



FREDERICK P. CLARK ASSOCIATES

PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT

a Hardesty & Hanover company

555 Theodore Fremd Ave., Suite C-301

Rye, NY 10580

T: 914.967.6540

www.hardestyhanover.com

MEMORANDUM

To: Bruce M. Flower, Chairman, and
the Town of Wappinger Planning Board

Date: April 28, 2020

Subject: **Tarpon Towers, LLC – Site Plan, Special Permit and Wetland Disturbance Permit Review**
Tax Lot 6056-03-339420

As requested, we have reviewed the applications of Tarpon Towers II, LLC (the “Applicant”) on behalf of Jeanne M. Radice (the “Owner”) for Site Plan, Special Permit, and Wetlands Disturbance Permit Approvals.

The Property

The subject property is located at 110 Chelsea Road and is a total of 47.9 acres, with 28.5 acres of the property within the Town of Wappinger and 19.4 acres located within the Town of Fishkill. The portion located within the Town of Wappinger is within the R-40/80 1-Family Residence zoning district and is designated as parcel 6056-03-339420 on the Town of Wappinger tax maps (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing to construct a wireless telecommunications facility consisting of a 150-foot monopole and associated unmanned transmission equipment within a fenced compound (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted for review an Application for Site Plan Approval form dated 10/8/19; an Application for Special Use Permit Approval form dated 10/8/19; a Full Environmental Assessment Form (Full EAF) with a Visual EAF Addendum revised 12/19/19; a Verizon Wireless RF Report dated 9/17/19; Site Selection Analysis dated 9/17/19; a Visual Resource Evaluation dated 12/17/19; a response letter from the Verizon RF Engineer dated 3/30/20; a spreadsheet entitled, “VZW Castle Point Calculations”; an Application for Wetland Disturbance Permit form dated 1/8/20; a Wetlands Analysis Report dated 12/23/19; a stormwater report entitled, “Tarpon Towers – NY1136 Castle Point, Telecommunications Facility Installation Project, Stormwater Calculations,” prepared by Tectonic Engineering and Surveying Consultants, P.C., dated 2/19/20; and the following plans

entitled, "Tarpon Towers – Castle Point, Orange County-Poughkeepsie Limited Partnership d/b/a Verizon," prepared by Tectonic Engineering and Surveying Consultants, P.C., dated 2/27/20:

1. Sheet T-1, "Title Sheet;"
2. Sheet GN-1, General Notes;"
3. Sheet SU-101, "Partial Topography & Boundary Survey;"
4. Sheet AD-1, "Adjoiners Plan;"
5. Sheet SB-1, "Setback Plan;"
6. Sheet LOC-1, "Location Map;"
7. Sheet VIC-1, "Vicinity Map;"
8. Sheet C-1, "Overall Site Plan;"
9. Sheet C-2, "Road Plan & Profile;"
10. Sheet C-3, "Site Detail Plan;"
11. Sheet C-4A, "East Elevation;"
12. Sheet C-4B, "South Elevation;"
13. Sheet C-5, "Orientation Plan;"
14. Sheet C-6, "Site Details;"
15. Sheet C-7, "Site Details;"
16. Sheet C-8, "Site Details;"
17. Sheet C-9, "Antenna Specifications;"
18. Sheet C-10, "Equipment Elevations;"
19. Sheet C-12, "Details & Specifications," and
20. Sheet R-1, "Reclamation Plan."

We offer the following comments for your consideration.

REVIEW COMMENTS

1. Zoning.

- a. As stated in our last memorandum, the Subject Property is located within the Town of Wappinger and within the Town of Fishkill. The proposed wireless communications tower is proposed on the portion of the property within the Town of Wappinger. Section 240-10 of the Zoning Law states:

"Where a lot is divided by one or more zoning district or municipal boundary lines, each portion of such lot and any building or land use established thereon shall comply with the regulations of the district in which it is located."

We defer to the Zoning Administrator as to whether the proposed facility will need to meet the setback requirements of the R-40/80 district along the municipal boundary line. The Applicant is proposing to construct the facility along the municipal boundary with no setback.

- b. As requested previously, in accordance with Section 240-81.F(4)(f)[4][g] of the Zoning Law, the plans should provide locations and specifics of proposed screening and landscaping. The Applicant has noted that screening and landscaping are not

being proposed as part of this project since existing vegetation screens the tower compound in all directions. The Planning Board should discuss this matter and make determinations regarding the need for landscaping and screening.

- c. As requested previously, in accordance with Section 240-81.F(4)(f)[5][c] of the Zoning Law, a detail of the tower foundation, including cross sections and details and all ground attachments for anchoring should be provided in the plan set. The Applicant has noted that these details cannot be provided until the tower is ordered from a tower manufacturer, and said tower will not be ordered until after the project receives Town approval. The Applicant has requested that this requirement be a condition of any site plan approval that may be granted to the project. The Planning Board should discuss this matter and make determinations regarding the need for this information as part of the site plan and special permit review.
 - d. As requested previously, in accordance with Section 240-81.F(4)(f)[5][f] of the Zoning Law, an illustration of the modular structure of the proposed tower, indicating the heights of sections that could be removed or added in the future to adapt to changing communications conditions or demands should be included in the plan set. The Applicant has requested that this requirement be a condition of any site plan approval that may be granted to the project. The Planning Board should discuss this matter and make determinations regarding the need for this information as part of the site plan and special permit review.
 - e. As requested previously, in accordance with Section 240-81.F(4)(f)[5][g] of the Zoning Law, a structural engineer's written description of the ability of the proposed tower to be shortened if future communications facilities no longer require the original height, and that the tower is designed to withstand winds, should be included in future submissions. The Applicant has requested that this requirement be a condition of any site plan approval that may be granted to the project. The Planning Board should discuss this matter and make determinations regarding the need for this information as part of the site plan and special permit review.
- 2. Appearance of Tower. The tower is not proposed to be camouflaged and Sheet C-3 states: "Note: Tower shall have a galvanized steel finish." The Planning Board should discuss this matter and make determinations regarding the appearance of the tower.
 - 3. Variance. The Applicant is requesting a variance from Section 240-81.G(4)(c)[2] to locate the proposed tower within 750 feet of existing residences.
 - 4. Wetlands. The Site contains Federally-regulated wetlands. The Applicant has noted that a permit from the Army Corps of Engineers (ACOE) is required. All correspondence between the Applicant and the ACOE should be sent to the Planning Board for review.

5. Fencing. The Applicant has noted that the chain-link fencing is not proposed to have “privacy” slats because the facility is surrounded by existing vegetation. The Planning Board may want to discuss if this is acceptable.
6. Lighting. The proposed light should have a color temperature of 3000k or less. The plans should be revised to note this.
7. Reclamation Plan. The plan should note the size at planting and the specific species of oak and maples proposed.
8. SEQRA.
 - a. The Proposed Action is considered an Unlisted action pursuant to SEQRA. The Site is located within an agricultural district but does not include 2.5 or more acres of disturbance; therefore, the Proposed Action is still considered an Unlisted Action rather than a Type I Action. The Planning Board is serving as Lead Agency.
 - b. The EAF notes that Indiana Bats may be present on the Site. The Applicant should contact the New York State Department of Environmental Conservation (NYSDEC) with regard to this matter. All correspondence between the Applicant and the NYSDEC should be sent to the Planning Board for review.
 - c. The EAF notes that the Site is in an area designated as sensitive for archeological sites in the NYS Site Inventory. The Applicant has noted that the New York State Office of Parks, Recreation and Historic Preservation is currently reviewing the Application and will provide a response once the review is complete. All correspondence to and from this agency should be submitted to the Planning Board.

In addition, correspondence has received from the Stony Kill Foundation, Inc. stating that it had received notice from John Bonafide of the NYS Division for Historic Preservation regarding the review of the visual analysis. The Applicant should provide address the comments raised by the Stony Kill Foundation.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

David H. Stolman, AICP, PP
Principal

Sarah L. Brown, AICP
Senior Associate/Planning

cc: Lisa Cobb, Esq.
Barbara Roberti
Peter D. Setaro, PE
Michael Sheehan
Neil J. Alexander, Esq. (NAlexander@cuddyfeder.com)

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