8 Steve you want to make that --

9 MR. KESSLER: Oh, yeah, so I'd like to
10 make a motion that we --

11 MR. XAVIER: Oh, hold up. I'm sorry. I
12 know everyone wants to go home, but so the only
13 information you're asking from me for the next
14 meeting is the existing sites that Verizon is not
15 on and whether or not we can co-locate upon them?

16 MR. KEHOE: Well, but, maybe touching on
17 Steve's point, he has a three year record from
18 documents from 2019 and 2021, if there's any way
19 for you and your attorney to distill in some non-
20 40 or 50 page memo, you know, somewhat of that
21 history, you know, because the alternatives are
22 obviously important. But I don't want it just to
23 get down to oh those four AT&T sites will answer
24 that question. I think you need some -- you need

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2 this tied up somehow, I think, from both the
3 applicant's perspective, the neighbor's
4 perspective and our own consultants.

5 MR. XAVIER: So I just want to be clear,
6 but that's what you're asking for, but just about
7 the existing sites?

8 MR. KEHOE: No.

9 MR. XAVIER: Well, about the history of
10 the entire application you're saying?

11 MR. KEHOE: You've got to make them
12 comfortable.

13 MR. XAVIER: That's why I wanted to know
14 what you want from me and I want to give it to
15 you.

16 MR. ROTHFEDER: Well, that, but also, I
17 mean you heard what they said. So in some kind of
18 concise summary, based on all of the data that
19 you've produced, respond to it.

20 MR. KEHOE: Yeah, the simple -- the
21 Hessian Hills tower doesn't work, the Croton
22 train station tower doesn't work. The four AT&T
23 towers don't work, or they do.

24 MR. ROTHFEDER: And I think we are going

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2 to ask our consultant, there are a few other
3 sites that --

4 MR. BIANCHI: Yeah, but it sounds like
5 he's doing their work. I mean that's what bothers
6 me.

7 [CROSSTALK]

8 MR. ROTHFEDER: We want to get his
9 position on it.

10 MR. BIANCHI: I understand that.

11 MR. SHERIDAN: But my point is Verizon's
12 RF consultant has provided the, the surrounding
13 sites surrounding this area. If, it, it's -- so
14 if there are sites --

15 MR. KESSLER: He's packaged it for you
16 is what you're --

17 MR. SHERIDAN: No, no, no. We provided
18 that. He reviewed what we had.

19 MR. KESSLER: And he packaged it in a
20 nice presentation.

21 MR. SHERIDAN: Well, he did the
22 presentation, but we've been saying this all
23 along. I guess --

24 MR. KESSLER: I know, but he packaged

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2 it. He presented it.

3 Mr. SHERIDAN: We provided, we provided
4 surrounding sites and if those sites don't reach
5 this area, sites further back are not going to
6 reach this area because it shows the existing
7 coverage from all the sites. So we showed the
8 surrounding sites, we show the existing coverage.
9 Some of that may come from the surrounding sites,
10 some of it may come, I don't know, but there's no
11 existing coverage that reaches that area. Your
12 question was are there tall structures, towers,
13 that Verizon isn't using that they could co-
14 locate on that would provide coverage to this
15 area.

16 We've already said, no, there's not. We
17 will say it again. We will provide that
18 information, but there's not existing coverage.
19 Again, this was a Verizon site to begin with. Had
20 Verizon found a tower to co-locate on instead of
21 trying to build one, that would have been easier
22 for Verizon. There was not one. That's why
23 Verizon had to go ahead and start building, start
24 an application to build a tower because they

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2 needed to provide coverage. Where we're at now is
3 Homeland has joined Verizon to do that same
4 tower. But that's how we got here. We got here
5 because Verizon couldn't, doesn't have coverage
6 here and couldn't find a place to co-locate on to
7 get coverage here. That's how we get to this
8 point.

