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

----- X

In the Matter of

ORCHARD HILLS
(2003-41)

Route 9W and Oak Street
Section 9; Block 1; Lot 78.1
R-3 Zone

----- X

CONDITIONAL FINAL APPROVAL

Date: November 19, 2009
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
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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ORCHARD HILLS

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of November 19, 2009.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on business that's before us, including SEQRA determinations as well as code and planning details. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. HINES: Pat Hines with McGoey,

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ORCHARD HILLS

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Hauser & Edsall, Consulting Engineers.

MR. COCKS: Bryant Cocks, Planning
Consultant, Garling Associates.

MS. ARENT: Karen Arent, Landscape
Architectural 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 rise.

(Pledge of Allegiance.)

MR. PROFACI: Please turn off your cell
phones. Thank you.

MR. BROWNE: The first item of business
we have is conditional final approval, Orchard
Hills, being represented by Ross Winglovitz,
Engineering Properties.

MR. WINGLOVITZ: Good evening. Ross
Winglovitz, Engineering Properties here on behalf
of Meadow Creek Development tonight for Orchard
Hills site plan. It's been in front of you for
many years and had variations over the past
probably year-and-a-half that have been
conditionally approved.

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ORCHARD HILLS

We are now asking, based on our last approval -- preliminary approval this summer, for a project that consists of flats and townhomes that will be rental properties. We've made one final revision that we submitted to the Board early last week.

If there are any comments you may have.

CHAIRMAN EWASUTYN: At this point we'll turn to our consultants for their comments and recommendations. Pat Hines, Drainage Consultant?

MR. HINES: We had commented on a couple of general notes on the first page. The one regarding the stormwater and the fact that the project will be developed in construction phases, we requested that note reference that the stormwater improvement in each of the construction phases be completed prior to the issuance of the CO. Otherwise the way the note reads, you would have to do all the improvements on the entire site.

A couple other notes were changed. I did receive an e-mail from Ross's office with the appropriate changes on the notes.

We needed to confirm the stormwater

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ORCHARD HILLS

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management facilities are fenced. I think they're all going to be fenced.

MR. WINGLOVITZ: We modified the pond.

MR. HINES: That will need to be shown.

The water system notes on sheet 28 reference condominiums. It's now going to be all rentals, so that will need to be changed.

And then, as I addressed at work session, there's a couple other consultants that worked on the project whose plans need to be incorporated in the approval. The 9W approval plans John Collins Engineers did.

MR. WINGLOVITZ: They did improvements on 9W.

MR. HINES: They should be put in as a package and approved as a package for filing with the Town.

MR. WINGLOVITZ: So you want them as part of the set or --

MR. HINES: Yeah.

MR. WINGLOVITZ: We do reflect on the site plan, and I show improvements for the sewer treatment plant and conceptually show the widening for 9W. You want the one complete set,

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ORCHARD HILLS

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the numbers, sequential?

MR. HINES: No. They can be independent sets.

MR. WINGLOVITZ: So they're physically put together?

MR. HINES: I don't need them numbered, just as complete. The project will be bound as one project, so two or three years from now if --

MR. WINGLOVITZ: Have everything together.

MR. HINES: That's all.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: We have no further comments on the site plan at this time.

Just a note. The Amended Findings Statement was approved at the last meeting on November 5, 2009, so SEQRA has been completed.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: All of my comments were addressed.

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

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ORCHARD HILLS

MR. GALLI: No additional comments.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No more.

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No comments.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: At this point I'll refer to Mike Donnelly, Planning Board Attorney, to recite for us the conditions of approval for --

MR. DONNELLY: Site plan. You granted ARB on November 5th and it's now on for final site plan.

In my discussions with Ross and Jane today, I understand that this is both a phased approval in the formal sense as well as a construction sequencing approval. This resolution will provide for that, if you want to follow through with that, because you can then post your bond by phase. You'll probably need to

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return to the Town Board for re-approval of those bonds on an incremental basis, but this resolution would authorize that. So there are two formal phases and a series of construction sequencing plans within each of those phases.

The resolution sets forth the findings that you discussed at your meeting last month. Where you elected to waive the requirement that there be plantings in the buffer area as required by those regulations, due to the fact that the buffer area exists, it's naturalized and it provides adequate separation in a natural state from structures on adjoining properties, I've included the ARB findings and the ARB conditions even though you voted on them last month.

