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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

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In the Matter of

VERIZON WIRELESS - VALLEY VIEW DRIVE
(2010-15)

Valley View Drive Cell Tower
Section 15; Block 1; Lot 10
R-1 Zone

----- X

CONCEPTUAL SITE PLAN
SPECIAL EXCEPTION USE PERMIT

Date: July 1, 2010
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: CLIFFORD RHODE

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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2 MR. BROWNE: Good evening. Welcome to
3 the Town of Newburgh Planning Board meeting of
4 July 1, 2010.

5 At this time we'll call the meeting to
6 order with a roll call vote starting with Frank
7 Galli.

8 MR. GALLI: Present.

9 MR. BROWNE: Present.

10 MR. MENNERICH: Present.

11 MR. PROFACI: Here.

12 MR. FOGARTY: Here.

13 MR. WARD: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: The Planning Board has
16 professional experts that provide reviews and
17 input for us for the business that we have at
18 hand, including SEQRA determinations as well as
19 code and planning details. I ask them to
20 introduce themselves at this time.

21 MR. DONNELLY: Michael Donnelly,
22 Planning Board Attorney.

23 MS. CONERO: Michelle Conero,
24 Stenographer.

25 MR. CANFIELD: Jerry Canfield, Town of

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Newburgh.

MR. COCKS: Bryant Cocks, Planning
Consultant.

MR. MUSSO: Mike Musso, HDR, Wireless
Consultant.

MR. BROWNE: At this time I'll turn the
meeting over to Joe Profaci.

MR. PROFACI: Please join us in a
salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: As always, please turn
off your electronic communication devices. Thank
you.

MR. BROWNE: The first item of business
we have this evening is a conceptual site plan
for a special exception use permit. The applicant
is Verizon Wireless - Valley View Drive, and
being represented by Clifford Rhode --

MR. RHODE: Rhode.

MR. BROWNE: -- from Cooper, Savage.

MR. RHODE: Good evening, everyone.
Thank you for having me here again. I think last
time I was here it was snowing. It's a
pleasurable difference. I thank you for not

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playing hookey today.

I am Cliff Rhode, I'm with the law firm of Cooper & Savage out of Albany, New York and we represent Verizon Wireless as regional counsel.

Tonight I am here for a project by Orange County Poughkeepsie Limited Partnership doing business as Verizon Wireless, essentially to, I guess, bring the Board up to date. This is an antenna swap project on an existing communications tower where we already have equipment. In this instance we have six antennas that we would like to replace with six different antennas. Given the nature of the project and the site itself, it's kind of a head scratcher. I will try to be short for you tonight but also tell you the important details of this project.

We submitted information, a comprehensive set of written materials, to the Board last month, all the application forms, the application fees, et cetera, different components of the application materials necessary for your consideration. Tonight is, of course, the first presentation. With your indulgence I'd like to have this pointed to the audience, although for

1
2 the most part my colleagues at AT&T are here. If
3 anyone in the audience wants to see this
4 afterwards, by all means I'll show it to you.

5 This is kind of what the project
6 looks like on the ground, not on the tower. The
7 reason I didn't really bring something that shows
8 you what is on the tower is by almost any account
9 it's not really changing on the tower. It's 150
10 foot tower. In this instance we have twelve
11 antennas, four antennas per three separate
12 sectors or faces at a center line height of 146
13 feet. Those antennas are -- they're called panel
14 antennas because they look like panels. They're
15 longer than they are wide. They're not very
16 deep. Currently all twelve of those I believe are
17 six footers. In any instance, the six that we're
18 proposing to take off the tower are all six-foot
19 long antennas.

20 So we are proposing to put up six new
21 antennas, six of them -- I'm sorry. Three of them
22 are six feet seven inches and three of those are
23 actually shorter than that. I'll get into that.

24 What this application is about, what
25 we're trying to do with this antenna swap is roll

1
2 out the fourth generation of wireless services.
3 Sometimes it's 4G. Verizon Wireless advertises
4 it as LTE. The technology is meant to greatly
5 enhance data capacity over the wireless network.
6 I'm sure I don't have to tell you that everybody
7 in the world is using their Smart Phones these
8 days, they want to get videos, they want to get
9 music, they want to use it for all sorts of
10 different types of data capacities. Work with
11 their phones, et cetera. This new technology --
12 AT&T is of course rolling out their own version
13 of it throughout the country, is enabling that
14 development of wireless broadband and greater
15 data services.

16 The reason for this location, in terms
17 of our LTE or fourth-generation footprint,
18 there's a gap that can be filled by siting the
19 facility at this tower and enabling us to provide
20 coverage all along I-87. That documentation is
21 provided to you in tab 5 of our materials.

22 So again, I guess really that's the
23 substance of the antenna swap. That's why we
24 want to do it. We have that need and this is the
25 way to do it, by swapping out antennas.

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2 Again going to the tower. It's an
3 existing tower, it's owned by Crown Castle, about
4 150 feet tall. These antennas that we're talking
5 about are at the 146 foot level. As a
6 consequence of the size of the antennas we are
7 proposing no change whatsoever to the height of
8 the tower. It will not be any taller than it is
9 today.

10 The antennas themselves, again we have
11 twelve at that 146 foot center line height, only
12 six of which we are proposing to change. The
13 current size of those panel antennas are 72
14 inches by 6.5 inches by 3 inches deep. The new
15 antennas, three of them are going to be 51.4
16 inches by 6.5 by 3.3. What is that? Two feet.
17 Close to two feet shorter. About the same width.

18 Then again three others, these are the
19 LTE antennas themselves, are 72.7 inches. There's
20 an additional .7 of an inch in height. 11.9
21 inches wide rather than 6.5 inches, and 7.1
22 inches deep rather than 3.3. From the ground
23 it's really not going to be a huge difference I
24 don't think.

25 And then there are also ground-level

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2 changes all within a secured, fenced compound.
3 Essentially it's a fiber for fiber optic cables
4 that will connect to our equipment through
5 underground conduits. So it's just a three by
6 five, eight by five foot tall cabinet within the
7 compound.

8 I think, to be really crazy, there's
9 also a disconnect that we're proposing which is
10 on a four-by-four inch post. It's just a box
11 really about yeah big and sits on a post. That's
12 what we're proposing to change on the ground.