9 MR. BIANCHI: And your issue was
10 specifically Chapel Hill and Valeria?

11 MR. SHERIDAN: No, that's just the most
12 people that came out to say they don't have
13 coverage.

14 MR. BIANCHI: No, no, forget about who
15 came out. I'm talking about when you came here in
16 '19, what was your issue?

17 MR. SHERIDAN: There is, there is a
18 large gap in that area which spans from Valeria
19 to Chapel Hill but includes areas in between, and
20 that's what Verizon was trying to fill, that
21 significant gap in coverage and where this tower
22 was co-located. And you saw with Mr. Musso's
23 application and talked about shadowing. You know
24 the topography of your town is very hilly. So

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2 there's certain areas where you can go and what
3 seems like might be a good area to go is blocked
4 even if it is higher, even if it is a higher
5 mountain, if there's a ridge in front of it, it
6 could be blocked by it. So, this happened to be
7 an area that was located where it could provide
8 coverage to a broad area of that significant gap
9 instead of being blocked by an existing ridge
10 that --

11 MR. ROTHFEDER: But, Verizon could be
12 wrong. I mean, I mean that's the way we have to
13 look at. So you've given us certain information,
14 people who live in the community have given us
15 certain information, we just need to follow the
16 threads. And so, so we're asking you and our
17 consultant to follow them.

18 MR. SHERIDAN: I do understand that and
19 we're trying --

20 MR. ROTHFEDER: We're getting towards
21 the end of the process.

22 MR. SHERIDAN: Right. And we're trying
23 to answer those questions. But, but to say
24 Verizon could be wrong, and I know a lot of

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2 people came up here and said a lot of things, but
3 we've shown, shown things. We've provided
4 detailed information. We've provided maps, we've
5 provided coverage, we've provided --

6 MR. CUNNINGHAM: Michael, I think we're
7 at a little bit of a stalemate here. I think one
8 of the things that the board is trying to say,
9 and you know, I think Chris was getting at this
10 too, the board -- you have to provide whatever
11 you think will make the board comfortable and I
12 think there's been -- I mean we're at this for
13 three hours already tonight, and so nobody can
14 remember everything that was said or shown here
15 and there's been so much data over the past three
16 years that nobody can recall everything that was
17 ever submitted. So whatever you think you need to
18 submit in order to assuage any concerns you heard
19 tonight or at the past public hearing, I think
20 that's what you've got to go with.

21 [CROSSTALK]

22 MR. CUNNINGHAM: We're not going to be
23 able to rattle off every one right now, three
24 hours into this.

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2 [CROSSTALK]

3 MR. ROTHFEDER: Think of them as closing
4 arguments.

5 MR. BIANCHI: That's what I was thinking
6 of, right.

7 MR. ROTHFEDER: And he spoke about it, a
8 drive-by test, which you say that you've done a
9 few years ago. I don't have it in front of me.
10 Pull it back out, write a statement about it. I
11 mean respond.

12 MR. SHERIDAN: We did. We provided --

13 MR. ROTHFEDER: Well, you --

14 MR. SHERIDAN: -- but we responded
15 recently to all of that in the past.

16 MR. ROTHFEDER: Okay. So make that
17 closing statement. You've got it all. Cut and
18 paste it.

19 MR. SHERIDAN: We, but, and I will.

20 MR. ROTHFEDER: Okay. That's all we
21 need.

22 MR. SHERIDAN: That's fine. But the
23 point is, my question is there is a lot of
24 information and we did provide responses to

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2 those. Those are some of the, the, the rather
3 large documents you received in the past couple
4 of weeks. It, it answers all -- it answers all
5 those questions and it's in there.

6 MR. ROTHFEDER: Right. So you know what
7 the issues --

8 MR. SHERIDAN: I don't mind --

9 MR. ROTHFEDER: But you've been here,
10 you know what the issues --

11 MR. SHERIDAN: That's fine.

12 MR. ROTHFEDER: You know what the issues
13 are.

14 MR. SHERIDAN: I do.

15 MR. ROTHFEDER: That are remaining.

16 MR. SHERIDAN: But I don't mind
17 distilling it, but my problem is --

18 MR. ROTHFEDER: That's all.

19 MR. SHERIDAN: -- if we distill it too
20 much and somebody comes in with something else, I
21 provided --

22 MR. ROTHFEDER: We're at the end of the
23 process.

24 MR. CUNNINGHAM: So why don' you do

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2 whatever format, whatever format you think.

3 Whatever format you think.

4 MR. SHERIDAN: We provided all the
5 information and we will distill it to what we
6 think you're looking for tonight. That doesn't
7 mean that's all the information we provided you.

8 MR. ROTHFEDER: We know that, we do know
9 that.

10 MR. SHERIDAN: And I just want to make
11 sure that's clear.

12 [CROSSTALK]

13 MR. BIANCHI: Specifically what the
14 comments that we've heard tonight and at the
15 previous meeting, address those as well with
16 something that's in the past that we need to be
17 reminded of if you have something.

18 MR. XAVIER: I believe we did that. I
19 know it's a lot of documentation.

20 MR. BIANCHI: Do it again.

21 MR. SHERIDAN: We will distill it for
22 you.

23 MR. ROTHFEDER: Do it again. Cut and
24 paste it.

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2 MR. KESSLER: Just don't tell me to go
3 back to the 2020, page 72.

4 MR. SHERIDAN: No, I'm talking about
5 2022, what we just submitted.

6 MR. BIANCHI: Okay. We're going to move
7 ahead here.

8 MR. FOLEY: Mr. Sheridan, October 3rd
9 and October 20th documents, if I look through
10 them, some of what you're saying you provided us
11 would be in here?

12 MR. SHERIDAN: Yes. Some -- I'm not
13 saying all of it would be in there.

14 MR. FOLEY: Okay. Alright.

15 MR. SHERIDAN: But some of it is
16 definitely in there.

17 MR. KESSLER: Summarize it.

18 MR. SHERIDAN: If you read those, it
19 answers a lot of the questions that you have
20 right now.

21 MR. XAVIER: Go ahead.

22 MR. KESSLER: One more question. Wait,
23 wait, just one more question.

24 UNIDENTIFIED MALE: [unintelligible]

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2 [03:23:25] respond to it?

3 MR. CUNNINGHAM: Everyone has the same
4 20 day comment period.

5 UNIDENTIFIED MALE: Right.
6 [unintelligible] [03:23:30] something --

7 MR. KEHOE: I think, I think -- but I
8 think what, it's a critical decision that they
9 are making. They are ending this back and forth,
10 which is never going to end unless they end it.
11 You have 20 days to get comments in. They have 20
12 days to get comments in. And I apologize, because
13 I've been in the middle of this, I can't keep
14 track of getting it to everybody and I apologize.
15 But I can't get you his stuff and then give you
16 enough time to respond. So within the 20 days,
17 you're going to submit, he's going to submit and
18 I'm not sending them to anybody except to the
19 board.

20 MR. BIANCHI: The submission is good for
21 everybody, public as well as applicant to submit
22 to us within 20 days.

23 MR. SHERIDAN: But here's my only
24 problem with that, as you're asking me tonight,

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2 you're asking me to respond to comments made by
3 the public, which means you're asking, and I
4 believe that is our right as an applicant to give
5 you an answer to respond to comments that are
6 made.

7 MR. BIANCHI: I think there are common
8 comments that have been made tonight that you can
9 pick and choose from and address those salient
10 factors. Not every single comment or question
11 that was raised.

