

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, June 15th, 2016*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman
Charles P. Heady, Jr.
James Seirmarco
John Mattis
Adrian C. Hunte
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board
John Klarl, Deputy Town attorney

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ADOPTION OF MEETING MINUTES FOR MAY 18, 2016

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated the minutes are adopted.

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ADJOURNED PUBLIC HEARINGS:

A. CASE NO. 2016-07 **Joseph Flick** for a Special Permit for an
Accessory Apartment on property located at **18 Sunset Ave., Montrose, NY.**

Mr. David Douglas stated it's my understanding that he is withdrawing that application. Is that right Mr. Hoch?

Mr. Ken Hoch stated yes.

Mr. David Douglas stated that's withdrawn.

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NEW PUBLIC HEARING:

**A. CASE NO. 2016-09 Building Permit Services on behalf of
Kieran and Kathleen Beltran** for Area Variances for the height of an
accessory structure, the height from finished floor to the underside of framing,
and the total square footage of the accessory structures on property located at
106 Kings Ferry Rd., Montrose, NY.

Ms. Nora Hildinger stated hello Mr. Douglas and members of the board my name is Nora Hildinger. I'm with Building Permit Services and representing Kieran and Kathy Beltran. The request for a Variance is on property known as 106 Kings Ferry Road. What do you have up there Ken?

Mr. Ken Hoch stated I have the GIS map.

Ms. stated first, can we just bring up – I'm just going to run through a couple of pictures that I gave Ken. First the house. That's not the house.

Mr. Ken Hoch stated that's the shed.

Ms. Nora Hildinger stated there's the house. This property is 2.5 acres in an R15 zone. The main dwelling, as you see here, and the accessory structure, which I'm going to refer to from here on in as the barn, having existed for approximately 250 years. I want to take a look at this beautiful refurbished home. It has maintained the character of the original home and it should be noted that 250 years ago there were no cars and none of the structures on the property are a modern day garage. There's a huge need for space to store expensive, existing equipment as we saw in one of the pictures. Damage to this equipment would cause the Beltran's a financial burden. So before I move to the next one, there's some of the equipment. Now, this is the barn that we're speaking of. This is the front side of the barn. There's a couple more pictures of the barn but that's fine. Next I want to deal with the unique situation created by the size of the property versus the living space of the main dwelling versus the accessory structures. As mentioned above, the property is approximately 2.25 acres or 92,576 square feet, thank God I did the math before I got here. This property could be subdivided at least three times in an R15 zone. If it was subdivided, you could build two or three single-family structures could be constructed. These new structures could be 2 ½ stories high or 35 feet in height under current zoning. What we are asking for is a 637.1 square foot addition to the existing barn; 692.6 square feet of barn/shed, those are the barn sheds, are to be removed. The new structure will be approximately 56 square feet shorter than what exists today. The barn as it exists today, in the front, in the front we saw that, is 15 ½ feet from the floor to the apex of the roof. The barn as it exists today in the back is 23 feet from the floor to the apex of the roof. The refurbishing of the existing barn does not alter these dimensions. The addition matches these dimensions front and

back. If a single-family dwelling was constructed it could be up to 35 feet from the floor to the apex. We are constructing the roof ridge to meet the existing roof ridge for two important reasons -- I'm addressing the roof height. Reason one is esthetics. If the roof lines did not match it certainly wouldn't be as pleasing to the eye. We'd have, you know, one like this and then we'd have one like this from the front and from the front you would see just the peak of the lower roof. So, you're standing in the driveway you have the existing barn and then you would have this low peak, kind of peaking over the driveway. Reason two is structural. If we were to build an attached accessory structure to the 250 year old barn to comply with current zoning of 10 feet from the finished floor to the underside of the ceiling joist and four feet from the ceiling joist to the apex of the roof, we would end up with a 4/12 pitched roof. This would not match the existing 7/12 pitched roof. Building a barn with two different roof lines at two different heights could cause snow to accumulate on the lower roof to build up on the exterior gable of the old barn structure resulting in accelerated decay. Considering the size of the property, 2.5 acres, and the ages of the structures; over 250 years old, we have a very unique situation. Because of this unique situation there is no other way than granting Variances to achieve our goal. Our goal is to improve the existing barn, creating storage space for our equipment while maintaining the overall character and beauty of the property. In conclusion, we have complete support of our neighbors in our endeavor. We have met with all adjacent and adjoining property owners. We have shown them our plans and explained the need for Variances. They are all in support of our project and in favor of granting the Variances. I have with me, seven signed letters attesting to this. May I bring these forward?

Mr. David Douglas stated sure. For the record, we got a letter June 16th, letter – I apologize I'm not going to be able to pronounce the name, Maciej Przybylowski, I apologize for butchering your name. A letter from somebody who's handwriting I can't read and Theresa Colleran. A letter from -- do you know who these people – there's another with a illegible signature. Oh the adjacent property owners, Doris Quinn, Michael DeBenedictus, George Heath and Cheryl Lacey.

Mr. John Mattis stated I'm familiar with the property. I knew the prior property owner. I watched as he cleared that out and done some things to it. Unfortunately, I was not able to be at the work session Monday so I'm going to – and it was discussed, so I'm going to defer to the other board members to give their comments first.

Mr. David Douglas asked anybody want to jump in?

Mr. Raymond Reber stated yes, I did visit the site. I spoke to the owners. There are some questions I have. You're saying that they want to keep the existing structure and refurbish it and then add onto it. I guess I have a little trouble with that. First of all, I look at the plans as to what they want to do. I've looked at the building. Personally, I would not refurbish it, I'd replace it. I looked at that stone foundation supporting it and you're talking about opening up – you've got the back wall to open up the doors, put garage door in and then put an addition on. To me that seems questionable. If it is as old as you claim, I'd want to replace is anyway just structurally if you're going be parking stuff upstairs downstairs and you're going to have to reinforce the floor. By the time you get done refurbishing, it would be easier to just replace it

and then put up a new structure. The question is the structure you want and I think you could – there's two variances that we have to deal with: one is the area of coverage. The area of coverage, like you said it's 2 ½ acres. You could easily have had a bigger house on the property. Had you had a bigger house, that wouldn't even be a question. You'd be allowed to build the equivalent of a three-car garage. It's a matter of numbers. If this was a small lot and by putting this on you are going to crowd the lot, just make it look unreasonable and be crowding the neighbors. That's why we have these restrictions. In this case, it's not crowding anybody. It's way in the back of the lot. There's a major distance to all the neighbors houses so it has no impact. So, I'm not too concerned about personally, I mean the other board members can put their – I'm not concerned about the size of it. I think it's appropriate; three-car garage and that property would not look out of place. I would like not to have to give as much of a Variance for the height and the reason I see a way around it is, in my opinion as an engineer, I wouldn't add on. I'd take it down and rebuild. I'd rebuild it and I'd rebuild it so that the front side where you're now 15.5 feet, you come in at 14 ½ feet or thereabouts basically saying if that's the only number we look at, there's really no Variance or it's de minimus from the code then you've got the back side which because it drops down you've got 22 or 23 feet by the town formula where you have to average, blah, blah, blah, you wouldn't need a Variance. Again, because of where it is, it's not seen by anybody, it doesn't bother anybody and the only reason why "it's a two-story in the back" is because it drops off and you're using basically the basement with an entrance. Again, personally I would give the Variance but I'm assuming I would think you would rebuild it. If you rebuild it do us a favor and just cut the peak a little bit so you're basically within the Variance in the front. It makes it very easy then, for me, to grant the two Variances. That's my opinion.

Ms. Nora Hildinger stated I didn't really hear questions but so...

Mr. David Douglas asked could you talk about...

Mr. Raymond Reber stated the owners can say no we want to stay with that height and we're going to keep that building and then you have to convince the board that 15 ½ feet is worthy.

Ms. Nora Hildinger stated I think part of it is that – it is an old structure. I think the idea to refurbish it is to bring back its character and its charm.

Mr. Raymond Reber stated there's no character. Look at the picture. It's a basic building – come on, give me a break. I've seen buildings with character. That is not a character, that's a simple barn.

Ms. Nora Hildinger stated I understand that but people travel and pay good money for barn board.

Mr. Raymond Reber stated that's your opinion. I don't buy it.

Ms. Nora Hildinger continued I think it could be done and I think that as far as structurally, that's

why we have an architect for to make sure that it will be structurally sound.

Mr. Raymond Reber stated like I said, you could just refurbish it and then ask this board for a Variance to go 15 1/2 maybe they'll grant it, maybe they won't. Personally, I would like to see you rebuild it. I don't see any character. I don't see anything significantly worthwhile to save -- barns with character are real barns, all kinds of wood veins, all kinds of structural things and they've got the wood timbers with the pegs in them. That's the kind of stuff people preserve. This, eh.

Ms. Adrian Hunte asked has the architect already declared that the barn is structurally sound?

Ms. Nora Hildinger responded I believe so.

Mr. Beltran stated he drew up plans. He said.. {inaudible}

Mr. David Douglas stated please talk into the mike as this is being recorded.

Mr. Beltran we had an architect draw up plans. I think his view was that we would begin a subject to the Variance approval we would engage the building inspector to review the quality of the timbers because it is old and we did a lot of work on the house itself. We had a lot of timbers replaced. We ran through a sawmill from Dain's to cut them to the original size. Structurally made it appealing. I guess my expectations would be doing the same thing here.

Mr. Raymond Reber stated it's your choice. Yes, you can do it that way.

Mr. Wai Man Chin stated I happen to agree with Mr. Reber on this thing. As an architectural person myself, the barn is 200 years old, whatever, what timber after a while gets rotted, dry rotted. Besides an architect saying that, you have to have structure engineer say that this timber is still good or not good. Like he's saying, you tore it down and replace it the way it is, just drop it down another foot or so, you would be within that 14 foot from the front yard. As you said, the backyard, we're not worried about that. I think because the land is a big drop. My house is the same way. I'm two-stories high on the front and on the back another I'm a story above the ground. All I'm saying is that I believe that you're not going to be able to save something like that, you know what I mean? And you're going to add onto it you might as well make it all structurally sound.

Mr. Raymond Reber stated from a cost point-of-view you'll probably spent more time trying to refurbish that building than if you took it down and just said; let's build the whole unit from scratch since you're going to have to build next to it anyway, but again, it's your choice as to what you want and what you're asking of us.

Mr. Beltran stated it sounds like you're suggesting that we reduce the height by a foot and then...

Mr. Wai Man Chin stated which is the front -- because from the front you're looking at 14 foot

height. Right now that peak is at 15 feet.

Ms. Nora Hildinger stated 15 ½.

Mr. Wai Man Chin stated 15 ½.

Mr. Raymond Reber stated I mean the 14 foot it sounds was established, the town's engineering department figured that if you take the average garage depth to get a car in at 20-22 feet, whatever you could get reasonable pitch and stay within the 14. That's how they came up with the number. If you want a building that's deeper than a typical garage, yeah then that pitch gets kind of low but that's the logic of the numbers. If we're assuming what you want here is basically the equivalent of a garage that's deep enough to get cars and vehicles in them then you should be able to come up with an architecture and I don't know what the depth of it is but maybe you have to cut it back ...

Mr. Beltran stated but we're also trying to take advantage of the ---

Mr. Raymond Reber stated you're 28 feet deep, which is another question to ask in terms of how much Variance you want if you cut this back to say 22 which is more typical...

Ms. Nora Hildinger stated it's at 23 right now, 23 I think.

Mr. Raymond Reber stated 28 feet 9, that's big, that's deep. Again, if you cut that back to a reasonable garage then rebuild it, the Variance you need for the area coverage even goes down so it shows effort to try to move as close to compliance as possible to what you basically want but again, it's commitment that you agreed to that down and start from scratch. If you stay with what you want, you tell this board give me the full Variance.

Mr. Beltran stated you're asking for two things for a changing in the design which is bringing the height down and then I'm trying to have the bottom area, I call the basement area of the barn be used for tractor implements

Mr. Raymond Reber stated but you're going to have three bays.

Mr. Beltran continued and I was going to put a woodshop up in the upper part – that's been my goal since moving in the thing. What's there now, there was electricity, there was a woodshop, it wasn't the best woodshop when Mr. Curinga owned it but it's a woodshop now. I was just going to make it bigger, something comfortable working in – that's what it sounds like it is.

Mr. Raymond Reber stated I'm just telling you how you can help us show an attempt try to get as close as we can to the regulations.

Mr. Wai Man Chin asked can I ask a question? You want to drive cars in from the upper level?

Mr. Beltran responded no.

Mr. Wai Man Chin stated none at all.

Mr. Beltran stated just on the lower level.

Mr. Wai Man Chin stated you have a floor on the upper level though.

Mr. Beltran stated that's what's there today.

Mr. Wai Man Chin stated I thought you were going to drive something heavy.

Mr. Beltran stated we have a zero turn tractor [inaudible 18:47]. That I would put up there. So that's the kind of thing I would pull in.

Mr. Wai Man Chin stated I don't know how the structure is right now, strong enough to haul that.

Mr. Beltran stated haul that but you know we say our prayers.

Mr. Wai Man Chin stated I think that's Mr. Reber's concern also.

Mr. David Douglas stated I'm confused. You said you were closing the lower level -- is there a driveway there?

Mr. Beltran responded we put a light gravel up into the back -- tractor and equipment. My wife has a little Kawasaki quad thing. We made the back area into a garden.

Mr. David Douglas stated the vehicles you refer to are not cars.

Ms. Beltran stated no, not cars, it's equipment.

Mr. Beltran stated and she left me a saw mill.

Mr. Wai Man Chin stated something like that weighs -- has a little weight on it.

Mr. Beltran stated the truth is the property, all it has is this so we really do have to clear that out to put a car under a carport-- there's no garage system, as Nora indicated. So we need [inaudible 20:20] have been there for quite some time. [inaudible].

Ms. Hildinger stated to knock it down it may still be structurally sound and be made really nice. I think the cost of that has to be considered. It may not be cost-effective. It has been there for a while. I think there is merit to historical preservation. I know Mr. Reber doesn't agree with that but I think that does need to be taken into consideration. The cost of knocking down something

that may be able to be made to fit the character of the whole property and not just knock it down and put up something just because you know if it could be done. It could be done and made pretty and very – within the character of the property not just to go and knock something down. That should be taken into consideration as well, the cost of knocking something down that may be perfectly good and historic. I know that's not Mr. Reber's opinion but...

Mr. Beltran stated we asked Mr. [inaudible] to throw it in.

Mr. Charles Heady stated as Mr. Chin said maybe you ought to get an engineer and check everything how structurally it really is if you can leave it up. That would help for us too.

Mr. Beltran stated the architect, he indicated if we extended, timber would have to be reviewed and that's definitely what we would be doing. It's just...

Mr. Wai Man Chin stated an architect is an architect. They're not structural engineers. Personally I don't – between the 15 ½ and 14 is not much of a difference to me. I'm just thinking about what Mr. Reber said about structurally sound or you take it down or do something, not refurbish it then let's see back to a height where it's more reasonable and so forth...

Mr. Beltran stated if you look at it from the front it's really, from my perspective, not an unreasonable height from the front.

Mr. Wai Man Chin stated I understand that. Myself, I never had a problem with heights on garages.

Mr. Beltran stated and I think the length of it may be the 23 feet or whatever it is, 28 feet is the reason why the pitch is what it is.

Mr. Raymond Reber stated I agree, when I realized that you're almost 29 feet deep that's why you have that pitch.

Mr. Beltran stated I guess if we could just replace or get a commitment to replace what we've got I'd be – because that's what I think, generally speaking, what we're probably going to end up having to replace parts of it, that's sort of a given but I think I'm a little remised to bring it down to a much lower height and not be able to use the two stories of it which is what we bought when we bought the property. That would be a little of a setback for us.

Mr. John Mattis stated I'm a little concerned, just looking at the numbers and Mr. Reber pointed out the accessory structure, you're only allowed a certain ratio to your primary structure. That doesn't take into consideration, as he said, the property size. So you get penalized if you have a smaller house, you get a bigger house, you get bigger accessory structures. That's not too much of a concern, even though the Variance is 65.7% but the other two; the height, even though we talk about 15 in the front, there is a formula and we have to go by the code. The formula calls

this a 22.3 foot because it takes into consideration the back and the front and that's a 59.3% Variance and then the height of the floor to the ceiling joist is allowed 10 feet, you want 17 ¼, that's 72 ½ %. We generally don't grant Variances on things like this more than 20-30, maybe we've gone to 40. This is not a stretch on one part of the Variance, it's a stretch on all three of them and I think that's part of the reason why Mr. Reber recommended what he did.

Mr. Beltran stated I think all of those are not being met by the existing structure.

Mr. John Mattis stated but that's pre-existing and we run into that all the time but we generally don't allow expansions on pre-existing or anything like that when they're not conforming and you're asking for that and what you really want is reasonable but the way you're going about it, if you could bring it down somewhat, as Mr. Reber said, that would be something that we can look at much more favorably.

Mr. James Seirmarco stated I listen and I think that we shouldn't do any designs here. I think we should ask you to get some structural engineering that says it's doable or it's not doable. If it's doable I don't think we should be in the business of saying that it's not doable. It's a lot 90 plus feet and we have made exceptions to large lots in a lot of instances. But I would like to see some structural analysis says yes this is doable and if it's doable, it's doable. If it's doable then it becomes, the Variance is whether there's a hardship or not. I'm a wait and see kind of thing.

Mr. Raymond Reber stated there's some other issues as I look at this and getting back to the cost issue, like I say, I'm not so sure that taking something down is not expensive. That's easy to take down whether that's going to be more expensive or less expensive than the refurbishing, I wouldn't know but then again, we're not supposed to let economics dictate. We can't use economics to dictate. But I have a question: you're saying you're going to keep that and you're going to add onto it and I look at Mr. Flandreau's plans and I see where downstairs in what he is proposing, there's no partition walls or anything. Well, if there's no partition walls that wall we're looking at right there disappears.

Mr. Beltran stated the front wall you're referring to.

Mr. Raymond Reber stated that white wall disappears which now raises a whole other structural issue. He's got to figure out how to redesign your existing building to stay standing without that wall. So, you've got some major structural issues to address if this is the game plan.

Mr. Beltran stated I think the extension is coming out this side so the intention would be we would just – I think he had six lolly columns setup that he was envisioning in the basement, carrying the load of beams and stuff.

Mr. Raymond Reber stated two and not anyplace where that wall is. There's two here and two here space where he puts dividers on your garage doors. This plan, to me, is incomplete in many ways and it's inconsistent in the sense, if I look at what this shows and what you're telling us you want to do which is to save that, refurbish that and put an addition on. I suggest we take a

month. You go back, talk to your architect. Sort this all out. You are going to – if you get what you asked for now, you’re going to want to almost, 1,003 feet over what’s allowed in terms of site coverage. That’s mainly because what you’re going to end up with is 1,160 square foot structure here. If you end up redoing it and you cut it back to say 24 feet instead of the 28 feet 9, you now drop to 960. It’s interesting, 960 now is less than the overage of the thousand. You’re still going to be over but the point is you’re not going to be totally driving the overage to your petition and it solves the height issue. Again, my personal opinion is, you can ask for whatever you want. You can say what you’ve asked for here is what you want and we can put it to a vote but I would suggest, take a month. Talk to your architect. Sort out some of these issues about refurbishing versus just replacing and the dimensions and how you would do it. Like I say, come back and tell us what you really want.

Mr. Beltran stated I think I’ve said it, we will do what’s needed structurally. We’re not going refurbish. We’re not going to put the extension...

Mr. Raymond Reber stated okay so you’re going to go ahead with what you’re asking for.

Mr. Beltran stated all I’m trying to say is I’m answering the point about structural versus whether it’s structurally sound or not, structurally sound whether we’re going to replace as needed. We’re going to replace as needed, that’s a given. We will replace it as structurally sound as need be for that type of structure, that’s a given. We did that with the house. We put a ton of money into the house to get – there was a lot of deficiencies in the house ...

Mr. Raymond Reber stated but again, we understand that with the house. Most of us would support you for preserving the house. The question is: is it worth it to play that game on this particular building which is pretty mundane garage/barn. If you’re telling us this is what you want us to approve and you want us to vote on it, obviously the board can do it otherwise you can take a month, think about other alternatives...

Mr. Beltran stated I’m a little remised. We’ve been pushing to get this in discussion on it but – maybe what you’re telling us is the -- reduce the height by a foot, will it still support a two-level structure? I don’t have the sense of that in the moment...

Mr. Raymond Reber stated it doesn’t compromise the structural two levels. They’re totally independent. The only thing that changes is the pitch and if you keep it...

Mr. Beltran stated and bring in the depth of it by...

Mr. Raymond Reber stated again, if you bring it in by 4 feet you’re reducing the Variance you want. You’re asking for – and the question is: can you still achieve what you want? You don’t need 28 feet 9 inches to park cars. You don’t need it to store...

Mr. Beltran stated we’re not talking about parking cars in there.

Mr. Raymond Reber stated and you don't need it for your farm equipment, you don't need that much space and you don't need it for your shop. The question is: if you're going to do this building and structurally why so oversized when you are way beyond what we normally can approve? Help us out...

Mr. Beltran stated it's not changing the size but I understand.

Mr. Raymond Reber stated the addition is changing – I mean you're adding a big addition.

Mr. Beltran stated but it's not changing the depth.

Mr. Raymond Reber stated we could say fine not addition, just refurbish what you have which is not going to satisfy you because it's not big enough.

Mr. David Douglas stated I'm not sure I heard an answer to Mr. Reber's question about whether you want to think through the different options...

Mr. Beltran stated I'm processing it a little but I understand. It sounds like the suggestion is bring the height down a foot, bring it in four feet. The only thing I'm working through in my mind is whether we still get two stories of usage.

Mr. Raymond Reber stated you still get the full two stories it doesn't change that at all.

Mr. Wai Man Chin stated we're saying that if you have a structural engineer saying that what you have there is structurally sound and can be structurally sound and you want to leave it that height, then you come back and tell us that. If you are going to remove it, and replace it, yes come back down to a reasonable height and so forth. That's what Mr. Reber is saying but if the structural engineer says that everything is in good shape and everything else, what we've got to do is do this, do that to fix it and that alone then you come back and say this is what we want. Like I said, between myself, between 14 and 15 ½ feet that's not important to me. It's just certain issues that Mr. Reber's bringing up and trying to relay it to you and see which way you want to go.

Mr. Beltran asked if it's the 14 foot elevation and then the 4 feet reduction in the depth ...

Mr. David Douglas stated if your concern is deciding this month or waiting until next month. I was going to suggest that if you did proceed that we do what's called "closed and reserve it" because I'd like to discuss this among the other members again at our next work session. My suggestion, I don't know if people are going to go along with it, is that even if you wanted to go ahead this month that we would not vote right now, that we'd close it and discuss it among ourselves so that if your concern is getting a decision this month or having it next month, if people agree with me, I think it would be a decision next month anyway. If that's your factoring.

Mr. John Klarl stated either way you'll end up in July.

Mr. David Douglas stated you're going to end up with a decision next month anyway.

Ms. Nora Hildinger stated what you're saying is that you're not going to want to vote on it right now anyway.

Mr. David Douglas stated that's my proposal. I don't know if I've got the majority of the people agreeing with me because I, at least, would want to talk this through more.

Mr. Wai Man Chin stated that's exactly what it was – also. I was thinking the same thing that you know...

Mr. John Matthews stated hello Chairman and board members my name is John Matthews. A couple of questions I have. The – right, earlier you talked about we can't take that gable end of the barn down it'll collapse. That's definitely going to be supported. Again, are we talking right now that we need an engineer certification on the existing barn prior to proceeding forth on our Variance? Is that where we're going with this?

Mr. Raymond Reber responded I don't think it's requirement of the board...

Mr. Wai Man Chin stated not a requirement it's a suggestion.

Mr. John Matthews asked you're suggesting to us?

Mr. Wai Man Chin responded we're suggesting it.

Mr. John Matthews asked I have a question. Let's say, for argument's sake, I built a breezeway and connected this to this barn right here, could I build it two and a half stories?

Mr. John Mattis responded no because we will interpret that that is not a real breezeway when it goes that far and everything. That's trying to circumvent the code. We've run into that and we don't allow it.

Mr. John Matthews stated no, no, I'm asking a serious question.

Mr. John Mattis stated and I'm giving you a serious answer.

Mr. John Matthews stated because I've seen barns that were built that are two and a half stories where they connected a breezeway...

Mr. Raymond Reber stated we're very familiar with that piece of property.

Mr. John Mattis stated we know which one you're talking about and it snuck through with it and if it came to us, which it should have, it would have never been considered a breezeway. I know

which property you're talking about.

Mr. John Matthews stated it's a mile down the street.

Mr. Raymond Reber stated we're well aware of that.

Mr. John Matthews stated and again, if we take this barn and we try to dismantle it or try to alter this barn then again we just took the pitch out of the roof to accommodate the height variation...

Mr. Raymond Reber stated you really only have two options: refurbish it in a structural shape it is or it fully down and start over. You can't compromise and make adjustments on that structure. It's just not going to work.

Mr. John Matthews stated so we definitely want to leave what we have. We don't really want to fool with that.

Mr. Raymond Reber stated and that's the choice of the owner if that's what he wants.

Ms. Adrian Hunte stated we're dispatched as the Zoning Board in terms of Variance to grant the minimal Variance that will achieve the applicant's goal. Right now we have certain subject to issues that we don't have answers on, namely: the structural integrity and what happens if you -- cost for you that's not necessarily an issue for us but in terms of your telling us that the structural integrity is there or not there and also what in your analysis, what your analysis would show in terms of tearing it down versus refurbishing. As the colleagues have said, not that that necessarily that we have to take esthetics or cost into consideration but for you to tell us what your analysis shows concerning. Obviously, it needs to be taken into consideration along with the subject to issues concerning structural integrity. You're trying to make a decision where we don't have full information even though in terms of the property, the size, that it would be less coverage, that there wouldn't be any adverse detriment or undesirable change in the area, because it is somewhat secluded, so with that, I think we don't really have an issue with those criteria. However, there are questions that we don't have the answers to. Based on what Mr. Douglas is saying that perhaps it would behoove you to discuss with the architect or the engineer and to let us know and since we probably are not going to vote on it this evening anyway...

Mr. John Matthews stated that's fine. We will go forth and get an engineer to come in and to do an evaluation. However, again, I'll go through all the motions, all the suggestions that the board has, however, I wouldn't want to come back with extra paperwork, more money out of pocket and then be denied. I know there's no guarantee. I totally get that.

Ms. Adrian Hunte stated we can't answer without the information.

Mr. John Matthews stated we'll do whatever it takes to...

Mr. Raymond Reber stated when we are asked to make a major Variance, which in this case,

relative to the numbers this is all beyond what we typically do so the question is: we have to understand what the applicant really needs not what he'd like, or desire, he'd like to build a bowling alley or whatever. No, he's going to tell us what his needs are. We have to conclude that it's a reasonable request for that property and that it justifies the Variances. Now, the problem I'm starting to have is I'm saying to myself: is the applicant saying to me because he's got "historical barn" which to me is nothing but an oversized shed, but it happens to be very oversized 28 feet and 9 inches deep. Had anybody come before and said: I want to put up an accessory structure and it was on 2 ½ acres and they wanted to have the storage. We would say: okay, what would you normally need? To us, I would think any of us would say 24 foot deep by whatever width is more than enough to do anything you want to do. So, I'm saying whoa, now we've pushed it all the way to almost 29 feet, why? Don't have to. And you've said to me you want to maintain the architectural features. First of all, to me that's hogwash. That's my personal opinion. What I'm saying is: you want to keep that fine, make the addition only 22 feet deep and then you can have the pitch, you line the pitch the same here. You cut it off partway up. Come back down the back and you got a 22 foot building accessory for what you're going to add on. That's a reasonable option and I think the applicant would have a hard time telling this board no, I absolutely need 28 feet 9 deep, two stories. For what purpose?

Mr. John Matthews stated well, originally -- I get your point. Well taken but originally when this was designed by the design professional – of course, we went over it with the clients and he felt that that was the space he needed. Now, if you're telling us to make it a little smaller and to come back next month I guess we can go back to the drawing board.

Mr. Raymond Reber stated I'm just saying, it's a lot of square footage and I've seen nothing to justify why you need that much space.

Mr. John Matthews stated I understand a little smaller than [inaudible]. I guess that's what we'll do. Can we...[inaudible]

Mr. Raymond Reber stated again, the other members of the board can chirp in, but these are the opinions I'm expressing.

Mr. John Matthews stated thanks for letting me speak.

Mr. Wai Man Chin stated like I'm saying also like what Mr. Reber says that wall right there doesn't show it's being there no more, okay, on the plans, okay...

Mr. John Matthews stated I'm sure that's an oversight. It has to be there otherwise the gable end falls.

Mr. Wai Man Chin stated you take that wall down the whole structure will fall down but I'm just saying something like that...

Mr. John Matthews stated I think what this was, this was a set of plans that was put together. It's

not in stone as of yet, even though it's stamped because first of all, we needed to get the approval instead of spending \$4,000. We got a little preliminary plan and then we'll go back and have it redesigned to make sure that the barn's – you know where I'm going with this right?

Mr. Wai Man Chin stated even with the preliminary plans, when you show a wall being removed totally you've got to show something that's going to be holding – something, there's got to be something there, you know what I mean? I've been in this field a long time. I know.

Mr. John Matthews stated if you look at the plans closely you'll see there's columns there. They're right here. I can show you.

Mr. Wai Man Chin stated not in the same location as the wall. Anyway, show the wall dotted that's being removed and so it looks a little bit more – so layman can understand it.

Mr. John Matthews stated we appreciate it.

Mr. John Mattis stated I think that this was put together with no consideration whatsoever to what the Variances were and the magnitude of the Variances and I think that you've got to take that into very careful consideration when you come back with something because, as I said, those Variances range from 59% at the smallest and 72.5% at the largest. We have three Variances. They're all between 60 and 72%. We never grant anything that large, even on one Variance for something like this. To come back with three of these, I think there was no consideration. Somebody designed this and then said: okay, let's go to the Zoning Board. Nobody looked at the magnitude of this and these magnitudes are more than we've ever granted for even one Variance. You need three, so you better take that into consideration.

Mr. John Matthews stated will do.

Mr. John Mattis stated thank you.

Mr. John Matthews stated thank you.

Mr. David Douglas asked anybody else want to be heard on this case? Anybody want to make a motion to adjourn it?

Mr. Wai Man Chin stated yes adjourn.

Mr. David Douglas asked someone want to second.

Seconded with all in favor saying "aye."

Mr. David Douglas stated the next meeting is July 20th and revised plans – Ken, when do you need to get to see it?

Mr. Ken Hoch responded at least a week before.

Mr. David Douglas asked so you'll be able to get us any revised plan by a week before so by the 13th? Okay.

Mr. Beltran stated sounds good.

Mr. David Douglas stated okay, thanks.

**B. CASE NO. 2016-10 New York SMSA Limited Partnership
d/b/a Verizon Wireless for a Special Permit to install a wireless
telecommunication facility on property located at 1065 Quaker Bridge Rd.
East, Croton-on-Hudson, NY.**

Mr. Michael Sheridan stated good evening Chairman and members of the board. My name is Michael Sheridan. I'm an associate with Snyder & Snyder LLP, the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless. As the Chairman indicated, Verizon Wireless is seeking a Special Permit to install a public utility personal wireless services facility at 1065 Quaker Bridge Road East. The town permits such wireless facilities on the property by Special Permit in accordance with section 277.5, the town's code. Verizon is strategically designed and located the facility on the property. The property is over 48 acres and is currently utilized for only assisted living purposes on one section of the property. The remainder of the property is mostly vacant. It's located in an R80 zoning district and the proposed facility will consist of 140 foot monopole which is currently shown as a tree on your plans. Together with equipment at the base thereof and approximately 5,500 square foot compound and again over a 48 acre wooded property, approximately 48 acre wooded property. The facility is also designed to accommodate co-locators on the tower and will enhance Verizon Wireless' communication services in the area including emergency wireless 911 services.

Mr. Wai Man Chin stated at the work session we had given you quite a few questions. Have you come back with anything for us?

Mr. Michael Sheridan responded I do. I come back with an indication that it doesn't necessarily need to be a tree pole and can be a monopole and we can revise the plans accordingly. I'm assuming that is still what this board would like.

Mr. David Douglas stated yes, I don't think we all changed our mind in the two days on that.

Mr. John Mattis stated the tree poles don't hold up very well. In fact, the town has one on their property down near Amberlands and when theirs came up for renewal, as part of the application, they asked to take it apart as a tree pole and make it a regular monopole.

Mr. Michael Sheridan stated I understood that that did happen so we will revise the plans

accordingly and it will now be a monopole not a tree pole.

Mr. David Douglas stated at the work session we beat him up on this issue.

Mr. John Mattis stated I don't see the bruises though.

Mr. Michael Sheridan stated they're all internal. Second, another question at the work session was there is an existing pole about a mile and a half or so away and I've spoken to Verizon's RF engineer and we can certainly submit a supplemental RF affidavit. The issue with that tower is it is located pretty much in a sort of a valley. It's a lower elevation than what is proposed and would not provide as extensive coverage as this tower which as proposed would provide to the southern section of the town which is what Verizon Wireless is looking to do.

Mr. David Douglas stated so he'll supply us with a comparative chart?

Mr. Michael Sheridan responded we will supply that, yes.

Mr. John Mattis stated so actually, it's on the other end of where that other pole is. That other pole is out 129 further and so going in the southern end it doesn't extend far enough.

Mr. Michael Sheridan responded correct. It is still definitely well over a mile away. It is a hilly area, as you know, I mean this whole area is hilly so it does – the technology is line of sight so the higher up you are the better coverage you get.

Mr. John Mattis stated that's a pretty high property and it's a high location on the property.

Mr. Michael Sheridan responded yes the proposed property yes.

Mr. David Douglas stated as we discussed at the work session, one of the reasons that I ask questions about that is the town's policy is they favor co-location if possible so I'd want to see a comparison which you said you'd supply so that we can take that factor into consideration.

Mr. Michael Sheridan responded yes.

Ms. Adrian Hunte asked Mr. Sheridan, any information on whether there was a survey used?

Mr. Michael Sheridan responded there is not a survey. My understanding is that the meets and bounds for the property was done using the deeds for the property which had extensive property descriptions and that's where it came from. There was no survey in the search that was done by Verizon's project engineer on this site. My understanding is that the town staff has also looked into it and they were only able to come up with the survey. Verizon's engineer will explain how they came to the meets and bounds on the map and if necessary be happy to talk with the town engineer just to confirm that he has the information he needs to proceed with this.

Mr. David Douglas stated it's my understanding from Mr. Hoch that DOTS, Department of Technical Services needs some time to evaluate this and needs until August is what they said?

Mr. Ken Hoch responded until August.

Mr. David Douglas asked should we put – I mean I don't want to unduly pressure them to do their work? But should we put this on for August? Will they have done it by our meeting in August or they think they're going to get to it at some point in August so we should put it on for September?

Mr. Ken Hoch responded I think they'll have the review by August.

Mr. Michael Sheridan stated I would like to remind the board at this time of the "shot clock" which FCC issued a declaratory rulings saying that municipality has 150 days to make a decision on this. I know we just started this. We submitted this about a month or so ago, just to keep that in mind so hopefully if this does get pushed into August we can resolve it at that meeting.

Mr. David Douglas stated I may be wrong but I think that clock also is – I could be wrong. I believe it's after all the information that's needed has been submitted so I'm not sure that we've – that you provided to us all the information that is needed.

Mr. Michael Sheridan stated there is [inaudible] so I will agree to that.

Mr. David Douglas stated but we're pretty prompt on doing things but since you're going to start raising the clock's running, I'm not sure that's fully accurate.

Mr. John Mattis stated we've gone substantially longer than 150 days on various cases. Not too many of them but never on a cell tower.

Mr. Michael Sheridan stated good to know.

Mr. John Mattis stated I think that the Engineering Department can resolve...

Mr. Wai Man Chin stated 150 days is five months. August is only two months from now, you know what I mean?

Mr. David Douglas stated he's just making the record. I'm just countering his record because we're both playing the same game.

Mr. Wai Man Chin stated I'm doing the same.

Mr. John Mattis stated that's what happens when your Chairman is a lawyer.

Ms. Adrian Hunte stated somehow these things have a tendency to be more precatory than

mandatory.

Mr. Michael Sheridan stated we certainly just want to make sure that it's something that's on the board's mind as they proceed with this and...

Mr. David Douglas stated as Mr. Mattis said, we don't try to delay anybody and on the cell towers, especially in the last few years – we know what the factors are by this point.

Mr. Michael Sheridan stated I'm not referring to any past actions.

Mr. Wai Man Chin asked the elevation on the cell tower that you're proposing, how higher is it than the one on 129 then?

Mr. Michael Sheridan responded that's something that can be issued in the supplemental...

Mr. Wai Man Chin stated I know the cell tower on 129 is above the top of the dam right now. It starts at the top of the dam basically, you know, so that's about at least 150, 170 feet high, that tower.

Mr. Michael Sheridan stated something we can include the difference in elevation.

Mr. David Douglas asked anybody else want to be heard? I'm sorry. Are you finished? I didn't mean to cut you off. Are you finished?

Mr. Michael Sheridan responded I'm all set unless you have any other questions.

Mr. Wai Man Chin responded no.

Mr. Andrew Carp stated hello, I'm Andrew Carp. I live at 20 Quaker Bridge Road which is facing where the proposed tower would be. We're on the other side of the river. So, I have a few questions and I just want to get it out and see what kind of information I can bring back to my neighbors. First of all, how high – I see here that this thing is going to be a certain height: 140 foot monopole. So how does that relate to the tree line? Is it going to be above the tree line? Is it going to be even? Is it going to be below the tree line? Can somebody answer that question?

Mr. Wai Man Chin responded depends on how big the trees are over there.

Mr. Andrew Carp stated well they're big trees over there but what's a reasonable answer? What do you think?

Mr. Wai Man Chin responded I say about the same height of some of the bigger trees because the one on 129 which is right around the corner from where I am is about the same height as the tallest trees over there, you know what I mean.

Ms. Heidi Franco stated I'm just showing the gentleman a picture that was provided to us of a mock-up of the tree line. The problem with that is that the proposed thing.

Mr. David Douglas asked can you say who you are?

Ms. Heidi Franco stated I'm Ann Franco. I live at 1059 Quaker Bridge Road, about 300 feet from the proposed cell tower with two small children.

Mr. Wai Man Chin asked 300 feet?

Ms. Heidi Franco stated 300 feet.

Mr. Frank Franco stated I think it's more like 500 feet according to the map.

Ms. Heidi Franco stated they're proposing to remove some of the old growth trees on a 5,000 square foot compound so this will give you an idea.

Mr. Andrew Carp stated that's helpful. Okay, thank you. Tell me what's the difference between the tree pole and a monopole?

Mr. James Seirmarco responded the one that's down by Amberlands behind Amberlands is a tree...

Mr. Andrew Carp stated I haven't seen that one.

Mr. Wai Man Chin asked ever see the one that's on the Hutchinson River Parkway? There used to be a tree pole there.

Mr. Andrew Carp stated I've seen these tree pole, what I think is a tree pole. They're bizarre looking.

Mr. John Mattis stated exactly. They look like Christmas trees.

Mr. Andrew Carp stated so this is a monopole without all the extensions. Straight up and down piece of metal pole.

Mr. David Douglas stated this is what we talked about with Mr....

Mr. John Mattis stated all the electronics are inside of it instead of...

Mr. Andrew Carp asked is it going to be lit up at night?

Members responded no.

Mr. Andrew Carp asked can we arrange a site visit for my neighbors and myself to see exactly where because this is a big property, as you all pointed out, and we'd like to get a sense of the proximity to where we all live versus the road?

Mr. John Mattis stated that's up to the applicant but...

Mr. Raymond Reber stated and there is plans that show the setbacks. This is set way back from many of the property lines. You're talking several hundred feet in all directions.

Mr. David Douglas stated we can ask the applicant. Would you be open to a site visit for the neighbors?

Mr. Eric Anderson responded sure I'm the administrator of the Danish home, one of the board of directors. We're happy to have anyone come and take a look around the property. Just come into the office and I'll walk you up there, no problem.

Mr. Andrew Carp stated sounds reasonable. By the way I'm a Verizon customer so I would be happy to have better cell service because we have no cell service there but we also don't want to have a strange looking projectile sticking up in the middle of a very nice wooded area so that's our only concern.

Mr. Wai Man Chin asked do you know 129?

Mr. Andrew Carp responded yes, of course.

Mr. Wai Man Chin asked you know the monopole that's right there?

Mr. Andrew Carp responded I'm sure I've seen it a million times. Maybe it didn't register with me but okay.

Mr. David Douglas stated what you could do, if you're driving on 129 but don't do this while you're driving, pull over where the Putnam Auto Body is. That's where it is but don't go looking for it as you're going around that curve along 129. That would not be a smart idea.

Mr. Andrew Carp stated understood. Thank you.

Mr. Raymond Reber stated I think the message is, that monopole is essentially just off the street. It's exposed and you haven't noticed it. This pole's going to be back up in the woods. We find that when these poles get built around town, after a while people forget they're even there.

Mr. Andrew Carp stated okay, good. That sounds appealing. Thank you all.

Mr. Wai Man Chin stated down by over it used to be the Bob and Ott's. That used to be an old

Bob and Ott's Gas Station.

Mr. Andrew Carp stated okay, got it. Thank you.

Ms. Arcadia Kocybala stated I live on Quaker Bridge Road sort of across the street from the Danish home.

Mr. Raymond Reber asked the number of – your address?

Ms. Arcadia Kocybala stated 2122 Quaker Bridge. I had a similar question to the gentleman who was just up here concerning the height of the pole in relationship to the tree line. From my house, I have a view onto the Danish home property and so in the summer months, of course, when there's leaf on the trees it's not an issue but in the winter time I can see much more of the property from my house. So, I was just curious.

Mr. David Douglas asked Mr. Franco do you know the answer as to the tree line? We were making assumptions about the height of the trees but do you happen to know?

Mr. Michael Sheridan stated certainly the top of the monopole is going to be above the tree canopy. That's why it's being built that high. It needs to be above the trees to get the better signal across. If it's within the trees, the leaves and branches cut down on the signal so the intention is to get above that canopy. It will be noticeable if you have a view above the canopy but if you're looking through the trees, again, it's a fairly slender pole.

Ms. Arcadia Kocybala asked and how wide is the pole?

Mr. Michael Sheridan stated 6 feet at the base and it tapers down to two or three feet at the top.

Ms. Arcadia Kocybala stated I'm sorry, I'm just having a problem with trying to visualize where the location would be in relationship to Quaker Bridge Road.

Mr. Raymond Reber asked see Quaker Bridge Road on the lower right? You go up the driveway and up to the left as you go up the hill, that little square is where they propose to put the monopole. Right there.

[Inaudible 59:30].

Mr. Raymond Reber stated you have dimensions there that show the setback from Quaker Bridge, which is how much on that side?

Mr. Michael Sheridan responded from the property line it's 437 feet to the tower.

Mr. Raymond Reber stated which is the closest approach.

Mr. Michael Sheridan stated that's not to the growth. That's just to the property...

Mr. Raymond Reber stated that's to the property line. If you go to Quaker Bridge it's much further.

Mr. John Mattis stated I'm familiar with that property and that's quite a ways up that road meanders up and eventually goes up to the house proper but that's at least 75% of the way up there if not further and it's in the woods. Some of it will stick up above but I'm not even sure, because the level of Quaker Bridge is so much lower that looking up at the angle, the trees still may cut off the top but you won't see it and if you do you won't see very much of it.

Ms. Arcadia Kocybala stated from the second story of my house I'm sure I can see it.

Mr. John Mattis stated but there's no requirement that you have to put in a cell tower...

Ms. Arcadia Kocybala stated no, I'm just making a comment...

Mr. John Mattis stated I think the visual impact will be very little. You'll see a little needle sticking up from a distance even though it may be two feet wide it's going to look very small.

Ms. Arcadia Kocybala stated the older I get the less I can see. I won't even notice. I did have one other question which is perhaps unrelated to all of this. I was just curious whether or not the town gets tax revenues from this wireless facility or are the revenues going to the owners of the property on which it's located?

Mr. John Mattis responded that's a question that has no concern to us and we don't know.

Ms. Arcadia Kocybala asked aren't you curious?

Mr. John Mattis responded we're not allowed to ask questions like that. It's totally irrelevant to our decision.

Mr. David Douglas stated it's not relevant to our decision. I don't think that the town gets tax revenues but I could be – right? Do we know?

Mr. John Mattis stated maybe the attorney.

Mr. David Douglas stated if the property's more valuable so I guess then in theory if the cell tower increases the value and the assessment rate of the Danish home's property then the town would get some sort of benefit. But, no, it's really the property owner who gets the benefit. The town is not using cell phone towers as a revenue source if that's what you're concerned about.

Ms. Arcadia Kocybala stated I was kind of hoping it was. Thank you.

Mr. Wai Man Chin stated you're welcome.

Mr. David Douglas asked did you want to speak?

Mr. Frank Franco stated I live at 1059 Quaker Bridge Road which is that block just south that's represented right there.

Mr. Raymond Reber asked which number? Those lots are numbered up there. Could you identify your number?

Mr. John Mattis asked 68.19-1-2?

Mr. Frank Franco responded 68.19-1-2.

Mr. Raymond Reber asked so it's directly across from the entrance?

Mr. Frank Franco responded yes. So, from the map it looks like relative to where the antenna would be to our property is about 523 feet.

Mr. Raymond Reber stated they have dimensions for that. They measured that so they can provide us that dimension. From the house on that lot across from the entrance, what's the dimension?

Mr. David Douglas stated I think at the work session you said it was about 700 something.

Mr. Michael Sheridan responded 714 feet.

Mr. Raymond Reber stated 714 feet from the tower to your house.

Mr. Wai Man Chin stated yes, 714 feet from your house to that tower.

Mr. Frank Franco stated somebody mapped that out? Okay, so it's a little further back – I was measuring to the property line not to our front door.

Mr. Wai Man Chin stated from the property line is another 400 feet in so...

Mr. Frank Franco stated nonetheless, I do have concerns being it's probably closer to our house than maybe even some of the other neighborhood houses, from a property value standpoint. One of the reasons we moved to Teatown and that particular house is we really enjoy the ruralness of the area and that there was no electronics and cell towers and power lines. I know that there's a power line at the edge of the Danish home over there but nonetheless, I like the way our property was situated and with that monopole that they want to put in it would definitely – if I was buying a house, again, it would influence maybe my decision and it would probably be influenced on a number of factors, for one: there are some studies, and I know there's a lot of studies that say

there's no health effects from putting in cell towers and there's other ones that say they are. I've found this one particular study and I believe there's a couple others as well...

Mr. David Douglas stated before you continue let me just – I'm aware of the studies. We are not allowed, under the Federal Law, we are not allowed to consider health or potential health impacts. We're precluded from considering that as a factor.

Mr. John Mattis stated the Federal government says it's within any allowable standards and it's not to be considered. Regardless how we feel, we may agree with you a hundred percent, but it's out of our jurisdiction.

Mr. Raymond Reber stated federal government's position is similar to a position they took a long time ago when it was decided you had to start running electricity on poles and wires through communities to allow service and they said: nationwide, that's necessary. We're not going to allow local jurisdictions to say: no wires, no poles. We ended up with a network of messy wires and poles all over the country because you needed it so you could have electricity and everything else. Federal government's used the same logic now and said: look, we think a nationwide network via cell towers is fundamental to the needs of the citizens of this country and in fact, they'd like to get rid of a lot of the wires and other poles. So, they made this directive that says: as far as we're concerned, health issues are not an issue so we're not going to let that game be played and so the argument is if a cell company like Verizon says this is an area that's not being served, they have a right to come to the local municipalities and say: we need to serve this area. Our responsibility is to make sure they're making the best decision to minimize the impact to the community while at the same time getting to service that the residents and the businesses need. That's why earlier you heard us discussing 129. If there's a cell tower and it can be used, use it. They're saying they can't get the coverage. They're going to provide us the data to justify that and they're saying that they surveyed the area and this is the best location to get the most efficient service to the area. With that, then we just – our hands start to be tied as to what we can do in terms of saying 'no'.

Mr. Wai Man Chin stated we just got to make sure that the pole is safe, this, that and everything else. There's a full ratio. There's a lot of things that...

Mr. Frank Franco stated more structural standpoint.

Mr. Raymond Reber stated and to ease your concern, we haven't seen and I haven't seen – certainly I'm an engineer so I pay attention to these things, any data yet where anybody's been able to say that because of cell towers property values have gone down, it become a problem for a neighborhood. I think, particularly in this case, this cell tower is going to be so buried back in the woods that 99% of the people going by are never going to see this tower. As a homeowner, I understand your concerns. Obviously you want to protect the value but I'm not aware of any indication that something like this is going to cause a problem. There may be the one person, out of all that might come look at your house in the future that may raise it as a question but I don't think that you're going to suffer house value.

Mr. David Douglas stated we understand your concerns. It's just there's only so much we can do. It's a matter of finding out whether they meet the criteria.

Mr. Frank Franco stated I guess I'll just state it at least that I understand you guys don't address health concerns but it's actually unfortunate because it does seem that there is some evidence that there could be health issues. I understand you guys can't do anything about that.

Mr. John Klarl stated the federal government is preempted the locals from looking at the health and science issues.

Mr. Frank Franco stated I'm sorry.

Mr. John Klarl stated the federal government is preempted the local governments from looking at the health and science issues. We are able to look at esthetics and location.

Mr. Frank Franco stated I guess the other thing is then that I will mention is that we've done some research and it seems that when you're under that one thousand feet proximity to the tower it could influence your WIFI within the house which I suspect might be – seem like a small problem to you guys but we do use WIFI in the house and my wife and I do work there and it's part of our business so if it is – I don't know for sure if it's going to impact but it seems like there's a fair amount of evidence that it could so I am concerned about that.

Mr. John Mattis stated I would say that if you go out on 129 at the other pole that they discussed, there's several houses that are not too far away from that and even the business there probably has WIFI. There's one on a water tower out off of Croton Avenue and there's houses right around it and they apparently haven't had any – we've never heard that brought up as a concern. After the fact, the town has had no comments or anything. You're still a bit away compared to where some of these other poles are in proximity to houses or businesses that would use WIFI. I'm pretty sure that's not a problem.

Mr. Frank Franco stated maybe the fact that it's a monopole – I don't know what the power of a monopole versus the full fledged – I'm guessing the monopole's a smaller pole than...

Mr. John Mattis stated actually it's wider because the electronics are inside and they can be different strengths.

Mr. Wai Man Chin stated it's not like overhead wires. That could interfere with WIFI.

Mr. John Mattis stated it's really the design of whether the things come out and some of them look like branches which was – or versus having them inside. The power could be the same for either one or it could be different depending on what they need.

Mr. Michael Sheridan stated I just want to clarify. This is going to be a monopole not a flagpole.

The flagpole is where all the antennas are on the inside. This is going to be a monopole much like the one on 129.

Mr. Raymond Reber stated there may be a concern. Myself, I have WIFI. There's cell tower units but it's probably a thousand feet or so away so, again, maybe you're a little closer. I guess my answer is, if the tower goes up and you have trouble I'd call your friends at Verizon and say: come over here and help me out. What can you do to fix my WIFI so that you don't interfere? But, I don't think it's going to be a problem but who knows? You may be right. You may have some trouble.

Mr. Frank Franco stated I don't know either obviously. I guess my only other issue and I mean I didn't know what kind of footprint – it sounds like 6 feet at the bottom you're going to clear trees? Because I was curious what kind of clearing is going to be around? Is this pole – right now I saw the proposed picture and this tower is sort amidst all of the trees and it's kind of hidden. After they clear their pad and everything and I don't know how big that area is. It might look a lot different than the proposed picture that I saw. Is this going to be like this pole sitting in the middle of nowhere opposed to what it looks like now with all the trees around it?

Mr. Michael Sheridan responded it's approximately a 5,500 square foot compound that the pole would be in and then there's a 12 foot access drive that'll be...

Mr. Frank Franco stated I've seen it but that doesn't tell me if you're clearing all the trees in the 5,600 square feet area.

Mr. Michael Sheridan responded yes, it'll be a fenced in compound. There will be no trees in that fenced in compound at approximately 5,500 square feet.

Mr. Frank Franco stated that's a pretty substantial area that's going to be cleared.

Mr. Michael Sheridan stated again it's on a 48 plus or minus acre of property.

Mr. John Mattis stated if you look at it up here, it gives you a relative size. That's 5,500 square feet the square there where it's located up that little road, right there. All around that there's trees so it's still going to be surrounded by trees and that's a higher elevation than you are. You won't be looking down into it to see that big open area.

Mr. Frank Franco stated I'm not even sure from my property if I could see it from down below.

Mr. John Mattis stated you may not.

Mr. Frank Franco stated from the road you might see it but I guess the survey that I saw gave me the impression – I thought that box was just like the fence would be actually outside that box right. The box was just where the antenna itself was.

Mr. John Mattis stated that's that box I believe is the entire 5,500...

Mr. Frank Franco stated this dotted line here, I thought that was the fence not the little box.

Mr. John Mattis stated it's going to be surrounded by trees with the exception of the 12 foot road.

Mr. Frank Franco stated I mean there will be some trees. I'm just wondering looking at this picture are all these trees around here are going to be gone?

Mr. Wai Man Chin stated excuse me. If you look at the size of this room, this room is a little bit under 3,000 square feet. You're talking about one and a half times the size of this room, okay. So, they're going to have a fence around it because they're going to have the pole. They're going to have a support little housing for certain things, for equipment and so forth and so on. You need an area and then a driveway coming in. It's not much – it's a little bit bigger than this whole room right here in 48 acres which is set way back in there. You know what I mean? You will see trees around like this out that window out there right now. If you look outside you see all the trees around? Something like that.

Mr. Frank Franco stated okay, I think that's all I have at the moment.

Mr. David Douglas stated we appreciate your concerns and I wouldn't be thrilled to hear that they were going to put up a cell tower adjacent to my property either so we just either take all the factors and the consideration. I'm not at all trying to minimize your concerns be it about health or anything else but we just...

Mr. Frank Franco stated I appreciate that and I mean my wife has Verizon cell phone and we have service at our house.

Mr. David Douglas stated you're a step ahead of me. As Mr. Franklin knows, not that we beat him up on it that Mr. Chin and I don't get service at our house.

Mr. Frank Franco stated part of me does wonder, like I said, the service isn't like super strong but we do have service. I also question like: do we really need it? This isn't a business area. Most people are probably in their houses or whatever...

Mr. Wai Man Chin stated nowadays most people don't even carry landlines no more. Everybody uses a cell phone to tell you the truth.

Mr. Frank Franco stated that's true, people do.

Mr. Wai Man Chin stated some people still – I still have it. I can't get Verizon where I am.

Mr. John Mattis stated there's a certain criteria that has to be met.

Ms. Franco stated [inaudible]

Mr. Wai Man Chin stated the tower on 129 is right around the corner from me and that's only AT&T.

Mr. John Mattis stated there's a certain criteria that has to be met in order to justify putting up a cell tower and it's a certain signal strength that is in that area and if it's below a certain level then they can put one in and obviously at certain points that may not be the center point of everything but that covers the area that they need.

Mr. Frank Franco stated okay, thank you.

Ms. Heidi Franco stated 1059 Quaker Bridge. This is my Verizon cell phone. It has full service at my house. Just two points: there's going to be a diesel generator inside the compound? What's the firefighting plan for that? Because there's a special firefighting plan for that area in general that involves siphoning water from a lake. If there were to be a diesel fire area there is no municipal service nearby.

Mr. Raymond Reber stated you will not fight a diesel fire with fuel – with water. It's not the way they would fight that kind of a fire to begin with.

Ms. Heidi Franco asked what's the plan to fight a fire for a diesel? If the cell tower collapsed or there was a diesel fire what would be the plan for that property? Because, it's like you said, deep in the woods and close to many old wooden structures and deep wood.

Mr. Wai Man Chin stated I'm also deep in the woods and we don't have any hydrants. We don't have nothing and I got Colwell pond in my backyard, that's where they would stick a hose and pump the water up.

Ms. Heidi Franco stated I understand this but has that been taken into consideration?

Mr. Wai Man Chin stated I don't know.

Mr. David Douglas asked do you have a response to that?

Mr. Michael Sheridan stated I'm certain Verizon would comply with whatever town requirements are there...

Mr. David Douglas stated maybe at our next meeting if you could provide us with...

Mr. Michael Sheridan stated I know they usually have fire extinguishers on site to take care of any issues. I'm confident that they would have fire extinguishers at this site to take care of this problem. It's a small 10 kilowatt generator and they would provide fire extinguishers.

Mr. David Douglas stated if you could just confirm that and have that for our next meeting.

Mr. Wai Man Chin asked it's only 10 kilowatts?

Mr. James Seirmarco stated it doesn't run normally by diesel. It's just an emergency backup.

Ms. Heidi Franco stated I understand that but we lose power quite a bit in that area so it is a relevant question. The other thing two studies that I want to make you aware of that are not health studies but the [study name?] proximity impact study showed reduction in property value of about 15% and the [Bond and Wang?] transaction based market study showed the proximity cell tower reduction in price between 20 and 21%. So there are studies on that matter.

Mr. John Mattis stated I'm sure they're all site specific though.

Ms. Heidi Franco stated these are conducted national studies and I can get you those studies if that would be helpful to you.

Mr. John Mattis stated it really can't make a difference in our determination but I would counter that with this is something high up in the woods that very few people will even see so you could look at the 21% maybe and nobody's complaining about their property values out on 129. That other one everybody can see but this one, you know, you're going to forget it's there after the first time you see it.

Mr. Wai Man Chin stated the houses right behind the cell tower on 129 – they're only maybe about, not even a hundred feet off the tower.

Mr. John Mattis stated we can't guarantee that nobody sees the cell tower. If they have a requirement to put it, they can put it somewhere within that envelope and if we find a better location – they've been looking around for years I know, three or four years. Apparently this is the best location they can come up with and we certainly can't turn them down because somebody sees it.

Ms. Heidi Franco asked who is the actual owner of the property at 1065 Quaker Bridge Road?

Members stated the Danish home.

Ms. Heidi Franco asked and who holds that corporation?

Mr. David Douglas asked who the actual principals are? It's a non-profit...

Ms. Heidi Franco asked but there's a board?

Members responded yes.

Ms. Heidi Franco stated thank you.

Mr. David Douglas stated you might want to talk to that gentleman. I don't want to put you on the spot but you might want to talk to him about this. I apologize about that.

Mr. Franco asked what are the next steps in the process?

Mr. David Douglas stated what we're going to do is we're going to adjourn this hearing until August and then we will have another continued public hearing in August and the applicant will have some additional information for us and the public is free to continue to speak at that point. It will be for August.

Mr. Franco asked engineering department will give us.

Mr. David Douglas stated the town engineering department will do a report in the interim and will have the benefit for what they find on the engineering aspects.

Mr. Michael Sheridan stated just so we can adjourn this to a date. What is the date in August?

Mr. Ken Hoch responded 8/17.

Mr. David Douglas stated August 17th.

Mr. Wai Man Chin stated August 17th.

Mr. Michael Sheridan stated thank you.

Mr. David Douglas stated thank you for your time.

Mr. Wai Man Chin stated I'm going to make a motion on case 2016-10 to adjourn to the August meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated it's adjourned until August.

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ADJOURNMENT

Mr. John Mattis stated being no more business I move that we adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated as Mr. Chin said, so moved.

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**NEXT MEETING DATE:
WEDNESDAY, JULY 20, 2016**