

**Village of South Nyack
Planning Board Minutes
October 19, 2016**

Present:

Jerry Ilowite, Chairman
Bill Whitehurst, Member
Myra Starr, Member
Timothy Kenna, Member
Scott Fine, Alternate

Also present:

Robert Knoebel, Board Attorney
Steve Collazuol, Village Engineer
Sokuna Mam, Board Secretary

Mr. Ilowite called the meeting to order at 7:34pm. This meeting was noticed to the public on October 5, 2016. There were two items on the agenda.

- 1. Site application by Daniel Sherman on behalf of Salisbury Point Cooperative for site plan approval for the proposed installation entrance sign, masonry wall, fencing and landscaping.** The premises is a multi-family dwelling located at 2 Salisbury Point, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.78-1-27, and is located in a HRA Zoning District.

- 2. Site application by New Cingular Wireless PCS, LLC (AT&T) for Salisbury Point Cooperative for site plan approval for modification on the existing rooftop telecommunications facility.** The premises is a multi-family dwelling located at 4 Salisbury Point, South Nyack, NY 10960 and is identified on the Tax Map as Section 66.78-1-27, and is located in a HRA Zoning District.

Case #1 – 2 Salisbury Pt.

Appearing: Daniel Sherman, Landscape Architect

Mr. Sherman proposed new fencing, a center gate, and improvements to the north entrance. He explained that the previous application was approved for fencing, parking and electrical gate on the south end near the bridge. He explained that he used the fence proposal that Mr. Aurell, architect had submitted with the last application.

He presented a drawing of the entire property of Salisbury Point Coop. He also presented Mr. Aurell's previous drawings which included parking spaces, an electric gate the central part of the fence to these drawings.

The proposed fence is 42 inches and Mr. Sherman believed that it meets South Nyack's zoning code.

Mr. Sherman presented an enlarged drawing of the north entrance and illustrations of what it currently look like. He showed photos of the existing conditions of the entrance/exit.

The traffic pattern will remain the same. He stated that the proposed improvements to the north entrance will better define the entrance to the parking area because currently it is an open area with asphalt. Currently, in order to exit from Salisbury Pt. Coop, a driver must stay to the right, make a sharp left turn at the stop sign, and then arrives at the next stop sign to exit Salisbury Place.

The proposed wall was discussed including a description of the materials to be used. He compared the look of the stone walls with the wall at Eagle Rock and other walls in Rockland County. The sign will be in stainless steel and will say Salisbury Point in script. Stonework will surround the sign. The proposed landscaping at the main entrance will be shrubs. There will be a pedestrian gate proposed passing through the opening in the wall and fence to discourage people from walking on the driveway. The proposed driveway entrance is 16 ft. wide and paved with paving stone. The Salisbury Pt. Coop committee is requesting these improvements to provide privacy.

Parking spot 27A will be removed and a new one added to replace it. Mr. Sherman believed that the block pavement would need permission from County of Rockland Dept. of Highway. The construction work will stay within the property lines except for the block paving and pedestrian walk.

A sidewalk could be added to connect the new pedestrian walk to the bus stop.

The proposed lighting is ground-mounted, low voltage landscaping lighting that will be placed in the plantings. There will be soft lighting illuminating the sign.

Mr. Ilowite noted a response dated 10/17/2016 from the Rockland County Dept. of Planning GML:

- The proposed reconfiguration of the north entrance for the existing residential complex will better define the entrance to the parking area and access, which currently consists of a large macadam area, and provide safer pedestrian circulation. The enhancement of the proposed landscaping will also make the frontage of the residential complex more appealing.
- A review must be completed by the County of Rockland Dept. of Highways and any concerns addressed and required permits obtained.
- The proposed new sign must conform to the Village of South Nyack sign standards, particularly with regard to sign size, setback, and illumination.
- Rockland County Dept. of Planning requested to review any variances which may be necessary to implement the proposed site plan.

Mr. Ilowite clarified that this project is a new site plan application and not an amended application.

Mr. Collazuol, Village Engineer, reviewed his letter dated October 11, 2016.