12 MR. SHERIDAN: No, that's not my point.
13 I appreciate that. That's not my point. My point
14 is if, if, if after 20 days, they provide
15 comments and we provide comments and they --

16 MR. BIANCHI: That's it.

17 MR. SHERIDAN: -- bring up something new
18 -- no, but if they bring up something new and
19 you're like well what about this --

20 MR. CUNNINGHAM: How are they -- the
21 public hearing is going to be closed.

22 MR. BIANCHI: Correct. The public
23 hearing will be closed.

24 [CROSSTALK]

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2 MR. CUNNINGHAM: Michael, you know the
3 board is going to ask you questions at the next
4 meeting.

5 MR. SHERIDAN: I just want to make sure
6 that we're -- you know we're going to respond to
7 those comments at the meeting.

8 UNIDENTIFIED MALE: When is the public
9 hearing going to be closed?

10 MR. ROTHFEDER: What's that?

11 MR. BIANCHI: We're going to be
12 addressing that in a moment.

13 MR. ROTHFEDER: [unintelligible]
14 [03:24:57] move the process along.

15 UNIDENTIFIED MALE: Okay.

16 MR. KESSLER: That's it. Wait, wait,
17 gentlemen, one last question, please, sorry.
18 Philosophically, Verizon prefers to build like
19 one large tower versus smaller towers that are
20 regionally located or targeted to certain areas?

21 MR. SHERIDAN: I wouldn't pretend to
22 speak for Verizon. I'm for this application here.
23 That is what I'm for. I think the idea behind
24 Verizon is to provide coverage to areas where

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2 people need it. This is I think we've proven this
3 is an area that requires coverage. I think the
4 people that have shown up have --

5 MR. KESSLER: So one of your responses
6 should be why it doesn't make sense to put some
7 smaller tower at Chapel Hill and some smaller
8 tower at Valeria.

9 MR. KEHOE: Don't answer that now.

10 [laughter]

11 MR. ROTHFEDER: That was a common theme
12 tonight, I mean --

13 MR. KESSLER: Yeah, exactly.

14 MS. HILDINGER: G on HDR, isn't that the
15 area G in Chapel Hill, why two smaller stations
16 there --

17 MR. XAVIER: What would you consider
18 small [unintelligible] [03:26:03] we showed
19 coverage maps of 140 showing that the coverage
20 isn't good.

21 MR. BIANCHI: That's up to you.

22 MR. XAVIER: That wasn't good? So how
23 much lower would you like for me to show?

24 MS. HILDINGER: No. That's not really my

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2 question.

3 MR. BIANCHI: No, there is a size that
4 will give them coverage. You come back and say
5 hey I need to build a 97-foot tower in order to
6 provide coverage. I don't know that answer. You
7 do.

8 MR. SHERIDAN: But, but, as I mentioned
9 before, Verizon is looking to provide coverage to
10 all the areas of the significant gap, not to two
11 specific communities.

12 MR. KEHOE: That may be an answer.

13 [CROSSTALK]

14 MR. SHERIDAN: To two specific
15 communities, that's, that's --

16 MR. BIANCHI: No hints. [laughter]

17 MR. SHERIDAN: That, that's what we're
18 that's what we're saying.

19 MR. BIANCHI: Okay.

20 MR. SHERIDAN: It just so happens that
21 those communities have those people --

22 MR. BIANCHI: We're going around in
23 circles.

24 MR. SHERIDAN: -- who have come out to

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2 complain. It doesn't mean they're just looking to
3 provide coverage to those two communities.

4 [CROSSTALK]

5 MR. KESSLER: But again, as Tom said, a
6 lot of that came up tonight, so respond to it.

7 MR. BIANCHI: Okay. Thank you. Okay.
8 We'll have a motion.

9 MR. KEHOE: So we think the 20-day
10 comment period should be the -- I don't know if
11 it's 21-day, Tuesday, the 22nd of November, it's
12 right before Thanksgiving.

