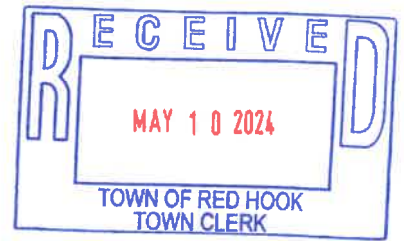


Town of Red Hook ZBA
Approved-Revised Meeting Minutes
March 13, 2024



Preliminaries

Roll Call

Chairperson Karakassis calls the meeting to order at 7:02 pm, and asks Clerk Rubin to conduct the roll call. conducts a roll call. Chris Carney, Chris Klose, and Chairperson Karakassis are present. John Bonavita-Goldman and George Jahn are absent. Also, present are ZBA Attorney, Janis Gomez Anderson, and Town Board Liaison, Bill Hamel.

Approval of February 14, 2024 Draft Minutes

At 7:04pm Chairperson Karakassis asks for a motion to approve the February 14, 2024 draft meeting minutes. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of approving the February 14, 2024 meeting minutes. Clerk Rubin states there is a neighbor letter from Joe and Cathy Rubsam, regarding the proposed sign, at the Red Hook Golf Club, which will be attached to the minutes.

Planning Board Minutes and Comments from the Chair

Chairperson Karakassis states, according to the Planning Board minutes, the Planning Board requested an extension for the 60 day shot clock, for the AT&T Peterskill Site Plan and Special Permit application, which the applicant denied. Chairperson Karakassis notes the shot clock runs until April 12, 2024, and further states the ZBA anticipates voting on the two use variance requests at its April 10, 2024 meeting. Chairperson Karakassis states the ZBA has not yet received a response from the Dutchess County Planning Department.

Review

ZBA 24-04 Adam and Michelle Castiglione, application for two area variances to construct a 30' x 50' detached garage ten feet from the side yard, northern property line, and ten feet from the primary structure. Town of Red Hook Zoning Law, Section 143-18 (A) (2) Accessory Structures requires accessory structures be located a minimum of 20' from any lot line, and Section 143-18 (A) (3) Accessory Structures prohibits such structures from being located less than 12' from the principle building, or a distance equal to height of the accessory building, whichever dimension shall be greater. The subject parcel is located at 7 Whalesback Road, in the Town of Red Hook, in the RD3 Zoning District. The subject parcel received area variance ZBA 2-22, on March 9, 2022, for a detached

garage, with a cottage above it, which the applicant never constructed, thus the variance lapsed.

Chairperson Karakassis reads the agenda item, and asks the applicant to explain why his proposed, detached garage is unable to comply with zoning. The applicant states his back yard contains a septic field, and further states his other side yard is wet, slopes downward, and is on the opposite side of the house from the driveway. Mr. Castiglione states the front yard slopes downward, is also wet, and the view from his living room windows would be obscured by a structure, since the only available area for it would be very close to the house. Mr. Castiglione states the entire site is wet, and notes the neighbor's property drains onto his, and further states he is hoping to mitigate the wetness under the driveway, when he puts in the detached garage.

Mr. Castiglione states his current variance request is functionally the same request as he made in 2022, and further states he does not have any additional room on the side of his house, where he proposes to locate his detached garage, ten feet from the property line. Chairperson Karakassis states she looked at the subject parcel on Dutchess County Parcel Access, and did not see any wetlands, and asks the applicant to state the location of his septic field. Mr. Castiglione states it is around and under the play set in his back yard, and further notes it runs east-west following the direction of the house. Mr. Castiglione states there is a wooded area behind the back yard, with a pond, and further states it drains to the north and back around onto his property. Chris Klose asks if the applicant has seepage into his basement, to which Mr. Castiglione replies he uses a Be Dry System, and further states his front yard floods. Mr. Castiglione states he wants to do some mitigation, since the neighbor, whose property is on a hill, drains toward his property.

ZBA Attorney, Janis Gomez Anderson asks the applicant, to which Mr. Castiglione replies it is 26'. Ms. Gomez Anderson states the required setback is 12' over the height of the structure, to which Mr. Castiglione replies his distribution box, septic field, and trees keep him from placing the proposed structure according to code. Ms. Gomez Anderson asks the applicant if he has a map or survey of his property. Mr. Castiglione states the only map he has is incorrect, to which Ms. Gomez Anderson replies DC Land Records has a filed map under FM110 75A-2A, as shown on DC Parcel Access, under the name of Griffiths, which shows lot lines and topography.

Chris Klose asks the applicant how tall the gable on his house is, to which Mr. Castiglione replies he does not know. Chairperson Karakassis asks the applicant why he cannot rotate the proposed structure to comply with zoning, to which Mr. Castiglione replies it would mean installing a garage behind his existing garage. Chris Klose asks the applicant where the existing garage is located, to which Mr. Castiglione replies it is attached to his house, and measures 25' x 24', and further notes the stairs to the basement take up a lot of space in the garage, so that getting two cars into the garage

is a tight fit. Mr. Castiglione states the proposed structure is similar in size and shape to the primary structure.

Chairperson Karakassis asks the applicant to state the purpose of the proposed, detached garage, to which Mr. Castiglione replies it will be used for his truck, storage, his children's outdoor gear, and his woodworking shop. Mr. Castiglione further states he would like to move the woodworking shop out of his basement due to the dust accumulation, which, he states occurs even with proper ventilation.

At 7:21pm Chairperson Karakassis moves to classify the Action as Type II under SEQR, as the construction of an accessory, non-residential structure, less than 4000 SF. Chris Klose seconds, and all Board members present vote in favor of classifying the Action as Type II under SEQR.

Janis Gomez Anderson states actual numbers are necessary for a variance. Chairperson Karakassis states a variance request of a ten foot setback to the property line is a significant request, and further states the ZBA needs to know the exact distance. Chairperson Karakassis asks the applicant if he can get a survey. Mr. Castiglione states he would like to wait on scheduling the public hearing, until he can get a survey, and provide the requested information on the property. Chairperson Karakassis states it would be possible to continue the review at the April 10, 2024 meeting.

Public Hearing

ZBA 24-02 Frank Miniter, assisted by Robert J. Dupont Architecture, LLC, application for an area variance to construct an addition to a Single-Family Dwelling with a Front Yard setback of 70'9" from the front Property Line. Town of Red Hook Zoning Law, Section 143-48 (B) (2) Development within the Scenic Corridor Overlay requires a doubled Front Yard setback, and Section 143-12 District Schedule of Area and Bulk Regulations requires a minimum 60' Front Yard setback in the Zoning District. The subject parcel is located at 5 Chamberlain Hill Road, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis reads the agenda item. Robert DuPont, assisting the applicant, asks if the Board has received a response from Dutchess County Planning, to which the Clerk replies it was an informal review, with no response required.

At 7:27pm Chairperson Karakassis asks for a motion to open the public hearing. Chris Carney so moves, Chris Klose seconds, and all Board members present vote in favor of opening the public hearing.

Michael Fitzmaurice states his mother, also present, lives two doors down from the applicant, and further states he and his mother have seen the plans for the house. Mr. Fitzmaurice states he was concerned about tree removal, and further states he is glad to know the trees will be left in place.

Sue McFadden, who is the applicant's next door neighbor, states she is in favor of the proposed addition.

At 7:29pm Chairperson Karakassis moves to close the public hearing. Chris Klose seconds, and all Board members present vote in favor of closing the public hearing.

Chairperson Karakassis asks if the Board has any additional comments, and further states she has driven by the applicant's housing development, and further states the garage, and proposed addition are fully in keeping with the neighborhood. Chairperson Karakassis further states seasonal vegetation will partially obscure the proposed addition. Janis Gomez Anderson notes the house itself predates zoning.

The Board reviews the six area variance questions as follows:

1. All Board members present agree the requested variance will not produce an undesirable change to the character of the neighborhood, or a detriment to nearby properties.
2. All Board members present agree the needs of the applicant cannot be achieved by other than an area variance.
3. All Board members present agree the requested variance is numerically substantial, but the impact will not be substantial.
4. All Board members present agree the requested variance will not affect the physical or environmental conditions in the neighborhood.
5. All Board members present agree the hardship, for which the variance is sought to rectify, was self-created.
6. All Board members present agree the variance being granted is the minimum variance to meet the needs of the applicant.

At 7:31 Chairperson Karakassis moves to grant the requested variance, subject to payment of all fees and escrow, and subject to application for, and receipt of any other approvals, required by the Town of Red Hook Code, the New York State Building Code, including, but not limited to any and all building permits, and certificates of occupancy. Chris Klose seconds the motion, and all Board members present vote in favor of granting the requested variance, subject to the above conditions.

Public Hearing

ZBA 24-01 George Allen, representing Red Hook Golf Course, Inc., application for an area variance to install an internally-illuminated, double identity sign, with a combined square footage of approximately 30 square feet. Town of Red Hook Zoning Law, Section 143-27 (D) (2) Sign Standards, permits a single identity sign, measuring a maximum area of 12 square feet, and Section 143-27 B (6) prohibits internally illuminated signs in the Zoning District. The subject parcel is located 650 Route 199, in the Town of Red Hook, in the RD3 Zoning District.

Chairperson Karakassis states the Board will adjourn consideration of this application to the April 10, 2024 meeting, at the request of the applicant Clerk Rubin notes the ZBA Office received a neighbor letter. Chairperson Karakassis asks Clerk Rubin to include it with the draft meeting minutes. At 7:34pm, Chairperson Karakassis asks for a motion to continue the public hearing to the April 10, 2024 meeting. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of continuing the public hearing to the April 10, 2024 meeting.

Public Hearing

ZBA 24-03 George Santoire of Airosmith Development, representing New Cingular Wireless, PCS, LLC, and AT&T, and who is represented by Lauren M. Adornetto, of Phillips Lytle, LLP, application to amend an existing use variance to construct a new, Wireless Telecommunications Facility, consisting of an approximately 100' monopole, and associated ground-based equipment. Town of Red Hook Zoning Law, Section 143-10 Applicability and Compliance with Zoning District Regulations, and Use Variance 5-98 allow only one principal use per lot, in a residential district. The applicant has applied for this use on "vacant land", however, Dutchess County merged former parcel 512069 with parcel 515038, on October 20, 2023, per property owner Michael Levy, of MK Levy Properties, LLC application to combine the two lots. The resulting parcel has three structures with a principal, commercial use of offices and office buildings. The subject parcel is located at 3944 Route 9G, in the Town of Red Hook, in the RD3 Zoning District.

Lauren Adornetto, representing applicant, George Santoire, asks the ZBA if the two applications can be consolidated to a single public hearing, to which ZBA Attorney, Janis Gomez-Anderson replies they can. Chairperson Karakassis notes the subject parcel located at 3944 New York State Route 9G, and reads the agenda item. Chairperson Karakassis further notes the two use variance applications are 23-04, an amendment to an existing use variance to expand the permitted use, and 24-03, a new use variance application to permit a second principal use on the subject parcel.

At 7:38pm Chairperson Karkassis moves to open the public hearing. Chris Klose seconds, and all Board members present vote in favor of opening the public hearing. Clerk Rubin notes the ZBA Office has received two letters of support for the project, from neighbors. Chairperson Karakassis asks the clerk to put them in the minutes as part of the record.

At 7:38pm Chairperson Karakassis moves to close the public hearing. Chris Klose seconds, and all Board members present vote in favor of closing the public hearing.

Ms. Adornetto states she would like to respond to the letter and attachments, sent to the ZBA from Wireless Edge, and further states the Red Hook Planning Board requested the applicant shift the proposed telecommunications facility 40' to the NW corner of the lease area, and states the applicant has provided new visual simulations, and commentary on two alternative sites. Ms. Adornetto states the applicant provided an updated alternatives analysis, dated December 5, 2023, and further states the alternatives analysis, to which Wireless Edge is referring, in their letter to the ZBA, predates this.

Ms. Adornetto refers to Exhibit C of December 5, 2023, stating the ideal site meets two criteria, as follows:

1. Does it meet the coverage objective?
2. Is the site the least intrusive, visually?

Ms. Adornetto states the coverage objective is the Route 9G corridor, between Rhinebeck and Red Hook, including the approach to the Kingston-Rhinecliff Bridge. Ms. Adornetto further states, at the proposed Red Hook site, on the Levy property, the coverage objective can be achieved with a 100' tower, which is right at the tree canopy. Ms. Adornetto further states the screening provided by the tree canopy also makes the proposed site the least intrusive visually.

Ms. Adornetto states the proposed site in Rhinebeck would require a 196' high antenna to achieve the same coverage objective, and further states this is not the least intrusive site to close a coverage gap. Ms. Adornetto states FCC carriers are required to consider co-location in order to minimize visual impacts. Ms. Adornetto states the Levy site is the least intrusive, compliant with the Town of Red Hook Code, and is visually, virtually undetectable. Ms. Adornetto states the New York State Office of Historic Preservation (SHPO) has declared the proposed telecommunications tower, at the Levy site, to have no impacts.

Chairperson Karakassis states the Ruge's site is not in Red Hook, thus the ZBA cannot rule on visual impacts there. Chairperson Karakassis asks Ms. Adornetto if the proposed telecommunications tower will have a single array, to which Ms. Adornetto replies the visual renderings, presented to the Red Hook Planning Board depict a monopole with additional arrays.

Chairperson Karakassis states no one argues about the need for coverage, and further notes allowing a second principal use on a parcel is a big deal in zoning. Chairperson Karakassis states the subject parcel has a unique history, as a parcel in a residential

zoning district, in which the residential use was abandoned some 25 years ago. Chairperson Karakassis states it has been used commercially, so there is no impact to the residential use of the property, and further states the proposed, second, principal use is a public utility, and in the interest of the public. Chairperson Karakassis notes the site will only be visited sporadically, by maintenance people, and is otherwise unmanned. Chairperson Karkassis states the second principal use can be very tailored to specific circumstances. Chris Klose asks the applicant about noise generated by the proposed telecommunications tower, to which Ms. Adornetto replies this was a Planning Board concern, and refers to a filing, dated February 26, 2024, consisting of spec sheets for the generator, which Ms. Adornetto states indicate a noise level consistent with a home appliance 200' away. Ms. Adornetto states the generator will be located at least 200' from the nearest residence. Ms. Adornetto notes the (now closed) nearby Roll-In Bowling Lanes is also a commercial parcel. Ms. Adornetto states the proposed facility is a low-intensity use with its own access driveway.

Chris Carney states the proposed telecommunications tower is a small impact based on how the subject parcel is currently configured. Chairperson Karakassis states the second principal use will be so narrowly tailored it will not set a precedent. Chairperson Karakassis states the ZBA expects to vote on the two use variance requests at the April 10, 2024 meeting, and further notes the Dutchess County Planning and Development Office's response to the Town of Red Hook Planning Board submission was "Matter of Local Concern". Janis Gomez-Anderson states the standards for use variance the Board will be considering are, as follows:

1. The applicant is a public utility.
2. The amending of an existing use variance.

At 7:57pm Chairperson Karakassis asks for a motion to adjourn the meeting. Chris Klose so moves, Chris Carney seconds, and all Board members present vote in favor of adjourning the meeting.

The next ZBA meeting is at 7:00pm, on Wednesday, April 10, 2024. The submission deadline for which is **noon** Tuesday, April 2, 2024. Please contact Brandon Mullins in the Building & Zoning Office to apply to the Town of Red Hook ZBA.

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS
TOWN OF RED HOOK**

NOTICE IS HEREBY GIVEN that pursuant to Section 143-136C of the Zoning Law of the Town of Red Hook, New York, a public hearing will be held by the Zoning Board of Appeals of the Town of Red Hook, Dutchess County, New York at the Town Hall, 7340 South Broadway, Red Hook, New York, meeting to commence at 7:00 pm, on the 13th day of March, 2024 on the following matter:

ZBA 24-02 Frank Miniter, assisted by Robert J. Dupont Architecture, LLC, application for an area variance to construct an addition to a Single-Family Dwelling with a Front Yard setback of 70'9" from the front Property Line. Town of Red Hook Zoning Law, Section 143-48 (B) (2) Development within the Scenic Corridor Overlay requires a doubled Front Yard setback, and Section 143-12 District Schedule of Area and Bulk Regulations requires a minimum 60' Front Yard setback in the Zoning District. The subject parcel is located at 5 Chamberlain Hill Road, in the Town of Red Hook, in the RD3 Zoning District.

All interested persons will be given an opportunity to be heard in person or by directing comments in writing to the Zoning Board of Appeals, 7340 South Broadway, Red Hook, New York 12571. All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Zoning Board Clerk in advance at the above address or by phone 845-758-4624 so that arrangements can be made.

9895810

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess

Linda Tuttle being duly sworn, deposes and says she is the Principal Clerk of **The Poughkeepsie Journal**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper and published in the County of Dutchess and the State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

03/01/2024

Linda Tuttle

Subscribed and sworn to before me this 01 day of March, 2024

[Signature]

Notary Public
State of Wisconsin, County of Brown

exp 10-25-26

RYAN SPELLER
Notary Public
State of Wisconsin

**TOWN OF RED HOOK
Zoning Board of Appeals**

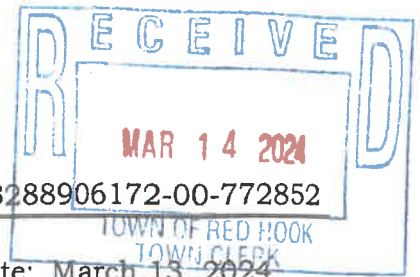
VARIANCE RESOLUTION

Application #: 24-02 Miniter-DuPont Architecture

Grid #: 13288906172-00-772852

Introduced by: Kate Karp Kassir
Seconded by: Chris Klose

Date: March 13, 2024



The Town of Red Hook Zoning Board of Appeals, at a meeting duly convened on **February 14, 2024** reviewed the facts in Application # **24-02** as submitted by **Frank Miniter**, and

WHEREAS, the application was determined to be a **Type II** Action under the State Environmental Quality Review Act, Section 6NYCRR Part 617, and

WHEREAS, said application requests a variance or adjustment to the strict application of the Zoning Code §§143-48(B)(2) & 143-12 to reduce the front yard setback in the Scenic Corridor in the RD #3 Zoning District of the Town from 120 feet to 70 feet 9".

WHEREAS, the matter was referred to Dutchess County Department of Planning and Development under 239-m of the General Municipal Law, and the Department responded that the application is a matter of local concern.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on **March 1, 2024**, and posted as required by law, and

WHEREAS, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

WHEREAS, all testimony has been carefully considered and the following pertinent facts noted:

1. **The existing house predates current zoning.**
2. **Proposed extension is in keeping with the neighborhood.**
3. **There is vegetation. It is seasonal, but it will mitigate.**

NOW THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application **#24-03** a request for a variance from Sections 143-48(B)(2) & 143-12 as set forth above, be **denied/granted** on the following grounds:

1. The variance requested will not produce an undesirable change to the character of the neighborhood or a detriment to nearby properties.
2. The needs of the applicant cannot be achieved by other than an area variance.
3. The requested variance is numerically substantial but the impact will not be substantial.
4. The requested variance will not affect the physical or environmental conditions in the neighborhood.

5. The hardship for which the variance is sought to rectify was self created.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

BE IT FURTHER RESOLVED, the grant of the Requested Variance shall be subject to the following condition(s):

1. Payment of all fees and escrow; and
2. Application for and receipt of any other approvals required by the Town of Red Hook Code and New York State Building Code including but not limited to any and all building permits and certificates of occupancy; and

Adopted:

Kathleen Karakassis - Yes

Christopher Carney - Yes

Christopher Klose - Yes

John Bonavita Goldman - Absent

George Jahn - Absent

ZBA Chairperson: _____

Kathleen Karakassis

ZBA Clerk: _____

Anne Rubin

NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS
TOWN OF RED HOOK

NOTICE IS HEREBY GIVEN that pursuant to Section 143-136C of the Zoning Law of the Town of Red Hook, New York, a public hearing will be held by the Zoning Board of Appeals of the Town of Red Hook, Dutchess County, New York at the Town Hall, 7340 South Broadway, Red Hook, New York, meeting to commence at 7:00 pm, on the 13th day of March, 2024 on the following matter:

ZBA 24-03 George Santoire of Airosmith Development, representing New Cingular Wireless, PCS, LLC, and AT&T, and who is represented by Lauren M. Adornetto, of Phillips Lytle, LLP, application to amend existing Use Variance, 5-98, as amended on January 10, 2024, by Use Variance 23-10(Revised), to construct a new, Wireless Telecommunications Facility, consisting of an approximately 100' monopole, and associated ground-based equipment. Town of Red Hook Zoning Law, Section 143-10 Applicability and Compliance with Zoning District Regulations, and Use Variance 5-98, as amended by Use Variance 23-10(Revised), allow only one principal use per lot, in a residential district. The applicant has applied for this use on "vacant land", however, Dutchess County merged former parcel 512069 with parcel 515038, on October 20, 2023, per property owner Michael Levy, of MK Levy Properties, LLC application to combine the two lots. The resulting parcel has three structures with a principal, commercial use of offices and office buildings. The subject parcel is located at 3944 Route 9G, in the Town of Red Hook, in the RD3 Zoning District.

All interested persons will be given an opportunity to be heard in person or by directing comments in writing to the Zoning Board of Appeals, 7340 South Broadway, Red Hook, New York 12571. All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Zoning Board Clerk in advance at the above address or by phone 845-758-4624 so that arrangements can be made.

9895796

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess

Linda Tutt being duly sworn, deposes and says she is the Principal Clerk of **The Poughkeepsie Journal**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper and published in the County of Dutchess and the State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

03/01/2024

Linda Tutt

Subscribed and sworn to before me this 01 day of March, 2024

[Signature]
10-25-26

Notary Public
State of Wisconsin, County of Brown

RYAN SPELLER
Notary Public
State of Wisconsin



38 West Market Street
Rhinebeck, New York 12572
Office: (914) 712-0000
Fax: (914) 712-9005

March 5, 2024

Hon. Chair Kate Karakassis
And Members of the Zoning Board of Appeals
Town of Red Hook
7340 S. Broadway
Red Hook, NY 12571

Received

MAR - 6 2024

Re: AT&T Cell Tower Application located at Route 9G, Red Hook, NY **Town of Red Hook
Zoning Board of Appeals**

Dear Hon. Chair Karakassis and
Members of the Zoning Board of Appeals:

Wireless EDGE is a tower company headquartered in Rhinebeck, NY. We are currently in the process of obtaining approvals for a cell tower to be located at the Ruge's property at 3718 Route 9G (formerly owned by Smithers Tool & Machine Products). I am writing to clarify the record regarding the AT&T (New Cingular PCS, LLC) application for a monopole in close proximity to our proposed site in Rhinebeck.

First and foremost, we have reviewed the application material submitted in May 2023; however, the recent ZBA application has not been made available to the public. We requested to review the application at the Town offices, and we were directed to file a FOIL, which was done on February 16, 2024. To date, we have not had access to the application, and we have been informed by the Town that a response is anticipated March 18th – after the ZBA public hearing on March 13th. Without public access to view the application in advance of the hearing, the public is severely disadvantaged in participating in the public hearing process.

It should be noted that the Town of Rhinebeck currently has two open applications before it: 1) Chang property (formerly Pitcher Trust) - 0.5 miles from the subject site, 2) Ruge's property (formerly Smithers Tool & Machine Products - 0.93 miles from the subject site. The Town has expressed a strong preference for the Ruge's location with a taller tower. Both properties are listed in AT&T's Site Selection Analysis as "A" and "O" respectively. Both sites were eliminated due to no landlord interest, despite Wireless EDGE having a lease at the Chang property since 2021 and a lease at the Ruge's property.

At the last ZBA meeting, it was stated that the proposed tower at Ruge's was 1.5 miles away and lower in ground elevation. To clarify the record, the Ruge's site is less than 1 mile away (0.93) and higher in ground elevation (218' AMSL at Ruge's vs. 210' AMSL). Furthermore, the proposed Wireless EDGE monopole is a much higher structure – 200' at Ruge's vs 100' high).

The applicant stated that the search area was a tiny red circle with the subject property in the center. What was being referred to was not the search area but rather a circle in the RF report indicating the site location. The actual search area is shown on Exhibit A of the "Site



March 5, 2024

Selection Analysis" dated 1/3/23 - and is much large oval area approximately 1.8 miles East-West by 1.1 miles North-South. See Attachment 1.

The applicant stated that the Ruge's site was outside the search area and therefore is not viable. In fact, the Ruge's site is not only inside the search area, but equidistant to the center of the search area compared to the subject location.

The Ruge's site is listed as a candidate in the Site Selection Analysis and was eliminated since "landowner was not interested", and "Location would require a use variance". With regard to interest, Wireless EDGE has expressed interest to AT&T to co-locate on both alternate Rhinebeck sites, and Ruge's management even contacted AT&T's attorney last year. It also appears that the Site Selection information is outdated since Smither's has not owned that property since 2021 and the Pitcher Trust has not owned that property since 2019.

With regard to the Ruge's site requiring a use variance, on April 22, 2022 the Town of Rhinebeck amended its Zoning Code to allow towers as a special use in the Office Research Park (ORP) District, including the Ruge's property.

It was also stated at the last ZBA meeting that AT&T analyzed the Ruge's property and found that it did not offer as much coverage as the subject site. A casual comparison of AT&T's proposed coverage (Attachment 2) and Version's coverage at the Ruge's property (Attachment 3), clearly shows that the Ruge's site offers twice the coverage area and connects better to the surrounding tower sites, on which both carriers are currently located. The Ruge's site will cover Route 199 and 9G from the bridge approach, all the way to Route 9 without the need for two towers in the neighborhood.

