

The minutes of the joint Public Hearing held by the Board of Trustees and the Planning Board of the Village of Haverstraw on November 1st, 2010, beginning at 7:30 PM.

ROLL CALL	Trustee Batista	- Present
	Trustee Bueno	- Absent
	Trustee Watson	- Present
	Trustee Dominguez	- Present
	Mayor Kohut	- Present

PLANNING BOARD ROLL CALL:

Chairman Thomas Watson, Sr.	- Present
Joseph Natale	- Present
Peter McGuire	- Present
Anibal Lima	- Absent
Diogenes Dominiguez	- Absent

(Arrived later in the meeting)

Mayor Kohut: The Mayor opened the joint Public Hearing to discuss an application presented by Metro PCS to install a cell antenna at 21 Broadway.

John Furst, Esq., Cuddy & Feder: Counselor Furst is the representative for Metro PCS. He invited their engineer to join him for the presentation. They gave the following summary of their plan for the cell tower:

Metro PCS would like to install a cell tower on the rooftop of 21 Broadway, at the corner of West Broad Street and Broadway. Metro is licensed by the FCC to provide digital wireless services and are an additional carrier in this market, which includes Verizon, AT&T, etc. They are looking to provide coverage along Broadway, Main Street, Broad Street, Route 9W, Hudson Avenue and Riverside Avenue, which should, in the short term, be the only site needed by Metro PCS. It would be a single site solution.

The property, which is a three story mixed residential/commercial use building is located in a CD zone. Metro PCS is looking to install 6 to 10 cell antennas on the rooftop of this building, attaching them to the existing staircase bulkhead. The antennas would be mounted on pipes extending slightly above the staircase bulkhead, approximately 56 feet 8 inches above the ground, but not to exceed 15 feet above the roofline.

The equipment cabinets for the antennas would be located within a 10' x 20' equipment area in the basement, with a small condenser on the rooftop. Accessory wires would run along the rooftop and down the side of the building. The cable tray would match the building color and the antennas would be a neutral gray, as suggested by the planner. The support structures would be black to match the staircase bulkhead.

Under the Village Zoning Code, this project constitutes a Public Utility, which is permitted in this zone via a Special Use Permit provided by the Village Board, along with Site Plan approval from the Planning

Board. Metro PCS has already submitted the antenna site FTCRF Compliance Assessment & Report, which basically states what they are proposing. The emissions from the antennas will be 30 times below the federal limit and levels, which should address basic safety and health issues and any other concerns. They have also submitted a structural certification issued by the New York State Licensed PE.

Mr. Furst then took questions from both boards and the public.

Mayor Kohut: The Mayor announced that the village has retained the services of Nancy Calhoun, Engineer, HDR Consulting as a consultant for this project. They have fully reviewed the application, therefore, the Mayor asked that she present their interpretation of the project.

Nancy Calhoun, HDR Engineering: Ms. Calhoun again reiterated that her firm was called in to review the application for the cell antenna project. Michael Muso of HDR and Liz Mello of Brooker Engineering visited the site at 21 Broadway, at which time they requested additional information. Upon receipt of that information, the application was again reviewed and has found everything to their satisfaction. The things that they typically review in a wireless application are the structural analysis, the aesthetics and the visual aspects of the project, the RF reports and the need for the site. Based on those items, HDR Engineering felt that everything was completed to their satisfaction. They provided the board with a list of recommendations, in a letter dated October 29th.

At this point, there has not been a full structural analysis and the bulkhead may need additional reinforcement, however, she stated once again that they do feel the actions taken by the applicant are satisfactory and that the Building Department could at this point issue a Building Permit. They also requested that there be protocols set between the building owner and Metro PCS to have access to the building for inspections to the equipment, emergency services, etc. Also, everything having to do with the cable runs and mounting them in through the basement should be reviewed by the Village Building Department during the construction phase. Planned maintenance activities on the roof, if not done by a trained professional, there are disclosures that must be coordinated with the building owner. The grounding local code compliance should be established and documented during the installation of the equipment and connections and, the Special Use Permit should have appropriate provisions for the maintenance and upkeep of the equipment. The permit should also consider the recertification requirement and what the process would be when it is due for recertification. With everything considered, HDR Engineering found the application of Metro PCS satisfactory.

