

In The Matter Of:
Town of Mamakating
Planning Board

New Cingular Wireless - Public Hearing
Vol. 1
August 26, 2014

Jeric Corporation
Court Reporting Services
P.O. Box 385
Narrowsburg, NY 12764
(845) 252-3515

COUNTY OF SULLIVAN: TOWN OF MAMAKATING
PLANNING BOARD

----- X
NEW CINGULAR WIRELESS (AT&T)
Proposed New Monopole Public Hearing
Tax Map Section 7; Block 1; Lot 50.2
Mountain Greenbelt Zone
Allen Road
DAY 1
Pages 1 - 42
----- X

Town Hall
Town of Mamakating
August 26, 2014
7:35 P.M.

PLANNING BOARD MEMBERS:

- MORT STAROBIN, Chairman
- STANLEY ZAMONSKY, III, Board Member
- TODD BERESTEN, Board Member
- EDNA FEDUN, Board Member
- JANET LYBOLT, Board Member
- PATRICK KELLER, Board Member
- LINDA FRANCK, Secretary
- JOHN CAPPELLO, ESQ., Attorney
- STU TURNER, Planner
- LAWRENCE PAGGI, P.E., Engineer

Also Present: JOHN FURST, ESQ., on behalf of Applicant

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P.O. Box 385
Narrowsburg, NY 12764

Reported By: Rosemary A. Meyer

1 - NEW CINGULAR WIRELESS -

2 CHAIRMAN STAROBIN: Okay, the next applicant is New
3 Cingular Wireless, AT&T.

4 I'll talk loud.

5 "Notice is hereby given that the Planning Board of the
6 Town of Mamakating will hold a Public Hearing on Tuesday,
7 August 26, 2014, at seven p.m., or as soon thereafter as
8 the matter can be heard, at the Mamakating Town Hall, 2948
9 Route 209, Wurstboro, New York, 12790, concerning the
10 application of New Cingular Wireless PSC LLC, AT&T, for
11 Site Plan Special Use Permit for a proposed wireless
12 communications facility consisting of a new 150-foot
13 monopole with associated equipment on property located at
14 Allen Road, Town of Mamakating, and designated Tax Map
15 Section 7, Block 1, Lot 50.2. The property is located in
16 the Mountain Greenbelt Zone and is approximately 26 acres.

17 "The Planning Board will hear all persons interested
18 at the aforementioned time and place. The Town of
19 Mamakating will make every effort to ensure that the
20 hearing is accessible to persons with disabilities.
21 Anybody requiring special assistance and/or reasonable
22 accommodations, contact the Town Clerk."

23 Okay.

24 MR. FURST: Good evening. My name is John Furst. I'm
25 an attorney for the Applicant, New Cingular Wireless,

1 - PRESENTATION -

2 an approximately 26.19 acres wooded parcel. It's owned by
3 Mr. Hart. We have a lease agreement with Mr. Hart for a
4 40-by-60 area, along with access and the right to run
5 utilities from Allen Road. The facility itself will be
6 enclosed within an equipment compound. The fence would be
7 six feet high and wooden. Within this equipment compound
8 there'll be a 150-foot tall monopole with 12 panel antenna.
9 In addition, there'll be a small GPS unit at 80 feet.
10 There's also going to be a dish antenna at approximately
11 142 feet.

12 At the base of the monopole within this equipment
13 compound will be an approximately 12-by-8 shelter. Within
14 that shelter AT&T will house all of its telecommunication
15 utilities and all the other equipment necessary to run the
16 site.

17 We appeared before the Board back in February of 2013
18 prior to submitting our application. At that point we
19 asked the Planning Board for some vantage points in
20 connection with the balloon test. We also obtained some
21 comments from your prior engineer. We conducted a balloon
22 test in April after receiving your comments. We also had a
23 site visit with your prior engineer, as well as the Highway
24 Superintendent, in connection with the access to the site.

25 We submitted a complete application to the Planning

1 - PRESENTATION -

2 Board and Zoning Board May 30th, 2014. At the end of June
3 I appeared before you guys for an initial meeting to review
4 the application where the Public Hearing was scheduled for
5 today. Since that time in June, we did appear before the
6 Zoning Board and we did obtain the variance that is
7 necessary.

8 Just to briefly summarize the variance request, cell
9 towers are permitted uses in the MG Zone, but according to
10 your code, the towers must be on a parcel with frontage on
11 Route 209 or Route 17. In this part of the town, we're
12 trying to cover the northern part of town. There are no
13 parcels zoned MG that also abut Route 209. All the parcels
14 in this part of town are zoned HC that abut Route 209, so
15 therefore, we would have needed an area variance. I'm
16 sorry. We would have needed a use variance.

17 Part of the application submission includes
18 authorizations from the property owner. We also submitted
19 an RF statement, a plot showing the existing coverage as
20 well as the gaps. We also submitted an MPE report which
21 shows compliance with the federal RF emissions
22 requirements. The report shows that we are 129 times below
23 the federal requirement level.