Mr. Collazuol commented the design on this application is nice.

ZONING HRA-High Rise Apartments

Any change to existing area and bulk utilization shall require a variance.

GENERAL

The purpose of the application is to modify the northerly parking entrance and provide new, curbing, walls, fencing, signage, lighting and landscaping.

PLAN REVIEW

- 1) The proposed entry and exit to Salisbury Place is opposite the driveway on the opposite side of Salisbury Place; this is acceptable.
- 2) The proposed entrance driveway at the wall line is 18+/-ft. and 45 ft. at the curb line, this is acceptable.
- 3) The material shown for the apron is Belgium Block, as this is partly in the Village right of way and not a Village specification, the material should be approved by the Superintendent of Public Works.
Mr. Collazuol commented if snow plow chipped the blocks, the property owner is responsible and not the Village DPW.
- 4) The proposed wall is shown to be 4 ft. in height with a maximum height of 7'-2" at the proposed sign. The minimum height shown is 1'-8".
- 5) A proposed iron fence is shown to be placed along Piermont Avenue following the right of way line having a height of 3'-6" or 4'-0" and black in color.
Mr. Collazuol commented that the fence measurements need to be clarified. The height and location of the wall needs to be clarified.
A similar iron fence is proposed along the Salisbury Place frontage having a height shown as either 4'-0" or 4'-6" and running to the end of the wall near the sheds. The height and location, if on the top of the wall, should be clarified.
- 6) The columns as shown have a maximum height of 6'-4" adjacent to the proposed sign.
- 7) Wall lights, up lighting and directional lighting is proposed in front and behind the proposed wall.
Mr. Collazuol commented the lights are low level.
- 8) The proposed sign appears to have an area of approximately 16 square feet.
- 9) Landscaping proposed is shown to be consistent with the previous application for the lower gate with additional plantings along Piermont Avenue mostly in the Forsythia species.
- 10) The center gate and the landscape gate are noted, an explanation of these should be provided.
Mr. Collazuol commented that the previous application showed the center gate was removed and has reappeared on the current application and wants the applicant to explain.

11) No parking spaces are shown to be removed.

Mr. Collazuol commented that Mr. Sherman already explained parking # 27 is being relocated and is a better plan.

12) A proposed Bluestone walkway is shown entering onto Salisbury Place, we suggest this be ADA compliant at the street side.

Mr. Collazuol commented a drop curb cut for handicap ramp.

13) Proposed Belgium Block curbs are shown in the area of the planned installation and continuing off site into Salisbury Place. The limits of existing curb and proposed curb have been clearly delineated. A curb detail should be provided.

14) Proposed fencing detail for the fence should be provided.

Mr. Collazuol commented that there was a cut in the previous application.

15) Four pin oaks are proposed along the sea wall at rear of the site.

Mr. Sherman said they have already been planted.

Mr. Collazuol commented that all the structures are on the property line. If the Village ever decided to put a sidewalk on the east side of Piermont Ave or Salisbury Pl., there's space.

Mr. Collazuol said the previous application required a 15 ft. easement to be provided for a 36" storm drain on the site. It hasn't been provided yet. Subject to the variances required and the details requested we have no objections to the plans. We would review revised plans when received.

Public Comments:

Mr. Barman asked if there was going to be a gate at the new entrance.

Mr. Sherman said no.

Mr. Barman asked to clarify the traffic flow at the entrance and **Mr. Sherman** described it.

Mr. Barman asked to confirm that there will be no net change to the number of parking spaces. **Mr. Sherman** confirmed.

Susan Pilla was concerned about how the new entrance is going to affect her driveway. She expressed her concern about the traffic coming in and out of Salisbury and that the headlights of cars exiting Salisbury Pt. will be shining directly into her house. She previously complained about the lamp at the lower end of their parking lot near the doctor's office on south side and requested it to be removed. She asked if the entrance can be moved. She is concerned about the traffic at that entrance interfering with cars coming and going from her driveway.

Mr. Ilowite asked Susan Pilla if the proposed improvements will alleviate any of her concerns with the current wide, undefined driveway.

