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From: "Lynne Eckardt" <midfarm@bestweb.net>
Date: Tue Jan 25, 2005 12:50 pm
Subject: SE Planning and Zoning Board Recaps

Hi All,

ADVERTISEMENT

Last night I attended both the part of the Planning Board meeting and part of the Zoning Board of Appeals meeting (a double whammy as it were). Unfortunately I was unable to do so simultaneously so I will indicate where I was and from whose notes I cribbed.

I'll start with the ZBA meeting as I attended only for The AT&T Cell Tower proposed for Vails Grove Golf Course. By the way this one played to a very full house.

I will insert my usual disclaimer here- and what with the almost full moon - Look Out. As always the comments provided are strictly my own misguided opinions. Official draft minutes will be available within two weeks.

ZONING BOARD OF APPEALS:

2. Vails Grove Golf Course, LLC: 230 Peach Lake Road:

A 128' 'Flag Pole' Cellular Tower (AT &T/Cingular) has been proposed in order to add addition coverage along Route 121. The representative (attorney) for the applicant gave a brief overview and turned the meeting over to a representative from Techtonic who had performed the 'Balloon Test' on Saturday, January 25, 2005. The 15th was a sunny, frigid day with some wind. The balloon went up (to 128 feet) at around 10:30. Due to difficult conditions the Balloon was replaced at around 1:00 PM and remained up until about 4:25. Photos were taken from 10 different locations.

The representative then went through the legalities of telecommunication facilities and explained that as they fall under the 'Public Utility' Heading the variance is judged by 'need for the facility' rather than neighborhood needs or wants. Also that the ZBA may not consider health risks if the facility proposed meets federal standards- and this does.

The representative mentioned the approved Cell Tower on Hillside Ave. (right outside the village) and the ZBA Board seemed a little perplexed by this approval as it should have gone before the

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ZBA rather the Planning Board. For the record this Omnipoint facility was approved on 2/23/04.

The overflowing crowd asked many questions and commented as well. Salient questions and comments below:

1. Would a shorter tower meet ATT's needs? Answer: Yes- a 100' tower might work. And ATT will consider this alternative.
2. What happens when cell towers become obsolete? Although the town may ask for it's removal there will be no guarantee that this will be done.
3. California no longer uses cell towers but rather more short antennas- would this be possible? No clear answer given. Although the project engineer stated that towers need to be higher than the trees as leaves 'absorb signals'.
4. Rather than the sites now in use in Southeast would one mono-tower be possible. No specific answer.
5. Since 'roaming' (and its inherent charges) can take care of 'dead zones' doesn't that answer the need for additional towers? Answer: Those 'roaming' charges are not handled by ATT.
6. The wind on the balloon day made it very difficult to determine the visual impact of the tower.
7. Since the balloon test was postponed (bad weather on original day) it didn't seem fair.
8. Many customers who use ATT say they do not lose service on Rt. 121. Could ATT perform a 'drive' test rather than a simulation. Answer: yes.
9. There are already 6 built or approved cell towers in the Southeast Quadrant of Southeast. It would appear that Southeast already has its fair share of towers and perhaps ATT would consider moving this tower elsewhere. Also the Planning Board had made the 'take down' after the tower is no longer in use part of its approval. Chairman Colello said that this is difficult to enforce.

Petitions containing approximately 375 signatures were given to Chairman Colello.

Finally it was asked if the Board would take any action at the meeting. Chairman Colello assured residents that no action could be taken before speaking with the Town Attorney and until further questions had been answered by the applicant.

COMMENTS:

Oh goody. Another cell tower in Southeast. Let's see we have: Hillside Terrace (approved/unbuilt 120 ft. with 12 antenna), Sprint on Route 22 (Approved- 80' across from Reed Farm), Sprint, 55 Main, Joes Hill Road, Deans Corner Road and Route 312. Oh yeah, and there's one on Delancy in nearby North Salem. Nifty. How many more we squeeze into this quadrant and with all those we already have I'm surprised one couldn't communicate with two tin cans **minus** the proverbial string.

Some terrific points were made. This was one organized neighborhood that had really done their homework and it was a pleasure to watch them in action. As always the ZBA was polite and listened carefully.

I was particularly amused by the Hillside Terrace Tower Planning Board approval that apparently should have been in front of the ZBA. I really do love this Board.

Oh, and those 375 signatures. Impressive. There's votes in them thar hills. Expect the Town Board to start running interference- because really, does Southeast need to be the dumping ground for all things cellular? Rhetorical. Sorry. Hey, I know- let's find out how many towers North Salem, Patterson, Somers and Carmel have.

PLANNING BOARD:

Work Session:

1. Campus at Fields Corner: Pugsley Road

The Campus needs a minor subdivision for its well fields (pump station), recreation parcel (to town). The Trust for Public Land is also negotiating on a piece that would need subdivision as well. Town attorney, Willis Stephens. will be asked to provide a resolution for the waivers required. This will be on the February 14th agenda.

Regular Session:

1. Envirostar, Fields lane:

Attorney representing Envirostar made a case that although the C/O didn't follow after Envirostar purchased this property from Reilly (sp) that the current use was far less invasive from the previous owner. Reilly fabricated Platform Tennis Courts.

The Board asked that storage of sand and topsoil be kept on a lipped cement platform. The Board asked if any toxic waste, was stored on site. The answer was 'no'. Only cleaned tanks come to the site where they are crushed and put into 20 yard dumpsters. Chairman Rohrman felt that Envirostar might not be currently meeting setbacks. The attorney assured the Board that they'd look into it. All zoning violations have been cleared up.

From Cathy Croft's notes (I had left for the ZBA meeting): Chairman Rohrman asked that the DEP be involved due to the 'change of use'. The applicant invited the Board to the site.

Note: The remainder of the notes below are from Cathy Croft's notes. I was not there.

2. Alcon, LLC, Fields Lane:

Represented by Insite Engineering (Theresa Ryan) and attorney (and Village Justice), Rick O'Rourke. The Planning Board voted themselves as lead agency by a vote of 7-0. A Public Hearing will be held on February 28th.

3. Hardscrabble Tennis Club- Amended Site Plan, Fields Lane:

This is Sutton Corporate Park lots 3 and 4. Engineer, Peder Scott. Originally approved with 4 stages. The original pool was 35'X85' and applicant would now like a 40'X82'. Variances will be needed (there are encroachments within the setbacks) so a referral to the ZBA was asked for.

4. Triple J Subdivision, Welfare Road

Paul Lynch of Putnam Engineering was representing the applicants. This project is in front of the Patterson Planning Board and major changes have been made by the DEP. Two basins have been requested to be removed. The DEP has become concerned (within the last six months) that detention basins are perhaps causing more disturbance than necessary. A Planning Board member asked if Patterson doesn't 'work as hard' to approve a project does the applicant lose out? Another 90 day extension was granted by a vote of 7-0.

5. The Meadows at Deans Corners: Deans Corner Road

The Board asked why Mr. O'Rourke (attorney for the project) was asking for this bond as the project was still in litigation. Mr. O'Rourke inferred that there was not much merit in the suit (part had just been dismissed) and that his client was eager to move forward. The Board approved two performance bonds in the total amount of \$6,428,000.

6. Turk Hill Road East: Turk Hill Road/ Allview Avenue

The Planning Board was supposed to authorize the settlement entered into by the applicant and the Town. Vice Chairman Rush asked Chairman Rohrman if he was comfortable with the settlement. My Rohrman replied 'no'. At this point Town Attorney Jacobellis suggested that the Board go into Executive Session. The Board did so.

COMMENTS:

It was nice to see special guest appearances by Councilwoman Mitts and Conservation Member Peter Tringali. Presumably more first hand information will lead to more consistent decisions by all Boards.

1. Envirostar:

This falls squarely under the 'HUH? Heading'. Last I knew this was in front of the ZBA. And then, because violations hadn't been cleared up, was taken off the agenda twice. Now, magically it appears back in front of Planning. How does that work?

I have nothing against Envirostar I just don't get 'Musical Boards' on this one. Another disconnect- or does someone of higher authority care to explain.

2. Alcon:

This is yet another landscaping firm on Fields Lane and was one of the worst environmentally. We'll be keeping a sharp eye on this.

3. Hardscrabble Tennis Club:

I'm always sorry when I miss a Peder Scott presentation but I'm told he was in fine form and it was the 'same old/same old'. Hey, up to four variances will be needed for this completely non-office use in our Office Park zone. Well, on the bright side it's not a warehouse... and it's undoubtedly a lot more fun.

4. Triple J:

I was really sorry to have missed this. Especially since the DEP is possibly rethinking all created 'ponds' and 'basins'. This would be a major policy reversal and bears close watching. Also, I found the comment about the Patterson Planning Board 'not working hard' somewhat hilarious and charmingly ironic. Wait... could it be... a Planning Board is actually taking a long hard look at this project? Hmmm, imagine that.

5. The Meadows at Deans Corner:

I understand that while Mr. O'Rourke is confident of the pending litigation that the DEC was less than thrilled to hear that this property could, in theory, be home to bog turtles and, certainly vernal pools. Better late than never... But if I were Mr. O'Rourke or Mr. Glickenhause I wouldn't pop the champagne just yet.

6. Turk Hill Road East:

There seems to be major confusion on this one. I'm not at all sure what's going on. And as audience members left before the Board came out of Executive Session I'm not sure what the outcome was. It should be noted that Mr. Rush lives in the neighborhood as does Councilwoman Mitts who voted against accepting the settlement last Thursday. Stay tuned...

One quick note: There was a whole lot of litigation going on in '04 (see above). In fact for the first 9 months we (and yes this means you and me) paid over \$74,000 on litigation alone to the office of Stephens and Charbonneau. This is above and beyond the retainer of \$7,786.00 per month (or over \$93,000 per year). Horrors! Something appears to be amiss here. To put this into perspective the Town of Somers only spent around \$124,000 in '04.

Many thanks to Cathy Croft and all the dauntless CRSE members who sat through the Planning Board meeting last night. Please feel free to e-mail with any questions or comments that you might have.

With Best Regards,
Lynne Eckardt

	Replies	Name/Email	Yahoo! ID	Date
1035	Re: SE Planning and Zoning Board Recaps	brianalberghini@crse.org	brianalberghini	Tue 1/25/2005

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