

The minutes of the Village of Haverstraw Planning Board Meeting on Monday, July 17th, 2017, beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL	Joseph Natale, Chairman	- Present
	Gil Carlevaro	- Present
	Diogenes Dominguez	- Present
	Edwin Molina	- Present
	Danny Scaffidi	- Present
	Ruben Berrios, Bldg. Insp.	- Present
	Brian Brooker, Engineer	- Present
	Dennis Michaels, Vil. Atty.	- Present
	Erica M. Alejandro, Admin. Asst.	- Present

Joseph Natale: Chairman Natale opened the meeting by welcoming the new member Danny Scaffidi. And then introduced the first and only item on the agenda, New York SMSA Limited Partnership d/b/a Verizon Wireless, 87 Route 9W South **27.17-11-2**

Mike Sheridan – Law of Office of Snyder & Snyder, LLP representing New York SMSA Limited Partnership d/b/a Verizon Wireless, his office is located 94 White Plains, Tarrytown, NY. Mr. Sheridan is the attorney for Verizon Wireless in connection with its application for a special use permit and site plan approval to locate a public utility wireless telecommunications facility on the roof of the existing building located at 87-89 Route 9W South. The property is located in the R-2(M) District and as such, the facility requires a special use permit and site plan approval pursuant to Chapter 221 entitled Telecommunication Facilities of the Village of Haverstraw. The facilities will consist of antennas, located on top of the elevator penthouse, four antennas for three sectors each being a total of twelve antennas. Verizon Wireless' Facility has been strategically designed to shield it from view in that it consists of small panel antennas on the roof concealed behind screen walls painted to match the existing elevator penthouse with related equipment. It will look like an extension of the elevator penthouse once it is completed. The equipment will be located on an equipment platform on the roof of the building. Set back away from the road so it will not be visible from most if not all the locations. It's barely visible from one of the locations shown in the photograph being presented. Mr. Sheridan presented to the board an additional submission, in responses to comments received at the TAC meeting held on June 21st, 2017. It contains an updated visual analysis which essentially is the same as the previous submission but now contains arrows for the first picture and simulation and for the last picture and simulation just pointing out where they are. All the other simulations contains arrows in the previous submission so you can see where it is going to be. The facility will also have ten kilo watt generator which will also be placed on the roof of the building, which is tested approximately once a week for about an hour. That hour includes testing where that generator is not active, making sure it is connected, and actual running time will be much less than an hour. Usually done during the day when people are awake and active but it could be adjusted to by the landlord's requirements.

Gil Carlevaro: Mr. Carlevaro asked Mr. Sheridan what the testing procedure is, what it entails.

Mike Sheridan: Mr. Sheridan answered they connect to it make sure it is functioning properly and then they run it for approximately a half hour maybe a little less in event of an emergency.

Gil Carlevaro: Mr. Carlevaro asked if they are running a generator.

Mike Sheridan: Mr. Sheridan answered that is what they are testing, they are testing the generator.

Gil Carlevaro: Mr. Carlevaro what kind of noise does the generator make.

Mike Sheridan: Mr. Sheridan answered it is a small ten kilo watt generator on the roof; it is not going to make that much noise.

Diogenes Dominguez: Mr. Dominguez inquired how often the generator is being tested.

Mike Sheridan: Mr. Sheridan answered once a week. And in the event of an emergency it will be running but other than that it will only run during the test.

Danny Scaffidi: Mr. Scaffidi questioned the weight of the antennas.

Mike Sheridan: Mr. Sheridan answered that is a good question, he doesn't have that information with him but engineer provided a structural letter indicating that the roof could hold all of the antennas, the screen wall and the equipment.

Joseph Natale: Chairman Natale questioned it's a total of twelve antennas, four on three walls.

Mike Sheridan: Mr. Sheridan responded correct.

Joseph Natale: Chairman Natale inquired if this has been submitted to Rockland County Department of Planning since the application was just submitted.

Mike Sheridan: Mr. Sheridan responded it has not been submitted to the Rockland County Planning.

Joseph Natale: Chairman Natale stated it would have to be submitted to them as well.

Mike Sheridan: Mr. Sheridan answered this current submission is in responses to the TAC meeting on June 21st

Ruben Berrios, Bldg. Insp: Inspector Berrios stated the original submission from April 20, 2017 was submitted to Rockland County Department of Planning.

Mike Sheridan: Mr. Sheridan stated as mentioned earlier we received comments from the Rockland County Department of Planning. He just received the letter from the county but he does not think a variance is required as stated on condition #1. He will be asking the county if it the letter could be amended.

Brian Brooker, Engineer: Engineer Brooker stated we would have to have it amended if he does not have a use variance.

