

APPROVED: 9/16/10

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
June 17, 2010**

A regular meeting of the Town of Highlands Planning Board was held in the Court Room, Town Hall, Highland Falls, New York, on Thursday, June 17, 2010, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Cathy Kelly
John Hunter
Chris Dyroff

Absent

Terry Holt, Deputy Chairman

M. Justin Rider, Esq. (Rider, Weiner & Frankel, P.C.), Attorney for THPB
Paul Pelusio, P.E. (J. Robert Folchetti & Associates), Engineering Consultant
Leslie J. Dotson (Garling Associates), Planning Consultant

ALSO PRESENT: John Hager, Building Inspector, Holly Gokey, Deputy Supervisor, Glen Moyer, Chris Moyer, Anthony Gioffre, Jane Oswald, G. Lawney, Sam Lawney, Matthew Lawney, Mark Prendergast, Sal Fiducia, Anne Marine Fiducia, James Thomson, Michael Colacicco, Samantha Kelly, Deborah Kopald, Karen Parashkevov, Susan Salazar, Manuel Vicente, and Marc Anderson.

The meeting was called to order at 7:00 P. M. with the Pledge to the Flag. It was noted that there was a quorum present.

A motion was made to adopt the May 20, 2010 Minutes.

Motion: Dr. Kelly Seconded: Mr. Dyroff Approved

COMMUNICATIONS:

- A letter from Glen Moyer, of 6 Hillcrest Road, Fort Montgomery, in reference to the Cell Tower which will be discussed under New Business.
- A letter requesting a FOIL for the information on that which will be part of New Business.
- Orange County Support Staff Annual Planning. An annual class for the Secretaries for the Planning Boards. The Chairman will pass this on to Irene Condoulis.
- New York State Association of Towns Summer Planning School, Wednesday, July 28, 2010 at SUNY Orange. If anyone is interested, the Chairman will have it available for those who still need training.
- Certificate of Attendance for Dr. Kelly for her Planning School attendance.
- A letter from Orange and Rockland about work and their easements.

VOUCHERS: - June 2010

Rider, Weiner, Frankel, P.C. (Attorneys)
General Planning

\$297.50

The Chairman submitted the voucher to the Comptroller.

OLD BUSINESS - None

NEW BUSINESS

Matthew Lawney for Sylvestri Land Trust, 36 Montgomery Road, Fort Montgomery (Site Plan Section 15 Block 3 Lot 30 R-1-R Zone)

Mr. Lawney stated that they are adding an addition to their house. They have a two-bedroom house now. They are adding a master bedroom, bathroom and kitchen to the back expanding to accommodate their family. He also stated that there are two (2) structures on the property and this proposal is for an addition on the single family dwelling and there is no proposal for modification to the multiple dwelling on the property. The submittal was sent to the Board's Attorney, Engineer, and Planner and all generated Comment Letters for the Board.

Ms. Dotson, Planning Consultant, stated that it is fairly straightforward, with the exception of the question of whether the complication of the multi-family and the single family on the lot makes a difference. This specific action itself seems straightforward. They are not making that much of a change. The plan is somewhat deficient and hard to read because the scale is very challenging. There is not much information on the vegetation. It seems clear that there needs to be some clearing.

The Chairman had asked the members to visit the site prior to the meeting and they reported they had.

Mr. Lawney clarified the existing vegetation. The Building Department had reviewed the house plans.

Mr. Pelusio, Engineering Consultant, stated that with the scale of the Site Plan they were not able to definitively determine the Zoning conformance and requested modifications.

Mr. Lawney stated he understood the reasons, but explained that the added expense of coming to the Board, and the other expenses were very substantial and asked if there was any relief that could be given, it would be appreciated.

Mr. Pelusio also noted that on the Application Form there are two (2) different names listed for the property owner and the Applicant.

Mr. Lawney stated it was his Grandfather and that he had the Power of Attorney and he had the documents with him. Mr. Rider stated that he has worked with Mr. Lawney before, and had seen that document, but that documentation should be submitted to this Board. He also noted that he could not tell if any of the GML county referral requirements were triggered.

The Chairman asked Mr. Rider and Ms. Dotson whether is it appropriate to conduct the balloon test for sighting before the Board makes a referral to the ZBA, or should the referral come first?

Discussion ensued concerning the Applicant's risks of moving forward prior to receipt of variances.

Mr. Gioffre stated that information from John Fosta came out in November of last year and the FCC's mandate that applications be acted on within a reasonable amount of time. It would be in everyone's best interest to move this along. They would appreciate a referral understanding that they would still need to work with the Consultant that you would retain with the technical expertise in this area, and understanding that if there is a need, and some of the issues or the visual analysis needed at that point that the Board would keep the Public Hearing open at any time. In the interest of time, they request that the referral be made and the Board designate at this point a time for the balloon float to be conducted so that we can get that done because it has to be done on notice.

The Chairman is not 100% sure that we have listed all the possible variances. Mr. Hager agreed, since he has not reviewed the plans sufficiently. Mr. Rider stated that Mr. Gioffre has indicated that he will make a submission to the Building Inspector with the expectation that there will be a denial and a referral to the ZBA. The Board is in agreement, as well as Mr. Gioffre.

Mr. Gioffre stated there may be interpretation that they were going to make in lieu of a variance or the alternative of a variance. He thinks it is the cleanest way.

The Chairman inquired to Ms. Dotson concerning the balloon test since she has experience in these types of projects. Ms. Dotson stated that typically, you try to give as much notice as you can, and you try to outline the locations where the photos should be taken as closely as you can. Typically, your consultants are on the ground at the time that they are being done accompanying the people who are taking the pictures, and maybe taking your own pictures, so that you see all of what is being done. To make sure that it is all on the up and up and to make sure that you are not missing something that is right in front of your face. Honestly, given the number of locations that are being proposed and given the difficulty of assessing some of them, will easily be a whole day, probably more. Unless there are several people accompanying taking pictures, which is also a possibility, this is going to take a chunk of time. As many Board members should be there as possible. A question that may come up is whether members of the public can also come along.

Mr. Gioffre made the comment that the Board Members will be invited to drive around and assess the views, but he would not suggest that the Board Members do it to constitute a quorum. This concern was noted by the Chairman.

Mr. Gioffre will publish in the paper the notice of the balloon float, the date and time. He is confident it can be done in one day taking the representative view points, although he has not had a chance to review the documentation to see all of the view points. While they were driving around there would be representative view points so that view points will be taken from around the Town as the topography necessitates.

Ms. Dotson said that the list she provided was intended to be broadly inclusive. It may be ridiculously large, but again, she would rather throw the names out now so that they are on the table.

The Chairman plans to have the Consultant in place next month. This test is not what we are retaining him for. There is no issue with setting a test date and then completing the location list within a couple weeks before the test date. We have a preliminary list to start and Ms. Dotson will contact Mr. Antovino of Scenic Hudson. If we set it post the next meeting we can finalize the list at our next meeting of July 15, 2010.

Mr. Gioffre suggested setting the date for the balloon float for July 24, 2010 with a rain date of July 31, 2010. The Chairman indicated he would be present, as well as the Board Members.

The project will be on the agenda for July 15, 2010.

Mr. Gioffre thanked the Board for their time and look forward to working with them.

PUBLIC COMMENT

Mr. Glen Moyer, 6 Hillcrest Road, Fort Montgomery, NY

He read a statement to the Board:

“I would like to present the signatures of 66 residents of town who put their names to a letter addressed to both the Planning and Zoning Boards. We got these 66 signatures in something short of 3 hours, and approximately 90% of the people we spoke to willingly signed this letter. I won’t read the letter verbatim, but will point out the main issues the signers deemed pertinent:

- They all opposed the installation of a cell tower at the site of the Holiday Inn Express on 9W.
- They all felt the Planning and Zoning Boards need to uphold the integrity of the cell tower law that exists and not grant exceptions.
- They feel that the location which is in the heart of the Hudson Highlands is completely inappropriate especially since the tower would be visible from so many important historical and scenic sites.
- They feel there are other places in the Town of the Highlands where a tower, if is proven to be needed, could be located without impacting Fort Montgomery residents especially at a separation distance that is less than the ordinance presently calls for.
- They feel that the real estate values will be adversely affected and those homes affected will successfully have their assessments decreased, which would then require all other citizens in the town to pay more. All of this with the town reaping no financial benefits from the tower.

- They feel the visual impact on the community will run counter to the fine efforts of several organizations such as VISION who are attempting to improve the image of the town and of hamlet.

I have read the Town's Cell Tower Law and can easily see that the proposal would need some huge variances. One key issue is and the biggest one, in my opinion, is the separation from existing homes, where a 1,000 foot requirement is very clearly stated. There are homes that are as close as 250 feet. I am guessing that there are in excess of 12 homes that are within 1,000 feet. The research that I have done on cell tower issues – there is a reason for that 1,000 foot and it is not just a visual one. In fact, most of the European rules are at 400 meters which is 1,200 feet. The 1,000 rule is a little bit of a leniency. I feel that a variance of that magnitude from 250 to 1,000 feet is just too drastic. I am hoping the Board has the authority to just reject this because a variance of that dimension, in my opinion, would render many of the town ordinances invalid. They are not worth the paper they are written on if someone can just come in and ask for a variance for that degree. My opinion is a variance is if you don't meet the letter of the law, but you meet the intent of the law. A 912 foot clearance maybe, but not 250 feet.

Thank You.”

Ms. Deborah Kopald, 88 Forest Hill Road, Fort Montgomery, NY

“I would start by making a few comments about what was discussed.

The first point would be the balloon float issue. My understanding that this balloon test is going to be conducted on July 24, is that correct?”

The Chairman agreed that balloon float will be held on July 24, 2010 with a rain date of July 31, 1010.

“I just want to point out that July 24 is around the time we will have peak leaf coverage. So if you compare July 24 to the middle of winter, you are going to see a lot less of the tower than you would for most of the rest of the year. This is a tree coverage issue. I think it is important to take into consideration this visual plot as well when you are talking about visuals. This was done by Scenic Hudson. My understanding was that the Planning Board Liaison provided you with a copy of the Town Historian's submission to the FCC regarding the impact on historic sites. My understanding is this is enclosed within that packet so you will all get a chance to look at it. I would certainly be glad to Email it to you. What is really striking about this visual is that the tower can be seen from almost every point on the other side of the river, almost the entire span of the river, through the Town of Highland, and every single neighborhood in the Town of Highlands has at least one or two streets where you would be able to see this tower. It is important to take into consideration the computer modeling as well as the balloon test, especially given the fact that the tower company has chosen the points in the year when the leaves on the trees are going to mean you will see less of the tower than you would the rest of the year.

In regards to the comment about the consultant: I am not familiar with the consultants that were recommended. I think that it is important that the Board select a consultant who is not also working for this tower company on other proposals. It was not clear to me what the case was. I heard the tower company attorney say immediately that he was comfortable working with that consultant which indicates to me that he has worked with him before. I

would mention a consultant named Mark Hudgins. I would be happy to provide his contact information. He does not work for any cell phone tower companies. He exclusively represents municipalities. It is important that the Board be above reproach and pick a consultant who is truly independent.

I want to address the issue that was brought up about the requirements to show efforts to co-locate on other towers that the Town Attorney addressed. It is clear after looking at a FOIL submission by the lawyer/applicant on this proposal. It was provided to me at the end of the business day so I had a brief chance to look it over. It is a disingenuous comment that this is proprietary information that they do not know where to look for other towers. You can go to antennasearch.com, which lists most of the existing towers and wireless facilities. Not all of them it is not an exhaustive list, but it would certainly give this Board and, of course, the tower company a point of departure start.

My understanding was as well is that the company said a few things to Scenic Hudson. Number one: They said that everyone is on board with this proposal. Clearly that is not the case. They also said that the tower at West Point - it faces in the wrong direction so we did not consider co-locating there. Scenic Hudson's comment, which was my comment as well, was that tower looks fairly omni directional. It would not be that hard also to have another piece of equipment also on that ski slope. It is a very high mountain that faces toward the Town of Highlands. That to me shows that a good faith effort has not been made towards meeting the co-location requirement. I was happy to hear that the Planning Board will be using its rights under the law to hire its own experts. Especially, since I just had a few hours to look through this submission. It is filled with multiple of inaccuracies and deficiencies that I will point out. I would really say adamantly that I would urge this Board not to trust one word out of the Applicant's or their representatives' mouths. Everything needs to be verified independently by you.

Let's start with in this packet: The company hired a radio frequency engineer, Glen Priceberg to do a report. This report includes a sworn statement by the engineer saying that 'without the proposed facility, AT&T cannot provide substantially seamless service coverage to its customers as contemplated by its FCC license.' I would urge this Board to go over this statement with a fine tooth comb. Don't let word games fool you. The companies are not entitled to absolute seamless coverage under the Telecom Act. As for substantially seamless coverage, there is no proof in the submitted documentation that this is true.

There are two pages of radio coverage plots. In fairness, I was told by the Town Clerk that she was not able to provide me through FOIL request at this time with copies of the maps that you have, so I have not seen them." The Chairman stated that those are proceeding. They have to leave town to get them. They are coming. "I just wanted to say that I have not seen them. If there is information in them that I am saying isn't there, I wanted to disclose that I had not seen them.

I want to say that AT&T's ability to achieve their best possible aim with the land owner that is presently willing to deal with them today is not this Board's primary aim. This Board's primary aim is to uphold the laws in spirit as much as possible.

AT&T can undoubtedly improve their coverage by putting up towers in other locations in compliance with the Zoning Codes of ours and other municipalities. They just might have to spend more money to do so or have less than their desired aim, or have to approach a few

more land owners. We can all agree that this term substantially seamless coverage can run the gamut of various options.

What was interesting to me was in this filing they provided you with a list of sites where they said they wrote to land owners. Many of the sites in the list they provided here were clearly in non-compliance with the Code already. Places like the school and the fire department. Many of the items on this list were accompanied with a list of non-specific reasons why those sites did not work out. One such reasoning was ‘too far from searching objective.’ Now I ask what does this phrase mean. To me this sounds like pure cell phone tower mystery science theater, which is the best way I can describe it. What it sounds to me is that it says that this is not our first choice location. Some of the other places they say they considered included Fawn Wood Lane. This is a residential street in the middle of the Canterbury Road area, clearly not a place where a cell tower would go.

They make representations in here such as ‘the only feasible location for providing AT&T’s needed services in the area is here.’ There are plenty of locations that can provide AT&T with more service area. Again, they might require them spending more money. They also say that in accordance to the Zoning Code, the property provides the least visual impact to the area. I would say that it provides the most visual impact to the area, especially when you take into consideration this visual coverage plot. You can see the tower from Perkins Memorial Drive, from numerous historic sites that Stella Bailey compiled and put together in the filing that was given to you. You can see it from the Stonihurst, the Eristoff property which is on the National Register of Historic Places, St. Mark’s Episcopal, the Battle Site, various historic sites on the other side of the river.

In addition, this part of the Hudson Highlands is called an Area of National Significance by the 2004 Highlands Act. This area of the river is also under consideration for National Parks status. Maurice Hinchey brought a bill to that effect. To say there is minimal impact in an area that was very important in the Revolutionary War and scenic areas is laughable really. I think the Consultant did mention that there was not enough documentation on some environmental issues. There was one sheet in here about bird migrations. It was a letter from the FCC saying that there are a lot of endangered Peregrine Falcons whose routes are interrupted by cell phone towers. The FCC specifically asked that the company contact the Endangered Species Unit. There is no evidence in this packet that the company has followed up and done so.

The other really interesting thing on that list of proposed sites was that one of the sites they considered, it was strange, it was another property owned by Mr. Patel the owner of the Holiday Inn, and it was a property he owns in Spring Valley. They write in this packet that 1106 Route 9W was the preferred candidate over the Spring Valley location. So clearly there is another option they were considering, one they could use. AT&T says they prefer this one in Fort Montgomery, never mind that it is in gross non-compliance with our Cell Tower Law. But I would maintain that Homeland Towers and AT&T’s preferences are not our problem. If there are other sites where they can locate and they have pointed out that they could, our problem is to make sure that our Zoning Laws are complied with. This Application is proposing a substantial gutting of our Law. To me, it was like a slap dash list that I think they put together after they decided that Mr. Patel was a willing suitor, as evidenced by the fact that they have places that you would not logically consider to put a cell tower. They looked at land in about the 6% of the Town of Highlands that is developed and where most of us live not in the other 94%. They talk about looking at this site and Mr. Patel’s other owned site and I think that was the bases for their starting point not a good

faith effort to go through the Town and look at every possible site. I think that is very clear from those two pages they put together in slap dash fashion.

Some things were mentioned about the Environmental Assessment Form that they filled out. I want to point out some answers they gave to a number of questions that really beg serious questions. The first one is on page 4, number 14: Does the present site include scenic views known to be important to the community? Cell tower says no. I think clearly that as we discussed earlier, yes, there are very important scenic views that will be affected. Stella Bailey has provided you documentations to that effect. Next, page 9, number 6: Is the proposed action consistent with the recommended uses in adopted local land use plans? Cell tower says yes. I would ask you where does the local land use plan recommend putting a cell tower on this particular piece of property? When Mr. Patel bought this property our cell tower law was on the books so he could not have reasonably contemplated that he would be entitled to put up a cell phone tower. It seems to be that he is looking to plug revenue gaps because he is not making enough money through his hotel which does become an issue on the variances that are requested in terms of what the purpose is behind this demand. Page 10: Question asked: Will the proposed action create a demand for any community provided services. Cell tower company says no. This was discussed when the cell tower law was drawn up. What if the cell tower falls or there is a collapse which is something that has been documented with cell towers, or ice falls off of part of the cell tower and creates an impact on someone below there would be a need for emergency services. Of course, if a low-flying airplane collided with the tower, also known to happen, emergency services would have been called. To say no is not a correct answers. Page 12, number 3: Will proposed action affect any water body designated as protected? Cell tower company says no. I did not have a lot of time to review this, but I believe under the statute the Hudson would be an affected body of water. Page 16, number 11: Will proposed action affect aesthetic resources? Again it referred to an appendix so I was not able to check to see exactly what it was referring to, but clearly there is a major aesthetic impact in Highland Falls, Fort Montgomery, Bear Mountain, Perkins Memorial Drive, Cold Spring, Garrison, and along the river. Saying no is not really an honest answer. Page 17: Will proposed action impact a critical environmental area under another section of the statute? I was not able to check so I can't definitely say whether that was truthful or not, but something to consider. Page 19: Will proposed action affect the character of the existing community? Cell tower company says no. They did not fill out the sub-section where it says would the proposed action set an important precedent for the future? Clearly, it would set an important precedent for the future because a major gutting of the cell phone tower law to put up a tower wherever it is convenient for the company to make money sets a major precedent. That was not truthfully answered. Page 20: This was already addressed. Is there likely to be public controversy related to potential adverse environmental impacts? Certainly, I can see where it would be in their interest to put no, but I think that is not correct.

Essentially the Applicant is coming and saying change your laws so that we can make more money more easily. This really isn't supportable in my view for the reasons I outlined. I urge the Planning Board and Zoning Board to reject this really outrageous proposal. I went through all the criteria for the Use Variance and the Area Variance. Would it be better if I address this in the future with the Zoning Board or is it worth bringing it up at this juncture? Mr. Rider thinks it is most appropriate to address that to the Zoning Board, it is not this Board's determination in that regard. The Chairman indicated that the Zoning Board of Appeals makes their determinations independently.

I would, in conclusion, to re-emphasize what Mr. Moyer said that the Planning Board within the cell tower law it says in the purpose section: To uphold, to preserve the character and appearance of the town, while simultaneously allowing wireless services to be developed, protect scenic historic environmental natural or manmade resources, preserve property values, locate towers so that they do not have negative impacts on the general safety, welfare and quality of life, locate towers so as to provide adequate coverage and capacity with the least number of towers and antennas which are technically feasible. It is really that provision where I think that the cell tower company is looking for their financial interest and not honestly following the guidelines in the law to co-locate elsewhere and put their facilities in a reasonable location. The setbacks are a major portion of the law. They are there to protect peoples' property values. There are setbacks from schools as well. There are countries that don't allow cell phone towers in their schools. The Los Angeles County Board of Supervisors won't allow cell phone towers near schools. There are other states where they are not allowed near schools. That is part of the cell phone tower law and it is also not to just protect school areas but to protect peoples' property values because kids live in houses as well as schools. If you are going to give such a gross exception 250 feet you are essentially gutting a law, and again, to leave on this note, this law was negotiated carefully with the Planning Board in 1998. It passed 5-0 by the Town Board. Everyone had input on it. 1,300 people signed a petition at the time saying that they wanted a cell phone tower law that protected the character of the town that protected peoples' property values. This was the best that everyone could come up with various parties weighing in on different aspects of the issue making sure that there's space for wireless services to be provided. Indeed 94% of the town is undeveloped. There are plenty of places they could go. The company might have to spend money on an electric box or extra wires to run up the hillside or put it somewhere else. But again, it is their responsibility to comply with the spirit of our Zoning Law. Thank you."

Mr. Mike Colacicco, 3 Hillcrest Road, Fort Montgomery, NY

"My comment really is as a former member of the Zoning Board of Appeals for a number of years. This looks like a classic case of something that is going to bounce between the Planning Board and the Zoning Board of Appeals trying to get one group to make a decision when each group can make a decision. This Board can make a decision to deny the request. The Zoning Board of Appeals can make a decision to deny the variance. Frequently, they get ping ponged back and forth which does not do the Applicant any good. In addition to being opposed to it, because I live not quite 250 feet from the proposed tower – a little farther. I do believe that a large variance is just wrong. That is too large a variance to even contemplate. It is within the capability of this Board to go ahead and say no now whether it's a variance or not without having to bounce it to the ZBA. You guys can decide that now or a little later. I know that you will do an application to the Town Engineer and it is going to go to the Zoning Board. I will tell the ZBA the same thing that I did here. Someone needs to make a stand. You or the Zoning Board."

Mrs. Chris Moyer, 6 Hillcrest Road, Fort Montgomery, NY

"I also would like to express my disapproval with this whole circumstance. This has been a very emotional week for many of us. We just went through an election that has taken the wind out of my sails certainly when I see my tax bills. I can't imagine what is going to happen to our educational system, who knows, we don't know unfortunately. I feel this is another nail in a coffin that is going to send me floating down the river somewhere without a paddle. I am just sick over it. We bought our house and built it two years ago here. We

were excited about it. We thought the town had some potential, we still do. But after this week, I don't know, it is getting hard. I am losing hope and I hate to say that because it doesn't have to happen. All it takes is guts. Guts on a governing body who have the tools to work with. You have given yourself these tools – use them – take them and do what you morally think is right and say no to this cell tower.”

Ms. Sue Kopald, Fort Montgomery, NY

“The law was written in 1998 for a very specific reason – to protect the residents, to protect the schools. There was a proposed tower to go on the firehouse. It was totally defeated. The law was written to make a tower within 1,000 feet. It was very well written and very well documented, very well received by the town. 93% of the land in this town is owned by the government. Only 7% of it is taxable. 7% of the residents pay all the school and state and county taxes. As Mrs. Moyer just said, we had a budget vote this week. Our school taxes are going up 12% in September. This is not going to give us any revenue no matter where it is put, unless it is put on some spot that the town owns that is totally rural and away from everything. I urge the Board to reject it. I do own property adjacent to this and I am letting you know that. The placement is not the correct place to put it. If someone wants better coverage, there are other spots in the town where they can find to put additional towers, but not next to all the houses and all the residents. I am not even going into some of the health issues to have it beaming down on your house 25 feet away. It is not the spot. It will be an eyesore.”

Mrs. Marion Rockwell, 101 Forest Hill Road, Fort Montgomery, NY

“I just want to follow up on Sue Kopald's comment. I think the health issues are actually some of the most important issues to address. We have people that live very, very close to the proposed tower and I think it is the duty of the town to protect them, especially if there are alternatives.”

Mr. Rider stated that this Board has certain parameters as to what issues they may and may not consider in an Application, and if the materials ultimately vetted by this Board and its Consultants show that the emissions are within the federal regulation standards, then that is not a rationale for this Board to consider the validity of a project. With respect to certain health concerns, it needs to be vetted still as to the information that has been supplied. But it appears as if their proposal is within the federal regulations. This Board needs to follow the law and Federal regulations.

Mrs. Rockwell: The same regulators that vetted the Gulf of Mexico oil rig that's leaking?”

Mr. Jim Thomson, 10 Rivercrest Road, Fort Montgomery, NY

“I just want to put out a visual to you all. We have a town here that is struggling to get main street finished with empty stores. What I visualize here is a big green toilet brush at our front door.”

Mr. Wayne Culture, 7 Poplar Street, Fort Montgomery, NY

“I have had about roughly 20 years with the River Keeper and I have had four or five years of research in cell towers and the affects of them. I don't feel the Federal Government is doing a good enough job. I would not want any children of yours or anyone. I don't own a

cell phone and I wish no one did. The reports from overseas and what I see coming in with cancer rates. I saw a child's brain in a seminar. It has a lot more liquid than an adult. This is a lot of radiation. There are 4.2 billion cell phones in the world. If you blacken the sky all you would see is this. I was almost hit the other day. A lady was on a cell phone pulled out in front of me and did not even realize she almost hit me. We don't need any of this. I wish I could take all my knowledge and put it in everyone's head. This stuff is not good. It is like the asbestos and the cigarettes. When I was in the service, with the lunch pack they gave you cigarettes. There is not one person that I know would want a child smoking a cigarette but yet it still sold. A lot of this stuff is not good for anyone. As far as variances go, they gave Corbin Hill some variances. My well for 25 years was perfect. Right now during the drought it runs dry. No more variances. If you need a variance, you don't have the right property. Please listen to these people. I am sure we could get almost every signature in town to stop this, but it is up to you guys. Thank you."

Mr. Sal Fiducia, Corbin Hill, Fort Montgomery, NY

"This tower is, I believe, supposed to be 150 feet tall. I have lived here for five years and I have seen from West Point airplanes lower than that flying by. Let's not have a disaster of an airplane hitting this tower."

The Chairman asked if the Board Members had any comments. There were none.

At 8:47 P. M. a motion was made to adjourn the meeting.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

The next Regular Planning Board Meeting is July 15, 2010.