Mayor Kohut: The Mayor inquired if any of the board members had any questions for the consultant.

Diogenes Dominiguez of the Planning Board came into the meeting at this point.

Max Stach, Turner Miller Group, Planners for the Village: Mr. Stach noted that his group, along with Liz Mello of Brooker Engineering, have reviewed the application. He clarified that this application is permitted through a Special Permit as a public utility, mentioning that there are already several

towers located throughout the village. Their review focused mostly on the aesthetics and the structural ability to support the antennas.

From the perspective of propagation of RF radio frequency and also, whether there needs to be federal communications to FCC federal standards that were set for exposure to radio frequency radiation, the Federal Government established these limits stating that as long as these installations are below these limits, it is beyond the capabilities of a local government to make determinations as to whether or not there are any health hazards.

The essential action of the board, previous to this Public Hearing, was to find out if there would be any significant environmental impact. At the previous Planning Board meeting it was found under SEQRA that there was not likely to be a significant impact.

Thomas Watson, Sr.: Mr. Watson stated that he had not seen any pictures and if available would like to view them.

Max Stach: Mr. Stach mentioned that they were included in the application package.

Peter McGuire: Mr. McGuire made an inquiry regarding the secondary tower for the site.

Jason Fitchner, Cuddy & Feder: Mr. Fitchner responded that they will get their own power from the grids and there are also battery backups.

Peter McGuire: Mr. McGuire asked where the batteries would be located and how many there would be.

Jason Fitchner: Mr. Fitchner informed him there would be two batteries, which would be located in the basement of the building, including two radio cabinets and two battery cabinets.

Thomas Watson, Sr.: Mr. Watson asked that some specific language in the documents be explained a little more clearly.

Jason Fitchner: Mr. Fitchner read the specific language and explained that in simple language it is a part of the index, which is simply FCC rules and regulations meaning that each carrier operates at a different frequency and will not interfere with any other carrier.

Thomas Watson, Jr.: Trustee Watson inquired if there are any special precautions that an emergency service would have to take since the second floor of the building is residential. He gave an example of the need to ventilate the building or other emergency firematic functions.

The response to his question was any lines on the roof would be enclosed in a tray.

Thomas Watson, Sr.: Mr. Watson inquired if there would be any emissions from the batteries if they malfunctioned.

The response was no; they are sealed units.

Mayor Kohut: The Mayor opened the floor to the public.

Joe Mahoney, 36 Railroad Avenue: Mr. Mahoney asked if they were going to address any problems with the other carrier who installed antennas on the roof of the Presbyterian Church.

John Furst: As far as other carriers are concerned they all operate on different frequencies and they are merely filling a gap in coverage for the village.

Joe Mahoney: Mr. Mahoney inquired if there would be anything provided to veer off lightning strikes and also how long the batteries last.

John Furst: Mr. Furst responded that if there is nothing currently in the plan that they can draft verbiage to add to the plan. He did not know exactly how long the batteries would last.

Joe Mahoney: Mr. Mahoney then inquired if the antennas would be self-maintained or if someone would be coming in to check them.

John Furst: Mr. Furst responded that there will be personnel coming in to check out the site and all the equipment involved approximately once every 4 to 6 weeks.

Thomas Watson, Sr.: Mr. Watson stated that lightning strikes have never come up before and as far as he knew, was not covered by anybody. He inquired if there would be someone that might be able to give both boards that information.

Engineer, Cuddy & Feder: He explained that there is a grounding wire shown in the basement on the plan, but there are no rods showing at the top. There will be provisions made for lightning strikes.

Mia Vatsolic, 54 New Main Street: When hearing about the antenna installation Mrs. Vatsolic did some research on the subject. Her main concern is the health issues that may be involved and that there should be a better location for the antennas other than a residential district. She went on to give examples of health issues discovered that may relate to the existence of the towers in certain areas. She is also concerned about the decline in home values, building values, the history of the village and the economy itself. If she had previously known about the cell towers she would never have purchased a house in the village. She asked the board to try to find a better location that will not impose upon the health of residents and the economic value of homes and businesses in the village. She feels this is a step backwards.