In terms of the conditions, we'll need a sign-off letter from Pat Hines on the issues he just outlined. If the applicant wishes to avail itself of the deferral of the landscape security and multi-family parkland fees as authorized by the Town Board's resolution of this past July, and I understand the applicant does wish to do that, I've included the language that requires the filing of the certification and

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ORCHARD HILLS

acknowledgement. I'm told that the map notes are already on the plans. We make reference, as we have in the earlier approval resolutions, to the requirement that the applicant comply with the mitigation measures contained in the Findings. A requirement that the traffic light shown on the plans shall be installed and be operable before the first certificate of occupancy is issued. We make reference to the developer's agreement which is either signed or close to being signed because I know you've had ongoing negotiations with the Town. I mention within the resolution the purpose of the phasing. We speak about, as we always have, the need to complete the Oak Street culvert to the satisfaction of the town engineer before any other construction activity begins. We had changed how we were going to handle completion of the recreational facilities, and the condition now requires that those facilities be completed and operational within nine months of issuance of the first residential certificate of occupancy rather than a different number in a different format. Condition 11 here had to do with a written approval of the town engineer and

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ORCHARD HILLS

Town Board regarding access and maintenance of the water system, and I think that's been completed with Jim Osborne. Just to be sure we'll leave it in the condition. The landscape security and inspection fee. That will include an inspection fee of \$2,000, and that's for each of the phases if you go that direction. The stormwater improvement security fee, water main extension security and inspection fee.

By the way, these are all recited within the developer's agreement as well.

The standard requirement that prohibits the construction of any outdoor fixtures, structures or amenities not shown on the plans themselves, and of course the payment of multi-family parkland fees in the total amount of \$52,000, that's \$2,000 per multi-family unit, which payment may be deferred on a phased basis, and as well pursuant to the resolution of the Town Board of this past July.

I think that's all of the conditions that are appropriate.

CHAIRMAN EWASUTYN: Is that satisfactory to our consultants. Pat Hines?

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ORCHARD HILLS

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: Down the line
everybody said yes.

I'll move for a motion to grant
conditional final approval to the Orchard Hills
site plan as recited by Mike Donnelly for the
conditions, our Planning Board Attorney.

MR. FOGARTY: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Tom Fogarty. 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.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Congratulations.

MR. WEINBERG: Thank you very much.

MR. WINGLOVITZ: I appreciate all your
time.

(Time noted: 7:09 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: December 9, 2009

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

----- X

In the Matter of

VERIZON MICROWAVE ANTENNA
(2009-16)

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

----- X

CONCEPTUAL SITE PLAN

Date: November 19, 2009
Time: 7:10 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
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: CLIFFORD RHODE

----- X

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

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VERIZON MICROWAVE ANTENNA

MR. BROWNE: Our next item of business is a conceptual site plan for Verizon Microwave Antenna at Valley View Drive, represented by Clifford --

MR. RHODE: Yes, sir. Rhode.

MR. BROWNE: -- Rhode of Cooper, Erving & Savage.

MR. RHODE: Shall I bring this a little closer?

MR. BROWNE: If you'd like.

MR. RHODE: It looks like there aren't too many people interested in this one. I was initially going to apologize for not having a more interesting application for you but I see the interesting ones take six years, so I guess it's for the best. I will bring this a little bit closer. Unfortunately I don't have a great set of drawings to show you. This just really replicates what's been submitted before. I'm going to step on this side.

Thank you for having me here. My name is Clifford Rhode, I'm with the law firm of Cooper, Erving & Savage from Albany. We represent Orange County -- Poughkeepsie Limited

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2 Partnership d/b/a Verizon Wireless in this
3 matter. Verizon Wireless is a New York State
4 public utility, and we are here before the Board
5 seeking a special use permit and site plan review
6 approval for the placement of a single microwave
7 dish antenna on this existing communications
8 tower that is owned by Crown Castle off Valley
9 View Drive.

10 Verizon Wireless already has equipment
11 up on the antennas up on the top of the facility,
12 and we're seeking -- it's about a 148-foot tower
13 and we're seeking to place this one single
14 microwave antenna, about 4 foot in diameter, at
15 the 100-foot level.

16 Just to recap, if you'll indulge me for
17 just a moment or two. How we got to this point
18 is after discussion with the Board's
19 telecommunications consultant, Mr. Musso, we
20 submitted full application materials in the
21 middle of October. At the end of October we
22 submitted kind of a condensed package for the
23 full Board and really salient documents. On
24 November 6th, I believe it was, we received
25 information back from HDR and Mike Musso. I

1 don't believe that there were any very
2 substantive concerns by HDR about the proposed
3 project. There was one issue concerning the
4 placement of cables, and probably Mike will be
5 talking about that.
6

7 There's essentially one single cable
8 that will run from the microwave antenna down to
9 our equipment -- existing equipment shelter, and
10 that will be stacked on top of existing cables
11 that we already have on the tower.

12 My objective tonight hopefully is to
13 get to the -- I hope that the Board will
14 establish a time for a public hearing. My client
15 is absolutely anxious to get this thing going.
16 They'd love to be able to flip the switch on it
17 in 2009 if we can get the approvals. In this
18 regard I do want to thank the Board.

19 I have to tell you that I'm currently
20 working on another project in a different town
21 right now, it's a co-location project, not
22 substantially out of the world different from
23 this, and I'm already up to six months on that
24 project. I really do thank the Board for its
25 prompt attention to our application.

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to be done to the tower.

As part of our application materials we submitted a structural analysis report, and that shows that to accommodate our equipment some changes need to be made. Reinforcement needs to be made on some of these diagonal braces on a couple of sections of the tower. Not uncommon, truthfully, in co- location applications.

In this instance, I think Mike, at our last -- at the other site I think we had to do some reinforcement on the tower.

In any event, the reinforcements that are being proposed are changes again to these braces that are along the lines of a 16th of an inch or so, or maybe a quarter of an inch in terms of the size of the braces. So they really won't even be visible to the naked eye unless you're holding them right up to the naked eye.

In a nutshell that is our project. I'd be happy to answer any questions you may have. Thank you for the Board's attention.

CHAIRMAN EWASUTYN: At this point we'll have our telecommunications consultant, Mike Musso, come up.

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MR. MUSSO: Thank you, Mr. Chairman,
Members of the Board. Thanks for having me here
again.

You should have a copy of our November
6th letter report. It's a bit more abbreviated
than some of our other reports I'm happy to say.
This is a very straightforward application in our
mind.

This is a 4-foot diameter antenna drawn
to scale here. The major thing for us to look at
or to evaluate was confirming the need for this
piece of equipment. We have worked on a number
of towers, especially along busy highways, and
the elevation this would have with another tower,
you know, within the network range is that they
could communicate point to point. So it's
nothing atypical, although certainly you don't
see these on every single cell tower. This piece
of equipment is not necessarily accompanied.

We did look and ask about the
structural needs. It's not a very heavy dead
load, but given the structure of the tower and
the cross members, you know, we did look at
reinforcing to confirm that it is going to be

1
2 adequate capacity, that it would not overstress
3 the existing tower. This reinforcing would run
4 from 20 feet to 30 feet and then from 100 to 107
5 just below where the bottom T-Mobile array is.
6 The existing T-Mobile array that's on there are
7 about a little over 90 percent capacity. That's
8 not to say this tower will never be used again
9 for anything else, but certainly this is the
10 right process for that where these things can be
11 confirmed.

12 As was mentioned, there's no additional
13 need for any kind of height extension. We're
14 talking 100-foot level on approximately 100-foot
15 tower.

16 Incidentally, there are three carriers
17 that have equipment also, Verizon, Nextel and
18 Omnipoint which is now T-Mobile.

19 You might remember HDR had done some
20 review of this location in the past along with
21 Karen. There had been some landscaping
22 improvements at the time Omnipoint was here.
23 Also at the time Omnipoint was improved we did
24 field readings for RF levels. As expected,
25 everything was low.

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This particular technology is not going to change anything in terms of radiofrequency emissions. As the representative noted, it's a point to point. You think about a pencil beam type of -- type beam going point to point, really not getting in the way of anything. In fact, it has to have a direct line of sight whereas panel antennas you're looking at less game they call it to cover the horizon in those areas. As expected, the calculations are conservative.

I did look back at what we did here in 2006, both from a structural review and from an RF review, and things are consistent in the Verizon application.

We do feel it's justified.

A couple of recommendations which I'm sure you've seen. Just making sure that the existing ground-based area, which isn't even depicted here because there's no changes to it, just make sure that the signage is maintained. That's going on right now with the other resolutions for the other carriers and Verizon that are on the site.

We mentioned color matching of the

1 antenna. This is an FAA colored tower with red
2 and white elements. Certainly the new
3 reinforcing that will be put in here, those
4 members that are changed out, I believe the
5 applicant has noted they would match the existing
6 colors.
7

8 MR. RHODE: Sure.

9 MR. MUSSO: They did indicate in their
10 plans that they're FAA approved. It's not like
11 you're going to see new colors here. The
12 appearance of the tower shouldn't change at all
13 except for the dish. One cable does run down,
14 and one of our standard comments would be to have
15 that cable match also. The applicant I think
16 confirmed tonight the one cable which is about --
17 it's either a half inch or three-quarters inch in
18 diameter would overlay on top of Verizon's
19 existing cables, and right now they have what's
20 probably 18 cables that run along the leg. This
21 is one more of about a similar size. Really
22 there's no appreciable change in the tower's
23 appearance.

