

**TOWN OF GOSHEN**  
**Zoning Board of Appeals**  
**March 7, 2017**

Members Present:

Frank Leva, Chairman  
Ed Garling  
Phil Canterino  
Robert Farfalla

Also Present:

Kelly Naughton, ZBA Attorney  
Neal Halloran, Building Inspector

The ZBA meeting was opened at 7:30 p.m. by Chairman Frank Leva.

**AGENDA**

**New Cingular Wireless PCS, LLC, 4-1-12 on 20.19 +/- acres** located on Craigville Rd in the RU district with the AQ-3 district. The applicant is requesting a variance from the tower setback requirement of Section 97-94 B (3).

Representing applicant:

Anthony Morando, Esq.

Mr. Morando introduced himself as an attorney with the law firm of Cuddy & Feder, LLP on behalf of AT&T. Also present with him were Klaus Liemer, site acquisition consultant for AT&T, Donna Maria Stippo, visual expert who prepared the analysis and the photos presented and Greg Lahey of Tectonic Engineering.

Mr. Morando stated that AT&T is proposing to construct a new wireless communications facility on the property at 638 Craigville Road. The tower is designed to support both AT&T as well as future shared use of additional carriers. The project was before the Planning Board back in February to commence the SEQRA process. This is an area variance application before this board.

Mr. Morando stated he wished to speak first about wireless trends and the need for wireless services and the infrastructure to support those services. The proposed site is located in an area almost exclusively zoned residential. He stated the reliance on wireless services has been increasing tremendously. In the United States as of 2015 almost half of all households have completely gotten rid of landline communication and that is increasing every year.

The area of the town that this involves is the eastern corner. The proposal is for a new monopole facility with a compound and the pole sits within the compound. The parcel is approximately 20 acres in size. It is a unique parcel in that it has several property lines. It's a single parcel split by two municipal boundaries. It's right at the corner of Goshen where it intersects with Chester and Blooming Grove. Eight acres of the parcel are exclusively in Goshen. The entire project will be within Goshen. The site is zoned in the RU district. Facilities are permitted under the code.

Mr. Morando stated AT&T did a thorough analysis of the area trying to find existing structures to utilize. Unfortunately there are no co-location areas available. Other alternative sites were also looked at for tower erection, but it is a difficult area to cover because of significant

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mountain ranges with changes in topography. There are sites in the area even going with a taller pole; you will not get the service as you would at the proposed site. There is minimal visibility from an extensive area.

Mr. Morando stated the proposal complies with all the bulk and area standards in the code but for one setback requirement that is unique to wireless facilities which is a tower setback. Mr. Morando quoted Section 97-94b (3). Paraphrasing, towers in an RU district must be located with a minimum setback from any property line equal to twice the height of the tower. The proposed height is 182 feet. Only one area is under at 275 feet. The balloon test for the performance study was done at 199 feet.

Mr. Canterino pointed out for the record that he knows of house in Chester that is not shown on the map and asked that it be put on.

Next to speak was Donna Marie Stippo who prepared the photos and photo simulations and the analysis that is in the report. She worked with the Planning Board with respect to the areas they had concern about. The study was done at a half mile and one mile radii for visibility. She presented many photos on areas of primary concern. The study was done during a leaf off situation thus demonstrating the most visibility possible.

Mr. Morando stated this wrapped up the presentation for the board but wanted to point out that this project was subject to a different review standard which is the public utility standard.

The board discussed various places that may have a brief view of the pole.

Ms. Naughton stated the project is being reviewed by the Town's wireless consultant.

Chairman Leva asked if it is a self-collapsing pole. Mr. Morando stated it is not, however the fall zone surrounding the pole will not hit any property lines.

Mr. Canterino asked if at the end of the usage of the pole what the plan is. Mr. Morando stated there are removal provisions in the code. Ms. Naughton agreed it is in the code.

Ms. Naughton stated the board is considering an area variance and would go through the five-part balancing test. The Planning Board has declared its intent to serve as lead agency. The ZBA can consent to this, to object to it, or to do its own uncoordinated review. Typically the ZBA consents to the Planning Board serving as lead agency. Once that determination is made, there needs to be General Municipal Law referrals, a required public hearing, and then the ZBA would act on the application after the Planning Board completes SEQRA.

Ms. Naughton stated the Planning Board has also tentatively talked about putting restrictive covenants to meet the setback requirements should the adjacent properties be subdivided. They cannot reduce the setbacks to be non-compliant.

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**VOTE BY PROPER MOTION**, made by Mr. Garling, seconded by Mr. Farfalla, The Town of Goshen Zoning Board moved to approve the Planning Board as lead agency. Approved unanimously.

**VOTE BY PROPER MOTION**, made by Mr. Canterino, seconded by Mr. Farfalla, The Town of Goshen Zoning Board moved to set a public hearing date for the application for April 18<sup>th</sup>, 2017 at 7:30 pm in Town Hall.

**ADJOURNMENT**

**VOTE BY PROPER MOTION**, made by Mr. Canterino, seconded by Mr. Farfalla, The Town of Goshen Zoning Board of Appeals adjourned the meeting at 8:10 p.m. Approved unanimously.

The next meeting of the Zoning Board of Appeals will be April 18, 2017 at 7:30 pm.

Frank Leva, Chairman

Notes prepared by Tanya McPhee