Susan Pilla explained that with the proposed entrance, residents from Salisbury Pt. will have to stay right and make a sharp left to turn onto Salisbury Pl.

Mr. Ilowite asked Mr. Sherman if he did a traffic analysis of how this will affect circulation of cars entering and exiting.

Mr. Sherman said the current situation is vague and unsafe. He explained it's basic highway engineering that a stop sign is needed for cars to safely turn left or right.

Mr. Collazuol pointed out that traffic entrances are either opposed to each other at intersections or offset by 25'. He referred to a project that Eagle Rock submitted which had a similar concern. He understands Susan Pilla's concern that residents will not stop at the stop sign and that's unsafe. He believes that this project will make the entryway safer and a better plan for Salisbury Point.

A discussion took place about Susan Pilla's concern about her driveway, stopping at the curb, and stop signs.

Susan Pilla asked for clarification of the fence and wall along Salisbury Place.

Mr. Sherman explained the existing chain link fence will be replaced with an iron fence in front of the retaining wall and not on top of it. He described the grade change below the retaining wall on the parking lot side.

Diane Barman responded to Susan Pilla's concern about traffic coming in and out of Salisbury Pt. She explained that Salisbury Point Coop is trying to better define the entrance to the parking lot. The Salisbury Point Coop residents believe this will help improve the traffic flow. Residents that do not live in Salisbury Pt. often think it is an open street; not an entrance to a complex.

Susan Pilla noted that her concern is pertaining to the entry/exit of her driveway and headlights shining into her house.

Peter McMannon commented that exiting from Salisbury Pt. will not change. The stop sign remains. The only change is when people exit Salisbury they will be required to make a proper left and right turn rather coming in and out of the open space. He does not feel there will a change pertaining to Susan Pilla's concerns. The existing chain-link fence will be replaced with an iron fence. He noted that the existing concrete wall and stop signs will not be moved.

Andrew Goodwillie was concerned about the size of the proposed sign and how it affected the visibility for traffic coming out of Salisbury Point near the intersections.

Mr. Sherman responded that left and right of the center piece, the wall is only 18 inches high.

There was a discussion about the sign, wall, stop sign and visibility.

Mr. Ilowite asked Mr. Collazuol if he had any concerns about site lines.

Mr. Collazuol said he thought it was adequate.

Mr. Goodwillie said he was concerned with what was described as uplighting and asked for clarification.

Mr. Ilowite said we would discuss lighting later.

Mr. Ilowite referred to the Village Engineer's plan review. The proposed driveway has an entrance width of 18' and is directly opposite of a private driveway. He asked Mr. Collazuol if the applicant needs to ask the Village Board for permission to extend the Belgium Block onto the Village right of way.

Mr. Collazuol stated that Jim Johnson, DPW Superintendent should be contacted regarding that matter.

Mr. Ilowite questioned if there had to be a written document approving the Belgium Block extending into the right of way.

Mr. Knoebel responded that permission should be requested from the Board of Trustees. Normally they would have a license agreement with the Village. A Department of Public Works permit is not related to a permanent structure.

Mr. Ilowite explained to Mr. Sherman that he has to ask permission from the Board of Trustees for the right of way.

Mr. Ilowite explained that the zoning code allows 4ft maximum height for a fence at the front of the property. He asked the Village Engineer if the wall would come under a fence category.

Mr. Collazuol responded that the walls and fence would fall under the same category.

Mr. Knoebel commented that the applicant will need to seek variances for the fence and wall heights.

Mr. Ilowite asked Mr. Sherman if there are any reasons why the height of the wall that will contain the sign cannot be reduced to conform to Village code.

There was a discussion about the height of the fence and wall. It was noted that the fence and wall are right on the property line. It was noted that the prior approved plan had a 42" high fence.

Mr. Sherman clarified that the proposed fence along Salisbury Place will be 42". and will correct the height notation on the site plan.

Mr. Ilowite explained to Mr. Sherman the height of the wall and sign is nonconforming. Mr. Sherman would need to seek permission from the Zoning Board of Appeals to grant variances.

