

**Salute to the Flag** – At 7:00 p.m. Supervisor Doherty called the meeting to order with the Salute to the Flag at the Kent Town Center, 25 Sybil's Crossing, Kent Lakes, New York.

Supervisor Doherty asked for a moment of silence in honor of those affected by the Boston Bombing during the Marathon.

**Presentation - Community Service Recognition Award**

Supervisor Doherty explained since 2008 the Town Board has been celebrating volunteerism by recognizing organizations and individuals who make a difference in the Town of Kent. Volunteers and Service Organizations are the heart and soul of our community. Tonight three individuals and an organization will be honored for their time and skills to make our community a better place. She took this opportunity to thank and recognize them for their service.

The first recipient Timothy O'Connor a resident of Kent demonstrates the finest quality of citizenship and leadership by taking part in Boy Scouts of America and by earning the highest and most prestigious rank of Eagle Scout. Earning an Eagle Scout is not easy, before earning this important award he planned and performed an Eagle Project, served as Project Leader and Manager and completed the renovation project of Gilead Presbyterian Church in Carmel. To earn an Eagle Scout means an individual has what it takes to become a useful and productive citizen of our society. Supervisor Doherty congratulated him for earning this remarkable achievement and hoped he continues to inspire others especially our youth.

The second recipient is Jerry and Lorraine Roma along with Police Officer Vanderwoude and Radar. Supervisor Doherty stated in 2002 Jerry and Lorraine purchased a German Sheppard named Justice and donated him to Kent Police Department. With the help of Justice, the Police Department was able to track numerous suspects and was credited with locating evidence items. When Justice retired in 2010 his absence created a void. This year Jerry and Lorraine filled that void by purchasing another German Sheppard for the Police Department. Tonight, our K9, Radar and his handler, Officer Alex Vanderwoude will be joining us in honoring Jerry and Lorraine' generosity. There was applause.

The third recipient is Heather Boylston, Clearpool Camp Director and Duncan Lester, Associate Executive Director of Operations & Education of Green Chimneys. In 2010 the Town Board decided to streamline operations to save money, at that time the Recreation Dept. summer camp program was operating at a loss of approximately \$28,000 per year. The Board decided to partner with the only organization that came forward Clearpool. Since then Clearpool has provided families in Kent with quality child care and early education programs. Their camp is one of the best in New York State, she's glad they decided to partner with Kent. She thanked Duncan and Heather for coming tonight and for serving the residents of the Town of Kent. Duncan stated in 2010 when asked to take over the camp; they had 252 residents in the Town of Kent and Carmel who participated in the camp. That year they raised \$5,000 in scholarships to go to camp. In 2012, 618 children attended camp and Clearpool was able to raise \$17,000 in scholarship. Duncan thanked the Town for this opportunity they enjoy being part of this community and being able to give back. There was applause.

**Presentation – Putnam County Department of Transportation**

Anthony Ruggerio, Commissioner of the Putnam County Department of Planning, Development & Public Transportation Transit Facility along with Chairman, Vinny Tamagna gave a presentation on the transportation taskforce. He's been with the County for 4 months taking a look at the transportation network. He pointed to a map encompassing the Transportation Part system. It includes public bus transportation, PART bus, also Para Transit for anybody disabled or handicapped and early intervention which is the Pre-K school bus. They would like the residents of Kent's input to tell them how to better improve. They left surveys for distribution also available on their website. They can contact either one of them as well. They have to have everything to the County Executive by June; they started in January and will submit a recommendation. Chairman Vinny Tamagna thanked the Board and residents. He stated they are at a critical point with the transportation survey. He referred to the tan area on a map, where there is no public transportation in Putnam County, the population of Area 10 is

36,197, Putnam's population is roughly 100,000, a third does not have public transportation access most of Kent, all of Philipstown, all of Putnam Valley and bottom half of Southeast. The heavily populated areas have some. They learned the long routes the big loops take 2 hours for a round trip. The biggest complaint is time; most are not going to spend 3-4 hours to shop. The seniors they spoke with while riding the bus from Hannaford to Mahopac Library to take a crocheting class weren't interested in waiting for the bus; they have somebody give them a ride back home. Not very efficient; the system was developed over 30 years ago in the early 1980s they never connected where they needed and where people wanted to go. There was no Hannaford, Home Depot there weren't these places, and they are still not going to these places the bus route is not going where people want to go. This system cost approximately 2.5million dollars and not reaching 1% of the population. The people that use it need it. It is a great system, reliable, clean, and safe. We need to better advertise it and also advertise on it to create revenue. The bottom map, the tan area represents the area where people can apply for Para transit, by Federal Regulations if you have a fixed bus route; you have to get people with disabilities to be able to ride the system as well. It doesn't make sense in the middle of Patterson there's a white spot and these people all around have Para but those people don't and most of Kent you cannot get Para. The Task Force is looking at making those recommendations. He said the Para Transit system is not the most expensive the fixed route is \$2.50 or \$1.25 for a senior; the Para Transit is \$3.25 but it cost them over \$37.00 a ride it's expensive they have to look at managing the costs versus the need. He has a map which he didn't have available, of Pre-K and Early Intervention for young children that have disabilities to and saw staggering costs. They are looking at how they can do better, it is a mandate there is a need they had 80 children in 2012. He asked how we transport them, the cost and how can they do it more efficiently. The total transportation for 80 students was almost equal to the regular bus route; it cost \$25,000 per child to transport. The Superintendent of the Haldane School District told him it cost \$23,300 to educate a child how it could cost \$25,000 to transport a child. They are looking at this as well. They have surveys out, you can go online at the County website; search "Transportation Survey" it will be moved to websites homepage. He needs to know Kent's needs there is no point going through this without listening to the public the survey is important but if you need to speak to either one they are available at the Planning Department if the Town Board has ideas do we need commuter shuttles, where should those shuttles go; maybe we do less with a fixed bus route and more with other types of transporting people. Do we need full day or part of the day or several days a week? These ideas are being kicked around it's the people of Putnam County that have to help create this. Transportation just isn't about moving people who are demographic, people that don't have a car; transportation is for people who have a need or see a different way. There are a lot of different things that they can do to help families. Currently you cannot get a bus or parking pass for the Southeast Train Station or if you can its expensive. We have park and ride in the County that can shuttle from the parking ride to the train station in minutes it's free instead of paying \$300. Would that be a benefit to Kent residents would you use it? They'd like to know. For the east and west connections, we have great destination here the Buddhist Monastery and no way of bringing people from Brewster, Southeast Train Station or from Cold Spring and Garrison Train Stations. That is a destination that equals revenue for the Town because who come here will come here and maybe enjoy a restaurant or the Route 52 corridor but we need to look at where should we be going; the east-west connections are as important as the north-south. There are tourist destinations places you want to go, would you go into Mahopac, Carmel, Cold Spring via these services if available. Mr. Ruggiero added the drivers are local residents and they know what's going they know everybody. He wants to know if you're not using he wants to know why and they'll see what they can do.

Mr. Ruggiero mentioned on April 25<sup>th</sup> at the Putnam Hospital from 8:30 to 10:30 a.m. is a consolidated funding application workshop. A new process NYS is running if you are looking for grants or funding opportunities, instead of applying directly to individual agency whether it's the Department of State, DEC, Empire State you fill out these applications. This is open to anyone, not only the County, Municipalities, non-for-profits, start-up etc. He encouraged everyone to attend. There will people there from Hudson Valley Patterns-for Progress, Empire State Development, he will also be there to assist.

**Public Hearing – Cell Tower at Smokey Hollow Court**

Robert Gaudio of Snyder & Snyder on behalf of Homeland Towers realizes considerable time was spent last month on numerous issues, he addressed most but there are a couple of items he wants to address. Since last meeting, he submitted a revised Lane Appraisal Report. There was a question about a 10 foot monopole, it was a typo it's actually 110 foot monopole the majority of the towers studied were not stealth facilities but monopoles and wanted to clarify that. They submitted a response from Tectonic to calculations from Mr. Rogers on ice fall, they believe Mr. Rogers underlying assumptions were incorrect he had antennas being 21.5 square feet they were 8 square feet in size a big difference resulted in a 65 pound calculation as opposed to 237 pound calculation. The photograph he included is not the same that was a lattice tower from Cordova, Alaska not the same situation. They were pleased to get the DEP letter dated April 10, 2013 confirming the facility did not require a variance. The Highway Superintendent's letter of April 10<sup>th</sup> saying the relocation of the materials on the property would not be a problem and the proposed facility would not inhibit traffic circulation on the property. He thinks that important. He did see an email from Cynthia Garcia and pointed out the relocation of the material bin doesn't necessarily need new impervious surface. He doesn't know whether they are salt or not, he doesn't believe its salt but knows there is material on the property and does not require a new impervious surface it could be placed without a bin and asphalt. He saw a support email from Mrs. White and was happy to have seen that.

Lynda Davidson spoke regarding the inaccurate appraisal submitted on March 19<sup>th</sup> from Lane Appraisal. She said the official document Lane Appraisal prepared for this property on Smokey Hollow Court to determine impact on property value was in fact prepared and used as a boiler plate for other sites such as Little Switzerland in Poughkeepsie and the Town of Pawling who are also disputing Homeland Towers. They received the same exact appraisal. She prepared an overview of the 8 exhibits Lane Appraisals used to compare their site and provided hard copies and asked it be reviewed. She prepared the presentation using Google Earth and Maps for accuracy there are pictures for each site used. She asked the Board to review these documents and see for themselves not one of these sites can compare to the placement of this proposed tower on Smokey Hollow Court. How can a reputable company as Lane Appraisals not find properties more comparable or more present? Not one of these towers is placed on a dead end road with 7 houses looking directly at it every time they come and go. How can anyone think this is okay and say their property value could go up? The lack of ethics and morality shown by Homeland Towers is disgraceful. This appraisal is nothing more than a smoke screen paid for by Homeland Towers. If the Town of Kent or Homeland Towers believe this tower will not diminish their property values then you shouldn't have a problem providing proof of liability insurance to each homeowner within a half mile radius from this site to cover negative impacts to their property devaluation. Don't be heartless, don't ignore the 12 pages of zoning laws the Town of Kent has put into effect to protect the residents just because you can. It's not one or two codes you're morally violating its several. She quoted two relevant to property devaluation, "to protect residential areas and land uses and property values from potential adverse impacts of communication towers and antennas, to encourage the location of communication facilities and communication towers in areas suitably screened, buffered and adequately separated from residential uses ...." if you think towers near residence were a good thing why would the Town of Kent outline these zoning laws and why almost every tower have people disputing them. (See attached)

Mrs. Dearman reached out to local realtors to get their opinions on the value of the homes. Her email to them asked: Would you see a large 150 foot cell tower within 250 to 500 feet of a prospective listing in open view as a positive or negative feature and would they believe it to have a detrimental effect to the final sale price. Please see attached submittal of those who replied and their comments for the record. She spoke to a real estate appraiser, Ronald Oldstat, RMA Services he thinks a typical buyer would not want to look at a cell tower it would negatively impact the neighborhood. These are the responses from local real estate professionals if they feel this way how are their clients going to feel. The clientele that may consider purchasing a home close to a cell tower are going to be advised not to by the real estate professionals. She asked the Board to look at this again and reconsider because you are definitely devaluing their homes.

John Dearman stated the point of public hearings is so Town Boards can get input of the public who have experience as professionals in various fields of public or private service whether it is construction, realty, human resources, administration or even physics. He has been a police officer in this County for 12 years, a Sergeant for 6 years. A Carmel PBA President for the past 3 years and is certified by the FBI as a defensive tactic instructor. Public and Police Officer safety is his profession and with all due respect to Chief DiVernieri's letter to the Town dated 2/26/13, cellular service does not affect officer safety. The in car computers is a supplemental tool used for the dissemination of non emergency information. Radio communication between the officer and dispatcher should always be used to deliver important information. A computer cannot and will not ever replace good tactics in keeping officers safe. About 3 to 4 weeks ago he drove west on 301 in a marked Carmel police car from Smokey Hollow Court to Peekskill Hollow Road which is 2.5 miles then drove on Peekskill Hollow Road through Kent to Town Line Road in Carmel another 1.7 miles. He drove a total of 4.2 miles and at no time did the in car computer or his cell phone lose connection. On January 21<sup>st</sup>, 2013 at approximately 6:10pm while driving on 301 at Dixon Road in a marked Carmel police car he observed a man stumble out of a passenger side of a truck parked at the entrance to Smokey Hollow Court. He clutched his chest and fell on the bushes. He called 911 with his car radio to dispatch Kent Ambulance and a Paramedic. Putnam 911, Kent Police desk and Carmel Police desk all heard his radio transmission. He also used his portable radio to update Putnam 911 as the situation unfolded as well as his cell phone to call his desk. There were no problems with communications in a real life emergency. About 10 or 11 years ago while employed by the Putnam County Sheriff's Dept. he backed up Kent Police called on 301 west of the Kent Fire Dept. while going door to door on foot looking for a suspect in a fatal shooting his portable radio worked properly. He most recently read in the Putnam County Courier, Supervisor Doherty stated "in a time of crisis it's impossible to dial 911 with a cell phone along those sections of the winding road" referring to Route 301. He is curious as to when this study was conducted and what were the near mile markers that do not have access to 911, were the test conducted every .25 mile, half mile, etc. In nearly 12 years of being a police officer in Putnam County he has never heard of a civilian or police officer being hurt on Route 301 because they were unable to communicate a request for help. As usual whenever governmental entity wants something they try to use scare tactics in order to get the public to act yes. If the Town Board is concerned with public and officer safety then you should raise the minimum staffing level of the police department from 2 to 3 officers per shift. This will give the officers adequate backup and allow them the time to enforce specific traffic laws on 301 like speeding, cell phone use and texting while driving. More cops on the street increase public safety and not an increase in cellular service.

Dr. Rogers stated at the last meeting Mr. Gaudio said the size of the antenna elements on tower was smaller about half of what he had used in his estimations so he redid the report for that size of the antenna element. He told us today its even smaller he pointed out it may be that other antennas will be put on this tower after it's put up so we don't really know what size that would be. The difference, assuming a smaller sheet of ice, would still hit the ground at 67 miles an hour, if you've read about Galileo's experiment on the Tower of Pisa it doesn't matter because the weight of the object is far as how long it takes to fall. The ice sheets of a given thickness would still fall the same distance from the tower with the wind and the reason for that is although the area of the sheet is smaller the weight is also smaller but the same factors and comes out the same. These results are summarized in the 2<sup>nd</sup> last page of the report, to reflect these changes. The ultimate changes that the pieces of ice weight less and before the original calculation went up to 240 pounds now it goes up to 120 pounds which is still a large chunk of ice. To put this in prospective, the new proposed position for the tower is estimated to be 46 feet from the road. This means a 24 mile an hour wind would blow a 5 pound sheet all the way to the road which isn't much wind. A 32 mile an hour wind would blow a 20 pounds sheet all the way to the road and a 48 mile an hour wind would blow a 60 pound sheet. In summary, as demonstrated by a straight forward physics calculation large sheets of ice weighting up to a 120 pounds could fall from this tower as much as 100 feet from the base. As documented in YouTube videos such ice falls have actually been observed. These events could happen without warning. The road is used every day for the children to go pick up the bus. They did some radiation measurements, he described the equipment, it's a TM 196RF meter a

3x hand 4/16/13 Lynda Davidson

*Residents of Smokey Hollow Ct.*

*Dispute:  
Homeland Towers/  
Lane Appraisal Document*

*April 16, 2013*



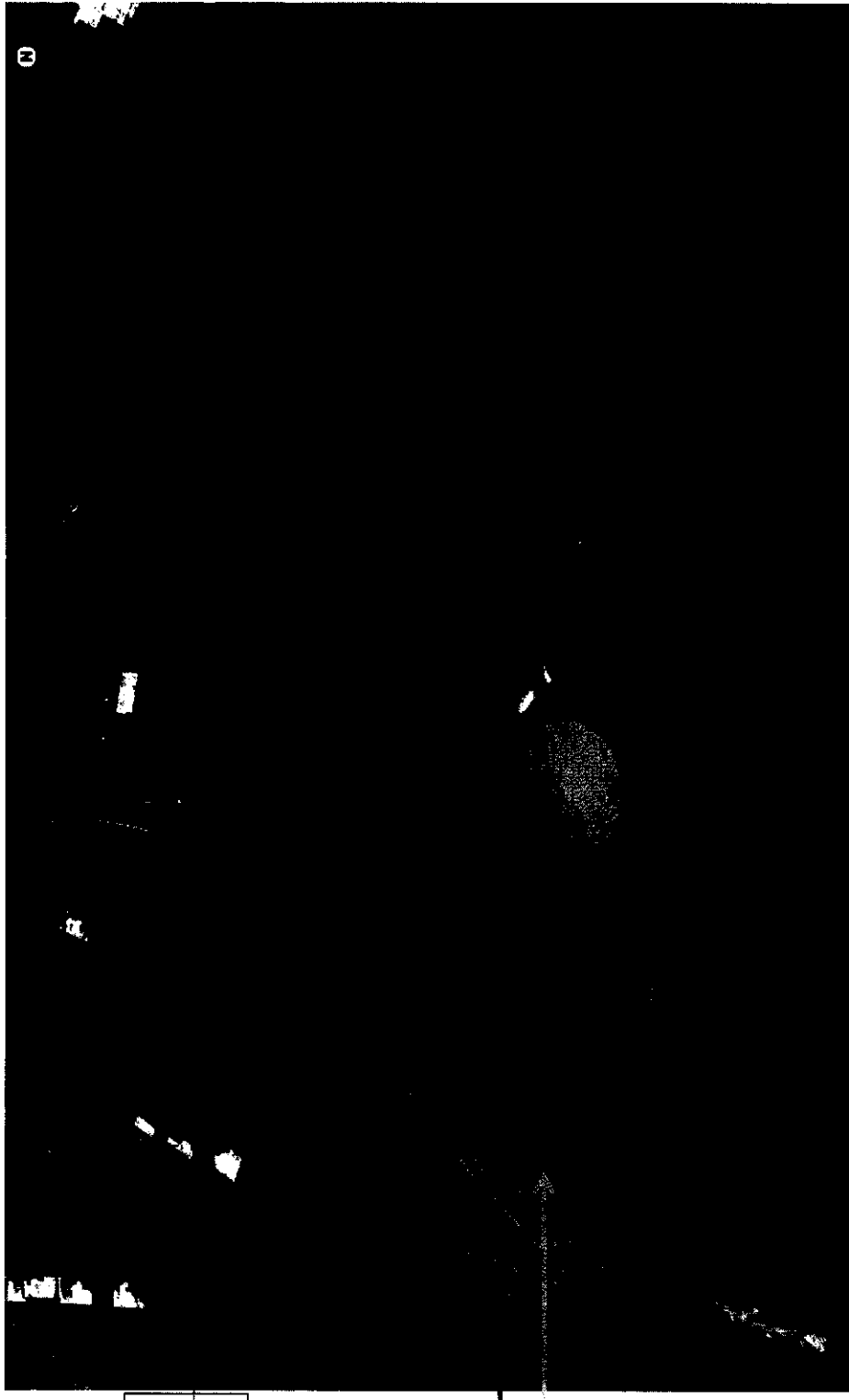
## Exhibit 1 – Somers, NY

- Not relevant comparison due to type of housing/area and location of tower
- This site is in a large condominium complex
- At the highest point near the golf club
- Site Visited
  - 100' tower with one set of antennas
  - Tucked next to a huge water tank surrounded by trees – actual photos on next slides
  - not visible

nearest  
condos

Cell  
Tower

Pictures  
taken  
from here



**Exhibit 1 – Somers, NY**

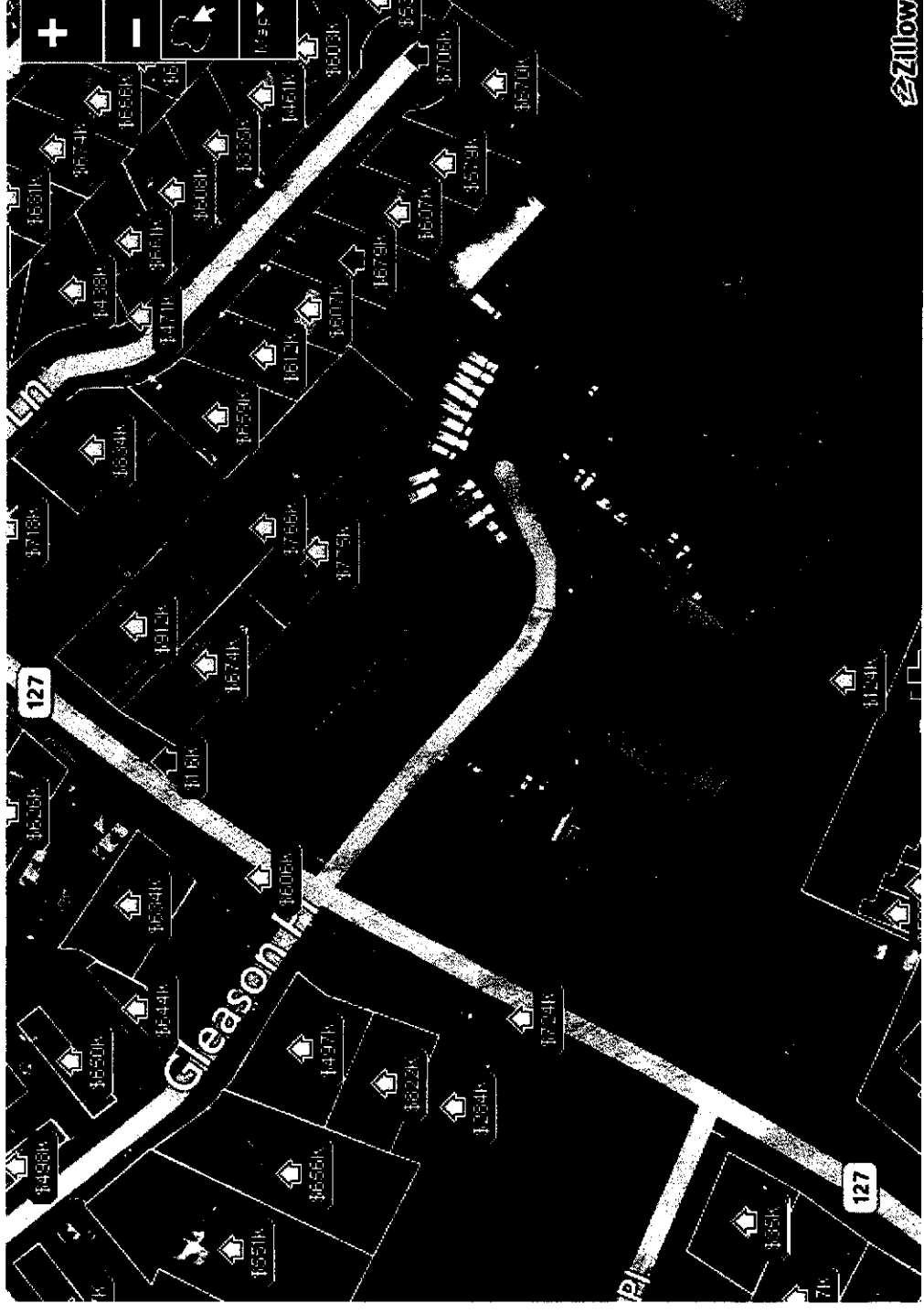




## Exhibit 2 - Harrison, NY

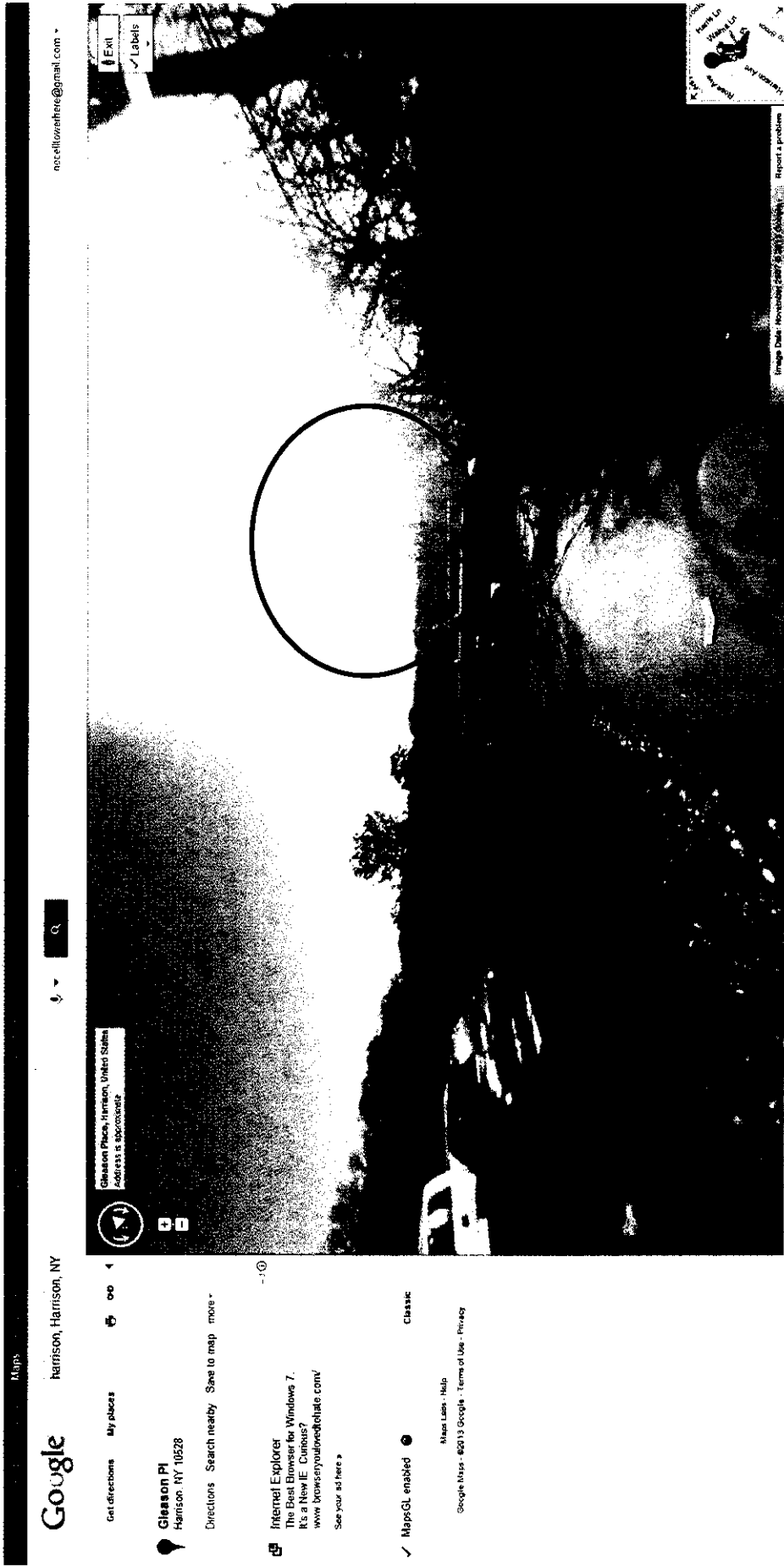
- Completely not a relevant comparison
- 10 foot pole on top of garage
- Very residential/commercial area

*Claims to have tried to do a more recent search but due to slow down in the real estate market they could not find enough sales... This is a VERY populated area. I find it hard to believe that no homes were bought or sold during 2009 – 2010. Maybe they didn't favor their sturdy. Even though...not relevant due to the area/pole size.*



10' pole on  
top of building

# Exhibit 2 - Harrison, NY



### Exhibit 3 – New Rochelle, NY

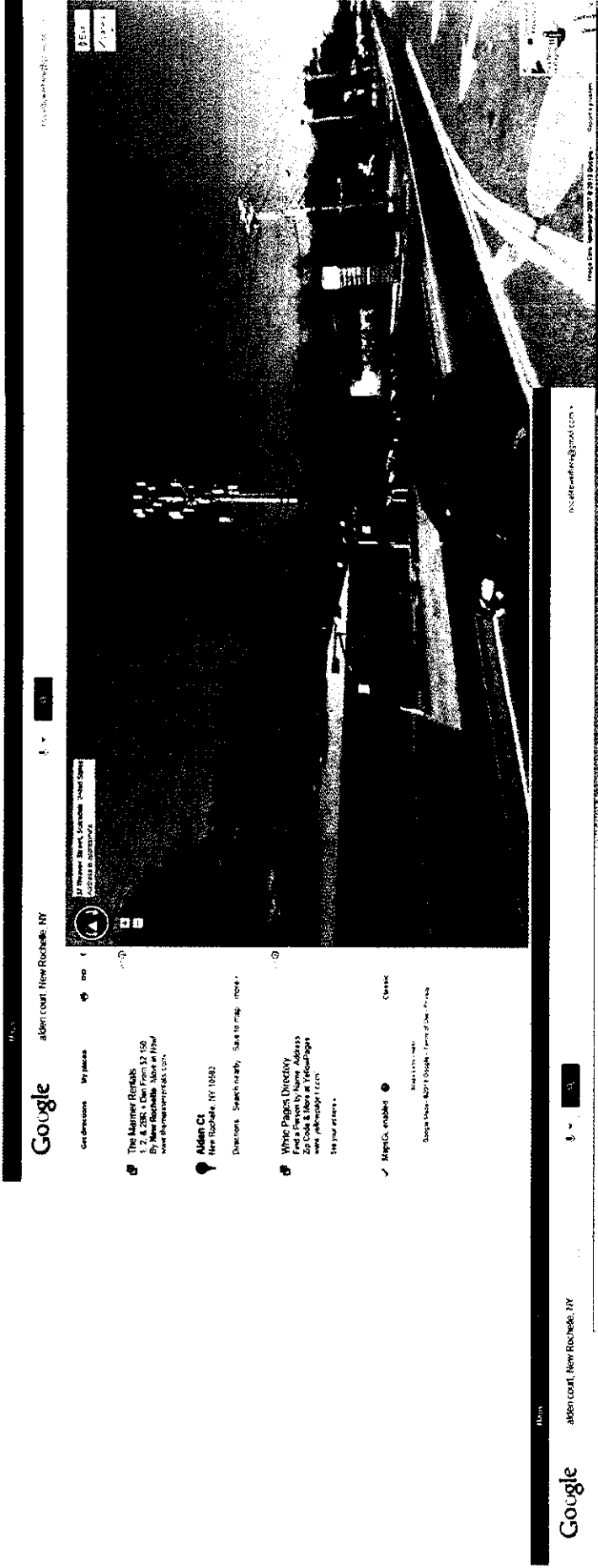
- 10' or 110'?? Unclear in the height of the pole (typo)
- Located at a shopping mall – very commercial
- Regardless of size, these homes are blocks away from the shopping center and are in no comparison to Smokey Hollow Ct.



House with  
view

Cell tower

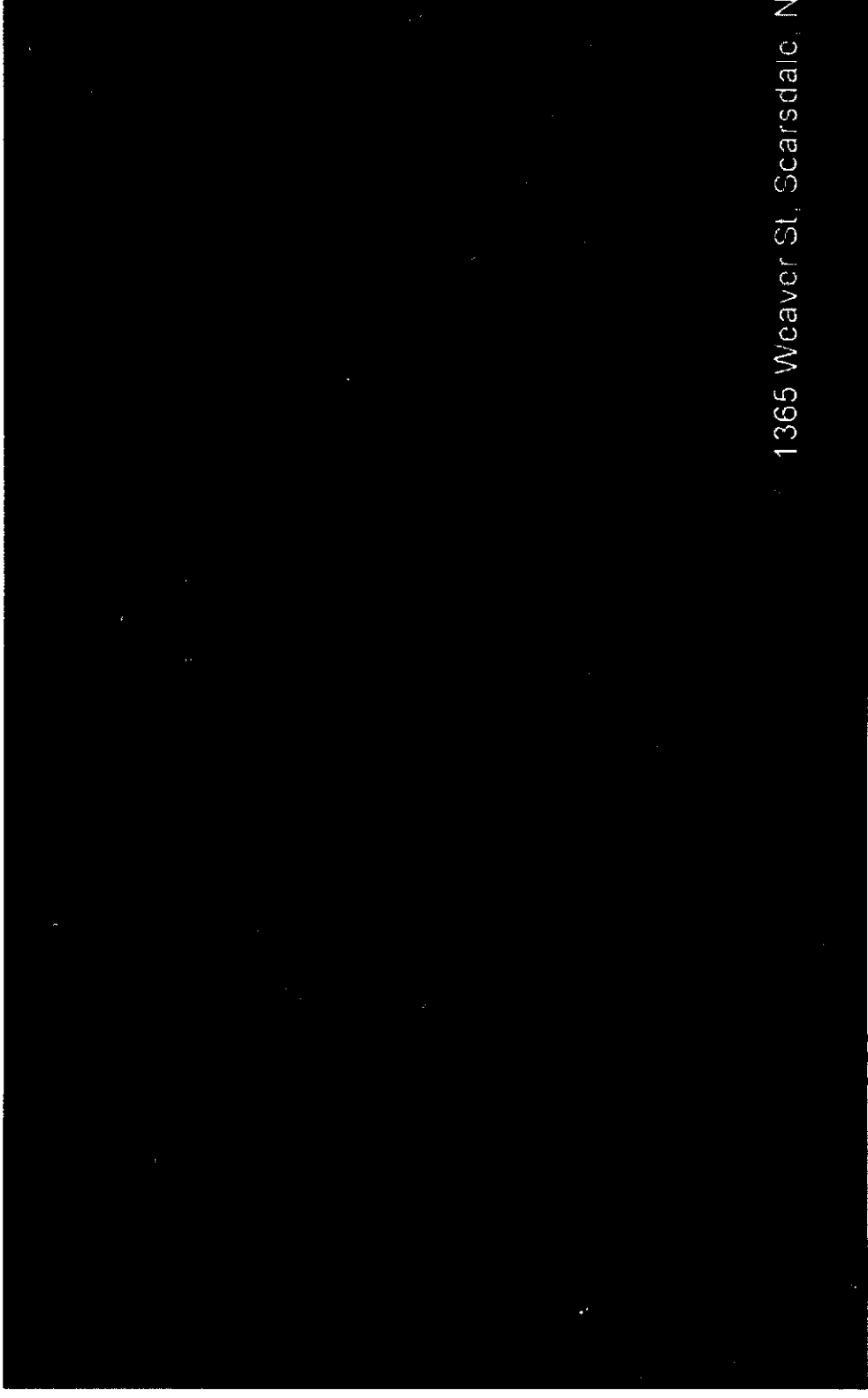
# Exhibit 3 – New Rochelle, NY



### **Exhibit 3 – New Rochelle, NY**

#### **With VIEW**

- Looks like miles away – how much of a view do they actually have
- No health concerns – too far way
- Can not be relevant to the cell tower proposed on Smokey Hollow Court
- Too far way from cell tower to be relevant
- Completely different type of neighborhood



### **Exhibit 3 – New Rochelle, NY cont.**

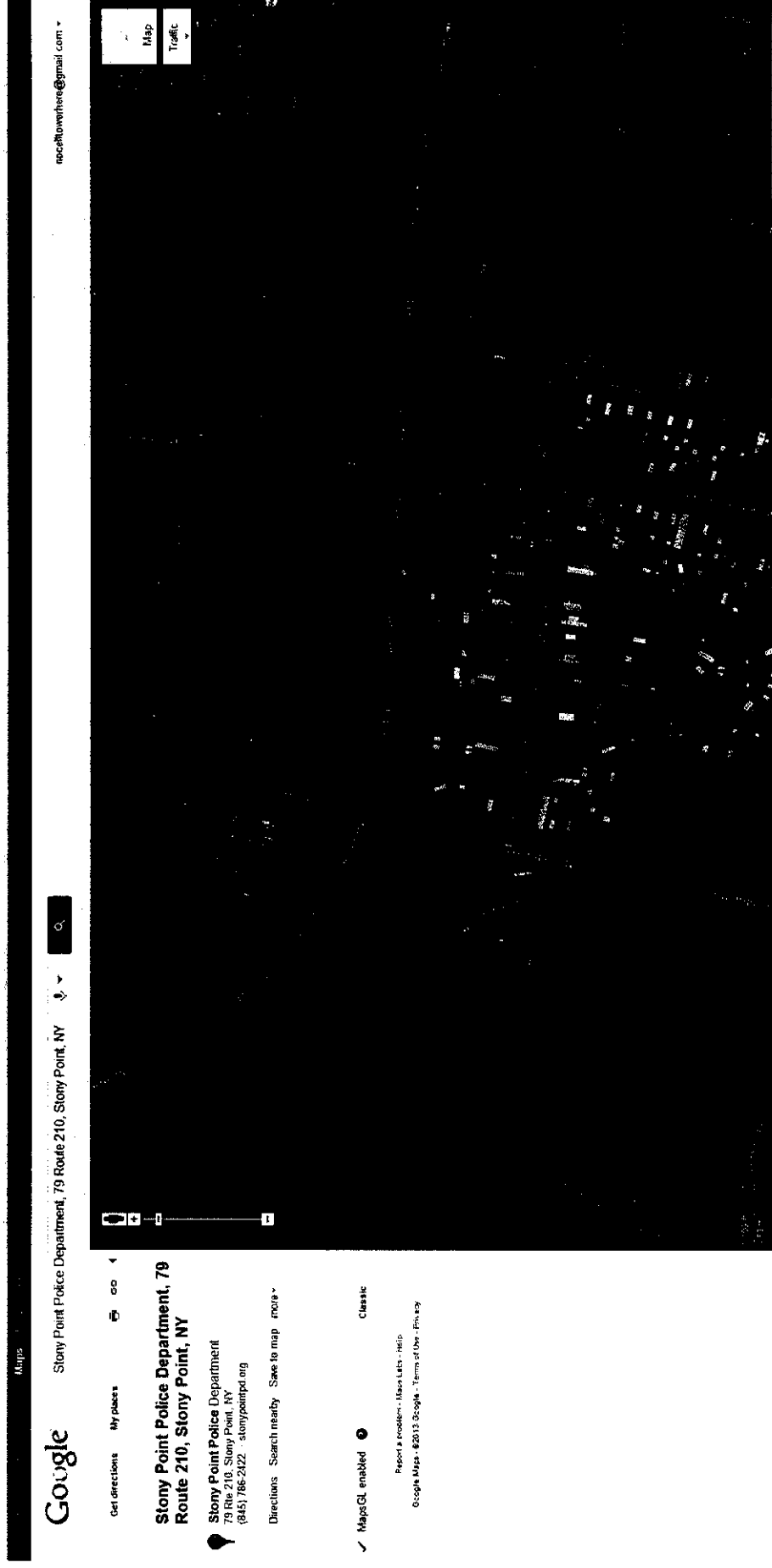
- Can not be relevant to the cell tower proposed on Smokey Hollow Court
- House with no view - looks like miles away
- Too far way from cell tower to be relevant
- Completely different type of neighborhood as Smokey Hollow Ct.



69 Daisy Farms Rd, New Rochelle, NY 10804, USA

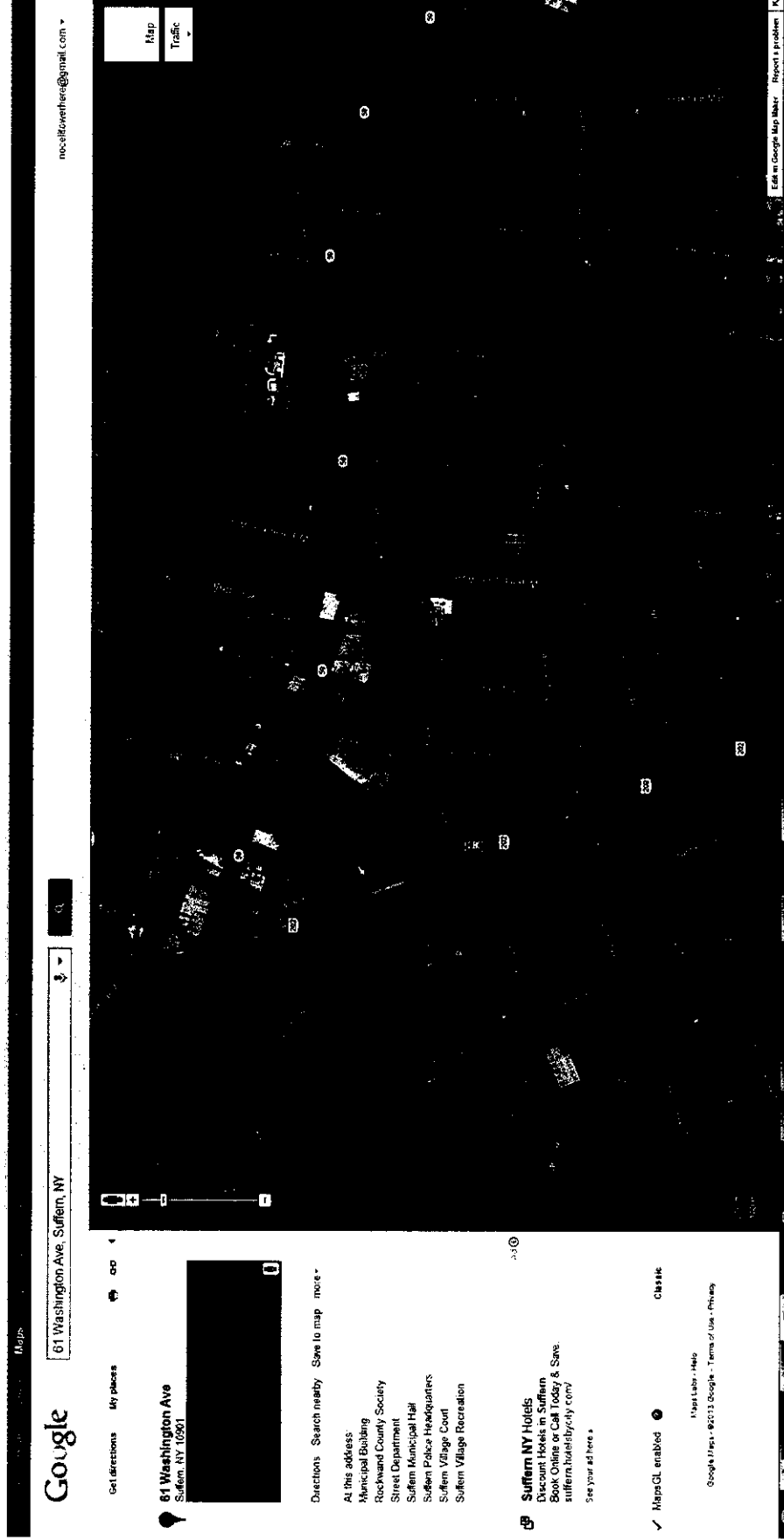
## Exhibit 4 – Stony Point, NY

- 130 monopole at police department in busy area
- On main road of busy neighborhood with many shopping centers and what appears to be a power plant within a half mile.



## Exhibit 5 – Suffern, NY

- 90' Flagpole at Village Hall
- Very busy commercial/residential area
- Not relevant to our neighborhood





## Exhibit 5 – Suffern, NY (cont.)

- 90' Flagpole at Village Hall – not relevant
- Very busy commercial/residential area
- Not relevant to our neighborhood

Google Maps

61 Washington Ave, Suffern, NY

Get directions My places

61 Washington Ave  
Suffern, NY 10901

Directions Search nearby Save to map more


At this address:  
Municipal Building  
Rockland County Society  
Street Department  
Suffern Municipal Hall  
Suffern Police Headquarters  
Suffern Village Court  
Suffern Village Recreation

Suffern NY Hotels  
Discount Hotels in Suffern  
Book Online or Call Today & Save  
suffernhotelsbycity.com/  
See your ad here >

MapsGL enabled Classic  
3/25/21 1:21 PM  
Google Maps ©2013 Google - Terms of Use - Privacy

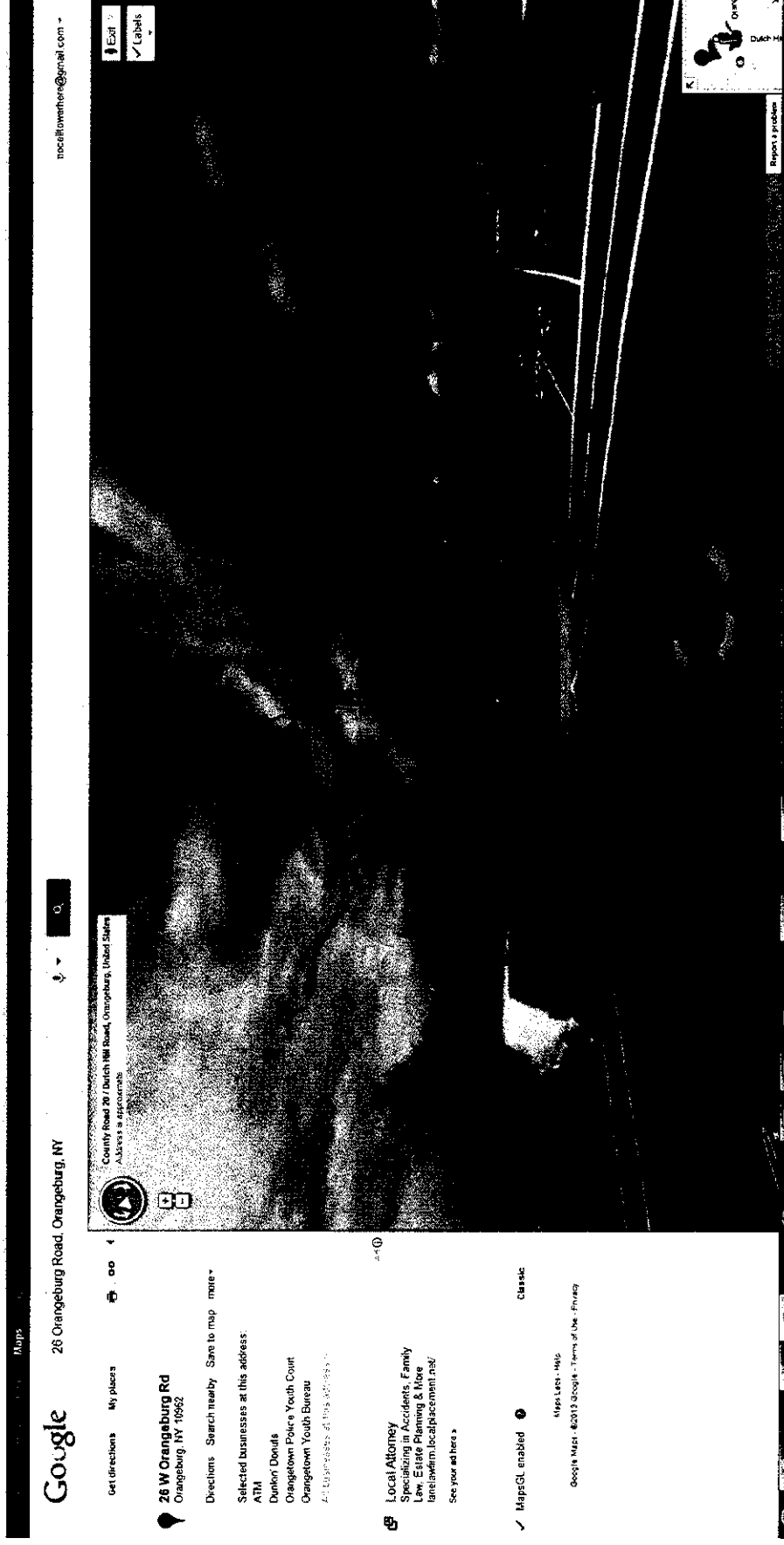
nocelltowerhere@gmail.com

Exit Labels



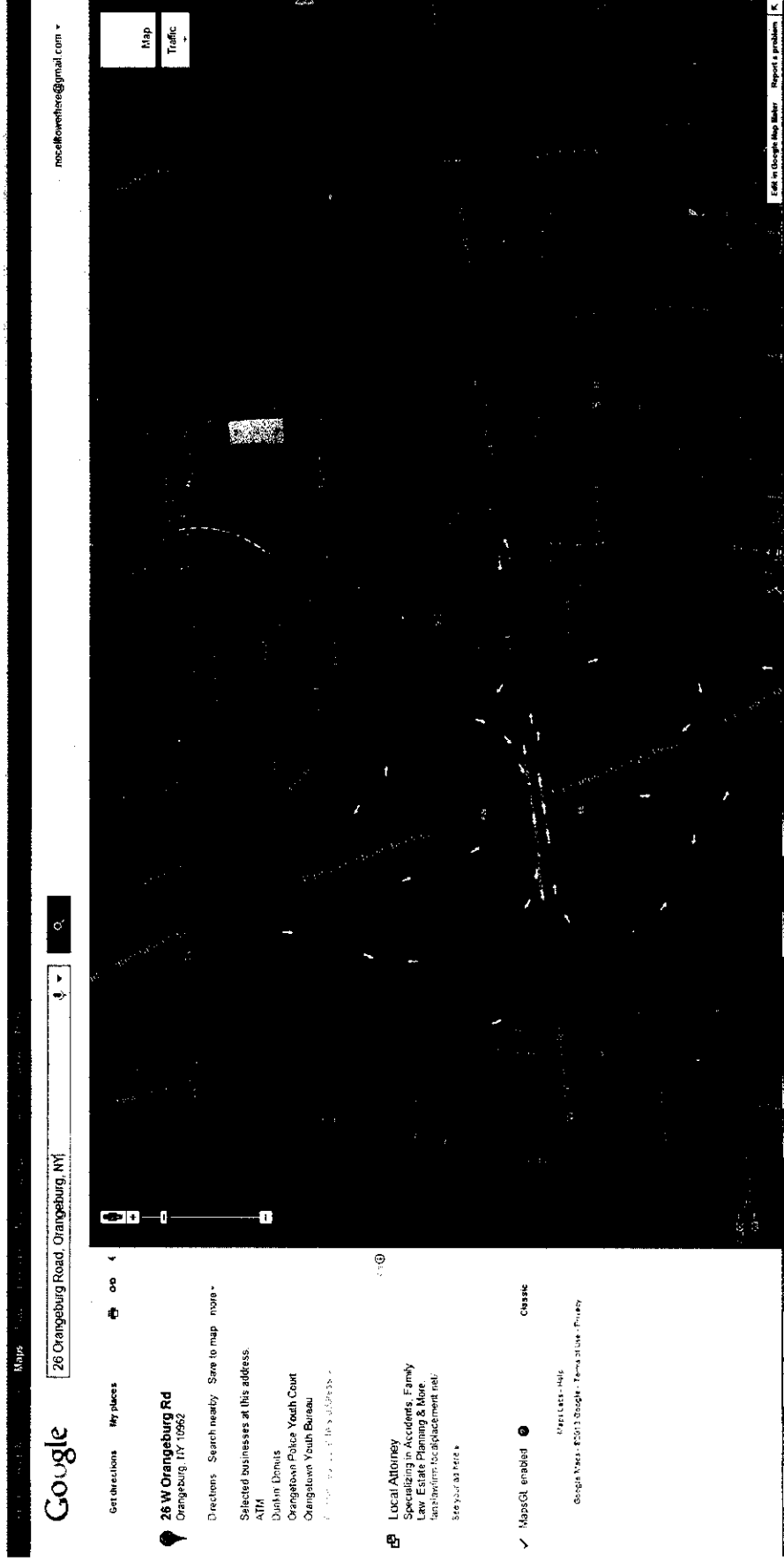
## Exhibit 6 – Orangeburg, NY

- Monopole at Townhall— height not documented
- Near major highway at a town hall in very commercial/residential area
- Not relevant to Smokey Hollow Ct. location



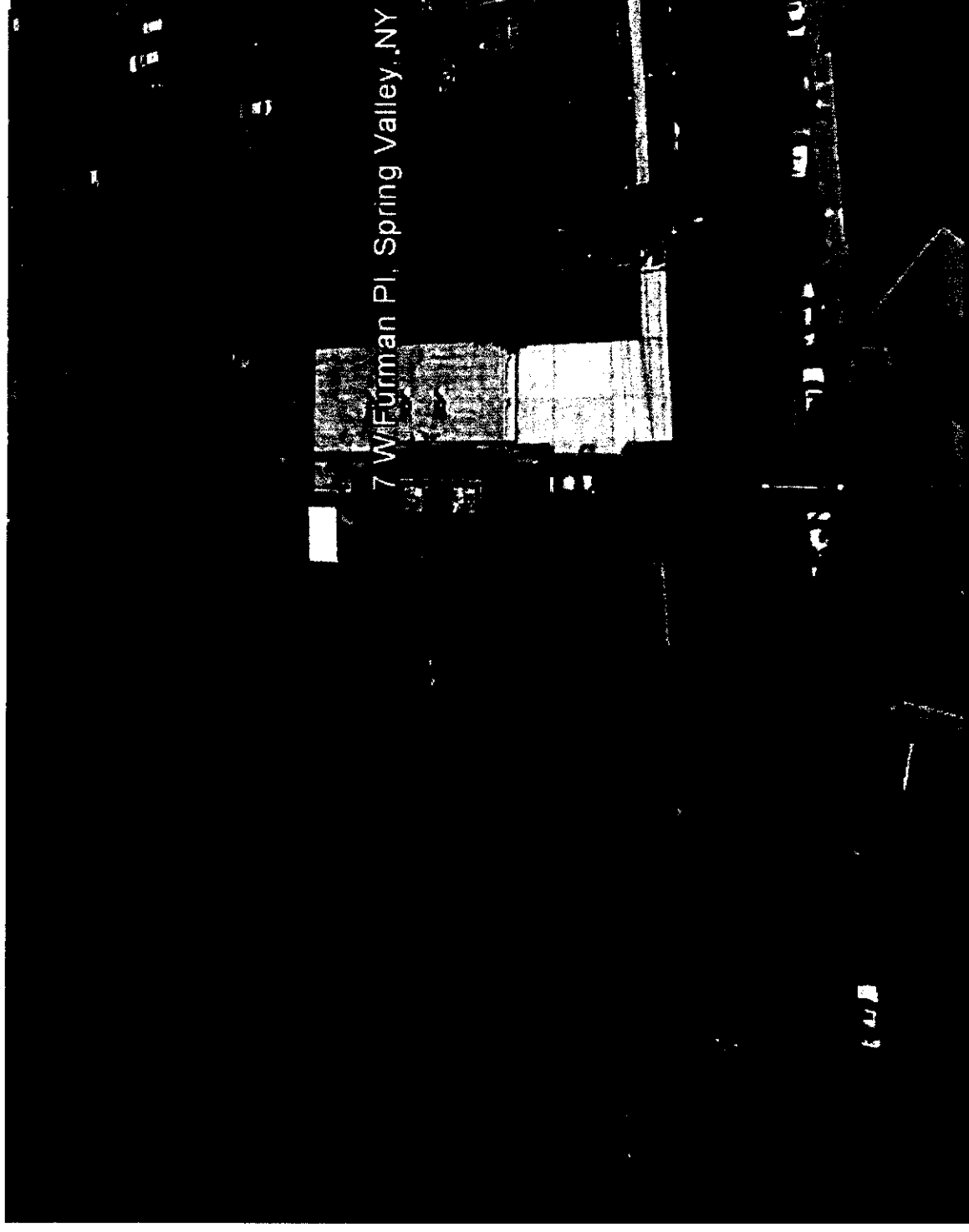
## Exhibit 6 – Orangeburg, NY

- Monopole at Townhall– height not documented
- Near major highway at a town hall in very commercial/residential area
- Not relevant to Smokey Hollow Ct. location



### **Exhibit 7 – Spring Valley, NY**

- This is located at a firehouse as a monopole with internal antennas –flag pole.
- Very commercial/city residential area area.
- **Not relevant since it's not the same type of tower.**

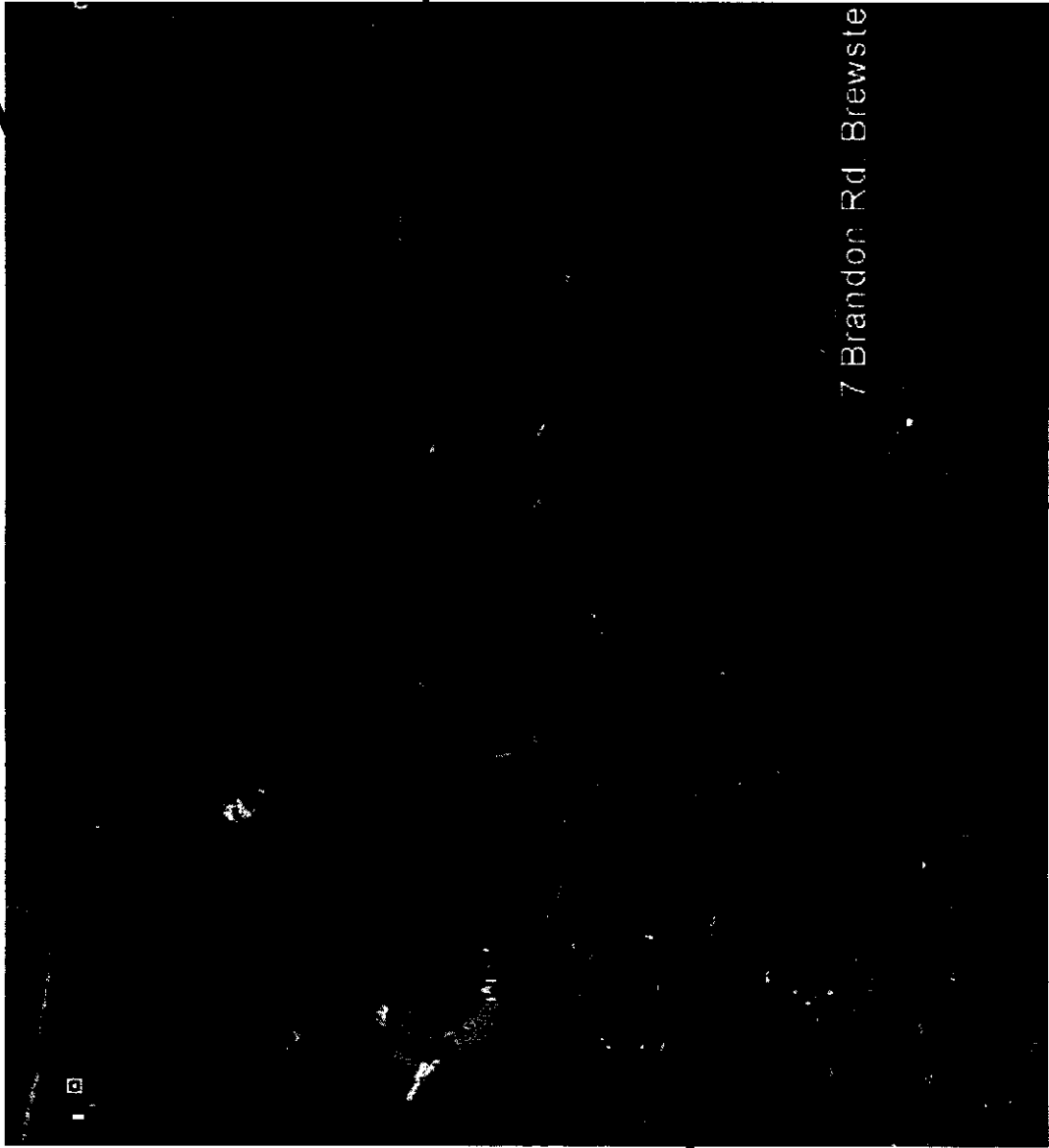


**Exhibit 8, Putnam Lake Area of Patterson**

- This tower can not be relevant to Smokey Hollow Ct.
  - Up a long service road
  - One antenna
  - Does not indicate size of tower

This exhibit should not be considered relevant since the tower is tucked away in a very wooded area

Cell Tower



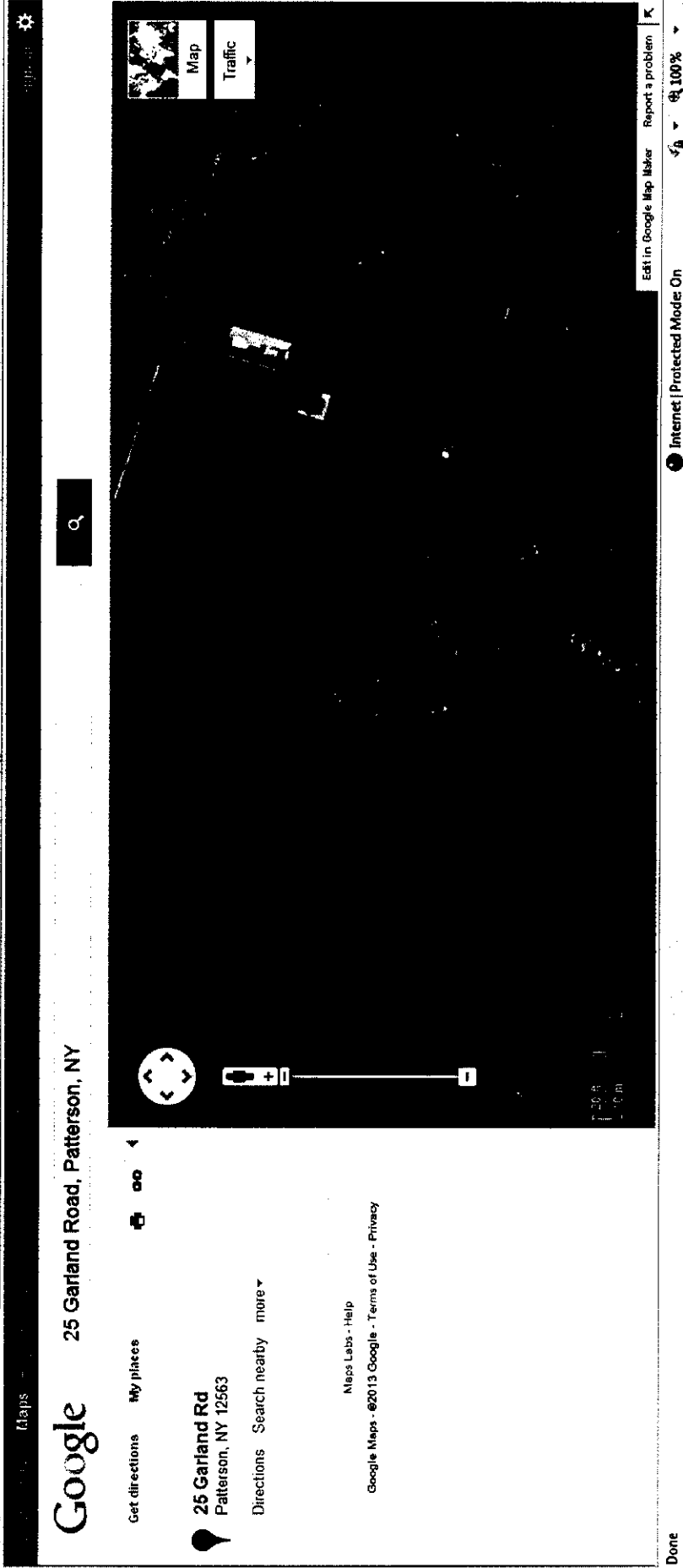
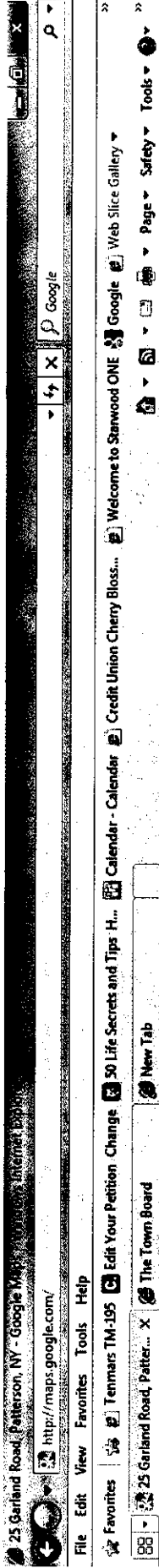
5 Homer  
\$190,000  
(no view??)

