

**Town of Wallkill
PLANNING BOARD MINUTES
September 7th, 2016**

**Members in Attendance: Gary Lake, Tom Hamilton, Bill Capozella, Jim Keegan
D. Dulgarian, C. Najac, A. Guattery**

Also in Attendance: Dick McGoey, Consulting Engineer, Gardiner Barone, PB Attorney

PLEDGE OF ALLEGIANCE

7:30 PM – MEETING OPENED

Update from ZBA Liaison

G. Lake Welcome to the Town of Wallkill Planning Board. We have one public hearing and a public informational hearing. tonight. If you would like to speak fill out a blue card and we will call your name. I'll have Marylynn read the notice as it appeared in the paper.

Moran Residential Radio Tower – 35 Restorative Lane (48-1-20) #50-16
TOWN OF WALLKILL PLANNING BOARD NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING of the Planning Board of
The Town of Wallkill, Orange County, New York will be held at the Town Hall at
99 Tower Drive, Building A, Middletown, NY in said Town on the 7th_day of
September 2016 at 7:30 pm or as soon thereafter as the matter can be heard
that day on the application of Michael Moran, 35 Restorative Lane, Middletown
NY 10940 For approval of an application pursuant to FCC ruling PRB-1 and
Section 249-38 of the Town Code, for a Special Use Permit and Site plan
Approval to construct and operate a HAM Radio Tower at 35 Restorative Lane,
Middletown NY 10940 (48-1-20). Under Section 249--38of the Zoning Law of the Town of Wallkill.
All parties of interest will be heard at such time and place.

M. Moran My name is Michael Moran and I am looking to do a tower of approx.. 100' for personal use at my residence.

G. Lake This is for HAM operation use which is governed by the FCC. I'll go thru the board to see if they have any comments. (all board members stated after the public). Motion to open the PH at 7:37 pm.

M. Kelly Matthew Kelly, 47 Restorative Lane, directly next door. I have to say that I speak in front of groups on a regular basis but having to do it here stinks. I love our neighborhood, it says in the Town of Wallkill we care, the Kelly Family. As a neighbor I helped his wife get a job. We are great neighbors but we are completely against this tower. I understand it's a hobby. I tried doing a test in my backyard to try out the proximity with tree ht. etc. I tried to take a balloon and send it 80' in the air. I knew it would be above the tree line. I work 10-12 hour days and want to come home to peace and quiet and not seeing an antenna stick out - maybe not now but when there is not full foliage. We have tons of health concerns. We don't know much but I have lived next to a tower before and I could not use my cell phone in my house bc of the reception from the radio tower. I had a landline that still had feedback! I moved into this neighborhood knowing there was none there. I could have picked other houses but we did not bc one of them had a water tower. These are things you don't want to see when you come home. I have been here 3.5 years now and none of us moved here with that in mind. We have underground electric. We purposely don't see anything when we come into our neighborhood. We have concerns. WE love our house and want to stay there but who would buy a house with a tower next door. I like him and his family but I don't want a tower.

G. Lake Give us a hint what this is going to look like. It is a single rod being held up by wires?

M. Moran I don't have a picture bc it's not up yet. Matt and I have been in my dining room last night and discussed this. We are both passionate with it but my concern is health and I would like to address that. Not one person here does not have a cell phone on them now or a Wi-Fi network in their residence. They are constantly transmitting 100% of the time. In my case this would only be happening when I am operating. It could be 1 hour, 8 hours, 24 hours. I am raising 2 kids myself with my wife. The health concerns are not the same as a cell tower with reflectors pointing down etc. the lack of info on this topic makes people freak out. It's never been heard of before. The frequency used in amateur radio is nothing like microwaves, anything that harms the human body -especially when its 80-100 feet in the air. I have the frequency range that would be coming from the tower - the maximum allowable power of the FCC which is 15000 watts, I have been told that number alarmed some people. The one that Michael spoke of was probably running 50 to 100,000 watts continuous power. That is not something I can physically or legally able to do. The equipment needed to do that is extraordinary. The fact of interference is that if you don't understand frequency range you won't understand interference. I genuinely understand the concerns. if I thought there was any danger in this I would not do it. the mere fact that people have Wi-Fi network and cell phones and think nothing of it. I bought this property because I am off the roadway. I don't want to be an enemy to anyone because of something that is good to this country. That is why there are so many stipulations to operate legally. Equipment that is meant to operate on this frequency is not meant to go and make something that could potentially cause a problem. There are many restrictions and rules. I do feel the concern for the neighborhood aesthetically. I walked around and hoisted up three balloons myself that did go straight up to the approx. Level. I took a picture. There is so much foliage .. this is the balloon

