

TOWN OF PHILIPSTOW ZONING BOARD OF APPEALS  
238 MAIN STREET, COLD SPRING NY 10516

MEETING LOCATION WILL BE HELD AT THE  
BUTTERFIELD LIBRARY 10 MORRIS AVE COLD SPRING NY 10516  
AT 7:30 PM

**Monday July 13,2015**

**MEETING AGENDA**

**Review for completeness of application submittal and schedule Public Hearing**

**1.) NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS**

**The applicant is seeking a special use permit to collocate small panel antennas on an existing telecommunications tower, together with related equipment at the base thereof. The site is located at 22 Sky Lane Garrison NY 10524 located in the SR district TM #83.18-1-22 &23**

**2.) Amendment to January 2015 approved minutes.**

Secretary upon request from Dana Reymond owning property at 28 Hudson River Lane would like the minutes to reflect the following changes. The minutes are currently written as **Robert Dee – I will speak on the Glen Watson thing. I read the letter. We gave a year extension.** The requested change is as followed , and to be placed above Robert Dee's first line of the topic. **Following topic is in reference to 28 Hudson River Lane owned by Dana Reymond addressing a letter written on property owners behalf by Badey and Watson in order to inform the ZBA that no extensions or variances are needed based on discovery and a conversation between Zoning Administrator Kevin Donohue and Glen Watson for damage that was done during Hurricane Sandy.**

**3.) New/ Old Business**

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

lsnyder@snyderlaw.net

NEW JERSEY OFFICE  
ONE GATEWAY CENTER, SUITE 2600  
NEWARK, NEW JERSEY 07102  
(973) 824-9772  
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REPLY TO:

NEW YORK OFFICE  
445 PARK AVENUE, 9TH FLOOR  
NEW YORK, NEW YORK 10022  
(212) 749-1448  
FAX (212) 932-2693

LESLIE J. SNYDER  
ROBERT D. GAUDIOSO

DAVID L. SNYDER  
(1956-2012)

Tarrytown Office

June 1, 2015

Honorable Chairman Vincent Cestone  
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 for  
Co-Location of a Wireless Telecommunication Facility on an Existing Guyed  
Lattice Tower at the property known as Section 83.18, Block 1, Lots 22 & 23  
on the Tax Map and located at 22 Sky Lane, Philipstown, NY

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

I am the attorney for New York SMSA Limited Partnership, d/b/a Verizon Wireless ("Verizon Wireless") in connection with its request for a special permit to collocate Verizon Wireless' small panel antennas and related improvements on the existing guyed lattice tower ("Tower") at the captioned property ("Property"), together with equipment at the base thereof.

By way of background, it should be noted that Verizon Wireless is licensed by the Federal Communications Commission to provide reliable wireless telecommunications services throughout New York State, including the Town of Philipstown ("Town"), and Verizon Wireless' facility at the Property is necessary for Verizon Wireless to provide such services. On May 12, 2015, Verizon Wireless applied for a building permit and the Building Inspector deemed that a special permit was necessary for the facility even though it is a de minimis collocation.

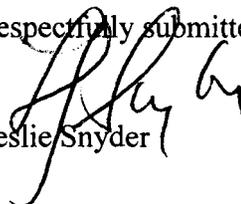
Pursuant to Section 175-46.B(4) of the Town's zoning code ("Zoning Code"), the collocation of wireless communications equipment on an approved communications tower is permitted on the Property by special use permit from this Honorable Zoning Board of Appeals. Moreover, there is already access to the Property in connection with the existing communications facilities so that no additional Section 280-a of New York State Town Law approval should be required since Verizon Wireless will be utilizing the same access as the other existing users of the Tower.

In furtherance of the foregoing, Verizon Wireless is pleased to enclose nineteen (19) copies of the following documents, together with the special permit application fee of \$5,000.00 and escrow fee of \$5,000.00:

1. Zoning Board Appeal Form together with letter of authorization from the Property owner;
2. Deed for the Property;
3. Certificates of Occupancy;
4. Short Environmental Assessment Form<sup>1</sup>;
5. A copy of Verizon Wireless' applicable FCC licenses;
6. Statement in Support of Application; and
7. Site Plan, prepared by Tectonic Engineering and Surveying Consultants, P.C.

We thank you for your consideration and look forward to discussing this matter with the Zoning Board of Appeals at its June 8<sup>th</sup> meeting. If you have any questions or require additional information, please do not hesitate to call me at (914) 333-0700.

Respectfully submitted,



Leslie Snyder

LJS:jg

Enclosures

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SS4\WP\NEWBANM\Mike Bonhomme\Lake Peekskill- 22 Sky Lane\Zoning\2014 Application\ZBA Letter.fin.ap.doc

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<sup>1</sup>This application is a Type II action under the State Environmental Quality Review Act deeming the application to have no significant impact on the environment since it involves construction of a non-residential structure involving less than 4000 square feet under 6 NYCRR 617.5 (c) (7).