24 We also submitted an alternative site analysis. We
25 looked at trying to colocate on existing structures of

1 - PRESENTATION -

2 sufficient height. Unfortunately, given the topography in
3 this area, given the fact there really are no existing tall
4 structures to collocate on, we were forced to propose this
5 new tower.

6 We have an Environmental Assessment Form, as well as a
7 visual resource analysis that was submitted. This report
8 was done as a result of a balloon test and provides photo
9 simulation to see existing, before and after, as far as
10 what the proposed tower would look like.

11 I have the RF engineer if you want to go over the
12 details as far as coverage. But other than that, that's
13 just a brief summary of the application. We will be happy
14 to answer any questions.

15 CHAIRMAN STAROBIN: Well, I'd like to hear about the
16 coverage of the range of the cell tower.

17 MR. FURST: Sure.

18 MR. PENESEO: First name Daniel, last name Penesso. I
19 am retained by AT&T as the RF engineer responsible to
20 design implementation for the wireless network in this
21 area. I have been employed --

22 Do you want to hear my qualifications? I have a
23 Bachelor of Science in electronic engineering. I have been
24 employed as a radio frequency engineer for 13 years and
25 have been designing in New York and New Jersey, and have

1 - PRESENTATION -

2 monopole which is in Bloomingburg, New York, and that is on
3 131 Tarbell Road. And then further east we have, in
4 Bullville, New York, a monopole which we're located on on
5 Route 17K. So these sites are the immediate sites that are
6 within the network. What we're trying to do is cover this
7 area of Route 209, which I'm tracing with my finger here.
8 Based on the fact of the physical characteristics of the
9 area, we have the mountain range to the east and then
10 another hilltop area which is less, not as high, to the
11 west where we're proposing our site. In order for us to
12 cover this geographic area, this site was particularly
13 suited because it was able to cover a large portion of the
14 township with just this one site.

15 I will flip to another map, which is Map No. 2 which
16 was submitted with the application, showing what the
17 coverage would looked like if this site were integrated and
18 brought in to AT&T's network. As you can see, this site,
19 if brought on line, it covers a significant portion of
20 Route 209, as well as the surrounding roads, Phillipsport
21 Road, as well as this area where there's a large, a good
22 amount of homes on Phillipsport Road, and all the down, as
23 far south as Roosa Gap Road and Summitville Road, which I'm
24 tracing here, and just about to the border of the township
25 to the north. So it covers a significant amount of area

1 - PRESENTATION -

2 for Phillipsport with this one site.

3 CHAIRMAN STAROBIN: What's the radius of coverage,
4 generally, of the cell tower?

5 MR. PENESEO: Well, usually it depends. It depends on
6 topography of the location. Around a mile and a half, two
7 miles. It depends on what obstructions occur throughout
8 and what height. This height is the minimum height
9 required for us to meet this coverage objective. If we
10 reduce the height, we're going to open up. As you can see,
11 it's starting to open up gaps to the northern portion as
12 you come around the bend on 209. If we decrease the
13 height, we're going to open up more gaps and we're going to
14 have to propose another site to the north. So going with
15 this height, 150 feet, the minimum height to provide
16 seamless reliable coverage on 209, this is what our
17 objective was with this particular location.

18 CHAIRMAN STAROBIN: Larry Paggi, do you have any
19 comments on this?

20 MR. PAGGI: I do, I do.

21 Our primary concerns are with drainage, so it's really
22 nothing to do with radio frequency.

23 I think, John, I gave you a copy of that letter.

24 There's going to be steep slopes. The slopes
25 discharge right towards Allen Road. There is going to have

1 - CONSULTANTS COMMENTS -

2 to be some means of intercepting and mitigating that, not
3 only at Allen Road, but also on site. The steep slopes,
4 we're going to have to check that for erosion.

5 Also, from what we can gather from the proposal,
6 there's going to be some utility poles run up Allen Road to
7 service the site. The subsequent disturbance of the area
8 adjacent to the road should be included in the calculations
9 for land disturbance activities. It may push this over the
10 one acre threshold, it may require a SWPPP. So those are
11 the things that we just point out in our review.

12 There are some other kind of housekeeping items.
13 We're looking for some better information relative to
14 property lines and topography.

15 I think that's pretty much it. We had some basic
16 comments of the EAF, as well.

17 BOARD MEMBER FEDUN: Would they be in the letter from
18 this Willingham Group?

19 MR. PAGGI: I didn't provide it.

20 MS. FRANCK: She wants to know if you got it.

21 MR. PAGGI: Oh, I have it, yes. You know what, I
22 can't speak to the comments in Mr. Willingham's letter
23 relative to the level of effort that was placed on looking
24 at an alternate site, but I think what he had stated
25 relative to the impact of Allen Road are pretty much in

1 - CONSULTANTS COMMENTS -

2 line with our comments. He has added the statement that an
3 adjustment for the alignment of the driveway may help
4 soften the visual impact. I think if the Applicant decides
5 that they want to entertain that, it's going to create a
6 level area there at Allen Road and it may provide you with
7 opportunities for drainages rather than having a steep
8 grade right down towards Allen Road. So they may be things
9 that you would want to consider.

