

Gallatin Planning Board
667 Route 7, Gallatin NY
Meeting Minutes

ACCEPTED

November 19, 2012

Attending: Chairman Terry Porter, Bruce Humphries, Brian Arico, Ira Levy, Phil Peeples, Supervisor Tom Garrick, and Chris Ciolfi, Representatives from Ancram Fire and EMS, Betty Walsh, Attending Public.

Chairman Porter called the November 2012 Gallatin Planning Board meeting to order at 7pm.

Terry opened the Public Hearing on the property of William Tryon and Barbara Woodstead. They propose making a lot line adjustment to the property that falls between the towns of Gallatin and Livingston. Parcel B, tax #182.00-01-18 and 19 lies in Gallatin with 4.505 acres. Parcel A, Tax #182.00-01-25 and 26 and 27 lies in Livingston with 15.147 acres.

Terry commented he had spoken with Livingston Town Secretary, and was advised Gallatin would be the lead agency. Copy of the deed, application and checks #148 and #150 for \$25 sketch fee and \$100 application fee were received. 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. Bruce 2nd. All were in favor. Terry made a motion to grant preliminary and final approval for the lot line adjustment and to answer all questions on part 2 of the Environmental Assessment form in the negative. Ira 2nd. All were in agreement.

Roll call vote:

Terry Porter aye

Bruce Humphries aye

Phil Peeples aye

Ira Levy aye

Brian Arico aye

Terry opened the Public hearing for a 2 lot subdivision and lot line adjustment of M B H Farms on Green Acres Rd. Terry commented he had spoken to the owner and applicant, Ms. Hutchins, who authorized Daniel Russell to appear on her behalf. Mr. Russell presented maps and a copy of the original subdivision. Tax parcel #182.00-02-56.111 and tax parcel #182.00-02-59 is proposed to become Parcel 1 with 50.85 acres, Parcel # 2 with 117.40 acres and Parcel #3 with 89.64 acres. The maps showed approved well and septic on the E. side of road. No new parcels lots will be made. 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. Ira 2nd. All were in favor. Terry made a motion to grant preliminary and final approval for the lot line adjustment and 2 lot sub-division and to answer all questions on part 2 of the Environmental Assessment form in the negative. Ira 2ⁿ. Brian 2nd. All were in agreement.

Roll call vote:

Terry Porter aye

Bruce Humphries aye

Phil Peeples aye

Ira Levy aye

Brian Arico aye

Ck. #5101 for \$125 application fee and Ck. #5103 for \$50 Recreation fee were received.

Terry continued the Public Hearing for proposed wireless Communication Cell Tower at Wilmer Hill Rd. and Route 82. Terry read a letter from Betty Walsh (attached) with a list of her concerns, such as, the height of the balloon test, which was conducted by Mariner Tower and with no one checking the length of the rope. The noise and exhaust relative to her home. Planting of some trees to block the view of the Tower from her home. Cutting down too many trees outside of the 50' minimum, utility lines following the access road.

Chris Ciolfi of Mariner Tower responded to these concerns. Chris commented that he uses cotton string and uses a 300' tape to mark off with survey ribbon. He marks off the exact measurement. He has done this several times and checks this measurement. If the wind is blowing the test is not done because he wants to be confident with the height and dimensions. He always over compensates on the dimensions rather than err on the measurements. There would be no point for Mariner to give false and inaccurate measurements, as Gallatin would have him take the tower down if he did not obey the Town Zoning law and application dimensions. Chris showed Ms. Walsh where the generator is located from her property and that it is behind the storage building. Terry commented he didn't think Ms. Walsh would see the tower, except through the trees. Chris advised Mariner leases 100X199 and will not do future clearing and that utilities do follow the road. Ms. Walsh seemed satisfied with these explanations.

Chris distributed a letter in response to comments made by the Board and abutting property owners (attached). Mariner did conduct another balloon float on November 6th, 2012 from the proposed site, with trees in leaf-off conditions and he distributed new photographs and corresponding simulations. During the new Balloon float he walked up and down Wilmer Hill Road. The balloon was visible along a section of Route 82 and at the corner of Route 82 and Wilmer Hill Road, the same as witnessed during other balloon floats. The balloon was visible intermittently through the trees along the Ingram's eastern property line on Wilmer Hill Road. In an effort to mitigate the view along Wilmer Hill Road, Mariner proposes to plant twelve (12) white pine trees, approximately ten to twelve (10-12) feet tall at the time of planting, twenty five feet(25') on center, on the west side of the existing tree line .

Terry commented he had heard from Town Attorney Replansky and Warren though everything was in order. Terry asked for any comment from the GPB or the Public. There was no comment from GPB or Public. Terry made a motion to close the Public hearing. Ira 2nd. All were in agreement. Terry handed out a Resolution Approving Special Permit and Site Plan Application of Mariner Tower 11 LLC (attached). Ira wants the insertion of "Any trees that do not survive less than one (1) year will be replaced".

Chris commented #14 should be changed to 180 days, as 90 does not provide enough time.

The corrected Resolution follows:

TOWN OF GALLATIN PLANNING BOARD

RESOLUTION APPROVING SPECIAL PERMIT AND SITE PLAN

APPLICATION OF MARINER TOWER II LLC

WHEREAS, the Mariner Tower II LLC (hereinafter at times “the Applicant”) has proposed to construct a communications facility and 150 foot communications tower (hereinafter “communications facility”) on a parcel of land consisting of approximately 50 acres located at 23 Wilmer Hill Road, having tax parcel number 205.-1-1.1 with access provided by way of approximately 4 acre tax parcel number 205.-1-1.21, both parcels being owned by Douglas J. Ingram and Karen M. Ingram (“Ingram Property”), in accordance with the requirements of §§5.12, 6.7 and 6.8 of the Town of Gallatin Zoning Law; and

WHEREAS, the Applicant proposed to construct a 150’ high self-supported lattice style tower, approximately 1000 feet off Wilmer Hill Road and 1200 feet off Route 82, which would provide an opportunity for co-location of three to five users, Columbia County 911 and miscellaneous small users, i.e. Highway Department and Wireless Internet service providers; and

WHEREAS, access to the proposed communications facility will be provided over a 12’ wide private driveway to be constructed from the end of the Ingram’s existing driveway on tax parcel 205.-1-1.2 off Wilmer Hill Road to the tower site; access over tax parcel 205.-1-1.2 will be provided by way of a deeded right of way and

WHEREAS, the property will be leased by the Applicant from Douglas J. Ingram and Karen M. Ingram; and

WHEREAS, the Applicant has submitted all of the requirements of §§5.12, 6.7 and 6.8 of the Zoning Law for this proposed facility, including, but not necessarily limited to: (i) the application and accompanying materials; (ii) the project overview and application information; (iii) site justification and radio frequency data; (iv) a demonstration of compliance with general provisions and special permit

requirements of the Zoning Law; (v) supporting documentation, including a letter of commitment, existing conditions photographs; FCC aviation analysis; (vi) SEQRA Full EAF Part 1 and a sample removal bond; and (vii) plans and specifications, including tower design, photographic comparisons, tower foundation details; typical panel styles and antenna and site development plans; and

WHEREAS, the Planning Board reviewed the application materials and determined that the same were sufficient to commence its review of the application; and

WHEREAS, an escrow fund was established and funded by the Applicant for reimbursement to the Town of expenses for all consulting fees, including, but not limited to, attorney, engineering and radio engineering services utilized by the Town in the review of the application; and

WHEREAS, the Applicant has also submitted propagation studies and coverage analysis prepared by AT&T's Radio Frequency Engineer demonstrating the need for the facility to cover a gap in wireless communication services within the Town of Gallatin; and

WHEREAS, the Applicant, at the request of the Planning Board, conducted a balloon test to evaluate the visual impacts of the proposed tower, and has provided a Visual Resource Assessment prepared by Airosmith Development; and