from 30' behind my car. The driveway is about 500' long. This is what you see when you are at the roadway and my mailbox. Even without leaves on the trees there are so many trees in the area there is no view of the property or very minimal view. There is a 30' drop from the roadway to my driveway where the tower is proposed is 30' less than the roadway. The trees on the roadway are higher due to the ground being higher. This is about 2 feet wide.

G. Lake that is basically what I have seen and they are held by guide wires?
(yes). Anybody else before I close this PH?

Mike Ruffino Mike Ruffino , 22 Restorative Lane. One of the things my wife and I were looking for in 2009 was deed restrictions. We moved in with the understanding that certain guidelines were going into moving into this neighborhood. Not being able to park an RV in front, you are not allowed to have a clothesline in the back yard. Where our property is we are at the top of the mountain across the street from his property. We are going to be at an add'l elevation of 30-40' above where Mike lives. We are now able to see over the foliage. That is one concern. I'm not sure how this is allowed with deed restrictions.

G. Lake You are telling us you have deed restrictions allowing you to do certain things.

Mike Ruffino Yes, there are certain guidelines. When we signed our mortgage it was given to us, no clothesline, in ground pool is required - no above, no trucks for business. No for sale sign for no less than 2 years. We were made aware of them. Just curious to see that now a 100' tower is acceptable?

G. Lake I have to assume that is not in the deed restriction.

G. Barone Typically it seems the intent is that the developer will incorporate into the deed when they grant off one of the parcels a list of deed restrictions. Also, some of those might be on the SD map. Send me a copy of the deed and restrictions I will look at them. Typically that is a private matter to be enforced between the landowners and not by the PB.

Mike Ruffino Why does the tower need to be 100'?

Jason T. I live down the road from Mike. I work with his wife. I'm against this. You go on the internet and all you see is 100' gaudy towers that stick out. That may have been a bad first impression but I think of when I moved in the neighborhood, its quiet, the wires are all underground. It's a pleasing looking neighborhood you throw up a tower and it juxtaposes that background and it does not fit. It's a bad first impression. It's a nice quiet quaint neighborhood. It's simple and aesthetically pleasing. It doesn't fit. Property values, that's a concern. There is not a study that says you have a ham radio tower here and you are going to lose some percentage. The general consensus is that property lost some values. Potential buyers are turned away because of that. Again, as far as the interference, I know there are different radio waves but it shouldn't be an issue but I have the \$20 walkie- talkies and I overhear them over a baby monitor! I don't know if that is the same frequency but it's always mentioned in conversations - towers like that. It's a concern for public record. Thank you.

F. Slalovic I live a couple houses down. I don't know much about radios, I saw pictures before I came here - it looks silly to me. The only concern is my house is also 500' from the street. I wanted to put a pool in and there was a deed restriction. I know it's not something you have power over but it is something I was adversely affected by. Instead of buying a \$5000 above ground I had to put \$100,000 pool in. I also wanted to put up a shed that no one would see with the foliage and I was told absolutely not with the deed restrictions. I'd like to submit the deed restrictions as well as pics of a ham radio tower I found. I think if it was a little smaller maybe below the tree line? I just want it put on record and what footage you need for this hobby. If he lowered it a bit it might be more pleasing.

J. Barrowin Hello - I'm building a \$500,000 house there. We are friends and I don't want to create waves but like Fred said before at closing I had to understand the deed restrictions. I have kids and a huge playground I took with me from my previous house. You can't have that at this house - it has to be in the rear from the foundation back. My house only has 70' behind my house so I will follow the rules and not put it out in front. I don't know the health effects. I just want the deed restriction aspect heard. Thank you.

G. Lake Ok - come on back up Mike. The 100' tower, does it need to be that high?

M. Moran no, it doesn't. We are friendly and I would have no problem with 80'. I had that in Warwick for many years. You can't see any of this on my property. I walked all around with the balloons up at 95' so I could explain this. This is important to me and the deed restrictions are basically civil. They have to enforce them on everybody. I'm not here to turn in people that have above ground pools, sheds etc. I am getting the finger pointed at me and I have no issue with what anybody does on their property. We work hard and pay for our mortgage. I would love to see the pics that Fred googled. If it was a 100' tower on a ranch in Florida with no trees of course it will stand out. Where you live is beautiful, that's why I picked it. I am not looking to start an issue here.

G. Lake Basically we are dealing with facts. You can lower it by 20'? (yes)
As far as the deed restrictions I don't know...Motion to close the PH - Andy/Jim

Public - can the PH be left open for comment letters?

G. Lake I'll get to that - all in favor - 5 there will be 10 day write in for comments. Questions have come up and I'm not a radio guy. I will go thru the board and proceed from there.

D. Dulgarian The 100' - what dictates what would be required?

m. Moran you can have 2 antennas and stack and have separation. It's technical, when I ask for 100' I said maybe one day I will have another one on and have 50' of separation. 1500 watts is a power setting. If you want to get a signal further you are going to use more power.

D. Dulgarian So you intended to put up a 100' tower with an antenna at 50'?

M. Moran No with an antenna at 100 and the capability of putting another one at 50"

D. Dulgarian What would be the difference for reception?

M. Moran Without getting into facts, at certain bands it has an effect, the higher you are the better signal you put out. It's better to be higher than lower. It gets very technical - there is a difference.

D. Dulgarian Obviously we are going to table this.. Without having a drawing and a feel for where this is in relation to the neighbors .. I boringly thought this was in the middle of nowhere and it is in the middle of somewhere. There are a lot of neighborhood concerns. something we always look at is how the project changes the characteristic of the neighborhood. i will look at this deeper myself and go out to the site myself. If you can explain next time the power output, the ranges, etc. if you went to 80' would 60 or 50 be good enough?

M. Moran I would prefer to be 80'.

D. Dulgarian Ok - we are not here to design just to find some sort of compromise.

J. Keegan I have no experience with this type of radio tower. Hearing from your neighbors I would like to get out there to see for myself before I am able to vote.

B., Capozella I did a little research. I know one of public bought up health concerns. When you looked it up and tried to figure it out it did not have any weight. There are some other concerns I have. I have a little experience with these towers bc I have on my road. It got tied into my landline. I am comparing something with 25 years ago but I would like to know how that doesn't happen today. The tower my neighbor has is not very big but again this is a point of why we have a PH to get the neighbors in. You get ideas how they feel and the board feels, the deed restriction has to be looked at. We have to protect ourselves and the Town as well. It might be civil, but things get tied into us.

C. Najac I agree with Doug. Little experience with radios, I built a couple of CB units myself. The thing is there is some interference built in so I need to do more research. Distance makes a difference. I think we need to take a look at this.

A Guattery the paperwork says there are 2 towers. (there is another 50' tower)Are there options for this 80-100' tower? Does it have to be a 3 pole, lattice straight up, are there options to limit what it looks like for us to see? We all want to get a better look at what this is going to look like.

M. Moran I'm trying to remain as professional as I can because it's touchy to everyone that is here. I could spend hours telling you about this and I don't feel it is a topic we should rush thru. It's a wooded area and there is not one of us that sees everybody's house. These are things I would like you guys to see. The interference of 30 years ago is because TV was over the air and

was not cable. It is a huge thing that needs to be addressed. CB's were very close to channels 2, 4, 7 and 11. People will laugh but that is what happened. I'm happy someone relates on the board.

C. Najac I also understand you are putting out microwaves thru the air...

M. Moran Not microwaves...

T. Hamilton Why can't we have a drawing or picture of the exact tower you are going to buy? I have not seen it, not even a site plan of your property showing exactly where you are going to build. I want to see what it looks like. Is it going to be like this picture?

M. Moran I would have to see that.

T. Hamilton You must know what you are going to buy? We need to see exactly what it will look like. What is the 50' not giving you that the 100' will?

M. Moran its multiple bands on the 50' and multiple on the 100' I was hoping to do the same here that was on my other house. The higher you go the more signal you have. It supports other bands I would like to use.

T. Hamilton When does it stop - you keep adding more height?

M. Moran I feel like I am being laughed at here. I am giving you information and have supplied it to the engineer. I am not looking to fight with anybody or laughing at me.

T. Hamilton in your narration before you spoke about the 100' but before you were saying about having the capability to add more later to that tower. I just want the straight story and what is going to happen if that tower goes up - can more be added or do we say no more can be added? That will be a part of our review.