Regarding the approval status of the Ruge's application, we are in the public hearing process with both the Town of Rhinebeck Planning Board and Zoning Board. Both Boards have recommended the Ruge's application through straw votes, and we have recently obtained SHPO approval.

The Ruge's site also offers several advantages worth noting: the setbacks and buffer from residential properties are significant, no tree clearing is required, there is an existing driveway and access road, there are no wetlands near the project area, there is available electric power currently being installed, and the tower is designed for use by all the wireless carriers in the market without need to extend the height.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John E. Arthur", written over a horizontal line.

John E. Arthur, P.E.
President & CEO

Anne Rubin

From: Sarah Grundman <sarah@finserctr.com>
Sent: Tuesday, March 12, 2024 12:53 PM
To: Anne Rubin
Subject: Cell Phone Tower - Letter of Recommendation 3-12-24

Hello Ms. Rubin,

I am the Managing Member of the Route 9G Properties LLC, as well as an Accounting Partner here at Financial Services Center, Inc. (located at 3944 Route 9G). I am in receipt of the Public Hearing relating to the Cell Phone Tower at MK Levy Properties LLC.

Please let the Zoning Board know that though I am not able to attend the meeting, I would like to emphasize how extremely important and necessary it is to have this Cell Phone tower approved in Red Hook at this location. There have been many times that safety has been a factor in not having this tower here, as no one is able to make clear phone calls during emergencies and have walked on the busy road into our office on Route 9G and had to use our business phone (landline). Fortunately, when we are here Monday – Friday, 9 – 5 that is not a problem, but after hours or weekends no one is here. I am familiar with the property and have worked in Red Hook for years, and it has been very frustrating and difficult to not have access to basic telecommunications services here on Route 9G, especially so close the Kingston-Rhinecliff bridge.

I am strongly in favor of the Cell Phone Tower being erected at the MK Levy Properties LLC location on Route 9G. Please consider the repercussions of NOT having this cell phone tower: delayed emergency services for our community and safety concerns.

Should you have any further questions, please reach out to me via email or my cell phone (518) 859-8178. Please confirm that you are in receipt of this email.

Thank you,

Sarah L. Grundman, EA
Accounting Partner

Financial Services Center, Inc.
3944 Route 9G
Red Hook, NY 12571
www.finserctr.com
Phone – (845) 876 -1919 ext. 210
Fax – (845) 876 - 0651

"The advice you need, the service you deserve."

Anne Rubin

From: Beth Levy <balevy914@gmail.com>
Sent: Tuesday, March 12, 2024 1:09 PM
To: Anne Rubin
Subject: Route 9G Red Hook

Good afternoon,

I visit the Red Hook Area frequently as my family lives here and many people I am quite close to.

Even though I cannot attend the meeting, I'd like to stress how important the cell phone tower is. As someone who has had to call the ambulance in Red Hook without cell phone service, this cell tower at this location is absolutely necessary.

Safety is a huge issue without the cellphone tower as there are multiple busy intersections where major car accidents have occurred. Having known people who have been in some and knowing an individual who has passed away due to a car accident at one of those intersections, I cannot stress the importance of how much this is needed.

Thank you for your time and consideration.

Sincerely,

Beth A. Levy

Dutchess County Department of Planning and Development

Fax Info
Only

To
Co./Dept.
Fax #

Date #pgs
From
Phone #

239 Planning/Zoning Referral - Exemption Communities

Municipality: **Town of Red Hook**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Number(s): **5150380000**

Project Name: **AT&T Telecommunications Tower**

Applicant: **New Cingular Wireless-AT&T-Airosmith Development**

Address of Property: **3940-3944 Route 9G, Red Hook, NY 12571**

Please Fill in this section

Exempt Actions:* 239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations
- ☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☒ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☒ State Road: **Route 9G**
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **4/2/2024**

Entered By: **Rubin, Anne**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- ☒ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Withdrawn
- ☐ Incomplete - municipality must resubmit to County
- ☐ Exempt from 239 Review
- ☐ None

Comments Attached:

- ☐ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete with Comments- municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **3/4/2024**

Date Received: **3/4/2024**

Date Requested: **4/2/2024**

Date Required: **4/3/2024**

Date Transmitted: **3/29/2024**

Notes:

☐ Major Project

Referral #: **ZR24-068**

☐ Also mailed
hard copy

Reviewer:

Date Printed: 3/29/2024

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact.
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached Part 3 EAF Narrative.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information including the full record of site plan and special use permit application submissions by the applicant, Planning Board consultant Memos, Planning Board member comments as recorded in the minutes of all Board meetings where the applicant appeared, and public and agency comments on the applications.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Red Hook Planning Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: AT & T Peters Kill Telecommunications Facility

Name of Lead Agency: Town of Red Hook Planning Board

Name of Responsible Officer in Lead Agency: Sam Phelan

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)



J. Theodore Fink, AICP

Date:

March 28, 2024

For Further Information:

Contact Person: Katie Khakhar, Planning Board Clerk

Address: 7340 South Broadway, Red Hook, NY 12571

Telephone Number: 845-758-4600

E-mail: planning@redhookny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/cnb/enb.html>

PRINT FULL FORM

Full Environmental Assessment Form Part 3
Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance for AT&T's Peters Kill Application

New Cingular Wireless PCS, LLC ("**AT&T**" or "**Applicant**") seeks to construct and operate a new wireless telecommunications facility that consists of an approximately 100 ft. tall monopole and associated ground-based equipment ("**Proposed Facility**"), located on a portion of an approximately 7 acre parcel of land at 3944 Route 9G ("**Site**") in the Town of Red Hook ("**Town**"). The Site is owned by M.K. Levy Properties, LLC ("**Site Owner**"), and AT&T leases a 100 ft. by 100 ft. portion of the Site for the installation and operation of the Proposed Facility within a 70 ft. by 70 ft. fenced compound. AT&T first filed an application for the Project on May 12, 2023 ("**Application**") with Exhibits A through S, and more particularly including: Exhibit C, Site Plans; Exhibit G, Radio Frequency Engineer Justification Letter & Propagation Maps (the "**RF Affidavit**"); Exhibit H, Site Selection Analysis; Exhibit I, Visual Impact Assessment and Photosimulations; Exhibit L, Site Plan Approval Code Compliance Analysis; Exhibit N, Special Use Permit Code Analysis; Exhibit O, Full Environmental Assessment Form, Pt. 1.

AT&T submitted to the Planning Board a first Application supplement in further support of the Project on December 5, 2023 ("**First Supplement**") with Exhibits A through G, and more particularly including: Exhibit A, Tighe & Bond Comments dated June 2, 2023; Exhibit B, GREENPLAN Memorandum dated June 3, 2023; Exhibit C, Revised Site Plans; Exhibit D, Revised Full Environmental Assessment Form, Pt. 1; Exhibit E, US Army Corps of Engineers Wetlands Authorization; Exhibit F, Bat Habitat Assessment; and Exhibit G, Updated Site Selection Analysis (the "**Alternatives**

AT&T appeared at the Planning Board's December 18, 2023 meeting to discuss the Project. The Planning Board's environmental consultant, GREENPLAN, issued a memorandum dated December 19, 2023 that requested AT&T make further revisions to the Full Environmental Assessment Form, Pt. 1. Accordingly, on December 29, 2023 AT&T submitted a further revised Full Environmental Assessment Form, Pt. 1 with all requested revisions (the "**EAF Pt. 1**"). On January 5, 2024 GREENPLAN issued an additional memorandum and proposed responses to the Environmental Assessment Form, Pt. 2. AT&T attended another Planning Board meeting on January 8, 2024 to receive feedback and information requests from the Planning Board and discuss the proposed responses to the Environmental Assessment Form, Pt. 2. In response to the Planning Board's requests for additional Project information, AT&T submitted a second application supplement to the Planning Board on February 26, 2024 (the "**Second Supplement**") with Exhibits A through H, more particularly including: Exhibit B, Revised Site Plans; Exhibit C, Generator Specifications; Exhibit D, Limits of Vegetation Clearance Overlay; Exhibit E, Updated Visual Simulations; Exhibit F, Rendering of

Proposed Access Road; and Exhibit G, New York State Historic Preservation Office Finding of No Effect. AT&T attended an additional meeting of the Planning Board on March 4, 2024 to discuss the Second Supplement and provide further details regarding the Project.

On March 11, 2024 AT&T provided a third supplemental submission to the Planning Board (the "**Third Supplement**") with Exhibits A through D more particularly including: Exhibit A Updated Access Road Rendering, Exhibit B: Updated Visual Simulations, Exhibit C: Supplemental Radio Frequency Propagation Maps for AT&T's Alternative Candidate O ("**RF Supplement**"), and Exhibit D: Comment Letter dated March 5, 2024. On March 18, 2024 AT&T attended an additional meeting of the Planning Board to discuss the Third Supplement and provide further details regarding the Project.

On March 25, 2024 AT&T provided a fourth supplemental submission to the Planning Board (the "**Fourth Supplement**") including an Exhibit A revised site plan to depict the Planning Board's preferred location of the Proposed Facility on Site and depict additional plantings to screen the Proposed Facility ("**Revised Site Plan**"). Such plantings will be revised to meet the specifications of the Planning Board's engineer.

Pursuant to Article 8 of the New York Environmental Conservation Law and its implementing regulations promulgated by the New York State Department of Environmental Conservation ("**NYSDEC**") at 6 NYCRR Part 617, et. seq. (together, "**SEQR**"), the Planning Board must satisfy the requirements contained in SEQR prior to making a final determination on the Application. In accordance with SEQR's requirements, the Planning Board classified the Project as an Unlisted Action, distributed notice of its intent to act as lead agency in a coordinated review of the Project, and was established as lead agency upon the expiration of the statutory period without objection from any other interested and involved agencies.

To aid the Planning Board in determining whether the Project may have a significant adverse impact upon the environment, the Planning Board has completed, received and/or reviewed the Application as filed with the Town on May 12, 2023, together with the First Supplement, the Second Supplement, the Third Supplement, and the Fourth Supplement, the EAF, Pt. 1, the EAF Pt. 2, and considered the input of various Town departments and interested and involved agencies, and further considered all comments on the Project from its consultants, Tighe & Bond and GREENPLAN.

The Planning Board has taken a hard look at the potential environmental impacts and conducted a thorough analysis of the Project. The Planning Board has determined that the Project will not have any potentially significant adverse environmental impacts. Based upon the Planning Board's review of the Project and the foregoing materials, and upon its investigations of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact

indicated, and upon the Planning Board's knowledge of the land and surrounding area and such further investigations of the Project as the Planning Board has deemed appropriate, the Planning Board determines that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land.

The Project entails the construction and operation of a monopole approximately 100 ft. tall with associated ground-based equipment within a limited 70 ft. by 70 ft. footprint on Site. The Proposed Facility will involve some limited ground disturbance associated with the installation of the Proposed Facility and utility infrastructure, the limited profile of the Proposed Facility means that significant disturbance is not required. There is not significant land clearing required for the Project and the majority of the existing vegetation at the Site will remain even at full buildout. This limited amount of disturbance is also attributable to the topography of the Site, which is relatively flat (slopes < 10%), and does not require significant grading to prepare the Site for the Project. Given the limited amount of physical disturbance anticipated as part of the Project, the Project will not have any potentially significant adverse impacts to land.

Although Canandaigua silt loam has been identified on the Site, the EAF, Pt. 1 as submitted with the Application indicates the average depth to the water table on the Site is 5 ft. - 10 ft. and further indicates that no excavation will occur on the Site that would lessen the depth to the water table. The Project's site plans propose sufficient methods for erosion and sediment control, including utilization of silt fences downstream of all cut and fill slopes.

The Applicant has confirmed that construction is anticipated to occur in a single phase for a duration of approximately three months. The Project's site plans indicate that pesticides and herbicides will not be used during the construction and operation of the Facility.

Accordingly, the Project will not cause significant adverse impacts to land.

2. Impact on Geological Features.

As indicated in the EAF, Pt. 1, there are no unique geological features present on the Site. Accordingly, the Project will not have any potentially significant adverse impacts to geological features.