13 So the tower is not getting higher, the
14 antennas are basically the same, some a little
15 smaller, some are a tiny bit bigger.

16 I told you about the ground-level
17 changes which are very minor.

18 And then just to go through, we
19 submitted the application forms I mentioned, we
20 submitted our FCC licenses to you. We did submit
21 a structural analysis of the tower itself showing
22 that it is capable of accommodating this new
23 equipment. I know we were back here actually
24 back in November, December because we put up the
25 microwave antenna on the same tower. I think

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2 there might have been another carrier in the
3 intervening period that put their facilities on.
4 The tower needed to be reinforced. My
5 understanding is it was, so now it passes without
6 further modification. We submitted a short form
7 environmental assessment form, provided antenna
8 cut sheets, and of course provided a site plan as
9 well, both full size copies and reduced copies
10 for your convenience. So I know that Mr.
11 Musso is probably going to talk about his
12 observations of the project.

13 We believe we've submitted everything
14 we need. You'll tell us if I'm mistaken on that.
15 We hope you will declare yourself lead agency
16 under SEQRA and we'll move to a public hearing.

17 Thank you. I'm here to answer any
18 questions.

19 CHAIRMAN EWASUTYN: At this point we'll
20 refer to Mike Musso, our Telecommunications
21 Consultant who represents the Planning Board.

22 Mike.

23 MR. MUSSO: Mr. Chairman, Members of
24 the Board and Members of the Public, thanks for
25 having me here tonight. Mike Musso from HDR

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working on behalf of the Town of Newburgh.

Just to get an overview, or just to I think confirm what the applicant presented tonight, this is an existing cell site. Verizon is approved by this Board and operating on that site. My testimony in working here on behalf of some other municipalities, there are a number of upgrades that are going on among the carriers. A lot of the equipment that's been operating, the panel antennas and other types of equipment that's out there, is becoming outdated, and as new bells and whistles are out there, and consumer products, we are seeing increasingly the need for this type of upgrade of antennas.

What's being proposed now is Verizon is currently located at the very top of the Valley View tower, twelve panel antennas, three different sectors of four antennas each. There's no change in the aesthetics appreciably of the tower. There's no increase in height. The panel antenna sizes are staying basically the same except for three antennas that are going to be swapped out for ones that are about eighteen inches longer or so. Again, evaluating that from

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2 the ground, it's probably something that is not
3 noticeable.

4 Out of the twelve antennas, six are
5 going to stay as are and six are going to be
6 swapped out. Three PCS antennas and three
7 antennas to accommodate a relatively new
8 frequency that Verizon is now licensed to operate
9 on, data transmission within what's known as the
10 700 megahertz band.

11 We received the application materials
12 and we feel it is comprehensive. We really don't
13 have any other requests of the applicant at this
14 time, although our structural engineer is just
15 confirming that the existing tower and foundation
16 can accommodate this. We're also confirming the
17 previous analyses that we've done here. It was
18 touched upon that there was a proposal for some
19 tower reinforcing for some of the members. We
20 want to make sure that those things are
21 consistent and understood among the carriers that
22 are co-locating.

23 We've also looked at the ground-based
24 area, and I think many members of this Board have
25 been up there. It's a rather large fenced-in

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2 compound with landscaping. Really one cabinet
3 about the size of -- about the size of a
4 dishwasher or so is going to be placed within
5 that fenced-in compound, that secure area.
6 Really no appreciable aesthetic changes on the
7 ground either.

8 We feel it is really not a new
9 application all together because Verizon had been
10 in front of this Board a few years ago to co-
11 locate on that tower, or locate on that tower,
12 and right now we're in the process of just
13 finishing up our letter report that you're used
14 to seeing. It goes through what's been provided
15 in the application, what we looked at and a
16 series of a couple recommendations, and certainly
17 over the next week or two we should be able to
18 finish that up once we complete our structural
19 review.

20 CHAIRMAN EWASUTYN: Thank you.

21 Comments from Board Members. Frank
22 Galli?

23 MR. GALLI: No comment.

24 MR. BROWNE: Nothing.

25 MR. MENNERICH: Nothing.

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MR. PROFACI: Nothing.

MR. FOGARTY: Mike, the new panels that are going up, is there any difference in the weight of the panels?

MR. MUSSO: There will be a slight difference. The dimensions are 51.4 inches I think are the PCS sizes that are there right now. A little over 4 feet. They're looking to something closer to about 6 feet. A little bit of weight but in my experience and our structural engineer's experience it's really not something you would expect to impact the tower.

That being said, we're confirming that we're looking at the right dead loads and the amount of wind that's presented by a slightly larger panel antenna, and that's going to be folded out in our structural analysis. We don't expect that to really impact the overall capacity of the tower.

MR. WARD: No more comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing.

CHAIRMAN EWASUTYN: Bryant Cocks,

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Planning Consultant?

MR. COCKS: I have no comments at this time. It should be referred to the Orange County Planning Department.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to -- there will be several parts to the motion. One, to grant conceptual approval for the site plan and special use permit. The other part of the action would be to declare ourselves lead agency.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward and I have a second by Mike Fogarty. Any discussion of the motion?

MR. MENNERICH: A public hearing date, are you going to do that as a separate motion?

CHAIRMAN EWASUTYN: I was going to make them all but I'll do that. I have a motion by John Ward. I have a second by Tom Fogarty. Any further discussion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

I'll also move for a motion for Mr.
Rhode to supply Bryant Cocks with the necessary
information to circulate to the Orange County
Planning Department under 239-M of the Municipal
Law and to set August 5th for a public hearing.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. I have a second by Joe Profaci.
Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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VERIZON WIRELESS - VALLEY VIEW DRIVE

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MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Mr. Rhode, at some point in time you
will be contacting Bryant Cocks from Garling
Associates for the mailing list, and on or about
the Monday or Tuesday before August 5th, if you
could make it a point of getting the return
receipts from the certified mailings to Bryant
Cocks' office so he could do the sum and total of
them.

MR. RHODE: Sure. I would be happy to.
Thank you. Have a good evening.

(Time noted: 7:13 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: July 29, 2010

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

AT&T - MID-VALLEY MALL
(2010-11)

Mid-Valley Mall Water Tank
Section 75; Block 1; Lot 11
B Zone

----- X

PUBLIC HEARING
SITE PLAN & SPECIAL EXCEPTION USE PERMIT

Date: July 1, 2010
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JOHN FURST

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2 MR. BROWN: The next three items on
3 our agenda are all public hearings, all for
4 cell towers. Prior to going to the first
5 item of business, I'd ask Mike Donnelly to
6 address the purpose of a public hearing.