1 Allen Dr.  
(foreclosure @ \$252,500)  
No view??

7 Brandon Rd. Brewste

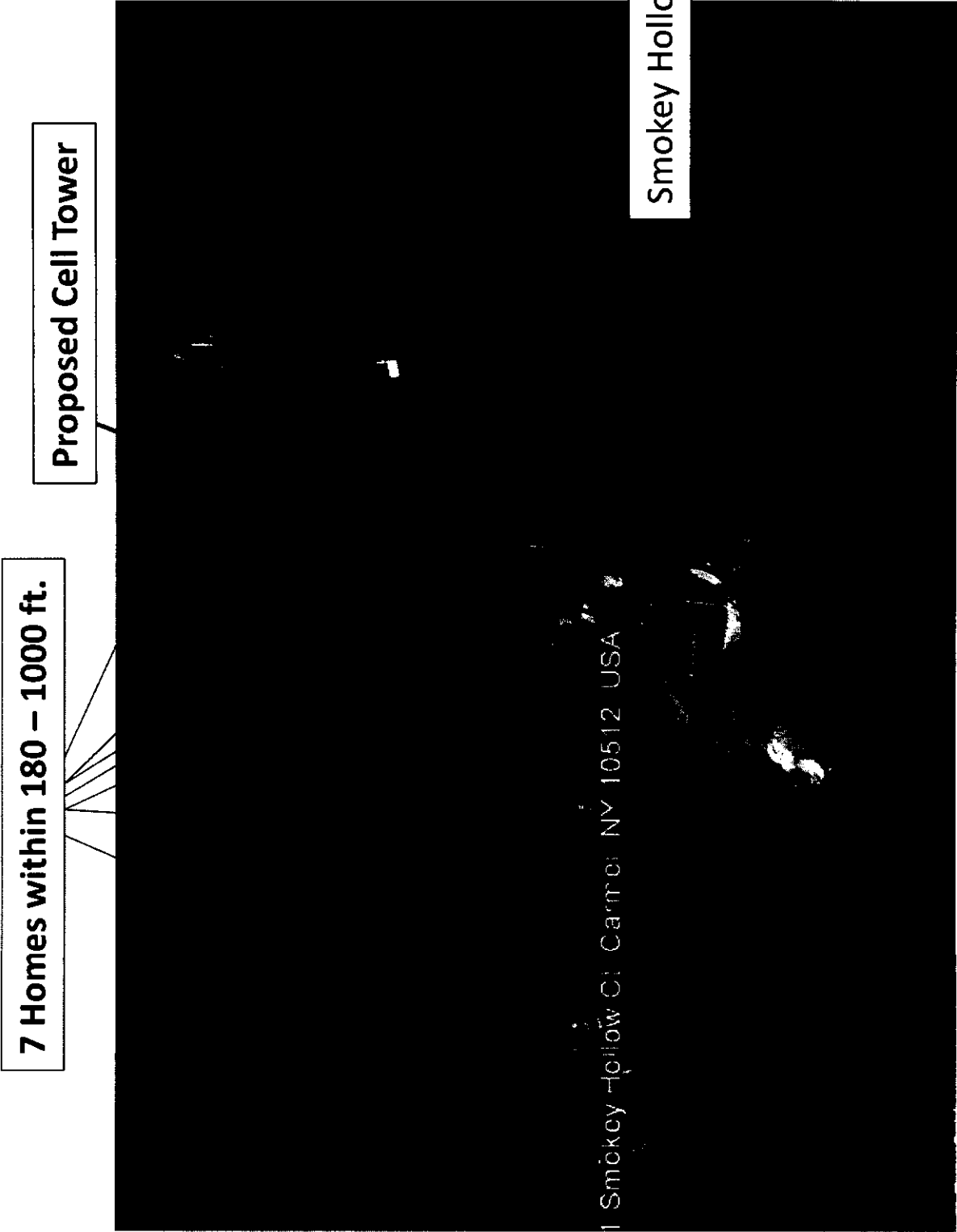
## Exhibit 8, Putnam Lake Area of Patterson

- This tower can not be relevant to Smokey Hollow Ct.
- Up a long service road
- One antenna
- Does not indicate size of tower



# Current Proposed site at 21 Smokey Hollow Ct., Kent, NY

After reviewing the other sites that Lane Appraisal has used in comparison, you can see that there is absolutely no weight to their document.







## QUESTIONS

- 1 – Would you see a large 150 foot cell tower within 250-500 feet of a prospective listing (in open view) as a positive or negative feature?  
2 – Do you believe it would have a detrimental effect to the final sales price?

## RESPONSES

### **From Angela Briante Owner/Broker of Briante Realty Group (Intrary's Listing Agent):**

Absolutely, if I would have had to take the large obtrusive tower into consideration when I was pricing the home. The selling feature on that home was that it was picturesque, charming and in a country setting. Any questions or concerns, please call.

### **From Gary Margolis Owner/Broker Exprop Real Estate, Inc. (Buyer's Agent for Dearman):**

I do not believe that if Mr. and Mrs. Dearman had known about the proposed cell tower on Smokey Hollow Court, or had seen a sign posted on the Town Property that this is the site of a proposed cell tower, that this transaction would have occurred.

With 30 + years of experience in Putnam County as a Licensed Real Estate Broker, it is my professional opinion that a cell tower this close to a residential home will have a negative impact on the future value of this property.

### **From Jerry Diomede with Remax:**

absolutely

I believe all tests have proven there is no danger however it will not change the minds of many.

Anyone interested in making an offer on a house in this situation will always bear in mind a very good possibility that the resale value will be affected.

### **From Betty Macchio with Keller Williams:**

Hello again Danielle, I can see you are concerned and I think you have a legitimate concern and should investigate it further. Cell phone towers emit radio frequency waves/electromagnetic waves. There have been studies done and still there is no significant facts to answer this question. From my years of volunteering with the cancer society and my experience in real estate I believe you have a right to be concerned. Here is a site you should check out if you have not already <http://www.cancer.org/ssLINK/cellular-phone-towers>

Check out all you can on the internet. (Which I am sure you have done) Being in real estate for many years I have seen many houses on the market that are located under the high tension wires (which also give off EMF or RF waves) and they have a difficult time selling.

I also believe that the Town of Kent will be getting paid to have this tower located on their property. Probably with the excuse that it will help to keep the taxes down. I do not envy you and John but I wish you well.....

### **From Heather Duffelmeyer with Century 21:**

Hi Danielle, I most definitely would not purchase a home right next to a cell tower. I think it would have a negative effect on the overall sale price.

0

**From Raymond Magnani with Houlihan Lawrence:**

In my opinion, the presence of any permanent structure out of place in a residential neighborhood indeed represents a negative feature that will always have to be addressed by both the present owners and potential purchasers. For example, a large water tower, electrical transmission tower or cell tower would surely disrupt the view from the subject property and detract from the owner's full enjoyment of his/her home.

Beyond such structure being a distraction and out of character with the community, on a more personal level the owners would always have to answer questions from family or friends such as: was that tower there when you bought the home? Doesn't that tower bother you? Won't it affect the resale value of the property when you want to sell? What were you thinking anyway?

The presence of such an obstruction in my opinion would definitely have a negative affect the final sales price. I am not a licensed appraiser but I would estimate that such an obstruction would result in a 5 to 10% reduction in valuation when compared to an identical home not within such proximity or visual sight line of the tower.

**From CJ Nadler with Houlihan Lawrence:**

I would see it as a negative and it would impact the sale's price.

**From Mike Trinchitella with ReMax:**

Hi Danielle, not too sure about cell towers but I have sold many homes close to power lines and that always has a negative effect on sales price. I don't tend to see too many homes selling near the big cell tower poles so not sure how people feel about that, I can't imagine that is a good thing.

**From Sharon Shell with Mancini Realty:**

In my professional opinion any "tower" near an otherwise residential area will more than likely turn away some buyers, subsequently lowering property values slightly....only for the homes immediately surrounding the tower. On the other hand, providing better cell service to an area will make it more attractive to buyers who may otherwise feel it to be too remote with spotty cell service. The effect is not as bad as large power lines but will definitely affect the homes within eye-shot of this tower.

**From Magdalena Pawlowska with Exprop Real Estate, Inc.:**

In my opinion, I believe that this will have a negative impact on property value and its marketability.

**From Barbara Rego with Houlihan Lawrence:**

My neighbors and I fought a cell tower with an attorney in Town Hall because we felt it would lower property values and we won.

**Real Estate Appraiser Ronald Allstadt (RMA Services, 48 Lillian Road, Mahopac, NY 10541)**

**Phone conversation on April 10, 2013 @ 10:45am:**

\*If a 150 foot cell tower was in view and falling distance of one's home or property, I can only see it as having a negative influence on the surrounding homes.

\*I think a typical buyer would not want to look at a cell tower.

\*This would only negatively impact the neighborhood.



10 McMAHON PLACE & ROUTE 6  
MAHOPAC, NY 10541

(845) 628-0566  
FAX (845) 628-0944

April 2, 2013

Supervisor Katherine Doherty  
and Town Board Members  
25 Sybil's Crossing  
Kent Lakes, NY 10512

Dear Supervisor Doherty and Town Board Members,

My name is Gary Margolis and I am the broker/owner of Exprop Real Estate, Inc., 10 McMahon Place Mahopac, NY. I represented John and Danielle Dearman in the purchase of 12 Smokey Hollow Court, Carmel, NY 10512.

I do not believe that if Mr. and Mrs. Dearman had known about the proposed cell tower on Smokey Hollow Court, or had seen a sign posted on the Town Property that this is the site of a proposed cell tower, that this transaction would have occurred.

With 30 + years of experience in Putnam County as a Licensed Real Estate Broker, it is my professional opinion that a cell tower this close to a residential home will have a negative impact on the future value of this property.

Sincerely,

Gary Margolis  
Exprop Real Estate, Inc.

EXPROP@COMCAST.NET

WWW.EXPROPREALESTATE.COM

Fw: Re: Real Estate Research Question - please answer - Yahoo! Mail

2



**Fw: Re: Real Estate Research Question - please answer**

Tuesday, April 2, 2013 11:00 AM

**From:** "Danielle Dearman" <dr10541@yahoo.com>

**To:** dr10541@yahoo.com

--- On Mon, 4/1/13, Angela Briante <abriante@brianterestgroup.com> wrote:

From: Angela Briante <abriante@brianterestgroup.com>  
Subject: Re: Real Estate Research Question - please answer  
To: "Danielle Dearman" <dr10541@yahoo.com>  
Date: Monday, April 1, 2013, 2:52 PM

Danielle- Absolutely, if I would have had to take the large obtrusive tower into consideration when I was pricing the home. The selling feature on that home was that it was picturesque, charming and in a country setting. Any questions or concerns, please call.

Other than the future tower plans I hope you and your family are doing well.

Angela Briante  
Broker/Owner

Angela Briante  
Briante Realty Group, LLC  
126 Gleneida Avenue-Lower Level  
Carmel, NY 10512  
Office: 845-225-2020  
Fax: 1-888-502-7375  
Cell: 914-806-1950

[www.brianterestgroup.com](http://www.brianterestgroup.com)

We never forget you have another choice!

--- dr10541@yahoo.com wrote:

From: Danielle Dearman <dr10541@yahoo.com>  
To: Angela Briante <abriante@brianterestgroup.com>  
Subject: Re: Real Estate Research Question - please answer  
Date: Mon, 1 Apr 2013 10:19:41 -0700 (PDT)

I am assuming there probably would have been more of a problem selling the home. Anything you can put in writing would be great...thank you!

Thanks,  
Danielle

--- On Mon, 4/1/13, Angela Briante <abriante@brianterestgroup.com> wrote:

|

Hi, Danielle ▾Newest version of Y! MailHelp ▾

Make Y! My Homepage

MailMy Y!Y! Search

YAHOO! MAILClassic

Search

Search Web

BUY 1 GET 1 FREE  
BOOTS39  
SEE MORE STYLES >

JUSTIA.COM © 2012

MailContactsCalendarNotepad

What's New? - Mobile Mail - Options ▾

Check MailNew

Q

Mail Search


Get the newest Yahoo! Mail

3 Bureau  
CREDIT REPORT

Previous | Next | Back to Messages

DeleteReplyForwardSpamMove... ▾

Re: Real Estate Research Question - please answer

From: "Jerrydiomed" <jerrydiomed@optonline.net> 

To: dr10541@yahoo.com

Remak

absolutely

I believe all test have proven there is no danger however it will not change the minds of many anyone interested in making an offer on a house is this situation will always bear in mind a very good possibility that resale value will be affected.

Sent from my Droid Charge on Verizon 4G LTE

-----Original Message-----

From: Danielle Dearman <dr10541@yahoo.com>

To: <dbuardo@gmail.com>, <kfortuna70@aol.com>, <pam.blecker@yahoo.com>, <patstamrealtor@gmail.com>, <jerrydiomed@aol.com>, <tbenkwitt@houlihanlawrence.com>, <harmanism@cs.com>, <patty.wagner@cbmoves.com>, <barbara.labarbera

Date: Monday, April 1, 2013 9:12:42 AM GMT-7

Subject: Real Estate Research Question - please answer

Dear Realtors,

My name is Danielle Dearman and I am seeking various professional opinions regarding purchasing residential

\*\*Would you see a large 150 foot cell tower within 250-500 feet of a prospective listing (in open view) as a

\*\*Do you believe it would have a detrimental effect to the final sales price?

Thank You so much in advance!

Danielle Dearman

DeleteReplyForwardSpamMove... ▾

Previous | Next | Back to Messages

Check MailNew

Q

Mail Search

It's easy  
to build a  
BUSINESS

Fw: Re: Answers to your question - Yahoo! Mail

2



**Fw: Re: Answers to your question**

Tuesday, April 2, 2013 11:01 AM

**From:** "Danielle Dearman" <dr10541@yahoo.com>

**To:** dr10541@yahoo.com

--- On Mon, 4/1/13, bettymacchio@kw.com <bettymacchio@kw.com> wrote:

From: bettymacchio@kw.com <bettymacchio@kw.com>

Subject: Re: Answers to your question

To: "Danielle Dearman" <dr10541@yahoo.com>

Date: Monday, April 1, 2013, 2:10 PM

Hello again Danielle, I can see you are concerned and I think you have a legitimate concern and should investigate it further. Cell phone towers emit radio frequency waves/electromagnetic waves. There have been studies done and still there is no significant facts to answer this question. From my years of volunteering with the cancer society and my experience in real estate I believe you have a right to be concerned. Here is a site you should check out if you have not already.

<http://www.cancer.org/ssLINK/cellular-phone-towers>

Check out all you can on the internet. (Which I am sure you have done) Being in real estate for many years I have seen many houses on the market that are located under the high tension wires (which also give off EMF or RF waves) and they have a difficult time selling.

I also believe that the Town of Kent will be getting paid to have this tower located on their property. Probably with the excuse that it will help to keep the taxes down.

I do not envy you and John but I wish you well in your attempt to get a case together to deter them moving forward. With all the property in Kent can't they find a spot high on a hill with nothing but vacant land around. Good Luck, Warmest Regards, Betty

Betty Macchio, CBR, SRES  
Licensed Salesperson  
Keller Williams Realty Partners  
Cell: (914) 224-7093  
Email: bettymacchio@kw.com

"Whatever your Real Estate needs may be, when you are ready, Call Betty!"

>

> --- On Mon, 4/1/13, bettymacchio@kw.com <bettymacchio@kw.com> wrote:

>

>

> From: bettymacchio@kw.com <bettymacchio@kw.com>

> Subject: Answers to your question

> To: "Danielle Dearman" <dr10541@yahoo.com>

> Date: Monday, April 1, 2013, 12:25 PM

>

>

>



**RE: Real Estate Research Question - please answer**

Monday, April 1, 2013 3:24 PM

**From:** "heather duffelmeyer" <dufflady@verizon.net>  
**To:** "Danielle Dearman" <dr10541@yahoo.com>

Hi Danielle, I most definitely would not purchase a home right next to a cell tower. I think it would have a negative effect on the overall sale price.

Sincerely,

Heather Duffelmeyer  
 C21VJF

---

**From:** Danielle Dearman [mailto:dr10541@yahoo.com]

**Sent:** Monday, April 01, 2013 12:13 PM

**To:** dbuardo@gmail.com; kfortuna70@aol.com; pam.blecker@yahoo.com; patstamrealtor@gmail.com; jerrydiomede@remax.net; KWDoreen@aol.com; dkurz10928@aol.com; ryan.delaney@randrealty.com; michelina.arminio@cbmoves.com; jnmncn@aol.com; camille.dunbabin@gmail.com; vmcgough@aol.com; teresa.mcmanus@cbmoves.com; magdalenamarek@aol.com; LMARTYNOVA@GMAIL.COM; joanne.credendino@prudentialserls.com; eileen.fesko@prudentialserls.com; rose.goldfine@cbmoves.com; janet.goldsmith@randrealty.com; adamashek@weichert.com; jfassacesia@comcast.net; dufflady@verizon.net ; gina.nuccetelli@randrealty.com; Inc.Exprop Real Estate; aggiealiberto@remax.net; anita0658@yahoo.com; bettymacchio@kw.com; lbarlant@optonline.net; "lindaprudential"@aol.com; tbenkwitt@houlihanlawrence.com; harmanism@cs.com; patty.wagner@cbmoves.com; barbara.labarbera@cbmoves.com; gcatti@houlihanlawrence.com; lliffland@houlihanlawrence.com; rmagnani@houlihanlawrence.com; mmakaj@houlihanlawrence.com; sheshr@aol.com; ken.dobbins@cbmoves.com; lindapolay@jphilip.com; doconnell@houlihanlawrence.com; harry@townandvillagerealty.com; glidy@juno.com; fjacobellis@verizon.net; sjmcdonald54@yahoo.com; hansmannk@gmail.com; debi.simpson@cbmoves.com; lee@leekader.com; knicosia@houlihanlawrence.com; thebutlersellsit@gmail.com; krodriquez@houlihanlawrence.com; ann.creamer@randrealty.com; loneill@houlihanlawrence.com; viewhomeswithchristina@yahoo.com; alice.horowitz@randrealty.com; her4sons@aol.com; crowne2rob@aol.com; addatod@aol.com; jtausek@billingsleyrealty.com; sfrattarola@houlihanlawrence.com; bertperrelli@verizon.net; june.canavan@cbmoves.com; gracere@aol.com; ld375@aol.com; ginnygin2@aol.com; cindyk@kw.com; kevin@lucianorios.com; tpagano@ziprealty.com; cefaloni.lb@verizon.net; joe.fiore@cbmoves.com; cjnadler@gmail.com; cfabbri@houlihanlawrence.com; michael.oconnor@coldwellbankermoves.com; mike.catalano@elliman.com; andream7@aol.com; debremax@optonline.net; susan.mirwis@randrealty.com; brego@houlihanlawrence.com; jowella4@yahoo.com; nmarceca@houlihanlawrence.com; asimone@houlihanlawrence.com; gay.marglin@randrealty.com; abriante@briantereaitygroup.com

**Subject:** Real Estate Research Question - please answer

Dear Realtors,

My name is Danielle Dearman and I am seeking various professional opinions regarding purchasing residential homes right next to a large cell tower. I am gathering up as many responses as I can. Please take a moment to give your input. It will be greatly appreciated!

**\*\*Would you see a large 150 foot cell tower within 250-500 feet of a prospective listing (in open view) as a positive or negative feature?**



**RE: Real Estate Research Question - please answer**

Tuesday, April 2, 2013 9:06 AM

**From:** "Magnani, Raymond C." <RMagnani@HoulihanLawrence.com>

**To:** "Danielle Dearman" <dr10541@yahoo.com>

In my opinion, the presence of any permanent structure out of place in a residential neighborhood indeed represents a negative feature that will always have to be addressed by both the present owners and potential purchasers. For example, a large water tower, electrical transmission tower or cell tower would surely disrupt the view from the subject property and detract from the owner's full enjoyment of his/her home.

Beyond such structure being a distraction and out of character with the community, on a more personal level the owners would always have to answer questions from family or friends such as: was that tower there when you bought the home? Doesn't that tower bother you? Won't it affect the resale value of the property when you want to sell? What were you thinking anyway?

The presence of such an obstruction in my opinion would definitely have a negative affect the final sales price. I am not a licensed appraiser but I would estimate that such an obstruction would result in a 5 to 10% reduction in valuation when compared to an identical home not within such proximity or visual sight line of the tower.

Best regards,  
Ray Magnani, CBR, SFR  
Licensed Real Estate Salesperson  
Houlihan Lawrence  
Yorktown Brokerage  
(Cell) 914-262-0774  
[www.RayMagnani.com](http://www.RayMagnani.com)  
Licensed in New York and Connecticut  
*Let me bring you home!*

*2012, 2011 Top Producer Silver Sales Award Winner*

*Enjoy the Video Links of our towns in Westchester*  
<http://www.houlihanlawrence.com/hltv>

**To view Houlihan Lawrence Gallery of Homes Online Magazine**  
[http://issuu.com/houlihanlawrence/docs/houlihan\\_galleryhomes\\_spring2013?mode=window&viewMode=doublePage](http://issuu.com/houlihanlawrence/docs/houlihan_galleryhomes_spring2013?mode=window&viewMode=doublePage)

---

**From:** Danielle Dearman [dr10541@yahoo.com]

**Sent:** Monday, April 01, 2013 12:12 PM

**To:** dbuardo@gmail.com; kfortuna70@aol.com; pam.blecker@yahoo.com; patstamrealtor@gmail.com; jerrydiomede@remax.net; KWDoreen@aol.com; dkurz10928@aol.com; ryan.deianey@randrealty.com; michelina.arminio@cbmoves.com; jnmncn@aol.com; camille.dunbabin@gmail.com; vmcgough@aol.com; teresa.mcmanus@cbmoves.com; magdalenamarek@aol.com; LMARTYNOVA@GMAIL.COM; joanne.credendino@prudentialserls.com; eileen.fesko@prudentialserls.com; rose.goldfine@cbmoves.com; janet.goldsmith@randrealty.com; adamashek@weichert.com; jfassacesia@comcast.net; dufflady@verizon.net; gina.nuccetelli@randrealty.com; Inc.Exprop Real Estate; aggiealiberto@remax.net; anita0658@yahoo.com; bettymacchio@kw.com; lbarlant@optonline.net; "lindaprudential"@aol.com; tbenkwitt@houlihanlawrence.com; harmanism@cs.com; patty.wagner@cbmoves.com;





**Re: Real Estate Research Question - please answer**

Monday, April 1, 2013 12:18 PM

**From:** "C.J. Nadler" <cjnadler@gmail.com>

**To:** "Danielle Dearman" <dr10541@yahoo.com>

Hi Danielle,

I would see it as a negative and it would impact the sale's price.

C. J. Nadler

On Mon, Apr 1, 2013 at 12:12 PM, Danielle Dearman <dr10541@yahoo.com> wrote:

Dear Realtors,

My name is Danielle Dearman and I am seeking various professional opinions regarding purchasing residential homes right next to a large cell tower. I am gathering up as many responses as I can. Please take a moment to give your input. It will be greatly appreciated!

**\*\*Would you see a large 150 foot cell tower within 250-500 feet of a prospective listing (in open view) as a positive or negative feature?**

**\*\*Do you believe it would have a detrimental effect to the final sales price?**

Thank You so much in advance!  
Danielle Dearman

---

**C. J. NADLER, CBR**

*Relocation Certified*

*Houlihan Lawrence Inc.*

*104 Village Sq*

*Somers, NY 10589*

*Direct: 914-393-6481*

*Fax: 914-277-5037*

*[cjnadler@gmail.com](mailto:cjnadler@gmail.com)*

*[www.cjnadler.com](http://www.cjnadler.com)*

*[www.cjnadler.houlihanlawrence.com](http://www.cjnadler.houlihanlawrence.com)*

*[www.heritagehillssomers.com](http://www.heritagehillssomers.com)*



**Re: Real Estate Question**

Tuesday, April 2, 2013 12:19 PM

**From:** "MikeTrinch@aol.com" <MikeTrinch@aol.com>

**To:** dr10541@yahoo.com

Hi Danielle, not too sure about cell towers but I have sold many homes close to power lines and that always has a negative effect on sales price. I don't tend to see too many homes selling near the big cell tower poles so not sure how people feel about that, I can't imagine that is a good thing.

Is a proposed towering supposed to be built near your house or is there one there already?

Let me know if I can help further.

Mike Trinchitella  
Associate Real Estate Broker  
Re/Max Classic Realty  
MikeTrinch.com  
Cell: 914-403-4868  
Email: [Mike@MikeTrinch.com](mailto:Mike@MikeTrinch.com)

In a message dated 4/2/2013 10:46:51 A.M. Central Daylight Time, dr10541@yahoo.com writes:

**\*\*Would you see a large 150 foot cell tower within 250-500 feet of a prospective listing (in open view) as a positive or negative feature?**

**\*\*Do you believe it would have a detrimental effect to the final sales price?**



**Fw: Re: Question**

Tuesday, April 2, 2013 12:13 PM

**From:** "Danielle Dearman" <dr10541@yahoo.com>  
**To:** dr10541@yahoo.com

--- On Tue, 4/2/13, sheshr@aol.com <sheshr@aol.com> wrote:

From: sheshr@aol.com <sheshr@aol.com>  
 Subject: Re: Question  
 To: dr10541@yahoo.com  
 Date: Tuesday, April 2, 2013, 11:52 AM

In my professional opinion any "tower" near an otherwise residential area will more than likely turn away some buyers, subsequently lowering property values slightly....only for the homes immediately surrounding the tower. On the other hand, providing better cell service to an area will make it more attractive to buyers who may otherwise feel it to be too remote with spotty cell service. The effect is not as bad as large power lines but will definitely affect the homes with in eye-shot of this tower.

Good luck tonight!!!!  
 Sharon Sheil  
 Licensed Real Estate Salesperson  
 Mancini Realty Inc.  
 358 Route 202  
 Somers, NY 10589  
 914.497.0912 cell  
 914.248.6117 office  
[sheshr@aol.com](mailto:sheshr@aol.com)  
<http://mancinirealestate.com>

Dear Realtors,

My name is Danielle Dearman and I am seeking various professional opinions regarding purchasing residential homes right next to a large cell tower. I am gathering up as many responses as I can. Please take a moment to give your input. It will be greatly appreciated!

**\*\*Would you see a large 150 foot cell tower within 250-500 feet of a prospective listing (in open view) as a positive or negative feature?**

**\*\*Do you believe it would have a detrimental effect to the final sales price?**

Thank You so much in advance!  
 Danielle Dearman

Re: Question - Y Mail

**YAHOO! MAIL**  
Classic

Re: Questi

From: "Reg Barbara" <BRego@HoulihanLawrence.com>  
To: "dr10541@yahoo.com" <dr10541@yahoo.com>

Barbara Rego  
Houlihan Lawrence

Wednesday, April 10, 2013 9:54 AM

My neighbors and I fought a cell tower with and attorney in Town Hall because we felt it would lower property values and we won.