3. Impact on Surface Water.

As indicated in the EAF, Pt. 1, the Project will not create a new water body, nor will it include significant excavation, or any mining or dredging. Though limited portions of the 70 ft. by 70 ft. fenced equipment compound and portions of the access road are in proximity to the delineated boundary of federal wetlands on Site, the Project does not propose dredging more than 100 cubic yards of material from a wetland or waterbody. The Applicant obtained an authorization from the US Army Corps of Engineers to permit the discharge of fill from the construction of the Project into a limited 575 sq. ft. of federal waters ("**USACOE Wetlands Authorization**"). The USACOE Wetlands Authorization allows that limited discharge pursuant to the Department of the Army Nationwide General Permit and requires AT&T to comply with all conditions thereto, including limited seasons for construction, installation of construction fencing to indicate graded areas, limitations on the use of dyes, coloring insecticides. The USACOE Wetlands Authorization requires that care be taken to limit construction debris from entering waterways to become drift or pollution hazards. The USACOE Authorization imposes sufficient obligations on AT&T to limit potential impacts to surface waters in connection with the Project. Moreover, the nature of the Project – construction and operation of an unmanned telecommunications infrastructure facility – means that the Project will not create a new demand for water, generate liquid wastes, or require the use of wastewater treatment facilities. Likewise, the limited amount of disturbance associated with the Project, which is less than one acre, means that the Project will not affect any downstream waterbodies by creating significant stormwater discharge. Limited vegetation clearing is required for the Project but will not involve the application of pesticides or herbicides. Accordingly, the Project will not have any potentially significant adverse impacts to surface water.

4. Impact on Groundwater.

As discussed above, the Project involves the construction and installation of an unmanned telecommunications infrastructure facility which will not generate any new demand for water or otherwise generate wastewater. AT&T will not apply pesticides or herbicides on the Site, as indicated in the site plans. Therefore, the Proposed Facility will not involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. Accordingly, the Project will not have any potentially significant adverse impacts to groundwater.

5. Impact on Flooding.

As indicated in the Site Plans and the EAF, Pt. 1, the Site is not located in a floodplain or floodway. As further indicated on the EAF, Pt. 1, the Project is not anticipated to result in or require modification of existing drainage patterns. The Project is not anticipated to change flood water flows that contribute to flooding and there is no dam located on the Site. Accordingly, the Project will not have any potentially significant adverse impacts to flooding.

6. Impact on Air.

As indicated in the EAF, Pt. 1, the Project may involve some limited air emissions from construction vehicles travelling to and from the site during construction. Given the temporary and intermittent nature of such vehicle usage, these potential emission sources will not require any air permit authorization, and otherwise the Proposed Facility is an unmanned telecommunications site that does not include the potential for air emissions. Accordingly, the Project will not have any potentially significant adverse impacts to air resources.

7. Impact on Plants and Animals.

The Project's limited 70 ft. by 70 ft. footprint on Site and proposed clearance of approximately 15 trees would have minimal impact on plants and animals in the environment and on the Site. Though the Northern Long-Eared Bat and Indiana Bat have been identified as occurring in the general area around the Site, the Applicant retained an environmental consultant to prepare a bat habitat assessment and tree inventory for the Site itself. The bat habitat assessment concluded that if the Project were constructed bats could still utilize the rear of the Site to the east where more contiguous forested areas provide suitable habitat. The bat habitat

assessment also concluded that no direct impacts to bats would occur provided that proposed tree clearing occurs during winter months, while bats hibernate elsewhere in caves or mines. The USACOE Wetlands Authorization requires AT&T to limit tree clearance to winter months.

Based on the Project's limited footprint and those mandatory conditions to the USACOE Wetlands Authorization, the Project will not cause a loss of species population or degradation or loss of habitat. Additionally, the Proposed Facility does not involve the use of herbicides or pesticides.

Accordingly, the Project will not have any potentially significant adverse impacts to plants or animals. The applicant has proposed an open bottom box culvert for the proposed driveway's crossing of Federal waters will allow for aquatic wildlife movements.

8. Impact on Agricultural Resources.

The Site is located within an established rural development area with commercial and residential uses. The Site is not located within or in close proximity to any New York State certified Agricultural District and, indeed, there are no known agricultural resources in proximity to the Site. Accordingly, the Project will not have any potentially significant adverse impacts to agricultural resources.

9. Impact on Aesthetic Resources.

The Site is contiguous with the Hudson River National Historic Landmark District, which was designated by the U.S. Secretary of the Interior in 1990 as the largest such district on the mainland of the contiguous United States, covering an area of 22,205 acres (34.6 square miles) extending inland roughly a mile from the eastern bank of the Hudson River between Staatsburg and Germantown in Dutchess and Columbia Counties. The Hudson River National Historic Landmark District includes the riverfront sections of the Town of Red Hook, in addition to the towns of Clermont, Rhinebeck, and portions of Hyde Park, as well as the hamlets of Annandale, Barrytown, Rhinecliff and the village of Tivoli because such locations include some of the most significant historic sites and iconic landscapes in the nation. The site is visible from the Landmark District only when viewers are facing east and such views limit visibility from the Landmark District to a 180 degree viewshed. Similar to the federal designation, the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization has designated an area including the Site as the Estates District Scenic Area of Statewide Significance ("**Estates District SASS**") which in relevant part consists of the Hudson River and its eastern shorelands in the Town of Red Hook following along NY Route 9G. The Estates District SASS is marked for its natural landscapes and its collection of significant estates and manor houses with the integrity of their original settings largely preserved. The scenic qualities of the Estates District SASS are further recognized under Article 49 of the Environmental Conservation

Law by the designation of the area around the Site as part of the Mid Hudson Historic Shorelands Scenic District which designates approximately 25 miles along the eastern shore of the Hudson River as important for, among other resources, its panoramic vantage points and scenic road corridors. The Mid-Hudson Historic Shorelands Scenic District boundary is coextensive with the Town's Local Waterfront Revitalization Area and extends 500 ft. east of the centerline of Route 9G to provide a mechanism to protect scenic qualities in the area and control development on both sides of the scenic road. The Town's Local Waterfront Revitalization Program includes the following several policies for the Waterfront Revitalization Area that are relevant to scenic resources: encourage growth of tourism through preservation, enhancement, and reuse of areas and structures and inform the public of existing historic, scenic, and recreational resources (Policy 1A); prevent impairment of scenic resources, particularly those in the Mid-Hudson Historic Shorelands Scenic District (Policy 24A, 25); protect and enhance the scenic qualities of designated scenic roads such as Route 9G (Policy 24B). Furthermore, the Project is proposed within the Town's Scenic Corridor Overlay District, which is similarly intended to protect the scenic quality of the Route 9G roadway and preserve the Town's scenic qualities.

Accordingly, due to the scenic significance of the area around the Site, the Planning Board considered the viewshed of the Proposed Facility to determine whether the Proposed Facility would have an aesthetic impact that would cause a detriment to the perceived beauty of the area, a diminishment of public enjoyment or appreciation of inventoried resources, or an impact that would impair the character or quality of the area around the Site. As an initial matter in its evaluation of the Project's potential impacts to resources in the foregoing scenic areas, the Planning Board notes that the Project is not anticipated to have an impact on the Sixteen Mile District and the Hudson River Historic District within the Hudson River National Historic Landmark District nor on any historic resources within the State's Mid Hudson Historic Shorelands Scenic District based on the conclusions of the New York State Historic Preservation Office ("SHPO") which reviewed the Project's details and concluded there were no potential impacts to historic properties in the area of potential effect. Further, the Applicant provided an Updated Visual Impact Assessment as Exhibit E to the Second Supplement, which included a viewshed map and photolog that demonstrates the Proposed Facility would be visible from only a very limited geographic area in the immediate vicinity of the Site, particularly from the closest commercial and residential sections of Route 9G in proximity to the Site and eastward approximately 1,500 ft. towards previously developed residential areas in

the Town. The Project Sponsor further provided the Third Supplement with Exhibit A Updated Access Road Rendering, and Exhibit B: Updated Visual Simulations in response to the Planning Board's request to locate the Proposed Facility in the northwest portion of the Lease Area on Site to enhance the screening provided by existing mature vegetation on Site and limit the equipment compound's appearance from Route 9G. The foregoing visual simulations and renderings demonstrate that though the Project would be visible from certain roadways and residential and commercial uses in the immediate vicinity of the Site, the topography of the Site and the mature vegetation surrounding the Proposed Facility serve as effective screening to ensure the Proposed Facility will not obstruct, eliminate, or significantly impact the public's enjoyment of scenic or aesthetic resources in the area.

The Project does not disrupt the natural landscape in the area because it consists of a limited footprint on a previously developed Site. Furthermore, the Project proposes a monopole with neutral colors, and an equipment compound that is fully enclosed by appropriate fencing and additional landscape plantings as recommended by the Planning Board to fully screen its appearance from Route 9G as depicted in the Revised Site Plans.

The Planning Board considered whether the Project could be relocated from the Site to a different location to minimize the Project's visual impact. The Project Sponsor submitted an RF Affidavit and Alternatives Analysis which together demonstrate that there are no other viable candidate sites where AT&T could locate a facility to provide AT&T's critical network coverage to the Town. As described in the RF Affidavit, the Proposed Facility must be located in a limited geographic area in proximity to the foregoing scenic resources. The RF Affidavit explains that the Proposed Facility at the Site is designed and sited to address a significant coverage gap within AT&T's wireless network in the area. The purpose of the Proposed Facility is to remedy the significant gap in AT&T's in-car and in-building wireless service on Route 9G, the Rhinecliff Bridge (NY-199), and portions of Red Hook and Rhinebeck, NY that do not have sufficient coverage. The RF Affidavit explains that AT&T currently resides on all existing communication structures in the surrounding area, but because of the distance and terrain profile in the area, there is still a need for the Proposed Facility to remedy the significant gap in coverage. The RF Affidavit indicates that AT&T analyzed multiple alternative candidate sites in the area before selecting the Site as the location that would remedy the gap in coverage. The Alternatives Analysis catalogues the alternative candidate sites to

establish that none would be appropriate locations for the Proposed Facility, as follows:

- Alternative Candidate A at the Andrew Chang property on Route 9G in Rhinebeck, NY 12572: The RF Affidavit establishes that this candidate site is inferior to the Site for purposes of AT&T's coverage objective and would require a significantly taller and more visually intrusive facility to provide comparable coverage to the 100 ft. Proposed Facility at the Site.
- Alternative Candidate B at 7047 Route 9, Rhinebeck, NY 12572 is unsuitable because it is located outside of the search ring established by AT&T's radio frequency engineers as required to meet AT&T's coverage objective in the area.
- Candidate D is the proposed Site at 3944 Route 9G in the Town. Alternative Candidate E owned by Giovanni Rosamaria Petriello on Grouse Run in the Town was initially considered by AT&T for the Proposed Facility but this location is unsuitable because it is outside of the search ring established by AT&T's radio frequency engineers as required to meet AT&T's coverage objective in the area.
- Alternative Candidate F owned by Dag & Sofia Syverson on Grouse Run was also initially considered by AT&T for the Proposed Facility but this location is unsuitable because it is also outside of the search ring established by AT&T's radio frequency engineers as required to meet AT&T's coverage objective in the area.
- Alternative Candidate G at 172 Middle Road, Rhinebeck, NY 12572: This candidate was unsuitable because the landowner was not interested in pursuing a lease with AT&T, and further because AT&T's RF engineers determined that the location was not viable to satisfy the coverage objective because the property is too far east from Route 9G and Route 199 to provide coverage with a height limitation of 100 ft. given the low terrain profile of the property
- Alternative Candidate H at 198 Middle Road, Rhinebeck, NY 12572: This candidate was unsuitable because the landowner was not interested in pursuing a lease with AT&T for a new telecommunications tower.

- Alternative Candidate I at 224 Middle Road, Rhinebeck, NY 12572: This candidate was unsuitable because AT&T's RF engineers determined this location was not viable to satisfy the coverage objective because it is too far east from Route 9G and Route 199, and with a height limitation of 100ft, the terrain profile and ground elevation of the property is too low to provide adequate network coverage.
- Alternative Candidate J at 703 River Road, Rhinebeck, NY 12571: This candidate was unsuitable because the landowner was not interested in leasing space to AT&T for a new telecommunications tower.
- Alternative Candidate K at 664 River Road, Rhinebeck, NY 12571: This candidate was unsuitable because the landowner was not interested in leasing space to AT&T for a new telecommunications tower.
- Alternative Candidate L at 96 The Meadows Drive, Rhinebeck, NY 12572: This candidate was unsuitable because the landowner was not interested in leasing space to AT&T for a new telecommunications tower.
- Alternative Candidate M at 35 Hook Road, Rhinebeck, NY 12572: This candidate was unsuitable because the landowner was not interested in leasing space to AT&T for a new telecommunications tower.
- Alternative Candidate N on Route 9G in Rhinebeck, NY 12572: This candidate is unsuitable because the previous landowner was not interested in leasing space to AT&T for development of the Proposed Facility and further because it is located in a gateway area pursuant to the Town of Rhinebeck Code where telecommunications facilities are a prohibited use.
- Alternative Candidate O at 3718 Route 9G, in the Town of Rhinebeck, NY 12572 owned by Ruge's 9G Properties LLC: The RF Supplement includes a propagation map to demonstrate that the Ruge's candidate is inferior to AT&T's proposed Project from an RF perspective because Candidate O fails to meet AT&T's coverage objective at a comparable antenna centerline height of 96 ft. As stated in AT&T's RF Affidavit, the primary coverage objective for the Project is to improve AT&T's in-car and in-building wireless service on Route 9G, the Kingston-Rhinecliff Bridge (NY-199), and residential portions of the Town of Red Hook and Town of Rhinebeck that are underserved today. The RF Supplement demonstrates that at a comparable antenna centerline height of 96 ft., the Ruge's location is inferior to AT&T's proposed Site because it does not provide adequate coverage to infill the AT&T coverage

deficiencies that exist today along Route 9G and Route 199. Accordingly this candidate is not suitable for the Proposed Facility because it would require a significantly taller and therefore more visually intrusive tower to provide comparable coverage to the coverage that would be provided by the Proposed Facility at the Site.

