Meeting called to order: 7:01pm

Members present: Chairman Serotta, Konrad Mayer, Dot Wierzbicki, Jackie Elfers, Carl D’Antonio, Bob Conklin, Barry Sloan (7:08pm)

Also Present: Dave Donovan-Attorney, Alexa Burchianti-Secretary, Al Fusco-Engineer

A motion was made to adopt the minutes from May 2, 2018 by Dot. Second by Konrad. Motion carried 6-0.

Quick board update: Lehigh Ave item that was on the agenda got removed the site plan was not completed so they will be rescheduled. The engineer for them will let us know when they are ready.

Next meeting of the Planning Board is scheduled for June 6, 2018.

**Alan Michalka– Public Hearing**

1376 Kings Hwy. The property was initially approved for commercial use all CO’s are in place. Now would like to change it to a mixed use.

DPW Response:



OCDP Response:



Al Fusco Letter 5-16-18:



Al stated that his engineer had satisfied all comments.

Polled Board for comments and questions:

Bob: Mixed use means exactly what? Alan stated commercial, retail, and an apartment upstairs.

Let the record reflect that the certified mailings have gone out and legal notice was published in the Times Herald Record. The public hearing is now open. Is there anyone here to speak for or against the application?

Deborah Diltz: Alan’s neighbor in Sugar Loaf, and he did a beautiful job on this house!

No one else spoke for or against the application.

Motion to close the public hearing made by Jackie. Second by Konrad. Motion carried 7-0.

Polled board for comments or questions. No comments or questions at this time.

Motion made for Dave Donovan to draw up a resolution of approval for the next meeting. Motion made by Bob. Second by Carl. Motion carried 7-0.

**Lake Station Plaza-Public Hearing**

Jamie Bogert gave a brief description of the project. Pointed out the existing building structure and were the proposed addition would go and the replacement of the septic system.

OCDP Response:



Chairman asked if they need all of the parking that they are proposing? Robert Bogert stated they do, currently there is a gym, and the employees of Alpine Air would need parking also.

DPW Response:





Al Fusco Letter 5-16-18:



Al stated he had a lengthy comment letter the last meeting and the applicants engineer brought in updated plans the day of the meeting, which he wasn’t able to review until after. He has reviewed it and they have addressed all of his comments.

Polled Board for comments:

Barry: This is mixed use or all industrial? Jamie responded that it is commercial. Chiropractor, gym, massage therapist and HVAC company. 3 of which are currently there already.

Let the record reflect that all certified notices have gone out and the legal notice was published in the Times Herald Record. The Public hearing is now open. Is there anyone here to speak for or against the application?

Janice Oppmann: Is concerned that where they are proposing to put the new septic that it is very close to her well. Understands there is a 100’ buffer however the new area is very wet any is worried about run off towards her well. Jamie stated that where the proposed area is to put the new septic is dryer than where it currently is. The topography is uphill a little more. Janice stated that she feels it’s just to close, they are adding an additional 2800 sq. feet to the building, how much more is going into that septic system? Robert Bogert stated that it’s just 1 extra bathroom. The majority of that building is mostly storage and warehouse.

Chairman stated that, that concern will be answered.

Let the record reflect that no one else spoke for or against the application.

Motion to close the public hearing made by Konrad. Second by Dot. Motion carried 7-0.

Chairman stated if that question can get answered by the next meeting we will have you come back on June 6, 2018.

Barry had one more statement, between commercial properties and residential we require a buffer zone. He doesn’t see buffer on the plan. Robert Bogert stated that there already trees planted there. Chairman brought up bing website. Jamie stated that there are trees between the house and the property not the cornfield. Janice stated these were her trees. Barry stated to show the trees on the plan.

If the septic system question is answered properly and the plan is updated Chairman asked the board if they were comfortable drawing up the resolution for the next meeting.

Jamie Bogert had another question, does there need to be a buffer even though it’s not in a residential zone. The house is in the IP zone. Dave Donovan stated that a buffer is usually between districts but will take a closer look at the code. Counsel also stated that it doesn’t mean that the planning board doesn’t have the authority that if they feel it’s appropriate to ask for landscaping or buffering.

Motion made to draw up resolution of approval for the next meeting made by Konrad. Second by Jackie. Motion carried 7-0

**Kips Bay/Trade Trans Corp-Public Hearing**

David Griggs from ERS. 173 Black Meadow Rd. Proposed 20,000 sq ft addition to existing warehouse. Parking in front 24 spaces. Secured the DEC permits.