Mike Sheridan: Mr. Sheridan stated Section 221-6A(1) he doesn't think they need the variance and 221-7A we are here for the special use permit.

Dennis Michaels, Vil. Atty: Consultant Michaels suggested asking the County to amend the GML Letter from July 17th. Although we can over ride mistakes the County makes, as you know they are being very difficult about it.

Mike Sheridan: Mr. Sheridan stated he will contact the County Planning directly and ask if it could be re-issued.

Brian Brooker, Engineer: Engineer Brooker stated otherwise there isn't anything else but a checklist of things to talk about but it is a major issue if a variance is needed.

Joseph Natale: Chairman Natale inquired if it was sent to DOT.

Erica Alejandro: Ms. Alejandro stated we (Building Department) sent the original to DOT, Palisades Interstate Park Commission and RC Department of Planning.

Joseph Natale: Chairman Natale inquired if it was sent as well to the New York – New Jersey Trail Conference.

Ruben Berrios, Bldg. Insp: Inspector Berrios stated no has not been sent.

Joseph Natale: Chairman Natale inquired in regards to the visual analysis, condition # 6 County is saying it's deficient, have they received the updated submission.

Mike Sheridan: Mr. Sheridan stated they have not receive the update visual analysis from July 14th, the only change has been the added arrows, it essentially the same.

Brian Brooker, Engineer: Engineer Brooker stated condition #6 states they want specifically view shed analysis of the trail head which is on top of the mountain.

Dennis Michaels, Vil. Atty: Consultant Michaels said Ruben asked a good question, do we have to comply with item # 5 from the County GML Letter of July 17th. Legally speaking no because you only have to send application packages to other involved agencies and those agencies that have approval authority over any aspect of this application and you have to send to Rockland County Department of Planning and adjacent municipalities to the village or town clerk, which we did. Number 5 just states to send it to New York – New Jersey Trail Conference and any concerns addressed, it does not mean you have to accept the concerns of the New York – New Jersey Trail Conference and just means you have to address them. It does not hurt to send it to them but technically you can over ride number five.

Brian Brooker, Engineer: Engineer Brooker inquired wouldn't the New State Park Commission forward it to the NY – NJ Trail Conference.

Edwin Molina & Dennis Michaels: Mr. Molina & Consultant Michaels both stated not necessarily because they are two separate entities.

Mike Sheridan: Mr. Sheridan he doesn't have a problem correcting the short form. He explained item # 9 he is unclear of what is being look for in size, if it's the size of the property or the size of the activity. He had given them the size of the roof which is 0.01 acres.

Joseph Natale: Chairman Natale stated he would like a follow up to the County GML Letter to make that part of the record, stating what Mr. Musso is saying is correct.

Dennis Michaels, Vil. Atty: Consultant Michaels stated the less we have to override is better but if you can convince them to change the GML Letter is it would be great.

Joseph Natale: Chairman Natale informed, letter also states to refer this project to the RC Department of Health

Brian Brooker, Engineer: Engineer Brooker inquired what permit they would require.

Diogenes Dominguez: Mr. Dominguez stated maybe because it is a nursing home.

Dennis Michaels, Vil. Atty: Consultant Michaels asked Mr. Sheridan maybe you could have them remove that as well

Mike Sheridan: Mr. Sheridan stated he would go over the entire memo with the RC Department of Planning

Michael P. Musso, M.S., MPH, P.E. (NY), Village RF (Cell Tower) Consultant: Mr. Musso stated as also discussed at TAC GML referral to adjacent municipalities would not be required with this project.

Dennis Michaels, Vil. Atty: Consultant Michaels stated because it is not with five hundred feet of any of the triggers.

Michael P. Musso, M.S., MPH, P.E. (NY), Village RF (Cell Tower) Consultant: Mr. Musso stated he believes it something allotted to in the GML Letter. Also he stated this is in the Mountain Protection Zone, it's R-2M. There are criteria in the vertical face of the back wall and this is a net increase of eight feet of the penthouse. (He demonstrated the penthouse to the board with a photograph) We are way below the criteria and Mr. Sheridan mentioned that in the filing of July 14th.

Mike Sheridan: Mr. Sheridan stated he mentioned it on the filing of the July 14th and also in the plans on the bulk table. We still well below.

Michael P. Musso: Consultant Musso stated that line of evidence might alleviate the Trails Conference.

Joseph Natale: Chairman Natale asked Mr. Musso to explain more in detail so the new members could have a better understanding.

Michael P. Musso: Mr. Musso gave a detail explanation to the board regarding the cell tower project.