7 MR. DONNELLY: Each of these cell
8 tower applications has a public hearing
9 because they involve a special permit.
10 Special permits require the Planning Board
11 hold a public hearing before issuance. The
12 purpose of the hearing is for members of the
13 public to bring to the Planning Board's
14 attention information that the Planning Board
15 might not have itself recognized and its
16 consultants might not have brought to the
17 Planning Board Members' attention. If you
18 have questions, they should be directed to
19 the Chairman and the Chairman can in turn ask
20 one of the consultants or the applicant's
21 representative to answer your question.
22 After each applicant gives a presentation,
23 the Chairman will ask members of the public
24 if they wish to be heard. Please raise your
25 hand to be recognized, step forward, give

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2 us your name, spell it if you would for our
3 Stenographer so that we can get it down
4 correctly, and tell us where in relation to
5 the project you live so we can better
6 understand the nature of your perspective.

7 MR. BROWNE: Thank you, Mike.

8 The first public hearing we have is
9 for AT&T - Mid-Valley Mall Water Tank
10 facility. It's being represented by John
11 Furst from Cuddy & Fedder.

12 Prior to his presentation I would
13 ask Ken Mennerich to read the notice of
14 hearing followed by Frank Galli giving us a
15 statement of the notices.

16 MR. MENNERICH: "Notice of hearing,
17 Town of Newburgh Planning Board. Please take
18 notice that the Planning Board of the Town of
19 Newburgh, Orange County, New York will hold a
20 public hearing pursuant to the Municipal Code of
21 the Town of Newburgh, Chapter 185-57 Section K
22 and Chapter 168-16 Section A, on the application
23 of AT&T Mid-Valley Mall for a site plan and
24 special permit for the installation of cellular
25 phone antennas at the existing Mid-Valley Mall

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2 water tank on premises Mid-Valley Mall in the
3 Town of Newburgh, designated on Town tax map as
4 Section 75; Block 1; Lot 11.0, B Zone. Said
5 hearing will be held on the 1st day of July 2010
6 at the Town Hall Meeting Room, 1496 Route 300,
7 Newburgh, New York at 7 p.m. at which time all
8 interested persons will be given an opportunity
9 to be heard. By order of the Town of Newburgh
10 Planning Board. John P. Ewasutyn, Chairman,
11 Planning Board Town of Newburgh. Dated June 4,
12 2010."

13 MR. GALLI: The notice of hearing was
14 published in The Mid-Hudson Times and in The
15 Sentinel. Sixty-seven notices were sent out,
16 fifty-two were returned and two were
17 undeliverable. The notices of the public hearing
18 are in order.

19 CHAIRMAN EWASUTYN: Mr. Furst, if you'd
20 make your presentation, please.

21 MR. FURST: Good evening. I did have
22 three more green cards that came in within the
23 last couple days. Should I hand these --

24 CHAIRMAN EWASUTYN: Mr. Galli will --
25 put them in the tray to the right.

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2 MR. FURST: Just to provide a quick
3 overview, again this is a site plan and special
4 use permit for AT&T to co-locate its wireless
5 telecommunications facility on an existing water
6 tank. It's located within the Mid-Valley Mall,
7 right off of Route 32 by the intersection of 84.
8 It's my understanding that the tank is currently
9 not in service and there's no water in there.

10 They're looking to provide coverage
11 along Interstate 84 obviously, Route 9W, Route 32
12 as well as the surrounding roads and businesses,
13 as well as homes within that area.

14 The premise is a 24.4 acre parcel and
15 it's currently used as a shopping center. It's
16 in the business zoning district. Again, there's
17 an existing 132 foot tall water tank on the
18 property.

19 The tank currently supports the
20 antennas for T-Mobile on the facade. Nextel has
21 also been approved to locate its antennas on the
22 top of the tank but they have not yet built that.

23 AT&T is proposing twelve panel antennas
24 on the facade of the tank with a center line
25 height of approximately 123 feet. They're also

1
2 proposing to put an equipment shelter, it's going
3 to be about 11 1/2 by -- yeah, 11 1/2 by 20 feet.
4 It's going to be constructed at grade within an
5 existing fenced-in compound. They're actually
6 also going to be removing this existing four-foot
7 fence and replacing that with a six-foot chain-
8 link fence with privacy slats.

9 Finally, there's going to be a small
10 GPS antenna -- GPS antennas are only about 18
11 inches -- on one of the ice bridges at about 11
12 feet above grade level, right down here.

13 So again, we're going on the facade of
14 the tank, about 123 feet, very similar to
15 T-Mobile's current facility up there.

16 Again, co-locations, the Town's highest
17 preferred siting for a wireless
18 telecommunications facility. We're not
19 increasing the height of the tank, we're not
20 expanding the existing fenced-in compound at the
21 base of the tank.

22 Our antennas are going to match the
23 color of the facade of the tank just like
24 T-Mobile's, and, you know, we believe this is the
25 least intrusive means in order for us to provide

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service.

Just to go over some of the application items, we submitted an FCC RF compliance report, and this studied the emissions from the antennas. We included T-Mobile's existing as well as Nextel's approved and AT&T's, so it's a cumulative analysis. Basically the analysis shows, even in the worst-case scenario, we're 430 times below the FCC's limits.

We've also submitted a structural analysis of the water tank and the additional load of AT&T's antennas and cables and other accessory equipment. It passed. In fact, it actually incorporated or took into effect -- took into account the fact that if the water tank was filled. So again, it's currently empty but this analysis assumed the worst-case scenario that water was in the tank. We used the more strict Rev G standard as required by your consultant and it passed.

Finally, we've also submitted a radiofrequency report, and this shows -- the maps were included and it shows the gap that currently exists in AT&T's coverage. Once this site is on

1
2 air, there's additional maps that show the
3 coverage gap will be greatly reduced. Again,
4 we'll provide coverage in an important area of
5 84, 9W and 32.