John Furst: He tried to reassure everyone that as far as the health and safety issues are concerned, that the emissions will be well below the FCC limits. He also mentioned that they have looked at many alternative locations including the existing church where there are already two other carriers equipment. Unfortunately, there was no more room at that site, and they did look at other churches as well. He again emphasized that they are

not proposing a cell tower, but cell antennas. The 21 Broadway site seemed to be appropriate for their purposes because it is the least intrusive.

Mia Vatsolic: Mrs. Vatsolic wondered about the FCC levels that were previously mentioned because none of it made sense to her. She then asked if there were any reasons they did not consider the mountain or even the cemetery where there is a good amount of space available.

John Furst: Mr. Furst responded that they are located at the far western part of the village and would not provide the coverage needed. A location in the middle of the village would provide the best coverage.

Mia Vatsolic: Mrs. Vatsolic then asked if it would be possible, even though it would not be convenient, for the company to put two cell antennas in two different locations that had a large enough space.

John Furst: Mr. Furst explained that it would be difficult to find an area on the west side of 9W that would provide the same coverage.

Mayor Kohut: The Mayor explained that there is no other area within 15 hundred feet of the village. There are multiple schools, hundreds of homes, multiple day-care centers. There is an ordinance that requires anything within five hundred feet of another communities boundaries has to be put before the Rockland County Planning Board. There is nothing that can be done in the village outside those set boundaries. He understands her feelings, however, there is no where else in the village that would meet the criteria for the cell antennas.

Mia Vatsolic: According to the studies she looked into, the further away the cell towers and antennas are from residential areas the better.

Thomas Watson, Sr.: Mr. Watson inquired if the problems she was speaking of in Long Island were cell antennas.

Mia Vatsolic: She responded there were 12 cell antennas around the school.

Kathy Stobo: Mrs. Stobo shares the same feelings and has great concerns about the safety and health issues. She went on to read a quote from Dr. Gerard Highland about asbestos and the health issues that arose from living in an area having cell towers and antennas. She believes everyone in the village wants a better quality of life and not have to share the worries of anyone being stricken by a deadly disease due to the cell towers or antennas that are being installed throughout the country. She does not believe that young children should be subjected to the threat of emissions from electric magnetic radiation, which may or may not affect their lives. She feels if using the mountain or the cemetery is not convenient than they should find another village.

John Furst: As far as trying to find another location, Mr. Furst stated that they are mandated by the FCC to provide coverage, not only in Haverstraw, but the entire county and area because there is a gap in coverage. They feel this is the best possible location. All the equipment would be painted to match the existing building where it is being installed.

John Furst: The FCC has issued the mandate to have more carriers in the area to provide more competition, which in fact will provide for better service and pricing. The FCC has mandated Metro to be in this area to provide the extended coverage.

Kathy Stobo, New Main Street: Mrs. Stobo inquired if being mandated is an option for the Village Board or if it is something that has to be accepted regardless of the feelings of the village residents.

John Furst: Mr. Furst replied it is a license granted by a federal agency and they will do everything possible to ensure there will be no aesthetic impact.

Kathy Stobo: Mrs. Stobo asked if the village has to accept the installation of cell antennas or if they have the right to reject the proposal.

Mayor Kohut: The Mayor stated that the legitimate basis upon which the village can reject a cell tower or antenna application does not include health and safety issues. If the village feels that there is a superior site he believes that the village can reject it, or if it is found that the application is insufficient for structural reasons or other legitimate reasons then the board could reject it, or send the company back to re-propose the plan.

Thomas Watson, Sr.: Mr. Watson asked what would happen if the board rejected the application.

Mayor Kohut: The Mayor responded a lawsuit would probably ensue. Metro believes they have found the perfect site needed to complete their plans.

Kathy Stobo: Mrs. Stobo feels we have enough cell equipment in the village.

Mayor Kohut: The Mayor stated that the village cannot mandate how many towers or antennas we have. There are currently two cell carriers in the village and the village cannot determine what is enough.

Joe Mahoney: Mr. Mahoney feels the FCC is basically forcing the village to accept the additional cell antennas. He inquired why they can't piggyback multiple antennas on the existing ones.

John Furst: Mr. Furst does not believe that would work with the antennas that are currently on the church.

