

Town of Red Hook  
Zoning Board of Appeals Meeting Minutes (Draft)

July 12, 2017

**CALL TO ORDER**

The meeting was called to order at 7:01 pm by Chairman Nick Annas

**ROLL CALL**

Members Present: Chairman Nick Annas, Doug Lee, Tim Ross, Chris Carney, Jim Hegstetter, Kris Munn, and ZBA Alternate Kate Karakassis, instated as a full voting member by Chairman Nick Annas

Members Absent: Chris Klose

Also Present: Victoria Polidoro, ZBA Counsel, Jim Ross, Town Board Liason to the ZBA, and Bob Fennell, Zoning Enforcement Officer, and Assistant Building Inspector, to the Town of Red Hook.

**PRELIMINARY BUSINESS**

Minutes from June 14, 2017

At 7:01pm Chairman Annas asks for a motion to approve the ZBA meeting minutes from June 14<sup>th</sup>, 2017. Doug Lee so moves, and Kate Karakassis seconds. There is no discussion. All are in favor, except for Kris Munn, who abstains, due to his absence at the June 2017 ZBA meeting.

Planning Board Minutes/ Comments from the Chairman:

There are no comments on the Planning Board Minutes. Chairman Annas thanks Doug Lee for his tenure on the Board. He is moving in a month. Mr. Lee states it has been a pleasure to serve the community as a member of the ZBA.

**REVIEW**

Appeal 17-04, Cheryl Griffith application for an area variance to construct a carport eight (8) feet from the north side property line. *The Town of Red Hook Zoning Law , Section 143-18 A (2) Accessory Structures requires a twenty (20) foot setback from all property lines, for an accessory structure.* The subject property is located at 227 Linden Avenue, in the Town of Red Hook, in the R 1.5 Zoning District.

Chairman Annas invites Ms. Griffith to present her appeal. Ms. Griffith states she wishes to build a carport, adjacent to her home. She further states there is a small, one car garage, located to the rear of her property, down a hill. Ms. Griffith states she has never been able to use the

garage, since she cannot get up the hill, and further notes, it is particularly difficult for her in winter. Ms. Griffith states there is a section of the driveway, which is already paved, and she notes it was a former road. Tim Ross comments, it was the old Linden Avenue, and Ms. Griffith adds it was before they took the curve out [of the road]. Ms. Griffith further states she uses that little piece of the driveway to park cars, outdoors, in the snow. She further states now she has a heart condition, can no longer shovel the snow, and has always hoped to build a carport there. Ms. Griffith states any other option would be [located] down the hill, or in front of the house. She concludes the proposed location is the only workable solution. Chairman Annas asks if Ms. Griffith has any objections to Board members visiting her property, to which she replies she does not. Tim Ross inquires if Ms. Griffith has spoken to her neighbors about her proposed carport. Ms. Griffith replies her neighbors, in particular, the Budds, to the north, do not have a problem. Tim Ross states he knows the subject property, and comments the driveway is difficult, in terms of the slope. Ms. Griffith states her son got stuck at the bottom of the driveway, and could not get up it, even with a van.

Chairman Annas asks Ms. Griffith if she is aware of the ZBA process, for neighbor notification of the public hearing. He clarifies there are generally two meetings, a review, and public hearing, at which her neighbors may appear and comment on her project. Chairman Annas recommends Ms. Griffith speak to her neighbors, regarding her project, to avoid unpleasant surprises at the public hearing. Ms. Griffith states she has spoken to the Budds, and further comments all of her other neighbors are a good distance from her house. Chairman Annas states the ZBA can provide her with a list of her neighbors, within a 300' buffer, who will be notified of the public hearing, via certified letter, and further notes anyone from the public has a right to appear, but notification will go to those within the buffer. Chairman Annas further clarifies the applicant pays the cost of the certified mailing. Chairman Annas asks Anne Rubin how many are on the list, to which she replies 11, and states the postage recently increased to \$6.56/certified letter. Ms. Griffith states she thought she only had about six neighbors, but Anne Rubin clarifies the calculation of 300' is done around the perimeter of the parcel, and further notes the subject parcel has one pointy-shaped end, which touches a number of other parcels.

Kris Munn asks Ms. Griffith to describe the carport she wishes to build, to which Ms. Griffith replies it will amount to four posts and a roof. She further states she does not have a design, but could show the Board some prints of a sample design. Ms. Griffith further states her contractor had requested a one page blue-print from an architect, but she did not want to pay for a design and rendering before she had permission to go ahead with construction. Kris Munn confirms with Ms. Griffith her proposal does not include walls, and will be a roof on heavy posts. Mr. Munn asks Ms. Griffith if there will be footings, and Chairman Annas asks if the structure will be custom-built. Town of Red Hook ZEO, Bob Fennell comments the proposed carport is considered a structure even without footings. Ms. Griffith states the asphalt, [in the proposed carport's location] is 22' wide, and states the structure will require footings and stanchions to hold up the roof. Chairman Annas asks Ms. Griffith to state the dimensions, length and width of the proposed carport, to which Ms. Griffith replies it is 16' x 22', or whatever the length of that [area of her driveway] is. Kris Munn comments the Board members will visit her property to look at the site.

Chairman Annas asks the Board if it has any further questions. Kate Karakassis states she has a question regarding the so-called garage already in existence. Ms. Karakassis asks if there is another problem with the garage, other than the fact the applicant has stated she has difficulty walking to it, particularly in winter. Ms. Griffith states there are not really any other problems with it, and notes it is a single car garage, whereas the proposed carport would be large enough

for two cars, for herself and a housemate. The Board discusses the dimensions of the proposed carport, and ascertains the width of the carport is sufficient for two cars. Tim Ross comments 16' in length is extremely tight for modern cars. Ms. Griffith states it is short, as is the piece of asphalt [planned for the carport].

Victoria Polidoro notes the Board should classify the action as Type II, [under SEQR]. Chairman Annas asks Ms. Griffith who filled out her [SEQR] form, to which Ms. Griffith replies she filled it out herself.

At 7:14 Chairman Annas asks for a motion to declare the Action Type II under SEQR. Tim Ross so moves, Jim Hegstetter seconds, and all are in favor.

Chairman Annas asks if there are any further questions from the Board, and since there are none, he sets the public hearing for August 9<sup>th</sup>, first on the Agenda, after Preliminary Business.

## REVIEW

Appeal 17-05, Bard College, represented by Charles Simmons, Director of Physical Plant, application for an area variance to increase building coverage on subject lot to 6.4%. ***The Town of Red Hook District Schedule of Area and Bulk Regulations provides a maximum building coverage of 5% in the Institutional (I) Zoning District.*** The subject property is located at 1442 Annandale Road, in the Town of Red Hook, and is in the (I) and Historic Landmarks Overlay (HLO) Zoning Districts.

Chairman Annas invites Mr. Simmons to present his proposal. Mr. Simmons states the project began 16 months ago, as an application for an addition to be constructed on an existing house, on the property. Mr. Simmons further clarifies, at the time each individual house, owned by Bard College, had its own parcel. Mr. Simmons further states he needed to get access to a driveway, located behind the house [on the subject property], and none of the three deeds explained who owned the right-of-way to get to the back of these houses, and therefore he pursued combining the parcels with Morris Associates, for a total of 10 combined parcels in the R 1.5 Zoning District, which the Town then rezoned as Institutional. Mr. Simmons indicates on the drawing the resulting single parcel. Mr. Simmons further comments his aim in combining the parcels was to avoid the side-yard setback requirements [in the R 1.5 Zoning District]. At the time, Mr. Simmons states, each individual parcel would have required a variance for side yard setbacks, for the parking lot to the building.

Mr. Simmons introduces Mr. Peter Setaro, of Morris Associates, the engineering firm working with Bard College on the project. Mr. Simmons states his project is still beyond the permitted percentage for building coverage, and Mr. Setaro notes the map is from Morris Associates, and shows the combined parcels. Mr. Setaro also points out the location of the building, which he identifies as Barringer House, on the map, and clarifies the area outlined in orange is the proposed addition. Mr. Setaro adds the combined acreage is 5.9 acres, and notes a question had come up with the Town of Red Hook Planning Board regarding the building coverage for the parcel. Mr. Setaro comments the allowable building coverage in the I zone is 5%, and the

