

September 27, 2018

A continued public hearing on a Proposed Cell Tower located at the WVOCT Water District Complex held by the Town Board of the Town of Warwick on Monday, September 27, 2018, at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton resumed the meeting at 7:20 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Deputy Supervisor James Gerstner  
Councilman Mickey Shuback  
Councilman Floyd DeAngelo  
Councilman Russell Kowal

Attorney for the Town, Jay Myrow

**LEGAL NOTICE:** Clerk read the legal notice which was duly published in the Warwick Valley Dispatch on August 8, 2018. (Copy of legal notice posted at the end of these minutes)

Supervisor Sweeton – For the Boards information and for the record, the plan was reviewed by both our Town Planner and our Engineer. The determination which is in the negative declaration tonight is that the applicant provided an argument under the Monroe Balancing Test that the Town is exempt from the zoning on this particular tower since it will serve the public and make provisions for emergency services on the very top of the tower. The Planner concurs with that and incorporates that in the negative declaration that he's suggesting that we adopt this evening. We want to give the applicants the chance to come back having seen the Planners comments. They called for a revised environmental statement and they prepare that and submitted it.

Vincent Xavier - Regional Manager, Homeland Towers, LLC – I am here today with David Kenny an Attorney from Snyder & Snyder representing us in this matter. As you did indicate we did receive a comment memo from your Planner Greenplan and we responded to that. We also received a comment memo from HDR and we discussed that internally and we agree with most of their recommendations and we did not provide a written response to that but we will be more than happy to go through them and answer any questions you may have.

Supervisor Sweeton – Lets just go through them for the record and we can get your response to some of them. That would be part of a resolution if we were to grant them final conditional approval this evening. The first comment was suggested that the Town Board inquire about possibly using the tower facilities of the water tower. They did inquire of the Town of that and unfortunately the Town can't commit those towers at this time to be used for that, because they may or may not be there in the future. We can strike that comment I think. The next one was drawings, they just wanted you to show all the utility connections on the plan. I assume you will do that.

Vincent Xavier – Yes, it is on the plans and will be submitted for final approval.

Supervisor Sweeton – They wanted you to touch base with the FAA to see if there are any lighting requirements based on your proximity to the airport.

Vincent Xavier – We filed with the FAA a determination and we are waiting for a response to that. There is no light proposed on the facility other than one that would be required by the FAA. We believe because of the below 200' its unlikely the FAA would require it, but due to budget cuts it's taking some time for them to respond to our determination.

Supervisor Sweeton – But if they did you would obviously comply.

Vincent Xavier – We would comply.

Supervisor Sweeton – They talked about the finish of the tower. I had asked and you had presented visuals that showed the standard and a camouflage tower which is like the tower at Price Chopper. The Planner concurs that because of the height of this tower that the camouflage made the tower stand out more. I don't know what the Boards pleasure is but it did not seem necessary

Town Board – We agree.

Vincent Xavier – We would use a galvanized mat finish that over time gets less reflective and the antennas would be similar to the mat finish. The galvanized steel blends into the skyline.

Supervisor Sweeton – Number five was a structural and foundation analysis would be provided at the time of the building permit. Do you have any issues with that?

Vincent Xavier – No sir.

Supervisor Sweeton – Construction, a construction schedule provided to the building department.

Vincent Xavier – The only comment I want to make according to that, is there was landscaping included with that and there is no landscaping with that because of the location of the tower being behind those two tall water towers.

Supervisor Sweeton – Does anybody have any issues with that? Normally a cell tower project in proximity to other property owners would require some landscaping and this is almost in the middle of the 750 acres. This is on the water tower property, behind buildings and you're not going to see it.

Councilman Gerstner – You won't basically see the base.

Supervisor Sweeton – An as-built would be provided, correct?

**Supervisor Sweeton – An as-built would be provided, correct?**

**Vincent Xavier – Yes.**

**Supervisor Sweeton – It's assumed that excess soil from construction will be maintained on the site and if it's transported off it would comply with any local state or federal regulations?**

**Vincent Xavier – Absolutely.**

**Supervisor Sweeton – An RF report was that submitted to the Engineer?**

**Vincent Xavier -There was an RF report submitted, yes.**

**Supervisor Sweeton – The fencing, you're going to comply with the fencing and the appropriate signage?**

**Vincent Xavier – Yes.**

**Supervisor Sweeton – Obviously you are going to pay any appropriate fees that are remaining.**

**Vincent Xavier – Absolutely.**

**Supervisor Sweeton – Ok. There was an item about a bond and normally a cell tower privately owned would have a bond. Do you want to address that issue?**

**David Kenny, Esq. Snyder & Snyder – Absolutely, we feel because this is on Town property there's actually a lease with the Town that discusses this exact event. If there was a scenario where the Town needed a tower moved it could either purchase the tower from Homeland for one dollar or it could go ahead and ask Homeland Tower to remove it. Being a lease holder, you have more power as being a property owner then you would for a removal bond. Remove bonds are usually in the instance where it's on private property and the Town needs some sort of hook to allow it to be able to force the removal of an abandon tower.**

**Supervisor Sweeton – Our lease makes the provisions for it.**

**David Kenny, Esq. – There's a section under construction.**

**Supervisor Sweeton – Correct. We have reviewed that and the attorney have as well. Are there any other questions you want to raise on the issue?**

**Vincent Xavier – No.**

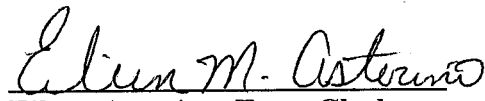
this not only is our public safety increased we are also receiving revenue from the tower so that will help to offset costs of the Town. I think it's good on all fronts.

Councilman Gerstner – It's a win win.

Vincent Xavier – There is space at the top of the tower reserved for you as well as within the fenced compound for any base station equipment you may require.

Supervisor Sweeton – Perfect. Does anyone have any public comments on the cell tower project at Mid-Orange Correctional Facility?

**CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Gerstner that the public hearing be closed. Motion Carried (5 ayes, 0 nays) 7:30 p.m. 09-27-18 CP**

  
Eileen Astorino, Town Clerk

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**LEGAL NOTICE**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Warwick will hold a Public Hearing for Proposed Cell Tower located at WVOCT Water District Complex in the Town of Warwick. Said Public Hearing to be held on Thursday, August 23, 2018 at 7:15p.m. or soon thereafter as the matter may be heard at the Town Hall, 132 Kings Highway, Warwick, NY

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All interested persons will be given the opportunity to be heard.

**DATED: August 8, 2018**

**BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF WARWICK  
Eileen M. Astorino  
Town Clerk**

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