

COPY

VILLAGE OF NELSONVILLE
COMBINED PUBLIC HEARING
PLANNING BOARD AND ZONING BOARD OF APPEALS
APRIL 4, 2018

DISCUSSION OF PROPOSED CELL TOWER

TRANSCRIBED BY: GLORIA VEILLEUX
Schmieder & Meister, Inc.

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1 CHAIRMAN RICE: We're going to get started.
2 We do have a sign-in sheet. If anybody wants to
3 speak tonight if you'd sign in, and when you do speak
4 if you could state your name and where you live. I
5 don't know if that's mandatory, but we'd like to know
6 if you're in Phillipstown. In any case, we'd like to
7 open the Village of Nelsonville, it's a joint public
8 hearing. The Zoning Board and the Planning Board are
9 in attendance tonight. And the subject is the
10 Homeland Towers Rockledge Road Cell Tower Application
11 for a Special Permit and a Variance of the New York
12 State Village Law Section 773, and potential site
13 plan approval.

14 And we'd like to thank the Haldane School
15 for the use of their auditorium this evening, and
16 we'd like to thank the members of the public for
17 coming and also for the Applicant and our
18 consultants.

19 Having said that, I'd like the Zoning Board
20 and Planning Members to introduce themselves. My
21 name is William Rice. We'll go in this direction.

22 MR. MARINO: Steve Marino, Planning Board.

23 MS. BRANAGAN: Susan Branagan, Planning
24 Board.

25 MR. KEELEY: Chris Keeley, Zoning Board.

1 MR. HELLBACH: Paul Hellbach, Planning
2 Board.

3 MS. CLEMENTS: Peggy Clements, Zoning Board.

4 MR. MEEKINS: Dennis Meekins, Planning
5 Board.

6 MR. MERANDO: Steve Merando, Zoning Board.

7 MS. MEYER: Peggy Meyer, Zoning Board.

8 CHAIRMAN RICE: Okay. We also have our
9 Village engineer here tonight. Ron, you want to --

10 MR. GAYNOR: Ron Gaynor.

11 CHAIRMAN RICE: Our Village clerk, Pauline.

12 MS. MINNERS: Pauline.

13 CHAIRMAN RICE: And we also have -- do you
14 want to introduce your --

15 MS. MINNERS: Oh. This is Mindy Jessick
16 (phonetic). She's going to be taking my place when I
17 retire at the end of the month.

18 (APPLAUSE)

19 CHAIRMAN RICE: All right.

20 MS. MINNERS: But I'll be back for two days
21 a week just to get her through.

22 CHAIRMAN RICE: Make a transition there.

23 We also have our special consult to Village
24 tonight. And we also have from AKRF, Graham. That's
25 the -- all our consultants.

1 Does the Applicant -- do you want to
2 introduce yourselves as you normally do?

3 MR. GAUDIOSO: Yes. Good evening, Robert
4 Gaudioso with the law firm of Snyder & Snyder on
5 behalf of New York SMSA Limited Partnership and
6 Homeland Towers, LLC.

7 MR. VICENTE: Manuel Vicente, President of
8 Homeland Towers.

9 MR. XAVIER: Vincent Xavier, Homeland
10 Towers.

11 MR. LAUB: Daniel Laub, here from the first
12 of Cuddy & Feder on behalf of AT&T.

13 CHAIRMAN RICE: Okay, thank you.

14 And just to follow up on your agenda, as
15 most of you know, the Zoning Board is the lead agency
16 for SEQRA, and as most of you also know, the site is
17 a 9.6-acre wooded site directly east of the 30-acre
18 Cold Spring Cemetery. The Village of Nelsonville
19 Zoning Code Article 7, the commercial communication
20 tower, Section 188.68, the application for a special
21 permit to place a new tower notes, "In addition to
22 seeking site plan approval from the Planning Board,
23 an applicant proposing to construct a new commercial
24 cell tower as permitted in the use schedule, the
25 applicant shall apply to the Zoning Board for a

1 special uses permit." That's what we've been doing
2 over the past six months is discussing this
3 application based on that section of the Nelsonville
4 zoning code.

5 In addition to the special permit, the
6 Applicant seeks an interpretation of the New York
7 State Village Law Section 7736 or a variance from the
8 requirements of Section 7736.

9 And now the purpose of tonight's meeting is
10 to look at -- the joint Boards had asked the
11 Applicant to look at alternative towers, and they
12 submitted a number of alternatives.

13 And just to further talk about those,
14 there's a couple alternatives that need height
15 variances. That's for the 120-foot flagpole or for
16 the 125-foot obelisk, but wireless communication
17 towers at or below 110 feet do not require a height
18 variance as they comply with the requirements of the
19 zoning resolution.

20 There's also added to that a single 110-foot
21 flagpole wireless communications towers. That in
22 itself, it doesn't allow for future co-location or
23 for other telecommunication antennas, and our zoning
24 code does require that, although it states as a
25 practical matter if we can fit them in.

1 So on that note, I was going to ask Ron just
2 to update us on the status of SEQRA. He's updated us
3 in a letter, but anything you want to add or --

4 MR. GAYNOR: I've been working jointly with
5 Graham Trelstad of the firm of AKRF. I'd refer to
6 him to present the current status.

7 CHAIRMAN RICE: Oh, perfect, Graham, thank
8 you.

9 MR. TRELSTAD: Sure. So you have been
10 working toward what's called a determination of
11 significance. That's the step in the SEQRA process
12 where you communicate either through negative
13 declaration that no environmental impact statement
14 need be prepared and that you can move forward with
15 the consideration of the application or a positive
16 declaration, which indicates that one or more
17 potential environmental impact exists and would
18 require preparation by the Applicant for the draft of
19 an environmental impact statement.

20 There's a whole process, too, that would
21 follow with the preparation of a draft environmental
22 impact statement.

23 There's the process of scoping, which is
24 defining the outline of the EIS. The Applicant would
25 prepare the EIS, the public hearing, and then the

1 final EIS.

2 If you were to issue a negative declaration,
3 it does not require that process. The negative
4 declaration essentially can include SEQRA. In either
5 case, it's your responsibility as the lead agency
6 under the SEQRA to make a written collaboration, a
7 written statement of why you came to those
8 conclusions. So either way you go, Ron and I can
9 work with you on the proper documentation.

10 CHAIRMAN RICE: Okay. Well, thank you for
11 that report. Any questions for Graham?

12 (No audible response)

13 Okay. Steve pointed out, I did forget to
14 read the correspondence list. It's not as lengthy as
15 it generally is.

16 Now, we did receive some late
17 correspondence, some emails, which I don't have a
18 record of, but we'll get them circulated tomorrow,
19 but just to go through the -- we have like 10 pieces
20 of information, and I'll read the date, what the
21 letter or correspondence was.

22 So on March 5, 2018, Snyder & Snyder sent
23 the Board a letter following up on our February 27th
24 meeting -- oh, yeah, February, right. It was quickly
25 after that meeting to let us know what the three

1 alternate wireless tower designs were. It's
2 confirming the discussion. And just to over that:
3 one, a 120-foot flagpole; 2, 110-foot flagpole; and
4 one 125-foot obelisk. That changed a little bit down
5 the road, but --

6 The second piece of correspondence we got
7 was on March 13th from AKRF from Graham and Ron.
8 They confirmed in their letter the alternate wireless
9 tower design concepts. They suggested technical
10 evaluations, recommended to the Village the ZBA the
11 next steps.

12 The third piece we got was from New York
13 State Parks, Recreation and Historic Preservation
14 from John Bonafide. He was responding to a letter
15 from Laura Mancuso who is working with the Applicant.