13 MR. BIANCHI: Comments should be in by
14 everybody by the 22nd of December.

15 MR. KEHOE: By Tuesday the 22nd. But I'm
16 not sending them around. I'm getting them and I'm
17 giving them to you.

18 MR. BIANCHI: Right. Right.

19 MR. KEHOE: And then people can request
20 them, you know.

21 MR. KESSLER: Well, do you put them
22 online or anything?

23 MR. KEHOE: Yes, they will be online.
24 But they're only online a couple of days before

1 November 1, 2022

2 the meeting, like the Friday before the meeting.

3 MR. KESSLER: Okay.

4 MR. FOLEY: Tuesday, November 22nd.

5 MR. CUNNINGHAM: That's the right date,
6 Tuesday, November 22nd.

7 MR. KESSLER: Mr. Chairman, I move that
8 we close the public hearing, we keep the written
9 comment period open until November 22nd. And we
10 bring this back under old business at our
11 December 6th meeting for discussion and review of
12 those documents amongst the board. And of course
13 the public is welcome, but it's [unintelligible]
14 [03:27:38]. It's not going to be a public
15 hearing.

16 MR. BIANCHI: Okay. Thank you. Anybody
17 have a second?

18 MR. ROTHFEDER: Second.

19 MR. BIANCHI: We have a second. Okay. On
20 the question? All in favor?

21 MR. FOLEY: On the question, we're
22 proposing what Steve just said, the comment
23 period --

24 MR. BIANCHI: The 22nd of October, uh,

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2 November.

3 MR. FOLEY: Okay. But I mean the shot
4 clock though, the decision wouldn't be made until
5 the earliest December, but more likely January?

6 MR. KEHOE: No, it's not going to be
7 made in December.

8 MR. KESSLER: It's, not.

9 MR. KEHOE: The earliest is January.

10 MR. KESSLER: We're going to meet, we're
11 going to review everything.

12 MR. BIANCHI: We have to discuss it,
13 yeah.

14 MR. KESSLER: And we're going to direct
15 the staff on what to do.

16 MR. BIANCHI: Yeah, we have to discuss
17 it first.

18 MR. FOLEY: I'll be gone. I'll be
19 retired.

20 MR. BIANCHI: Okay. Well.

21 MR. FOLEY: No, I agree, I agree with
22 what you're saying.

23 MR. BIANCHI: Okay. So we're on the
24 question, all in favor?

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2 MULTIPLE: Aye.

3 MR. BIANCHI: Opposed? The motion is
4 carried. Thank you everybody. Alright, we still
5 have one application left. The Hudson Wellness
6 Center, as I mentioned at the beginning --

7 MR. KEHOE: Well, hang on, hang on. We
8 shouldn't really do that. I mean unless we're
9 going to take a break, which I --

10 MR. BIANCHI: No. We've got one more
11 case left.

12 MR. KEHOE: We've got another case.

13 [CROSSTALK]

14 MR. BIANCHI: Let's barrel through.
15 Okay. Everybody, please, we have to continue the
16 meeting everybody. Okay. As I indicated the
17 application of Hudson Wellness Center was
18 adjourned to the December meeting, so we're not
19 going to be discussing that at this point. So
20 then, move into new business, planning board
21 number 2022-10, application Bilal Almad for the
22 property of Ace/Sport Realty Holding Corp. for
23 site development plan approval and for steep
24 slope tree removal and wetland permits for a

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2 proposed four-story 91 room hotel for property
3 located at 2054 East Main Street, Cortlandt
4 Boulevard, drawings dated October 19, 2022.