Joe Mahoney: Mr. Mahoney inquired if Metro has looked into the frequencies of the other antennas to see if they would accept Metro equipment. He thought antennas would receive whatever they are programmed to receive.

John Furst: He again mentioned that there is no room on the church for any additional equipment.

Joe Mahoney: Mr. Mahoney asked if Metro has talked to the other vendors to provide multiple frequency antennas.

Mayor Kohut: To clarify what was being said, the Mayor stated that the existing antennas that are on the structure cannot be shared; sites **can be shared, but antennas can not.**

John Furst: Mr. Furst informed everyone that one antenna cannot serve three or four different carriers. Metro has checked out the site at the Presbyterian Church, as well as many other sites in the village, and 21 Broadway proved to be the best location.

Mayor Kohut: The Mayor suggested that Mr. Furst go back to Metro PCS to check out whether multiple frequency antennas is an option and get back to board.

Liz Mello, Brooker Engineers: Mrs. Mello did not see the cemetery or the mountain on the list of sites that were looked into. She suggested Metro PCS talk to the owners of these sites. She also suggested they look at Bowline, because people do not live there and would not be there for long periods of time.

Thomas Watson, Sr.: Mr. Watson then suggested the old Chair Factory as another option.

Chris Olson, Radio Frequency Engineering Consultant, Cuddy & Feder: Mr. Olson picked the site and explained to everyone that sharing antennas is not possible because every carrier has its own unique requirements of tilt, type of antennas, etc. Each antenna is designed for a specific frequency ban. Different carriers have different frequency bans, different needs and use different style antennas, therefore, sharing antennas is not an option. Sharing facilities is an option, however, there is not sufficient space at the church where the current antennas are located. He also mentioned that they looked at numerous sites. They looked for the least obtrusive site. Putting a tower in the cemetery would not function properly because it is too high up and all the way on one end of the area to be covered. To provide the best coverage to all the residents, the antenna needs to be located in the center of the village. Metro PCS is an unlimited usage provider; meaning for \$40.00 a month the residents get unlimited usage. Most of their users are stationary users; home or office. The antennas need to be close to provide sufficient signals to all the people. They looked at sites further up on the hill. That site would only cover parts of the area.

Kathy Stobo: Mrs. Stobo still feels there has to be an alternative location and that it should not be located in the middle of a densely populated village. She asked why West Haverstraw did not want a cell antenna in their village.

John Furst: He stated that the plan for West Haverstraw was approved and is currently being constructed on the water tank on Railroad Avenue.

Kathy Stobo: Mrs. Stobo asked if antennas could be installed at two sites to cover the entire village.

John Furst: The issue being brought up is health and that there is something wrong with a cell antenna being located in the area of a school. According to the FCC there would be no issues with the plan they are presenting because there would be nothing to cause any health problems.

Kathy Stobo: Mrs. Stobo brought up the fact that it was considered safe to work at Ground Zero only to find out years later that many people did get sick and die from being exposed. She feels big money always wins out over people's health.

Mia Vatsolic: Mrs. Vatsolic does not believe that the village has no power in the decision of a cell antenna being installed and according to a 1996 Federal Law, that the village is empowered to limit locations based on quality of life issues, economic issues, home and building values and historic values. She understands that Metro does not want to bare the cost of a secondary location, but she feels it is important for the board to consider the residents of the village, especially in the central business district. She is not asking for the village to reject the plan, but simply to look into a better location. Adequate coverage being mandated by the FCC does not mean it has to be in the middle of the village. She urged the board to look at other sites. She understands that the health issues are not a legitimate reason for rejecting the site, however, she wanted to underscore the fact that there are many grave concerns by the public, and whether or not they are well founded, they will affect the home values, the quality of new landlords coming in, etc. This could make trying to sell anything in the village a lot worse. She also informed the village that President Obama has set up a panel to study cell towers and the effect of radio frequency radiation exposure.

Mayor Kohut: The Mayor thanked everyone for their comments and, with no further input from the public, the Mayor entertained a motion to close the joint public hearing.

RESOLUTION #209-2010

Motion by: Emily Dominguez
Seconded by: Terrence Watson
Motion Carries: All

Respectfully submitted,

Beverly A. Swift
Senior Steno Clerk