



RECEIVED
JUL 2 2024
Town of Fishkill
Planning Board

MEMORANDUM

Date: July 2, 2024

To: Chairman Jonathan Kanter and Town of Fishkill Planning Board
Joel Petrus, Town Building Inspector/Zoning Administrator
Dominic Cordisco, Esq, Planning Board Attorney

From: Jon D. Bodendorf, PE 
Liz Axelson, AICP
Mark Long, PE

RE: Homeland Towers Communications Tower - Site Development Plan & Special
Use Permit
73 Route 9, Parcel: 6154-00-852538
Town Application No: PB24-001
CPL #15537.15

We have reviewed the materials listed at the end of this memorandum according to pertinent requirements and standards of the Code of the Town of Fishkill. This updated review focuses substantially on Code Chapter 150, Zoning, Section 150-126 Telecommunications towers, and personal wireless service facility requirements (last amended December 15, 2021). The application materials and plans were also reviewed in more detail in accordance with Zoning Article X. Site development plan approval, sections 150-96., and 150-98 through 150-100 and other pertinent zoning requirements and standards. Previous comments that were properly addressed have been deleted. Remaining comments are repeated and updated as necessary. Based on our review we offer the following comments:

GENERAL:

1. In accordance with Zoning section 150-126, C., the proposal is a Type IV application, which would create a personal wireless facility complex, with a new telecommunications tower, and equipment as described in subsection C. (4). The proposal requires a special use permit and site plan approvals, including compliance with pertinent sections of 150-126. Review was conducted based on other zoning and code provisions and the SEQR regulations as noted herein.

TELECOMMUNICATIONS TOWERS AND PERSONAL WIRELESS SERVICE FACILITY REQUIREMENTS:

Please refer to Zoning section 150-126 Telecommunications towers and personal wireless service facility requirements. Address the following comments based on the requirements of 150-126 that pertain to the materials submitted for this application:

2. As per prior comments, regarding 150-126, F., (5) "drawn to scale depiction", and (6) Site development plan, the submitted site development plan set is nearly complete. Refer



to the design, site development plan and special use permit, and Visual Impact Analysis comments below.

3. Section 150-126, F., (8) is nearly addressed as a Full Environmental Assessment Form (Full EAF) form was previously submitted with attachments, including a Visual Resource Assessment (VRA). A completed Visual EAF addendum was also provided, which was reviewed along with the revised Visual Impact Analysis (VRA). Accordingly, the submitted Full EAF is nearly complete, yet the attached VRA must be revised and will be reviewed upon submittal.
4. A **Visual Impact Analysis**, required as per 150-126, F., (9)(b), was provided, specifically a revised Visual Resource Assessment (VRA) was submitted, which provides a methodical guide to the viewshed surrounding the project site. This aspect of the submittal is now more complete yet requires some revisions. Please address the following comments:
 - a. The revised VRA includes descriptions of “Aesthetic Resources of Local Importance”, including the “Battery Monument” and the Comprehensive Plan Update’s (CPU’s) Route 9 corridor (Route 9 Scenic Gateway Corridor), in a section on Aesthetic Resources of Local Importance. The revised VRA also notes the area of the Route 9 corridor as per the Dutchess County Greenway Guides about the Regional Pattern of Centers and Greenspaces, on the Centers and Greenspaces map as “Contained Greenspaces”, “Continuous Greenspaces” and “Conserved Greenspaces”.
 - b. It is noted that Route 9 is shown on the Moving Dutchess Forward mapping platform (Dutchess County Transportation Council) as United States Route 9.
 - b. The Landscape Setting section of the VRA describes the local area as being “dominated by sand and gravel extraction and associated industrial operations” and also notes that “Dense forest vegetation prevents long-distance views in most areas.” Prior comments noted that there are notable lengths along Route 9 where views open up. At some of these points along Route 9, the view of the proposed monopole with antennas would be very prevalent and out of place within the scenery.
 - c. Prior comments noted that in the Visually Sensitive Resources section, the Aesthetic Resources of Local Importance subsection includes a description of the “Battery” Monument (page 8), noting that the site does not include parking. CPL’s comments noted there may be an unofficial gravel or dirt pull-off area or road shoulder, which would allow a brief visit to the monument. Both markers are listed in “The Historical Marker Database” online at www.hmdb.org. The map and directions on the website lead to the monuments’ current locations.
 - d. Prior comments noted that tourists, or visitors, are drivers or passengers in cars, so the view along the road is important as a publicly accessible experience for many. The VRA, in description of Roadways (page 9), states that Route 9 “has an AADT of 18,340 vehicles per day at the project site”, which likely includes



- frequent trips by residents of nearby neighborhoods travelling to and from work, school, shopping etc., local businesspeople, other travelers and visitors passing through this part of Fishkill, potentially including tourists. An AADT (Annual Average Daily Traffic) value of 18,340 translates to over 6.6 million (6,694,100) viewers per year.
- e. As noted before, in VRA Appendix B Photo Log; and Appendix C, Photo Simulations, the balloon (Existing Condition) and the monopole with antennas (Simulated Condition) were very visible at the following locations:
 - i. New York State Route 9 at Carol Lane (photo/simulation 16);
 - ii. New York State Route 9 at Battery Monument (photo/simulation 17);
 - iii. New York State Route 9 at Project Site (photo/simulation 18); and
 - iv. All three of the above views include the backdrop of the mountainous landscape on either side of Route 9 that make this corridor scenic; and
 - f. Additionally, there is visibility at:
 - i. Carol Lane, a residential street (photo/simulation 13); and
 - ii. New York State Route 9 near Century Aggregate Quarry entrance (photo/simulation 21).
 - g. The VRA also describes views in the context of “adjacent Century Aggregates and Thalle Industries Sand and gravel surface mining” perhaps to diminish the perceived quality of views available along Route 9. However, views from Route 9 riding along in a car, as examined via Google Earth Streetview or by images presented in the VRA seem to show considerable intervening vegetation even in leaf-off conditions.
5. Previous comments described the pathway along NYS Route 9 between the Carol Lane neighborhood and the Century Aggregate Quarry entrance, as a length of approximately one half of a mile (~0.5 mi), which is a notable extent of visibility within the Route 9 Scenic Gateway Corridor. Most of what is visible about the businesses along this 0.5-mile stretch, from Carol Lane going north, are lawns, nonresidential buildings, landscaping and planted berms, a fenced, construction materials area, many older growth and large specimen trees, wooded areas, and hillsides, frequently with the backdrop of the Hudson Highlands.
6. The area along Route 9 to the north of Century Aggregates provides the bigger picture of Route 9 within the community as it is a primarily green, sometimes shaded corridor dotted with residences, which is visually remote from the more intensive commercial activity further north in the vicinity of the Interstate 84 and Route 9 intersection. Similarly, Route 9 to the south of Carol Lane, is also a primarily green corridor. This green corridor from the Town of Fishkill’s southern border, which it shares with Town of Philipstown, and Putnam County, runs about 2 miles north to the parking area for the old Dutchess Mall. This length of Route 9 is the larger context of the proposed project and encompasses the Route 9 Scenic Gateway Corridor.