5 MR. DAVID STEINMETZ: Good evening, Mr.
6 Chairman, members of the board, David Steinmetz
7 from the law offices of Zarin & Steinmetz here
8 representing the applicant, Bilal Almad. I'm here
9 together with our project engineer, Chris --

10 MR. CHRIS FREEMAN: Freeman, Keplinger
11 Freeman Associates.

12 MR. STEINMETZ: -- Freeman, from
13 Keplinger Freeman in Syracuse. I'm going to be as
14 brief as I possibly can be.

15 MR. BIANCHI: I appreciate that.

16 MR. STEINMETZ: It's really nice to be
17 on the agenda and not have the most controversial
18 matter on your agenda. [laughter] So, for me --

19 MR. BIANCHI: Well, you don't know that
20 yet. [laughter]

21 MR. STEINMETZ: Touché.

22 MR. BIANCHI: You putting a cell tower
23 on top of the hotel? [laughter]

24 MR. STEINMETZ: We'll see how tonight

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2 goes. My client is on Zoom I believe, and the
3 contract -- my client is the contract vendee of
4 this property on Route 6. The contract vendor,
5 the owner, Phil Hersh, was here falling asleep in
6 the back and eventually I sent him home, so he's
7 gone.

8 But we're here, we're here in connection
9 with an application for a hotel that we've been
10 working on prior to submission for several months
11 as a team and with the staff. In short, 91 rooms,
12 four stories, 101 parking spaces, we are located
13 in the CD designed commercial zone. This is an as
14 of right use in terms of use. There is proposed
15 landscaping, indoor pool, fitness center,
16 conference center, bar and grill. It is intended
17 to be branded as a Courtyard by Marriot.

18 I will tell you as I think we did in our
19 cover letter, we fully understand if this project
20 would require a few variances. We've known that
21 from the outset. We identified that for your
22 town's professional staff. In order to make this
23 economically viable and to attract a quality flag
24 or brand, we needed to achieve 91 rooms. In order

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2 to achieve 91 rooms, we needed to bring the site
3 to a point of four stories. So we're prepared to
4 deal with that before the zoning board of
5 appeals.

6 The other variances that would be
7 required, setback, landscape buffers, we think
8 they are technical, we think we can address them
9 and the most important thing is that Chris and
10 his office has spent a great deal of time
11 figuring out how to terrace and make this site
12 from a steep slopes grading standpoint work in a
13 gentle fashion. When we first looked at it, we
14 were all concerned. We know we're going to have
15 some neighbor questions and concerns.

16 As some of you know who are on the
17 board, I guess two and a half, three years ago
18 when I was handling the gas station application
19 right there, we know we had neighbors on Parkway
20 Drive and the immediate vicinity and I'm sure
21 they're going to participate. We have
22 affirmatively reached out to one of the lead
23 neighbors in that community and we're trying to
24 set up a meeting to begin discussing the project

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2 there.

3 So we're here tonight to simply
4 introduce the application, answer any questions
5 you have. As I discussed with the town attorney,
6 the deputy town attorney and the planning and
7 engineering department, we would like a referral
8 from your board to the zoning board, because
9 without that story variance, without that height
10 variance, we don't believe we have an
11 economically viable project. We think we have a
12 great project. I'm assuming your board would wish
13 to be lead agency, but that's really up to you,
14 Mr. Chairman and the board.

15 I need to start the process. We've been
16 waiting quite a while, but probably the single
17 most important thing is really the height of this
18 structure, whether your board is going to dig
19 into that, or whether you're going to send us off
20 to the zoning board and have them at least
21 process, even if they can't vote on it, because
22 we don't completely the SQRA process, that to me
23 is the single most important procedural issue.

24 Last item, also in connection with the

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2 gas station application, we believe there's a
3 tremendous amount of traffic data that we all
4 collectively addressed on that other matter. You
5 will, you may remember in connection with the gas
6 station, there was some realignment and
7 signalization and lane changes at the off ramp
8 for the Bear Mountain Parkway as it hits Route 6.
9 All of that will we believe work to the benefit
10 of the viability of this project, because there
11 will be signals there and there's obviously a
12 signal at Jacob's Hill. Obviously, this project
13 is at the intersection of Jacob's Hill. We
14 believe this can and will work.

