

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on Wednesday, October 15, 2008. The meeting was called to order at 7:00 p.m., and began with the Pledge of Allegiance.

John Mattis, Chairman presided and other members of the Board were in attendance as follows:

- Raymond A. Reber
- Richard Becker
- David Douglas
- James Seirmarco
- Wai Man Chin, Vice Chairman
- Charles P. Heady, Jr.

Also Present: John J. Klarl, Deputy Town Attorney
 James Flandreau, Code Enforcement

ADOPTION OF MINUTES: 08/20/08

Mr. Heady made a motion to adopt the minutes for the meeting of 8/20/08 seconded by Mr. Chin with all voting "aye."

CLOSED AND RESERVED DECISIONS ADJOURNED TO NOVEMBER

CASE NO. 23-07 CONGREGATION YESHIVA OHR HAMEIR for an Interpretation/reversal of Code Enforcement Officer's determination that the dormitory housing its' students is a pre-existing, nonconforming use and that a Special Use Permit is or may be required for the Yeshiva's operation or expansion on the property located at 141 Furnace Woods Rd., Cortlandt Manor.

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ADJOURNED PUBLIC HEARINGS

CASE NO. 30-08 RON DECRENZA for an Interpretation to overrule the decision of the Director of Technical Services in which the application for subdivision to the Planning Board was put on hold until the violations on the property are addressed.

Mr. Mattis asked Mr. Flandreau have we received anything from the applicant on this case?

Mr. Flandreau replied, I have not heard anything.

Mr. Klarl stated and we sent a letter October 1st right?

Mr. Flandreau stated yes, I did.

Mr. Seirmarco stated since we have done everything in our power to contact this applicant, and since they have not responded I think we should deem the case abandoned.

Mr. Mattis stated I agree.

Mr. Seirmarco made a motion in Case No. 30-08 to deem the case abandoned seconded by Mr. Heady with all voting "aye."

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CASE NO. 36-08 DANIEL JOHN MEYER for an Area Variance for the front and side yard set back for an existing garage addition on the property located at 17 Armstrong St., Cortlandt Manor.

Mr. Meyer appeared before the Board.

Ms. Hunte stated we had a site visit on this property, and based upon that visit we do see that you have made some extensive improvement on the house, and this was an existing structure that was in dire need of repair, and then was enclosed. So based on that I am of the opinion that the variance should be granted.

Mr. Mattis stated and as information we received a letter from 18 Armstrong St., across the street, and they are highly in favor of this. You have done a very good job of making it look much nicer. Are there any other comments?

Mr. Seirmarco stated I wasn't at the site inspection, but I did go by there on my own, and the property is greatly improved. This was an existing garage with a porch over it, and the porch is now enclosed. This was a structural repair that had to be made, and it is a simple improvement to the property. There is no negative impact on the neighborhood so I would also vote for this variance to be granted.

Mr. Heady stated I was out there also, and I know the first meeting we were a little upset, but it wasn't his fault. We first did not think he had a permit to do this, and then we found that he did have a permit for this. So I really have no problem with this either.

Mr. Mattis stated I was out there also, and I concur with the comments. Is there anyone in the audience that would like to speak?

Ms. Hunte made a motion in Case No. 36-08 to close the public hearing seconded by Mr. Reber with all voting "aye."

Ms. Hunte made a motion in Case No. 36-08 to grant the front yard Area Variance from 50 feet down to 40.5 feet, and a side yard Area Variance from 30 feet down to 9.1 feet for an existing garage addition. This is a Type II Sequa with no further compliance required seconded by Mr. Reber with all voting "aye."

NEW PUBLIC HEARINGS

CASE NO. 38-08 JJG PROPERTIES, LLC for an Area Variance for the landscape coverage and landscape buffer on the property located at 36 Arlo Lane, Cortlandt Manor.