6 One more thing I'd like to mention is
7 the existing tank and antennas are located within
8 one of the side setbacks, so you have a pre-
9 existing nonconforming use. AT&T's proposal is
10 not going to increase any nonconformity. Under
11 the Town's zoning code it is permitted to have
12 AT&T's equipment within these setbacks as long as
13 they're not increasing the nonconformity. That's
14 the case here as the legs are only about -- not
15 too far from the side setback. This area over
16 here is the area right where the exit ramp is for
17 84 and where 32 comes around. So there's not
18 really any impact at all.

19 If the Board has any questions, we have
20 the site engineer and we have the radiofrequency
21 engineer here to answer any of your questions.

22 CHAIRMAN EWASUTYN: At this point we'll
23 turn the meeting to the public. As Mike Donnelly
24 had said earlier, please give your name and your
25 address if you have any questions or comments.

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MS. McCULLOM: I do. My name is Ella McCullom, 9 Meadow Street. The tank has been up there since 1964. I want to ask the question about the integrity of the tank itself?

MR. FURST: Sure. I can answer that. We submitted an analysis, as I briefly went over, where they took into account the existing antennas, the proposed antennas that haven't been built yet, as well as AT&T's antennas. They analyzed all those factors as well as looking at the tank itself. A New York State certified structural engineer said that, you know, it passed any structural analysis.

MS. McCULLOM: What you're doing passed the analysis?

MR. FURST: Correct.

MS. McCULLOM: I was talking about the tank itself.

MR. FURST: It incorporated the tank because the tank is supporting the antennas.

MS. McCULLOM: It's been there quite a long time and it has leaked. You're saying right now to your knowledge it's not filled?

MR. FURST: That's my understanding,

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it's not being used at this time.

MS. McCULLOM: And you're saying the testing took into account the fact if they do fill the tank --

MR. FURST: Right. The worst-case scenario.

MS. McCULLOM: The appearance of the tank -- what you're doing to the tank is similar to what's up there?

MR. FURST: Correct. We're going to paint the antennas so they'll match the facade of the tank. I think it's a beige color. Similar to how T-Mobile has their antennas on the facade.

MS. McCULLOM: My concern is the tank itself looks not in great shape to begin with. It's very -- they painted it at one time. I've seen this over the years. I've been in this area for a very long time and I'm concerned about the tank itself. I hear the report but it does concern me. I know it's leaked in the past, so I have a concern.

CHAIRMAN EWASUTYN: It's our understanding that there is no water in the tank currently. Mike Musso will speak on behalf of

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the Planning Board as far as his office looking at the structural analysis of the tank.

MS. McCULLOM: Okay.

MR. MUSSO: Thanks. For the record, Mike Musso from HDR. It's a very good question. We had performed a review of this application. We've also looked at back in 2007 there was an -- a first application that came in from Nextel, another carrier in the area. You may have noticed within the last few months that there are panel antennas up on the side. Those are the approved ones from T-Mobile. This is a plan view shot. This is looking down on top of the tank. I know it's hard to see from where you're sitting but here is basically the outline of the tank. These are the supports on the ground that would be coming up, and these are the proposed panels here. So there will be a ring that aesthetically will look very similar to that.

What we did look at, and in New York State, among other states, there's a few different structural criteria when you're locating. There's some for new towers or monopoles specifically for wireless, and those

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could also be applied to structures like this,
like old water tanks.

What we did look at was confirmation from the site itself that the tank is currently empty right now. I can't talk to any past leakage problems. What we're aware of is that there are no plans to put it back in service at this time. Although one of the recommendations in the report says if there's any contemplation of doing so, that a structural analysis would certainly, and a foundation analysis would be revisited.

We confirmed the use of the loadings, wind loads and dead loads, of the panel antennas themselves and the cables that run down the leg. If you look closely you can see T-Mobile's run down. AT&T would propose something similar on the opposite side that balances those loads out.

They also assumed very conservatively that 180,000 gallons of water would be in the tank, and that's eighty percent to ninety percent full capacity. I think this is a 200,000 gallon water tank. So even with all that, really the weight of water would govern, and certainly

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that's what the tower -- water tank and its supports are really designed for.

So these panel antennas we found as, expected in looking at the calculations, really have just a minimal impact on the structural capacity that's afforded by this tower, so we did feel comfortable. Again, they actually looked at the structural criteria for water tanks, not for wireless facilities which is a little more stringent. They assume higher loads and higher wind loads. We felt they were reasonably conservative in their analysis.

MS. McCULLOM: The tank itself has not been painted in quite some time to my knowledge. I mean I remember the last time it was done. It doesn't appear that anything will happen once this is put up. I would assume -- or is there something I don't know about?

MR. MUSSO: The plans don't call to give the whole thing a new coat of paint. These are affixed to the sides on antenna supports, so there is some welding that goes on just very locally for the panel antennas themselves. It will match the background.

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2 MS. McCULLOM: Which is hard to do
3 where it's rusted. Not that I'm not concerned
4 about what they're putting up but more to the
5 point of the condition of the tank right now
6 itself. I know I'm hearing you say well this has
7 already been approved for the other ones, and
8 granted I wasn't here to question at that time.
9 I don't know that it makes it any better to say
10 okay, it got approved before. It's still a
11 concern of mine.

12 MR. MUSSO: Okay. The history, or the
13 near history of the site is a structure like this
14 sometimes you could look at as an opportunity
15 rather than putting a cell tower in somebody's
16 neighborhood. Certainly that was the case with
17 the previous provider. So there's been --

18 MS. McCULLOM: I'll agree with you
19 wholeheartedly. The tank has been there, like I
20 said, since 1964. I looked at that for quite
21 some time when the mall was put in. The cell
22 tower would be very ugly and a cell tower
23 concerns me. Most people do fight cell towers
24 when you're putting them up. That's a concern to
25 me also.

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I guess my main question is I haven't seen a whole lot of work on that tower in a very long time. It concerns me just generally without adding what we're adding to it.

MR. MUSSO: Good point. Thanks.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn to the Board Members. Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing further.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: You mentioned about keeping the color the same with the tank and all, but you didn't mention the cables. I emphasize painting the cables all the way down. When you're driving

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along 84 you see everything and it looks beautiful like it is. As long as we concord it. Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing on this application.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have nothing.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: There being no further comments from the public, I'll move for a motion to close the public hearing on the AT&T - Mid-Valley site plan and special use permit.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

At this point I'll turn to the Planning Board Attorney, Mike Donnelly, to provide us with the conditions of approval for the AT&T - Mid-Valley Mall site plan and special use permit.