7. The **design** of a new telecommunications tower must comply with the requirements in Zoning section 150-126, G., (2). Per our review the submittal and plans are more complete with regard to section 150-126, G., (2). We offer the following comments:
- a. The updated submittal was generally responsive to the Planning Board's comments at the June 13, 2024 meeting. The VRA at Appendix C, Photo Simulations includes 24 pages of photographic illustrations with 15 simulations (Figures C1 – C24). The first 3 views (Fig. C1 - C6) and the last 3 views (C19 - C24) show less visibility of the proposed tower. It is suggested that the Planning Board **focus on the other 12 views in Figures C7 through C18**, in which the proposed tower is very visible.
 - b. While most show various monopoles with exterior antennas, 3 color options are shown: galvanized steel, brown, and two-tone (light brown base with white top). Additionally, a “flagpole” design without a flag is shown in grey. This corresponds to the previously requested design of a “smooth brown pole with interior antenna”. The color options and pole design option in the submittal are similarly responsive to the discussion at the June 13, 2024 Planning Board meeting.
 - c. Clarify whether Figure C13 (at “Battery” Monument) is showing a galvanized steel pole. “Galvanized Steel Option” is noted in other simulation illustrations.
 - d. The galvanized steel option may be acceptable, yet the color and finish of the antennas is unclear. For example, in the galvanized steel pole images in Figures C13 and C15, the antennas appear shiny and reflective. It is suggested that the antennas on the galvanized steel pole should be painted grey with a matte finish, with no luster or shine, to be less visible.
 - e. The brown painted option shown in Figures C9 and C16, appear to be a matte finish and may be acceptable.
 - f. Regarding Figures C9 and C16, please confirm that the antennas on the brown pole would also be brown and done with a matte finish.
 - g. A concern about the brown painted pole would be whether and how the paint color would fade. And if faded, what color would it be.
 - h. Subsection 150-126, G., (2)(c) indicates that a tower “shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.” The submitted site plan set, on sheet C-4 has a callout indicating a galvanized steel monopole. Depending on feedback from the Planning Board based on the review of Appendix C, above, the site plan must be revised to clearly specify the design and/or coloring of the proposed tower or pole.
 - i. If a specified coloring is required, the site plan set must include a separate plan sheet illustrating the proposed color or colors including the name and/or number of the corresponding color.



- j. Similarly, if a specified finish (galvanized, matte, etc.) is required, the separate plan sheet illustrating the proposed color, or colors, must also specify the name and/or number of the corresponding type of finish.
 - k. Explain how finishes and/or colors would be maintained over time.
8. Per the comments above and the site development plan comments below, the application may soon be complete for the purpose of considering environmental impacts. However, key pieces of site development information remain to be provided. Accordingly, no Planning Board factual determinations, as per 150-126, subsection J., are recommended at this time.
9. Refer to Zoning sections 150-126, O., Environmental Impacts; and P. Historic site impacts; and 150-137 Historic structures and sites regulations. As per Zoning subsections 150-137, B., (4), a "Certificate of appropriateness" may be necessary, or "a resolution deeming such certificate is not required" may be issued. Any recommendation would be based on the submitted materials. Specifically:
- a. Prior comments on the submitted Full Environmental Assessment Form (Full EAF), noted the response to question E. 3. f. (page 13 of 13) indicates that the project site is "located in or adjacent to an area designated as sensitive for archaeological sites on the NYS State Historic Preservation Office (SHPO) archaeological site inventory" with a note to "See enclosed SHPO concurrence." Please note that the SHPO appears to indicate the New York State Historic Preservation Office (NY SHPO).
 - b. Prior comments referred to the EAF Summary Report page 2, item E. 3. f. and the last attachment page of the Full EAF, which is a Notification of SHPO/THPO (Tribal Historic Preservation Office) concurrence. The Notification indicated "NYSHPO concurs with the recommended finding. Reviewed by NYSHPO". The recent submittal included a copy of the Phase 1 Archaeological Survey report of September 11, 2023, which also appends the above-described Notification of SHPO/THPO concurrence.
 - c. As a result of discussion at the June 13, 2024 meeting the Planning Board requested that a **signoff letter from the NY SHPO** be submitted. Yet, no NY SHPO letter was included in the submittal materials reviewed by CPL.
 - d. Referring to Zoning subsections 150-137, C. and D., this aspect of the review process, "Certificate of appropriateness", or "a resolution deeming such certificate is not required", will occur at a later date and will run concurrently with Site Development Plan and Special Use Permit review.

FULL ENVIRONMENTAL ASSESSMENT FORM (FULL EAF):

10. Previous comments regarding the response to Full EAF question C.2. Adopted land use plans were sufficiently addressed in the updated Visual Resource Assessment (VRA) Report. Clarification about tower design is needed as a result of the review of the



revised VRA, which because it serves as an attachment to the Full EAF pertains to ongoing SEQR review. However, we have no further comments about the Full EAF document.

SEQR/Procedure:

11. The Planning Board previously initiated SEQR review of this Unlisted action, made referrals to agencies for review, and received a letter from the Town of Philipstown Planning Board regarding their comments about visibility, stealth design, and tree removal. The letter was discussed at the June 13, 2024 meeting.
12. Comments were emailed to the Planning Board from the Carol Lane Residents Association regarding the proposed tower and alternate sites. The Planning Board may wish to review these comments at the upcoming meeting.
13. As per the comments above, it is recommended that more information needs to be provided, such as the requested NY SHPO letter, and revisions must be made to the plans, and Full EAF attachments, such as the VRA, etc., prior to any determination under SEQR.
14. Zoning section 150-126, O. Environmental Impacts will be addressed at a later date.
15. SEQR review shall include considerations under Zoning section 150-126, P., Historic site impacts.
16. We have prepared a Draft Visual EAF Addendum, based on the VRA and Applicant's Draft Visual EAF Addendum, for consideration by the Planning Board. Discussion is suggested at the upcoming Planning Board meeting.
17. Depending on the commentary received at the forthcoming public hearing, and discussion of the Draft Visual EAF Addendum, the Planning Board may wish to request that CPL prepare a Draft SEQR Determination of Non-significance (Negative Declaration) for consideration at a future meeting.

SITE DEVELOPMENT PLAN:

The following comments are based on review of the submitted plans per zoning sections 150- 96. Application for approval; and 150-98, Standards for approval.

18. In response to prior comments, the retaining wall height of 17 was properly labelled on sheets C-2 and C-4. Please correct the spelling of the labels on sheet C-4 to read "Gravity Retaining Wall" (not Garvity).
19. Prior comments referred to the code of the Town of Fishkill, Chapter 108, Noise, sections 108-3 a. (5)(a) and (b); and (6)(b), regarding the operation of "noise-creating" machines, and excavation, respectively. Add plan notation corresponding to and referring to the pertinent noise provisions, specifying time periods within which noise-creating activities would be prohibited. The notation is also necessary to address special use permit standards, specifically section 150-106., C.



20. If blasting is anticipated, refer to code Chapter 65 Blasting and Explosives, and include notation on the plans accordingly. The notation is also necessary to address special use permit standards, specifically section 150-106., C.

SPECIAL USE PERMIT:

21. The submittal including plans, the Full EAF and other materials were reviewed in detail regarding telecommunications towers and site plan requirements and standards. During this review, the special use permit standards at zoning section 150-106 were considered. Many comments herein above regarding visual assessment and visual impacts, and visibility from the Comprehensive Plan Update's (CPU's) Route 9 corridor remain to be addressed to make the proposal consistent with subsections 150-106, A, and C. The revised submittal will be reviewed per section 150-106. See Site Development Plan noise and blasting comments above regarding section 150-106., C.

If you have any questions, please do not hesitate to contact me at 845-686-2305, or e-mail at Jbodendorf@cplteam.com.

Enclosure

Materials Received April 24, 2024

- 1 Homeland Towers Communications Tower Site Development Plan & Special Use Permit Memorandum of Correspondence Instructions, Town of Fishkill dated June 27, 2024;
- 1 Submittal cover letter, listing three items, prepared by David J. Kenny, Snyder & Snyder, LLP, dated June 26, 2024;
- 2 Visual Resource Assessment report for Proposed Wireless Telecommunications Facility, Site Name: Weiss Pond (NY-057), prepared for Homeland Towers, prepared by Saratoga Associates, Landscape Architects, Engineers, and Planners, P.C., dated June 25, 2024, signed by Matthew W. Allen, RLA, with appendices A through C, Viewshed Maps, Photo Log, and Photo Simulations, respectively;
- 3 Letter from Sean Haynberg, VComm LLC, VComm Telecommunications Engineering, regarding Homeland Towers NY057 Weiss Pond Site – Flagpole Issues, dated June 25, 2024;
- 4 Plans entitled Homeland Towers, Site # NY057 - Weise Pond Lisikatos Realty Corp, prepared by David Weinpahl, PE, On Air Engineering, LLC, dated August 18, 2023, last revised June 24, 2024, except as noted below, including the following sheets:
 - T-1 Title sheet;
 - Survey of Property Prepared for On Air Engineering, LLC, prepared by Glennon Watson, LLS, Badey & Watson, survey conducted February 17, 2023, dated March 3, 2023, Revised June 25, 2024;
 - C-0 1,500 Ft. Property Owner Map & List,
 - C-1 Site Plan;
 - C-2 Grading/Drainage & Facility Removal/Site Restoration Plan;
 - C-3 Enlarged Site Plan;
 - C-4 Elevations;
 - C-5 Civil Notes & Details;
 - C-6 Fence & Misc. Details;
 - VZ-1 Verizon Equipment Plan & Details; and
 - VZ-2 Antenna Plan & Verizon Equip. Specs.

Materials Previously Received/Reviewed

Please refer to the previous review memorandums for this application dated January 24, 2024, January 31, 2024, May 9, 2024, and June 13, 2024 for lists of previously received and reviewed materials.

617.20
Appendix B
State Environmental Quality Review
VISUAL EAF ADDENDUM

Homeland Towers Communications
Tower - Site Development Plan &
Special Use Permit
73 Route 9, Parcel: 154-00-852538
Town Application No: PB24-001
Draft Visual EAF Addendum

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

Visibility			Distance Between Project and Resource (in Miles)				
			0-¼	¼-½	½-3	3-5	5+
1.	Would the project be visible from:						
!	<i>A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?</i>	Hudson Highlands State Park Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?</i>	HHSP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>A site or structure listed on the National or State Registers of Historic Places?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>State Parks?</i>	HHSP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>The State Forest Preserve?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>National Wildlife Refuges and State Game Refuges?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>National Natural Landmarks and other outstanding natural features?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>National Park Service lands?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>Rivers designated as National or State Wild, Scenic or Recreational?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?</i>	United States Route 9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?</i>	Fishkill Ridge White Trail	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>A site, <u>area</u>, lake, reservoir or highway designated as scenic?</i>	Comprehensive Plan Update's (CPU's) Route 9 corridor (Route 9 Scenic Gateway Corridor)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>Municipal park, or designated open space?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>County road?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>State road?</i>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
!	<i>Local road?</i>	Carol Lane (end)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	<i>Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)</i>						
	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No				
3.	<i>Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?</i>						
	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No				

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

		*1/4 mile	Within	*1 mile
Essentially undeveloped		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Forested		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Agricultural	N/A	<input type="checkbox"/>		<input type="checkbox"/>
Suburban Residential		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Industrial		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Commerical		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Urban	N/A	<input type="checkbox"/>		<input type="checkbox"/>
River, Lake, Pond	N/A	<input type="checkbox"/>		<input type="checkbox"/>
Cliffs, Overlooks		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Designated Open Space		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Flat		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Hilly		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Mountainous		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Other	Comprehensive Plan Update's (CPU's) Route 9 corridor (Route 9 Scenic Gateway Corridor)	<input checked="" type="checkbox"/>		<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

*1/2 mile Yes No 1 mile Yes No 2 miles Yes No 3 miles Yes No

*Distance from project site is provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is 6,694,100*?

NOTE: When user data is unavailable or unknown, use best estimate.

*Annual Average Daily Traffic
(AADT) of 18,340 X 365 = 6,694,100

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is:

FREQUENCY

Activity	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involved in recreational activities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Routine travel by residents	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At a residence	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At worksite	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other <u>Tourist/Visitor travel</u>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Reset