

8/12/2009

Minutes of a Town of Riverhead scoping hearing held by the town board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York August 12, 2009 at 3:00 p.m.

**PRESENT:**

Philip Cardinale,	Supervisor
John Dunleavy,	Councilman
Barbara Blass,	Councilwoman
James Wooten,	Councilman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "Whenever you tell me you're ready, we'll start. Okay."

This is the scheduled 3:00 hearing regarding the draft scope for the draft environmental impact statement regarding the special permit request of Beacon Wireless at the 245 North Wading River Road which is- what is the name of that- Little Flower property of 98 some acres.

Actually many times there is not a hearing but we felt it advisable to have one because of the interest in this particular application and the only purpose of this hearing is to ascertain what issues should be included in the draft and studied in order to give the board and the public the necessary information to make an informed decision.

There will be I guess another hearing when we get the draft, correct? And then there will be a final and then there will be findings of fact and- will we have another hearing on the special permit as well?"

Rick Hanley: "I think we already held- subsequent to that hearing (inaudible)."

Supervisor Cardinale: "By the time we get through that, we may have forgotten what we heard."

But that's the idea. That there would be at least the draft environmental impact statement after this and- to determine what's in the draft, and then we would ask that it be completed to get to the final and then finally findings of fact would be made and the board would then make a decision whether they needed to have another public informational hearing before making a final decision.

8/12/2009

So with that introduction, I'd like to I guess begin the meeting with the Pledge of Allegiance because we always do and then take comment."

(At this time, the Pledge of Allegiance was recited)

Supervisor Cardinale: "Rick Hanley, you want to introduce this and say anything you think needs saying initially and then we'll let the others that would like to comment, comment."

Rick Hanley: "Well, I think you've done a very good job, Phil, of describing the nature of the scoping hearing to identify the relevant SEQRA impacts involved with the project.

I think a number of issues came up in the special permit hearing that I think the board decided to pos dec this project.

We have a draft scope that was prepared by the applicant and the potentially significant adverse impacts that they identified were land use zoning and area character, aesthetic resources and those were the two items that they felt were the most important to assess in the draft."

Supervisor Cardinale: "All right, now, that emanated from the applicant."

Rick Hanley: "This draft came from the applicant."

Supervisor Cardinale: "Right. And the fact that they acknowledge that land use zoning and area character and aesthetic aspects of the pole was important to study and they lay out briefly how they would study it. Was that- how come they landed on those two instead of others?"

Rick Hanley: "I think those came out of the special permit hearing. And there were concerns by the public of the aesthetic resources and the character of the area."

Supervisor Cardinale: "Okay. So then my question is, is there anything else that you think at the outset should be included- the public is going to come up here and some will comment that something else ought to be studied."

Rick Hanley: "Right. As a result of this hearing, the public may issue some comments about other topics that should be studied as well as the lead agency might- "

8/12/2009

Supervisor Cardinale: "I've never had anybody come up and say we ought not to study something but I have them come up frequently and say we've got to include something else."

Rick Hanley: "The one thing- "

Supervisor Cardinale: "So do you want to say anything about what you want included before I go on to the public?"

Rick Hanley: "I think that this is (inaudible) complete."

Councilman Wooten: "I'd like to see a need for it."

Rick Hanley: "That is a function of our special permit process where we assess the need for the filling of a gap."

Supervisor Cardinale: "Right."

Rick Hanley: "So I don't know if we have to do that with SEQRA. We could certainly ask them to do that in the impact statement as well."

The one thing I don't think we asked them to do is to study the health impacts of electro-magnetics on humans."

Supervisor Cardinale: "Right. We know that, yeah."

That's an interesting point that Jim made. I don't want to jump ahead of the whole process but the need assessment which is a function of a special permit is something I think the board would like to see more on and I don't necessarily think-- it may or may

8/12/2009

not be part of the draft environmental impact statement, but we're the guys making the decision and one of the balancing here is going to be what's the need, what's the negatives, like it is in everything.

