

Town of Wallkill

PLANNING BOARD MINUTES

December 6, 2017

Members in Attendance: Gary Lake

A Guattery, T. Hamilton, Clark Najac, J. Keegan

Bill Capozella, Tom Hamilton

Also in Attendance: Dick McGoey, MH&E PC, Consulting Engineer

Tad Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

**East Main St. Millhouse SP/SUP – 758 East Main St. (78-1-34.4) # 71-17**

M. Hunt Notice is hereby given that a public hearing of the Town of Wallkill, Orange County NY will be held at the Town Hall at 99 Tower Dr. Bldg. A Middletown NY in said Town on the 6<sup>th</sup> day of December 2017 at 7:30 pm or soon thereafter as the matter can be heard that day on the application of East Main St. Mill House LLC 285 South Centerville Rd. Middletown NY for approval of Bakery and Café located at 758 East Main St. and Midway Rd. Middletown NY 10941 AKA 78-1-34.4 under Section 249-26.2c (2) of the Town of Wallkill Zoning Law. All parties of interest will be heard at such time and place. I have rec'd the mailings.

D. Higgins Dave Higgins from Lanc & Tully. The application is for the renovation of an existing bldg. located on East Main St. (old part). It was severed with the new interchange crossing 17. The project is in the OR district and we are proposing to use the lower half of the bldg. 4378 s.f. for a bakery/café use. The remaining portion of that and the upper portion for office. We have utilized the south side parking lot and are doing restriping and an access around the north side and the east to allow circulation of vehicles.

G. Lake Thank you. Motion to open this PH at 7:35 pm. Motion to close this PH at 7:36 pm Tom/Andy 7 ayes. You have Dick's comments; I'm assuming you have no problems with any of them.

D. Higgins The only question was the water service – I spoke to the architect and they are still trying to figure out whether or not they are going to be putting sprinklers in the bldg.

R. McGoey We will have to polish that up before we sign the maps.

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D. Higgins Everything else is shown on the plans.

G. Lake The board agreed with the banked parking last time.

R. McGoey You don't show the parking on the office space, is it for the owner of the bakery? Or is it to be rented.

D. Higgins There is nothing designated but we did include it in the calculations – the 24 spaces. It say bakery on the bottom, it should say office. I'll correct it.

R. Mcgoey ok.

D. Dulgarian How does the ingress and egress work? You have to come in East Main and leave Midway? If you are going left you have to go to the traffic light? And right can make an immediate right out of the there..so traffic from Crystal Run has to go to the traffic light?

D. Higgins Yes, there is a U-turn there and the canoe launch sign.

D.Dulgarian You might need some signage there. I don't think you can make a left where the exit is only.

R., McGoey There is a curbed island there. it restricts you from making a left.

D. Dulgarian Can you tell me about the landscaping?

D. Higgins We had the landscape plan in the sheets, we did save 3 trees in the rear. We spoke about that at the last meeting. SW corner of the bldg where the walk comes in and 2 trees in the south east corner of the parking lot. We worked around them, relocated the dumpster enclosure and we have provided add'l landscaping around the facility. There are shrubs where the banked parking is and perennial plantings to give it some color. We did not put trees in there bc we want the building to be visible. We don't want to shield the entire bldg. We are going to soften it with the landscaping but not hide it behind large trees.

D. Dulgarian I like the project and think it will be great. Is there outside tables?

D. Higgins There is outdoor seating under the covered porch and one area where they hope to put the picnic table. (southeast corner)

J. Keegan It's a great use for an existing property. I have no issues.

B. Capozella I agree. I have no issues.

C. Najac Agreed, a nice addition to that corridor.

A Guattery one question – because this is so close to the river is there any kind of an issue we should be looking at?

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R. McGoey They need a floodplain permit.

T. Hamilton I've watched it flood many times there.

D. Higgins We did look at the floodplain map. The mapping does not reflect, I think there is some reduction in what that floodplain elevation is. We show what is on FEMA's mapping but when we replaced that culvert it probably improved the drainage and you probably won't have as significant flooding; I don't know that for certain, that would take a hydraulic analysis on it. That's my thought on it. I don't think the bldg floods regularly. Sandy was an exception. They do have to address some items in the foundation plan and get a floodplain permit from the building dept. that would include some measures to the foundation. There are some areas we are filling on the site, we won't be filling and adversely affecting the floodplain.

R. McGoey Signage is handled by the bldg. dept. We like to see the location..

D. Higgins There is an area where the old one was, the posts are still there at the front entry.

T. Hamilton You are talking different operations in there. I think there are at least 4 electric services in there.

D. Higgins Everything will be replaced and relocated. It will be upgraded and underground service instead of the above ground lines that are there. PVC piping, etc. Change the location so it's not in the front of the bldg.

