

TOWN OF WALLKILL PLANNING BOARD

MEETING

JULY 1, 2009

MEMBERS PRESENT: G. Lake, W. Capozella, T. Hamilton, R. Carr, C. Najac, H. Ross

MEMBERS ABSENT: A. Dulgarian

OTHERS PRESENT: J. Bacon, D. McGoey

1. **SCHLEIER** - 4 LOT SUBDIVISION - 237 Derby Road (22-1-44.32) #09-08

G. Lake: Your name for the record, please.

D. Yanosh: My name is Dan Yanosh, surveyor for the applicant.

G. Lake: Go ahead.

D. Yanosh: The last time we were here we discussed whether we wanted a Town road or a Private road. I talked to my client and she's adamant with a Town Road and doesn't want a private road. She feels the lots will be worth more and that's what she wants to do. We are proposing a four lot subdivision, lot #1, #2, and #4 newly created lots. We would have single family homes each with a well and a septic. Lot #3 has the existing house on it.

D. McGoey: Ten feet off of the right-of-way line. The ordinance says thirty five feet from the centerline of the road which makes it ten feet from the right-of-way.

D. Yanosh: Even the cul-de-sac, you're going to get thirty five feet.

G. Lake: Let me go through the Board. I know it's been back and forth. Mr. Carr, I know you missed a little of this but he went back to his client to see about the open development and she said no to that and would rather do this. Now, he's just here for sketch and to be scheduled for a Public Hearing.

H. Ross: I know it's here for sketch but how large is lot #3?

D. Yanosh: We have a large amount of wetlands behind us and this is the most we can get on the property.

H. Ross: Is lot #3 marked for no further subdivision?

D. Yanosh: That's no problem.

H. Ross: That was my only concern.

R. Carr: I have no problem with the layout however I would have preferred an open area development.

W. Capozella: I'm okay.

C. Najac: Just a question on the comments from Mr. Lippert. The alternate T-type turnaround shouldn't be used.

D. Yanosh: This is the first time I've heard this. I will talk to him about that.

T. Hamilton: In fact, on that T-turnaround I spoke to Mr. Lippert myself today and he was trying to explain the reason for the T-turnaround is for a turnaround and not to have someone drive there especially in the winter time when they pull in with their trucks, that's the way they plow to those T's and if there is a driveway. I don't know. He said he spoke to you about making it large enough because he claims some of these T turnarounds have been a problem. He mentioned about the size. He was worried about where to put the plow with the driveway on that side of the T turnaround, he has no place to plow the snow then and that it wasn't meant for a driveway.

G. Lake: Yes. I see exactly where he is talking about.

T. Hamilton: What if the Town doesn't want it as a Town road? They don't have to take it, do they? Did Mr. Lippert have questions on the site distance?

D. Yanosh: Yes.

T. Hamilton: He mentioned that today also.

G. Lake: Make sure you see between now and the Public Hearing and get something from the Highway Superintendent about the T turnaround. It probably wouldn't be a bad idea to push it back a little bit if you could.

MOTION for SKETCH APPROVAL subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by W. Capozella.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION to schedule a PUBLIC HEARING for August 19, 2009 made by W. Capozella and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

2. **BOWSER** - 2 LOT SUBDIVISION & LOT LINE CHANGE - 110 Bowser Road
(21-1-62) #58-08

G. Lake: Your name for the record, please.

D. Yanosh: My name is Dan Yanosh surveyor for the applicant.

G. Lake: Go ahead.

D. Yanosh: This is for a two lot subdivision and Mr. Bowser lives on the northeasterly portion in his own house. We're going to give him another 1.14 acres of land and make his lot a three acre parcel. The existing house which is also on the property would be on lot #2. The remaining lot #1 would be 16.55 acres with one single family house on it. We were here before and had some cleanup to do on the map. We're only going for one new house on lot #1 and a lot line change for lot #2 to make it three acres.

G. Lake: It's a little bit more than a lot line change then.

D. Yanosh: What?

G. Lake: We're actually creating a lot.

D. Yanosh: Again, Mr. Bowser is up in the northeasterly corner and he will have three acres altogether with the lot line change and lot #2 will have a new house on it. Really, we have two tax map parcels now.

R. Carr: So, it's a lot line change and a two lot subdivision?

D. Yanosh: Yes.

G. Lake: Okay. Is this considered a three lot subdivision then?

D. McGoey: No, I don't think so. You're only creating one additional lot.

G. Lake: I just don't want it setting a precedence.

D. Yanosh: As you can see on the map in the upper left hand corner you can see the back parcel and we're increasing that to a three acre parcel.

G. Lake: Okay. I will go through the Board.

H. Ross: Why is the house on lot #1 so close to the other property when you have sixteen acres?

D. Yanosh: He always wanted to possibly do something on that lot. We can shift it somewhat.

R. Carr: I really don't have anything.

W. Capozella: Nothing.

C. Najac: Nothing.

T. Hamilton: Nothing.

G. Lake: You will move the house a little bit then Mr. Yanosh?

D. Yanosh: Sure.

MOTION for a NEGATIVE DECLARATION subject to all of Mr. McGoey's comments and this Board's comments made by H. Ross and seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

MOTION for a 2 LOT SUBDIVISION and a LOT LINE CHANGE subject to all of Mr. McGoey's comments and this Board's comments made by R. Carr and seconded by C. Najac.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

3. **OMNIPOINT** (Fairground Site) - SITE PLAN/SPECIAL USE PERMIT - Carpenter Avenue (50-2-26.22) #66-07

G. Lake: Your name for the record, please.

T. Bonomolo: My name is Tara Bonomolo and I'm with the law firm of Snyder & Snyder representing the applicant. Omnipoint is before you on an amendment for a Site Plan and Special Use Permit application for a wireless communication facility. As you may recall we originally filed an application to locate a one hundred forty one foot pole at the corner of Wisner Avenue. We appeared at the January Planning Board meeting and the suggestion was made that we locate it in the Orange County Fairgrounds property at 100 Carpenter Avenue. Omnipoint has amended their application for the 100 Carpenter Avenue location. The facility at the Orange County Fairgrounds property will consist of a one hundred and eleven foot pole with six antennas located therein and equipment cabinets at the base and will be located in the center of the more than a fifty three acre property. We have submitted as part of the application the required documentation under your wireless laws demonstrating the need for the facility as well as the frequency analysis. The structural design of the facility will be designed in accordance to the proper standards.

G. Lake: Mr. McGoey, your comments?

D. McGoey: Why don't I highlight a couple of them.

G. Lake: Okay. I was going to say do we need to go through everyone of them?

D. McGoey: I don't think so. I think the most significant issue is the height of the tower and the ability for other users to get the satisfactory coverage with the elevations that they would have to add. Secondly, on why your coverage is not better than it could be.

T. Bonomolo: Our coverage certainly could be better if the tower was higher. We proposed

the tower at one hundred eleven feet to minimize any potential visual impacts. The facility can be designed so that it could be expanded in the future.

D. McGoey: If you look at the coverage there seems to be an area particularly along Route 84 which doesn't have coverage.

T. Bonomolo: Sometimes even if you increased the height due to the topography in the area you won't get coverage.

G. Lake: I know when we built the one here at the Town Hall and was designed to add on to the highest if need be. Obviously when they built this one it was to get the maximum coverage for anybody else who might come along and want to go on this one. I'm not trying to tell you how to do your business because these are a way of life today and I just think it's foolish to maybe have to come back a year from now and either want to go higher or put another one someplace when maybe we can avoid that for everybody. I would like to see you go back and double check that.

T. Bonomolo: Let me ask . . .

G. Lake: I mean, you're going to have time because you will have a Public Hearing. To me it doesn't make sense to do something half way.

T. Bonomolo: I agree with you. When we proposed it at Omnipoint it was at their height requirements.

G. Lake: Okay.

T. Bonomolo: But, if you wanted us to consider building this tower taller right from the beginning then certainly we can consider doing that. I think the idea was to meet our coverage objectives and minimize any potential visual impacts.

G. Lake: Okay.

T. Bonomolo: But, I do recognize now if this facility is considerably lower than originally proposed, it's well within the requirements of the code and is located in the center of a rather large parcel of property.

G. Lake: Mr. McGoey, anything else?

D. McGoey: That was the big issue. I think the other one but do you have any problems with the remainder of the comments?