10 BOARD MEMBER FEDUN: The design is different than what
11 you proposed.

12 MR. FURST: Yes. Actually, what we proposed and based
13 upon your prior engineer's comments, we actually had a site
14 visit with Mr. Fusco as well as the Highway Superintendent.
15 They had asked to us move the location of the driveway to
16 where we're proposing it. I don't know if you guys will
17 remember, back in February when we first appeared before
18 the Board, we had a location of the driveway entrance that
19 was a little further north. Mr. Fusco had expressed some
20 concern with respect to the slopes of the proposed
21 driveway. He wanted us to change the location. Also, I
22 think it would help the Highway Superintendent because they
23 needed a turn around for the plows. So after the site
24 visit we had with them, I believe would be March, that's
25 really the reason for why we chose the location. We didn't

1 - CONSULTANTS COMMENTS -

2 originally choose it, Mr. Fusco had pretty much told us to
3 go there. We were able to make it work. There were some
4 advantages and disadvantages on both sites, one as opposed
5 to the other. It would be a difference of engineering
6 opinion. But again, we went with this because we had the
7 site visit with your prior engineer and your Highway
8 Superintendent.

9 MR. PAGGI: Our comments don't actually pertain to
10 driveway location. Those are Mr. Willingham's comments
11 relative to location.

12 BOARD MEMBER FEDUN: No, I know. But now they
13 propose --

14 MR. PAGGI: I would suggest that the Applicant respond
15 to both sets of comments in the way that they have just
16 expressed. Regardless of location, drainage is something
17 that has to be done. That's going to be a critical issue
18 here.

19 CHAIRMAN STAROBIN: Rich Morris.

20 BOARD MEMBER MORRIS: Yes. I'm reading
21 Mr. Willingham's report also. You state as per our code,
22 the section, may only consider new wireless when it
23 demonstrates to the Planning Board about the use on
24 existing structures, and that an applicant shall be
25 required to present an adequate report, inventory all

1 - BOARD COMMENTS -

2 existing structures that exist and prove with a
3 reasonable --

4 Have you supplied this report? Have you tried to get
5 on other towers?

6 MR. PENESEO: Well, the closest site that's existing
7 is on Fire Tower Road, which we're currently colocate on.
8 There are no other sites that are currently existing in
9 this immediate vicinity that we can colocate on. That's
10 why we have to propose a new build here.

11 BOARD MEMBER MORRIS: Did you provide a report to
12 that?

13 MR. PENESEO: Yes. It's in the report. The report
14 that was submitted has all these. On the last page it
15 details every single site that is currently existing, the
16 last page of my report that was submitted back in March
17 with the application. It lists all of the towers in the
18 area. And we're actually colocated on the tower that's the
19 nearest one.

20 BOARD MEMBER MORRIS: Now, why would Mr. Willingham --
21 this is dated the 25th. Why would he put all this
22 information if this information is -- he says you must
23 provide significantly more information regarding the
24 structures in the area.

25 MR. PENESEO: Maybe he didn't see the report that was

1 - BOARD COMMENTS -

2 with the application. I don't know.

3 BOARD MEMBER MORRIS: I guess you haven't seen this
4 before, have you?

5 MR. PENESEO: Yes, I've seen that, what you're
6 reading.

7 BOARD MEMBER MORRIS: Do you have any comments?

8 MR. PENESEO: Well, as I stated, we've submitted, in
9 our application, all of the existing structures that are
10 currently available to us in the area, and they are listed
11 in the report. The closest one is the one that we're
12 colocated on, which is on Fire Tower Road, and that does
13 not meet the coverage objective. In the report I show an
14 exhibit showing that site along with the other sites that
15 are on air, and that it doesn't fulfill. There is no
16 coverage that's reaching up on Route 209 because of the
17 topography, as I mentioned earlier.

18 BOARD MEMBER MORRIS: I think he also states in here
19 about possibly lowering it. Can you get the same coverage
20 by lowering it?

21 MR. PENESEO: I have another exhibit which I can
22 present which will not fulfill ours. As I stated, this is
23 a minimum height, the 150 that we're proposing, to meet our
24 coverage objective along 209. If we were to drop it, it's
25 going to open up even more of a gap and reduce the

1 - BOARD COMMENTS -

2 CHAIRMAN STAROBIN: Rich, they only got this
3 information they need to respond to, so we should give them
4 a chance to respond in writing to these questions.

5 BOARD MEMBER MORRIS: Okay. All right.

6 CHAIRMAN STAROBIN: Are there any other questions from
7 the Board? Janet Lybolt.

8 BOARD MEMBER LYBOLT: I know that we had discussed
9 this before. Maybe you can mitigate the visual impact.
10 Instead of a monopole, could you go with a tree pole?