**From:** Danielle Dearman <dr10541@yahoo.com>  
**To:** dbuardo@gmail.com <dbuardo@gmail.com>; kfortuna70@aol.com <kfortuna70@aol.com>;  
pam.blecker@yahoo.com <pam.blecker@yahoo.com>; patstamrealtor@gmail.com  
<patstamrealtor@gmail.com>; KWDoreen@aol.com <KWDoreen@aol.com>; dkurz10928@aol.com  
<dkurz10928@aol.com>; ryan.delaney@randrealty.com <ryan.delaney@randrealty.com>;  
micheline.arminio@cbmoves.com <micheline.arminio@cbmoves.com>; jnmncn@aol.com <jnmncn@aol.com>;  
camille.dunbabin@gmail.com <camille.dunbabin@gmail.com>; vmcgough@aol.com <vmcgough@aol.com>;  
teresa.mcmanus@cbmoves.com <teresa.mcmanus@cbmoves.com>; LMARTYNOVA@GMAIL.COM  
<LMARTYNOVA@GMAIL.COM>; joanne.credendino@prudentialserls.com  
<joanne.credendino@prudentialserls.com>; eileen.fesko@prudentialserls.com  
<eileen.fesko@prudentialserls.com>; rose.goldfine@cbmoves.com <rose.goldfine@cbmoves.com>;  
janet.goldsmith@randrealty.com <janet.goldsmith@randrealty.com>; adamashek@weichert.com  
<adamashek@weichert.com>; jfassacesia@comcast.net <jfassacesia@comcast.net>;  
gina.nuccetelli@randrealty.com <gina.nuccetelli@randrealty.com>; aggiealiberto@remax.net  
<aggiealiberto@remax.net>; anita0658@yahoo.com <anita0658@yahoo.com>; lbarlant@optonline.net  
<lbarlant@optonline.net>; "lindaprudential"@aol.com <"lindaprudential"@aol.com>;  
tbenkwitt@houlihanlawrence.com <tbenkwitt@houlihanlawrence.com>; harmanism@cs.com  
<harmanism@cs.com>; patty.wagner@cbmoves.com <patty.wagner@cbmoves.com>;  
barbara.labarbera@cbmoves.com <barbara.labarbera@cbmoves.com>; Catti, Grace P.; Liffland, Lisa; Makaj,  
Maria; ken.dobbins@cbmoves.com <ken.dobbins@cbmoves.com>; lindapolay@jphilip.com  
<lindapolay@jphilip.com>; O'Connell, Donna; harry@townandvillagerealty.com  
<harry@townandvillagerealty.com>; glidy@juno.com <glidy@juno.com>; fjacobellis@verizon.net  
<fjacobellis@verizon.net>; debi.simpson@cbmoves.com <debi.simpson@cbmoves.com>; hansmannk@gmail.com  
<hansmannk@gmail.com>; Nicosia, Kim; thebutlersellsit@gmail.com <thebutlersellsit@gmail.com>; lee@leekader.com  
<lee@leekader.com>; ann.creamer@randrealty.com <ann.creamer@randrealty.com>; O'Neill, Lorraine;  
Keri; ann.creamer@randrealty.com <ann.creamer@randrealty.com>; crowne2rob@aol.com  
<crowne2rob@aol.com>; her4sons@aol.com <her4sons@aol.com>; alice.horowitz@randrealty.com  
<alice.horowitz@randrealty.com>; addatod@aol.com <addatod@aol.com>; bertperrelli@verizon.net  
<bertperrelli@verizon.net>; jtausek@billingsleyrealty.com <jtausek@billingsleyrealty.com>;  
june.canavan@cbmoves.com <june.canavan@cbmoves.com>; gracere@aol.com <gracere@aol.com>;  
<ld375@aol.com>; cindyk@kw.com <cindyk@kw.com>; cefaloni.lb@verizon.net <cefaloni.lb@verizon.net>;  
<tpagano@ziprealty.com>; kevin@lucianorios.com <kevin@lucianorios.com>; joe.fiore@cbmoves.com  
<joe.fiore@cbmoves.com>; Fabbri, Clara; michael.oconnor@coldwellbankermoves.com  
<michael.oconnor@coldwellbankermoves.com>; andrea7@aol.com <andrea7@aol.com>;  
debremax@optonline.net <debremax@optonline.net>; Susan, Mirwis@randrealty.com  
<susan.mirwis@randrealty.com>; Rego, Barbara; jowella4@yahoo.com <jowella4@yahoo.com>; Marceca,  
Nini; Simone, Arlene; gay.marglin@randrealty.com <gay.marglin@randrealty.com>; chris@weahomes.net  
<chris@weahomes.net>; DPIRCIO@WEICHERT.COM <DPIRCIO@WEICHERT.COM>; lauriebel2@aol.com  
<lauriebel2@aol.com>; shedupell@aol.com <shedupell@aol.com>; gutierrez.l.michael@gmail.com  
<gutierrez.l.michael@gmail.com>; DEANNA.WHARTON@RANDREALTY.COM <DEANNA.WHARTON@RANDREALTY.COM>;



**Re: Real Estate Research Question - please answer**

Tuesday, April 16, 2013 1:07 PM

**From:** "Magdalenamarek@aol.com" <Magdalenamarek@aol.com>

**To:** dr10541@yahoo.com

Dear Danielle,

In my opinion, I believe that this will have a negative impact on property value and its marketability.

Magdalena Pawlowska  
914-44708135 cell  
magdalenamarek@aol.com

Exprop Real Estate, Inc.  
10 McMahon Place  
Mahopac, NY 10541  
845-628-0566 office phone  
845-628-0944 office fax  
exprop@comcast.net  
exproprealestate.com

In a message dated 4/1/2013 12:12:43 P.M. Eastern Daylight Time, dr10541@yahoo.com writes:

Dear Realtors,

My name is Danielle Dearman and I am seeking various professional opinions regarding purchasing residential homes right next to a large cell tower. I am gathering up as many responses as I can. Please take a moment to give your input. It will be greatly appreciated!

**\*\*Would you see a large 150 foot cell tower within 250-500 feet of a prospective listing (in open view) as a positive or negative feature?**

**\*\*Do you believe it would have a detrimental effect to the final sales price?**

Thank You so much in advance!  
Danielle Dearman

Magdalena Pawlowska  
914-44708135 cell  
magdalenamarek@aol.com

Exprop Real Estate, Inc.  
10 McMahon Place  
Mahopac, NY 10541  
845-628-0566 office phone  
845-628-0944 office fax



By hand 4-16-13

The point of public hearings are so that town boards can get the input of the public who have experience as professionals in various fields of public or private service, whether it be construction, realty, human resources, administration or physics. I have been a police officer in this county for 12 years. I have been a Sergeant for 6 years. I have been the Carmel PBA President for the past 3 years and I'm certified by the FBI as a defensive tactics instructor. Public and Police Officer safety is my profession, and with all due respect to Chief DiVernieri's letter to the town dated February 26, 2013 cellular service does not affect officer safety. The in-car computer is a supplemental tool used for the dissemination of non-emergency information. Radio communication between the officer and the dispatcher should always be used to deliver important information. A computer cannot and will not ever replace good tactics in keeping officers safe. With that being said:

- About 3-4 weeks ago I drove west on Rte 301 in a marked Carmel Police car from Smokey Hollow Ct to Peekskill Hollow Rd (2.5 miles). Then I drove on Peekskill Hollow Rd through Kent to Town Line Rd in Carmel (1.7 miles). I drove a total of 4.2 miles and at no time did the in-car computer or my cell phone lose connection.
- On 01/21/13 at approx 6:10 pm while driving on Rte 301 to Dixon Rd in a marked Carmel Police car I observed a man stumble out of the passenger side of a truck parked at the entrance to Smokey Hollow Ct. He then clutched his chest and fell into the bushes. I called 911 with my car radio to dispatch Kent ambulance and a paramedic. Putnam 911, Kent PD and Carmel PD all heard my radio transmission. I also used my portable radio to update Putnam 911 as well as my cell phone to call my desk. There were no problems with communications in a real life emergency!
- About 10-11 years ago while employed by the Putnam County Sheriff's Dept I backed up Kent PD at a call on Rte 301 west of the Kent FD. While going door to door on foot looking for the suspect in a fatal shooting my portable radio worked properly.
- Supervisor Doherty stated that "In a time of crisis, it's impossible to dial 911 with a cell phone along most sections of the winding road" (referring to Rte

301). When was this study conducted? What were the nearest mile markers that do not have access to 911? Were the tests conducted every  $\frac{1}{4}$  mile,  $\frac{1}{2}$  mile etc. In nearly 12 years of being a police officer in Putnam County I have never heard of a civilian or police officer being hurt on Rte 301 because they were unable to communicate a request for help. As usual whenever a governmental entity wants something, they try to use scare tactics in order to get the public to acquiesce. If the town board is so concerned with public and officer safety, then you should raise the minimum staffing levels of the police dept from 2 to 3 officers per shift. This would give the officers adequate back-up and allow them the time to enforce specific traffic laws on Rte 301 like speeding, cell phone use and texting while driving. More cops on the street increase public safety, not an increase cellular service.



# An Analysis of Cell Tower Ice Falls

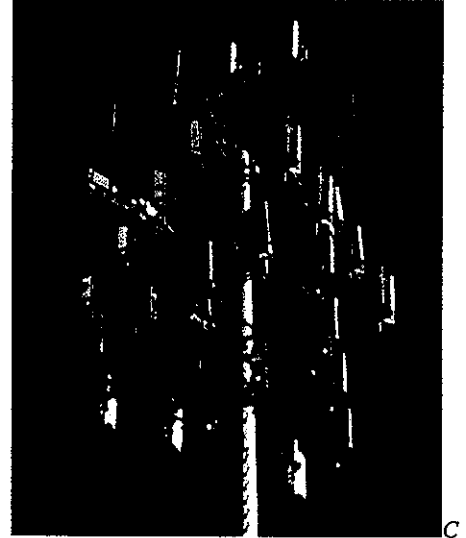
([www.symdesign.us/icefall](http://www.symdesign.us/icefall))

Dr. Dennis L. Rogers\*

April 16, 2013

**Abstract:** The following is an estimate of the effects of ice falling from cell towers. The velocity of impact and distance of impact from the tower are calculated for the type of ice fragments expected due to freezing rain on the flat surfaces of the tower and antenna structures. These calculations are not intended to be comprehensive but do show the magnitude of effects to be expected.

**Introduction:** Freezing rain can cause ice to build up on the flat surfaces of the antenna elements arrayed around a cell phone tower and also on the tower itself. The photo to the right shows such an antenna array. Since these surfaces are oriented vertically one would expect the ice to form primarily in almost flat sheets oriented vertically to the ground. The thickness of these sheets could be up to 6 cm thick due to freezing rain. In what follows I will consider the fate of such a sheet of ice that has detached from the cell tower surface. This could be due to heat from the antenna currents melting a thin layer next to the tower or antenna element. Indeed such ice falls have been observed.



Cell Phone Tower Antenna array in Kent NY.

**The Physics:** The sheet of ice will be subject to two forces: the downward force of gravity and the force exerted by wind resistance. The force of gravity is constant and equal to:

$$\text{Eq. 1} \quad F_{\text{grav}} = Mg$$

where  $g = 9.8 \text{ m/s}^2$  is the acceleration of gravity, and  $M$  is the mass of the ice sheet in kg. In what follows I will assume the use of MKS units in the calculations.

The force due to wind resistance depends on the actual geometry of the piece of ice but is roughly proportional to the area exposed to the wind,  $A$ , the square of the velocity,  $v$ , at which it falls and the drag coefficient,  $C_d$ , which depends on the exact shape of the ice fragment. Using the EIA-222-C standard for calculating wind forces on antenna structures, the wind force can be written :

$$\text{Eq. 2} \quad F_{\text{wind}} = F_0 A v^2 C_d$$

$$\text{where} \quad F_0 = 0.26 \frac{\text{nt-s}^2}{\text{m}^4}$$

**No Wind:** The simplest case is where there is no wind blowing. The wind resistance is then only due to the velocity at which the object is falling. The downward acceleration,  $a$ , is then given by:

$$\text{Eq. 3} \quad a = \frac{dv}{dt} = \frac{F_{total}}{M} = \frac{-Mg + F_0 A v^2 C_d}{M} = -g + \frac{F_0 A v^2 C_d}{M}$$

For the thin sheets oriented vertically, the second term, the wind resistance force, will be negligible and the ice will fall primarily due to the force of gravity. The cases in which the ice sheet is not oriented vertically will not be considered. Assuming a tower height of 50 meters (about 150 ft) and only gravitational forces, the ice sheet would reach a velocity of 31 m/s or about 67 mph before hitting the ground. Assuming the flat surfaces of the antenna structures are 1 meter sq in size and that the ice is 6 cm thick this would result in a piece of ice weighing approximately 54 kg (119 lbs) striking into the ground with a speed of 67 miles per hour. Since the wind resistance is negligible for vertically oriented sheets, this speed will be independent of the size of the ice sheet.

**With Wind:** With wind, of course, the ice can move in the direction of the wind before reaching the ground. A sheet of ice can experience considerable force from the wind, especially if the flat side of the sheet is perpendicular to the wind. In this case there is an equation of motion for both the vertical direction and the direction in which the wind is blowing. Vertically the equation is the same as in the no wind case:

$$\text{Eq 4.} \quad a_z = \frac{dv_z}{dt} = -g + \frac{F_0 A v_z^2 C_d}{M}$$

while in the direction of the wind:

$$\text{Eq 5.} \quad a_x = \frac{dv_x}{dt} = \frac{F_0 A (v_w - v_x)^2 C_d}{M} - \frac{F_0 A v_x^2 C_d}{M}$$

where  $a_x$  is the acceleration in the direction of the wind,  $v_w$  is the velocity of the wind and  $v_x$  is the velocity of the ice in the direction of the wind. The first term is the force on the windward side of the sheet and the second term is the force on the opposite side of the sheet due to normal wind resistance. The amount the ice travels in the direction of the wind depends on the thickness of the sheet, with thinner sheets traveling further. These equations have been solved to determine the amount of travel in the direction of the wind that the ice sheet would travel before impacting the ground. Again assuming a 1 meter-sq sheet, the figure below shows the distance from the tower the ice sheet would fall for four different thicknesses and weights:

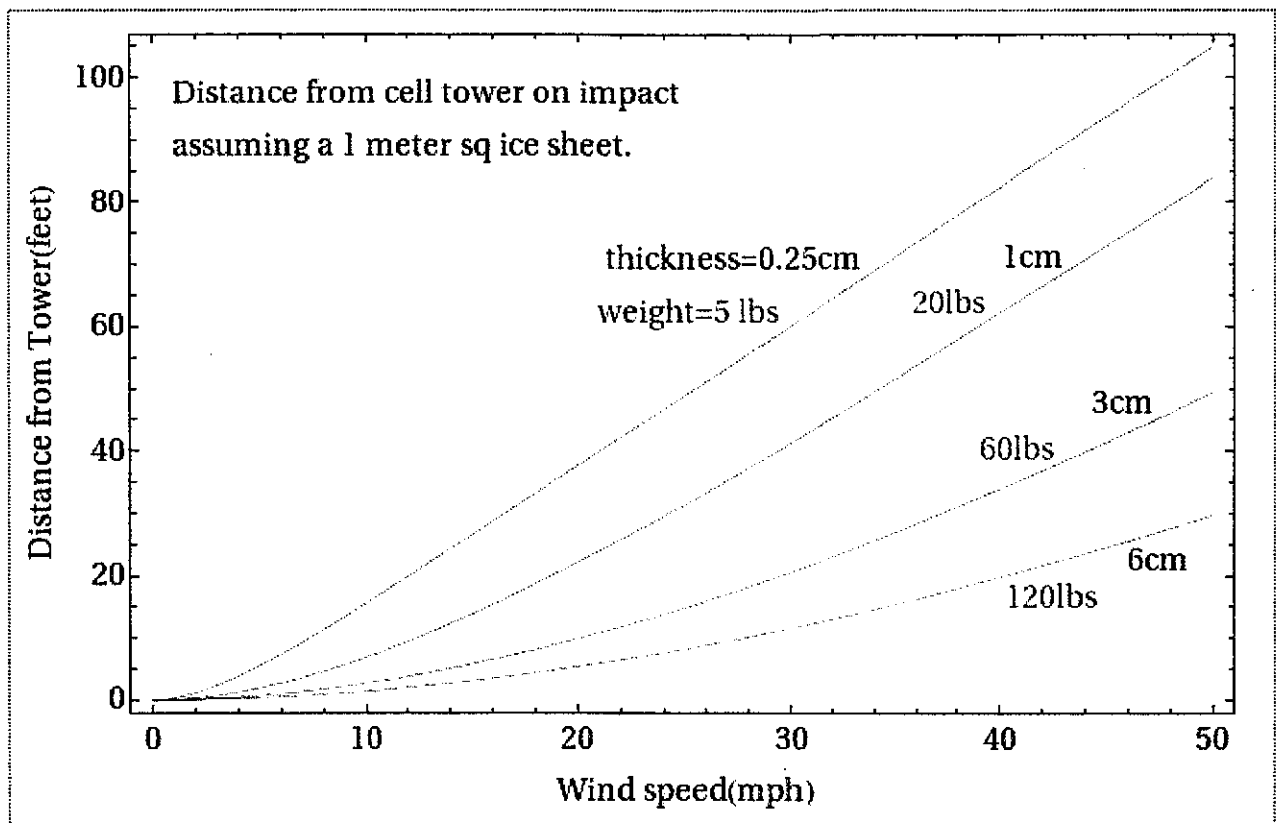
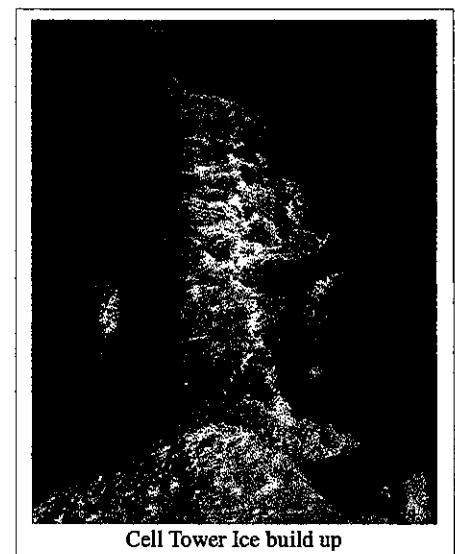


Figure 1. Distance of ice fall from tower vs wind-speed for four different sheet thicknesses

As in the no wind case, the ice sheet would be traveling at approximately 67 mph on impact. Obviously, thinner sheets can travel further from the tower. Note also that, since the weight of the sheet is proportional to it's area, the distance it falls from the tower will be approximately independent of it's cross sectional area.

**Summary:** This analysis has shown that for one case, that of thin sheets of ice falling from the vertical part of the antenna structures, the ice fall can be a dangerous problem with the ice fragments weighing over a hundred of pounds impacting the ground at almost 70 mph. It also shows that wind conditions can cause these fragments to fall as much as 100 feet from a 150 foot tower with smaller, thinner sheets falling the furthest distances. Of course, as the photo to the right illustrates, in reality the problem can be more complex with the ice fragments being composed of a combination of both snow and ice and the ice build up being more extensive than envisioned in this analysis with possibly even more severe consequences. Therefore care must be taken in positioning these towers to place them sufficiently distant from other structures and places where people may live and work.



\* Dr. Rogers received his Phd in theoretical solid stated physics from the University of California at Davis in 1977. Since then he has worked at IBM Research in Yorktown Heights NY for 27 until 2005. Since then he has formed the company Symbiotic Designs and is developing cell phone applications and energy saving devices.

standard meter when you see the measurements should be compared with the latest recommendations of International Conference Cell Phone which was done in 2000. 29 papers were given by experts from the United States and around the world and they agreed the proposed radiation with a maximum of 1000 microwatts per meter square so he asked to keep that in mind. Other existing standards are much higher than that but he liked to point out this standard was done using 1985 technology and they took into consideration the heating of the flesh in the animals subject to reusing this tests and they didn't take into account the later discoveries that shows it can effect DNA breakage and things like that, see attached report.

Glen Davidson, 40 Smokey Hollow Court, wanted to tell the Board the readings obtained at the different cell sites. The tower with the least carriers located at the Kent Firehouse has 70 feet from the tower which is the same distance as their mailboxes is 1,262 microwatts per meter square at 183 feet the same distance as his neighbor's son bedroom window is 1,108 microwatts meter square. The next 2 sites one in Mahopac on Crest Drive the other in Brewster at 87 Hillside Road which had 5 carriers compared to the proposed 6 carriers on Smokey Hollow Court. The readings at 70 feet were 17,550 and 21,370 then at 183 feet it was 6,700, 3,200 microwatts per meter square. That is a lot higher than what you heard from the Saltzberg Study of no more than 1000. In life you work hard to save enough money to buy that perfect house you love. It's a single biggest investment. Unlike these false reports the value going up, nobody in this room or nobody he knows would be dumb enough to buy a house looking out the window at a tower. He spoke to the owner of CMF Properties, east of Smokey Hollow Court, and was told nobody contacted him about putting a cell tower on top of the mountain he owns. He told him he would be interested in putting a tower on his mountain if called. He already has an easement through watershed property to get to the top. We know it's cheaper and easier for Homeland Towers to put a tower in a parking lot than to cut and log a road truthfully its better on top of the mountain for service. They're looking at making the most money at our expense. They are ready as a group to take this to the next higher court if they have to and let a judge decide if a mountain top or a parking lot outside of their house is better for this tower. Please turn down Homeland Towers like the Town Board in Mt. Pleasant, NY turned down Homeland Towers on their property while they receive a different report of \$90,000 to \$200,000 year revenue. The Board voted it down saying it doesn't belong in a neighborhood so an alternate site was found. He heard talk about the oath the Board Members took, putting that oath aside talk about a different oath you took when you held your new born baby in your arms and promised that infant that you will always be there to protect him. The same way you held them when they had nightmares growing up until today you would do anything to protect that child. They are doing everything they can legally to keep that same oath. Please vote this down so their children and they do not bake from the inside out.

Lisa Schultdt's read the attached statement. She reiterated her concerns regarding the potential negative health effects of living in close proximity to a cell tower. She announced the world health organization has recently added an electromagnetic radiation to its list of possible carcinogens. Within their webpage they admit that "few studies have investigated the general health effects in individuals expose to RF fields from base stations. At the last meeting, you stated her health concerns were not the point of that particular meeting and it was only about the lease. For the residents of Smokey Hollow Court, each meeting is about their concern to guarding the potential construction of this cell phone tower. They have spent time and energy researching and organizing their findings to provide you with the broad base of information regarding its potential impact. With each step you take forward in this process your seemingly ignoring their concerns the entire time. Your actions appear to be transformed from those of the benign neglect of your citizens to those displaying intentional malice toward them.

Dawn Groundwater spoke stating she lives at 22 Smokey Hollow Court along with her wife Lisa Shultz and their 2 sons, Will and Jake. For the past several months they have been listening to Homeland Towers explain why their road is the best place to construct a cell tower. They also heard from Smokey Hollow Court residents including her explain why a cell tower on their road would adversely impact the health and well being, financial and otherwise to the adults, senior citizens and children who live there. She asked the Board today as elected officials to please show the proper restraint and honor the existing Zoning Laws in place to put the Town of Kent

a very special place to live in, not just now but for future generations. She fears to use the words of the political philosopher, Ayn Rand "We are fast approaching the stage of where the government is free to do anything it pleases, while the citizens may act only by permission." As elected officials you were chosen to be representative of your constituents and vote and keeping with the constituents view even if those views contradict your personal views. In other words, you were elected to be agents of your constituents. For the past several months it has become evident that the residents are not only fighting Homeland Towers but fighting against our own elected officials who are willing to bypass the Zoning Laws in order to intrude into their daily lives. While it should be obvious, she is compelled to state for the record that a cell tower 180 feet from where people live is an equivalent in major league baseball terms of first to third base is not a minor inconvenience or a petty nuisance. It is an intrusion to their lives. That 183 feet is to her front door and 90 feet to her actual property. You might as well place a garbage dump on their road. As a Supreme Court Justice Louie Brandeis stated in establishing the right to be let alone, the government exist not to confer rights as you would be doing to Homeland Tower but to secure preexisting rights those with a fundamental rights of liberty to the individuals on Smokey Hollow Court. As you consider whether you should approve such construction, she asked the Board to think not about whether the Board can approve it but whether the Board should approve it. Every single member of the Board knows you would never admit publicly in these hearings you would never allow a cell tower constructed on their road where they live, where children/grand children play and where future residents would not want to live because there's a cell tower in their front yard.

Peter Bruenn presented his attorney's reply a memorandum in opposition. (attached).

He said there are indisputable facts about this cell tower location and if the Town of Kent followed the Town Zoning Laws this tower would not be built here. This includes the merging of Lot 31 with 32. Since Lot 31 is a substandard size, 1.11 acres, and the restricted covenants which cover Lot 32 are in effect which he proved with a title card would have covered Lot 31. The closest structure would be 29 feet from his property line, Town's Code calls for 40 feet. The closest structure would be 21 feet from Smokey Hollow Court, Code calls for 40 feet. The new location of the tower is in the flood zone which they proved, he hoped the Board reviewed, with each flood creates a 3 to 4 foot trench. Howard Carpenter said there's no problem with radio communications in this area. You heard from John Dearman who was a Deputy Sheriff and now a Carmel Police Officer say no problems with the radios. If the tower is located to the newest location the salt pile would have to be moved south and you would need DEP approval for increase impervious surfaces. You received numerous statements from area real estate brokers stating there would be home devaluation and reluctance to purchase home close to a cell tower. The Lane Appraisal Report submitted by Homeland Towers is not applicable here since there were no cell tower in that report as close as 183 feet to any home. Homeland Towers is presently using this same report in Dutchess County and Pawling and one size fits all according to them and it does not. There is a much better location on the mountain top on CMF's 100 acres property put the tower there. Electromagnetic radiation would be unsafe levels on their home. Ms. Doherty told Alex, a reporter from the Journal News, "the tower is crucial to supporting Police and Fire communications." Howard Carpenter and John Dearman agreed there are no problems with radio communications so how is it crucial or is it just about \$2,000 a month income. Facts about distances, distance to the closest house, 183 feet this is the closest property line where children play, 73 feet; second closes 84 feet distance to mailboxes 66 feet, distance to closes driveway 119 feet, second is 147. Can't you see a 150 foot tower is too close to homes and totally inappropriate and just plain wrong? Just because the Town of Kent owns this substandard lot doesn't mean it should be built there. Please use common sense and vote no to this location. He presented 131 signatures from voters from the Town of Kent who also agree with them this should not be built here. Finally, they are requesting the record and hearing remain open so the Board can review the new information. If you vote yes, the Board will leave them no alternative but to take it Federal Court.

Robert Gaudio stated nothing new was said tonight. He looked at Mr. Campanelli's response and does not believe there's anything new in substance and law. The Lane Report is based on data as stated in the report has been studied for the past 12 years. Mr. Ferrone an MAI certified appraiser that data was in similar reports he prepared on other cell tower applications pending.

Glen Davidson 40 Smokey hollow ct. I want to start by telling you some of the readings 4 of us took at different cell sites. The tower with the least carriers located at the Kent fire house. 70 feet from the tower which is the same distance as our mail boxes was 1,262 microwatts per meter squared. At 183 feet the same distance as my Neighbors sons bedroom window , was 1,108 microwatts per meter squared the next two sites one in Mahopac, on crest drive the other in Brewster 87 hillside rd. which has 5 carriers compared to the proposed 6 carriers on Smokey hollow ct. the readings at 70 feet were 17,550 and 21,370 then at 183 feet 6,700 and 3,200 microwatts per meter squared that's a lot higher then what you heard from the Salzburg study of not more than 1000. In life you work very hard to save enough money to one day buy that perfect house you love, it is the single biggest investment you could make. Unlike these false reports of value going up, nobody in this room or anybody I know or you know would be dumb enough to buy a house looking at a tower. I spoke to the owner of cmf properties he told me no one ever contacted him about putting a cell tower on top of the mountain he owes. He also told me that he would be very interested in putting a tower on his mountain, and he already has an easman through watershed property to get to the top. We know that it's a lot cheaper and easier for homeland towers to put a tower in a parking lot then to cut and log a road, and truthfully its better up on top of a mountain for service .They are looking at making the most money then can at our expense. We are ready as a group to take this to court if we have to and let a judge decide if a mountain top or a parking lot outside our houses is better for this tower. Please turn down homeland towers like the town board in mt. pleasant NY turned down homeland towers on their own town property while they were to receive different reports from 90,000 to 200,000 dollars a year. The board voted it down saying it just doesn't belong in a neighborhood, so an alternate site was found, which I made copies for you to view. In closing I heard people talking about the oath you all took, putting that oath aside and talking about a different oath you all took when you held your new born baby in your arms looking down and promising to that infant you would always be there to protect them. The same way you held them when they had those nightmares growing up. Till today you would do anything to protect that child. We are doing everything legally we can to keep that same oath. please vote this down so our children and us don't bake from the inside out

By hand 4/16/13

## MOUNT PLEASANT DAILY VOICE

### Mount Pleasant Board Rejects Cell Tower Plan

by Robert Michelin Politics 08/15/12 Comment



An image of what the proposed cell tower in Pleasantville would have looked like. Photo Credit: *Provided*

VALHALLA, N.Y. – A plan to build a 110-foot-tall cell tower was shot down by the Mount Pleasant Town Board Tuesday evening after many Pleasantville homeowners in the area complained about living under its shadows.

"It's inappropriate for this area because it's a residential area," said Pleasantville resident Barry Eisenberg.

The cell tower was proposed to be placed near the corner of Bear Ridge Road and Watch Hill Road by Homeland Towers. Resident Michelle Glassman originally read about the project in a [July Mount Pleasant Daily Voice article](#). Glassman printed the article and distributed it to her neighbors and a committee formed against the project. In total, Town Supervisor Joan Maybury said the town received around 200 letters and 300 signatures on an online petition against the tower.

Maybury, who visited the site with Town Councilman Carl Fulgenzi, agreed putting a cell tower in the proposed location would not fit.

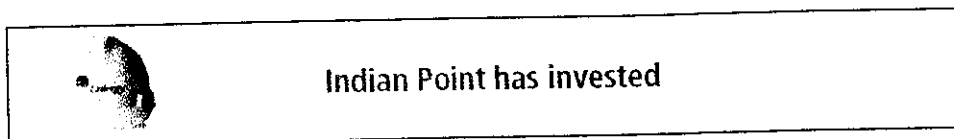
"It's one thing to look at an aerial view of where the tower would go, but it's another to go down there and look around and then look up 110 feet and see where this thing would be looming over your property," Maybury said.

The board unanimously voted to squash the plan. A representative for Homeland Towers was not at the meeting. The plan by Homeland was for the tower to accommodate up to five wireless service providers and also radio services for emergency personnel.

Maybury said the tower could bring as much as \$90,000 per year in revenue to the town through a rental agreement with the wireless service providers.

Maybury said although the original plan is dead, the town will continue to work with Homeland to find a new location for the tower. A potential new spot is the Department of Environmental Protection facility in Valhalla, and Maybury said talks between the involved parties are being conducted.





Editor [Sarah Studley](#) [sarah.studley@patch.com](mailto:sarah.studley@patch.com)



Like 765

[Patch Newsletter](#)

[Nearby](#)

[Join](#)

[Sign In](#)

**Pleasantville-BriarcliffManorPatch**

60°

Advertise on **Patch** ▶

[Home](#)

[News](#)

[Events](#)

[Directory](#)

[Pics & Clips](#)

[Commute](#)

[Real Estate](#)

[More Stuff](#)



Opinion

## Letter: Mount Pleasant Cell Tower Opposition

A letter from Pleasantville residents regarding a cell tower proposition in the town.

July 31, 2012

Recommend 4

Tweet 0

[Email](#)

[Print](#)

[2 Comments](#)

Related Topics: [Letter to the Editor](#)



Dear friends and neighbors,

Plans are currently in place to build a 110 foot cellular tower on Bear Ridge Road at its intersection with Watch Hill Road. This will be an unacceptable eyesore in our quiet family community and will alter the character of our neighborhood. Additionally the existence of such a tower may very well adversely affect adjacent as well as surrounding property values. Just what we homeowners need considering the current state of the economy and its current effect on property values.

Furthermore, although federal studies have revealed no official link between cellular radiation and health hazards I still have genuine concerns relating to the effects of Cellular Radiation on humans especially young children as well as animals.

Specifically as it relates to my home the tower will literally be 20 yards from my 6 year old daughters jungle gym. And it will literally tower over my entire back yard. As a homeowner I am very concerned that such a tower will clearly affect my families and similarly situated families quality of life. As a parent I am very concerned for my daughters well being regardless of federal studies and no matter how remote the possibility of harm. Thus, I vehemently oppose the erection of the tower. If you feel the same way kindly sign the attached letter and place in my mailbox asap. The town meeting is scheduled for Aug 14th and I urge all to show up and voice your opposition. Thank you for your time and your anticipated support.

