

1 Applicant will probably want to summarize at the end  
2 of the meeting and maybe address some of the things  
3 you said, but the questions really should be to us.  
4 And we may not have answers for you right now if  
5 they're in the form of a question, but it will be  
6 part of the record. We will make sure any comments,  
7 substantive comments that are made will be part of  
8 any decision-making that happens.

9 CHAIRMAN RICE: Okay, let's get started.  
10 Mr. Logan.

11 FEMALE SPEAKER: Mr. Logan.

12 MR. LOGAN: I pass.

13 FEMALE SPEAKER: You pass? Okay.

14 CHAIRMAN RICE: He passes?

15 FEMALE SPEAKER: Eileen Bernstein  
16 (phonetic). Did I say it right?

17 MS. BERNSTEIN: My name is Ellen Berella-  
18 Bernstein, and I'm speaking on behalf of the Board of  
19 Directors of the Putnam Highlands Audubon Society.

20 CHAIRMAN RICE: I'm sorry, could you just  
21 state your address or affiliation?

22 MS. BERNSTEIN: I just said it, Putnam  
23 Highlands Audubon Society.

24 CHAIRMAN RICE: I'm sorry.

25 MS. BERNSTEIN: The Mid-Hudson Chapter of

1 the National Audubon Society. As a chapter of a  
2 major environmental organization, we are very  
3 concerned about the effect the tower will have on our  
4 environment, its effects on wildlife and the quality  
5 of life for the community.

6 For this reason, we're requesting immediate  
7 monitoring of air, soil, water, including aquifers  
8 and wildlife to establish baseline data and that  
9 continuing monitoring be required to ensure that  
10 there are no negative impacts should a tower be  
11 approved.

12 We would recommend that alternative  
13 solutions be considered first. Distributed antenna  
14 systems is one alternative that already exists and  
15 should be explored and considered, but there may be  
16 other newer technologies that could meet our  
17 communication needs without endangering our  
18 environment as a cell tower does. Therefore, we  
19 request a report on alternative options be prepared  
20 and vetted by outside engineers. Thank you.

21 CHAIRMAN RICE: Thank you.

22 CHAIRMAN RICE: Thank you.

23 (APPLAUSE)

24 FEMALE SPEAKER: Garrett Gesh (phonetic).

25 MR. GESH: Chairman of the Board, my name is

1 Garrett Gesh. I live at 4 Crown Street at the  
2 intersection of Crown and Secra, as many of you know.  
3 My house is 125 feet from the propose site of the  
4 cell tower.

5 CHAIRMAN RICE: This is a different site,  
6 sir. You're talking about the Rockledge site?

7 MR. GESH: No, I'm talking about the SEQRA  
8 site.

9 CHAIRMAN RICE: Well, we're not talking  
10 about the SEQRA site, but I know you want to talk  
11 about that. We're going to talk about it in a  
12 different forum.

13 MR. GESH: Very good.

14 CHAIRMAN RICE: So unless you want to speak  
15 to your -- you know, you can speak to the Rockledge  
16 site if you'd like, if you think it's a superior site  
17 or --

18 MR. GESH: No.

19 MALE SPEAKER: Actually, can I offer an  
20 intervention on his part? The paperwork for  
21 Rockledge now includes the alternative sites, so how  
22 can that not be --

23 CHAIRMAN RICE: What paperwork?

24 MALE SPEAKER: I can show you, the letter --

25 CHAIRMAN RICE: When it's your turn to

1 speak, you can address that.

2 MALE SPEAKER: Okay, because it relates to  
3 his right to speak tonight.

4 CHAIRMAN RICE: He does have a right to  
5 speak.

6 MALE SPEAKER: It is implicitly part of your  
7 decision.

8 CHAIRMAN RICE: But we're not speaking about  
9 SEQRA tonight. This is a hearing for the  
10 Rockledge --

11 MALE SPEAKER: But the SEQRA is relevant to  
12 your decision on Rockledge. I'll talk about it --

13 CHAIRMAN RICE: You can bring it up, but the  
14 hearing tonight for the Plaintiff, I mean, for the --  
15 (LAUGHTER) for the Applicant site is specific to  
16 Rockledge tonight. That's why we're here. There is  
17 an interest in the SEQRA site as you say, and because  
18 we've asked to see alternative sites, but this  
19 hearing is specific to this site in Nelsonville, but  
20 we'll come back to you.

21 MALE SPEAKER: Yeah, yeah.

22 FEMALE SPEAKER: Kenneth Levine.

23 MR. LEVINE: I'm Kenneth Levine. I was  
24 going to talk about the SEQRA site, but that's not  
25 happening. I think all my thoughts onto me -- are

1 you going to have that letter, that document that was  
2 handed to you by the homeowner?

3 CHAIRMAN RICE: On the website, yes, sir.

4 MR. LEVINE: Because I wasn't able to see  
5 that, so that's what I was going to comment on.

6 CHAIRMAN RICE: We weren't either, so this  
7 is from your (indiscernible) neighbor.

8 MR. LEVINE: Yes.

9 CHAIRMAN RICE: Yes. We just received it to  
10 hand it us. It will be, I believe, posted on the  
11 website, and everybody can look at it.

12 MR. LEVINE: All right, so I'll be able to  
13 make that comment once I get the information.

14 CHAIRMAN RICE: Perfect.

15 MR. LEVINE: I can't talk on something I  
16 don't have the information.

17 CHAIRMAN RICE: And neither can we, so thank  
18 you.

19 MR. LEVINE: Okay, thanks.

20 FEMALE SPEAKER: Susan Drogan (phonetic).

21 MS. DROGAN: My name is Susa Drogan. I live  
22 on Windy Ridge, which is really my driveway which  
23 comes off of Lane Gate and Moffitt. My view is where  
24 the tower is supposed to be. I currently pay taxes  
25 based on my view and I pay incredibly high taxes.

1 I would like to know, since I've been  
2 advised by several realtors, that the value of my  
3 property will go down when this is what I'm  
4 overlooking. Who do I speak to about getting my  
5 taxes adjusted or will they be adjusted?

6 CHAIRMAN RICE: I think that's an  
7 assessor's --

8 MS. DROGAN: Okay. The second part of this  
9 is we were never advised about any balloon tests,  
10 so --

11 CHAIRMAN RICE: The balloon test was  
12 published in both papers.

13 MS. DROGAN: All right. I mean, the  
14 pictures of things that I've seen are all from the  
15 perspective of down low. Did anybody do any  
16 photography from above?

17 CHAIRMAN RICE: Well, I mean, we have a  
18 whole simulation provided by the Applicant prior to  
19 the balloon test which is available at the -- on the  
20 website. You can see there's all different  
21 perspectives, and then the balloon test itself allow  
22 people to go around the site and look at the height  
23 of the balloon. Some places you can see it, some  
24 places you can't, so I'm sorry that you didn't know  
25 about the balloon test. It was a perfect opportunity

1 to see the impact of the tower. I think Robert said  
2 it was 10 feet higher.

3 MR. GAUDIOSO: The balloons were ten feet  
4 higher.

5 CHAIRMAN RICE: Ten feet higher than they  
6 will be. It's a 110-foot tower. They ran the  
7 balloon at 120 feet, and I wish you could have looked  
8 out from your house to notice if you would notice it  
9 or not.

10 MS. DROGAN: Can somebody tell me exactly at  
11 what --

12 CHAIRMAN RICE: Elevation?

13 MS. DROGAN: -- elevation, yeah, that the  
14 base of the tower or the top of the tower will be?

15 CHAIRMAN RICE: 110 feet from -- it's not a  
16 (indiscernible) average height. It's simply the  
17 height of the grade.

18 MS. DROGAN: What is the height of the  
19 grade?

20 CHAIRMAN RICE: Above the height of the  
21 grade.

22 MS. DROGAN: All right, but what is the  
23 height of the grade?

24 CHAIRMAN RICE: Relative to your --

25 MS. DROGAN: Well, relative to sea level.

1 CHAIRMAN RICE: I don't know that off the  
2 top of my head, but --

3 MS. DROGAN: I mean, I know the elevation of  
4 my house relative to sea level.

5 CHAIRMAN RICE: The base of the tower.

6 MR. GAUDIOSO: The base of the tower is 263.

7 CHAIRMAN RICE: Relative to sea level.

8 MS. DROGAN: 262 (sic) and it's -- okay,  
9 thank you.

10 CHAIRMAN RICE: Okay, but I hope that you'll  
11 look at the simulations provided by the Applicant and  
12 it may help you understand if you'll see that tower  
13 or not.

14 MR. KEELEY: And just because there's so  
15 many documents, I think that's in -- and others  
16 correct me, I think that's in the long-form revised  
17 EAF, which is the second batch of documents  
18 (indiscernible).

19 MS. DROGAN: Okay, fine, because I tried  
20 looking at the last batch from the --

21 MR. KEELEY: Yeah. There's a lot of stuff  
22 in there.

23 MS. DROGAN: Yeah, thank you.

24 CHAIRMAN RICE: It's very dense, and that's  
25 what we've been doing for the last few months is



1 going through step by step that information.

2 Next, please.

3 FEMALE SPEAKER: Harold Axelrod.

4 MR. AXELROD: I was going to make a point  
5 about SEQRA only to the extent this process, and I've  
6 been attending most of these meetings --

7 CHAIRMAN RICE: Yes, sir, you have.

8 MR. AXELROD: -- was encouraging the  
9 Applicant to look at that site.

10 CHAIRMAN RICE: You're absolutely right.  
11 The zoning code requires the Applicant to look at  
12 alternate sites.

13 MR. AXELROD: The only comment that I would  
14 make is that one fact relevant to that consideration,  
15 not relevant for Rockledge, is that the environmental  
16 issues or the radiation issues that people are  
17 concerned about are strictly in the purview of the  
18 Town at this point. The FCC has no jurisdiction. If  
19 the Town says no to that site, it never gets to a  
20 question.

21 So I would urge this Board or the Board --

22 CHAIRMAN RICE: The Board is not considering  
23 -- the Board has no jurisdiction over that site, just  
24 to be clear. We're not making that judgment, unless  
25 we are, but we're not now. It's the Village Board of

1 Nelsonville that is negotiating that site. The  
2 Zoning Board is not involved, nor is the Planning  
3 Board at this time.

4 MR. AXELROD: Well, only to the extent we  
5 were seeking to see if that would be the solution.

6 CHAIRMAN RICE: Yes. Absolutely, right.

7 MR. AXELROD: What I'm suggesting is to the  
8 extent that it's not the solution because of the  
9 concerns from the local schools, that is a relevant  
10 factor for this body to consider.

11 CHAIRMAN RICE: Say that again, what's  
12 relevant? The radio waves?

13 MR. AXELROD: Yeah. In other words, it may  
14 not be relevant. We can't look at that because  
15 there's a federal preemption on Rockledge. That  
16 preemption doesn't apply at the SEQRA site because  
17 they don't have --

18 CHAIRMAN RICE: I don't know that to be  
19 true.

20 MR. AXELROD: Is it true because they don't  
21 start with the premise of having the right from a  
22 landowner to build. In Counsel's presentation he  
23 made that clear because there is a predicate. They  
24 have a lease for the property on Rockledge.

