

The minutes of the Village of Haverstraw Planning Board Meeting held on Monday, May 14, 2018, 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. Inspector	-Present
	Eve Mancuso, Village Engineer	-Present
	Dennis Michaels-Attorney	-Present
	Michelle Ventura	-Present

Chairman Natale opened up the meeting by introducing the first item on the agenda, Frank Ferraro, Metro-PCS: Telecommunications on 21 Broadway. **27.45-2-49**

Frank Ferraro, Attorney: Good evening members of the board my name is Frank Ferraro. I'm the attorney on behalf of Metro PCS of NY, LLC. This is an informal of a proposed upgrade of their existing roof top telecommunications facility at 21 Broadway. We filed this application about a year ago. We've been working with TAC to find something at the site that would be appropriate from an aesthetic standpoint. Also during that time, this upgrade has changed a bit as T-Mobile and Metro PCS has brought on additional technologies to this particular site. Just by way of background and I put this in the application, you may be aware that Metro PCS was bought by T-Mobile. So they operate under the same network. Metro PCS is a subsidiary of T-Mobile so they do offer Metro PCS service in many areas. That's why the application is under Metro PCS but essentially they operate as one network at this point. This site goes back to about 2010 when the Village Board and the Planning Board approved Metro PCS with 6 antennas on the rooftop. There's a bulk head up there. Six antennas were to be installed on that bulk head and painted to match that bulk head. That was at a height of about 56 feet 8 inches. Currently there are 3 antennas up there. When we initially filed the application the goal was to upgrade the site with additional 2100 megahertz and 1900 megahertz service by swapping out the antennas. Also, they tried to address some performance issues they were having on the sight. Due to the fact that the antennas are located so far from the roof corners, the site wasn't operating that well. They were getting a lot of roof shadowing and wanted to figure out a way to get the beams from the antennas down on the street without the roof interfering so much with it. When we filed the application, the proposal was to take those three antennas down and take the mounting structure down off the stairway up there and move the antennas to 3 corners of the building, 2 antennas each for a total of 6. When it was initially filed there was no screening proposed. As we were meeting with TAC, which was about 4 or 5 times, Metro PCS proposed to introduce 600 megahertz service which is an additional frequency that was never present at the site. That's a frequency they got from AT&T when the merger between T-Mobile and AT&T did not go through. T-Mobile got a chunk of their 600 megahertz stronger single that they never had before. They proposed to upgrade this site with that additional frequency as well. The result of that is the application went from 6 antennas to 9. So that's what you have in front of you now. You have 9 antennas that are being proposed and 6 were originally approved. There will be 3 antennas at 3 sectors and there are a number of photos given that everyone has. Page 1 as you can see, we put the existing condition photo on top left. What we wanted to show you was all the iterations we felt were considered by the TAC. There are 3 proposed developments on page one and if you flip over to the second page the bottom two photographs represent proposed 4&5. The proposed development shown on the first page, on the top right, that was the first that was proposed. The new antennas were bigger than the ones that were there. We were able to reduce the size during the TAC process to the minimum necessary to provide the 600 megahertz frequency service which is 6.33 feet. That is the tallest antenna now. When we originally filed it was an 8 foot antenna.

Gil Carlevaro- Would that be photo 1C as oppose to 1B?

Frank Ferraro: Correct. I don't know why the top one is not labeled 1A but that represents the screen wall necessary to screen that 8 foot antenna.

Gil Carlevaro: So that will be 1A?

Frank Ferraro: Correct. That's the only photo now that shows the previous 8 foot antenna, 1B might also but I'm not entirely sure. With 1B, there was a thought that when there were 6 antennas, if we put them in canisters they might look like rooftop apartments. It worked better when there were 6. Once it went to 9 we agreed it was just too much structure on the roof. We decided we should be looking for something that would obscure the antennas or at least partially block them from view. We still showed it so you could see what it looked like. In 1C, the idea was if we were going to have 9 canisters with a 42inch screen wall in front of it to mask part of the antennas and it would clean up the roof. There's a metal railing that goes around part of the building. That was the proposal for 1C. Quickly everyone realized and agreed the canisters made it look bigger than it normally looks. So we abandoned that idea. So, 1D is to give an idea of what it would look like if there was no screening. There are 3 views as we move along. In 1E, it shows what the consensus was at TAC. Once we presented this it was decided it was time to show the Planning Board for preliminary review. This represents a 42 inch screen wall along the side of the building, the long side that measures 52 feet and the rear side of the building. The antennas and screening we painted gray because it matches the existing parapet on the building. Everyone seemed to think that was the best way to go. When you move to 2, you get the better view of existing facility and existing conditions photo on the top left. One thing that kept coming up at TAC was nobody wanted to see the structural steel cross members, cross beams on the building rooftop. The thought was, by proposing the screen we would keep any cross bracing and any of the structural steel below the 42 inch screen so you wouldn't see it.

Gil Carlevaro: What is the difference between 2A and 2C? Is it the height of the screening wall?

Frank Ferraro: Yes correct. In 2A, that's a full 8 foot wall and 2C represents the 42 inch. Originally we thought the white would match the building but utilizing the darker gray would help the antennas blend in to the sky as well as match the building. The number 2 photo is obviously the view from the front of the building. We did upgrade the photos over time because some of the utility wires were removed because of the project going on in the Village called Street Scape. So these photos are up to date from about 2 months ago. The idea was to put the screening along the side and the back of the building. We did propose a screen in the front to see what it would look like but since there's a parapet there already that's about 2 feet tall, we decided we didn't want to mess with the front facade of the building and it was best to paint them. Photographs 3 are from the rear side of building, from Lincoln Street. In photo 3A, it represents the 8 foot wall with the old antennas. In 3B, it has the canisters around the antennas. In 3C, you have the canisters around the antennas with a 42 inch wall instead of the 8 foot wall. In 3D, it shows the antennas with no screening. In 3E, it shows the screening with 6 foot antennas and 42 inch wall. That side of the building is actually red brick. So the screen would match that particular facade of the building. Photos 4 show the long side of the building. The entire length of the building would have the screen wall instead of that metal railing. Once again, 4A is the 8 foot wall and 4B is showing the canisters, 4C is showing the canisters and the 42 inch wall. In 4D, it's showing the antennas in their off-white color with no screening. In that picture you can see the parapet in the front. In 4E, it is the latest rendition of what we thought might look good which is to put the darker gray 42 inch, put the antennas behind it and paint a battleship gray try to help blend in with the sky.

Joseph Natale: That's the 3 antennas with no cylinders?

Frank Ferraro: Correct?

Joseph Natale: How big are these things?

Frank Ferraro: There are 3 different size antennas. The largest is 75.8 inches tall and 13 inches wide and depth is 3.15 inches deep. The next one is 68.7 inches tall, 24 inch-

es wide and 8.5 inches deep which is the one you see in the middle. The last one is 56.6 inches tall, 12.9 inches wide and 8.7 inches deep. The equipment is in the building. It was approved there originally. They're proposing to swap out one of the cabinets but none of the equipment is going to be visible. This is an application for a Special Permit Use and Amended Site Plan Approval because we're proposing more antennas than the board approved. There are some waivers indicated in the application as well as some submissions items due to the fact that this is an upgraded site. We will be happy to provide any information but that is the overview.

Dennis Michaels: The wireless telecommunications facility on 21 Broadway's outside expert consultant here with us tonight is Mike Musso. Mr. Michaels asked the Chairman if he'd like to hear a summary from Mr. Musso.

Joseph Natale: Yes of course. Maybe you can explain this better. What's the step down from the 42 inch on this side in the front?

Frank Ferraro: It'll be a 45 degree angle when it comes down.

Eve Mancuso: You're talking about tapering a bit for the aesthetics so you don't just have a cut off. Also what happened with the chimney?

Frank Ferraro: They can tie it in and have it return into the side of the chimney.

Danny Scaffidi: The height of the wall is 4 feet I believe.

Eve Mancuso: its 42 inches.

Mike Musso, Telecommunications Consultant: So you can't just put these antennas back along the roof to the center. The way these antennas transmit and receive the roof would essentially form a shadow and they wouldn't have the full effect of the antenna. So that's why you see these on roof tops. They're either mounted to the side of the building or set back a couple of feet. So there's a balancing act. One thing to remind you too is, from the feedback we received from Eve, Max and Ruben, the existing facilities on top of the pent house, there's cross bracing and 6 poles but right now three antennas that are operational and were approved for 6. Early on that was an option but we decided to see what other options there were to give the entire roof a lower profile. See what works with colors and a screening wall. So we did look at a lot of options here. The 8 foot seemed to be too bulky. If you noticed the assimilation

Edwin Molina: From your existing, you're coming down about 7.5 feet, so compared to what we have now it will look like a lower profile.

Mike Musso: It will. You do have the screening walls which are partially radio frequency transparent that let the signals go in and out of the antennas. The 42 inches is maybe a modest increase but still an increase.

Joseph Natale: What material is this?

Frank Ferraro: It's a permeable material generally reinforced fiberglass and it will be attached to the buildings construction.

Mike Musso: Do you have a vendor?

Frank Ferraro: They bid it but generally speaking most of the time it's stealth concealment. I could bring in a sample.

Mike Musso: That would be nice to do. If you notice on some simulation there would be a proposed color for the screening wall, the long side along Broadway. But then the wrap on the northern side would match. On the far side here, that back wall will be a different color because it's a brick façade that would be visible instead of the white and gray. So it would match. That's where we landed with TAC.

Danny Scaffidi: So you're proposing 4 feet all around the building?

Mike Musso: It would basically be 42 inches, symmetrical and uniform to the eye except for the very front where it tapers down, perhaps no screening on the very front of the building.

Danny Scaffidi: You're proposing how many 7?

Frank Ferraro: No 9 antennas. There will be 3 at 3 different locations of the roof. Six are at the rear roof and 3 in the front. Here's the Broadway side on this corner the screening will go all along West Broadway. It will wrap around the back of the building with a return to make sure the antennas aren't seen.

Danny Scaffidi: Will there be options for more antennas in the future?

Frank Ferraro: This right now is what they consider a full build out. I never say never because you just don't know with the technology. When we originally filed I was asking for 6 antennas and while this was going on it was increased to 9. Right now I'm not aware of any other project that will require another antenna. There will be screening in place if they ever needed something in the future. Just to reemphasize with respect to the antennas, this is the minimum height we can propose. Even if you look at the front corner of the building, as you asked before, the bottom of the antenna is about 1.7 feet above the roof. If you look at the difference between the parapet height and the existing roof height, it's 1 foot 8 inches. So these antennas at the front are just in the clear from maybe a couple inches. They're really as low as they can go.

Danny Scaffidi: What about the weight?

Mike Musso: It's about 55 pounds and the wider one is over 100 pounds.

Frank Ferraro: There is one antenna that's about 132 pounds.

Mike Musso: Now that's not uncommon with these. The structural analysis has to work out so it doesn't surpass the capacity of the building. Also the radio frequency admissions are something that's pending based on the final design.

Danny Scaffidi: How do you guys access the antennas?

Frank Ferraro: There's a stairway penthouse where you could just walk onto the roof. The same way they're accessing it now.

Danny Scaffidi: Will that be locked?

Frank Ferraro: I don't know by fire code if you can lock it. There is warning signage at the door.

Mike Musso: There's FCC signage there now or there should be based on the first approval. In 2010, it was the first action that the board took on this before the wireless code. In the FCC parlents, this is not what you'd call a substantial change to a cell site. Now if they were coming in and saying, "I'm going to put a 30 foot flag pole off the top of this", all of a sudden you'll break what's there already. Right now you have the 6 antenna poles and 3 antennas. The roof is all part of the facility, so they're staying within the bounds of it. In the federal FCC, it's called a non substantial change, it's an upgrade modification. But still, we are happy they came to TAC and going through the considerations.

Danny Scaffidi: I'm asking for the safety with kids in regards to the wiring.

Mike Musso: So I was back on the roof with Ruben back in 2010 when this was first built. There will be a bilingual signage to get up on the roof. That roof is not used for anything. It's very treacherous getting up there. I was on there when it was windy with some rain, but point well taken. We have to make sure the site is what we call FCC controlled environment. If you remember the other roof top that we worked on, we had some

thoughts about the signage and painting a while back so we can entertain those again. But with the signage they should be compliant and as long as Ruben has no issues in the past with the building that should be ok. We certainly will put recommendations in our report about that in regards to signage and other things.

Joseph Natale: The proposed site, what you want for the Lincoln Street side, that screening is the same material just a different color?

Frank Ferraro: Correct. They can treat it to be any kind of facade whether it is brick, stucco and whatever color as well. The sample I have for you might not be the exact color but it will be the right material so you can see what it is made out of.

Joseph Natale: Mr. Natale asked the Village consultant Mr. Musso if he had anything else he wanted to report.

Mike Musso: I don't have much more now. They did file a complete Special Use Permit application and there are some waivers that are noted that I can summarize. I'll also look to see if there's any outside noticing. I'm not sure about that since it is an existing site. We're waiting for the structural analysis, which is a big one. We're waiting for a radio frequency admissions report. I think that you all have a lot to look at tonight but I think we would like the boards consensus on what you think is the best way to move forward with it. There's also all the technical falling behind that option.