24 That's essentially it. I think the
25 structural item was one of the big things with

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this application. Certainly they're doing the right thing here.

I just recommend a color. Making sure that the 100-foot level, that they're putting the right type of color on top of the additions proposed.

CHAIRMAN EWASUTYN: Thank you.

Comments or questions from Board Members. Frank Galli?

MR. GALLI: What is the purpose of having that there when you have antennas up on top? What's the benefit for the people in Town?

MR. MUSSO: Do you want to talk about the system on that?

MR. RHODE: Sure. You can probably do a better job than I truthfully. This particular antenna is not the kind of antenna you would go out and speak to a device. It's meant for communications in between points on the network. It sends big pieces of traffic through and around the network. That's what it's for.

MR. MUSSO: The panel antennas which are looking down at roads, homes essentially, or over in those areas, you're looking to give

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signal out to a phone, to communicate with a phone and also have a phone communicate back to that signal and take it back to the tower. I mentioned the dish antennas are not used on every single cell tower that's out there. You can think of some in Newburgh that do not have it. Within the larger region, the larger network, often times things such as call traffic, how many calls are being communicated out and then the whole system could be kind of coordinated, if you will, to another tower further north or south along the Thruway. It just would help Verizon manage the call traffic a little better. On top of that are things like text messages and that type of information that's not voice but is actual text could also be transmitted from point to point. So it just takes everything back to their switching station and really helps them coordinate the network.

MR. GALLI: Improve their service.

MR. RHODE: Absolutely.

Just a little bit of background, too.

I don't know -- I'm sorry, I can't see the members over there. If you've kind of read or

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VERIZON MICROWAVE ANTENNA

seen any news about kind of a roll out of something called 4G or advanced broadband services, Verizon Wireless is in the midst of doing that, and Orange County is a place where it's going to roll out some of this early on in the network. That will also help facilitate that type of service to the people around here.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Just a question. I'm curious. The reinforcement, is that going to be installed? It's not going to be overlaid? You're going to be replacing?

MR. RHODE: It's a replacement. That's correct.

MR. MENNERICH: Will there be other cell towers in this area that will be getting this type of an antenna as part of your network upgrades?

MR. RHODE: Not that I'm aware offhand, but that doesn't mean the answer is no. You know, I really don't even have a number for you to tell you on how many towers there is a microwave antenna.

MR. MUSSO: This is communicating

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VERIZON MICROWAVE ANTENNA

between two distinct things. It's not like they're broadcasting out and somebody on the other side of the river is getting it.

MR. MENNERICH: So the other tower that's getting the signal is not in the Town of Newburgh I take it?

MR. MUSSO: It's not. It's in Montgomery.

CHAIRMAN EWASUTYN: I think it's the one on Scotts Corners. I saw a satellite dish or microwave dish there.

MR. MUSSO: I think that's the one.

CHAIRMAN EWASUTYN: That was my only comment.

Joe Profaci?

MR. PROFACI: You mentioned 4G. There doesn't seem to be a lot of 3G coverage in the Town of Newburgh now. Is this going to go beyond and skip a step?

MR. RHODE: Again, this particular antenna is -- it's not a 4G antenna. This allows you to send copious amounts of information relatively efficiently. We are in the process of putting up both 3G and 4G antennas throughout

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VERIZON MICROWAVE ANTENNA

Orange County. I'm trying to remember -- in fact, the last project we were here for, I'm trying to remember and I don't remember offhand the array of antennas that were going up, but I think that there were 4G antennas. I'm trying to remember. I know that data was a big part of the reason for that last project.

MR. MUSSO: I think it was, too.

Verizon operates on two different frequencies, cellular and PCS. I think there were new model numbers.

MR. RHODE: The frequencies that we operate on typically to provide the service to the handsets are generally speaking in the 800 megahertz, 1,900 megahertz. Slightly lower frequency, 700 megahertz, is where the LTD and 4G stuff is, and that doesn't require separate antennas.

MR. PROFACI: That's not this?

MR. RHODE: That is not this. What this does is enables that. What happens is with these advanced networks being rolled out there's even more data being sent to wireless lately, and this type of antenna allows the transmission.

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VERIZON MICROWAVE ANTENNA

MR. PROFACI: It facilitates that.

MR. RHODE: Yes. Absolutely. But also routine wireless traffic as well.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: You mentioned with the reinforcement the tower is now at 90 percent capacity. Is this tower pretty much built out or do you foresee additional additions to it?

MR. MUSSO: It's possible that it could. I mean certainly aside from the wireless carriers there's some FAA equipment on this tower. There's also some older, or I believe to be older Nextel equipment which may be functioning and may be eligible for a change out at some time. Space wise there is some capacity here, but, you know, I guess it's kind of a balance with the carriers of what they want to put on and what kind of additional reinforcing they need. I wouldn't say it's impossible at this point but a pretty good stretch of reinforcing, as you can see, is here just for the dish antenna. You'll probably see some similar level of effort if someone is proposing something.

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MR. FOGARTY: If it's at 90 percent
now --

MR. MUSSO: Right.

MR. RHODE: Mike, isn't it true some
stress factors can go beyond 100 percent and the
tower is still going to be compliant with --

MR. MUSSO: With the TIA?

MR. RHODE: Yeah.

MR. MUSSO: It all depends on what's
being proposed. If it's three panel antennas
versus twelve, what the dead weights are, how
many cables, where it's located. There's a lot
on this tower right now, obviously. We have
three different arrays. If this dish antenna is
proposed, some other Nextel antennas, FAA
equipment as well. It's really case by case.
It's not impossible I would say.

MR. FOGARTY: Thanks.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Mike covered all my
questions. Thank you.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant, any comments?

MR. HINES: We have nothing on this.

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VERIZON MICROWAVE ANTENNA

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: We have no comments.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: We have no comments.

CHAIRMAN EWASUTYN: I'll turn to Mike Musso. Would you advise the Board that we can make a SEQRA determination now?

MR. MUSSO: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the conceptual site plan for the Verizon microwave antenna and set the 17th of December for a public hearing.

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.

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VERIZON MICROWAVE ANTENNA

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. DONNELLY: John, Cliff raised an issue in his letter as to whether or not a referral to the Orange County Planning Department is needed.

CHAIRMAN EWASUTYN: We have that. You have a copy of it.

MR. DONNELLY: It's been done?

CHAIRMAN EWASUTYN: It's already been done. We just got that in today, Mike. Thank you. I made copies for everyone.

MR. DONNELLY: I take it a local determination?

CHAIRMAN EWASUTYN: Right.

MR. RHODE: Thank you for that, sending that so quickly.

CHAIRMAN EWASUTYN: You're welcome. You'll work with Bryant Cocks as far as the mailing, the circulation.

MR. RHODE: Mm'hm'.

CHAIRMAN EWASUTYN: It really was impossible to do it tomorrow. The timeframes just

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VERIZON MICROWAVE ANTENNA

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don't allow for it. So we'll see you on the 17th,
and in the meantime you work with Bryant to make
everything work.

MR. RHODE: Yup. We'll get it all out.

CHAIRMAN EWASUTYN: Thank you so much.

MR. RHODE: Thank you. Have a good
night.

(Time noted: 7:29 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: December 9, 2009

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

----- X
In the Matter of

PELELLA & BELL
(2007-29)

Extension of Final Subdivision Approval

----- X

BOARD BUSINESS

Date: November 19, 2009
Time: 7:30 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
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

----- X

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

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PELELLA & BELL

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MR. BROWNE: We have next Board Business. We have Pelella & Bell, extension of final subdivision approval. They were granted final subdivision approval on June 4, 2009. The approval expires on December 4, 2009. The applicant wishes to be granted a 180-day extension which will run until July 4, 2010.

CHAIRMAN EWASUTYN: Bryant, is that satisfactory?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant the extension of Pelella & Bell for 180 days.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. 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.

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PELELLA & BELL

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MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

At this point I would like to wish
everyone a happy Thanksgiving.

MR. BROWNE: John, I'm going to be
missing the next two meetings. Hopefully
everyone else will be here.

CHAIRMAN EWASUTYN: I appreciate that.

MR. HINES: Also the next meeting is
the one where I can be at the work session and
not the meeting. I don't know if you want
someone from my office to be here.

CHAIRMAN EWASUTYN: I think we should.
I think that agenda will have the Toyota
dealership. We have a few things happening.

Where are you going to be again?

MR. HINES: It's the firemen election
thing I do every year the first Thursday in
December.

CHAIRMAN EWASUTYN: I'll move for a
motion to close the Planning Board meeting for
the 19th of November.

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MR. GALLI: So moved.

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 yes. So carried.

(Time noted: 7:32 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: December 9, 2009