16 She's the Director of Cultural Resources at CBRE.
17 And he was responding to her letter of February 20th
18 and he said he received 420 pages of material. Some
19 was pertinent. He reviewed the pertinent ones. But
20 he slightly modified his previous no adverse effect
21 finding of October 2, 2017 with additional comments,
22 including capping of the monopine tower at 110 feet.

23 Now, I made a note to myself. I think
24 there's some confusion on some of the letters we got
25 today. This letter was written prior to SHPO

1 receiving the new three alternate wireless tower
2 designs. I don't think it's pertinent to some of the
3 correspondence we've gotten last night, early this
4 morning, but we can talk about that later.

5 The fourth piece of information we got on
6 3/26/18, Snyder & Snyder, in a letter response to
7 AKRF's letter of 3/09/18, letter describes the
8 contents of the package that we received. We
9 received a package from them including the new visual
10 resource evaluations prepared by Matthew Allen of
11 Saratoga Associates, which is posted on the website.
12 It's an 8 1/2-by-11 color simulation, some 11-by-17s
13 simulations. I think everyone's seen that on the
14 website. If not, you can always go to the Village
15 office and take a look at the information.

16 The fifth piece of correspondence we
17 received, 3/28, Pauline wrote a letter to the New
18 York State Parks, Recreation and Preservation, SHPO,
19 to John Bonafide, and sent that information to them
20 so they could review it. The letter updated SHPO on
21 the alternate wireless tower designs and is in
22 response to the SHPO letter of 3/14/18 that we just
23 talked about.

24 The sixth piece of corresponded received
25 with Pauline again had written a letter to the Putnam

1 -- as required to the Putnam County Department of
2 Planning, Development, and Public Transportation.
3 And so we took care of that. She's in receipt of
4 that letter.

5 On March 28th, again AKRF. AKRF, Graham and
6 Ron, wrote a letter commenting on the Applicant's
7 submission of 3/26, the Applicant being Homeland
8 Towers, and opines that the Zoning Board has received
9 sufficient information to start to look at the SEQRA
10 application process to deem it maybe complete. And
11 as Graham just said, at some point issue a
12 determination of significance.

13 The eighth piece of correspondence received
14 actually I believe this morning from PCS,
15 Phillipstown Cell Solutions, this letter is regarding
16 the Snyder & Snyder Homeland Towers' letter
17 submission of 3/26/18 that we just referenced, which
18 was a submittal of the simulations from Saratoga
19 Associates.

20 And again today, we received from PCS,
21 Phillipstown Cell Solutions, an email -- via email a
22 memorandum stating opposition to the alternate
23 designs inclusive of the single 110-foot flagpole
24 design.

25 Now in this meeting tonight, I think PCS has

1 also submitted some information on poles, flagpoles,
2 which we'll take a look at because, obviously, we
3 haven't had a chance to look at it. Like I said, we
4 received two or three emails that haven't been
5 published yet, but none was in support of the
6 application. They were all opposed to it.

7 And we received a letter here just tonight
8 handed to us, so Homeland does not have this, from
9 Liz Campbell-Kelly, a landscape architect at Hudson
10 Garden Studio. I think she's written to us before,
11 so I can't -- it's a little hard to read her letter,
12 but -- not because she can't write, but because this
13 thing is so --

14 MS. MINNERS: So guess.

15 CHAIRMAN RICE: Doesn't print too well. So
16 I don't know what the content is, but we'll look at
17 that closer and post it on the website so everybody
18 else can see it.

19 MR. MARINO: And I just wanted to remind
20 everyone in the public as well, sometimes there's a
21 lag with getting stuff on the website. Does not mean
22 it's not getting into the Village in the appropriate
23 time period, so you're always free to go to Village
24 Hall. Everything is there. So if you may not see
25 one particular letter or another on the website,

1 everything is in the Village file and it will get on
2 the website as soon as possible.

3 CHAIRMAN RICE: So, Robert, anything you
4 don't have, obviously we'll send to you tomorrow and
5 you may make -- let Pauline know.

6 Having said that, we'd like the Applicant to
7 make their presentation on the alternate
8 communication tower design including, like I had
9 said, originally, we had three alternates, now we
10 have one single 110-foot flagpole. Having said
11 that --

12 MR. GAUDIOSO: Thank you very much.

13 So a few points of clarification and a
14 little bit of history in case some folks weren't
15 aware or don't recall. The application for a 110-
16 foot monopine which meets the height limit, meets the
17 setback limits and doesn't require any variances
18 under the wireless section of the zoning code, and,
19 in fact, SHPO had agreed that that would be no
20 adverse effect to cultural resources.

21 There was a question, I believe it was from
22 Chairman Marino at one point about different
23 alternate designs, and Mr. Trelstad had specifically
24 indicated the idea of a unipole or a flagpole design.
25 We had put in a report from our engineer that

1 specifically called out some of the limitations of
2 the flagpole design because it's narrow in nature and
3 you have to stack the antennas rather than mount them
4 horizontally.

5 Your consultant, Mr. Grafe, wrote back and
6 said that no, it's still feasible to do the flagpole
7 design. Well, we think there are still certain
8 limitations, we nevertheless, based on the feedback,
9 offered a number of alternatives. And the first
10 alternative was the 120-foot flagpole to provide that
11 extra co-location space.

12 Since the March 14th SHPO letter -- and when
13 we proposed that, we specifically said that SHPO
14 would have to specifically sign off on that. They
15 have not. Their letter specifically says anything
16 over 100 feet would be an adverse visual impact. So
17 the 120-foot flagpole, in our opinion, is no longer
18 feasible based on SHPO's opposition to that.

19 The second alternative we showed to account
20 for the two different applicants, in this case AT&T
21 and Verizon, were two different flagpoles, and that
22 would meet SHPO's requirements at 110 feet. It would
23 meet the height limit of the code. What it wouldn't
24 meet under the code is the code has a provision that
25 two towers have to be separated by, I believe, it's

1 500 feet. So we had asked for that variance and this
2 hearing was published based on that variance as well.

3 The third alternative was a 125-foot
4 obelisk, and that would provide the same type of
5 antenna mounting as the monopine tree design, but the
6 additional 15 feet was really just for the empty
7 hollow cone on top to give the obelisk the correct
8 proportion and scale and esthetic design.

9 Again, that one, I believe now, is off the
10 tape as well based on SHPO's March 14th letter
11 limiting the height of anything to 110 feet.

12 We had --

13 CHAIRMAN RICE: Can I ask you a question,
14 Robert?

15 MR. GAUDIOSO: Sure.

16 CHAIRMAN RICE: SHPO hasn't seen any of
17 these notes, right?

18 MR. GAUDIOSO: No. They had seen the prior
19 documents which included these alternative designs,
20 so they had previously seen --

21 CHAIRMAN RICE: Okay.

22 MR. GAUDIOSO: -- some of these designs, not
23 a detail of the March 26th filing that we made --

24 CHAIRMAN RICE: I see, okay.

25 MR. GAUDIOSO: -- but in previous filings

1 they were discussed, so they did --

2 CHAIRMAN RICE: They didn't mention any of
3 this in their letter specifically.

4 MR. GAUDIOSO: The letter is very short, so
5 you know, I think one of the ironic comments, as they
6 said, that they received 420 pages. So we sent them
7 -- and if you recall, it was actually a letter from
8 SHPO that said they wanted to see the alternative
9 site analysis, and that's why it was 420 pages
10 because we included all the alternative site analyses
11 and then there was a comment about it being 420 pages
12 and not necessarily related to the archeological and
13 historic resource issue, which I don't know how the
14 alternative site analysis, which is what triggered
15 that letter in the first place, had to do with it
16 anyway, but --

17 CHAIRMAN RICE: Okay.

18 MR. GAUDIOSO: -- that's all besides the
19 point. They received the full packet with 420 pages,
20 approximately. We had submitted an inventory to you
21 in our letter to show them which showed you exactly
22 what we had sent them, and it was pretty complete.

23 MR. KEELEY: I'm sorry, prior to the March
24 14th letter they had seen something about flagpoles
25 and obelisks?

1 MR. GAUDIOSO: Yeah. They had seen, I
2 believe, I want to say it was the February 9th filing
3 if my memory serves me right where we had discussed
4 some of these alternatives. I don't know
5 specifically which renderings, I can't recall off the
6 top of my head what exactly what is in that package,
7 but they had known about something going higher than
8 110 feet.

9 So based upon their March 14th letter, we
10 went back to the engineers and we added the single
11 110-foot flagpole.

12 And just a point of correction, the single
13 110-foot flagpole will be designed and can be
14 designed to support four co-locaters --

15 CHAIRMAN RICE: Oh, okay.

16 MR. GAUDIOSO: -- which does match your
17 code.

18 Now the antennas, particularly at the
19 bottom, will be a little bit lower because we're
20 stacking the antennas, and that's what we had
21 indicated at previous discussion. So there would be
22 four 10-foot slots, meaning there would be a slot
23 from 110 feet to 100, from 100 to 90, from 90 to 80,
24 from 80 down to 70. So the antennas would be a few
25 feet lower in the bottom, but we'd be able to design

1 it and meet your code requirements.

2 MR. MARINO: And these antennas are all
3 inside the pole?

4 MR. GAUDIOSO: Correct. Everything, the
5 antennas and the cables would all be inside the
6 flagpole. There would be nothing exterior.

7 Now, when I use the word "flagpole," it
8 really includes a lot of things, so what we showed in
9 various different renderings, the pole itself can be
10 painted any color. We showed white. We showed blue,
11 and we showed brown. It could have a flag or not
12 have a flag. If it has a flag, it could have an
13 American flag if the American flag has to be lit at
14 night, but we could put a different flag that
15 wouldn't need to be lit at night.

16 Our experience is that if you're going with
17 the American flag, which we think looks very nice,
18 that you go with the white color. If you're going
19 without the flag, our experience is that you would go
20 with the brown color or something more neutral rather
21 than white. And we can do any of those different
22 options and we tried to show you all those different
23 design alternatives in the package that you have.

24 So in summary, the single 110-foot flagpole
25 meets the code requirement with respect to height,

1 with respect to number of poles, with respect to
2 setback, with respect to co-location. The two
3 flagpoles also meet those requirements, provides a
4 little additional height for future co-locaters, but
5 it would require a variance with a separation of the
6 two poles on the same property. Those are the
7 differences. And the two poles could be, again, the
8 same array of alternatives. They could be with a
9 flag, without a flag, in any of the colors that I
10 mentioned, really any color at all.

11 MR. KEELEY: One small question with the two
12 poles. How far apart were they? I didn't see that
13 in there.

14 MR. GAUDIOSO: I think about 40 feet is what
15 we had estimated. And that -- and by doing that, we
16 also were able to maintain the property line setbacks
17 and the residential structure setback as well.

18 MR. HELLBACK: So if you co-locate in the
19 one pole, the bottom phone company service, do they
20 get the same service as the other?

21 MR. GAUDIOSO: Well, no. They are in a
22 lower height, so they -- but one thing that I can
23 answer for you is I can't say what their needs are
24 because it's speculative because they're not here.
25 They're not part of the application. Your code has a

1 fairly, I would say, vague provision as far as this.

2 It says that if it's over 100 feet, it has to be for
3 at least two additional users. I don't know if that
4 means three or four. I think we had a little bit of
5 a discussion about that at the last meeting, but we
6 can certainly design it to handle for.

7 It also says that the tower shall be
8 designed, I'm sorry, where practicable, the tower
9 should be designed and constructed in a manner which
10 would accommodate future co-locations.

11 So we will design it to accommodate future
12 co-locations. We'll make it as technically available
13 as possible. We've already submitted a co-location
14 letter as part of the application that will make the
15 location available. We've already designed the
16 compound to be able to support the equipment, so it's
17 just a matter of we don't know what their particular
18 RF engineering needs are. And, quite frankly, that's
19 an impossible thing for either us or you to know.
20 But the reality is with the tree, the antennas would
21 be a little bit higher.

22 MR. MARINO: Could you remind us again the
23 dimensions of the flagpole, how wide is it at the
24 bottom, how wide is it at the top?

25 MR. GAUDIOSO: Sure. So we had it

1 specifically in the report. I just want to make sure
2 that I quote it rather than go off of memory.

3 (PAUSE)

4 Four-foot diameter at the base tapering to a
5 three-foot diameter at the top.

6 MR. MEEKINS: How do we get clarity on
7 whether it is three or four?

8 MR. GAUDIOSO: It's four foot at the base.

9 MR. MEEKINS: No, no, I mean, back to the --
10 I'm back to the co-location question.

11 MR. GAUDIOSO: We'll do it for four, so
12 we'll design the pole -- just so you understand how
13 the pole works, so the top 40 feet is where the
14 antennas would be located, so below that, so below 70
15 feet is a regular monopole. And then there's a thin
16 pole in the middle and then the antenna is attached
17 to that thin pole. The cables come up through the
18 middle, and then there's a (indiscernible) or a
19 fiberglass-type shield that goes around it to match
20 the rest of the pole. So that's how -- and we'll
21 design it with four slots, four 10-foot slots, with
22 Verizon taking the first 10 feet, AT&T taking the
23 second 10 feet, and then we'll have a third 10-foot
24 section and a fourth 10-foot section for future co-
25 location.

1 MR. MARINO: And if I understand the visual
2 analysis right, the first 60 or 70 feet isn't really
3 going to be visible because there's an existing tree
4 line and tree --

5 MR. GAUDIOSO: Sure.

6 MR. MARINO: -- cover there. It's when you
7 get to that last 30 or 40 feet is the part that we're
8 going to see?

9 MR. GAUDIOSO: Yeah. And really -- and that
10 one spot is really from, you know, in particular from
11 that one point inside the cemetery.

12 CHAIRMAN RICE: So, Rob, you don't think
13 SHPO is going to change their mind on this obelisk,
14 the -- I mean, you guys aren't willing to go back and
15 ask them? Are you going to wait to hear back from
16 them?

17 MR. GAUDIOSO: What I'll say is this, I
18 mean, and we've said this from day one is that we've
19 already extended the shock clock to April 27th, and
20 we're going to ask tonight is for you to close the
21 hearing and schedule this for a decision within that
22 timeframe. If SHPO changes its mind and agrees to
23 the obelisk, we're willing to do the obelisk. We've
24 said that from day one.