T. Hamilton There were 4 units in that bldg. do you know who you are going to have in there?

R. McGoey they will have approval for an office use unless it's a doctor office then they need to come back.

D. Higgins It's only separated into 2 units. Downstairs is bakery and café and upstairs is 2 units for office use (possibly)

G. Lake Ok – you are stripping out electric and putting in 2 new services. I think it's a great use and will dress up the area. Motion for a neg dec part 3 EAF subject to all comments. Doug/Jim

D. DULGARIAN AYE

J. KEEGAN AYE

B. CAPOZELLA AYE

C. NAJAC AYE

A GUATTERY AYE

T. HAMILTON AYE

G. LAKE AYE

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Motion for SP/SUP subject to all comments – Andy/Clark.

D. DULGARIAN	AYE
J. KEEGAN	AYE
B. CAPOZELLA	AYE
C. NAJAC	AYE
A GUATTERY	AYE
T. HAMILTON	AYE
G. LAKE	AYE

**Homeland Towers SP/SUP – 90 Slaughter Rd. (61-1-27.12) # 57-17**

M. Hunt Notice is hereby given that a public hearing of the Town of Wallkill, Orange County NY will be held at the Town Hall at 99 Tower Dr. Bldg. A Middletown NY in said Town on the 6th day of December 2017 at 7:30 pm or soon thereafter as the matter can be heard that day on the application of Homeland Towers LLC and Orange County-Poughkeepsie Ltd. Part. d/b/a Verizon Wireless c/o Snyder and Snyder, 94 White Plains Rd. Tarrytown NY 10591 for approval of a wireless telecommunications facility consisting of a 150 foot monopole with antennas and related equipment at the base thereof located at 90 Slaughter Rd. Middletown NY AKA 61-1-27.12 Under Section 249-47 of the Zoning Code and Chapter 221 of the Town of Wallkill Town Code All parties of interest will be heard at such time and place.

I have rec'd the mailings.

G. Lake Give us a brief description on where we are since last time you were here.

Attorney Since last time we were here there are 3 things we looked at. The setback is the ht. of the tower plus 50' which would be 200' unless there is documentation provided – we provided a structural letter stating previously the tower would be designed with a fall zone of no more than 100'. We have now been asked for the calculations. We get them from the manufacturer when we order the tower. Sometimes the PB requires certain specs. We had the tower manufacturer prepare a letter explaining how the fall zone works and provide sample calcs from a similar application. I expect Mr. Mcgoey has not had time to review that yet. 2<sup>nd</sup> we also went over different locations on the property with Mr. McGoey. Basically what we showed is the code requires a 1000' setback from residences and you have the property line setback. We also have wetland encumbrances on this property. there is one location in the back end of the property that would meet the setbacks but we would have to get across a wetland buffer. We think if we go to the back end of the poetry we would be closer to residences in that direction. Where we are now is close to the highway. Most importantly is we had the balloon test. We prepared a full visual resource evaluation. I have copies. We would be happy to submit them now or before the next mtg. we did the balloon test and took photos from all the areas we previously identified. We did a view shed map showing where the facility could be located and visible from based

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on bare earth conditions and foliage and trees. We took photos and used computer modeling to show what it would look like from each.

G. Lake Motion to open this PH 7:52 pm.

F. Cavalato Good Evening. I live at 354 Stage Rd. I have health concerns. Depending on which scientist you listen to there are some unknown risks as far as cancer and other things depending on how far you are from the tower. My home is about .74 miles from the tower. What should I be worried about? Will other cell towers add to that tower and make the radiation even more? Property values- will they be affected? It takes away from the rural look of the area. What is the need here, I have great cell service, I know of no dropped calls either here or on 84. Thank you.

N. Bayack Good Evening. I live at 287 Stage Rd. My family and I own a house on a lot and also own a 15 acre lot that surrounds us. When you are looking at the farm we are the hill you see in the background. Verizon came to us a couple years ago to put a tower there but we were not interested at the time. Right now I want to tell you that property is embroiled in a legal dispute with the federal EPA and NYS DEC. I spoke with the DEC the other day and the DEC told me due to the illegal fill he bought in to both his properties, they were originally going to have to take out some of the fill that was over the limits and cover up the ?. now the ACOE is involved and saying it is wetlands. Where you are looking at now is where he backfilled and is the area where the EPA is saying it encroached on the wetlands. At that stage I talked to the DEC and there are so many govt. agencies involved they are trying to get everything on one table. They don't predict that happening before early next year. Before that happens and there is a remediation plan I don't know why it is being discussed putting something else on an already saturated property.

G. Lake We are aware of the fill that went on up the road a bit and the amount. We are here to hear all of this and then our legal people will look at our position.

R. McGoey Are you saying the tower location is filled?

N. Bayack That whole property was backfilled. He encroached on the wetlands. I know there was fill bought into that area. I don't know exactly know where the DEC is saying the encroachment happened but he has a remediation plan in place and they said he might have to take some stuff out of there. it's currently in process. I think we would be wise to wait and pause while the process ...

T. Zeffiro I know a couple people on the board. I've been before you myself. We are in the area since 1964 when my parents bought 137 acres on Stony Ford Rd. Seems to me that this is one of the only rural areas left in the area. They did things like change the Zoning from 1-2 or 3, 5 acres. How is a tower going in the middle of farmland? I can think of a million other places. I don't understand it, I just want to voice it from my heart, I don't like it. This is where it starts, the last rural area left. Next is storage, gas stations and ¼ acre lots. It's not fair to the people that are there that are paying the taxes and have our own water and septic. Thank you.

G. Lake            I don't know if you want to answer these questions, if you answer and they are incorrect that is what we will have to live with. If we decide to close this PH or not and move on make sure what you say is 100% correct.

Attorney            Health concerns – we hear that a lot. The congress passed the Telecommunications Act in 1996 which basically says provided that the facilities meet the FCC limits it's fairly pre-emptive from local reviews. We had a 3<sup>rd</sup> party do a report which is the RF compliance report in the package. What we showed is that with Verizon and add'l co-locaters came it would be at 1.5667% of the allowable FCC limitations. In other words about 63 times below the federal limit.

G. Barone            Is that 5 co-locaters?

Attorney            it is 4 – it would be Verizon, AT&T, Sprint/Nextel and T-Mobile/MetroPCS. It includes all 4 of the licensed carriers in the area. Actually your code requires we build it for that capacity and submit a co-location letter stating we would make it available for co-location. That is good planning, most good codes have that provision. Regarding the rural look of the area, the code has 1000' residential setbacks. So it is very difficult to find that in a more dense location. We are on a 78.8 acre lot so by taking advantage of the large lot we can meet that setback. It is also close to the highway but to also have that buffer from the property lines. The question on the need for service- what is happening in the evolution of wireless is in the past people made phone calls, the capacity was handled by a data driven service, (lte, voice over lte) it still goes over data. People that are texting and downloading and using the internet creates a tremendous capacity demand on the networks. Verizon showed in its report that 3 surrounding sites are at capacity or about to become at capacity. The one site to the east at the rest stop – the lattice tower is at capacity (on Rt. 84) or exceeding capacity. There is too much usage on it. The site out there on Tower Rd. is already at capacity and the 3<sup>rd</sup> projected to exceed. They looked at the coverage area and capacity of the system for the need for this site. We looked at numerous alternatives. We submitted a report from Mr. Xavier. When he originally started to look in this area, he found a spot and found it to be code compliant and reached out to 22 different properties. 5 responded they might be interested. 4 were no longer and this one still was. We met with McGoey and the Town and there were other locations that Town wanted us to look at. They were too close to the existing towers. One was a water tank that Verizon said they wanted to be putting a small antenna on. The answer which is documented in some reports and the RF report and alternative site report, as far as the Army Corp and DEC it is my understanding those issues relate to a different lot. I don't believe it has anything to do with this 78.8 acre lot we are proposing here. The other questions as far as the visual analysis is that we submitted it by email for some residents to look at. We have copies here with us if you want to see it or we will pick up at the next meeting. We took photos of locations we knew would be visible. We designed it as a narrow monopole, not a lattice tower. We do meet the residential setback. It is out in the open but to try and put it someplace else it would not meet the 1000' setback to residences. Any place in that direction would be closer to residences and not meet the setback or be visually more obtrusive. The tradeoff was large property, large setbacks. It does not have a heavily wooded area surrounding it but it is adjacent to the highway.

D. Dulgarian I know that we have heard that congress has written a law that we can't look at it as if it causes health issues, so that is off the table here. I went to the balloon test but for you to say the other locations would be more obtrusive than that one is hard for me to believe. I understand the capacity and why it is required. I know that is where we are headed as a society. However, I think we still as members of the community have to keep our corridors as aesthetic as possible. I have an issue of the location of that pole. I printed what you sent and looked thru it. I find it hard to believe that it can't be moved somewhere else on that site that would give you what you need and give me as a board member what I am looking for riding down that corridor. We are getting very protective about all our corridors, we want Walkkill to look good and meet all codes and be functional. What I saw there and I see now on your renderings is an issue. It's going to happen but I would like to see it happens somewhere else on that property.