25 CHAIRMAN RICE: They're trying to negotiate

1 a lease.

2 MR. AXELROD: For Rockledge I'm talking  
3 about, for Rockledge. They have --

4 CHAIRMAN RICE: Not for Rockledge.

5 MR. AXELROD: No, they own the land. They  
6 have an option on Rockledge.

7 CHAIRMAN RICE: They don't own the land, but  
8 they do have an option perhaps on it.

9 MR. AXELROD: Yeah. So my point is I  
10 understand why we can't look at radiation issues on  
11 Rockledge. That is not the case when it comes to  
12 Secra.

13 CHAIRMAN RICE: I didn't know that, so --

14 MR. AXELROD: It was, actually, established  
15 clearly at the meeting that the mayor skillfully ran  
16 the other day.

17 MS. CLEMENTS: What was established clearly?

18 MR. AXELROD: That if this board chooses to  
19 say -- not this board, if the Town chooses to day --

20 CHAIRMAN RICE: The Village.

21 MR. AXELROD: The Village chooses to day --

22 CHAIRMAN RICE: Trustees and the mayor.

23 MR. AXELROD: Sorry, if the trustees and the  
24 mayor choose to say that site is off limits, you  
25 never get to the question of whether the FCC would

1 preempt us from asserting the radiation issues.

2 MR. MARINO: Because you don't have a  
3 willing landowner, you're saying?

4 MR. AXELROD: Exactly. Precisely right.  
5 That's my first point. Thank you.

6 Second point, it is acknowledge that the  
7 right-of-way issue upon Rockledge does have some  
8 limit. It's not unlimited as one of the members of  
9 was suggesting, but I think the phrase that Mr.  
10 Gaudioso used was that it has to be reasonable in  
11 light of the contemplated use. If the contemplated  
12 use up there is residential, the existing right-of-  
13 way doesn't need to be improved. It works. Mr.  
14 Valella lives on that street and built his home  
15 across that right-of-way, so did the Chapmans. So  
16 that right-of-way doesn't need to be rebuilt for a  
17 contemplated use of residents. It might have to be  
18 for a contemplated use for the antenna or the tower,  
19 but that's not what was contemplated when those deeds  
20 were carved up. They were carved up as carving out a  
21 right-of-way so that someone else could build a  
22 residence there in the same way the existing  
23 residence on Rockledge Road did.

24 So I would suggest there are natural limits  
25 that it has to be consonant with the purpose of

1 building a residence as opposed to building a tower,  
2 an airport, or any other non-conforming use.

3 CHAIRMAN RICE: Airports are not -- the  
4 point is but a cell tower is permitted in that zone  
5 under a special permit. That's why we're here.

6 MR. AXELROD: I understand, but if the  
7 special permit -- if the dispute of this over whether  
8 the right-of-way that's there is adequate or can be  
9 rebuilt into a highway, the answer is it is currently  
10 adequate for the contemplated use of the site, which  
11 was mountain residential.

12 CHAIRMAN RICE: Okay. I appreciate that.

13 MR. GAUDIOSO: Mr. Chairman, I just have to  
14 correct one thing.

15 MR. AXELROD: No, wait a second. I get to  
16 finish and you get to -- I didn't interrupt you. I  
17 waited patiently.

18 (MULTIPLE SPEAKERS)

19 CHAIRMAN RICE: Yeah, Robert, let's wait to  
20 the end.

21 MR. AXELROD: And the third point I'd make,  
22 my final point is I do not believe the gap is a real  
23 one. I understand that maybe somebody can drive  
24 around with a meter and find that the signal was  
25 weak, but as a practical matter, for those of us who

1 live here, it is adequate.

2 I've driven up and down 301. I've driven up  
3 and down 9D. I haven't had a problem with drop  
4 calls. I had a cell call today up on Moffitt Road  
5 and the person I was speaking with was shocked at how  
6 good the signal was. It was better than the signal I  
7 get from my landline. It was as if he was next door,  
8 but he was in Boston.

9 So again, if there is not, in fact, a  
10 demonstrated real need, I understand that counsel for  
11 Plaintiff says he doesn't have the burden of proving  
12 a significant gap. We can establish that there's not  
13 a significant gap.

14 CHAIRMAN RICE: "We" as in scientifically?

15 MR. AXELROD: Well, we as residents of the  
16 Village who use this product, who use this  
17 technology, and we say we don't feel there's a  
18 significant enough gap to destroy the esthetic value,  
19 the homeowner's value, for all the people living up  
20 at Rockledge Road and its vicinity.

21 CHAIRMAN RICE: Okay. I appreciate that.

22 Thank you.

23 MR. AXELROD: Thank you.

24 (APPLAUSE)

25 FEMALE SPEAKER: Andy Revkin.

1 CHAIRMAN RICE: Andy, your turn.

2 MR. REVKIN: Okay, thanks. Andy Revkin, 26-  
3 year resident of Phillipstown, three-year resident of  
4 Nelsonville, 3 Crown Street, neighbor of Garreth.  
5 We're less than 150 feet from Ground Zero.

6 My questions are not -- I'll restrict the  
7 questions to the ones --

8 CHAIRMAN RICE: Rockledge.

9 MR. REVKIN: -- to SEQRA, I mean to  
10 Rockledge. One thing I want to be sure I understand,  
11 now that the Village and Homeland Towers in their  
12 correspondence on Rockledge have introduced the  
13 option of the lease on Crown, can that affect your  
14 decision on Rockledge? Can you say definitely it  
15 will not or cannot affect your decision on Rockledge,  
16 the fact that there's an option?

17 CHAIRMAN RICE: I don't know if I can say  
18 yes.

19 MR. REVKIN: Exactly. That's why it's  
20 relevant to talk about both at the same time.

21 (APPLAUSE)

22 MR. REVKIN: Because the paperwork, the  
23 November 1st cover letter that you guys -- that  
24 Robert sent has a reference to an agreement, a lease  
25 offer made to the Village on September 29th. To my

1 mind, while you're not part of that negotiation --

2 CHAIRMAN RICE: And we are not.

3 MR. REVKIN: That's fine, but for you to  
4 have confidence that this is a good-faith operation  
5 that isn't using the densely populated Nelsonville to  
6 SEQRA site as an escape route for a successful  
7 venture that will bring revenue to the Village and  
8 get around some of the legal issues that were on  
9 Rockledge --

10 CHAIRMAN RICE: What are those legal issues?

11 MR. REVKIN: Well, whatever the issues  
12 you're facing on Rockledge, they could be  
13 circumvented by the -- this came up a second ago. If  
14 there's some sort of impression that there's an  
15 easier path now, that the 2 Secra is on town Village  
16 land that you guys have some more confidence you're  
17 not going to be facing fights because some Village  
18 officials who are dearest on fighting the other one  
19 now seem to have this positive sense of the one on  
20 Secra, then that's a problem for those of us who live  
21 in that densely populated around the SEQRA site. And  
22 it is relevant to your decision-making. As you've  
23 just indicated, you cannot guarantee --

24 CHAIRMAN RICE: We do know about it and we  
25 do --



1 MR. REVKIN: Yeah, it's in your heads. It's  
2 like there's an option now. Oh, God, and it's  
3 actually cool because, you know --

4 CHAIRMAN RICE: But as I've said before, the  
5 (indiscernible) required by --

6 MR. REVKIN: Yeah. And that's why --

7 CHAIRMAN RICE: It's the Applicant must look  
8 at other sites. We encourage them to look at other  
9 sites.

10 MR. REVKIN: Right. So there's --

11 CHAIRMAN RICE: The neighborhood, the  
12 Rockledge neighbors, are -- have that option. I  
13 don't know, I can't qualify how they (indiscernible)  
14 about it, but they may -- the Board allows them to  
15 look at other sites, so there's not much we can do  
16 about it. I mean, we encourage them to look for  
17 other sites. They've looked for other sites. Some  
18 aren't working. What happens is when it --

19 MR. REVKIN: But suppose -- if there was a  
20 question about legitimacy of all that, would that be  
21 relevant to you?

22 CHAIRMAN RICE: Can you explain that a  
23 little bit more? Legitimacy to what?

24 MR. REVKIN: Collusion.

25 CHAIRMAN RICE: What?

1 MR. REVKIN: Collusion.

2 FEMALE SPEAKER: Collusion.

3 CHAIRMAN RICE: Collusion in reference to  
4 what?

5 MR. REVKIN: Village trustees saying, "Hey,"  
6 you know, "we'll give you this land."

7 MR. MARINO: Let me back up for a minute,  
8 though. The subject of this application is  
9 Rockledge.

10 MR. REVKIN: I know, but --

11 MR. MARINO: Secra has been brought up as a  
12 possible alternative as have a number of other sites  
13 in the Village and the Villages.

14 MR. REVKIN: And why was he able to give  
15 presentations tonight about the suitability of Secra?  
16 He did.

17 MR. MARINO: None of those other sites are  
18 being proposed as an alternative. They're being  
19 explored as possible alternatives, but no one is  
20 saying "We're going to change our application from  
21 Rockledge because the path through Secra seems that  
22 much easier."

23 So we're really -- we can really only look  
24 at what's being applied for before our Boards at this  
25 time. Until such time as they make some

1 accommodation with the Village Board, if that  
2 happens, and they come back to us and say, "Our  
3 preferred alternative is now Secra, that's what you  
4 should be reviewing," then we have to go through the  
5 whole scientific process all over again, start this  
6 process all over again.

7 I think, though, at this time all we can be  
8 really talking about is Rockledge and understanding  
9 that Secra is out there as one of a number of other  
10 alternatives.

11 CHAIRMAN RICE: Secra is on the top is what  
12 we talked about because it's in reference to --

13 MR. REVKIN: But it seems to be the only --  
14 isn't it the only --

15 CHAIRMAN RICE: The radio frequency reports  
16 that we requested --

17 MR. REVKIN: He also showed you photos of  
18 the site, and I can show you of this, you know.

19 CHAIRMAN RICE: We want to find out if it is  
20 a legitimate site or not within the context of the  
21 Rockledge site.

22 MR. REVKIN: Right. And with that in mind,  
23 I have one request, and this is a request to you.  
24 You can just say yes or no right now. Can you  
25 release the lease offer as a public document which

1 will be releasable under (indiscernible) anyway?

2 Give a copy to them, the September 29th lease offer?

3 MR. GAUDIOSO: I was told to hold my  
4 comments until the end, so --

5 CHAIRMAN RICE: So let's hold his comments  
6 to the end, yeah.

7

8 MR. REVKIN: Get an answer on that, please.

9 CHAIRMAN RICE: Sorry.

10 MR. REVKIN: It will be great to have an  
11 answer on that.

12 CHAIRMAN RICE: On whether the lease --

13 MR. REVKIN: The September 29th document.

14 CHAIRMAN RICE: The lease negotiations could  
15 be released to the public. They may be foiled. I  
16 don't know. We'll find out.