25 CHAIRMAN RICE: Oh, I see what you're

1 saying, because we had, I mean, I believe we had
2 submitted stuff to them specifically --

3 MR. GAUDIOSO: Sure.

4 CHAIRMAN RICE: -- your (indiscernible).

5 MR. GAUDIOSO: And that was following the
6 process laid out by your engineers --

7 CHAIRMAN RICE: Yeah. Yeah.

8 MR. GAUDIOSO: -- and we had no objection to
9 that process.

10 CHAIRMAN RICE: We thought (indiscernible)
11 was going to get back to us, but perhaps he -- it
12 could be months.

13 MR. GAUDIOSO: My gut instinct is that he
14 will get back to you and my gut instinct is that
15 really the March 14 letter --

16 CHAIRMAN RICE: He's starting to change his
17 mind?

18 MR. GAUDIOSO: -- is going to stand is that
19 he's going to keep it at 110 feet.

20 CHAIRMAN RICE: Okay.

21 MR. TRELSTAD: (Indiscernible) asked you
22 about the width of the poles. Two poles or one pole,
23 same width --

24 MR. GAUDIOSO: Correct.

25 MR. TRELSTAD: -- (indiscernible) width?

1 Okay.

2 MR. KEELEY: But no bias against your
3 statement there, but his expectation of SHPO's
4 response isn't actually SHPO's response in the same
5 way that the expectation of a third or a fourth
6 carrier, he can't speak for them. So I think that it
7 would be fair and appropriate for us to wait for
8 SHPO's response. That was what we had discussed at
9 the last meeting. We've submitted documentation
10 accordingly. I think that we should wait for that
11 response. It very well may land where you described,
12 but I think we should wait for that response.

13 MR. GAUDIOSO: Yeah. And I think to the end
14 of the month is more than enough time. I mean, that
15 gives them a full month from the time it was sent to
16 them.

17 CHAIRMAN RICE: We can take a lead on asking
18 them to maybe expedite their response, which we did
19 in the letter to them.

20 MR. TRELSTAD: That's right, we did.

21 CHAIRMAN RICE: We gave them the date of the
22 public hearing.

23 MR. TRELSTAD: We could reach for that
24 agency and see if we could expedite their response
25 prior to closing the shock clock.

1 CHAIRMAN RICE: Right. On one hand, it
2 narrows down the options.

3 MR. GAUDIOSO: And, look, we proposed the
4 obelisk, so we're not against the obelisk.

5 MR. KEELEY: Can you walk through what, if
6 any, differences there are -- I mean, we've spent a
7 lot of time talking about the monopine scenario. Can
8 you walk through the construction of either the one
9 or the two flagpole scenarios compared to the
10 monopine scenario? Is it practically the same? Are
11 there any differences? If so, what would they be,
12 the actual construction process?

13 MR. GAUDIOSO: Well, the difference is with
14 the two flagpoles we have to do two foundations. I
15 mean, I think that's the biggest difference, so from
16 a cost standpoint of two flagpoles is obviously much
17 more expensive, but what we're telling you today is
18 that we can make the one flagpole work, so I'm not
19 really sure what the benefit of the two flagpoles is
20 other than there's two flagpoles and it adds
21 additional future co-location space at an additional
22 height. So I think that's the big benefit, but we
23 could also, you know, we could also, you know, build
24 the one flagpole at 110 feet and reserve space inside
25 the compound that if in the future you were faced

1 with the dilemma where you had to approve a second
2 flagpole that we would lay out the compound to
3 account for that. We have enough space to do that,
4 so it doesn't have to -- the second flagpole doesn't
5 have to be built now. It could be held in reserve
6 subject to the Village's approval at some later date.

7 MR. KEELEY: But at the sort of smallest
8 impact level, thinking about construction of a single
9 flagpole at the ground level, it would still be the
10 same footprint. It would still be the same
11 construction. Everything else would be still the
12 same at the ground level.

13 MR. GAUDIOSO: The compound would say the
14 same. All the site-planning issues would stay the
15 same. We specifically designed the two flagpoles to
16 be able to, to answer your question, from the
17 (indiscernible) to be able to keep it within that
18 compound.

19 CHAIRMAN RICE: Does the Board have
20 additional questions?

21 MR. MEEKINS: A question. I mean, I think
22 in the last eight months we've all been more aware of
23 poles in our capacities wherever we travel. I don't
24 ever recall seeing a flag in a non-commercial
25 environment, so --

1 MR. GAUDIOSO: I can think of one off the
2 top of my head. The first ones I did was Mount Eaton
3 Cemetery in the town of Mount Pleasant.

4 MR. MEEKINS: In a cemetery?

5 MR. GAUDIOSO: It's a cemetery and it's
6 adjacent -- it's directly behind it.

7 MR. MEEKINS: It's actually in the cemetery?

8 MR. GAUDIOSO: Yeah, but it's literally 100
9 feet to the back property line or so is a residential
10 (indiscernible).

11 MR. MEEKINS: But within the cemetery
12 property.

13 MR. GAUDIOSO: Correct, within the cemetery
14 property.

15 MR. MEEKINS: But most flags I've seen are
16 either car dealers, shopping malls, usually not in
17 woods. Do you do flags in the woods? I mean --

18 MR. GAUDIOSO: I mean, we can. There's no
19 -- I think --

20 MR. MEEKINS: You can, I know, but have you?
21 I mean, have you seen --

22 MR. GAUDIOSO: I just mentioned type one in
23 Mount Eaton Cemetery.

24 MR. MEEKINS: That's in a cemetery, Robert,
25 so --

1 MR. GAUDIOSO: No, it's not -- so let me
2 describe it to you, if you just -- it was a piece of
3 wooded property adjacent to the property. It was on
4 cemetery property, so it was a little closer than the
5 setback, but very similar to the setback that we have
6 for this cemetery, and it backed up to residences,
7 and that was a flagpole in the town of Mount Pleasant
8 that was approved by the Town.

9 MR. MEEKINS: That property was owned by the
10 cemetery or by somebody else?

11 MR. GAUDIOSO: So it was owned by the
12 cemetery, but it wasn't -- it was so this was the
13 cemetery, there was a strip of woods, and we were in
14 that woods. When I say "we," the carrier at the
15 time, Sprint, but -- so it's not I wouldn't say
16 uncommon. Now is it more common to be in a shopping
17 center? Yeah, I've probably done more in a shopping
18 center than any cemetery type situation, but it's not
19 unheard of.

20 And remember, we didn't originally propose
21 the flagpole.

22 MR. MEEKINS: Yeah, I understand.

23 MR. GAUDIOSO: But when you look at the
24 renderings, one of the concerns was the
25 (indiscernible) of the cemetery and, in our opinion,

1 we believe the flag does work, but we believe the
2 monopine works better.

3 MR. KEELEY: We talked a little bit at the
4 last meeting and then some meetings previously, sort
5 of one of the thresholds that we need to meet is
6 minimizing visual impact to a level of
7 insignificance. Can you say in your opinion a little
8 bit why you think the 110-foot flagpole would
9 minimize it to a level of insignificance?

10 MR. GAUDIOSO: Well, I think what I'd like
11 to do first, though, is really talk a little bit more
12 about how that criteria is set up in the code because
13 I think it's important. It specifically says "If a
14 visual impact is identified, the applicant shall
15 demonstrate that suitable landscaping," we propose
16 landscaping and continue to propose it," buffering --
17 , " we have a tremendous amount of natural buffering.
18 We've also offered a condition to preserve that
19 offering on top of the 50-foot buffer that's required
20 by the code, or other techniques will be used and
21 that they are able to mitigate such impacts to a
22 level of insignificance.

23 So I think between the landscaping, the
24 buffering, a 9.63-acre property, on top of that the
25 design, various designs of the facility, we never

1 came in with a standard monopole design. We never
2 came in with a standard lattice tower design. We
3 came in right out of the gate which we thought was
4 the most appropriate visual mitigation and I think
5 SHPO (indiscernible). So I think between all those
6 factors including the factors that are specifically
7 laid out in the code as factors that should be used,
8 I think we meet them.

9 MR. KEELEY: And for the camouflaging
10 techniques that SHPO mentions, how are the
11 camouflaging techniques for the 50 or so feet above
12 the tree line, how do those camouflaging techniques
13 help mitigate it to a level of insignificance?