15 Last, last item and that is it's a
16 hotel. It's not a high volume vehicular movement
17 use. There are other uses that are permitted that
18 could be far more intense. So we actually think
19 overall this is a good repurposing of Mr. Hersh's
20 kind of dormant family house that's currently
21 there.

22 Chris, unless there's anything critical
23 you want to say, we don't want to overstay our
24 welcome and I know these people too well.

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2 MR. KEHOE: I want to say something.

3 MR. STEINMETZ: I didn't ask you, Chris.
4 Other Chris.

5 MR. KEHOE: The only thing is that in
6 talking with the applicant, you're going to use
7 your own traffic consultant. We're going to
8 recommend that we use HVEA as our traffic
9 consultant. Now one way of looking at that is
10 simply you do all your traffic stuff and then our
11 traffic consultant reviews it, but that's not the
12 best way to do it. What we've done in the past is
13 your traffic consultant should talk to our
14 traffic consultant, develop a scope so they're
15 all on the same page. That gets run by the
16 planning board to make sure that certain members
17 don't suggest checking that intersection or
18 checking, you know, making sure we're all on the
19 same page.

20 MR. STEINMETZ: I didn't say Bob -- Bob,
21 I didn't identify you. That was Chris that --

22 MR. FOLEY: I'm going to be retired,
23 David, don't worry.

24 MR. STEINMETZ: I mean Bob --

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2 MR. KESSLER: Somebody will pick up the
3 gauntlet I'm sure.

4 MR. STEINMETZ: How are we going to do
5 this, Bob?

6 MR. KESSLER: But I would hope that
7 we're going to do the traffic study after all the
8 other, all the other things are complete there,
9 the two gas stations.

10 MR. KEHOE: Well --

11 MR. STEINMETZ: It'll be layered on top.
12 I mean SQRA would require Steve that my client
13 has to do his traffic analysis predicated upon
14 applications that are already in front of him.

15 MR. KESSLER: No, no, no. I understand
16 that. I understand that. But I want reality. I
17 want to see the thing built. I want to see the
18 Sinclair and Parkland or is that the wrong --

19 MR. KEHOE: Gasland.

20 MR. KESSLER: Gasland.

21 MR. KEHOE: But when you say see them
22 built, their number is built into the study.

23 MR. KESSLER: No.

24 MR. KEHOE: And how they're operating,

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2 if they were built.

3 MR. KESSLER: No.

4 MR. KEHOE: Well, they may never get
5 built.

6 MR. KESSLER: Well, I don't know, they
7 already started Gasland.

8 MR. STEINMETZ: Gasland I believe has
9 pulled a permit.

10 MR. KEHOE: No, they haven't pulled a
11 building permit for Gasland yet. All that work
12 was done on the New York State right of way. They
13 haven't got a building permit from building yet.

14 MR. KESSLER: I thought I saw
15 construction there.

16 MR. KEHOE: Oh, there's a lot of
17 construction, but it's not for the building. And
18 Sinclair isn't even close to applying for a
19 building permit.

20 MR. STEINMETZ: We've got a fair amount
21 of stuff that needs to be done to move this
22 along.

23 MR. KESSLER: Alright. We'll see where
24 we are when the time comes for a traffic study.

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2 MR. STEINMETZ: And I hear your concern.
3 Just one last question to address what Chris is
4 saying --

5 MR. KESSLER: I'm channeling Bob here.
6 That's what's going on.

7 MR. STEINMETZ: You handling the mantle
8 over to him?

9 MR. FOLEY: Can I ask you if you know
10 David, when you were handling Gasland whether you
11 knew this would be coming in?

12 MR. STEINMETZ: No, I did not.

13 MR. FOLEY: Okay.

14 MR. KEHOE: I've already had that --
15 I've had that conversation with Mr. Foley.

16 MR. FOLEY: I asked that of Ralph in
17 reference to the Sinclair also.

18 MR. STEINMETZ: Okay. No, I did not. I
19 was not lucky enough to be that forward.

20 MR. FOLEY: I'm not going to belabor it.
21 Any pictures would be -- these are pictures
22 related to the old farm.

23 MR. KEHOE: But in addition to those
24 pictures, on the drawings, they have something

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2 Bob, that you've been asking for forever.