11 MR. PENESEO: A monopine?

12 BOARD MEMBER LYBOLT: Monopine.

13 MR. PENESEO: Yes. I mean as far as the legal side of
14 it, as an RF engineer, it will work for me.

15 BOARD MEMBER LYBOLT: I know that it will be very
16 visual from 209 and the roads behind 209. Maybe a monopine
17 would be better.

18 MR. FURST: As part of our visual analysis and as part
19 of your earlier request, we did submit photo simulations
20 showing the traditional monopole, and the next photo
21 simulation shows a monopine so that you guys can see the
22 difference. It's really up to the Board's pleasure as far
23 as which one you think is best. You know the community
24 well. In some instances they work pretty well, other
25 instances they don't work very well. I can't suggest one

1 - BOARD COMMENTS -

2 or the other, to tell you the truth. But we can definitely
3 work with the Board if that's what the preference is. If
4 that's what they feel would mitigate the impacts, then AT&T
5 can certainly propose a monopine.

6 BOARD MEMBER LYBOLT: And this will have room for
7 three other carriers?

8 MR. FURST: Correct. All the antennas will be hidden
9 behind the branches so all the antennas arrays will hide
10 behind those branches. You'll get the same amount of
11 carriers or colocators.

12 CHAIRMAN STAROBIN: Rich.

13 BOARD MEMBER MORRIS: Do other carriers have the same
14 problem? I mean they have no coverage in this area?

15 MR. PENESEO: I cannot speak as far as what coverage
16 footprints are for other carriers, but based on what I can
17 see from the existing structures in the area, and I don't
18 know what their build-out plan is either as far as other
19 carriers are concerned, but as far as I can see, what
20 coverage is being provided from this site and driving the
21 area, most likely, they would come if it were built and
22 they would want to colocate onto it. I cannot answer for
23 them because it's not my --

24 BOARD MEMBER MORRIS: I'm just --

25 MR. PENESEO: Yes.

1 - BOARD COMMENTS -

2 BOARD MEMBER MORRIS: But they're having the same
3 problem with coverage on this area.

4 MR. PENESEO: Right. I'm not privileged to their
5 network design, what their weaknesses are. I can't answer
6 that. I can only answer AT&T's needs.

7 BOARD MEMBER MORRIS: I know I've asked you before
8 about that. If you don't have AT&T, you're out of luck.
9 It's definitely -- there is a gap in service there, because
10 I live there.

11 MR. PENESEO: Right. As far as other carriers,
12 because I don't know what T-Mobile's build-out plan is or
13 Verizon's build-out plan is, what their budgetary
14 constraints are. But most carriers follow to one because
15 either they're ahead of us on a site or we're ahead of them
16 on a site as far as the build-out is concerned.

17 BOARD MEMBER MORRIS: That goes to the colocation she
18 was talking about.

19 MR. PENESEO: Yes. But as far as colocation, we're
20 going to design it so that other carriers could colocate
21 onto it. And structurally, it will be sound so that they
22 could do so if they wanted to submit an application and
23 come before you all with their application.

24 CHAIRMAN STAROBIN: Stu Turner, do you have any
25 additional comments on this one?

1 - BOARD COMMENTS -

2 MR. TURNER: I mean it's not traffic generated. The
3 issues are really more aesthetic and disturbance to the
4 site. And also, future loading on the monopole which we'll
5 have to verify that structural engineering, anyway.

6 I have nothing further.

7 CHAIRMAN STAROBIN: Are there any comments from the
8 audience?

9 In the back there. Please state your name.

10 MS. SULLIVAN: Sherry Sullivan, and I'm here with my
11 fiancée Paul Stewart and the Francks. We all own property
12 on this Allen Road. We have hired Andy from Willingham
13 Engineering to represent us in opposing the cell tower.

14 MR. WILLINGHAM: Andy Willingham of Willingham
15 Engineering.

16 As Sherry said, we were hired by Sherry, Sullivan and
17 Paul Stewart live just south of the property, and adjacent.
18 Or actually, they own property there, they don't live
19 there; and Judith and Al Franck who live adjacent and north
20 of the project, to take a look at the project, look how it
21 meets code, look at the coverage and all of the different
22 issues that kind of come with the tower.

23 I will say that in my opinion, if the tower is done
24 correctly, you kind of don't know that it's there. On this
25 one, I don't know that standard's been met. I think there

1 - ANDREW WILLINGHAM, P.E. -

2 is some room for improvement here.

3 Regarding shared use, I actually found out more
4 information, a lot more tonight, than I did from the
5 reports as far as what towers are there and where are their
6 antennas. I kind of inferred that they were on the Fire
7 Tower antenna by the coverage map, but the report doesn't
8 really talk about it. It kind of says there's no tower
9 that we can have shared use. The fact that they are on
10 Fire Tower Road, that seems to be the greatest possibility
11 to improve on. It's 1.6 miles from 209, which you would
12 think they would get some coverage being at such a high
13 elevation. It's kind of overtopping 209. And yet, they're
14 showing a complete gap, so it makes me wonder could they be
15 higher. Let's say it's a 250 tower. I don't know where
16 their antennas are on that tower. Maybe they're lower.
17 Really, I think it needs more information: Where are their
18 antennas on that tower? Can they raise them? What is the
19 reason why that antenna is not providing coverage on 209?

20 And it's hard to tell who have coverage where. It
21 appears that Verizon has a little bit better coverage in
22 this area, so what is the reason for that? Where are their
23 antennas? Why do they have better coverage, if they do?

24 The visual issues: The tower will be highly visible
25 from 209. I just drove up there on my way over here. As

1 - ANDREW WILLINGHAM, P.E. -

2 you're going north past Summitville, you're going to be
3 looking at it for about a mile straight, right on the top
4 of the ridge there, so there really is some definite visual
5 impact on this one. Which brings the question, can they do
6 a lower tower and still accomplish the same coverage. It
7 sounds like you've brought maps and you've looked at it and
8 are showing it to tonight, but that information should be
9 provided for the Board's review, to show what would it be
10 at 130 feet, what is it at 110, how much of it is reduced
11 to minimize those visual impacts.

12 The balloon test was done in April, which makes sense,
13 before the leaves come on. I guess it was put in the
14 paper, but it was before the Public Hearing, so it was
15 before people kind of hear about it and are interested and
16 can get to review it. We request that the balloon tests be
17 done again to benefit the public and experts like myself,
18 for us to assess the impacts. We weren't able to witness
19 it back in April.

20 As Mr. Paggi was talking about the design of the
21 actual site, we respectfully feel that it has a lot of room
22 for improvement. The driveway was talked about, the
23 location of the driveway for the fire department. We
24 weren't talking about the location of the entrance, we're
25 talking about orientation of the driveway. Currently, the

1 - ANDREW WILLINGHAM, P.E. -

2 driveway just goes straight up the hill, up a steep slope,
3 resulting in a 14-foot high retaining wall and this huge
4 swath of grading where it could have kind of done an S
5 curve to the right, follow the grade more closely and, it
6 would look more like a residential driveway than some kind
7 of a highway up the mountain with a retaining wall. I
8 think there's a lot of room for improvement there, and I
9 think that they should consider making the changes. And
10 this is supported by the code for preserving vegetation and
11 minimizing ground disturbance.

12 The zoning, as you know, they had to get a variance
13 for being in an MG District. It didn't have frontage on
14 209. All the parcels in this area are zoned HC, which is
15 not a permitted use. There's a flaw in the zoning in this
16 area. You essentially can't put a cell tower in the
17 northern part of town without getting a variance, which has
18 kind of forced them up into this residential area instead
19 of perhaps a better use along 209 where the coverage is
20 needed. So I think the question bears what was the intent
21 of the code. I mean obviously, being close to 209 is
22 important, they require frontage on 209, yet it's not
23 permitted to put it on 209. So I think it bears looking
24 into what was the intent of the zoning.

25 So that's kind of the essence of our comments. We

1 - ANDREW WILLINGHAM, P.E. -

2 just think that there is some room for improvement as far
3 as the site design. I think there are some real visual
4 impacts here. And I think they need, really, to provide
5 more information as to do they really need this in this
6 spot and do they really need it at the site. Thank you.

7 CHAIRMAN STAROBIN: Thank you, Andy.

8 A question for you, Larry. Do you think there would
9 be a benefit for them to meet with you?

10 MR. PAGGI: Absolutely.

11 CHAIRMAN STAROBIN: Would that work for you and answer
12 all the questions that have been asked here tonight? Maybe
13 next week?

14 MR. FURST: That's fine. If it's okay with the Board,
15 we'll be happy to meet with Mr. Paggi.

16 CHAIRMAN STAROBIN: Okay. That would be on September
17 3rd, 11 o'clock?

18 MR. PAGGI: Or 11:30?

19 CHAIRMAN STAROBIN: Okay. Would that work for you,
20 11:30?

21 MR. FURST: Sure.

22 CHAIRMAN STAROBIN: And we'll keep the Public Hearing
23 open. We'll see if we can get the Highway Superintendent
24 there, also.

25 MR. PAGGI: That would be great.

1 - ANDREW WILLINGHAM, P.E. -

2 CHAIRMAN STAROBIN: Okay.

3 MR. FURST: Is that a site visit or here at the Town
4 Hall?

5 CHAIRMAN STAROBIN: Town Hall.

6 MR. CAPPELLO: I also would suggest to the Board that
7 have in writing, Mr. Paggi and Mr. Willingham's comments,
8 so we can have a record just so the Board knows. In
9 looking at the code, you've heard the presentation, but
10 you're going to have to make a decision, whenever you
11 approve a new tower, that the applicant demonstrates to
12 your satisfaction. So there may be a difference between
13 the engineers, but you're going to have to determine when
14 you're satisfied that there are no other locations for
15 shared use that are practical to use and that the site
16 proposed is at the minimum height necessary for them to get
17 their coverage. So ultimately, you gather the information,
18 you review it, consult with your experts. Make sure the
19 drainage issues and engineering issues will be addressed.
20 But that's the ultimate question to be resolved.

21 CHAIRMAN STAROBIN: Yes?

22 MR. FURST: Are there any other comments from the
23 public we can respond to verbally?

24 CHAIRMAN STAROBIN: Chris.

25 MR. LESER: Yes. I'm unsophisticated in this legalese

1 - CHRIS LESER -

2 and the tower stuff. I think Janet has a good point. This
3 tower next to the troopers' barracks, what type of
4 structure is that called?

5 MR. FURST: A lattice tower.

6 MR. LESER: What?

7 MR. FURST: A lattice tower.

8 MR. LESER: Janet, is that something that you don't
9 want to see, this type of structure?

10 BOARD MEMBER LYBOLT: I just figured that it would be
11 a little bit more pleasing to look at, I would say a pine
12 tree as opposed to a lattice tower or monopole. It would
13 blend in a little bit more with the surrounding mountain
14 range.

15 MR. LESER: Right. Also, I thought it was last year
16 that the one on Fire Tower Road, the tower, was increased
17 in height, as well as its apertures, that it would receive
18 better? Maybe Todd or Edna would remember that. I believe
19 it was about a year ago that Fire Tower Road, that was an
20 increase.

21 MR. PENESSO: I can state it's a guide tower. That
22 tower is supported with cables. Our antenna centerline is
23 245 feet. We're very high up on that tower. It's not our
24 tower. We're colocated on it. There's other carriers on
25 there. There's a lot of equipment on that tower, and we

1 - CHRIS LESER -

2 signal incurs, it can't make it to that area. This is
3 Johns Road here. This area here would have coverage,
4 provide AT&T coverage. Mount Vernon Road, which goes to
5 the west of our proposed site, that area, as well.
6 Anywhere we see the white area. And AT&T is expeditiously
7 trying to build out the network in this area. Even to the
8 south, near Westbrookville, we have rings that we need to
9 provide coverage because there are gaps in coverage in the
10 area. But each of the cell sites, as I said, will only
11 cover a certain amount of subscribers and a certain
12 geographic area. It's just the physical characteristics of
13 the technology, the wireless technology.

14 MR. LESER: Which would give us the best reception?
15 Give us, I mean, like the public. That monster out there,
16 does that give the best?

17 MR. PENESEO: What is your question, though?

18 MR. LESER: I mean that monster with all the apertures
19 that --

20 MR. PENESEO: That tower is just a structure that was
21 described. There's way to implement. Particularly for
22 this area, we don't have a site that exists, we have to
23 create something. We can build a lattice structure, like a
24 monopole structure, which is steel that's fit together
25 that's solid; or a monopine which has the branches that

1 - CHRIS LESER -

2 come off of it to help disguise it, as was discussed.
3 There's various ways to implement it. It's a structure
4 that has to be built.

5 MR. LESER: It sounds like Janet had a better idea
6 than having this monster out here looking in.

7 MR. PENESSO: Right. What we're proposing, for this
8 particular application, it's in a wooded area. The top
9 portion of the structure will be visible. As you can see,
10 there were photo simulations that had been taken with the
11 leaves off back in April which are part of our application.
12 You could see that. They are there for the public to
13 review. You could see what the photo simulations would
14 look, and you can get an idea of what is being proposed.
15 As Mr. Furst stated, there were two variations, two options
16 that are submitted with the simulations, to see what that
17 would look like.

18 MR. LESER: Thank you. I'm inclined to agree with
19 Janet with having something to blend in.

20 CHAIRMAN STAROBIN: Thank you, Chris.

21 Yes. State your name.

22 MS. J. FRANCK: Judith Franck. I have property that's
23 on Allen Road, 16 Allen Road, and also 615 Red Hill Road,
24 which is downhill from the proposed site.

25 I want to know if I would get coverage because if I'm

1 - JUDITH FRANCK -

2 900 feet south of you, would I get coverage, or wouldn't I?

3 MR. PENESEO: Your property, this is where the
4 proposed --

5 MS. J. FRANCK: Yes, but it's lower in elevation.

6 MR. PENESEO: Right. This site will cover all the
7 way, you can see the footprint of coverage where you see
8 the green. And then this is 209, which I'm tracing here.
9 So you're off of Allen and --

10 MS. J. FRANCK: And Red Hill Road, where they meet.

11 MR. PENESEO: And Red Hill. I don't see Red Hill.

12 MS. J. FRANCK: Phillipsport.

13 MR. PENESEO: Off of Phillipsport.

14 MS. J. FRANCK: Going toward Allen Road.

15 MR. PENESEO: Down towards Mount Vernon Road. No?

16 MS. FRANCK: Just over, the beginning of Allen Road.

17 MR. PENESEO: Oh, yes. This is all of Allen Road
18 which I'm tracing here, right to 209. South of the site
19 you will have coverage. You'll have in building coverage
20 there. You should.

