



Historic Town of Hyde Park

Planning Board
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"Working with you for a better Hyde Park"

DRAFT MINUTES OF THE FEBRUARY 19, 2020 REGULAR MEETING OF THE HYDE PARK PLANNING BOARD

**MEMBERS PRESENT: MICHAEL DUPREE, CHAIRMAN
ANNE DEXTER - VICE CHAIR
DIANE DI NAPOLI
CHRISTOPHER OLIVER
BRENT PICKETT
STEPHANIE WASSER
ANN WEISER**

**OTHERS PRESENT: VICTORIA POLIDORO, PB CONSULTING ATTORNEY
LIZ AXELSON, PB CONSULTING PLANNER
CYNTHIA WITMAN, PB SECRETARY**

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Chairman Dupree: Good Evening everyone and welcome to the February 19th meeting of the Hyde Park Planning Board. Please take note of all the exits around the room in case of mishap and now join me as we salute the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

WORKSHOP:

VERIZON CELL TOWER-ANDERSON

Site Plan & Special Use Permit Approvals (2019-37)

Location: 11 Hudson Lane, Staatsburg

Grid#: 6066-02-778644

In Attendance: Scott Olson, Young Sommer, LLC.

Chairman Dupree: Thank you, the first item on the agenda is a new application for Verizon Cell Tower at Anderson, proposed to be located on the Anderson Center for Autism campus. Located very near an existing AT&T cell tower. At the same time, the applicants have slipped in a proposal for a pool enclosure over the pool. At any rate, Mr. Olson welcome back. It's good to see you. I'm going to turn the floor over to you.

Mr. Olson: Thank you Mr. Chairman. It's good to see you also. My name is Scott Olson, I'm with the law firm Young Sommer and I represent Verizon Wireless. So you have before you an application for what we call a small cell facility. I don't know if you're familiar with them. It's going to be proposed for the Anderson School. There is a tower out there right now. AT&T's got a small wooden tower. Even though it's a smaller facility, that's not a small cell facility because they've got a bunch of different antennas on it. We're only talking about a small, 62-foot wooden utility pole with 2 small antennas. It's designed to serve the school area and a little bit beyond that, parts of Route 9. It's not what you would typically see, the 80, 90, 100 foot plus towers with the 12 antennas. That one is coming on March 4th. That's for another day. We have a need for this site and we looked at the AT&T tower and the one thing you may notice if you look at our application materials, that AT&T tower, the antennas right now, the top just sits at the top of the tree-line or just slightly above the tree-line. If we were to put our antennas on that tower, then would be below the tree-line and that very simply just doesn't work for us. We wouldn't do it because it doesn't work for us. Rick Andres is here, he's a Verizon Wireless RF Engineer and he can explain a lot more about that, than I could.

Ms. Polidoro: If you trimmed the trees, could you do it?

Mr. Olson: Trim the trees?

Chairman Dupree: Actually, that's one of my points, what about topping off the trees around it. That's not meant rudely, it just seems logical that if you're saying that you can't put it on below the tree height, what about lowering the tree height?

Mr. Olson: That would be a big project because you'd have to take down a lot of trees.

Chairman Dupree: I didn't say to take the trees down, just top them.

Mr. Olson: Well, I'm not an arborist.

Chairman Dupree: There's no such thing in this state. It's not licensed or anything else. Anyone can call themselves an arborist.

Mr. Olson: Well, I'm not one and I don't know what that would do to the trees, but it wouldn't work for us, because it would be a lot of topping. Not just immediately surrounding them. We have to be above not just the immediately surrounding trees, but...don't forget that we're at a lower elevation than Route 9. It sloped down from Route 9 to the river and we're still trying to get our signal to Route 9 and there are a lot of trees to get over there, so you'd have to top everything. It would be a massive haircut.

Chairman Dupree: When you say everything, how much do you mean by everything? The immediate surroundings?

Mr. Olson: You'd have to look at the trees that surround the buffer between Route 9 and the school. I was just driving down there and there's a good buffer there. You'd have to look to see if those all have to be topped down. It's not something that Verizon would even consider. I think if that was the directive, I think they would say, thanks let's move on.

Chairman Dupree: It just seems to sort of beg the question why you weren't looking at that. That's all. By the way, if you're interested, if you top a tree, it will send out new leaders for the most part. Chris is nodding, he's a landscaper. It doesn't usually hurt the tree or kill it. If we're going to have a huge impact...I just had to throw it out there.

