

**PUTNAM VALLEY TOWN BOARD**  
**PUBLIC HEARING**  
**SPECIAL USE PERMIT FOR CELL TOWER**  
**6:00 P.M.**

**WEDNESDAY, MAY 01, 2019**  
**IMMEDIATELY FOLLOWING:**

**PUTNAM VALLEY TOWN BOARD PRE- WORK SESSION**

1. Pledge of Allegiance
2. Public Hearing on special use permit for cell tower
3. Authorize Supervisor to sign contract with Newtech Recycling.
4. Amend Michael Mocuiski's dates of appointment to the Board of Assessors to: 10/01/14-9/30/2019
5. Appoint Mitchell Maloof to the B.A.R. for the remainder of Dan Vera's Term.
6. Discussion Re: accepting donation of two land parcels on Pudding Street
7. Discussion Re: the classification of 161 acres of land known as the Upper Camp, from the CYO of Greater NY as Parkland
8. Discussion of rescinding Local Law 165-27J: Recreational Vehicle Ban

**PUTNAM VALLEY**  
**TOWN BOARD PRE-WORK SESSION MEETING**  
**PUBLIC HEARING**  
**6:00 P.M**

**SPECIAL USE PERMIT FOR CELL TOWER**

**WEDNESDAY, MAY 01, 2019**

Present: Supervisor Oliverio  
Councilwoman Whetsel  
Councilwoman Annabi  
Councilman Mackay  
Councilman Luongo

Also Present: Sherry Howard, Town Clerk  
Absent: William Florence, Town Attorney

Pledge of Allegiance and moment of silence for our armed forces.

**SUPERVISORS OPENING COMMENTS**

Presented by Supervisor Oliverio

Supervisor Oliverio reminded everyone that beginning in June the first two (2) Town Board Meetings will begin at 5:00 PM, and the regular meeting (3<sup>rd</sup> Wednesday of the month) will continue to start at 6:00 PM.

**PUBLIC HEARING ON SPECIAL USE PERMIT OR CELL TOWER**

Presented by Supervisor Oliverio

Supervisor Oliverio moved to open the Public Hearing at 6:02 pm.

Town Clerk Howard read the Public Hearing Notice:

The Town Board will conduct a Public Hearing on Wednesday May 1, 2019 at 6:00 PM at Town Hall located at 265 Oscawana Lake Road in Putnam Valley, NY 10579.

The Public Hearing shall be held for the purpose of the proposed special use permit of Homeland Towers, LLC (Homeland Towers), New York SMSA Limited Partnership, d/b/a Verizon Wireless and Sprint Spectrum Realty Company, LLC for a personal wireless service tower and personal wireless service facilities pursuant to Section 165-61 (A) of the Town Code at the Town owned property at 265-273 Oscawana Lake Road, Putnam Valley, NY (the "site). All interested persons wishing to speak shall be permitted to do so.

The facility is proposed to include a 160 foot monopole with antennas thereon, together with related equipment located within a secure fenced area at the base thereof.

Robert Gaudioso from the Law Firm of Snyder and Snyder who represents Homeland Towers spoke at the podium. He said this is a Special Permit Application which was filed some time ago. They went through the process of a Permissive Referendum, concept approval and prior lease approval. The Planning Board took control as lead agency under SEQRA, who issued a negative declaration. The Zoning Board of Appeals issued all of the necessary variances as well. The final step is to obtain the special permit request from the Town Board. We submitted all of the documentation required by your codes and all fees due along the way. We performed all of the necessary tests required and had a third party expert review all of our findings.

Supervisor Oliverio asked for Public Comment.

Resident, Del Jones said she would like to address the issue of health and welfare of people. She noted that there are many people who live and work near where the cell tower will be built. She thinks that those people who are interested should monitor and keep track of any health issues that occur over the next 10-15 years. If there is a spike in health concerns out of the ordinary it should be documented to see if it can be attributed to the cell tower.

Resident, Philip Likes asked the Homeland Towers Representatives if they believe the wireless technology is safe. Mr. Gaudioso said "yes". Mr. Likes then asked, if that is the case would you be willing to assume responsibility for any negative consequences? Mr. Gaudioso said there is an insurance policy which is part of the lease agreement. Mr. Likes asked if the Company did any scientific investigations or tests on their own as to health reactions and safety. Mr. Gaudioso said that Congress established the Telecommunications Act. The FCC was given the task of promulgating the rules and regulations which they developed by taking a consensus from the scientific community and adding a 50X safety factor for maximum permissible exposure.

Snyder and Snyder then hired a third party expert for this particular cell tower and this facility is 69X below the permissible Federal limit. Mr. Likes said the FCC had to rely on outside sources since they are not a medical agency and some of the science has changed or has become obsolete since the law was originally passed. Supervisor Oliverio said this meeting is only concerned with the Special Use Permit; we cannot discuss health here – that is part of that law so we cannot consider that. The Planning and Zoning Boards have already okayed it and health and safety is not what we are talking about here. We are surrounded by electro-magnetic forces every day from computers, electric lines, cell phones etc. and that is more dangerous. Mr. Likes said please look more into new science. It's an unfair law; maybe we can delay this. Supervisor Oliverio said we cannot delay this, it has already been approved.