G. Lake Ok - I'm not a radio guy. I realize you can go out and buy walkie talkies and they bounce all over the place. I don't believe that is what happens with a ham radio. I think you need to return with that information - what will it affect and/or historically affect? If you return with something from the FCC or something it gives us a base to make a decision on. I understand people not wanting to hear you come over talking on your radio. I believe there is no health problem. We are going to table you tonight to get us the add'l information. I do need you to waive the 62 day time frame. (yes by Mike Moran). Just in case you don't get back within that time. There will be a 10 day write in period for comments. When do you think you can get this information?

M. Moran I have some pictures here.

R. McGoey He should return to w/s with the information to review. I have a site survey only - 11x 8...

M. Hunt I can get him in late Monday.

G. Lake Ok - then we will place you on the 9/21/16 agenda. motion to table - Bill/Andy 5 ayes. This applicant has been tabled. There will be no more notices in the paper. If you are interested he is back on the 9/21/16 meeting which is not a PH.

G. Lake The next public info hearing is about canopies in front of convenience stores which usually need variances after speaking to the Supervisor we agreed it's a non-due burden on the ZBA and the applicant. The ZBA has never denied them.

PUBLIC INFORMATIONAL HEARING: Change to Code allowing Canopies in front of the main building w/o the need for variances (accessory in front) Chapter 249

M. Hunt TOWN OF WALLKILL PLANNING BOARD PUBLIC INFORMATIONAL NOTICE PLEASE TAKE NOTICE that a public informational hearing will be held by the Planning Board of the Town of Wallkill on September 7, 2016 at 7:30 pm or as soon thereafter at Town of Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York to consider amendment of certain sections of Chapter 249 of the Town Code to permit various structures and installations in the front-yard of Gasoline Filling and/or Gasoline Service Stations, including canopies, pumps and related equipment and accessories. All parties of interest will be heard at said time and place.

G. Lake Motion to open this PIH at 8:18 pm. Motion to close this PIH at 8:19 pm. Andy/Tom 5 ayes.

D. Dulgarian I was on the ZBA 20 years ago and we talked about this change I'm glad it's finally being looked at. I agree 100% it should be automatic.

B. Capozella I agree.

C. Najac I think we need to amend the zoning but does this affect only gas stations? The way I read it does not specify and only affects gas stations. They should be automatic but someone can now build a canopy and not have structure?

G. Lake It is meant to solve the problem of the convenience stores like Stewarts. That is how the conversation got started. If you want to add gas stations/convenience stores we can do that and send it down with a recommendation.

C. Najac I was thinking for the purpose of fuel pumps. Whether that is all gas stations or strictly a convenience store.

A Guattery I want to be careful that it is not automatic for Wallace that wants to start filling fuel trucks. Just want to make sure the verbiage says we are talking about gas stations.

T. Hamilton What about the height. A lot of the canopy heights are ridiculous. Is there a reason?

R. Mcgoey Quick Chek was excessively high.

G. Lake Talk to Tad after the meeting about that wording and he can rewrite this and give it to Will. Motion to send to the Town Board with any amendments talked about. Andy/Clark 7 ayes.

Berman 14 lot Subdivision – Ext. to Conditional Final – 525 Rt. 17K (5-1-3.21) # 66-04

P Berman We have conditional final for a 14 lot SD - the conservation cluster SD on 17K. WE are asking for an ext. We were here last year and have been working with the Town Atty and the rest of McGoey's comments. We just rec'd updated maps and reports and are hoping to get going this year.

G. Lake Ok - I have no problem with this. At some point this board might want to look at the length of time, I don't think we are there yet, this was one of the better conservation SD that we have seen. I am going to recommend that we give you another year.

G. Barone According to my notes this would be the 4th extension.

D. Dulgarian Ok and extensions to the preliminary..

P Berman Yes, the DOH.

D. Dulgarian I'm good with one year.

No other comments from the board.

G. Lake Motion for one year extension to the conditional final approval. Bill/Andy 5 ayes.

Garewal (Salzano) 2 lot SD – Ext. to Conditional Final – 747 Prosperous Valley Rd. (3-1-104.21) #61-06

G. Lake This is here for an extension. Motion for one year extension to conditional final approval. Andy/Tom 7 ayes.

Rossi Site Plan/Special Use permit Ext. to Final– 477 East Main St. (50-2-6.22) # 52-10

F. Rossi I am her for another extension. Property has been marketed for some time. I have had interested parties but they backed out based on the cost of building.