Mr. Olson: I appreciate the question. What I would say is to look at the balloons we floated. I was driving by the site on the way here and I know where the AT&T tower is and I had to squint just to see the little, tiniest silhouette of it. With leaves on the trees, you won't see that tower from Route 9. I guarantee it.

Chairman Dupree: I should add, just for your own edification, when you, I think in a letter or in one of the materials, talked about how we might be

discriminating against you, if we treated it any differently than the AT&T tower. The AT&T tower came here for forgiveness, not permission, if you understand what I'm saying? It was already up and was discovered and they had to come through.

Mr. Olson: I understand.

Chairman Dupree: I, myself don't think this is a big issue. You can't see the AT&T tower from any sensitive historical points. It's not really visible from the river. It's too small to see and you're proposing one of approximately the same height in the same area.

Mr. Olson: Exactly correct. Yes. If you looked at our plans, we're taking up a 10 by 10-foot area. It's 100 square feet, so it's a tiny portion of the property. It's on a ridge that's a little higher than where the AT&T tower sits. There's a property line that's about 50 feet or so away, we have to be 68 feet away and we looked at moving that tower closer to Route 9, but when you do that you go down a very steep ravine and it presents constructability issues. So that wouldn't work. We have an application for an area variance before the ZBA and we have a public hearing for the 26th of this month.

Chairman Dupree: Thank you, is there anything else you want to add?

Mr. Olson: I think that's it unless you have any questions.

Ms. Axelson referenced her review memo, which was issued late in the afternoon, in which she went through Code chapter 101 for telecommunications and noted several points. She questioned whether the applicant considered a new tower with space to collocate AT&T and possibly other equipment. The Chairman suggested that Mr. Olson draft a response narrative to Ms. Axelson's points rather than address them tonight. She continued to note that the plans require some additional labeling, including the pole materials, color, etc., setback corrections and to include notes on future shared use of the tower. She remarked that she did not see a non-ionizing electromagnetic radiation report or statement. There were questions about the easement area, which seems to go into the Town road area and a request for the agreement to include access, maintenance repair and or decommissioning, use for emergency access and Town inspection access. Drainage and grading plans are required, including an application for an Erosion Sediment Control Permit and Plan. Ms. Axelson also requested a zone of visibility map to include possible viewpoints from Norrie Park. The Chairman noted that we have a surveyed master plan for the Anderson Center. She suggested that they attach the EAF mapper summary report and made note there is an area of archeological sensitivity and suggested that they submit the application for review in CRIS for NYS Office of Parks Recreation and Historic Preservation. Ms. Polidoro mentioned that the submission was difficult to follow because even the most recent submission had

outdated plans and she had to look at all 4 submissions to have a complete application. She indicated that if the Board is ready to circulate under SEQRA, that could proceed once the applicant submits a complete packet, which she outlines for circulation to County Planning, OPRHP, ZBA and CAC due to the potential Bald Eagle population. Mr. Olson explained that the easement is within the lease between Verizon and Anderson School. Ms. Polidoro doesn't believe the Planning Board should be concerned about this easement, but the Decommissioning Agreement may require access and the Town Attorney could weigh in on that. Ms. Polidoro added that the documentation that is required by Chapter 101 needs to be provided or in some instances given more depth. The Chairman confirmed that communication can proceed between Ms. Axelson and Mr. Olson. Ms. Weiser had some concerns about the potential Bald Eagle habitat and whether they have confirmed any nests in the trees that need to be removed. Mr. Olson noted the DEC tree clearing restrictions and needed to cut soon in order to get the tower up this year. Ms. Polidoro requested that the applicant look into whether they can remove trees if there is an onsite biological assessment monitor and provide that information. It was noted that the Town does not encourage ground disturbance in an area that is currently under review. There was a discussion about the ZBA's timeline and SEQR process which would take 30 days for responses. Mr. Pickett inquired about the area of improved service and Mr. Olson said it would be primarily the school property and a small pocket around it. Ms. Wasser noted that she also questioned the applicant's ability to collocate on the AT&T tower. Ms. DiNapoli thanked Ms. Axelson for her detailed review of the application and that she looks forward to Mr. Olson's response. The Chairman questioned given the height of the proposed tower, how could there be space for collocation. Mr. Olson replied that with small cell equipment, it really isn't feasible and that the laws need to be updated to address small cells. Ms. DiNapoli also included a comment that in the future balloon tests should be done publicly and in agreed upon receptor points.

MOTION: Ms. DiNapoli

SECOND: Ms. Weiser

To set a Public Hearing for Verizon Cell Tower-Anderson for March 18th, 2020.

Aye	Chairman Dupree
Aye	Vice-Chair Dexter
Aye	Ms. DiNapoli
Aye	Mr. Oliver
Aye	Mr. Pickett
Aye	Ms. Wasser
Aye	Ms. Weiser

VOICE VOTE 7-0 0-Absent Motion Carried

**RESOLUTION CLASSIFYING ACTION UNDER SEQRA AND REFERRING
APPLICATION TO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

Verizon Cell Tower - Anderson

Staatsburg South Micro

Date: February 19, 2020

Moved By: Vice Chair Dexter

Resolution #: 2019-37

Seconded By: Mr. Oliver

WHEREAS, the applicant, Orange County-Poughkeepsie Limited Partnership, d/b/a Verizon Wireless, has submitted an application for site plan and special use permit approvals to construct an approximately 62 foot tall telecommunications tower and pool shade structure on a property located at 11 Hudson Lane, identified as tax parcel no. 6066-02-778644 (the "Property"), in the Waterfront Zoning District (the "Project"); and

WHEREAS, the Project is depicted on plans entitled, "Staatsburg South Micro," Sheets T-1, AD-1, SB-1, C-1, C-2, C-3, C-4 and R-1, prepared by Tectonic Engineering & Surveying Consultants P.C., last revised January 24, 2020 and supplemental submission package from Anderson Center for Autism dated February 7, 2020; and

WHEREAS, pursuant to Section 108-5.14 of the Town of Hyde Park Zoning Law, telecommunications towers and facilities are permitted in the Waterfront Zoning District subject to special use permit and site plan approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form ("EAF") dated May 15, 2019, revised February 18, 2020, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, in accordance with SEQRA, the Planning Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR 617.2(a), all actions not identified as a Type I or Type II action constitute unlisted actions under SEQRA; and

WHEREAS, the Property is located within 500 feet of New York State Route 9, also known as Albany Post Road; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:

1. **Classifies the Project as an unlisted action under SEQRA.**
2. **Declares its intent to serve as lead agency in a coordinated review of the Project and directs its Secretary to send notice of its intent to all involved and interested agencies once four complete application submission sets are received which include: 1) applications for site plan, special use permits and variances; 2) complete updated plan sets; 3) an updated Environmental Assessment Form including EAF mapper; and 4) signed letters of authorization from the applicant and the property owner.**
3. **Directs its secretary to refer the Site Plan to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**

**Aye Chairman Dupree
Aye Vice Chair Dexter
Aye Ms. DiNapoli
Aye Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser**

Voice Vote

7-Aye 0-Nay

Motion Carried

Involved and Interested Agencies

Town of Hyde Park Zoning Board of Appeals

OPRHP

Town of Hyde Park Conservation Advisory Council

OTHER BUSINESS:

The Board Members thanked the Chairman for compiling their comments into a concise letter. Ms. Polidoro added that she received a call from the Building Inspector, requesting that the Board Members remind applicants that creating a two-family dwelling may involve significant expenses to meet NYS Building Code.

MOTION: Vice-Chair Dexter
SECOND: Ms. Weiser

To authorize the Chairman's comment letter on Local Law A of 2020, dated February 19, 2020, to be sent to the Town Board.

Aye	Chairman Dupree
Aye	Vice-Chair Dexter
Aye	Ms. DiNapoli
Aye	Mr. Oliver
Aye	Mr. Pickett
Aye	Ms. Wasser
Aye	Ms. Weiser

VOICE VOTE 7-0 0-Absent Motion Carried

MOTION: Ms. Wasser
SECOND: Vice-Chair Dexter

To Adjourn.

Aye	Chairman Dupree
Aye	Vice-Chair Dexter
Aye	Ms. DiNapoli
Aye	Mr. Oliver
Aye	Mr. Pickett
Aye	Ms. Wasser
Aye	Ms. Weiser

VOICE VOTE 7-0 0-Absent Motion Carried