building, aka Barringer House, without the proposed addition is at 6.1%, and as such is already beyond the permitted building coverage, as a pre-existing condition. Mr. Setaro states the proposed addition would bring the building coverage to 6.4%. Chairman Annas confirms the prior zoning was R 1.5. Chairman Annas then asks what the allowable [building] coverage in the R 1.5 would be. Tim Ross replies it is 10%. Mr. Ross also notes there were three big barns on the east property line, which Mr. Simmons confirms were torn down 7 – 8 years ago, which were significantly larger than the proposed addition. Chairman Annas confirms with Bob Fennell the parcels, prior to the rezoning, were allowed substantially more [building] coverage. Victoria Polidoro clarifies it was not the combining of the parcels which lowered the [allowable building] coverage, but the rezoning, which Tim Ross comments went from R 1.5 to Institutional. Mr. Setaro further comments it is better for the project, and for the college to be zoned Institutional, in terms of [permitted] uses. Tim Ross asks Mr. Simmons and Mr. Setaro if the reason for the combining and rezoning of the property regards the fact it is not connected to the rest of the campus, and further notes, if the parcel were connected to the rest of the campus, there would be no problem with the building coverage. Mr. Simmons notes there are still many different parcels within the campus.

Victoria Polidoro asks if this is a commercial or residential building, to which Mr. Simmons and Mr. Setaro reply it is for office use. Kris Munn asks for confirmation that the 5% [building coverage] limit is Town law, and asks Ms. Polidoro if that number is typical of other jurisdictions as well. Ms. Polidoro replies many jurisdictions do not even have Institutional zoning, since it is designed for a large campus setting. Bob Fennell comments it seems rather small, and Ms. Polidoro agrees. Tim Ross comments [Red Hook] is a rural community.

Chairman Annas asks Mr. Setaro if he has any further information, to which Mr. Setaro states he does not. Mr. Setaro, however, comments on the SEQRA review for the project, and notes the applicant was asked to submit a long form to the ZBA, for a Type I Action, in an Historic Landmarks District. Mr. Setaro further notes the applicant had already done for the Town Board, which was lead agency, in a coordinated review, with the Planning Board and the ZBA, on rezoning the parcels. Ms. Polidoro confirms the ZBA consented to a coordinated review, and the Town adopted a Negative Declaration. Ms. Polidoro asks Mr. Setaro to confirm the site plan presented to the Town Board was the same as the one presented to the ZBA, and that the Town Board was aware of the proposed addition. Mr. Setaro and Mr. Simmons confirm this. Ms. Polidoro further states since what is being proposed before the ZBA is substantially the same as what was proposed before the Town Board, no further SEQRA review is required. Ms. Polidoro further clarifies, if the proposal before the ZBA represented a change from what was proposed before the Town Board, the ZBA would need to analyze the change. Chairman Annas confirms with Ms. Polidoro no further SEQRA review is needed.

Kris Munn asks Mr. Setaro if there are other Bard College owned, Institutionally-zoned, lots, adjacent to the subject parcel, with which it could be combined to lower the building coverage to an allowable percentage. Mr. Setaro states there could be, but he and Mr. Simmons did not really look into it. Chairman Annas asks Mr. Setaro where the subject parcel is in relation to the gym and the library, and Mr. Setaro indicates this on the map. Tim Ross notes parcels across the street don't help any, [for lowering the building density].

Chairman Annas asks the applicant if he has any objections to a site visit by the Board, to which Mr. Simmons replies he can be on site, whenever the Board wants him to be there, but he is not there every day. Tim Ross comments it is possible to drive right into the parcel.

Chairman Annas asks if the Board has any further questions for the applicant. Kris Munn states he has several questions. Mr. Munn asks the applicant to provide documentation on the density of the other properties Bard [College] has in the area, in order to ascertain the overall density and building coverage numbers. Mr. Munn states he wants to know how the increase in building coverage fits in with the overall picture of building coverage on the campus as a whole. Mr. Munn further states he wants to know if the other parcels have a higher than allowable building coverage, or are most of them within the allowable 5% limit. Mr. Setaro states he does have that data, since Morris Associates is working with the Planning Board on updating the Master Plan. Mr. Munn concludes this information will help the Town decide whether the [amount of allowable building coverage in the I zone] needs to be changed.

Victoria Polidoro notes the Board needs to make a motion to send this application to Dutchess County Planning, since the parcel abuts a County road.

At 7:30pm Kris Munn moves to send the application, for the above cited appeal, to Dutchess County Planning for review. Kate Karakassis seconds the motion, and all are in favor.

Chairman Annas asks how long the County has to respond. Anne Rubin states it is 30 days, and also notes she will be on the phone to them tomorrow, since the next ZBA meeting is in less than 30 days. Ms. Polidoro comments the Board can tentatively put this appeal on the agenda for August, and can always open and continue the public hearing if needed.

Anne Rubin informs the applicant he needs to submit payment for certified mailings within one week of the meeting.

Chairman Annas sets the public hearing for August 9<sup>th</sup>, second on the agenda after Ms. Griffith.

## **REVIEW**

Appeal 17-06 Orange County – Poughkeepsie Limited Partnership d/b/a Verizon Wireless, represented by Scott P. Olson of Law Firm Young & Sommer, LLC, application for a use variance to erect “micro cellular” antenna and equipment on the roof of the existing Bard College Library Building. *The Town of Red Hook District Schedule of Use Regulations, Section 143-11, Commercial Communications, Receiving and/or Transmitting facilities are not a permitted or special permitted use in the Institutional (I) Zoning District.* The subject parcel is located at 1400 Annandale Road, in the Town of Red Hook, and is in the I and Historic Landmarks Overlay (HLO) Zoning Districts.

Chairman Annas invites the applicant, Scott Olson, representing Verizon Wireless, to present his proposal. Mr. Olson states his client is looking to install a Micro Cell, aka Small Cell [Tower], which he characterizes as a scaled down, lower powered version of a typical cell tower facility.

Anne Rubin asks Mr. Olson to verify this is what is represented in the technical specs, provided to the Town of Red Hook Planning Board, which he does, stating it is not exactly what would be installed, but generally what these installations are. Mr. Olson indicates the transmitting/receive antenna on the images projected on the large screen, stating it is called a “Cantenna”, and is usually about 24” tall, and about 15” in diameter. Mr. Olson further states such a device is usually pipe-mounted, on the side of the building, and connects to a cabinet, measuring 2’ x 2’ x 4’6”, weighing approximately 450 lbs. Mr. Olson states the location of the installation would be on the [Bard College] library building. The Board views the elevation, including the proposed installation, submitted by the applicant, on the large screen. Mr. Olson points out the location of the proposed antenna, on the higher portion of the roof, indicating the pipe would be about 8’ tall, on top of the roof. Mr. Olson also states his client would run wires along the roof of the building, and come down to the lower part of the roof, where the cabinet would be installed. He indicates these locations on the elevation. Mr. Olson characterizes the cabinet as housing the brains of the facility, which would all connect to his client’s main facility/main network. Mr. Olson states the intent of the proposed small cell [installation] is to provide more capacity to the school area. Mr. Olson states the school, with the students and faculty, is a capacity hog.

Kris Munn asks Mr. Olson to state which [cell] tower is feeding the campus right now. Mr. Olson states the current tower is not too far away. Kris Munn asks Mr. Olson if it is the Kelly Rd. tower. Mr. Olson states he does not know, but in the documentation, he provided to the ZBA, there is a radio frequency analysis, which shows the service which is currently in place.

Chairman Annas asks Mr. Olson if the proposed tower is for the exclusive use of Bard College, to which Mr. Olson replies his client has not said only Bard can use it, but it would be for people in the area of the installation [on Bard College Campus]. Mr. Olson states these installations are low-powered, so they generally only provide service [in a radius of ]about 1000’. He further states they are designed as a “hot-spot” for a specific area, and are commonly used on college campuses. Mr. Olson indicates on the coverage map, which he provided to the ZBA, the current and proposed service areas. Kris Munn confirms the tower, illustrated on the coverage maps, is the Kelly Rd. tower, near the Town water tower, which is on the far side of Route 9G from Bard College campus. Mr. Olson states there is some service, from the current tower, but he states it is not an acceptable level of service. Mr. Olson also indicates the search area, within which, his client’s radio frequency engineer has selected the location for the proposed cell tower. Mr. Olson also indicates, in fig. 2, of the radio frequency analysis, the proposed coverage area, and describes it as -65 dbm, which he characterizes as a phenomenal signal, akin to what a residential wifi device would provide. Mr. Olson further states the coverage area would be a large portion of the [Bard College] campus.

Kate Karakassis states she has some questions, after reviewing the documentation he provided with the application. Ms. Karakassis states it is not explained in the documents, but she researched it online, and asks Mr. Olson to confirm the green area on the coverage maps indicates an area of lower coverage, and the red area, on the coverage maps, indicates an area of higher coverage, which Mr. Olson confirms, stating the green area on the coverage maps, represents a level of coverage which is still acceptable. Ms. Karakassis then refers to the area called "Catchment 1" on the coverage area maps, which she identifies as existing coverage, and notes the change in coverage, the proposed cell tower would add, appears to be minimal, and notes she has concerns regarding what kind of precedent the Board would be setting, and she states she wants to make sure the Board has a rational basis for making a decision.

Ms. Karakassis indicates what she describes as a yellowish-brownish color on the coverage map, and asks to which coverage level it corresponds, and notes the legend on the following page of the radio frequency report. Mr. Olson confirms for the Board Ms. Karakassis is referring to pages 4 and 5 of the radio frequency report. Doug Lee also asks what the color, indicated by Ms. Karakassis, refers to. Mr. Olson states that area should be represented by a white color, and states his client changed their system. Mr. Olson states this area would basically be indicating no coverage. Ms. Karakassis states this appears to contradict Mr. Olson's verbal presentation of the proposed cell tower, insofar as Mr. Olson has stated there is currently inadequate coverage, but not no coverage. Mr. Olson states there is, in fact, some coverage, but characterizes the coverage level as unacceptable in terms of covering the number of people the site should cover. Ms. Karakassis asks Mr. Olson to confirm attachment 1 of the radio frequency engineering report does not really reflect what the level of current coverage is. Mr. Olson surmises the engineer probably stopped at a certain dbm level, and everything beyond the green area was simply not indicated on the coverage map.

Mr. Olson states the [industry] standard is generally -95 [dbm], and indicates, on attachment 1, the areas of dark green, at the ends, stating there will be some coverage beyond that, but it is not strong enough to do what they [Bard College?, Verizon?] want to do. Mr. Olson states he can ask the engineer to indicate what the coverage in that area is currently. Ms. Karakassis comments that would be helpful, since [coverage] would be the basis for the Board's decision. Mr. Olson further states -95 dbm is basically, for this, is a problem, but the engineer can still indicate it on a map. Anne Rubin asks Mr. Olson to confirm a level of coverage worse than -95 would be represented by a larger number, such as -96, and so forth, which he does, stating -95 is acceptable for this area, but -105 would not be. Mr. Olson states, generally, the higher the number, the worse the signal is. He indicates an area of the coverage map with -116, and characterizes it as really bad, in terms of the signal.

Chairman Annas asks Mr. Olson if the proposed cell tower will reduce the load on the Town's current cell tower. Mr. Olson states it might draw a little bit, due to a slight overlap, and further states, it would only affect people who are on the fringe of the current cell tower coverage area, because they might end up being covered by the proposed cell tower. Kris Munn comments Mr. Olson has already stated the proposed cell tower is designed for the Bard students, who are standing near the [proposed] tower. Mr. Olson states the coverage area would be within a 2000' radius, give or take. Mr. Munn states expected coverage is based on distance and signal strength.

Mr. Munn also notes the students use potentially more bandwidth than other area residents.

Chairman Annas asks Bob Fennell to indicate whether cell towers, in the I district, are a non-permitted use, or a banned use. Mr. Fennell states they are a non-permitted use. Victoria Polidoro states at the time the zoning was drafted, cell towers were much larger than what is being proposed. Ms. Polidoro further states the proposed cell tower is a new technology going in across the state, however, the proposed cell tower still meets the definition of a telecommunications facility, in the Town Code, and as such is not permitted in the I Zoning District. Mr. Olson confirms he is working with various Towns on such proposed installations. Tim Ross states the current technology represents a move to the next generation, and asks Mr. Olson if the proposed cell tower will provide 5G service, to which Mr. Olson replies it will not. Mr. Olson further states the intent of this technology is to fill in the valleys of lower coverage. Ms. Polidoro asks Mr. Olson to confirm if his client needs the micro cell towers to get to 5G. Mr. Olson states 5G is on its way.

Mr. Olson states he is aware a use variance is very difficult to get, and clarifies his client is a public utility, stating there is a long-established public utility standard which makes it easy to get a use variance. Mr. Olson further states this standard is based upon the Rosenberg case of 1991, which states, according to Mr. Olson, if an applicant is a public utility, it just has to demonstrate the need to site the facility in a given location, and demonstrate economic feasibility. Ms. Karakassis asks Mr. Olson if he has a copy of the “Matter of Consolidated Edison” [court case], stating she was unable to get it. Mr. Olson responds he does not have it with him but he can provide copies to the Board. Ms. Karakassis notes it was quoted in the documentation he provided to the ZBA, but the case itself was not included. Ms. Karakassis further comments she wants to further reflect on whether or not Mr. Olson’s application meets the use variance standard.

Mr. Olson notes such installations as the proposed micro cell tower are permitted in two zoning districts in the Town of Red Hook, and comments he asked the radio frequency engineer if it were feasible to place the tower in one of these districts, which are near to the campus. Mr. Olson further states the engineer responded it would not be feasible since the campus is large, and the technology uses limited power. Kris Munn asks Mr. Olson if he is referring to the two [use variance] standards of necessity, and not economically feasible in any other location, which Mr. Olson confirms. Mr. Munn states there is cell coverage on campus currently. Kate Karakassis asks Mr. Olson if he has any documents showing the public is requesting this installation. Mr. Olson states the test of necessity is met by answering the question do we need this, and further states he has provided the documentation which demonstrates this necessity from a scientific point of view. Ms. Karakassis responds the standard of necessity, in this case, requires the applicant must demonstrate that the modification is a public necessity, required to render safe and adequate service, which Mr. Olson confirms. Ms. Karakassis states the concept of public necessity is not defined in the documentation provided, which, she states, is why she is asking for a copy of the other [court] case. Mr. Olson states that case talks about the use variance standard as it existed in the 1960s, but it did not concern cell towers. Mr. Olson states the Rosenberg case, from 1991 relates specifically to cell towers. Mr. Olson states the standard of public necessity is met, because the public relies on this. Kris Munn states the question

revolves around the concept of adequate service. Ms. Karakassis states the public does not require just Verizon [as a service provider], and asks Mr. Olson if there is a public demand from the Bard students, and the Bard community for this. Mr. Olson acknowledges Ms. Karakassis's question, and states he has provided the documentation the courts have accepted for this type of proposal, in terms of demonstrating public necessity. Mr. Olson further states his client does not have documents from students. Ms. Karakassis interjects it could be anyone in the coverage area in order to demonstrate public necessity.

Tim Ross asks Mr. Olson if Bard College had approached his client for improved coverage. Mr. Olson states he does not know who approached whom, and further states he is not involved with that, and states he does not work on the site acquisition aspect of the proposal. Mr. Olson further states Bard College certainly welcomed the proposal. Ms. Karakassis refers to cap 7, page 2 of the documentation provided to the Board, which she reads as, "... the Verizon facility is projected to reach its maximum capacity in 2017, and is currently overloaded, stating these are conclusory statements, not facts, and asks Mr. Olson to provide facts to support this statement. Mr. Olson states he can provide this, as well as the more detailed coverage map, previously discussed. Mr. Olson states he believes he has provided more than enough information for the Board to grant the use variance. Mr. Olson states there is currently an antenna on the [library] building, and asks the Board if it granted a use variance for that antenna. Kris Munn states if someone is in violation of the law, it does not permit an applicant to go ahead and put something up himself or herself. Mr. Munn further states if there is a zoning violation on that roof, it is something that should be looked into. Mr. Olson states he took a picture of it, and was thinking someone had already obtained a use variance for it. Victoria Polidoro asks Mr. Olson if he is filing a formal complaint, to which he replies he is not.

Tim Ross states the issue is, if the Board were to vote in favor of the proposal, it would need as many facts as possible, to back that decision up, since a use variance is usually a very high standard to meet. Mr. Ross further states the Board would need to know specifically why an additional tower is necessary, stating, for example, the capacity of the current cell tower, and the expected increase in Bard College's enrollment, in order to justify the proposal. Mr. Olson states he will ask the engineer for the capacity information. Mr. Olson states there is no health issue with any of this [technology], in terms of the siting of the tower, and it does not interfere with anything, since it is low power.

Chairman Annas asks Victoria Polidoro to state the SEQRA requirements for this appeal, and Ms. Polidoro states she has prepared a resolution for the Board to declare the Action Type I under SEQRA, act as lead agency, circulate to the Town of Red Hook Planning Board and New York State Historic Preservation, as involved agencies, and refer the application to the Dutchess County Planning Department. Ms. Polidoro further states the proposed cell tower is located in the Historic Landmarks District.

At 7:55pm Tim Ross moves to adopt the resolution, as written [see exhibit 1]. Jim Hegstetter seconds, and all are in favor. Victoria Polidoro notes DC Planning and Historic Preservation have 30 days to respond, and further states the Board must discuss site plan considerations, since it will be conducting SEQR on behalf of the Planning Board.

Chairman Annas sets the public hearing for this appeal on August 9<sup>th</sup>, third on the agenda, after Bard College Barringer House. Victoria Polidoro states the Board can open the hearing and continue it if the agencies have not responded by the date of the public hearing.

Anne Rubin hands Mr. Olson the memorandum for payment of the certified mailing costs.

At 8:01pm Tim Ross moves to adjourn the meeting. Kris Munn seconds, and all are in favor.