Joseph Natale: How does everyone feel about it?

Edwin Molina: I would say I'm in favor of option "e". My question would be, would that be for us or for the Architectural Review Board. You are mostly talking in regards to the aesthetics.

Dennis Michaels: The ARB is only generally advisory. So it's the Planning Boards call.

Edwin Molina: So then I will say option "e".

Dennis Michaels: When it comes to wireless communications facilities, as long as they comply with the FCC regulation and the Federal Law's, and they meet this facility to fill a gap or to strengthen a weak area of service coverage by Law you have to approve it. Only power you have is the aesthetics.

Ruben Berrios: They worked pretty hard with all the different renditions you have in front of you.

Frank Ferraro: This is an important site to them. It's the downtown area and there's a lot of usage here. What's up there not is not even close to being adequate.

Danny Scaffidi: How long has it been on there?

Frank Ferraro: Since 2010.

Mike Musso: We talked a little bit and I think the Chairman brought up cross bracing between the antennas. So each array has 3 antennas next to one another. There's one on Main Street side, and two in the back. A cross bracing is basically covered or hidden by the 42 inch screening.

Frank Ferraro: Yes correct. Right now it's basically showing these 3 antennas just floating here. But when the structure is done, there will be steel running from corner to corner of the building because that's where the strength is. These antennas will then come off of that. That's one way of doing it. The other way is, they will mount these directly into the roof framing them and there'd be a post coming up. So it'll be one of those two options unless they come up with something else. They will most likely be cross bracing between these two but they will be kept below. The whole plan is to keep it hidden so that you can't see it.

Mike Musso: So that would appear on this. This here is a cable tray where they run the cables down to the basement so that's directly on the roof. It's not an aesthetic issue at all.

Mike Musso: Maybe you got into this earlier but, Metro PCS is a T-Mobile Connection.

Frank Ferraro: Yes I did, the two companies have merged. T-Mobile is really the surviving entity. But they do operate under the Metro PCS LLC and brand. This will be a Metro site but the difference between the two is there is no difference operationally. When they merged there were locations where they both had facilities that were decommissioned. This is what's called Metro PCS keep site because T-Mobile doesn't have a presence in this area so they're utilizing this existing site and bringing it up to their current capabilities to provide service. That's why the Metro PCS name survives in this particular area.

Mike Musso: So we wouldn't expect an application from T-Mobile.

Frank Ferraro: No unless there was a need to an addition for this site.

Joseph Natale: This question is directed to Michelle, is the escrow payment cleared?

Michelle Ventura: Yes it's cleared.

Mike Musso: This application was done in 2016 for the first time. Frank is I think the third or fourth person working on it. We have some good momentum from the fall and the first quarter of this year in the TAC meeting so we feel he was ready to be seen in front of the Planning Board.

Joseph Natale: So there are several reports that still need to be completed.

Frank Ferraro: There was a structural report that was submitted with the original application but it was for the original design. So we will upgrade the structural report and submitted to the board. We also prepared a radio frequency means analysis that's in the original application. This is a capacity site and that's the reason the need to upgrade the site is necessary. The site can't keep up with all the data usage that's going on in the area. Once the site gets overrun by the usage it doesn't operate reliably. People's phones slow down and they don't work so that's what we're trying to address here. In the report, you'll see the 50% of utilization at the site. We will upgrade this because the report is outdated. So we will submit based upon the design we have in front of us, the same thing with the radio frequency admissions report. We did prepare one early on but this only takes into account 6 antennas and that will not take us long to do.

Mike Musso: So going with option "e", does that seem reasonable that he can prepare these documents based on that?

The board members agreed to option "e".

Dennis Michaels: Is it possible this is type II for SEQRA regulations?

Gil Carlevaro: The 9W Verizon site is a Type II.

Dennis Michaels: I do have access to the internet but the website itself is down for some reason so I can't check. Here's what I suggest. You have to issue the Notice of Intention to LEAD Agency and there's a 30 day lag. It's not going to the Zoning Board or the Village Board of Trustees.

Eve Mancuso: Was it a Special Use Permit in 2010?

Ruben Berrios: Originally it was.

Dennis Michaels: It's an amended site plan.

Eve Mancuso: So going from 6 antennas to 9 antennas, does it have to go then back to Village Board?

Ruben Berrios: No it doesn't have to go to the Village Board.

Dennis Michaels: Some applications Special Use Permit goes to the Village Board and some go to the ZBA. This Cell Wireless Communications Tower has to be seen in front of the Planning Board.