T. Bonomolo: Not really major issues. There were a couple of items particularly item #4 and #5. We were wondering if they could be a condition of approval and shown on the construction documents as part of the permit.

D. McGoey: I told them today that if it was okay with the Board that it be a condition of approval and before the Chairman could sign the maps that information would have to be on the plan. The structural design of the retaining wall and on the verification of the flag pole is built according to the New York State Building Code.

G. Lake: Anything else, Mr. McGoey?

D. McGoey: No.

G. Lake: I will go through the Board.

H. Ross: If you can improve coverage it will be good for everybody.

R. Carr: Nothing.

W. Capozella: In your report you talk about the tower and then you're going to have six small panel antennas. Six antennas for your usage strictly?

T. Bonomolo: Yes.

W. Capozella: Is that all you can put on there?

T. Bonomolo: The six antennas are what Omnipoint needs to provide the gap in coverage however, the tower itself will be constructed to accommodate four additional Omnipoint antennas.

W. Capozella: Nothing further.

C. Najac: The lighting on the American Flag. I understand it needs to be done but you didn't tell us how much lighting and you also mentioned that you need lighting for FAA. So, do you need to have a light on top of the pole for airplanes?.

T. Bonomolo: We're in the process of confirming that no FAA lighting will be required. We

haven't done that analysis yet. I believe we had done an analysis of the property across the street and it wasn't required so the language in here is just stating that if they require it we would have to do it. I will confirm that and have that information.

D. McGoey: There are significant trees in the area which would buffer.

C. Najac: And in your report where the waves actually start to weaken up to five hundred feet they actually get stronger and then after five hundred feet they drop off. The five hundred feet marker is actually where the ballfield is. I wanted to go through the other map where you're showing what you would be gaining in blue. You have two maps showing that in blue. One is the blow up, the first one. All the green is what you already have.

T. Bonomolo: Yes.

C. Najac: So, putting that pole in would give you the blue area?

T. Bonomolo: Right.

C. Najac: How much higher would you have to go to get the rest of the Town that's not covered left and right?

T. Bonomolo: If you look, you can see how we have existing sites on there. They are marked with purple circles and they have numbers. It's not a function of height necessarily, it's more of topography. We need to contain the signal somewhat so they work in connection with each other.

C. Najac: The reason I'm asking is if we have to put a tower in for you to get more coverage and we still have not covered the entire Town is it feasible to get more height on this tower where it's in a location which really won't be that big of a hassle versus putting another tower or two towers in other locations of the Town which good bother people.

T. Bonomolo: Right. We will look into the coverage by increasing the height but if it's going to increase the coverage it would eliminate space in the white area here. It's not going to provide coverage in any of these areas.

C. Najac: If it does it would make life a lot easier in the future.

T. Hamilton: On a similar note that one area is like a bowl effect that you're not getting your coverage.

T. Bonomolo: You mean in this area?

T. Hamilton: No, where you have the blue that this tower is going to give you the blue coverage. Now, we're talking about co-locating you're sticking it down in this bowl and you're talking about lowering your tower because you don't really need it that high to get this small amount of coverage but yet our co-locators it might not help any of them other five looking to concentrate on the little area here and not even add around. What is so important in that one little small area that you're going through the expense of putting this tower up just to give coverage in a little knob in the middle of this bowl and not extend out where other co-locators might be able to use it? You're kind of locking the co-locators out.

T. Bonomolo: This is for Omnipoint coverage and we can't beef for other carriers in this area. If you look at this map where it just shows the green and you don't see the proposed coverage. You can see the gap area and it is showing that Omnipoint has gaps on major roads, Route 211, Route 17M and those are significant roadways that Omnipoint is seeking to cover with this site. I can't speak for the other carriers needs and whether they have gaps in that area but I think you can see that Omnipoint is looking to serve those major roads and a significant commercial area.

T. Hamilton: Do you still have the antenna on the hotel?

T. Bonomolo: At the Route 211 and Route 17 site?

T. Hamilton: Yes.

T. Bonomolo: I believe we have an antenna at that site.

T. Hamilton: And that doesn't give you any coverage over in that area? That looks a little bit higher than where you're going to be.