Al reviewed the permit and stated that everything was ok.

Al Fusco Letter 5-16-18:



Anthony LaSpina Letter 5-9-18:



Polled board for comments:

Jackie: The landscaping in the front is very nicely done; the DEC part is to the right hand side? David: The DEC mitigated area is in the back of it. Jackie: So you won’t be disturbing along the side, because that’s all naturalized. The front is really very well maintained and a very nice job.

Dot: Just out of curiosity what’s going to be in the storage? David: Storage and break down of paper goods and dry goods and repackage to ship out.

Let the record reflect that all certified mailings have gone out and the legal notice was published in the Times Herald Record. The public hearing is now open.

Let the record reflect no one spoke for or against the application.

Motion made to close the Public Hearing made by Dot. Second by Bob. Motion carried 7-0.

Motion to have Dave draw up a resolution of approval for the June 6, 2018 meeting. Motion made by Jackie. Second by Konrad. Motion carried 7-0.

**Verizon Wireless-Response to Public Comments**

Allyson Phillips from Young Sommer here to represent the applicant. Proposed antennas on top of existing water tank on Kings Hwy.

Chairman stated they are here to respond to the public comments from the hearing. At this point and time some of this is beyond the boards education so we decide to engage our communication engineer to review Verizon’s work. Mr. Clint Smith will be addressing the board and the public. Clint reviewed all the Verizon work and had a conference call meeting with Verizon this morning. A 2nd report came out late today from Verizon, hoping Clint had enough time to address that. So everyone will hear from both Verizon and the Planning Boards consultant tonight.

Allyson stated that she would give a brief over view of what was submitted to the board since the public hearing was held last month. They did a comprehensive response to the public comments that were received at the public hearing and during the 10 comment period that proceeded. The majority of the comments they received focused on alleged health effects. General esthetic concerns and at least one questioning what the noise level would be from the emergency generator.

The response report was submitted on May 4th. (The document can be found on line on the Chester website. Document name: Verizon Response to public comments 5-4-18)

As part of that response a noise study was included showing the noise from the emergency generator it will be operated just to do periodic testing to make sure it’s ready to go in case of an emergency. Once every 2 weeks it would run for 45 minutes, and the noise analysis shows the decibel level at the nearest property line wouldn’t exceed 16 DBA’s which is actually much lower than a typical piece of lawn equipment like a lawn mower.

They also submitted a property value analysis that was not specific to this site it was a recent study done within the past 2 years that essentially shows based on recent market data that even the construction of a new 150’ tall cell tower in a residential community directly in the view shed of residential structures didn’t result in a depreciation of property values. Here we aren’t even dealing with a new tower, proposing putting antennas on an existing 95’ water tank.

Since they put in the response to comments at the public hearing the planning board did retain its own technical consultant. Who took a closer look at the studies that they had submitted with their original application, which included the site selection analysis and search ring justification. And they did receive back the consultants comments which they feel were very helpful and pointed out even some things that they had overlooked.

\*\*All reports that pertain to this application can be viewed online at the www.chester-ny.gov website under the planning board calendar for May 16, 2018. Or can be viewed by FOIL request in Town Hall.

Clint Smith (Consultant) brought up his original report on the projector a long with the response from Verizon’s response to the consultant’s report. Mr. Smith went through detail of his report. He also explained to what some of this all means.

Clint and the engineer from Tectronix and Allyson did discuss back and forth on some of the charts.

Polled board:

No decisions will be happening tonight. Clint didn’t get a chance to really go over the response to his report. Chairman stated he has some general comments.