21 MS. J. FRANCK: I have another comment, is that when I
22 was reading the application I noticed something that was
23 never discussed. But AT&T said it was committed to provide
24 the service, that anybody who cannot get coverage from 209,
25 as of May 15th is able to text 911 and get 911 help with

1 - JUDITH FRANCK -

2 any cell phone. Is that correct? That's what it's saying
3 in the application.

4 MR. FURST: Right. It's a new program that --

5 MS. J. FRANCK: And nobody has given the public
6 information about this.

7 MR. FURST: Right. It's something that hasn't been
8 set up yet. AT&T and the other carriers have all agreed
9 that instead of having to call 911 you can also now text
10 911. But the problem is the local counties, Sullivan
11 County, Orange County, they have to set up their system to
12 be able to accept E-911 text messages. So the carriers,
13 they are ready to do that. They are willing, ready and
14 able to do it. They just have to wait for the local
15 communities to update their equipment.

16 MS. J. FRANCK: I have another issue with the fence
17 being only six foot tall. That's easy enough for any deer
18 to jump over and then get trapped in that thing.

19 And the other issue is that you're only going to be
20 there once a month. In the winter, when there's a lot of
21 snow, if there's an emergency and people have to get by,
22 who's going to plow that road if it's only going to be
23 looked at once a month? And in some instances, we have
24 three snowstorms in a week, and they will be unable to get
25 through for emergency vehicles if there's a fire or

1 - JUDITH FRANCK -

2 ambulance.

3 MR. FURST: AT&T usually has a contractor that will
4 come in and plow the driveways.

5 MS. J. FRANCK: How often? More than once a month.

6 MR. FURST: Whenever it snows, a certain amount. I
7 mean if it's a couple inches, they're not going to come out
8 there. But if there is a significant amount, they will
9 come out there as per whatever the contract agreement is.

10 MR. FRANCK: Our property is down a lot lower than
11 this tower. I'm just wondering whether we will actually
12 get the service. We're way down from this. I don't how
13 this radiates.

14 And I've been informed that, also, if you're close to
15 the tower, it can mess up your other electronics. So if
16 that does happen, what kind of remedy do we have?

17 MR. PENESEO: Well, I can state as far as operating,
18 we're operating in our own license frequency band that was
19 auctioned off from the FCC. There are bands between the
20 different bands of frequencies, so it should not interfere
21 with any of your home electronics or anything, even for
22 municipal equipment if it put on the tower or municipal
23 services of any kind. It's done all the time. We have not
24 had any issues with that. As well as any other colocation,
25 if other carriers come on, they would not have interference

1 - ALAN FRANCK -

2 because from the other carriers, we keep a vertical
3 separation of ten feet, center to center, from other
4 carriers that would colocate on the structure.

5 I don't know exactly where you're located, but we can
6 look at this map here.

7 (Mr. Penesso and Mr. Franck examining map.)

8 MR. PENESEO: You will have coverage where you are.
9 I'll show you on the map. So it's right up here.

10 MR. FRANCK: Yes.

11 MR. PENESEO: So Lot 55, you're north of where the
12 site is actually. Your lot is Lot 55.

13 MR. FRANCK: Right.

14 MR. PENESEO: Franck is your name; right?

15 MR. FRANCK: Franck.

16 MR. PENESEO: I'll show you on the map where you are.
17 The proposed site is here and this is your property.

18 (Mr. Penesso and Mr. Franck examining map.)

19 MR. FRANCK: Now, another thing is in the wintertime
20 our main barrier is hemlocks. All the other trees are
21 deciduous. The hemlocks are being attacked by Wooly
22 Adelgid. I think eventually, it's a very good chance we're
23 going to lose all of our hemlock, and then we'll be looking
24 at the tower all the time.

25 And also, from a couple of other people, what I hear

1 - ALAN FRANCK -

2 is even if you have one of those towers that look like a
3 tree, it doesn't look like a tree at all.

4 BOARD MEMBER LYBOLT: I have a point to make that I
5 don't know if you're aware of. Certain parts of Allen Road
6 are seasonal use only, and the Town does not plow. How do
7 you propose getting your people in and to that site to
8 maintain it?

9 MR. FURST: That's one of the reasons why we had that
10 site visit with the prior Planning Board engineer, as well
11 as the Highway Superintendent. I believe out of that
12 meeting, it was discussed that we would access the site
13 through Mount Vernon and then come that way, and then the
14 Town would plow up Mount Vernon and we would create
15 turnaround for the Highway Superintendent.

16 BOARD MEMBER LYBOLT: So you're actually higher,
17 toward Mount Vernon Road.

18 MR. FURST: I think they're in between. I think
19 they're in between, that older section. The Highway
20 Superintendent asked if we approach from Mount Vernon.