T. Bonomolo: That site is at a sixty foot height, I believe.

T. Hamilton: Yes, but that's at the top of a hill.

T. Bonomolo: Right. As you can see,

T. Hamilton: It's the elevation compared to what your tower is going to be over where you're going now.

T. Bonomolo: That elevation is (not clear).

T. Hamilton: The higher one at the motel isn't giving you anything in this area?

T. Bonomolo: No.

C. Najac: The higher one using the directional antennas, the antenna panels, are they directional?

T. Bonomolo: I believe so.

C. Najac: So, if you put another one on that pole and turned it in that direction to get the coverage without adding this antenna?

T. Bonomolo: The why the sites are designed is in a pie shape so you have three sectors. If you move to an antenna to cover another area then you would lose coverage someplace else and then wouldn't work in conjunction with each other. If you look at this with the coverage that you're getting from the existing surrounding site and the reason why those sites are all similar. This site is going in the middle and making up where those sites don't reach.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: I just wish I remembered what that coverage was for that small unit that's on the motel site. You don't even know it's there but here we're putting up a one hundred and some foot flag pole that might not be giving us anymore coverage that what that little one is.

T. Bonomolo: You can see the coverage that's provided on the map. It's showing the green area surrounding those sites.

C. Najac: So you're saying there isn't enough space on that antenna to put another directional panel on?

T. Bonomolo: Yes. The site is not ours to provide coverage in that area. You can't modify that existing site to provide coverage.

C. Najac: But I was just trying to understand your antennas being directional. Yes, if you turn the antenna you lose coverage someplace else but if you put an additional antenna up could you gain coverage in another area by adding another antenna. Actually you're putting antennas up in groups of three and one is a transmitter and two are receivers. So, you would

have to put three on but if you could have the space to put three more on that existing antenna could you face that way? Basically what I'm trying to understand is you need that much more power to transmit and receive for that area using that other antenna.

T. Bonomolo: I am going to ask Larry West an Engineer for Omnipoint who can shed some light on this issue.

L. West: Unable to hear. We're restricted as to how many antennas we can put in a central location. We just can't arbitrarily do that. A different carrier may have a different design.

C. Najac: You're only getting fifty five degrees of coverage for an antenna panel. Is each antenna panel a transmitter and receiver or are they separate?

L. West: Each of three are transmitters (not clear).

C. Najac: So, you're covering one hundred ninety degrees. I was just wondering how you got the coverage.

G. Lake: Anything else, Mr. Hamilton?

T. Hamilton: If that's the case where they're looking to come lower to accommodate what they have it might lock us out of co-locators even if we don't know by them going any higher not knowing who the co-locators are going to be or if they're even going to be able to use them if we make them go higher. We've been trying to get them to co-locate onto existing towers. That's all. Now, with the new zoning that's in effect with towers and setbacks that if there is a possibility that if in the future this parcel where this tower is could be sold and wanted to be developed for other uses they would have to know that they're locking themselves out because of the footage that we, as a Town, make the towers in certain types of zones so they may have a big thing in the middle of this parcel that they think is prime real estate because that tower is there they might find out that they won't be able to do anything, is that right?

G. Lake: Yes. I think Mr. Hamilton wanted to bring it up just to make sure that we had it on the record.

T. Hamilton: So that the owner of the property will realize this right up front that they were told this could possibly happen.

MOTION to schedule a PUBLIC HEARING for August 19, 2009 made by H. Ross and

seconded by R. Carr.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES

4. **ROSSI** - SITE PLAN/SPECIAL USE PERMIT (Extension) - 390 Silver Lake Scotchtown Road (40-1-15.221) #85-04

G. Lake: Your name for the record, please.

M. Hunt: I don't believe anybody is here for Rossi but I did get the letter from the owner.

G. Lake: They're looking for an extension. Mr. Bacon, we can grant this for one year?

J. Bacon: We have granted extensions in the past. Yes and this will give them one more year.

G. Lake: Okay.

MOTION for a ONE YEAR EXTENSION along with a letter reminding them this is they're last one made by H. Ross and seconded by W. Capozella.

H. Ross: Aye

R. Carr: Aye

W. Capozella: Aye

C. Najac: Aye

T. Hamilton: Aye

G. Lake: Aye

MOTION CARRIED. 6 AYES