

**Village of Wesley Hills
Planning Board – January 27, 2010**

The meeting was called to order by Marshall Katz, Chairman, at 7:10 p.m.

Present: Marshall Katz-Chairman, Vera Brown-Deputy Chairman, Don Isenberg, Uri Kirschner,

Also Present: Frank Brown-Deputy Village Attorney, Liz Mello-Village Engineer, Jeff Osterman-Village Planner, Ron Graiff-Village Telecommunications Consultant, Janice Golda-Deputy Village Clerk

Absent: Marvin Finker, Ester Ben-Dov-Shucht-First Alternate, Rachel Taub-Second Alternate

PUBLIC HEARING ON THE FINAL PLAT APPLICATION FOR SOL MOSKOWITZ FOR A PROPOSED TWO-LOT SUBDIVISION. Affecting property located on the north side of East Willow Tree Road, 330' west of Deerwood Road. Known as Tax Parcel ID#41.08-1-44 on the Ramapo Tax Map.

Marshall Katz confirmed with Janice Golda that the public hearing was posted, published and mailed. Marshall Katz asked the public if anyone wished to speak. No one from the public wished to speak.

Marshall Katz motioned to close the public hearing. Vera Brown seconded.
Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Uri Kirschner-Yes.
Motion Approved.

Vera Brown motioned to adopt the following resolution. Uri Kirschner seconded.

Resolution #10-3

WHEREAS, on March 25, 2009, by Resolution #09-8, conditional subdivision approval was granted to the subdivision known as Moskowitz Subdivision, affecting property on the northerly side of East Willow Tree Road, designated on the Town of Ramapo Tax Map as Section 41.08, Block 1, Lot 44, in an R-35 District, and

WHEREAS, such conditional approval has expired without the signing of the final plat for such subdivision due to financial issues concerning one of the applicants, which issues were unanticipated by the applicants at the time of final plat approval, and thereafter the applicants advised this Board that such financial issues had been resolved and that they intended to re-submit the subdivision plat for approval as soon as possible, and

WHEREAS, on January 6, 2010, by Resolution #10-1, this Board granted permission to the applicant to proceed directly to a public hearing on final approval of the re-submitted plat, with approval of the sketch plat and the preliminary plat deemed to have been granted, provided that (1) the complete re-submitted application for approval of such final plat would be filed with the Village Clerk no later than March 24, 2010 and (2) the re-submitted final plat would be identical in all material respects with the previously approved final plat, except for any alterations that were necessitated in order to comply with the conditions set forth in Resolution #09-8, and

WHEREAS, Sol Moskowitz and Vilma Partridge have complied with both conditions by filing, on January 12, 2010, a formal application for re-approval of a final plat entitled "Moskowitz, Village of Wesley Hills, Rockland County, New York, Subdivision Plat", dated February 27, 2007 and last revised June 26, 2009, prepared by Atzl, Scatassa & Zigler, P.C., which plat is identical to the previously approved final plat except for additions required by Resolution #09-8, and

WHEREAS, a duly advertised public hearing was held on said application and final plat at the Lime Kiln School, 35 Lime Kiln Road, Wesley Hills, New York on January 27, 2010, at 7:00 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, on April 8, 2008, the Zoning Board of Appeals of the Village of Wesley Hills granted a variance for such subdivision subject to conditions set forth therein, all of which have been satisfied or are required to be satisfied by the conditions of this Resolution, and

WHEREAS, heretofore on January 7, 2008, by Resolution #09-2, this Planning Board determined that the proposed subdivision will not have a significant impact on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and no change has been made in the final subdivision plat which would alter such determination, and

WHEREAS, the requirements of the Subdivision Regulations of the Village of Wesley Hills have been met by said application and plat, except as noted below;

NOW, THEREFORE, BE IT RESOLVED, that the said final subdivision plat is hereby approved subject to the following conditions, and that the Chairman of the Planning Board or, in his absence, the Deputy Chairman, is hereby authorized to endorse such approval on said plat upon compliance by the applicant with the following conditions. This conditional approval shall expire 180 days from the date of this Resolution if the applicant has not complied with such conditions, unless the applicant shall have obtained from this Planning Board an extension of such time of conditional approval pursuant to the provisions of said Subdivision Regulations.

1. Modification of Subdivision Plat and Construction Plans - The following modifications to the subdivision plat and construction plans shall be required:

- a. The plat and construction plans shall comply with all conditions imposed by the Zoning Board of Appeals in connection with the granting of such variance.

2. File Notation – The Village Clerk shall include a note in the lot file for Lot 1 referencing the “Temporary Grading & Work Easement”.

3. Letter of Credit Waived - Because there are no required public improvements, no letter of credit shall be required to be filed prior to the signing of the plat by the Chairman of the Planning Board.

4. Additional Documents Required - Prior to the signing of the plat by the Chairman of the Planning Board, the applicant shall prepare and deliver to the Village of Wesley Hills all legal documents required by the Subdivision Regulations in form suitable for recording and satisfactory to the Village Attorney. The deed conveying to the Village of Wesley Hills the interests in real property as shown on the plat shall set forth that such conveyance is for general municipal purposes and shall be accompanied by a title insurance binder showing clear title and a paid bill from the title company.

5. Waiver - The Planning Board hereby waives the following requirements of the Subdivision Regulations: the provision of sidewalks, due to the lack of connecting facilities adjacent to or in proximity of the subdivision.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Uri Kirschner-Yes
Motion Approved

PUBLIC HEARING CONTINUATION ON THE APPLICATION FOR VERIZON WIRELESS FOR A SPECIAL PERMIT AND SITE PLAN FOR A WIRELESS COMMUNICATIONS SERVICES FACILITY. Affecting property located on the west side of Spook Rock Road 370 feet north of Joy Road. Known as Tax Parcel ID#41.5-1-23.

Marshall Katz explained to the public that the Planning Board has not made a decision on this application and that they want to get public input and all questions answered before continuing the application process. Marshall Katz informed the public that some people hired their own telecommunications consultant to participate in the analytical review process. Mr. Katz explained that since the school building closes by 10 p.m., another meeting is scheduled next week, if needed, so everyone will have a chance to speak.

Frank Brown explained that this application is governed not only by the Village of Wesley Hills Zoning Law but also by federal law and the Telecommunications Act of 1996. Mr. Brown further explained that this Planning Board cannot treat this special permit application in exactly the same way it deals with other special permit applications. The Telecommunications Act of 1996 was a decision made by Congress to make it easier for wireless communications providers to build their facilities. Section 332(c) of that

Telecommunications Act states that municipalities' zoning authority is subject to various limitations, (1) regulation of the siting of the facility "shall not prohibit or have the effect of prohibiting the provision of personal wireless services"; (2) the Village is required to act on this application "within a reasonable period of time after the request is duly filed" and that the FCC created a timetable stipulating that if the municipality hasn't made its decision within a certain period of time, the wireless provider can go into federal court and there's a rebuttable presumption against the municipality that they're acting in bad faith; (3) any decision to deny an application must be in writing "and supported by substantial evidence contained in a written record"; (4) the regulation of the facilities whose radio frequency emissions meet FCC standards must not be based on those emissions' environmental effects, e.g., the argument can't be made that this is unhealthy.

Mr. Brown explained that the Village Planning Board has to make its decision by going in a sequence of questions. The first question is whether or not there is a "substantial gap" in the provider's coverage which he stated is a gray area in the law since in the U.S. court system, each court of appeals can follow its own line of decisions and until the Supreme Court speaks the circuits can go in different directions which has created divergence among the circuits. This Planning Board has to follow the precedent of the Second Circuit.

Marshall Katz asked Verizon to present an overview of their proposed plan. Leslie Snyder, Esq. of Snyder & Snyder Law represented Verizon Wireless along with the Verizon Wireless' consultants, their engineer and their radio frequency expert. Ms. Snyder stated that the application is requesting a special permit and site plan approval for a public utility wireless communications facility at 15 Spook Rock Road. Ms. Snyder stated that the facility has been strategically designed and located on the 4-acre property used for non-residential purposes known as the Antrim Playhouse. The facility will consist of a 100 ft. monopole camouflaged as a tree together with related equipment at the base in the heavily wooded area of the property. Ms. Snyder stated it is unmanned and it will provide enhanced wireless communication coverage to the area including vital 911 communications.

Ms. Snyder explained that in accordance with the Village's protocol, they met with the Technical Advisory Committee in June 2009, and thereafter filed a special permit and site plan application with the Board. Ms. Snyder explained the application was reviewed in July 2009 and along with the Village's radio frequency expert, the Board reviewed all the affidavits and documentation Verizon Wireless submitted which included drive tests and coverage maps for the proposed site, as well as coverage maps for the Mitch Miller and Village Hall sites. The Village radio frequency expert, Ronald Graiff, acknowledged in his July 27, 2009 report that Verizon Wireless demonstrated that there is a gap in reliable coverage and that the facility will remedy the gap.

Ms. Snyder stated that in July 2009 the Board asked Verizon Wireless to meet with the Village Engineer and Village Planner to determine if the facility could be situated to remove the least number of trees and place it further in the wooded area than originally proposed. Ms. Snyder explained that following a site visit, the facility's location was revised. On October 28, 2009 the Planning Board reviewed the revised site plan and concurred the application was complete and ready for a public hearing which was then scheduled for

December 2, 2009. Ms. Snyder stated that on December 2, 2009 the public hearing was convened but due to space constraints, it was adjourned until this evening. Ms. Snyder stated that on December 2, 2009 the public was informed that in addition to the balloon test that there would also be a crane test held on a Sunday which was done on December 13, 2009 which was attended by the Planning Board and members of the public. Ms. Snyder submitted to the Board the visual analysis report dated January 6, 2010 from the crane test which stated “due to its strategic stealth design and location at the heavily wooded site, which includes existing white pine trees and other conifers, the facility will not have any adverse visual impact to the area and in fact will not even be visible from most areas.” Ms. Snyder explained that following the crane test in December, Verizon Wireless again reviewed their site plan and sought additional ways to minimize tree removal in the wooded area and then resubmitted a revised site plan which does not change the location of the facility but modifies some stormwater control measures so fewer trees will be removed. Also the applicant is proposing some landscaping to additionally screen the facility from view. Ms. Snyder stated that the equipment shelter will be placed on piers so there will be no impact on the slope of the property.

Ms. Snyder confirmed that the application was sent to various agencies, which include the Palisades Interstate Park Commission, the NYSDOT, the Town of Ramapo DPW and Building Dept and Rockland County Division of Environmental Resources, and that these agencies indicated they have no objection to the project. Ms. Snyder further stated that the Board requested a response to the December 1, 2009 letter from Mr. Wren of the RC Office of Emergency Services. Ms. Snyder submitted a written response dated January 27, 2010.

Ms. Snyder explained that Mr. Wren claimed that “the cellular service providers advised us that the Mitch Miller site along with the Rockland Community College site, the Loescher Veterans’ Cemetery site, and the other existing cellular sites would fill in all existing gaps in coverage for the Village of Wesley Hills.” Ms. Snyder informed the Board and the public that she could find no record that anyone at Verizon Wireless ever made such statement on behalf of Verizon Wireless. Ms. Snyder also stated that Mr. Wren later confirmed on December 17, 2009 that he has no report regarding cellular coverage but only a study of the public safety needs and the Mitch Miller site. Ms. Snyder stated that co-location at the Mitch Miller site will not eliminate the need for the Facility (Antrim) as confirmed in Mr. Graiff’s report dated July 27, 2009. Mr. Wells, Verizon Wireless’ radio frequency expert, will address the issue further upon request from the Board.

Ms. Snyder referenced Mr. Wren’s recommendation to postpone this application until Verizon has completed installing its equipment on the Mitch Miller site. Ms. Snyder objected to this recommendation considering the proof of the need for the facility at this property, and the requirement that the Planning Board must act on a pending application within a reasonable period of time under Section 332(c)(7) of the Telecommunications Act of 1996 and the 150 day review time mandated by the FCC’s recent Declaratory Ruling, dated November 18, 2009.

Ms. Snyder stated that the proposed facility meets all the special permit and site plan criteria set forth in the Village of Wesley Hills code. Ms. Snyder explained that Verizon Wireless is

licensed by the FCC to furnish wireless communications to the area and is deemed a public utility in the State of New York providing an essential public service. Ms. Snyder confirmed that Verizon Wireless reviewed the feasibility of locating the proposed facility at a site from the Village's inventory list (7 Mark Drive and Lime Kiln Road aka Mitch Miller). Verizon Wireless is already located on 7 Mark Drive and they are presently working with the County of Rockland to implement the Mitch Miller site which will then provide the necessary coverage in conjunction with this proposed site. Ms. Snyder explained that in accordance with the Village's wireless zoning law, the proposed facility is located on a site with an existing non-residential use and there are existing roadways providing access to the facility.

Ms. Snyder confirmed that the proposed facility is located on the approx. 4-acre non-residential use property and complies with all dimensional requirements and is designed in a stealth manner to appear as a tree with antennas concealed. Ms. Snyder explained that the visual analysis from both the balloon and crane tests verified that the facility will have no adverse impact to the area. There will be no exterior lighting except a low glare motion detector within the equipment area. Regarding FCC radio frequency emission compliance, Ms. Snyder stated that a report dated June 29, 2009 was submitted which certifies the facility will be in compliance with the FCC's regulations concerning rf emissions pursuant to the requirements of the Telecommunications Act. With respect to noise, Ms. Snyder stated that the proposed facility will not produce any noise above ambient levels at the property line, the utilities will be placed underground, remote monitoring implemented to assure security, and the equipment shed locked at all times except when accessed by authorized personnel.

Ms. Snyder clarified that the Village of Wesley Hills requires the carrier to show the entire coverage plan for the Village and she explained that they are presently located on 7 Mark Drive, in process to locate on the Mitch Miller site, proposing the Spook Rock Road site and will apply for the Village Hall site which will have covered the Village of Wesley Hills and is their effective service plan at this time.

Ronald Graiff, the Village Telecommunications engineer, informed the public that he is an independent radio frequency engineer, with a bachelor of science degree in electrical engineering and over 40 years of professional experience and licensed in the State of New York. Mr. Graiff explained that in the Village of Wesley Hills TAC (Technical Advisory Committee) meetings a review of the first submittal took place and also additional data was requested to justify need which is then presented to the Board. Mr. Graiff acknowledged that Mr. Fishman, an engineer, was hired by the interveners to review submitted data but that Mr. Fishman has not seen the entire reference information.

Mr. Graiff explained the process of reviewing calculated coverage maps that depict what the coverage might be from the proposed facility, what the coverage might be from alternate facilities and what the coverage is today from existing facilities. Mr. Graiff explained that his role is to review the design of the system and whether the proposal meets the minimum requirements necessary to meet the needs of the system. Mr. Graiff stated that drive testing and propagation maps requested were submitted by the applicant for review and analysis and reasonably good faith could be placed in the calculated propagations provided. Mr. Graiff explained that the Village of Wesley Hills ordinance requires co-locatability whenever

possible but the fact of radio propagation is that the site has to have a minimum height above the existing terrain, terrain blockage, building blockage or deciduous tree blockage to provide reasonable coverage and Verizon demonstrated that their minimum height necessary to fill in the gap was 100 feet above ground which also meets the Village ordinance. Mr. Graiff stated typically in a forest with 60-70 ft. trees a monopole less than 100 feet doesn't provide adequate coverage and the reason for recommending co-location capability to 120 feet although this application is only for 100 ft.

Mr. Graiff confirmed that based on his independent analysis, this site in conjunction with the other two sites that Verizon Wireless has identified that they will either go on or propose to go on will fill the gaps in the community to provide the reliable coverage to the area. Someone from the public asked about availability of the tests and reports and Marshall Katz responded that tests and reports are available for review at the Village Office.

Village Planner, Jeffrey Osterman, explained to the public that his role is design. He re-confirmed that the Planning Board has not yet made a decision on this application in terms of design. The presently proposed location of the tower is north of the building which complies with the Village's zoning setbacks but he explained there are other alternatives relating to location and design, e.g., putting the tower behind the building. Village Engineer, Liz Mello, responded to the Board's inquiry about the filling going on at the Antrim property and upon inspection requested additional information from the applicant about the fill, e.g., mulch, dirt, etc. and also to identify dead or dying trees.

Marshall Katz confirmed with Janice Golda that the public hearing was published, posted and mailed.

Kimberlea Rae, Esq., the attorney representing a citizens group of neighbors in the vicinity of the Antrim stated there are some misconceptions in regards to the Telecommunications Act. Ms. Rae stated the municipalities' hands are not tied and that cell phone carriers have to show substantial evidence of a significant gap in coverage and abide by the Village zoning code and NYS law. Ms. Rae stated that the Village code requires co-location first to generate the data demonstrating the gap in coverage which the applicant has not done. Ms. Rae referenced Director of the Office of Emergency Services Gordon Wren's December 1, 2009 letter and Rockland County Legislator Ilan Schoenberger's December 1, 2009 letter attesting to the fact that a decade ago all the cell phone providers in Rockland County had an agreement with the Town and/or Village to co-locate to avoid a proliferation of cell phone towers and with that said why the Planning Board is even entertaining this application when the Mitch Miller site has not been implemented and as a result there is no basic fundamental factual information for the record. Ms. Rae recapped that in no way did the Congress of the United States, when enacting the Telecommunications Act, mean in any way to take away the authority from municipal Boards.

Douglas Fishman, radio frequency engineer, representing the citizens group explained he was retained to do an independent assessment of the evidence provided by Verizon Wireless for this application. Mr. Fishman's report was submitted on January 27, 2010 based on available data received. Mr. Fishman stated his report listed a number of deficiencies which include

the lack of details of the proposed antennas, no verification that the proposed monopole can support the antennas of 3 additional carriers, failure to provide any propagation data sheets with detailed propagation modeling parameters, failure to provide propagation plots which include coverage from the future site at Lime Kiln Road (Mitch Miller), refusal to provide drive test data that was taken for the area in question which was provided to Mr. Graiff but not available to the public, failure to provide substantial evidence that no existing sites are available to provide the required coverage, and failure to provide future plans of site development in the Village of Wesley Hills and any evidence that lower heights would not work as well. Mr. Fishman stated that in his professional opinion, Verizon has failed to meet the technical requirements of the Village Code because of failure to provide the credible technical evidence to substantiate its claim that there is a lack of adequate coverage in the area nor has Verizon provided evidence to demonstrate that co-location on Lime Kiln Road will not provide the adequate coverage needed for the area. Mr. Fishman stated that Verizon failed to provide technical evidence to justify their claim that the proposed site is required to close this gap. Mr. Fishman recommended postponing any decision until the Lime Kiln Road site is built and operating and empirical drive data can then be collected and an informed decision be made as to whether the gap exists or not.

Leslie Snyder responded that no record could be found that Verizon Wireless made any statement to the fact that there would be no need for any other site following the Mitch Miller site. Ms. Snyder also referenced Mr. Wren's confirmation that there was no analysis and/or report conducted for cellular coverage. Ms. Snyder stated that Mr. Fishman's report lacked substance because all the data was not reviewed. Ms. Snyder stated that drive test data was submitted in July 2009 and that she will respond in detail to Mr. Fishman's comments. Marshall Katz asked when Verizon Wireless planned on implementing the Mitch Miller site and Leslie Snyder responded that Verizon Wireless intends to go on and it is part of the plan to cover the Village but there is no definite time period established.

Ms. Rae asked that Mr. Wren's December 1, 2009 letter be read into the record and Marshall Katz complied. Liz Mello explained that when Mr. Wren replied to the request for the research report which concluded that all coverage would be fulfilled, he later clarified in a December 17, 2009 e-mail that the research conducted was only for emergency service radio frequency coverage and it did not reference cell phone coverage.

The following members of the public spoke:

Michael Parietti, 6 Spook Rock Road, presented Verizon maps from their website that showed the maximum coverage for their various (6) wireless services. The mobile TV map (ability to watch a full motion picture with sound on the handset) was the only one showing any coverage gap along Rt. 202 and also north of Lime Kiln Road. Mr. Parietti stated that Verizon is slotted for the 150 ft. level on the Mitch Miller tower which should be better coverage than AT&T which is 20 ft. below and is getting maximum coverage. Mr. Parietti stated that T-Mobile, which also is located on the Mitch Miller tower (at the 160 ft. level), also has maximum coverage.

The Planning Board asked Verizon's radio frequency engineer, Anthony Wells, to respond to Mr. Parietti's comments. Mr. Wells stated that the website maps are not engineering maps but rather generalized coverage areas and that Verizon, understanding that they are not engineering maps, puts a disclaimer on the website. Mr. Wells explained that they had to provide drive test data to prove the levels in the area and that Verizon's standard for reliable service is -85 dBm to maintain a quality reliable signal and that Mr. Graiff also requested maps for signals at -90 dBm which still demonstrated significant gaps not only with the propagation model but also with the drive test because it is a hilly area with a lot of terrain and signal blocking. Mr. Wells stated that a network is built through accurate modeling and not in a serial fashion and because of the terrain challenges he stated that the Mitch Miller site will not cover all gaps in these areas which is the reason for not building Mitch Miller first. Mr. Fishman replied he could not understand why it would be difficult to justify going on the Mitch Miller site first since there is a lease already before making a decision on this site because it might, regardless of what the modeling says, provide adequate coverage to the area.

Someone from the public commented that if Verizon knowingly put inaccurate information on the website to customers and potential customers, then there is the assumption that they may present inaccurate information in the application provided.

Debbie Munitz, 5 Rose Hill Rd., Montebello, asked that Ilan Schoenberger's memo be read into the record by Joe Meyers, County Legislator representing District 12. Ms. Munitz said she is a systems engineer for IBM and expected to see more of a presentation from Verizon as to significant need, e.g., letters from residents not getting coverage, etc. and said this project would ruin the atmosphere of the community. Mr. Meyers said that in his experience with carriers that they say there will be full coverage one day and then return for additional sites because of ongoing new technologies. Mr. Meyers couldn't understand why if there are gaps in coverage why Verizon didn't rush equipment onto the Mitch Miller site.

Lee Ross, 788 Haverstraw Road, Suffern, said he is a Verizon customer and hasn't lost a call anywhere in Wesley Hills. Mr. Ross, referencing Mr. Wells' comment that it would take too long to build a network, said it is not his problem how long it takes Verizon to build their network. Mr. Ross read Village Code Section 6.9.14(t4) "that all reasonable efforts have been made to co-locate".

Suzanne Mitchell, 29 Spook Rock Road, Wesley Hills, said she is a Verizon customer and did her own drive test with no interruption in service and submitted a CD for the record and urged the Board to consider co-location to protect the community.

Dorothy Peteet, 72 Wesley Chapel Road, Wesley Hills, a senior research scientist, expressed concern about the impact on wildlife and birds because of the wetlands in the area. Ms. Peteet said towers kill 5 to 50 million birds a year primarily during fall migration.

John Edozie, 918 Haverstraw Road, Suffern, stated that the Antrim Playhouse is a not-for-profit operation and not for commercial use and that the area is residential. He asked the Board to deny the application and asked Mr. Graiff if he is an expert does he have any

affiliation with any of the wireless phone companies. Mr. Graiff responded that he has over 40 years experience and applied for, designed and built the very first cellular systems in the U.S. in 1978 and has been a radio frequency consultant for municipalities for the past 15 years. Mr. Graiff explained that he provides engineering for municipalities or carriers with respect to OET-65 analyses and many communities require that the analysis submitted with applications be signed and sealed by a NYS licensed professional engineer and that there are 4 licensed professional engineers in New York State that specialize in radio frequency engineering. Mr. Graiff explained he provides his service to municipalities and applicants (carriers) alike which is to review and certify reports according to the guidelines of the FCC's OET-65. Mr. Graiff explained that he can provide this service, which is approved by the State Licensing Board, because he is not ruling on the application. Mr. Graiff stated he made full disclosure in previous interests and that there is no conflict. Mr. Edozie questioned the term independent consultant and Mr. Graiff explained that his previous relationship with Verizon was not in evaluating applications which was fully disclosed to the Village and presently is working for the Chairman of the Planning Board. Mr. Edozie inquired about who pays him and Mr. Graiff explained that in this case the municipality pays for his services and that the carrier reimburses the municipality.

Mwende Mwinzi Edozie, 918 Haverstraw Road, Suffern, stated that she moved here because of the charm of the community and that there is not one commercial building in the neighborhood and to commercialize the area with this tower strips the neighborhood of its appeal and that she would be willing to buy membership at the Antrim for 5 years in support of the playhouse. Ms. Edozie expressed concern about safety and the high number of accidents in the area which she stated was 75 since 2002. Ms. Edozie presented a picture of the playhouse with the tower nearby which the Board then explained was not a true representation of where the actual tower will be located. Ms. Edozie expressed concern about safety and how the tower could become a potential distraction which will cause accidents.

David Howells, 29 Spook Rock Road, Wesley Hills, submitted website pages for the Antrim Playhouse showing its history and its close proximity to the Onderdonk House. Mr. Howells made a pledge to put the Onderdonk House onto the National Register which in turn will put the Village of Wesley Hills into the annals of American History forever and he urged the Board to deny the application and recommend co-location first.

Rick Simpson, 18 Spook Rock Road, Wesley Hills, spoke about the local history and the historical significance of the area including the Wesley Chapel built in 1829, the Sherwood houses built by the preacher who founded Wesley Chapel, and the Washington/Rochambeau Revolutionary trail which has national historic significance.

Erin Martin, 246 Route 306, Wesley Hills, spoke on the behalf of the Historical Society of Rockland County and proceeded to recap the society's previously submitted letter dated January 3, 2010. Ms. Martin explained that a wireless communications tower at the Antrim will negatively impact the cluster of historic buildings, e.g., circa 1740 Onderdonk House. Ms. Martin stated that a NYS Historic District designation is underway from the State Historic Preservation Office, of which there are only 2 in Rockland County (Tappan and

Upper Nyack), which puts a different light on this situation. Ms. Martin explained that this area of Spook Rock Road is very important in American History and that old Route 202 is associated with the Washington/Rochambeau revolutionary route national trail and urged the Board to consider all this in the decision process.

Janet Burnet, 20 Spook Rock Road, Wesley Hills, read letters from members of the Daughters of the American Revolution opposing this project. Ms. Burnet stated that she gets great service on their cellular phone as does her family. Ms. Burnet referenced comments dated May 5, 2009 from Bill Krattinger, the National Register expert and historic preservation analyst for the New York State Office of Parks, Recreation and Historic Preservation stating “the playhouse is clearly National Register Eligible, as is Wesley Chapel and the cemetery nearby”. Ms. Burnet referenced State Historic Preservation Office (SHPO) Kenneth Markunas’ June 18, 2009 letter stating “it is the State Historic Preservation Officer’s opinion that the project will have an adverse effect upon properties in or eligible for inclusion in the National Register of Historic Places”. Ms. Burnet questioned the Antrim’s November 30, 2009 letter which states the tower will be placed deep in a heavily wooded part of the Antrim property and will not be visible. Ms. Burnet asked why none of this correspondence was included in the public record and because the record was incomplete recommends that the timeline for decision be reset.

Geoff Welch, 15 Liberty Rock Road, Sloatsburg, the Ramapo River watershed keeper, presented slides depicting the environmental setting of this area and how this site is recognized in the regional highlands study that was conducted in 2002 by the U.S. Forest Service. Mr. Welch showed slides showing visual impact the tower would have on adjoining properties. Mr. Welch also showed slides of the tower located on the Mitch Miller site and the dumping going on at the Antrim site. He recommended a rattlesnake and wildlife study in relationship to the wetlands in the vicinity, and discussed the sand and gravel aquifer and the wells in the area along the Ramapo and Mahwah rivers.

Jim Brunn, 926 Haverstraw Road, Suffern, stated that he was involved with the process of finding an engineer who is completely independent from the telecoms and stated that Mr. Fishman has probably better credentials than Mr. Wells. Mr. Brunn expressed concern regarding accidents in the area and stated that he verified through the Freedom of Information Act that there were 71 accidents between January 2002 and December 2009. Mr. Brunn stated that on Verizon’s blueprints there are up to 4 auxiliary buildings 12’x 30’x 9’ tall and questioned compliance with the setback requirements and the road distraction that would be created by a cell tower and that public safety should be the number one priority.

Kimberlea Rae, Esq. clarified on behalf of the citizens’ group that no offense was meant and no challenge is being made to Mr. Graiff regarding Mr. Brunn’s comments and that they (the citizens’ group) are not impugning Mr. Graiff’s integrity or professional reputation in any way and apologized if Mr. Graiff took umbrage.

Gina Martin, 18 Spook Rock Road, Wesley Hills, located 115 feet from the proposed tower. Ms. Martin explained that she moved to the area because of the natural beauty, charm and an untouched setting for her spiritual tradition. Ms. Martin stated she is the ordained clergy for

the Triple Spiral Congregation and has held ceremony on this land since 2000. Ms. Martin stated that her congregation is an earth based spirituality that it is in alignment with Native American traditions holding nature sacred and that federal precedent has been set to honor the needs of earth-based spiritualities to protect their places of worship from interference. Gina Martin urged the Board to not destroy this residential neighborhood and her congregation's sacred space.

Marshall Katz motioned to adjourn the public hearing until February 1, 2010 at 7 p.m. at the Lime Kiln Elementary School.

Vote: Marshall Katz-Yes, Vera Brown-Yes, Don Isenberg-Yes, Uri Kirschner-Yes

Motion Approved

Meeting adjourned at 10:10 p.m.