3 MR. FOLEY: I see, yeah.

4 MR. KEHOE: The renderings, really good
5 3D renderings of how it's seen from different
6 perspectives.

7 MR. STEINMETZ: Exactly. We have, we
8 submitted quite a bit of material. Chris, do you
9 want us to take the lead or do you want HEA to
10 take the lead on the traffic?

11 MR. KEHOE: Well, that's up to your
12 client.

13 MR. FREEMAN: We've already released
14 him, but if you could give me the contact, I'll
15 call [unintelligible] [03:37:31] tomorrow, our
16 traffic guy and have him link up and then --

17 MR. KEHOE: Yeah, that's fine. I would
18 just need to be involved in the linking up.

19 MR. FREEMAN: Absolutely, yeah, send
20 that over. And one more thing, we have a
21 geological study done on the site as well. We
22 haven't talked about that, but it was in one of
23 our submitted materials, so that's just another
24 thing.

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2 MR. KEHOE: I know if I -- sometimes we
3 don't forward that technical level of detail to
4 the planning board.

5 MR. FOLEY: Well, to that point, there
6 was a geological done for Jacob's Hill years ago.

7 MR. KEHOE: Geological or archeological?

8 MR. KESSLER: Archeological.

9 MR. FOLEY: Well, no, you're right,
10 arche, you're right.

11 MR. KEHOE: We're talking geology.

12 MR. STEINMETZ: Good call, Chris. Are
13 there any other questions you've got for Chris,
14 who made the effort to come down from Syracuse to
15 be at this. He had cell service all the way until
16 he got to Cortlandt.

17 MR. BIANCHI: Until he got here, right.

18 MR. KEHOE: Well one thing though I
19 would say, I'm not comfortable with it going to
20 the zoning board right away. I mean you're going
21 to refer it back, you're going to declare your
22 intent to be lead agent. I want to do a little
23 bit of a review memo, I want you to ruminate on
24 it and then sort of formally -- and that may only

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2 be one or two months. It's not a long time.

3 MR. STEINMETZ: Look, I have -- I think
4 that's a great suggestion, especially if your
5 board is going to be lead agency and particularly
6 if it may move us in the direction of your board
7 taking a position and hopefully recommending
8 positively as we begin the process in front of
9 the zoning board.

10 MR. BIANCHI: Okay.

11 MR. ROTHFEDER: So we'll be on the
12 agenda in December.

13 MR. STEINMETZ: It's definitely what I
14 want, Jeff. It's definitely what I want.

15 MR. KEHOE: It depends on how quickly --

16 MR. BIANCHI: Alright. We're going to,
17 we going to refer this back and get declared lead
18 agency unless there's any other comments at this
19 point?

20 MR. STEINMETZ: I refuse to extend the
21 62-day period for Mr. Kessler. [laughter]

22 MS. HILDINGER: Asking to refer back for
23 review and planning board declares intent to be
24 lead agency.

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2 MR. BIANCHI: Thank you. Second?

3 MR. ROTHFEDER: Second.

4 MR. BIANCHI: On the question? All in
5 favor?

6 MULTIPLE: Aye.

7 MR. BIANCHI: Opposed?

8 MR. STEINMETZ: See you soon. Good to
9 see you all.

10 MS. HILDINGER: Oh, and wait.

11 MR. BIANCHI: Nora?

12 MS. HILDINGER: Motion to adjourn.

13 MR. BIANCHI: Finally.

14 MR. STEINMETZ: Somebody taught her the
15 most important thing, huh.

16 (The public board meeting concluded at
17 10:40p.m.)

CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the board meeting of the Town of Cortlandt on November 1, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: November 28, 2022

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