Sincerely,

**Arthur and Natalie Marino**  
1 Old Farm Road South  
Pleasantville, NY 10570

To Mount Pleasant Town Board

I(We) \_\_\_\_\_, residing at \_\_\_\_\_, oppose the erection of  
a Cell Tower at the proposed location of Bear Ridge Road at or near its intersection with Watch Hill Road in the town of Pleasantville.  
Sign: \_\_\_\_\_

Print:

Dated:

<http://pleasantville.patch.com/articles/letter-mount-pleasant-cell-tower-opposition>

4/16/2013

2. Petition by

**Petition Closed**

Katie Siegel

with 260 supporters  
Pleasantville, NY

260 signatures

Supporters are signing:

## 1. **Multiply Your Impact**



Turn your signature into dozens more by sharing this petition and recruiting people you know to sign.



YOU

YOUR

FRIENDS

170

avg.

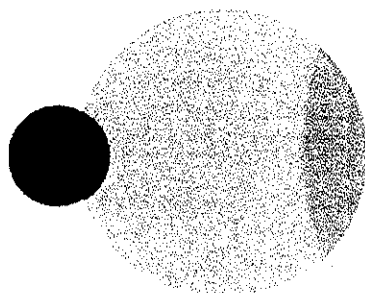
THEIR



**Woods' End, American Girl Doll, and Restoration Hardware: Make fewer, greener, and smaller catalogs!**

approx.

More



The Town of Mt. Pleasant is currently considering the installation of a 110-foot tall cell phone tower in a residential neighborhood of Pleasantville.

I'm concerned about this tower because of its general location, within a quiet family neighborhood, and its specific location, next to a school bus stop at an already dangerous intersection.

While I understand that companies want to provide good cell phone coverage, I believe it is possible to build infrastructure in a way that is sensitive to the community and to the environment. This proposal is neither.

It was put into motion without gathering input from nearby residents. The cell phone tower company ~~editors are~~ are not based in our community, so they will not be forced to live in close proximity to it. It doesn't affect them. It affects us. It affects our safety and the safety of our children. It affects our property values. The data are not conclusive, but it could potentially affect our health.

with 260 supporters

260 signatures

It is time for us to change the way infrastructure like this is put in place. Please sign this petition to help us stop the installation of this cell phone tower and to send a message that citizens should have a say in issues affecting their neighborhoods.

To:

Joan A. [redacted], Town of Mt. Pleasant Supervisor  
 Thomas [redacted] **California EPA To Protect Children and Families from BPA!**

Peter J. DeMilio, Town of Mt. Pleasant Councilman

Carl F. [redacted] Town of Mt. Pleasant Councilman

Mark [redacted] Town of Mt. Pleasant Councilman

I just signed the following petition addressed to: The Town Council of Mt. Pleasant, New York.  
**Protect Walden Woods**

The Town of Mt. Pleasant is currently considering the installation of a 110-foot tall cell phone tower at the corner of Bear Ridge and Watch Hill Roads, in a residential neighborhood of Pleasantville. We are strongly opposed to the installation of the tower for the following reasons:

**Lands' End, American Girl Doll, and Restoration Hardware: Make fewer, greener, and**

**smaller catalogs!**

I just signed the following petition addressed to: The Town Council of Mt. Pleasant, New York.  
 More

The Town of Mt. Pleasant is currently considering the installation of a 110-foot tall cell phone tower at the corner of Bear Ridge and Watch Hill Roads, in a residential neighborhood of Pleasantville. We are strongly opposed to the installation of the tower for the following reasons:

1. It will cause property values to decline further, affecting homeowners, the local real estate market, and the township (due to reduced tax revenue).

2. The neighborhood is already burdened by noise pollution since it is in Westchester Airport's low-fly zone.

3. The tower would be next to a bus stop used by a dozen children at what is already a dangerous intersection. The Byram Hills School Bus Transportation Department will not even pull into this intersection in the afternoons, stating that it is too dangerous at that time of day. Adding any sort of infrastructure near this intersection would be a distraction and an additional safety concern.

4. A 110-foot tower is incompatible with the neighborhood aesthetics. Although it is intended to resemble a tree, it is clearly not one and would be an eyesore.

In addition, though current scientific research does not yet provide clear evidence that radio frequency (RF) radiation from cell phone towers poses a health risk, research in this field is ongoing.

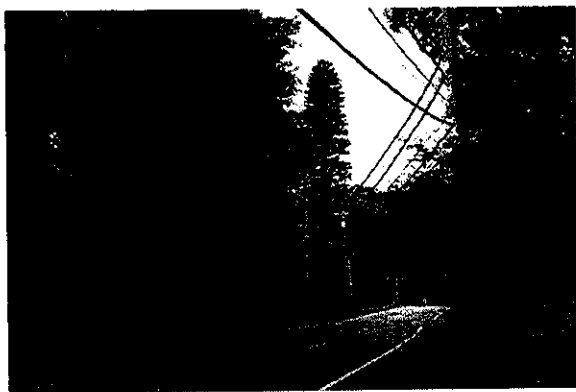
The FCC standards were established in 1996 and the data used at that time are outdated. The World Health Organization has labeled RF a possible carcinogen and says further studies need to be done. In 2009 a metastudy conducted by seven scientists in five countries concluded that health effects from RF occur at exposure levels many orders of magnitude below existing public safety standards, and that children are affected more strongly than adults. For the sake of the many children who live in this neighborhood, we should err on the side of caution where potential health issues are concerned.

## MOUNT PLEASANT

DAILY  
VOICE

### Mount Pleasant Board Rejects Cell Tower Plan

by Robert Michelin Politics 08/15/12 Comment



An image of what the proposed cell tower in Pleasantville would have looked like. Photo Credit: *Provided*

VALHALLA, N.Y. — A plan to build a 110-foot-tall cell tower was shot down by the Mount Pleasant Town Board Tuesday evening after many Pleasantville homeowners in the area complained about living under its shadows.

"It's inappropriate for this area because it's a residential area," said Pleasantville resident Barry Eisenberg.

The cell tower was proposed to be placed near the corner of Bear Ridge Road and Watch Hill Road by Homeland Towers. Resident Michelle Glassman originally read about the project in a [July Mount Pleasant Daily Voice article](#). Glassman printed the article and distributed it to her neighbors and a committee formed against the project. In total, Town Supervisor Joan Maybury said the town received around 200 letters and 300 signatures on an online petition against the tower.

Maybury, who visited the site with Town Councilman Carl Fulgenzi, agreed putting a cell tower in the proposed location would not fit.

"It's one thing to look at an aerial view of where the tower would go, but it's another to go down there and look around and then look up 110 feet and see where this thing would be looming over your property," Maybury said.

The board unanimously voted to squash the plan. A representative for Homeland Towers was not at the meeting. The plan by Homeland was for the tower to accommodate up to five wireless service providers and also radio services for emergency personnel.

Maybury said the tower could bring as much as \$90,000 per year in revenue to the town through a rental agreement with the wireless service providers.

Maybury said although the original plan is dead, the town will continue to work with Homeland to find a new location for the tower. A potential new spot is the Department of Environmental Protection facility in Valhalla, and Maybury said talks between the involved parties are being conducted.

Why does Homeland like putting up towers in residential areas?

- SPORTS
- E-BLAST SUBSCRIPTION

**Pick up your FREE copy**  
Check the Distribution Areas to find a location near you



# Mt. Pleasant Cell Tower Not Going Forward

Sam Barron | Aug 08, 2012 | Comments 0



Supervisor Joan Maybury and the Town of Mt. Pleasant are not going forward with a proposed 110 foot cell tower

Facing intense public criticism, the Town of Mt. Pleasant announced at Monday 's work session that they would not approve a 110 -foot high cell tower that was to be built in the Route 120 section of the town.

Supervisor Joan Maybury said the town had received many phone calls and e-mails from concerned citizens who led the charge against the tower. She said the size of the project was frightening and at the August 14 board meeting, where a public hearing was scheduled to be held, they would announce the project is not going forward.

"This is not in the best interests of the town going forward," Maybury said. "It was a joy getting to know these people. This is the way the process works. It's a big problem for that area, nothing comes close."

Homeland Towers was working with Verizon to construct the tower on a roughly 3,780-square-foot town-owned parcel at the intersection of Bear Ridge Road and Watch Hill Road. Homeland Towers said the tower was needed because there is an interruption of service in the Route 120 section of Mount Pleasant.

About 400 residents have signed paper and on-line petitions in opposition to the plan, while only a few citizens have expressed their support.

The on-line petition states, in part, "I'm concerned about this tower because of its general location, within a quiet family neighborhood, and its specific location, next to a school bus stop at an already dangerous intersection.

"While I understand that companies want to provide good cell phone coverage, I believe it is possible to build infrastructure in a way that is sensitive to the community and to the environment. This proposal is neither."

Critics of the cell tower plan have said they are concerned that a new tower would reduce their home's property values; be placed at a school bus stop; would make an already dangerous intersection more troublesome; and would be inappropriate for the Usonia neighborhood, which recently received a historical designation from the federal government.

Councilman Carl Fulgenzi said he was concerned about the dangers of cell phone towers on kids.

"I don't want to be responsible if one child gets sick," Fulgenzi said. "I won't pursue it. I don't want to do this process if we're not going to let it continue.

Read more in the August 14 edition of The Examiner.

Share / Save

Filed Under: [AREA NEWS](#) • [The Examiner](#)

Tags: [Mt. Pleasant](#)

enter search terms

**HANDYMAN**  
All Handyman Home Improvements  
Available Weekends  
No Job Too Small!  
Serving all of Westchester & Putnam County  
**914-400-4144**  
www.thehudsonvalleyhandyman.com

- [Subscribe](#)
- [Archives](#)
- [Tags](#)
- [Popular](#)



April 16, 2013

My name is Lisa Schuldt. I live at 22 Smokey Hollow Court with my family.

The last time we met I reiterated my concerns regarding the potential negative health effects of living in close proximity to a cell phone tower. I also announced that the World Health Organization has recently added electromagnetic radiation to its list of possible carcinogens.

Since then I have spent more time exploring the World Health Organization's website and have discovered that they have an international committee dedicated to the assessment of the scientific evidence regarding possible adverse health effects from electromagnetic fields entitled the EMF project.

Within their web page they admit that "few studies have investigated general health effects in individuals exposed to RF fields from base stations." Despite this Jean-Luc Guilmot, a bioengineer, summarizes the results of the effects found on all published epidemiological research papers on PubMed and WHO that look into cell phone towers. "Despite the small number of returned papers, the results are staggering, 8 out of 10 papers showing a statistically significant health effect from mobile phone mast exposure."

The content of the EMF project's site is too vast to summarize in 3 minutes so I would simply like to point out a few of the areas included in the Children's EMF research agenda specifically addressing close proximity to base stations.

"There is little relevant epidemiology at present that examines health effects in children, the following recommendations address general health effects including cancers in children who live near base stations." I will cite a few of the studies from the agendas list deemed **high priority**.

1. Nested case control studies of childhood cancer with improved exposure assessment for base stations.
2. A laboratory-based assessment of effects of RF exposure on cognition, EEG's (brain waves) and sleep in children exposed to RF fields in the laboratory.
3. Studies investigating the effects of prolonged exposure of immature animals to RF fields on the development and maturation of the central nervous system.
4. Studies of RF effects on cell differentiation e.g., during haemopoiesis (blood cell production) in bone marrow and on nerve cell growth.

At the last meeting, during one of the times I was interrupted, you stated that my health concerns were not the point of that particular meeting and that it was only about the lease. For the residents of Smokey Hollow Court each meeting is about our concerns regarding the potential construction of this cell tower. We have each spent time and energy researching and organizing our findings to provide you with a broad base of information regarding its potential impact. With each step that you take forward in this process, while seemingly ignoring our concerns, your actions appear transformed from those of benign neglect of your citizens to displaying intentional malice towards them.

By hand 4-16-13





My name is Dawn Groundwater and I live at 22 Smokey Hollow Court with my wife, Lisa Schuldt, and our two sons, Will and Jake.

For the past several months, we have been listening to Homeland Towers explain why our road is the best place to construct a cell tower. We have also heard from Smokey Hollow Court residents, including myself, explain why a cell tower on our road would adversely impact the health and well being of the adults, senior citizens, and children who live there. I ask you today, as elected officials, to please show the proper restraint and honor the existing zoning laws that were put in place to keep the Town of Kent a very special place to live in not just for now but for future generations. I fear, to use the words of political philosopher Ayn Rand, "we are fast approaching the stage where the government is free to do anything it pleases, while the citizens may only act by permission, which is the stage of rule by brute force."

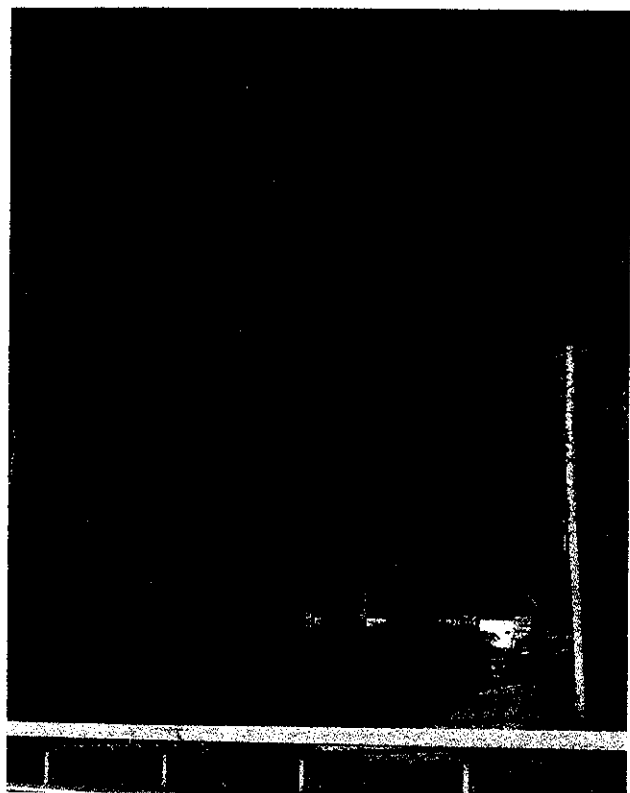
As elected officials, you were chosen to be representative of your constituents and vote in keeping with the constituents' view, even if those views contradict your personal views. In other words, you were elected to be an agent of your constituents. For the past several months, it has become evident that the residents are not only fighting against Homeland Towers, but fighting against our own elected officials who appear willing to bypass zoning laws to INTRUDE into our daily lives. While it should be obvious, I feel compelled to state for the record that a cell tower 183 feet from where people live (the equivalent, in Major League Baseball terms, of first base to third base) is not a minor inconvenience or a petty nuisance. It is an intrusion into our lives. You might as well place a garbage dump on our road. As Supreme Court Justice Louis Brandeis stated, in establishing the right to be let alone, that government exists not to confer rights—as you would be doing with Homeland Towers—but to secure preexisting rights. Those are the fundamental rights of liberty to the individuals on Smokey Hollow Court. As President Ronald Reagan once said, "Government's first duty is to protect the people, not run their lives."

As you consider whether to approve such construction, I ask you to think not just about whether you CAN approve it, but whether you SHOULD approve it. Every single one of you knows but would never admit publicly in these hearings that you would never allow a cell tower constructed on your road...where you live...where your children or grandchildren play...where future residents would not want to live because there is a cell tower in their front yard.

Thank you.

By hand 4/16/2013





**Town of Kent, NY  
& Katherine  
Doherty...**

**We say**

**“NO CELL  
TOWER ON  
SMOKEY HOLLOW CT!”**

***Remember – WE VOTE!!***

Please sign our petition to support our opposition to the proposed cell tower on Smokey Hollow Court off Rt. 301.

**Katherine Doherty and the Board Members from the Town of Kent, NY** are working with Homeland Towers to construct a 150 ft. cell tower within 100ft. – 1000ft. of 7 homes. Three of these homes are residents to 5 children (ages range from 2 – 9 years old). The health risks that cell tower radiation causes to children include a much increased chance to develop childhood leukemia and other cancers. Adults face many health effects such as brain tumors, leukemia, Alzheimer's, neurological disorders, increased blood pressure, infertility, migraine headaches, sleeplessness, high blood pressure and the list goes on.

***Homeland Towers and the Town of Kent, NY are claiming immunity towards their 12 pages of zoning codes/laws. If required to follow these codes, this tower could NEVER go here!***

***PLEASE TAKE A MINUTE TO SIGN OUR PETITION AND HELP US TAKE BACK OUR NEIGHBORHOOD!!***

By hand 4/16/2013

# Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

Name	Address	Phone Number
Peter [unclear]	[unclear]	225-1223
Joan Morgan	21 Triloch Et Canal	225-4036
Ursula Blanchette	144 Miller Hill Rd Canal	225-1759
Larry Blanchette	144 Miller Hill Rd Canal	225-1735
Laura Varbero	1034 Rt 52 Canal	225-0051
Thomas Varbero	1034 Rt 52 Canal	225-0051
Lisa Fenn	75 Kent Lake Ave Canal	225-8280
Robert Taylor	28 Woodland Terr CT	225-2838
[unclear]	[unclear]	225-2838
Ronald Barker	120 Humbert Rd	225-8260
[unclear]	[unclear]	[unclear]
Susan Handelman	129 Gypsy Trail Rd Can	225-7797
[unclear]	[unclear]	[unclear]
Jon Gowan	221 Nichols St	225-4034
[unclear]	[unclear]	[unclear]
Al [unclear]	3212 Rt 301	225-1227
[unclear]	[unclear]	225-1227
Peter Sines	66 Joseph Ct	—
Leo Hanzato	47 Kentwood Drive	—
Michael Reil	211 Nichols St.	225-4346
Susan Neill	211 Nichols St.	225-4346

# Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

Name	Address	Phone Number
<i>[Signature]</i>	41 Joseph Ct	228-1815
Yvonne De Sen	41 Joseph Ct	228-1815
Barbara Spillig	51 Joseph Court	228-1118
Dale Spillig	51 Joseph CT.	228-1193
Joe Spillig	51 JOSEPH CT Carmel	228-1193
M. Azlin	51 Joseph CT Carmel, NY	228-1193
Steve Spillig	51 Joseph CT. Carmel NY	228-1193
Jim Spillig	37 Harpand Rd Carmel NY	228-9273
John Spillig	102 St. Louis Dr	228-2045
Salvatore Damico III	" "	" "
<i>[Signature]</i>		
Walter Stuby	20A Farmers Mills Rd 10512	845-2604430
<i>[Signature]</i>		
J. Dussmann	121 Fairways	845-225-2958
<i>[Signature]</i>		
John Beglier	84 Annan St	2256793
John Smith	39 Larchmont Rd	845-225-4688
Ed Padmore	69 Brew Rd	845-8783248
P. Poyas	100 Danford Ct Carmel NY	845-225-1976
C. Trotter	2 Brentwood Rd Kent NY	845-225-4853
B. Cule	2 Brentwood Rd Carmel NY	845-225-4853



# Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

Name	Address	Phone Number
VICTOR S. KONA	115 SMOKEY HOLLOW CT CARMEL, NY 10512	845-225-4065
Cynthia Bruenn	3212 Route 301 CARMEL, NY 10512	845 225 1227
THEODORE BOSWORTH	10 WHITE BIRCH CT CARMEL, NY 10512	845-225-7514
Steven Cronkley	62 Whang/Hill Rd Carmel 10512	8452255315
MARCO LOPEZ	3210 ROUTE 301, CARMEL	845-225-8528
ROBERT W JENKIN	20 PIONEER RD CARMEL NY 10512	845 225 5338
DAVID HARRIS	GIPSY TRAIL CLUB CARMEL NY 10512	845 225 1463
MIKUNTAZ BIK	26 PIONEER RD CARMEL NY 10512	845 225 4248
Coralee Chabon	656 Farmers Hill Rd Carmel NY 10512	845 225-8562
LARRY HIRSCHORN	GIPSY TRAIL CLUB CARMEL NY 10512	845-228-2863
CHRYSTIE WATSON	10512	845-225-5555
Dylan Lovett	3210 rt 301 Carmel NY	917-716-0086
JOHN M. MURPHY	10512	845-225-7115
James Gotsch	ROUTE 301	845 225-4898
JOHN J. MURPHY	10512	845-225-7115
Jannie Pumphrey	521 Rte 2 Carmel	845-225-4131
JOHN J. MURPHY	10512	845-225-7115
Eileen Corallo	20 Farm Hill Ct	725 5993
Joseph Schablich	16 Grasslands Rd	225-2847
John O'Hanlon	11 CARYL RD	225-0275
Melissa Fernandez	74 William St.	(845)225-0027

# Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

Name	Address	Phone Number
Courtney Bruenn	3212 Route 301 Carmel NY	845-225-1227
Michelle 13	123 W. Kenton Rd	225 3343
Larry Welch		
Matthew Neill	211 Nichols St Carmel	845-225-4346
Robert Welch		
William R. Buck	222 Nichols St, Carmel	845-225-9231
Richard C. Harris	222 Nichols St., Carmel	"
Mickie Compton	208 Nichols St Carmel	8/225-2877
Mark Compton	208 Nichols St. Carmel	845-225-2877
Phil Compton	198 Nichols St,	
William	Carmel	845-225-2768
Nicholas Neill	211 Nichols St. Carmel	845-225-4346
Benny Everett	1225 Route 52 Carmel	914-929-7018
Jamie Suppa	48 Laurie Ct. Carmel	845 225-0449
Michael Suppa	48 Laurie Ct Carmel	845 225 0449
Ashley Suppa	48 Laurie Ct Carmel	845 225-0449
Harold Turk	96 Lincoln Dr Carmel	845-225-4504
Cameen Turk	96 Lincoln Dr. Carmel	845 519 8005
Lisa Korn NEY	102 BURBERRY W.	645.531-9447
Lori Fava	12 Deer Run CT.	914.804.9776
Rozanne Noya	16 Putnam Dr	225-8853
Coanac McElroy	836 Farmers Mills Rd	225-8370

# Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

Name	Address	Phone Number
Emily Harf	131 Richardsville Rd	225-1592
Tom O'Connor	138 Seven Hills Lake Dr	225-1356
Leanne Symmons	10 Smokey Hollow Ct.	845-228-6465
Nicky Zangrilli	33 Deer Run Ct	845-225-0794
Cory Zangrilli	33 Deer Run Ct	845-225-0794
Chris Dideron	28 Kent Acres Ct.	646-675-1616
Cal Long	24 Kent Acres Ct.	845-306-7037
Ann C...	6 Chief Mahan Dr.	845-225-0356
Ben C...	6 Chief Mahan Dr.	845-225-0356



Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

Name	Address	Phone Number
Rose Jones	44 Homestead Drive Carmel	225-9174
Louis Sauer	287 N. Terry Hill Carmel	225-8702
Alfred H. Vaughn	10 Smokey Hollow Ct	228-6465

## Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

[illegible]

## Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

[illegible]

## Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

[illegible]



## Petition in Opposition of Cell Tower on Smokey Hollow Ct., Kent, NY

[illegible]

My name is Peter Bruenn and these are indisputable facts about this cell tower location:

- 1) If the Town of Kent followed the town's zoning laws, this tower would not be built here.
- 2) This includes that the Town of Kent should have merged lot 31 with lot 32. Since lot 31 is a substandard size, 1.11 acres, and the Restrictive Covenants which cover lot 32, that are still in effect and which I proved with the title card, would have then covered lot 31.
- 3) The closest structure would be 29 feet from my front property line. Code calls for 40 feet.
- 4) The closest structure would be 21 feet from Smokey Hollow Court. Code calls for 40 feet.
- 5) The new location of the tower is right in the flood zone which we proved with pictures, where the area has flooded at least 7 times in years past. Each flood creates 3 to 4 foot trenches.
- 6) Howard Carpenter said there are no problems with their radio communications in this area.
- 7) You just heard from John Dearman, who was a Deputy Sheriff and is now a Carmel Police Officer, say that there are no problems with police radios in this area.
- 8) If the tower is located at the newest location, the ramp and sand/salt pile would have to move further south on lot 31. That means the Town would still have to get DEP approval for increased imperious surfaces.
- 9) You just received numerous statements from area Real Estate Brokers stating that there would be home devaluation and a reluctance to even purchase homes so close to a cell tower.
- 10) The Lane appraisal report, submitted by Homeland Towers, is not applicable here, since there are no cell towers on that report as close as 183 feet to any home. Homeland Towers is presently using this same report in Dutchess County. One size fits all according to them and it doesn't.
- 11) There is a much better location, on a mountain top, on CMF's 100 acre property.
- 12) Electromagnetic radiation would be at unsafe levels in our homes.

Ms. Doherty told Alex, a reporter from the Journal News and I quote "the tower is crucial to supporting police and fire communications" end of quote. Howard Carpenter and John Dearman agree that there are no problems with radio communications. So how is it crucial? Or is it just about the \$2,000 per month income? Here are the facts about distances from the 8 foot cell tower base:

- 1) Distance to closest home, 183 feet.
- 2) Distance to closest property line where children play, 73 feet, the second closest is 84 feet.
- 3) Distance to mailboxes, 66 feet.
- 4) Distance to closest driveway, 119 feet, the second closest is 137 feet.
- 5) Distance to Smokey Hollow Court, 46 feet.
- 6) Distance from the closest structure to Smokey Hollow Court, 21 feet.
- 7) Distance to the highway garage, 144 feet.

Can't you see that a 150 foot cell tower at this site is just too close to homes, totally inappropriate and just plain wrong? Just because the Town of Kent owns this substandard size lot, doesn't mean that a tower should be built there. Please use common sense and vote no to this location. Again I ask, would any of you want to live so close to a cell tower? I think not!

Two applications over the years went to Federal Court and his report was upheld, actually those Boards denied the applications and the Federal Court overturned their denial based upon Mr. Ferrone's report and data so it's not boiler plate data. It's data he studied for 12 years, 2 Federal Courts have agreed with him in 2 separate matters and both of those Courts pointed out that unsupported statements particularly of brokers was not evidence that the Board should rely on. Mr. Ferrone did actually visit the property and it's stated in his report. He has used the data for 12 years and continues to update it and if you review the report closely it's stated. It includes different types of monopoles through the region, monopoles very close to homes; the resident's report shows particularly in Orange Town and the Donnybrook Shopping Center in New Rochelle are extremely close to homes. The second issue is Mr. Rogers' ice fall calculation, his assumption is wrong. They submitted signed sealed letters from professional engineers that found there would be no significant danger from falling ice. From a practical stand point they are not proposing a 1,600' guide lattice tower; they are not proposing a tower on top of a mountain in Alaska they are proposing a monopole designed in the Town of Kent in Putnam County, New York. You have a monopole at the Fire District he is not aware of falling ice problems. If there were falling ice problems throughout this region it would be front page news. He said use common sense and experience. He sympathizes with the RF issue and understands there is fear around this issue. He personally, educated himself on it and not internet research. The federal government took the consensus of the scientific community and in 1996 the federal government said this is a federally preempted issue because of this type of debate because of the fact people read documents out of context and misunderstand different types of studies. This RF issue has been around for decades. Radio frequency has been used for decades and they're naturally occurring. The federal government looked at the consensus of the scientific community and created a standard they built in a 5 times safety factor into that standard and created a standard that says if you meet that standard it's federally preempted. It's not for discussion at Board meetings. It's not the basis of the citing of wireless facilities and, in fact, they showed with 6 carriers and the public safety antennas this would be 1.5% allowable limit. There's no issue there. These types of facilities are in schools and hospitals. This is not new at a highway garage. You have seen the documents, there sites at highway garages throughout the region including the town and village of Harrison. There's a tower at Phelps Memorial Hospital, next to Robin's Nest Day Care a couple hundred feet where he dropped off his son for the first 4 years of his life. Mr. Gaudio said these facilities are all over. They are throughout the Town of Kent and throughout the Country, schools, day care facilities and they've been around for decades. Last week was the 40<sup>th</sup> anniversary of the first cellular phone call. They've been in commercial operation close to 30 years this is not a new issue. Radio waves are what TV and radio use what the military used for a long time. On the issue of coverage this has been studied by this Board for 4 years. There's actual data in the record. There's drive test data of actual testing. There was a question where was the testing, what was the criteria it's in the record, it's in the Town's Infrastructure Plan for years, in this record since November. There are propagation maps, propagation maps from Verizon showing the need. There's clearly a need and for this site, this is not the first site they came to, the Wireless Infrastructure Plan looked at the whole Town and there was a long thorough environmental analysis. If you look at their Alternative Site Analysis, it shows they sent to other property owners over a year ago. They came to this site out of necessity. The carriers have shown a need. The towns are required by federal law to allow them to have the facilities necessary to remedy that need. If it doesn't go here, they will shove it someplace more intrusive. It would be a residential piece of property if there's nothing left. They would cut through the woods; they would put it where they required to put it. This property is an existing municipal garage, on a location that serves the need and Town controlled which provides those benefits of security for the wireless carriers but for Town's own wireless emergency providers' very important factors.

Councilman Greene was unclear about the storage of highway winter material and the need to be on impervious surfaces referring to an e-mail from Cynthia Garcia he forwarded to the Board; Ms. Garcia forwarded him DEP regulations and Section 1845, snow disposal and storage and use of winter highway maintenance materials; Section D1 says "commercial and industrial governmental or institutional entities that store winter highway maintenance materials in quantities of 1000 pounds or more that may contain greater than 8% chloric compounds shall store such materials in structures constructed on low permeability storage pads" not

understanding he called Ms. Garcia and asked what is a low permeability storage pad. The explanation is some sort of a concrete or pavement or something as hard for water to seep through. You found a way to not to have to go for a variance or stormwater prevention plan by moving up to the impervious surface he is concerned when they move the salt shed or salt bin down to the berm moving it closer to the reservoir stem; He asked for clarification your saying they don't need to be on low permeability surface and the DEP is saying something else. Mr. Gaudioso cannot say what is in that bin whether Item 4 or the assumption there's salt in that bin, according to the regulations he read, he doesn't know whether the quantity or the percentage of what if any salt on that property meets those requirements. The location of the berm may be a reasonable location for Item 4 or other highway materials that do not trigger that provision but there is other impervious surface on this parcel and, on the adjoining highway parcel, and referred to the site plan demonstrating other opportunities for storage if there is salt and does meet the quantity and the percentages of the DEP regulations to store salt temporarily on these areas when the Highway Dept. is loading it up they met with the Highway Dept. and that generated the Highway Dept. letter that the relocation of the salt would not be a problem. He is saying there is other impervious surface on the Highway Garage properties. They stayed on Lot 31 where there are no restrictions there is still Lot 32 showing the asphalt line.

Mike Neil who resides on Nichols Street gave his three minutes to Peter Bruenn. He went over the reason for this tower, Ms. Doherty stated fire and police communications you can talk to Howard Carpenter and John Dearman and find out no problems. You have broker letters there is going to be home devaluation how are you protecting us. He handed a copy of an email from the owner of CMF property to the Town Clerk, see attached, stating they have never been contacted by Homeland Towers and are interested putting the tower on the mountain top not in a valley where it floods. It floods where you want to put the cell tower; we've seen what happens to floods and things falling down. Homeland Towers believes it's on the map that streams goes underground and disappears, it runs 12 months a year. They want to put the cell tower right where the stream goes underneath. It's the wrong location. You have a perfect location with CMF property. He asked the Board to consider that.

#### **Resolution #170 - Close Public Hearing on Cell Tower at Smokey Hollow Court**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: The Public Hearing on Cell Towers at Smokey Hollow Court was closed at 8:05 p.m.

Motion carried unanimously

#### **Roll Call**

Supervisor Katherine Doherty – present

Councilwoman Penny Osborn – present

Councilman Lou Tartaro – present

Councilman Mike Tierney – present

Councilman John Greene – present

Also Present: Town Counsel Curtiss, Police Chief DiVernieri, Town Planner Neil Wilson.

#### **Resolution #171 - Approval of Vouchers & Claims**

On a motion by Supervisor Doherty

Seconded by Councilman Tierney

Resolved: All Vouchers #200123820 - #200123945 and claims submitted by:

1. Chemung Supply Corp.	\$7,350.00	Pipes
2. City Carting & Recycling	\$4,583.69	Lake Carmel Garbage
	\$4,917.75	
3. Clearwater Excavating Corp.	\$33,725.00	Ryan Park Retrofits
4. Insite Engineering	\$20,027.06	Sewer District
5. NYCOMCO	\$2,520.00	2-Way Radio: Police
6. Public Sector HR	\$6,932.28	HR Services
7. Purchase Power	\$3,030.00	Postage
8. Richard Harris	\$3,377.50	It Services
9. Royal Carting	\$4,610.55	Recycling Garbage



10. Somers Sanitation	\$5,288.88	Lake Carmel Garbage
11. Sprague Operating Resources	\$5,768.00	Gasoline
12. State Comptroller	\$30,445.00	Court Fines & Fees
13. Timothy J. Curtiss, P.C.	\$8,250.00	March 2013: General
	\$7,962.50	March 2013: Traffic
14. Town of Kent Municipal Repairs	\$6,132.21	Chargeback: Sanit
15. Town of Kent Trust & Agency	\$91,692.73	Health Insurance
16. Zeager Brothers, Inc.	\$8,391.68	Wood Carpet

In the amount of \$331,278.40 may be paid.

The Board took a poll vote as follow:

Councilman Greene – aye      Councilwoman Osborn – aye

Councilman Tartaro – aye      Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

**Resolution #172 - Authorization in Regard to An Amended Lease Agreement of Town Property to Homeland Tower, LLC, Town Highway Garage – Smokey Hollow Road**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

WHEREAS, on July 17, 2012 the Town Board approved a Lease Agreement with Homeland Tower, LLC ("Homeland") that would allow Homeland to construct and operate a wireless facility at the Town Highway Garage located on Smokey Hollow Road; and

WHEREAS, the Town Board held public hearings on the original site plan for the Smokey Hollow location on November 27, 2012, January 29, 2013, February 26, 2013, March 19, 2013; and

WHEREAS, during review and consideration of the site plan for the proposed wireless facility Homeland adjusted the location of the facility approximately 95 feet to the north and reduced the amount of land disturbance from ±5,650 square feet to ±3,750 square feet; such changes also eliminated any encroachment into the Town wetland buffer, and eliminate the creation of any additional impervious surfaces thereby eliminating the need for a New York City Department of Environmental Conservation variance; and

WHEREAS, the Town Board held a public hearing on the amended site plan on April 2, 2013; and

WHEREAS, the Town Board has reviewed the revised site plan and in consideration of the reduced environmental impacts associated with the amended site plan, and the cost and the benefit to the Town of entering into the Lease agreement for the site, has determined that the amended site plan and the Amended Lease Agreement allowing the use of town-owned property in the manner proposed would be in the best interest of the Town to facilitate better wireless communication for residents and emergency services as well as generating rental income to the Town; and

WHEREAS, The Town Board hereby states that because only the Town Board can enter into a contract for the lease of town-owned property that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and

WHEREAS, the action to enter into an Amended Lease Agreement with Homeland to develop the Town Highway Garage site located on Smokey Hollow Road is as a Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA"); (attached) and

WHEREAS, the Town Board has determined that the development of the site as proposed would not have a significant adverse impact on the environment and hereby issues a Determination of Non-Significance – Negative Declaration; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent does hereby authorize the Supervisor to execute the Amended Lease Agreement for the Town Highway Garage site in substantially the form as presented, subject to the final review and approval as to form by the Town Attorney; and

BE IT FURTHER RESOLVED, that the validity of the Amended Lease Agreement is subject to a permissive referendum as set forth in Article 4, section 64(2) and Article 7, section 90 of the Town Law of the State of New York.

The Board took a poll vote as follow:

Councilman Greene – nay      Councilwoman Osborn – aye

Councilman Tartaro – made a statement prior to casting his vote. He has listened to the arguments presented and reviewed the materials submitted by Homeland and the residents of Smokey Hollow Court. During the course of the public hearing the residents of Smokey Hollow presented many objections to the tower being located in their community and I believe Homeland adequately addressed some of them by moving the location of the tower approximately 90 feet to the site of the existing Highway garage. However, moving the tower location places the tower 90 feet closer to the existing homes, some as close as 200 feet, all but one of them are within approximately 500'. When Homeland first presented the report prepared by Lane Appraisals he asked if the actual distance between houses and towers were contained in the report. As is his opinion there is a difference between a tower off in the distance and one in close proximity. Homeland's response was that property values are not impacted by tower views and that the courts have consistently upheld this opinion

It's obvious from the comments given at prior public hearings that the residents of Smokey Hollow purchased their home because they value their privacy and the advantages that come from living on a relatively quiet road. Yes there is a highway garage literally in the middle of their community but most of the houses are shielded by trees and shrubbery especially during spring and summer when people typically spend their time outdoors. In my opinion placing a tower in the middle of that small community constitutes an invasion of privacy and will have a negative impact on their quality of life and that's why I'm voting no.

Councilman Tierney – aye. He said when people say he would never do anything to devalue his own property, this past year he approved a sewage treatment plant five houses from where he currently lives. He thought it was in the best interest of the entire Town. He does believe that this is in the best interest of the Town and voted yes.

Supervisor Doherty – aye

Motion carried

**Resolution #173 -Town Highway Garage (Smokey Hollow Court) Monroe Balancing Test Approval Homeland Tower, LLC Wireless Facility**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

**Whereas**, the Town of Kent Town Board has reviewed a site development plan prepared by Homeland Tower, LLC ("Homeland") pursuant to a lease agreement, as amended, for the construction and operation of a wireless telecommunication facility at the Kent Town Highway Garage, 21 Smokey Hollow Court, Town of Kent, New York; and

**Whereas**, the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and no objection having been received from any potentially involved agency is the designated Lead Agency; and

**Whereas**, the Board has reviewed the Long Form Environmental Assessment Form (EAF), maps, documents, and other materials prepared by Homeland in regard to the proposed wireless facility; and

**Whereas**, the Town Board circulated the application materials to all potentially Involved and Interested agencies, including the New York City DEP, the New York State DEC, the Putnam County Division of Planning & Development, the New York State Office of Parks, Recreation & Historic Preservation, and the Putnam County Health Department; no other potentially Involved Agency objected to the Town Board acting as Lead Agency; and

**Whereas**, the Board has reviewed letters and documents submitted by neighboring and nearby landowners and their legal counsel, in opposition to the proposed facility; and

**Whereas**, the Town Board held public hearings on the original site plan for the Smokey Hollow location on November 27, 2012, January 29, 2013, February 26, 2013, March 19, 2013; and April 2, 2013 and April 16, 2013; and

**Whereas**, during review and consideration of the site plan for the proposed wireless facility Homeland adjusted the location of the facility approximately 95 feet to the north and reduced the amount of land disturbance from  $\pm 5,650$  square feet to  $\pm 3,750$  square feet; and

**Whereas**, these changes also eliminated any encroachment into the Town wetland buffer and the creation of any additional impervious surfaces thereby eliminating the need for a New York City Department of Environmental Conservation variance; and

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

Date: April 16, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF KENT TOWN BOARD**, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action:       **RESOLUTION OF AUTHORIZATION IN REGARD TO THE LEASE OF  
AMENDMENT TOWN PROPERTY TO HOMELAND TOWER, LLC  
TOWN HIGHWAY GARAGE – SMOKEY HOLLOW ROAD**

SEQR Status:       Type 1       ☐  
                          Unlisted     ☒

Conditioned Negative Declaration:     ☐       Yes  
   ☒       No

**Description of Action:**

The action is the adoption of a resolution by the Town Board of the Town of Kent that would authorize the Town Supervisor to execute an Amended Lease Agreement with Homeland Tower, LLC that would allow Homeland to construct and operate a wireless telecommunication facility at the Town Highway Garage located on Smokey Hollow Road, Carmel, New York. The facility would consist of a fenced compound that would provide security for one or more wireless communication providers and public safety entities, a 150' monopole, parking spaces for up to two service vehicles, emergency power supply, and electrical and telephone connection boxes. The Amended Lease Agreement concerns a revision to a site plan that was originally approved by the Town Board as part of a Lease Agreement approved on July 17, 2012. The amended site plan relocates the leased premises approximately 95 feet northward thereby substantially reducing the amount of land disturbance from approximately 5,625 square feet to approximately 3,750 square feet. It also eliminates any encroachment into the Town wetland buffer, and eliminates the creation of any additional impervious surface that may require a variance from the New York City Department of Environmental Protection.

**Location:**

Town of Kent Highway Garage, Smokey Hollow Road, Carmel, Putnam County, New York.

## **Reasons Supporting This Determination:**

### **1. Surface and Ground Water Quality**

The wireless communication facility would be constructed on an area of the Garage that has historically been used as driveway and material storage. The proposed development would not involve the removal of any trees or vegetation, and would not significantly alter existing grades at the site so as to require the installation of storm water management devices. The amount of land disturbance has been reduced from approximately 5,650 square feet to approximately 3,750 square feet, and would be constructed on existing impervious surface without the need to create any additional impervious surface. As a result of the reduction of disturbed area a Storm Water Pollution Prevention Plan is no longer required, although a plan to control and contain erosion and sediment is required. Excavated soil and groundwater will be tested and properly handled and disposed of in accordance with all applicable regulations. The Lead Agency is satisfied that the project would not have any adverse environmental effects on local surface water bodies or ground water supplies.

### **2. Water Supply/Sewage Disposal**

The proposed development involves construction of an unmanned wireless communication facility. As an unmanned facility there is no need to provide a water supply or sewage disposal system. The project would not cause a substantial adverse change in existing ground or surface water quality or quantity, and the health and safety of existing and future area residents would be protected.

### **3. Traffic**

The functioning and operation of the facility will be monitored daily at an off-site location with an on-site visit to monitor the physical plant occurring approximately once each month. Traffic volume generated by the proposed wireless installation is minimal, and no significant effects on local air quality from vehicle exhaust emissions, or the operational characteristics of local roadways associated with the proposed use have been identified.

### **4. Noise and Odors**

Typical of construction projects there will be temporary increases in noise levels due to construction activities on the site during the development of the property. It is not anticipated that construction would result in significant odors from dust related to excavation and the movement of earth. Any noise or odors potentially generated by the project would be short-term in nature and therefore would be an unavoidable adverse impact of limited duration. The use of the facility for wireless communication purposes is not the type of activity which would generate significant noise or odors that might adversely affect area residents. Accordingly, the potential adverse impacts related to noise and odors would not be significant.

### **5. Flora and Fauna**

The wireless communication facility would be constructed on a portion of the Highway Garage site that has been previously disturbed as part of the overall use of the site as a municipal garage and material (i.e. sand and salt) facility. Approximately 3,750 square feet of existing impervious surface would be disturbed for development of the facility. Construction and

operation of the facility would not have a significant adverse impact on any rare, endangered, threatened or special concern species of flora or fauna or their habitat.

## **6. Cultural Resources**

The wireless communication facility would be constructed on a portion of the Highway Garage that has been previously disturbed, and there are no identified historic or pre-historic resources on or near the site. The proposed project would have no adverse impact on historic or pre-historic cultural resources of local, state or federal significance.

## **7. Impact on Growth and Character of Community or Neighborhood**

The Board has considered the proposed plan of development and has considered its potential effect on the scenic and visual environment of the town. The Board has also considered public comment received during several public hearings held from November 2012 to April 2013 on the proposed site plan regarding impacts of the facility on property values, the structural stability of the monopole and ice loading, and safety from radio frequency emissions.

With respect to visual issues the Board is aware that current wireless communication technology generally requires line-of-sight between the transmission and receiving points for best signal reception. It is therefore infeasible to completely hide the tower from all points of potential visual sensitivity. The Board has determined, however, that any tall structure on and in the vicinity of the Smokey Hollow Road site would be visible to some number of residents and possibly to the general public. In weighing the potential visual impact based on the visual analysis provided by Homeland the Board has determined that the selected location would affect the fewest number of town residents and the general public, while being protective of the larger scenic resources of the town. Additionally, the base station equipment would be located below the height of the existing trees and within a municipal parking and storage area not generally visible to the public. The Board is satisfied that the proposed structure would be located so as to limit its overall visibility from public roads and nearby properties, and its appearance to the majority of town residents and the casual viewers from nearby roads and properties would be minimally intrusive.

With respect to the potential impact of the facility on property values the Board has considered the opinion letters of licensed real estate agents submitted on behalf of neighboring residents in opposition to the proposed facility. The Board has also considered the valuation prepared by Lane Appraisals, Inc. in support of the proposed facility. The Board first notes that the agent letters submitted in opposition are opinions only unsupported by qualitative analyses or comparable sales. By contrast, the Lane Appraisal valuation indicates that equivalent home sale values are unaffected by the visual presence of a wireless tower. Accordingly, the Board is satisfied that the proposed facility would not diminish or otherwise affect local property values.

With respect to health issues Homeland has previously provided a report concerning the facilities compliance with the Federal Communication Commission standards for radio frequency emissions from wireless facilities such as the one proposed by Homeland. The report, which bears the seal and signature of a licensed professional engineer, certifies that the facility would, even when fully leased with multiple tenants, operate well below the maximum radio emissions standards set by the FCC. The Board also takes note of objections to the proposed monopole based on structural failure and ice loading and falling. The Board notes that the incidents of structural failure and falling ice cited by neighbors in opposition to the proposed facility are those of a different construction (i.e. a lattice tower as opposed to the proposed monopole tower), and are located in what appear to be far more northerly climes (i.e. Alaska)

than Putnam County, New York. Accordingly, the Board is satisfied that the proposed facility would have no effect on the health of nearby residents or the general public, and would operate so as to not interfere with other communication devices.

The Board has determined that the proposed activity would occur in a rural, low density residential area and is not expected to impair the character or quality of important historical, archaeological, architectural, or aesthetic resources or the existing community or neighborhood character. In addition, the Board has determined that the proposed activity is consistent with all current development plans and goals as officially approved and adopted, and would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.


For Further Information:

Hon. Kathy Doherty, Supervisor  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, New York 10512  
Tele: 845-225-3943

**THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON APRIL 16, 2013.**

**State Environmental Quality Review Act**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART 1 -- PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

<b>1. APPLICANT / SPONSOR</b> Town Board of the Town of Kent	<b>2. PROJECT NAME</b> Resolution of Authorization In Regard To The Lease of Property to Homeland Tower, LLC, Town Highway Garage, Smokey Hollow Road
<b>3. PROJECT LOCATION</b> MUNICIPALITY      Town of Kent      COUNTY      Putnam	
<b>4. PRECISE LOCATION</b> (Street address and road intersections, prominent landmarks, etc., or provide map) Town Highway Garage, Smokey Hollow Road, Carmel, Putnam County, New York	
<b>5. IS PROPOSED ACTION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
<b>6. DESCRIBE PROJECT BRIEFLY:</b> The action is the adoption of a resolution by the Town Board of the Town of Kent that would authorize the Town Supervisor to execute an Amended Lease Agreement with Homeland Tower, LLC that would allow Homeland to construct and operate a wireless telecommunication facility at the Town Highway Garage located on Smokey Hollow Road, Carmel, New York. The facility would consist of a fenced compound that would provide security for one or more wireless communication providers and public safety entities, a 150' monopole, parking spaces for up to two service vehicles, emergency power supply, and electrical and telephone connection boxes. The Amended Lease Agreement concerns a revision to a site plan that was originally approved by the Town Board as part of a Lease Agreement approved on July 17, 2012. The amended site plan relocates the leased premises approximately 95 feet northward thereby substantially reducing the amount of land disturbance from approximately 5,625 square feet to approximately 3,750 square feet. It also eliminates any encroachment into the Town wetland buffer, and eliminates the creation of any additional impervious surface that may require a variance from the New York City Department of Environmental Protection.	
<b>7. AMOUNT OF LAND AFFECTED:</b> Initially    ±0.08 acres      Ultimately    ±0.08 acres	
<b>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      If No, describe briefly	
<b>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROEJCT?</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe	
<b>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY, FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If Yes, list agency(s) and permit/approval	
<b>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If Yes, list agency(s) and permit/approval	
<b>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Town of Kent Town Board</u> Date: <u>April 16, 2013</u>	
Signature: <u></u> , Supervisor	
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment	

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

- A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
☐ Yes ☒ No
- B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
☐ Yes ☒ No
- C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)
- C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
SEE NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE DATED APRIL 16, 2013
  - C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
SEE NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE DATED APRIL 16, 2013
  - C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
SEE NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE DATED APRIL 16, 2013
  - C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.  
SEE NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE DATED APRIL 16, 2013
  - C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.  
SEE NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE DATED APRIL 16, 2013
  - C6. Long term, short term, cumulative, or other effects not identified in C1-05? Explain briefly.  
SEE NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE DATED APRIL 16, 2013
  - C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.  
SEE NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE DATED APRIL 16, 2013
- D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?  
☐ Yes ☒ No
- E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
☐ Yes ☒ No If Yes, explain briefly:

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

TOWN OF KENT

Name of Lead Agency

Katherine M. Doherty

Print or Type Name of Responsible Officer in Lead Agency

Town Supervisor

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date



**FIRST AMENDMENT TO THE**  
**WIRELESS COMMUNICATIONS SITE LEASE AGREEMENT**

This First Amendment ("First Amendment") dated \_\_\_\_\_ ("Execution Date") by and between Town of Kent (herein called "Landlord") and Homeland Towers LLC, a New York limited liability company, (herein called "Tenant").

**BACKGROUND**

**WHEREAS**, Landlord and Tenant entered into the Wireless Communications Site Agreement dated October 4, 2012 for the purpose of constructing and operating a telecommunications facility on Landlord's property located at Smokey Hollow Court, Kent NY (Tax Map Sec. 43, Block 2 Lot 31) (the "Property");

**WHEREAS**, the parties wish to amend the Agreement for the purpose of modifying certain provisions of the Agreement;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to be legally bound to this Amendment as follows:

1. Exhibit A of the Agreement is hereby deleted in its entirety and replaced with the following Exhibit A-1, attached hereto and made a part hereof. As of the Execution Date, all references to Exhibit A shall now reference Exhibit A-1.
2. Exhibit B of the Agreement is hereby deleted in its entirety and replaced with the following Exhibit B-1, attached hereto and made a part hereof. As of the Execution Date, all references to Exhibit B shall now reference Exhibit B-1.
3. The Tenant notice address in Section 18 of the Agreement is hereby deleted in its entirety and replaced with the following (as of the Execution Date, all references to the Tenant notice address shall now refer to the following address):

To Tenant:                      Homeland Towers LLC  
   ATTN: Site Administration  
   46 Mill Plain Rd., Second Floor  
   Danbury, CT 06811

4. Any capitalized term used herein, but not defined, shall have the meaning ascribed to such term in the Agreement.
5. In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained herein, the terms and conditions herein shall control. Except as expressly set forth in this First Amendment, the Agreement is otherwise unmodified, shall remain in full force and effect and is incorporated and restated herein as if fully set forth at length.

RECEIVED  
TOWN OF KENT

2013 APR 15 PM 12:11

yc  
04-16-13

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed on the \_\_\_\_ day of \_\_\_\_\_, 2013.

LANDLORD:

TENANT:

Town of Kent

Homeland Towers LLC, a NY LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: Manuel Vicente

Title: \_\_\_\_\_

Title: President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

yc  
4-16-13

**EXHIBIT A-1**

**SITE PLAN**

See Sheet SU3 (Easement Survey) attached of the Tectonic Engineering Drawings dated March  
26, 2013

ye  
04-16-13

**T** HOMELAND TOWERS  
46 MILL PLAIN ROAD  
2ND FLOOR  
DANBURG, CT 06811

**TECTONIC**

• PLANNING • ENGINEERING • SURVEYING  
• CONSTRUCTION MANAGEMENT

TECTONIC Engineering & Surveying Consultants P.C.  
1175 Route 200  
Northridge, NY 13350  
Phone: (603) 551-6666  
Fax: (603) 267-8768

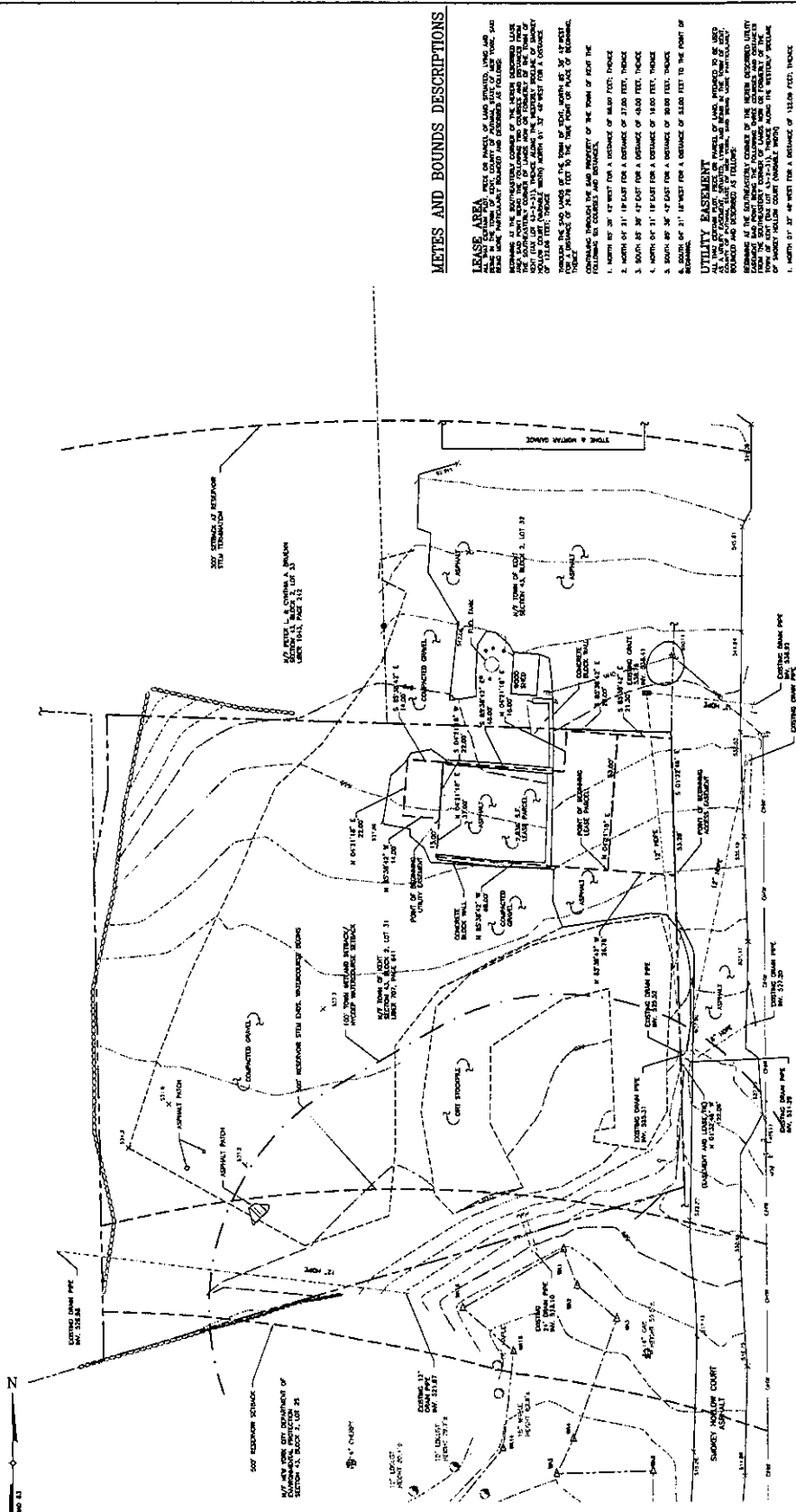
PROJECT NO:	4506 MY181
DRAWN BY:	PW
CHECKED BY:	JMK

REV	DATE	DESCRIPTION
1	11/18/13	FOR COMMENTS
2	11/20/13	FOR COMMENTS
3	12/19/13	FOR COMMENTS
4	01/16/14	FOR COMMENTS
5	02/11/14	FOR COMMENTS
6	02/11/14	FOR COMMENTS
7	02/11/14	FOR COMMENTS
8	02/11/14	FOR COMMENTS
9	02/11/14	FOR COMMENTS
10	02/11/14	FOR COMMENTS
11	02/11/14	FOR COMMENTS
12	02/11/14	FOR COMMENTS
13	02/11/14	FOR COMMENTS
14	02/11/14	FOR COMMENTS
15	02/11/14	FOR COMMENTS
16	02/11/14	FOR COMMENTS
17	02/11/14	FOR COMMENTS
18	02/11/14	FOR COMMENTS
19	02/11/14	FOR COMMENTS
20	02/11/14	FOR COMMENTS
21	02/11/14	FOR COMMENTS
22	02/11/14	FOR COMMENTS
23	02/11/14	FOR COMMENTS
24	02/11/14	FOR COMMENTS
25	02/11/14	FOR COMMENTS
26	02/11/14	FOR COMMENTS
27	02/11/14	FOR COMMENTS
28	02/11/14	FOR COMMENTS
29	02/11/14	FOR COMMENTS
30	02/11/14	FOR COMMENTS
31	02/11/14	FOR COMMENTS
32	02/11/14	FOR COMMENTS
33	02/11/14	FOR COMMENTS
34	02/11/14	FOR COMMENTS
35	02/11/14	FOR COMMENTS
36	02/11/14	FOR COMMENTS
37	02/11/14	FOR COMMENTS
38	02/11/14	FOR COMMENTS
39	02/11/14	FOR COMMENTS
40	02/11/14	FOR COMMENTS
41	02/11/14	FOR COMMENTS
42	02/11/14	FOR COMMENTS
43	02/11/14	FOR COMMENTS
44	02/11/14	FOR COMMENTS
45	02/11/14	FOR COMMENTS
46	02/11/14	FOR COMMENTS
47	02/11/14	FOR COMMENTS
48	02/11/14	FOR COMMENTS
49	02/11/14	FOR COMMENTS
50	02/11/14	FOR COMMENTS
51	02/11/14	FOR COMMENTS
52	02/11/14	FOR COMMENTS
53	02/11/14	FOR COMMENTS
54	02/11/14	FOR COMMENTS
55	02/11/14	FOR COMMENTS
56	02/11/14	FOR COMMENTS
57	02/11/14	FOR COMMENTS
58	02/11/14	FOR COMMENTS
59	02/11/14	FOR COMMENTS
60	02/11/14	FOR COMMENTS
61	02/11/14	FOR COMMENTS
62	02/11/14	FOR COMMENTS
63	02/11/14	FOR COMMENTS
64	02/11/14	FOR COMMENTS
65	02/11/14	FOR COMMENTS
66	02/11/14	FOR COMMENTS
67	02/11/14	FOR COMMENTS
68	02/11/14	FOR COMMENTS
69	02/11/14	FOR COMMENTS
70	02/11/14	FOR COMMENTS
71	02/11/14	FOR COMMENTS
72	02/11/14	FOR COMMENTS
73	02/11/14	FOR COMMENTS
74	02/11/14	FOR COMMENTS
75	02/11/14	FOR COMMENTS
76	02/11/14	FOR COMMENTS
77	02/11/14	FOR COMMENTS
78	02/11/14	FOR COMMENTS
79	02/11/14	FOR COMMENTS
80	02/11/14	FOR COMMENTS
81	02/11/14	FOR COMMENTS
82	02/11/14	FOR COMMENTS
83	02/11/14	FOR COMMENTS
84	02/11/14	FOR COMMENTS
85	02/11/14	FOR COMMENTS
86	02/11/14	FOR COMMENTS
87	02/11/14	FOR COMMENTS
88	02/11/14	FOR COMMENTS
89	02/11/14	FOR COMMENTS
90	02/11/14	FOR COMMENTS
91	02/11/14	FOR COMMENTS
92	02/11/14	FOR COMMENTS
93	02/11/14	FOR COMMENTS
94	02/11/14	FOR COMMENTS
95	02/11/14	FOR COMMENTS
96	02/11/14	FOR COMMENTS
97	02/11/14	FOR COMMENTS
98	02/11/14	FOR COMMENTS
99	02/11/14	FOR COMMENTS
100	02/11/14	FOR COMMENTS

UNAUTHORIZED ALTERATION OR ADDITIONS TO A PLAN BEARING A LICENSED ENGINEER'S OR SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

KENT HWY GARAGE  
21 SMOKEY HOLLOW CT.  
KENT LAKES, NY 10512

SHEET TITLE  
EASEMENT SURVEY

SU-3  
SHEET NUMBER

## METES AND BOUNDS DESCRIPTIONS

[illegible]

### ACCESS EASEMENT

[illegible]

## EASEMENT SURVEY

[illegible]

## GENERAL NOTES

- [illegible]

4-16-13

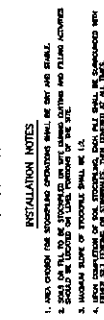
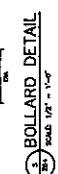
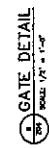
**EXHIBIT B-1**

**SITE DETAIL PLAN AND ELEVATION**

See Sheets Z03 (Site Detail Plan) and Z04 (Elevation and Details) attached of the Tectonic Engineering Drawings dated February 20, 2013

ye  
4-16-13





je  
04-16-13





Record and Return to: **HOMELAND TOWERS LLC**  
46 Mill Plain Road, Second Floor  
Danbury CT 06811

(space above for Recorder's use only)

MEMORANDUM OF WIRELESS COMMUNICATIONS SITE LEASE AGREEMENT

THIS MEMORANDUM OF WIRELESS COMMUNICATIONS SITE LEASE AGREEMENT (this "Memorandum"), made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between TOWN OF KENT, a municipal corporation of the State of New York, having its principal office at 25 Sybil's Crossing, Kent Lakes, NY 10512 ("Landlord") and HOMELAND TOWERS LLC, a New York LLC, having its principal office at 46 Mill Plain Road, Second Floor, Danbury, CT 06811 ("Tenant"), is a record of that certain Wireless Communications Site Lease Agreement between Landlord and Tenant dated as of October 4, 2013 and the First Amendment to the Wireless Communications Site Lease Agreement dated \_\_\_\_\_, 2013 (collectively the "Lease"). The Lease contains, among other things, the following terms:

1. Description of Leased Premises. The Leased Premises are located on that certain parcel of real property described in Exhibit "A" hereto (the "Property"), which Exhibit is incorporated herein by this reference. The Leased Premises are described in Exhibit "B," which Exhibit is incorporated herein by this reference.
2. Term. The "Initial Term" of the Lease is ten (10) years beginning on the date that Tenant commences construction as set forth in Section 2 of the Lease. Tenant has the right to extend the term of the Lease for six (6) successive terms of five (5) years each (individually, a "Renewal Term," and collectively, the "Renewal Terms"). The Initial Term and any applicable Renewal Term(s) are collectively referred to as the "Term."
3. Landlord's Use of the Premises. Tenant shall have the sole right to lease space within the leased premises and on the Monopole to all communications users for placement of their antenna equipment.
4. Right of First Refusal. Should Landlord, at any time during the Term of this Agreement, decide to sell all or any part of the Property to a purchaser other than Tenant, such sale shall be under and subject to this Agreement and Tenant's rights hereunder. If during the term of this Agreement, LESSOR receives a bona fide offer ("Bona Fide Offer") from an unaffiliated third party to lease or purchase the Property (in whole or in part), LESSOR's interest under this Agreement, LESSOR's rights to receive rents under the term of this Agreement and/or the portion of the Property on which the Leased Premises is located ("Subject Property"), whether in fee or by grant of an easement and/or to enter into a lease or option after the term of this Agreement that LESSOR is willing to accept, LESSEE shall have the right of first refusal ("Right of First Refusal") to so lease or purchase the same.
5. Ratification of Lease. By this Memorandum, the parties: (a) intend to record a reference to the Lease; (b) hereby ratify and confirm all of the terms and conditions of the Lease; and (c) declare that the Leased Premises are subject to the Lease.

Following the expiration or earlier termination of the Lease, Lessee will, upon Lessor's written request therefore, execute and deliver to the Lessor an instrument in recordable form evidencing the expiration/termination of the Lease and the release of this Memorandum.

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, Lessor and Lessee have executed this Memorandum Of Option and Ground Lease as of the date first above written.

TOWN OF KENT  
("LANDLORD")

By: \_\_\_\_\_

Print Name: Katherine Doherty

Print Title: Supervisor

State of \_\_\_\_\_  
County of \_\_\_\_\_

On \_\_\_\_\_, before me, (here insert name and title of the officer), personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

(Affix Notarial Seal)

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

ye  
4-16-13

IN WITNESS WHEREOF, Lessor and Lessee have executed this Memorandum Of Option and Ground Lease as of the date first above written.

HOMELAND TOWERS LLC  
("TENANT")

By: \_\_\_\_\_

Print Name: Manuel Vicente

Print Title: President

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_, before me, (here insert name and title of the officer), personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

(Affix Notarial Seal)

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

yk  
4-16-13

EXHIBIT "A" TO MEMORANDUM OF OPTION AND GROUND LEASE AGREEMENT

LEGAL DESCRIPTION OF PROPERTY

The land referred to in this Commitment is situated in the State of New York and is identified as follows:

Property Address:               Smokey Hollow Court, Kent, NY (Town of Kent)  
County:                         Putnam  
Tax ID No.:                     Section: 43. Block: 2 Lot: 31

---

**ALL** that certain plot, piece or parcel of land, ~~which is more or less~~ situate, lying and being in the Town of Kent, County of Putnam and State of New York, bounded and described as follows:

BEGINNING at a point marked by a 1" iron rod in the ground, which point is at the southeast corner of lands now or formerly of Robert Andrew Parker and Dorothy D. Parker and is on the northerly line of lands now or formerly of the City of New York; running thence in a northerly direction along said lands of Parker, North 11° 26' 33" East 192.50 feet, North 22° 08' 30" East 32.28 feet, and North 11° 26' 33" East 28.00 feet to a point and lands now or formerly of Dorothy L. Townsend Knapp; thence running along the line of lands now or formerly of Knapp, South 75° 53' 25" East 222.95 feet to a point marked by a ½" iron pin in the ground and the westerly line of Smokey Hollow Road; thence running along the westerly line of Smokey Hollow Road, South 10° 45' 10" West 177.84 feet to a point marked by a cross cut on the northerly face of a stone wall in the northerly line of lands of the City of New York; thence running along the northerly face of said stone wall and the line of lands of the City of New York, South 86° 03' 15" West 233.26 feet to the point or place of BEGINNING. Containing 1.106 acres.

---

EXHIBIT "B" TO MEMORANDUM OF OPTION AND GROUND LEASE AGREEMENT

DESCRIPTION OF LEASED PREMISES

X The Leased Premises includes ground space.

\_\_\_\_\_ The Leased Premises includes rooftop space.

The legal description of the Leased Premises is as follows:

METES AND BOUNDS DESCRIPTIONS

**LEASE AREA**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATED, LYING AND BEING IN THE TOWN OF KENT, COUNTY OF PUTNAM, STATE OF NEW YORK, SAID BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED LEASE AREA SAID POINT BEING THE FOLLOWING TWO COURSES AND DISTANCES FROM THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF THE TOWN OF KENT (TAX LOT 43-2-31), THENCE ALONG THE WESTERLY SIDELINE OF SMOKEY HOLLOW COURT (VARIABLE WIDTH) NORTH 01° 32' 46" WEST FOR A DISTANCE OF 122.06 FEET; THENCE

THROUGH THE SAID LANDS OF THE TOWN OF KENT, NORTH 85° 38' 42" WEST FOR A DISTANCE OF 26.78 FEET TO THE TRUE POINT OR PLACE OF BEGINNING, THENCE

CONTINUING THROUGH THE SAID PROPERTY OF THE TOWN OF KENT THE FOLLOWING SIX COURSES AND DISTANCES,

1. NORTH 85° 38' 42" WEST FOR A DISTANCE OF 68.00 FEET, THENCE
2. NORTH 04° 21' 18" EAST FOR A DISTANCE OF 37.00 FEET, THENCE
3. SOUTH 85° 38' 42" EAST FOR A DISTANCE OF 48.00 FEET, THENCE
4. NORTH 04° 21' 18" EAST FOR A DISTANCE OF 16.00 FEET, THENCE
5. SOUTH 85° 38' 42" EAST FOR A DISTANCE OF 20.00 FEET, THENCE
6. SOUTH 04° 21' 18" WEST FOR A DISTANCE OF 53.00 FEET TO THE POINT OF BEGINNING.

**UTILITY EASEMENT**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, INTENDED TO BE USED AS A UTILITY EASEMENT, SITUATED, LYING AND BEING IN THE TOWN OF KENT, COUNTY OF PUTNAM, STATE OF NEW YORK, SAID BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED UTILITY EASEMENT SAID POINT BEING THE FOLLOWING THREE COURSES AND DISTANCES FROM THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF THE TOWN OF KENT (TAX LOT 43-2-31), THENCE ALONG THE WESTERLY SIDELINE OF SMOKEY HOLLOW COURT (VARIABLE WIDTH)

1. NORTH 01° 32' 46" WEST FOR A DISTANCE OF 122.06 FEET; THENCE
2. NORTH 85° 38' 42" WEST FOR A DISTANCE OF 84.78 FEET; THENCE
3. NORTH 04° 21' 18" EAST FOR A DISTANCE OF 15.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE

CONTINUING THROUGH THE SAID PROPERTY OF THE TOWN OF KENT THE FOLLOWING FOUR COURSES AND DISTANCES,

1. NORTH 85° 38' 42" WEST FOR A DISTANCE OF 14.00 FEET; THENCE
2. NORTH 04° 21' 18" EAST FOR A DISTANCE OF 22.00 FEET, THENCE
3. SOUTH 85° 38' 42" EAST FOR A DISTANCE OF 14.00 FEET, THENCE
4. SOUTH 04° 21' 18" WEST FOR A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING.

**ACCESS EASEMENT**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, INTENDED TO BE USED AS A ACCESS EASEMENT, SITUATED, LYING AND BEING IN THE TOWN OF KENT, COUNTY OF PUTNAM, STATE OF NEW YORK, SAID BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

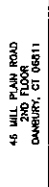
BEGINNING AT THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED ACCESS EASEMENT SAID POINT BEING THE FOLLOWING COURSE AND DISTANCE FROM THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF THE TOWN OF KENT (TAX LOT 43-2-31), THENCE ALONG THE WESTERLY SIDELINE OF SMOKEY HOLLOW COURT (VARIABLE WIDTH) NORTH 01° 32' 46" WEST FOR A DISTANCE OF 122.06 FEET; THENCE

THROUGH THE SAID LANDS OF THE TOWN OF KENT, THE FOLLOWING FOUR COURSES AND DISTANCES,

1. NORTH 85° 38' 42" WEST FOR A DISTANCE OF 26.78 FEET; THENCE
2. NORTH 04° 21' 18" EAST FOR A DISTANCE OF 53.00 FEET, THENCE
3. SOUTH 85° 38' 42" EAST FOR A DISTANCE OF 21.30 FEET, THENCE

ALONG SAID WESTERLY SIDELINE OF SMOKEY HOLLOW COURT (VARIABLE WIDTH) SOUTH 01° 32' 46" EAST FOR A DISTANCE OF 53.28 FEET TO THE POINT OR PLACE OF BEGINNING.

yk  
4-16-13



PROJECT NO:	4506-NY18
DRAWN BY:	FW
CHECKED BY:	JMK

REV	DATE	DESCRIPTION
1	8/7/12	REVISED DESCRIPTION
2	8/7/12	FOR COMMENTS
3	11/29/12	FOR COMMENTS
4	1/17/12	FOR COMMENTS

JUNE 15, 1988, P. 16, 34-35  
 UNAUTHORIZED ALTERATION OF  
 ADDITIONS TO A PLAN BEARING A  
 LICENSED ENGINEER'S OR SURVEYOR'S  
 SEAL OR SIGNATURE, VIOLATION OF  
 SUBDIVISION 2 OF THE NEW YORK  
 STATE EDUCATION LAW

KENT HWY GARAGE  
21 SMOKEY HOLLOW CT.  
KENT LAKES, NY 10512

**SHEET TITLE**  
**EASEMENT SURVEY**

SHEET NUMBER  
**SU-3**

[illegible][illegible]

1. SOUTH 88° 42' WEST FOR A DISTANCE OF 76.75 FEET, THENCE  
 2. NORTH 88° 42' WEST FOR A DISTANCE OF 32.00 FEET, THENCE  
 3. SOUTH 88° 42' EAST FOR A DISTANCE OF 113.20 FEET, THENCE  
 4. NORTH 88° 42' WEST FOR A DISTANCE OF 113.20 FEET, THENCE  
 5. SOUTH 88° 42' EAST FOR A DISTANCE OF 32.00 FEET, TO THE POINT OF  
 BEGINNING.



	PROPERTY LINE
	PROPOSED LEASE LINE
	PROPOSED EASEMENT LINE
	ADJOINING PROPERTY LINE

1. THE CASE IS BASED ON A TRUE STORY BY THE FOLLOWING AUTHOR, JAMES H. HARRINGTON, COLUMBIA UNIVERSITY, NEW YORK, NEW YORK, 10027.
2. VICTIM, CHARLES ARTHUR MURPHY, INTERVIEW DATED ON 06/07/1971.
3. SUSPECT, JAMES EARL RAY, INTERVIEW DATED ON 06/07/1971.
4. YOUR COPY OF THIS CASE AND THE CASE OF THE MURKIN, AND ALL NEW INFORMATION, SHOULD BE FURNISHED TO THE FOLLOWING OFFICES:
5. (1) SAC, NEW ORLEANS, FILE # 44-1987.
6. (2) SAC, MOBILE, FILE # 44-1987.
7. (3) SAC, JACKSON, FILE # 44-1987.
8. (4) SAC, MEMPHIS, FILE # 44-1987.
9. (5) SAC, NEW YORK, FILE # 100-441987.
10. (6) SAC, ST. LOUIS, FILE # 44-1987.
11. (7) SAC, WASHINGTON, FILE # 44-1987.
12. (8) SAC, CHICAGO, FILE # 44-1987.
13. (9) SAC, DENVER, FILE # 44-1987.
14. (10) SAC, LOS ANGELES, FILE # 44-1987.
15. (11) SAC, PHOENIX, FILE # 44-1987.
16. (12) SAC, PORTLAND, FILE # 44-1987.
17. (13) SAC, SAN FRANCISCO, FILE # 44-1987.
18. (14) SAC, SEATTLE, FILE # 44-1987.
19. (15) SAC, SALT LAKE CITY, FILE # 44-1987.
20. (16) SAC, TAMPA, FILE # 44-1987.
21. (17) SAC, WASHINGTON, FILE # 44-1987.
22. (18) SAC, WASHINGTON, FILE # 44-1987.
23. (19) SAC, WASHINGTON, FILE # 44-1987.
24. (20) SAC, WASHINGTON, FILE # 44-1987.
25. (21) SAC, WASHINGTON, FILE # 44-1987.
26. (22) SAC, WASHINGTON, FILE # 44-1987.
27. (23) SAC, WASHINGTON, FILE # 44-1987.
28. (24) SAC, WASHINGTON, FILE # 44-1987.
29. (25) SAC, WASHINGTON, FILE # 44-1987.
30. (26) SAC, WASHINGTON, FILE # 44-1987.
31. (27) SAC, WASHINGTON, FILE # 44-1987.
32. (28) SAC, WASHINGTON, FILE # 44-1987.
33. (29) SAC, WASHINGTON, FILE # 44-1987.
34. (30) SAC, WASHINGTON, FILE # 44-1987.
35. (31) SAC, WASHINGTON, FILE # 44-1987.
36. (32) SAC, WASHINGTON, FILE # 44-1987.
37. (33) SAC, WASHINGTON, FILE # 44-1987.
38. (34) SAC, WASHINGTON, FILE # 44-1987.
39. (35) SAC, WASHINGTON, FILE # 44-1987.
40. (36) SAC, WASHINGTON, FILE # 44-1987.
41. (37) SAC, WASHINGTON, FILE # 44-1987.
42. (38) SAC, WASHINGTON, FILE # 44-1987.
43. (39) SAC, WASHINGTON, FILE # 44-1987.
44. (40) SAC, WASHINGTON, FILE # 44-1987.
45. (41) SAC, WASHINGTON, FILE # 44-1987.
46. (42) SAC, WASHINGTON, FILE # 44-1987.
47. (43) SAC, WASHINGTON, FILE # 44-1987.
48. (44) SAC, WASHINGTON, FILE # 44-1987.
49. (45) SAC, WASHINGTON, FILE # 44-1987.
50. (46) SAC, WASHINGTON, FILE # 44-1987.
51. (47) SAC, WASHINGTON, FILE # 44-1987.
52. (48) SAC, WASHINGTON, FILE # 44-1987.
53. (49) SAC, WASHINGTON, FILE # 44-1987.
54. (50) SAC, WASHINGTON, FILE # 44-1987.
55. (51) SAC, WASHINGTON, FILE # 44-1987.
56. (52) SAC, WASHINGTON, FILE # 44-1987.
57. (53) SAC, WASHINGTON, FILE # 44-1987.
58. (54) SAC, WASHINGTON, FILE # 44-1987.
59. (55) SAC, WASHINGTON, FILE # 44-1987.
60. (56) SAC, WASHINGTON, FILE # 44-1987.
61. (57) SAC, WASHINGTON, FILE # 44-1987.
62. (58) SAC, WASHINGTON, FILE # 44-1987.
63. (59) SAC, WASHINGTON, FILE # 44-1987.
64. (60) SAC, WASHINGTON, FILE # 44-1987.
65. (61) SAC, WASHINGTON, FILE # 44-1987.
66. (62) SAC, WASHINGTON, FILE # 44-1987.
67. (63) SAC, WASHINGTON, FILE # 44-1987.
68. (64) SAC, WASHINGTON, FILE # 44-1987.
69. (65) SAC, WASHINGTON, FILE # 44-1987.
70. (66) SAC, WASHINGTON, FILE # 44-1987.
71. (67) SAC, WASHINGTON, FILE # 44-1987.
72. (68) SAC, WASHINGTON, FILE # 44-1987.
73. (69) SAC, WASHINGTON, FILE # 44-1987.
74. (70) SAC, WASHINGTON, FILE # 44-1987.
75. (71) SAC, WASHINGTON, FILE # 44-1987.
76. (72) SAC, WASHINGTON, FILE # 44-1987.
77. (73) SAC, WASHINGTON, FILE # 44-1987.
78. (74) SAC, WASHINGTON, FILE # 44-1987.
79. (75) SAC, WASHINGTON, FILE # 44-1987.
80. (76) SAC, WASHINGTON, FILE # 44-1987.
81. (77) SAC, WASHINGTON, FILE # 44-1987.
82. (78) SAC, WASHINGTON, FILE # 44-1987.
83. (79) SAC, WASHINGTON, FILE # 44-1987.
84. (80) SAC, WASHINGTON, FILE # 44-1987.
85. (81) SAC, WASHINGTON, FILE # 44-1987.
86. (82) SAC, WASHINGTON, FILE # 44-1987.
87. (83) SAC, WASHINGTON, FILE # 44-1987.
88. (84) SAC, WASHINGTON, FILE # 44-1987.
89. (85) SAC, WASHINGTON, FILE # 44-1987.
90. (86) SAC, WASHINGTON, FILE # 44-1987.
91. (87) SAC, WASHINGTON, FILE # 44-1987.
92. (88) SAC, WASHINGTON, FILE # 44-1987.
93. (89) SAC, WASHINGTON, FILE # 44-1987.
94. (90) SAC, WASHINGTON, FILE # 44-1987.
95. (91) SAC, WASHINGTON, FILE # 44-1987.
96. (92) SAC, WASHINGTON, FILE # 44-1987.
97. (93) SAC, WASHINGTON, FILE # 44-1987.
98. (94) SAC, WASHINGTON, FILE # 44-1987.
99. (95) SAC, WASHINGTON, FILE # 44-1987.
100. (96) SAC, WASHINGTON, FILE # 44-1987.
101. (97) SAC, WASHINGTON, FILE # 44-1987.
102. (98) SAC, WASHINGTON, FILE # 44-1987.
103. (99) SAC, WASHINGTON, FILE # 44-1987.
104. (100) SAC, WASHINGTON, FILE # 44-1987.
105. (101) SAC, WASHINGTON, FILE # 44-1987.
106. (102) SAC, WASHINGTON, FILE # 44-1987.
107. (103) SAC, WASHINGTON, FILE # 44-1987.
108. (104) SAC, WASHINGTON, FILE # 44-1987.
109. (105) SAC, WASHINGTON, FILE # 44-1987.
110. (106) SAC, WASHINGTON, FILE # 44-1987.
111. (107) SAC, WASHINGTON, FILE # 44-1987.
112. (108) SAC, WASHINGTON, FILE # 44-1987.
113. (109) SAC, WASHINGTON, FILE # 44-1987.
114. (110) SAC, WASHINGTON, FILE # 44-1987.
115. (111) SAC, WASHINGTON, FILE # 44-1987.
116. (112) SAC, WASHINGTON, FILE # 44-1987.
117. (113) SAC, WASHINGTON, FILE # 44-1987.
118. (114) SAC, WASHINGTON, FILE # 44-1987.
119. (115) SAC, WASHINGTON, FILE # 44-1987.
120. (116) SAC, WASHINGTON, FILE # 44-1987.
121. (117) SAC, WASHINGTON, FILE # 44-1987.
122. (118) SAC, WASHINGTON, FILE # 44-1987.
123. (119) SAC, WASHINGTON, FILE # 44-1987.
124. (120) SAC, WASHINGTON, FILE # 44-1987.
125. (121) SAC, WASHINGTON, FILE # 44-1987.
126. (122) SAC, WASHINGTON, FILE # 44-1987.
127. (123) SAC, WASHINGTON, FILE # 44-1987.
128. (124) SAC, WASHINGTON, FILE # 44-1987.
129. (125) SAC, WASHINGTON, FILE # 44-1987.
130. (126) SAC, WASHINGTON, FILE # 44-1987.
131. (127) SAC, WASHINGTON, FILE # 44-1987.
132. (128) SAC, WASHINGTON, FILE # 44-1987.
133. (129) SAC, WASHINGTON, FILE # 44-1987.
134. (130) SAC, WASHINGTON, FILE # 44-1987.
135. (131) SAC, WASHINGTON, FILE # 44-1987.
136. (132) SAC, WASHINGTON, FILE # 44-1987.
137. (133) SAC, WASHINGTON, FILE # 44-1987.
138. (134) SAC, WASHINGTON, FILE # 44-1987.
139. (135) SAC, WASHINGTON, FILE # 44-1987.
140. (136) SAC, WASHINGTON, FILE # 44-1987.
141. (137) SAC, WASHINGTON, FILE # 44-1987.
142. (138) SAC, WASHINGTON, FILE # 44-1987.
143. (139) SAC, WASHINGTON, FILE # 44-1987.
144. (140) SAC, WASHINGTON, FILE # 44-1987.
145. (141) SAC, WASHINGTON, FILE # 44-1987.
146. (142) SAC, WASHINGTON, FILE # 44-1987.
- 14

4-16-13

**Whereas**, the Town Board held a public hearing on the amended site plan on April 2, 2013; and April 16, 2013; and

**Whereas**, based on the EAF, maps, documents and other materials submitted by all of the parties the Board hereby determines that development of the project as proposed would not have a significant adverse effect on the environment; and

**Whereas**, the Town Board has considered whether development of the proposed wireless facility may be afforded immunity from the Town's zoning and land development regulations pursuant to the 1988 Court of Appeals decision, *In re County of Monroe* which establishes a "balancing of interests" test to be used to make such a determination; and

**Whereas**, for the reasons set forth below the Town Board has determined that the Homeland wireless facility project is not subject to the Town's zoning regulations, specifically:

1. The Town of Kent is a political subdivision of the State of New York which is tax-funded and self-governing with elected officials. The Town provides emergency response services for such things as fires, accidents, medical emergencies and natural disasters. The Town is purely public in nature and is a governmental entity that provides an essential public service. The Town is the owner of the Property, and pursuant to New York State Town Law Section 64(2) has the power to lease the Property for such purposes as the Town may deem appropriate, which in this case includes a wireless facility which has been designed to support public safety communications antennas and equipment. In further support of the critical public safety services provided by the Town the Board takes note of the letter dated February 26, 2013 from the Police Chief of the Town of Kent Police Department which outlines the inadequacy of emergency cell phone coverage in the area of the town to be served by the proposed facility; and
2. There is no other governmental entity with a potentially greater interest in the project because the property is owned by the Town-and is wholly located within the boundaries of the Town, and pursuant to the Town Law the Town Board is solely vested with the jurisdiction to adopt and amend the town zoning code. As documented by the Town Highway Superintendent letter, dated April 10, 2013, the proposed facility will not have a significant negative impact on the operations of the Town Highway Garage, there is ample room at the Highway Garage to relocate the existing materials bin, and the overall tower compound area will not prohibit the internal movement of trucks; and
3. The wireless facility is a public utility. Therefore, the proposed land use is that of a public utility and emergency services wireless telecommunications facility. The wireless facility will consist of a 150-foot monopole to support federally licensed wireless carriers and emergency service providers. The facility will serve the public interest in that it will offer the general public a wireless communications alternative particularly well suited for responding to accidents, natural disasters and for reporting medical emergencies and other dangers such as potential criminal activity. Both Verizon Wireless and AT&T have provided letters indicating their intention to collocate on the facility. The Town Board notes that federally licensed wireless services such as Verizon and AT&T have been deemed to be essential public services by both New York State and Federal Courts; and
4. With respect to telecommunications facilities in general, the courts have routinely recognized a Paramount public interest. The Town Board notes several cases in which the courts of this State have held that applications to locate or to co-locate wireless telecommunications facilities are exempt from local zoning regulations because, based on a proper analysis and finding of a municipal board or governing agency, the services being provided by the private carrier benefitted the public. The Town Board also notes that imposing local land use regulations on the project would unnecessarily delay the implementation of a project that will fulfill an essential public need for efficient and effective emergency response, and that the Town's *Wireless Infrastructure Plan*, which was developed after several years of study and public input, specifically identifies the area in the vicinity of the Town Highway Garage in need of improved wireless communications infrastructure. Such need was demonstrated by propagation maps and actual drive test data from AT & T and Verizon;

5. There are no alternative locations for the Facility in less restrictive zoning areas as the proposed wireless facility is expressly authorized on the Town Highway Garage site as a special permit use. The Town Board has considered the reports on alternative sites dated November 15, 2012 and March 13, 2013 submitted by Homeland which certify that there are no other tall structures or alternative sites in the vicinity of the proposed site on which a facility could be located to provide the necessary reliable wireless coverage. The alternative site reports demonstrate that other large parcels and all sites identified in the Town's Wireless Infrastructure Plan are not feasible alternative sites and are not less intrusive sites than the existing Town Highway Garage. Additionally, the Town's *Wireless Infrastructure Plan* and the signal propagation maps prepared by Verizon Wireless demonstrate through actual drive test data and signal propagation maps that a wireless facility in the vicinity of the Town Highway Garage is necessary in order to remedy a significant gap in reliable wireless services and to provide reliable service to locations which are not and cannot be adequately served with existing facilities or structures within and outside of the Town, and that a facility at the Town Highway Garage will remedy such gap in wireless service. The Board also notes correspondence from Verizon Wireless (February 28, 2013), NYCOMCO (March 7, 2013), and AT&T (March 10, 2013) each stating that co-locating at the proposed facility would allow an existing gap in coverage for emergency and general communications to be remedied; and
6. As noted above the Town Board has determined that development of a wireless facility at the Highway Garage would have no significant adverse environmental impact. Development of the facility would not have a significant adverse visual impact as demonstrated by the Visual Resource Evaluation reviewed by the Town Board, and would not adversely affect the public health, safety or the general welfare. The Town Board notes that photographs and computer simulated renderings of the facility were provided from areas immediately adjacent to the proposed facility, including from both ends of Smokey Hollow Court. The balloon test was publically noticed in advance and the Town's expert planning consultant provided specific viewpoints for study. The Town Board notes that the facility would be designed and constructed in accordance with the applicable structural requirements of the Building Code of New York State, and all other applicable local, state, and federal codes and regulations; and
7. The Town Board notes that there are no feasible alternative means of providing the proposed improvements necessary to close the coverage gap identified in the *Wireless Infrastructure Plan*. The proposed Highway Garage location is unique since it is ideally located to remedy a significant gap in wireless services for federally licensed carriers and emergency service entities, while creating a minimal intrusion on the community. Additionally, there are no other potential alternative locations shown to be available for lease, or are infeasible to remedy the gap in service, and/or would create greater environmental disturbance based on grading, clearing and construction of undeveloped parcels. In contrast, the Highway Garage is an existing municipal use and the facility will be placed on existing impervious asphalt surface; and
8. The facility would serve a significant public interest, and will benefit the entire community by offering a wireless infrastructure alternative essential for protecting public health, safety and welfare, including mobile access to 911 services; and
9. Although the project has not been subject to a review under the Town's zoning regulations the Town Board has held six public hearings on the site development plan and amended site development plan, where all parties in interest have been given an opportunity to be heard. Moreover, the adoption of the Generic Environmental Impact Statement, the corresponding SEQRA Determination and approval of the Town *Wireless Infrastructure Plan* by the Town Board, and the SEQRA Determination and Lease Agreement approval for the Property by the Town Board and the Amended Lease Agreement Approval, were all the subject of multiple publically noticed public hearings;

**Therefore Be It Resolved,** the Town Board hereby declares itself lead agency; and



**Be It Further Resolved**, the Town Board hereby determines that development of the project as proposed would not have a significant adverse effect on the environment and that a draft environmental impact statement will not be required for the reasons set forth in the "Determination of No Significance – Negative Declaration" which is attached hereto and made part hereof; and

**Be It Further Resolved**, the Town Board has determined that it would be contrary to the public interest to subject the proposed wireless facility to local land use development regulations and finds that pursuant to *In re County of Monroe* the project shall not be subject to the Town's zoning and land development regulations; and

**Be It Further Resolved**, the Town Board has examined the proposed site development plan and finds as follows:

1. The proposed wireless facility would have a harmonious relationship with the existing and planned development of contiguous lands and adjacent neighborhoods and would have no material adverse effect upon the desirability of adjacent and nearby property for development.
2. The proposed wireless facility would be properly related to the uses, goals and policies for land development as expressed in the *Kent Comprehensive Plan* and *Wireless Infrastructure Plan*.
3. The layout of the proposed site has been properly planned with regard to the safety of vehicles and pedestrians using the site, as well as those on neighboring properties and streets.
4. The site development plan reflects an awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the site and preserves and protects these assets to the extent practicable.

**Be It Further Resolved**, the Town Board hereby approves the site development plan for the proposed Homeland Tower wireless facility as depicted in the plan set prepared by Tectonic Engineering dated February 20, 2013 entitled "*NY 181 Kent Highway Garage, 21 Smokey Hollow Ct., Kent Lakes, NY 10512*"; and

**Be It Further Resolved**, that this approval is expressly conditioned on development of the wireless facility in substantial accordance with the approved plan set and with the following criteria;

1. *Prior to commencement of site work Homeland shall install all required erosion control measures as shown on the approved site development plan and at all times during construction, the applicant shall maintain the appropriate erosion control measures in good repair so as to avoid siltation of the on-site stream and wetland, and in compliance with local and state storm water pollution prevention requirements.*
2. *Prior to commencement of construction Homeland shall identify the approximate location of any underground piped watercourses and utilities that may be within the area of disturbance and indicate such location on the construction drawings. Limits of disturbance shall be cordoned off in the field with orange construction fencing. In the event the underground piped watercourse is impacted, Homeland shall obtain any required DEC approvals. Excavated soil and ground water shall be tested and if necessary, handled and disposed of in accordance with all applicable regulations.*
3. *Homeland shall obtain and shall keep current all required approvals from any other regional, state, or federal agency. Future collocation applications by wireless applicants at the facility shall not be subject to local zoning and land use regulations but shall require a building permit from the Town of Kent Building Department.*
4. *At the completion of construction Homeland shall provide a certification to the Town Building Inspector that all construction has been carried out and completed in substantial compliance*

*with the approved site development plan, and shall provide to the Town Building Inspector an "as built" survey of the completed development.*

5. Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.

The Board took a poll vote as follow:

Councilman Greene – nay      Councilwoman Osborn – aye - see her statement attached.

Councilman Tartaro – nay      Councilman Tierney – aye

Supervisor Doherty – aye - see her statement attached.

Motion carried

**Resolution #174 - Petition of Aaron Kass for a Change of Zoning**

On a motion by Supervisor Doherty

Seconded by Councilman Greene

WHEREAS, by Petition dated February 26, 2013 Mr. Aaron Kass ("Petitioner") has requested that the Town Board amend the zoning of certain real property owned by Petitioner; and

WHEREAS, Petitioner is the record owner of real property consisting of approximately three quarters (0.75) of an acre within the Commercial District which fronts on Route 52 and is designated as tax parcel number 33.14-1-2 ("Lot No. 1"); and

WHEREAS, Petitioner is the record owner of real property consisting of approximately 9.5 acres adjacent to Lot No. 1 which is divided by a zoning district boundary line between the Commercial District and the Planned Residential Development District and is designated as tax parcel number 33-14-1-5 ("Lot No. 2"); and

WHEREAS, Lot No. 1 is unimproved and, according to the Petitioner is not suitable in its present configuration for a commercial use based on bulk and dimensional limitations prescribed by the Town Zoning Law; and

WHEREAS, Lot No. 2 is improved with a single family dwelling; and

WHEREAS, the Petitioner seeks to amend the zoning of Lot No. 2 so that the entirety of said lot is zoned Commercial District; and

WHEREAS, according to the Petitioner the purpose of the requested change of zone is to enable and encourage commercial development along the Route 52 corridor and to promote the use of Lot No. 2 solely for commercial use;

NOW THEREFORE BE IT RESOLVED, pursuant to Section 77-63 of the Town Zoning Law the Town Board refers the Petition to the Town Planning Board for review and recommendation upon receipt of the \$1,500.00 escrow fee.

The Board took a poll vote as follow:

Councilman Greene – aye      Councilwoman Osborn – aye

Councilman Tartaro – aye      Councilman Tierney – aye

Supervisor Doherty – aye

Motion carried unanimously

**Resolution #175 - Recreation – Start Smart Baseball Personnel**

On a motion by Councilman Tierney

Seconded by Supervisor Doherty

Resolved: Upon the recommendation of Recreation Director Fernandez, Michael DeNapoli, Christopher Mendes, Dan Romero and Mark Donelan were hired as Start Smart Assistant for the Start Smart Baseball program to start in May at a rate of \$140 for the program.

Motion Carried unanimously

**Resolution #176 - Acceptance of Professional Services Agreement with Public Sector HR Consultants, LLC.**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent has received the attached Professional Services Agreement from Public Sector HR Consultants LLC for human resource consulting services to be performed on behalf of the Town of Kent; and

When Homeland Towers came before the Kent town Board almost five years ago, my comment to Supervisor Doherty was "oh great, just what we need, more cell towers". Obviously I was not a fan of cell towers. Kathy decided to punish my remark by appointing me chairwoman. I didn't know anything about cell towers other than I don't like them, I told her. "Don't worry, I'll give you Neil Wilson (our town planner). Good thing Neil knew a lot about cell towers. We worked for a very long time creating a master plan for cell towers within the town of Kent. Areas of little or no service for cell phones and emergency services was mapped out by Homeland Towers. The Route 301 area was of great concern, it has a large gap in service and is considered a very dangerous state road.

In the four and a half years following our introduction to Homeland Towers I received an increasingly broader education of cell towers. I now know how important they are to our community, not only for everyone's personal cell phone service, but for emergency services for public safety.

I have listened to the concerns of the seven residents on Smokey Hollow Court, voicing their fears and resentment of the proposed tower to be built on Town of Kent Highway Garage property. Their misguided fears have been unfortunately shared with their children, I find this regrettable indeed.

In April of 2010, Memorial Day weekend a young man went missing. His name, Thomas Wopat Moreau, grew up in the Town of Kent in the Lake Nimham community, his mother's only child. Thomas went missing after leaving the house of a friend in East Fishkill on his way home to his mothers (now living in Columbia County. There was a horrific accident. By the time the State Police found Thomas, he had spent four and a half days in a swampy wooded area without any food or fresh water, unable to walk. His injuries were extensive and very serious, he had no feeling in his lower body at all. Insects covered his broken body, biting and sucking at will.

Capt. Scott Brown zone 1 commander for the State Police Troop K, which covers Northern Dutchess and Columbia counties at this time, said "finding the 22 year old was team effort and the result of good old-fashioned police work with the help of modern technology that located where the man's cell phone had been. "

"Based on intelligence that was gathered by the Major Crime Unit, we were able to identify a particular area where his cell phone had sent a signal," Brown said. Around 2pm Thursday the major crimes unit led by investigator Joanne Leoni got information that Thomas Wopat's phone had sent a signal somewhere 2.9 miles from a cell Tower in Elizaville. An officer later stated that later when Thomas's cell was found at the scene of the crash there was no battery in it. Apparently Thomas never had a chance

to use the cell phone. However cell phones send signals to locate towers, and Thomas's cell phone had "hit two towers" while it was still working.

Police pinned the location of one of the cell Towers on a map. Then they drew a 2.9 mile radius around the tower. Checking the most logical areas that the signal may have been coming from, the Taconic State Parkway was the logical route Thomas could have taken to Copake, Columbia County where his mother lives. A trooper discovered tire tracks that appeared to go off the road and into a densely brushed area. The trooper found bits and pieces of a car the same color Thomas was driving. Thomas could hear the police talking and was able to call out to them for help.

They found him 150 feet from the BMW lying in the swamp unable to move from his waist down. Thomas probably wouldn't have lasted another 12 hours. He is alive today because of the ability police have in using cell towers to track cell phones. Thomas Wopat is only one story among thousands where cell towers are used for search and rescue. Last month a television story about a sister and brother trapped in the house with burglar's down stairs - from inside her bedroom closet was able to call 911 from her cell phone. Police arrived in time to make 2 arrests of suspected burglars and the children where fine thanks to a cell phone.

On Friday March 29, 2012 the 11:00 o clock news reported a student falling from the cockpit of a plane. The reporter explained the police were using cell towers to locate his phone and his body. A strategically placed cell tower can make the difference of life and death, search and rescue, search and retrieval. Lost children often have cell phones. No one should die on the road because they couldn't get cell service. Police, Firemen, Emergency Services should never be in a position of radio and phone connections cutting out because they are too far from a cell tower like on 301.

Cell towers are needed more and more as technology develops and expands. Police and Emergency services depend on them more and more. Human life should never be lost because lack of cell service like the elderly couple that froze to death in their car in Big Indian, New York. They died with their cell phone in hand but no service. Cell Towers save lives...It's our job as a Town board to ensure the safety of all our residents as well as the people traveling through the Town of Kent. Public Safety triumphs over all in the decision.

Along with the safety issues of cell towers there is a significant financial asset. The Smokey Hollow Tower will certainly have the ability to generate around ~~72~~ thousand dollars and possibly more, a year benefiting all the property owners and tax payers of the Town of Kent. If it is ever to save a

25 to 36,000

life, that is priceless. I urge my fellow Town Board Members to think outside of the box, and follow my vote. I dedicate my vote to Thomas Wopat and I vote yes.



**Supervisor Doherty's Statement – Cell Towers  
April 16, 2013**

First, I would like to thank all those who came to the town meetings, those who wrote us letters, those who gave us a call and those who came in to see us and conveyed their support or concerns about the cell towers. Whether you are for it or against it, I appreciate that you came forward to speak about this important issue.

As Town Supervisor, I have been given a difficult task to make crucial decisions on issues that affect our residents. Some of those issues are easy and some are difficult and divisive. At the end of the day, I believe that my job is to make sure that the decisions I make are based upon facts that would benefit the majority of, if not all the residents.

When I was still a Councilwoman, many individuals, including emergency workers, would come forward to express their concerns about the lack of reliable wireless service in the town, particularly in western Kent.

When I became Supervisor, I asked the Town Board to create a committee of volunteers, who would help us identify the Town's needs in terms of wireless communications. The committee embarked on this research project and recognized the need for improved wireless communications in the town for both its residents and public safety entities. They recommended that the Town prepare a comprehensive plan to avoid the proliferation of random towers.

The Town worked with Homeland Towers to identify an overall plan and identified a number of locations, four of which are owned by the Town of Kent: the Town Hall, the Landfill, the Route 301 Highway Garage and Huestis Park. On January 24, 2012, the Town Board voted unanimously to accept and implement this plan.

The facility on Smokey Hollow Court will cover a gap in service in the Wireless Infrastructure Master Plan. After a thorough alternative site analysis was prepared and numerous other sites

investigated, the Highway Garage was identified as a site to remedy the significant gap in wireless service in this portion of the Town.

After the sites were identified, the Town conducted a thorough SEQR review and FEIS showing that cell towers would not have significant adverse environmental impact. Lease agreements were drafted and presented to the Town Board. Again, the Town Board voted unanimously to accept the SEQR review, the FEIS, and the lease agreements.

Some residents on Smokey Hollow Court disagreed and claimed that cell towers are not safe due to falling ice, flooding, and radio frequencies.

I have personally spoken with representatives of Kent Fire Department to find out if falling ice is a problem and they said that there have never been reports of a hazard due to ice falling from their cell tower. These cell towers are designed, with safety in mind, by professional engineers. A letter from Tectonic Engineering also concludes that “based on the design of the facility as a monopole, its location within a secured fenced compound at the Town-owned Highway Garage, and the minimal possibility of ice accumulation and fall, there is no significant risk to persons or property from ice fall in this situation.”

I also spoke with the Highway Superintendent regarding flooding at the Highway Garage and he confirmed that flooding had never been an issue before.

With regards to radio frequencies, I would like to read a quote from the website of the American Cancer Society:

“Public exposure to radio waves from cell phone tower antennas is slight for several reasons. The power levels are relatively low, the antennas are mounted high above ground level, and the signals are transmitted intermittently, rather than constantly.

At ground level near typical cellular base stations, the amount of RF energy is thousands of times less than the limits for safe exposure set by the US Federal Communication Commission (FCC) and other regulatory authorities. It is very unlikely that a person



could be exposed to RF levels in excess of these limits just by being near a cell phone tower.”

Even the American Cancer Society agrees that cell towers have no significant adverse impact on people’s health. In fact, the Society even mentioned that people are exposed to higher levels of radiation when they use their microwave ovens or make a call from their own cellular phones.

Homeland Towers did an investigation on the impact of cell towers on real property values. Lane Appraisals, Inc. conducted a paired sales analysis, which concludes that the installation, presence, and/or operation of cell towers will not result in the reduction of property values or reduce the marketability of properties in the immediate area. This is based on 15 studies conducted throughout Putnam, Westchester, and Rockland counties over a time period ranging from 2000 to 2012. At least two courts have cited Lane Appraisal’s analysis, including the Southern District Court of New York which concluded that a cell tower would not adversely affect property values.

Many of us moved here to Kent because it is a nice little town with beautiful scenery. When I moved to Lake Carmel from Yorktown Heights 30 years ago, I was so happy to view Lake Carmel from my living room window. Years ago, NYSEG installed a huge transformer on the pole across the street from my house, which blocked my view of the lake. It was and still is hideous and I never liked it. But I understood that those transformers were placed there for a reason - that they not only benefit my neighbors, but my family as well.

Under FCC regulations, Homeland Towers have met their burden of proof and we don’t really have a reasonable ground to deny their application.

Finally, for the safety of my constituents, including our first responders, I am voting yes.



State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN BOARD OF THE TOWN OF KENT**, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Monroe Balancing Test Approval  
Matter of Homeland Tower Lease of Town Property  
Kent Highway Garage, 21 Smokey Hollow Court, Town of Kent, New York

SEQR Status: Type 1 ☐  
Unlisted ☒

Conditioned Negative Declaration: ☐ Yes  
☒ No

**Description of Action:**

The action is the Monroe balancing test approval by the Town Board of the Town of Kent of a site development plan that would allow Homeland to construct and operate a wireless telecommunication facility at the Town Highway Garage located at 21 Smokey Hollow Court, Town of Kent, New York. The facility would consist of a fenced compound that would provide security for one or more wireless communication providers and public safety entities, a 150' monopole, parking spaces for up to two service vehicles, emergency power supply, and electrical and telephone connection boxes. The amended site development plan relocates the wireless facility approximately 95 feet northward from its original proposed location thereby substantially reducing the amount of land disturbance from approximately 5,625 square feet to approximately 3,750 square feet. It also eliminates any encroachment into the Town wetland buffer, and eliminates the creation of any additional impervious surface that may require a variance from the New York City Department of Environmental Protection.

**Location:**

Town Highway Garage, 21 Smokey Hollow Court, Town of Kent, Putnam County,  
New York.

**Comments and Documents Reviewed and Considered:**

1. Pinnacle Telcom Group, report dated November 13, 2012 certifying operational compliance of the proposed facility with the maximum radio frequency exposure standards established by the Federal Communication Commission with up to six wireless providers co-located on said facility.
2. New York State Department of Environmental Conservation, letter dated November 14, 2012 stating that there are no records of rare or state listed animals or plants, or significant natural communities on or in the vicinity of the proposed facility site.
3. Homeland Tower, LLC, letter dated November 15, 2012 in regard to alternative sites considered.
4. Site Development Plans, dated November 19, 2012 prepared by Tectonic Engineering, consisting of drawings T01, Z01, Z02, Z02A, Z03, and Z04.
5. IVI Telecom Services, report dated November 19, 2012 regarding balloon test and visual analysis performed at the location of the proposed facility.
6. Long Form Environmental Assessment Form, dated November 20, 2012 prepared by Tectonic Engineering.
7. Tectonic Engineering, letter dated November 20, 2012 signed and sealed by Antonio Gualtieri, P.E. attesting to the structural safety of the proposed facility.
8. Site Safe, report dated November 21, 2012 in regard to facility compliance with Federal Aviation Administration requirements.
9. IVI Telecom Services, letter dated November 25, 2012 summarizing a Phase I Environmental Site Assessment performed at the location of the proposed facility and responding to written public comment.
10. Snyder & Snyder, Memorandum in Support of Request by Homeland Towers, LLC for Immunity from Local Zoning Regulations dated November 26, 2012.
11. IVI Telecom Services, letter dated November 26, 2012, with confirmation email from the New York State Historic Preservation Office, stating that the proposed site is not in proximity to any identified sites of historic or pre-historic significance.
12. Tectonic Engineering, letter dated January 17, 2013 to NYCDEP regarding location of the proposed facility in relation to regulated streams and water bodies.
13. New York City Department of Environmental Protection, letter dated January 25, 2013 stating that the original site development plan would be subject to Department jurisdiction and variance.
14. Amended Site Development Plans, dated February 20, 2013 prepared by Tectonic Engineering, consisting of drawings T01, Z01, Z02, Z03, Z04, and SP-1.
15. Amended Long Form Environmental Assessment Form, dated March 5, 2013 prepared by Tectonic Engineering.
16. Amended Site Development Plan, dated March

17. Campanelli & Associates, P.C., letter dated February 7, 2013 transmitting the following:
  - a. Memorandum in Opposition to the proposed facility.
18. Campanelli & Associates, P.C., letter dated February 12, 2013 to Teamsters Local 456 stating that the proposed facility would endanger union workers at the Highway Garage.
19. Town of Kent Police Department, letter dated February 26, 2013 outlining service connection problems for emergency cell phones in the area of the town to be served by the proposed facility.
20. Verizon Wireless, letter dated February 28, 2013 stating interest in co-locating at the proposed facility to improve service in the area of the town to be served by the proposed facility.
21. IVI Telecom Services, letter dated February 28, 2013 summarizing a Phase I Environmental Site Assessment performed at the location of the proposed facility and responding to public hearing comments.
22. New York State Department of Environmental Conservation, letter dated February 28, 2013 verifying that a state permit is not required for the facility.
23. New York City Department of Environmental Protection, letter dated February 28, 2013 confirming that the original site development plan would be subject to Department jurisdiction and variance.
24. Pinnacle Telcom Group, report dated March 4, 2013 certifying operational compliance of the proposed facility with the maximum radio frequency exposure standards established by the Federal Communication Commission with up to six wireless providers and the Town's emergency service facilities co-located on said facility.
25. NYCOMCO, letter dated March 7, 2013 stating interest in co-locating at the proposed facility to improve emergency communications in the area of the town to be served by the proposed facility.
26. AT&T, letter dated March 10, 2013 stating interest in co-locating at the proposed facility to remedy a gap in coverage in the area of the town to be served by the proposed facility.
27. Homeland Towers, LLC, letter dated March 13, 2013 in regard to analysis of potential alternative sites.
28. Tectonic Engineering, letter dated March 15, 2013 in regard to falling ice and structural safety concerns raised at the public hearings.
29. Snyder & Snyder, LLP, letter dated March 19, 2013 responding to Campanelli & Associates letter of February 7, 2013, and comments from public hearing of February 26, 2013.
30. Snyder & Snyder, LLP, letter dated April 8, 2013 transmitting the following:
  - a. Lane Appraisals, Inc., letter dated April 1, 2013 in regard to potential diminution of adjacent and nearby property values.
  - b. Tectonic Engineering, letter dated April 8, 2013 in regard to falling ice and structural safety concerns.

31. Peter Bruenn, letter dated April 8, 2013 in regard to estimated distances from the proposed facility to nearby structures and property.
32. Anthony Caravetta, Highway Superintendent, letter dated April 10, 2013 in regard to sufficiency of land area to accommodate proposed facility.
33. New York City Department of Environmental Protection, letter dated April 10, 2013 stating that the amended site development plan is not subject to Department jurisdiction.
34. Comments at public hearings held on November 27, 2012, January 29, 2013, February 26, 2013, March 19, 2013, April 2, 2013, and April 16, 2013.

**Reasons Supporting This Determination:**

**1. Surface and Ground Water Quality**

The wireless communication facility would be constructed on an area of the Highway Garage that has historically been used as driveway and material storage. The proposed development would not involve the removal of any trees or vegetation, and would not significantly alter existing grades at the site so as to require the installation of storm water management devices. Under the amended site development plan the amount of land disturbance has been reduced from approximately 5,650 square feet to approximately 3,750 square feet, and would be constructed on existing impervious surface without the need to create any additional impervious surface. As a result of the reduction of disturbed area a Storm Water Pollution Prevention Plan is no longer required, although a plan to control and contain erosion and sediment is required. Excavated soil and groundwater will be tested and properly handled and disposed of in accordance with all applicable regulations. No federal, state or local wetland permits are required and the New York City DEP and New York State DEC have confirmed that no permits are required. The Lead Agency is satisfied that the project would not have any adverse environmental effects on local surface water bodies or ground water supplies.

**2. Water Supply/Sewage Disposal**

The proposed development involves construction of an unmanned wireless communication facility. As an unmanned facility there is no need to provide a water supply or sewage disposal system. The project would not cause a substantial adverse change in existing ground or surface water quality or quantity, and the health and safety of existing and future area residents would be protected.

**3. Traffic**

The functioning and operation of the facility will be monitored daily at an off-site location with an on-site visit to monitor the physical plant occurring approximately once each month. Traffic volume generated by the proposed wireless installation is minimal, and no significant effects on local air quality from vehicle exhaust emissions, or the operational characteristics of local roadways associated with the proposed use have been identified.

**4. Noise and Odors**

Typical of construction projects there will be temporary increases in noise levels due to construction activities on the site during the development of the property. It is not anticipated

that construction would result in significant odors from dust related to excavation and the movement of earth. Any noise or odors potentially generated by the project would be short-term in nature and therefore would be an unavoidable adverse impact of limited duration. The use of the facility for wireless communication purposes is not the type of activity which would generate significant noise or odors that might adversely affect area residents. Accordingly, the potential adverse impacts related to noise and odors would not be significant.

## **5. Flora and Fauna**

The wireless communication facility would be constructed on a portion of the Highway Garage site that has been previously disturbed as part of the overall use of the site as a municipal garage and material (i.e. sand and salt) facility. Approximately 3,750 square feet of existing impervious surface would be disturbed for development of the facility. Construction and operation of the facility would not have a significant adverse impact on any rare, endangered, threatened or special concern species of flora or fauna or their habitat.

## **6. Cultural Resources**

The wireless communication facility would be constructed on a portion of the Highway Garage that has been previously disturbed, and there are no identified historic or pre-historic resources on or near the site. The proposed project would have no adverse impact on historic or pre-historic cultural resources of local, state or federal significance.

## **7. Impact on Growth and Character of Community or Neighborhood**

The Board has considered the proposed plan of development and has considered its potential effect on the scenic and visual environment of the town. The Board has also considered public comment received during several public hearings held from November 2012 to April 2013 on the proposed site plan regarding impacts of the facility on property values, the structural stability of the monopole and ice loading, and safety from radio frequency emissions.

With respect to visual issues the Board is aware that current wireless communication technology generally requires line-of-sight between the transmission and receiving points for best signal reception. It is therefore infeasible to completely hide the tower from all points of potential visual sensitivity. The Board has determined, however, that any tall structure on and in the vicinity of the Smokey Hollow Road site would be visible to some number of residents and possibly to the general public. In weighing the potential visual impact based on the visual analysis provided by Homeland the Board has determined that the selected location would affect the fewest number of town residents and the general public, while being protective of the greater scenic resources of the town. Additionally, the base station equipment would be located below the height of the existing trees and within a municipal parking and storage area not generally visible to the public. The Board is satisfied that the proposed structure would be located so as to limit its overall visibility from public roads and nearby properties, and its appearance to the majority of town residents and the casual viewers from nearby roads and properties would be minimally intrusive. As confirmed by the New York State Historic Preservation Office, there are no historic properties in the area of potential effects.

With respect to the potential impact of the facility on property values the Board has considered the opinion letters of licensed real estate agents submitted on behalf of neighboring residents in opposition to the proposed facility. The Board has also considered the valuation prepared by Lane Appraisals, Inc. in support of the proposed facility. The Board first notes that the agent letters submitted in opposition are opinions only, and are unsupported by any qualitative

analyses or comparable sales analysis. By contrast, the Lane Appraisal valuation indicates that equivalent home sale values are unaffected by the visual presence of a wireless tower. Accordingly, the Board is satisfied that the proposed facility would not diminish or otherwise affect local property values.

With respect to health issues Homeland has provided reports verifying the facility's compliance with the Federal Communication Commission standards for maximum radio frequency exposure. The report, which bears the signature of a qualified professional, certifies that the facility would, even when fully leased with up to six co-located tenants and emergency service equipment, operate well below the maximum radio emissions standards set by the FCC. The Board also takes note of objections to the proposed monopole based on structural failure and ice loading and falling. The Board notes that the incidents of structural failure and falling ice cited by neighbors in opposition to the proposed facility are those of a different construction (i.e. a lattice tower as opposed to the proposed monopole tower), and are located in what appear to be far more northerly climes (i.e. Alaska) than Putnam County, New York. In contrast, a licensed professional engineer has confirmed that based on the design, location and nature of the facility there are no significant dangers from ice fall. Accordingly, the Board is satisfied that the proposed facility would have no effect on the health of nearby residents or the general public, and would operate so as to not interfere with other communication devices.

The Board has determined that the proposed activity would occur in a rural, low density residential area and is not expected to impair the character or quality of important historical, archaeological, architectural, or aesthetic resources or the existing community or neighborhood character. In addition, the Board has determined that the proposed activity is consistent with all current development plans and goals as officially approved and adopted, and would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.

For Further Information:

Hon. Kathy Doherty, Supervisor  
Town of Kent  
25 Sybil's Crossing  
Kent Lakes, New York 10512  
Tele: 845-225-3943

**THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON APRIL 16, 2013.**



WHEREAS, the Town of Kent wishes to enter into the attached Professional Services Agreement with Public Sector HR Consultants LLC for human resource consulting services to be performed on behalf of the Town of Kent;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the attached Professional Services Agreement with Public Sector HR Consultants LLC for human resources consulting services to be performed on behalf of the Town of Kent; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute the attached Professional Services Agreement and any and all other documents necessary to give effect to this resolution.

The Board took a poll vote as follow:

Councilman Greene – nay      Councilwoman Osborn – aye  
Councilman Tartaro – aye      Councilman Tierney – aye  
Supervisor Doherty – aye  
Motion carried

**Resolution #177 - ACCEPTANCE OF PUTNAM COUNTY REAL PROPERTY TAX SERVICE CONTRACT**

On a motion by Councilwoman Osborn  
Seconded by Supervisor Doherty

WHEREAS, THE COUNTY OF PUTNAM has submitted the attached Putnam County Real Property Tax Service Contract, which is to be entered into between the County of Putnam and the Town of Kent in connection with real property tax-related services for the 2013 calendar year and more fully outlined in the attached Contract; and

WHEREAS, the Town Board of the Town of Kent wishes to enter into the Contract with the County of Putnam;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the Putnam County Real Property Tax Service Contract with the County of Putnam;

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute the attached Putnam County Real Property Tax Service Contract and any and all other documents necessary to give effect to this resolution.

The Board took a poll vote as follow:

Councilman Greene – aye      Councilwoman Osborn – aye  
Councilman Tartaro – aye      Councilman Tierney – aye  
Supervisor Doherty – aye  
Motion carried unanimously

**Resolution #178 - Release Erosion Control Bond – Mannion**

On a motion by Councilman Greene  
Seconded by Councilman Tierney

Resolved: Upon the recommendation of Building Inspector Butler the Erosion Control Bond for Sean Mannion, 76 Smalleys Corner Road, Tax Map#21.5-1-18 in the amount of \$3,125.00 may be released.

Motion carried unanimously

**Resolution #179 - Accept Erosion & Sediment Control Bond – Chuang Yen Monastery TM#19.-1-40.1**

On a motion by Councilman Greene  
Seconded by Councilman Tierney

Resolved: Upon the recommendation of the Planning Board the Erosion and Sediment Control Bond in the amount of \$16,844 and initial inspection fee of \$1,000.00 was accepted for the Chuang Yen Monastery, Route 301, Kent, NY TM#19.-1-40.1.

Motion carried unanimously

**Resolution #180 - STOP DWI" Grant to the Kent Police Dept for Purchase of Computer Equipment**

On a motion by Councilman Tierney  
Seconded by Councilman Tartaro

WHEREAS, the Town of Kent Police Department has been awarded the STOP DWI reimbursement grant in the amount of \$7,500.

WHEREAS, the Town of Kent Board wishes to accept the grant.

WHEREAS, the grant is a reimbursement grant. The Town Board wishes to purchase Two Panasonic Toughbook Computers with peripherals in the amount of \$7,500 from Island Tech Services.

NOW, THEREFORE BE IT RESOLVED, that Town Board accepts the STOP DWI Grant.  
Motion carried unanimously

**Resolution #181 - Budget Transfers for Purchase of Computer Equipment**

On a motion by Councilman Tierney  
Seconded by Councilman Greene

BE IT FURTHER RESOLVED that: The following transfers shall be made:

Increase the appropriation for the Police Department Equipment line:

A.3120.200 by \$7,500

Motion carried unanimously

**Resolution #182 - Budget Transfers for Purchase of Computer Equipment**

On a motion by Councilman Tierney  
Seconded by Councilwoman Osborn

Increase the revenue in the Public Safety DWI from Putnam County line:

A.2260 by \$7,500

Motion carried unanimously

**Resolution #183- Purchase Panasonic Toughbook Computers**

On a motion by Councilman Tierney  
Seconded by Councilman Greene

AND FURTHER RESOLVED, the Police Department is authorized to purchase Two Panasonic Toughbook Computers with peripherals in the amount of \$7,500 from Island Tech Services.

AND FURTHER RESOLVED, the Supervisor is authorized to execute any and all paperwork necessary to complete the purchase.

AND FURTHER RESOLVED, Payment for the purchase of the above named equipment, Two Panasonic Toughbook Computers with peripherals will be made to Island Tech Services in the amount of \$7,500 upon acceptance of the equipment.

Motion carried unanimously

**Resolution #184 - Police Department - Budget Transfer – Vehicle Repair**

On a motion by Councilman Tierney  
Seconded by Councilwoman Osborn

Whereas the Town of Kent received Insurance Claim refunds of \$13,654 to make repairs on the 2006 Chevy Tahoe and the 2011 Ford Crown Victoria,

Therefore Be It Resolved, the following budget transfers may be made regarding the above:

Increase the appropriation for the Police Department Auto Repair Budget Line as follows:

A.3120.404 Police Auto Repair \$13,654

Increase the revenue line for Insurance Recoveries as follows:

A.2680 Insurance Recoveries \$13,654.

Motion carried unanimously

**Resolution #185 - Police Department – Weapon Replacement**

On a motion by Councilman Tierney  
Seconded by Councilman Greene

Resolved: On the recommendation of Chief DiVernieri the department may trade (2) Glock Model 22 to Amchar Wholesale, Inc and replace them with upgraded (2) Glock Model 22's from Amchar Wholesale, Inc.

Motion carried unanimously

**Resolution #186 - Acceptance of Agreement with Fireworks Extravaganza, Inc.**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

WHEREAS, the Town of Kent has requested proposals for a fireworks display for the 4<sup>th</sup> of July celebration within the Town of Kent; and

WHEREAS, the Town of Kent has received a proposal from Fireworks Extravaganza, Inc. to provide a fireworks display for the amount of \$5,000.00, which is within the Town's budget for said fireworks display; and

WHEREAS, the Town of Kent wishes to enter into the attached agreement with Fireworks Extravaganza, Inc.;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the attached agreement with Fireworks Extravaganza, Inc. to provide a fireworks display for the 4<sup>th</sup> of July celebration within the Town of Kent; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes the Supervisor to execute the attached agreement and any and all other documents necessary to give effect to this resolution.

Motion carried unanimously

Supervisor Doherty announced the Fireworks will be displayed on July 6<sup>th</sup> the rain date is July 7, 2013. The Town can only spend \$5,000.00, donations are received from the public and Theater in the Barn. In the past they were able to raise additional funds there will be donation containers located throughout the town.

**Resolution # 187 - Advertise for Lifeguard Positions**

On a motion by Supervisor Doherty

Seconded by Councilman Greene

Resolved: The Town Clerk may advertise for the Lake Carmel Park District Lifeguard positions.

Motion carried unanimously

**Resolution #188 - Lake Carmel Park District – Cowboy Sand**

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: After the review of three quotes, the lowest quote received from Jim Dellana of Stroker Trucking for 140 yards of cowboy sand in the amount of \$5,600 was accepted.

Motion carried unanimously

**Resolution #189 - Award Bid Cemetery Maintenance**

On a motion by Councilman Tartaro

Seconded by Supervisor Doherty

Resolved: The lowest bid received from Wolgast Landscaping, LLC, for Cemetery Maintenance Mowing in the amount of \$1,950 per year was accepted.

Motion carried unanimously

**Resolution #190 - Award Bid for Porta Johns**

On a motion by Councilman Tartaro

Seconded by Councilman Tierney

Resolved: The lowest bid received from A Royal Flush for Porta John Services was accepted.

Motion carried unanimously

**Resolution #191 - Kent Recycling Center – Concrete Slab**

On a motion by Councilman Tartaro

Seconded by Councilman Tierney

Resolved: After the review of three quotes the lowest quote received from Othmer

Construction to form and pour a new concrete floating slab in the amount of \$4,800.00 was accepted. The Town of Kent will supply materials to control costs the estimate for materials is approximately \$4,320.00.

Motion carried unanimously

**Resolution #192 - Landfill – Debris Removal**

On a motion by Supervisor Doherty

Seconded by Councilwoman Osborn

Resolved: Tri-State Forestry, Inc. is authorized to process the existing wood waste located at the Landfill on Ressique Street for \$2,000 a day, not to exceed \$14,000.00. These funds will be reimbursed to the Town through FEMA.

Motion carried unanimously

**Announcement – Town Clean Up Day**

Councilwoman Osborn announced Kent Clean Up Day is scheduled for this Saturday, April 20<sup>th</sup>; the rain date is April 21<sup>st</sup> from 9:00 am to 2:30 p.m. neighborhood cleanup on Route 52, Route 311 or Route 301 your choice. Orange bags and vests can be picked up at the Police Department at 9:00 am. Leave the orange bags and the Kent Highway Department will pick them up.

**Agenda Items & Correspondence**

There were no questions or comments

**Resolution #193 - Adjournment**

On a motion by Supervisor Doherty

Seconded by Councilman Tartaro

Resolved: The Town Board meeting of April 16, 2013 adjourned at 9:08 p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk