

**ZONING BOARD OF APPEALS
238 Main Street, Cold Spring, New York 10516**

**October 2, 2017
7:30 P. M.**

Regular Monthly Meeting

Pledge of Allegiance

Approval of Minutes:

September 11, 2017

Public Hearing:

**Essex Green, Inc.
Douglas Lane**

**TM # 49.6-2-14
49.6-1-12 (Village of Nelsonville)**

Appeal # 910

(The applicant seeks to obtain an area variance for front and rear yard setbacks due to the failure to comply with the Dimensional Table of Chapter 175 of the Town Code. The property is in the RC Zoning District.)

1657 Route 9d, LLC (Chris Buck) TM #49.-1-24.1

Appeal # 909

(This application is a Planning Board referral to the Zoning Board of Appeals. The applicant seeks to obtain an area variance to erect an accessory garage which will exceed the 1,000sf maximum of the Town Code Section 175-10(D)(5). The property is in the RC Zoning District.)

**Verizon Wireless
22 Sky Lane**

TM # 83.18-1-22 & 23

Appeal # 908

(The applicant seeks a Special Permit Amendment and front yard setback area variance (150 feet required, 50 feet proposed) pursuant to Sections 175-64 and 175-46(G)(3)(c) of the Zoning Code to permit a temporary communications tower until existing communications tower is replaced. The property is in the SR Zoning District.)

Old Business:

**Homeland Towers LLC,
40 Yesterday Drive.**

TM #38-3-24.1

Appeal #906

(5,610 square foot fenced compound containing a 180 foot monopole and related equipment at base of the structure.)

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Zoning Board of Appeals of the Town of Philipstown on Monday, October 2, 2017 at 7:30 P. M. at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York to hear the following appeal:

Essex Green, Inc., Douglas Lane, Cold Spring, New York. Tax Map # 49.6-2-14. The applicant seeks to obtain an area variance for front and rear yard setbacks due to the failure to comply with the Dimensional Table of Chapter 175 of the Town Code. The property is in the RC Zoning District.

At said hearing all persons will have the right to be heard. Copies of the application, plat map and other related materials may be reviewed in the office of the Building Department at Philipstown Town Hall.

Dated 9/13/17

Robert Dee Chairman of the Town of Philipstown Zoning Board of Appeals.

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1657, LLC (Christopher Buck), 1657 Route 9d, Cold Spring, New York. Tax Map # 49.-1-24.1. This application is a Planning Board referral to the Zoning Board of Appeals. The applicant seeks to obtain an area variance to erect an accessory garage which will exceed the 1,000sf maximum of the Town Code Section 175-10(D)(5). The property is in the RC Zoning District.

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New York SMSA Limited Partnership d/b/a Verizon Wireless, 22 Sky Lane, Philipstown New York. Tax Map # 83.18-1-22 & 23. The applicant seeks a Special Permit Amendment and front yard setback area variance (150 feet required, 50 feet proposed) pursuant to Sections 175-64 and 175-46(G)(3)(c) of the Zoning Code to permit a temporary communications tower until existing communications tower is replaced. The property is in the SR Zoning District.

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Dated 9/13/17

Robert Dee Chairman of the Town of Philipstown Zoning Board of Appeals.

ZONING BOARD OF APPEALS
September 11, 2017
MINUTES

The Zoning Board of Appeals for the Town of Philipstown held their regular monthly meeting on Monday, September 11, 2017, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:	Robert Dee	-	Chairman
	Vincent Cestone	-	Member
	Paula Clair	-	Member
	Granite Frisenda	-	Member
	Leonard Lim	-	Member
	Adam Rodd	-	Attorney (Drake Loeb PLLC)
	Ron Gainer	-	Engineer

****PLEASE NOTE that these minutes were abstracted in summary from being present at the meeting and the television video. If anyone should seek further clarification, please review the video.**

Chairman Robert Dee opened the meeting at 7:30 P. M. with the Pledge of Allegiance.

Minutes

Chairman Robert Dee: Good evening. Alright. We've got a big agenda so, bear with me. First we're going to have the minutes. Anybody have any changes on the minutes? Last meeting? Paula?

Paula Clair: No

Chairman Robert Dee: Okay. Can I get a motion?

Paula Clair: I move we accept the minutes.

Chairman Robert Dee: Second?

Leonard Lim: I'll second.

Chairman Robert Dee: All in favor?

Vincent Cestone – Aye.

Paula Clair – Aye.

Granite Frisenda – Aye.

Leonard Lim – Aye.

Chairman Robert Dee: Okay. Next one is the meeting for next month. We always run into this problem. October 9th is Columbus Day, so, we've got to change it.

Leonard Lim: Columbus Day.

Chairman Robert Dee: Columbus Day. So we can change it to Monday, October 2nd or we can go later on to the 23rd. The 23rd is kind of late. I'm looking for the 2nd. Anybody have any objections to Monday the 2nd?

Granite Frisenda: I'm not sure.

Chairman Robert Dee: Not sure...

Granite Frisenda: Yeah we can do the 2nd.

Chairman Robert Dee: You good?

Granite Frisenda: Yeah.

Chairman Robert Dee: Okay. So the meeting will be Monday, October 2nd instead of the 9th. Okay. Next order of business is going to.... We did that, the meeting. Oh, I got a letter from Joel Cooper, Esquire, retired, 120 Rockwald Road. I think everybody's got a copy of it. I suggest you read it. Not now; when you get a chance read it. It has a lot of good information there concerning cell towers.

Paula Clair: Is that...

Chairman Robert Dee: It's in your packet somewhere. It's not included in the...it's not required reading. It's something that was given to us.

Paula Clair: I don't think I have it.

Chairman Robert Dee: It's in the packet that she just gave you.

Paula Clair: This one? Alright, I don't see it.

Max Garfinkle: It's right here.

1657 9D, LLC

Chairman Robert Dee: Okay so the first thing I'm going to do is I'm going to do the residential first then the two (2) cell towers. First thing I'm going to do 1657 Route 9d, a land variance. Mr. Watson why don't you tell us what you're requesting here.

Glen Watson: This is just the display. (Mr. Watson passed out a copy of the display board he was presenting)

Paula Clair: Thank you.

Leonard Lim: Thank you Glen.

Vincent Cestone: Thank you.

(Inaudible crosstalk)

Glen Watson: Good evening. Glennon Watson for 1657 LLC. We currently have a site plan on behalf of the LLC for approval of a new residence, actually its a addition to an old residence on route 9d. This property that you're looking at, and you have the display boards on your desk, it's about 35 acres. It's on Route 9d. It's exactly opposite the Manitou School, the old Plumbush. It's the former Patterson property. There's a Italianate building there that's gone into disrepair. It's being restored and the applicant is seeking a site plan approval from the Planning Board to make a fairly large addition to this property which includes an underground garage. The new building will work to the north and to the northeast. I'm sorry I'm going to correct myself; to the northwest and then the north ending in a garage that's going to be mostly underground. The only exposed part of the garage will be the northwest face where the garage doors are, the rest will be underground and landscaped. We discovered that buried in the regulations, and we cited in the application, is that there's a, in Philipstown the biggest garage one may have is a thousand (1,000) square feet. That's 30x30. By today's standards, especially on a large piece of property, that's not a very big garage. It'll accommodate 2, I don't think it'll accommodate 3, maybe if you stretched it a little hit the other way. So we're seeking a relief so that we can have a garage that's slightly bigger and frankly I didn't expect to go first so I didn't check my notes on how big but it's bigger. We could fool around, make part of it a tool shed and you know a workbench room, we don't want to do that. We have a garage that's bigger, we're seeking a variance in that regard. We have, as you can see as you look at the display, it's in the middle of a very large piece of property, the closest boundary is 428 feet away and we're seeking relief on that point.

Chairman Robert Dee: Okay. You're looking for 2,120 square foot section...

Glen Watson: Right

Chairman Robert Dee: ...instead of 1,000. Okay. Alright.

Glen Watson: Thank you.

Chairman Robert Dee: Alright that's the size you're looking for...

Glen Watson: That's my whole story. I think we're looking for a completeness review tonight and...

Chairman Robert Dee: You have to go back to the Planning Board.

Glen Watson: We have go back to the Planning Board and we can't go back there unless we have a variance or we reduce the size of the garage.

Chairman Robert Dee: Okay. Well, I have reviewed the application; I found that everything that is required to be in here is in here. Does anybody have any questions on this? Before we set up a public

hearing? Alright. We'll set it for a public hearing then. It'll be for... oh, application complete. Can we take a vote on the application complete?

Granite Frisenda: Aye.

Chairman Robert Dee: Agree?

Paula Clair: Aye.

Chairman Robert Dee: Agree?

Vincent Cestone: Aye.

Chairman Robert Dee: Agree?

Leonard Lim: I agree.

Chairman Robert Dee: Okay the application is complete. The public hearing will be October 2nd.

Glen Watson: Thank you very much.

ESSEX GREEN

Chairman Robert Dee: I think you're up again. Essex Green. Essex Green right?

Dan Richmond: Thank you very much Mr. Chairman.

Chairman Robert Dee: Good evening.

Dan Richmond: Good evening, How are you, members of the Board. My name is Dan Richmond. I'm with the law firm Zarin & Steinmetz and with Glennon Watson on behalf of the applicant Susan Green and Dana Simmons of Essex Green. We are here also this evening for a completeness review. We look forward to schedule a public hearing which we'll give a more detailed presentation. You may recall this project is a single family residential home in keeping with the neighborhood. It is separated; it is bifurcated by a municipal boundary. After some appearing before your board, we also appeared before the Village of Nelsonville ZBA and following discussions with your counsel and counsel for the Nelsonville ZBA it was determined that it would be wise for us to locate the house entirely within the Town. So we have now gone before, made an application to your Building Inspector who confirmed that this is a non-conforming lot. He determined that we would need a front yard variance because by his calculation, he calculates strictly from the Town line. We are basically 0 feet from the Town line although in reality we're much further from both Douglas Lane and the most proximate road Moffat Road. In terms of the rear yard, again, he determined that we needed a variance. He calculated that it was a 50 yard setback although, as we pointed out to him, the nonconforming lot provisions of the Town Code actually say it's a 20 rear yard setback for nonconforming lots so we're not sure we need a variance but again, he determined we do need one so we are here applying for that.

Chairman Robert Dee: The Building Inspector determined you needed one.

Dan Richmond: The Building Inspector determined that yes.

Chairman Robert Dee: Our Building inspector right?

Dan Richmond: Yes sir.

Chairman Robert Dee: In looking at your plans I see the....you're looking for 2 variances in the back. You're looking for a 23.8 and a 24.5. But, the deck, I see the deck here so shouldn't it go from the deck back? Because the deck is going to have to be included in the variance. If I'm wrong tell me.

Dan Richmond: I guess if you want to calculate it from the deck yes that's....

Glen Watson: We'll fix the map.

Chairman Robert Dee: So fix the map and let us know from the deck back because otherwise if we'd given it to you that could be illegal. We don't want to start with that.

Dan Richmond: Okay I appreciate that.

Chairman Robert Dee: First I want to compliment you on putting it together like that.

Dan Richmond: Thank you very much Chairman.

Chairman Robert Dee: On putting the application together, it was very easy to read. I...

Dan Richmond: One thing I also just wanted to point out to the Board about... although the driveway will be located entirely within Nelsonville, the Building Inspector in Nelsonville has indicated that that's the entirety of their...

Chairman Robert Dee: I don't want to hear that, okay, because the first meeting we had that, the building inspector said it was okay then the mayor said it wasn't okay. So I don't wanna hear anything about Nelsonville. You're going to deal with Nelsonville, you deal with Nelsonville. Okay?

Dan Richmond: Thank you.

Chairman Robert Dee: What we're speaking about is what's in Philipstown.

Dan Richmond: You got it.

Chairman Robert Dee: Thank you. Anything else?

Dan Richmond: Again we would be happy to give a more detailed presentation but I think that might be more appropriate for the public hearing, which we would ask the Board to set. And then we would also ask the Board to refer this out for 239m and 239n review since it is abutting a municipal boundary.

Chairman Robert Dee: By the, yeah right. And also by the....an aqueduct? New York City? Does New York City have to be notified on that?

Glen Watson: They get notified as an adjoiner but not for the 239 referrals.

Dan Richmond: No, right they get the hearing notice.

Chairman Robert Dee: Okay. Well I looked it over and it looks complete to me. Does anybody have any questions on it? Does anybody have any questions on this? Alright. I make a motion that the application be...

Josh Meyer: Mr. Chairman, (inaudible) people speak on that before...

Chairman Robert Dee: This is not really...that's for the public hearing.

Josh Meyer: But this would apply to the appropriateness of the application.

Chairman Robert Dee: Okay.

Josh Meyer: ...and whether or not there are additional variances necessary.

Chairman Robert Dee: Alright go ahead and speak. Identify yourself. I don't want to get too much in because it's a long thing so give me...make it short.

Josh Meyer: I will; I will do my best. And it's just to make sure, and I won't address any of the factors or anything else that would be necessary during the public hearing. I do believe there's potentially some additional variances that would be required. My name is Josh Meyer, I'm here with my brother Jeff on behalf of the Meyer family who's on the adjoining property immediately to the west across what's known as Douglas Lane, which is a private driveway there.

Chairman Robert Dee: Okay.

Josh Meyer: But, in the first instance, the property that's only in the Town. It appears that it needs an area variance as well because it's less than, it's not a non-conforming lot as we review it.

Chairman Robert Dee: Our building inspector determined it does not.

Josh Meyer: Right, and I think that that's potentially an error because...

Chairman Robert Dee: Well, then you'd have to deal with the building inspector.

Josh Meyer: Okay and so I'd like the opportunity to do that because, if I could just explain for one second...

Chairman Robert Dee: Sure.

Josh Meyer: Originally it was a 1.22 acre lot that was in Philipstown. Cold Spring acquired the parcel to the north, 2 parcels actually, and so it was a legal lot at that point, 1.22 acres; the zoning was 1 acre at the time. Then they acquired that property. But they didn't do it... The applicant is utilizing the exception in the law that says if the property is taken for public purpose then they get an exception from that and they can be a legal nonconforming lot but it wasn't taken as that term is used; it wasn't taken by eminent domain or condemnation or anything along those lines. So they shouldn't receive that exception and exemption from that and they would require, at this point, a variance on that parcel and in this case, since it's only .55 acres, they need a 9.45 acre variance and a 94.5 % variance. So, I think that that's something that you may want to look at and if I could have the opportunity to speak to the Building Inspector about that...

Chairman Robert Dee: Yes I would suggest that would be the person to take that up with.

Josh Meyer: Okay.

Chairman Robert Dee: Our Building Inspector, you can give him a call and explain it because I'm not going to take up all the time here tonight with this.

Josh Meyer: Right, Okay. But would that be put off then to allow him the ability...

Chairman Robert Dee: No. We're gonna call for a public hearing probably for October 2nd.

Josh Meyer: Because that would directly apply to the ability for him to deny it at that point.

Chairman Robert Dee: He has plenty of time to deny it.

Josh Meyer: But prior to that...

Chairman Robert Dee: You call him. If he feels that it's not, that he agrees with you, he can call us and tell us that, you know, he's gonna deny it for that or he's not gonna allow.....he wants a different variance.

Josh Meyer: Okay.

Chairman Robert Dee: I can only go by what the Building...our Building Inspector gives us these reports, okay. And I read his report; he says he determines that it's conforming, so. He determines what we need, what they need is a lot line thing for the front and for the back.

Josh Meyer: Right, and that doesn't need to be done prior to the point at which you set the public hearing?

Chairman Robert Dee: What doesn't have to be done?

Josh Meyer: The denial so that it would go before your board as part of a public hearing?

Chairman Robert Dee: Well yeah but a public hearing won't be until October 2nd.

Josh Meyer: Right so he could still deny it prior to that time, prior to you doing that.

Chairman Robert Dee: Oh sure.

Adam Rodd: Just to be clear he already denied the application for a building permit because they need variances and he identified that the variances that the applicant needs to demonstrate to the Board and that's what they're appealing. We're an appellate Board and we're dealing with those variances.

Josh Meyer: And that's exactly why I'm mentioning that because he only mentioned 2 that were necessary and I believe that there's one's in addition to that.

Adam Rodd: He disagrees.

Josh Meyer: I understand that but, and that's why I am discussing it with this Board, and as well with you, potentially, to say that that's exactly what happened. That is not the way that the Code reads. It says that it's taken and it's clear that that means by eminent domain or by condemnation.

Adam Rodd: Well, again, as the Chairman indicated, this is a review for completeness. You certainly have the opportunity to speak at the public hearing. You certainly have the opportunity to visit the issue with the Building Inspector but we're hearing the appeal from the denial. So, you're free to bring up those issues but this is just a review for completeness and we're telling you what we're concerned with.

Josh Meyer: Right and so, and you would agree though that he would be able to deny that between now and the time of the public hearing? And that that could be taken up as a variance that would need to be obtained on this property at that time?

Adam Rodd: Well...

Josh Meyer: ...or would that be subject to a separate public hearing?

Adam Rodd: Well, at this juncture you're free to raise whatever issues you deem appropriate. We're an appellate body, so we are considering the appeal from the denial.

Josh Meyer: Right.

Adam Rodd: You're free to speak to that.

Josh Meyer: Right.

Adam Rodd: You're free to converse with the applicant and applicants counsel before then. This is a review for completeness. The application is complete and it's on for October 2. For what it's worth, we haven't made the general municipal law referral yet. We will be making that referral. I can tell you that they have 30 days in which to reply. They might not reply before October 2. If they don't reply before October 2 technically we can't decide it on that date; we might have to put it over. So I'm just kind of, I'm just giving you a lay of the land of what's gonna happen. But that's where we are.

Josh Meyer: And that's why I was trying to address it with the board prior to setting it for the public hearing, so that if there are additional variances that are necessary, they could be all taken up at the same time. I do believe Town Law 280a is also in play as well because they don't have frontage on a....I don't know, in a sense...my whole point is not to rush it. There's not frontage on a Town road. Town Law 280a says that they need frontage and access to a Town road through a street that's either on the map and that's not located on here, so, that would be another one you would need...

Chairman Robert Dee: Right. That would be Nelsonville right? Is that correct? The other piece of property?

Josh Meyer: No, you would need it to connect. This property in the Town can not have...wouldn't satisfy Town Law 280a. So at that point if it can't be satisfied, they can't be granted, they would need a variance on that as well and that's why I'm asking for these additional issues to be taken up by the Board.

Chairman Robert Dee: We're not gonna (inaudible) tonight. The public hearing is set for October 2nd and we'll deal with it then. If you want to contact our Building Inspector and disagree with him as far as his decision you can clearly do that. You can do that, okay? Thank you.

Josh Meyer: Alright thank you.

Dan Richmond: I don't know if I can respond to this issue...

Chairman Robert Dee: No. I don't want you to respond. Public hearing. Okay you have a public hearing set for October 2nd.

Dan Richmond: Thank you.

Chairman Robert Dee: You're welcome. Okay. Oh, make a motion for the public hearing.

Granite Frisenda: I make a motion.

Leonard Lim: I second.

Chairman Robert Dee: All in favor?

Paula Clair: Aye.

Vincent Cestone: Aye.

Granite Frisenda: Aye.

Leonard Lim: Aye.

Chairman Robert Dee: Okay. Public hearing is October 2nd.

VERIZON – 22 SKY LANE

Chairman Robert Dee: Next order of business is 22 Sky Lane. Hi Mrs. Snyder how are you?

Leslie Snyder: Good, how are you?

Chairman Robert Dee: Tell us what you're looking for.

Leslie Snyder: Sure. Good evening honorable Chairman and members of the Board. My name is Leslie Snyder I'm a partner in the law firm of Snyder & Snyder and I'm here tonight on behalf of New York SMSA limited partnership doing business as Verizon Wireless. Verizon Wireless received a special permit to locate a telecommunications facility at Sky Lane and that consisted of collocating antennas on an existing tower that exists on Sky Lane, along with related equipment. Unfortunately the existing tower, due to new regulations, has not been able to accommodate the antennas. And so they are in the process of working on trying to replace that tower. In the meantime, Verizon Wireless has a need to provide the necessary coverage. So what Verizon Wireless is proposing is to have a temporary facility, we call it a cell on wheels or a COW, at the facility and that would be...we would request that you amend our existing special permit and allow us to have this temporary facility and once the new facility and replacement tower is in place we will move our antennas to that location and remove the temporary facility. We submitted all the necessary materials we...

Chairman Robert Dee: No. No, you haven't submitted all the necessary materials. We're gonna go over that now.

Leslie Snyder: Okay, sure.

Chairman Robert Dee: We're gonna go over and see what you're lacking and make sure.

Leslie Snyder: Okay, sure.

Chairman Robert Dee: Okay great. I guess the first thing I'm trying to say is, let me give you a little history. I had to go to 2 appeal application hearings. One was for this, not hearings but meetings, with the town or inspector asked me to go. The building inspector. That was in July I guess?

Leslie Snyder: Yes it was.

Chairman Robert Dee: And Mrs. Snyder was there and Mr. Gaudio was there for WHUD, correct. What they are...WHUD is...that tower's been there since the 50s. They're gonna have to put up a new tower. Their plan is to replace, not replace I'm sorry, build a new tower next to the old tower, move the equipment onto the tower, and then they're going to dismantle that tower on site. Alright? Now I haven't gotten the application yet, I guess we'll be getting it shortly. I know there was some disagreement about, you didn't think you had to come before the Board, I don't know where you are with that Mr. Gaudio but if the application comes before the Board. I would imagine it would be within the next couple of months. I guess my question is, we gave Verizon approval almost, it was 22 months ago to...yea it was November...

Leslie Snyder: In November 2015 yes.

Chairman Robert Dee: Yeah 22 months. To put on their equipment on the WHUD tower. When did you find out that the standards had changed?

Leslie Snyder: The standards have changed. They changed the wind load standards from a Rev-F to Rev-G...

Chairman Robert Dee: Right.

Leslie Snyder: ...and as a result of that...our engineer is here but several months. We had plans...

Chairman Robert Dee: I'm just curious to know when it was changed.

Leslie Snyder: I think the...

*Inaudible

Chairman Robert Dee: April 16, 2016. So from November 15th to April of 2016 you could've put your equipment on that tower.

Leslie Snyder: Well we would have had to, you know we would have obviously had to go through all the procedures to get a building permit etc. and we knew that we...

Chairman Robert Dee: We gave you a special permit.

Leslie Snyder: We know that but we were filing, we were doing our construction drawings and in the process of that we realized that we would not be able to meet the new criteria. So even if we would've put our antennas up we would not be meeting the new Rev-G, the new structural criteria. So that was an issue for us. We were looking to what we could do to deal with the tower but it was so extensive that we could not, we could not do that.

Chairman Robert Dee: Right. My question was, it's been 2 years almost. 22 months okay? Just hear me out. You haven't done it okay? I mean it's, so I guess people have been surviving without the lack of coverage down there. Why wouldn't you wait until WHUD put up the new tower because in that meeting they said it could put it up in 3 or 4 weeks; they could put up the tower once they get the permit.

Leslie Snyder: We've been waiting for a long time for them to...

Chairman Robert Dee: Well that's because...

Leslie Snyder: ...do that and we don't...and Verizon, you know there is a need for the site. We proved that when we got our special permit. You know, there are....

Chairman Robert Dee: I guess we've been getting along though for the past 2 years okay.

Leslie Snyder: Yeah until there's a problem. Until you have a hurricane. I mean, unfortunately I have friends in Florida. I mean, until these terrible events which no one foresees. You know, I would not want to be someone in that area...

Chairman Robert Dee: Okay.

Leslie Snyder: ...that can't provide the coverage. I mean Verizon's customers have a need for the service and it is a, quite of a bit of an expense for us to put this temporary facility there.

Chairman Robert Dee: I can see that.

Leslie Snyder: So its not our first choice but at this point we don't want to wait anymore. We've waited, and it has been some time and we've waited enough time. That's why we're eager to get it done this quarter.

Chairman Robert Dee: Okay. You didn't wait on our account.

Leslie Snyder: No. We waited because we thought that it would move along quicker than it did, to be frank.

Chairman Robert Dee: Okay. Alright that's okay. Now lets go with what you submitted.

Leslie Snyder: Sure.

Chairman Robert Dee: You submitted a, first thing was a Zoning Board application. Okay. The application reads 'place antennas on a temporary facility'. Okay. I would rather it to read 'Temporary cell tower 100 feet high, height of 100 feet' isn't it? 100 foot tall?

Leslie Snyder: It's not a cell tower per say. It is a, I mean, it is not, in the permanent sense, it's not going to be a permanent structure. It's gonna be...

Chairman Robert Dee: It's a temporary cell tower.

Leslie Snyder: Right.

Chairman Robert Dee: Okay. Well I would like to see 'Temporary cell tower of 100 feet height'.

Leslie Snyder: Well we site to the plans but if you want us to clarify that we're more than happy to.

Chairman Robert Dee: Yea, no problem. Okay. Now the second thing would be, you're gonna need is, in looking at your site plan...you're 50 feet from the road, okay. You're gonna need 150 feet. Okay? According to the town code, you need 150 feet. So you're looking for a 100 foot variance to put this equipment up. Am I correct, Mr. Gainer, as the engineer?

Ron Gainer: Yes that's correct.

Chairman Robert Dee: Okay. I'm not an engineer but I could read the book. So, you need a, you're gonna need a 100 foot variance. So you're gonna need another application for a variance. My question to our attorney is, can we make this all into 1 or does she need another application for that variance?

Adam Rodd: You could make it into 1 and I think in their application materials they did refer to the fact that there's a 150 foot requirement for, they call it a front setback, and they're proposing 50 so we could consider that at the same time that we consider the amendment to the special permit.

Chairman Robert Dee: Okay that was in the site plan. The site plan said that there was, that they required 150 and they're only at 50 so.

Adam Rodd: Right.

Leslie Snyder: We've (inaudible) our statement in support and we can put that. That was not noted originally by the building inspector I think because of the temporary nature of this type of facility...

Chairman Robert Dee: Right. The only problem I have with temporary nature is sometimes things tend to stay there a long time. You know, like the 2 years that you haven't put the equipment on, you know. Alright, so, you're not gonna wait, so you want to place the thing on the thing, okay. Now, on the variance you're gonna, we can include in the thing, okay good. Now there's, the other thing you gave us was a statement of support, which is good, a deed for the property, okay. Certificates of occupancy, okay. Now you provided a short environmental assessment form. I think this is gonna be a unlisted action, am I correct?

Adam Rodd: Correct. So you would just need a long form.

Chairman Robert Dee: A long form.

Leslie Snyder: Okay. I mean you can use a short form for an unlisted action as well. You only need a...you only need the long form if it was a Type-1 action but I have no objection. I'm not sure if there's anything we would need additionally, but if your counsel would like us, we can supplement it with a long form as well. I'm just not sure it's necessary due to the nature because it's just, you know, we're not really doing any disturbance other than putting this temporary facility down.

Chairman Robert Dee: Well you're disturbing, you're gonna have to cut some trees down to put it there.

Leslie Snyder: I don't believe so.

Chairman Robert Dee: I went and looked at the sight today, there's a lot of trees there.

Leslie Snyder: There are a few trees?

