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VILLAGE OF NELSONVILLE
JOINT MEETING
PLANNING BOARD AND ZONING BOARD OF APPEALS
MAY 30, 2018

DISCUSSION OF PROPOSED CELL TOWER

TRANSCRIBED BY: GLORIA VEILLEUX
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1 CHAIRMAN RICE: So we're going to get
2 started.

3 MR. MARINO: If you folks wouldn't mind
4 finding a seat and sitting down so we can get
5 started, please.

6 CHAIRMAN RICE: There are a few seats up
7 here, a few seats over there. You're welcome to
8 stand, of course, but if you'll direct your
9 attention up here.

10 We'll open this meeting. This is a joint
11 public hearing of the Zoning Board of Appeals and
12 the Planning Board, Nelsonville. The reason we're
13 here, and as you see on your agenda, the subject is
14 of Homeland Towers, 15 Rockledge Road, Cell Tower
15 Application for a Special Permit and then a variance
16 of the New York State Village law, Section 7736,
17 and, if approved, site plan approval.

18 We just opened the -- I'd like to welcome
19 everybody here and thank Phillipstown for the use of
20 their hall.

21 And as we normally do, I'd like the Zoning
22 Board members to introduce themselves. I'll start
23 with myself. I'm William Rice.

24 MS. CLEMENTS: Peggy Clements.

25 MR. KEELEY: Chris Keeley.

1 MS. MEYER: Peggy Meyer.

2 MR. MERANDO: Steve Merando.

3 CHAIRMAN RICE: Planning Board members,
4 introduce yourselves.

5 MR. MARINO: Steve Marino.

6 MS. BRANAGAN: Susan Branagan.

7 MR. MEEKINS: Dennis Meekins.

8 MR. HELLBACH: Paul Hellbach.

9 CHAIRMAN RICE: Thank you.

10 We also have the Village Engineer, Ron. We
11 have Graham also, our special consultant from WSP.
12 Todd, our special counsel for the Village for this
13 particular Zoning Board application. And our new
14 clerk, Mindy. Do I see Pauline here?

15 MS. MINNERS: Yeah.

16 CHAIRMAN RICE: (Indiscernible) All right.
17 You're off the hook this time.

18 Could the Applicants introduce themselves in
19 whatever way they'd like to do it.

20 MR. GAUDIOSO: Good evening, Chairmen and
21 Members of the Boards. Robert Gaudio on behalf of
22 Homeland Towers and New York SMSA Limited
23 Partnership. I'm joined by Manuel Vicente,
24 President of Homeland Towers, and Anthony Morando
25 from Cuddy & Feder on behalf of AT&T.

1 CHAIRMAN RICE: Thank you. The reason the
2 Zoning Board is leading this because the Zoning
3 Board is the lead agency for SEQRA, the State
4 Environmental Quality Review Act, and as we've
5 talked many times before, Rockledge Road is a 9.6-
6 acre wooded site directly east of the 30-acre Cold
7 Spring Cemetery. And (indiscernible) Nelsonville
8 Zoning Code Article 7, commercial communication
9 towers, Section 188.68. The application for a
10 special permit to place a new zoning tower notes,
11 "In addition to seeking site plan approval from the
12 Planning Board, an application proposing to
13 construct a new commercial cell tower as permitted
14 in the use schedules, the applicant shall apply to
15 the Zoning Board for a special uses permit." That's
16 what we've been talking about for the last nine
17 months.

18 "In addition to a special permit, the
19 applicant seeks an interpretation of New York State
20 Village law Section 7736 or a variance from the
21 requirements of Section 7736."

22 And as we normally do, we have a shorter
23 list of correspondence. I don't know if everybody -
24 - I guess everybody doesn't have this, so I'll read
25 this off. Our meeting was postponed, so we were

1 scheduled to meet on 4/30, but we did have an
2 opportunity for people to make -- send
3 correspondence, and it was then published on the
4 website. I believe it all is as far as I know. I
5 think Pauline (indiscernible).

6 MS. MINNERS: I did.

7 CHAIRMAN RICE: I've listed the letters that
8 we received. I've also acknowledged that we've
9 received a lot of emails, which I have them listed
10 individually. The majority are against
11 (indiscernible) the application. And I'm sure the
12 public has had a chance to see them.

13 But starting with the first letter received
14 on 4/15, on April 15th, Phillipstown Cell Solutions,
15 as prepared by Carol Asserat (phonetic), if I said
16 that correctly, a letter dated on 4/15, there's
17 objections to the obelisk design proposal. I'm just
18 going to give you a snippet of it. I'm not going to
19 -- you guys had the opportunity to read it, so --

20 On 4/16/2018, the Department of Landscape
21 Architecture from Syracuse University, a Dr. Robin
22 Hoffman and a Mr. Connor Neville, they wrote a
23 letter regarding the updated design alternates, and
24 they supported the findings of the Hudson Garden
25 Studio.

On 4/16, we also received a letter from Aaron J. Muir from the (indiscernible) Brown Studio. They're in opposition to the updated design alternates.

Also from the same office, Ethan Timm, he was in opposition to the updated design alternates.

So I think you know what they were. We were talking about an obelisk, about two flagpoles, about a single flagpole, and people were making comments about that.

On 4/16, again 2018, John (indiscernible), Director of the Technical Preservation Services Bureau, Agency Historic Preservation Officer, New York State Parks and Recreation Historic Preservation otherwise known as SHPO, they stated a single 110-foot pole or single 120-foot pole alternate would have no adverse effect.

They also went on to say, "Based on our review, we have also determined that the use of a second pole, Option 1, the use of a dark color on the structure, single or double poles, or the introduction of an obelisk enclosure, would have an adverse effect on the historical resources within a project's APE.

So the single 110 and the single 120 would

1 have no adverse effect. The other (indiscernible)
2 that we talked about and have now set aside and we
3 want to talk about, what we've set aside and what we
4 want to further talk about that, we'll do that in
5 the discussion period.

6 And, again, the discussion period tonight is
7 focused only with the Board. This is not a public
8 hearing. There is no discussion from the public.
9 That's why there's no sign-up sheet, so we're going
10 to talk amongst ourselves and talk with the
11 Applicant, and you guys, obviously, are here to
12 listen to them.

13 On 4/16/18, Jennifer Zarwick (phonetic) of
14 Cold Spring also wrote a letter in opposition to the
15 cell tower alternates and cell tower in general.

16 On 4/16/2018, the Phillipstown Cell
17 Solutions wrote a letter in opposition to the design
18 alternates with a number of exhibits.

19 On 4/19, Snyder & Snyder wrote a letter.
20 They objected to the late submission of the PCS
21 submission on April 16th and the reference to the
22 proposed Butterfield AT&T antenna. Included in
23 there is an attachment -- included in Snyder &
24 Snyder's letter was an attachment from Purecon
25 Solutions, RF Engineer Adam Fehan (phonetic) dated

1 April 18th, which discusses the limited coverage if
2 and when an antenna was installed at the Butterfield
3 site.

4 On 4/23/18, again it's past our submission
5 date, but in response to the PCS letter, Cuddy &
6 Feder, Attorneys I believe for AT&T, they discussed
7 the PCS submission of April 16th which referenced
8 the potential AT&T Butterfield antenna. Included is
9 the attachment to the Cuddy & Feder letter. There's
10 also an April 4th letter from Daniel (indiscernible)
11 AT&T's regular frequency engineers. They wanted an
12 assessment of the coverage provided by the
13 Butterfield antenna. And I believe that's all
14 posted. You guys had a chance to read it, so I'm
15 going to leave it at that.

16 On 04/24/18, Putnam County Department of
17 Planning, Development, and Public Transportation,
18 Barbara Barroso (phonetic), Senior Planner, as far
19 as the Section 239 case referral, it's a type of
20 action. The site plan that was submitted over there
21 was approved as submitted. That, again, has been
22 posted.

23 And just to reiterate, we received four
24 (indiscernible) or batches of citizen emails which
25 were all posted. The majority of the emails

1 expressed opposition to any type of cell tower.
2 These were received by the Boards, read by the
3 Boards, and all posted on the Nelsonville website.

4 So that's the correspondence as far as I
5 know. If anybody -- you can write the Board if you
6 think you wrote -- the letter came in and we didn't
7 note it.

8 MR. GAUDIOSO: Mr. Chairman --

9 CHAIRMAN RICE: Yeah.

10 MR. GAUDIOSO: -- would you happen to have a
11 copy of the Barbara Barroso letter that I can take a
12 look at?

13 CHAIRMAN RICE: I don't have it here. Yeah,
14 we'll send it to you.

15 And, frankly -- I didn't know what it was in
16 response to, but it came to us (indiscernible).

17 MR. GAUDIOSO: Okay, thank you.

18 MS. CLEMENTS: Oh, the email or the letter
19 from the Putnam County --

20 CHAIRMAN RICE: Letter.

21 MS. CLEMENTS: A letter from the Putnam
22 County --

23 (CELL PHONE RINGS)

24 CHAIRMAN RICE: I think that's Barbara
25 (indiscernible). So I didn't pay a lot of attention

1 to that letter, but it did go into the public --
2 seemed like a (indiscernible) and there we have it.

3 Now, where are we at? So that's the
4 correspondence. It's entered into the record.

5 So now I'd like to have a discussion here
6 between -- and everyone on both Boards, this is a
7 joint meeting, are urged to participate in the
8 discussion. And we're going to reach out to Robert
9 for the Applicant when we need him.

10 But I think that it's important to
11 understand if we come to a vote this evening what
12 the Board is going to vote on. And to my mind,
13 speaking for myself to initiate the discussion, it's
14 a 110-foot flagpole without a flag, and it's -- and
15 that's what I think that we're voting on. Does -
16 anyone have another opinion?

17 MS. CLEMENTS: And, William, to confirm,
18 you're stating that based on the SHPO --

19 CHAIRMAN RICE: Well, I'm basing this based
20 on our previous meeting where I believe that we
21 weeded out all the other -- the obelisk, the two
22 flagpoles, and the 120-foot flagpole,
23 notwithstanding SHPO had not at that time ruled on
24 this. So I could ask the Applicant if you agree the
25 110-foot pole is what we are talking about this

1 evening.

2 MR. GAUDIOSO: There's really three options
3 that are still available given the prior letter that
4 we submitted and the options, so the application is
5 for the 110-foot tree, a monopine, which was
6 approved by SHPO.

7 The one single 110-foot pole without a flag
8 in a light color or the single 120-foot pole without
9 a flag in a light color. The two flagpoles and the
10 obelisk were not approved by SHPO, so those are no
11 longer feasible alternatives.

12 If -- but as I said, the application is for
13 the monopine. We would accept a condition of
14 approval for either the one 110-foot flagpole or the
15 one 120-foot flagpole, and with that condition, we
16 would also accept the limitation as outlined in my
17 February 9th letter --

18 CHAIRMAN RICE: Right.

19 MR. GAUDIOSO: -- that we would not extend
20 the height without the Village approval,
21 notwithstanding federal law, and we'd establish an
22 off-site escrow fund in the amount of \$20,000, and
23 we would agree to enter into a conservation easement
24 to preserve the trees and property from further
25 development.

1 CHAIRMAN RICE: Right.

2 MR. KEELEY: And just one clarification for
3 that --

4 CHAIRMAN RICE: Yes, go ahead.

5 MR. KEELEY: -- for my own edification and
6 for the Board members. My understanding, and I
7 believe this is correct, is that SHPO doesn't
8 actually approve anything. They reviewed it. They
9 offered an opinion. They opined on what they
10 believe would or would not impact it, but it's
11 actually for us to determine.

12 MS. CLEMENTS: That's right. And I think --

13 MR. KEELEY: No, no, no. I just wanted to
14 clarify with the Applicant.

15 MR. GAUDIOSO: So without -- so SHPO, when I
16 say approval as part of the Section 106 process,
17 they would find an adverse effect from the obelisk
18 and the two flagpoles and, therefore, those are no
19 longer feasible alternatives.

20 MR. KEELEY: You're removing that from your
21 application.

22 MR. GAUDIOSO: Correct. Well, we're not
23 removing it from the application. We're saying that
24 they're -- if you go back to my February 9th letter,
25 what we said is that the only way there would be

1 feasible alternatives is if SHPO felt that they
2 would have no adverse effect, and SHPO did not feel
3 that, so therefore, they're not feasible
4 alternatives.

5 CHAIRMAN RICE: My understanding is that
6 SHPO makes a recommendation to the Federal
7 Communications on adverse effect.

8 MR. GAUDIOSO: SHPO has the authority to
9 review and make that determination under the Section
10 106 federal NEPA process and pursuant to appropriate
11 agreement signed with the FCC, correct.

12 CHAIRMAN RICE: Right. (Indiscernible)

13 All right, so I think it's up to us to
14 decide if that's what we want to focus on, the 110-
15 foot tower with the -- and the conditions aren't
16 limited to, but I did, per Robert's, what he just
17 said, take it out of the February 9th letter, it's
18 written in the record, seem to be specific, but I
19 read in here on the agenda the -- what's written in
20 the February 9th letter has more specificity with
21 (indiscernible) the conditions. We have
22 (indiscernible), but this is the general idea.

23 Conservation easement, \$20,000 amount of
24 money held in escrow for landscaping outside of the
25 area, and a strict limit to the 110 feet with the

1 exception, I think, of an emergency with antenna for
2 emergency services in Putnam County.

3 The Applicant, unless (indiscernible)
4 conditions, does have the ability to increase the
5 height of the tower (indiscernible).

6 Ladies and gentlemen, we've established
7 that. What else do we have to do?

8 MS. CLEMENTS: Just to clarify what we're
9 discussing, I mean, I understand that it's the
10 condition of the Applicant that the three -- the
11 110-foot monopine, the 110-foot pole and the 120-
12 foot pole are still acceptable alternatives. I
13 think, I mean, given that we actually got to the
14 poles because of the grave concern, and I would
15 argue a significant amount of information in the
16 record about a problem with the monopine, to go what
17 was the original old design that generated initially
18 so much of --

19 CHAIRMAN RICE: A lot of pushback.

20 MS. CLEMENTS: Not just pushback, but I
21 think really, you know, informed opinion about the
22 problems with that design, I think continuing to
23 consider that design is not worth our time. I mean,
24 clearly, even the Applicant, even though he just
25 stated that it's still (indiscernible) the original

1 application, it's still on the table for them, I
2 think the Applicant, at least implicitly,
3 implicitly, yeah, has acknowledged that the
4 potential problems with the monopine given the
5 location and given the wealth of information in the
6 record about the potential impact on the visual
7 impact.

8 CHAIRMAN RICE: When we say that the Board
9 is inclined to focus on a 110-foot flagpole without
10 the flag, without an extension, I think
11 (indiscernible) piece to it in the application in
12 the future (indiscernible).

13 MS. CLEMENTS: Yeah. Yeah.

14 CHAIRMAN RICE: I don't think the Board
15 wants to address those.

16 MS. CLEMENTS: Right.

17 CHAIRMAN RICE: It's just there. It sits on
18 the application for the future in case of
19 litigation. On record, the two flagpoles
20 (indiscernible) obelisk.

21 MS. CLEMENTS: Right.

22 CHAIRMAN RICE: Because SHPO didn't
23 (indiscernible), so there we have it.

24 MR. KEELEY: And one of the other -- if
25 we're looking at a 110-foot flagpole, I guess it's

1 not a flagpole, there's no flag, we're looking at a
2 110-foot pole, I would -- one of the other
3 conditions that I would want us to consider is in
4 escrow significantly higher. That road is an
5 unimproved road. Twenty thousand dollars may or may
6 not -- once the construction begins, \$20,000 may or
7 may not cover any issues, so I would want us to
8 consider something significantly larger to make sure
9 that any unattended damage to the road, to the
10 drainage, any of the other things, that that would
11 be addressed.

12 MR. GAUDIOSO: No objection. Just to
13 clarify.

14 MR. KEELEY: I'm sorry.

15 MR. GAUDIOSO: I'm sorry. I apologize.

16 CHAIRMAN RICE: We're going to call on you
17 when we --

18 MR. GAUDIOSO: Sure.

19 MR. MARINO: If I could then just check in
20 with Ron and Todd. Could something like that in
21 terms of making sure the road during construction,
22 the roads (indiscernible), is that something that we
23 deal with more specifically at the site plan level?

24 MALE SPEAKER: It's very typically a
25 Planning Board issue, (indiscernible) protection of

1 damage to existing conditions. It would more be the
2 (indiscernible) of the Planning Board, not
3 specifically a discussion under the -- a special-
4 permit process.

5 MR. MARINO: So we could certainly consider
6 that as part of our (indiscernible) plan.

7 CHAIRMAN RICE: I think the escrow account
8 that's offered up by the Applicant covers
9 (indiscernible) material outside or neighbors
10 outside the site. And it could be administered by
11 the, I guess the Village (indiscernible).

12 MR. GAUDIOSO: No, that's exactly right. So
13 the escrow isn't really an escrow. It's really a
14 fund --

15 CHAIRMAN RICE: It's a fund.

16 MR. GAUDIOSO: -- to fund --

17 CHAIRMAN RICE: Called an escrow, though.

18 MR. GAUDIOSO: Yeah, but we also understand
19 that, typically, there are construction bonds that
20 if there's any damage done, there would be a bond in
21 place and we'd be happy to post that in a reasonable
22 amount, and that's fairly customary at a Planning
23 Board process.

24 CHAIRMAN RICE: Okay. What other conditions
25 would one want to discuss if we can do a vote on

1 this (indiscernible)?

2 FEMALE SPEAKER: The light color, would it
3 be --

4 MR. GAUDIOSO: It could be any light color,
5 so usually like a lightish gray would probably meet
6 both what SHPO said, and white might be a little
7 bright, so probably more like a little off-gray.
8 And we could certainly agree to a condition of
9 approval to actually provide color samples and
10 actually pick a color properly out in the field.

11 CHAIRMAN RICE: Yeah. I wanted to ask
12 Graham, Graham has an opinion on the colors, I
13 think, when we first met. He said there are some
14 colors that he would think would disappear, but in
15 truth, they cause the antenna to --

16 MALE SPEAKER: Yeah. In my opinion, the
17 (indiscernible) grays or an off-white are better
18 because they don't have as much contrast with the
19 surrounding sky.

20 Usually, the horizon in the sky is not as
21 blue as we all have seen it, of course. Today is a
22 good example. You see some of the haze, so in my
23 experience in evaluation telecommunication towers
24 and other structures like water towers, those that
25 are painted blue like the sky oftentimes jump out

1 more. So a neutral gray, a light gray is probably a
2 better choice because it reflects more of the
3 conditions, and it doesn't have as much as contrast
4 (indiscernible).

5 CHAIRMAN RICE: Okay. So we're going to --
6 we should get -- should the permit be granted, we're
7 going to reach out to you for (indiscernible).

8 MALE SPEAKER: Sure.

9 CHAIRMAN RICE: Okay.

10 MR. KEELEY: I have a few comments.

11 CHAIRMAN RICE: Yes, please.

12 MR. KEELEY: So a couple quick things.

13 First, thank you to the Board members. This is my
14 first application that I've been a part of. It's a
15 particularly exciting one, so thank you for
16 welcoming me warmly.

17 But there's two things that really surfaced
18 a lot early on in this process, and I just want to
19 make clear because months ago at this point, it
20 continued to surface and I just want to make clear
21 at this point there's no consideration of health
22 effects, health impacts. We've taken that off the
23 table a long, long, long time ago. That's nowhere
24 in this conversation.

25 Also, as weird as it is, the private land

1 dispute over who owns the easement right-of-way has
 2 been the advice of our attorneys, multiple
 3 attorneys, multiple experts. That is not something
 4 for us to decide. I find that incredibly bizarre
 5 that I could apply to build a shed on my neighbor's
 6 yard and the Zoning Board could consider that, not
 7 considering who actually owns the land. So I find
 8 that bizarre, but that's not our jurisdiction.
 9 That's for another court to determine if it gets
 10 there. So, again, I just want to make sure that
 11 from my standpoint, that's not under consideration
 12 here at all.

13 When I think about, when I look at the
 14 Zoning Board and the couple -- or the zoning code
 15 and the couple things that I think that we're
 16 supposed to be looking at, a significant adverse
 17 impact and is it minimized to a level of
 18 insignificance, I think undoubtedly, this has a
 19 significant adverse impact. I think that --

20 (APPLAUSE)

21 I think that it's in the Hudson Highlands.
 22 It's in a statewide area of scenic significance.
 23 And though they may not be part of the formal review
 24 process, I think that they are indicative of the
 25 space in which the proposal is put forward, and that

1 it's under our zoning code. Is it something that
2 has a significant adverse effect on scenic or
3 historic resources? I think undoubtedly.

4 I think it's 146 percent taller than
5 surrounding trees if we're looking at a 110-foot
6 pole. I think that we've heard experts locally and
7 more broadly talking about these impacts. We've
8 seen that there's endangered species in the area,
9 including a bald eagle and (indiscernible). It's --
10 the very original application says it's an area
11 considered sensitive in regard to archaeological and
12 those sort of resources. It's in a coastal
13 management zone. It's in a statewide area of scenic
14 significance. There's a host of reasons, not least
15 of which is that it's right on top of the cemetery
16 itself, which has recently been identified as
17 eligible for listing on the National Registry of
18 Historic Places.

19 So there's a variety of reasons that I think
20 that this will have a significant, would have a
21 significant visual impact on historic and scenic
22 settings, and that dressing it up like a Christmas
23 tree or putting a flag on top of it or not putting a
24 flag on the top of a 110-foot pole, I still think
25 that it would have a significant adverse effect.

1 (APPLAUSE)

2 MR. KEELEY: I think we've seen competing
3 opinions on the actual need by an actual provider.
4 There was a while where we didn't know who was
5 actually owing the land and all those kinds of
6 things, setting that aside.

7 The actual need, I think that we've seen a
8 variety of different materials put before us that
9 have gone across the spectrum, have gone from, you
10 know, the 750 end up to the 2,100 and beyond, and
11 they have provided different inputs, different
12 perspectives on what the service is, including local
13 call logs for residents.

14 So that is one where I think that there is a
15 need. I think that members of the Board have stated
16 that there is probably a need, but when I'm thinking
17 about it, is it a significant need? I haven't seen
18 that with confidence, or a significant gap, excuse
19 me. I haven't seen that with confidence.

20 I also think that there's an open question
21 as to whether the need that has been identified by
22 the Applicant is actually around cell service or if
23 it's around data service. And, if so --

24 (APPLAUSE)

25 (indiscernible) our zoning code contemplates

1 it. And so I think that that's -- that, to me, I
2 still don't feel confident that an actual
3 significant need has been identified in that way.

4 Is this site, you know -- our zoning code
5 says it needs to be cited where individual impact is
6 least detrimental. I don't think anybody could
7 argue this is the -- it's a place that is least
8 detrimental.

9 We had one individual landowner who decided
10 to allow a proposal to advance that opens this up,
11 and that's unfortunate, but the Applicant
12 themselves, to my understanding, has looked at a
13 variety of other locations in the Village and hasn't
14 been able to identify another location that would be
15 suitable. Just because that this is the one
16 suitable location in our small village doesn't mean
17 that it's suitable. It doesn't mean that it is the
18 least detrimental.

19 (APPLAUSE)

20 You know, when I went back and I was re-
21 reading the zoning code before coming into this,
22 there's a couple things that I was really looking at
23 closely, not just the provisions around the special-
24 use permit for a communications tower, but the
25 zoning code itself, like why does the Zoning Board

1 exist? And there's a few things right up front, the
2 stated purpose are around to preserve the character
3 and appearance of the Village, to conserve the value
4 of buildings and property, and the conservation of
5 historic landmarks, sites, buildings, and places.

6 So when I look at those things and I ask
7 myself does this promote the character and
8 appearance of the Village, I think it's no. Does
9 this conserve the value of buildings and property?
10 I think we've seen things on both sides, but I can't
11 definitively say it does. And does this conserve
12 historical landmarks, sites, buildings, and places?
13 Absolutely not, in my opinion. I think this is
14 detrimental to historic landmarks, sites, buildings,
15 and places.

16 I think that one of the good things that
17 came out of this proposal is that it did help to
18 shine the attention on the cemetery that it
19 deserves, to help get it listed on the historic
20 registry, so I'm thankful to the Applicant for that.
21 But I think that -- I think from my opinion, from my
22 standpoint, I think that this application is
23 inadequate to the needs of the zoning code as I
24 think we're here to evaluate it on.

25 (APPLAUSE/CHEERING)

1 CHAIRMAN RICE: Does anyone else have any
2 comment or --

3 MS. CLEMENTS: Yeah, I do have -- I'd just
4 say that, actually, I don't want anybody to applaud
5 for me. I'm actually not here for applause, so I
6 appreciate (indiscernible).

7 MS. CLEMENTS: Yeah, I mean, I think for me,
8 one of the most definitive moments in the
9 presentation of all the information that's been
10 presented over time really, I mean, I guess it
11 actually really started in my own personal
12 experience, and I've spoken about it with the
13 Applicant a number of times in these meetings about,
14 well, I certainly care --

15 I mean, first of all, thanks to Chris for
16 being so thorough and so thoughtful in all of his
17 efforts and to come (indiscernible) right now, but
18 you know, I think very much grounded in my own
19 experience that I've talked about in these meetings
20 that I think is a shared experience with people in
21 the community of walking in the state and
22 Nelsonville that's nearby. It's the northeast.

23 I just came back from a week in Yellowstone,
24 right? You're out west. You're in Idaho. You're
25 in Wyoming. All there is is space, right? All you

1 can do is see the sky, but here where we live,
 2 access to views are really very precious. They're
 3 very few and far between, right? You can walk, you
 4 know, starting in Nelsonville and start walking up
 5 the hills and, you know, you walk for really close
 6 to an hour and there are going to be two places
 7 where you can look out. And one is -- and I do
 8 really appreciate the Applicant's attempt to really
 9 demonstrate what the impact of any of the designs
 10 would be from those trails. And you get to that
 11 first lookout on the yellow trail, right, that 15 or
 12 20 minutes out, right, if you're slow like me, I
 13 guess, and that's -- like that's a really precious
 14 view. It's a really precious view.

15 So anyway, so from the beginning, my
 16 thinking was grounded in my own experience, but I
 17 think that the woman from the Hudson Highlands Land
 18 Trust who spoke at the meeting, January maybe, and
 19 really spoke, I think, much more eloquently in a
 20 more informed and educated way than I did about the
 21 importance of those views, right, and it's really
 22 been replicated again and again in the folks that
 23 have spoken and written so eloquently and so
 24 thoroughly about the fact that, you know, this part
 25 of the Hudson Valley is part of a statewide area of

1 scenic significance.

2 There are already, you know, for all of the
3 areas of the SASS areas throughout the state, right,
4 only a few of them have cell phone towers. And we
5 already have -- there are already cell phone towers
6 here in the Hudson Valley, and I think, you know,
7 it's really, you know, it's really important to do
8 everything we can to preserve this, right?

9 These kinds of spaces are, you know, can
10 essentially be lost, and I -- it's certainly one
11 that I don't want to lose. So again, you know, like
12 Chris, although to a somewhat more limited extent,
13 you know, I really started by thinking about what
14 the zoning codes say, and I'm going to repeat what
15 he said, but you know, that cell towers would be
16 placed where the visual impact is least detrimental,
17 and that you would do everything that you can to
18 mitigate such impacts to a level of significance.

19 You know, I would argue that the tower is a
20 significant improvement over the monopine. I mean,
21 there is no doubt about it. I mean, and we had the
22 conversation and there have been this back-and-forth
23 and the Applicant did come back with it, but I still
24 think when you look at what has been written by the
25 folks like, I don't know, Kathleen Foley who has

1 background in design, Liz Campbell-Kelly who has
2 background in design, the folks from Suny
3 (phonetic), I'm not remembering all the names right,
4 but the environmental (indiscernible), I mean, they
5 have really laid out, I think and really
6 articulately how -- what the impact of the cell
7 tower should be.

8 And so one of the things, I guess, that
9 Chris wanted to articulate some things I want to
10 articulate as well. I mean, this is a situation
11 where there have been competing opinions throughout,
12 right? And just because SHPO, for example, has said
13 that it has determined that a 110-foot pole painted
14 in a neutral color, one, would not have a
15 significant visual impact. That doesn't mean that
16 that's the truth, right? And so I am squarely
17 placing my flag in the pile, in a mound of evidence
18 that speaks to the significant impact that it would
19 have.

20 And so I actually really -- I'm limiting my
21 decision -- the gap stuff, I don't -- I'm not going
22 to speak to. I'm not, but I am -- I think the
23 visual impact is enough for me.

24 CHAIRMAN RICE: I think you made a good
25 point. There's a lot of opposition to the monopine.

1 I think that the antenna is a great alternative to
2 the monopine, and because you, I mean, you asked for
3 it. Steve asked for it. We asked for all
4 alternates. We got many, many, many different
5 alternates, and these alternates seem better than
6 the other one. And so it's a matter of -- I think
7 we're heading in the right direction. It's a
8 slender -- it's not a (indiscernible) as we all
9 talked about. It's an antenna that sends out
10 regular signals through antennas that are
11 camouflaged antennas. There's (indiscernible).

12 But the question is I'm not sure where else
13 with these cell towers might go (indiscernible).
14 There seems to have been an exhaustive search of
15 where the cell towers go. You know, I don't think -
16 - there's a lot of opposition to the cell tower, but
17 there is -- it's an opposition to anywhere, anywhere
18 cell towers in general, yet everybody has cell
19 towers, iPads, computers. If there's an opposition
20 to the cell tower, if not, where. If not, you know,
21 do we want the FCC to give us a monopine or do we
22 want to make our own decision? So, I mean,
23 (indiscernible) allow the Federal District Court to
24 make us (indiscernible) which you know
25 (indiscernible) or maybe perhaps make a compromise

1 (indiscernible), you know. It's never going to fit
2 in (indiscernible). Where's the next pole going to
3 be? Where's an appropriate place for the pole
4 (indiscernible)? Does anyone (indiscernible)?

5 I'm asking the Board. I'm not asking the
6 public. I mean, where's the next place? There's
7 been an exhaustive study. There's been
8 (indiscernible).

9 The zoning code itself limits the locations
10 of cell towers to specific zoning lots. We're kind
11 of running out of (indiscernible).

12 MR. KEELEY: But there could always -- oh,
13 I'm sorry.

14 MS. CLEMENTS: Well, I was going to say, I
15 mean, I think -- do you want to --

16 MALE SPEAKER: No, go ahead.

17 MS. CLEMENTS: I mean, you know, William, I
18 mean, this is actually the conversation I have been
19 having in my own head --

20 CHAIRMAN RICE: I know.

21 MS. CLEMENTS: -- that it is true that we,
22 you know, my understanding based on our legal
23 counsel, what we've heard from our legal counsel is
24 that, you know, by choosing -- if the Board chose to
25 deny the special permit even for the 110-foot pole

1 that we -- my understanding, I don't know if this is
2 (indiscernible) accurate, is that we would lose in
3 our right to make decisions about -- to have
4 stipulations about the design. And that's actually
5 something a concern to me quite a bit because I do -
6 - I think there is a difference between the monopine
7 and the tower.

8 And I don't disagree with you that if not
9 this location, where, because there aren't that many
10 locations and, certainly, it doesn't seem like folks
11 in the Village have been volunteering, right? I
12 think somehow, but others -- most have not been --

13 CHAIRMAN RICE: They're not appropriate
14 sites.

15 MS. CLEMENTS: -- they're not appropriate
16 sites, but people have not been volunteering to have
17 these towers, and yet at the same time -- I've
18 considered that risk and still remains a decision
19 that I think that the introduction of the tower into
20 the -- personally, you know, not just personally,
21 but based on the evidence, that the introduction of
22 the tower into this area where it's located is
23 enough, at least, I guess, for me. I feel like it's
24 taking a risk, right? It's taking a risk.

25 CHAIRMAN RICE: It is taking a risk.

1 MR. KEELEY: Oh, I'm sorry.

2 CHAIRMAN RICE: Go ahead.

3 MR. KEELEY: I mean, my thoughts along that,
4 I do think that's an important point, right? Like
5 if there's a denial, you know, there's
6 (indiscernible) now, and we've talked about that in
7 various meetings, or potential (indiscernible)
8 anyway. We don't know what happens, right, but
9 there's potential (indiscernible) where that goes.

10 But to the point of seeding the design of
11 it, that doesn't make sense to me. Even if it were
12 to go to the court and a court were to send it back
13 to us and say "You've got to decide," and "Yeah,
14 make it happen," you still get, you know, design
15 (indiscernible) or something. If we're already
16 stated in this meeting that consideration or the
17 proposal we're considering is a flagless pole, why
18 would the court revert back to something that we
19 knocked off the tables months ago?

20 CHAIRMAN RICE: Well, as to Robert's point,
21 we didn't knock it off the table. And I want to ask
22 Todd if --

23 MR. KEELEY: Okay. So I'd like to make a
24 motion to knock it off the table.

25 MS. CLEMENTS: Or we could --

1 CHAIRMAN RICE: And that was the point of
2 bringing (indiscernible).

3 MR. KEELEY: That was a serious thing.

4 CHAIRMAN RICE: Yeah.

5 MR. KEELEY: And we actually -- I'd like to
6 make a motion to knock the monopine off the table,
7 to no longer consider the monopine.

8 MR. GAUDIOSO: The monopine is our
9 application, just to be clear. That is our
10 application is the monopine.

11 CHAIRMAN RICE: Todd, I wanted to ask you to
12 Peggy's point that should the Board deny this
13 application, does it leave open -- does it then fall
14 back to the Applicant within the -- for three towers
15 (indiscernible) application to whatever one they
16 wanted, notwithstanding the preference of some
17 members of the Board (indiscernible)?

18 TODD: Well, again, their application as it
19 exists now, as they pointed out, they're not willing
20 to withdraw involves all three designs.

21 Theoretically, they can go to the court and
22 ask for those designs. Obviously, if the Board
23 denied it and we were fighting them in court, we
24 would certainly focus on the problems with the other
25 designs and try to focus on one, but it would be up

1 to the court, ultimately, to make that
2 determination.

3 Theoretically, it could be part of
4 litigation. It may not be part of the litigation.
5 They may only make an application to the court on
6 the monopine, and the court would be left with no
7 choice at that point but to either approve or
8 disapprove the monopine.

9 The idea that it would come back to the
10 Board is a possibility here, but the court also --
11 and, you know, the courts go both ways. Some courts
12 issue an injunction directing you to give them a
13 permit for whatever the court finds. Others send it
14 back for a, you know, a determination and consistent
15 with the court's ruling.

16 So again, to the extent they are not going
17 to withdraw their application, they're asking you to
18 rule on that application, that could be before the
19 court.

20 MR. KEELEY: And I can unders -- oh, I'm
21 sorry.

22 TODD: That's okay.

23 MR. KEELEY: And I can understand those
24 considerations, right? Like that has to be part of
25 the thought process here, but first and foremost, I

1 think that we need to be considering is the zoning
2 code, and it doesn't meet the threshold of the
3 zoning code, and I think (indiscernible) that the
4 answer is no.

5 CHAIRMAN RICE: On what regard?

6 MR. KEELEY: Everything that I was
7 describing before.

8 CHAIRMAN RICE: Oh, yeah, (indiscernible)
9 cell tower.

10 MR. KEELEY: On a variety of reasons.

11 CHAIRMAN RICE: A cell tower at that
12 location (indiscernible).

13 MR. KEELEY: Any cell tower at that -- I'm
14 not sure. I don't know if we need to get into that
15 level of --

16 CHAIRMAN RICE: No. You're just saying from
17 a (indiscernible) standpoint --

18 MR. KEELEY: I'm saying that the proposals
19 before us --

20 CHAIRMAN RICE: Proposals before us.

21 MR. KEELEY: -- do not meet the zoning
22 requirements.

23 CHAIRMAN RICE: Exactly.

24 MR. KEELEY: That's what we're considering,
25 and that's what I'm respond to, that the proposal

1 before us does not meet the requirements of the
2 zoning code in my reading of it.

3 CHAIRMAN RICE: From a (indiscernible)
4 standpoint.

5 MR. KEELEY: For all the reasons that I
6 described.

7 CHAIRMAN RICE: Okay. So that's something
8 for the Board to consider in a lawsuit. We may wind
9 up with a monopine, something I considered, I
10 thought a lot about.

11 MALE SPEAKER: I'm personally not in favor
12 of that monopine at all.

13 CHAIRMAN RICE: Right.

14 MALE SPEAKER: I don't think it -- I think I
15 stated it before, you're going to have a pine tree
16 in the middle of an oak grove.

17 CHAIRMAN RICE: True.

18 MALE SPEAKER: Pine trees don't grow in the
19 middle of oak groves. They just don't -- they stick
20 out like sore thumbs and they're really detrimental,
21 you know, to the esthetics of the area.

22 CHAIRMAN RICE: Right. I think you're
23 absolutely right, and the Board moved away from that
24 (indiscernible) --

25 MALE SPEAKER: That's why we moved away from

1 that and went for other alternatives.

2 CHAIRMAN RICE: I think it was --
3 alternatives, right.

4 MALE SPEAKER: Being that the
5 (indiscernible) and two poles were kind of like
6 turned down through the --

7 CHAIRMAN RICE: SHPO.

8 MALE SPEAKER: -- SHPO, it only leaves with
9 the one really alternative of the 110-foot pine,
10 pole rather.

11 CHAIRMAN RICE: Right.

12 MALE SPEAKER: And that's all.

13 CHAIRMAN RICE: I would agree. I mean, I
14 don't think the Board wants to talk about a 120-
15 foot. There's no reason --

16 MALE SPEAKER: No, no.

17 CHAIRMAN RICE: -- for that, for us to move
18 in that direction. (Indiscernible) remains on the
19 application. I think we've narrowed it down to 110-
20 foot antenna and with the conditions attached to it.
21 And that would be what I would focus on.

22 Do we have any other (indiscernible) you
23 want to talk about?

24 MALE SPEAKER: Can the Planning Board say
25 anything or --

1 CHAIRMAN RICE: Yeah, yeah. It's a joint
2 meeting.

3 MALE SPEAKER: Everything we're saying here
4 tonight is going to be documented for when and if we
5 do get sued, so I would like to invite the presiding
6 judge who catches the case to come up here for him
7 or herself and see the scenic beauty up here, hike
8 on our trails, take a walk through our cemetery,
9 before they make their decision. They can come up
10 here --

11 (APPLAUSE)

12 CHAIRMAN RICE: Yeah, I don't know that
13 they're going to do that.

14 MALE SPEAKER: I don't know, but
15 (indiscernible).

16 CHAIRMAN RICE: I don't know, so I'm -- I'm
17 going to (indiscernible) things the way they are,
18 but perhaps we'll get lucky and the judge has the
19 (indiscernible).

20 MALE SPEAKER: Dennis has an extra room.

21 CHAIRMAN RICE: Any other opinions?

22 MALE SPEAKER: I just wonder if with all the
23 time that's passed if we really had the opportunity
24 to explore other sites. I know one of the first
25 documents we had was a map, and it seemed like an

1 inordinate number of cell towers either within the
2 boundary of, I'll say overall Phillipstown, and then
3 right on our borders, either Fishkill, Portland,
4 compared to the other kind of surrounding areas of
5 the Hudson Valley. And I was bewildered why we had
6 so many towers and maybe the hills and maybe lack of
7 tall buildings to put them on and there's probably
8 tons of explanations, but I wonder if there's been
9 other exploration of some combination towers on most
10 of the sites.

11 I think one of the communications we saw, I
12 believe somebody said they invited you to come see
13 their site, commercial cite on (indiscernible), and
14 I know that (indiscernible) --

15 CHAIRMAN RICE: (indiscernible)

16 MALE SPEAKER: And it might not cover, but I
17 wanted that, coupled with whatever is possible for
18 now getting constructed a hospital site, if we
19 really explored all other site options. Maybe not
20 within Nelsonville because I'm still not sure the
21 gap is in Nelsonville, so if a gap is on 9D, there
22 might be less of a gap now with all the trees that
23 came down in the last four months.

24 (LAUGHTER)

25 And there's probably more chance that any

1 kind of pole is going to stick out more now with
2 more trees coming down, so I think one of the
3 letters concerned about trees coming down around
4 anything that is there that could further be an
5 adverse impact on a view that we can't predict,
6 obviously. But based on the last five months and
7 how dangerous it has been to drive near trees in
8 these (indiscernible), I mean, I drive down 90 every
9 day. I've never had such a horrendous four months
10 of driving down 9D to get to the Palisades as I have
11 in the four months --

12 MR. GAUDIOSO: Yeah. That's a point. One
13 of the conditions, too, important conditions are we
14 would make it available for public safety and I
15 think you've seen with the storms public safety is
16 an overriding issue. That's not going away.

17 And the second condition is that we would
18 preserve the trees and the screening on this
19 property. If, for some reason, that condition was
20 not in place, this property is developable and I'll,
21 you know, venture to guess that it will be developed
22 and those trees will be cut, but we're proposing to
23 preserve those trees and that area surrounding the
24 cemetery.

25 MALE SPEAKER: Well, is there kind of a

1 point above the tree that isn't to the full maximum
2 of 110 that still is an economic venture worthwhile
3 of a smaller pole or is 110 the minimum?

4 MR. GAUDIOSO: No, 110 is the minimum, and
5 we've documented that and your consultant has agreed
6 to that, so it has nothing to do with economics. It
7 has to do with coverage.

8 MALE SPEAKER: Even with the trees coming
9 down around it, I would go back up there to see it.

10 MR. GAUDIOSO: Yeah. That's not going to
11 impact the lodge area of coverage, which it is in
12 Nelsonville. It is on Route 301, is in the
13 surrounding areas, but is clearly within
14 Nelsonville.

15 MALE SPEAKER: And that gap on 301 would not
16 be covered by McKeel's Corner (indiscernible) tower?

17 MR. GAUDIOSO: Correct. It's not covered
18 now. We submitted both coverage maps, drive-test
19 data, drop-pole data, all of which was reviewed by
20 your own consultant and agreed with.

21 MALE SPEAKER: Not covered now, but --

22 MR. GAUDIOSO: Correct.

23 MALE SPEAKER: -- if McKeel's Corner were
24 taller, would it be converted then?

25 MR. GAUDIOSO: No, it still would not be

1 covered.

2 MALE SPEAKER: It still would not.

3 MR. GAUDIOSO: We submitted a map showing
4 that.

5 And the site you're talking about on Route 9
6 was from the Phillipstown councilman, and that's up
7 on Route 9 past McKeel's going in the other
8 direction. It would have absolutely in impact on
9 Nelsonville.

10 MALE SPEAKER: Isn't that right near another
11 tower?

12 MR. GAUDIOSO: He proposed it to us and said
13 "I have a piece of property." We never offered to
14 go on his property.

15 MS. CLEMENTS: I mean, the way -- I do
16 appreciate that there has been an effort to pursue
17 alternative sites, but the Zoning Board is tasked
18 with figuring out what the alternative site would
19 be. I mean, we're tasked with making the decision
20 about whether -- and I -- about whether or not we
21 think that the cell tower as it's proposed is going
22 to have a detrimental impact on -- visual impact on
23 the setting.

24 I mean, the -- I mean, I think people know
25 this, but like even today I was going back, I mean,

1 community opinion has to count for something, right?

2 I mean, yeah --

3 (APPLAUSE)

4 And there were two emails that I saw that I
5 were in favor of it, and I think, you know, the
6 issue of public safety and issue -- believe me, I'm
7 not going to go into it, but I'm, you know,
8 perfectly aware of how the first responders have
9 commented on the issues in Nelsonville. I don't
10 doubt that, but the Zoning Board of Appeals, it's
11 not our job to find the alternative site. I mean, I
12 -- and yeah --

13 CHAIRMAN RICE: It's the Applicant's job to
14 that, but it is the Zoning Board's responsibility to
15 judge if the Applicant has made a significant effort
16 and made the effort to do so. And the Applicant has
17 -- our code required him to do that.

18 MS. CLEMENTS: Right.

19 CHAIRMAN RICE: It's not our job to do that.
20 The job of the community could offer sites, but our
21 job is to judge if the Applicant made a sincere
22 effort based on evidence that they submitted to us
23 that they're site (indiscernible).

24 And we've received information over the past
25 nine months and it's up to the Board to decide if

1 that effort was made or not. It's in the public
2 record. It's on the website.

3 MALE SPEAKER: Can we maybe hear again for
4 the record, then, Mr. Chairman, about why the
5 Phillipstown Garage again is still not a good site?

6 MR. GAUDIOSO: Yeah, we submitted an expert
7 report looking at it up to 210 feet. Your own
8 consultant, Mr. Grafe (phonetic), looked at it and
9 agreed the Phillipstown Garage simply does not
10 provide the coverage down into the Nelsonville area.
11 It's up on Fishkill Road. It's too far. It's too
12 far to the Phillipstown area, and we're trying to
13 cover in this area. It simply doesn't provide the
14 coverage, and that was confirmed by your own
15 consultant.

16 MALE SPEAKER: Does it provide the coverage
17 for the gap on 301 that you talked about?

18 MR. GAUDIOSO: No, it does not. It does not
19 get down into this area. That's the problem. If
20 you look at the maps --

21 MALE SPEAKER: So where on 301 --

22 MS. CLEMENTS: I mean, 3,500 yards from 201,
23 I mean --

24 MR. GAUDIOSO: It's closer to where McKeel's
25 is, and that's the area that's being covered. We're

1 trying to cover down in this area, down to this
2 portion of Nelsonville.

3 If you look at the maps, I mean, I can pull
4 them out and show them to you. I can pull out your
5 own consultant's report where he agrees. It's all
6 been documented.

7 MALE SPEAKER: I'm sure it has, but I know
8 firsthand there was a gap between the Nelsonville
9 border and 9 on 301, so that's the only gap --

10 MR. GAUDIOSO: Yeah, from about Jaycox
11 Road --

12 MALE SPEAKER: Right.

13 MR. GAUDIOSO: -- from about Jaycox Road all
14 the way down.

15 MALE SPEAKER: Not all the way down. It's
16 at Jaycox Road towards 9 is where I drop every time
17 -- if I'm on a call -- I live on Haley, so I turn
18 right onto --

19 MR. GAUDIOSO: Well, you should tell that to
20 Phillipstown because they denied an application
21 there that was meant to cover that gap area as well,
22 but that's not what this application --

23 MALE SPEAKER: I can't see how McKeel's
24 Corner wouldn't cover that already, but that's --

25 MR. GAUDIOSO: Because of the topography,

1 it's exactly the topography. That's exactly the
2 problem.

3 McKeel's Corner is limited to 100 feet in
4 height by their zoning code.

5 MALE SPEAKER: So where on 301 exactly are
6 we saying the gap is from Jaycox, into the Village?

7 MR. GAUDIOSO: Correct.

8 MALE SPEAKER: Well, I can say firsthand
9 that's not where I experience a Verizon gap.

10 MR. GAUDIOSO: Okay.

11 MALE SPEAKER: It's Jaycox the other way.

12 MR. GAUDIOSO: So you've experienced a
13 Verizon gap in the area.

14 MALE SPEAKER: From outside the Village of
15 Nelsonville in Phillipstown.

16 MR. GAUDIOSO: We appreciate that because
17 we're trying to put a site there as well to cover
18 that area.

19 (SOUNDS OF "MOANING")

20 MALE SPEAKER: I would say make McKeel's
21 Corner more effective.

22 MR. GAUDIOSO: Well, McKeel's Corner is
23 limited to 100 feet by the zoning code, and it's
24 also limited by the setbacks based on that height
25 and in that location. So it's not simply we're

1 going to raise McKeel's and it's going to solve
2 Phillipstown. It's certainly not going to solve into
3 Nelsonville. We've documented that and your own
4 consultant has agreed.

5 MALE SPEAKER: So you have another site
6 planned on 301; is that what --

7 MR. GAUDIOSO: No. We have a site planned
8 on Route 9 off of Vineyard Road in Phillipstown.

9 MALE SPEAKER: I know that site, but --

10 MR. GAUDIOSO: Correct.

11 MALE SPEAKER: -- are you saying you have
12 another site on 30 --

13 MR. GAUDIOSO: No, this site.

14 FEMALE SPEAKER: Two sites.

15 MR. GAUDIOSO: This site -- the two sites
16 are not -- the two sites are separate applications.
17 This site is for Nelsonville and the surrounding
18 area. The other site is for Phillipstown up and
19 down Route 9 and across on 301 and those surrounding
20 areas.

21 MS. BRANAGAN: (indiscernible) there's not a
22 third one?

23 MR. GAUDIOSO: I'm sorry?

24 MS. BRANAGAN: I said I'm just trying to
25 confirm that there's not a third one.

1 MALE SPEAKER: The one on Jaycox -- yeah.

2 MR. GAUDIOSO: No, there's not a third one.

3 MS. BRANAGAN: And I just want to ask, I
4 recall some time ago with regard to the search for
5 alternative locations that you presented us with a
6 letter that said that there was no other church
7 steeples, right?

8 MR. GAUDIOSO: No. We looked at the church
9 steeples and we pointed out the problems with
10 historic preservation issues, space issues, coverage
11 issues, a multitude of issues. We submitted a
12 couple of different documents on that.

13 MS. BRANAGAN: Right. So what I want -- I
14 recall that --

15 MR. GAUDIOSO: Yes.

16 MS. BRANAGAN: -- and what I wanted to get
17 at is what other types of things did you look at or
18 other places did you look at categorically like
19 steeples or --

20 MR. GAUDIOSO: Sure. We looked at basically
21 everything. And just to go back, the burden does
22 shift to the Zoning Board, quite frankly, under the
23 applicable case law on the prohibition argument. If
24 you go back and look at I believe the five or six
25 alternative site reports, we looked at everything

1 from the DEP property. We looked under the zoning
2 code. We did a whole map showing where the lot size
3 restriction impacted the ability to make locations
4 feasible, the setback restrictions. We did a color-
5 coded map in the initial review. We did both RF
6 reports and an alternative site report from Mr.
7 Xavier regarding existing tall structures, which
8 included the church steeples.

9 The fact of the matter is, as the Chairman
10 pointed out, there's not the obvious water tank in
11 the area, okay. There's not the obvious monopole
12 within Nelsonville. The only all structures really
13 were the church steeples which we gave the variety
14 of reasons why they were not feasible alternatives,
15 so we went through all of that, you know, for the
16 past nine months, very thoroughly. You hired your
17 own consultant at our expense. He confirmed all of
18 that data, so from a technical standpoint, we
19 believe we've made a good-faith effort to find
20 alternative locations, and if this application is
21 denied, then the question is is there a less-
22 intrusive alternative. We believe we've shifted the
23 burden to the Board to offer a less-intrusive
24 alternative.

25 Not only do we believe there's not a less-

1 intrusive alternative, we believe there's not even
2 an available alternative as far as an alternative
3 site.

4 MR. MERANDO: I disagree with you there.
5 It's not our job. We're not the people that want a
6 cell tower.

7 (APPLAUSE)

8 MR. MERANDO: It's not our job to tell you
9 where your cell tower, where you can put a cell,
10 tower. It's up to you people to find your place
11 that would be appropriate for the Town to do that.

12 You know, we're talking about a cell tower
13 that's going to cover how many square miles?

14 MR. GAUDIOSO: I don't have the exact square
15 mileage.

16 MR. MERANDO: Six square miles, roughly?

17 MR. GAUDIOSO: I don't have the number off
18 the top of my head.

19 MR. MERANDO: Or whatever it is.

20 MALE SPEAKER: More than two.

21 MR. MERANDO: More than two. Village of
22 Nelsonville is two square miles. Why do we need
23 something that big to cover our two square miles?
24 What are we going to do, cover the whole county or
25 the whole town of Phillipstown?

1 (APPLAUSE)

2 You're telling us that we've got to find an
3 alternate site?

4 MR. GAUDIOSO: No, I didn't say that. I
5 said what we found is we found a spot that we
6 believe meets the code, but more importantly, we
7 have looked, an exhaustive search at every other
8 possible location.

9 MR. MERANDO: Then don't tell us that we've
10 got to find one for you.

11 MR. GAUDIOSO: There is no other --

12 MR. KEELEY: (indiscernible) because I think
13 that there have been moments during these
14 deliberations where we had the understanding, that
15 sort of during the Secore (phonetic) Street moment
16 of this, right, where it was shifting back to the
17 Village to find alternatives. And we have looked.
18 You said yourself you've exhaustively looked, I
19 mean, Homeland Towers submitted chapter and verse
20 every lot in the Village is basically impossible for
21 a variety of reasons except this one. And this one,
22 I think, plainly, under the zoning code, is also not
23 appropriate.

24 (APPLAUSE)

25 And the way that other -- and this is to the

1 Board. I appreciate the feedback, but to the Board
2 members, you know, I think for our perspective, I
3 think that there is an element where it does shift
4 back to us. I think that we went through that. I
5 think that we explored that for months. They
6 submitted ideas. We submitted ideas. The Village
7 had conversations with them. I think that we have
8 fully vetted from a variety of different ways damn
9 near every lot in the Village. And we're left with
10 one that seems maybe feasible, and I think it's
11 disqualifying for a variety of reasons I've already
12 laid out.

13 We're in a very small village. I think that
14 because one might come close doesn't mean that
15 another one suddenly becomes appropriate, doesn't
16 become more feasible. They have expertise in this
17 to look at lot by lot by lot why it might be
18 appropriate to go somewhere else in the Village, and
19 they haven't found it. And we've looked and we
20 haven't found something.

21 Just because this is the proposal before us
22 and it's the only lot in the Village that might come
23 close doesn't mean it gets across the finish line.
24 I still think it does not clear the zoning code
25 requirements.

1 MR. GAUDIOSO: And just to clarify, we did
2 say the lots were feasible, particularly the Secore
3 Street lot.

4 MR. KEELEY: I'm sorry, you just said that
5 you did (indiscernible) didn't find any others.

6 MR. GAUDIOSO: Even though it wasn't
7 permitted under the code and it was ultimately
8 withdrawn by the property owner being the Village,
9 so from a tactical standpoint, it's not that we've
10 said every lot doesn't work. We've said for a
11 variety of reasons there's been an exhaustive search
12 and no property has been available and feasible to
13 be able to install the facility, including --

14 MR. KEELEY: Which leaves us with the one
15 before us.

16 MR. GAUDIOSO: Correct.

17 MR. KEELEY: And the one before us, I
18 believe, is not feasible.

19 MR. GAUDIOSO: Our point is there are no
20 other less-intrusive feasible alternatives.

21 MR. KEELEY: Should we make a -- should we
22 move to consider the actual application?

23 CHAIRMAN RICE: I think -- does anyone else
24 have any other comments?

25 (No audible response)

1 So do you want to make a motion to vote on
2 it?

3 MR. KEELEY: Sure. I'll make a motion that
4 we vote on the proposal.

5 CHAIRMAN RICE: Okay.

6 MS. CLEMENTS: (indiscernible)

7 CHAIRMAN RICE: 110-foot monopole?

8 MS. CLEMENTS: Yeah.

9 MR. KEELEY: Flagless flagpole, with the
10 conditions that have been discussed.

11 CHAIRMAN RICE: With the conditions that
12 have been discussed.

13 I'm going to take an (indiscernible) members
14 of the Board --

15 MR. KEELEY: Wait, do we get a second on
16 that?

17 CHAIRMAN RICE: Yeah.

18 MR. KEELEY: Just to make sure that we're --

19 MS. CLEMENTS: I'll second it. I'll second
20 that.

21 CHAIRMAN RICE: The chairman, I guess, has
22 to go first. I'm (indiscernible) stance with this,
23 and I guess members of the Board --

24 MALE SPEAKER: Mr. Chairman, if I could --

25 CHAIRMAN RICE: Yeah.

1 MALE SPEAKER: Again, just so that we have a
2 clear record here, there are three proposals
3 currently before the Board, so my recommendation
4 would be that the Board vote on that two proposals
5 that it's not considering. That would be the
6 monopine and the two poles. And then I would
7 suggest voting on the third option the third time,
8 have three separate votes for each of the options.

9 MR. KEELEY: So then I'd like to change my
10 motion then to say I'd like us to consider for a
11 vote the monopine proposal.

12 MS. CLEMENTS: So it would be the monopine,
13 the 120-foot --

14 MR. KELLER: The monopine, the two flagpoles
15 at 110, or one flagpole at (indiscernible).

16 MS. CLEMENTS: No, two flagpoles
17 (indiscernible).

18 CHAIRMAN RICE: Yeah, let's start off --
19 it's the monopine that nobody likes. It's 120-foot
20 flagpole, (indiscernible) flagpole. And a 110-foot
21 flagpole.

22 And, Todd, you recommend we take a vote on
23 each one?

24 TODD: Correct.

25 CHAIRMAN RICE: Okay.

1 TODD: You can just deny them all, but I
2 think that would be in your interest to vote on each
3 one separately.

4 MS. CLEMENTS: So start with the worst one.
5 So I'll make a motion that we vote on the
6 application for the 110-foot monopine.

7 CHAIRMAN RICE: First.

8 MS. CLEMENTS: First.

9 CHAIRMAN RICE: All right.

10 MR. KEELEY: Second that.

11 CHAIRMAN RICE: Okay. As in each case, the
12 Chairman will take the first vote, take the
13 (indiscernible). I don't know if we want to vote in
14 seniority, in that order, or just down the road
15 here, but for the 110-foot monopine, I would vote
16 no.

17 MS. CLEMENTS: No.

18 MR. KEELEY: No.

19 MS. MEYER: No.

20 MR. MERANDO: No.

21 CHAIRMAN RICE: Okay.

22 (APPLAUSE)

23 CHAIRMAN RICE: Next one is the 120-foot.

24 MS. CLEMENTS: Yeah, so I move that we vote
25 on the 120-foot pole.

1 CHAIRMAN RICE: The Chairman will take the
2 first vote. Second the motion?

3 MS. MEYER: I'll second.

4 CHAIRMAN RICE: Second. I'll vote no on the
5 120-foot pole.

6 MS. CLEMENTS: No.

7 MR. KEELEY: No.

8 MS. MEYER: No.

9 MR. MERANDO: No.

10 (APPLAUSE)

11 MS. CLEMENTS: We'll pick up Chris's motion
12 now.

13 MR. KEELEY: I'll make a motion that we
14 would make a determination on the 110-foot pole in
15 consideration -- with the requirements that we
16 discussed previously?

17 CHAIRMAN RICE: All right. I want to
18 address that, and I'm not going to go over --

19 MR. KEELEY: I'm sorry, did we get a second?

20 MS. CLEMENTS: I'll second.

21 CHAIRMAN RICE: I'm not going to vote right
22 away, but I do have some observations.

23 You have to understand this Board for the
24 past nine months has received thousands of pages of
25 information that we processed, many in historical

1 situations, the Cold Spring Cemetery, and so we've
2 tried to absorb it all, long letters about obelisks,
3 et cetera, and nature of the cemetery, the people
4 that are buried there. And so I did some of my own
5 research and this is in reference to the 110-foot
6 pole. I'm not in favor as you just saw, the other
7 two alternates, but I am in favor of the 110-foot
8 pole.

9 I'm going to read this. I didn't memorize
10 it. I understand it's a lengthy, but like I said,
11 we have thousands and thousands of people that have
12 (indiscernible), and I want to give some credence to
13 everybody that wrote and appreciate what they had to
14 say about it.

15 So there's a lot of interesting Phillipstown
16 history that's been reported over the past seven
17 weeks. The Klan and the Cold Spring Cemetery, who knew,
18 but it's important to understand our history. Not to speak
19 ill of the dead, but during my research I found that Robert
20 Parrot was a strike breaker. As a former member of the
21 AFL/CIO and a Teamsters union, I found that surprising to
22 hear.

23 Frederick Phillips whose immediate ancestors for
24 whom this town was named was a founding member of the first
25 Cold Spring Cemetery on Cedar Street and specifically wrote

1 in the bylaws that it was a burial ground for all persons
2 who are or may be inhabitants of Phillipstown, except the
3 religious denomination called Roman Catholic. As someone
4 brought up in the Roman Catholic faith, that caught my
5 attention. So the more you look into history, just like
6 Harold sent his letter on the obelisk, you'll find things
7 that are a little bit disturbing.

8 Also, I keep getting emails telling how me how the
9 Nelsonville Boards are being intimidated and bullied by the
10 Applicant. Wearing a suit doesn't make you a bad actor and
11 three men in suits doesn't constitute a posse.

12 The FCC mandates that cell towers be built so
13 Homeland builds those cell towers and their attorneys make
14 their case before the Zoning Boards.

15 I, as a registered architect for 30 years and a
16 student and apprentice for 10 years before registration have
17 worked with difficult clients, including New York City
18 developers for most of that time. As we all know now, w
19 Working with some New York City developers can be
20 intimidating.

21 I manage over a billion dollars of architectural
22 work currently in the design phase or active construction
23 and 10 million dollars in architectural and engineering
24 fees.

25 Having said that I will admit in August of 2017, I

1 did not have the remotest clue about cell towers local or
2 federal regulations, but now after nine months of reading
3 correspondence and case law, I feel like I do.

4 As for making a profit being a sin, the Applicant
5 is not a predatory mortgage company or a Bain Capital. They
6 build cell towers. I don't give away my design services for
7 free. I try to make a profit from the buildings I design,
8 and I imagine most citizens of Nelsonville do the same in
9 their business pursuits unless they work for a nonprofit.

10 The reasons for my vote on this 110-foot cell
11 tower is as follows:

12 First, I want to thank the Nelsonville Zoning and
13 Planning Boards for their dedicated service over the past
14 nine months. I also want to thank the community for their
15 verbal and written advice, especially the Phillipstown Cell
16 Solution Group and, lastly, the Applicant for being
17 responsive to both Village Boards' requests for information.
18 Since the visual impact of the proposed cell tower on the
19 Cold Spring Cemetery is the number-one objection to the
20 placement of the cell tower on Rockledge Road, I think it's
21 important to review the cemetery's long history and put this
22 concern into an historical framework.

23 There is little doubt the Cold Spring Cemetery's
24 designer, New York City architects Mead and Woodward, who
25 were hired to design the grounds were influenced by the

1 Rural Cemetery Movement as outlined in several letters to
2 the Boards. The Cold Spring Rural Cemetery Association
3 bought the 30-acre parcel in Nelsonville from John R. Murray
4 shortly after its formation in 1862.

5 Prior to obtaining a professional architect
6 degree, I was classic archeology and art history major at
7 the University of Missouri. I thought I would take a closer
8 look at the history of the Cold Spring Cemetery to inform my
9 decision, much like some members of the community have and
10 then documented their findings in letters to the Boards.

11 I want to thank the archeology students at
12 Michigan Technology University for access to their research,
13 and to Elizabeth Norris from the University of
14 Massachusetts/Amherst for her dissertation on Cold Spring
15 written in 2009.

16 The obelisk is no longer under consideration, who
17 knew an obelisk was a symbol of the Ku Klux Klan. I believe
18 the Klan burnt crosses, not obelisks.

19 As one rural cemetery historian commented, rural
20 cemeteries across the East Coast are littered with obelisks,
21 one bigger than the other, so maybe an obelisk is sometimes
22 just an obelisk.

23 One member of the community even noted via email
24 that the wireless flagpole was nothing more than a
25 smokestack.

1 Interestingly enough, on the day the Cold Spring
2 Cemetery was dedicated, perhaps in 1863, up to seven-plus
3 smokestacks were on the horizon. The cemetery's original
4 boundary followed the Foundry Brook down to the present day
5 9D. A stone's throw from the northwest boundary of the
6 cemetery was the Nelson Foundry. A short walk away, not far
7 from the foundry brook waterfall stood the original West
8 Point Foundry Blast Furnace as documented in the 1865
9 painting now hanging in the Putnam County History Museum.

10 Immediately behind the old blast furnace was the
11 rest of the West Point Foundry on 87 acres directly below
12 the Cold Spring Cemetery with its seven smokestacks
13 operating 24 hours a day in 1863 to meet demand for cannons
14 they supplied to the US Government.

15 Scenic Hudson calls the West Point Foundry one of
16 America's most important 19th century iron works, a pace
17 setter in the Industrial Revolution. It manufactured some
18 of the first U.S. locomotives, steamships, pipes for New
19 York City's water system and the cannons that helped win the
20 Civil War.

21 The New York Times noted the West Point Foundry
22 was one of America's first marvels in modern technology, a
23 literally glowing example of a rapidly industrializing
24 North. The few images painted in its early days portray the
25 complex tucked into its cove and haloed by columns of smoke

1 and a hellish glow, which could be seen for miles along both
2 sides of the river. As noted above, the Cold Spring
3 Cemetery was not miles away, but simply right up the hill.

4 In the application to the West Point Foundries
5 nomination to become a national historic landmark, the
6 foundry was described as follows: During its years of
7 operation, the foundry ravine was stripped of trees and
8 filled with buildings constructed of brick and stone. Soot
9 and smoke rose from the site and rushing water from the
10 Foundry Brook powered the equipment. Huge furnaces sent
11 smoke and hot gas into the air, while pounding trip hammers
12 produced deafening sounds for nearly a century.

13 Ronald McDonald, the Cold Spring historian,
14 described the Foundry site in his unique prose style as
15 follows: "Where today trees and tangled brush of every ilk
16 shoulder each flank of the secluded glen, there was
17 merciless and total depletion of such vegetation, here and
18 for miles around. Charcoal, wooden gold, for year upon year
19 was in insatiable daily demand in the foundry. Trees and
20 robust brush were an only source from which could be
21 satisfied such voracious appetites."

22 A hundred years before the Cold Spring Cemetery
23 was founded, many straight tall trees in Phillipstown were
24 marked by the British Navy and posted as off limits to the
25 colonists. The trees were later harvested by the British to

1 serve as masts for their merchant and warships.

2 The miles of stone walls we still see in
3 Phillipstown were not built in the forests, but in fields as
4 the thousands upon thousands of trees had been cut down for
5 construction material to make charcoal, as previously noted,
6 to burn in the home fireplaces, to fuel the steam engines of
7 the newly invented steam boats and locomotives with the
8 residual tree branches piled high on the sharp stone walls
9 to keep the livestock in their field and out of the
10 neighbors' farm.

11 When the Cold Spring Cemetery was designed and
12 founded, the Rockledge site was a rocky, treeless pasture
13 for keeping livestock as evidenced by the stone wall that
14 runs the full length its boundary with the cemetery.

15 The architects of the Cold Spring Cemetery
16 obviously did not design the grounds for its visitors to
17 look outward, to take advantage of external view sheds or
18 barren backdrops, but designed it as an inward-looking place
19 of solitude.

20 When Emily Warren was buried in the Cold Spring
21 Cemetery in 1903 on one of the higher plateaus of the
22 cemetery, those attending had a direct view of the even
23 larger Cornell Ironworks smokestacks.

24 The Cold Spring Cemetery was a neighbor of the
25 foundry for 50 years until it closed in 1912, but the

1 foundry site remained occupied by other business for another
2 40 years.

3 One morning sometime in the 1920s, a man was
4 walking along the Foundry Brook when he noticed workers from
5 the New York State Highway Department beginning to pour
6 concrete foundations for a new bridge to replace the old
7 wooden bridge across the Foundry Brook. He called over the
8 bridge superintendent and told him, "You're putting the new
9 bridge at the wrong angle. It will obstruct the flow of
10 water." The bridge superintendent told the old man to mind
11 his own business and went back to work.

12 The old man was George Alexander Logan, maker of
13 monuments, who had immigrated from Scotland to Nelsonville
14 in 1887 and started his monument business that same year
15 next to the Cold Spring Cemetery. As predicted by Mr.
16 Logan, when the spring rains came the bridge acted as a dam,
17 and as described by Margery Erickson in her book, A Few
18 Citizens of Phillipstown, the bridge foundations began
19 catching tree limbs, bushes, planks, buckets, boxes, logs,
20 and all the things a stream could rest from its banks. Mr.
21 Logan, fearing his business was about to swept away along
22 with the Cold Spring Cemetery, at a Cold Spring Cemetery
23 gatehouse, called the Highway Department for assistance, but
24 was told it was raining too hard for their workmen to help.

25 George hung up the phone and went to one of his

1 sheds and found the largest drill bit he had and gathered up
2 multiple sticks of dynamite. During a brief pause in the
3 rain, he drilled holes in the bridge foundation just above
4 the raging water, wired dynamite sticks together, lit the
5 wick, and blew up the bridge, which freed the accumulated
6 debris, saving his business and the cemetery gatehouse.

7 The flood waters had been so strong it had tumbled
8 his heavy granite display monuments down the steep hill into
9 the stream bed. Naturally, the New York State Highway
10 Department was outraged and sued George Alexander Logan.
11 The trial was held in New York City, and after a long trial
12 Mr. Logan was acquitted of all charges.

13 For the record the Logan family has been
14 associated with, protecting and now maintaining the Cold
15 Spring Cemetery for nearly 130 years. Perhaps we should
16 value his grandson Doug's judgement on how this cell tower
17 would impact the Cold Spring Cemetery. He knows where every
18 headstone is, the location and species of every tree and, as
19 a trustee of the cemetery, carries on his family tradition
20 of caring for this sacred ground.

21 The Nelsonville Zoning Board of Appeals has a duty
22 and obligation to serve the residents of Nelsonville, not
23 hikers or tourists who have no knowledge or understanding of
24 our history or heritage. Some community members support a
25 DAS system, and various experts indicate from three to 23

1 antennas would be needed to replicate the coverage of the
2 proposed wireless cell tower. I believe this support would
3 quickly erode when they came home from work in the evening
4 to find an antenna on a telephone pole outside their home,
5 perhaps a few yards from their newborn baby's second-floor
6 bedroom window, as could be the case on Main Street

7 The FCC is now developing regulations to prevent
8 DAS installations from being reviewed by zoning boards like
9 ourselves, and perhaps we should evaluate how these DAS
10 installations might affect the properties values of those
11 unlucky enough to have a DAS antenna installed right outside
12 their doors. Are we willing to play the DAS lottery?

13 The losers have an antenna outside their door; the
14 winners have an antenna installed down the block on Main
15 Street.

16 Phillipstown is a lot like the giant in Gulliver's
17 travel story, tied down by hundreds of 40-foot telephone
18 poles, spaced every 125 feet, an interwoven web of
19 telephones, electric cable, and even old telegraph lines,
20 along with transformers that have become so much part of a
21 historic fabric that we no longer see them or could even
22 describe the ones in front of house.

23 My concerns regarding this application are the
24 Nelsonville citizens who rely on wireless service, like
25 stay-at-home moms and dads trying to run a small business

1 off their dining room table; local plumbers, carpenters, and
2 electricians who use their phones and computers in the
3 field; elderly who wear wireless alarm pendants; volunteer
4 fireman and other first responders; a young Haldane student
5 out in the garage inventing the next big thing; the
6 residents who rely on cell service during frequent power
7 outages; and citizens in cell phone dead zones that we spoke
8 about tonight.

9 One person emailed me indicating the cell phone
10 tower would forever destroy the scenic beauty of the Hudson
11 Valley. Forever is long time, but just as the seven
12 smokestacks of the West Point Foundry and Cornell Ironworks,
13 the foundry blasts furnace, the Nelson Forge has
14 disappeared, so a cell tower with new technology makes it
15 obsolete.

16 As we discussed, it's important to understand that
17 SHPO, the New York State advocate for historic preservation,
18 will recommend to the FCC that a single 110-foot pole or
19 single 120-foot pole would have no adverse effect on the
20 historic resources within the project's area of potential
21 effect.

22 And finally, if, as in Thornton Wilder's play,
23 *Our Town*, the voices of the imperfect, yet distinguished
24 Phillipstown citizens could be heard again for one day, such
25 as the industrialist and inventor Robert Parrot, the

1 brilliant engineer, Washington Roebling, co-designer with
2 his father of the Brooklyn Bridge and a supplier of wire
3 rope of the Bear Mountain Bridge, and his equally brilliant
4 wife, Emily Warren Roebling, without whom the bridge would
5 not have been built, and Governor Kemble, the founder of the
6 West Foundry, what would they say on that day?

7 What about the other distinguished citizens buried
8 in the Cold Spring Cemetery like my mother and father-in-
9 law?

10 Linda worked for the State Department during World
11 War II, represented the United States' interests in Peru
12 during that time and raised eight children. Her husband
13 John served in World War II, an Army captain, engineering
14 unit commander and combat engineer attached to the Third
15 Army led by Lieutenant General George Patton in Germany.
16 Among the many decorations John was awarded is the silver
17 star and two bronze stars for three separate incidents of
18 bravery while under withering enemy machine gun and
19 artillery fire, working in advance units that constructed
20 and rebuilt bridges over German rivers that had been
21 previously destroyed by the retreating German Army

22 Subsequent to his service in World War II, he
23 continued work for Corbetta Construction as a regional
24 director and civil engineer. He was a prolific builder of
25 innovative concrete structures, including the State Theatre

1 in Albany, better known as the Egg, both the landmark TWA
2 terminal and Pan Am terminal at Kennedy Airport, along with
3 Dulles Airport Terminal outside of Washington D.C., just to
4 name Just a few.

5 I very much doubt that the leaders and business
6 people of the 19th Century Phillipstown would be offended if
7 a cell tower sits outside the cemetery. I know for sure my
8 father-in-law would not mind either. In fact, I know if he
9 were sitting here right now, he would tell me to get to the
10 point and vote.

11 MS. CLEMENTS: Let's go.

12 MR. KEELEY: Let's go.

13 MS. CLEMENTS: Let's vote, let's vote, let's vote,
14 let's vote.

15 MALE SPEAKER: We have a right to talk. You all
16 had a right to talk.

17 MS. CLEMENTS: Quiet. It's just outrageous.

18 MALE SPEAKER: So let him have his speech.

19 MS. CLEMENTS: Outrageous.

20 CHAIRMAN RICE: The Village of Nelsonville has an
21 opportunity to mitigate the impact of this cell tower by
22 selecting a streamlined, authentic, wireless tower as
23 opposed to the monopine. Instead of a Federal District
24 Court judge dictating our future, I suggest we seize the
25 moment of the process right now, right here in Nelsonville.

1 Based on the rationale above, my vote is to grant
2 the special permit. Thank you.

3 MS. CLEMENTS: I'm next? First of all, I would
4 like to say, William, for those of you all who just spoke to
5 William the way that you did, he has spent countless hours,
6 we have all spent countless hours reading all of this
7 information, dedicating his time, leading this process. The
8 very least he deserves is your respect.

9 (APPLAUSE)

10 I have to very much respect -- I very much respect
11 everything that William just said. I respect the time and
12 the thoughtfulness that he put into it, the perspectives
13 that he brought. I think he raised -- I hope people were
14 listening because I thought he raised a number of very
15 important points.

16 That being said -- and I will also say this has
17 not been an easy decision for me to arrive at. I know for
18 some of you all it has been crystal clear, there was never
19 any doubt, no, no, no, and I enormously appreciate all the
20 time that members of the community have put into this
21 process because it has certainly improved my thinking about
22 this, I believe. And I appreciate the time of the Board.

23 That being said, and I already spoke at length,
24 fully respecting what William just said, I'm actually making
25 my vote really thinking about the present, right, like the

1 present, where we are, what we have, where we could move
2 forward, I appreciate that a 110-foot tower is an
3 improvement over all of the other designs. That being said,
4 I do value the distant vistas that are available throughout
5 this area, and I do believe that the cell tower would have a
6 visual impact that exceeds what our zoning code articulates.
7 This has been really actually my first experience, but I
8 vote no.

9 (APPLAUSE)

10 MR. KEELEY: I've already described my stance and
11 my thinking on this. I also vote no.

12 (APPLAUSE)

13 MS. MEYER: After much thought, I will also vote
14 no.

15 (APPLAUSE)

16 MR. MERANDO: I sat here for the past nine months
17 listening to everybody's opinions. I respect all of the
18 people that have made their opinions and all of their
19 statements and all. William's opinion is very much
20 appreciated and is -- and I don't appreciate what the
21 people, few people that started to interrupt his information
22 that he was putting out.

23 We sat here and listened to every one of you
24 people voting, telling us what you wanted, listening to what
25 you wanted, and everything else. I believe that this tower

1 is probably necessary here in this village in order to give
2 us better service, but we also have -- in my opinion, we
3 also have something that we need to do to listen to people
4 of the Village. And it's very hard, and I've been kicking
5 this process around a lot.

6 I have a stack of paper that's about this high and
7 over 500 emails that I have read and gone through and taken
8 my time to do, so you know, to disgrace our chairman who's
9 very diligently done his job and the rest of us while we're
10 listening, that is not something I really accept.

11 Even that being said, I really think that we do
12 need this pole and I know I'm going to make a lot of
13 enemies, but I vote yes.

14 CHAIRMAN RICE: Okay. So the -- it looks like the
15 permit was denied. I have three opposed, two in favor.

16 Thank you all for your votes, a most difficult
17 vote.

18 (APPLAUSE)

19 MR. GAUDIOSO: Excuse me, Mr. Chairman.

20 CHAIRMAN RICE: Yes.

21 MR. GAUDIOSO: Thank you very much for your time,
22 but we do have two other items, so we do have an application
23 for the variance to access the property because that's still
24 a valid application. And we still have a pending Planning
25 Board application. And given the fact that the FCC shock

1 clock expires today, we respectfully request a vote on each
2 one of those applications.

3 CHAIRMAN RICE: (indiscernible) the Planning
4 Board?

5 MR. GAUDIOSO: So we respectfully request a vote
6 on the variance application, and we respectfully request a
7 vote from the Planning Board on the site plan application.

8 CHAIRMAN RICE: I don't know if the -- I hear what
9 you're saying, Robert. I don't know if -- I'm not speaking
10 for Steve, but is the -- you're not prepared to --

11 MR. MARINO: We're not in any way -- we are not in
12 any way prepared to vote on the site plan application. We
13 haven't proceeded with details of that application pending
14 the decision of the ZBA. It appears to me that the special
15 use permit being denied, a site plan application is now moot
16 and, therefore, I don't believe we -- I'll look for
17 counsel's advice. I don't think there is a vote to be had
18 from the Planning Board.

19 TODD: I believe that on the denial of the
20 application for the special use permit, there's a
21 constructive denial of the other applications since you
22 would require the special use permit for those two other
23 applications to be of any value. So I believe it's a
24 constructive denial, you do not have to vote on it.

25 MR. GAUDIOSO: So you're saying a constructive

1 denial goes for the access variance and the site plan --

2 TODD: Yes.

3 MR. GAUDIOSO: So I would ask, then, the Board to
4 take a vote accepting it as a constructive denial.

5 TODD: I don't think so. It's a constructive
6 denial --

7 CHAIRMAN RICE: (indiscernible), Robert, so I'm
8 going to go with our special counsel's advice and not take a
9 vote on the variance or on the --

10 MR. MARINO: Or on the site plan application.

11 CHAIRMAN RICE: On the site plan application.

12 MR. GAUDIOSO: Very well. Thank you again for
13 your time. We appreciate it. Thank you.

14 CHAIRMAN RICE: Thank you.

15 (APPLAUSE)

16 MR. MARINO: All in favor to close the meeting?

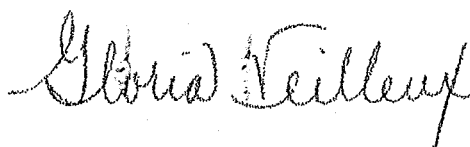
17 (ALL SAY "AYE")

18

19 (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 Joint Meeting held on May 30, 2018, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



Gloria Veilleux

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June 6, 2018