

Gallatin Planning board
Route 7 Gallatin NY
Meeting Minutes

Accepted

December 19, 2011

Attending: Chairman Terry Porter, Bruce Humphries, Tom Garrick, Larry Brody

Absent: Phil Peeples

Chairman Porter called the December 2011 meeting to order at 7pm.

Larry Brody left the meeting at this time.

Terry opened the Public Hearing for a Special Permit and Site Plan Review for a wireless communications facility proposed to be located on Larry Brody's property 119 Ten Neighbors Road, tax parcel #211.1-15. Chris Ciolfi of Mariner Tower appeared along with a representative from A T & T, the first tenant for the proposed facility. Mr. Ciolfi presented a series of maps indicating the proposed location of the facility on a parcel of land owned by S. Laurence Brody consisting of approximately 15 acres and located to the west of the Taconic State Parkway and north of Jackson Corners Road. One map indicated the abutting properties and the owners of those properties. In order for the proposed location of the tower to meet the setback requirements of the Gallatin Zoning laws, a lot line adjustment will be necessary with an adjoining property owned by Mr. Brody. This lot line adjustment application will be filed separately. Should approval be granted for the Special Permit for the proposed wireless communications facility, it will be contingent on the subsequent approval of the lot line adjustment, which will encompass approximately 4 acres of additional land. A building permit will not be issued until the lot line adjustment has been approved. Other maps presented, indicate the steep terrain of the property. The overall proposed site plan was presented indicating the location of the proposed 12' wide driveway roughly following the existing location of a logging trail. While the driveway will be maintained to provide access once a month for maintenance, it will not be plowed in winter months. The site will be accessed in winter when snow is present by ATV, snowmobile or similar off road vehicle. Additionally the Tower site plan was presented showing the Tower location with its associated service buildings to be enclosed with a 6' high chain link fence, with an angled extension, 1' high, containing 3 rows of barbed wire at the top of the fence. Locking gates are to be provided and emergency service providers will be given access. The site plan also indicates a turnaround at the end of the driveway. Utilities will be provided overhead from the existing overhead utilities on Ten Neighbors Road. Mr. Ciolfi presented a lattice style design for the Tower as well as a monopole design. Chairman Porter showed a Monopole "Stealth" design tower. There was a discussion of the merits of one style over the other, but the specific design will not be determined until such time as a balloon float test has been done to determine the visual impact.

Terry suggested this test might be performed the week between Christmas and New Year's as many residents are around during this time. This test will be done as soon as Mr. Ciolfi can make arrangements. Notification of this test will be made through the Register Star, at the Town Hall and via the Town of Gallatin web site. It should be noted that weather conditions will determine the day the

test can be actually be performed, as high winds, snow, heavy rains, etc, will affect the visibility and stability of the weather balloon(s). Mr. Ciolfi will place a notice in the Register Star indicating the first day the test might be performed and subsequent days it might be performed, if not possible on the first day. He will notify Terry the day before the test will be done and Terry will make sure the notice appears on the Web site and at the Town Hall.

Terry asked for Public comment.

Ira. Levy asked "What had determined the 150' height for the tower". Mr. Ciolfi advised, "Gallatin Zoning laws require the Tower to be the lowest effective height". There will be 3 to 5 users and the need for 10' space for each user. The antennae must be located above the tree line as transmission is by "line of sight". If the trees are 80 to 90' high, 150' will be necessary to clear the tops of the trees for all users. There will also be space on top of the tower for emergency communication antennae and if the height of the tower with these antennae exceeds 200' than the FAA would require the tower to be lighted, increasing the visual impact of the tower. So 150' seems to be the correct height for this tower. A member of the audience noted she had seen towers disguised as trees and wondered if this could lessen the visual impact". Mr. Ciolfi advised that most trees in our area are no more than 90' high and a 150' tree might be more prominent than the metal tower.

Another member of the audience noted that the site is quite wooded and wondered what happens in the event a storm fells a tree or otherwise blocks the access driveway especially in the winter when the driveway is not plowed. Mr. Ciolfi advised the driveway would be cleared as soon as possible to restore access to the site.

Lou Galm voiced his support for the proposed tower location and the need for the facility.