G. Lake Same thing, he's asking for a year.
(all members stated no issues. Motion for one year extension - Andy/Clark. 7 ayes.

Liberty Commons SP REV – Et. To Conditional Final – 107-1-1.1 (# 66-13)

T. Ollie I'm here for Liberty Commons. This is our first extension, our mylars are over the OCH Dept. for signature. We will then present them for the Chairman to sign.

G. Lake I'll go thru the board. (all members stated no issue) Motion for one year extension - Doug/Jim 7 ayes.

Fisher Retail Site Plan/Special Use Permit –Ext. to Prelimin. - Tower Drive (41-1-94.21) # 15-05

E. Johnsons Good evening, Ernie Johnson from Fusco Engineering. We are asking for an extension for Fisher Commons. WE submitted to OCH, NYS DEC and DOT. We rec'd comments back and are resubmitting.

G. Lake I'll go thru the board. (all members stated no problem) Motion for one year extension to preliminary. Tom/Bill 7 ayes.

Family of Faith SP Revision – 240 Midland Lake Rd. (40-1-60) 3 28-03

Rev. Thayer Reverend Thayer, Family of Faith.

G. Lake We sent you to the ZBA.

Rev. Thayer They approved the variance to leave the parking lot unpaved.

G. Lake Dick , your comments?

R. McGoey PB felt the parking lot needed repairs. I did go there and he probably could do some grading of the parking lot and something to keep the dust down.

Rev. Thayer Yes.

R. McGoey HC parking spaces need to be restriped. One parking sign is in the aisle space. The shed should be shown on the site plan. it can be part of the Boards approval tonight.

G. Lake they are simple items. We will approve you subject to that work being done and submitted a map for signature that shows the shed as well and proper HC signage.

D. Dulgarian I like it when it does not need to be blacktopped.

No other comments from the board.

G. Lake Motion for site plan amendment subject to all comments. Andy/Clark 7 ayes.

Roselli 2 family Site Plan/Special Use permit-220 Shaw Rd. (24-1-1.82) # 55-16

D. Yanosh Dan Yanosh appearing for Kathleen Roselli. Existing lot created in 1990. 3 acres, wants to put a 2 family home on it. It was approved with a septic in 1990. It's so old we had one done. We are ready to go to KC Eng. With it.

G. Lake Ok we need to set a PH. Are you ok with Dick's comments?

D. Yanosh Yes, I spoke to Lou Ingrassia and Mike Aumick, she has to extend the pipe - I will give them an easement. I will change the parking from 6 to 4. She is only bldg. a one bedroom each.

R. McGoey Details of the grading plan..

D. Yanosh It's a pretty flat site. I will meet highway to see what's out there as far as a culvert, etc.

G. Lake I'll go thru the board.

D. Dulgarian As with all 2 families I will ask you to locate any 2 families nearby to give us an idea of the character of the neighborhood.

No other comments from the board.

G.Lake Motion to set a PH on 10/5/16. Doug/Jim 7 ayes

Discount Apparel Printing Site Plan – 85 Excelsior Ave. (75-11-27) # 24-16 (ZBA approval rec'd)

J. Scott Justin Scott. I'm here for Discount Apparel, I rec'd my variances.

G. Lake I think this will be a good use for this building. I'll go thru the board.

D. Dulgarian It's always been commercial. I wish you luck.

J. Keegan It's a great fit.

B. Capozella Outside storage? Please note on the plans no outside storage.

T. Hamilton The comment on the lights?

R. McGoey Are you going to take care of the lights?

J. Scott He said there are bulbs with shades on them right now.

R. McGoey I'll take a look, when I went out a month ago they were still...Provide a detail of the shield. You have to pick out something and have Kirk Rother show it on the plan. you will need to have a detail on the plan.

G. Lake Just add a cut. So that they shine down.
I think it will be a good use. Motion for a neg dec/part 3 EAF subject to comments.
Tom/Clark 7 ayes. Motion for site plan approval subject to same. Andy/Tom 7 ayes.

Good Luck gentlemen.

G. Lake We need to reset a PH for the Residence Inn/Extended Stay on Tower Drive. Motion to reset PH to 10/19/16 - Bill/Jim 7 ayes.

MOTION TO ADJOURN.