

1 STATE OF NEW YORK : COUNTY OF ROCKLAND

2 TOWN OF STONY POINT : PLANNING BOARD

3 - - - - - X

IN THE MATTER

4 OF

CROWN CASTLE REPLACEMENT FACILITY

5 - - - - - X

Town of Stony Point

6 RHO Building

5 Clubhouse Lane

7 Stony Point, New York

September 26, 2019

8 7:38 p.m.

9 BEFORE:

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THOMAS GUBITOSA, CHAIRMAN

11 PETER MULLER, VICE CHAIRMAN

MICHAEL FERGUSON, BOARD MEMBER

12 ERIC JASLOW, BOARD MEMBER

PAUL JOACHIM, BOARD MEMBER

13 EUGENE KRAESE, BOARD MEMBER

JERRY ROGERS, BOARD MEMBER

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ROCKLAND & ORANGE REPORTING

17 2 Congers Road

New City, New York 10956

18 (845) 634-4200

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2 CHAIRMAN GUBITOSA: All right, next item
3 on the agenda -- I'll give you a few minutes
4 to move stuff, but next item on the agenda is
5 Crown Castle, the replacement facility. This
6 is the flag up at North Liberty Drive at
7 Stony Ridge Plaza. And tonight will be
8 continue the public hearing.

9 MR. KENNY: Good evening. My name is
10 David Kenny. I'm an attorney with Snyder and
11 Snyder, representing the applicant Crown
12 Castle for the replacement facility at the
13 Stony Ridge Shopping Plaza. Just for a
14 reminder to the Board -- if you want to give
15 a five minute --

16 CHAIRMAN GUBITOSA: All right, give them
17 one second. Sorry about that. All right,
18 give them a minute, I'm sorry.

19 MR. KENNY: All right.

20 CHAIRMAN GUBITOSA: Go ahead, you're
21 good.

22 MR. KENNY: Again, just a reminder for
23 the Board, this application is to replace the
24 existing hundred-foot telecommunications
25 facility that's designed as a flagpole with a

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2 119-foot telecommunications facility. It
3 will still be a pole, but it will not have
4 the flag or the ornamental ball on it. That
5 was a comment from the public. They did not
6 like the sound that the flag made during the
7 wind. And the ornamental ball is no longer
8 needed if we don't have the flag.

9 Since our last meeting, we have received
10 approval from the ARB on their review of the
11 application. We are now here before this
12 Board to respectfully request an action on
13 the SEQRA determination, respectfully
14 requesting a negative declaration.

15 CHAIRMAN GUBITOSA: All right, thank
16 you. What I'll do at this time is I'll open
17 the public hearing. And I'll just ask if any
18 comments, please state your name, address to
19 the Board, and just come up to the podium,
20 make your comments. So at this time, I'm
21 going to open the public hearing for Crown
22 Castle. Any input?

23 MR. STACH: That's a good question. So
24 I would continue it because he's got to go
25 for a special permit.

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2 CHAIRMAN GUBITOSA: All right. No
3 comment tonight. I'll just ask that we make
4 a motion to continue the public hearing.

5 BOARD MEMBER JOACHIM: I'll make a
6 motion.

7 MR. STACH: So one thing we might want
8 to see is when the applicant anticipates
9 going for a special permit, and when you come
10 back hereafter that.

11 MR. KENNY: So we've already spoke with
12 the Town Clerk. And her comment was she's
13 waiting for this Board, I believe, to take
14 its official action on SEQRA, because the
15 Town Attorney has instructed them that they
16 can no longer, or they can't schedule the
17 public hearing until that action has been
18 made. So I'm going to follow up with her
19 tomorrow to see if we can get on the first
20 agenda for that.

21 MR. STACH: So the Town Board meets on
22 Tuesday.

23 CHAIRMAN GUBITOSA: The first, second
24 Tuesday, which is October --

25 MR. STACH: Second Tuesday.

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2 CHAIRMAN GUBITOSA: It's before our
3 meeting.