Mr. Musso then stated there was some questions that were addressed in Friday, July 14th submittal regarding gas line and gas meter. That is a question they had at TAC. A little history on this they met with the applicant on December 21st, a site visit in February, he was part of and Ruben was there as well and met June 21st for TAC. So the supplemental submittal really does provide a complete application at this point. There are two waivers that are proposed, one of those is a long form EAF and you made a case for that, you spoke to Max about it and he is going to issue a SEQRA memo. In his estimation with that he states it is appropriate but of course he will defer Max as the planner. The photo simulations he states were really well done. They look at twenty plus views that were visited, it was documented, visibility, seasonal visibility meaning when leaves are out and when trees are in full bloom, no visibility from certain streets and they really did cover the village very well not just 9W but inside of the actual village as well. So the visual is certainly the big point in this and coming from an engineers' point of view, he think it's a big part of SEQRA to look at this.

Edwin Molina: Mr. Molina questioned is it the Assisted Living Facility not the Nursing Home.

Michael P. Musso: Mr. Musso answered it is the Assisted Living.

He then proceeded with the application history they filed a special use permit in April and we just received the supplement now and some correspondence from the County. We are working on a TEC Memo, which he will embed some of the photo simulations and some of the drawings on report paper. He will make some recommendations towards the end. Normally some of the recommendations would be your considerations as part of an approval or building permit.

He spoke about one of waiver dealing with fees and the removal bond. A good part the code has if any facility becomes obsolete or the carriers become out of business, they have to take their equipment or post money to the Village. That is the purpose of the bond so Village could pay for someone to remove it. Applicant is asking for a full waiver for that.

Gil Carlevaro: Mr. Carlevaro questioned will the people living in the Harbors living three to four stories up will they be impacted by being able to see this or the noise of the generator.

Michael P. Musso: Mr. Musso answered the only noise would be for the one hour window during work business time frame. So it will not be running in the middle of the night if it is not needed. The noise is certainly not a issue.

He also stated he will include in his report why we need the coverage in the area. The need for capacity is great and the whole southern quarter needs the coverage. He is not being bias because he is not a Verizon customer.

He then went on to explain that the applicant has provided us with a radio frequency statement for the neighborhood and also for the rooftop. We looked at the signage that will be provided on the entrance way to the rooftop and in front of those antennas.

These sites are remotely monitored and usually a monthly visit where a tech would come on site and adjust the antennas a little bit or check the

screening walls. Usually they are ran by themselves, they are not man 24/7 and nor do they need to be.

Joseph Natale: Chairman Natale questioned if there is going to be some markings for the gas line

Mike Sheridan: Mr. Sheridan stated they are working with utility company to get the final say on where the meter will placed so they can do the final gas line run. This unfortunately takes a long period of time to get the utility company to come out and make that decision. He will certainly follow up with this.

Michael P. Musso: Mr. Musso stated is this the first cell tower under the new code.

Dennis Michaels, Vil. Atty: Consultant Michaels offered a motion as follows "The Planning Board of the Village of Haverstraw issue it's Notice of Intention to declare itself lend agency of the State Environmental Quality Review Act (SEQRA) and will send that Notice of Intention to declare itself of lend agency to Rockland County Department of Planning and to the Village of Haverstraw Zoning Board of Appeals along with two submissions from the applicant"

RESOLUTION # 17-2017

Motion by: Gil Carlevaro
Seconded by: Diogenes Dominguez
Motion Carries: All

Joseph Natale: Chairman Natale made a motion to hold a public hearing on the 7th of September of 2017.

RESOLUTION # 18-2017

Motion by: Edwin Molina
Seconded by: Gil Carlevaro
Motion Carries: All

Dennis Michaels, Vil. Atty: Consultant Michaels do not send anything out until August 3rd when we hear back from Mike Sheridan. Send mailing to company (owner) and whoever operates the business.

Joseph Natale: Chairman Natale wanted to inform the board Ruben is working with the Slattey Company on Maple Ave.

Ruben Berrios: Inspector Berrios spoke to the owener of the Slattey Company and owner comented to Ruben that he was having problems with the daycare parking on his property lot and also kids running in the parking lot so he has to put up temporary barriers. He needs time to replace the barriers because he just remodeled the entire building and it takes money to build something nice.

Joseph Natale: Chairman Natale entertained a motion to approve the minutes from the June meeting.

RESOLUTION # 19-2017

Motion by: Edwin Molina
Seconded by: Diogenes Dominguez

Abstain: Gil Carlevaro
Motion Carries: with a majority of 3 approvals

Joseph Natale: Chairman Natale with no further business to be conducted by the Planning Board, Chairman Natale entertained a motion to adjourn the meeting.

RESOLUTION #20 -2017

Motion by: Gil Carlevaro
Seconded by: Diogenes Dominguez
Motion Carries: All

Respectfully submitted by,

Erica M. Alejandro, Clerk Typist
September 7, 2017

Date filed with the Village Building Department:

Date filed with the Village Clerk: