

APPROVED
Town of Red Hook Planning Board
Meeting Minutes
December 20, 2010

CALL TO ORDER/ DETERMINATION OF QUORUM

The meeting was opened at 7:33 p.m., and a quorum was determined present for the conduct of business.

Members present — Chair Christine Kane, members Sam Harkins, Sam Phelan, Wil LaBossier, Pat Kelly, Kris Munn and alternate Brian Walker. Planner Michele Greig was also present. Charlie Laing was absent.

BUSINESS SESSION

Christine Kane confirmed the evening's agenda. The December 6, 2010 draft minutes had been circulated among the members and reviewed. Sam Harkins made a motion to adopt those minutes. Sam Phelan seconded the motion, and all members present voted in favor. There were no announcements.

PUBLIC HEARINGS

Clearwire US, LLC – 35 Twin Towers Dr.– Site Plan

Alan Hinkley was present for the public hearing on an application for Site Plan approval to collocate new equipment on an existing communications tower, on a 3.072-acre parcel in the R1 Zoning District.

Christine Kane read the public hearing notice that appeared December 14, 2010 in the Kingston Daily Freeman.

Mr. Hinkley explained the project saying that Clearwire wished to provide 4G broadband wireless service, not cellular phone service. He said that the proposed antennae would be the fifth set on the tower and that an equipment box would be placed inside an existing fenced compound. He said that the antennae would be installed at a height of 90 ft. He also said that the Town engineer's review of Clearwire's structural integrity report noted that the report assumed that a set of unused panels had been removed. He agreed with the Town Engineer that that removal should be confirmed.

Christine Kane then opened the public hearing.

Frank Green, 117 Kelly Rd., asked if the Town knew which carriers had panels on the pole. Christine Kane said yes.

David Rajczi, 111 Kelly Rd. asked why he was not notified about the previous meeting. Christine Kane said that notices do not go out when an application is presented to the Board. He then asked whether alternate sites had been considered for this project. Mr. Hinkley said that carriers are required to look at existing facilities first. Michele Greig

said that carriers were also required to provide coverage in certain areas. Mr. Rajczi asked that Clearwire look at other locations.

Mr. Green said that the Telecommunications Act of 1996 states that a carrier must demonstrate need. Mr. Hinkley said that the FCC requires a carrier to provide coverage in order to maintain its license.

Mr. Hinkley submitted an Evaluation of Compliance stating that the total radio frequency emissions would be well below FCC guidelines.

Mr. Green referred to a letter he had written and submitted to the Planning Board in 2009 in which he stated that the Planning Board did not follow proper procedures in 2000 when the tower was first erected. He said he would request all pertinent documents from that time under the Freedom of Information Law.

Christine Kane said that the Town Board made decisions about which carriers would be allowed to place panels on the tower, how many carriers, the lease agreements, and so on. She suggested that citizens approach the Town Board with these questions/concerns and that they should consider doing so even at a time when no lease agreement was pending. She said owners of property adjoining the tower would probably not be notified by mail about Town Board discussions with potential carriers, so they should check the Town Board meeting agendas with the Town Clerk or online.

Mr. Green went on to say that he believed that the carriers had exceeded the RF limits and that he, his children and his neighbors had experienced health impacts as a result. He said that the Town was charged with providing for the health, safety and welfare of the residents, that it was not doing so in this case and that it should do a risk assessment. Michele Greig said that the effect of radio frequency emissions was outside the purview of the Planning Board.

Mr. Rajczi asked how a commercial enterprise could be located in a residential zoning district. Michele Greig said that a range of uses were permitted in the RD3 Zoning District.

Henry Coryat, 3346 Route 9G, said that the tower was erected after he had created five residential building lots by subdivision. He was concerned about losing his investment in his home property and wondered whether he would realize the same amount as he is currently assessed when the time comes to sell. He summarized an article about electro smog and wondered whether the Town had looked at the potential health and economic impacts of the tower.

Mr. Green submitted a bio-initiative paper on the health effects of cell towers, saying that he had submitted the same paper 22 months ago when another application for the tower was under review.

Mr. Rajczi said that he would like the Town to investigate the possible health effects of the RF emissions and he would also like the Town to look at other locations. He said the Town should decide that the Kelly Rd. location had enough panels. He said that he had monitored the site and found the emissions to exceed the guidelines.

Sam Phelan asked whether the Board had a way of determining whether the tower was in compliance with FCC guidelines. Christine Kane said that such a determination could be made by an RF engineer. The Board generally agreed to refer the question and the materials submitted by the applicant to an RF engineer for review. The Board also agreed that this review should include an on-site inspection.

Isabel Coryat, 3346 Route 9G, asked that the Town Board and the Planning Board stop their considerations of the new panel installation until they are satisfied with the RF engineer's report.

Christine Kane summarized the Town Engineer's review of Clearwire's structural integrity report. She said that report stated that the safe addition of the proposed new panels was predicated on the previous removal of now unused panels installed years ago by Dobson for AT&T.

Although Mr. Hinkley asked that the public hearing be closed and that compliance with FCC guidelines be made a condition of final site plan approval, the Board generally agreed to keep the public hearing open and tentatively scheduled the project back for the second meeting in January.

In addition to the project referral to an RF engineer, the Board asked that the Town Building Inspector check to see whether the Dobson panels had been removed. Michele Greig asked Mr. Hinckley to submit an omitted appendix to the Clearwire Evaluation of Compliance.

Christine Kane said that Mr. Green's bio-initiative article and a summary of the evening's comments would be passed on to the Town Board.

ADJOURNMENT

Since there was no other business to come before the Board, Sam Harkins made a motion to adjourn. Kris Munn seconded the motion, and all other members present voted in favor.

Respectfully submitted,

Paula Schoonmaker