14 MR. GAUDIOSO: I don't think it's 50 feet.
15 I think it's less than that, but I think that -- I
16 don't -- I think based on the comments of your
17 consultant and the comments of SHPO is that there is
18 not a significant adverse visual impact, but to the
19 extent that that decision hasn't been made or maybe
20 it will be made in the future, although I don't
21 believe the record supports that, nevertheless,
22 camouflaging techniques are to the maximum extent
23 practicable able to eliminate those potential
24 impacts. And that's the standard. It's not -- the
25 standard is not you have to make it invisible. The

1 standard is not no one would see it.

2 To be an adverse impact on something you
3 have to basically deprive the use and enjoyment of
4 that resource, and we've laid this out in numerous
5 documents mostly in the Saratoga documents,
6 (indiscernible) mitigation memo, so I think when you
7 add up all of the different things, the landscaping,
8 preservation of the property, the buffering under the
9 code, the additional buffering we've offered, the
10 setbacks that we meet by a fair margin, and then on
11 top of that meeting the height limit and then on top
12 of that the various different design alternatives, I
13 think we meet the standards. And if we don't meet
14 those standards, in my opinion it would be, and I
15 think not to quote you, it's an impossible standards
16 to meet.

17 MR. KEELEY: That's not quoting me. I
18 certainly didn't say that.

19 MR. GAUDIOSO: You said at the last meeting
20 it was impossible to meet. And if it's impossible to
21 meet, that's where I think the telecommunication
22 (indiscernible).

23 MR. KEELEY: So (indiscernible) practicable,
24 you're considering a substitute for level of
25 insignificance?

1 MR. GAUDIOSO: I'm saying that when you
2 overlap the different criteria, at the end of the day
3 the criteria isn't that vacant. You make it, you
4 know -- I don't know what level of insignificance
5 means until you have an articulation of what the
6 significance is.

7 MR. MARINO: But did the submissions to SHPO
8 include --

9 MR. KEELEY: We wouldn't know what a maximum
10 extent is until we know what an extent is. I mean,
11 we can play that word game all night, but I mean, you
12 understand (indiscernible).

13 MR. GAUDIOSO: Look, my point is this,
14 though. I think we've done everything we can
15 possibly do. We don't have anything else to add.

16 MR. KEELEY: Okay.

17 MR. MARINO: I'm following up on the
18 camouflage, Rob. SHPO go 450 pages in -- 420 pages
19 (indiscernible). They said they got 420 pages.
20 Included in that was again the submissions of the
21 monopine or not or are they already --

22 MR. GAUDIOSO: They've had submissions of
23 the monopine throughout.

24 MR. MARINO: Previously, right.

25 MR. GAUDIOSO: And they signed off on the

1 monopine from day one.

2 MR. MARINO: But now they're saying to allow
3 to (indiscernible) more effectively, so is that more
4 effective than what you've already submitted or --

5 MR. GAUDIOSO: No. No. Look, I don't want
6 to speak for SHPO because I think the letter has some
7 nuance in it. The way we understand the letter is
8 that has to be 110 feet --

9 MR. MARINO: Right.

10 MR. GAUDIOSO: -- which we've said from day
11 one, and it eliminates anything over that, in our
12 opinion, unless they reverse course before the shock
13 clock ends. And I think what it really does it gives
14 us other opportunities at 110 feet for visual
15 treatment.

16 Now, they specifically say in the March 14th
17 letter they reference the modern tree camouflage on
18 the upper section (indiscernible) tower and the
19 (indiscernible) of the casual viewer. This visual
20 minimization is also augmented by the low height
21 post-tower 110 feet. And then what they add, which I
22 think they're opening the door to things such as
23 (indiscernible), you know, the flagpole design that
24 the tower will employ an appropriate visual
25 camouflage method, and I don't know if they're

1 deferring to you on that or if they want to see
2 something else, if it's changed, but that's why now
3 they have the -- our filing from March 26 which you
4 send to them on March 28th.

5 MR. MARINO: I guess what I'm lost on then
6 is what they want to be more effectively then. To
7 me, it seems like if they're adding that comment, the
8 tower will employ an appropriate visual camouflage
9 method to allow (indiscernible) more effectively into
10 the landscaping.

11 MR. GAUDIOSO: I think what they're saying
12 is that the tree is acceptable, and if you find
13 something that allows it to blend even more
14 effectively, that's good to. I don't see any other
15 way to read that.

16 MR. MARINO: But I thought they hadn't
17 responded to us yet on the alternatives.

18 MR. GAUDIOSO: No. They had no -- they had
19 -- if you remember before February 27th, we had
20 submitted renderings of the flagpole.

21 MR. MARINO: Right.

22 MR. GAUDIOSO: They got those renderings.
23 Now, they didn't have the full report that we just
24 submitted on March 26th with every single viewpoint
25 that your consultant asked for, but they had

1 renderings of the flagpole previously.

2 MR. MARINO: But I would -- I'm
3 (indiscernible) since they keep talking about the
4 monopine and the tree, if this letter is only dealing
5 with a response to the tree, so if it needs to be
6 more effectively camouflaged, that would seem it
7 would be effectively camouflaged than what we've
8 showed them.

9 MR. GAUDIOSO: No, no, no, and I'll you why,
10 for two reasons. One, they had the flagpole
11 specifically and they knew about the flagpole.

12 MR. MARINO: But the application is only the
13 (indiscernible).

14 MR. GAUDIOSO: Yeah, but they had our letter
15 and the 420 pages to you giving the different
16 alternatives including the flagpole, number one.

17 Number two, in order for them, and he said
18 this in his first letter, he can't just randomly and
19 arbitrarily change his position. That would have to
20 go to the FCC, so he's not backing off. He's never
21 said he's backing off the tree. What I believe he's
22 doing here is opening up the opportunity. If there's
23 something that's 110 feet, he's willing to consider
24 that, and I think that's the flagpole.

25 MR. MARINO: What kind of visual camouflage

1 can you put on a flagpole or a --

2 MR. GAUDIOSO: No, the flagpole is the
3 visual camouflage is the point.

4 MR. MARINO: That is the camouflage, the
5 pole?

6 MR. GAUDIOSO: Yeah. Everything is on the
7 inside of the pole. There's nothing external to the
8 pole.

9 MR. MARINO: So you have a pole in the
10 woods.

11 MR. GAUDIOSO: And the diameter --

12 MR. MARINO: The pole in the woods is enough
13 camouflage to blend more effectively into the
14 landscaping?

15 MR. GAUDIOSO: We believe it is, and we
16 believe that -- look, again, if you don't believe the
17 flagpole is --

18 MR. MARINO: I'm just asking. I don't know.
19 I mean --

20 MR. GAUDIOSO: We like the tree better.

21 MR. MARINO: I know (indiscernible).

22 MR. GAUDIOSO: So -- and I think we like the
23 tree better not because it's cheaper, it's, in fact,
24 more expensive, but we like the tree better because
25 we think it works. We think SHPO -- we know SHPO

1 already signed off on it. We know that it provides
2 for great co-location opportunities, and we know it's
3 a flexible option for being able to put additional
4 antennas while still being camouflaged within the
5 branches.

6 MR. KEELEY: And just a point, quick point
7 of clarification because that's the second time
8 you've mentioned SHPO approving the tree. SHPO
9 approved the tree before the cemetery was included --
10 noted to be included --

11 MR. GAUDIOSO: It doesn't matter. They
12 wrote after the cemetery was -- they were the ones
13 that made the cemetery eligible for listing, and he
14 specifically said in that letter that at this time he
15 was not looking to overturn that finding.

16 MR. KEELEY: We can check the finding on
17 that. We can check the --

18 MS. BRANAGAN: We can get clarification.

19 MS. CLEMENTS: I mean, what I hear you
20 saying, though, is that for them to reverse their
21 previous opinion would be a big deal. The fact that
22 they write that they are altering their previous no
23 adverse finding, I mean, suggests to me that they're
24 -- you keep saying that they're fine with the
25 monopine, and I understand that the previous decision

1 or letter indicated that they didn't see an adverse
2 effect. I actually read this letter as them saying
3 that they are actually shifting their position.

4 MR. GAUDIOSO: Absolutely not.

5 MS. CLEMENTS: Well --

6 MR. GAUDIOSO: I'm not -- look, I'm going to
7 be honest with you.

8 MS. CLEMENTS: I don't know what alter
9 means.

10 MR. GAUDIOSO: They added conditions that
11 did not take away from the approval of the tree.

12 MS. CLEMENTS: But I --

13 MR. GAUDIOSO: So that's all I'm going to
14 say on it. I think the letter speaks for itself.
15 We're very comfortable with the letter. If they
16 agree to the flagpole as being appropriate under
17 those two conditions, we include that now.

18 MR. KEELEY: I don't understand how you read
19 it that way. It says "Even though it's camouflaged
20 to be less obtrusive," when it's talking specifically
21 about the monopole, "it will be a visual anomaly,
22 therefore, we add these conditions; employ an
23 appropriate visual camouflage method to allow it to
24 blend more effectively than the pine tree method that
25 it's describing on the first page." I don't see how

1 there's another way to read that.

2 MR. GAUDIOSO: No, I -- look, I just
3 (indiscernible). I think the letter speaks for
4 itself.

5 MR. KEELEY: That's fine, but --

6 MR. GAUDIOSO: I think, you know --

7 MR. KEELEY: -- it's wrong.

8 MR. GAUDIOSO: We have -- look, we have a
9 Section 106 process. The Section 106 process is very
10 clear, okay. SHPO cannot independently unilaterally
11 reverse its course without getting FCC approval.
12 They specifically said in their letter they weren't
13 going that route because they -- I think they
14 acknowledge the fact that that's not something they
15 can unilaterally do, so this letter clearly does not
16 unilaterally break the Section 106 process through
17 this somewhat inarticulate language. And I'll leave
18 it at that.

19 MR. KEELEY: I wasn't arguing that somehow
20 they were.

21 CHAIRMAN RICE: Okay, any other comments
22 from the Board, Board members?

23 MR. GAUDIOSO: The only other thing I'll add
24 is that we also would agree to a condition similar to
25 the tree with the one flagpole that notwithstanding

1 the rights under Section 6409 we wouldn't extend the
 2 height of the single flagpole without
 3 (indiscernible).

4 CHAIRMAN RICE: Okay.

5 MR. GAUDIOSO: Thank you.

6 CHAIRMAN RICE: Thank you. Now, we'd like
 7 -- we have a couple members of the public that would
 8 like to speak. We'd like you to talk about really
 9 the - if you would, about the alternatives, which
 10 should narrow it down a bit, so keep your comments
 11 brief.

12 MS. MINNERS: Jennifer, I can never say your
 13 last name, Jennifer.

14 CHAIRMAN RICE: Jennifer.

15 MS. MINNERS: Sorry.

16 MS. ZORICK: Jennifer Zorick (phonetic), I
 17 am a resident of Cold Spring (indiscernible). I
 18 spend a lot of time in the cemetery. I'm not crazy.

19 I just wanted to make -- I am speaking for
 20 myself.

21 CHAIRMAN RICE: Okay.

22 MS. ZORICK: I am also a member of
 23 Phillipstown Cell Solutions. I'm (indiscernible). I
 24 want to read the letter, a letter from Liz
 25 (indiscernible) that you couldn't read.

1 CHAIRMAN RICE: Yeah, we couldn't. It was a
2 little too dim, but we will read it. It was just --
3 did not print dark.

4 MS. ZORICK: Can I read it?

5 MS. CLEMENTS: Oh, I haven't seen the
6 letter.

7 MS. ZORICK: That's why I wanted to read it.

8 MS. CLEMENTS: Okay.

9 CHAIRMAN RICE: It just came tonight.

10 MS. ZORICK: It's short. It's only a
11 paragraph. "To the Nelsonville Zoning Board of
12 Appeals --"

13 MS. CLEMENTS: Can you -- I can barely hear
14 you.

15 CHAIRMAN RICE: Come closer.

16 MS. ZORICK: "I have (indiscernible) time to
17 review the most recent submission of alternative
18 tower designs by the Applicant for a proposed
19 placement of a cell tower on Rockledge Road on a
20 (indiscernible) Cold Spring Cemetery.

21 I thank the Board for exploring alternative
22 design options that might protect the landscape
23 design of this important historic and scenic
24 resource, for requiring the Applicants to meet the
25 standards of the Village code before approving this

1 project.

2 In my professional opinion, the four
3 alternative designs proposed, the obelisk, the
4 flagpole, the two flagpoles, the one flagpole, do not
5 reduce the necessary level -- to the necessary levels
6 the negative impact of the artificial structure on
7 the character-defining features of the rural
8 cemetery.

9 The analysis and opinion in my letter
10 submitted on January 8, 2018," which you guys have
11 all read, I think, "still holds true for these
12 alternative designs located in the specific spot.
13 Judging from the renderings submitted, these designs
14 each still stand as significant intrusions into the
15 meaningful and important open skyline above one of
16 the most important vistas built into the landscape
17 design of the cemetery."

18 And if you guys remember from that letter,
19 the metaphor invoiced by that skyline is a -- I mean,
20 if you believe in God, it's a metaphor about heaven.
21 It's an open skyline above the most important graves
22 in the cemetery. I mean, they're not going to be the
23 most important to me, but to our community they were
24 built on that ridge for a reason. Sorry, that was my
25 (indiscernible).

1 Blah, blah, blah, blah, "The intrusion of
2 these tower designs is enough to affect how
3 visitors," like me, "experience and understand this
4 amazing local treasure.

5 I urge the Board to please require that
6 these companies seek out a better location than the
7 sensitive ridge that significantly contributes to the
8 character and understanding of the cemetery.

9 Thank you. Sincerely, Liz Campo-Kelly
10 (phonetic), ASLA, Principal, Hudson (indiscernible)."

11 That was Liz's. Mine is going to be 30
12 seconds, speaking for myself, and to Mr. Gaudioso,
13 your tower does -- I know it's not your tower. It
14 does affect how we experience the cemetery and how we
15 understand it. It affects our use and enjoyment of
16 it. That's the standard.

17 You have several professional opinions
18 before you that say that it does not meet the
19 standard of insignificance. It's not an impossible
20 standard to meet. You can move the tower. There are
21 multiple mitigation techniques that don't include
22 planting little plants in front of your pole. You
23 can move it to a different site. You can move it
24 into a more screened site like in one of the --

25 MR. MARINO: Jennifer, if you wouldn't mind,

1 address the comments to us.

2 MS. ZORICK: Sure. Sorry.

3 MR. MARINO: It just works better for
4 everybody if --

5 MS. ZORICK: I'm not meaning --

6 MR. MARINO: No, and I didn't take it as
7 that.

8 MS. ZORICK: Also, I want to just say, I
9 don't like -- these guys, they're running a business
10 and they have every right to.

11 MR. MARINO: And we're not taking it that
12 way at all. It's just easier if you address your
13 comments to us, that's all.

14 MS. ZORICK: Yes, I will, sorry. I'm trying
15 to make everybody hear me.

16 My last comment, though, is I think that the
17 mitigation techniques that should be explored have
18 not been explored. You could -- maybe you could push
19 the pole over farther. Maybe you could locate it in
20 a different spot. This isn't the be all-end all, and
21 I hope that the Board understands that this isn't
22 going to go away whether you approve or disapprove
23 this application. There will be another application,
24 I guarantee you. I don't know if it will be
25 Nelsonville or in Cold Spring or in Phillipstown.

1 There will be multiple ones that come in decades, and
2 what you guys do here with this application is going
3 to set the standard for what other boards are going
4 to do in the future and what we want our village and
5 our (indiscernible) town to look like.

6 I know you already know this, but I hope
7 that you will take it seriously, and understand that
8 this isn't like, oh, let's just approve this and let
9 them get their way and then this will all be over.
10 There's going to be another pole and another pole and
11 another pole, another pole. Let's make them do it
12 the right way from the start in our community. And
13 that's how I feel. Thank you.

14 MR. MARINO: Thank you.

15 CHAIRMAN RICE: Thank you, Jennifer.

16 (APPLAUSE)

17 CHAIRMAN RICE: Next audience member.

18 MS. MINNERS: Eliza Matthews.

19 CHAIRMAN RICE: Eliza.

20 MS. MATTHEWS: (Indiscernible) from
21 Phillipstown Cell Solutions that we stand on our
22 memorandum that we submitted that we don't think any
23 of these designs minimize the insignificance. I
24 mean, we know what flagpoles look like, what the tree
25 line looks like.

1 And I also wanted to thank you very much as
2 boards who have spent a lot of time doing this,
3 taking your time to consider all of these possible
4 alternatives and making sure that it's the right
5 choice. So thank you for going into all of this
6 because I know it's somewhat torturous.

7 CHAIRMAN RICE: Thank you.

8 MR. MARINO: Thank you.

9 (APPLAUSE)

10 MS. MINNERS: Last, Carolyn Llewellyn
11 (phonetic).

12 MS. LLEWELLYN: Hi, I'm Carolyn Llewellyn.
13 I live in Nelsonville, and I want to thank all of
14 you, too, for all the hard work you're doing, all the
15 details you're looking at. I get dizzy when I look
16 at stuff like this, and I really appreciate how
17 precise and attentive you're being with every single
18 thing so it can be done right.

19 As far as minimizing visual impact to a
20 level of insignificance, that's obviously a no-
21 brainer. It's obviously a no-brainer. I know you
22 guys know it in your hearts. We all know it. You
23 guys have read hundreds of letters. You've heard
24 hundreds of speakers. It's a no-brainer. It's not
25 debatable.

1 I drive all the time to see my dad in
2 Philadelphia, so I drive up and down New Jersey and I
3 see cell towers every few hundred feet, and my kids
4 joke with me, "Oh, it's the future of Phillipstown."
5 There's a reason Cold Spring, Nelsonville,
6 Phillipstown is on so many top ten lists, best place
7 to live in the world, best place to visit, cutest
8 downtown, you know, best heights, you know, the best
9 day trip from anywhere. It is unique. It's a no-
10 brainer, and like she said, it's not just going to be
11 this one. They've already, you know, they're already
12 looking in more and more and I know it takes -- it's
13 hard to look at this team of lawyers from Verizon and
14 AT&T who have a rebuttal to every single thing.

15 The Board of Phillipstown did it, and as
16 they saw it and as you see, you have your citizens
17 behind you. We're full of gratitude for our work.
18 There's tons of lawyers in Phillipstown Cell
19 Solutions. People have donated thousands of dollars
20 to hire more. We are with you. We're full of
21 gratitude for you, and we want to keep the beautiful
22 community we have.

23 There's a lot of other reasons beyond just
24 the visual impact, so many, and they're all valid.
25 But since you have that one spelled out very clearly,

1 that's enough. I don't even get why we're coming to
2 all these meetings. It's an obvious answer. Thank
3 you.

4 CHAIRMAN RICE: Thank you.

5 (APPLAUSE)

6 CHAIRMAN RICE: No more speakers, our
7 audience?

8 (No audible response)

9 Okay. Robert, did you have anything else to
10 add or --

11 MR. GAUDIOSO: No, nothing further, thank
12 you.

13 CHAIRMAN RICE: So the last item on the
14 agenda was setting the next meeting time and date.
15 It's a matter of do we want to close the public
16 hearing? Seems like a --

17 MR. KEELEY: I make a motion to close the
18 hearing.

19 MR. MERANDO: And I'll second that motion.

20 CHAIRMAN RICE: All right, so we're going to
21 close the public hearing. Thanks everybody.

22 MS. CLEMENTS: Did you vote?

23 MR. GAUDIOSO: Did you do both boards?

24 CHAIRMAN RICE: Oh, sorry.

25 MR. MARINO: Planning Board, looking for a

1 motion?

2 MR. MEEKINS: I make a motion.

3 MR. HELLBACK: Second.

4 MR. MARINO: Paul.

5 MALE SPEAKER: Mr. Chairman, I didn't
6 realize that you were going to be closing the public
7 hearing, otherwise, I would have made a very brief
8 statement.

9 MR. MARINO: I think generally when we close
10 a public hearing, we still leave a 10-day period for
11 written comments, so if you'd like to do that.

12 MALE SPEAKER: (indiscernible)

13 CHAIRMAN RICE: Yes, thank you.

14 MR. MARINO: So, Planning Board, all in
15 favor?

16 (ALL SAY "AYE")

17 MR. MARINO: Okay. We're good.

18 CHAIRMAN RICE: Okay, so the public hearing
19 is closed.

20 MS. CLEMENTS: The Zoning Board, could we
21 vote? I didn't hear --

22 CHAIRMAN RICE: Oh, yes.

23 MR. KEELEY: I make a motion.

24 MS. CLEMENTS: I heard the motion. I just
25 didn't hear the call for the vote.

1 MR. MERANDO: Steve made the call for the
2 vote, didn't you?

3 MR. MARINO: I made it for the Planning
4 Board, yeah.

5 MS. MINNERS: Chris made it for the Zoning
6 Board, and he seconded.

7 CHAIRMAN RICE: He made it for the Zoning
8 Board. He seconded.

9 MR. MARINO: Seconded.

10 MS. MINNERS: DJ made it and then Paul
11 seconded.

12 CHAIRMAN RICE: It's closed. Motion
13 accepted.

14 (MULTIPLE SPEAKER)

15 CHAIRMAN RICE: We reached a consensus and
16 we're going to close the public hearing.

17 Now, the next meeting should be in two,
18 three weeks, I think. We had said to try to get it
19 done before the end of the -- all right, so Peggy
20 has --

21 MS. MINNERS: Does it have to be 10 business
22 days or 10 regular days?

23 MR. MARINO: Generally, the public -- ask
24 our consultants. Generally, the public hearing, when
25 you leave it open for 10 days, the written period

1 comment, is that business days or is that 10 calendar
2 days?

3 MALE SPEAKER: Calendar.

4 MR. MARINO: That's what I thought.

5 CHAIRMAN RICE: All right. So we -- Peggy,
6 you have a conflict with your School Board meeting.

7 MS. CLEMENTS: Yeah, so there's -- I'm in
8 Los Angeles the entire week of the 9th, which I guess
9 is the 10 days, and then I have a School Board
10 meeting on the 17th.

11 CHAIRMAN RICE: I mean, we were thinking
12 like maybe the 24th.

13 MS. MINNERS: It would have to be the around
14 the week of the 16th, right? That's 10 days.

15 MR. MERANDO: No, we can go later than that.

16 CHAIRMAN RICE: Our shock clock ends on the
17 27th, so maybe we can do it on -- is the 24th --
18 what's today --

19 MS. CLEMENTS: I have a personal family
20 matter that I have to be in Texas the entire week of
21 the 23rd. Sorry. You're welcome to have a meeting
22 without me.

23 (LAUGHTER)

24 CHAIRMAN RICE: Let's think. From --

25 MR. MARINO: How about an absentee ballot?

1 MS. CLEMENTS: Actually, it is also -- I
2 mean, if it needed to be that week, I believe if it
3 is the same for the School Board, it is legal for me
4 to join virtually as long as -- by videoconference,
5 (indiscernible) conference, and that we publish my
6 location (indiscernible).

7 CHAIRMAN RICE: I don't know that we have
8 that.

9 MS. CLEMENTS: (indiscernible) that's fine.

10 (QUIET DISCUSSION ABOUT DATES)

11 MR. KEELEY: Ten days would be the 14th,
12 right?

13 MS. MINNERS: Yeah, 10 days would be the
14 14th.

15 MALE SPEAKER: I believe 10 days from
16 tonight would be a Saturday. I might be mistaken.
17 If that's the case, could the deadline for any
18 submissions be that Monday?

19 CHAIRMAN RICE: Yeah, I think so. That
20 would be the --

21 MR. MARINO: 16th.

22 CHAIRMAN RICE: -- 16th. Is anybody opposed
23 to that deadline for --

24 MR. MARINO: So Monday, the 16th, for the
25 closing of the written comment period.

1 MR. GAUDIOSO: Yeah. And I assume that that
2 is just with respect to the variances that were the
3 subject of this hearing.

4 MR. MARINO: Right. Discussion that was --
5 yes.

6 CHAIRMAN RICE: Okay. And would you guys --
7 would everybody be able to meet?

8 MR. KEELEY: Yeah, we were just -- is there
9 a way that we can confirm with SHPO that we're going
10 to have a response back? They've already shifted
11 their positions.

12 CHAIRMAN RICE: We can try.

13 MR. KEELEY: So it would be important to
14 understand (indiscernible).

15 CHAIRMAN RICE: Oh, that's going to be
16 tough.

17 MALE SPEAKER: On the Board's behalf, we'll
18 make contact with them and see if we can advance
19 their response.

20 MR. MARINO: Let me ask the question then,
21 if we don't hear back from SHPO, is there anything
22 that precludes us from moving forward anyway? I
23 mean, we'd love to hear from SHPO in their advisory
24 capacity in looking at this application, but just in
25 case they don't get back to us.

1 MALE SPEAKER: It's only an advisory role
2 (indiscernible).

3 MR. KEELEY: Right, but you'll make an
4 effort to (indiscernible)?

5 MR. MARINO: Exactly, yes.

6 MR. KEELEY: Okay.

7 MR. GAUDIOSO: One other thing, though, and
8 we specifically said that the alternative designs
9 were subject to SHPO's no adverse effect finding
10 under Section, the Section 106 process, so --

11 MR. KEELEY: So you're suggesting an
12 extension of the shock clock?

13 MR. GAUDIOSO: -- we believe the letter
14 allows for that, but if you believe the letter does
15 not allow for the flagpole, then obviously --

16 MR. MARINO: It sounds more like we're just
17 looking to get a clarification from SHPO to --

18 MR. GAUDIOSO: Yeah. I think it's going to
19 be (indiscernible).

20 MS. MINNERS: Okay, so what day are we
21 talking for the next meeting?

22 MR. MARINO: For the meeting?

23 CHAIRMAN RICE: No, that's the end of the
24 comment period. The 19th is a Thursday.

25 MR. MARINO: 19th works for me. The 18th --

1 - not that I need to be there, but I'd like to be
2 there.

3 CHAIRMAN RICE: Oh, no, we'd like to have
4 you there.

5 MR. MARINO: The 18th is no good for me.

6 CHAIRMAN RICE: All right, so maybe the
7 19th, a Thursday, Thursday, the 19th?

8 MS. CLEMENTS: That works for me, the 19th.

9 MR. KEELEY: Works for me.

10 MALE SPEAKER: The 19th I can't.

11 MALE SPEAKER: I'm (indiscernible).

12 CHAIRMAN RICE: Oh, I think we need you guys
13 at that meeting, though. Maybe we can -- can we push
14 it the week of the 30th?

15 MALE SPEAKER: The week of the 23rd
16 (indiscernible).

17 CHAIRMAN RICE: The 23rd, Peggy is out.

18 MR. MARINO: Unless we have a virtual Peggy.

19 MS. CLEMENTS: I don't see a problem with -
20 I mean, yeah, I don't know. It can be the week of
21 the 23rd. If it's the week of the 23rd I have to
22 join virtually. If it's the week of the 30th I can
23 be here.

24 CHAIRMAN RICE: I don't know that we have
25 those -- the technology to -- do we?

1 MR. MARINO: We don't.

2 CHAIRMAN RICE: We don't have like go-to
3 meetings or web-based meetings.

4 MS. MINNERS: The shock clock is
5 (indiscernible).

6 MS. CLEMENTS: The way we do it with the
7 Board is with iPads. We do it with iPads. We do it
8 with the phone. You can do it with a laptop.

9 MR. KEELEY: Can I suggest that we just work
10 with the Applicant, extend it for another week, make
11 sure Peggy can be here in person. Maybe SHPO gets
12 sorted out by then and we do it on the 1st? Is that
13 pressing it out too far?

14 MS. CLEMENTS: The Board of Education
15 meeting on the 1st.

16 CHAIRMAN RICE: On or about the -- May day?

17 MR. MARINO: May day.

18 MR. KEELEY: May 2nd. She can't do the 1st.
19 May 2nd.

20 CHAIRMAN RICE: The 30th?

21 MR. KEELEY: That gives time for SHPO and --

22 MR. GAUDIOSO: We'd be willing to extend the
23 shock clock (indiscernible).

24 MS. MARINO: So, Peggy, the 30th is good for
25 you?

1 MS. CLEMENTS: The 30th works.

2 CHAIRMAN RICE: 30th?

3 MS. MINNERS: Oh, good, my last day.

4 (LAUGHTER)

5 MR. MARINO: Going out swimming, going out
6 swimming.

7 CHAIRMAN RICE: Shucks, going to have to be
8 there. I think I can do that. (indiscernible) has
9 got some meetings, but -- at 7:30 again.

10 MS. MINNERS: Yeah.

11 MR. MARINO: Okay.

12 MS. MINNERS: April 30, 7:30.

13 CHAIRMAN RICE: I think that's good. April
14 30th, yeah.

15 MR. GAUDIOSO: Is it here?

16 MR. MARINO: Where? We're not sure yet.

17 CHAIRMAN RICE: Oh, where? Oh, we're not
18 sure. We have to make the --

19 MS. MINNERS: I'm going try to get the
20 Phillipstown town hall if I can. If I can't, then
21 I'll try to here again.

22 CHAIRMAN RICE: Okay. All right.

23 MR. GAUDIOSO: Thank you very much for your
24 time.

25 CHAIRMAN RICE: Okay. Thank you, guys.

1 Thanks everybody for coming.

2 (APPLAUSE)

3 MR. MARINO: Make a motion to adjourn.

4 MR. KEELEY: Motion to adjourn.

5 (MULTIPLE SPEAKERS)

6 CHAIRMAN RICE: Second the motion. Triple
7 the motion.

8

9 (Whereupon, the proceedings concluded.)

C E R T I F I C A T E

I, Gloria Veilleux, certify that the foregoing transcript of proceedings of the Village of Nelsonville Combined Public Hearing held on April 4, 2018, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



Gloria Veilleux

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May 8, 2018