- Alternative Candidate P at 229-231 Middle Road, Rhinebeck, NY 12572: Although initially considered by AT&T for the Proposed Facility, this candidate was unsuitable due to its location outside of the search ring established by AT&T's radio frequency engineers.
- Alternative Candidate Q at 164 Old Post Road, Rhinebeck, NY 12572: This candidate was unsuitable because the landowner was not interested in leasing space to AT&T for a new telecommunications tower.
- Alternative Candidate R at 3974 Route 9G, Red Hook, NY 12571: This candidate was unsuitable because the landowner was not interested in pursuing a lease agreement with AT&T for a new telecommunications tower.
- Alternative Candidate S at 10 Lemon Lane Ext., Red Hook, NY 12571: This candidate was unsuitable for the Proposed Facility due to its location in the Town's RD5 - Rural Development 5 District, where telecommunications facilities are a prohibited use pursuant to the Zoning Code, Chapter 143, Attachment 1, District Schedule of Use Regulations. By comparison the Site is more suitable because the Proposed Facility is a specially permitted use in the Town's RD-3 District pursuant to the Zoning Code. Furthermore, AT&T's RF engineers determined that this candidate was inferior to the Site for purposes of meeting the coverage objective in the area.
- Alternative Candidate T at 7015 Route 9, Rhinebeck, NY 12572: This candidate was unsuitable because the landowner was not interested in pursuing a lease agreement with AT&T for a new telecommunications tower. Furthermore, this candidate was unsuitable because it is located outside of the search ring established by AT&T's radio frequency engineers as required to meet AT&T's coverage objective in the area.

The RF Affidavit also establishes that the Proposed Facility's antenna centerline height of 96 ft. is the minimum height necessary to remedy AT&T's coverage gap in the area. The RF Affidavit establishes that the tree canopy around the Site is approximately 80 ft. and explains that AT&T requires a minimum of 10 ft. clearance between the top of the tree canopy and the bottom of antennas to ensure minimal RF obstruction and to account for future tree growth. The propagation maps attached to the RF

Affidavit show that a lower antenna centerline would be too near and even below the existing tree canopy of 80 ft. The RF Affidavit includes propagation maps to demonstrate that at antenna centerline heights of 86 ft. and 76 ft. coverage deficiencies would remain on Route 9G, NY-199 and the commercial and residential structures at the intersection of Route 9 & 9G, which would result in insufficient network coverage in these residential and commercial structures and would cause network accessibility issues for AT&T's customers and FirstNet first responders. Therefore, the RF Affidavit establishes that the Proposed Facility with antennas mounted at a centerline height of 96 ft. is the minimum height necessary to remedy AT&T's coverage gap in the area.

The Project Sponsor submitted Updated Visual Simulations as Exhibit E to the Second Supplement to provide prospective views of the Proposed Facility from fourteen vantage points across the geographic area that surrounds the Site. As depicted in the viewshed/photolog map, the geographic range of the locations depicted in the Updated Visual Simulations includes vantage points distributed throughout those local, state, and federal scenic areas described above. The Updated Visual Simulations, Photos 4, 8, 10, 11, 12, and 13, demonstrate that the Proposed Facility is not visible in the areas closest to the Hudson River's scenic shorelands. The Updated Visual Simulations, Photos 2, 3, 5, and 6, demonstrate that the Proposed Facility has limited visibility from vantage points in the immediate vicinity of the Site but that the mature tree canopy effectively screens the top of the Proposed Facility to preserve the look of the natural landscape. The Planning Board requested the applicant to install a wood "farm gate" structure at the entrance to the site on Route 9g to further screen direct views into the site. Photo 7 establishes that the Proposed Facility is not visible while looking north directly at the Site from Route 9G and the intersection with Route 199. Photo 9 establishes that the Proposed Facility is not visible further east of the Site from the vantage point of the Rhinebeck Museum of History. Photo 1 demonstrates that the top of the Proposed Facility's monopole and antenna arrays would be visible from directly in front of the Site. Though these portions of the Proposed Facility are visible from directly in front of the Site, the view consists of neutral color panel antennas mounted at approximately 96 ft., around a neutral color, unlit, monopole that reaches 100 ft. in height. The Proposed Facility's height is consistent with the Town's applicable height regulations for telecommunications facilities and as set forth above is the minimum height necessary to remedy AT&T's coverage gap in the area.

The Proposed Facility does not involve the use of specular/reflective materials and instead will consist of flat, non-reflective materials, as depicted in the Updated Visual Simulations. Further, the Project Sponsor provided Updated Access Road Renderings that demonstrate the

Proposed Facility's ground based equipment would be well screened from travelers along Route 9G by the existing mature vegetation on Site.

Accordingly, the Planning Board credits the RF Affidavit, Alternatives Analysis, Revised Site Plans and Updated Visual Simulations and Updated Access Road Renderings, which together demonstrate that the Proposed Facility is the least intrusive means to remedy the significant gap in AT&T's network in and around the Town. The Planning Board credits AT&T's determination that the Site is the most suitable location for the Proposed Facility and relocation off-Site is infeasible. Accordingly, to minimize the Project's visual impact on the foregoing scenic resources, the Planning Board recommended that AT&T reorient the tower base and associated equipment compound further to the northwest portion of the Lease Area, which is reflected in the Revised Site Plans. This orientation of the Proposed Facility on Site effectively utilizes existing mature vegetation to screen the Proposed Facility. To preserve Route 9G's important scenic qualities, the Planning Board has required the use of plantings to fully screen the view of the Proposed Facility's ground based equipment from Route 9G, as depicted in the Revised Site Plans. AT&T will be required to maintain the vegetative screening such that the Proposed Facility's ground-based equipment is fully screened from view of travelers along Route 9G to preserve the road's important scenic character as recognized by its local, state, and federal designations.

The Planning Board considered whether downsizing or reduction of the overall height of the Proposed Facility would be feasible, but as set forth above, the RF Affidavit establishes that the Proposed Facility is the minimum height necessary to remedy AT&T's coverage gap in the area and reductions in height or downsizing are not feasible to meet AT&T's coverage objectives in the area. The RF Affidavit establishes that the Proposed Facility as designed on Site is necessary to remedy AT&T's coverage gap in the area and accordingly alternative technologies would be infeasible. The Proposed Facility's ground based equipment will be fully screened behind plantings and existing vegetation onsite as set forth above. Alternate camouflaging techniques were not proposed for the monopole and antenna arrays in light of the effective screening provided by the existing mature tree canopy on Site and the unobjectionable neutral appearance of the monopole and antenna arrays, which blend well with the sky and surrounding natural landscape. Based on the Updated Visual Simulations that demonstrate the Proposed Facility is not meaningfully visible from the surrounding scenic areas, but for the already developed areas in immediate proximity to the Site, the Planning Board concludes that it is unnecessary to disguise the freestanding monopole structure and

antenna arrays. The Project Sponsor also submitted decommissioning details that demonstrate AT&T would remove and restore the Site in the future should use of the Proposed Facility ever cease.

The Planning Board carefully reviewed the Project's potential impact to aesthetic resources, and based on the foregoing analysis of the RF Affidavit, RF Supplement, Alternatives Analysis, Updated Visual Simulations, Updated Access Road Renderings, and Revised Site Plans, the Planning Board determines that the Proposed Facility is designed, sited, and sufficiently screened to minimize potentially significant adverse impacts to the scenic character of the area to the maximum extent practical.

10. Impact on Historic and Archeological Resources.

The Site is on the east side of Route 9G across from national historic districts, the Sixteen Mile District and the Hudson River Historic District. The Project is sufficiently screened by mature vegetation on Site to limit impacts to historic resources. The Applicant consulted with the New York State Historic Preservation Office regarding the Project's details and potential impacts to historic properties. Based on SHPO's assessment of the Project, SHPO found that the Project will not have an adverse effect on historic properties in the area. Accordingly, the Project will not have significant adverse impacts on historic or archeological resources.

11. Impact on Open Space and Recreation.

The Site does not comprise public open space. Rather, it is privately owned property. Accordingly, the Project will not have any potentially significant adverse impacts to open space or recreational resources.

12. Critical Environmental Areas.

As noted in the EAF, Pt. 1, the Site is not located within or in proximity to a Critical Environmental Area. Accordingly, the Project will not have any potentially significant adverse impact on Critical Environmental Areas.

13. Impact on Transportation.

The Project will not result in any increased traffic to existing roads above present levels or generate substantial new demand for transportation facilities or services. The Project involves the construction and operation of an unmanned facility. Although there will be some limited impacts to traffic during the construction period for construction vehicles and contractors travelling to and from the Site, those impacts are limited to an estimated three month duration. Post-construction Project operations will not generate additional traffic impacts because the Site is visited only intermittently for routine maintenance or emergency repairs. Accordingly, the Project will not have any potentially significant adverse impacts to transportation.

14. Impact on Energy.

The Project will not generate a significant new demand for energy. The Project's demand for new energy is anticipated to require 576 kwh per day with 200 amp service, which will be provided by the local grid using Central Hudson Gas & Electric as the utility provider. Accordingly, the Project will not have any potentially significant adverse impacts to energy.

15. Impact on Noise, Odor and Light.

The Project will produce noise above existing ambient levels during the estimated three month construction phase of the Project. Such noise will be typical noise from construction activities and will occur during normal business hours when noise sensitivities are lowest. Thereafter, during the operational phase of the Project, it is anticipated that some minimal noise will be produced by the generator to be installed in the ground based equipment compound. The Applicant provided specification sheets for the generator that indicate it is to be housed in a sound attenuated enclosure with sound absorbing panels to reduce the sound levels that emanate from the unit while in use. The generator is a backup power supply for the Project and will be used only for limited periods for routine testing or during times of emergency. The Project's potential noise sources are centered on Site in the equipment compound with more than 200 ft. of distance to all property lines. Those setback distances further limit the potential impacts to surrounding uses and ensure that the Project will not result in significant adverse impacts to noise levels in the area.

The Project operations do not have the potential to produce odors for more than one hour per day. Any potential odors from the Project would

be temporary and created during the construction phase of the Project primarily associated with exhaust from construction vehicles at the Site. These odors would occur temporarily and intermittently during the brief three month construction period only. Accordingly, the Project will not have significant adverse impacts to odors in the area.

The Project's site plans demonstrate that the monopole is unlit. The Project involves installation of emergency, motion-activated lighting within the equipment compound. This lighting will be used only on an intermittent basis and will otherwise be screened from surrounding uses by the fence surrounding the equipment compound and the mature vegetation that surrounds the Site. Accordingly, the Project does not have the potential for significant adverse impacts from light.

16. Impact on Human Health.

The Site is not within 1500 ft. of any facility serving children, the elderly, or people with disabilities. Additionally, hazardous wastes have not been generated, treated, or disposed of at the Site, nor will the Project involve the generation, treatment, or disposal of hazardous waste at the Site. The Site has no potential contamination history. The Project will result in the generation of some solid waste during the construction period associated with packaging and other materials used on the Site during construction. This solid waste will be removed from the Site and recycled as appropriate. Although, the Proposed Facility involves the broadcast of wireless telecommunications signals, which necessarily involve radio frequency emissions, such emissions will be in accordance with federal regulations regarding human health. Accordingly, the Project will not have any potentially significant adverse impacts to human health.

17. Impact on Community Plans/Community Character.

The Site is located in a Rural Development 3 District, which permits wireless telecommunications facilities up to 100 ft., such as the Proposed Facility, with a special use permit and site plan approval from the Planning Board. Thus, the Project is consistent with the underlying zoning for the Site. Though the Project is proposed within the Town's Scenic Corridor Overlay District, the foregoing analysis of the Project's potential impacts to aesthetic resources ensures that the scenic qualities of the area are fully preserved.

The Site is in a Waterfront Revitalization Area ("WRA") pursuant to the Town's adopted Local Waterfront Revitalization Plan ("LWRP"). The

Planning Board acting in its capacity as the Town's Waterfront Advisory Committee reviewed the Project for its consistency with the LWRP. The Project is consistent with the goals and standards in the LWRP because the Project's limited 70 ft. by 70 ft. footprint is minor in scope, requires limited disturbance to wetlands as authorized by the USACOE Wetlands Authorization and conditions, and the Project design preserves most of the mature vegetation on Site to safeguard natural habitat and provide effective visual screening as described above in the analysis of the Project's potential for impacts to aesthetic resources. The Project will provide critical network coverage to the WRA and its residential, commercial, and tourism uses. While the visual character of the Proposed Facility will change the area in a minor way, the Applicant provided an Alternatives Analysis, RF Affidavit and visual simulations to demonstrate that the Project is necessary to remedy a significant coverage gap in AT&T's wireless network in the vicinity of the Site, and that after a diligent review of the area the Site is the best available and least intrusive means to provide AT&T's essential coverage.

The community surrounding the Project consists of a mix of residential and commercial uses along well-travelled roadways. The adjacent uses immediately to the north and south of the Project are existing commercial uses. Therefore, the Project will not upset the balance in the area between commercial and residential uses. Its careful siting and design ensure that the Project is consistent with community plans and character. Accordingly, the Project will not have any potentially significant adverse impacts to adopted land use plans or community character.

Considering all of the above, the Project will not have a significant adverse impact upon the environment and a negative declaration pursuant to SEQRA is hereby issued.

State Environmental Quality Review - SEQR Part 617.12(b)
Local Waterfront Revitalization Program (LWRP)
Resolution Authorizing SEQR and LWRP Determinations and Filing

Name of Action: New Cingular Wireless, PCS, LLC (AT&T) Peters Kill Site

Whereas, the Town of Red Hook Planning Board is the SEQR Lead Agency for conducting the environmental review and coastal consistency assessment of applications for a Special Use Permit and Site Plan Review and Approval for a Proposed Telecommunications Facility consisting of an approximately 100 ft. monopole and associated ground-based equipment (installed within an approximately 70 ft. by 70 ft. equipment compound) at 3944 Route 9G in the Town of Red Hook through a leased area of a 100 ft. by 100 ft. portion of the Site from MK Levy Properties, LLC in the Town of Red Hook, Dutchess County, New York, and

Whereas, the Planning Board classified the action as an Unlisted Action on 12/18/23 and conducted a Coordinated Review with other involved agencies including the Town of Red Hook Zoning Board of Appeals, the New York State Department of Transportation and New York State Office of Parks Recreation and Historic Preservation, the Dutchess County Department of Planning and Development, the Federal Communications Commission, the Federal Aviation Administration, the US Army Corps of Engineers, and the Town of Rhinebeck Planning Board, and

Whereas, the Planning Board has reviewed the Full Environmental Assessment Form (EAF) for the action, including Part 1, Part 2, and Part 3, the probable environmental effects of the action against the Criteria For Determining Significance found in NYCRR 617.7(c), and has considered such impacts as disclosed in the EAF, and

Whereas, the Planning Board, acting as the Town of Red Hook Waterfront Advisory Committee, reviewed and considered a Local Waterfront Revitalization Program (LWRP) Coastal Consistency Assessment Form prepared on March 28, 2024 by the Town Planner and confirmed on April 1, 2024 addressing consistency with the Town of Red Hook LWRP's policies.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chairman to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chairman to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on

this action, including the filing of the Negative Declaration in accordance with NYCRR 617.12(c)(1), and

Be It Further Resolved, that the Town of Red Hook Planning Board, acting as the Town of Red Hook Waterfront Advisory Committee, has reviewed the proposed action against the policies of the Town of Red Hook LWRP, has determined that the proposed action is consistent with the policies of the LWRP, and authorizes the Chairman to sign the LWRP Coastal Consistency Assessment Form.

On a motion by Ariadne Montare, seconded by Maxine Coleman, and a roll call vote, which resulted as follows:

Chairman Sam Phelan	Voting <u>Aye</u>
Member Maxine Coleman	Voting <u>Aye</u>
Member Kristina Dousharm	Voting <u>Absent</u>
Member Ariadne Montare	Voting <u>Aye</u>
Member Arthur Salman	Voting <u>Aye</u>
& two vacant seats	

Resolution was declared adopted on April 1, 2024.

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

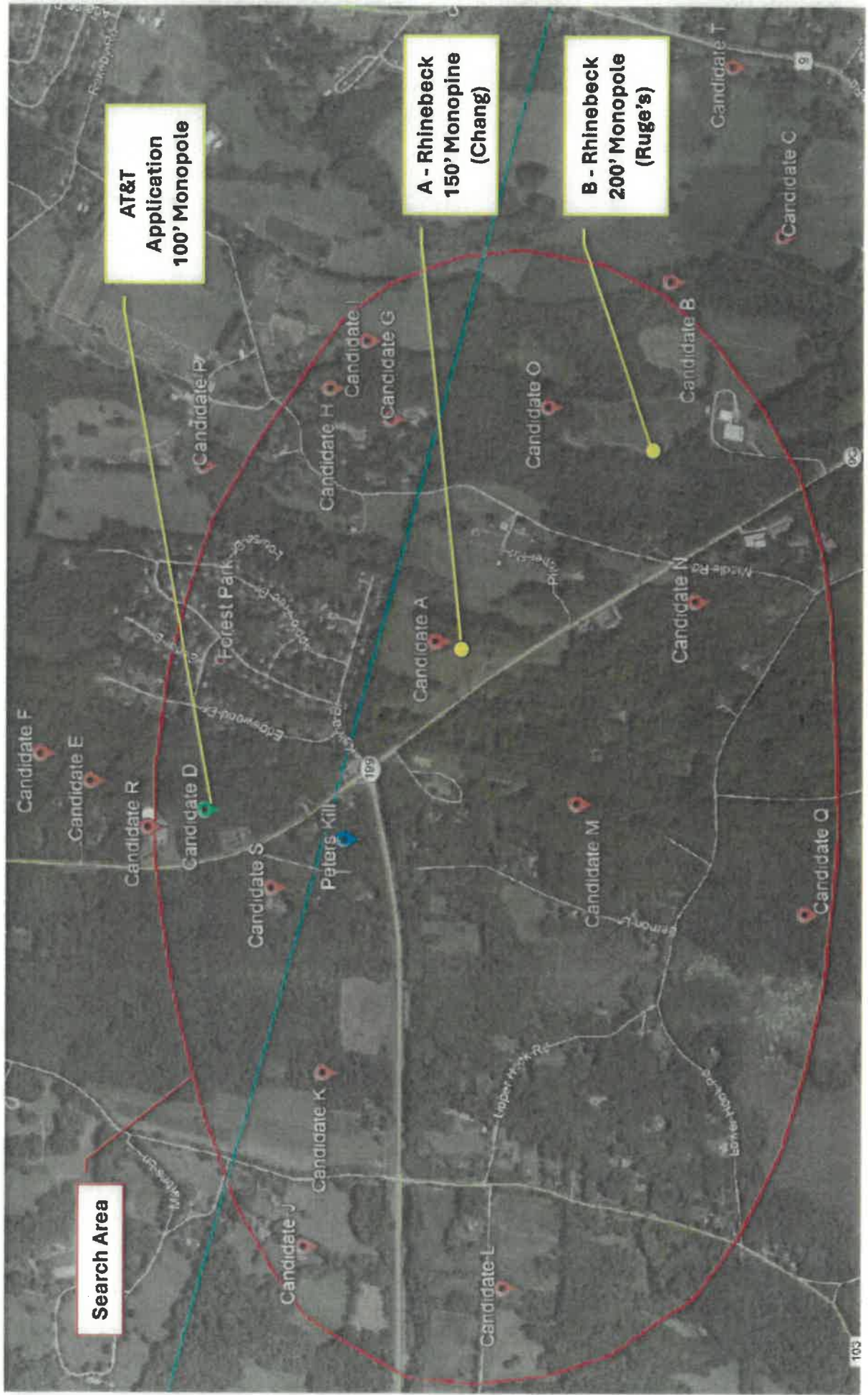
Katie R Khakhar
Katie Khakhar, Clerk to the Planning Board