Attorney I'd like to share a map with you. What we did is we showed with the red circles the residences that are closest in the area. It shows a 1000' setback. We showed the property setbacks with yellow lines which is basically 200'. That is subject to getting it down to 100 just to give you an idea. The blue lines are the wetlands and wetlands setback area. That's what we are struggling with as far as the location on the property. there is a spot in back and we would have to get thru the wetland buffer with the access drive. You go up Slaughter toward Stage road and it's a residential area. That is what we are trying to balance. We have been looking at that and continue to between now and next month.

J. Keegan I think the balloon test showed what it is going to look like. there is no screening, it's in front of the property and when you are driving down 84 that is one of the most beautiful properties you see. To put a 100' tower right there in the front yard is the wrong idea when you have such a large property. find a place closer to the trees where you can put more screening on it. I agree it's a rural area. I get that the towers are coming but we have to compromise and protect that rural corridor in the Town.

Attorney Based on the maps are you thinking the back corner?

J. Keegan Something with more screening closer to the tree line and behind the actual farm area. Not in the front yard. I'm just one board member.

B. Capozella I agree, I prefer the alternative site. I know you mentioned it in your plans and the wetlands but I think there is a way around there. The board can't approve the wetlands, that would be the DEC but you mentioned it is a possibility. You would require a permit from the DEC. I don't know if we can send something to the DEC saying we prefer this site? I'm leaning toward that. I think the only other thing we need to discuss is about the site as far as the remediation/contamination issue.

C. Najac I understand where we are going with this- technology has to happen. As I was standing next to Doug looking at the balloon and discussing how much that looked like a slice of Americana, I agree that this is not the place to put it. I'm sure there is another place on this property and looking at this map there is a lot of spaces that are not inside any of the circles. It's not our job to

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pick the spot for you but you are telling me there are better places to put this – closer to the tree line. Anyone going down Rt. 84 will see that and say there is another ugly tower. We are making the effort to make it look nice. I like further back.

A. Guattery I was the first one to raise the different location. It's all about keeping our community looking like it should be. The footprint is a 75' square? (5250 s.f.) After that it is fenced in with a gravel access road. So going to DEC it's not like you are blacktopping or curbs, etc. I have to believe that while it may be a bit more difficult it has to be better.

T. Hamilton On the map, the blue circles are the wetlands? What about the opposite corner to the left? That is the one that you have to cross the wetlands? (yes). That will be the closest to the woodland and I agree that you could move it back and that is where it should go. I don't see why we can't get access to get in there.

G. Lake I could call the vote, chances are it won't pass.

G. Barone What I hear from the applicants counsel is they are going to agree to waive the 62 day time limit within which we have to close the PH. They are going to double back and vet some other locations, have a w/s with our engineer and see if they can't propose a location that is more suitable based on the boards comments.

Attorney Yes, I agree. Adjourn the PH to next month and we will come back with something. I agree to waive the 62 day time constraint.

G. Barone He wants it adjourned to next month's meeting – it does not need to be renoticed, leave the PH open. Once you open it, you have 62 days to close it and then once it is closed you have 62 days.

G. Lake Motion to table, the applicant has waived the 62 day time frame and we will put them on the 1/17/18 meeting. Bill/Andy 7 ayes.

**Cieslewitz 4 lot SD – Ext. of Cond. Approval 207/217 King Rd. (12-1-58) #23-17**

G. Lake Motion for 1 year extension to conditional approval – Doug/Andy 7 ayes.

**Venda SP/SUP – Ext to Prelim. approval – 2349 GoshenTpk (60-1-68.13) #61-14**

G. Lake Motion for 1 year extension to Preliminary approval. Tom/Andy 7 ayes

**Valley View Mobile Park SP/SUP- Ext. to Prelim Approval – Rt. 211e (46-1-68.22) #62-14**

J. Pitangaro Good Evening, we are here to discuss our application. We are on for an extension but want to know if we could ask for conditional final approval. We rec'd preliminary about 1.5 years ago and are working with outside agency approvals. We designed a water system for the OCDOH and we had to do significant well testing as well. We had a pump test twice. We have gotten that approval and resubmitted to the board a revised SWWP. Any comments?

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D. McGoey I have some serious concerns about the SWWP management. Here is a copy. I suggest we not go any further than preliminary right now. WE can do the extension and he can come back to WS.

J. Pitangaro Ok, thank you.

G. Lake Motion for 1 year extension to preliminary approval. Tom/Jim 6 ayes.

MOTION TO ADJOURN.