Who's the applicant's representative here? Anybody? Okay, why don't you come on up. I think-- Rick, you didn't have anything else, did you?"

Rick Hanley: "No."

Supervisor Cardinale: "Okay. Go ahead, please."

John Caglan: "Thank you, Mr. Supervisor, Members of the Board. John Caglan, attorney for the applicants, from the law firm, Ray, Nielsen, Huber and Caglan (phonetic).

Again, thank you for the summary, Mr. Supervisor and Mr. Hanley. I would just like to remind the board and audience that, you know, we're not here to identify the potentially significant adverse impacts but also to make sure we don't wander into non-significant or non-relevant issues.

I appreciate that the board has recognized that health is not an appropriate concern for purposes of the EIS and just to address one minor question that the supervisor raised. The draft scoping document that was generated and filed with the town was based on the resolution generated by this board, so the focus on the aesthetic impact was actually included in language in that resolution."

Supervisor Cardinale: "Now we need Vince to turn that down. Would you ask him? Thank you. You get what you pay for, but you're right. That may do it. And I'll have him come in. Ask him to stay with the camera so he can focus on people speaking."

John Caglan: "Again, just a brief history."

Supervisor Cardinale: "Would you focus on the speaker, please? Go ahead."

John Caglan: "The special permit finally occurred on June, 2008. The hearing was before this board in October, 2008. There were a series of correspondences in between those dates and subsequent thereto. This board issued a resolution requesting the scoping and the EIS in January and here we are with the draft scope having been filed on or about July 1.

With that very brief introduction, I'll reiterate some of the issues already outlined. I would just reserve the right to make some comments after the public (inaudible)."

8/12/2009

Supervisor Cardinale: "Sure. Okay, thank you. Yes. Mr. Amper, please come up."

Councilman Dunleavy: "Trina- "

Supervisor Cardinale: "Could you ask Vince to come on in because we'd like him to focus on the speakers as they speak."

Richard Amper: "Yes. My name is Richard Amper. I've been working with some of those people in the community who asked me to take a look at this project because it's a concern to those that live in the Wading River area.

I wonder if I could ask a couple things. One, if I can get a copy of the applicant's suggestions (inaudible) scope and perhaps keep this meeting- I mean keep the hearing open for written comment so that we have time to react to that- "

Supervisor Cardinale: "Yes. Yeah, I intend to do that and I can give you that right now, the document."

Richard Amper: "And the second thing is I would recommend that the town board in fact include a needs assessment as part of the SEQRA process. Obviously we have the no action alternative in any SEQRA proceeding and that could be based on the finding of this board that there is adequate cell service or that a master plan would reveal what additional service is required.

So I would suggest that we not limit that simply to the special permit application but to the environmental impact statement as well to make sure it's deemed complete and fully responsible- responsive to SEQRA.

In consideration of the application for the construction of a cell phone tower on the property of Little Flower School, the following points should be thoroughly examined.

It is the burden of the applicant to adequately prove the need for an additional cell phone tower at this specific location.

The applicant should provide data showing the number of clients it currently provides service to as well as a characterization of the present quality of service. The community might do that as well.

Further, the applicant should provide its contracted coverage obligations for the next five to ten years as well as the approximate number of people and the specific geographic area over which this new tower would improve coverage.

8/12/2009

The applicant should also present substantial evidence that it has thoroughly vetted other nearby nonresidential locations and that a more suitable, less intrusive, alternate location has not been found.

Analysis of this application should also consider the reduction in property values that would result following the construction of a cell tower in a residential area.

Clearly a tower in this quaint and picturesque community would be considered a visual blight. Further, many prospective homeowners would not choose to purchase a home located near to a cell phone tower both because of its adverse visual impact and about their concerns about health.

We do understand that it is not the purview of this board to determine whether cell towers provide any kind of health concern. The federal government has taken it upon themselves to deal with that. But clearly the community will have reactions to that and their reactions can be considered and should.

Regardless of whether or not the health concerns are considered warranted, it would undeniably reduce the number of prospective buyers for homes in the neighborhood, thus lowering demand, and correspondingly, selling price.