There was a discussion regarding the size of the wall and sign including:

- Village code says the sign cannot be more than 9 square feet.
- The proposed size of the sign made it very visible and created an appropriate entrance for the complex.

- The proposed sign is about 16 square feet as measured from the border around the lettering.
- The applicant needs to review the Village code for sign regulation.
- Eagle Rock's sign is bigger than Salisbury Pt.'s proposed sign.
- If the existing sign is being removed and is the sign two sided.
- Will the wall block any of the river view.
- The design is supposed to restrain people from entering and exiting Salisbury Pt. and to create private community.

Ms. Starr opposed the size of the wall and felt it blocked the river view.

Mr. Ilowite summarized to the applicant that Board appeared to be concerned about the bulk of the wall/sign.

Mr. Kenna suggested that a lower wall with a fence on top may be more appropriate.

Mr. Sherman described the proposed lighting for the signs. They are low mounted and shine up to the sign. There are also lights to softly light the wall and walkway and also lights behind the wall that shine up to illuminate the shrubbery.

Mr. Ilowite quoted the code "... In the HRA District, up to three non-illuminated property organization identification signs with an area on a side of not over 9 sq. ft." (§ 110-9.4 (A) (1). He commented that the code does not permit illuminating the signs. He quoted "... one directly illuminated bulletin board or other announcement or identification sign for educational or religious institutions"... "No trespassing signs." (§ 110-9.4 (A) (2-3).

There were discussions regarding the lighting and permitted signs.

Mr. Knoebel requested that the variances that need to be requested should be noted on the Zoning Board application.

Mr. Ilowite asked if there were any existing signs. Mr. Sherman said he would check.

Mr. Ilowite commented Mr. Sherman needs to illustrate the lighting on the back of the sign. He expressed concern with the lighting spilling outside of the property and disturbing the neighbors.

Ms. Starr expressed that there should be no more lighting than is needed for safety.

Mr. Sherman stated that the lights will illuminate the back of the wall/sign.

Andrew Goodwillie quoted "no lamp, light or other luminescent device shall individually or collectively cast glare or significant amounts of light beyond boundaries of the lot on which is located or to the night sky ... no more than ½ lumen of light shall be allowed to spill beyond any lot line (§ 110-6:13). He reviewed the plans, he explained that MR16 lights spill a lot of light. He stated that the Rockland County Comprehensive Plan encourages dark-sky-friendly lighting:

Chapter 7.6 Also the state's recent law curtailing light pollution from state buildings: (State senate/house December 2014).

There was a discussion about the lights on the path and landscaping.

Mr. Ilowite asked about landscaping. In the previous application, there was proposed fence along Piermont, there were proposed plantings along with the fence.

Mr. Sherman commented there will be a hedge of forsythia and viburnum shrubbery along the wall, but it's not shown on the plan.

Mr. Ilowite said these should be shown on a landscaping plan.

Mr. Ilowite asked Village Engineer to explain about the center gate and the landscape gate according to his notes.

Mr. Collazuol had a meeting with Mr. Walter Aurell March 8, 2015 that the chain link fence and bollard to be eliminated for the center entrance from the previous application. Mr. Collazuol asked Mr. Sherman for clarification on the plans that states center gate and boom arm gates.

Mr. Ilowite asked for clarification of the landscape entrance gate and where the fence ends. He said the details of the gate should be clarified on the plans.

Mr. Ilowite explained that the plans should clearly show what is existing and what is proposed on the drawings.

There was a discussion about the center entrance replacing bollards with a lift-arm gate.

Mr. Ilowite stated that this is a big change. That the bollards for emergency access and not for normal traffic.

There was a discussion about the changes from previous application comparing and contrasting with the new application how it affects the property and the neighboring properties.

Mr. Kenna noted the offset of this entrance from entrances at eagle Rock.

There was a discussion about the purpose of having these gates while the original intent of the plan is to have the gate for official uses such as emergency, maintenances and not general traffic.

There was a discussion about the ZBA changing the entrance to use a gate instead of bollards.

Mr. Knoebel noted that the ZBA was concerned about loss of parking spaces.