April 2, 2024

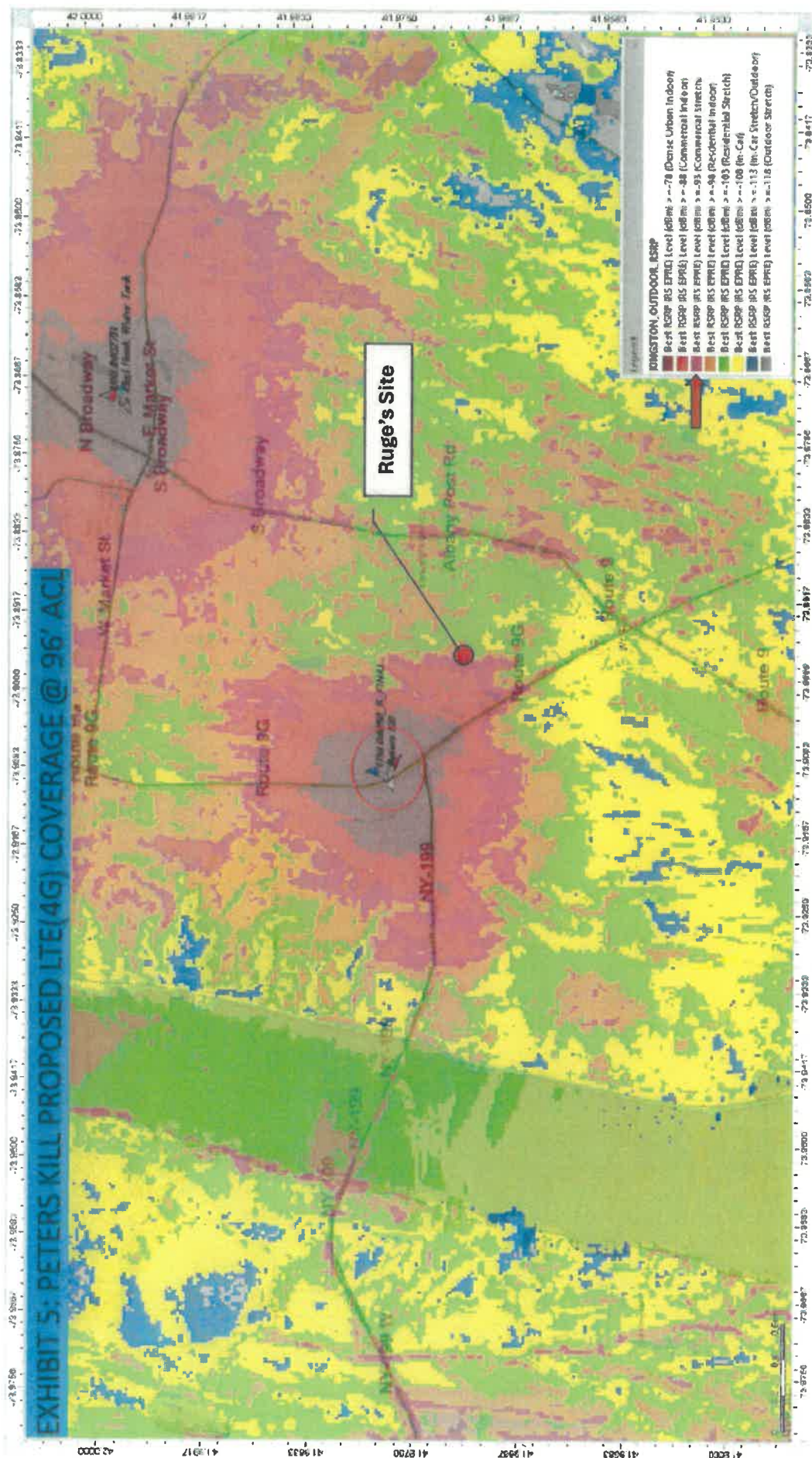
Date

Exhibit C

Attachment 1 – AT&T Search Area and Candidates



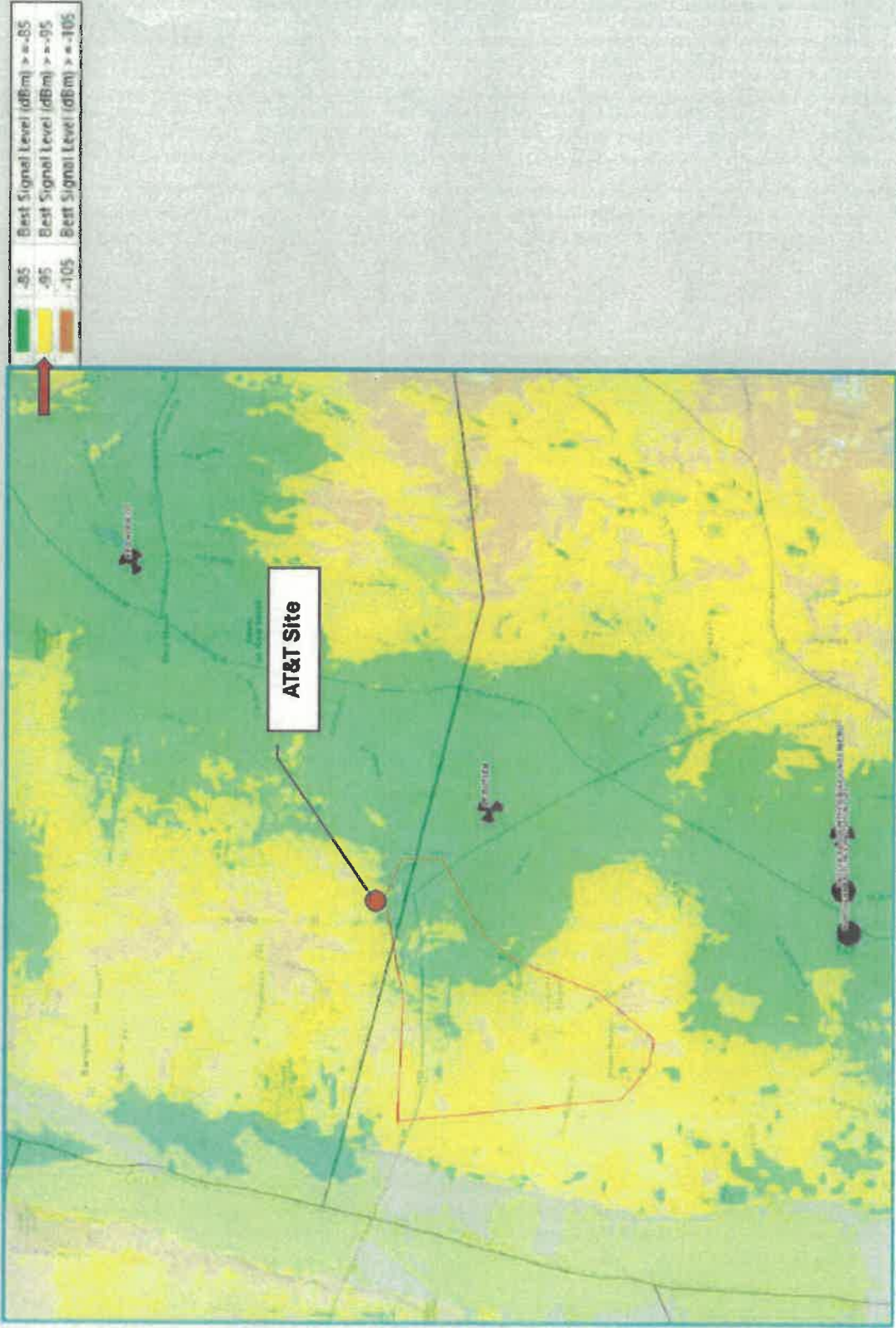
Attachment 2 – AT&T Coverage



Attachment 2 -- Verizon Coverage at Ruge's

Proposed 700MHz Coverage (Alternate location @196' ACL)

This coverage map shows how improved the RF conditions will be in and around the Mt Rutzen site area. Refer to slide 12 for further explanation of these color thresholds






AIROSMITH DEVELOPMENT
AIROSMITH ENGINEERING
 COAL 17285, EXP 5/31/2026
 318 WILSON AVE
 SARATOGA SPRING, NY 12866
 518.583.1100

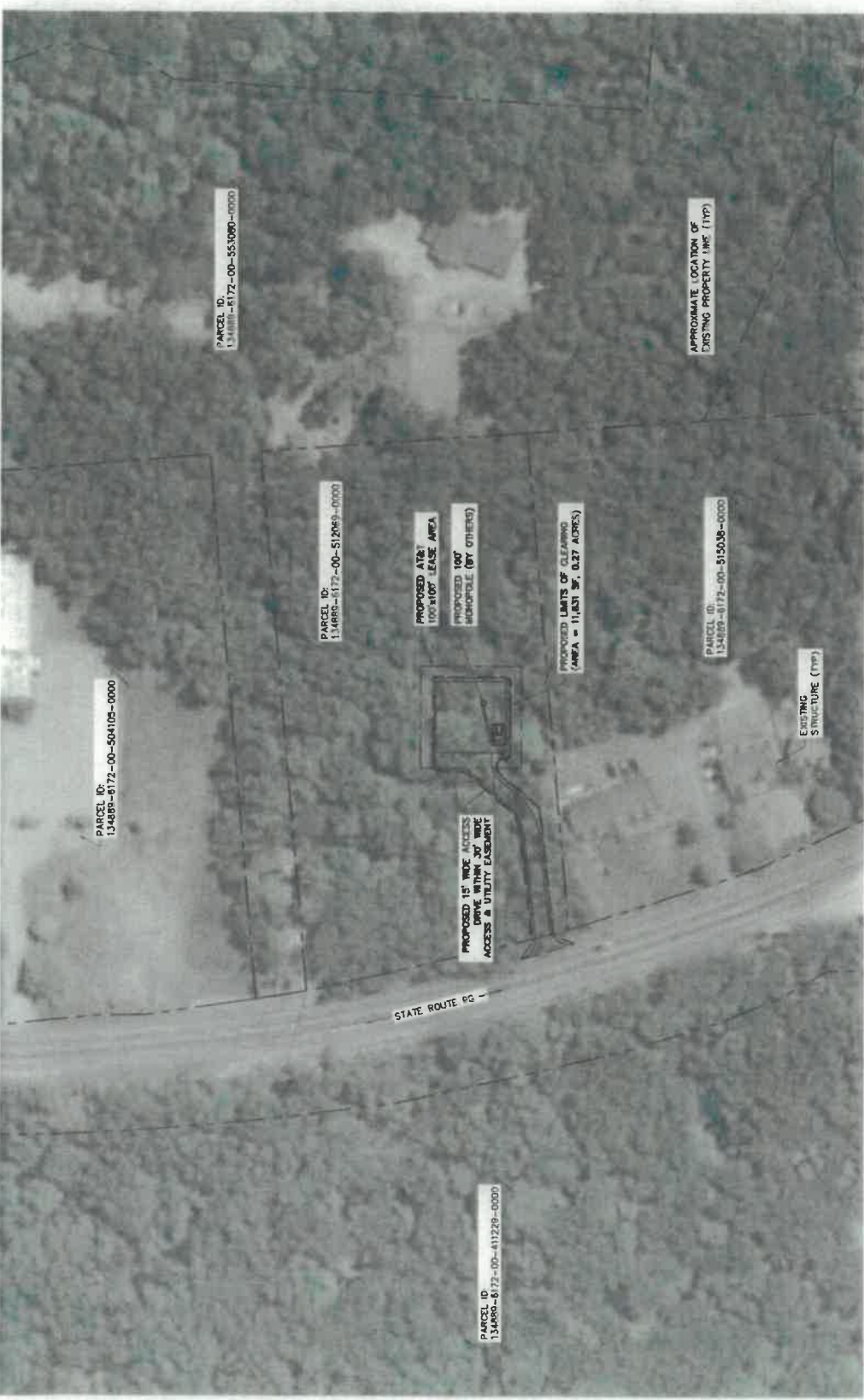
THIS DOCUMENT IS PRELIMINARY
AND NOT FOR CONSTRUCTION.
IT IS NOT TO BE USED FOR ANY PURPOSES
UNTIL SIGNED AND SEALED.

THE ENGINEER AND THE OWNER HAVE REVIEWED AND INCORPORATED ALL COMMENTS AND REVISIONS. THE ENGINEER HAS REVIEWED THE PROJECT AND THE DESIGN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING BOARD OF THE STATE OF NEW YORK. THE ENGINEER HAS REVIEWED THE PROJECT AND THE DESIGN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING BOARD OF THE STATE OF NEW YORK. THE ENGINEER HAS REVIEWED THE PROJECT AND THE DESIGN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING BOARD OF THE STATE OF NEW YORK.

REV.	DATE	BY	DESCRIPTION	DATE
1	05/20/2024	JAP	FOR REVIEW	AW

PROJECT INFORMATION
 SITE:
 14596163
 PETERS KILL
 3944 ROUTE 9G
 RED HOOK, NY 12571
 DUTCHESS COUNTY
 MONOPOLE

OVERALL SITE PLAN
 SHEET NUMBER: **LE-1**
 SCALE: 1" = 50'



INFORMATION CONTAINED HEREIN IS BASED ON INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS REVIEWED THE PROJECT AND THE DESIGN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING BOARD OF THE STATE OF NEW YORK. THE ENGINEER HAS REVIEWED THE PROJECT AND THE DESIGN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING BOARD OF THE STATE OF NEW YORK. THE ENGINEER HAS REVIEWED THE PROJECT AND THE DESIGN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING BOARD OF THE STATE OF NEW YORK.

Exhibit D

SDC020 | 2.2L | 20 kW
INDUSTRIAL DIESEL GENERATOR SET
EPA Certified Stationary Emergency

GENERAC | **INDUSTRIAL POWER**

Standby Power Rating
20 kW, 25 kVA, 60 Hz



*EPA Certified Prime ratings are not available in the US or its Territories

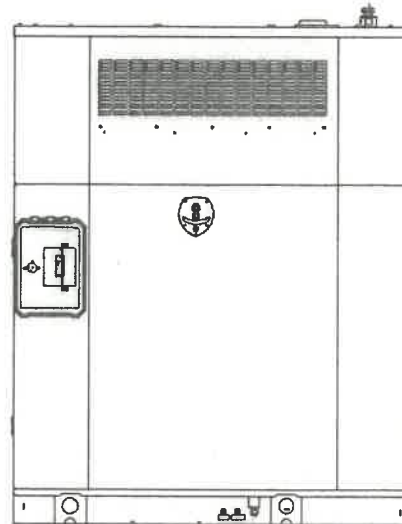


Image used for illustration purposes only

Codes and Standards

Not all codes and standards apply to all configurations. Contact factory for details.

		UL2200, UL6200, UL1236, UL489, UL142
		CSA C22.2, ULC S601
		BS5514 and DIN 6271
		SAE J1349
		NFPA 37, 70, 99, 110
		NEC700, 701, 702, 708
		ISO 3046, 7637, 8528, 9001
		NEMA ICS10, MG1, 250, ICS6, AB1
		ANSI C62.41

Powering Ahead

For over 60 years, Generac has provided innovative design and superior manufacturing.

Generac ensures superior quality by designing and manufacturing most of its generator components, including alternators, enclosures and base tanks, control systems and communications software.

Generac gensets utilize a wide variety of options, configurations and arrangements, allowing us to meet the standby power needs of practically every application.

Generac searched globally to ensure the most reliable engines power our generators. We choose only engines that have already been proven in heavy-duty industrial applications under adverse conditions.

Generac is committed to ensuring our customers' service support continues after their generator purchase.

SDC020 | 2.2L | 20 kW INDUSTRIAL DIESEL GENERATOR SET

EPA Certified Stationary Emergency

GENERAC INDUSTRIAL
POWER

STANDARD FEATURES

ENGINE SYSTEM

- Oil Drain Extension
- Air Cleaner
- Stainless Steel Flexible Exhaust Connection
- Factory Filled Oil and Coolant
- Engine Coolant Heater

FUEL SYSTEM

- Fuel Lockoff Solenoid
- Primary Fuel Filter

COOLING SYSTEM

- Closed Coolant Recovery System
- UV/Ozone Resistant Hoses
- Factory-Installed Radiator
- Radiator Drain Extension
- 50/50 Ethylene Glycol Antifreeze

ELECTRICAL SYSTEM

- Battery Charging Alternator
- Battery Cables
- Battery Tray
- Rubber-Booted Engine Electrical Connections
- Solenoid Activated Starter Motor

ALTERNATOR SYSTEM

- UL2200 GENprotect™
- Class H Insulation Material
- 2/3 Pitch
- Skewed Stator
- Permanent Magnet Excitation
- Sealed Bearing
- Rotor Dynamically Spin Balanced
- Amortisseur Winding (3-Phase Only)
- Full Load Capacity Alternator
- Protective Thermal Switch

GENERATOR SET

- Internal Genset Vibration Isolation
- Separation of Circuits - High/Low Voltage
- Wrapped Exhaust Piping
- Standard Factory Testing
- 2 Year Limited Warranty (Standby Rated Units)
- 1 Year Limited Warranty (Prime Rated Units)
- Silencer Mounted in the Discharge Hood

ENCLOSURE

- Rust-Proof Fasteners with Nylon Washers to Protect Finish
- High Performance Sound-Absorbing Material
- Gasketed Doors
- Aluminum Enclosure
- Level 2 Sound Attenuation
- Twist-Lock Handle
- RhinoCoat™ - Textured Polyester Powder Coat Paint

FUEL TANKS (If Selected)

- UL 142/ULC S601
- Double Wall
- Normal and Emergency Vents
- Factory Pressure Tested
- Rupture Basin Alarm
- Fuel Level
- Check Valve In Supply and Return Lines
- RhinoCoat™ - Textured Polyester Powder Coat Paint
- Stainless Steel Hardware