Permitting a cell phone tower in a residential area raises an important issue about precedent. Surely, the school is considering this proposal because of the revenue it would generate - not because it is committed to improving wireless service in the area.

The building of tall structures of any nature has an obvious and immediate negative impact on a neighborhood. As a result, height is generally limited by zoning guidelines, and when variances to these guidelines are proposed, community resistance often emerges.

Because the impact on communities is so great, the construction of cell phone towers should be examined in a cumulative, town-wide fashion, resulting in a comprehensive plan that identifies the most appropriate and the least intrusive potential tower locations, sufficient in number to provide adequate but not excessive cell phone service to all of the town residents.

Towers should be constructed in locations where they will maximize service and minimize visual impact and residents' concerns, not on sites where property owners simply want an additional source of revenue at the expense of their neighbors.

8/12/2009

It is the burden of the applicant to adequately prove that the option to co-locate with an existing tower is impossible before the proposed tower can even be considered. To fully satisfy this question, a map of existing towers in the area should be provided for public viewing.

Additionally, the applicant should provide copies of correspondence sent to the owners/operators of nearby cell towers requesting the opportunity to share tower space and/or to add on to the existing tower to secure additional coverage.

Copies of the written reply should also be provided. Further, any answer which implies that the owner/operator of the nearby tower simply chooses not to work with the applicant should be unacceptable without proof that the applicant and said owner/operator have not co-located in any other instance, both nationally and internationally.

While it is prohibited to reject a cell tower application based strictly on health and safety concerns, perhaps the gravity of a community's opposition should be considered a factor in determining whether or not this location is most suitable.

Building a cell tower directly on school property flies in the face of parental concerns, undoubtedly exacerbating the level of opposition the proposal might receive were it located elsewhere.

Given that a cell tower application requires approval by government agencies, and the rulings of these agencies are often challenged resulting in lengthy and costly legal battles, the standards an applicant must meet to justify the placement of a cell phone tower on school property and in a residential community should be especially high as it comes at enormous cost.

In short, the applicant must prove that there is absolutely no other available location that could provide an acceptable a level of service other than the one at the school.

I have copies of this for the members of the board and I thank you for your attention."

Supervisor Cardinale: "Thank you. I'd like to have a copy. Okay. Is there-- and that's-- Dick, that's the scoping document, that's what was submitted."

Richard Amper: "Thank you."

Supervisor Cardinale: "Sure. Next comment, please."

Janis Gilmore: "I'm here representing a group of residents and I'll preface this with I hope our comments are focused properly

8/12/2009

on the scope of this hearing. I apologize in advance if we inadvertently strayed. It was not our intent."

Councilman Wooten: "What's your name?"

Janis Gilmore: "Janis Gilmore. Sorry.

I am sure the board is aware that since Little Flower invited Beacon Wireless to begin pursuing this application to construct a cell phone monopole on the Little Flower property in Wading River, the residents in the surrounding neighborhoods, that will be negatively impacted by this tower, have joined together and formed the Opponents of Little Flower Cell Tower Monopole Coalition.

These include but are not limited to residents that live on Northside Road, Hickory Court, Longview Road, Pine Street, Peach Street, Cliff Road W., Cedar Street, Old Orchard Road, North Woods Drive, Crescent Court, and North Wading River Road.

We have been silent for the past six months due to the confidence we had in this board to make sure that this application was being scrutinized and an independent consultant would be brought in to evaluate the erroneous information that was presented by the applicant at the October 21, 2008 hearing.

Due to the fact that this meeting is being held in mid summer when many are on vacation and in the middle of the day when many are working, I volunteered to come and speak on the coalition's behalf.

I urge this board, Beacon Wireless and Little Flower to not take the lack of attendance to mean that we are any less passionate about preserving our way of life that we have a right to enjoy.

We are extremely disappointed that the applicant and Little Flower are continuing to pursue this project and we are prepared to again stand together and make our concerns and objectives known.

We do appreciate the town board calling this scoping hearing to provide us an opportunity to express the areas that we feel are important to be addressed in the now required environmental impact study.

We hope that our concerns are not new to this board and are of concern to you as well. We also hope that an independent consultant has been put in place to advise this board on other issues that should be addressed that we, lay people in this communications field, are not aware could be or should be included.

Every concern and objection we presented last fall are still valid and begin with need.

8/12/2009

This project was never motivated or initiated by need, rather by money, a tremendous amount of money that Little Flower would get for leasing their land and Beacon Wireless would get for leasing space on the pole.

Mr. Cannuscio was very up front at the initial Wading River Civic Association meeting at which he spoke when I asked him what the motivation was for choosing this site and he said this site was chosen because Little Flower called them to inquire about how much money they could receive if they hosted a tower.

In an attempt then to establish need the map that was submitted showing potential coverage from this tower is exaggerated. I know this to be a fact because I live in this area and, for example, while the applicant's map shows the entrance of Little Flower to be included in the area needing this enhanced coverage, ironically that is the exact spot I stop if I am on a cell phone call and I want to complete it before I get home.

Consistently and 100% of the time, I have clear reception there. As well as a third of the way into the Hartwood on the Sound community also has reliable coverage. I know. I live there. I make phone calls from there.

This exaggeration was capable because at no time has the town required the applicants to adhere to a pre-set definition of reliable coverage.

The applicants have also not been expected to differentiate between in building and in vehicle existing coverage which would change the look of the so called benefit area. Even if the map is taken at face value, the very limited area they are trying to service can not be guaranteed by them, by their own admission, due to the dense trees and terrain of this area of Wading River.

I believe linked to need is want. At the meeting back in October, 2008, a petition was submitted to this board with signatures from residents in the immediate surrounding neighborhoods that would be directly affected by this proposal all stating that regardless of whether or not they currently have cell phone service in their living rooms, they do not want their quiet rural neighborhood commercialized.

Since that petition, I know this board has received other communication from residents living in immediate proximity to Little Flower stating the same.

I know this board also received a petition initiated by Little Flower to contradict this opposition. When I quickly looked that

8/12/2009

petition over, clearly one-third of the signatures were Little Flower employees, not local residents, and a majority of the signatures were from the Lewin hills area. Not immediate neighbors of Little Flower and an area already being serviced by the Verizon Wireless cell phone antennas located on the water tower.

It is important then that alternative sites be proposed and not necessarily to only address this small limited area around Little Flower.

Anyone who lives in Wading River will be able to tell you that the biggest dead area extends from the elementary school north past the Catholic Church and firehouse and continues west around past the ponds and to the east just past the cemetery along North Wading River Road.

At the initial Wading River Civic Association when Mr. Cannuscio spoke, I also asked him if they considered other sites such as Wildwood State Park to the east or the LIPA property to the west perhaps.

He said they had not because getting approval from either site would be a very time consuming process if they could get approval at all, and that there was no need because Little Flower invited them.

At the very least the applicants should have to show what kind of extended coverage would be provided by not only these two sites, but perhaps at Bayberry Park if there is an area that is not in such close proximity to residential neighborhoods.

Also since Verizon Wireless is the co-applicant in this matter, perhaps looking into just raising the antennas they already have located on the water tower, which is only about a half mile away, needs to be pursued along with other scenarios regardless of what is the easiest, most convenient, or least expensive scenario for the applicants.

While the applicants keep referring to the Little Flower location as ideal because it has 100 acres, that, as we all know, is a very deceptive fact because it is a very long narrow strip of land and at the widest point is only 1,100 feet approximately. And with the location of the adjacent homes and their own school and residential cottages, there is no disguising that this monopole would be in the midst of a highly populated residential area.

The local residents are also concerned about having a 150 foot monopole, the equivalent of a 15 story building, on one of the highest elevations in Wading River, located not only literally in their backyards but also situated in the midst of a residential area and marring the general character of our town.

8/12/2009

The aesthetics related report, already submitted by the applicant, was flawed.

They submitted strategically taken photos, during full leaf, of a narrow pole, not set to the height of the proposed 150 foot pole, and without simulation of the antennas that would be located all along the top 70 feet of it.

We all know how very easy it is to manipulate data to skew a perspective. For example, I have one tree on my front lawn yet, in no way, does it obscure the view of my house which is in plain view of all from the street.

However, in the summer, when the leaves are in full bloom, one could stand at an angle and take a picture that would make it appear that the house was not visible due to the tree coverage.

My backyard property is also adjacent to Little Flower's property. In the summer I have very limited view of their grounds, however, in the winter it is completely different.

I have a view that extends clear across the fields so that all traffic coming and going is visible as is the infirmary building and beyond, along with all the security lights that are kept on 24/7.

Photos need to be taken in the dead of winter which around here is February, by an independent unbiased company showing an actual scenario of what we are being asked to live with year round.

When we moved here, and by we I am not only referring to my family but the many families in all the surrounding neighborhoods, a conscious decision was made not to live near a commercially zoned area.

I hope this board keeps mindful that Little Flower is nestled within the midst of our residential communities, it is not the other way around.

And there is absolute reason to be concerned about the negative effect this monopole or any monopole or tower located so close to homes in a residential area would have on our property values.

Predominantly location of cell phone poles and monopoles is limited to commercial property leaving residential property just that, residential and free of any commercialization.

Since this monopole would become the exception, it is reasonable to expect, and data shows, that property values decline because there would be so many other home options in other residential areas that would not have this stigma.

8/12/2009

The original data submitted by the applicant was blatantly flawed. Mrs. Karlson, in her letter dated October 22, 2008, was very thorough in her dissection of their report and she clearly showed the applicant's report seemed rubber stamped from another report they prepared for the Trustees of the Village of Great Neck which they failed to edit out of the one they submitted to you. It's a common editing error when one is just cutting and pasting.

The board, I request, should read her comments again and take note also that the owner of a local real estate company also is a signature on the petition opposing the construction of the monopole.

And finally, I am not sure that the distress that this will cause for so many families can also be considered in an environmental impact study, but it is a reality.

This distress is due to the increasing information that is coming out about health risks, previously being dismissed, that are now being looked into to determine if there is a link to prolonged exposure to cell phone tower emissions.

This distress is due to the fact that the American Cancer Society now has a statement on their web site stating that not enough time has elapsed to conduct long term studies and to render a decision that living in close proximity to these towers is safe, is premature.

Distress is being caused by families wanting to err on the side of caution when it comes to the health and safety of their children and the decision to not want to live in such close proximity to a cell phone monopole may be taken away from them.

This distress comes from families that have invested their time and income in their homes expecting that their rural residential communities and the quality of life they enjoy could be taken away by this board setting a precedent and approving this special permit allowing the construction of a cell phone monopole in their midst.

This tower, in this location, is not conducive to maintaining the character of our Wading River hamlet. It is apparent that this board recognizes our passion and the passion of all Wading River residents towards our community and has helped maintain that rural character by working very hard to set strict building guidelines in the commercially zoned corridors.

We ask that no less diligence and consideration be given to preserve the integrity of our residential areas.

8/12/2009

If we have missed any relevant points that should be addressed in the environmental impact statement, we are relying on this board, who are responsible for representing and protecting us, to refer to your independent expert consultants to make sure the environmental impact study addresses all concerns and scenarios, such as matters relating to the storage of the gas, required wires perhaps, and perhaps required lighting due to the height of the tower coupled with the land elevation.

I respectfully submit that and I have a copy for you."

Supervisor Cardinale: "Thank you."

Janis Gilmore: "I also, when I was reviewing the folder, I had sent a letter to the board on November 6, 2008 after that October meeting and it was MIA so I'm giving you another copy."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Rick, we have an independent consultant on retainer yet?"

Rick Hanley: (Inaudible)

Supervisor Cardinale: "The town attorney, when the comments were being made, indicated that we— it appears under our statute, we can ask that the applicant evaluate whether any other alternative could fill the gap because the community goals and objectives stated in our code encourage co-location.

Does anyone have any disagreement with that? All right, next comment, please."

Sid Bail: "Good afternoon. Sid Bail, first vice president, Wading River Civic Association.

Wading River Civic Association believes that the following should be addressed in the DEIS for the special permit application.

The first two or three comments, since mine is not as eloquent as the two that you heard, it's more of a list form. The first three deal with description of the Little Flower campus, a little bit more detail.

The DEIS should provide data on the distances from the proposed facility to other structures on the Little Flower campuses such as schools, student housing, infirmary, administrative offices, houses of worship and recreational areas.

8/12/2009

2. The DEIS should include the height of the three tallest structures on the Little Flower campus.

3. The DEIS should also include information regarding elevations on the Little Flower campus, obviously land elevations in this case.

4. The DEIS should include a detailed description of the service deficiency experienced by Verizon Wireless in Wading River.

5. The DEIS should clarify whether the service deficiency is a gap or capacity deficiency primarily within the Wading River community.

6. The DEIS should indicate whether the proposed project at Little Flower will eliminate any service deficiency that Verizon Wireless is experiencing within the Wading River community.

7. The DEIS should indicate whether other wireless carriers are experiencing service deficiencies in Wading River.

8. The DEIS should specify whether there are signed commitments from other wireless carriers for co-location on the proposed monopole.

9. The DEIS should address the issue of whether a monopole with a lower height would be capable of providing functionally reliable service primarily within the Wading River community.

10. The DEIS should provide photographic simulations prepared to scale and taken from publicly accessible areas surrounding the proposed facility, to depict the expected view of the monopole during months of the year when the trees are with leaves and without leaves.

11. The DEIS should provide visual simulations of the potential impacts of any required lighting.

12. The DEIS should provide an explanation why the approval of this special permit would not set a precedent in Riverhead for location of towers or monopoles in or near residentially zoned neighborhoods.

13. The DEIS should explain why Camp DeWolfe was mentioned as the only alternative location within Wading River. That's in the applicant's DEIS, scope.

14. The DEIS should address other alternative designs (technology) such as DAS (Distributive Antenna System).

8/12/2009

15. The DEIS should address alternatives to using an internal emergency backup generator powered by propane.

Thank you."

Councilman Wooten: "Are you going to— thanks."

Supervisor Cardinale: "Thank you. I'd like to take any other comments that anyone would like to make.

If there are any other comments, I'd like to take them now. I'm going to leave this open for written comment for 10 days through a week from Friday, no a week through to Monday, let's see, it's Wednesday now, right. So the following Monday would be the 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, the 24<sup>th</sup>. Right? Yes. August 24<sup>th</sup>.

Any other comments?"

Councilwoman Blass: "I have one, Mr. Supervisor."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "In discussing or in analyzing the vegetation and the visual impact with respect to existing vegetation, I think it may be important to point out that beyond the Little Flower property, there is no control over what vegetation can remain or is— you can count on, on properties that you don't own.

So to the extent that when we have these visual analysis, we say, oh, yes, look at all these trees in the neighborhood, they're not necessarily under anyone's control other than the private owner. They could literally clear cut all of those because there is no restriction on a residential property.

So I guess what I'm saying is if you can possibly give the worse case scenario, if all of the vegetation outside of that— of your perspective, wherever you're taking it from, all that vegetation was cleared because quite honestly you can't compel these people to keep trees on their property, what would you have."

Supervisor Cardinale: "Yeah, I understand. That's an interesting— "

Councilman Wooten: "Yeah, let's look at it without any vegetation."

Councilwoman Blass: "No. You would have the ability to control the vegetation on the premises. But I'm saying you know when they do the visual impact, assume that there's nothing— or only include what's on that property. Maybe that's a better way to— "

8/12/2009

Supervisor Cardinale: "Is there another comment?"

Councilwoman Blass: "Because it isn't necessarily- "

Supervisor Cardinale: "That's a good point, not only for this application but for every one of them."

Kevin Kundmueller: "I'm Kevin Kundmueller. I work at Little Flower. And I do agree. I think that's a great comment. The Little Flower property is a thousand foot buffer to Woodside Road. I have some google maps if you want to see them.

And I do, as the supervisor pointed out, it's a very good comment to use on all future DEIS. The town has a water tower up near Hulse Landing that is within 200 feet of residential buildings.

Thank you."

Supervisor Cardinale: "Thank you. Okay. If there's no further comment today, I'm going to leave this open to the 24<sup>th</sup> at 4:30 p.m. for submission of verbal comment to the board.

There is a final comment from the applicant's representative."

John Caglan: "Thank you. And I'll be very brief. I'd just like to remind the board and audience that some of the issues that were raised were in fact addressed as part of the special permit hearing. I think Mr. Hanley touched on that as well.

Numerous documents supporting the need for the site are already in the record. We have the town's own maps based on the town's town-wide study that was done in 2008 of the maps of the existing towers and other sites in the area. A lot of that homework has been done. We can certainly reincorporate a lot of those submissions into whatever final impact statement but I would again remind everyone here that a lot of these issues have been addressed.

We'll certainly, you know, consider any new issues that are related to the environmental impact at the site or the potential environmental impact of the site but I would just remind as to those things.

A couple of them specifically that were raised, the towers not (inaudible), the towers not going to be lit. There's no reason to spend time and effort incorporating those issues into a final scope when they're not relevant.

So, again, I would just point that out."

8/12/2009

Supervisor Cardinale: "Thank you. The- I remember the application and the data that was given to us was considerable and in writing, and that's why we decided we needed a consultant to interpret the data and I haven't seen any interpretation yet so would you please get on that with Ann Marie.

But obviously we don't want to repeat what's already been done but we want to understand what we've already received which will help us to have a backdrop to the DEIS.

Okay. So now what we have to do is, yes- Dick, if you have a comment, make it."

Richard Amper: "Just to be clear, we want to get this thing right the first time. And it is essential that all of the requirements of the state environmental quality review act be followed in this particular phase.

If there is some information that was presented during the special permit, it needs to be incorporated into this thing in order for that final impact statement to be deemed complete. I don't want to come back where somebody says later well, but we did it someplace else. You have to do it under SEQRA and I want to make sure we're not failing to do that- failing to meet the requirements of SEQRA can impair the likelihood that this project could be approved under any circumstances.

If for example, the light example that the gentleman used, they need to say there are no light issues because we're not going to light it. But that belongs in this document. We can't pretend- I mean it's obviously convenient to the applicant that this information has been gathered but it needs to be included in the environmental impact statement. The environmental impact statement cannot simply refer to some other document. This has to be included in the document. That's the law."

Supervisor Cardinale: "That is the law, is it not, Dawn? And you alluded to that when you said you would- you could incorporate it.

But in order for you to incorporate it, I think Mr. Amper's point is it has to be part of the scope, that we have to ask for it."

John Caglan: "Agreed. But to the extent it is related to significant or potentially significant adverse environmental issues. Anything outside the scope of that, does not belong in the final scope and certainly doesn't belong in the EIS that's going to be before the board at the next meeting.

8/12/2009

So I just wanted to put a fine point on that as well."

Supervisor Cardinale: "Okay."

John Caglan: "And, again, Mr. Supervisor, I believe you invited or opened a window of 10 days for further comment.

I would remind the board that we have a 60 day window from when the draft scope was submitted to the town before the final has to be generated."

Supervisor Cardinale: "Okay. Yes. We're going to leave it open to the 24<sup>th</sup> at 4:30. We're going to be looking for those comments if there are any in writing. We will at the same time be reviewing these comments and we should be able to take action relatively quickly thereafter.

I would like you to find out where my consultant is.

If there's no further oral comment or verbal comment, I will adjourn— close the hearing as of 3:45 and ask for any written comment to be delivered to the town clerk by 4:30 p.m. Monday, the 24<sup>th</sup> of August.

Thank you."

Meeting closed: 3:35 p.m.  
Left open for written comment  
for 10 days to August 24, 2009  
at 4:30 p.m.