Mr. Joel Greenberg, architect appeared before the Board. He stated let me just start by stating that this piece of property is located in the MD zone, and in reviewing the Zoning Ordinance we discovered that unlike most of the commercial zones, which require 25 percent landscape coverage, the MD zone requires a 40 percent landscape coverage. We really don't know, or understand particularly why. So before we even approached the Zoning Board we sat down with the Town Planner, and the Town Engineer, and that is when we discovered that, and they were also quite surprised as to why you would want to have so much lot coverage in a zone that is basically an industrial, manufacturing type zone. They couldn't explain it either, but it is what it is, and it is the law. So I approached Mr. Flandreau, and discussed it with him, and he discovered that we would need two variances. One, because this particular piece of property abuts the residential zone, you have to have a 50 foot landscape buffer there, and of course the landscape coverage here was 21 percent not 40 percent so we would need a variance for the landscape coverage. However, having been before this Board for many, many years, and knowing your Zoning Board, and other Zoning Boards in the various towns that I have worked in, obviously it is your job, and your duty to make sure we

have the least amount of variance possible. So what we did is we basically went back to the drawing board, (referring to the drawing) this is copies of what you all have, and this was showing the layout for 21 percent landscape coverage versus the 40 percent. First of all, some history of this property, this property originally was rented by Mr. Geis, who has now sold all of his holdings to the Curry Corporation, and Mr. Geis many years ago before this particular landscape requirement was put into effect, had gotten approval from the Cortlandt Planning Board to provide parking, and storing of cars on this particular lot. If any of you have had a chance to go out to the site, you'll see cars on various parts of the property. However, again, from what I said before your job is to see that we get the least variance possible, we came back, and said there is another way to this, and basically what we did is over here this part of the property abutting the R-40 zone so we eliminated all the cars here, and eliminate one variance we requested all together. So we now have the 50 foot buffer with nothing in that area. I also would like to point out....

Mr. Mattis asked what side of the property is that, the west side?

Mr. Greenberg stated that would be the west side property line. I also would like to point out, if you look at the Zoning Map, which we have in the upper left hand corner of the drawing here, the property to the west of us is in the R-40 zone, and if look at the Zoning Map there is a huge wetland, and I will show you some aerial views of it. So even though we have provided the 50 foot buffer required by the code, there is an additional buffer, probably several hundred feet of buffer, because this is a wetland, and I would say that there will never be any residences here, or any kind of development in this whole section over here. The other thing that we have done is condensed the parking around this area over here, and back over here at this main section over here, and by doing that we were able to increase the lot coverage, or the landscape coverage. Now as I had mentioned in the beginning of the presentation the landscape coverage for every other zone except the MD zone is 25 percent. So what we did is we tried to get at least to the 25 percent, and perhaps even more. So after we were able to condense the number of cars, reduce the number of cars, we were actually able to get the landscape coverage from 21 percent to over 27 percent, which reduced our variance from 19 percent down to a little over 12 percent, but I think what it does also is it keeps us in keeping with the major part of the landscape coverage for the entire Town, which is 25 percent. Actually we do have even more than that now. In order to additionally put forth the request for the variance we had some aerial taken, and I would like to show that to you also.

Mr. Mattis stated I just want to make a comment, at 20 percent coverage, your variance isn't 13 percent, it is 32.5 percent, 27 feet you need 13 percent, and 13 percent of 40 percent is 32.5 percent. So you are asking for 2/3's as much as you are required, not 13 percent, it is 13 percent in points. It is misleading when you say 13 percent.

Mr. Greenberg stated well I wasn't trying to be misleading. The code said 21 percent lot coverage, and now we are up to 27 percent. We realize what the Board is charged with, and I am showing you how we are trying to work with that. If we look at these aerial views, and you down to the site, as I mentioned the portion to the west is a large area of wetlands, which is heavily wooded so that is a lot landscape coverage there. If you toward the Bear Mountain Parkway between our property, and the actual pavement of the Bear Mountain Parkway again you have a tremendous amount of landscape whether it be lawn or trees. The only portion that we have actual back to back property is the property, which is directly to the north of us, which is actually the Town of Cortlandt DPW. Now again if you look at that, which you see right over here, this is our property in the red, this is the DPW, obviously this was put in way before the Board decided landscape coverage was required, and has very little landscape coverage, but the part I am trying to bring out is that even though we have only 27 percent landscape coverage, because of what is around us, the Bear Mountain Parkway plus our own landscape on the property itself, while we have not covered the 40 percent in the actual law, we have certainly covered it in the spirit of the law. Again, I should also point out that Arlo Lane comes directly off of the Bear Mountain Parkway, it's basically a dead end street. There is nothing basically after the Cortlandt DPW so that this is not a piece of property that is situated out like on Rte. 202, or Rte. 6 where cars would be passing by, and looking at this. Virtually the only people that are going to see this are the DPW trucks that come down Arlo Lane to come into their facility. So again, to repeat myself,

we are going within the spirit of the law, because if you take all of the landscaping that is directly around us none of which will ever be touched, wetlands over here, Bear Mountain Parkway, DPW over here, I think the area is well landscaped. We have our own landscaping, which will be along Arlo Lane so that you are not going to be able to look directly into the property, and see what's going on there. So I think that again taking into consideration this Board's charge, and what it is doing is we have eliminated one variance completely and we have reduced another.

Mr. Heady stated I was out there, and talked with the people that own the property. Are all of those buildings on the property coming down?

Mr. Greenberg stated the building in the rear is going to remain.

Mr. Heady stated it doesn't show it on here, it only shows one building.

Mr. Greenberg stated that all it is, there is only one building. In the front of the property there is an old foundation, and the remains of an old building, and that is all coming off.

Mr. Heady stated but isn't there two other ones besides that, one in the back...

Mr. Greenberg stated (referring to the drawing) this building here in the back is going to remain, everything else is going.

Mr. Mattis stated you are in compliance with the landscaping buffer on the R-40 part, but Section 307.21 of the code refers to parking areas.

Mr. Greenberg stated actually if you go from the property line to the first row of cars we've got about 40 feet at the maximum, and the minimum is 35 feet.

Mr. Mattis asked on Arlo Lane?

Mr. Greenberg stated yes, on Arlo Lane.

Mr. Flandreau asked are you measuring to the parking, or to the pavement that the cars are on?

Mr. Greenberg stated to the parking, from the property line to the first car.

Mr. Reber stated to the roadway, if you move out one row maybe.

Mr. Greenberg stated actually because of the configuration of the property line on the north side we do conform. However, on the south side to the far corner here we are down to about 16 or 17 feet. So I think as Mr. Reber mentioned, if we amended this section over here, and removed a row we could then make the 25 feet.

Mr. Reber stated so you are saying from the entrance coming towards the Bear Mountain Parkway, if you took that row, the first row of cars out, and stepped back that first row, it would make it okay?

Mr. Greenberg stated yes, because actually at the entrance itself we already have the 25 feet. The only portion that was not making the 25 feet was maybe the last 10, or 15 cars where it gets down to about 16 feet.

Mr. Mattis stated if you did that then you wouldn't require any variance for the set back requirement. I am not sure what the landscaping coverage is, you will probably still need a variance for that, we have to know what that coverage is. If it doesn't meet the 40 percent, once you meet all the other set backs, and with the

type of the property, which you have said is around it I don't think it is necessary then that you do that

because we would not have to give a variance for the buffer, it is just for the coverage part.

Mr. Reber stated looking at this layout, if he moved half of road there, he would probably meet that.

Mr. Seirmarco stated this really wouldn't set a precedent, because this has so much natural buffering.

Mr. Greenberg stated that is my argument, if this were surrounded by other MD uses I wouldn't be here.

Mr. Reber asked also does he plan on paving all of this, or is it going to remain gravel.

Mr. Greenberg stated no, it is just going to be gravel.

Mr. Reber stated that is also another good reason, it is a mitigating factor, if there is no structure other than the one building, and there is no paving. I think all of these could be mitigating factors for this case.

Mr. Mattis stated so we are really talking about only the landscaping coverage here. With all of the property surrounding it I don't see a problem. As long as you are meeting your buffer set back I think that is acceptable. Are there any other comments from the Board?

Mr. Chin stated I agree based on what is surrounding this makes it unique.

Ms. Hunte asked are the cars stored here going to going to Rte. 202, or on Rte. 6?

Mr. Greenberg stated it will be to both facilities.

Ms. Hunte stated and there are cars there now correct?

Mr. Greenberg replied yes, they have a Planning Board approval from I think the 1990's, but now since we are going back to the Planning Board we now have to conform to today's code.

Mr. Mattis asked are there any other comments? Is there anyone in the audience that would like to speak?

Mr. Heady made a motion in Case No. 38-08 to close the public hearing seconded by Mr. Chin.

Mr. Heady made a motion read by Mr. Flandreau in Case No. 38-08 to grant the variance for landscape coverage from the required 40 percent down to 27 percent with the condition that any future surface will be gravel, and not asphalt seconded by Mr. Chin with all voting "aye."

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CASE NO. 39-08 LOUIS RINALDI for an Area Variance for both side yard set backs for the proposed building on the property located at 445 Yorktown Rd., Croton-on-Hudson.

Mr. Louis Rinaldi appeared before the Board.

Mr. Douglas stated we received a letter from your attorney, who came to the Work Session yesterday explaining that he could not be here today. So if you could just explain to us for the record what is that you are seeking.

Mr. Rinaldi stated I came here for approvals, and then I went back to the Planning Board, and the Planning Board said I had to come back again for another variance. I thought it was approved already, but they sent me back for variances.

Mr. Douglas stated I think what happened is that during the time since you were originally approved, there was an amendment to the Zoning Ordinance that increased the set back from 25 to 30 feet. So that when

you initially came before us you set back only had to be 25 feet, but by the time you came to the end of the approval process it needed to be 30 feet. So then you needed to come back to us for that variance. As I understand we have a submission here from Mr. Zutt, which lays out what you are seeking to do, and it explains that what you are proposing would have meet that zoning, and I think that it makes sense to grant this. I voted against the Zoning Board's approval, but I am bound by it, and I will honor their decision. I think this application make perfect sense.

Mr. Mattis stated for the record we do have a letter from Ken Verschoor, Deputy Planning Director, and it states that the Planning Board through Resolution 33-08 adopted on July 1, 2008 had approved this, but because of the change in the Town Zoning Code it now requires this variance. What we approved before, and what the Planning Board approved is the same it is just that the set back has been increased from 25 to 30 feet, and the Planning Board directed staff to advise us that they have no objection to the granting of this variance being requested.

Mr. Reber stated I think it is worthwhile noting that this original case was before both this Board, and the Planning Board to work out the best settlement here to accommodate the applicant, and the needs of the neighborhood, and it would be inappropriate to compromise all of that work because of a code change. We all put a lot of work into this case.

Mr. Mattis asked are there any other comments?

Mr. Chin stated I agree with Mr. Reber.

Mr. Mattis asked is there anyone in the audience that would like to speak?

Mr. Douglas made a motion in Case No. 31-08 to close the public hearing seconded by Mr. Seirmarco with all voting "aye."

Mr. Douglas made a motion in Case No. 31-08 to grant a side yard Area Variance from the required 30 feet down to 25 feet. This is a Type II Sequa with no further compliance required seconded by Mr. Seirmarco with all voting "aye."

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CASE NO. 40-08 MICHAEL CAVALIERE for an Area Variance for the front yard set back for a proposed front porch and second story addition on the property located at 30 Cross Road.

Mr. Michael Cavaliere appeared before the Board. He stated generally speaking I would like to relocate the existing bedrooms in an addition above the single story home, and while I'm doing that I would like to refurbish the front porch.

Mr. Seirmarco stated I looked at the plans, and I drove by the house, and I have no problem with the upstairs addition. It is following the same footprint of the house. I have a question about the porch, there is a tree in front of it, a pine tree or something like that, is that going to be taken down?

Mr. Cavaliere stated that can certainly be trimmed, or removed if necessary.

Mr. Seirmarco stated well I want you to leave it, that is what I was getting at. It is a nice tree.

Mr. Cavaliere stated I think we can work with it. I have a picture of what is there now, and the porch is going to be the same footprint. I will probably just need to trim it just for the aesthetics.

Mr. Seirmarco stated good, because I wouldn't want to see that cut down.

Mr. Mattis stated I think that it is important to note that the footprint of the house is not changing by putting

that second story, nor does it change the front porch. Are there any other comments from the Board? Is there anyone in the audience who would like to speak?

Mr. Seirmarco made a motion in Case No. 40-08 to close the public hearing seconded by Mr. Chin with all voting "aye."

Mr. Seirmarco made a motion in Case No. 40-08 to grant a front yard Area Variance for a front porch from the required 50 feet down to 40 feet, and a front yard Area Variance for a second story addition from the required 50 feet down to 46.5. This is a Type II Sequa with no further compliance required seconded by Mr. Douglas with all voting "aye."

ADJOURNED WIRELESS TELECOMMUNICATIONS FACILITY

CASE NO. 35-08 NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS for a Special Permit for wireless telecommunication facility on the property located at 1033 Oregon Rd., Cortlandt Manor.

Mr. Keith Potenski, Esq. appeared before the Board. He stated I am an attorney from the law firm of Snyder & Snyder appearing on behalf of the applicant. Just before the last meeting we received some comments from the Town Engineer one of which had to do with the notices for a public hearing. The additional notices have since been sent, and the other comments from the Town Engineer have been addressed. Therefore, tonight we are here to close the public hearing, and respectfully request a Special Use Permit for this application.

Mr. Heady stated as we spoke about at the last meeting, where they are going to put that tower is just going to look a flagpole. This is a unique situation, because it's between three cemeteries in the center. It is in the middle of the three cemeteries, and it is quite a ways from the road. You gave us several photographs at the last meeting that we had, and out of all of them you can see the pole slightly in one or two of them. It is about 1400 feet from Locust Avenue, and you really can't see it all from there. Down from the St. Columbanus Church that is on Oregon Rd., it's 2800 feet, and you can't see it at all from there either. The only location that you could really see it a small amount was on Enrico Drive off of Locust Avenue, which is in back of where the pole would be, and that is when there is no foliage on the tree. These pictures were all taken in the fall when there are no leaves in the trees, and once there are leaves on the trees you probably would not be able to see it at all. So I have no problem with granting this Special Use Permit whatsoever.

Mr. Douglas stated we received a copy of the e-mail from the Engineering Department, and one issue had to do with whether the wire would be run above ground, or cutting through the woods. I was just wondering where you stand on this?

Mr. Potenski stated yes, the current utility wire run is the most direct route to the facility, which is the route that Con Edison has taken with its' wires. However, what we can certainly do is request that Con Edison re-route the utility wires. So we don't know whether or not they will actually do that, but we can certainly request it.

Mr. Mattis stated so you'll work with the Engineering Department so see if that can be done?

Mr. Potenski stated yes.

Mr. Douglas stated the second comment I have is in regard to shared use. You supposedly e-mailed to clarify that, I was just wondering what that was about.

Mr. Potenski replied yes, what the inquiry was regarding the shared use of existing telecommunications facilities in the Town. In particular there were two facilities, Jim Reed's facility, and the facility at the Cortlandt Town Center. I did submit supplemental radio frequency affidavit today. I don't know if

anyone on the Board received copies of it, but I do have extra copies of it here with me. We did investigate those two facilities, and unfortunately because they are more a mile away, and due to the topography, co-locating on those existing facilities will not cover the gap of coverage that the proposed site will.

Ms. Hunte also there was another concern about the accessibility for emergency vehicles.

Mr. Potenski stated yes, the facility will be accessible for emergency vehicles. This is an existing driveway that goes all the way from Oregon Road just about to the location of the property, which is about approximately 275 feet from the facility, from that point there will be a 12 foot wide gravel driveway with a turnaround that goes from the paved driveway to the facility so that a fire engine could actually get in there, and turn around, and enter the property.

Ms. Hunte stated speaking of fire engine, is there a water supply in there for a fire hydrant?

Mr. Potenski stated I do not, but there is an existing maintenance garage nearby so it is possible that there is one there. Again, that is something that we will have to address in terms of the Building Permit application.

Mr. Mattis asked are there any other comments? Is there anyone in the audience that would like to speak regarding this case?

Ms. Marguerite Yates appeared before the Board. She stated I am a resident of Cortlandt, and I thought this was in the planning stage, but it appears that this has been a done deal already.

Mr. Mattis stated well what happens is, we have to grant a Special Permit. This is an application for a Special Permit, and once that is done, then they don't have to go to the Planning Board, but they coordinate some of the questions that we had with the Engineering Department.

Ms. Yates asked is this the first hearing before this Board?

Mr. Klarl replied the applicant was here on September 17th?

Ms. Yates stated so last month was the initial meeting?

Mr. Flandreau asked did you just receive your letter for this month?

Ms. Yates replied yes.

Mr. Flandreau stated well what happened was the reason why it was held over from last month to address some of these comments, but also there wasn't a proper notification. Some of the neighbors didn't receive their notice.

Mr. Klarl stated it was adjourned from last month, and one of the reasons was so that there was proper notice to the residents in the area.

Ms. Hunte asked do you have a comment, or questions?

Ms. Yates replied I have a lot of questions, but it appears that a decision has been made already.

Mr. Mattis stated please ask your questions.

Ms. Yates asked I know the address is 1033 Oregon Road, but where exactly is that?

Mr. Potenski stated it is the Hillside Cemetery which is located at 1033 Oregon Road. (Referring to the drawing), this is Oregon Rd. up here, and this is the cemetery here, and the proposed facility is going right here.

Ms. Yates asked in the cemetery itself?

Mr. Potenski replied that's right it is in the central portion, which is pretty heavily wooded.

Ms. Yates asked what is the height of this?

Mr. Reber stated excuse me, would you just mind giving your address for the record.

Ms. Yates replied I already did.

Mr. Reber stated well I don't think it was picked up in the microphone.

Ms. Yates stated I live at 20 Waterbury Parkway, Cortlandt Manor, NY.

Mr. Mattis stated thank you.

Mr. Potenski stated in answer to your second question, the height is 120 feet.

Ms. Yates asked now is it a huge structure?

Mr. Flandreau stated it is designed to look like a flag pole, but just a little bit thicker.

Mr. Reber stated why don't you show her the plans so she has an indication of what it might look like.

Ms. Yates stated okay. Is this new technology?

Mr. Mattis stated they used to hold rabbit ears, and everything on the outside now it is contained inside so it looks like a flagpole without the flag.

Ms. Yates asked are there any of these types of the structures in any other areas?

Mr. Potenski stated it is one of the newer structures.

Mr. Flandreau stated I know there is one in Greenburgh right off of 287. If you are going towards Connecticut on the left side, you'll see a big white pole, and that is what is proposed here.

Mr. Seirmarco stated there is also one in downtown Carmel.

Ms. Yates stated okay, have you got any feedback from the sites that utilize this type of structure?

Mr. Potenski asked what do you mean by feedback? As far as feedback is concerned, I am not aware of any complaints in regard to these facilities. The new technology has everything mounted inside the flagpole such that it is a lot sleeker, it is less visible, and much less intrusive on the surrounding area.

Ms. Yates stated okay, now if this structure is erected on that site would it be possible for let's say Sprint, or T-Mobile, or some other communications company to team up with Verizon so they will not come in to request the same thing?

Mr. Potenski stated yes, the code actually requires co-location, and specifically requires the pole to be designed for at least two additional carriers, which this pole have been designed for. So in answer to your question, yes the objective here is to have other carriers co-locate on one pole so that you reduce the

number of poles in the town.

Mr. Mattis stated and that will also be on the inside.

Mr. Potenski stated yes.

Mr. Mattis stated and that would also be on the inside.

Mr. Potenski stated that is correct.

Mr. Mattis stated so you wouldn't see any difference if two other carriers, and co-located there. You wouldn't even know the difference, because you don't see anything on the outside.

Mr. Potenski stated that is correct.

Ms. Yates asked what are the benefits to having the structure erected there?

Mr. Potenski stated the benefits of this structure is that it will provide wireless communication services to the Town so that residents can use their phones in normal, everyday use, as well as emergency situations like dialing 911 from their cell phones in the event of natural disaster, a car accident etc.

Ms. Yates asked well don't we have that now?

Mr. Potenski stated no not there, there is a gap in service.

Mr. Heady asked am I right in saying that there is a dead spot, that is why you are putting a pole there?

Mr. Potenski stated that's right.

Ms. Yates asked if this structure is erected how long will it take, when will they start, and will this affect my bills at all?

Mr. Potenski stated if you are a Verizon wireless customer I don't know that the installation will actually decrease your bills. As far as the installation itself, it is my understanding that Verizon wireless is looking to install it as quickly as possible once we have all the necessary permits, and installation takes anywhere from 3 to 6 months.

Mr. Klarl stated the application is looking to produce service charges, it is to improve your service to your customers.

Mr. Potenski stated that is exactly right so if anything, while using your phone, you should find that you have better reception, you'll be able to place more calls, and have fewer dropped calls. You'll have better quality service as a result of this installation. At least that is the goal.

Ms. Yates asked how will the Town benefit by allowing this to take place?

Mr. Potenski stated the Town will benefit by having enhanced wireless communication services.

Ms. Yates stated okay, thank you.

Mr. Mattis asked is there anyone else in the audience who would like to speak?

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Mr. Carl Wilkins appeared before the Board. He stated I live at 6 Adams Rush Rd. in Cortlandt Manor. I was just wondering if there was going to be lights on the tower?

Mr. Potenski stated no, it is not required by the FAA, because it is less than 199 feet.

Mr. Wilkins stated I am also a Verizon wireless customer, and I was wondering if there was any other alternative to this location?

Mr. Potenski stated yes, Verizon wireless looked at several other locations, and unfortunately most of them were a lot closer to residences, and the benefit of this is that this is on a 40 acre property that is being used as a cemetery, as well as an adjacent property that is also being used as a cemetery. Verizon did investigate alternatives. One of the first things we looked at was co-locating on an existing site, but unfortunately due to the location of the existing sites, it wasn't feasible to cover this particular area. So the proposed site was a feasible alternative to cover this area of the Town.

Mr. Wilkins asked can I look at the photos that you were speaking about earlier? The photos were shown to him by Mr. Potenski. He stated okay, thank you.

Mr. Mattis asked is there anyone else in the audience?

Mr. Heady made a motion in Case No. 35-08 to close the public hearing seconded by Mr. Chin with all voting "aye."

Mr. Heady made a motion in Case No. 35-08 to grant the Special Use Permit for a wireless telecommunication facility on the above reference property. This is a Type I Unlisted Action seconded by Mr. Chin with all voting "aye."

Mr. Heady made a motion to adjourn the meeting seconded by Mr. Seirmarco with all voting "aye."

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Christine B. Cothren