Chairman pulled up the zoning codes 89-6. Chairman stated many of the comments the night of the public hearing was, why here? Why us? There are different ways to interpret laws and zoning. Unfortunately there is no black and white. Chairman stated that he feels lawyers interpret one way and feels they interpreted this code and read the code 89-6 A in regards to priority a(1)a being highest priority and the a(1)e being lowest priority if you skew it up that way. Chairman stated another way to skew it is, if you walked in the door and the tank was not there he would also say that it was the worst place for the tower. So now you have the best place and the worst place at the same time, and that’s something that the Chairman stated he’s struggling with. This was probably meant to go on existing telecommunication towers. He still has a problem where he’s not seeing what other sites besides large towers, because that is all we keep hearing tonight. Keep hearing that you only searched large towers in the town. So we only have the Creamery Pond Tower, point is, understand that we have to play by the federal rules and state rules there are all kinds of rules. But big problem here is why can’t it go somewhere else? I keep hearing the same statement that “the town requires” Chairman does dispute that. The ultimate goal would be to come back to say you have looked at every other alternative you possibly can, and there is no other alternative. I would like for you to come back and tell me what other areas besides just having a uni-focus on a(1)a. You are proposing going next to a housing development, approximately 1,100 people. That’s a big group that lives in there. Chairman stated that he feels Clint Smith supported the federal government has guidelines, it can trump this planning board so if it turns out this is the only location you can go to the MF is an issue we can’t discuss, it’s unfortunate. There might be emotional issues. It’s the government not the Planning Board. But there are other issues here. Why can’t this go somewhere else, and show us some alternatives. Tell us why that wouldn’t work as well.

Polled Board:

Bob: Stated that the last thing the valley needs is another 150’ tower poking up from the Sugar Loaf fire house or another building in Sugar Loaf if you are thinking about commercial areas. Can we look at other sites? Are we going to find a better site that covers the area, probably not, within an existing structure that we don’t have to have another tower built someplace.

Carl: Building on what Bob stated, on one hand, we don’t want another tower built but we don’t want to use an existing water tower which impacts local residents. Asked if there was another tall structure within the search ring. Allyson stated that there was one in Creamery Pond however the topography didn’t give them the coverage they needed.

Jackie: Stated she thinks the same thing, that they found an area that worked and it propelled you in that one direction, but it’s a whole community. Stated that it needs to be presented that this is the primary location that is going to work and for these reasons, that is won’t work for these reasons….the community has to know that. And where does it reach on ground level. We owe it to people to know.

Dot: Stated that she agrees that they do need coverage in that area and they comply with the FCC regulations, am inclined to see some other searches for other locations.

Konrad: Stated that he looks at a map and it shows that it is provided with sufficient coverage the area that’s lacking is further up by Creamery Pond. We are asking the people in Kings Estate to accommodate this tower to improve reception elsewhere. Konrad stated he’s not sure that’s fair. And believes with the best interest of the town we need to respect our neighbors. Would hope Warwick would respect us. Feels they would have to prove that the Creamery Pond area is no good make a better case for that. It may be a yes or no or maybe it’s a question of percentages and we think we need to know that.

Allyson stated that they did provide a supplemental analysis in response specific to the Creamery Pond water tower. And went through the various reason why it would not meet there coverage capacity objectives. They did a similar analysis at the Warwick prison site just to show they did look at other locations and for various reasons they were not viable candidates.

Jackie stated that a comment was made that all they were not using all the channels that are in existence or is that something that she misunderstood? Clint Smith commented that she did not misunderstand. Jackie stated that, there are channels that aren’t being utilized? Or not utilized to capacity.

Barry: Why can’t you increase the pts capacity to meet the 700mhz which you are seeking? The former prison is a pcs signal, why can’t you increase that to 700mhz to take over the capacity. Engineer (Techtronix) they have very specific licenses that are for very specific bands that are available to them they can’t just change the frequency to make it propagate. Barry also stated, on page 10 you have the ring for creamery pond and on page 5 for ring for silvertail, can’t see where coverage starts or begins. The next time you come in you should have any overlay.

Allyson stated that the new submission is intended to replace what their original application was as far as the search ring etc according to the Consultants comments on his report.

Barry also stated that he would like to see some definitive that Verizon can’t approach the utility tower on the other side of Kings Hwy that you can’t put the antennas on their tower. You have a utility line that goes right across Kings Hwy to Darin Road, right opposite to Kings Estates. Wants to see something definitive from the company that owns that tower denying you access to that tower. (It could be an Orange and Rockland tower) Chairman stated that they probably don’t allow it anymore but to get us something from them that they don’t allow it.

Chairman stated it’s our mission to do our do diligence, we don’t always make the most popular decisions it might come down in the end that we don’t have much choice and you have proven your points, and I’m not saying you haven’t but we have asked some questions tonight and would like you to go back and get those answered for us. We have asked for a legal opinion for Dave, again we don’t want to take the cheapest way out we want to do it the right way. We brought Clint in late in the game, there were some deficiencies in your reports so believe we need to work together we are not adversaries. Everyone has each other’s contact info. You can come back on the June 6th meeting at 7pm.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti

Planning Board Secretary