



TOWN OF AMENIA

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ZONING BOARD OF APPEALS MEETING MONDAY, MAY 18, 2015

PRESENT: Chair Leo Blackman
Terry Metcalfe
Dave Menegat
Paula Pelosi
Kevin Cassone
Dave Everett, Attorney
George Janes, Visual Consultant

MOTION TO OPEN THE ZONING BOARD OF APPEALS MEETING was made by Leo Blackman, seconded by Terry Metcalfe

Silo Ridge

ZBA Referral for Major Project

**Route 22
Amenia, NY**

Dave Everett gave a summary of the project before the Board. The Town's consultants had asked Silo if they could move the WWTP to a different location to where the golf maintenance building is going to be located further south on Route 22. The piece of property is owned by the Harlem Valley Landfill Corp. and they acquired an easement for the facility to be built on that piece of property. The property is located in the OC District and that allows for a public utility facility in the OC District with a recommendation from the Zoning Board. If the ZBA has any comments or thoughts they will provide them to the Planning Board. The ZBA has no approval authority but with this project it will be a recommendation regarding the WWTP location.

Pedro Torres representing Silo asked the Board if they had any questions. Chair Blackman asked what were the adjacent properties on the other side of Route 22? Mr. Torres showed him on the map a gravel mine, the bike path and the train station. Mr. Blackman also asked about the new wetlands, between the maintenance facility and the WWTP. Mr. Torres explained it takes the runoff from the landfill. The landfill is closed and monitored by DEC. Mr. Blackman asked why at the storm water management building the four tanks are on the road side? Mr. Torres explained they want to make them look like silos, next to a barn. As part of the RDO, mitigation will also include a berm and landscaping. Visual impacts from Route 22 were a concern from the Planning Board Consultants. Kevin Cassone asked how tall the tanks were? Mr. Torres stated 28' and also that this was one of the entrances to the development, so they want to make it look nice. Silo is considering using old barn board to make the building look old or metal. Terry Metcalfe asked if the landscaping that is going on behind on the piece of land just to the south of the project has anything to do with the project. Mr. Torres said no, it was a garden that was

being planted. Kevin Cassone asked if the landscaping around the WWTP is going to have ground plants, bushes and trees? Mr. Blackman referred him to the site plan, and noted that the base of the trees will be 14' above the road (2) and they will grow, for additional screening. Mr. Torres stated that Silo is considering using old barn board or rested metal roofing to make the building look old. Mr. Blackman suggested he instead choose materials by looking at existing barns in Amenia, which typically have painted wood siding and painted metal roofs.

Terry Metcalfe asked Mr. Everett how the WWTP will affect the new wetlands? Mr. Everett stated from what he understands this is an Army Corp of Engineer wetland so there is no buffer like you would get with a DEC wetland. He further noted that our consultant, Dr. Klemens (who has evaluated this closely) said the wetland is slightly higher in elevation than the WWTP and the golf maintenance facility. So there is really no concern that storm water can leak from the WWTP into the wetland. Chair Blackman stated from his recollection that the end product of the process should be clean enough to be released into the creek. In fact, DEC has required it to be pumped up stream and released into Cascade Brook.

MOTION TO SEND A POSITIVE RECOMMENDATION TO THE PLANNING BOARD was made by Chair Blackman, seconded by Terry Metcalfe

VOTE TAKEN - MOTION CARRIED

SBA Cell Tower

Height Variance

**67 Kent Road
Wassaic, N.Y.**

George Janes, ZBA's Visual Consultant, passed out a map of the area. This was a USGS topo map with the existing coverage information SBA provided. The blue areas are Verizon coverage presently and the other colors are the proposed coverage with different height towers. The stars on the map are new alternative sites. The ZBA requested to see the coverages, elevations and alternatives on the same map and that is what this map is. The search ring is SBA's "ideal" area for location of the tower. Most of this ring is in the soil mining area, but Mr. Holback refused to entertain the idea of a cell tower on his property. Hence, the proposed cell tower is placed inside Verizon's current coverage area. Mr. Blackman questioned this location, as the signal needs to get over the mountain to reach the hamlet of Wassaic, which he understood to be their primary objective. Ron Graiff, the Board's RF consultant, suggested co-locating with MTA or looking at Pawling Rubber or Wassaic Project site which would likely eliminate this gap in coverage, and presumably with a much shorter tower. But then it would not get over the ridge to cover Amenia Union Road County Route 41. If the tower is located further east a larger area could be covered. Or perhaps a two (short) tower solution could be used. The Code can ask the applicant to study alternative sites within a two miles radius, and the sites in Wassaic comply. Dave Everett added if the Board has other sites outside the 2 mile radius it would not be unreasonable to have the applicant evaluate them as well.

Kevin Cassone asked why there was only one balloon that could be seen, when two had been discussed in the meeting? A very tiny yellow one was below. Mr. Janes said the red balloon indicated the top of the tower (not the lighting rod). We still need to wait for the photo simulation in order to evaluate the application.

Leo Blackman asked what the tower would look like if it were reduced to 70' and felt the applicant should show that height. George Janes agreed and said that would give the ZBA what the performance would be without the variance.

Mr. Janes compiled a list of nine alternative sites and felt the water tank at the DDSO site was better than their smoke stack as the water tank is on higher ground. Kevin Cassone added when he was speaking with MTA, they (MTA) didn't want a tower within a mile of their tower. Mr. Everett suggested we ask SBA for other towers located along the Connecticut boundary line. Mr. Janes felt this was reasonable. Terry Metcalfe asked how far a cell tower broadcasts? Mr. Janes stated it depends on the power of the signal, the topography and the amount of trees, if flat and unobstructed, basically 6 miles. He continued that Ron Graiff suggested that we go back to the applicant and identify potential sites and have them produce the propagation maps. That will show the ZBA how it performs and would show why these sites are not chosen for the tower. Chair Blackman felt that SBA needs to model the alternative locations on the list and also add the towers that are nearby in Connecticut. Kevin Cassone asked if SBA was proposing any other towers nearby, ie in Dover or Millbrook? What is proposed elsewhere (including Connecticut) is a good question, said Mr. Janes. He will put together a letter to that effect to Matt Kerwin.

Mr. Janes felt if Verizon gets the coverage along Route 22 and Wassaic, they may get what they really wanted in the first place. It was said at a prior meeting SBA wanted "to cover the 22 corridor". Route 41 is not a heavily trafficked or settled area like Route 22. Chair Blackman asked if there were silo's along the Route 41? The Walker farm (Dutchfield Farms), and the Amenia Union Episcopal Church are two of several possibilities along 41/Leedsville Road.

Mr. Everett felt that in Mr. Janes letter to SBA, must ask them to also address Mr. Graiff's letter, as well as the letter from Dutchess Land Conservancy. He also noted the neighbors' request to simulate the tower from their properties (using some of their photos). If the Board wants that done then SBA will be asked to do so. Mr. Blackman felt it wasn't necessary before site is resolved. that simulation. Mr. Graiff will also need to look at the two reports received from the neighbor's RF consultants and respond to that as well.

Regarding the public photos, Mr. Janes put together a letter on how to do a simulation. Two different cell phone cameras were used in the photos provided and are not the type used for photo simulation. There was one, however that could be used for photo simulation. Mr. Janes advised the applicant's representative to take pictures from the closest public way and in scale it may be what the abutters are experiencing. The applicant stated they would do so, hence Mr. Janes recommended waiting to see what they come back with. If more information is needed, the applicant can be asked to provide it then. Chair Blackman felt that would be unlikely, as there was no question the 180' tower would be very visible. Hence, the applicant would need to show the Board other options. Ms. Pelosi felt it was important to see what a 70' tower would cover.

Mr. Everett noted that the Code states new Telecommunication Towers shall be camouflaged, setting out two scenarios: (1) buffered by dense trees (2) in open field, mimic native tree. The first seemed unlikely due to the open site, and the second perhaps worse than just the cell tower.

PUBLIC COMMENTS:

George Lithco, (Attorney) noted most of the difficulties have already been pointed out by the Board. He had given the Board this evening two reports from their RF consultants (one in Massachusetts and one in New Jersey). They agree with Mr. Graiff's analysis and point out that there is a need to look for alternative sites. He had asked if there was an application for a Special Permit for the cell tower and an application for a Variance? A Special Permit is not needed.

Jesse Janowitz asked Chair Blackman if he was going to stay on this Board until this matter was finished. Mr. Blackman stated he would stay on until replaced, but understood that to be only one or two meetings. He will speak to the Supervisor. Ms. Janowitz said the effect of the proposed tower on her property is not apparent from the public way. Can our photos be submitted and to whom? Mr. Janes would need them in digital form with exact location noted.

Dave Offensend (101 Kent Road) would like to see the list of alternative sites and to offer a few others. Mr. Everett suggested he discuss this with his RF engineers and return with their ideas on how to approach alternative sites based on his knowledge of the area.

Brenna Sermoneta asked if the two documents Mr. Graiff produced are available to the public and how soon? Mrs. Metcalfe will provided them in draft.

David Rosenberg was on the ZBA when the other cell tower (Route 44) was proposed. One issue not brought up tonight would be that the ZBA is setting a precedent. Approval of a tower 2 ½ times that allowed by Code would be dangerous for the Town. He lives on Clark Hill Road (which is designated a Scenic Road) and the cell tower is clearly visible.

Elise Harney (Connecticut resident and realtor) said there is not much cell service on Route 41. She noted there is an existing tower on East Street on Sharon Mountain. She felt the Board should know where the nearby cell towers are in Connecticut. She also stated that she has seen pictures of the balloon and it is in an open field. It would affect the value of neighboring properties.

Peter Fitzgerald (Clark Hill Road) could see the balloon test from his home and agrees with everyone regarding the placement of the tower. Terry Metcalfe added it looked like SBA's original intent was to go further south west where the soil mining was to originally locate the tower.

George Lithco asked if Verizon had joined this application and how will Verizon be notified of the MTA tower?

MOTION TO APPROVE THE MINUTES OF MARCH 16, 2015 was made by Leo Blackman, seconded by David Menegat - Terry Metcalfe – Abstain

VOTE TAKEN - MOTION CARRIED

Mr. Blackman and the Secretary will do the Planning Board recommendation for Silo WWTP.

MOTION TO CLOSE THE MEETING was made by Leo Blackman, seconded by Terry Metcalfe

Respectfully submitted,


Susan M. Metcalfe
ZBA Secretary

The foregoing represents unapproved minutes of the Town of Amenia Zoning Board of Appeals from a meeting held on May 18, 2015 and are not to be construed as the final official minutes until so approved.

approved as read 6/15/15
 approved with: corrections, deletions and additions