Peter McMannon commented that the bollard was removed from the original plan because a person would have difficulty driving in and out of the nearby parking space. The main intention of the gate is to create an entrance/exit and to prevent traffic on Piermont Ave which is currently a problem.

There was a discussion about changes to parking ordered by the ZBA.

Mr. Collazuol suggested that Mr. Sherman show a revised parking plan noting any differences from the previous application's parking plan. Included must be the new curb and gate.

There was a discussion about the existing traffic flow to/from Piermont Ave.

Mr. Ilowite asked Mr. Collazuol if there should be a study of effects on traffic.

Mr. Collazuol expressed that there should be no detriment to traffic on Piermont Avenue.

Mr. Kenna expressed his concern about the traffic from this entrance interacting with traffic from Eagle Rock.

There was continued discussion about traffic from this entrance.

There was a discussion about access for fire trucks.

Mr. Ilowite asked Mr. Sherman to have the fire department to confirm there is adequate emergency access for fire trucks.

Mr. Fine made some suggestions about alternative designs for the wall.

There was a discussion about the fence height.

Mr. Ilowite stated that the fence needs to be 42 inches in height to comply with the Village Code.

There was a discussion about the up lighting behind the proposed wall and the sign and the reduction of river views.

Randy Krenal commented that although she understands people's concerns about river views being blocked, she believes this project will help Salisbury Pt. keep their property private. Currently the space is very open and allows people to freely come onto the property.

Mr. Ilowite asked if there were existing or proposed "No Trespassing" signs. He suggested all existing and proposed signs be identified on the plans, so appropriate variances can be requested.

Mr. Ilowite asked that a parking analysis be shown on the plan and note any changes to striping of parking spaces.

Directional arrows were discussed. **Mr. Collazuol** said he didn't think any were necessary.

Addition of an ADA ramp on the walkway was discussed. **Mr. Sherman** agreed.

Curbing was discussed.

Mr. Collazuol commented that the existing curb on Salisbury Place needs updated details on site plan. The Village recently re-paved Salisbury Place and a new section of curb was added.

There was a discussion about the proposed landscaping at the main entrance and along Piermont Ave.

Mr. Sherman said the pin oaks shown were from the previous plan. He said he would remove them from this plan.

There was a discussion about the curb cut and possible crosswalk.

Mr. Sherman said the plan includes the curb cut, but does not propose a crosswalk. He merely suggested the Village might want to consider striping a crosswalk in the future.

There was a discussion about the existing sidewalks.

There was a discussion about the drainage easement.

Mr. Knoebel said the drainage easement from the previous plan still has not been provided and recommended that provision of the easement should be a condition of this plan.

Ms. Starr said the applicant needs to update the plan with the changes discussed and is concerned with the entrances and exits.

Mr. Kenna had no other comments.

Mr. Whitehurst commented that plan enhances the corner, but the board members have concerns about the size of the wall and the sign.

Mr. Ilowite commented that the Planning Board is not making a decision based on whether or not they like the plan. The board members are following what complies with the zoning code.

There was a continued discussion about the stop sign that will help regulate the traffic flow of cars driving in and out.

There was a discussion about Susan Pilla's concerns about how traffic will interfere with her driveway.

Mr. Collazuol said he thinks this will funnel the traffic and slow the traffic down and make it more safe.

Mr. Fine commented there should be more landscaping for screening going further south.

There was a discussion about the process concerning the Planning Board recommendations to the Zoning Board. The applicant will have to return to the Planning Board for further review after a decision is made from the Zoning Board.

Mr. Whitehurst made a motion recommending to the Zoning Board of Appeals that:

- The sign exceeds the bulk zoning ordinance by a large amount and Planning Board feels it is not appropriate.
- The proposed lighting is not compliant and needs to be further reviewed by the Planning board before the Zoning Board takes action.
- More details about the lift gate need to be reviewed by the Planning Board before it can make a recommendation to the Zoning Board of Appeals.

Mr. Kenna seconded this motion.

Mr. Ilowite **Aye**
Mr. Whitehurst **Aye**
Mr. Kenna **Aye**
Ms. Starr **Aye**
Mr. Fine **Aye**

Motion approved **5-0**

Review of this application is continued to the next Planning Board meeting pending review by the ZBA.

Case #2 – 4 Salisbury Pt.

Appearing: Daniel Laub, Esq. Associate, Cuddy & Feder LLP

Mr. Laub is seeking site plan approval for the modification of the existing rooftop AT&T facility at Salisbury Point, building #4. It includes adding new antennas and ancillary equipment used to operate the wireless facilities providing service and signal AT&T will provide to customers. It includes an existing stealth enclosure, which uses radio frequency transparent screening, so people can't see the antennas, but the radio signal passes through. On one side of the building the antennas are flush mounted and painted to match. In total there are twelve (12) antennas.

He explained that AT&T is proposing to:

- replace (6) six antennas in kind,
- replace (3) three existing surge suppression boxes,
- replace six (6) small remote radio heads with new heads,
- add three (3) additional remote radio heads,
- add one (1) surge suppression box
- add three (3) additional remote radio heads to the shelter on the south side of Salisbury Pt. Coop. that houses the equipment and operates the antennas.
- The remote radio heads process the signals digitally.

Mr. Ilowite asked Mr. Laub to clarify items that are being replaced and added on the exterior of the roof.

Mr. Laub clarified the additional three (3) remote radio heads. The remote radio heads are behind the stealth enclosure and the size of the radio heads are roughly 18 inches.

Mr. Laub stated that there is no increase in the number of antennas.

There was a discussion about the radio heads and antennas.

Mr. Laub explained it was upgrading the service to “4G”

Mr. Laub said nothing will be added to the exterior of the building that will appear new.

Mr. Laub said they wanted to add some bushes around the equipment shelter.

Mr. Ilowite noted a response dated 10/17/2016 from the Rockland County Department of Planning for GML review:

- The proposed project will have no adverse impacts on any county-wide interest; this matter is remanded for local determination.

Mr. Ilowite noted a response dated 10/18/2016 from the Rockland County Highway Dept.:

- Based upon the plans and information received, the proposed modification of existing telecommunication facility at subject site is more than 500 ft. from the closest county road.
- Rockland County Highway Dept. work permit not be required for the proposed development.

Mr. Collazuol, Village Engineer, commented on the Rockland County Highway Dept. report. He noted that Piermont Avenue is a county highway in Grandview, but not in South Nyack. He stated that the site is actually within 500 ft. of the county road, but the Rockland County Highway Dept. has no concerns.

Mr. Collazuol noted that since equipment was being added, it was determined that it should come before the Board.

Mr. Collazuol reviewed his letter dated October 11, 2016.

ZONING-HRA-High Rise Apartments

Any change to existing area and bulk utilization shall require a variance.

GENERAL The Board's RF Engineer consultant typically reviews the radio frequency report. We defer to the Board and applicant to determine if this is needed.

PLAN REVIEW

1. As per the resolution Jan. 17, 2001 note number 3 states that replacement trees and landscaping shall be maintained as determined by the building inspector. The applicant should indicate to the Board the condition of the existing landscaping around the accessory building.
2. Based on the drawing sheet A-2, two new radio heads will be mounted within the screen wall attached to the penthouse in the Alpha and Beta directions and one new Radio head at the southern side of the building in the Gamma direction.

SUMMARY The applicant should provide sufficient information as to the need for the increased number of the radio heads.

Mr. Ilowite was concerned if the application is compliant with FCC law. The Village will need an independent consultant for analysis to see if this is compliant.

Mr. Knoebel commented that it is the Planning Board's job to see if the application falls within the FCC criteria as eligible facilities request or if there is a substantial change. The applicant should present to the Planning Board the existing landscaping around the building.

Mr. Laub explained to the Planning Board about the regulations with respect to an “eligible facilities request” and what constitutes a “substantial change.” That when a request is not a substantial change, it must be approved expeditiously.

Mr. Knoebel asked Mr. Laub to explain Eligible Facilities Request.

Mr. Laub. “Eligible Facilities Request” is defined as collocation of new transmission equipment.

There was a discussion about eligible facilities request: collocation, removal of transmission and replace of transmission equipment modifications.

Mr. Laub said that this project is collocation.

Mr. Ilowite commented that the board will need an outside expert to advise if this falls under eligible facilities request.

Mr. Knoebel commented a substantial change criterion is well defined. The AT&T proposal does not increase the height of the base station by more than 10 ft., nor does it protrude from the edge of the building by more than 6ft. This is the inquiry of the substantial change.

There was a discussion about whether or not the proposal is or is not a substantial change.

Mr. Knoebel commented that any changes in the exterior bulk of a building requires variance.

Mr. Ilowite noted the following concerns:

1. A Consultant needs to review the RF measurements
2. Safety concerns related to radiation on the roof and appropriate warning signs.
3. Substantial weight may affect the structure of the building.
4. The aesthetics

Mr. Laub commented that structural information was provided.

Mr. Ilowite asked Mr. Collazuol if he had any concerns with the structural aspects.

Mr. Collazuol said no, but commented that plans should note that the color should match.

Mr. Laub said the new antennas will be painted brown to match the existing.

Mr. Kenna asked if each subsequent application could raise the height nine feet each time.

Mr. Laub said that it is his experience that it would allow no more than 10% increase measured from the height of the original installation.

Mr. Kenna expressed his concern with safety due to additional equipment. He also asked about a consultant’s report.

Mr. Knoebel said we should request our consultant to review the radio frequency analysis.

Mr. Whitehurst asked about getting tests of RF after some period of time after installation.

Mr. Knoebel said it was required under Village law.

Mr. Collazuol said it is usually done before a CO is issued.

Mr. Laub said testing is done anyway to comply with Federal law.

There was a discussion about FCC law and whether an applicant needs to submit any further documents to illustrate the need for wireless facilities.

There was a discussion of approval timeframes.

Mr. Laub cited the SEQRA handbook section that suggests this is a Type 2 action.

Mr. Kenna made a motion to approve the site plan by New Cingular Wireless PCS, LLC (AT&T) for modification of existing rooftop telecommunications facility at 4 Salisbury Point as shown on drawings dated May 27, 2016, prepared by Master Consulting P.A., subject to the following conditions:

- Zoning Board approval
- A RF review and report from our consultant
- Color to match flush mounted antennas
- Refreshing landscaping around equipment shelter
- Applicant to make corrections on Short Environmental Assessment form and return to Building Department.

The Planning Board makes a positive recommendation to Zoning Board of Appeals.

The premises is a multi-family dwelling located at 4 Salisbury Place, Nyack, NY 10960 and is identified on the Tax Map as Section 66.78-1-27, located in a HRA Zoning District. This is a Type 2 action under SEQRA with no potential for negative environmental impact.

Ms. Starr seconded this motion.

Mr. Ilowite **Aye**

Mr. Whitehurst **Aye**

Mr. Kenna **Aye**

Ms. Starr **Aye**

Mr. Fine **Aye**

Motion approved **5-0**

OLD BUSINESS:

Upon motion made by Ms. Starr seconded by Mr. Kenna, the minutes of the regular meeting of June 15, 2016 were adopted as amended.

Board Vote:

Mr. Ilowite **Aye**
Mr. Whitehurst **Aye**
Mr. Kenna **Aye**
Ms. Starr **Aye**

Motion approved **4-0**

Upon motion made by Mr. Whitehurst seconded by Ms. Starr, the minutes of the regular meeting of July 20, 2016 were adopted as amended.

Board Vote:

Mr. Ilowite **Aye**
Mr. Whitehurst **Aye**
Mr. Kenna **Aye**
Ms. Starr **Aye**

Motion approved **4-0**

NEW BUSINESS:

The Board postponed approval of minutes of the September 21, 2016 until the November 18, 2016 meeting.

Mr. Whitehurst made a motion to adjourn the meeting at 10:25pm, seconded by Mr. Kenna, and unanimously approved.

The next meeting is on November 18, 2016.

Respectfully submitted:

Sokuna Mam
Deputy Village Clerk

Date Approved: _____