Chairman Robert Dee: Alright. You've got to get up to the microphone. I went and I looked at the sight today. As a matter of fact, I met the caretaker who house burnt down I guess up there on the top of Sky Lane and he, I guess it's WHUD's house, who owns the house I believe, or something like that. So you know he...

Engineer for Verizon: Yea there are some...

Chairman Robert Dee: But I looked at it; there are some trees there.

Engineer for Verizon: There are trees there, just not at the location where the tower is going but to place it there we will have to remove some trees to get it there.

Chairman Robert Dee: Well it's 200 feet from the, from the tower right basically? Is that where you're gonna put it?

Engineer for Verizon: Yes, yea.

Chairman Robert Dee: Why does it have to be so far from the tower?

Engineer for Verizon: Multiple reasons. First is that the land in that area is, it's a steep slope. We want to have at least the height that we would have achieved if we had been on the original tower. So just to keep that and keep the temporary tower limited to 100 feet we had to keep it at that elevation. If we move it further back than it's gonna be lower and...

Chairman Robert Dee: It would be lower in the valley and you'd have to make it higher.

Chairman Robert Dee:...we'd need a lot higher, a taller tower.

Chairman Robert Dee: Okay. Well I'd like to put this over to next meeting so you get the full environmental form and the...any other information that we require.

Leslie Snyder: Honestly, there's not much due to the nature of ours, so if there was a way that we could at least have our public hearing and we'll be happy to submit the long form in the next day or so because....that would be greatly appreciated.

Chairman Robert Dee: Let me ask the consultant a minute. Ron, what do you think about what we need besides that?

Ron Gainer: Sure the...

Chairman Robert Dee: You'll have to get up to the microphone. It's just they're looking for a public hearing next month. I just don't want to, you know, make sure we have everything that we need.

Ron Gainer: No that's correct. The applicant's attorney is correct that for an unlisted action you only require a short form EAF but I have no objection to Town counsel suggesting use of a long form. That's totally fine. That's not a significant issue for the applicant, I think, to produce. That can easily be produced probably shortly after tonight's meeting. There's various other administrative things that the Board will want to do as well just given the nature of the application. One of it is pursuant to your Town Code. The first thing one does for a special permit application is to determine whether it falls under the criteria for a minor or major project. Based on prior discussions that I've had with counsel when the application was filed, it was their recommendation since they've already had a special permit

and this is basically a work around until the WHUD tower is replaced, that it should be considered a minor project. So I'd suggest at tonight's meeting you take that action to formally declare it as a minor project. There's also a need, based on its proximity to the town boundary, that a referral be made to Putnam County Planning and both of those actions I think could proceed tonight so that that least...the administrative requirements are accomplished to your code.

Chairman Robert Dee: Right. Well I think read in the emails back and forth with Steve Gaba I think, the town attorney, I think he felt that it was a minor.

Ron Gainer: Exactly. That's the guidance that I'm providing to you in the written materials you have from me.

Chairman Robert Dee: Right...he felt it was a minor action.

Ron Gainer: That's all coming from counsel's office.

Chairman Robert Dee: I guess I'll ask the Board members. Do we think it's a minor action or major action?

Leonard Lim: I agree.

Chairman Robert Dee: Minor? Okay. Just so I understand this aside I'm gonna ask for a time limit on this. Okay. You've got to understand

Leslie Snyder: Sure. We have no objections. If the new tower was up...we want to be on the new tower and....

Chairman Robert Dee: Right. And that it's gonna be removed quickly and all like that.

Leslie Snyder: Yes. We have no objection.

Chairman Robert Dee: So I guess, if you can have the stuff for us next month, we'll put it on for a public hearing if there's any...does anybody agree or disagree? Alright can I get a motion for this to be put on for a public hearing?

Leonard Lim: So moved.

Vincent Cestone: Second.

Chairman Robert Dee: All in favor?

Granite Frisenda: Aye

Paula Clair: Aye.

Leonard Lim: Aye

Vincent Cestone: Aye

Chairman Robert Dee: Aye

Chairman Robert Dee: Okay. October 2nd Mrs. Snyder. Thank you. Alright.

Adam Rodd: Bob I would...did you make a formal motion that it is a minor project?

Chairman Robert Dee: Oh no, okay.

Ron Gainer: And also you haven't done the referrals to Putnam County Planning.

Chairman Robert Dee: Oh Putnam County Planning right Tara? I make a formal motion that it be classified as a minor project. So moved?

Vincent Cestone: So moved.

Chairman Robert Dee: All in favor?

Granite Frisenda: Aye

Paula Clair: Aye.

Leonard Lim: Aye

Vincent Cestone: Aye

Chairman Robert Dee: Aye. Okay. Next order of business is...

Adam Rodd: You know if County Planning doesn't get back to us in 30 days we can't act...

Chairman Robert Dee: Can we act...

Adam Rodd: Cannot...

Chairman Robert Dee: Cannot act.

Adam Rodd: ...until they either get back to us or 30 days has elapsed so...

Chairman Robert Dee: Okay.

Adam Rodd: ...as long as...in other words you could still, you know, we can keep the October 2 date but we might not be able to make any decisions unless County Planning gets back to us.

VINEYARD ROAD

Chairman Robert Dee: Okay. Next order of business is a cell tower at Vineyard Road.

Robert Gaudio: Good evening Mr. Chairman, members of the Board. Robert Gaudio with the law firm of Snyder & Snyder on behalf of New York SMSA limited partnership doing business as Verizon Wireless and Homeland Towers, LLC.

Chairman Robert Dee: You submitted a...thank you for submitting all the corrections that I asked you at our June meeting. I asked you for a number of corrections and like that and instead of just making corrections you made new reports so I appreciate it.

Robert Gaudio: Correct.

Chairman Robert Dee: So what I would like to do to move this along we'll go along with your letter, I'll address your letter as you have it numbered.

Robert Gaudio: Great.

Chairman Robert Dee: Okay and this way we can go over each one and know where we're at or if we need anything else. Okay. And then at the end of the meeting, not at the end of the meeting I'm sorry, at the end of this I'm gonna ask for a report from RF engineer and our, you know, Town engineer. Okay. The first note you have here is in the application form. Okay see you changed that to read, you have an address now 50 Vineyard Road.

Robert Gaudio: Correct.

Chairman Robert Dee: And you changed it to read, instead of being just a cell tower you have the height on it, 180 foot monopole. Okay so that's good. Second one you have Independent Frequency, Radio Frequency Report. I guess that's to, not guess but, I guess to provide the board with a reason for having a cell tower, period.

Robert Gaudio: Correct.

Chairman Robert Dee: Okay, I'm gonna, like you say, ask RF engineer to address that but I have a question there. You have like several pages of where towers are and so and so forth. And then you have Mekeels Corner, okay. Then you have with Mekeels Corner and without Mekeels Corner. And also I saw some note that you were gonna maybe abandon Mekeels Corner and replace it with this?

Robert Gaudio: We would replace Mekeels Corner with this site. Correct.

Chairman Robert Dee: So why wouldn't you just leave Mekeels Corner and then we wouldn't need this.

Robert Gaudio: Because Mekeels Corner does not provide the full coverage to the area whereas this would and then this would be duplicative of Mekeels Corner so that's why we would Eliminate Mekeels Corner.

Chairman Robert Dee: Aright so we have a cell tower you're eliminating for, to put this one in.

Robert Gaudio: Correct.

Chairman Robert Dee: Okay. Is that one working? Mekeels Corner?

Robert Gaudio: It's working to cover a limited area but it's not covering all the gaps particularly on 301 and Route 9.

Chairman Robert Dee: Okay. Let's see...next one you got is the Antenna Compliant Assessment Report. I see you made the corrections on that. Right? The only thing ...saw the certification...on the back it reads "that the results of the analysis demonstrates compliance with FCC Regulations and limits concerning the control of potential human exposure to the RF emissions from antennas". I know that we had discussed about the 500 feet and that some of the homes are closer than 500 feet. Have you addressed that all? If there's any exposure under 500 feet?

Robert Gaudio: Correct. We've, we have a chart in the report that includes all the distances within 500 feet and then what the question was, the closest residence, which we also included a specific calculation for that as well; and in the report, there's also a statement in the report that any distance, the facility is in compliance with the FCC regulations.

Chairman Robert Dee: Okay. Next, let's see a Visual Resource Assessment. Now the old one you had was like a, of course you had the wrong addresses on there, you had the Fishkill tower on. Secondly you had, you were projecting a simulation of a tower that had like only 1 unit on the top and I'd asked for it to be projected the way it was going to be, 3 or 4 companies on it.

Robert Gaudio: Well it's only going to be 1 but we are building it to future collocation capacity and we showed those additional 3.

Chairman Robert Dee: Yea correct. I see that. On page 3 of that report, want to go to page 3, second paragraph down, the one that addresses 100 Rockwald Road. I'll wait until you get it. Okay? 100 Rockwald is the closest residence to the tower sight.

Robert Gaudio: Correct.

Chairman Robert Dee: "The structure is approximately 750 feet northeast to the proposed tower. The residence is a elevation of 765 feet, approximately 85 feet higher than the proposed tower base and approximately 100 feet lower than the tower top. The rear of the house, including outdoor deck, face southwesterly and the rear yard slopes downhill in the direction of the tower. The tower appears to be approximately 250 feet from the property line as measured in a straight line between the tower and the house". So then you go in the back where he has his maps he says it's still 760 feet. I'm not the best at math, but I know if I measure it 250 feet or 200 feet from my property line, how does it become 760 feet?

Robert Gaudio: I'm not sure I'm following. There's a specific map in the back.

Chairman Robert Dee: No go to the paragraph. Go to page 3.

Robert Gaudio: I understand that paragraph. I think...

Chairman Robert Dee: I don't understand it. That's the reason I'm asking you.

Robert Gaudioso: Well, if you look at the map which is attached as Site line

Chairman Robert Dee: Which page are you on?

Robert Gaudioso: That's this map here.

Chairman Robert Dee: There's a lot of maps give me a number on the bottom.

Robert Gaudioso: So it's Appendix B.

Chairman Robert Dee: Appendix B. Okay. Yea I see it. It says 825 feet?

Robert Gaudioso: So that's to 60 Round Hill Road.

Chairman Robert Dee: Okay.

Robert Gaudioso: So 100 Rockwald Road is 765 feet.

Chairman Robert Dee: My question is...

Robert Gaudioso: Approximately because we're using an aerial map and we couldn't survey the other gentleman's property.

Chairman Robert Dee: I'm a plain man I just ask simple questions. If it's 250 feet from the property line how does it become 760 feet?

Robert Gaudioso: It's from the tower to our property line and then from our property line to the residence. And when you add those 2 distances up it's 760-765 feet.

Chairman Robert Dee: Okay. Alright well I'm gonna, I'll speak to our RF engineer on that. Also, you speak to...there's no...let's see. I'll continue on in the paragraph... "the proposed project currently under consideration by the ZBA includes one antenna array to be located near the top of the 180 foot tall tower". So you're gonna have antennas on top of the tower?

Robert Gaudioso: No. The antennas, as shown on the site plan. The top of the tower is 180 feet, the antennas go up to that maximum but no higher than 180 feet.

Chairman Robert Dee: No higher than 180 feet.

Robert Gaudioso: Correct.

Chairman Robert Dee: Okay. "However the tower is designed to accommodate 3 additional antenna arrays at lower levels, elevations, although illustrations of these arrays in the future will require additional municipal approval. Questions have been raised concerning the visual appearance of the

proposed telecommunications tower should all four arrays be constructed. To address this question, supplement photo simulations are attached, Appendix C, illustrating the possible future four array configurations. Even with speculating a four figure array configuration to the proposed facility will not have an adverse visual impact". Now, if you go to...let's see in the same report it would be figure C8b. It's a simulated picture of 60 Round Hill Road. Let's all take it out here so we're all on the same page. Please.

Robert Gaudio: Yes.

Chairman Robert Dee: Okay. You have that?

Robert Gaudio: I do.

Chairman Robert Dee: Okay. This is I guess...the above photo...let's see. It says it was taken from the view from the elevated deck in the rear of 60 Round Hill. Okay. I'm looking at a tower with 3 companies on it.

Robert Gaudio: Well you can't see the fourth because it's below the tree line.

Chairman Robert Dee: I can't see the fourth but I can see the other 3.

Robert Gaudio: Correct.

Chairman Robert Dee: Okay. How does it not have a...how could you stand there and say it's not a visual impact, I guess is my question. How can a man write a report saying there's no visual...would you want to be on that deck looking at that?

Robert Gaudio: Well, let me say this, I don't think that's a fair question and...

Chairman Robert Dee: Why?

Robert Gaudio: Because...

Chairman Robert Dee: I'm just asking; why don't you think it's a fair question?

Robert Gaudio: Because you're asking me would I want to be on the deck looking at it. I mean...

Chairman Robert Dee: No, if you were...

Robert Gaudio: I could answer that question a million ways. No I wouldn't want to be on that gentleman's deck looking at it, I'd rather be someplace else.

Inaudible (Crosstalk)

Chairman Robert Dee: If you were sitting on that deck looking at that, wouldn't you think that would impact your view?

Robert Gaudio: So the issue of aesthetic impact is not a subjective question the way you are posing it to me. The case law, and even the DEC manual on assessing visual impact requires that it be an objective review. And throughout this report and the prior report there's a full analysis of what an objective review of that particular legal term under SEQR means. And in fact, the DEC, in that report specifically states "a view of something, even a startling view of something, is not necessarily a significant adverse visual impact". So you have to look at it in the context of what the legal standard is not simply, would you think that that's a visual impact if you were standing on the deck. So the expert in the report is basing his conclusions on that standard based on his experience, based on his training and based on his analysis. So that's why the report was written based on his opinion.

Chairman Robert Dee: Okay. I'm just looking at the picture. I'm not an attorney or anything. All I know if I was sitting on the deck like that, it would be an impact to me. That's just a personal opinion. I'm entitled to my personal opinion.

Robert Gaudio: Never said you weren't.

Chairman Robert Dee: Okay. Next one is your Visual UAF. I see you changed the...your previous answers to include that there are residential homes in the area. Before you had there was no residential homes.

Robert Gaudio: It's a matter of...

Chairman Robert Dee: Of what?

Robert Gaudio: ...of the distances and as you know we're on a non-commercial property so we did check the box based on your request.

Chairman Robert Dee: There are residential homes there. Correct?

Robert Gaudio: Again, there's residential homes within the area so we checked the box but we're on a commercial property.

Chairman Robert Dee: Now the pond. You checked finally that there was a pond there. You know, before you didn't have that there.

Robert Gaudio: We checked it as a pond; it's basically a retention pond but we did check it as a pond.

Chairman Robert Dee: It's a pond.

Robert Gaudio: It's a retention pond. So...

Chairman Robert Dee: Retention pond; I'm sorry I didn't say retention pond, but it's a pond.

Robert Gaudio: There's a distinction there.

Chairman Robert Dee: Okay. Next one you had was a...the old answer was annual number of viewers; you had 500. Okay. Now you changed it to the daily number of viewers was 12,900. So that makes more sense.

Robert Gaudio: Well what we did is, and there's a footnote in there, we specifically note that we pulled the DOT traffic counts. And we added those up and there's a note that not every person in the traffic count will necessarily have a view of the tower but we tried to give you something that was at least based on some data from a government source.

Chairman Robert Dee: But you have to agree 500 was completely off. Going back to...okay.

Robert Gaudio: You know I...you could probably agree the 12 something is probably off too. I...

Chairman Robert Dee: Alright so it's closer to...

Robert Gaudio: I think it's an impossible question.

Chairman Robert Dee: ...4 million than 500. I mean you're 12,900 a day times 365 adds up.

Robert Gaudio: I don't know if it's closer to 4 million than 500.

Chairman Robert Dee: Okay. Next one. Environmental Assessment Form. Enclosed...revise to update the address of the property. That's fine. Okay. Tribal Consultation. I guess this is from the Delaware Nation. It says that "Please continue with the planned project. However, should this project inadvertently uncover (inaudible) sight or object we request you halt all construction and ground disturbance immediately and contact the appropriate state agencies within 24 hours. Next one is alternative locations on the property. Now we spoke, I know at the meeting about you were gonna talk to the Town Board about the landfill at Lane Gate Road. Did you do that?"

Robert Gaudio: We spoke to the Supervisor and counsel. We promised that we would look at it from a radio frequency engineering situation and we did.

Chairman Robert Dee: Have you done that?

Robert Gaudio: Yes.

Chairman Robert Dee: Have you looked it from radio frequency...

Robert Gaudio: Yes.

Chairman Robert Dee: And what is the answer?

Robert Gaudio: The answer in the report that you have is that it does not satisfy the coverage gap.

Chairman Robert Dee: It doesn't satisfy what? I'm sorry.

Robert Gaudio: It's not a feasible alternative from a coverage standpoint.

Chairman Robert Dee: It's not feasible. So Lane Gate Road is not feasible to your company. Alright. Did you discuss another location like the Philipstown Town Garage, the possibility of putting it there.

Robert Gaudio: Well that we did discuss but not in the context of this area that's all the way over by Nelsonville and that would be an alternative, potentially. We haven't reviewed it from a radio frequency standpoint for Nelsonville.

Chairman Robert Dee: Have you discussed that with the Town Board?

Robert Gaudio: No. We mentioned it. Well, we approached the town back in 2015. We eventually did not receive a positive response to go forward. We sent a conclusory letter. Eventually when I did speak with the Supervisor, I guess it was about a month, month and a half, they said they would be interested in reevaluating it. That is in front of the Nelsonville boards and what we've asked Nelsonville is if that's an alternative they'd like us to pursue. But that has no bearing on this particular area.

Chairman Robert Dee: My question to you was, when you talked to the town, about the Lane Gate, did you talk to the, about the Philipstown Garage?

Robert Gaudio: They were initially two separate discussions then the last time we spoke, we spoke about both but on a very preliminary basis with respect to the DPW property.

Chairman Robert Dee: Okay you have a letter in here from Mr. Fadden, the owner of the property.

Robert Gaudio: Correct.

Chairman Robert Dee: I'll read the letter for the record. "Chairman Dee and Members of the Board. This letter at the request of Vincent Xavier of Homeland Towers is to advise you that I am not willing to lease any other location on my Vineyard Road property for the purpose of erecting a cell tower. I've carefully considered other locations on my property and have concluded that the location that is currently specified is the only one that is acceptable." It's kind of putting...it's starting to...our options are getting low, okay? Thin, I guess. What we're trying to do is look for possibly another location on this property. It's 64 acres of open, vacant land I guess right. But it starts at the commercial property, I guess at Route 9, and works its way up the hill to residential. You couldn't have put this any closer to the residential homes if possible. You have to be 150 feet away and you're 200 feet away basically or 250 feet away so, I'm a little disappointed that the gentleman feels that way because you know, it's kind of closed the Board in. We don't have a lot of options here. Now you're telling me also that the Lane Gate is no option. Right?

Robert Gaudio: Well, what I told you is that the Town was initially not interested in Lane Gate.

Chairman Robert Dee: Okay the Town's not interested in Lane Gate.

Robert Gaudio: Then we looked at it from a radio frequency standpoint, it doesn't work. And that's...

Chairman Robert Dee: If the Town were interested in it, would it be, would you want to go, you know, talk to them about it I guess?

Robert Gaudio: No.

Chairman Robert Dee: No.

Robert Gaudio: It doesn't work from an engineering standpoint.

Chairman Robert Dee: Okay, so that's dead.

Robert Gaudio: Yes.

Chairman Robert Dee: Alright I'm just trying to get to what's good and what's bad here. So Lane Gate's dead, okay. So this is it. Either we put it here or we don't put it anywhere. Well I mean as far as the Board. The Board has very limited options here.

Robert Gaudio: We've proposed a site that meets the height limit, meets all the setback limits. We've proposed a site that's in the preferred commercial zone. We believe we've looked at the alternatives in the area or made a good faith basis as far as that. Look, if there was a particular alternative site that was raised and you said to us "would please considerate it as an alternative" we would certainly do that due diligence.

Chairman Robert Dee: Well we did that. We asked you for Lane Gate but you're telling me now your RF guy says it's no good.

Robert Gaudio: Well we...correct. We followed through on that and we contacted the Town and they said "we might be interested". Quite frankly they never said "we are definitely interested" they asked us first to evaluate it from an engineering standpoint which we did.

Chairman Robert Dee: Well I kind of I guess it's a dead issue because even if they were interested you don't want to use it. You can't use it.

Robert Gaudio: They haven't said they're interested but we looked at it from an engineering standpoint and it's not a feasible alternative.

Chairman Robert Dee: Well hold on we can ask him. The Town Supervisor is here. I'm gonna...are you interested Mr. Shea?

Supervisor Shea: Yes.

Chairman Robert Dee: He's interested in listening to you. Let's make a deal.

Robert Gaudio: Yea it doesn't work from an engineering standpoint.

Chairman Robert Dee: Okay. So all that talk about meeting him means nothing then because it doesn't work for you.

Robert Gaudio: Well, it's a chicken and egg process. So what we did is we looked initially in the area for locations that might be feasible and that's outlined in the alternative site analysis that we submitted back on May 23rd and what that talked about is first we looked at municipal properties which is something that Homeland Towers is accustomed to doing. And we documented in the Alternatives Analysis our correspondence back and forth with the town. At the time they weren't quite interested and quite frankly they weren't interested with a prior carrier that I represented for a prior cell tower down on Route 9. So this was nothing unusual; this was nothing new and quite frankly I think the sense is that site would be more visible than the proposed site. But in any event our next step was to look at the Zoning Code and the requirements of the Code and when you look at the Zoning Code, the OC Zone is basically a preferred Zone. It, rather than a 110 foot height limit it allows a 195 foot height limit. The setbacks, we meet all of the setbacks. So, based on all of the Code provisions, we feel that we found a site that only requires a special use permit which is a use permitted by right provided you meet the criteria but as I mentioned before, we're happy to look at different alternatives if they were raised as a less intrusive alternative.

Paula Clair: I'd just like to say something. Although your particular site is on a commercial zone, it abuts a scenic overlay zone which has view of the structures that you're gonna put there.

Robert Gaudio: I think, two things. I think number one, we do meet all the setbacks. Number two, there is no setback from the scenic overlay zone and we're not actually in it. So if we were in it, I think...

Paula Clair: Well...

Robert Gaudio: I think that's a very compelling argument but we're not in it.

Paula Clair: I understand you're not in it but you're abutting it.

Robert Gaudio: And we do meet and I think we pretty much abut it or be in the vicinity of it any place in this area. When you look at the map, we did the three different maps of the three different overlays. The entire area is you know has some type of overlay somewhere in the area and our particular property does not. And it's a fairly large property as you mentioned before. And we meet all the setbacks You mentioned the residential zone is a specific residential zone setback; we meet that setback. So all we did is we followed the code as far as the location on this particular property.

Chairman Robert Dee: Right, and we're looking for alternative sites because this is close to residential. You understand reason for the Board that they're looking for alternative sites.

Robert Gaudio: Well, the alternative should be something that's "less intrusive" and if you have an alternative we'd be happy to explore that.

Chairman Robert Dee: I do. I have a ton on this piece of property. Move it down, move it closer to the residential area but the owner doesn't want to go along with it.

Robert Gaudio: The owner will not agree to that.

Chairman Robert Dee: Okay. So, but there is an alternative you know that, but the owner doesn't want any part of that so.

Vincent Cestone: Why don't you do a distributed antenna system along 301 and completely eliminate the tower and connect to Mekeels Corner from those distributed antennas.

Robert Gaudio: So we had our engineer evaluate that and that is in the report and it's not feasible in this particular area to provide the wide area coverage that's necessary. The topography, the trees, the size of those and the coverage of those types of nodes just wouldn't provide the coverage throughout this area.

Vincent Cestone: Okay. I'd like to see that.

Robert Gaudio: There is an analysis in our report.

Vincent Cestone: During the public hearing I'd like to see that.

Paula Clair: Yea I noticed that you said it wasn't feasible but I didn't see any backup information as to why not.

Robert Gaudio: Well I think it's in his narrative in his report. I also pointed out that there is case law right on point that says that that type of alternative technology is not something that a Board could technically require but we looked at it anyway from an RF standpoint, it is in the report.

Chairman Robert Dee: Okay. You mention height, another question. I said that you applied for a permit, in Nelsonville, and I guess it's 110 foot tower, is what you're asking for.

Robert Gaudio: Correct that's a height limit in Nelsonville.

Chairman Robert Dee: Well if 110 foot would work in Nelsonville, why wouldn't 110 foot work here?

Robert Gaudio: Well, it's a different coverage requirement in Nelsonville. It's trying to

Chairman Robert Dee: Different towns have different coverage requirements?

Robert Gaudio: No no no. It's a different need in Nelsonville. The area in Nelsonville is completely different than the area of the Route 301 and the 9 corridor. They just...

Chairman Robert Dee: How?

Robert Gaudio: Well number one it's the size of the area that's being covered. Number two it's the topography of the area. Number three it's the denseness of the Nelsonville/Cold Spring area that's being covered. The surrounding sites, the coverage from surrounding sites is different in that location than it is in this location. So there's, it's just a different type of analysis from this area to that area. The design criteria and the signal levels are exactly the same though.

Chairman Robert Dee: Okay. Next is fire safety and accessibility. I'm glad to see you addressed that because there's a lot of concern. I read 55 or 57 letters and that was, seemed the majority of people seem to be that. Also at the last meeting a gentleman spoke who leased a property to a tower company and his lower, a lot of his trees from the heat turned brown. So I tried to do some research on it, I found it a little difficult but I see that you did provide a letter from your engineer. Not your engineer I'm sorry your...

Robert Gaudio: It was my engineer.

Chairman Robert Dee: Yea your site manager, project manager. I'll read it for the record. Homeland Towers, this is from your site manager James Caris correct?

Robert Gaudio: That's my engineer. Yes, James Caris James is with us this evening.

Chairman Robert Dee: You're here Mr. Caris, okay. "Homeland Towers is proposing construction of a wireless communications facility at the above referenced site. During the course of review, it was raised related to fire safety accessibility. We offer the following information for clarification. The wireless telecommunications tower proposed for this site is known as a monopole. These structures are fabricated with hollow sections of metal which provide for telecommunication lines to be rooted within the structure. Monopoles do not catch on fire. Some materials located within the pole are flammable. Monopole fires are very rare and a tower constructed by Homeland Towers has never burned. However, these structures are not immune to fire and it could be caused by on site modification or installation typically when a contractor performing field welding. Another potential fire cause could be a lightning strike but there is no more likely than a home or a tree receiving a strike and catching fire. On a rare occasion a fire does occur, it could be fueled by rubber coating surrounding the telecommunications coax cables inside the pole. This condition causes the smoke that is sometimes seen in amateur videos available online. It should be noted that the carriers generally no longer use coax cables within tower installations but utilize fiber optic cables industry wide. With regard to access, Homeland Towers is providing a 12 foot wide gravel surface driveway site which runs approximately 260 feet from Vineyard Road to the facility entrance. Vehicles will travel approximately 0.40 miles along Vineyard Road before gaining access to the site driveway. Now beyond the site Vineyard Road continues approximately 0.65 miles upgraded into the east and serves to existing single-family homes. There are no proposed changes to the existing conditions on Vineyard Road. The access drive and Vineyard Road are satisfactory for emergency service vehicles including fire apparatus". I'm looking at your letterhead, Mr. Caris. The only thing I don't see, I see a lot. I see site planning, (inaudible) engineering, land surveying, but I don't see anything about fire safety. Can you give me your fire safety expertise? You can answer that?

Robert Gaudio: I mean his comments are factual as far as what the existing tower or the proposed tower is made out of and what the history of Homeland Towers...

Chairman Robert Dee: Right well the comments I was referring to is "the 12 foot wide road is satisfactory for emergency services".

Robert Gaudio: Well that's a civil engineering issue obviously.

Chairman Robert Dee: Okay. I was concerned about the fire thing too. So what I did is I was able to arrange a meeting with the help of Councilman Van Tassel with the Fire Chief okay?

Robert Gaudio: Which fire department?

Chairman Robert Dee: North Highlands. I'm gonna give you their...here. Here's a copy of it. North Highlands Fire Engine Company. Can you pass this down please?

Robert Gaudio: This is the one dated July 16th?

Chairman Robert Dee: I just gave it to you.

Robert Gaudio: July 16th though.

Chairman Robert Dee: Correct. July 16th. Ron you want to take one of these? One for the secretary please. Okay. I was able to arrange a meeting like I said with the Councilman Van Tassel's help with the Chief of the fire department, North Highlands Fire Company. He's the one who's gonna be in charge, if there was a fire he would have to respond to it. I sat down, I was able to meet with him in his conference room up there and I met with him and its chief Pat Scherer and his assistant Chief. We went over the site plan we spent some time doing it. I asked him if the site plan met the fire department requirements and if it did not, what would it, what would he need. He said it did not meet their requirements and he gave me a list of things it would need in order to meet the fire department requirements. I'll read that and then we'll go over them. "Dear Chairman. Dee, I am writing you in regards to the meeting we had on Thursday July 13th. In that meeting we reviewed the site plan for the proposed cell tower on Vineyard Road. As discussed there are a few issues that need to be addressed before moving forward. The following are all the issues we have identified that need attention. The front parking area needs to be an area of 60 by 60 feet". Okay right now I'm, I'm gonna read the whole letter then we'll go over it. "The roadway needs to be at least 15 feet wide. The roadway and parking area must be installed with the surface capable of supporting the imposed load of fire apparatus weighing at least 75 thousand pounds. There needs to be a maintained clearance of 15 feet around the shed area. Aside from these issues, we would like to add a few stipulations to the project. The tower owner provides an additional shed of the same size added to the plan for storage of emergency service radio systems. The tower owner installs and maintains antennas for emergency services on site at their cost. The tower owner covers initial costs of radio systems specified by emergency service, police, fire and EMS agencies. Once these issues are addressed and the stipulations agreed to, we see no issue with the site plan as pertains to the tower. However, we do see an issue with the site itself. We request the company review the previous Town Dump site on Lane Gate Road. We believe this would be a better site due to terrain, height, and access. Though we are requesting this review of a different site we are not requiring it. A tower in either location would greatly expand our radio communications." So we'll go over them starting with the first one. Parking area is 60 by 60. Right now you have a parking area of let's see...(inaudible). I don't have the site plan in front of me but I believe it was like 20 by 20 or something like that. I'm not sure I'll have to go off the site plan. But they're,, what they're asking for is 60 by 60. That's for, so fire engines can turn around if they had to go to the site. You have 12 foot wide they're looking for 15 foot wide, you know. No they're looking for, they're requiring 15 foot wide. Now as far as the roadway surface. That would have to be on your site plan and agreed to by our engineer; that the road is strong enough to carry equipment of 75,000 pounds.

Robert Gaudio: I'm assuming this is a specification somewhere that's normally required of all...

Chairman Robert Dee: Correct.

Robert Gaudio: ...applicants or is this...

Chairman Robert Dee: I'm sorry?

Robert Gaudio: Is this a specification in the code somewhere or this is required of all applicants proposing projects or is this just particular to this particular...

Chairman Robert Dee: You presented a fire safety, your fire opinion. Your opinion, you said that it was okay. I'm not a fire expert. So I did go to the expert.

Robert Gaudio: I'm just asking where the specifications came from that's all.

Chairman Robert Dee: And these are their requirements.

Robert Gaudio: Because I've never seen requirements such as this. I'm sorry

Chairman Robert Dee: I'm sorry?

Robert Gaudio: I've never seen requirements such as this for any cell tower application in Philipstown or any other application in Philipstown but we will certainly take them into consideration.

Chairman Robert Dee: You've given me 500 pages from different consultants, a lot of different consultants that you've paid for. If one of them had gone to the fire company they would've found this out. I took the time to.

Robert Gaudio: Well if we would've had the July 16th letter before September 11th we would have been in a better position tonight to address those issues as well.

Chairman Robert Dee: Okay. We're not gonna argue about it.

Robert Gaudio: We'll certainly address the issues, I have no problem with that.

Chairman Robert Dee: I mean, you agree to all these?

Robert Gaudio: No I didn't say we agree to it. I said we will address them.

Chairman Robert Dee: And when are you going to address them?

Robert Gaudio: Well we'll have our engineer look at them...

Chairman Robert Dee: Okay and next meeting...

Robert Gaudio: And we'll put in our responses we deem appropriate.

Chairman Robert Dee: Okay.

Robert Gaudio: I mean I'll be honest with you. I think, we have....We've said this from day one, we have no problem working with emergency services and making sites available; but quite frankly this letter is an insult. This is a 2 month old letter that has specifications in it that's not...

Chairman Robert Dee: Wait a minute...

Robert Gaudio: If I may finish...that's not in the code, that I've never heard of an application and it's based on the, you know what I'll call an extraction, from the applicant for quite frankly items that are an extraction. Now, I'm not denying it on the spot but we'll certainly take a look at it. We'll talk to the fire district and see exactly what they're requirements are and we'll...

Chairman Robert Dee: These are the requirements from the fire district. I talked to the fire district. You didn't them, I did.

Robert Gaudio: Of course, but we only received this letter tonight and it's 2 months old.

Chairman Robert Dee: I understand that and I certainly give you time to review it with your...

Robert Gaudio: It's asking for us to pay for initial cost of something that quite frankly is an extraction and there's not any even type of estimate in here of what these costs could be.

Chairman Robert Dee: Let's take it by, you know, as far as the equipment. They're asking I guess to pay for the equipment to be installed in order to respond to a cell tower fire.

Robert Gaudio: No that's not what they're asking for here. Absolutely not what they're asking for here. If they're conceding to the fact that they have insufficient communications we'll be happy to try and work out accommodations with them directly but...

Chairman Robert Dee: Well you can't work with them directly; it has to come back to us, okay? I understand what you're saying work directly with the fire department but right now at this point in time this is what the fire department is requiring.

Robert Gaudio: So the Zoning Board is requiring that we accept these conditions.

Chairman Robert Dee: Let me poll the Zoning Board.

Robert Gaudio: Okay.

Chairman Robert Dee: Has everybody had a chance to read this?

Granite Frisenda: Yes.

Paula Clair: Yes.

Leonard Lim: Yes.

Vincent Cestone: Yes.

Chairman Robert Dee: Okay. Do you feel that these requirements asked for, not asked for but requested by the fire department should be part of this application?

Vincent Cestone: Sure.

Leonard Lim: I think so.

Paula Clair: Yes.

Granite Frisenda: No.

Chairman Robert Dee: No. Okay. And I do. That's 4 to 1 the Board agrees that these fire requirements be met. Now next month you could you know, give me your answer.

Robert Gaudio: Sure.

Chairman Robert Dee: Okay. Alright next one. Liability insurance. Okay. You got a copy of that, that's good. Removal cost estimate and bond. That copy is good. Removal agreement, I read that. I don't see a problem with that. Notification letters, I know you notified all the surrounding areas, I think it came to about 14 or 15 different towns and villages have been notified. So I think that's fine and the site plan, the only thing about the site plan, would want the site plan changed to meet the fire department's requirements. That's about it. I guess at this point in time we could put this over for review to continue to October 2nd meeting and that'll give you time to speak to your applicant on the...

Robert Gaudio: Is the Board willing to set this for a public hearing?

Chairman Robert Dee: No. Because you haven't answered the questions as far as the...

Robert Gaudio: The questions that you raised tonight from a letter that you obtained back in July 16th.

Chairman Robert Dee: You're...

Robert Gaudio: There's absolutely nothing incomplete about this application. What I will state for the record is that...

Chairman Robert Dee: I'm sorry?

Robert Gaudio: There's nothing incomplete about this application. We've submitted every document that's required by the code. We've submitted every document that you've requested that we revise at the past 2 meetings. We sat out the August meeting, the August month because there was no meeting. We've submitted every document. The only thing you've asked us to consider is a letter that's nearly 2 months old that you provided to us this evening. So all I'm asking for officially, on the record

is that a public hearing be set. If you choose not to I'll just remind the Board as I reminded you in my letter, that there is an FCC shot clock. There is a presumption of an unreasonable delay by January 5th. So I don't see any downside to having the public hearing and that's our request.

Chairman Robert Dee: Okay. First of all, we had a June meeting. I gave you a long list of corrections of things that were inaccurate in your reports, okay? We had a July meeting, you gave us nothing. That wasn't our fault that was your fault.

Robert Gaudioso: Do you have everything now though?

Chairman Robert Dee: I gave you a chance to speak please give me the same respect. Okay. August we're on vacation. Everybody goes on vacation. We're September, you have things. What you don't have is the site plan has to be changed for the fire department and we still haven't had our reports from our RF engineer and our town engineer so I don't know if they're gonna require some more information. So at this point in time, why don't we just listen to them and then we'll go from there.

Robert Gaudioso: Sounds good.

Chairman Robert Dee: Mr. Gainer.

Ron Gainer: Thank you. Again, the Board has a technical memorandum from my office as well as from the Board's engineer, Mr. Graiff who's with us tonight. My letter goes through various statutory and administrative requirements. With respect to the application itself, the project also involves the Conservation Board because a wetlands permit has to be granted for the access driveway that enters the site because it's in the vicinity of the on site retention pond.

Chairman Robert Dee: Let me ask you a question. If, I mean Mr. Gaudioso has to talk to his applicant but I guess if they agree to these terms with the fire department and the roadway has to be widened and I guess the 15 feet around the fence line will have to be cleared more, would that have to go back to the Conservation Board?

Ron Gainer: Oh they're in the process of dealing with the Conservation Board now so if there's plans that do get revised, I'm sure the Board would see them as well. The issue of widening the driveway by a few feet is, would not be seen as material with the Conservation Board to pursue a wetlands permit.

Chairman Robert Dee: I mean any cutting of trees, 15 foot around, They're looking for a 15 foot clearance around the...

Ron Gainer: Right. So again the permits required that actually involves a environmental review action and because there's another involved agency, one who gives a permit for this action, we're suggesting that you do a coordinated environmental review. It's been discussed previously but you've never formally made a determination that a coordinated review will be done and we're suggesting that formerly be determined tonight and that you direct that a referral be made to the Conservation Board for determination of lead agency. So that's one action that we're suggesting you do tonight. In our technical letter we had also recommended that referral be made to North Highlands Fire Department, obviously that's now been done and I'd like to take their comments under advisement as well just to understand what their desires are.

Chairman Robert Dee: Let's go back to what you...the joint SEQR with the Conservation Board.

Ron Gainer: Right.

Chairman Robert Dee: Right, okay. I guess that would have to be through a meeting with the Conservation Board?

Ron Gainer: It doesn't have to be a meeting, no. What you need to do, just pursuant to SEQR is to acknowledge that there's another involved agency and just formally declare your notice of intent to become lead agency pursuant to SEQR so that the one action this Board would take in terms of a SEQR declaration would apply to any other involved agencies. Typically that's more conveniently done when there's multiple agencies that are involved in the same action.

Chairman Robert Dee: I'm gonna ask the attorney.

Adam Rodd: So, that's fine. So they should make a motion to...

Ron Gainer: Declare their intent to become lead agency pursuant to SEQR. That should be a motion tonight.

Chairman Robert Dee: Can I get a motion?

Vincent Cestone: I'll so move. I'll so move that we become the lead agency.

Chairman Robert Dee: Second?

Leonard Lim: Second.

Chairman Robert Dee: All in favor?

Granite Frisenda: Aye

Paula Clair: Aye.

Leonard Lim: Aye

Vincent Cestone: Aye

Ron Gainer: Alright thank you. And then again administratively, pursuant to Town Code, just as we discussed with the prior action pursuant to 175-60-C of your code for special permits and site plans, this actually represents a major project because it's proposing a 180 foot tower on the site; that becomes a major project and you should so classify it tonight just for the formality of making that determination.

Chairman Robert Dee: Can I get a motion to make this a major project on 50 Vineyard Road, the cell tower?

Paula Clair: I so move.

Granite Frisenda: Second.

Chairman Robert Dee: All in favor?

Granite Frisenda: Aye

Paula Clair: Aye.

Leonard Lim: Aye

Vincent Cestone: Aye

Chairman Robert Dee: It's been declared that this is a major action.

Ron Gainer: Right and then the...there's a variety of statutory requirements that you had just summarized in terms of the agreement for removal and repair, the establishment of a bond calculation for that repair, proof of insurance. All of that has been filed, or documents have been filed. They're currently under the review by the Town Counsel's office. So, there'll be a separate report that comes out at to the sufficiency when the attorney has completed their review. Again, as has been discussed, there is a requirement for public hearing on the matter that has to be resolved before the end of the or the deadline for the shot clock is achieved.

Chairman Robert Dee: January 5th? Is that what were looking at or...

Ron Gainer: It's in the applicants filings, I don't recall the specific date.

Chairman Robert Dee: Okay.

Ron Gainer: And then beyond these administrative things as I said, I've invited Mr. Graiff here tonight. He's gone through the technical information for the RF documents that have been filed which accomplished the bulk of the technical review that you're anxious to hear about so I'll introduce Mr. Graiff at this point.

Chairman Robert Dee: Okay.

Ronald Graiff: Good evening Mr. Chairman and members of the Board. For the record my name is Ronald Graiff. I'm an independent Radio Frequency consulting engineer. I'm a licensed professional engineer in New York state and hold a Bachelor of Science degree in electrical engineering from the Pennsylvania State University and I have assisted numerous communities in the Harlem and Hudson Valleys, and pretty much up to Albany, on reviewing cell tower applications. The one before you is, the package was quite, how can I say it. It was quite cluttered with a lot of information that is difficult to go through for a Board such as yours. I received the first report and it's important when we talk about this tonight that we make sure that everyone's on the same page. The first report that I received was in August and that was on August 25th and I took a preliminary review of that report and found a number

of issues that made that report less than acceptable. One of them was that none of the exhibits had, were identified, A1, A, C1, whatever they were. For some reason in the printing process they got eliminated. Also, there was lack of information with respect to the alternate site and as well as the site that you address as Mekeels Corner because it is an existing site and the ordinance does require that the carrier utilize existing sites, and they say they like to utilize that, but they said it didn't work. So the request to attorney Gaudioso, and he agreed with that, that that site should be evaluated at various heights but he evaluated it according to what the zone is that that particular towers in, and I guess it's in a zone that permits 110 feet as opposed to the zone that this proposed towers in, 195 feet is the permitted height. So that new information came to me on September 7th of this year so that was like just a very short time ago and Mr. Gainer suggested that I have a report prepared for your Board for tonight's meeting and I said, you know that it's gonna be quick so I will preface my comments tonight as, this is not my best work because I would really request sometimes 2 weeks.

Chairman Robert Dee: Well I want you best work. Okay, let's back up.

Ronald Graiff: But you'll get good work from me but...

Chairman Robert Dee: I'm not looking for second best, okay? So what I'm gathering is basically you really didn't have enough time to go through this.

Ronald Graiff: No, actually I have.

Chairman Robert Dee: You have. Okay.

Ronald Graiff: Yes, but why I say it's not my best work is because I'd like to present some things to you tonight in public because to explain those in my written report, you would be scratching you head I believe. Although, Mr. Chairman I'm not certain. You seem to have a handle on this but I always attempt to make things as simple as possible for boards to understand.

Chairman Robert Dee: That's good for me.

Ronald Graiff: So, let me begin if you don't mind and if you would, if you look at my report it's dated September 8th of this year. I assume you have that report. Okay. And the application that you're going to be looking at is the Independent Radio Frequency Report regarding this facility dated September 6th of this year.

Paula Clair: Where...

Chairman Robert Dee: Some of the members can't find your report. Let's get the report. It's in...

Paula Clair: Oh okay. I think it's in here. I don't know.

Chairman Robert Dee: No no. We're looking for his report. We got that. Don't we have that?

CROSSTALK – INAUDIBLE

Chairman Robert Dee: Okay. So this one replaces the one that we got....

Robert Gaudio: Correct.

Ronald Graiff: Are we all on the same page of the report?

Chairman Robert Dee: We're looking at your report right now.

Ronald Graiff: September 8th.

Chairman Robert Dee: It's in the packet.

Paula Clair: In this packet?

Tara Percacciolo: Yes.

Chairman Robert Dee: This is what you're looking for.

Paula Clair: Yea I didn't see that. Thanks.

Chairman Robert Dee: She made copies. Tara made copies. Okay everybody have it? This is Mr. Graiff's report.

Paula Clair: Okay I have it yeah but I don't know where it is in there.

Chairman Robert Dee: Okay.

Ronald Graiff: Alright so you're all going to be looking at the independent report done by Verizon that's dated September 6th. Is that correct? That's the thick report.

Paula Clair: No it's like in the middle of that. The thing that she just handed out tonight. There's so much paper in this.

Chairman Robert Dee: This was prepared by PierCon Solutions? Is that correct?

Ronald Graiff: Correct. Yes.

Chairman Robert Dee: Okay. This is the new one that we just got. So we're gonna need 2 pieces. We've got his report and you're gonna need the new report that you just got. Okay. We're all on the same page.

Ronald Graiff: Alright. The second paragraph on the first page discusses my initial review and issues that I found with the report and I comment that Attorney Gaudio agreed to provide the secondary report. So we can begin, second page of my report where I note that it's the second submission of September 9th, I received on September 9th, that I'm addressing here. So if you'd address your attention to exhibit A1 in that report and that exhibit is entitled "Existing Verizon Wireless 700 MHz LTE in Building Suburban Coverage" up in the upper left hand corner. It's tough to find the A1...

Paula Clair: Yeah.

Ronald Graiff: Usually it has a staple going through it.

Chairman Robert Dee: You're going to have to take the clip off because the, it's up at the top of the page.

Ronald Graiff: So you have that one right?

Paula Clair: Yeah.

Chairman Robert Dee: Yes.

Ronald Graiff: Okay and then right behind it is exhibit A2 which is "Existing Verizon Wireless 700 MHz LTE in Vehicle Coverage with McKeels Corners" once again. So in other words, that's the way their system is at this instant because they're operating just with McKeels Corners. They have the Fahnestock site, the Northern Highlands site as well as the West Point site and, which really don't do anything to this area. The first comment I have in my report, if you look at exhibit A1 you will see that, now this is in building coverage. Now Verizon Wireless requires a stronger signal as their design goal when someone is inside a building and they base that on the fact that they have data that demonstrates that the signal that's on the street outside gets attenuated. In other words, it gets reduced by going through the walls of this building or a home or somewhere else. So, they have that signal level 10 decibels higher. Now a decibel is a logarithmic ratio between 2 powers. So, if something is 10 DB higher it's 10 times stronger. Now here's the confusing part that I've got to help you with; these are negative numbers so they're backwards. So minus 95 DBM is stronger than minus 105 DBM because they're negative numbers. Does that make sense?

Paula Clair: Yeah.

Ronald Graiff: Okay. So the in building coverage is minus 95 DBM. 10 DB weaker outside or in a vehicle it's minus 105 DBM, so it's 10 times weaker. And that's what they design their system for. So assuming that their system has fixed transmitters at the sites here because the radio frequency energy deteriorates over time. If you're closer to the tower, of course you have a stronger signal. If you're further away you have a weaker signal. So what you're seeing on exhibit A1 is the existing in building coverage. Now you'll note that along Route 301 there are what can be identified as significant gaps in coverage. You can see Route 301; it's not covered up by the green so that means that someone in a building, according to this presentation, for along Route 301 would not have sufficient signal to have his cell phone work and also if you then follow Route 9 to the south, after the intersection of 301, you'll also see that, once again, no in building coverage in these areas. And this was all specified in this report that was prepared for them. He went through many many many other roads but quite frankly the ones that are heavily traveled here would be 301 and 9. He can give me a lot of other ones but, so, my opinion here is that this gap, this document demonstrates a gap in coverage for in building coverage. Now look at exhibit A2. Remember that signal is 10 times weaker. So what does that look like? There aren't any gaps are there? So, if you're in a vehicle, no matter where you go east to west on Route 301, north to south on Route 9, just about anywhere, they have seamless coverage.

Chairman Robert Dee: In a vehicle.

Ronald Graiff: In a vehicle. Or on the street. Yes, indeed. And many times boards say that well you've got coverage so why do you need this? Well, there's been a lot of law cases and attorney Gaudio can represent a lot of those, that they have said that we need in building coverage because people expect to use their cell phones in buildings today. So the fact that there exists the gap of in building coverage kind of bases their fact that they need a facility here to provide coverage, improve coverage to the area in Philipstown.

Chairman Robert Dee: Well they may need a facility in the area, not particularly in this spot.

Ronald Graiff: That's correct. Yes I just said a facility

Chairman Robert Dee: It could be anywhere in this area.

Ronald Graiff: In the area. You bet. Yup.

Chairman Robert Dee: Okay.

Ronald Graiff: Now remember this is...

Chairman Robert Dee: It could be across the street?

Ronald Graiff: Excuse me?

Chairman Robert Dee: It could be across the street. Lane Gate Road. Okay.

Ronald Graiff: It could be 2 miles away if the...

Chairman Robert Dee: Alright so...

Ronald Graiff: If the site were located at the proper elevation and also in conjunction with the other sites.

Chairman Robert Dee: Right. My question, because I know it was a question about Lane Gate Road which is across the street, which is the town fill, would that suffice?

Ronald Graiff: We'll get to that one.

Chairman Robert Dee: Okay great.

Ronald Graiff: It's later on.

Chairman Robert Dee: Okay.

Ronald Graiff: Okay. Alright if you take a look at exhibit A5. So what is A5? That's actual drive test. It's called Scan Drive Tests where their system performance people drive around in a vehicle and they have a receiver with an antenna and a device that records the signal strength and it also has a GPS in it

so it takes all those data points and it puts them on the roads that the vehicle is driving on. Now why are they doing this? Well they're doing it for a very good reason because I wouldn't accept it without it because the other presentations you saw were calculated coverages; they were done by a computer based upon a formula of how radio signals get weaker, how high the tower is, how many watts they're transmitting with, what the terrain is like. All of these things go into this like a flight simulator and it comes up with something that's supposed to be what the coverage but there's nothing like a real-world demonstration that they were accurate. So if you take a look at exhibit A5, and now I have you go back to A1 and A2 if you don't mind. Remember A1 is in green and that's in building coverage.

Chairman Robert Dee: Right.

Ronald Graiff: So take a look at this and look along 301. Now is the coverage, does the coverage appear to be better along 301 in the drive test than it does in the calculated test? Remember green is good. Greens in building and yellows in vehicle.

Chairman Robert Dee: The driving looks better. No?

Ronald Graiff: The drive test looks better?

Chairman Robert Dee: Yeah.

Ronald Graiff: It does. Yes it does. But it also highlights areas, I mean, let's take a look over in the corner by Fahnestock of just along 301 there. Do you see that total gap of in building coverage? And then if you look at the drive test, right in that same area, it's yellow which means in vehicle coverage, means there's no in building coverage so that's not bad. When you get over to areas, if you go south on what is that road, Healy Road, I guess it is, and if you follow that down in the drive test you'll see it's all in yellow. And if you look on their propagation map it's, most of it's in yellow; most of it has no color so it's just green. So my opinion there was, while not perfect, the drive tests give you some comfort in believing that anything you're gonna see from now on, any calculated coverage plot of anything they present to you is a relatively accurate prediction of what their system coverage is. Okay?

Chairman Robert Dee: Okay. Now is this, let me ask a question, are these done with the theory that the Mekeel tower is gonna be eliminated or Mekeel tower is in place.

Ronald Graiff: Mekeels Corners is going away.

Chairman Robert Dee: Going away. Okay. If Mekeels Corners stayed, and this tower didn't go in...

Ronald Graiff: Oh you'd have to, you'd have 2 issues with that. You'd have a significant duplication of coverage because the sites are relatively close together. I've located, by the way, Mekeels coverage is a tree pole. It's a 100 foot tree pole just north of 301 almost at the intersection of 9. And if you look on Google Maps or Bing Maps, there it is. And then if you look at that distance between it and the proposed site, it really isn't that far away, so we have an interference issue with 2 sites and when 2 sites are close together then we get duplicate of coverage because we're kind of wasting this whole thing that we're covering the same area twice.

Chairman Robert Dee: Too many cell towers.

Ronald Graiff: Too many, yeah. But, we'll get back to this question of well why can't you use that and we'll talk about that in a little while okay? So, now let's look at exhibits B1 through B4. Now this gets to your question before, what happens if Mekeels Corners goes away. You got them?

Chairman Robert Dee: Yes.

Ronald Graiff: Okay, so if you look at B1 that's once again the in building coverage without the Mekeels Corners and if you were to compare that to A1 you'd see that A1 with Mekeels Corners does provide some coverage along 301; without it there's absolutely no coverage, so it does do something. It does do something but yet it doesn't do anything down Route 9, to the south of 9. B2 is the in vehicle coverage and that's not bad at all. I would be hard pressed to call the areas that you see there, those little green areas underneath 301 and 9 as gaps in coverage because there's a certain precision to all of this and I'd say it's really pretty good without Mekeels Corner. Now...

Chairman Robert Dee: It'd be okay without Vineyard Road and Mekeels Corners staying there?

Ronald Graiff: Excuse me?

Chairman Robert Dee: Would it be ok if Mekeels Corners stayed there and Vineyard Road wasn't?

Ronald Graiff: Well...

Chairman Robert Dee: Oh that's later on oh yeah ok I'm jumping the page. Go ahead.

Ronald Graiff: I have to be careful I don't get ahead of myself here or I'm gonna get confused okay?

Chairman Robert Dee: Oh no don't get confused.

Ronald Graiff: And I confuse easily.

Chairman Robert Dee: You're the expert. Don't get confused.

Ronald Graiff: That's what they say right? Yeah. Okay. One of the elephants in the room here, so to speak, is that they operate 2 systems in the area. They operate a 700 MHz system, the LTE system which is really really really good coverage; the lower frequencies cover very well. And they operate a system at 2100 MHz which is also LTE which doesn't cover as well. The frequencies are higher, the wavelengths are shorter, and its not as robust. Tree leaves slow it down, buildings slow it down even more. It doesn't propagate very well but they have a lot of spectrum there so they can handle a lot of capacity that can handle all these coverages, all these customers with unlimited service, so they do like the 21 MHz but it has rotten coverage, as you can look at B3 they basically have no 2100 MHz coverage in this area. I mean that's more than a gap. That's just a dearth of coverage and even exhibit B4, if you take a look at that, their in vehicle coverage is pretty bad too. So, I don't know why they included that just to show that they really don't have anything but they don't have any coverage at all. In my report, by the way I skip over exhibits F1 and I heard you say something tonight about you didn't want to talk about Nelsonville. Well neither did I because that's not part of this application.

Chairman Robert Dee: Well yeah they have their own Zoning Board and their own...

Ronald Graiff: Right. So anything that deals with Nelsonville, which are the F's exhibits, I just ignored because I think I've been retained by Nelsonville also to do that application and I'll do that application when I'm standing before a Nelsonville Board. I think...

Chairman Robert Dee: Sounds good.

Ronald Graiff: I think it doesn't mean anything to you., at this point.

Chairman Robert Dee: No. It doesn't. I cooperate with them in any way but they have their own Board and they have their own Zoning Board so you know you wait, so.

Ronald Graiff: Okay. So now let's go to, if I haven't lost them here. Bear with me. Okay. We are now gonna go to the C exhibits.

Chairman Robert Dee: C. Okay. At least we don't have to do F.

Ronald Graiff: And I have a special little folder for the C exhibits because I did something special there to help you guys out in understanding...remember I'm not a planner and I don't talk about, is this the right kind of pole to have, are the antennas too close, too far out. I'm not a planner I'm the engineer here.

Chairman Robert Dee: I'm not looking for that.

Ronald Graiff: So the one of the things I look at is, okay, so the zone is 195 and they've come in and asked for 180. Wow, that's pretty tall. So I asked for coverage at various heights and I think they did that also. We refined it a little bit from the site, so address your attention now to exhibit C2 and if you can at the same time get out exhibit C2a and by the way they're backwards. C2a is the first one you should look at; C2 is the second one you should look at.

Paula Clair: I don't have C2.

Chairman Robert Dee: I got C2a.

Paula Clair: Yeah.

Ronald Graiff: It's before C2.

Paula Clair: Oh okay.

Ronald Graiff: Makes sense, doesn't it?

Chairman Robert Dee: Leave it to us. Okay.

Ronald Graiff: Okay so, what is C2a? C2a is the coverage by this site, the proposed site, 700 MHz at 150 feet. 180 feet. That's where they're applying okay? Now, I'd like you to take a look at D2a.

Chairman Robert Dee: Okay.

Ronald Graiff: Now this is the in vehicle coverage. Now if we had transparencies and an overhead projector it would be quite easy but sometimes what I do is I take a strong light and I do this. I look up against the light or I hold them side-by-side and I look at different points. So I'm gonna let you do the same thing while you have...when you have C2 in your right hand and D2a in your left hand. Look at those and see if you see any difference. Look at a road for example, pick a spot along a road or around a road. Well what you're looking at is the coverage at 180 and 150 and what I'm trying to demonstrate here is that I, as an engineer, see no significant difference in coverage at 180 and 150.

Chairman Robert Dee: I'm not good at tests. Okay, so, tell me what we're looking at okay?

Ronald Graiff: Well what you're looking at is the coverage at 180 and 150. And what I'm trying to demonstrate here is that I as an engineer see no significant difference in coverage at 180 and 150 and it but you're the board you have to look at that and make that decision to -

Chairman Robert Dee: You're telling us that a 150 tower would suffice.

Ronald Graiff: Well wait I'm not done yet.

Chairman Robert Dee: Oh, I'm sorry. I didn't mean to. Go ahead.

Ronald Graiff: Because take a look at exhibit E2a.

Chairman Robert Dee: E2a.

Ronald Graiff: ...and pay particular attention where, remember where their gaps were in the original, and we'll get to that in just a minute. We're going to get to the composite. The gaps were along 301 and 9. So now you're looking at the coverage at a hundred and twenty feet that's E2a versus C2a,

Chairman Robert Dee: Okay.

Paula Clair: I don't see it. I see E2 but I don't see E2a.

Ronald Graiff: Remember the A's are before the, the two's.

Paula Clair: Okay wait. Let me get it. I'm at F though. I got E4 and then it goes to...oh let's see. Maybe...

Ronald Graiff: I can let you look at mine if you like.

Chairman Robert Dee: Okay. So let me see if we can dumb this down for a minute okay. They're asking for a 180 foot tower. Would a shorter, would a smaller tower suffice? Would that suit their needs? In your opinion.

Ronald Graiff: Yes.

Chairman Robert Dee: Yes. Okay what size would fit the needs?

Ronald Graiff: Well, well it means we really have to look at one last set of plots that I thought...I thought it was important for your board to see what they were individually, and I specifically asked for them individually because, as I said, if you take the time later and look along the road or if you look at Exhibit C2, D2, you have those right?

Chairman Robert Dee: Yeah.

Ronald Graiff: And that's maybe... that's going to be a lot easier for you; look at C2, D2, and E2.

Chairman Robert Dee: C2

Ronald Graiff: E2 and D2.

Chairman Robert Dee: Okay. E2. C2 and D2.

Ronald Graiff: C2, D2 and E2.

Chairman Robert Dee: Okay. Go ahead.

Ronald Graiff: Okay, this is the in vehicle coverage and I see absolutely no difference in these. So it, remember they already have great coverage so it doesn't matter for the in vehicle we have to concentrate on the in building. Okay, finally we can go and look at some more. We can look at the C4a's D4a's or Z4a's, that's 2100. As you, as I already pointed out there is dearth of coverage at 2100 and this site doesn't help it that much either. We're primarily looking at their 700 megahertz coverage but if you look carefully though if you do want, in you're off time I'm not going to take up your time at the meeting tonight, if you compared the C4a to the D4a to the E4a which is in vehicle 2100, you'd see once again there's very very little difference between them. And as a result of that, remember I told you you can believe these because they did the drive tests, but it's my opinion that 180 feet hasn't been justified. But to finally get to that let's look at, let's go back to where we were in the in vehicle and let's go to...we're gonna look at the composite coverage now. The composite coverage is the coverage from the system that exists today versus this. And I am actively searching for that, hang on. Okay let's look at C1, D1, E1.

Chairman Robert Dee: C1, D1, E1.

Ronald Graiff: C1, D1, E1. Now what this is, is their existing coverage without McKeels Corners overlaid in blue the coverage provided by this site at 180, 150, and 120. And once again this is really important if you look at this because the existing coverage is there, and now you can see what the new coverage provided by this site would be, and my opinion remains the same; that there's not a heck of a lot of difference between 180 and 150. 120 changes a little bit more but clearly no difference between 180 and 150. And if we do it for the 700 megahertz, which would be E1, E3 and D3 and E3 you'd see the same thing. It follows. That, from my opinion on this, is that the 180 has not

been totally justified. 150 appears to serve their needs but the only caveat there is, is that I heard tonight that with 180 the 4th carrier would be in the trees and if your ordinance requires that it hold four carriers, by having...

Chairman Robert Dee: No it doesn't require to hold 4 carriers.

Ronald Graiff: Okay, so then you can have any height you like because Verizon is the applicant. Oh, I'd like to point out something else too and you know, I'm not an attorney.

Chairman Robert Dee: What do you mean about any height you like? I mean, you said 150 would suffice.

Ronald Graiff: Well 150, 160, 170.

Chairman Robert Dee: Oh I see so 150 would be acceptable.

Ronald Graiff: It would be acceptable.

Chairman Robert Dee: Okay that's...

Ronald Graiff: But since we have no evidence for 140, which the model would have a difficult time showing. I'm not going to give you an opinion on 140.

Chairman Robert Dee: Okay.

Ronald Graiff: I will give you an opinion on 150 but I said pick one, anyone in between 150 and 180.

Chairman Robert Dee: Okay so 150 would suffice.

Ronald Graiff: In my opinion it does.

Chairman Robert Dee: In your opinion, well that's what we're paying you for here. Okay.

Ronald Graiff: That doesn't mean it's right though okay.

Chairman Robert Dee: Well it doesn't matter if it is, that's what we're paying you for. Okay. Your opinion. Okay.

Ronald Graiff: Alright. The issue here is that, well. I had, I wanted to point something out to you. As I said I'm not an attorney I play one on TV. Mr. Gaudioso said something about each subsequent carrier would have to come back to your board to get their facility approved right?

Chairman Robert Dee: Correct.

Ronald Graiff: Okay FCC rule...

Robert Gaudioso: That's not what I said.

Ronald Graiff: What did you say?

Robert Gaudioso: I said (inaudible)

Ronald Graiff: Right and all they'd have to do...here's, here's the kicker about that. 1.40001 of the FCC rules as a result of middle-class tax relief Act of 2012: if there's an existing approved facility and there's a carrier on it another carrier can go on it without planning or zoning approval as long as it does not increase the height of the tower by more than a hundred feet or having a pertinance come out more than 6 feet, 20 feet. So remember that when you approve a tower its, it will be approved for as many carriers that can hold. Now that's a good thing, I think, but maybe for you it's a bad thing because you'd like to review every one. But you lose that control once the tower is built.

Paula Clair: I have a question. So, the purpose of having a tower be 180 feet as opposed to 150 feet high since there's no, there's no apparent difference in Verizon coverage, is the purpose of that to allow new carriers to also rent from Verizon on this tower?

Ronald Graiff: Well they won't rent from Verizon they'll rent from Homeland Towers and Homeland Towers business is to rent our tower to carriers.

Paula Clair: Oh okay so, is that, is that the advantage of having the higher tower to allow more carriers to be on it?

Ronald Graiff: In my opinion it is yes.

Paula Clair: Okay. Thank you.

Vincent Cestone: Can I ask a question also....(inaudible) that a DAS system or micro cells wouldn't work for here. Can he take a look at that at some point?

Ronald Graiff: Yeah I looked at in the report and as I said it's not in my report because of the time to do that. We can discuss that tonight if you'd like to but let me go through this and then if you'd like to do that later I certainly can address it with you all right?

Vincent Cestone: All right.

Ronald Graiff: I don't want to take up your whole evening but I want to be thorough.

Chairman Robert Dee: No I don't want to do that either. Okay, I'm just trying to get the basics here. Okay, well you're saying that 150 in your opinion, 150 height would suffice. The same as 180 am I correct? The 150 is the same as the 180.

Ronald Graiff: In looking at these I can see an insignificant difference that any difference would be a function of the accuracy of this presentation. Remember the drive test didn't agree perfectly with the calculated, so there's some uncertainty there. So whenever you see one of these you have to take it with (inaudible) now the one thing that many municipalities do, when push comes to shove on this, the applicant does a continuous wave drive test. So they set up a crane and they have the antenna at 180

feet, so this is real world now, and they drive around and they measure the signal. Then they lower the antenna down to 150 feet; they drive around and they measure the signal. Then they lower it down to 120 feet and they drive around and measure the signal. The continuous wave drive test is nearly the gold standard because it's just like a cell tower except it's being held up by a crane so that way you can say without any question, whatsoever, what is the minimum height required to serve the area that they need to be served. But I haven't asked for that here, your board hasn't asked for that. I just mentioned it to you.

Chairman Robert Dee: We haven't asked for it yet.

Ronald Graiff: Okay, why don't we talk about...I think I've worn these out now in the alternate height.

Chairman Robert Dee: Yeah.

Ronald Graiff: Okay fine. Why don't we look at exhibit G okay?

Chairman Robert Dee: Okay.

Ronald Graiff: And the exhibit G's talk about the Lane Gate Road site which is the former landfill. So why don't you turn your attention to exhibit G and let's just take a look at, to move things along, we'll just look at the 700 megahertz from exhibit space.

Chairman Robert Dee: I guess what I'm looking for here is, this is a complete review, I understand that okay. There's a lot of things we truly don't understand about it. I don't think anybody could sit here and say that they understand it completely. You've explained it. We're looking for pretty much like just height. You're saying height 150 is okay, they don't need a 180 okay. We're looking at Lane Gate Road. In your professional opinion after studying all this, is Lane Gate Road an acceptable site? Without going through all the numbers.

Ronald Graiff: Just remember, part of my job is to create a record.

Chairman Robert Dee: Correct.

Ronald Graiff: As in the case of East Fishkill. I created a record so that when it went to court they could make a decision based on that, okay, that's my job. I'm not just gonna say yep, 150 no prob. No I have to create...that's why I'm going through this with you. And that's, my report deals with these specific issues.

Chairman Robert Dee: A lot of it we don't understand. I'm pretty sure that some of it is confusing and so I guess what I'm trying to say is that I've got the opinion, correct me if I'm wrong, that you said 150, there's no difference between 150 and 180 at this location.

Ronald Graiff: In my opinion I saw no difference between 150 and 180. No significant difference because they're calculated coverage plots correct.

Chairman Robert Dee: Now I know as far as the Lane Gate Road, how could you make it less lengthy?

Ronald Graiff: Well I'll make it really simple

Chairman Robert Dee: Sure.

Ronald Graiff: Okay the big deal with Lane Gate is he tests it at 180 and he does the alternate heights but the ground elevation at Lane Gate is significantly lower. And remember these sites propagate by how high they are above average terrain. So if you're on a hilltop over a valley and you're at 500 feet you're gonna see the entire valley. If you're on a hilltop that's at a hundred feet and you're on there you're not going to see the entire valley because these signals propagate in the line of sight so unfortunately for Lane Gate, there is something good about Lane Gate I have to say though. From a design point of view, you know one of these systems has to be designed to certain criteria and one of them is called a regular reuse grid, where the sites are spaced around the existing sites. So if you look at B1, I'm sorry G1, you'll see where the Lane Gate site is, look at the distance from that site to Nelsonville and then look at that distance from, to Fahnestock, compared to Philipstown which, remember I talked about having sites too close together?

Chairman Robert Dee: Correct.

Ronald Graiff: Yeah, I mean that's the one downside to Philipstown, it's very close to Fahnestock. But there's not a lot of bleed, not a lot of overlap, but still from that point of view it's very nice but the fact is is the terrains much lower at 180, 150, 120. It doesn't provide the same level of coverage because it doesn't see as far.

Chairman Robert Dee: Okay.

Ronald Graiff: Now then we went to the McKeels Corner site and that sites the hundred-foot monopole and they tested that at 110 and 120 and those are going to be in exhibits if you want to open to them. Or if not it's up to you.

Chairman Robert Dee: I guess, they're gonna abandon Mekeels Corners.

Ronald Graiff: Right but one of the considerations is, why can't they do something to that site to use it. Why throw it out? It's an existing approved site.

Chairman Robert Dee: Can they do something to it.

Ronald Graiff: Right and so what they did is they tested it at 120 and 130 and once again the ground elevation of Mekeels site is significantly lower than the proposed site in Philipstown. And it's also further north where the gaps are on route 9 going south so, as a result of that if you look at the propagation's for that, it's not as good. I mean I was hoping that that would be the one well, just fix that site because it already exists, but that's not going to work in this case. So I think that wraps up everything that you may have thought was important in this report. Let me just look at my...

Adam Rodd: Can I just ask a follow up on Mekeels, just for clarification. If it was higher than it is...

Ronald Graiff: Well thank you for asking that because once again, I'm not a Zoning guy. I'm not the town engineer. I'm not a planner. Just for fun I would have tested at 180 because that would have been some of the kind of variance, a height variance and I don't know what that's called but they only tested it what the ordinance permitted it to which was 120. But they did give it a kiss and do 130 just for fun. But it didn't work.

Chairman Robert Dee: Because I guess the ordinance, Mekeels Corners can't be any higher than that.

Ronald Graiff: And by the way that's gonna be in, that's going to be exhibits A, 1A, A2a, A3a, that'll be the penultimate paragraph of my report to your board. You will see that that's where I outline so, in your spare time if you'd like to look at that you'll see what I'm talking about there. That indeed it just doesn't, it just doesn't do it.

Ronald Gainer: So you're saying that it might be worth while to study Mekeels at a higher elevation even recognizing that a variance might be required.

Ronald Graiff: That's, that's, I mean it's kind of beyond my pay grade but you sure, I mean if you guys would approve 180 feet there why not try it?

Paula Clair: That's not our....is that?

Chairman Robert Dee: Mekeels Corners is that under our jurisdiction?

Paula Clair: I don't think so.

Ronald Graiff: I think it's 200 feet.

Audience member , Inaudible.

Ronald Graiff: Oh that's about the same. It's a significant lower elevation if you look at, these maps are done on USGS topographic maps and they have the elevations listed, and I looked at that though there's a big difference.

Audience member, Inaudible.

Ronald Graiff: You look up at what?

Audience member: I look up at the landfill. From my property.

Ronald Graiff: And maybe you'd look up at the Phillipstown site too, I don't know I mean the site they proposed.

Chairman Robert Dee: Okay. So, I'm not gonna take any questions right now from that okay.

Ronald Graiff: Just...we had a DAS question. Do you want to talk about that?

Chairman Robert Dee: Oh. DAS.

Vincent Cestone: I can wait for the public hearing. Give you some more time to do it.

Ronald Graiff: Sure.

Chairman Robert Dee: Alright we'll do it at the public hearing then.

Ronald Graiff: Okay.

Chairman Robert Dee: Okay. As far as Mekeels Corners, I don't know, you know. That's not under our jurisdiction right? I don't believe. Mekeels Corners? Who would that be under? It's in Philipstown? The Mekeels one? That would be our jurisdiction? So, my guess...it would be a...would that be feasible to you? Homeland Towers. Let me ask Mr. Gaudio.

Robert Gaudio: We looked at it. So...

Chairman Robert Dee: Let's say...

Robert Gaudio: Well the existing tower is 100 feet.

Chairman Robert Dee: Okay.

Robert Gaudio: We looked at it...

Chairman Robert Dee: Like they said. If we could make that higher we wouldn't have to put this cell tower here. I guess that's my question.

Robert Gaudio: We looked at that and it's not feasible even higher. We looked at it at the height limit, which is 110 feet in that zone and we even went up to 130 feet and it still did not provide the coverage in the area. So we did look at it even higher and requiring a height variance which the proposed application does not.

Chairman Robert Dee: Well but you didn't look at 180. Did you look at 180?

Robert Gaudio: No because first of all there'd be no way to extend that existing tower to 180 feet.

Chairman Robert Dee: You could replace it.

Robert Gaudio: That's very speculative to say replace it but we looked at what I think the code allows, which is 110 feet, and we even took it 20 feet above that. I don't think there's a requirement legally to say that you have to be able to go for, in this case it would be you know, even if it did work at 180 feet would be a 70 foot height variance it's just not, that's just not legally reasonable

Chairman Robert Dee: Okay.

Ronald Graiff: Okay. Just two more things before I leave you tonight or leave this stage. I heard something about a previous alternate site analysis of May, someone said May maybe it was in March I don't recall I was not a party to that so I don't know what other alternate sites you looked at. I just looked at the two reports that I got. And the only other thing I'll comment on is you brought up something about the height of or the distance to a home considering the RF emissions. You are aware that your board cannot consider radio frequency emissions in making a determination whether to approve a site or not. It's federally preempted. So it's nice to get that report I look at it; I know what it is. Yep, you betcha, but you can't consider it. But when I did look at it anyway at 500 feet it was still a yawn. There's no problem. Okay?

Chairman Robert Dee: Okay. Thank you. Okay. Where are we here? Let's check. I guess, it's getting late. I'm gonna have a few people speak. I could notice some people here. I know you're looking, your goal is to have a public hearing and I understand that. I would want to get this over with also, okay, I'm with you. But my goal is to make sure the board has all the information they need to make that decision. Okay? So at this point in time the question was raised about the fire department. I realized that was just thrown at you tonight and you're gonna have to have time to talk to your applicant about that. So as far as the other SEQRA we haven't gone over the long form.

Ron Gainer: Right. What I've suggested this evening is merely to initiate the SEQR process. During that period you could be looking at the environmental documents. But just to establish the lead agency is necessary (inaudible) before a determination of significance can be made you have to establish who the lead agency will be.

Chairman Robert Dee: Well we've already done that.

Ron Gainer: Well you've stated your intent so...

Chairman Robert Dee: Okay so...

Ron Gainer: It's no harm that you haven't looked in detail at the environmental documents yet.

Chairman Robert Dee: Alright so our next meeting on October 2nd what all, would you suggest to go over the SEQRA or the long form at that time?

Ron Gainer: If you're so prepared. Again the, once the referrals are made, which will happen immediately subsequent to tonight, the other boards have 30 days to respond. So this Conservation Board may respond within a shorter period if you're looking at the October meeting but we're not obligated to but you could at least have reviewed the document on your own.

Chairman Robert Dee: Right. I don't think anybody wants to touch it. On the Boards, you know at this point in time. That would be like the conservation board?

Ronald Gainer: Oh yea I don't anticipate that the conservation board is gonna object to your intention to be lead so...

Chairman Robert Dee: No so, we'll stay with that. I'd like to try and get everything together at next meeting so we could have all the information we need then set a public hearing. That's my point that public hearing would be for, let's say November.

Ron Gainer: That's certainly your decision to make.

Chairman Robert Dee: Right I....does anyone disagree with me? To set a public hearing? Do you have enough information at this time? Okay. So, our plan is to go over the SEQR, the long format next meeting okay. Get an answer back from Homeland Towers which is about the fire department okay.

Ron Gainer: Excuse me. I'm being told by your secretary that we discussed the need for a referral to County Planning earlier tonight. But her notes didn't pick up the actual referral being made. Could you do that for the record just so she picks it up in the minutes? Thank you.

Chairman Robert Dee: Sure. Could I get, make a motion for referral to the County for this project?

Vincent Cestone: I'll make a motion.

Chairman Robert Dee: Second?

Paula Clair: Second.

Chairman Robert Dee: All in favor?

Granite Frisenda: Aye.

Paula Clair: Aye.

Vincent Cestone: Aye.

Leonard Lim: Aye.

Chairman Robert Dee: Okay. Alright. So that's what we'll do on October 2nd. Go through the SEQRA long form okay. We'll have the answer from Homeland Towers where they stand with the fire department, okay. And at that point in time, what else do you think we would need? We have the liability, we have everything else like that. What do you think we would need besides that, I guess my question to you is.

Ronald Gainer: There's some statutory administrative things that are covered in my technical memorandum to the board which obviously the applicant will be responding to. And you've got the report from the RF engineer.

Chairman Robert Dee: Okay so we'll go for the October meeting and then if we can get everything together we will set up a public hearing for, that would be for November.

Ronald Gainer: Okay. Thank you for your time this evening.

Chairman Robert Dee: Okay.

Ronald Gainer: Now anybody in the audience would want to speak that's fine. And not long but you know. Okay.

Cali Gorevic: One thing is I just want, Cali Gorevic, Cold Spring, clarification. Once this tower is approved or...Mr. Graiff this is for you really. A question once any tower is approved they can, at will, add a hundred feet?

Ronald Graiff: No.

Cali Gorevic: Okay, help me understand that.

Robert Gaudioso: If I could take just one first crack at it. I think you may have misspoke before. You said 100 feet I think you meant 10% of 20 feet.

Ronald Graiff: 10% of 20 feet.

Robert Gaudioso: 10% of 20 feet would be the height that the statute that you're referring to would have to be deemed approved.

Cali Gorevic: Thank you. Thank you. I had mentioned this before so I apologize for bringing it up again but the test for the aesthetics of you know and all these pictures of the tower in who's ever view and whether it can be seen or not. In the middle of the summer with all the trees with all their leaves I don't think that that's a reasonable test. I think they should have to test it again when the leaves are down because that's how we spend most of the year. The other thing I would like to say is that...

Chairman Robert Dee: Well let me ask. Hold on a second. Mr. Gaudioso we're gonna have, I told you October 2nd we're going to try and finish this up as far as to get it ready for public hearing and which we will probably will schedule public hearing in November, sometime in November, second Monday in November. Will you be, in that period of time, would you be prepared, will you be amicable to doing another balloon test with no leaves let's say the end of October, November? Or not?

Robert Gaudioso: We can certainly discuss it at the October meeting.

Chairman Robert Dee: Okay let's discuss it at October meeting because like I say we'll probably set up the public hearing for November so that would give you some time. Maybe the leaves would be down by that period of time. Talk about it to your applicant see if they're accessible for setting up another balloon test when the leaves are down off the trees I guess. Thank you. Yes sir? You have to come up to the microphone. Please identify yourself.

Allen Jordan: My name is Allen Jordan, Cold Spring. I live at 24 White Rocks Lane. I'm just trying to get a better visual for, we're talking about this balloon test now. I just, I'd like to know, how big is the balloon that we're using? I'm assuming that whatever it's being floated on is capable maybe, perhaps? I'm trying to understand what that looks like as far as size and I'd also like to try and have a better understanding. What are we talking about from side to side as far as when this monopole is up?

Chairman Robert Dee: Are you talking about the equipment?

Allen Jordan: Yeah, the equipment. So, you know, what is it from one side to another? Is it 20 feet? Is it 30 feet? Is it...

Chairman Robert Dee: I know I guess would depend on what type of equipment they use.

Allen Jordan: Right so I guess what I'm asking is, we're floating a balloon in the air and does that really give us what we're looking for as far as...

Chairman Robert Dee: Well I guess it, what it gives you is a visual sight of where it's gonna be and how high it's gonna be and everything that's like that. I don't know if it would be feasible for me to ask them to float a tower...

Allen Jordan: No I wasn't asking for that at all. If, I didn't mean to imply that.

Chairman Robert Dee: I understand what you're saying. How many balloons do they need?

Allen Jordan: No I'm just, I just like to compare, you know, the balloon that's in the air? What is that? Is that a 10-foot balloon?

Leonard Lim: What the balloon does is that we drive around the neighborhood in different areas, we can see the balloon. So we know how it's gonna look from... if we can see the balloon we know we'll see the tower from different sites as we drive around.

Allen Jordan: Right I'm just trying to get, for someone who is 1200 feet away from this.

Chairman Robert Dee: Right. So you're asking them to use a bigger balloon? I can always do that.

Allen Jordan: Again, if there's anybody who can provide me that information as far as the equipment. Just curious.

Robert Gaudio: It's all in the plans. And what's important to remember is, the initial visual report...

Chairman Robert Dee: Could you step up to the microphone please. Because believe it or not there's people at home who actually look at this.

Robert Gaudio: The initial visual report that we prepared and put in the record and we updated recently, was used, used computer modeling at a time with photographs with no leaves on the trees. So we've already done that, number one. Number two, we updated that and then we also performed the balloon test; and as we had somewhat warned when we were doing the balloon test is that, it's a heavily wooded area and that to get a balloon up to the location is very difficult. So what we did is we took photographs of the balloon and as you can tell the balloon, because of the wind drift, is not always in the exact location. So, what we did again we use the computer modeling and in all of those photographs we showed where actually the top of the tower would be. Then on top of all of that what we did is we use computer modeling to show what the actual dimensions of the tower would be because Mr. Lim is correct; the balloon is really only a reference point. The problem is as a reference point it's not always 100% accurate because just of the trees and the wind. So what we did is we used computer modeling to

show in the different photographs exactly what the tower would look like and in this case we even did it with full build-out which is not proposed as part of this application. So that's all already in the visual analysis.

Chairman Robert Dee: Alright anybody else? Yes?

Ellen Burstein: I'm Ellen Burstein from Cold Spring. I just had a question. Is it unreasonable to ask about this crane test to see whether it really could be even lower than the hundred and fifty feet?

Chairman Robert Dee: Tested to see if it could be lowered to 150 feet?

Ellen Burstein: Yeah the gentleman mentioned that they could have a crane and... yeah and see... to see if it really could be even lower than that.

Robert Gaudioso: We will, based on Mr. Graiff's report and based on our...

Chairman Robert Dee: Come to the microphone.

Robert Gaudioso: We will evaluate the opportunity of lowering the tower.

Chairman Robert Dee: Okay. Will we have an answer by October 2nd for us on that?

Robert Gaudioso: Yes.

Chairman Robert Dee: Okay thank you.

Ellen Burstein: And just as a follow-up to that would there really be no consideration of something higher at the existing site. I know maybe 180 feet is too big a variance but what about a 170 feet at that site?

Chairman Robert Dee: Well they've already looked at that I think and you know they would have to pretty much take the tower down and put up a new tower. I would need like a big variance of, 70 feet variance, yeah. Thank you. Anybody else. Yes?

Paul Eldridge: Good evening. Paul Eldridge, 100 Rockwald Road. There's been a number of reports referred to, the new application and I think it's 500 pages if I understood that correctly. And there was a report of 9/6 and a report of 9/8 I believe that was referred to I think one of them was passed out this evening. Are they all available for us to review? Are they online?

Chairman Robert Dee: I don't think they're online. I think they're in town, they're in the building department. But I, to put this online. I don't know if we have anybody who could put 5-600 pages online.

Paul Eldridge: Could you make it available electronically? You know an electronic file that could be shared?

Chairman Robert Dee: Let me ask our secretary. It is a lot of work, you know, to put all these pages online I mean, you know, I just...they are available. You can go down to the, I know it's a pain in the neck but you can go down to the building department and review them all.

Paul Eldridge: Could Homeland Towers make a, you know, a digital copy available?

Chairman Robert Dee: They provided that?

Tara Percacciolo: They provided a PDF of everything in the application they just turned in and it is available online if you go to the Philipstown.com website. That was the new submissions that they just submitted on August... the ones I got tonight?

Chairman Robert Dee: So it'll all be online.

Paul Eldridge: Great, thank you.

Chairman Robert Dee: Ok. Alright, yes sir I'm sorry. You gotta let the Supervisor speak I mean, you know.

Supervisor Richard Shea: I just want to make an observation that for two years homeland tower pursued the former landfill site as a viable site and...

Chairman Robert Dee: I'm at a loss myself. They came to you 2 years ago to see if they could use the site, now all of a sudden it's no good.

Supervisor Richard Shea: Right so less than....and then less than...you know half a mile away a lot of locations there probably could be looked at but also the fact that we were accused of not, you know, not responding to that. We did meet up there and look at that site and that at that time it was presented as a viable site. You know I, I would encourage Homeland Tower to go back and look at this site again to take a closer look and we'd be completely amenable to that, to taking a look at that site because in my opinion, I just don't see how from one side of street to the other, and I know there's difference in elevation, but that some accommodation couldn't be made there; especially after hearing the report tonight about the coverage area so...

Chairman Robert Dee: I'm gonna ask. Mr. Gaudio, is it possible for Homeland Towers... we're looking for...I guess what I'm trying to say, you could see the, we're looking for an alternative site. So is it possible you take another look Lane Gate?

Robert Gaudio: I mean we thoroughly evaluated it and your own consultant agreed with our evaluation that it's not a feasible standpoint from an RF standpoint and let me just make perfectly clear. We said this before. We will not spend the resources of fully engineering a site until we know we have a willing landlord. And I think that the alternative site analysis that I referred to before had nothing to do with engineering; it had to do with site acquisition and we cited to all the different attempts we made to look at the property. Nevertheless, after our last discussion about a month ago where the Supervisor said the Town Board may be amenable, we went back and we ran the plots, we submitted them up to 180 feet. Your own consultant reviewed it; he testified to it this evening that it

doesn't work from an engineering standpoint so, I'm not really sure where we're going on that because we looked at it from...

Chairman Robert Dee: Why did you approach them then 2 years ago if it wasn't viable. Just, from just a regular person.

Robert Gaudio: I think I explained it before. The first thing that Homeland Towers does is they come in and they look at municipal property. They've worked with numerous municipalities throughout the region because usually municipal property has an existing condition on it, in this case it's a landfill and we've done other existing landfills with other towns in the region because they tend to be areas that are amenable to this type of facility. So our first look when we came to the area was, let's go look at the landfill, and Homeland Towers was not the first applicant to come look at the landfill; there were other applicants, as I mentioned before, that had come to the town and didn't have success in pursuing that location. But nevertheless Homeland Tower looked at that as its first line of, hey there's a municipal property and it's a landfill. So they went and looked at that property first and after, I believe very good faith efforts to try and obtain a consent to go there, they looked elsewhere and then the next step in the process was to look at the zoning code, look at the preferred zones. That happens to be a preferred zone right across the street on a 64 acre property that meets all the height and setback limitations. So, that's the analysis that was laid out back in the May 23rd filing with the alternative site analysis from, for Mr. Xavier and that's all in the record. So it's, we never said it was a feasible alternative from an engineering standpoint because we don't do that until we know we have a willing landlord; that's when we then, we start to spend the time and the resources to evaluate it further.

Chairman Robert Dee: Okay. Thank you. Yes, Mr. Graiff.

Ronald Graiff: Just like to clarify one thing with respect to the landfill site. I evaluated the site that was on the maps. I did not look, with this short fuse, I didn't go to your landfill. I didn't look to see if there was higher ground there or lower ground. I know they didn't want to move the site on this property closer to the building or something. I have no idea whether that's higher or lower ground. I just based on the information I was given and it could be at the landfill there's higher ground, I don't know. I evaluated on what I was given as this is the site and I made the assumption that that's the site that everyone agreed on was the landfill site. But if there's something else at the landfill that everyone seems to think is higher, so he it and it should be evaluated that way.

Robert Gaudio: And that's a really good point. We specifically looked at the location on the landfill that was indicated to us that might be available. So we looked at the best spot on the landfill. If there's a different spot on the landfill and you have different coordinates we'll be happy to look at them. But I can tell you this. Because we went through the visual analysis page by page on the landfill and showing the different view sheds coming up and down route 9 the visibility of the landfill will be significantly greater, even at the best location that we picked. If you have a different location on the landfill and the town wants to write us a letter and say there's a different location and they'll make that available on reasonable terms and conditions, we'll be happy to perform another evaluation.

Chairman Robert Dee: Right. I understand what you're saying about more visibility over Route 9 but would, I guess my question would be, less visibility to people who look at it from their deck. That's my, you understand what I'm trying to say?

Robert Gaudio: Yeah, I think if you go out there and actually look at it I think, I think that it'll be six of one and a half a dozen of another meaning that there'll be other, there'll be other locations that'll be even more visible from at the landfill.

Chairman Robert Dee: Right, so I guess what we're trying to say is the Lane Gate is pretty much a dead issue to you, correct?

Robert Gaudio: We believe we've evaluated it and it's not a feasible alternative.

Chairman Robert Dee: So I guess...even if I asked you to go out and look at it and you come back and tell me it's a viable location, they're gonna argue with it I guess. You know what I'm trying to say?

Robert Gaudio: I don't think that's fair at all. That's not...

Chairman Robert Dee: Wait a minute, don't get excited don't get excited. Relax. Calm down. Please.

Robert Gaudio: You mis-characterized what I said.

Chairman Robert Dee: Boy you jumped up there like...

Robert Gaudio: Because that is (inaudible) I said just the opposite.

Chairman Robert Dee: Take it easy.

Robert Gaudio: That if there was another alternative on the property, that was available and you thought it was a less intrusive location and you thought it was better from an engineering standpoint we would evaluate it. We don't believe that exists but I made the offer specifically that we would continue to evaluate it.

Chairman Robert Dee: Okay well let's make a deal here. We think it's probably less intrusive, the board, and probably might be a better site. Are you willing look at it? And are you willing to look at it? The town I know is willing to look at it.

Robert Gaudio: What I'm saying is we've already looked at it. If there is a different...

Chairman Robert Dee: So what are you trying to tell me? First you tell me you're willing to look at it then you say you're not willing to look at it. You gotta give me an answer.

Robert Gaudio: Look, my answer is this. My answer is that we were told there was one specific spot on the property that was the available location. We evaluated it, and this is despite...

Chairman Robert Dee: What if there's another spot available?

Robert Gaudio: That's what I just got done saying. Let's have the Town send us a letter that says that number one, that the Town Board as a whole is making it available in reasonable terms and conditions, tell us exactly where it is and we'll evaluate it.

Chairman Robert Dee: Let me ask you this. If the Town Board said that you could pick out the spot. If you evaluated the area, let's say the landfill, and you picked the best spot for yourself and they agreed to it would that be okay?

Robert Gaudio: That's what we already have done. We've already done that.

Chairman Robert Dee: (Inaudible) the Supervisor here. Mr. Shea. Yeah now you gotta rush. Yeah but don't jump up like him.

Supervisor Shea: We never designated a spot, so to characterize it as if we had designated spot that is completely false, because we are not the experts. What we did was invite Homeland Towers to the former landfill and have them come out with some preliminary testing equipment and at that time it looked like it was feasible. So I don't know which site this test was taken from I'd have to take a look at the report and...

Chairman Robert Dee: He's not jumping up this time.

Supervisor Shea: Again, we were not the ones who designated the spot.

Chairman Robert Dee: Right. So any spot on there would be okay with you?

Supervisor Shea: Well, any spot that would work. We do have limitations with the landfill cap.

Chairman Robert Dee: Because you have to be able to get it...

Supervisor Shea: Well we have a cap on the landfill. We can't penetrate the cap. And this thing requires, I imagine, these monopoles require quite a footing. But again we did not designate the spot.

Robert Gaudio: We were specifically...

Chairman Robert Dee: Have to go to the microphone.

Robert Gaudio: I'm gonna end it with this. We were specifically told not to go on the cap, to go off the cap and go into the woods which is exactly where we picked. If there's a spot that the board and the Town Board are willing to make available under reasonable terms and conditions that is in writing to us we will evaluate it and provide a report.

Chairman Robert Dee: Alright, how do we proceed now to do that? I mean we have the Supervisor here and we have you here, we have the engineers here. Everybody seems like they're willing to do that. Would you be willing to go and look a spot that would be feasible to you?

Robert Gaudio: Sure, but my point is, is that we have already done that and what we've told you is that the spot that's feasible...

Chairman Robert Dee: I understand that. Pick 1 spot. Okay. Was that spot good for you?

Robert Gaudio: It was in a spot that we can construct it but it but it was not in a spot, and the property in and of itself does not provide the necessary coverage to fill the gap.

Chairman Robert Dee: I know I'm asking a lot from you I understand that. But I'm just trying to get to the best conclusion here. So I guess would it be possible for you to go back to the landfill and look for a spot that would be viable to you.

Robert Gaudio: We would, I would say this. We're in a chicken-and-egg situation. Okay, if the town has a spot that they would like to make available that they think is better than the spot we already chose...

Chairman Robert Dee: But they can't pick the spot, you have to pick the spot. They're not experts.

Robert Gaudio: But we did pick, we are the experts and we picked the spot. That's what I'm trying to tell you and...Mr. Chairman...if there's a spot that someone thinks is a better spot than what we picked that doesn't work and that they think will work, we'll evaluate it. We have no objection to that

Chairman Robert Dee: Okay. Would you be willing to go with our consultant to the landfill and your engineer to look for a spot?

Robert Gaudio: I think first the town board has to say what spots it's willing to make available. And look, I'm not trying to I'm not trying to be difficult but we spent a considerable amount of time going through this and quite frankly, and frankly we got, let me finish, and we got nowhere because it wasn't made available. So I'm not going to spend the effort to make... it's not a matter of blame it's a matter of that these are the facts. This is how it happened and we've documented that okay? So you know I don't want to hold out false hope that there's this magical unicorn spot on the landfill that somehow everybody overlooked and is available and is going to solve all the problems and it's going to be invisible when we put it there and there's not going to be another group of neighbors. Okay I just, I don't want to set that wrong expectation. So if between your consultant and the town board wants to look at the property the town owns the property and they think that there's a better spot that we should evaluate, we are happy to evaluate it.

Chairman Robert Dee: Thank you, appreciate that. At this point in time I guess...mind stepping up sir? I guess at this point in time, as our consultant...

Ronald Graiff: The problem for me is if you look at exhibit H of the application it lists the latitude and longitude of the Philipstown proposed, Nelsonville proposed, West Point HD, West Point Barracks, Fahnestock, Travis Corners, North Highlands and the Mekeels Corners. It doesn't indicate any coordinates for the landfill. I have no idea where it is. All I did is I looked at a map and I saw contour lines and I said yeah it's about 580 feet or whatever it was. I have no idea where it is. Typically when an applicant applies for a site they put a peg where the towers gonna be and then they stake out the compound, I'm sorry, the compound area. I have no idea, I mean if I went into the landfill I might step in the landfill or something. I don't know where it is; they must know where it is because they proposed it right you have...

Robert Gaudio: We'd be happy to provide that information.

Chairman Robert Dee: Alright how about we do this.

Ronald Graiff: Would you mark the site then? I mean I don't have...an A and E guy's probably got a great GPS. We'll go together?

Robert Gaudio: (Inaudible)

Chairman Robert Dee: How about that. Homeland Towers, you and Mr. Gainer meet at the site, make arrangements, and see by next month, October 2nd come up with an answer. Okay if it's good or not good. Is that possible?

Robert Gaudio: How about tomorrow at 12 o'clock. Let's not waste time.

Chairman Robert Dee: Okay.

Audience – Inaudible

Chairman Robert Dee: How's that. Is that okay?

Ronald Graiff: Gee talk about a short fuse (inaudible)

Chairman Robert Dee: Is it possible? I'm asking?

Supervisor Shea: That's unreasonable...14 hours from now? This is a big decision.

Robert Gaudio: Listen, we offered.

Crosstalk – Inaudible

Chairman Robert Dee: Figure it out and get a date...

Ronald Graiff: If you're gonna be at the site tomorrow, why don't you put a pin at the latitude/longitude

Inaudible

Ronald Graiff: ...I don't. I'm not a surveyor I'm an engineer.

Inaudible

Ronald Graiff: I don't think tomorrow at noon.

Inaudible

Chairman Robert Dee: Alright, can't ask for more than that. Right? Okay that's good. Alright. So you guys are all gonna get together, meet at the landfill, God bless, and see if there's a spot that you could use. Okay. Unless there's anybody that really wants to talk...yes. You're the last one.

Roger Gorevic: I've been quiet all night.

Chairman Robert Dee: I know you did. That's unusual.

Roger Gorevic: I know it's very unusual. I think it's great that you're trying, all right. I don't believe any of this is gonna go anywhere, just so that we understand.

Chairman Robert Dee: You're gonna have to speak into the mic.

Roger Gorevic: Okay. I don't believe any of this is going anywhere. I think this is lip service. I'm gonna say my piece because I'm allowed to. Alright. I'm glad that you're trying to do this, and you know my feeling on it. I said at the last meeting that whatever happened to negotiating in good faith? We know you are, I'm not sure about the other side so...

Chairman Robert Dee: Wait wait now. They are negotiating in good faith. They said they would meet them there.

Roger Gorevic: At least they said they'd meet. They also made caveats all night long about we've looked at the site it's the wrong site. So that's five hundred and eighty feet. Okay ours is gonna push this thing up to about 900 feet. 900 feet for any of you who don't know is 83 and a half stories on a building in New York. We just witnessed down in Florida, and we witnessed in Houston, enormous winds. So we can't even say that these are once-in-a-century anymore; they're happening every week. If you get hit with a wind, and most towers are built to withstand 120 miles. You had two cranes down in Florida which were built to withstand 140 mile hour winds, 145 actually. They came down. You put this up, and I think the fire department's absolutely correct, you put it up there, that's how it's coming down. I have here, just in case anybody doesn't think we do work, we can submit thousands of pages also. We have studies for the last 30 years on every wind gusts that took place. It's done by one of the top meteorologists around, Jim Witt, who happens to be here tonight. He's taught everybody and we could go and give and, go for his credentials but he has registered, we've registered 95-100 mile hour winds up here. We didn't have hurricanes so when you go and you take it up to 900 feet, you add 20-30 percent and more. Maybe even forty percent. That tower's gonna come down. You don't put it in the middle of a residential area. You don't put it in the middle of a forest and you cannot do this. This is totally wrong. So if you go to the other side of the street, quite honestly, and I'm not saying they should go there because I have mixed feelings about...

Chairman Robert Dee: Don't stop them from going there. They're going there okay.

Roger Gorevic: No I understand. I have mixed feelings; I can't be a hypocrite. I don't think it should be, I think it should be in a commercial zone down on the street, down on nine and finished. However with that said, if you're gonna go and do all these things you're leaving yourself wide open for nothing but heartache and aggravation for people getting killed. We sit on the top of that mountain. I'm telling you, there's a fire, we're not getting off. They're wrong in what they wrote here, that there's only two families up there. First of all there's us, the Fadden's, although they're selling there will be another family up there. The Della Valle's are building; they're just building their house up there so they're wrong in their admission it's not...and Marion down below. You can't get off the mountain, precisely. You can't get off the mountain if you have a fire here. So now what happens to us? We say well that

was just bad luck? No that's not the way this goes. I'm not blaming you guys, you know I love you. You have defended what we all believe in up here; it's what I said to Richard the other day and what I said to the to the town board. We rely on all of you but we're here to support you. We're not gonna sit by idly and let this thing get ramrod through.

Chairman Robert Dee: Don't forget we are gonna have a public hearing.

Roger Gorevic: I know that and but I wanted to say...there's also other things here besides fires, besides the wind, besides various submissions that we can turn in and we'll turn them in for the open public hearing. There's also an HOA thing going on here that they don't even know about. So, you probably want to get yourselves involved in that also. There is a dispute on a homeowner's association thing as to what goes on on our road.

Chairman Robert Dee: Would that property come under Homeowner's Association?

Roger Gorevic: There's a homeowner's association. There's a dispute over what the original intentions were when the town granted permission to go up there. The roads names have been changed; there's a lot going on up there. We've been doing a lot of studying. And this is not as simple as you guys think and we are not going away without a fight. You'd be better off to go to the landfill, you don't want to fight with us. It's all I can say.

Chairman Robert Dee: Alright. There will be, like I said we're tentatively shooting for a public hearing in November so the second week in November. Next month we're gonna go through, you know get all the information we asked for, and we'll have an answer with the fire department and...next month is just a continuation; it's to make sure we have all the pieces together, that we're satisfied, that the board has all the information and we will set the public hearing for November, the second Monday in November. Okay. At that point in time. Motion to adjourn.

Leonard Lim – I second.

Robert Dee – All in favor?

Robert Dee – Aye.

Paula Clair – Aye.

Granite Frisenda – Aye.

Leonard Lim – Aye.

Robert Dee – Aye.

(The meeting adjourned at 10:02pm by a unanimous decision.)

NOTE: These minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: _____

Respectfully submitted,
Tara K. Percacciolo
Secretary

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Lisa M. Card
Alana R. Bartley
Aaron C. Fitch

Emily R. Grandolfo
Judith A. Waye

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

September 26, 2017

ATTN: ROBERT DEE, Chairman
Town of Philipstown Zoning Board of Appeals
238 Main Street
P.O. Box 155
Cold Spring, New York 10516

Re: Essex Green (TM#49.6-2-14)
Our Matter ID: 6082-68201

Dear Chairman Dee:

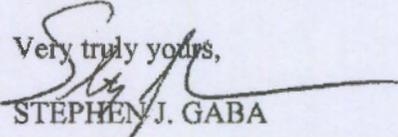
The Planning Board of the Town of Philipstown considered your referral letter regarding the above-referenced matter at its meeting of September 21, 2017. After discussing the matter, the Planning Board adopted a resolution directing me to provide the ZBA with the following comments:

According to the Zarin & Steinmetz application letter dated August 31, 2017, the subject property is a legal nonconforming lot because "in 1966, approximately one acre of the original parcel was conveyed to the Village of Cold Spring in order to allow for a connection to the Catskill Aqueduct" and, under the Town Code, when an undersized lot results from land being "taken" for a public purpose the lot becomes a legal nonconforming lot. But it is not clear from the submission how the said conveyance of land to Cold Spring resulted in the formation of the lot at issue. Moreover, it is unclear whether the said land was "taken" by eminent domain or was voluntarily sold to Cold Spring and, if the latter, whether the Code's grant of legal nonconforming status would apply. For the foregoing reasons, the Planning Board suggests that there may be an issue as to whether the subject property is, in fact, a legal nonconforming lot

The Planning Board appreciates that the variances sought, particularly the "zero" front yard setback, are needed because of the fact that the property straddles a municipal boundary. However, in order to avoid creating a precedent which might result in future "zero" setbacks, it is suggested that the ZBA's decision on this matter explain in detail the significance of the fact that the property straddles a municipal boundary.

If you have any questions about the above, feel free to contact me

Very truly yours,


STEPHEN J. GABA

SJG/ev/600951
cc: Planning Board

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LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

September 22, 2017

Honorable Chairman Robert Dee
and Members of the Zoning Board of Appeals
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Special Permit Amendment with Variance to Permit Temporary Wireless
Communication Facility at the property known as 22 Sky Lane
Philipstown, NY ("Property")

Dear Hon. Chairman Dee and
Members of the Zoning Board of Appeals:

As you recall, we are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with its request to place antennas on a 100 foot temporary cell on wheels ("Temporary Facility") at the above referenced Property. At your September 11th meeting, you scheduled a public hearing for October 2, 2017, and requested some additional materials in connection with Verizon Wireless' application.

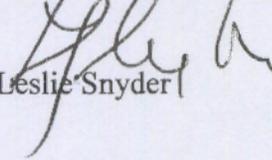
Pursuant to your request, enclosed please find ten (10) copies of the following items:

- (1) Zoning Board of Appeals application, revised to indicate that the Temporary Facility is 100 feet in height and requires a front yard setback variance¹;
- (2) Full Environmental Assessment Form, even though not required since the project is a minor one and Unlisted Action under SEQRA wherein only the short environmental assessment form, previously submitted, is required; and
- (3) A legal description of easements depicted on the plans prepared by Tectonic Engineering and Surveying Consultants, P.C., together with the easement recorded against the Property.

¹ Kindly note that only pages 1 and 2 of the form were modified to reflect same.

We thank you for your consideration.

Respectfully submitted,


Leslie Snyder

LJS:lc

cc: Verizon Wireless
Donna Marie Stipo

Z:\SSDATA\WPDATA\SS4\WP\NEWBAN\M\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\jsadditional items.FIN.doc

APPEAL # _____ Tax Map # _____

Final hearing date _____ Zoning Board decision APPROVED / DENIED

Date application submitted 8/2017

Application fee \$ 5,000.00* Escrow \$ _____ Received by _____

To the Zoning Board of Appeals, Town of Philipstown, New York:

I (we), New York SMSA Limited Partnership d/b/a Verizon Wireless

residing at c/o Snyder & Snyder, LLP, 94 White Plains Road, Tarrytown, New York 10591

Telephone: home _____ business (914) 333-0700

HEREBY appeal the decision of (name and title) Greg Wunner, Code Enforcement Officer

whereby he/she

GRANTED _____ DENIED a BUILDING PERMIT a CERTIFICATE OF OCCUPANCY _____

For New York SMSA Limited Partnership d/b/a Verizon Wireless

To Place antennas on a 100 foot Temporary Facility

of 22 Sky Lane, Philipstown, New York

For property at tax map # Sec. 83.18 Block 1 Lots 22& 23 in zoning district SR (Suburban Residential)

WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES AS NECESSARY TO ANSWER QUESTIONS.

1. LOCATION OF PROPERTY: (Give 911 address and a map and detailed narrative giving directions to the property using road names, such as Route 9 or 9D, Old Albany Post Road, East Mountain Road South, etc. and landmarks such as Garrison School, North Highlands Fire House, Highlands Country Club, etc:

See attached cover sheet of Site Plan, submitted herewith.

2. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS (Include those opposite on streets/highways. Use additional sheets if necessary. This information may be obtained in the Town assessor's office)
See attached adjoining property owners list prepared by Tectonic Engineering & Surveying Consultants P.C.

\$5,000.00 fee already paid for 2015 Existing Special Permit, so together with \$5,000.00 for special permit amendment, \$10,000.00 paid. Fees submitted under protest.

3. PROVISIONS OF ZONING CODE INVOLVED (give Article, Section, Sub-section, paragraph by number, Do not quote text of code)
- Article IX, Section 175-64 of the Zoning Code (Special Permit Amendment with Amended Site Plan)
 - Article VIII, Section 175-59(D)
 - Article VII Section 175-46(G)(3)(c) of the Zoning Code (Area Variance for Front Yard Setback; 150 feet required, 50 feet proposed)

4. PREVIOUS APPEAL (If there have been any previous appeals for this property or any portion thereof, set forth the appeal number, date, relief sought and the ZBA decision resulting)
- Appeal # 889
Filed June 1st, 2015
Special Use Permit and Site Plan Approval to Collocate Antennas on Existing Communications Tower together with related equipment at the base thereof, granted pursuant to ZBA Resolution dated November 9, 2015.

TYPE OF APPEAL:

an INTERPRETATION of the Zoning Code or Maps

a VARIANCE from the Zoning Code

a SPECIAL USE PERMIT under the Zoning Code

Special Permit Amendment pursuant to Section 175-64 of the Zoning Code to permit a 100 foot temporary communications tower until existing communications tower is replaced.

5. DETAILS OF APPEAL (Complete only that section which applies to the appeal you are submitting)

(a) INTERPRETATION of the Zoning Code is requested

(1) An exact statement of the interpretation requested is:

(b) a VARIANCE from the Zoning Code is requested:

(1) An exact statement of the details of the variance requested is:

See attached Statement in Support of Application

(2) The grounds on which this variance should be granted are:

See attached Statement in Support of Application

(c) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

See attached Statement in Support of Application

(2) An exact statement of use for which the permit is requested:

See attached Statement in Support of Application

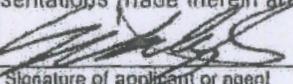
(3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with all requirements of the code for granting of a special use permit:

See attached Statement in Support of Application

STATE OF NEW YORK, COUNTY OF ~~PUTNAM~~ Rockland Csaba Szekely, on behalf of
New York SMSA Limited Partnership

being duly sworn, says: I have read the foregoing appeal and papers attached; that the statements and representations made therein are true to the best of my knowledge and belief.

X


Signature of applicant or agent

Sworn before me this 29 day of August 2008

Notary, RCB County, Rockland

ROBERT C. BREYER
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02BR5098207
QUALIFIED IN ROCKLAND COUNTY
COMMISSION EXPIRES: 2/13/15

SUBMISSION REQUIREMENTS: (1) For a VARIANCE or INTERPRETATION please submit (7) individual packets
(2) For a SPECIAL USE PERMIT please submit (19) individual packets

each packet containing one each of the below listed items. These items are very specific and MUST be complied with exactly

1. Completed appeal form
2. Deed to property
3. Denied application for Building Permit or Certificate of Occupancy
4. Building plans with ONE ORIGINAL professional seal and signature
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. One survey with ORIGINAL professional seal and signature
6. Certificates of Occupancy for any existing structures
7. Contour maps as required by conditions

Adjoiners List

Prepared by Tectonic Engineering & Surveying Consultants, P.C.

SECTION	BLOCK	LOT	PROPERTY OWNER	MAILING ADDRESS
TOWN OF PHILIPSTOWN				
83.14	1	41	RICHARD J AND ANABEL S ZAPP	5 RIDGE CREST RD, LAKE PEEKSKILL, NY 10537
83.18	1	4	ROBERT FROMME HEATHER FROMME	69 W MONTE LINDO, GLENDALE, AZ 85310 54 CARROLL DR, WAPPINGERS FALLS, NY 12590
83.18	1	5	ROBERT FROMME HEATHER FROMME	69 W MONTE LINDO, GLENDALE, AZ 85310 54 CARROLL DR, WAPPINGERS FALLS, NY 12590
83.18	1	6	COUNTY OF PUTNAM	40 GLENEIDA AVE, CARMEL, NY 10512
83.18	1	7	COUNTY OF PUTNAM	40 GLENEIDA AVE, CARMEL, NY 10512
83.18	1	12	RICHARD MEISTER JR	29 RIDGECREST RD, LAKE PEEKSKILL, NY 10537
83.18	1	13	THOMAS AND ELAINE HENDERSON	RD 1 BOX 63A, MCDONOUGH, NY 13801
83.18	1	14	COUNTY OF PUTNAM	40 GLENEIDA AVE, CARMEL, NY 10512
83.18	1	15	TOWN OF PHILIPSTOWN	238 MAIN ST, COLD SPRING, NY 10516
83.18	1	16	JONEL ALMAZON	P.O BOX 98, GARRISON, NY 10524
83.18	1	17	TOWN OF PHILIPSTOWN	238 MAIN ST, COLD SPRING, NY 10516
83.18	1	18	CONTEFISHER CONSTRUCTION	1420 JOURNEY'S END RD, CROTON ON HUDSON, NY 10520
83.18	1	20	ARVY EBRAHIME	300 MAMARONECK AVE, WHITE PLAINS, NY 10605
83.18	1	21	JOHN M ALBERT	P.O BOX 216, PUTNAM VALLEY, NY 10579
83.18	1	22	JAMES J MORRELL	6 JOHNSON RD, LATHAM, NY 12110
83.18	1	23	JAMES J MORRELL	6 JOHNSON RD, LATHAM, NY 12110
83.18	1	24	COUNTY OF PUTNAM	40 GLENEIDA AVE, CARMEL, NY 10512
83.18	1	26	TOWN OF PHILIPSTOWN	238 MAIN ST, COLD SPRING, NY 10516
83.18	1	27	COUNTY OF PUTNAM	40 GLENEIDA AVE, CARMEL, NY 10512
83.18	1	28	CITY OF NEW YORK, D.E.P	OWSL BUREAU OF WATER SUPPLY, 465 COLUMBUS AVE #350, VALHALLA, NY 10595
83.18	1	29	WENDY K WESTROM	16727 W SNOQUALMIE VALLEY RD NE, DUVALL, WA 98019
83.18	1	40	CAROLYN GARCIA	1240 HOG MOUNTAIN RD, FLEISCHMANS, NY 12430
83.18	1	42	KEVIN AND PAULA SARLES	31 MOUNTAIN DR, GARRISON, NY 10524
83.18	1	43	SCOTT ANDERSON	35 MOUNTAIN DR, GARRISON, NY 10524
83.18	1	45	CAROL MARIA MCELRATH AND RAJSINGH KOCHAR	39 MOUNTAIN DR, GARRISON, NY 10524
83.18	1	46	SUSAN AND THOMAS PHILLIPS	43 MOUNTAIN DR, GARRISON, NY 10524
83.18	1	47	CHARLES CUSTODIO MARIA CUSTODIO	64 MOUNTAIN DR, GARRISON, NY 10524 46 POCANTICO ST, SLEEPY HOLLOW, NY 10591
83.18	1	48	ILGVARS GRIETENS	34 MOUNTAIN DR, GARRISON, NY 10524
83.18	1	49	JAMES J MORRELL	6 JOHNSON RD, LATHAM, NY 12110
91.6	2	19	DAVID W FUSIAK AND BODO FISCHER	32 MOUNTAIN DR, GARRISON, NY 10524
91.6	2	21	DAVID W FUSIAK	20 MOUNTAIN DR, GARRISON, NY 10524
91.6	2	42	GUERLENS D DEMOSTHENE AND DOLORES FRANCO	6 LAUREL TER, GARRISON, NY 10524
91.6	2	43	SANJAY AND VANDANA PATHAK	8 LAURAL TER, GARRISON, NY 10524
91.6	2	44	ANTHONY J AND LORRAINE C CIPRIANO	10 LAUREL TER, GARRISON, NY 10524
91.6	2	45	EDWIN AND EILEEN MARTINEZ	12 LAUREL TER, GARRISON, NY 10524
91.6	2	46	ANTHONY AND FELICIA PAONESSA CATALANO	14 LAUREL TER, GARRISON, NY 10524
91.6	2	47	SHEILA M LITTLETON AND KATHLEEN MORAN	11 LAUREL TER, GARRSON, NY 10524
91.6	2	48	TOWN OF PHILIPSTOWN C V WATER DISTRICT	35-902 238 MAIN ST, COLD SPRING, NY 10516
91.6	2	49	RONALD AND MARGARET DE MARCHIS	5 LAUREL TER, GARRISON, NY 10524
TOWN OF PUTNAM VALLEY				
83.64	1	1	ARMONDO VIVENZIO	21 ARMONDO RD, COLD SPRING NY 10516
83.64	1	4	FERNANDO CORREIA	3868 VALLEY VIEW ST, MOHEGAN LAKE, NY 10547
83.72	1	1	DANIEL EDWARD AND DEAN ERIC MULVEY	29 ELINOR PL, LAKE PEEKSKILL, NY 10537
83.72	1	2	DEAN ERIC MULVEY	29 ELINOR PL, LAKE PEEKSKILL, NY 10537
83.72	1	3	PAMAL BROADCASTING	6 JOHNSON RD, LATHAM, NY 12110
83.72	1	4	JOHN B MCMANUS VERA MCMANUS	P.O BOX 331, LAKE PEEKSKILL, NY 10537 21 ELINOR PL, LAKE PEEKSKILL, NY 10537
83.72	1	6	LAURA PRESANT	11 STONEHENGE RD, GREAT NECK, NY 11023
83.72	1	7.1	JOHN M ALBERT	P.O BOX 216, PUTNAM VALLEY, NY 10579
83.72	1	7.2	CONTEFISHER CONSTRUCTION, INC.	1420 JOURNEY'S END RD, CROTON ON HUDSON, NY 10520
83.72	1	8	ROBERT KEMPERLE	176 NEW HWY, NO AMITYVILLE, NY 11701
83.72	1	9	ROBERT KEMPERLE	176 NEW HWY, NO AMITYVILLE, NY 11701
83.72	1	10	RICHARD I ZAPP, JR ANABEL S ZAPP	5 RIDGECREST RD, LAKE PEEKSKILL NY 10537 146 RIDGECREST RD, LAKE PEEKSKILL NY 10537

83-72	1	13	THOMAS E BERMINGHAM	11 RIDGECREST RD, LK PEEKSKILL NY 10537
83-72	1	15	RUDOLPH KEMPERLE AND EDELTRAUD BISCHOFF	75 05 64TH ST, GLENDALE, NY 11385
83-72	1	16	MICHAEL AND JULIE DINIZO	8 RIDGECREST RD, LAKE PEEKSKILL, NY 10537
83-72	1	17	JOSEPH J CARDINALE	P.O. BOX 269, PUTNAM VALLEY, NY 10579
83.72	1	18	WILLIAM B BLUNDON	3 HILLAIR RD, LAKE PEEKSKILL, NY 10537
83.72	1	19	DAWID BOZENA	7 HILLAIR RD, LAKE PEEKSKILL NY 10537
83.72	1	53	ROBERT AND VICTORIA HOCHBERG	422 9TH ST, BROOKLYN, NY 11215
83.72	1	54	JANUM MANAGEMENT LLC	132 MONTFORT DR, BELLE MEAD NJ 08502
83.72	1	63	ALLAN GRABOWSKI	12 HILLAIR RD, LAKE PEEKSKILL, NY 10537
83.72	1	65	STEVEN SACHELI	12 ANN PL, LAKE PEEKSKILL, NY 10537
83.72	1	67	FED NATL MORTGAGE ASSOC	7 CENTURY DR, PARSIPANNY, NJ 07054
83.72	1	68	MARCIA S PRESSER AND RAMIA ALESCHIN	67 RIDGE RD, HARTSDALE, NY 10530
83.72	1	69	AUSTIN KOSKINEN FALLS	18 ELINOR PL, LAKE PEEKSKILL, NY 10537
83.72	1	70	LAKE PEEKSKILL IMP DIST	TOWN HALL, PUTNAM VALLEY, NY 10579
83.80	1	1	CAROL, CHARLES AND RAYMOND T WOLFF	3 REICHART ST, LAKE PEEKSKILL, NY 10537
83.80	1	3	JAMES AND REBECCA OBRIEN	7 REICHART ST, LAKE PEEKSKILL, NY 10537
83.80	1	4	NORMAN ANDERSON	152 BARGER ST, PUTNAM VALLEY, NY 10579
83.80	1	5	DONALD AND NATTAKARN OSBORNE	15 REICHART ST, LAKE PEEKSKILL, NY 10537
83.80	1	6	JIM YU	2532 77TH STREET, EAST ELMHURST, NY 11370
83.80	1	7	FISHERHALL INC	10 ANN PL, LAKE PEEKSKILL, NY 10537
83.80	1	8	DANIEL EDWARD MULVEY	29 ELINOR PL, LAKE PEEKSKILL, NY 10537
83.80	1	9	FRANK AND MARGARET LOPUZZO	54 REICHERT ST, LAKE PEEKSKILL, NY 10537
83.80	1	10	EDWARD SISCO	40 REICHART ST, LAKE PEEKSKILL, NY 10537
83.80	1	12	MICHAEL MAJDANSKI	27 TRAVERSE RD, LAKE PEEKSKILL, NY 10537
83.80	1	13	SUSAN E ITALIA	21 TRAVERSE RD, LAKE PEEKSKILL, NY 10537
83.80	1	14	RICHARD E MEISTER JR	29 RIDGECREST, LAKE PEEKSKILL, NY 10537
83.80	1	15	JEFFERY SOUTH AND DOMENICA MASULLO-SOUTH	11 TRAVERSE RD, LAKE PEEKSKILL, NY 10537
83.80	1	16	RICHARD E MEISTER JR	29 RIDGECREST, LAKE PEEKSKILL, NY 10537
83.80	1	17	MICHAEL AND CARISSA MAJDANSKI	27 TRAVERSE RD, LAKE PEEKSKILL, NY 10537
83.80	1	18	KURT FREITAG	31 TRAVERSE RD, LAKE PEEKSKILL, NY 10537
83.80	1	19	MICHAEL AND MICHELLE USAI	35 TRAVERSE RD, LAKE PEEKSKILL, NY 10537
83.80	1	20	M PRESTIGIACOMO	8 DOUGLAS DR, HOLMDEL, NY 07733
83.80	1	64	PAUL AND MARGARET ASTROLOGO	P.O BOX 127, LAKE PEEKSKILL, NY 10537
83.80	1	65	LAKE PEEKSKILL WATER DIST	50-902, TOWN HALL, PUTNAM VALLEY, NY 10579
83.80	1	73	TOWN OF PUTNAM VALLEY	35-406, TOWN HALL, PUTNAM VALLEY, NY 10579
83.80	1	74	PAUL AND MARGARET ASTROLOGO	P.O BOX 127, LAKE PEEKSKILL, NY 10537
83.80	1	75	PAUL AND MARGARET ASTROLOGO	P.O BOX 127, LAKE PEEKSKILL, NY 10537
83.80	1	76	PAUL AND MARGARET ASTROLOGO	P.O BOX 127, LAKE PEEKSKILL, NY 10537
83.80	1	77	TOWN OF PUTNAM VALLEY	35-406, TOWN HALL, PUTNAM VALLEY, NY 10579
91.24	1	7	LAKE PEEKSKILL IMP DIST	TOWN HALL, PUTNAM VALLEY, NY 10579
91.24	1	8	NYC DEPT OF WATER SUPPLY	OFFICE OF WATER SUPPLY WASTERWATER, 465 COLUMBUS AVENUE, STE 3, VALHALLA, NY 10595
91.24	1	9	LAKE PEEKSKILL WATER DIST	50-902, TOWN HALL, PUTNAM VALLEY, NY 10579
91.24	1	11	MATTHEW AND CINDY MARCHESE	6 TRAVERSE RD, LAKE PEEKSKILL, NY 10537
91.24	1	13	TOWN OF PUTNAM VALLEY LK PEEK IMP DIST	35-1304 TOWN HALL, PUTNAM VALLEY, NY 10579

LETTER OF AUTHORIZATION

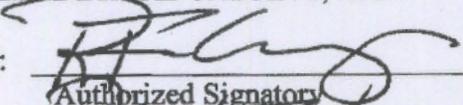
Municipality: Town of Philipstown

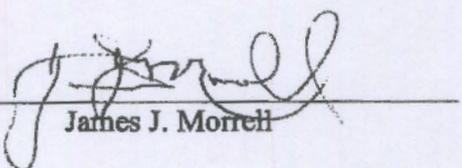
APPLICATION FOR APPROVALS

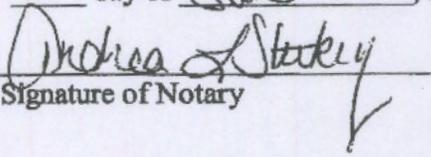
Pamal Broadcasting, Ltd., the owner of the tower at the property known as 22 Sky Lane, Philipstown, New York (the "Property"), does hereby appoint New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and its authorized representatives, as the owner's agent for the purpose of consummating any applications necessary to insure Verizon Wireless' ability to use the Property for the purpose of installing a communications facility on the Property and installing related improvements (which shall include, without limitation, a temporary tower with related equipment, and upon completion of the replacement tower relocating antennas to such replacement tower).

Assessor's Parcel Number: Section 83.18, Block 1, Lots 22 & 23

PAMAL BROADCASTING, LTD.

By: 
Authorized Signatory
Name: Robert Furlans
Title: EUP


James J. Morrell

James J. Morrell
Sworn to and subscribed to before me on this
14th day of June, 2017.

Signature of Notary

Authorized Agent:
New York SMSA Limited Partnership d/b/a Verizon Wireless

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Verizon Wireless installation of a 100 foot Temporary Public Utility Wireless Communication Facility		
Project Location (describe, and attach a general location map): 22 Sky Lane, Philipstown, NY		
Brief Description of Proposed Action (include purpose or need): Placement of antennas on a 100 foot temporary facility at the site until the existing tower is replaced.		
Name of Applicant/Sponsor: New York SMSA Limited Partnership d/b/a Verizon Wireless	Telephone: (914) 333-0700	E-Mail: lsnyder@snyderlaw.net
Address: c/o Snyder and Snyder LLP, 94 White Plains Road		
City/PO: Tarrytown	State: NY	Zip Code: 10591
Project Contact (if not same as sponsor; give name and title/role): Sundeep Patel of Tectonic Engineering and Surveying Consultants, Inc.	Telephone: (845) 567-6656	E-Mail: spatel2@tectonicengineering.com
Address: 1279 Route 300		
City/PO: Newburgh	State: New York	Zip Code: 12550
Property Owner (if not same as sponsor): James J. Morrell	Telephone:	E-Mail:
Address: 22 Sky Lane		
City/PO: Philipstown	State: New York	Zip Code: 12110

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Zoning Board of Appeals: Special Permit Amendment & Area Variance	8/30/17
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department: Building Permit	10/3/17
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Putnam County Planning Department: 239-m Referral	9/12/17
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
SR- Suburban Residential

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Lakeland School District

b. What police or other public protection forces serve the project site?
Putnam County Sheriff's Department and New York State Police

c. Which fire protection and emergency medical services serve the project site?
Continental Village Fire Department

d. What parks serve the project site?
Hudson Highland Gateway Park, Sprout Brook Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Temporary Public Utility Wireless Communication Facility

b. a. Total acreage of the site of the proposed action? _____ 1.44 acres
 b. Total acreage to be physically disturbed? _____ 0.0023 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 14.04 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ 1 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 1
 ii. Dimensions (in feet) of largest proposed structure: 100 height; 15 width; and 8 length
 iii. Approximate extent of building space to be heated or cooled: 0 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>N/A _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>N/A _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or _____ acres (impervious surface)</p> <p>_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 8:00AM to 5:00PM _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Typically 1 visit per Month _____ • Saturday: _____ This is an unstaffed facility _____ • Sunday: _____ operating 24 hours per day, 7 days _____ • Holidays: _____ per week, 365 days per year _____
---	--

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): Radio and Communications

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.009	0.0113	+0.0023
• Forested	1.431	1.4287	-0.0023
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 3 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ 5 %

c. Predominant soil type(s) present on project site: Chatfield-Charlton Complex _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ >7.5 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 10 % of site
 10-15%: _____ 80 % of site
 15% or greater: _____ 10 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No
*The proposed action is temporary and requires no ground disturbance and will not impact archaeological resources.

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: Hudson Highland Gateway Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Local Park

iii. Distance between project and resource: _____ 2 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

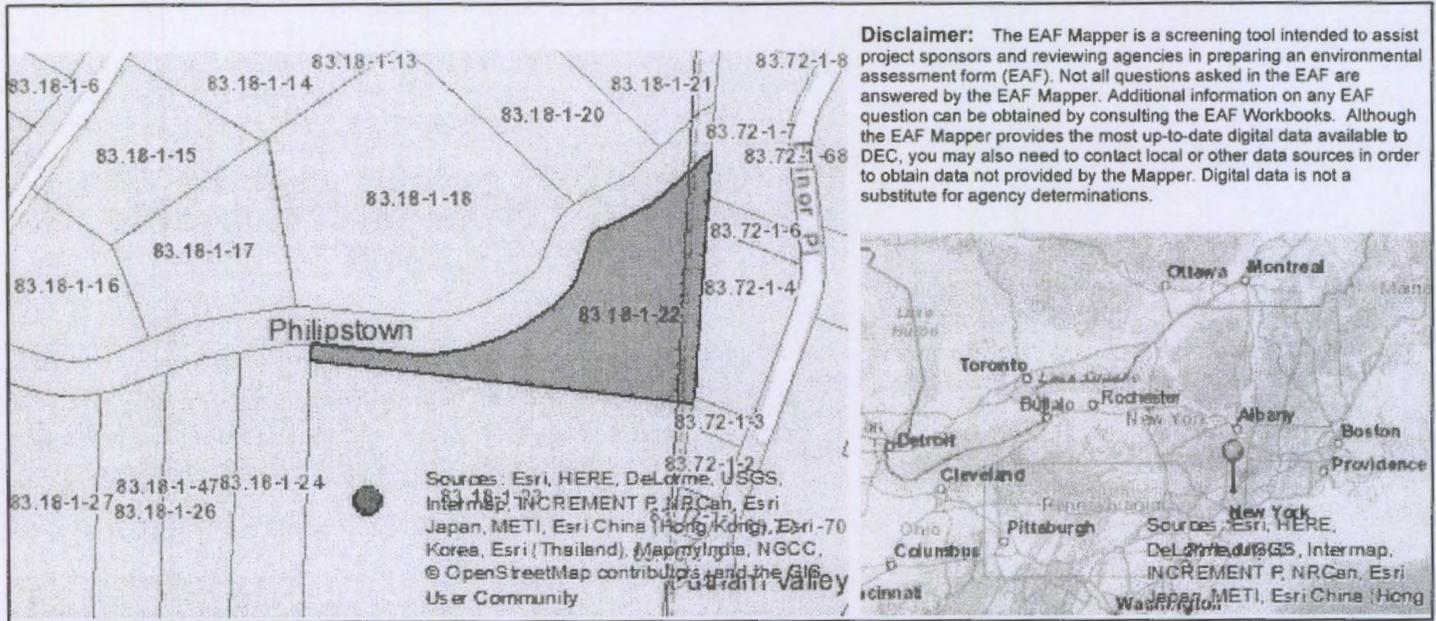
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name New York SMSA Limited Partnership d/b/a Verizon Wireless Date 09/22/2017

Signature [Signature], Tectonic Engineering Title Assistant Project Manager

PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No

E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Verizon Wireless Site: LAKE PEEKSKILL

Address: 22 Sky Lane, Philipstown, NY

Easement Metes and Bounds:

For Utility Easement:

Starting from a point located at the northwest corner of lot 22 property line S 84° 36' 49.75" E 33.71',

S 84° 36' 49.75" E 15.14',

S 43° 16' 40.79" E 31.89' to point on property line of lot 23,

S 43° 16' 40.79" E 65.74',

S 31° 7' 15.91" E 147.85',

S 48° 26' 33.13" E 31.67',

S 83° 9' 49.01" E 10.04',

S 6° 50' 10.99" W 10.01',

N 83° 9' 49.01" W 13.17',

N 48° 26' 33.13" W 36.31',

N 31° 7' 15.91" W 148.31',

N 43° 16' 40.79" W 76.32' to point on property line of lot 22,

N 43° 16' 40.79" W 31.61' to beginning point.

For Access Easement:

Starting from a point located at the northwest corner of lot 22 property line S 84° 36' 49.75" E 78.33',

S 84° 36' 49.75" E 19.29',

S 35° 2' 48.81" E 28.35' to point on property line of lot 23,

S 36° 6' 26.48" E 19.23',

S 41° 51' 49.91" E 85.34',

S 30° 44' 40.63" E 18.19',

S 20° 20' 7.78" E 20.41',

S 18° 44' 29.33" E 41.4',

S 14° 41' 28.96" E 10.76',

S 24° 51' 35.48" E 20.86',

S 68° 26' 0.31" W 10.64',

N 24° 58' 5.47" W 34.89',

S 64° 46' 23.67" W 13.53',

S 86° 40' 29.78" W 12.03',

N 30° 6' 50.87" W 10.97',

N 48° 11' 38.35" E 28.17',

N 5° 42' 9.21" E 6.39',

N 18° 38' 46.73" W 23.03',

N 34° 50' 24.25" W 23.36',

N 40° 4' 0.82" W 82.7',

N 38° 46' 44.39" W 30.92' to point on property line of lot 22,

N 39° 7' 48.62" W 29.99' to beginning point.

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THIS AGREEMENT made this 9 day of June, 1977, between
HIGHLAND BROADCASTING CORP, with an office and principal place of
business at Radio Terrace, Peekskill, New York, party of the first part,
and WESTCHESTER COUNTY SAVINGS BANK, with an office at 200 Main Street,
Oswining, New York, party of the second part.

WITNESSETH:

WHEREAS, the party of the first part is the owner of
premises described as follows:

ALL that contain lot, piece or parcel of land with the
buildings thereon, situate, lying and being in the
Town of Philipstown, County of Putnam and State of
New York, being bounded and described as follows:

BEGINNING at a point in the westerly boundary of
Lake Peekskill, Section F, (Map recorded in the
Putnam County Clerk's Office as Map No. 185F) where
the same is intersected by the division line between
property now or formerly of one C. Holman and herein
described; thence along the southerly line of land
of said Holman (passing through two piles of stones)
North 83° 35' West 527 feet to a stone wall and
lands now or formerly of Fish; thence along said stone
wall the following courses and distances: South 0°
32' 24" West 84.34 feet; South 2° 18' West 160.83
feet; South 1° 51' West 124.87 feet; South 9° 48'
West 54.03 feet; South 3° 58' West 76.07 feet; South
1° 28' East 81.47 feet; South 8° 55' West 53.84 feet;
South 5° 24' East 40.57 feet; South 14° 47' West
35.18 feet and South 6° 55' West 110.49 feet to land
acquired for the New York Catskill Aqueduct; thence
across land acquired for the New York Catskill Aqueduct,
South 22° 04' 30" West 55.92 feet; thence along stone
wall aforementioned and lands of Fish, South 22° 04'
30" West 17.91 feet; South 29° 06' West 129.72 feet;
North 85° 19' West 11 feet; South 0° 52' West 38.17
feet; South 70° 14' West 76.55 feet; South 31° 14'
West 66.38 feet; thence leaving said wall South 34°

14' 30" West 106.04 feet to the northerly line of lands now or formerly of Fish; thence along the northerly line of lands now or formerly of said Fish, North 86° 30' East 511.83 feet to the westerly line of lands acquired for the New York Catskill Aqueduct; thence crossing said Aqueduct North 86° 30' East 177.36 feet; thence North 86° 30' East 27.72 feet to the westerly boundary line of "Lake Peekskill" Section D (Map recorded in Putnam County Clerk's Office as Map No. 1857); thence along the westerly boundary line of Lake Peekskill North 3° 16' East 425.68 feet; North 0° 09' 10" East 302.70 feet; North 6° 4' 10" East 235.18 feet; North 9° 27' 10" East 190.96 feet to the point and place of beginning.

EXCEPTING THEREFROM lands acquired for the Catskill Aqueduct which said lands are described as follows:

BEGINNING at a point in the southerly line of lands above described, which point is distant westerly 27.72 feet from the southeast corner of the lands above described; thence North 80° 37' 10" West 142.25 feet; North 41° 19' 10" West 492.02 feet to the westerly boundary line of lands above described; thence along said westerly boundary South 22° 04' 30" West 55.92 feet; thence South 41° 19' 10" East 468.30 feet to the southerly line of lands above described; thence North 86° 30' East 177.35 feet to the point or place of beginning.

TOGETHER with any and all access rights to and from the above described Putnam County property.

and:

WHEREAS, the party of the second part is the holder of a first mortgage, as consolidated and extended, covering the hereinabove described premises, and of the bonds or notes as consolidated secured thereby; And

WHEREAS, the party of the second part, at the request of the party of the first part, has agreed to release part of the hereinabove described premises from the lien of the first mortgage,

1861 743 853

743 854

as consolidated and extended; and

WHEREAS, the party of the first part is also the owner of premises described as follows:

ALL that certain plot, piece or parcel of land, with the buildings thereon, situate, lying and being in the Town of Philipstown, County of Putnam, and State of New York, and bounded and described as follows:

BEGINNING at a point on the southerly side of Sky Lane as shown on a certain map entitled "Map 17 of Continental Village" filed in the Putnam County Clerk's Office, on July 9, 1956, as Map No. 3720, on the division line between the Town of Putnam Valley on the east and the Town of Philipstown on the west; running thence along said division line, South $4^{\circ} 22' 40''$ West 338.34 feet and South $9^{\circ} 34' 20''$ West 10.78 feet to a point; running thence South $69^{\circ} 19'$ West 588.52 feet to a point on the mean centerline of a stone wall along the easterly line of Lot 68 as shown on said map No. 3720; running thence along the same, North $1^{\circ} 58' 10''$ East 15.78 feet, North $2^{\circ} 25' 10''$ East 160.83 feet, North $6^{\circ} 39' 30''$ East 84.34 feet to the end of said stone wall and continuing North $5^{\circ} 52'$ East 21.13 feet to the southerly line of Sky Lane; running thence along the same, South $84^{\circ} 08'$ East 171.63 feet to a point of curve; northwesterly on a curve to the left having a radius of 775 feet, an arc distance of 230.38 feet to a point of compound curve, northwesterly on a curve to the left having a radius of 95 feet, an arc distance of 49.74 feet to a point of tangency; North $17^{\circ} 52'$ East 37.36 feet to a point of curve; northwesterly on a curve to the right having a radius of 36.25 feet, an arc distance of 28.63 feet to a point of tangency; North $64^{\circ} 47'$ East 72.03 feet and North $48^{\circ} 51'$ East 121.83 feet to the point and place of beginning.

and

WHEREAS, the above described premises are adjoining and the parties hereto desire to establish an easement to use a driveway ten feet wide of the premises second above described for ingress and egress,

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar, and other good and valuable consideration, each to the other in hand paid, the party of the first part does hereby remise, release and quit claim unto the party of the second part, its successors and assigns, forever, for the purpose of ingress and egress ten feet of the existing macadam driveway from Sky Lane over premises second above described to the adjoining premises first above described,

TO HAVE AND TO HOLD such easement unto the party of the second part, its successors and assigns forever,

IN WITNESS WHEREOF, the parties have hereunto caused their corporate seals to be hereunto affixed and this instrument to be executed by their officers thereunto duly authorized the day and year first above written.

HIGHLAND BROADCASTING CORP.

By: *[Signature]*
President

WESTCHESTER COUNTY SAVINGS BANK

By: *[Signature]*
Executive Vice President

-4-

1967 763 855

147E 743 856

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

On the 7th day of June, 1977, before me personally came IRVING E. COTTRELL, to me known, who, being by me duly sworn, did depose and say that he resides at Radio Terrace, Peekskill, New York; that he is the President of HIGHLAND BROADCASTING CORP., the corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

[Handwritten signature]
MORRIS C. FIGURE
NOTARY PUBLIC, State of New York
No. 65284-0000
Qualified in Westchester County
My Commission Expires March 26, 1978

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

On the 7th day of June, 1977, before me personally came EDWARD S. WILLIAMS to me known, who, being by me duly sworn, did depose and say that he resides at No. 7 Finvelle Place, Ossining, New York; that he is the Executive Vice-President of WESTCHESTER COUNTY SAVINGS BANK, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of trustees of said corporation; and that he signed his name thereto by like order.

[Handwritten signature]
THOMAS GIOVANNELLI
Notary Public, State of New York
No. 48428-021
Qualified in Westchester County
Commission Expires March 26, 1978

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

(914) 333-0700
FAX (914) 333-0743

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2800
NEWARK, NEW JERSEY 07102
(973) 824-8772
FAX (973) 824-8774

WRITER'S E-MAIL ADDRESS

REPLY TO:

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

lsnyder@snyderlaw.net

DAVID L. SNYDER
(1956-2012)

September 19, 2017

Honorable Chairman Robert Dee
and Members of the Zoning Board of Appeals
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Temporary Wireless Communication Facility at the property
known as 22 Sky Lane Philipstown, NY

Dear Hon. Chairman Dee and
Members of the Zoning Board of Appeals:

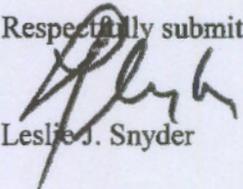
As you are aware, I represent New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the above referenced matter.

In furtherance of the foregoing, please find enclosed:

- 1) Signed and notarized affidavit of mailing;
- 2) Copies of the letters sent to neighboring municipalities; and
- 3) Certificates of mailing.

If you have any questions or require additional information with respect to the application, please do not hesitate to call me at (914) 333-0700.

Respectfully submitted,

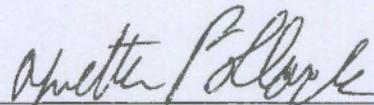

Leslie J. Snyder

LJS/yp
cc: Verizon Wireless

AFFIDAVIT OF MAILING

State of New York)
) ss:
County of Westchester)

Yvette Pollack being duly sworn, deposes and says that she is over twenty-one years of age and works at 94 White Plains Road, Tarrytown, in the State of New York; that she is a paralegal at Snyder & Snyder, LLP, the attorney for New York SMSA d/b/a Verizon Wireless, regarding an application to place antennas on a temporary 100' cell on wheels tower on a property located at 22 Sky Lane, Garrison, NY. On September 19, 2017, she served the notice letters to the neighboring municipalities at the address set forth, as shown on the attached list, by depositing said notice letters at the United States Post Office in Tarrytown, New York.



Yvette Pollack

Sworn to and subscribed before me
this 20th day of September, 2017



NOTARY PUBLIC

David James Kenny NOTARY PUBLIC, STATE OF NEW YORK Registration No. 02KE6343903 Qualified in Westchester County Commission Expires June 20, 2020
--

List:

Commissioner
Bureau of Emergency Services
112 Old Route 6
Carmel, NY 10512

Mayor
Village of Fishkill
1095 Main Street
Fishkill, NY 12524

Mayor
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Mayor
Village of Highland Falls
303 Main Street
Highland Falls, NY 10928

Mayor
Village of Nelsonville
258 Main Street
Nelsonville, NY 10516

Town Supervisor
Town of Cornwall
183 Main Street
Cornwall, NY 12518

Town Supervisor
Town of Cortlandt
1 Heady Street
Cortlandt Manor, NY 10567

Town Supervisor
Town of East Fishkill
330 Route 376
Hopewell Junction, NY 12533

Town Supervisor
Town of Highlands
254 Main Street
Highland Falls, NY 10928

Town Supervisor
Town of Kent
25 Sybil's Crossing
Kent Lakes, NY 10512

Mayor
Village of Buchanan
236 Tate Avenue
Buchanan, NY 10511

Mayor
Village of Cornwall-on-Hudson
325 Hudson Street
Cornwall-on-Hudson, NY 12520

Town Supervisor
Town of Putnam Valley
265 Osecawana Lake Road
Putnam Valley, NY 10579

Mayor
Village of Cold Spring
85 Main Street
Cold Spring, NY 10516

Town Supervisor
Town of Fishkill
807 Route 52
Fishkill, NY 12524

Town Supervisor
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

Town Supervisor
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

NEW YORK OFFICE
412 PARK AVENUE, 8TH FLOOR
NEW YORK, NEW YORK 10022
917 242-4444
FAX 212 682-1232

LESLIE J. SNYDER
ROBERT G. SALTONSTALL

DAVID L. SNYDER
1-212-682-1232

LAW OFFICES OF
SNYDER & SNYDER, LLP

84 WHITE PLAINS ROAD
TARRYTOWN, New York 10591

914 333-0700
FAX 914 333-0743

WRITERS' EMAIL ADDRESS

Email to lsnyder@snydersny.com

September 15, 2017

NEW JERSEY OFFICE
ONE BAYVIEW CENTER, SUITE 2000
NEWARK, NEW JERSEY 07102
973 854-9772
FAX 973 854-8774

REPLY TO

Commissioner
Bureau of Emergency Services
County of Putnam
112 Old Route 6

LAW OFFICES OF
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WRITER'S E-MAIL ADDRESS

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LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-8772
FAX (973) 824-8774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Commissioner
Bureau of Emergency Services
County of Putnam
112 Old Route 6
Carmel, New York 10512

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
located at 22 Sky Lane, Garrison, NY ("Site")

Dear Commissioner:

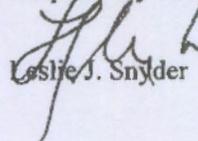
Notice is hereby given, pursuant to Section 175-46Q of the Town of Philipstown Zoning Code, that an application has been made by New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") for amended special permit and site development plan approval to place antennas on a temporary 100' cell on wheels tower ("Temporary Facility") with related ground equipment at the base thereof at the captioned Site.

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Please note that the Temporary Facility is not proposed within your jurisdiction and no approval is required on your part.

If you have any questions, please do not hesitate to call me at 914-333-0700.

Respectfully submitted,


Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SSA\WP\NEWBANM\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\Notice\Putnam County Bureau of Emergency Services notice letter.docx

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WRITER'S E-MAIL ADDRESS

REPLY TO:

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

E mail to lsnyder@snyderlaw.net

September 15, 2017

Honorable Mayor
and Members of the Village Board of Trustees
Village of Fishkill
1095 Main Street
Fishkill, New York 12524

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
located at 22 Sky Lane, Garrison, NY ("Site")

Dear Honorable Mayor and
Members of the Village Board of Trustees:

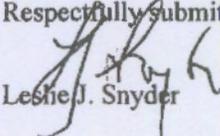
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Respectfully submitted,


Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SS\WPNEWBAN\Mike Borhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\Notice\Village of Fishkill Notice Letter.docx

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FAX (973) 824-9774

WRITER'S E-MAIL ADDRESS

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

REPLY TO:

DAVID L. SNYDER
(1956-2012)

E mail to lysnyder@snyderlaw.net

September 15, 2017

Honorable Mayor
and Members of the Village Board of Trustees
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, New York 10520

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
located at 22 Sky Lane, Garrison, NY ("Site")

Dear Honorable Mayor and
Members of the Village Board of Trustees:

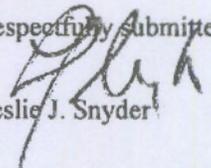
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Respectfully submitted,


Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\SEDATA\WPDATA\ISS\WP\NEWBAN\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\Notice\Village of Croton-on-Hudson Notice Letter.docx

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WRITER'S E-MAIL ADDRESS

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ROBERT D. GAUDIOSO

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NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Honorable Mayor
and Members of the Village Board
Village of Highland Falls
303 Main Street
Highland Falls, New York 10928

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
located at 22 Sky Lane, Garrison, NY ("Site")

Dear Honorable Mayor and
Members of the Village Board:

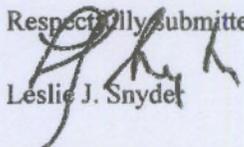
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Respectfully submitted,


Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SS4\WP\NEWBAN\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\Notice\Village of Highland Falls Notice Letter.docx

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DAVID L. SNYDER
(1958-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-8772
FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Honorable Mayor
and Members of the Village Board of Trustees
Village of Nelsonville
258 Main Street
Nelsonville, New York 10516

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
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Dear Honorable Mayor and
Members of the Village Board of Trustees:

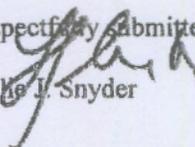
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Respectfully submitted,


Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SS4\WP\NEWBAN\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\Notice\Village of Nelsonville Notice Letter.docx

LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

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NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of Cornwall
183 Main Street
Cornwall, New York 12518

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
located at 22 Sky Lane, Garrison, NY ("Site")

Dear Town Supervisor and
Members of the Town Board:

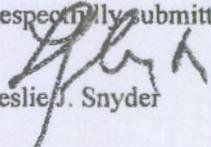
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Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SS4\WPNEWBAN\AMike Bonhomme\Lake Park\til- 22 Sky Lane\Zoning\COW\Notice\Town of Cornwall Notice Letter.docx

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REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
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Members of the Town Board:

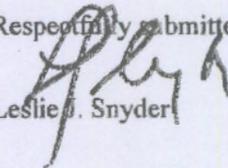
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Please note that the Temporary Facility is not proposed within your jurisdiction and no approval is required on your part.

If you have any questions, please do not hesitate to call me at 914-333-0700.

Respectfully submitted,


Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\SSDATA\WPDATA\ISS4\WPN\NEWBAN\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\COW\Notice\Town of Cortlandt Notice Letter.docx

LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

NEW YORK OFFICE
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NEW YORK, NEW YORK 10022
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FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
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NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of East Fishkill
330 Route 376
Hopewell Junction, New York 12533

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
located at 22 Sky Lane, Garrison, NY ("Site")

Dear Town Supervisor and
Members of the Town Board:

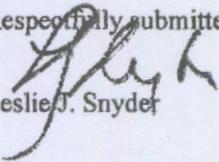
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REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of Highlands
254 Main Street
Highland Falls, New York 10928

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
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Members of the Town Board:

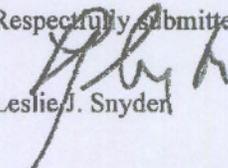
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REPLY TO:

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ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of Kent
25 Sybil's Crossing
Kent Lakes, New York 10512

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
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Members of the Town Board:

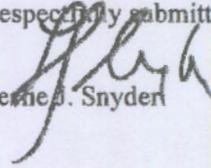
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FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Honorable Mayor
and Members of the Village Board
Village of Buchanan
236 Tate Avenue
Buchanan, New York 10511

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
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Members of the Village Board:

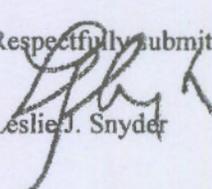
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Leslie J. Snyder

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FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Honorable Mayor
and Members of the Village Board
Village of Cornwall-on-Hudson
325 Hudson Street
Cornwall-on-Hudson, New York 12520

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
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Members of the Village Board:

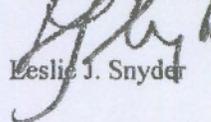
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(973) 824-9772
FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of Putnam Valley
265 Oscawana Lake Road
Putnam Valley, New York 10579

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
Public Utility Wireless Communication Services Facility at the property known
as Section 83.18, Block 1, Lots 22 & 23 on the Tax Map and
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Members of the Town Board:

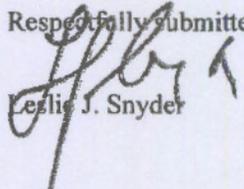
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Leslie J. Snyder

LJS/lc

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LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

E mail to lsnyder@snyderlaw.net

September 15, 2017

Honorable Mayor
and Members of the Village Board of Trustees
Village of Cold Spring
85 Main Street
Cold Spring, New York 10516

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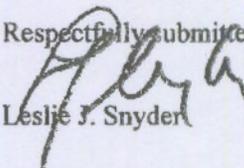
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NEWARK, NEW JERSEY 07102
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FAX (973) 824-8774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of Fishkill
807 Route 52
Fishkill, New York 12524

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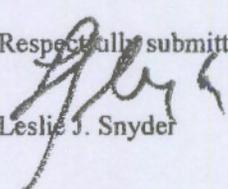
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DAVID L. SNYDER
(1056-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

E mail to lsnyder@snyderlaw.net

September 15, 2017

Town Supervisor
and Members of the Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

Re: New York SMSA Limited Partnership d/b/a Verizon Wireless
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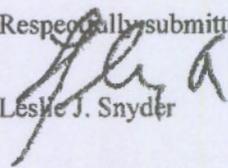
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REPLY TO:

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September 15, 2017

Town Supervisor
and Members of the Town Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

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Members of the Town Board:

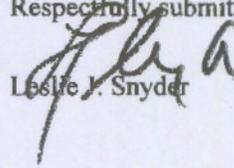
Notice is hereby given, pursuant to Section 175-46Q of the Town of Philipstown Zoning Code, that an application has been made by New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") for amended special permit and site development plan approval to place antennas on a temporary 100' cell on wheels tower ("Temporary Facility") with related ground equipment at the base thereof at the captioned Site.

On November 9, 2015, Verizon Wireless obtained special permit and site plan approval to place antennas on the existing tower ("Existing Tower") at the Site, together with related equipment at the base thereof. Due to a change in regulations, the Existing Tower was deemed structurally inadequate, thereby precluding Verizon Wireless from collocating its antennas until the Existing Tower is replaced. In the interim, there remains a significant gap in wireless communications coverage in the area. Consequently, Verizon Wireless seeks to remedy that coverage gap by amending its existing special permit to allow the installation of the Temporary Facility on the Site. The Temporary Facility will be removed once Verizon Wireless installs its antennas on the Existing Tower replacement.

Please note that the Temporary Facility is not proposed within your jurisdiction and no approval is required on your part.

If you have any questions, please do not hesitate to call me at 914-333-0700.

Respectfully submitted,


Leslie J. Snyder

LJS/lc

cc: Verizon Wireless

Z:\\$BDATA\WPDATA\SS\YRDGV\Homeland\towers\philipstown\notice letters\New Windsor Notice Letter 9.29.2017.docx

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1		Commissioner											
2		Bureau of Emergency Services											
3		112 Old Route 6											
4		Carmel, NY 10512											
5		Mayor											
6		Village of Fishkill											
7		1095 Main Street											
8		Fishkill, NY 12524											
9		Mayor											
10		Village of Croton-on-Hudson											
11		1 Van Wyck Street											
12		Croton-on-Hudson, NY 10520											
13		Mayor											
14		Village of Highland Falls											
15		303 Main Street											
16		Highland Falls, NY 10928											
17		Mayor											
18		Village of Nelsonville											
19		258 Main Street											
20		Nelsonville, NY 10516											

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[Signature]

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Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. O. Fee	S. H. Fee	Rest. Del. Fee Remarks
1		Town Supervisor										
2		Town of Cornwall										
3		183 Main Street										
4		Cornwall, NY 12518										
5		Town Supervisor										
6		Town of Cortlandt										
7		1 Heady Street										
8		Cortlandt Manor, NY 10567										
9		Town Supervisor										
10		Town of East Fishkill										
11		330 Route 376										
12		Hopewell Junction, NY 12533										
13		Town Supervisor										
14		Town of Highlands										
15		254 Main Street										
		Highland Falls, NY 10928										
		Town Supervisor										
		Town of Kent										
		25 Sybil's Crossing										
		Kent Lakes, NY 10512										
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)			The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						
5		(5)	<i>Jones</i>									



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1		Mayor											
2		Village of Buchanan											
3		236 Tate Avenue											
4		Buchanan, NY 10511											
5		Mayor											
6		Village of Cornwall-on-Hudson											
7		325 Hudson Street											
8		Cornwall-on-Hudson, NY 12520											
9		Town Supervisor											
10		Town of Putnam Valley											
11		265 Oscawana Lake Road											
12		Putnam Valley, NY 10579											
13		Mayor											
14		Village of Cold Spring											
15		85 Main Street											
		Cold Spring, NY 10516											
		Town Supervisor											
		Town of Fishkill											
		807 Route 52											
		Fishkill, NY 12524											

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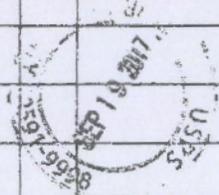
Total Number of Pieces Listed by Sender 5	Total Number of Pieces Received at Post Office 5	POSTMASTER, PER (Name of receiving employee) <i>[Signature]</i>	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.
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1		Town Supervisor											
2		Town of Yorktown											
3		363 Underhill Avenue											
4		Yorktown Heights, NY 10598											
5		Town Supervisor											
6		Town of New Windsor											
7		555 Union Avenue											
8		New Windsor, NY 12553											
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Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)			The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						
2		2		Jones									



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LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

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FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

September 22, 2017

Honorable Chairman Robert Dee
and Members of the Zoning Board of Appeals
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

Re: Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless, Proposed Public Utility Wireless Communication Facility 50 Vineyard Road, Cold Spring, Town of Philipstown, New York

Dear Hon. Chairman Dee and
Members of the Zoning Board of Appeals:

As you are aware, we represent Homeland Towers, LLC ("Homeland Towers") and New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"); collectively referred to as the "Applicants" in connection with the above referenced matter.

The Applicants propose a public utility wireless communication facility ("Facility") consisting of a 180-foot monopole with antennas, together with related equipment at the base thereof within a multi-carrier equipment compound. Pursuant to comments made at the Zoning Board meeting on September 11, 2017 and the Technical Memorandum of the Town Engineer dated September 8, 2017, the following responses are respectfully submitted together with the nine (9) copies of enclosed documents and a disc with all documents:

1. Town Landfill Site: As detailed in the PierCon Independent Radio Frequency Report previously submitted, the Town landfill property at 59 Lane Gate Road is not a feasible alternative site from a technical standpoint. Nevertheless, the Board asked that Homeland Towers accompany its RF Consultant, Mr. Ronald Graiff to the landfill site to show him the location that was analyzed and to confirm that there is no better location from a technical standpoint. At the September 11th meeting Homeland Towers offered to accompany Mr. Graiff on September 12th so as not to delay the application but this offer was rejected. We have also offered to accompany Mr. Graiff at another time, but there has been no response from the Town. See attached email dated September 18, 2017.

2. North Highlands Engine Company No. 1 Comments: At the September 11th meeting, the Zoning Board Chairman provided the Applicants with the North Highlands Engine Company No. 1 ("Engine Company") letter, dated nearly two months earlier on July 16, 2017. In response to these comments, enclosed please find a revised Site Plan detailing compliance with the requested changes. If the Zoning Board of Appeals and the Conservation Board agree that these changes should be implemented, Homeland Towers agrees to implement the changes although we believe the comments of the Engine Company are not required given the type of use being proposed by this application under the applicable codes.

The Site Plan has been revised as follows:

- a. The front parking area has been expanded to include an oversized hammerhead truck turn around with dimensions of 86'x70'.
- b. To accommodate this, the compound design was modified. There is now a chamfer on the front. This reduces the square footage of the compound area from 4,356 square feet to 4,232 square feet.
- c. The access roadway has been widened to be a minimum of 15' wide.
- d. The access roadway and parking area has been specified to be HS-20 loading which will support the requested gross vehicle weight.
- e. A 15' cleared area shall be maintained around the compound shed area. This is identified on the Layout Plan.

Moreover, please be advised that Homeland Towers is willing to make reasonable space available on the tower for emergency service equipment and has arranged a meeting with Pat Scherer of the Engine Company to discuss his specific technical requirements, but the Applicants will not agree to purchase, maintain or install any such equipment as such request is not related in anyway whatsoever to the project and would be deemed an illegal taking if required to do so as a condition of approval.

3. Site Plan: The Site Plan has also been revised based on the Town Engineer's comments as follows:

- a. A fence with black vinyl coating and slats is identified on the chain link fence detail on ZD-6.
- b. A lighting detail and notes have been added to ZD-8 and ZD-4.
- c. A note stating "The Applicants agree to meet with the Town Building Inspector, Town Engineer, Site Contractor, and/or any additional outside agencies that may have jurisdiction for a pre-construction conference to review all facets of construction, required erosion protection measures and required inspections" has been added to ZD-5.
- d. All relevant construction details including drainage facilities are already

RDG/cae

cc: Applicants
Ronald Gainer, PE (5 Copies)
Ronald Graiff (1 Copy)
Conservation Board (9 Copies)
Town Board (1 Copy)

z:\ssdata\wpdata\ss3\rdg\homelandtowers\philipstown\171 zba letter 9-21-17.rtf

Robert Gaudioso

From: Robert Gaudioso
Sent: Monday, September 18, 2017 3:36 PM
To: 'Ron Gainer'; Ron Graiff (ronald.graiff@snet.net)
Cc: Bob Dee; 'Stephen Gaba'; Adam Rodd; Xavier Vincent (vlx@homelandtowers.us); Manny Vicente
Subject: RE: FW: (T) Philipstown ZBA - Homeland Towers/Vineyard Road

At the last Zoning Board meeting we were asked to accompany Mr. Graiff to the Landfill property in order to show him the location we analyzed.

Please let us know a convenient time and date.

If there is a different location on the Landfill property that is requested to be analyzed, we respectfully request that the Town Board and/or Supervisor be in attendance to confirm whether such location is available.

Thank you.

Robert D. Gaudioso

Snyder & Snyder, LLP
94 White Plains Road
Tarrytown, New York 10591
(914) 333-0700-Phone
(914) 333-0743-fax

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EXHIBIT A

Pursuant to the request of the Town Engineer, the below code sections are followed by the Applicants' responses. Please note that we submit the following responses without waiving any rights as the criteria appear to be applicable only to Planning Board review rather than Zoning Board review.

§ 175-40 Environmental performance standards.

A.

Compliance with performance standards. No use shall hereafter be established, altered, moved, or expanded unless it complies with the performance standards set forth in this section. Continued conformance with such standards, once applicable, shall be a requirement for the continuance of any certificate of occupancy. This § 175-40 shall not apply to farm operations engaged in customary agricultural practices, except where necessary to protect public health and safety. The standards in this section may be modified by a reviewing board where such modification is necessary for the commercial viability of the use and will not adversely affect neighboring land uses, where there is a specific federal or state standard with which the use is in compliance, or where the owner of the use can demonstrate that the standard is obsolete, unenforceable, or otherwise inappropriate under the circumstances.

B.

Purpose of performance standards. Consistent with the general purposes of this chapter, performance standards shall set specific controls on potentially objectionable external aspects of all uses in order to:

(1)

Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor, or other atmospheric pollutants outside the building in which the use is conducted.

As the Facility is unmanned there will be no dissemination of smoke, gas, dust, odor or other atmospheric pollutants except for a minimal amount of emissions from the proposed 10Kw propane generator that does not require any type of clean air act permits.

(2)

Control noise and light perceptible beyond the boundaries of the site of the use.

Other than the routine cycling of the emergency backup generator, the Facility will not produce any noise above ambient levels. In any event, based on the 152-foot distance of the closest property line and the proposed fence slats, there will be no violation of the Town Code related to noise. Moreover, only a small light on a timer is required for the proposed Verizon Wireless equipment. The light will face downward so that no light will spill onto adjacent properties.

(3)

Limit the discharge of treated wastes and prohibit the discharge of untreated wastes into any watercourse.

No wastes will be discharged from the Facility as it is unmanned.

(4)

Limit the dissemination of vibration, heat, or electromagnetic interference beyond the immediate site on which the use is located.

The Facility will not disseminate any vibration, heat or electromagnetic interference from the Property. Please note that the issue of Radio Frequency Interference is federally pre-empted from municipal review.

(5)

Limit physical hazard by reason of fire, explosion, radiation, or any similar cause.

The physical hazard of fire, explosion, radiation or similar cause has been reduced as detailed in the letter from JMC dated August 18, 2017, the revisions to the site plan requested by the Engine Company comments and as detailed in the RF exposure report prepared by Pinnacle Telecom Group dated August 18, 2017.

(6)

Regulate and control the generation and flow of vehicular traffic in order to prevent hazardous conditions, traffic congestion, and excessive noise in the streets.

Since the Facility is unmanned and will require only infrequent maintenance visits, there will be no adverse traffic congestion. Moreover, the proposed access drive has been increased as required by the Engine Company comments.

C.

Noise. The following standards apply to noise.

(1)

Sound levels shall be determined at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through a sound-level meter having an A-weighted filter and constructed in accordance with specifications of the American National Standards Institute or other generally accepted standard for the measurement of sound.

(2)

No person, firm, or corporation shall allow the emission of sound which, as measured at the property lines, has a sound level in excess of:

(a)

Fifty decibels on the A-weighted scale between the hours of 7:00 a.m. and 8:00 p.m.; or

(b)

Forty decibels on the A-weighted scale between the hours of 8:00 p.m. and 7:00 a.m.; or

(c)

Five decibels above the ambient noise at the point on the boundary of the lot where measured, whichever is greater.

(3)

Sounds emitted at levels lower than those prohibited by Subsection (C)(2) above shall not be permitted if, because of the type or frequency of the noise emitted, such sounds are offensive, disruptive, or in continual disharmony with the character of an adjoining or nearby residential neighborhood.

(4)

Exemptions. The following shall be exempt from the noise level regulations:

(a)

Noises not directly under the control of the property user.

(b)

Noises emanating from construction and maintenance activities between 8:00 a.m. and sunset, Monday through Friday.

(c)

The noises of safety signals, warning devices, emergency pressure-relief valves, or other emergency warning signals.

(d)

Bells or chimes from a church or other place of worship.

Based on the nature of the proposed Facility, the distance to the property lines and the buffering of the proposed fence with slats, the foregoing noise restrictions will not be exceeded.

D.

Vibration.

(1)

Method of measurement. For the purpose of measuring vibration, a three-component measuring system adopted by resolution of the Town Board shall be employed.

(2)

Maximum permitted steady-state and impact vibration displacement. No activity shall cause or create a steady-state or impact vibration displacement by frequency bands in excess of that indicated in the following table:

Vibration Displacement

Frequency

(cycles per second)

Steady-State

(inches)

Impact
(inches)

Under 10

0.0005

0.0010

10 to 19

0.0004

0.0008

20 to 29

0.0003

0.0006

30 to 39

0.0002

0.0004

40 and over

0.0001

0.0002

No vibrations in excess of the Town Code provisions will be created by the Facility.

E.

Smoke, dust, and other atmospheric pollutants.

(1)

General control. The emission of smoke and other particulate matter shall not be permitted in violation of applicable regulations of the New York State Department of Environmental Conservation (DEC), including but not limited to 6 NYCRR Part 201. Pollutants that are not regulated by DEC shall not be emitted if they pose a substantial risk to public health, safety,

or welfare.

(2)

Method of measurement of smoke. For the purpose of grading the density of smoke, the Ringelmann Smoke Chart or EPA Methods 9 or 22 shall be used to determine the total smoke emitted. Where the Ringelmann method is used, a reading shall be taken every minute for an hour or, if less than an hour, until the total smoke emitted exceeds that allowed by these regulations. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.

(3)

Maximum permitted emission of smoke. There shall be no measurable emission of smoke, gas, or other atmospheric pollutant, except as authorized by a permit granted pursuant to applicable state and federal regulations. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.

(4)

Maximum permitted emission of dust.

(a)

The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pound of dust per 1,000 pounds of flue gas adjusted to 50% excess air for combustion.

(b)

There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.

(c)

Properties shall be suitably improved and maintained with appropriate landscaping, paving, or other materials to minimize windblown dust and other particulate matter.

The Facility shall not emit smoke, dust or other particulate matter in excess of the forgoing requirements and no emissions will pose a substantial risk to public health, safety, or welfare. As noted above the only emissions will be from the 10Kw emergency backup generator.

F.

Odor. No land use shall be permitted which emits any discernible obnoxious odor outside the lot on which the use is conducted.

The Facility will not produce any discernable obnoxious odor.

G.

Toxic or noxious matter. No use shall be permitted which will cause the release of toxic or noxious fumes or other matter outside the building in which the use is conducted.

The Facility will not produce any toxic or noxious matter.

H.

Radiation. The handling, storage, or disposal of radioactive materials or waste by-products shall be conducted strictly in accordance with applicable federal and state standards.

There are no proposed radioactive materials or by-products produced by the Facility.

I.

Electromagnetic interference. No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area, unless federal or state regulation requires such operation to be permitted.

The Facility will not cause any harmful interference in accordance with FCC requirements. The issue of radio frequency interference is federally preempted from municipal regulation.

J.

Fire and explosion hazard. All activities involving the use or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, with adequate fire-fighting and fire suppression equipment and devices standard in the industry. Such activities shall comply with all applicable requirements of the New York State Uniform Fire Prevention and Building Code, [1]DEC regulations, and the National Fire Protective Association (NFPA) Code. Copies of forms filed with the Putnam County Emergency Response Agency shall also be filed with the Zoning Administrative Officer.

[1]

Editor's Note: See Ch. 62, Building Construction and Fire Prevention.

The Facility shall comply with the foregoing requirements.

K.

Heat. There shall be no emission of heat which would cause an air temperature increase in excess of 1° F. along any adjoining lot line.

The Facility shall comply with the foregoing requirements.

L.

Exterior illumination and glare. The location, height, design, direction and brightness of outdoor illumination (area lighting, floodlighting and illumination of signs) shall be arranged and maintained as follows:

(1)

Exterior lighting shall be the minimum needed to provide sufficient illumination for safety, convenience and security. No use shall produce glare so as to cause illumination beyond the

boundaries of the property on which it is located in excess of 0.5 footcandle. All exterior lighting, including security lighting, in connection with all buildings, signs, or other uses shall be directed away from adjoining streets and properties. The Planning Board may require special efforts to reduce the impacts of exterior lighting, such as limiting hours of lighting, planting screening vegetation, or installing light shields to alleviate the impact of objectionable or offensive light and glare on neighboring residential properties and public thoroughfares.

(2)

Exterior lighting fixtures shall be shielded and directed downward to prevent light from shining directly onto neighboring properties or public ways or upward into the night sky. Parabolic aluminized reflector (PAR) lamps and wall pack lighting shall be prohibited. Floodlights, when used, shall be shielded or baffled so that they illuminate only the object intended to be lighted. Lighting shall not result in discomfort glare or disability veiling glare in any street, walkway, or vehicular parking, loading and circulation area, whether on the lot where the lighting is located or on any other lot.

(3)

Lighting within parking lots shall be on poles of 12 feet maximum height, with color-corrected lamps and full cutoff luminaires designed to minimize glare and light pollution. Design of poles and luminaires shall be compatible with the style of the architecture and adjoining streetscape treatment. Walkways leading from parking lots shall be lit with bollard lighting and indirect illumination of buildings and vegetation.

(4)

All lighting above 2,000 lumens shall be restricted to full cutoff luminaires.

(5)

Gasoline pump canopy lights shall be fully recessed.

(6)

Light standards shall not exceed 20 feet in height.

(7)

Trespass lighting to other lots, especially from commercial projects into residential areas, shall be prohibited.

The Facility shall comply with the foregoing requirements. Only one small light is proposed and it shall be faced downward so as not to allow light to spill onto adjoining properties.

M.

Liquid and solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws, and regulations of the Putnam County Health Department, New York State Department of Environmental Conservation, or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

The Facility shall not discharge any liquid or solid wastes.

N.

Traffic. For the purpose of preventing congestion in the streets, promoting the safe and efficient use of public transportation, protecting air quality, promoting fuel conservation, and otherwise protecting the public health, safety, and welfare, the following specific traffic standards are hereby established to serve as a guide for Town officials and agencies in the review of applications for development approvals:

(1)

The proponent of any development shall provide the Planning Board with information pertaining to potential traffic generation. If the Planning Board determines that it is necessary, the Planning Board may require the submission of a traffic impact study (TIS) prepared by a qualified traffic engineer.

(a)

The TIS shall evaluate potential impacts to roadway and intersection operating conditions at locations and peak hours to be determined by the reviewing agency.

(b)

The latest available version of the Highway Capacity Manual and/or Highway Capacity Software shall be used to conduct the TIS.

(c)

The TIS shall be based on traffic volume data not more than three years old.

(d)

Significant adverse traffic impacts requiring project mitigation shall be defined as any of the following occurring within the first year of operation of full build-out of the proposed project or, in the case of phased construction, during the first year of operation of each phase for which approval is sought:

[1]

Any reduction in level of service (LOS) to less than LOS D at a street intersection that operates at LOS D or better without the proposed project.

[2]

Any increase in delay times for intersections operating at LOS E or below.

[3]

Introduction of new traffic volumes that will cause the overall volume of the roadway to exceed the design capacity of the mainline (nonintersection) highway sections within the TIS study area.

(e)

If the outcomes listed in Subsection N(1)(d) above would occur in any case due to other planned projects or background growth in the area that would affect that intersection or roadway segment, then the proposed project may be approved, provided that adequate mitigation plans are made to ensure safe and efficient operating conditions at the affected intersection(s).

(2)

Any development application for which a TIS is not submitted shall provide sufficient information to ensure safe entering and exiting conditions (e.g., sight distance, driveway

width, and grade) at all proposed ingress and egress points.

(3)

In projecting future levels of service and the capacity of mainline highway sections, accepted traffic engineering procedures, as determined satisfactory by the Planning Board, shall be utilized, using the following requirements as a guide:

(a)

Base-year traffic conditions, including peak-hour traffic volumes and turning movements, must be documented either through direct field surveys or from other available current data sources.

(b)

Projected volumes must include estimated traffic generation from the proposed development during peak hours of on-site traffic activity as well as peak hours of street system activity.

(c)

Daily trip generation estimates must be provided. Information published by the Institute of Transportation Engineers (ITE) will generally be relied upon as a basis for estimating trip generation, although the Planning Board may allow or require a departure from the use of specific ITE averages where the Board determines that such departure is warranted by unique characteristics which may be present in the proposed project.

(d)

Allowance shall also be made for traffic which is expected to be generated by other projects already approved or under construction within the Town or within neighboring communities, as well as an additional allowance for general regional traffic volume changes.

(e)

Estimated traffic generation must be distributed throughout the access network in accordance with clearly stated distribution assumptions determined acceptable by the Planning Board.

(f)

The capacity analysis of the intersections or mainline highway section roadway system shall be calculated both with and without site-generated traffic. In analyzing such capacity, the applicant shall use methods generally recognized by national authorities, such as the Transportation Research Board of the National Academy of Sciences, and/or methods accepted by the New York State Department of Transportation. Traffic capacity estimates may take into account improvements planned by the applicant or by others, provided that, in either case, a specific commitment to construct such improvements has been made.

(g)

In determining overall intersection level of service at signalized intersections, optimum practical signal timing may be assumed. Overall intersection level of service shall be determined, for both signalized and unsignalized intersections, based upon a volume-weighted average of each intersection approach level of service.

(h)

Where a mixed-use pedestrian-oriented project is planned using traditional neighborhood development (TND) design principles, the analysis shall take into account trip reduction and internal capture of trips within the development attributable to such TND design.

The Facility is unmanned, requiring infrequent maintenance trips of approximately one per month. Therefore, there will be no impacts related to traffic.

§ 175-63 Findings required.

In granting or denying special permits, the Planning Board shall take into consideration the scale of the proposed project and its potential impact on the functioning of nearby farm operations. The Planning Board shall also take account of any proposed conservation easements, architectural restrictions, or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic and historic character of the Town. No special permit shall be granted for any property on which there exists a violation of this chapter, including a violation of any condition of a previous municipal approval, unless the Planning Board finds that the applicant has no legal right or ability to remedy the violation or that the grant of a special permit is necessary to remedy a condition that poses a risk to public health or safety.

A.

Minor projects. A minor project shall be presumed to be acceptable if it complies with applicable health laws and other specific provisions of this chapter. In order to grant a minor project special permit, the Planning Board must make a general finding that none of the criteria for major projects listed in Subsection B below will be violated. The Planning Board shall deny a minor project special permit if it determines that one or more of these criteria will be violated.

B.

Major project criteria. Before granting or denying a major project special permit, the Planning Board shall make specific written findings establishing whether or not the proposed major project:

(1)

Will comply with all land use district, overlay district, and other specific requirements of this and other chapters and regulations, and will be consistent with the purposes of this chapter and of the land use district in which it is located.

The Facility is permitted in the non-residential OC Zoning District and meets all of the required height and setback requirements of the Zoning Code. The Property is not within any specific Town overlay district. Accordingly, the location of the Facility is consistent with the zoning district and the Town Code. Moreover, pursuant to the Telecommunications Act of 1996, the Town may not prohibit or have the effect of prohibiting the proposed telecommunications service.

(2)

Will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances.

The Facility is unmanned and will not result in excessive off-premises noise, dust, odors,

solid waste, or glare, or create any public or private nuisances.

(3)

Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, as well as any improvements proposed to be made to them by the applicant.

The Facility is unmanned and will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, as well as any improvements proposed to be made to them by the Applicants, including the revisions to the plans in response to the Comments of the Engine Company.

(4)

Will be accessible to fire, police, and other emergency vehicles.

The Facility will be fully accessible to fire, police, and other emergency vehicles, particularly given the revisions to the plans in response to the Comments of the Engine Company.

(5)

Will not overload any public water, drainage, sewer system, or any other municipal facility.

The Facility will not use any water, sewer or other municipality facility and all necessary drainage from the minor improvements will not create any adverse impacts.

(6)

Will not materially degrade any watercourse or other natural resource or ecosystem and will not endanger the water quality of an aquifer.

As detailed in the Conservation Board application and in the materials supporting the EAF, the Facility will not materially degrade any watercourse or other natural resource or ecosystem and will not endanger the water quality of an aquifer.

(7)

Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

The Facility is located on a large 64.29 Acre property. The Facility meets all of the Zoning Code setback requirements. Given its location, the relatively flat topography, limited tree clearing, natural habitat and hydrology, there will be no significant adverse impacts. Moreover, the wooded nature of the Property, the large setbacks and the slatted fencing, the Facility will be suitably screened from neighboring properties and public roads.

(8)

Will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.

The Facility is located on a large 64.29 Acre property in the non-residential OC zone. The Facility is not in any overlay district. The Facility meets all of the Zoning Code setback requirements and is therefore buffered to be compatible with surrounding uses.

(9)

Will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering nonresidential uses that are incompatible with residential use.

The Facility is located on a large 64.29 Acre property, meets all of the Zoning Code setback and height requirements, and is located in the non-residential OC zone.

(10)

Will not adversely affect the availability of affordable housing in the Town.

The Facility is unmanned and will have no effect on housing.

(11)

Will comply with applicable site plan criteria in § 175-65D.

As detailed below, the Facility will comply with the applicable site plan criteria in § 175-65D.

(12)

If the property is in a residential district, will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts.

The Facility is not located within a residential district.

D.

Criteria. In reviewing site plans, the Planning Board shall ensure that the application complies with all applicable provisions of this chapter, including the environmental performance standards in § 175-40. The Planning Board shall also apply the criteria set forth below. The Planning Board may also refer for nonbinding guidance to the three-volume set of

illustrated design guidelines published by the New York Planning Federation in 1994, entitled "Hamlet Design Guidelines, Building Form Guidelines, and Rural Design Guidelines." The Planning Board may also refer to the Design Handbook, adopted by the Philipstown Planning Board, as advisory guidelines for the Route 9 Corridor as well as any other design guidelines that it adopts from time to time as nonbinding advisory material. In applying the criteria contained in this subsection and the reference documents above, the Planning Board shall take into consideration the location, character, and context of proposed development and adapt these criteria to the setting (e.g., rural, hamlet, institutional, suburban, industrial) as appropriate.

(1)

Layout and design.

(a)

To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, and other pertinent natural features. The Planning Board may require that an applicant prepare a conservation analysis as described in § 175-20A of this chapter.

The Facility has been to the maximum extent practical located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The wetlands shall not be impacted and only a small area of disturbance is required in the buffer due to the need to access the project location. Minimal grading is required and tree removal has been limited to the maximum extent possible. No steep slopes will be impacted. Tree cutting will be limited as required so as not to adversely impact any endangered or threatened species.

(b)

All structures in the plan shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses. Structures shall, where practical, be laid out in the pattern of a traditional hamlet.

All of the propped equipment and the tower shall be integrated in a single equipment compound that shall be designed to support future collocation.

(c)

Except for retail and service businesses that require visibility, the visual impact of structures from public roads shall be minimized through the use of vegetative screening, topography, and colors that blend with the natural surroundings. Structures that are visible from public roads shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, proportion, texture, color, and placement. Building components such as windows, rooflines and pitch, doors, eaves, and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows and

steeply pitched roofs are encouraged but will not be required. Rooftop and ground level mechanical equipment shall be screened from public view using materials harmonious with the building, or shall be located where they are not visible from any public ways or adjacent properties.

Potential visual impact has been minimized by locating the Facility on a large 64.29 acre property in compliance with all height and setback requirements. A gray colored monopole has been proposed to minimize the bulk and visibility of the Facility.

(d)

Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.

All required setbacks are met.

(e)

The Planning Board shall encourage the creation of landscaped parks or squares easily accessible by pedestrians.

The Facility is unmanned and this section is inapplicable.

(f)

Trademarked architecture which identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of the Town or the Building Form Guidelines.

No trademark architecture is proposed.

(g)

Impacts on historic and cultural resources shall be minimized.

There shall be no adverse effects on historic and cultural resources as detailed in the EAF and supporting documents including Phase I Archeological Report and SHPO concurrence.

(h)

Newly installed utility service systems and service modifications necessitated by exterior alterations shall be installed underground. When feasible, existing aboveground utility service systems shall be placed underground.

Electric and telephone utilities to the Facility are proposed to be installed underground.

(i)

Buildings shall have a finished exterior on all sides.

No buildings are proposed.

(j)

Metal buildings that are principal buildings (larger than a small storage building in an unobtrusive location) shall be of color consistent with earth tones; shall have sufficient fenestration and trim to break continuums of metal wall areas; and shall have brick, stone, wood trim or composite materials providing a similar appearance, and features combined with the basic metal enclosure. A complete package of elevations shall accompany any proposal for a metal building.

No buildings are proposed.

(2)

Landscaping and screening. Landscaping shall be provided and permanently maintained as follows:

(a)

All areas of the lot not covered by buildings and other structures, outside storage and approved paving shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscaping or shall be left as natural terrain, if not disturbed by filling, grading or excavation.

The wooded area surrounding the Facility is not proposed to be modified by this application other than the minor tree removal necessary for the Facility and related access.

(b)

In the HC and OC Districts, a strip of land not less than 20 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 20 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

The existing wooded buffer complies with this requirement.

(c)

In the M District, a strip of land not less than 30 feet in width and located in the area required for a building setback from a residence district boundary line, or all of such setback area on the lot if less than 30 feet in width, shall be left and maintained in its natural state if already wooded or shall be landscaped with evergreen trees planted to grow into a dense evergreen buffer strip within five years.

Not applicable.

(d)

Off-street parking and loading areas shall be provided with landscaped planting islands within or border landscaping adjacent to such area in such a manner as to enhance the appearance of the area. Any parking area accommodating 20 or more cars shall be provided with not less than one tree for each 20 cars or fraction thereof, which trees shall be not less than three inches diameter at breast height and 10 feet in height.

Only two parking spaces are proposed surrounded by the existing wooded Property.

(e)

Landscaping, including grading, provided in the area required for a building setback from the street line or center line of U.S. Route 9 shall be of a type, size and height as to avoid obstruction of minimum sight lines along the highway as well as from access driveways onto the highway, whether located on the lot or any other lot, as specified by the State Department of Transportation.

No buildings are proposed. Ample existing wooded lands are located between the Facility and Route 9.

(f)

All landscaping materials shall be of a type and/or species suitable for the location of the lot in the Town and suitable for the soil conditions on the lot and shall be planted and maintained in accordance with good landscaping practice. Landscaping shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides, and fertilizers.

No landscaping is proposed in light of the dense wooded nature of the area surrounding the Facility.

(g)

All landscaping, including growing materials, that are specified on an approved landscape plan for a site shall be well maintained to carry out the intent of the landscape plan. Failure to maintain healthy landscaping associated with a site plan approval will be a violation of said approval.

No landscaping is proposed in light of the dense wooded nature of the area surrounding the Facility.

(h)

Trees, shrubs and other plant materials which die or are otherwise not in a condition to fulfill the approved landscape plan shall be replaced in the next planting season by similar plant

material.

No landscaping is proposed in light of the dense wooded nature of the area surrounding the Facility.

(i)

Fences and walls used for landscaping and screening shall be made of natural materials such as wood, stone or brick or otherwise effectively landscaped.

No landscaping is proposed in light of the dense wooded nature of the area surrounding the Facility. As recommended by the Town Engineer, a black vinyl coated fence with slats is proposed.

(j)

Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

No landscaping is proposed in light of the dense wooded nature of the area surrounding the Facility.

(k)

Existing native tree stock eight or more inches in diameter at breast height shall be protected and preserved to the extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedge rows, wetlands, and woodlots shall be encouraged and included as a design element in the development of the site.

Only minimal tree removal is proposed and all existing trees will be preserved to the extent possible.

(l)

If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall and two-inch caliper shall be planted and maintained at twenty- to forty-foot intervals along roads at a setback distance acceptable to the Highway Superintendent.

No landscaping is proposed in light of the dense wooded nature of the area surrounding the Facility.

(3)

Parking, circulation, and loading.

(a)

Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.

The access drive has been designed based on the comments of the Engine Company. The Facility is unmanned and requires infrequent maintenance visits. Two parking spaces as well as an emergency access turnaround are proposed.

(b)

Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.

Not applicable.

(c)

Off-street parking and loading standards in § 175-38 shall be satisfied.

Two parking spaces are proposed for the infrequent maintenance visits.

(d)

Access from and egress to public highways shall be approved by the appropriate highway department, including Town, county, and state.

A fifteen foot wide access drive in accordance with the Comments of the Engine Company has been proposed.

(e)

All buildings shall be accessible by emergency vehicles.

A fifteen foot wide access drive and other cleared areas in accordance with the Comments of the Engine Company are shown on the Site Plan.

(f)

Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.

No landscaping is proposed.

(g)

Bicycle parking spaces and racks shall be provided in an area that does not conflict with vehicular traffic. Designated van/car pool parking, and other facilities for alternatives to single occupancy vehicle use shall be provided wherever possible.

Not applicable.

(h)

In developments where links to schools, churches, shopping areas, trails, greenbelts, and other public facilities are feasible, or where a trail connection is recommended in the Comprehensive Plan or in a Town Open Space Plan, a trail corridor shall be reserved on the approved site plan for this purpose.

Not applicable.

(4)

Reservation of parkland. For any site plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law § 274-a(6).

Not applicable.

(5)

Outside storage. Any areas for outside storage (including temporary storage of waste materials; storage and display of merchandise, supplies, machinery and other materials; and outside manufacture, processing or assembling of goods; but excluding areas for parking of registered motor vehicles in daily use) shall be shown on the site plan and located and screened as follows:

(a)

In the HC and OC Districts, outside storage areas shall not extend into the area required for a building setback from a street line or from the center line of U.S. Route 9, as determined under § 175-30J, or from a residential district boundary line. Outside storage shall be enclosed (except for necessary access drives) by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any adjacent lot or any street. In no case shall the height of outside storage exceed the height of the approved screening. Screening shall be of a density as to be at least 75% effective in screening such view, at the time of occupancy, except that when evergreens are used, such height and density shall be achieved within five years after establishment of the outside storage area.

(b)

Outside storage on properties in the HC or OC Districts shall not exceed 20% of the lot area located in such district.

(c)

In the M District, outside storage areas shall not extend into the area required for a building setback from a property line, or a residence district boundary line, and shall not exceed 15% of the lot area located in the M District.

Not applicable.

(6)

Miscellaneous standards.

(a)

Buildings and other facilities shall be designed, located, and operated to avoid causing excessive noise on a frequent or continuous basis.

No excessive noise will be created by the Facility.

(b)

Drainage of the site shall recharge groundwater to the extent practicable. The peak rate of surface water flowing off site shall not increase above predevelopment conditions and shall not adversely affect drainage on adjacent properties or public roads.

The Site Plan includes detailed drainage details. The compound and access drive are gravel.

(c)

Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.

Not applicable.

(d)

No materials shall be placed below the finished grade of a site other than utilities, sand, gravel, rocks, and soil that are uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted under this Subsection D(6)(e), except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.

The Site Plan demonstrates that this requirement is satisfied.

(e)

Structures shall be located, constructed, and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate, and shall include fencing, walls, and natural buffers, such as berms and landscape planting with trees and large shrubs.

Based on the setbacks to the property lines, the minimal noise from the cycling generator and the prozed slatted fence, this requirement will be satisfied.

(f)

Lighting shall comply with the standards in § 175-40L.

See above.

Margaretta Bickford
119 Rockwald Road
Cold Spring, NY 10516

Dear Mr. Dee,

Thank you very much for your thorough managing of the Zoning Board of Appeals meetings especially regarding the Homeland Towers request to build a cell tower on Vineyard Road.

I'm writing, following the recent meeting of September 11, 2017, to communicate a few concerns I had after listening to the lawyer for Homeland Towers, Robert Gaudio, respond to issues.

The first concern is the Fire Safety report. The tower was discussed but not the barrels of fuel kept at the base of the tower to run the generator if there is a disruption in power. What are the instances the tower gets hit or falls and a barrel of propane or diesel is compromised. I'm not suggesting that this is a likely occurrence but do suggest it might have been included in the H T report of the increased fire hazard represented by the fuel barrels.

The realization that Homeland Towers has been dishonest, and if not dishonest, inaccurate in so many of its initial claims that, regarding the land fill site, I'd be certain that there are inaccuracies in the reporting of that site's suitability for a tower. Personally, I am encouraged that the site is going to be inspected again. Insisting it is an inappropriate site but not providing coordinates to the engineer, is yet another instance of neglect or dishonesty on the part of H. T.

There is also a sense that H T is guilty of callous indifference to

the sensibilities of the residents around the tower site. Zoning for aesthetic beauty is often a right relating to a decent quality of life and the use and enjoyment of property for one's lifetime. Does the legal definition of aesthetics to which Mr. Gaudioso referred trump the rights of residents to the peaceful enjoyment of their residences? The residents in our area have paid taxes over many years. My school and property taxes this year are upwards of \$20,000. Do we have to live with the insult of property devaluation and loss of quality of life as well?

Thank you for your time and attention to this matter.

Best regards,

Wendy Bickford

Wendy Bickford
Aka Margaretta Bickford

Living With Aesthetic Zoning Regulations

Living within an aesthetic zoning area means that any changes to the property must be approved by the zoning board. Plans must be submitted before any work can go forward to ensure meeting all zoning regulations, and any developments that do not meet the requirements can lead to fines and required remodeling. Disputes sometimes occur when the homeowner is not pleased with the local zoning regulations or limitations imposed by the zoning board. However, if a homeowner moves into an area with aesthetic zoning, he generally has little recourse but to abide by the rules. The upside is that property values are protected by these rules. Of course, the homeowner can always seek legal advice when facing zoning problems.

Peaceful Enjoyment definition:

A Covenant that promises that the grantee or tenant of an estate in real **property** will be able to possess the premises in **peace**, without disturbance by hostile claimants. Quiet **enjoyment** is a **right** to the undisturbed use and **enjoyment** of real **property** by a tenant or landowner.

Quiet enjoyment legal definition of quiet enjoyment - Legal Dictionary
[legal-dictionary.thefreedictionary.com/quiet enjoyment](http://legal-dictionary.thefreedictionary.com/quiet+enjoyment)

Aesthetic zoning:

Aesthetic zoning is the process of zoning a specific area to create a certain aesthetic look. Local zoning regulations are used to focus on the beauty of the community within its jurisdiction. The aesthetic zoning regulations are limited in nature, and must follow various guidelines designed to improve the appearance of the area and create a cohesive look.

Living With Aesthetic Zoning Regulations

Living within an aesthetic zoning area means that any changes to the property must be approved by the zoning board. Plans must be submitted before any work can go forward to ensure meeting all zoning regulations, and any developments that do not meet the requirements can lead to fines and required remodeling. Disputes sometimes occur when the homeowner is not pleased with the local zoning regulations or limitations imposed by the zoning board. However, if a homeowner moves into an area with aesthetic zoning, he generally has little recourse but to abide by the rules. The upside is that property values are protected by these rules. Of course, the homeowner can always seek legal advice when facing zoning problems.