

Town of Olive
County of Ulster
State of New York
Tuesday, May 2, 2006

Minutes of a Public Hearing of the Town Board of the Town of Olive held Tuesday, May 2, 2006, 6:00 pm at the Town Meeting Hall in Shokan, NY. The purpose of the hearing as stated in the legal notice was to hear all in favor of or those opposed to an application filed by Nextel of New York, Inc., for a special permit to co-locate twelve panel antennas on the Masterpage tower on South Mountain.

Members Present: Berndt Leifeld, Supervisor
 Henry Rank, Council Member
 Helen Chase, Council Member
 Bruce La Monda, Council Member
 Linda Burkhardt, Council Member

Others Present: Dom Scaramozzino & Andrew McConnell, Nextel
 Representatives; Dan Shuster, Shuster Associates; Bill Cook, Assessor in
 Training; Everett Cook, ZBA Member; Timothy Rose & Michael Pantliano,
 Planning Board Members; Rob Parete, UC Legislator; and Jimmy Fugel,
 Highway Superintendent

The Town Clerk was absent due to emergency medical issues. Information for producing minutes was provided by Supervisor Leifeld.

Supervisor Leifeld introduced Dan Shuster of Shuster Associates to the approximately twelve persons in attendance. Supervisor Leifeld noted that Mr. Shuster was hired by the Town of Olive as planner in these wireless facility applications.

Dan Shuster presented correspondence #34-06 to Town of Olive Attorney Peter Graham outlining his concerns about the height of the proposed tower. Mr. Shuster stated the US District Court of Northern New York granted relief "directing issuance of a special use permit, building permit and any other applicable permits or approvals necessary for Masterpage to construct and operate its 142' facility on South Mountain." Mr. Shuster stated that in a conversation with Dom Covello, Building Inspector, he was informed that Masterpage submitted plans for a 182-foot tower. The building permit issued in compliance with the Court order does not specify the tower height. In their application for a special permit to co-locate on the same tower, Nextel of New York, Inc. indicates that their antennae will be placed at the 138-foot level. However, the tower plan submitted with their application is the same as that submitted by Masterpage with their application for a building permit and indicates a 182-foot tower with other antennae above Nextel's. The Town's Wireless Telecommunication Facilities law limits tower height to 140 feet unless a waiver is granted by the Town Board. In order to avoid any misunderstanding, it is Mr. Shuster's opinion that the Building Inspector should promptly advise Masterpage that the building permit issued is only for a 142-foot tower as mandated by the court and that, if a higher tower is proposed, an application for a waiver must first be submitted to and approved by the Town Board. Mr. Shuster stated he believes that any approval of the Nextel application is dependent on a clear determination that the tower does not exceed 142 feet or that a waiver for additional height is granted by the Town Board.

Supervisor Leifeld read correspondence #35-06 from Delia Kelder Adams stating she can not be present for tonight's public hearing. She stated the town already has her statements regarding the cell tower on South Mountain on file from the previous meetings. Mrs. Adams stated she is the owner of two abutting properties as well and she again states she is strongly against the construction of a cell tower on South Mountain and the application filed by Nextel.

All persons present having been heard the Town Board adjourned at 6:30 pm on a Leifeld/Chase motion.

Sylvia B. Rozzelle, Town Clerk