Al Sardaro, chief of Milan Fire Department believes the tower will help with time of response for emergency workers and that its existence will increase safety in the area, as there is no cellular service at the moment.

Charles Schultz of CR 7 believes this is best site and will provide better cell use.

Lou Galm commented we should weigh the importance of the need for tower versus the view.

Tom thanked Chris for honoring our new zoning laws, and ridge line protection law.

Ira Levy commented that in 20 years we won't notice any towers and Ten Neighbors Rd. seems the best site.

Councilman Elect Jeffrey Galm noted there is a great need for this cell tower. He noted that as he campaigned, his constituents voiced a need for better cell phone coverage in the Town. As a recently retired New York State Policeman, Mr. Galm also noted that there are areas along the Taconic Parkway where coverage does not exist. The installation of a Wireless Communications Facility in the proposed location would increase safety along this stretch of the parkway.

Terry advised that as soon as the escrow account is established, the Town Engineers Morris and Associates will be reviewing the application. Terry has also been in contact with several radio frequency engineers with the intent to have the application reviewed by an independent radio frequency engineer. Warren Replansky, the town's attorney will reviewing the application for any legal implications.

Tom made a motion to adjourn the Public hearing until a later date when all reports are in. Bruce 2nd. All were in favor.

Larry Brody returned to the meeting at this time.

Terry opened the Public hearing for James Kishbaugh of Blackberry Hill Rd. tax #210-02-37, seeking a Special Permit for an accessory dwelling on his property for his disabled mother. Mr. Kishbaugh presented maps, plans and a list of all adjoining neighbors. There will be a separate septic but well will be shared and was approved by Inspector Weaver. All paper work appeared in order.

Terry asked for Public comment. There was no Public comment.

Terry made a motion to close the Public Hearing. Larry 2nd. All were in favor.

Terry made a motion to grant site plan approval and special Permit Application, and to answer all questions on Part 2 of the Environmental Assessment form in the negative. Bruce 2nd. All were in agreement.

Roll Call vote:

Terry Porter aye

Tom Garrick aye

Bruce Humphries aye

Larry Brody aye

Terry opened the Public Hearing for James and Cynthia Kustler seeking a 2 lot subdivision of tax parcel#195.00-1-22 on Doodletown Rd and Rte. 82. Wesley Chase and Don Fegan P.E. appeared on their behalf. Maps were shown and Board was advised that the DOT required that the driveway should be moved a little further downhill from the sketch plan approved maps, increasing the frontage along route 82. Mr. Fegan showed a Health Dept. letter specifying a sand filter system and will submit plans for such, to the Health Dept. for final approval. Septic and driveways were shown on the map and they are awaiting Mr. Visconti from D O T, to issue the driveway permit, which should arrive within a week or so. Terry asked for Public comment. There was no Public comment.

Terry made a motion to close the Public hearing. Larry 2nd. All were in favor.

Terry made a motion to grant conditional preliminary and final approval and to answer all questions on Part 2 of the Environmental Assessment form in the negative. As soon as the driveway permit has been received from DOT, maps can be signed. Tom 2nd. All were in agreement.

Roll Call vote:

Terry Porter aye

Tom Garrick aye

Larry Brody aye

Bruce Humphries aye

Check #2046 for \$150 and Check #2047 for \$50 was received.

Daniel Russell appeared regarding the 4 lot subdivision for the 200 acre property of Joseph Frank on Mill Hill Rd., Tax parcel's # 212-01-68 and #212-01-67.111 seeking addition advice. He showed maps of the property and advised how the subdivision was progressing. Larry asked if there was water for Fire Department use in an emergency. Mr. Russell showed on the maps where ponds were located.

Check #22565 for \$25 was received in Nov., 2011

Terry read a letter dated December 1, 2011, from the town of Ancram asking the GPB for advice on the proposed cell tower on RTE 82 in Ancram. The Board advised they would like Ancram to honor the set-backs and zoning laws of Ancram and to consider honoring the Zoning laws of Gallatin.

Minutes were read and accepted.

With no other business, Terry made a motion to adjourn the December GPB meeting at 9pm. Bruce 2nd. All were in favor.

Respectfully submitted,

Anne Fecci