Resident, Dorothy France said she lives right next door and she knows the Town Board is between a rock and a hard place. We had a vote which really only showed that the Town did not want to have a cell tower in the Town Park; not whether we really wanted a cell tower at all. She wishes we could have come up with a better solution – Homeland Towers does not care about Putnam Valley. This all happened really quickly. Our Town has been a victim to political interest – other Towns have had a bigger lobby against cell tower companies – here we don't. What is happening to our Town is not right. The Tower is near where people live and it is less than one (1) mile away from our Elementary School. They have a ten (10) year lease. Supervisor Oliverio said at the end of the ten (10) year lease Homeland Towers would have to take it down (at their own cost) if we no longer wanted it here. Ms. France said with all of the land in Putnam Valley maybe we could have made them work a little harder to find a better property which they could have maintained and paid taxes on. She went on to say to the Town Board please watch them closely for all of us and let us know if there will be blasting or anything we need to know. Supervisor Oliverio said they will do their construction during the day and it is the safest place to have it here where it can be watched. Homeland Towers have been very open and transparent. They are here to eliminate our blind spots for cell phones and especially for our Emergency Services. The danger from cell towers is still unproven but I understand your feelings. Ms. France said the research for learning disabilities due to electro-magnetic fields may never be known because the lobby for this is strong and many things get hidden. She is worried about all of us and our health. Councilperson Whetsel said you can buy a monitor which shows the level of radiation being emitted from a cell tower. Supervisor Oliverio said we can buy one (1) of those.

Councilperson Annabi asked the Homeland Towers Representatives, Mr. Gaudioso and Vincent Xavier how many cell towers have you put up in small Towns. Mr. Xavier said most of the work we do is in small towns. Have there been any negative reactions or anything we should be looking out for?

Mr. Gaudioso said the answer is no, we have put up cell towers in other places in Putnam County such as Kent (5 years ago). We have done towers and have been asked back to do more. There have been no adverse effects reported – as a matter of fact certified appraisals on houses in the area show no effect at all on property values. There has never been a security complaint. You have existing antennas now which are much more powerful. This tower meets your codes and will benefit your Fire Department and Police Department so you will be safer in emergencies. Mr. Xavier said we are happy to work with you and will work around anything we need to if something arises.

Councilperson Luongo said the money that we raise from this should go directly into our fund balance so that we can use that to reduce our taxes. Supervisor Oliverio said we should give it to the Highway Department in case they overrun their snow budget. Councilperson Luongo disagreed because he said then not everybody will benefit from it. Councilperson Annabi said this is a discussion for another day.

Councilperson Mackay said he read an article which said 5G will not be coming to rural areas anytime soon. Mr. Gaudioso said there is a lot of misinformation going around. How it will be rolled out will be like every other new technology – it will start out in big cities and slowly reach smaller places. Technology is something that evolves over time.

Councilperson Annabi asked about all of the people who are cutting out cable. Will the tower help with this? Mr. Gaudioso said yes, it will help everyone stream, download and watch faster – you will have better wireless service. This now is for better communication services.

Supervisor Oliverio moved to close the Public Hearing at 6:38 pm, but said that Public Comment on this matter would remain open until next Wednesday. Councilperson Luongo thought we should be more specific about that date and time of Public Comment closing. Supervisor Oliverio agreed and stated that Public Comment on the Special Use Permit for the Cell Tower will close on Wednesday, May 8, 2019 at 3:00 pm, he added that public comments may be emailed or brought into Town Hall in person. Councilperson Luongo said we are going to do this with this Public Hearing and all of them after this; so our Town residents will have a little extra time.

It was seconded by Councilperson Annabi, unanimously carried.

**PUTNAM VALLEY TOWN BOARD**  
**PRE- WORK SESSION**  
**6:09 P.M.**  
**WEDNESDAY, MAY 01, 2019**

Present: Supervisor Oliverio  
Councilwoman Whetsel  
Councilwoman Annabi  
Councilman Mackay  
Councilman Luongo

Also Present: Sherry Howard, Town Clerk  
William Florence, Town Attorney

**AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH NEWTECH RECYCLING**

Presented by Councilperson Luongo

**RESOLUTION # R19-171**

**RESOLVED** that the Town Board authorize the Supervisor to sign a three (3) year contract with Newtech Recycling to provide e-waste services to the Town. Newtech will provide a container at no cost to the Town and e-waste pick-up will be charged at .36 per pound. As cost is based on weight, approximate cost would be \$8,443.80 using weight from 2017.

Seconded by Councilperson Oliverio seconded for discussion.

Supervisor Oliverio said we used to have a container for e-waste here paid for by the County. The County provider then wanted money for the service. The County thought if all the Towns bid together we could get a cheaper price. It turned out that we saved more money doing it by ourselves. We did get bids from two (2) other companies and Newtech was the lowest. You will be able to drop your e-waste here five (5) days a week as long as the Highway Department is open. There is no cost for our residence. It is something that is necessary. Councilperson Annabi said Saturday was the first one (1) of our bulk drop-off days and there was a long line down Oscawana Lake Road to use it.

Seconded by Councilperson Annabi, unanimously carried.

Councilperson Mackay asked why we don't have more bulk drop-off days if they are so popular. Supervisor Oliverio said we have four (4) now - it starts off with many people and drops off as the summer goes by. Councilperson Annabi said many of the Districts have their own pick-up days as well. Councilperson Luongo said maybe we can squeeze another one (1) in if necessary.

**AMEND MICHAEL MOCULSKI'S DATES OF APPOINTMENT TO THE BAR**

Presented by Councilperson Annabi

**RESOLUTION # R19-172**

**RESOLVED** that the Town Board authorize the Supervisor to amend Michael Mocolski's dates of appointment to the Board of Assessors to the following dates: 10/01/14 to 09/30/2019 as per the direction of Lisa Johnson, Director of Real Property at Putnam County.

Councilperson Annabi said the Board of Assessment Review need to have the dates of their members staggered according to Lisa Johnson who is the Director of Real Property.

Seconded by Councilperson Luongo, unanimously carried

**APPOINT MITCHELL MALOOF TO THE B.A.R. FOR THE REMAINDER OF DAN VERA'S TERM**

Presented by Councilperson Whetsel

**RESOLUTION # R19-173**

**RESOLVED** that the Town Board appoint Mitchell M. Maloof to the Board of Assessment Review for the remainder of Dan Vera's term - 10/01/2017-09/30/2022.

Seconded by Councilperson Luongo, unanimously carried

**DISCUSSION: ACCEPTING DONATION OF TWO LAND PARCELS ON PUDDING STREET FROM LEA AND JULIANNA GUCCIONE**

Presented by Supervisor Oliverio

Supervisor Oliverio said this is only a discussion on the two (2) parcels of land on Pudding Street. Do we wish to accept these two (2) parcels of land and increase the Town's green space or not. We can increase the Town's inventory or we can say we don't want to do that anymore. In the past the Town has taken property from people (we don't purchase it). Whatever we do now will be setting policy – it does take the property off the tax rolls. These parcels are located in Roaring Brook Lake. Supervisor Oliverio said this property is hilly, but is not wetlands. Councilperson Mackay asked if it is buildable. Supervisor Oliverio does not know this. Supervisor Oliverio said we will continue this conversation at another meeting. Councilperson Mackay said when we have time we should drive by and see what the property looks like.

**DISCUSSION: THE CLASSIFICATION OF 161 ACRES OF LAND KNOWN AS THE UPPER CAMP FROM THE CYO OF GREATER NY AS PARKLAND**

Presented by Supervisor Oliverio

Supervisor Oliverio would like to put this on the agenda for next week – he would like to classify the 161 acres of land we purchased known as the upper camp as Parklands. The reason for this is under a Parklands designation we can apply for a lot of grant money. Also, the Capital Funds we have in our Parklands account can be used for the day camp for repairs or whatever is needed. This needs to be done formerly. Councilperson Annabi would like to get Attorney Florence's opinion on this even though she thinks it's a great idea. Councilperson Luongo said he would just like a little more clarification on a few things. Supervisor Oliverio said whatever we do as a Board can be undone as well.

**DISCUSSION ON RESCINDING LOCAL LAW 165-27J – RECREATIONAL VEHICLE BAN**

Presented by Supervisor Oliverio

Supervisor Oliverio would like to rescind this law. He found out the history of this law – there was an individual that had vacant land around a lake district and placed a recreational vehicle on it and the neighbor did not like what it looked like. He spoke to the Town Supervisor at the time and the Board and they passed this law.



Now there are people who own vacant land and cannot store their RV's because their house doesn't have an area behind or adjacent to the house, but they do have almost an acre of land that is vacant. Please take a look at this and what see what the ramifications would be. We can always create another law instead. Councilperson Whetsel does not want to open up the possibility that all vacant land could possibly have an RV on it. The individual that needs it should just apply for a variance. Councilperson Luongo said he only disagrees with the first part of the law, you should only be able to park your RV on your own land. Maybe we could add that the property has to be adjoining? Councilperson Whetsel said if they have no other option, because they don't have enough property, they could apply for a variance. Councilwoman Annabi agreed, that is what variances are for. She also agreed with Councilperson Luongo that the rest of the law is acceptable; but the first part should be changed. She added that a variance is decided on a case by case situation; and we can override any decision made by the Planning Board. Supervisor Oliverio said prior to 2009 you could park your RV almost anywhere. Councilperson Annabi said we can tweak the law but we have to be careful or otherwise people will be able to rent their vacant land for others to park their RV's on. Councilperson Luongo said there are so many things parked on people's property at least if it's behind your house only you have to look at it.

Supervisor Oliverio moved to go into Executive Session to discuss a litigation matter.

Don't forget next week there is an informational meeting about Airbnb's, the Town Board would like your input. It will start at 6:00 PM.

After the Executive Session there will no new business conducted.

Supervisor Oliverio moved to close the meeting at 7:07 PM.

Seconded by Councilman Annabi, unanimously carried.

Respectfully submitted,

Sherry Howard  
Town Clerk  
05/03/2019