MR. DONNELLY: Yes. The approval will be a site plan reissuance, the special permit and ARB approval for the facilities and equipment.

First we'll need to include a finding section that relates to the existing noncompliance with the bulk requirements, the other resolutions involving this tower, and I will include that language in this resolution.

Mike, I don't think there are any outstanding items in your report that you need to report on on this matter. Am I correct?

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MR. MUSSO: Nothing outstanding, no.

MR. DONNELLY: I will include the recommendations from Mike's report, in particular that any planned water tower maintenance or inspection activities by persons not trained in RF exposures should be coordinated between the owner/operator of the tower and the applicant, that language. A condition that states that the Mid-Valley Mall water storage tank shall not be put back in service until a satisfactory condition survey of the tower and its supports has been delivered to the Town of Newburgh Code Compliance Department. We'll have the standard condition regarding ARB which essentially says that they must construct it consistent with the renderings submitted. We are imposing a requirement that the proposed antennas, mounting structures and coaxial cables should be in a color matched to the existing tower colors. We'll require -- let me see.

The security removal bond, I think on this tower we just confirm that it's in place, on the PCS application, did we not? Isn't this one we resolved.

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2 MR. FURST: We'll try to find out. I'm
3 assuming since T-Mobile was just approved a
4 couple years ago, you guys probably had them
5 issue the bond.

6 MR. DONNELLY: We'll include the
7 condition for now but demonstrated proof will
8 result in the condition being satisfied.

9 Our usual conditions regarding ongoing
10 warning signs and inspections. The annual NIER
11 level certification. Any increase in antenna
12 size or number of ground-based equipment cabinets
13 shall be approved by the Town prior to
14 implementation.

15 Given that this is a swap, Mike, will
16 we require the usual post-operational inspection
17 of the cumulative emissions to verify that what
18 is proposed is in fact the case or is that
19 unnecessary.

20 MR. MUSSO: In fact, this isn't a swap.

21 MR. DONNELLY: That's the other one.

22 MR. MUSSO: This is a new facility all
23 together.

24 MR. DONNELLY: And finally, a condition
25 that requires that no fixtures, or equipment, or

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antenna can be located on the site that are not shown on the plans.

I do not believe this calls for any landscape security or inspection fee because it's an existing tower and equipment shed.

CHAIRMAN EWASUTYN: Any questions or comments on the conditions for approval in the resolution that Mike Donnelly, Planning Board Attorney, just presented. Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No comment.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: At this time I'll move for a motion to grant final approval for the AT&T - Mid-Valley site plan and special use permit subject to the conditions that were presented to us by our Attorney, Mike Donnelly, in that resolution.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli. I have a second by Ken Mennerich.
Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll ask for a roll
call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you.

MR. FURST: Thank you.

(Time noted: 7:33 p.m.)

(Time resumed: 7:35 p.m.)

MR. DONNELLY: Before he begins, I
don't believe, and I just noticed it in my
notes, that we granted -- issued a
declaration of significance in regard to the
last project. It's included within the
resolution in anticipation of you doing it
but I believe we should accept a motion to

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include, as part of what we had just done on the Mid-Valley tower, lead agency designation and issuance of a negative declaration.

CHAIRMAN EWASUTYN: Under 239 of the Municipal Law we had circulated this application to the Orange County Planning Department. We have received back from the Orange County Planning Department a Local determination.

At this point I'll move for a motion from the Board to declare a negative declaration.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Myself yes.

Thank you, Mike.

MR. DONNELLY: Sorry about that.

CHAIRMAN EWASUTYN: That's all right.

(Time noted: 7:37 p.m.)

C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: July 29, 2010

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

AT&T - MIDDLEHOPE
(2010-12)

Bannerman View Drive Cell Tower
Section 22; Block 4; Lot 2.0
R-3 Zone

----- X

PUBLIC HEARING
SITE PLAN & SPECIAL EXCEPTION USE PERMIT

Date: July 1, 2010
Time: 7:33 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JOHN FURST

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2 MR. BROWNE: The next item of business
3 is a public hearing for a special exception use
4 permit, again with AT&T, at the Middlehope
5 Bannerman View Drive cell tower, again being
6 represented by John Furst.

7 Also, would Ken Mennerich read the
8 notice.

9 MR. MENNERICH: "Notice of hearing,
10 Town of Newburgh Planning Board. Please take
11 notice that the Planning Board of the Town of
12 Newburgh, Orange County, New York will hold a
13 public hearing pursuant to the Municipal Code of
14 the Town of Newburgh, Chapter 185-57 Section K
15 and Chapter 168-16 Section A, on the application
16 of AT&T - Middlehope for a site plan and special
17 permit for the installation of cellular phone
18 antennas at the existing Bannerman View Drive
19 cell tower on premises Bannerman View Drive in
20 the Town of Newburgh, designated on Town tax map
21 as Section 22; Block 4; Lot 2.0, R-3 Zone. Said
22 hearing will be held on the 1st day of July 2010
23 at the Town Hall Meeting Room, 1496 Route 300,
24 Newburgh, New York at 7 p.m. at which time all
25 interested persons will be given an opportunity

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2 to be heard. By order of the Town of Newburgh
3 Planning Board. John P. Ewasutyn, Chairman,
4 Planning Board Town of Newburgh. Dated June 4,
5 2010."

6 MR. GALLI: The notice of hearing was
7 published in The Mid-Hudson Times and in The
8 Sentinel. Thirty were sent out, twenty-one were
9 received back and two were undeliverable. The
10 notice of hearing and mailings are all in proper
11 order.

12 CHAIRMAN EWASUTYN: Thank you.

13 Mr. Furst, if you would give your
14 presentation, please.

15 MR. FURST: I have an extra green card
16 that came in the last couple of days.

17 Just to briefly go over this
18 application, this is an existing AT&T site so
19 they already have antennas here. All they're
20 doing is upgrading this existing site.

21 AT&T recently acquired American Cell,
22 so now they operate this site. American Cell had
23 operated at this site for the last ten or five
24 years. AT&T bought American Cell and all its
25 assets, so now AT&T owns and operates this site

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at 21 Bannerman View Drive.

They need to modify this site in order to upgrade the existing voice and data services. As was mentioned before by Mr. Rhode for Verizon's application, people are using cell phones for the internet, for texting. It's just not talking on the phone anymore. Any site over three or four years old is probably outdated, which is the way it goes in the world of technology.

This site is 1.8 acres, it's in the R-3 zone, and the underlining property and tower is owned by Cablevision.

Currently AT&T has eight panel antennas at a center line height of 61.5 feet on this 88 foot tall tower. They have an unmanned equipment building at the base of the tower that already exists. It's about 11 by 15.

T-Mobile and Nextel also currently operate at this site.

All AT&T is looking to do is to add one panel antenna at the same center line height. We're also going to be replacing two antennas. So there's going to be a total of nine antennas.

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2 Currently there's eight. We're going to end up
3 with nine. So there's one additional antenna and
4 two replacement antennas. They're going to have
5 to add four new coaxial cables to go up the tower
6 to service those antennas. They're also going to
7 have to add one equipment cabinet inside the
8 existing shelter. So we're not increasing the
9 height of the tower, we're not increasing the
10 area of the fenced -- of the compound at the base
11 of the tower. We're merely adding one antenna.
12 Again, AT&T already operates here, so it's an
13 existing facility.

14 We submitted a cumulative RF analysis
15 which measures the RF exposures, and this report
16 showed that it's 1.5 percent of the FCC's limits,
17 so it's only basically one-and-a-half percent of
18 what is permitted.

19 We've also submitted a structural
20 analysis. It was conducted in the Rev G which is
21 the more -- it's what the Town's wireless
22 consultant had wanted, and there were no issues
23 with that analysis.

24 We are still waiting and I need to
25 provide Mr. Musso some information with respect

1
2 to maintenance and inspection procedures. I'm
3 trying to follow up with Cablevision.
4 Unfortunately they haven't gotten back to me yet.
5 You know, we will provide that information once
6 it is received.

7 I'm here for any questions.

8 CHAIRMAN EWASUTYN: Thank you.

9 At this point we'll turn the meeting
10 over to the public for any questions or comments.

11 MR. ZALANOWSKI: Thank you, Mr.
12 Chairman. Good evening, Board. My name is Paul
13 Zalanowski, I live on Bannerman View Drive.

14 Most of the questions I had were very
15 nicely answered by the gentleman. I do have a
16 few others. I don't mean to question what you
17 said but there's no plan for a beacon or anything
18 on top of this tower; correct?

19 MR. FURST: No additional lighting.

20 MR. ZALANOWSKI: What you said, that's
21 the limits of what you're going to do?

22 MR. FURST: Talking about for lighting?
23 There's no additional lighting as far as I know.

24 MR. ZALANOWSKI: And you did say that
25 the megahertz are well below 1.5 percent of the

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allowable?

MR. FURST: Right. That's a worst-case analysis. They're assuming that these antennas are operating at the maximum amount which they rarely ever do. So that's 1.5 percent. Again, that's a worst-case scenario.

MR. ZALANOWSKI: Okay. There is no need for increased amperage to the site because of this, is there?

MR. FURST: As far as electrical? I don't think so. I don't think they're running additional cable or electric lines.

MR. ZALANOWSKI: Those are all the questions. Thank you very much. Thank you for your time.

CHAIRMAN EWASUTYN: Paul, thank you.
Any further questions from the public?

(No response.)

CHAIRMAN EWASUTYN: At this point again we'll refer to Mike Musso from HDR who is the Planning Board's Consultant for telecommunications.

Mike.

MR. MUSSO: Thank you. Just to

1
2 reiterate, this is one of the applications
3 tonight that involves a change out. American
4 Cell or Cellular One, I know this Board has in
5 the past reviewed some applications, they've been
6 acquired in this region by AT&T.

7 The last time personally I worked on
8 this tower was for an eight-foot extension a few
9 years ago by T-Mobile. At that time we looked at
10 the FAA air space.

11 There is no lighting being proposed at
12 this time, so no beacon or flashing light.

13 We have T-Mobile antennas that are
14 operating, Nextel.

15 As the applicant noted, there are eight
16 panel antennas. The net effect of this would be
17 a total of nine, swapping out two and adding an
18 additional one. Much like the testimony I had
19 given earlier for Verizon, AT&T is also in the
20 mode of upgrading, not only in Newburgh but in
21 other municipalities that are upgrading some of
22 the antennas and base equipment.

23 There's a footprint, a fenced-in
24 compound at the very base of the tower existing,
25 and there is what is now an AT&T equipment

1 cabinet with ample space. They're taking out two
2 cabinets from within and adding a new cabinet to
3 accommodate the proposed change out. So really
4 from the ground also there's no appreciable
5 change to what's there now. Everything is going
6 to continue to be maintained within an existing
7 equipment shelter.
8

9 The maximum permissible exposure limit
10 is always a very good question. That's based on
11 -- it's health-based data for people that live
12 around towers or in the vicinity. We did confirm
13 that not only AT&T's frequencies, and they
14 operate at two different frequencies, but also
15 T-Mobile and Nextel were folded into a very
16 conservative analysis. Those types of analyses
17 look at the amount of power, the number of
18 antennas and also the topography and where the
19 signal is projected towards. We're always
20 concerned that these account for all possible
21 situations and indeed they are conservative
22 relating to the amount of power that is usually
23 projected out.

24 As testified, we did review the maximum
25 permissible exposure limit for the general

1 public, which would be a continuous twenty-four
2 hour exposure. Doing all the math with all the
3 different frequencies and powers and antennas,
4 it's about 1.5 percent of the allowable. That's
5 not uncommon for tower type sites. Often times
6 on rooftops or very low sites sometimes you see
7 higher numbers. We confirmed that type of thing
8 for this Board by doing some field analyses at
9 other towers in the area.
10

11 The last point that was brought up, we
12 did not review any electrical plan for this site
13 but in my professional judgment they should not
14 be looking at increasing any power to the site
15 with what's there now. Looking at the older
16 antennas that are being changed out, often times
17 they'll use more power. What we're seeing is a
18 trend among the industry looking at more
19 facilities closer together and actually covering
20 smaller footprints. So it's very unlikely there
21 will be an increase or appreciable increase in
22 net amperage coming to the site.

23 CHAIRMAN EWASUTYN: Thank you.

24 Any additional comments from the
25 public?

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(No response.)

CHAIRMAN EWASUTYN: Board Members.

Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: No.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing.

MR. FOGARTY: I just have one. Mike, when you were talking in your report about the security fencing being routinely inspected by the different carriers, is there a calendar? Is there something written that shows when that's supposed to be done and who that report goes to?

MR. MUSSO: Not commonly. Often times carriers would provide a maintenance plan as part of this. Typically on a monthly basis when you have three carriers, every now and then you should be going to that site. It's something for them to agree to do, make sure the signage is there, make sure the fence is standing. It's really in their interest to do that. I think it's important to note usually about on a thirty to sixty-day basis there's someone physically at the site just checking on the equipment cabinets

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and what not. Normally we don't ask for anything set like that. We leave that up to the applicants in that case.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing on this application.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My only comment is this was also sent to the Orange County Planning Department and we do have a Local determination.

CHAIRMAN EWASUTYN: There being no further comments from the public, at this time I would move for a motion to close the public hearing for the AT&T - Middlehope Bannerman View Drive Cell Tower for a site plan and special use permit.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by

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Joe Profaci. I have a second by Tom Fogarty. Will there be any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: There being no discussion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

At this point we'll refer to Mike Donnelly, Planning Board Attorney, to give us the conditions of approval for the AT&T - Middlehope site plan and special use permit.

MR. DONNELLY: I will in a moment.

Before we vote on it I think we should issue a declaration of significance under SEQRA. I don't believe that was done.

CHAIRMAN EWASUTYN: I thought we did do that earlier.

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MR. DONNELLY: That was on the last one because I missed it for the project before.

CHAIRMAN EWASUTYN: For the Mid-Valley Mall. You're saying we should do a SEQRA determination for Middlehope, a negative declaration?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion that we declare a negative declaration for the AT&T - Middlehope Bannerman View Drive site plan and special use permit.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Joe Profaci. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So

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carried.

At this point again we'll refer to Mike Donnelly, Planning Board Attorney, for the conditions of approval for the AT&T - Middlehope site.

MR. DONNELLY: The approval would be amended site plan, reissuance of the special permit and ARB approval.

Mike, I think I understood we need a sign-off letter from you regarding the one outstanding issue with Cablevision before the plans are signed, or is that not required?

MR. MUSSO: I don't think it's required. It's something just to understand the routine inspection that goes on by the tower owner themselves.

MR. DONNELLY: Okay.

MR. MUSSO: With another application we'll talk about tonight there is an outstanding issue, but not on this one.

MR. DONNELLY: The standard condition regarding Architectural Review Board approval, that it must be built as shown on the plans. The performance security removal bond up to the total

1 of \$75,000, if it hasn't been paid, will have to
2 be paid, or the applicant can present proof that
3 it has been paid already. A requirement
4 regarding FCC signage and periodic inspections.
5 Coordination for the NIER annual inspection. A
6 condition requiring that amended approval would
7 be required for any proposed increase in antenna
8 size or number or sizes of ground-based
9 equipment. A post-operational in-the-field
10 inspection. A standard requirement that
11 facilities not shown on the site plan may not be
12 constructed. Again, there's no requirement in
13 this case for a landscape security and inspection
14 fee.
15

16 CHAIRMAN EWASUTYN: Having heard the
17 conditions for approval for the AT&T - Middlehope
18 site plan and special use permit, I'll move for a
19 motion by the Planning Board to make that
20 approval subject to the conditions stated by Mike
21 Donnelly.

22 MR. MENNERICH: So moved.

23 MR. WARD: Second.

24 CHAIRMAN EWASUTYN: I have a motion by
25 Ken Mennerich. I have a second by John Ward. Any

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questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for
a motion for approval starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you.

(Time noted: 7:50 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: July 29, 2010

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

AT&T - ORANGE LAKE
(2010-13)

929 Orchard Drive, Orange Lake Cell Tower
Section 1; Block 1; Lot 37.0
AR Zone

----- X

PUBLIC HEARING
SITE PLAN & SPECIAL EXCEPTION USE PERMIT

Date: July 1, 2010
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JOHN FURST

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2 MR. BROWNE: The last item of business
3 is again a public hearing, again AT&T. This one
4 at Orange Lake, Orchard Drive Cell tower. Again
5 it's being represented by John Furst.

6 Again I would ask Ken Mennerich to read
7 the notice of hearing.

8 MR. MENNERICH: "Notice of hearing,
9 Town of Newburgh Planning Board. Please take
10 notice that the Planning Board of the Town of
11 Newburgh, Orange County, New York will hold a
12 public hearing pursuant to the Municipal Code of
13 the Town of Newburgh, Chapter 185-57 Section K
14 and Chapter 168-16 Section A, on the application
15 of AT&T Orange Lake for a site plan and special
16 permit for the installation of cellular phone
17 antennas at the existing Orange Lake Cell Tower
18 on premises Orchard Drive in the Town of
19 Newburgh, designated on Town tax map as Section
20 1; Block 1; Lot 37.0, AR Zone. Said hearing will
21 be held on the 1st day of July 2010 at the Town
22 Hall Meeting Room, 1496 Route 300, Newburgh,
23 New York at 7 p.m. at which time all interested
24 persons will be given an opportunity to be heard.
25 By order of the Town of Newburgh Planning Board.

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2 John P. Ewasutyn, Chairman, Planning Board Town
3 of Newburgh. Dated June 4, 2010."

4 MR. GALLI: The notice of hearing was
5 published in The Mid-Hudson Times and The
6 Sentinel. There were ten sent out, six were
7 returned. All the mailings and notices are in
8 order.

9 CHAIRMAN EWASUTYN: Thank you.

10 Mr. Furst, if you'd give your
11 presentation.

12 MR. FURST: Good evening. Here's two
13 additional cards that came in in the last couple
14 of days.

15 Again this is another site that was an
16 old American Cell site that AT&T has now taken
17 over in which they need to upgrade.

18 The property is 929 Orchard Drive.
19 It's 2.2 acres in the agricultural residential
20 district. This tower is owned by a company
21 called American Towers. They also own the
22 underlying property.

23 Currently AT&T has four panel antennas
24 located at a center line height of 120 feet above
25 ground level. The lattice tower itself is 137.5

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feet above ground level.

Nextel and Edge Wireless also operate at this site. Nextel is at the top of the tower, Edge Wireless is about 110 feet above ground level.

In this application AT&T is looking to add two panel antennas at the same center line height of 120 feet. They currently have four. They're going to end up with six.

They're also going to have to run four additional coaxial cables up one of the legs of the tower to service the new antennas, and they're adding two new equipment cabinets within an existing enclosed shelter that again already exists at the site.

They've submitted a cumulative RF exposure analysis taking into account Nextel, Edge Wireless and AT&T's proposed antennas. The analysis shows that it's .42 percent below the FCC's limits.

They have also submitted a structural analysis which has passed but it was reviewed under a different -- it was reviewed under the Rev F standard. Your consultant has requested

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2 that it be revised to be done under the Rev G
3 standard. Unfortunately we haven't gotten that
4 report back yet. It hasn't come in yet. I'd ask
5 that any approval, if one is granted tonight,
6 that it be a condition that -- conditioned upon
7 receipt and review of the revised structural
8 analysis by your wireless consultant.

9 In addition to that we do have to
10 provide Mr. Musso some of the maintenance and
11 inspection procedures. Unfortunately they
12 haven't gotten back to us on that yet. We'll
13 follow up. They're a national company that owns
14 many towers, so I'm sure they have pretty
15 standard procedures, it's just a matter of
16 getting a hold of the right person to provide
17 that information.

18 That's basically it on this one. We
19 have an architect here if you have any detailed
20 questions.

21 CHAIRMAN EWASUTYN: At this point we'll
22 turn the meeting over to the public. Is there
23 anyone here in the audience this evening who has
24 any questions or comments for the AT&T - Orange
25 Lake site plan and specialize permit?

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(No response.)

CHAIRMAN EWASUTYN: Let the record show that there is no interest from the public at this time, in which case we'll turn to Mike Musso from HDR, our representative for the telecommunications, and seek his recommendations and advice to the Planning Board.

MR. MUSSO: Mr. Chairman, thank you. This is a similar type of application of what we heard about. This is on the other side of the Town, actually Wallkill, the Orchard Drive tower. In that proposal there's four existing AT&T antennas. They're approved as a predecessor of Cellular one, now AT&T. The proposal is to put in two panel antennas. So it's a net increase of two antennas. There's no increase to the tower, no other need for any kind of additional lighting or anything like that on this tower. This is fairly straightforward.

As mentioned, we did look at radiofrequency emissions. It did accurately account for the proposed six AT&T antennas and also the Nextel antennas at the top. As expected, that was well below the general public

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threshold.

We did also look at the structural analysis. It's a pretty sturdy tower, a lattice type design as you can see. Right now it's 137 -- about 140 feet in total height.

The RF analysis of the TIA criteria notes that the foundation of the members have an ample capacity for the net addition of two antennas.

We did request, as we've done on other applications, the new Rev G. We haven't received that but we do anticipate even with that analysis using slightly different loading assumptions, that there will be ample structural capacity to accommodate what's being proposed.

Really that's the outstanding issue on this application as we are just waiting for the Revision G. When we do get it in we'll promptly review it and get one of our structural memos out.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

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MR. BROWNE: Nothing.

MR. MENNERICH: No questions.

MR. PROFACI: Just a clarification. If I heard you correctly, you said that the RF frequency was .42 percent below maximum standards?

MR. FURST: Yes. If 100 percent is the FCC's limit, we're at 0.42 percent. So we're less than a half a percent.

MR. PROFACI: So you're at 0.42 percent, not below the maximum?

MR. FURST: Yeah.

MR. PROFACI: That's clear now. Thank you.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Mike, we need that structural analysis. That has to be submitted before any work is done? Is that how that works?

MR. MUSSO: Yes. We feel strongly we should have that reviewed and on record before any actual building.

CHAIRMAN EWASUTYN: Before the plans can even be signed.

MR. FOGARTY: Good. Thank you.

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CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing on this application.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: This went to Orange County Planning Department and received a Local determination.

CHAIRMAN EWASUTYN: Mike, according to your records have we made a SEQRA determination on this?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: All right. The first motion I would move is to declare a negative declaration for the AT&T - Orange Lake site plan and special use permit.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

The next motion I'd move for is to
close the public hearing on the AT&T - Orange
Lake, Orchard Drive Cell Tower for a site plan
and special use permit.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by Tom Fogarty.
Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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2 CHAIRMAN EWASUTYN: And myself yes. So
3 carried.

4 At this point I'll refer to Mike
5 Donnelly, Planning Board Attorney, to present to
6 us the conditions of the site plan and special
7 use permit for the AT&T - Orange Lake Cell Tower.

8 MR. DONNELLY: The resolution will be
9 amended site plan, reissuance of the special use
10 permit and ARB approval.

11 First we'll need a sign-off letter from
12 Mike Musso indicating that he has received and
13 has satisfactorily reviewed a final structural
14 analysis used in TIA-222 Rev G. We'll include the
15 standard condition regarding Architectural Review
16 Board approval. Proof of payment of the security
17 removal bond or payment up to the amount of the
18 total bond, which is \$75,000. Our usual
19 condition regarding the maintenance of FCC
20 warning signs and security fencing around the
21 ground-based equipment. Coordination for the
22 NIER annual survey. A prohibition on increasing
23 antenna size or the amount of ground-based
24 equipment without further approval of the Board.
25 A post-operational inspection of actual readings

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and a condition regarding outdoor fixtures and amenities that are not shown on the plans may not be built on site without amended approval.

CHAIRMAN EWASUTYN: Any questions, or comments, or additions to the conditions for final approval for the AT&T - Orange Lake Cell Tower?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: None.

MR. WARD: None.

CHAIRMAN EWASUTYN: From our consultants?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to grant conditional final approval for the AT&T - Orange Lake site plan and special use permit.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. I'll

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AT&T - ORANGE LAKE

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move for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So
carried.

(Time noted: 8:02 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: July 29, 2010

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

WOODFIELD MANOR - PHASE II
(1995-34)

Extension of Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: July 1, 2010
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
GERALD CANFIELD
MICHAEL MUSSO

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. BROWNE: We have one item of Board Business, Woodfield Manor - Phase II, requesting an extension of preliminary subdivision approval which would run from July 16, 2010 to July 16, 2011.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I'll move for a motion to close the Planning Board meeting of July 1st.

MR. GALLI: So moved.

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MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 8:03 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: July 29, 2010