4 MR. STACH: So that would be in October,
5 and then they would have to set the public
6 hearing, right?

7 THE CLERK: They meet twice a month.

8 CHAIRMAN GUBITOSA: They meet, they meet
9 the second --

10 BOARD MEMBER JASLOW: They just met last
11 week.

12 BOARD MEMBER JOACHIM: So it's going to
13 be 8th and the 22nd.

14 CHAIRMAN GUBITOSA: Yeah, the 8th and
15 the 22nd.

16 MR. STACH: So I think the earliest you
17 would come back to this Board --

18 MR. KENNY: Would be the 24th.

19 MR. STACH: -- would be -- well, the
20 24th, this Board does its November-December
21 meeting as one.

22 MR. KENNY: It's in December.

23 MR. STACH: Right, in December. So, do
24 we have a date for the December meeting?

25 MR. KENNY: December 12th.

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2 CHAIRMAN GUBITOSA: December 12th.

3 THE CLERK: It's on the bottom.

4 MR. STACH: So I would adjourn it to the
5 December 12th meeting.

6 CHAIRMAN GUBITOSA: All right.

7 MR. STACH: That would be the first time
8 you'd be able to come back. And then once
9 you have your special permit, this Board can
10 act on your application.

11 MR. KENNY: If there was a possibility
12 that all stars align and we were able to get
13 the public hearing scheduled for that 22nd
14 and have it acted on on that night, would it
15 be possible to come back here for the 24th?

16 MR. STACH: The 22nd of October.

17 MR. KENNY: October.

18 MR. STACH: Yeah, I would think so.

19 MR. KENNY: Can we shoot for
20 October 24th and have the fall back on the
21 December meeting?

22 MR. STACH: It's two days before our
23 meeting.

24 CHAIRMAN GUBITOSA: Yeah, two days.
25 Ours is the 24th, theirs is the 22nd.

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2 MR. STACH: Are we waiting for anything
3 besides the special permit at this point? If
4 the Town Board gives us the resolution
5 approving the special permit.

6 MR. O'ROURKE: Gives you a day to review
7 it.

8 MR. STACH: Yeah.

9 MR. O'ROURKE: It doesn't matter to me.
10 I'm just saying you have a day to review it.

11 MR. STACH: Well, I don't think you have
12 to -- if you need more time at that point, we
13 could always extend it.

14 BOARD MEMBER KRAESE: That's right, if
15 you don't like the way it looks.

16 CHAIRMAN GUBITOSA: Yeah.

17 BOARD MEMBER KRAESE: If they go on the
18 22nd, get a public -- the second, get a
19 public hearing on the 8th.

20 MR. STACH: So we talked about --

21 BOARD MEMBER KRAESE: Public hearing for
22 the 22nd, if it goes through. And if it
23 doesn't go through, we cancel, we just cancel
24 them at the meeting.

25 MR. KENNY: Just adjourn this.

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2 MR. STACH: So I think, I think what we
3 would ask, and what we talked about at the
4 TAC meeting, was that I think the Board is
5 satisfied and can adopt a negative
6 declaration tonight on the condition that you
7 give, you extend the timeframe for approval
8 of the site plan to -- which I think is
9 normally 60 days following close of a public
10 hearing -- to 60 days from your special
11 permit.

12 MR. KENNY: So can we do this, since
13 there's also a federal shot clock as part of
14 this review, and that requires me to extend
15 it to a date certain. Can we, for just the
16 purposes of this review, extend it to
17 October 25th? And then if we need to, I will
18 be happy to extend it, if we don't have an
19 action on the October 24th meeting, to the
20 December 14th.

21 MR. STACH: No. So the issue here is
22 that this Board doesn't know what the Town
23 Board is going to say in their special
24 permit. So the Town Board may have a
25 condition in their special permit that this

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2 Board needs to make sure is reflected on the
3 site plan. So we may not have that. You may
4 just get a special permit with no conditions.
5 That's not going to be a problem for this
6 Board to act in October. If there are, if
7 there's something that comes up that requires
8 this Board to make changes, then they would
9 want to act on it in December. So I think
10 what we're asking for now is that you extend
11 the time to approve to December as a
12 prerequisite of getting your EAF tonight,
13 because we haven't seen that yet and you need
14 it to go forward, anyway.

15 MR. KENNY: Understood. I was just
16 under the impression, if we're shooting for
17 the October 24th, we'll shoot for that. And
18 then if something comes up, I have no problem
19 extending it further. But if it would clear
20 everything up for the Board tonight, the
21 meeting is December 12th. I do need to do a
22 date certain for the federal shot clock. And
23 we can extend both the federal shot clock and
24 the state review period to December 13th, and
25 then review it at that point in December 12th

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2 if it needs to be extended further.

3 MR. STACH: Yeah, I think that makes
4 sense.

5 MR. KENNY: Yeah.

6 MR. STACH: Right.

7 CHAIRMAN GUBITOSA: I'm sorry. So we're
8 going to, so we continue the public hearing
9 to the 24th?

10 MR. STACH: Yes.

11 CHAIRMAN GUBITOSA: If it doesn't, if
12 that's no good, it's going to be continued
13 anyway. We can continue it to December. And
14 then tonight, we can do the negative dec.
15 We'll make the --

16 MR. O'ROURKE: Just a question. What
17 you're talking about, extending to December
18 12th or 13th.

19 MR. KENNY: 13th.

20 MR. O'ROURKE: Then this Board is going
21 to grant that extension.

22 MR. STACH: No, no. We're not extending
23 the public hearing.

24 MR. O'ROURKE: No. I'm saying, though,
25 but you could because there is no comment.

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2 CHAIRMAN GUBITOSA: Right, right.

3 MR. O'ROURKE: You could close the
4 public hearing. And because he'll grant you
5 the extension until December 13th, you don't
6 really have to continue the public hearing.

7 MR. KENNY: Correct.

8 MR. STACH: The only reason you'd have
9 to continue the public hearing is if the
10 application significantly changes. And we'd
11 have to reopen it and re-notice it.

12 MR. O'ROURKE: You would.

13 MR. STACH: So it's just easier to just
14 keep it open. That way --

15 MR. O'ROURKE: So then why are you
16 talking about doing an extension to the 13th,
17 then? You don't need that extension at this
18 point.

19 MR. KENNY: Well, at this point, there
20 is a need to extend the federal shot clock if
21 we go past October. So I would feel more
22 comfortable at least extending that to
23 December 13th. I don't think there's any
24 reason why there shouldn't be an extension of
25 that. But I think just for the purposes of

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2 that so we have a date certain, I need to
3 extend that to December 13th.

4 MR. STACH: So you're saying since we're
5 not closing the public hearing, that the
6 default time period --

7 MR. O'ROURKE: Doesn't start.

8 MR. KENNY: The 60 days does not start
9 until the close of the public hearing.

10 MR. STACH: Right.

11 MR. KENNY: However, you can close the
12 public hearing tonight, and we'll be willing
13 to waive that 60 days until December 13th.

14 MR. O'ROURKE: That's what I was
15 referring to. You could just close the
16 public hearing.

17 MR. STACH: Right. And then you would
18 re-notice it, if necessary, for December.

19 MR. KENNY: If necessary. And also,
20 knowing that there's going to be a separate
21 noticing for this public hearing before the
22 special permit.

23 MR. STACH: Yeah.

24 MR. KENNY: I don't believe there's any
25 anticipated changes to the project.

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2 MR. STACH: As long as the applicant
3 consents that he's going to re-notice it
4 then.

5 MR. KENNY: As required by law.

6 CHAIRMAN GUBITOSA: Yeah. All right.
7 I'll make a motion to close the public
8 hearing.

9 BOARD MEMBER ROGERS: I'll second that,
10 Mr. Chairman.

11 MR. STACH: Well, no, no, no. First you
12 have to adopt the Part 2 and the negative
13 declaration. We do that before we close.

14 CHAIRMAN GUBITOSA: Okay, all right. So
15 we're going to go over the negative dec.

16 MR. STACH: First, the Part 2.

17 CHAIRMAN GUBITOSA: The Part 2 we're
18 going to adopt, let's go over the Part 2.
19 All right, Max, the Part 2.

20 MR. STACH: Nothing. No impacts were
21 identified.

22 CHAIRMAN GUBITOSA: No -- all right, so.

23 MR. STACH: No, no moderate or large.

24 CHAIRMAN GUBITOSA: No moderate or large
25 impacts. All right.

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2 MR. STACH: And that's based on the
3 revised visuals that the applicant submitted.

4 CHAIRMAN GUBITOSA: That's the revised
5 photos.

6 MR. STACH: Meaning, yeah, meeting the
7 standards.

8 CHAIRMAN GUBITOSA: All right. So on
9 the Part 2 --

10 MR. STACH: As well as the review of the
11 Town Engineer.

12 CHAIRMAN GUBITOSA: All right. On the
13 Part 2 revised with the new plans and the
14 approval of the Town Engineer, I need a
15 motion to adopt the EAF Part 2.

16 VICE CHAIRMAN MULLER: I make that
17 motion.

18 CHAIRMAN GUBITOSA: Second?

19 BOARD MEMBER FERGUSON: I'll second it.

20 CHAIRMAN GUBITOSA: All right. Mary,
21 just poll us on that, on the Part 2.

22 THE CLERK: Mr. Muller?

23 VICE CHAIRMAN MULLER: Yes.

24 THE CLERK: Mr. Joachim?

25 BOARD MEMBER JOACHIM: Yes.

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2 THE CLERK: Mr. Jaslow?

3 BOARD MEMBER JASLOW: Yes.

4 THE CLERK: Mr. Ferguson?

5 BOARD MEMBER FERGUSON: Yes.

6 THE CLERK: Mr. Rogers?

7 BOARD MEMBER ROGERS: Yes.

8 THE CLERK: Mr. Kraese?

9 BOARD MEMBER KRAESE: Yes.

10 THE CLERK: Chairman Gubitosa?

11 CHAIRMAN GUBITOSA: Yes. All right.

12 Now I'll do a, I'll read the negative dec and
13 ask for the motion to adopt.

14 This is a negative dec, notice of
15 determination of non-significance, Crown
16 Castle, 160 North Liberty Drive, Town of
17 Stony Point, September 25, 2019. The notice
18 is issued pursuant to Part 617 of the
19 implementing regulation pertaining to
20 Article 8, State Environmental Quality Review
21 Act, of the Environmental Conservation Law.

22 The Planning Board of the Town of
23 Stony Point, as lead agency, has determined
24 that the proposed action described below will
25 not have a significant effect on the

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2 environment and a Draft Environmental Impact
3 Statement will not be prepared.

4 Name of the action is Crown Castle, 160
5 North Liberty Drive, site plan and special
6 use permit. SEQRA Status, unlisted.
7 Condition Negative Declaration, no.

8 Description of action: Approval of site
9 plan and special permit for the replacement
10 of an existing 120-foot tall wireless
11 telecommunications monopole with a 120-foot
12 tall wireless telecommunications monopole at
13 the same location, but with a wider
14 footprint. Location is 160 North Liberty
15 Drive, Stony Point, New York.

16 Reasons supporting this determination:

17 The proposed action is not anticipated to
18 result in any adverse environmental impacts
19 based on the following:

20 One, on or about February 6, 2019, the
21 Town of Stony Point received an application
22 for site plan approval and supporting
23 documentation for the action described above
24 along with a Short Environmental Assessment
25 Form, EAF;

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2 And on or about June 14, 2019, the
3 applicant submitted a Visual Resource
4 evaluation showing the potential visual
5 impacts associated with the proposed tower
6 replacement;

7 Three, on or about June 25, 2019, the
8 applicant submitted documentation that
9 indicated the following species may exist on
10 the site: Bog turtle, bald eagle, and
11 short-nose sturgeon;

12 Based on field visits to the site, there
13 are no water bodies or wetlands on the site
14 to support the bog turtle or short-nose
15 sturgeon;

16 On or about August 13, 2019, the
17 applicant submitted correspondence from
18 New York State DEC indicating that the
19 department does not anticipate direct adverse
20 impacts to bald eagles or short-nosed
21 sturgeon;

22 Six, September 26, 2019, the Planning
23 Board completed a Short EAF Part 2 indicating
24 that based on application materials submitted
25 and their field visit to the site, no

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2 potential moderate or large impacts are
3 likely to occur as a result of the action;

4 Seven, the Town of Stony Point Fire
5 Inspector has reviewed the application and
6 his environmental and safety concerns will
7 all be addressed;

8 Eight, the Town of Stony Point
9 Consulting Engineer has reviewed the
10 application and his concerns will all be
11 addressed;

12 Nine, no other adverse impacts were
13 identified.

14 VICE CHAIRMAN MULLER: Can I ask you one
15 question?

16 CHAIRMAN GUBITOSA: Yeah.

17 VICE CHAIRMAN MULLER: You said 120 with
18 120. Is it 100 existing?

19 CHAIRMAN GUBITOSA: 100 existing.

20 VICE CHAIRMAN MULLER: You said 120
21 existing changed with 120.

22 MR. STACH: Is that's how it's written?

23 CHAIRMAN GUBITOSA: No, I probably said
24 it wrong. All right. Thank you, Pete.

25 VICE CHAIRMAN MULLER: I'm just

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2 checking.

3 CHAIRMAN GUBITOSA: All right. I have a
4 negative dec. I need a motion to accept.

5 BOARD MEMBER KRAESE: I'll make a
6 motion.

7 CHAIRMAN GUBITOSA: I need a second.

8 BOARD MEMBER JOACHIM: Second.

9 CHAIRMAN GUBITOSA: All right. We'll
10 just do all in favor?

11 (Response of aye was given.)

12 CHAIRMAN GUBITOSA: Opposed? All right,
13 we'll adopt the negative dec.

14 MR. KENNY: Thank you very much. Hope
15 to see you next month.

16 CHAIRMAN GUBITOSA: All right.

17 THE CLERK: Wait, wait, wait. Are you
18 closing the --

19 CHAIRMAN GUBITOSA: Yeah, we're going to
20 close the public hearing. I need a motion.

21 BOARD MEMBER JOACHIM: I'll make a
22 motion.

23 CHAIRMAN GUBITOSA: Second?

24 VICE CHAIRMAN MULLER: I'll second.

25 CHAIRMAN GUBITOSA: All in favor?

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2 (Response of aye was given.)

3 CHAIRMAN GUBITOSA: Opposed? All right.

4 We will see you hopefully next month.

5 MR. O'ROURKE: Well, just.

6 CHAIRMAN GUBITOSA: Go ahead.

7 MR. O'ROURKE: I think you should
8 officially put it on the record that he's
9 extending the time until --

10 CHAIRMAN GUBITOSA: Oh, yeah.

11 MR. KENNY: I believe we did that. It's
12 officially on the record that we're extending
13 the 60 day review period to December 13th, as
14 well as the federal shot clock to
15 December 13, 2019.

16 CHAIRMAN GUBITOSA: Thank you. We
17 appreciate that.

18 (Time noted: 7:53 p.m.)

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THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my ability.

Jennifer L. Johnson