17 MR. REVKIN: Well, it's relevant to -- I  
18 think it's relevant to your confidence that the  
19 escape clause is a legitimate one.

20 CHAIRMAN RICE: The escape clause, sir?

21 MR. REVKIN: 2 Secra as an alternative.

22 CHAIRMAN RICE: It's (indiscernible). I  
23 don't know why you characterize it in that --

24 MR. MARINO: Well --

25 CHAIRMAN RICE: It's required by --

1 MR. MARINO: -- we are certainly nowhere  
2 near going down the road in collusion or anything  
3 like that.

4 MS. CLEMENTS: Really I have to say, I am so  
5 offended, the idea that you are standing in front  
6 of --

7 MR. REVKIN: I'm a reporter, okay. My  
8 career is to ask questions.

9 MS. CLEMENTS: -- volunteers and the  
10 community, okay. You're talking as a member of our  
11 community.

12 MR. REVKIN: Yeah.

13 MS. CLEMENTS: And to come up here and talk  
14 to eight volunteers who have -- who are volunteering  
15 their time for this community and to suggest  
16 collusion, I have to say I am deeply offended.

17 MR. MERANDO: I agree with that.

18 MR. REVKIN: I'm sorry.

19 (APPLAUSE)

20 MR. MERANDO: You're making a statement  
21 against us --

22 MR. REVKIN: I'm asking questions.

23 MR. MERANDO: -- that we're in collusion  
24 with other -- we're independent people here --

25 CHAIRMAN RICE: You suggested that.

1 MR. MARINO: I think we've given you the  
2 answer to that at this point.

3 MR. REVKIN: Okay.

4 MR. MERANDO: -- who give up our free time  
5 to come here --

6 MR. REVKIN: And you're great at what you  
7 do.

8 MR. MERANDO: -- and do the best that we can  
9 for the Village of Nelsonville.

10 CHAIRMAN RICE: I think your time is up.  
11 Pauline.

12 FEMALE SPEAKER: Sandy Saunders.

13 CHAIRMAN RICE: Sandy Saunders.

14 MR. SAUNDERS: Alexander Saunders, owner of  
15 3 Brook Street of SEQRA law and I believe your code  
16 and, for good sense, require that all reasonable  
17 alternatives be explored.

18 CHAIRMAN RICE: That's correct.

19 MR. SAUNDERS: 3 Brook Street, the woods  
20 bounded by Peekskill Road and Route 301, a wooded  
21 tract of eight acres, is an ideal site with far  
22 better sight lines to the Village up 301 south of --  
23 as far as Boscobel. It's a reasonable site, a  
24 reasonable alternative, and I highly recommend it.  
25 It's also commercial.

1           The Phillipstown code recommends that towers  
2 be placed on commercial properties.

3           CHAIRMAN RICE: I don't think it does, sir.

4           MR. SAUNDERS: I believe it does. That's  
5 why the Vineyard --

6           CHAIRMAN RICE: Oh, Phillipstown, I'm sorry.

7           MR. SAUNDERS: Phillipstown.

8           CHAIRMAN RICE: Yeah, I'm sorry.

9           MR. SAUNDERS: Your code does not. But it's  
10 much more reasonable to do that access. 3 Brook  
11 Street is -- we have multiple tractor trailers every  
12 day in there. It's very easy.

13           CHAIRMAN RICE: Is that a Phillipstown  
14 property you're speaking of or --

15           MR. SAUNDERS: It's Nelson property. Yeah,  
16 I'm talking about 3 Brook Street as an alternate, and  
17 I think it is your job as the Zoning Board to review  
18 all alternatives and --

19           CHAIRMAN RICE: If you put that in writing  
20 and send it over here.

21           MR. SAUNDERS: And we'll put that in  
22 writing. I have discussed this with Homeland as  
23 well.

24           CHAIRMAN RICE: Okay, thank you. Your  
25 property, I guess.

1 FEMALE SPEAKER: Richard Shea (phonetic).

2 MR. SHEA: I'm Philip Shea, Phillipstown  
3 Supervisor.

4 CHAIRMAN RICE: Hi, Richard.

5 MR. SHEA: You have my empathy. Anyway, I'm  
6 within earshot of Mr. Gaudio, and his man posse  
7 would think this was a slam dunk, but if that were  
8 the case, then we would have a power plant on Storm  
9 King Mountain.

10 (APPLAUSE)

11 Truly not the case. And Mr. Gaudio makes  
12 his compelling arguments. He's paid to do that as is  
13 every other (indiscernible) over there. They're paid  
14 by Homeland Tower. Homeland Tower is in the business  
15 of putting towers up to generate profit and revenue.

16 But don't be confused by that. That's all within  
17 their (indiscernible). That's not within our  
18 (indiscernible), but our (indiscernible) is  
19 preserving our community.

20 And one thing we have here is this natural  
21 scenic beauty. If we compromise that scenic beauty,  
22 everything falls apart after that. The reason people  
23 come here, the reason they visit the town, the reason  
24 they spend money here because they want to see what  
25 we have. You start putting these towers up, people



1 are going to want to go other places. So it's  
2 something to really be cognizant of. I'm sure you  
3 are cognizant of that.

4 Also for Mr. Gaudio to presume to tell you  
5 what your mandate is is a little disturbing in  
6 hearing that back here. I know you're fully aware of  
7 that, but I take affront to that as a Board member.

8 (APPLAUSE)

9 As far as, you know, the -- let me get to my  
10 notes here. I've been taking notes all along.

11 (PAUSE)

12 CHAIRMAN RICE: Want us to come back to you?

13 MR. SHEA: For a denial of service, no one's  
14 feeling like they're denied service in this town. I  
15 mean, it's been stated over and over there's no gap  
16 in coverage for the average person driving around or  
17 in their home, so you know, again that this is being  
18 -- that this is emanating from this concern for the  
19 town or concern of lack of service or concern for  
20 emergency services, that's a false argument, so I'd  
21 like that also to be taken into account.

22 All in all, I hate to see neighbor pitted  
23 against neighbor also, and that's something that  
24 people have to really avoid because the only way to  
25 stand up to these things is to stand together, so

1 this false, you know, trade-off of saying, "Well, are  
2 you going to have it on Rockledge or are we going to  
3 have it on Secra?" those aren't, you know, those are  
4 two arguments, but the thing is how about having it  
5 nowhere?

6 (APPLAUSE)

7 There is no appreciable gap in coverage.  
8 Again, this is all about money, and you know, don't  
9 be fooled by these convincing arguments or taking  
10 these things at face value because their job is to  
11 get this tower in. Our job is to protect what we  
12 hold dear.

13 (APPLAUSE)

14 FEMALE SPEAKER: Cathy Carnivol (phonetic).

15 CHAIRMAN RICE: Cathy.

16 MS. CARNIVOL: I'm sorry, I did not request  
17 to speak. I thought I had to sign it.

18 CHAIRMAN RICE: Oh, okay, no problem. You  
19 have no mandate to speak.

20 FEMALE SPEAKER: Roger Gorvick (phonetic).

21 MR. GORVICK: Yes.

22 CHAIRMAN RICE: Roger.

23 MR. GORVICK: I live on Rams Hill Road off  
24 Vineyard. I don't want to get into our thing. We'll  
25 just stick with yours. I'd like to ask your lawyer a

1 question since he brought it up about the property  
2 owners next to the side of Rockledge.

3 CHAIRMAN RICE: Of Rockledge.

4 MR. GORVICK: We'd have the right to file an  
5 injunction against Homeland Towers because of  
6 easement rights, et cetera, with the road.

7 Now, I'd like to know is there a homeowners'  
8 association on the thing with regard to maintenance  
9 on that road? Is there an easement document? Are  
10 there covenants and restrictions? What actually goes  
11 on there that they would have the basis to do that?

12 CHAIRMAN RICE: We have all that information  
13 in file.

14 MR. GORVICK: You do.

15 CHAIRMAN RICE: I don't know if there's  
16 covenants, restrictions, but there is a right-of-way  
17 (indiscernible).

18 MR. GORVICK: There must be, I assume,  
19 somebody has to pay for maintenance on the road, I  
20 assume.

21 CHAIRMAN RICE: I don't know if there's a  
22 homeowners' --

23 MALE SPEAKER: Yeah, they do.

24 MR. GORVICK: They do, okay. So assuming  
25 that that takes place, do you have an agreement with

1 the other people?

2 MALE SPEAKER: Not a written one. We've all  
3 been neighbors for 40 years. We never really needed  
4 that before. That's what living in a small community  
5 is all about.

6 (APPLAUSE)

7 MR. GORVICK: I'm not arguing -- it just  
8 occurred to me listening to the lawyer, your lawyer,  
9 that we have such a mess-up where we are that that  
10 injunction is coming. I can guarantee Homeland  
11 tonight that there will be an injunction filed right  
12 away.

13 This situation that's going on, Nelsonville  
14 where we are, has brought out hundreds and hundreds  
15 of people. We're not a large community, but one of  
16 the things and one of the reasons that we moved up  
17 here, my wife and I, is because this is one of the  
18 most beautiful places in the world. You can go to  
19 Lake Como. You can go anywhere you want to in the  
20 world. You're not going to find a nicer place.

21 CHAIRMAN RICE: We would agree.

22 MR. GORVICK: And the fact of the matter is  
23 that as members of this community, and I think  
24 Richard said it very well, we can't fight with each  
25 other. We have to be united. We have to support

1 each other, and that's what makes this community  
 2 wonderful. That's why we want to live here. We love  
 3 the art community. We love the scenic views. We  
 4 have people that protect us. There are a number of  
 5 land trust things that -- institutions and whatnot  
 6 that are buying up land and everything to protect us  
 7 all and to protect the reason that businesses in Cold  
 8 Spring and in Nelsonville that the people want to  
 9 come up here, that they want to live here. We don't  
 10 want this scarred by things that none of us feel is  
 11 necessary in the first place. And exactly as Richard  
 12 said, this is all about money.

13 CHAIRMAN RICE: Okay.

14 MR. GORVICK: Make no mistake, and it's  
 15 David versus Goliath, we are the David, they are the  
 16 Goliath.

17 CHAIRMAN RICE: Thank you.

18 MR. GORVICK: They are Verizon, we are  
 19 little people, but you know what? You have to say in  
 20 united and you can't let them bully you and don't let  
 21 them tell you that you can't deny on this basis and  
 22 you can't deny on this basis. There are a number of  
 23 reasons that you could deny, and the courts will  
 24 uphold you.

25 CHAIRMAN RICE: Okay, thank you.

1 (APPLAUSE)

2 CHAIRMAN RICE: Can you come to the middle?  
3 Maybe your voice will travel down.

4 MR. CHAPLIN: Hi, John Chaplin (phonetic).  
5 My parents live at 9 Rockledge Road which is  
6 immediately to the south, I guess, of the proposed  
7 site probably about, I don't know, 302 feet, I guess.  
8 I think they said it was more than 300 feet, so it  
9 can't be much more than that.