WHEREAS, the application was reviewed according to NYS General Municipal Law §239-l and §239-m by the Columbia County Planning Board recommending approval; and

WHEREAS, the propagation studies and related documentation have been reviewed on behalf of the Planning Board by David S. Groth of Radio Engineering Services; and

WHEREAS, the application and submission materials have been reviewed by Morris Associates, consulting engineers to the Town of Gallatin, and Warren S. Replansky, attorney to the Town of Gallatin; and

WHEREAS, certain recommendations have been made by the Town's consulting engineers and attorney for changes to, and conditions to be imposed upon, the application; and

WHEREAS, a public hearing on the application was opened on August 27, 2012 and adjourned and continued to September 24, 2012; and adjourned and continued to October 22, 2012; and adjourned and continued to November 19, 2012, at which time the public hearing was closed; and

WHEREAS, the property has been inspected by the Fire Department servicing said property and has been found by the Fire Department to be acceptable for the siting of the communications facility; and

WHEREAS, the public comments received at the public hearing were, overwhelmingly, in support of the need for a new communications facility; and

WHEREAS, the Planning Board declared this action to be an Unlisted Action under SEQRA, declared itself to be Lead Agency, and has reviewed Parts 1 and 2 of the Full EAF and has determined that this project, as proposed, with amendments to be incorporated into the plans by the Applicant, will not result in any significant environmental impacts and that a Draft Environmental Impact Statement (“DEIS”) need not be prepared.

NOW, THEREFORE,

BE IT RESOLVED, that the Planning Board hereby approves the Special Permit and Site Plan application of Mariner Tower II LLC subject to the following conditions:

1. That the tower, together with its antennae, shall be no higher than 150 feet and shall be a lattice type tower.
2. The plans for the tower shall be depicted on the Site Plan prior to signing of the same by the Planning Board Chairman.
3. That the tower shall not be lighted.
4. A Memorandum of Lease between the property owner, Douglas J. Ingram and Karen M. Ingram, and the Applicant has been executed and submitted to the Planning Board and Attorney to the Town.
5. That the Site Plan, prior to signing by the Planning Board Chairman, shall demonstrate that all setbacks, steep slopes and view shed laws of the Town of Gallatin have been complied with.
6. That the Applicant shall be responsible for maintaining the driveway, excluding snow and ice removal, in a manner so that the same can be accessed for maintenance and emergency vehicles, as may be required, at all times during the year.
7. That all associated buildings and equipment shall be enclosed with a six foot high chain link fence with an angled extension one foot high containing three rows of barbed wire

at the top of the fence with locking gates to be provided and with access provided to emergency service providers by disclosure of combination for lock.

8. That the driveway shall be 12 foot wide connecting to the existing driveway on the Ingram's neighboring property with a turnabout at the end of the driveway, all as depicted on the Site Plan.
9. That the utilities shall run from Wilmer Hill Road along the access road on new overhead utility poles to the compound area, and shall then run underground to the tower site.
10. All generators shall be located to the west of the associated carrier's equipment shelter with exhaust aimed toward the west.
11. Mariner will provide screening of the tower from view by the immediate neighbors by providing twelve (12) in-fill evergreen trees of white pine or other similar fast growing varieties. Trees shall be a minimum of ten to twelve (10-12) ft. high at the time of planting and be placed between the existing deciduous trees along the eastern border of the Ingram's property on Wilmer Hill Road as shown on the aerial photograph prepared by Mariner Tower dated November 19, 2012. If, after the installation of the tower, the Planning Board determines the tower is readily visible during leaf-off conditions from the neighboring house to the north of the site (currently owned by Betty Lou Walsh, Jonathan P. Walsh & Steve Walsh), additional evergreen screening will be provided by the Applicant. Any trees that survive for less than one year from date of planting will be replaced by Mariner in a timely manner. All screening must meet the approval of the Gallatin Planning Board.
12. No Certificate of Occupancy shall be issued for the tower until such time as the private driveway is installed and is inspected by the Town's Engineer, and approved by him.
13. That the Applicant shall provide a Tower Removal Bond in a form acceptable to the Attorney to the Town in the amount of \$20,000, increasing by 15% every five years, to remain in full force and effect as long as the tower is located on the subject property, with the bond to include a 90-day notice by certified mail, return receipt requested, to the Town Supervisor in the event the surety intends to cancel the bond. In the event of a cancellation of such bond, a new bond must be posted before the effective date of cancellation in a form and amount approved by the Attorney to the Town. In the event the bond is cancelled and not renewed, the Town shall reserve the right to revoke the Certificate of Occupancy for the tower and prohibit the further use of the tower.

14. In the event the use of the tower is discontinued, the tower must be removed from the property site within a period of 180 days from the date of the discontinuance of the use of the tower.
15. That the construction of all improvements on the site shall comply with the New York State Building and Fire Code regulating and controlling such construction.
16. All construction, maintenance and operations of the facility shall be in accordance with the final Site Plan approved by the Planning Board and signed by the Planning Board Chairman.
17. No Certificate of Occupancy shall be issued by the Building Inspector for the facility until such time as construction is completed in accordance with this Resolution, Site Plan and Special Permit approval and the required bond is posted with the Town Clerk, and all expenses incurred by the Town of Gallatin in conjunction with the review and approval of this application by the Town's consultants is either paid for out of the escrow account established by the Applicant, or if such amount is not sufficient, until all such costs are reimbursed to the Town by the Applicant.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll

call on November 19, 2012, which resulted in the following vote:

TERRY PORTER:	<u> AYE </u>
BRIAN ARICO:	<u> AYE </u>
BRUCE HUMPHRIES:	<u> AYE </u>
IRA LEVY:	<u> AYE </u>
PHILIP PEEPLES:	<u> AYE </u>

The Resolution was thereupon declared duly adopted.

LISA DELEEUW, TOWN CLERK,

TOWN OF GALLATIN

Jason Shaw from Whiteman Osterman & Hanna LLP appeared on behalf of Ian Sloan and Pond Lily Inc. at 365 West Pond Lily Rd. and County Route 8, seeking a FCID. (copy of FCID on file with Gallatin Town Clerk). Since the barn is an accessory structure, Gallatin zoning law requires a FCID. In order to generate some income to offset expenses from the 246 acre property, they propose to use the Barn for Special events such as weddings. Because there are no sanitary facilities, these events would take place from April through October. They do have electrical service and will bring in generators and portable sanitation. Catering would provide food, drink and water for these events. The upper level of the barn is 3360 sq. ft., which is what will be used. The house will not be part of this proposal only the 150 year old Barn and five (5) acres surrounding it. There is adequate parking for 190 cars and service vehicles, on a grass surface.

Gallatin Town Board asked for more definitive information on this proposal and referred Pond Lily Inc. to the Gallatin Planning Board. Ira asked if a floor loading survey, especially the second floor was done to see if it could handle the projected 255 people, and was an insect infestation study for termites, carpenter ants, etc, performed. Terry commented, "Complying to the building code is not GPB jurisdiction. Applicant will need to apply for a building permit and our Zoning enforcement officer will inspect barn. Terry commented that most barns are engineered for heavy loads and machinery. Phil asked about fire suppression. Terry also asked if applicant needs to consult Columbia County Planning Board zoning, because it abuts Taconic State Park. Mr. Shaw advised that all zoning and site comply with Gallatin building code and he will address our comments with zoning officer.

Terry asked the GPB for any comments. Bruce, Phil, Brian, Ira and Terry are all in agreement with applicant's proposal. Terry commented he will send a letter to the Gallatin Town Board by December 13, 2012 of the GPB review.

The October 2012 meeting minutes were read. Ira made a motion to accept. Phil 2nd. All were in favor.

With no further business to discuss, Terry made a motion to adjourn the meeting at 9:40pm. Bruce 2nd.

Respectfully submitted,

Anne Fecci