Joseph Natale: Did we originally send this to the County for GML Review?

Frank Ferraro: I think initially we did.

Dennis Michaels: Is it within 500 feet from the municipal boundary, State or County Highway, State or County Stream?

Frank Ferraro: Nothings coming to mind within 500 feet.

Mike Musso: So we should verify that. So the way the code is written, if they came back in two years and wanted to put 12 antennas you wouldn't review it. It would only go to the Building Department at that point according to the way the code is written now. I explained before not a substantial change. There's no change in the building foot print, no further flair out, doesn't break the height of what's been approved. The Feds have criteria they follow on that as well. The first upgrade or modification has to go through this process in front of the Planning Board. I don't know if that's considered to whether or not there's noticing or referrals and just treat it as a special use permit.

Dennis Michaels: The only other involved agency that I can see is the County Planning Department if it's within the 500 feet which Ruben is checking now. I'll check the Type II list as soon as I'm able. If it is subject to SEQRA, you'll want to get the 30 days started now so you're not behind. My suggestion is to make a motion to issue your notice of intention to be lead agency under the State Environmental Quarter Review Act. An involved agency is any agency that has approval jurisdiction over any aspect of the project. I don't think there's any other involved agency other than the Rockland County Planning Department. If it's subject to the NYS General Municipal Law which it might not be.

Ruben Berrios: It doesn't have to go to the County Planning Department.

Mike Musso: No waterfront considerations?

Ruben Berrios: No.

Dennis Michaels: So there's no other involved agency. This doesn't have to go to the Trustees, ZBA, or the DOT. You can declare yourself lead agency and do a SEQRA Review and issue a negative declaration if Mike, Eve and Max would advise that a negative declaration would be appropriate. We can hold off on SEQRA. I'll check to see if it's exempt.

Danny Scaffidi: My concern is, in a couple of years they wouldn't need our approvals and they can just put some more up there.

Mike Musso: They would have to get a building permit.

Joseph Natale: If Ruben feels he's not comfortable with it he can refer it to the Planning Board.

Danny Scaffidi: Could another provider join this as well?

Mike Musso: Another carrier would have to file an application.

Gil Carlevaro: So if T-mobile and AT&T merged, will they be able to do that?

Frank Ferraro: This is a full site based upon their design criteria now. That's all we can deal with right now.

Gil Carlevaro: But if they do merge could they?

Mike Musso: Unpredictable. I think when it comes to the bulk and number of antennas; it will go here or to the Building Department. They wouldn't just be able to come in. We ran into that at the Presbyterian Church. The earliest were Nextel and Sprint which were two different entities. They eventually merged and now that equipment is consolidated. But actually some antennas came down. That was all done with a building permit after the initial Special Use Permit. So it's really unpredictable on what might happen.

Ruben Berrios: I always refer everything to Mike as well when I receive applications regarding telecommunications. For this particular site there's really not much room.

Frank Ferraro: Is there a date in mind you have as far as a Public Hearing.

Dennis Michaels: There's nothing stopping us from scheduling a Public Hearing other than your consultants being satisfied. That would be the ultimate approval. June 11, 2018 would be our next Planning Board meeting. The local Law Chapter 221-8, notice of such hearing shall be given by at least one publication in the newspaper of the Village and not less than 5 days. It shall be sent by mail to each owner or occupant of all parcels of the property located within a radius of 500 feet measured from all points of the outside perimeter of this building. So, 5 days is the cut off but not more than 20 by mailings.

Ruben Berrios: We could generate a list. Usually it's just adjacent properties but 500 feet is a big amount.

Frank Ferraro: So June 11, 2018 will be the Public Hearing.

Dennis Michaels: Correct.

Frank Ferraro: Thank you.

Joseph Natale: We want to have a balloon test scheduled for PAG investments Storage Facility. So who could contact them?

Eve Mancuso: I can contact them or Michelle can contact Amy Mele and say that's what the board wants to see. If they can do it before the next meeting, then you'll be that much more prepared to comment. Just to get an idea of the total height.

Chairman Natale entertained a motion to approve last month's April 2018 minutes with the noted corrections.

RESOLUTION 17-2018

Motion by: Gil Carelavro
Seconded by: Diogenes Dominguez
Carried by: All

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

RESOLUTION 18-2018

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

The Clerk Typist to the Planning Board is hereby authorized, directed and empowered to sign these Minutes, and file a copy thereof in the office of the Village Clerk:

Michelle Ventura, Clerk Typist