10 I just have a question about the balloon  
11 test. I know they said that the height was 120, and  
12 I apologize if this was asked last week. I couldn't  
13 make the meeting last week. How tall are the --

14 One of the things that initially was brought  
15 up and brought up several times is the ability for  
16 EMS, local EMS to use this tower if it does get  
17 approved and installed. How tall are those antennas  
18 that go on top of the 110 feet?

19 CHAIRMAN RICE: Four to five feet, but could  
20 be as high as 10 feet, 12 feet. Ron, I don't know if  
21 you have --

22 MALE SPEAKER: I don't, no.

23 CHAIRMAN RICE: Okay. Well, it was brought  
24 up in another meeting. We didn't have a meeting last  
25 week, but it was brought up a couple months ago. The

1 thought was they might be four to five feet, but  
2 relatively --

3 MR. MERANDO: And from what I understand,  
4 they're whip antennas.

5 MR. CHAPLIN: Okay.

6 MR. MARINO: I think that we heard two  
7 inches in diameter.

8 MR. MERANDO: Yeah.

9 MR. CHAPLIN: Okay.

10 MR. MERANDO: Which pretty much if you stand  
11 in the cemetery and look up there, it's going to be  
12 really hard to see that antenna on top of that.

13 MR. CHAPLIN: Yeah, but not from 300 feet  
14 away.

15 MR. MERANDO: No, I'm not saying from 300  
16 feet away you're going to see it.

17 MR. CHAPLIN: Yeah, so --

18 MR. MERANDO: You definitely will see it.

19 MR. CHAPLIN: So anyway, you know, look I  
20 understand Homeland has a right to make money. I get  
21 that. I understand that. A private property owner  
22 has the right to do what they want on their property.  
23 That's completely within their bailiwick.

24 I just want to respond to the collusion  
25 argument that was made. The people that live on

1 Rockledge, we're not saying, oh, boy, I hope you put  
 2 it at Secra, that would be awesome. We're not saying  
 3 that, okay. We don't really want it anywhere. I'll  
 4 echo what Richard said, all right. And I think if we  
 5 start getting divided like that and those arguments  
 6 start creeping in, I can tell you where that's going  
 7 to go. It's not going to be good. So I'll echo  
 8 Richard's comments and hope that everyone can keep  
 9 that in mind when they're starting to talk about  
 10 things.

11 (APPLAUSE)

12 FEMALE SPEAKER: Ethan Kerr.

13 CHAIRMAN RICE: Ethan.

14 MR. KERR: Good evening, everybody. Thanks  
 15 for showing up. So I'm here to speak for the little  
 16 ones who are all asleep right now. I'm kind of  
 17 surprised and sad that there hasn't been any mention  
 18 of the school that's very close to this big tower,  
 19 the (indiscernible) School where my precious little  
 20 girl goes to school.

21 There's a number of countries around the  
 22 world who have ruled it illegal to build cell phone  
 23 towers and, in fact, even Wi-Fi signals in schools  
 24 because they recognize the damage and impact  
 25 electromagnetic radiation has on growing cells. This



1 is not new news. This is eliminated in this country  
 2 for the reason we see (indiscernible) in front of us  
 3 here, but yeah, we could bring forth hundreds of  
 4 peer-reviewed articles in all kinds of publications  
 5 that demonstrate the impact particularly on growing  
 6 cells in young people from headaches and earaches and  
 7 minor things all the way through cancer and leukemia.  
 8 That is real data that is, you know, (indiscernible)  
 9 made it, okay. This is not like some far-off  
 10 stretch, okay.

11 So the fact that the Town is even  
 12 considering putting my child's life at risk in this  
 13 situation is a very, very deep concern of mine, and I  
 14 imagine if anyone else knows any children, you want  
 15 them to live in the same beautiful land that we all  
 16 -- that we're here for and not to have and not to  
 17 have more radiation coming into our lives  
 18 particularly when we're young and growing.

19 So I can provide hundreds of peer-reviewed  
 20 articles. I was a science teacher one day and I  
 21 actually had some students, middle-schoolers, explore  
 22 whether or not seeds would germinate around Wi-Fi  
 23 routers versus away from them, and there was a  
 24 noticeable impact on the Wi-Fi router on seeds, plant  
 25 seeds, you-all, okay. So this is real.

1           We're a little slow. Lots of European  
2 countries, France, Switzerland, Italy, are away ahead  
3 of us on this and it made the legal limit that they  
4 referenced. Hundreds to tens of thousands have gone  
5 lower because they recognize the impact of this on  
6 cells, particularly human cells, okay, so --

7           CHAIRMAN RICE: Thank you.

8           MR. KERR: Just calling it in.

9           CHAIRMAN RICE: Thank you.

10          (APPLAUSE)

11          MR. MARINO: I'd just like to respond to one  
12 point, though. We're reviewing this and considering  
13 it because we have to, okay. They've made a fair  
14 application that meets our requirements and now we  
15 are reviewing the project based on our requirements  
16 and what our zoning code -- to tell them no, you have  
17 to go away before we even get into the process would  
18 be wrong, and we are here because this is a process  
19 that allows them to come forward as property owners  
20 or conditional property owners and make an  
21 application, so we're here to listen.

22          MR. KERR: I respect all processes of the  
23 law, and I'm calling in science, okay. That's all  
24 I'm saying.

25          MR. KEELEY: Along the lines with the

1 studies, would you be able to just -- and, again, it  
2 seems like I may have missed a few documents in our  
3 15 inches of paperwork that we've been going through.  
4 Can you submit a few of those peer-reviewed articles  
5 just to make sure that we have them?

6 MR. KERR: You know what else? We could do  
7 a collective search and add thousands to  
8 (indiscernible)? You're going to get more than a  
9 couple. I'm sorry, but that's how it works. Thank  
10 you, all.

11 FEMALE SPEAKER: Eliza Nagel.

12 MS. NAGEL: So why have we chosen to live in  
13 Nelsonville and why have we chosen this small town  
14 over all the others that are scattered through New  
15 York? Well, I know that my family and I chose this  
16 village and why we decided to build in Nelsonville.  
17 We just built on Healy Road. It's the unique nature  
18 of this village, the mountains and the stunning river  
19 views. And I understand that I may not be  
20 substantial evidence, so I just wanted to call out  
21 the New York Times which called us "Small town  
22 American with big town views of the Hudson," and USA  
23 Today, "The image you'll most readily recall after  
24 visiting will be those of the Hudson River and the  
25 valley that surrounds it," or Photers (phonetic),

1 "It's true (indiscernible) peace, may will be the  
2 breath-stealing river valley views." So it's not  
3 just me shouting this out. I may not be substantial  
4 evidence, but how about, you know, the top tourist  
5 write-ups in this country.

6 I saw that orange balloon. It was sitting  
7 right in front of the mountains we see from Healy  
8 Road. I'm sorry you missed it, but it was right  
9 there. It was mocking those buried in our historic  
10 cemetery, and we see the courts littered with the  
11 bodies of small towns and the battles they've lost,  
12 but we refuse to be one of those villages.

13 I mean, the engineer the tower hired said  
14 that this tower will not fill the gap, and I'm sorry,  
15 nice try, but you cannot divide us with threats of  
16 SEQRA, and I know that you presented all this  
17 evidence of SEQRA in the beginning, even though we're  
18 not discussing SEQRA, and we see right through you.  
19 We are all neighbors here, all of us, we're all  
20 neighbors.

21 Telecom greed will not erase our  
22 understanding of the reason we all live here.

23 MALE SPEAKER: Bravo.

24 MALE SPEAKER: Here, here.

25 (APPLAUSE)

1 MS. NAGEL: And we decided that we will not  
2 be cowed by your threats, your veiled or unveiled  
3 threats of a lawsuit. And I know you don't want to  
4 lose to us because then you may lose to others, but  
5 we will not give up this fight. And I say this again  
6 to you guys, we have your back, you know, say no. We  
7 won't give up this fight.

8 (APPLAUSE AND CHEERING)

9 FEMALE SPEAKER: Maria Stein-Morrison.

10 CHAIRMAN RICE: Who's next?

11 FEMALE SPEAKER: Maria Stein-Morrison.

12 CHAIRMAN RICE: Maria.

13 MS. STEIN-MORRISON: Hi. I'm Maria Stein-  
14 Morrison. I am the director of the Manitou School  
15 and owner of (indiscernible) Inn which houses the  
16 Manitou school, which is listed in the National  
17 Registry of Historic Places and from which we could  
18 see that horrible orange balloon. And it affects our  
19 view shed which is something that I will follow up  
20 with written record. I did not -- it was not clear  
21 to me when I came to this meeting that our  
22 participation at this meeting would somehow not hound  
23 as part of the record, so I will happily follow up  
24 with a letter.

25 I would like --

1 CHAIRMAN RICE: I'm not sure what you meant  
2 by that. I think it does --

3 MS. STEIN-MORRISON: Oh, well, there was  
4 some question earlier about having a written record.

5 CHAIRMAN RICE: Yeah, it's all on the record  
6 what you're saying right now.

7 MS. STEIN-MORRISON: So this is on the  
8 record. Okay, great.

9 CHAIRMAN RICE: Absolutely.

10 MS. STEIN-MORRISON: I just wanted to make  
11 sure that that was the case.

12 I know that we cannot make a legal argument  
13 that the radiation from this tower is sufficient  
14 grounds to say no, but I want to echo with what was  
15 said which is that we know that it's real. We know  
16 it affects young children.

17 SEQRA is close to having -- Rockledge is  
18 close to Manitou. Neither of these are acceptable  
19 options to us living here because of that. Even if  
20 we can't make that legal argument, that is at least a  
21 moral and ethical consideration for the Board, that  
22 it will affect the growing brains of young children.  
23 From a property owner perspective, it's affecting the  
24 nature of my historic property, of my school. People  
25 come here, they come to Nelsonville, to Cold Spring,

1 to Phillipstown, and they come to my school looking  
 2 for natural beauty, looking for that uniqueness that  
 3 we have, and we as part of my school community have  
 4 spent a lot of time, a lot of money, a lot of  
 5 resources, in maintaining the unique character of the  
 6 property. And if you have driven by Manitou, you can  
 7 see that it looks beautiful now. We bought it, we've  
 8 maintained it, we want it to continue to be  
 9 beautiful, and having that tower right behind it,  
 10 which you will be able to see, is going to cut into  
 11 the esthetic value of our property and the experience  
 12 that all of us have when being in our property.

13 Also, a lot has been said about the  
 14 cemetery, but it's not just about the gatehouse which  
 15 is also listed in the National Historic Registry or  
 16 National Registry of Historic Places, but the people  
 17 who are buried there, and it's not just Julia  
 18 Butterfield, last year on election day a large group  
 19 of women from Phillipstown, we dressed in white and  
 20 we visited the grave of Ida, I'm blanking on her last  
 21 name now, sorry --

22 FEMALE SPEAKER: Asophogist (phonetic).

23 MS. STEIN-MORRISON: -- Asophogist, who was  
 24 instrumental in getting women the right to vote, and  
 25 I took my girls from the Manitou School, really young

1 girls up to middle-schoolers, to that site as an  
2 honor and a tribute to these women who have fought  
3 for our current rights, and we had an amazing  
4 experience in this historical place. That would have  
5 been terrible had we had a big cell phone tower  
6 looming over us. It would have not been the same.

7 And so just to preserve the character of the  
8 historical nature of our cemetery or town or the  
9 things that we value, I also urge you to say no to  
10 this application on Rockledge.

11 CHAIRMAN RICE: Okay, thank you.

12 (APPLAUSE)

13 CHAIRMAN RICE: That covers everybody that  
14 signed up. Are there people who would like to speak  
15 after they've heard -- would like to be heard? Can  
16 we start right to left? Yes, sir.

17 MR. ROSSI: Jeff Rossi, I live at 6  
18 Rockledge Road. I'm going to be affected by this,  
19 obviously, but I just want to let everyone know that  
20 while we're in opposition of the Rockledge site,  
21 we're also in opposition of the SEQRA site. We stand  
22 with you. Thank you, guys.

23 First of all, what I have here is a number  
24 of -- it's all the deeds, all the titles from all the  
25 properties on Rockledge, and you can see that various



1 legal counsel, various properties, various years,  
2 every single one addresses it as a right-of-way and  
3 not an easement, and that distinction is very  
4 important and I really, from the bottom of my heart,  
5 appreciate the work that everyone out there has done  
6 on this and I want to help empower you with  
7 everything you can have to support everything you've  
8 heard from the people.

9 And we've heard the language explicitly says  
10 right-of-way. There's not one thing that says  
11 easement in here. And for that, you've actually  
12 retained legal counsel and have every intention to  
13 fight this in a court of law.

14 (APPLAUSE)

15 Beyond that, we have documentation in that  
16 15 inches that you've been handed, and if you don't  
17 think it's 15 inches to hide some of the data, you're  
18 lying to yourself. There are statements in there  
19 that have said explicitly that this is not going to  
20 improve radio frequency in home. This is not going  
21 to improve frequency significantly in a car. So not  
22 only will I have a beautiful line of sight of a cell  
23 phone tower, I will not have better cell phone  
24 signal, so there's an actual fundamental issue with  
25 the site of Rockledge in addition to all of the

1 emotional damage you'll be doing in the community.

2 So I ask that -- we will be working with you  
3 as much as we can to provide you all the ammunition  
4 we have to end this. And I also give everyone here  
5 who's supporting SEQRA, you have my full support,  
6 give you the exact same level of support that we have  
7 in Rockledge for all you guys. We're in this, man.

8 (APPLAUSE)

9 MR. STERLING My name is Steve Sterling. I  
10 live on Lane Gate Road. I use Moffitt Road quite  
11 frequently. I can say that below Healy Road I've had  
12 to back up quite a number of times to let another car  
13 come the other way. I've witnessed a car sideswipe  
14 the rocks going down on the lower part of it. I  
15 can't imagine what kind of highway they have to build  
16 to allow the fire department to get up there and  
17 fight an industrial-size fire if there were such a  
18 thing.

19 I do want to say Mr. Gaudioso is doing a  
20 fabulous job for his client. I think he's doing a  
21 terrible disservice to our community.

22 We were at a meeting Monday night where two  
23 pages of misleading statements and misrepresentations  
24 in their application for the Phillipstown town towers  
25 applications were brought up and verified. We ran

1 across two things. One is the question of real  
2 estate value dropping. There was a report delivered  
3 by Mr. Gaudioso by an independent study only one of  
4 which cited Phillipstown, a home in Phillipstown.  
5 There are all other reports that indicate, clearly,  
6 and think about it logically, do you want to move  
7 next to a cell tower? Nobody really does. Your real  
8 estate value goes down. If you have real estate  
9 value going down, we as residents grieve our tax  
10 rates because our real estate value is going down.  
11 Then the taxes have to go up in the community to make  
12 the difference.

13 But I think the real issue that you all have  
14 to contend with, and I think you immensely as  
15 volunteers having to learn about rocket science to  
16 try to deal with all this and keep up with it, is  
17 that it's the esthetic question that allows a  
18 community to challenge an applicant, and that's the  
19 only thing, not radio waves, not damage to children's  
20 brains, not any of that. At a federal level, the  
21 only reason you now can really challenge an applicant  
22 is on the esthetics, and we have a lot of ground to  
23 do that.

24 And I think we're now in a situation, and I  
25 think you can tell by the number of people that are

1 here and who were actually on the stairs standing  
 2 outside, we've gone from a community of not in my  
 3 backyard. A year and a half I've watched eight, nine  
 4 meetings of different boards in Phillipstown and  
 5 Nelsonville where we did watch people come in, and  
 6 I'm on Lane Gate, so I could be between Rockledge and  
 7 the landfill if that were to happen. And we've gone  
 8 from not in my backyard to not in my town, and you  
 9 now see people showing up by the hundreds at these  
 10 meetings and you have to take that seriously, and I  
 11 know you do, and I really appreciate the patience and  
 12 perseverance that you're all representing and what  
 13 you're doing. It's not an easy task, and we're all a  
 14 little stuck.

15 What we have found out is that Homeland  
 16 Towers is making quite a number of misstatements and  
 17 misrepresentations in the application that  
 18 Phillipstown has been reviewing. And there are other  
 19 people coming forward, and there was a gentleman who  
 20 represented with a knowledgeable person that their  
 21 model for determining what is a gap is actually a  
 22 flawed computer model and, of course, it's a  
 23 favorable computer model.

24 CHAIRMAN RICE: Okay.

25 MR. STERLING: Now, who of us can really

1 look into that I don't know.

2 CHAIRMAN RICE: Do you have any comments --  
3 have you reviewed our particular applications on the  
4 website?

5 MR. STERLING: I'm sorry?

6 CHAIRMAN RICE: Have you reviewed --

7 MR. STERLING: I've done the best I could to  
8 keep up with both, to be honest with you.

9 CHAIRMAN RICE: Yeah. I mean --

10 MR. STERLING: It's very complicated. The  
11 last point I would like to make, if I may --

12 CHAIRMAN RICE: Yeah.

13 MR. STERLING: -- at the end of the day how  
14 does Rockledge affect me? It affects me because of  
15 Moffitt Road and what may or may not go on there.

16 CHAIRMAN RICE: Sure.

17 MR. STERLING: And at the end of the day it  
18 is a community-wide problem, not necessarily  
19 Rockledge of Secra or Vineyard or wherever it might  
20 be. And I think is happening is we've talked about a  
21 number of times people raise the question of  
22 (indiscernible) systems. A bunch of people, "Oh, it  
23 won't work. It's too challenging. It doesn't do  
24 this, it doesn't do that." It seems like the same  
25 thing people could have said about electricity, "Oh,

1 you got to put a pole. You got to run lines to every  
2 house." It's a very small community here. What is  
3 Nelsonville, one square mile. It's one place where  
4 now Ramapo, Silver Spring, Woodbury Commons, a lot of  
5 communities are really using distributed antenna  
6 systems. Homeland Towers doesn't offer DAS.

7 I would ask you to invite an applicant who  
8 does offer DAS if for no other reason to get a view  
9 of what that could be in spite of what the different  
10 consultants and different constituents would say  
11 about DAS being too challenging, it doesn't work  
12 everywhere. This is an ideal place for it in my  
13 humble opinion of trying to learn as much as I can  
14 about this.

15 The two things I would ask you to do is  
16 invite an applicant or somebody in that world that  
17 can deal with DAS. And the other thing is the shock  
18 clock can be reset depending on the things that the  
19 Applicant is representing or misrepresenting. And  
20 I'm not an expert on it either, but I would ask you  
21 to get that shock clock reset so that we can all have  
22 all the time we need to really look at this as  
23 thoroughly as we need to to feel that we can make the  
24 case of an esthetic challenge here, not all the other  
25 things. And I thank you again for your time.

1 CHAIRMAN RICE: Okay, thanks.

2 (APPLAUSE)

3 CHAIRMAN RICE: We'll move across the --

4 MR. BEFOUR: Sure. My name is Jason Befour  
5 (phonetic). I live on (indiscernible) across from  
6 the Manitou School. I just want to pick up on what  
7 he just said about the shock clock. I could be wrong  
8 about this, but my understanding is that it's not a  
9 strict rule in the sense that as long as the  
10 municipality is looking at the application on a good-  
11 faith basis or if there are special circumstances  
12 that perhaps the Village counsel can look into, a  
13 court may find that it's not a breach, the Village is  
14 not a breach of any shock-clock violation if a  
15 challenge is brought in court by the Applicant.

16 Second, I just want to sort of say to  
17 everyone here in spite of some of the compelling  
18 arguments being made about radio frequency and some  
19 other issues and it was touched upon by the  
20 Applicant's counsel, it needs to be part of the  
21 written record, if I'm not mistaken, so we can all  
22 stand up and make our pitch and impassioned pleas,  
23 but if you live at a location that could be impacted  
24 by this, whether by property values or esthetically,  
25 you have to get an expert, get a report, get it in

1 writing, and get it submitted to the record. And I'm  
2 certain that the Village will allow the people here  
3 tonight to make those submissions or at least you'll  
4 give them time to do so so that it is part of the  
5 written record and that it's duly considered.

6 CHAIRMAN RICE: Thank you.

7 (APPLAUSE)

8 CHAIRMAN RICE: You.

9 MR. TIMM: Hi, my name is Ethan Timm  
10 (phonetic). I live in Cold Spring, and I think based  
11 upon a lot of people's recommendations, I think I  
12 want to talk specifically about the esthetic  
13 question.

14 I was surprised to realize that when working  
15 on the local waterfront revitalization plan that  
16 really from the State's perspective, the waterfront  
17 really runs from the river all the way up to Route 9.  
18 And I think that similarly to the way that, as  
19 Richard pointed out, that when we're talking about  
20 esthetics in this region, the balloon test,  
21 photographs are, to me, essentially laughable. I  
22 mean, they're -- you can always kind of stage  
23 something like that. And, of course, from a close  
24 perspective you don't see the tower, but when you --  
25 and as some people have pointed out, when you see



1 iconic photos of this region, we're not talking about  
2 up-close views, can I see the tower? We're talking  
3 about --

4 CHAIRMAN RICE: You can't, you're right.

5 MR. TIMM: We're talking about expansive  
6 use. We're talking about hiking up Bull Hill and  
7 seeing the village stretch out before you.

8 First of all, I think -- and also, I want to  
9 point out I think it's unconscionable that a neighbor  
10 said she didn't know that there was a test. People  
11 said, "Well, it was in the paper, tough luck," I  
12 mean, there -- we had an application just right here  
13 down the street on Cedar Street, we had to give  
14 notification to the affected neighbors, written  
15 notification, you know. They get it and they're on  
16 their door. So to say, "Well, it was in the paper,  
17 tough luck --"

18 (APPLAUSE)

19 CHAIRMAN RICE: It was advertised, yes.

20 MR. TIMM: There needs to be another balloon  
21 test or something -- it seems ridiculous in this age  
22 we're doing a balloon test. I mean, that's like what  
23 is this, like 1890?

24 CHAIRMAN RICE: We've also done  
25 (indiscernible).

MR. TIMM: Second of all, if there's another balloon test, people need to be notified of that, and there needs to be people like up in significant view sheds, like I'm talking about on Bull Hill, we have thousands of hikers coming up to Bull Hill and to Great Neck. They're going to be staring down at this ridiculous frankenpine (sic), and they're going to say, "Why do I even come here?" I hear they're going to go somewhere else and will go somewhere else.

CHAIRMAN RICE: Thank you.

(APPLAUSE)

MR. KEELEY: Just one brief comment in the closing remarks from the Applicant. Can you speak to, along those lines, can you speak to the (indiscernible) management zone and if that's considered a special planning district, in your opinion. And we'll also ask the Village attorney after the fact the same, and then also for the Applicant, just curiosity in your closing remarks. I'm not asking for comments now.

Can you also let me know if you've submitted as part of the environmental notification process for the registration of antenna structures, your FCC Form 854?

CHAIRMAN RICE: Yes, sir.

1 MR. LOO: David Loo (phonetic), 32 Crown  
2 Street. I'd just like to second the request for a  
3 higher standard of notification.

4 CHAIRMAN RICE: Just try to speak up if you  
5 can, higher standard of notification.

6 MR. LOO: Advertising in the local paper is  
7 not reaching that many people, so I'm asking that  
8 you --

9 CHAIRMAN RICE: We advertise in two papers.

10 FEMALE SPEAKER: It's not (indiscernible) on  
11 everyone's front door. It's a small community.

12 MR. LOO: Who would do this?

13 FEMALE SPEAKER: Hm?

14 MR. LOO: Who would do (indiscernible)?

15 FEMALE SPEAKER: Our neighborhood did that,  
16 the (indiscernible). They put all the details  
17 (indiscernible) in everybody's mailbox.

18 FEMALE SPEAKER: You're not allowed to do  
19 that. It's against the law.

20 (MULTIPLE SPEAKERS)

21 FEMALE SPEAKER: They didn't put it in the  
22 mailbox. It was handed to me.

23 CHAIRMAN RICE: All right. So anyway,  
24 that's a good point. More notification.

25 FEMALE SPEAKER: I don't know what else we

1 can do.

2 CHAIRMAN RICE: We did think that the two  
3 papers was sufficient notification as required by  
4 law, and by social media we thought that word would  
5 get out, but -- even better.

6 FEMALE SPEAKER: Excuse me.

7 CHAIRMAN RICE: Yeah. Hold on one second.  
8 You done, sir?

9 MR. LOO: Yes, I am. Thank you.

10 CHAIRMAN RICE: Yes.

11 MS. O'NEIL: My name is Frances O'Neil, and  
12 I've been heading the Save the Cold Spring Cemetery.  
13 It's been on Facebook, the Cold Spring Cemetery  
14 Facebook site, the Phillipstown multiple Facebook  
15 site. What's the other one? Find another cell phone  
16 option Face site, so it's been on all three. If  
17 everybody had been at the meetings -- I'm so glad to  
18 see a big turnout now. We had a very small turnout  
19 in the past. It was mentioned there. It's been in  
20 the newspapers, so I just want to make it known that  
21 it has been on Facebook all over the place for  
22 several days. So short of that, I don't know what  
23 else we can do.

24 (APPLAUSE)

25 CHAIRMAN RICE: Okay. Any other -- yes,

1 ma'am.

2 MS. HOPKINS: Before you close the speaking  
3 portion from the public -- oh, sorry, my name is  
4 Stephanie Hopkins. I live (indiscernible) Cold  
5 Spring. I wanted to thank you very much for the  
6 deliberation that you (indiscernible).

7 (APPLAUSE)

8 MS. HOPKINS: (Indiscernible) people are  
9 angry, you know, and it puts you -- we're only a  
10 group (indiscernible).

11 But before you said no more comments from  
12 the floor, I just wanted to remind you that we are  
13 all substantial evidence and Ms. Nagel pointed out --  
14 compared herself to the question of whether or not  
15 she was. I think she is. Thank you for your  
16 (indiscernible). All of us are. And I would  
17 challenge you, sir, to the attorney representing the  
18 Applicant, if you think an individual testimony is  
19 insubstantial, then I would say (indiscernible).

20 But I want to remind you because I know he's  
21 going to get up and he's a little (indiscernible) as  
22 I am, and he will say a lot. You will ask him a  
23 question and he -- I thought he was pretty -- it was  
24 an interesting response to your question, Chairman  
25 Marino, about (indiscernible) gap. And I found it to

1 be (indiscernible), not that I want him to go on any  
2 further. I know based on what was explained that,  
3 one, it's really when I say "gap," it's not a signal.  
4 (Indiscernible) I would echo the remarks of  
5 Supervisor Shea and (indiscernible) about it being a  
6 financial matter.

7 And I wanted to address when the teacher  
8 from (indiscernible) -- sorry, she (indiscernible)  
9 herself, and said that this was -- she has a  
10 business, you know. Never you mind about your  
11 service. Never you mind about your service. We have  
12 service here. We have children being educated.  
13 There has to be equal weight given, and I would just,  
14 you know, I would encourage you to be very skeptical  
15 and have a very -- cast a very jaundice eye on the  
16 application because it has been clear to you that the  
17 burden of proving the Applicant not sort of entitled  
18 to (indiscernible), it falls on you, which I think is  
19 a really rubbish sort of (indiscernible).

20 CHAIRMAN RICE: I think the burden lies on  
21 the Applicant.

22 MS. O'NEIL: Okay. Well, okay. I  
23 (indiscernible), and I'm here to say that I --  
24 (indiscernible) to my experience (indiscernible), the  
25 sweeping views that Ethan referred to, that's why I

1 love it here. I'm not an old-timer, a long-timer --

2 CHAIRMAN RICE: Sure.

3 MS. O'NEIL: -- but I love it, and there are  
4 people who have -- grown-up people who have stayed  
5 here because it's beautiful. And so I think a lot of  
6 us share that.

7 CHAIRMAN RICE: Okay, thank you.

8 MS. O'NEIL: Thank you very much.

9 (APPLAUSE)

10 CHAIRMAN RICE: Three more?

11 MS. NEWELLAN: Hi, I'm Caroline Newellan  
12 (phonetic). I live in Nelsonville at 308 Main  
13 Street, and I spoke at the last meeting. I already  
14 said most of my thoughts here, but as I've been  
15 explaining this to my children and remembering when I  
16 was growing up, I grew up in a nice community and I  
17 remember my parents hosting neighborhood meetings at  
18 their house, going to meetings like this. I remember  
19 my parents explaining to me the zoning was so that we  
20 would have residential areas and residential areas  
21 and we would have factories, which we need, in areas  
22 that were more commercial. And that's what zoning  
23 was, is to make it, all the places work together in  
24 concert in a way that works best for those in the  
25 community.

1           And I really thank you all because we all  
2 see how much work this is. I know someone who's just  
3 recently gotten involved and bogged down by how much  
4 work it is, and I'm not doing much compared to you  
5 guys, but I think this is what zoning is for. And  
6 you can look at the letter of the law and you have  
7 to, and I thank you that you do, but I think deep in  
8 our hearts we all know that the reason people  
9 volunteer for zoning boards and other sorts of  
10 community service, public service, is because they  
11 love where they live.

12           And I do resent having to prove that a giant  
13 cell tower would ruin the view or detract from my  
14 property value. That's obvious. Why should I have  
15 to prove it? Why should I have to pay someone to  
16 come assess what the tax value of my house will be  
17 later and take my time to do that? I don't --  
18 that's, you know, that's a burden. It's falling onto  
19 everyone in this room so we can get these bullies,  
20 you know. They're going to come here and tell you  
21 "You lose, you lose, you lose."

22           I am begging you to take up their dare.  
23 We've got your back. Worse-case scenario, they win  
24 and we get the towers, but at least we'll have come  
25 together. We'll all thank you, you know. The worst-



1 case scenario, you know, is that at least we'll know  
2 we tried because we're going to lose (indiscernible).

3 (APPLAUSE)

4 MALE SPEAKER: Can I amend my comment again?

5 CHAIRMAN RICE: You won't be speaking again,  
6 but we're kind of wrapping things up. We have people  
7 that haven't spoken who will speak.

8 MR. MCCARTHY: Dave McCarthy.

9 CHAIRMAN RICE: Dave.

10 MR. MCCARTHY: 56 Main Street, Nelsonville.

11 Eight volunteers here, hundreds of neighbors, lot  
12 less worried about our property value, worried about  
13 each other, worried about our kids, worried about  
14 your community. Eight guys in suits. They're rich.

15 They're going to be rich whether that tower goes in  
16 or not. I would be remiss not to ask the property  
17 owner, please, we're your neighbors. We care about  
18 you. We don't want this tower. Work with us, talk  
19 with us. We're a community. We shouldn't fold to  
20 them. Whatever you need let's talk about it and  
21 we'll try to make it happen. We really don't want  
22 this here.

23 CHAIRMAN RICE: Thank you.

24 (APPLAUSE)

25 LAURA: Hi, my name is Laura. I live in the

1 village of Cold Spring on Parrot Street very close to  
2 both locations and my child has attended Manitou  
3 School (indiscernible) school years and currently  
4 attends (indiscernible) elementary school.

5 I just want to reiterate, you know, some of  
6 the more recent comments that have come up describing  
7 that the presentation that's made by the lawyers for  
8 Homeland needs to be called into question. Some of  
9 the evidence that they present to you and I  
10 understand it's a really tough job. There's inches  
11 and inches of paperwork I can't even imagine going  
12 through them. Just on the point of these visual  
13 renderings that they keep referring to as sort of  
14 doctrine, visual renderings, computer models, are  
15 abstractions. They're not real. They're marketing  
16 tools, and I think we really as a planning board need  
17 to be -- or as a community we should all be aware of  
18 that. The balloon test definitely has its issues.  
19 It's not hard science, so visual renderings, whether  
20 it's a computer model or a balloon test, it's not  
21 science and shouldn't be taken as science. And I  
22 think that just reiterates -- sort of speaks to a lot  
23 of the other evidence that people are talking about  
24 that needs to be called into question. Thank you.

25 CHAIRMAN RICE: Thank you.

1 (APPLAUSE)

2 CHAIRMAN RICE: Yes, sir.

3 MR. HARRIS: My name is Bevin Harris. I  
4 live along 61 Moffitt Road, so I'm a stone's throw,  
5 sort of the southwest corner of that property for the  
6 proposed cell tower.

7 I don't need to tell you why I'm against it  
8 as well, and some of you heard me state it before,  
9 but like dirt roads - I grew up in Brooklyn. I know  
10 the city. I try to get away from the tall steel  
11 towers, and I've been here for 20 years. I like dirt  
12 roads. I like tall buildings. I don't necessarily  
13 want to live next to the tall buildings which is why  
14 I live here. And I definitely don't need a reminder  
15 when I look out my back door to see the tower looking  
16 over me.

17 The other part is we need to stay together  
18 as a community. There's divisiveness around the  
19 world right now and within our country. There are  
20 court cases, pulled up one, Cellco Partnership versus  
21 Russell, where the court was persuaded by unique  
22 circumstances surrounding the moratorium,  
23 particularly the fact that scenic mountainous and  
24 rural county derives substantial income for tourism.  
25 So there are cases out there that support our

1 situation.

2 And in regards to the need for more cell  
3 service, I look across the river, and not that I want  
4 to deface Storm King, but I think, okay, what about a  
5 tower there that I don't know the range necessarily,  
6 but could that support any -- if we had needs for a  
7 loss of cell service that that be a consideration.  
8 It still provides services for us, but it doesn't --  
9 it's not defacing the community in the way that we're  
10 addressing now, so that's --

11 And I will happily pull together court cases  
12 to support it, so we understand like this is not the  
13 first time and, I mean, Connecticut has got a  
14 moratorium going on with cell towers, you know, the  
15 rife with it, so just stating --

16 CHAIRMAN RICE: We agree. We encourage  
17 everyone to really read the case law. Those are the  
18 facts, case laws on the internet. You can read it,  
19 and those are the facts, what Robert's talking about,  
20 both Roberts, the Village attorney, the Applicant's  
21 attorney. Case law is case law and you can read it.  
22 It's in black and white. You can make a tally sheet  
23 of who wins and who loses. There's no question about  
24 it. Read it and you'll be as smart as any attorney.

25 MR. MARINO: Someone in their infinite

1 wisdom in the past put cell towers as an allowable  
2 use in certain zones in the Village of Nelsonville  
3 with a special permit, so that's why we're dealing  
4 with this. It's in the zoning now so we have go to  
5 through the process.

6 CHAIRMAN RICE: Yeah, there's no mystery to  
7 this. Read it on the internet and it sounds like  
8 everybody is. That's why you're here, but if you  
9 want to find out what the law says, read about it.

10 MR. HARRIS: Understood.

11 CHAIRMAN RICE: Just what you're suggesting,  
12 working up what you said, you're doing it and you  
13 found a case in your favor. That's what you need to  
14 do to get -- if you want to get together and everyone  
15 talk about the substantial evidence that they need or  
16 the Board needs.

17 MR. HARRIS: I don't know what the end-all  
18 decision is --

19 CHAIRMAN RICE: Sure, right.

20 MR. HARRIS: -- that you, the Board, needs.  
21 I think we need to recognize that we, as a community,  
22 need to determine that. It's not, you know --

23 CHAIRMAN RICE: I think that, too, yes.

24 MR. HARRIS: I mean, as a member of the  
25 community I think that's the most important part.

1 CHAIRMAN RICE: We agree, yes, yes. It's  
2 all out there.

3 We have one last question or no, we don't.  
4 We have a follow-up question.

5 MR. REVKIN: I think it's important to amend  
6 my comments.

7 CHAIRMAN RICE: You want to amend your  
8 comment?

9 MR. REVKIN: Very quickly.

10 CHAIRMAN RICE: A comment about collusion?  
11 We appreciate that.

12 MR. REVKIN: No, no.

13 (LAUGHTER)

14 MR. MERANDO: If you're doing to do that, I  
15 don't want you to speak. If you're going to accuse  
16 me of being in collusion --

17 MR. REVKIN: No, no.

18 MR. MERANDO: I'm very insulted about what  
19 you said. I'm very insulted.

20 MR. REVKIN: Nothing I said was about you.  
21 Nothing I said was about you. It was the whole  
22 Board.

23 CHAIRMAN RICE: Thank you for clarifying the  
24 record.

25 MR. REVKIN: No, no, no, no, you

1 misunderstood.

2 MR. MERANDO: Okay.

3 MR. REVKIN: I was speaking in  
4 (indiscernible).

5 CHAIRMAN RICE: Could you clarify it then  
6 for the record?

7 MR. REVKIN: Yes. For the record, for the  
8 record, okay, and I'm only speaking loudly so people  
9 can hear.

10 CHAIRMAN RICE: Yes, certainly.

11 MALE SPEAKER: First of all, I love everyone  
12 in the room. The fact that you're here means this is  
13 important.

14 I was saying that this -- now that the two  
15 Secra site is part of your decision-making process,  
16 which it is, it seems that it's sensible for you to  
17 have access to correspondents between the company and  
18 the Village to be sure there's integrity there --

19 CHAIRMAN RICE: We were going to bring that  
20 up. Robert is going to address that.

21 MR. REVKIN: -- to avoid the appearance or  
22 even, you know, to avoid any questions about --

23 CHAIRMAN RICE: I would assume our Village  
24 attorney is representing the Village in that  
25 negotiation.

1 MR. REVKIN: I know, but -- I was not  
2 talking about you at all, and I'm not even talking  
3 about the Village trustees. I'm saying it's in  
4 everyone's interest here, particularly the company,  
5 to avoid even an appearance of anything like that.

6 CHAIRMAN RICE: A conflict of interest,  
7 exactly.

8 MR. REVKIN: So transparency --

9 CHAIRMAN RICE: We have been extremely  
10 transparent. As you can see, everything is on the  
11 website.

12 MR. REVKIN: And, you know, I'm a  
13 journalist. I work at ProPublica and my job is  
14 investigative reporting. I don't believe anybody on  
15 the surface.

16 CHAIRMAN RICE: We understand.

17 MR. REVKIN: So I have that kind of like  
18 instinct, but this is a community I care about a lot,  
19 and that was a hypothetical.

20 CHAIRMAN RICE: Okay.

21 MR. REVKIN: But transparency is important.

22 CHAIRMAN RICE: It is, and that's what we've  
23 been, I guarantee it.

24 MR. REVKIN: That's all I meant to say.

25 CHAIRMAN RICE: Okay. Thank you for



1 clarifying that.

2 (APPLAUSE)

3 CHAIRMAN RICE: Anybody else before -- I'd  
4 like to give the Applicant -- do we want to  
5 summarize? We'll let the Applicant --

6 MR. MARINO: If they want to respond to any  
7 particular points, but --

8 MR. GAUDIOSO: I want to just keep it real  
9 brief. There are a few things that I just have to  
10 correct, a couple questions that were asked.

11 CHAIRMAN RICE: Yes.

12 MR. GAUDIOSO: I think it's important to  
13 just address them.

14 There was a statement that was attributed to  
15 me by Mr. Axelrod that if I gave the impression that  
16 the property had to be contemplated for a cell tower  
17 at the time of the right-of-way, that is not what I  
18 said and I want to make that clear, just that it was  
19 contemplated as a buildable lot, just to clarify  
20 that.

21 Going back to the discussion about  
22 significant gap --

23 MALE SPEAKER: Can you speak louder, please?

24 CHAIRMAN RICE: Yes. They can't quite hear  
25 you back there.

1 MR. GAUDIOSO: Sure. Going back to  
2 significant gap, all of that case law, I was not  
3 threatening with that. I was asked specific  
4 questions about that. I was giving you the case law,  
5 what it says.

6 One thing I did overlook, all of that case  
7 law is based on Section 332(c), which I mentioned  
8 before, and that goes specifically to your point.

9 There's also Section 253 of the  
10 Telecommunications Act which, again, restricts  
11 municipalities from prohibiting any  
12 telecommunications, so whether it's under 332(c) and  
13 the question of whether it's data or whether it's  
14 telephone, all telecommunications may not be  
15 prohibited under Section 253. I think that's  
16 important.

17 Regarding the lease, the lease is a matter  
18 of public record. If someone wants to ask the  
19 Village Board and they want to -- pursuant to a FOIL  
20 request, we have no objection to that. We did not  
21 submit it under any type of limitation from FOIL.

22 And just to put in perspective, at one of  
23 the very first meetings this Board complied with its  
24 duties and asked us to look at alternative sites. We  
25 spoke to the Village Board who said they may have

1 some alternatives. They offered three, okay. One  
2 was a piece of OSI property that they responded back  
3 that -- when I say OSI, I guess it's Hudson  
4 Highlands. I was little unclear about this. There's  
5 a small piece of property and, apparently, the lawyer  
6 said that it couldn't be used for this type of use.

7 The second one -- so we never pursued it any  
8 further. The second one was 50 Fishkill Road, and  
9 we've submitted from a technical standpoint and  
10 showed you that that does not work from a technical  
11 standpoint.

12 The third was 2 Secra Street, again the  
13 Village brought us to that as a potential  
14 alternative. We would have been -- we would not have  
15 been acting in good faith if we didn't look at it as  
16 a potential alternative, which we did. We screened  
17 it from a technical standpoint, showed you that from  
18 a technical standpoint it worked. We told you in my  
19 letter specifically that we made a good-faith lease  
20 offer to the Village. The Village trustees are  
21 undergoing reasonable and proper due diligence. They  
22 held a public hearing on the issue and they're  
23 contemplating whether in their discretion, as the  
24 property owners, whether they should lease it or not.  
25 And I think that is the exact right process, both on

1 our side, on your side in telling us to look for  
2 alternatives, and particularly the Village Board's  
3 side in investigating it.

4 No decisions have been made. If a decision  
5 is made, we will present those facts and that  
6 evidence to you as well. So that's been completely  
7 transparent across the board, and I want to make that  
8 perfectly clear.

9 We also looked at the Saunders property. We  
10 actually investigated it. We called Mr. Saunders.  
11 We appreciate his interest. Mr. Vicente --

12 CHAIRMAN RICE: Mr. Saunders is right here  
13 in the room.

14 MR. GAUDIOSO: Yes. Mr. Vicente looked it  
15 -- I'm sorry, Mr. Xavier looked at it personally.  
16 From a zoning standpoint, it's not in a permitted  
17 zone, so if for some reason this Board felt that a  
18 use variance is better than a special permit and  
19 wanted us to investigate it further, we would, but  
20 under the code it's not in a permitted zone. It's in  
21 a commercial zone which, in your code, is not  
22 permitted. So that's why we haven't pursued that any  
23 further at this point.

24 CHAIRMAN RICE: Is it up to the Board to  
25 make -- to ask you to do that or (indiscernible)?

1 MR. GAUDIOSO: Well, we're telling you that  
2 it requires the use variance and, therefore, we don't  
3 think it's a feasible alternative, so --

4 CHAIRMAN RICE: It's an extremely difficult  
5 thing to achieve.

6 MR. GAUDIOSO: So if for some reason in the  
7 Board's deliberations you said you wanted more  
8 information on it, we would provide that.

9 CHAIRMAN RICE: Okay.

10 MR. GAUDIOSO: The setback to schools is  
11 really an important point. There is no setback to  
12 schools. There is no setback to schools in your  
13 Village code. There's no setbacks to schools in  
14 state law or in federal law. The only cases that  
15 I've seen that have gone to court were a municipality  
16 had a setback to school, to a school, it was struck  
17 down, okay. Nevertheless, we understand the issue is  
18 very important, and it's a matter of perception, but  
19 the science is just the opposite.

20 We went to the Haldane School the other day  
21 for the Village Board meeting and there was a Wi-Fi  
22 access point right in the auditorium that we were  
23 sitting in. To think that somehow schools do not  
24 have wireless service and similar type of uses is  
25 naïve. That's not the case in the 21st Century.

1 That's what the children learn on, notepads,  
2 computers that are laptops. These are in schools  
3 already, so you have to separate the reality from, I  
4 think, the perception.

5           There was a statement by Mr. Rossi which I  
6 want to correct for the record. He said our  
7 documents say that the site will not significant  
8 improve in home or in car service. It's simply not  
9 true. The documents do not say that. In fact, your  
10 own consultant supports that in his reports.

11           Mr. Sterling, who does not live in  
12 Nelsonville, made a statement which I think was  
13 reckless and incorrect. He said that there were two  
14 pages of misstatements by I think myself and my  
15 applicant in another application and alluded to the  
16 fact that we had misleading statements in this  
17 application. Again, without any type of specifics, I  
18 can tell you that's just simply not correct. If he  
19 has specifics of what might be misleading in this  
20 application, we'd be happy to hear it. If there is a  
21 mistake somewhere, we would be happy to correct it,  
22 but we don't believe that's the case.

23           Regarding the coastal zone planning, I don't  
24 know the answer. It was my understanding that  
25 Nelsonville does not have an LWRP. I would have to

1 double -- is that correct?

2 MR. KEELEY: I believe it does not.

3 MR. GAUDIOSO: Okay. So that would be my  
4 answer, it does not have an LWRP. I don't believe  
5 then an LWRP would apply to this particular site.  
6 That's my understanding. If someone has a different  
7 opinion, I'd be happy to research it further.

8 MR. KEELEY: We just need your opinion.

9 Thank you.

10 MR. GAUDIOSO: Sure. The Form 854, that  
11 happens at the time of construction, so that wouldn't  
12 have happened at this stage.

13 MR. KEELEY: And that requires a 30-day  
14 comment period?

15 MALE SPEAKER: I don't believe it does.

16 MR. GAUDIOSO: I don't believe so.

17 Finally, I appear in front of a lot of  
18 boards. I want to thank you for your  
19 professionalism, particularly the Chairs, but all the  
20 Board members, the courtesy extended to us. We  
21 appreciate that. Thank you tonight.

22 CHAIRMAN RICE: Thank you.

23 (APPLAUSE)

24 CHAIRMAN RICE: Okay, next step.

25 MR. MARINO: I would suggest, William, that

1 since there's still information that has been  
2 requested, information that has just come in tonight  
3 that we haven't really had a chance -- this afternoon  
4 and tonight that we haven't really had a chance to  
5 review yet, that we adjourn the public hearing for  
6 the time being to a date certain. We'll have to  
7 figure out what date that will be in order to --

8 CHAIRMAN RICE: (Indiscernible) two weeks, I  
9 think --

10 MR. MARINO: If we can do it in two weeks,  
11 two weeks from tonight, that's a possibility.

12 CHAIRMAN RICE: We'd like to leave here, and  
13 I know we can't, we'd like to leave here with the  
14 date somewhat locked in. What actually is that date,  
15 December --

16 FEMALE SPEAKER: The 29th?

17 MS. CLEMENTS: I can't be here on the 29th.

18 CHAIRMAN RICE: Oh, no, I can't either. I  
19 have a meeting on the 29th.

20 MR. MARINO: Okay. How about the --

21 FEMALE SPEAKER: 30th? The 1st?

22 CHAIRMAN RICE: Okay, so I mean, the  
23 objective would be to have the meeting -- when you  
24 say adjourn the meeting, continue it?

25 MR. MARINO: Continue the public hearing.



1 CHAIRMAN RICE: Oh, continue the public  
2 hearing. Leave the public hearing open and continue  
3 -- and adjourn this public hearing until another date  
4 to --

5 MR. KEELEY: Can I ask one more thing before  
6 we do that?

7 MR. MARINO: Yes.

8 MR. KEELEY: I'm sorry. At the last public  
9 hearing, we asked the Applicant to not submit  
10 documents the day before, the day of. We've been  
11 experiencing document dumps every single meeting  
12 we've had. We've been getting significant amounts of  
13 paperwork the day of or the day prior. That's very  
14 challenging.

15 At the last meeting we discussed submitting  
16 things a week in advance and yet we still got more  
17 documents yesterday and today. Can you please submit  
18 them a week ahead of time at least? I know that it's  
19 going to be particularly tight for this next one, but  
20 just do your -- please do that (indiscernible).

21 MR. GAUDIOSO: We appreciate your concern.  
22 The things we --

23 (BOTH SPEAKING AT THE SAME TIME)

24 MR. KEELEY: It's challenging for us.

25 MR. GAUDIOSO: No, we totally appreciate

1 that. And just we had received a request from Mr.  
2 Gaynor a couple days ago, submitted it that day. The  
3 balloon test came in at the last minute.

4 MR. KEELEY: (Indiscernible) in terms of the  
5 private land (indiscernible) and there was documents  
6 from two months ago that we just got a document  
7 yesterday.

8 MR. GAUDIOSO: Yeah. No, we do apologize.  
9 It's been a tight timeframe. We're trying to be  
10 diligent. The quicker we get the stuff in, we  
11 appreciate it.

12 MR. MEDRANO: I look at my computer in the  
13 morning and I got this many emails --

14 MR. GAUDIOSO: I feel the same way.

15 MR. MEDRANO: -- and in the afternoon I got  
16 this many more emails.

17 MR. GAUDIOSO: We agree.

18 MR. MEDRANO: My time is valuable just like  
19 you guys' are.

20 MR. GAUDIOSO: We agree.

21 MR. MEDRANO: And, you know, to sit down and  
22 read this and digest it all, it takes time.

23 MR. GAUDIOSO: No, we understand.

24 MR. MEDRANO: These are documents we got  
25 tonight. I haven't even looked at them yet.

1 MR. MARINO: Mr. (indiscernible), do we need  
2 to make a motion now to continue -- leave the public  
3 hearing open, adjourn?

4 MALE SPEAKER: I would make a motion to --

5 MR. MARINO: Do both Boards have to make  
6 their separate motions?

7 MALE SPEAKER: You can do it jointly, I  
8 mean, it's a joint meeting.

9 MALE SPEAKER: If it's possible to pick a  
10 date tonight while everybody is here and then the  
11 public is here, too.

12 MR. MARINO: I would prefer that.

13 MALE SPEAKER: be better for me, too.

14 CHAIRMAN RICE: So we're looking at -- we  
15 want Peggy to be here, but there is a date that --

16 MALE SPEAKER: How much notice do we have to  
17 give?

18 CHAIRMAN RICE: We'd like to give a week's  
19 notice.

20 MALE SPEAKER: You could do it tonight.

21 MR. MARINO: We'd like to do it tonight  
22 while the public is here, if it's possible.

23 CHAIRMAN RICE: Yeah, so hang on for one  
24 minute. We'd like to maybe lock in a date that we  
25 can meet again and wrap this up one way or another.

1 MR. MARINO: How does the 29th sound,  
2 Wednesday, the 29th?

3 MS. CLEMENTS: If it's a Wednesday night, I  
4 have a commitment that I can't break.

5 FEMALE SPEAKER: The 30th?

6 MR. MARINO: Thursday, the 30th?

7 MR. GAUDIOSO: The 30th I can't be here. I  
8 could have one of my partners be here.

9 CHAIRMAN RICE: How about Tuesday, the 28th?

10 MR. GAUDIOSO: I could have a partner be  
11 here.

12 MALE SPEAKER: I cannot make the 30th.

13 CHAIRMAN RICE: You can't make the 30th?  
14 Let us go back to the 28th.

15 FEMALE SPEAKER: The 28th?

16 MALE SPEAKER: 28th, Tuesday.

17 MR. MARINO: I'm good for the 28th.

18 MALE SPEAKER: The 28th is a Tuesday?

19 FEMALE SPEAKER: Yeah.

20 MALE SPEAKER: It's a good day for me. That  
21 works.

22 CHAIRMAN RICE: Well, that's a -- how about  
23 you guys? I don't know if we need everybody, but --

24 MR. GAUDIOSO: We'll work at the Board's  
25 discretion, yeah. Whatever you say is good with us.

1 CHAIRMAN RICE: Right now we'd like to lock  
2 in Tuesday, the 28th, at 8:00, what will be the  
3 continuation of the public hearing.

4 MR. MARINO: I guess location will be  
5 determined, though. We don't know if this room is  
6 available on that --

7 FEMALE SPEAKER: Right. I'll have to find  
8 out where we would be meeting.

9 CHAIRMAN RICE: You want to try 7:30? Does  
10 anybody object to 7:30? I know there's people coming  
11 from the City.

12 FEMALE SPEAKER: Can you guys try to meet at  
13 Haldane in the auditorium?

14 CHAIRMAN RICE: We don't know where we're  
15 going to meet yet.

16 FEMALE SPEAKER: No, no, no. I heard you  
17 addressing the location to meet there, and I wanted  
18 to (indiscernible).

19 MR. MARINO: Can we plan to have it here and  
20 if it's not here it'll be advertised?

21 CHAIRMAN RICE: Yeah. So we'll plan to have  
22 it here. If we need bigger crowd, we'll talk about  
23 Haldane.

24 MALE SPEAKER: Mr. Chairman, just to clarify  
25 so everyone hears it, the 28th at 7:30 here. If it's

1 not here, maybe we'll post a sign out front of where  
2 it is if it's not here?

3 FEMALE SPEAKER: Yeah, I'll be putting it on  
4 the website. I'll be putting it on the Facebook.  
5 I'll be putting it in the paper.

6 CHAIRMAN RICE: Once we get the feedback --  
7 if we're going to be getting people out into the hall  
8 again, Haldane is probably --

9 MALE SPEAKER: I just want to make sure that  
10 everyone understands the date, that's all.

11 CHAIRMAN RICE: All right, 7:30, November  
12 28th.

13 MALE SPEAKER: So moved. All in favor?

14 MALE SPEAKER: Motion to adjourn. Pauline,  
15 DJ made a motion to adjourn. Sue seconded.

16 FEMALE SPEAKER: Who seconded?

17 (MULTIPLE SPEAKERS)

18 FEMALE SPEAKER: Did you guys officially  
19 vote on the date of the -- on continuing the public  
20 hearing?

21 MALE SPEAKER: 7:30 --

22 FEMALE SPEAKER: Yeah, I know, I know. I  
23 just wanted to be sure that you officially voted on  
24 that.

25 MALE SPEAKER: We voted on it, yeah, made a

1 motion.


2 MALE SPEAKER: Seconded.

3

4 (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 November 15, 2017, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



Gloria Veilleux

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