

**PITTSTOWN ZONING BOARD  
MINUTES OF OCTOBER 22, 2024**

A meeting of the Zoning Board of Appeals was held on October 22, 2024. The meeting was called to order by Chairman Fred Howard at 7:00 PM

**PRESENT WERE:**

Chairman, Fred Howard  
Member Randy Hall  
Member Dave Schmidt  
Secretary Colleen Thomas

**ABSENT**

Member Colton Hill  
Member Doug Jensen

**MINUTES:**

Member Dave Schmidt made the motion to approve the minutes of September 24, 2024 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried with Chairman Fred Howard abstaining.

**AGENDA:**

Member Randy Hall made the motion to approve the agenda of October 22, 2024 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**OLD BUSINESS**

Application by Cellco Partnership d/b/a Verizon Wireless, for a Wireless Telecommunications Permit and a Special Use Permit for construction of a 150' tall wireless telecommunications facility. The proposed facility is located on the property of Giesela Madigan, 90 Tomhannock Road, TPID #43.-2-40.2, and the facility site will be accessed from the west side of Rifenburgh Road. The site is currently used as agricultural land and the access easement passes through a wooded area. Verizon Wireless is a Public Utility and provider of personal wireless services under the federal telecommunications act of 1996. Under the provisions of Local Law 3 of 1999, the Pittstown Zoning Board of Appeals is authorized to review and approve, approve with conditions, or disapprove, applications for personal wireless telecommunications services facilities, and if appropriate issue the require Wireless Telecommunications Permit. Such usage is also subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE

AND LAND USE REGULATION adopted March 11, 2019, and as such a Special Use Permit is required.

The initial EAF submitted was printed blank. A new EAF was submitted. Police and fire district that would respond to site required further modification. What was referenced in last month's meeting was not correct. The applicant responded that at last month's meeting a discussion on what fire department responded wasn't etched in stone. The applicant was given the name number of the Pittstown Fire Department Chief, Mark Hubbs to reach out to. Applicant stated that the EAF would be completed with the updated information within the next couple of days.

Member Randy Hall brought up the discussion of the cell phone tower having a lightning pole on top making it bigger than the height requirements of the law. Chairman Howard responded the Zoning Board does have the power to modify the requirements. Chairman Fred Howard suggested that the applicant put that as part of their request to waive the height requirement for the lightening rod to be added.

The County Planner is supportive of the project. Planning Board evaluation of this project is not required. The ZBA is single point of contact for Town processing. Chairman Fred Howard stated that the removal bond law states \$75,000 questioned what the applicant was proposing. Applicant responded that they always put a \$75,000 bond on their projects. They did have a detailed estimate done which showed \$46,000 for this project. The \$75,000 they are proposing for the bond would be plenty. Chairman Fred Howard questioned if after the 5 years would the applicant check to make sure the \$75,000 was sufficient. Would like provisions for update at each agreement extension. The applicant responded yes.

Hank LaBarba questioned if Verizon would be the principal primary owner of the tower. The applicant responded yes. Chairman Fred Howard asked Hank LaBarba to have a more detailed report to the Zoning Board after looking at the completed EAF. The independent consultant evaluation report must be discussed in open meeting by board before Public Hearing can be held. Hank LaBarba questioned what else would be needed besides the detailed report that he submitted tonight. Chairman Fred Howard responded he would like Hank LaBarba to state that this is a Type I action in detail in this report.

Notice of initiation being managed by GSS in Texas was questioned. This is part of Verizon's coordinated review. The applicant responded that he has not received anything from them. This is the first time he is seeing this. The applicant requested a copy of what was sent to the Zoning Board. Applicant stated that he would check into this and as soon as he gets the information he will contact Chairman Fred Howard.

Is this application Gisela and Paul Madigan or just Gisela Madigan? The applicant responded Gisela Madigan. Notification to adjacent municipalities. Applicant questioned if a copy of letter that was sent to all of them was required. Chairman Fred Howard responded yes.

Hank LaBarba stated that this was a pretty complete application. The public hearing would be important for comments. The Board would need to rescind the unlisted action determination.

Member Dave Schmidt made the motion to rescind the unlisted action determination with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The applicant stated that he would reach out to the fire department and thanked the Board for the information. They will submit an updated EAF with the request for approval of the additional 4 feet height for the for the lightening rod.

**NEW BUSINESS**

Shawn Murray was in attendance. Stated he thought he was on the agenda tonight for a Special Use Permit. He submitted his application with the \$25 application fee and was told to be here tonight. His special use permit is to be able to have chickens. Chairman Fred Howard questioned if there was a sketch of the lot. Shawn replied yes there is. He submitted everything to the Town Clerk. Chairman Fred Howard apologized to Shawn. He stated he did not receive the application. He would look into it and put him on the agenda next month.

**OTHER BUSINESS**

Steve and Tim Roden attended the meeting tonight. They thought the dirt bike track at 1780 Tamarack Road was going to be discussed. There is no application before the board at this point and the only related items on the agenda are an acknowledgement that two representatives from NYSDEC visited the site on October 4, 2024 and receipt of formal complaints from several area neighbors regarding unpermitted activity on the site have been received. Chairman Fred Howard responded that the Town needs to address this. The Zoning Board is not involved until it has an active application before it.

Respectfully Submitted By:

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Colleen Thomas  
Zoning Board Secretary

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Dated: