

**AUGUST 17<sup>TH</sup>, 2015**

**PUBLIC HEARING**

**VILLAGE OF GREENWOOD LAKE  
PO BOX 7, 18 CHURCH STREET  
GREENWOOD LAKE, NY 10925**

**PRESENT:      MAYOR:      JESSE DWYER**

**TRUSTEES:    KATHELEEN HOLDER  
                 THOMAS HOWLEY  
                 KELLI KELM  
                 CHAD SELLIER**

**ATTORNEY:   JOHN BUCKHEIT**

**MAYOR DWYER – THIS IS A PUBLIC HEARING TO DISCUSS CHANGES TO SECTION 110-3 A.**

**ROLL CALL – ALL PRESENT.**

**MAYOR DWYER – WE HAVE TAKEN IN ALL COMMENTS THAT HAVE BEEN RECEIVED REGARDING THIS PROPOSED CHANGE TO OUR CODE, FROM THE PUBLIC, AS WELL AS THE ZONING AND PLANNING BOARD AND ATTORNEY’S. ABOUT TWO WEEKS AGO WE MET WITH PLANNING ZONING, TRUSTEE SELLIER, AND THE VILLAGE ATTORNEY TO ADDRESS SOME CONCERNS THAT THEY HAD. WE HAVE CHANGED VERY MINOR WORDING. THE PREVIOUS PROPOSED CHANGE READS AS FOLLOWS:**

**A WIRELESS TELECOMMUNICATIONS FACILITY SHALL REQUIRE A BUILDING PERMIT IN ALL CASES. WIRELESS TELECOMMUNICATIONS FACILITIES ARE PERMITTED ON MUNICIPAL OR COMMERCIAL PROPERTIES LOCATED IN PD120, PD200 AND R120 ZONES ONLY.**

**THIS HAS BEEN CHANGED TO READ AS FOLLOWS:**

**USE REGULATIONS – A WIRELESS TELECOMMUNICATIONS FACILITY SHALL REQUIRE A BUILDING PERMIT IN ALL CASES. WIRELESS TELECOMMUNICATIONS FACILITIES ARE ONLY PERMITTED ON MUNICIPAL PROPERTIES LOCATED R120 OR NONRESIDENTIAL PROPERTIES LOCATED IN PD120 AND PD200. WIRELESS COMMUNICATIONS FACILITIES SHALL ONLY BE LOCATED IN ACCORDANCE WITH SECTION 110-3 APPLICANTS SEEKING APPROVAL OF WIRELESS TELECOMMUNICATIONS FACILITIES SHALL COMPLY WITH ALL OF THE FOLLOWING: IT GOES ON TO LIST ALL THE CURRENT REQUIREMENTS LISTED IN OUR CODE.**

**MAYOR DWYER – WE HAVE ELIMINATED COMMERCIAL PROPERTIES. AS THE CODE STANDS NOW THERE ARE THREE POSSIBLE LOCATIONS FOR A CELL TOWER, WHICH IS VILLAGE OWNED PROPERTY UP BY THE WATER TOWER, THE AMERICAN LEGION PROPERTY AND FIRE DEPARTMENT PROPERTY. PD200 IS THE HORSE TRAILS AREA WHICH IS STATE OWNED PROPERTY WITH ONE SMALL PARCEL OF LAND THAT IS RESIDENTIAL. IT WILL NOT BE PERMITTED ON RESIDENTIAL PROPERTY IN PD120 AND PD200. WE CONSIDERED GOING A LITTLE FARTHER AND LOOKING AT OTHER AREAS OF THE CODE, BUT TO CONSIDER SUCH THINGS AS HEIGHT, WHAT THEY LOOK LIKE, WHAT THEY ARE MADE OF, VIEWSHED IMPACTS.**

**ATTORNEY JOHN BUCKHEIT – I JUST WANT TO CLARIFY THAT THE STATE OWNED PROPERTY IN PD200 COULD HAVE A CELL TOWER PLACED ON IT BY THE STATE, BUT IF THE STATE WAS PLACING IT THEY WOULD TRUMP OUR CODE ANYWAY.**

**MAYOR DWYER – IF THE STATE WANTED TO ALLOW A CELL TOWER ON THEIR PROPERTY, WE WOULD REALLY HAVE NO SAY, ALTHOUGH THEY WOULD PROBABLY TAKE OUR COMMENTS INTO CONSIDERATION.**

**ATTORNEY BUCKHEIT – THE PLANNING BOARD SUGGESTED WE CONSIDER A LAW TO PROTECT THE RIDGELINE. THE STEEP SLOPES HAS PROTECTED THESE AREAS FROM GROWTH BUT TECHNOLOGY COULD CHANGE THAT.**

**MAYOR DWYER OPENED THE BOARD MEETING TO THE PUBLIC.**

**RESIDENT SUE LAYDEN – THE FIRE DISTRICT BOUGHT THE OLD AMBULANCE BUILDING.**

**MAYOR DWYER – THAT IS EXCLUDED. THAT ZONE IS R20, THEY WOULD ONLY BE PERMITTED ON THE FIRE DEPARTMENT PROPERTY OVER BY THE AMERICAN LEGION.**

**RESIDENT VICTOR LUDMERER – I AM REQUESTING THAT THE LETTER THAT I SENT TO THE BOARD ON AUGUST 17<sup>TH</sup> TO BE PART OF THE MINUTES.**

**THE LETTER READS AS FOLLOWS:**

**TO THE VILLAGE BOARD, IN REGARDS TO THE PUBLIC HEARING IN REGARDS TO CHANGING CHAPTER 110 WIRELESS TELECOMMUNICATIONS,**

**THANK YOU FOR THE WORK YOU HAVE DONE TO AMEND THE CELL TOWER LEGISLATION FOR OUR VILLAGE. I BELIEVE THE PROPOSED CHANGES WILL BE BENEFICIAL. I WOULD LIKE TO SEE ONE MORE CHANGE. SECTON 110-3 C- STATES MAXIMUM HEIGHT OF A TELECOMMUNICATIONS FACILITY IS LIMITED TO 120 FEET ABOVE GROUND LEVEL. THE ZONING BOARD OF APPEALS CAN ALLOW TOWERS UP TO 199 FEET IF AN INDEPENDENT RADIO FREQUENCY CONSULTANT DETERMINES THAT ADEQUATE COVERAGE WOULD NOT BE PROVIDED BY A TOWER OF UP TO 120 FEET. THE HEIGHT OF THE TALLEST HOUSE OR COMMERCIAL BUILDING ALLOWED TO BE BUILT IN GREENWOOD LAKE IS 35 FEET. ONE HUNDRED TWENTY FEET IS EQUIVALENT IN HEIGHT TO A 12 STORY BUILDING, AND 199 FEET IS EQUIVALENT TO A 20 STORY BUILDING. THOSE HEIGHTS MAKE NO SENSE IN A LITTLE VILLAGE SUCH AS OURS. I ENCOURAGE YOU THAT THE MAXIMUM HEIGHT OF A TELECOMMUNICATIONS FACILITY BE LIMITED TO 60 FEET AND IF GREATER HEIGHT IS REQUIRED THEN THE ZONING BOARD OF APPEALS MAY ALLOW A GREATER HEIGHT IF THE APPLICANT CAN DEMONSTRATE A NEED FOR A TALLER FACILITY. AT THE VERY LEAST THE ZONING BOARD WOULD REQUIRE A PUBLIC HEARING WITH PUBLIC COMMENTS ALLOWED TO BE HEARD FOR ALL CELL TOWER FACILITIES WITH A HEIGHT OF GREATER THAN SIXTY FEET ABOVE GROUND LEVEL. THE AREA IN WHICH WE LIVE IS BEAUTIFUL AND A 120 FOOT OR 199 FOOT FACILITY WOULD BE A TERRIBLE EYESORE AND NOTHING OVER SIXTY FEET SHOULD BE BUILT UNLESS THE NEED IS CLEARLY DEMONSTRATED BY AN APPLICANT TO THE ZONING BOARD OF APPEALS. IT IS SIGNED VICTOR LUDMERER.**

**MAYOR DWYER – SHOULD WE KEEP THIS PUBLIC HEARING OPEN?**

**ATTORNEY JOHN BUCKHEIT- I THINK WE SHOULD LEAVE IT OPEN FOR THEPURPOSE OF RECEIVING WRITTEN COMMENTS AND THEN WE WILL REOPEN.**

**MOTION TO ADJOURN THE PUBLIC HEARING WE WILL ACCEPT PUBLIC COMMENTS UNTIL THE NEXT BOARD MEETING WHICH WILL BE SEPTEMBER.**

**MOTIONED BY TRUSTEE CHAD SELLIER. SECONDED BY TRUSTEE THOMAS HOWLEY. ALL AYES TO SAID MOTION.**

**PUBLIC HEARING ADJOURNED AT 7:25PM.**

**RESPECTFULLY YOURS,**

**PATRICIA OLSEN  
VILLAGE CLERK/ TREASURER**