21 BOARD MEMBER LYBOLT: Which they do plow.

22 MR. FURST: Right. And he had asked us to provide a
23 turnaround so his trucks can turn around.

24 MS. SULLIVAN: Excuse me, please. Can I comment on
25 that?

1 - ALAN FRANCK -

2 CHAIRMAN STAROBIN: State your name.

3 MS. SULLIVAN: Sherry Sullivan. He is not on the
4 upper side toward Mount Vernon, he is at the bottom end of
5 Allen Road. And in order to access the way he's coming,
6 three-quarters of Allen Road would have to be covered for
7 them to come down and do that. Allen Road comes up to
8 Innis, you make a left and Mr. Hart's property is on the
9 right, and that's where they're proposing the cell tower,
10 from the lower end of Allen Road. You then have to
11 continue up Allen Road and around and up, and out to Mount
12 Vernon. You are not close to Mount Vernon, you are closer
13 down to the bottom end of Allen Road. So I don't know how
14 you propose getting a truck or a plow down a road that
15 starts at least probably a mile from where you're planning
16 to propose the tower.

17 MR. FURST: The Highway Superintendent is going to be
18 the one.

19 CHAIRMAN STAROBIN: Okay.

20 MS. SULLIVAN: And I --

21 CHAIRMAN STAROBIN: The consultants are going to
22 discuss these questions on September 3rd.

23 The one thing that I would request, though, a lot of
24 people have questions about the coverage. If you can
25 print, just reduced size maps that we can hand out so that

1 - SHERRY SULLIVAN -

2 these proposed sites that did have listed in their
3 information that was provided was 134 Phillipsport Road,
4 which is Metro Recycling and Crushing Plant that is located
5 in the HC zoning, which I don't understand why you would
6 take a cell tower and put in a residential neighborhood
7 area versus putting it down in where a recycling plant was.

8 CHAIRMAN STAROBIN: Well, it's not permitted in the HC
9 Zone.

10 MS. SULLIVAN: But it wasn't permitted to be off 209
11 either, but that got waived. So why can't the HC be looked
12 at and the zoning looked at for that? That doesn't make
13 any sense.

14 CHAIRMAN STAROBIN: We'll check it out at the
15 consultants' meeting.

16 MS. SULLIVAN: Thank you.

17 MR. TURNER: Also, Mr. Chairman, some of this
18 information would be useful, but it won't be done in time
19 for this discussion.

20 CHAIRMAN STAROBIN: Thank you.

21 MR. CAPPELLO: If you could get us a reply to some of
22 these comments by a certain date set so people who are
23 interested will know they can come in and review it before
24 the next Public Hearing, the September meeting. September
25 24th is our next Planning Board meeting. If you could

1 - BOARD COMMENTS -

2 their existing network footprint of coverage, like I did --

3 BOARD MEMBER KELLER: Right.

4 MR. PENESEO: -- as well as what the coverage
5 footprint would be at that height that's afforded to
6 them --

7 BOARD MEMBER KELLER: Right.

8 MR. PENESEO: -- which would be 140 if the tower is
9 150.

10 BOARD MEMBER KELLER: Right.

11 MR. PENESEO: Whatever their needs are and what their
12 existing network is is what will be seen by you. I don't
13 have that information. And I'm just telling you what
14 AT&T --

15 BOARD MEMBER KELLER: You build this tower and a year
16 down the road another carrier says: Oh, we need to build
17 another 150-foot tower.

18 MR. PENESEO: Right. But this structure can be
19 constructed so that it can be expanded, it can have
20 carriers below it. It can be designed in any way that you
21 all see fit as far as the design is concerned.

22 Even for me, I would prefer to go higher, but this was
23 the minimum. I would propose the minimum height required
24 to meet this objective. If it were what would it look like
25 taller, what would my coverage look like if it were

1 - BOARD COMMENTS -

2 increased, that could be done. But as far as other
3 carriers, I can't answer that. And then you'll have to put
4 in the design, that it can be expanded, if it needs to be,
5 by other carriers, so you don't have a proliferation of
6 towers in this area.

7 BOARD MEMBER KELLER: If everybody has to have 150
8 feet --

9 MR. PENESEO: They would have to rule out that this
10 probably wouldn't work for them.

11 BOARD MEMBER KELLER: Right.

12 MR. PENESEO: It's in your ordinance, just as we have
13 to rule out why aren't we going on other existing
14 structures in the area. There aren't any, so we have to
15 propose one.

16 BOARD MEMBER KELLER: Okay.

17 CHAIRMAN STAROBIN: Okay, see you on the third. Thank
18 you.

19 (Time noted: 8:31 p.m.)

20 * * * * *

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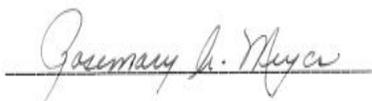
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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

A handwritten signature in cursive script, reading "Rosemary A. Meyer", is written over a horizontal line.

ROSEMARY A. MEYER

Date Transcribed: January 19, 2015

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