CONTROL SYSTEM



Power Zone® 410 Controller

Features

- Programmable Auto Crank
- Selectable Low Speed Exercise
- RS-232 x2
- RS-485 x2
- 3-Phase Sensing Digital Voltage Regulator
- Time
- Date
- On/Off/Manual Switch
- Not in Auto Flashing Light
- Emergency Stop
- Modbus® RTU

- Remote Ports
- CANbus
- Full Range Standby Operation
- 3-Phase AC Volts
- 3-Phase Amps
- kW
- Power Factor
- Ruptured Tank Detection
- Auxiliary Shutdown Switch
- Remote Communications
- Compatible with NFPA 110, Level 1 or 2 (When Optional Modules Selected)
- Line Power/Gen Power
- I²T Function for Full Generator Protection

Full System Status Display

- Multilingual 128x64 Graphical Display with Heater
- Easy Status View LED Screen
- Full System Status
- Run Hours
- Service Reminders
- Fault History (Alarm Log)
- Oil Pressure
- Oil Temperature (Optional/When Equipped)
- Oil Level (Optional/When Equipped)
- Output for Fuel Level High/Low Warning
- Water Temperature
- Water Level
- Fuel Pressure/Level
- Engine Speed
- Battery Voltage
- Alternator Frequency

Alarms and Warnings

- Common Alarm Output

SDC020 | 2.2L | 20 kW INDUSTRIAL DIESEL GENERATOR SET

EPA Certified Stationary Emergency

GENERAC | INDUSTRIAL
POWER

CONFIGURABLE OPTIONS

ENGINE SYSTEM

- Oil Heater
- Fluid Containment Pan
- Coolant Heater Isolation Ball Valves

FUEL SYSTEM

- NPT Flexible Fuel Line

ELECTRICAL SYSTEM

- 10A UL Listed Battery Charger
- Battery Warmer

ALTERNATOR SYSTEM

- Anti-Condensation Heater
- Tropical Coating

GENERATOR SET

- Extended Factory Testing
- Pad Vibration Isolators

CIRCUIT BREAKER OPTIONS

- Main Line Circuit Breaker
- Shunt Trip and Auxiliary Contact
- Electronic Trip Breakers

ENCLOSURE

- Up to 190 MPH Wind Load Rating (Contact Factory for Availability)
- AC/DC Enclosure Lighting Kit
- Door Open Alarm Switch

WARRANTY (Standby Gensets Only)

- 2 Year Extended Limited Warranty
- 5 Year Limited Warranty
- 5 Year Extended Limited Warranty
- 7 Year Extended Limited Warranty
- 10 Year Extended Limited Warranty

CONTROL SYSTEM

- NFPA 110 Compliant 21-Light Remote Annunciator
- Remote Relay Assembly (8 or 16)
- Oil Temperature Indication and Alarm
- Spare Inputs (x4) / Outputs (x4)
- Battery Disconnect Switch
- Remote E-Stop (Break Glass-Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Flush Mount)
- 100 dB Alarm Horn
- Ground Fault Annunciation
- 120V GFCI and 240V Outlets
- 10A Engine Run Relay

FUEL TANKS (Size On Last Page)

- Overfill Protection Valve
- Spill Box Return Hose
- 2.5 Gallon Spill Box
- Tank Risers
- Fuel Level Switch and Alarm
- 12" Vent System
- Fire Rated Stainless Steel Fuel Hose

ENGINEERED OPTIONS

GENERATOR SET

- Special Testing

FUEL TANKS

- UL2085 Tank
- Stainless Steel Tanks
- Special Fuel Tanks

APPLICATION AND ENGINEERING DATA

ENGINE SPECIFICATIONS

General

Make	Perkins
EPA Emissions Compliance	Stationary Emergency
EPA Emissions Reference	See Emission Data Sheet
Cylinder #	4
Type	In-Line
Displacement - in ³ (L)	135 (2.22)
Bore - in (mm)	3.3 (84)
Stroke - in (mm)	3.9 (100)
Compression Ratio	23.3:1
Intake Air Method	Turbocharged
Cylinder Head	Cast Iron
Piston Type	Aluminum
Crankshaft Type	Forged Steel

Engine Governing

Governor	Electronic Isochronous
Frequency Regulation (Steady State)	±0.5%

Lubrication System

Oil Pump Type	Gear
Oil Filter Type	Full-Flow Cartridge
Crankcase Capacity - qt (L)	9.3 (10.6)

Cooling System

Cooling System Type	Closed Recovery
Water Pump Type	Pre-Lubed, Self Sealing
Fan Type	Pusher
Fan Speed - RPM	1,980
Fan Diameter - in (mm)	18 (457.2)

Fuel System

Fuel Type	Ultra Low Sulfur Diesel Fuel
Fuel Specifications	ASTM
Fuel Filtering (Microns)	5
Fuel Inject Pump	Distribution Injection Pump
Fuel Pump Type	Engine Driven Gear
Injector Type	Mechanical
Fuel Supply Line - in (mm)	0.31 (7.94) ID
Fuel Return Line - in (mm)	0.19 (4.76) ID

Engine Electrical System

System Voltage	12 VDC
Battery Charger Alternator	Standard
Battery Size	See Battery Index 0161970SBY
Battery Voltage	12 VDC
Ground Polarity	Negative

ALTERNATOR SPECIFICATIONS

Standard Model	K0035124Y26
Poles	4
Field Type	Revolving
Insulation Class - Rotor	H
Insulation Class - Stator	H
Total Harmonic Distortion	<5% (3-Phase Only)
Telephone Interference Factor (TIF)	<50

Standard Excitation	Permanent Magnet Excitation
Bearings	Single Sealed
Coupling	Direct via Flexible Disc
Load Capacity - Standby	100%
Prototype Short Circuit Test	Yes
Voltage Regulator Type	Digital
Number of Sensed Phases	All
Regulation Accuracy (Steady State)	±0.25%

SDC020 | 2.2L | 20 kW

INDUSTRIAL DIESEL GENERATOR SET

EPA Certified Stationary Emergency

GENERAC | **INDUSTRIAL**
POWER

OPERATING DATA

POWER RATINGS

	Standby	
Single-Phase 120/240 VAC @1.0pf	20 kW, 20 kVA	Amps: 83
Three-Phase 120/208 VAC @0.8pf	20 kW, 25 kVA	Amps: 70
Three-Phase 120/240 VAC @0.8pf	20 kW, 25 kVA	Amps: 60
Three-Phase 277/480 VAC @0.8pf	20 kW, 25 kVA	Amps: 30

MOTOR STARTING CAPABILITIES (skVA)

skVA vs. Voltage Dip					
120/240 VAC 1Ø	30%	277/480 VAC 3Ø	30%	208/240 VAC 3Ø	30%
A0035044N26	12	K0035124Y26	38	K0035124Y26	28

FUEL CONSUMPTION RATES*

Fuel Pump Lift- ft (m)		Diesel - gph (Lph)	
		Percent Load	Standby
3 (1)		25%	0.6 (2.1)
		50%	0.9 (3.5)
Total Fuel Pump Flow (Combustion + Return) - gph (Lph)		75%	1.3 (4.8)
16.6 (63)		100%	1.6 (6.2)

* Fuel supply installation must accommodate fuel consumption rates at 100% load.

COOLING

		Standby
Air Flow (Fan Air Flow Across Radiator) - Compact	cfm (m³/min)	1,653 (46.8)
Coolant Flow	gpm (Lpm)	15.5 (58.7)
Coolant System Capacity	gal (L)	1.9 (7.0)
Heat Rejection to Coolant	BTU/hr (kW)	76,090 (22.3)
Inlet Air	cfm (m³/min)	1,714 (48.5)
Maximum Operating Ambient Temperature	°F (°C)	120 (50)
Maximum Operating Ambient Temperature (Before Derate)	See Bulletin No. 0199263SSD	
Maximum Additional Radiator Backpressure	in H ₂ O (kPa)	0.5 (0.12)

COMBUSTION AIR REQUIREMENTS

	Standby
Flow at Rated Power - cfm (m³/min)	61.4 (1.7)

ENGINE

		Standby
Rated Engine Speed	RPM	1,800
Horsepower at Rated kW**	hp	32.5
Piston Speed	ft/min (m/min)	1,182 (360)
BMEP	psi (kPa)	105.9 (730.1)

EXHAUST

		Standby
Exhaust Flow (Rated Output)	cfm (m³/min)	160.4 (4.5)
Maximum Allowable Backpressure	inHg (kPa)	30 (7.46)
Exhaust Temperature (Rated Output)	°F (°C)	950 (510)

** Refer to "Emissions Data Sheet" for maximum bHP for EPA and SCAQMD permitting purposes.

Deration - Operational characteristics consider maximum ambient conditions. Derate factors may apply under atypical site conditions.

Please contact a Generac Power Systems Industrial Dealer for additional details. All performance ratings in accordance with ISO3046, BS5514, ISO8528, and DIN6271 standards.

Standby - See Bulletin 0187500SSB

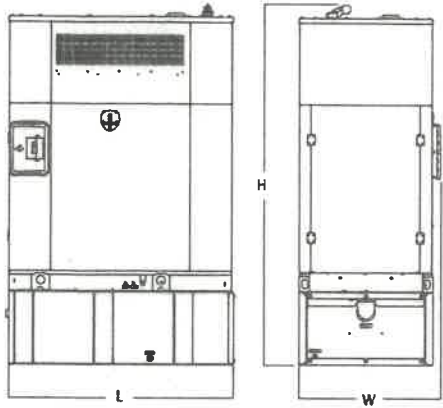
Prime - See Bulletin 0187510SSB

SDC020 | 2.2L | 20 kW
INDUSTRIAL DIESEL GENERATOR SET

EPA Certified Stationary Emergency



DIMENSIONS AND WEIGHTS*



COMPACT VARIANT

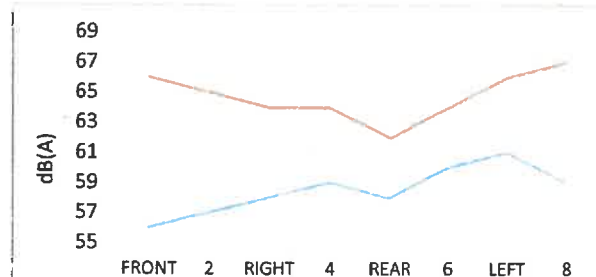
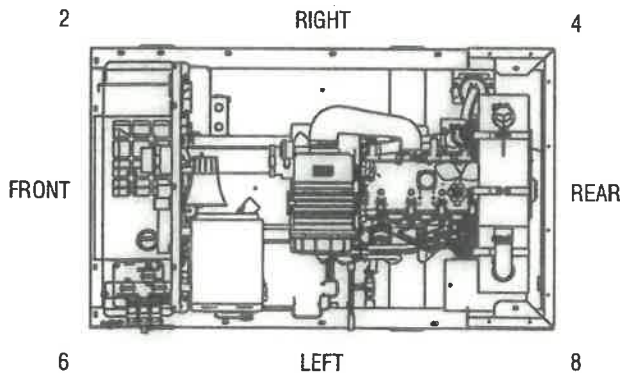
Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg)
No Tank	-	56.0 (1,422) x 34.5 (876) x 69.8 (1,773)	1,455 (660)
31.9	51 (193)	56.0 (1,422) x 34.5 (876) x 88.2 (2,240)	1,904 (864)
64.4	103 (390)	56.0 (1,422) x 34.5 (876) x 100.0 (2,540)	2,080 (943)

* All measurements are approximate and for estimation purposes only. Specification characteristics may change without notice. Please contact a Generac Power Systems Industrial Dealer for detailed installation drawings.

SOUND ATTENUATED ENCLOSURE D2.2, Generac SDC020

NO-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									dB(A)
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	
FRONT	20	40	53	50	50	50	46	44	35	56
2	19	43	50	50	55	51	48	44	38	57
RIGHT	18	50	47	51	56	50	48	46	37	58
4	21	56	49	50	53	53	50	46	38	59
REAR	21	56	51	51	50	50	46	44	35	58
6	20	56	49	50	54	54	48	43	35	60
LEFT	18	53	47	52	59	53	50	47	39	61
8	19	43	54	52	55	54	48	44	38	59
AVERAGE	20	50	50	51	54	52	48	45	37	59

FULL-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									dB(A)
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	
FRONT	21	57	65	52	55	53	50	50	40	66
2	19	59	61	52	57	55	51	51	43	65
RIGHT	19	59	59	54	57	54	52	52	44	64
4	21	60	58	54	55	54	52	51	42	64
REAR	23	58	59	52	53	52	49	49	38	62
6	21	60	55	53	57	55	52	49	39	64
LEFT	19	62	58	55	60	55	53	51	43	66
8	19	60	64	55	57	56	52	51	44	67
AVERAGE	20	59	60	53	57	54	51	51	42	65



- All positions at 23 feet (7 meters) from side faces of generator set.
- Test conducted on a 100 foot diameter asphalt surface.
- Sound pressure levels are subject to instrumentation, installation and testing conditions.
- Sound levels are ± 2 dB(A).