# This Indenture,

761026737

Made the 27<sup>th</sup> day of December  
Nineteen Hundred and Ninety-Six

1371 0263

Between RADIO TERRACE OF ALBANY, INC., having an address c/o Gary B. Pease,  
79 Howland, Garrison, New York 10524

party of the first part, and

James J. Morrell, residing at 3 Wood Plot Road, Loudonville, New York 12211

Witnesseth that the party of the first part, in consideration of

One Dollar (\$ 1.00 )

lawful money of the United States,  
paid by the party of the second part, does hereby grant and release unto the  
party of the second part, its successors and assigns forever, all

the property described on Schedule A attached hereto and made a part hereof.

R & R

Robert L. Adams, GR  
Adams & Dayton, LLP  
39 North Pearl Street  
Albany NY 12201

Section 83.1 E  
Block 1  
Lot 5 22, 23, 49, 1

Section 83.7A  
Block 1  
Lot 3

2072 0264

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

Do Have and to Hold the premises herein granted unto the party of the second part, its successors until assigns forever.

And said party of the first part

covenants as follows:

First, That said party of the first part is well

seized of said premises in fee simple, and has good right to convey the same;

Second, That the party of the second part shall quietly enjoy the said premises;

Third, That the said premises are free from incumbrances; except as set forth in Schedule A attached hereto.

Fourth, That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth, That said party of the first part

will forever warrant the title to said premises.

Sixth, That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has hereunto set its hand and seal the day and year first above written.

In Presence of

Anna S. [unclear]

Anna Maria Janosi

RADIO TERRACE OF ALBANY, INC.

By: Gary B. Pease

Name: Gary B. Pease  
Title: President

State of Conn County of Hartford On this 27th day of December 1996 before me, the (subscriber, personally appeared

Gary B. Pease (name), the President (title) of Radio Terrace of Albany, Inc., of 79 Howland, Greenwich, New York

to me personally known and known to me to be the same person described in and who executed the within Instrument,\*and he acknowledged to me that he executed the same.

\*as said officer of the Corporation pursuant to order or resolution of the Board of Directors of such Corporation.

Anna Maria Janosi  
Notary Public  
My Commn Expires 12/31/99

## SCHEDULE A

## PARCEL I

ALL that certain lot, piece of parcel of land, 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 7 (Map filed in the Putnam County Clerk's Office as Map No. 185 P) where the same is intersected by the division line between property now or formerly of one G. Holman and premises herein described, said point also being the southeasterly corner of Lot 70 on "Map J7 of Continental Village" Filed in the Putnam County Clerk's Office on July 9, 1956 as Map No. 3720;

thence South 89 degrees 19 minutes West 568.52 feet to a stone wall and lands now or formerly of Fish;

thence along said stone wall the following courses and distances:

South 1 degree 51 minutes West 109.19 feet;  
 South 9 degrees 48 minutes West 54.03 feet;  
 South 3 degrees 58 minutes West 76.07 feet;  
 South 1 degree 28 minutes East 81.47 feet;  
 South 8 degrees 35 minutes West 53.84 feet;  
 South 5 degrees 24 minutes West 40.57 feet;  
 South 14 degrees 47 minutes West 38.18 feet; and  
 South 6 degrees 33 minutes 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 degrees 04 minutes 30 seconds West 58.92 feet;

thence along stone wall aforementioned and lands of Fish,

South 22 degrees 04 minutes 30 seconds West 17.91 feet;  
 South 29 degrees 09 minutes West 129.22 feet;  
 North 85 degrees 19 minutes West 11 feet;  
 South 0 degrees 52 minutes West 38.17 feet;  
 South 20 degrees 14 minutes West 76.55 feet;  
 South 31 degrees 14 minutes West 65.38 feet;

thence leaving said wall,  
 South 34 degrees 14 minutes 30 seconds 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 degrees 30 minutes East 511.93 feet to the westerly line of lands acquired for the New York Catskill Aqueduct;

thence crossing said Aqueduct,  
 North 86 degrees 30 minutes East 177.35 feet;

1371 0266

SCHEDULE A

thence North 86 degrees 30 minutes 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. 185 D);

thence along the westerly boundary line of Lake Peekskill,

North 3 degrees 16 minutes East 425.68 feet;

North 0 degrees 09 minutes 10 seconds East 302.70 feet;

North 6 degrees 7 minutes 10 seconds East 235.16 feet; and

North 9 degrees 27 minutes 10 seconds East 190.96 feet to the point and thence or beginning.

EXCEPTING UNDERSTOWN 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 degrees 37 minutes 10 seconds West 142.25 feet;

North 41 degrees 19 minutes 10 seconds West 492.02 feet to the westerly boundary line of lands above described;

thence along said westerly boundary;

South 22 degrees 04 minutes 30 seconds West 55.92 feet;

thence South 41 degrees 19 minutes 10 seconds East 468.30 feet to the southerly line of land above described;

thence North 86 degrees 30 minutes 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.

PARCEL 11

All those certain lots, pieces or parcels of land, situate, lying and being in the Town of Putnam Valley, Putnam County, New York, known and designated as and by Lots 10 and 11, in Block 62 on a certain map entitled "Lake Peekskill, Section F, owned and developed by McCallister Realty Co., Inc. 225 West 36th Street, New York, incorporated 1921" made by Hudson Valley Engineering Co., Inc., Peekskill and Carmel, New York and filed in the Putnam County Clerk's Office on May 28, 1929 as Map No. 188E.

1371 0267

**SCHEDULE A**

**PARCEL III**

ALL that certain plot, piece or parcel of land, 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 Villages" 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 degrees 22 minutes 40 seconds West 139.34 feet; and  
South 9 degrees 34 minutes 20 seconds West 10.78 feet to a point;

running thence South 69 degrees 19 minutes West 68.52 feet to a point on the mean centerline of a stone wall along the easterly line of Lot 69 as shown on said Map No. 3720;

running thence along the same,

North 1 degree 58 minutes 10 seconds East 15.78 feet;  
North 2 degrees 25 minutes 10 seconds East 160.83 feet;  
North 0 degrees 39 minutes 30 seconds East 84.34 feet to the end of said stone wall; and continuing  
North 5 degrees 52 minutes East 21.13 feet to the southerly line of Sky Lane;

running thence along the same,

South 34 degrees 03 minutes East 121.63 feet to a point of curve;  
Northeasterly on a curve to the left having a radius 275 feet, an arc distance of 230.38 feet to a point of compound curve;  
Northeasterly 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 degrees 52 minutes East 37.36 feet to a point of curve;  
Northeasterly on a curve to the right having a radius of 36.25 feet, an arc distance of 29.63 feet to a point of tangency;  
North 64 degrees 42 minutes East 72.03 feet; and  
North 48 degrees 51 minutes East 123.83 feet to the point and place of beginning.

**PARCEL IV**

ALL that plot or parcel of land, situate in the Town of Cortlandt, County of Westchester and State of New York, shown and designated as Lots Nos. 9, 10, 11, 12, and 13 in Block C in Section 1 on map entitled, "Amended Map of Peekskill Highlands situated near Peekskill, Town of Cortlandt, County of Westchester, State of New York", Surveyed and Certified by Hudson Valley Engineering Company

1351 0268

SCHEDULE A

of Peekskill, New York, Civil Engineers and Surveyors, completed March 5, 1931 and filed in the Office of the Clerk of Westchester County, Division of Land Records, on April 13, 1931 as Map No. 3757.

PARCEL V

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Cortlandt, County of Westchester, State of New York, known and designated as Lots 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 in Block C; Lots 16, 17, 18, 19 and 20 in Block F as shown on "Amended Map of Peekskill Highlands (Section No. 1)" situate in the Town of Cortlandt, Westchester County, New York, surveyed by Hudson Valley Engineering Co., Inc., completed March 5, 1931 and filed in the Office of the County Clerk, Division of Land Records, (formerly Register's Office) of the County of Westchester on April 13, 1931 as Map No. 3757 and the undivided portion of the land shown on said aforementioned map which is more particularly bounded and described as follows:

BEGINNING at a point at the southeasterly corner of Lot No. 10, Section J, the same being the southwesterly corner of Lot No. 11 and lying in the centerline of Peekskill Hollow Brook;

thence running North 45 degrees 1 minute East a distance of 165.52 feet;

thence North 46 degrees 59 minutes West a distance of 121.09 feet;

thence North 45 degrees 1 minute East a distance of 523.97 feet;

thence South 74 degrees 51 minutes East a distance of approximately 69.08 feet to a point distant North 15 degrees 9 minutes West 50 feet from the northwest corner of Lot 1, Block C on said map;

thence South 15 degrees 9 minutes East a distance of 70.0 feet to the southwest corner of said Lot 1;

thence following the southerly boundaries of Lots 1 and 2, Section C, a distance of 164.28 feet to a point at the southwesterly corner of Lot 3, Section C;

thence South 74 degrees 51 minutes East along the southerly line of Lots 3 to 9 inclusive, Block C, a distance of 140.0 feet;

thence South 37 degrees 34 minutes 20 seconds East along the westerly line of Lots 13 to 28 inclusive, Block C, a distance of 370.0 feet;

thence North 52 degrees 25 minutes 40 seconds East along the southerly line of Lot 28, a distance of 100.0 feet to the westerly side of Brook Drive;

1377 0269

SCHEDULE A

thence South 37 degrees 34 minutes 20 seconds East along the same, a distance of 14.97 feet;

thence North 71 degrees 45 minutes 40 seconds East along the southerly side of Brook Drive a distance of 22.45 feet to the northwesterly corner of Lot 1, Block F, on said map;

thence South 18 degrees 14 minutes 20 seconds East along the westerly line of said Lot 1, a distance of 106.0 feet;

thence following along the southerly boundaries of Lots 1 to 22 inclusive, Section F, a distance of 767.19 feet to a corner of Lot 53, Block K on said map;

thence South 89 degrees 48 minutes 40 seconds East along the west line of said Lot 53, a distance of 22.99 feet to a point at the center line of Peekskill Hollow Brook;

thence following the center line of Peekskill Hollow Brook in a southerly, westerly, southwesterly, westerly, northwesterly and northerly direction to the point and place of beginning.

83.18-1-23

CERTIFICATE OF OCCUPANCY

Occupancy No. 3297

Application No. 3297

Location of Premises Sky Lane - C/W - Highland Broadcasting of Radio Terrace, Pikeskill

having filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefor and the undersigned having by personal inspection ascertained that the applicant has submitted plans and specifications for the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law. Now, therefore, this certificate of occupancy is hereby issued under the seal of the Town of Philipstown this 2 day of June 1977.

Not valid unless signed in ink by a duly authorized agent of and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

By

[Signature]

BUILDING PERMIT

TM-71-3-14 Part 2 B

BUILDING PERMIT

Application No. 3297

Location of Premises Sky Lane - C/W - Highland Broadcasting of Radio Terrace, Pikeskill

having filed an application for a building permit pursuant to the Zoning Ordinance, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee in the sum of \$27.50 it appearing from the said application that the proposed improvement is intended to and will comply with the requirements of the law as aforementioned, a building permit is hereby granted this 14 day of May 1977.

Additional information emergency studio, office - garage and circulation quarters

Not valid unless signed in ink by a duly authorized agent of and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK

By

[Signature]

384

NO

Application

NO

NO

CORPORATION OF OCCUPANCY

Certificate of Occupancy No. 384

Application No. 384

Whereas an application for a building permit pursuant to the Zoning Ordinance, Subchapter Code Building Code and the laws in effect in the Town of Philipstown, Putnam County, New York, having been read and the same found to be in compliance with the provisions of said Ordinance, and it is the opinion of the undersigned that the proposed structure in compliance with the provisions of the laws as mentioned and that the same will conform to the provisions of the laws as mentioned and that the plans have now been fully completed and are ready for occupancy pursuant to the provisions of the laws, therefore, the certificate of occupancy is hereby issued under the seal of the Town of Philipstown this 22nd day of June, 1934.

Witness my hand and the seal of said Town of Philipstown this 22nd day of June, 1934.

PHILIP T. BROWN

NO

Application

NO

NO

NO

Location of Building

Residence and an application for a building permit pursuant to the Zoning Ordinance, Subchapter Code Building Code and the laws in effect in the Town of Philipstown, Putnam County, New York, and having read the same and the same found to be in compliance with the provisions of said Ordinance, and it is the opinion of the undersigned that the proposed structure in compliance with the provisions of the laws as mentioned and that the plans have now been fully completed and are ready for occupancy pursuant to the provisions of the laws, therefore, the certificate of occupancy is hereby granted this 22nd day of June, 1934.

Additional Information

Witness my hand and the seal of said Town of Philipstown this 22nd day of June, 1934.

CERTIFICATE OF OCCUPANCY

7780

Philipstown Tax Map # 83.18 Block 1 Lot 23 Fee Paid \$ 150

(Date) Located At: 22 SKY LANE, CONTINENTAL VILLAGE

Covering: ANTENNAS ON EXISTING WHTUD Radio Tower

PAMEL BROADCASTING of P.O. Box 88, Peekskill

having heretofore filed an application for a building permit pursuant to the Zoning Law, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefore and the undersigned having by inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law, Now, therefore, this Certificate of Occupancy is hereby issued

under the seal of the Town of Philipstown this 12<sup>th</sup> day of MAY, 19 2000

TOWN OF PHILIPSTOWN, NEW YORK

Not valid unless signed in ink by a duly authorized agent and under the seal of the Town of Philipstown.

BY: [Signature]  
Building Inspector

71-3-2 **BUILDING PERMIT** 7780

Philipstown Tax Map 83.18 Block 1 Lot 23

Location of Premises SKY LANE, C. V.

Type of Construction: ANTENNAS ON EXISTING TOWER, (WHTUD, 1957)  
PAMEL BROADCASTING (AGENCY) of P.O. Box 88, Peekskill, NY

heretofore filed an application for a building permit pursuant to the Zoning Law, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee in the sum of \$ 150 (septic) \$ 12.00 (well) \$ 12.00 (structure) it appearing from the said application that the proposed improvement is intended to and will comply with the requirements of the law as aforementioned, a building permit is hereby granted this 12<sup>th</sup> day of JUN 19 99, being valid for a period of one year and renewable upon payment of established fee schedule.

INSPECTIONS REQUIRED: Call 265-9668, 2 days notice.

- 1. Soil conditions: (Footings, forms and reinforcement.)
- 2. Foundations: masonry, concrete (Transit-mix slips required)
- 3. Framing: insulation; (prior to drywall or closing)
- 4. Mechanicals: (rough plumbing, piping, ducts)
- 5. Final Driveway Inspection.
- 6. Final Inspection, including safety features.

NOTE: All construction shall comply with the NY State Building Code whether or not shown on approved building plans. This structure, or any portion thereof, for which this permit is issued, shall NOT BE OCCUPIED until a CERTIFICATE OF OCCUPANCY is issued. Permit must be renewed annually until such date of Certificate of Occupancy issuance.

RENEWALS: TOWN OF PHILIPSTOWN

	DATE	FEE PAID
#1	<u>2-15-00 RL</u>	<u>7780</u>
#2		
#3		
#4		

BY: [Signature]  
Building Inspector

Mail to: 72 Ridge Rd.  
Garrison NY.  
10524

CERTIFICATE OF OCCUPANCY

8295

Philipstown Tax Map # 83.10 Block 1 Lot 23  
(Date)

Fee Paid \$ 150.00  
126-9-14-0

Located At: SKY LANE TERRACE

Covering: REMOVAL OF 3 WHIP ANTENNAS - REPLACED WITH 9  
PANEL TYPE ANTENNA

JAMES J. MORRELL of 6 JOHNSON ROAD LATHAM, N.Y. 12110

having heretofore filed an application for a building permit pursuant to the Zoning Law, Sanitary Code, Building Code and the Laws in effect in the Town of Philipstown, Putnam County, New York, having paid the required fee therefore and the undersigned having by inspection ascertained that the applicant has subsequently proceeded with the erection or improvement of the proposed structure in compliance with the requirements of the laws as aforementioned and that the said work and materials met every requirement of the laws as aforementioned and that the premises have now been fully completed and are ready for occupancy pursuant to the provisions of law, Now, therefore, this Certificate of Occupancy is hereby issued

under the seal of the Town of Philipstown this 25 day of April 19 2007  
TCB

Not valid unless signed in ink by a duly authorized agent and under the seal of the Town of Philipstown.

TOWN OF PHILIPSTOWN, NEW YORK.

BY: Robert Emrick  
Building Inspector

**TOWN OF PHILIPSTOWN**

238 Main Street, PO Box 155  
Cold Spring, NY 10516  
(845)265-5202 / (845) 265-2687 fax

**CERTIFICATE OF  
COMPLIANCE \_\_\_\_\_ OCCUPANCY**

SEC-BLK-LOT: 89/83.18-1-23

Permit No : 2003:9015

CO/CC Issue Date: 7/30/2004

CO/CC Number : 2003:9015

OWNER'S NAME: MORRELL JAMES J  
& ADDRESS 6 JOHNSON ROAD  
LATHAM NY 12110

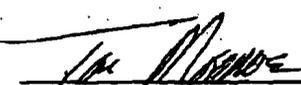
Location of project : 22 SKY LANE

WORK DESCRIPTION : Colocation of wireless antennas and  
equipment SPRINT

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A building permit having been issued for the herein described project, all required inspections having been completed, all required documentation having been presented, and the project having been found to be complete and in compliance with all applicable codes, rules, and laws, this certificate is hereby issued.

ISSUED BY :

  
Code Administrator

NOT VALID UNLESS SIGNED IN INK BY A DULY AUTHORIZED AGENT AND  
UNDER THE SEAL OF THE TOWN OF PHILIPSTOWN

TOWN OF PHILIPSTOWN

CODE ADMINISTRATOR

238 MAIN STREET  
P.O. BOX 155  
COLD SPRING, NY 10516

TOM MONROE, CODE ADMINISTRATOR  
BOB EMERICK, DEPUTY ADMINISTRATOR  
(845) 265-3929

MARIANN LANDOLFI, CLERK  
TINA LANDOLFI, DEPUTY CLERK  
(845) 265-5202  
(845) 265-2687 (FAX)

Date 5-4-09

To: Abstracters Info Service Inc.  
1111 Marcus Ave. Suite M2 214  
Lake Success, NY 11042

Fax # 516-918-4540

Title No. 0061-SSBT11651

Name: Morrell, James

Tax map # 83.18-1-22

Street Sky Lane

Maintained by: Private

Violations on file \_\_\_\_\_

BP# \_\_\_\_\_ Expires \_\_\_\_\_ / CO# \_\_\_\_\_ COVERS \_\_\_\_\_

BP# \_\_\_\_\_ Expires \_\_\_\_\_ / CO# \_\_\_\_\_ COVERS \_\_\_\_\_

BP# \_\_\_\_\_ Expires \_\_\_\_\_ / CO# \_\_\_\_\_ COVERS \_\_\_\_\_

BP# \_\_\_\_\_ Expires \_\_\_\_\_ / CO# \_\_\_\_\_ COVERS \_\_\_\_\_

BP# \_\_\_\_\_ Expires \_\_\_\_\_ / CO# \_\_\_\_\_ COVERS \_\_\_\_\_

Comments: Vacant Land

NOTE: Field inspections are not conducted. Assessor's and Building Department records may not reveal all possible violations, i.e. sheds, pools, decks.

Town Assessor's records indicate \_\_\_\_\_ was constructed prior to town zoning codes. No CO issued.

Mariann Landolfi  
Mariann Landolfi, Department Clerk

Federal Communications Commission  
Wireless Telecommunications Bureau

Radio Station Authorization (Reference Copy Only)

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.

Licensee: Celco Partnership

ATTN Regulatory  
Celco Partnership  
1120 Sanctuary Pkwy, #150 GASASREG  
Alpharetta, GA 30004

FCC Registration Number (FRN): 0003290673	
Call Sign: KNLH264	File Number: 0003047719
Radio Service: CW - PCS Broadband	

Grant Date 07/23/2007	Effective Date 07/23/2007	Expiration Date 06/27/2017	Print Date 07/26/2007
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Market Number: BTA321	Channel Block: F	Sub-Market Designator: Q
Market Name: New York, NY		

1st Build-out Date 06/27/2002	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
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**Special Conditions or Waivers/Conditions** This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 24.716 of the Commission's Rules and the terms of the Commission's installment plan as set forth in the Note and Security Agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of this authorization.

**Conditions**

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls/> and select "License Search". Follow the instruction on how to search for license information

FCC 601 - MB  
September 2002





**Federal Communications Commission**  
Wireless Telecommunications Bureau

**RADIO STATION AUTHORIZATION**

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASASAREG  
ALPHABETTA, GA 30009-7630  
**ANNEX**

Call Sign WQBT539	File Number 000864879
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003290673

Grant Date 02-28-2007	Effective Date 06-11-2009	Expiration Date 01-03-2017	Port Date 06-11-2009
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Market Number BTAS21	Channel Block C	Sub-Market Designator 4
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Market Name New York, NY
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1st Build-Out Date 12-07-2003	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date
----------------------------------	--------------------	--------------------	--------------------

**Waivers/Conditions:**

This authorization is subject to the condition that, in the event that systems using the same frequencies or granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is conditioned upon the full and timely payment of all monies due pursuant to Sections 1.211(d) and 24.711 of the Commission's Rules and the terms of the Commission's installment plan as set forth in the Note and Security Agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of this authorization.

**Conditions:**  
Pursuant to §309(a) of the Communications Act of 1934, as amended, 47 U.S.C. §309(a), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right to the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the licensee nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the geography/area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.



**Federal Communications Commission**  
 Wireless Telecommunications Bureau  
**RADIO STATION AUTHORIZATION**

LICENSEE: VERIZON WIRELESS TELECOM INC.

ATTN: REGULATORY  
 VERIZON WIRELESS TELECOM INC.  
 1120 SANCTUARY PKWY #150 - GASASRBG  
 ALPHARETTA, GA 30004

**SCANNED**

Call Sign KNE1644	File Number 0003298939
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0005798061

Grant Date 02-28-2007	Effective Date 01-23-2008	Expiration Date 01-03-2017	Print Date 01-24-2008
Market Number BTA321	Channel Block C	Sub-Market Designator 3	
Market Name New York, NY			
1st Build-Out Date 12-07-2003	2nd Build-Out Date 01-03-2007	3rd Build-Out Date	4th Build-Out Date

**Warnings/Conditions:**

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure coexistence of equal access to the frequencies by both countries.

**Conditions:**

Pursuant to §309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §309(d), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Notwithstanding the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/hls> and select "License Search". Follow the instructions on how to search for license information.



**Federal Communications Commission**  
Wireless Telecommunications Bureau

**RADIO STATION AUTHORIZATION**

LICENSEE: CELCO PARTNERSHIP

ATTN: REGULATORY  
CELCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASASREG  
ALPHABETTA, GA 30009-7630

**SCANNED**

Call Sign	File Number
WQDQ896	0003864907
Radio Service	
WY - 700 MHz Lower Band (Blocks A, B, E)	

FCC Registration Number (FRN): 0003290673

Grant Date	Effective Date	Expiration Date	Print Date
11-26-2008	06-11-2009	06-13-2019	06-11-2009

Market Number	Channel Block	Sub-Market Designator
BEA010	A	0

Market Name
New York-No. New Jer.-Long Isl

1st Build-Out Date	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date
06-13-2013	06-13-2019		

**Warnings/Conditions:**

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek removal of the license either within eight years from the commencement of the broadcast services within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.130(b).

**Conditions:**  
Pursuant to §309(b) of the Communications Act of 1934, as amended, 47 U.S.C. §309(b), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the licensee nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area Information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uh/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**REFERENCE COPY**

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSER: NEW YORK SMSA LIMITED PARTNERSHIP

ATTN: REGULATORY  
NEW YORK SMSA LIMITED PARTNERSHIP  
1120 SANCTUARY NEW YORK, NY 10036-3000  
ALPHARETTA, GA 30009-7000

Call Sign KNKA206	File Number 0006358273
Radio Service CL - Cellular	
Market Number CMA001	Channel Block B
Sub-Market Designator 0	

FCC Registration Number (FRN): 0003477

Market Name New York, NY-NJ-Nassau-Suffolk
---

Grant Date 09-03-2014	Effective Date 09-03-2014	Expiration Date 10-03-2024	Five Yr Build-Out Date	Print Date 09-03-2014
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**Site Information**

Location Latitude: 40-50-32.0 N Longitude: 075-01-33.0 W  
 Address: ADIRONDACK DR 300 FT S OF MIDVALE  
 City: SELDEN County: SUFFOLK State: NY Construction No. 100284

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	86.100	83.100	83.800	99.800	106.000	93.200	84.600	81.800
Transmitting ERP (watts)	33.190	1.000	576.810	458.170	1.000	1.000	1.210	1.660
Antenna: 5 Azimuth (from true north)		45	90	135	180	225	270	315
Antenna Height AAT (meters)	86.100	83.100	83.800	99.800	106.000	93.200	84.600	81.800
Transmitting ERP (watts)	0.110	0.100	0.150	1.780	9.770	1.000	8.510	1.350
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	86.100	83.100	83.800	99.800	106.000	93.200	84.600	81.800

**Conditions:**  
 Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right to use the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither this license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.



**Federal Communications Commission**  
 Wireless Telecommunications Bureau  
**RADIO STATION AUTHORIZATION**

155

LICENSEE: CELCO PARTNERSHIP

ATTN: REGULATORY  
 CELCO PARTNERSHIP  
 1120 SANCTUARY PKWY, #150 GASASRBO  
 ALPHARETTA, GA 30009-7630

**SCANNED**

Call Sign WQJQ689	File Number 0009865021
Radio Service WU - 700 MHz Upper Band (Block C)	

FCC Registration Number (FRN): 0003290673

Grant Date 11-26-2008	Effective Date 06-11-2009	Expiration Date 06-13-2019	Print Date 05-11-2009
--------------------------	------------------------------	-------------------------------	--------------------------

Market Number RBA001	Channel Block C	Sub-Market Designator 0
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Market Name  
Northeast

1st Build-Out Date 06-13-2013	2nd Build-Out Date 06-13-2019	3rd Build-Out Date	4th Build-Out Date
----------------------------------	----------------------------------	--------------------	--------------------

**Warnings/Conditions:**

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast services within the term of the license had the broadcast services not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

This authorization is conditional upon compliance with section 27.16 of the Commission's rules

**Conditions:**

Pursuant to §309(a) of the Communications Act of 1934, as amended, 47 U.S.C. §309(a), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm#job-home> and select "License Search". Follow the instructions on how to search for license information.

**REFERENCE COPY**

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission  
Wireless Telecommunications Bureau  
RADIO STATION AUTHORIZATION**

**LICENSEE: CELLCO PARTNERSHIP**

**ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 CABA5REG  
ALPHARETTA, GA 30009-3630**

<b>Call Sign</b> WQGA715	<b>File Number</b> 0003833180
<b>Radio Service</b> AW - AWS, 1710-1755/2110-2155 MHz bands	

**FCC Registration Number (FRN): 0003833180**

<b>Grant Date</b> 11-29-2006	<b>Effective Date</b> 05-12-2009	<b>Expiration Date</b> 11-29-2021	<b>Print Date</b> 05-12-2009
<b>Market Number</b> REA001	<b>Channel Block</b>	<b>Sub-Market Designator</b> 0	
<b>Market Name</b>			
<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WT Docket No. 02-353, rel. April 20, 2006.

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of user control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified in the license's version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Geographic Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Verizon Wireless collocation of a Public Utility Wireless Communication Facility			
Project Location (describe, and attach a location map): 22 Sky Lane , Philipstown, NY			
Brief Description of Proposed Action: Collocation of a public utility wireless communication facility on an existing lattice tower and at the base thereof.			
Name of Applicant or 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
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Special Permit Approval - Zoning Board of Appeals Building Permit - Building Department			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 0.017 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? _____ 0.0017 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Telecommunications Facility</u> <input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>NY SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless")</u> Date: <u>6/01/15</u></p> <p>Signature: <u><i>Anthony Botta</i></u> Project Engineer</p>		

W.O.: 6666.LAKEP

VERIZON SITE NAME: LAKE PEEKSKILL

22 SKY LANE, PHILIPSTOWN, NY



**APPEAL # \_\_\_\_\_ Tax Map # \_\_\_\_\_**

Final hearing date \_\_\_\_\_ Zoning Board decision APPROVED / DENIED

Date application submitted \_\_\_\_\_

Application fee \$ 5,000.00 Escrow \$ \$5,000.00 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) Kevin Donohue, CFM

whereby he/she

GRANTED \_\_\_\_\_ DENIED X a BUILDING PERMIT X a CERTIFICATE OF OCCUPANCY \_\_\_\_\_

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

To collocate small panel antennas on an existing telecommunications tower, together with related equipment at the base thereof.

of 22 Sky Lane, Philipstown, New York

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

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.

3. PROVISIONS OF ZONING CODE INVOLVED (give Article, Section, Sub-section, paragraph by number, Do not quote text of code)

**Section 175-46(B)(4) of the Zoning Code**

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)

**N/A**

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

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:

**An interpretation that there is adequate access to the proposed Facility pursuant to Town Law Section 280-a and the Code of the Town of Philipstown Section 112 Part 2 Open Development area.**

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

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

N/A

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

N/A

(c) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

**See attached Memorandum**

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

**See attached Memorandum**

(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 Memorandum**

STATE OF NEW YORK, COUNTY OF PUTNAM \_\_\_\_\_

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.

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

By: [Signature], as attorney  
Signature of applicant or agent

Sworn before me this 1 day of June 2007

Notary, [Signature] County, [Signature]

**Michael P Sheridan**  
Notary Public State of New York  
Westchester County  
Commission Expires 08/15/201  
No. 02SH6131715

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

**ADJOINING PROPERTY OWNER's LIST**

Morrell, James J.  
6 Johnson Road  
Latham, NY 12110

City of New York/Dept Environmental Pro.  
Owls Bureau of Water Supply  
465 Columbus Avenue, #350  
Valhalla, NY 10595

County of Putnam  
40 Gleneida Avenue  
Carmel, NY 10512

Custodio, Charles  
Custodio, Maria  
64 Mountain Drive  
Garrison, NY 10524

Grietens, Ilgvars  
34 Mountain Drive  
Garrison, NY 10524

Morrell, James J.  
6 Johnson Road  
Latham, NY 12110

LETTER OF AUTHORIZATION

Municipality: Town of Philipstown

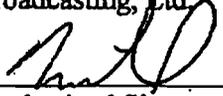
APPLICATION FOR APPROVALS

Pamal Broadcasting, Ltd., the owner of the tower located at 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 tower 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, consisting of antennas and related equipment.

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

Signature of Tenant:

Pamal Broadcasting, Ltd.

By: 

Authorized Signatory

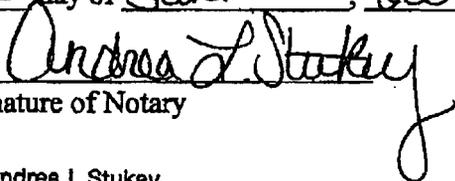
Name: Michael Dufort

Title: Asst. Secretary Treasurer

Authorized Agent:

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

Sworn to and subscribed to before me on this  
26<sup>th</sup> day of June, 2009.

  
Signature of Notary

Andrea L. Stukey  
Notary Public, State of New York  
No. 01ST6188934  
Qualified in Saratoga County  
Commission expires June, 16, 2012

ZONING BOARD OF APPEALS  
TOWN OF PHILIPSTOWN

-----X

In the Matter of the Application of  
NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS

Premises: 22 Sky Lane, Philipstown, New York  
Section: 83.18, Block: 1, Lots: 22 & 23

-----X

**STATEMENT OF USE IN SUPPORT OF SPECIAL USE PERMIT  
APPLICATION BY NEW YORK SMSA LIMITED PARTNERSHIP D/B/A  
VERIZON WIRELESS FOR COLLOCATION OF A WIRELESS  
COMMUNICATIONS FACILITY**

**I. Introduction**

New York SMSA Limited Partnership d/b/a Verizon Wireless (“Verizon Wireless” or the “Applicant”) respectfully submits this memorandum in support of its special use permit application to collocate a wireless communication facility (“Facility”) at 22 Sky Lane Terrace, Philipstown, New York (“Property”). The Facility consists of small panel antennas and ancillary equipment on an existing lattice tower (“Existing Tower”) along with related equipment to be located at the base thereof at the Property.

**II. Statement of Facts**

The Property is known as Section 83.18, Block 1, Lots 22 & 23 on the Town of Philipstown (“Town”) Tax Assessment Map and is located in the SR (suburban residential) zoning district.

On May 12, 2015, Verizon Wireless applied for a building permit for the Facility, and on May 20, 2015, the Building Inspector deemed that a special permit was necessary for the Facility even though it is a de minimis collocation. A copy of the denial letter (“Denial”) from the Building Inspector is attached hereto as Exhibit 1.

Pursuant to Section 175-46.B(4) of the Town’s zoning code (“Zoning Code”), the collocation of wireless communications equipment on an approved communications tower is permitted on the Property by special use permit from the Town Zoning Board of Appeals. Moreover, there is already access to the Property in connection with the existing communications facilities

so that no additional Section 280-a of New York State Town Law approval should be required since Verizon Wireless will be utilizing the same access as the other existing users of the Existing Tower.

The proposed Facility will be used to provide federally licensed wireless communications services to the local area. The Facility will consist of the collocation of panel antennas and ancillary equipment on the Existing Tower, together with related equipment cabinets at the base thereof. The antennas will be attached to the Existing Tower at a centerline height of 110' on the approximately 392' Existing Tower. See detailed site plan, prepared by Tectonic Engineering & Surveying Consultants P.C. ("Site Plan"), submitted herewith. Please note that the Existing Tower will be structurally reinforced so that the Existing Tower can accommodate Verizon Wireless' Facility. See Structural Letter, prepared by Tectonic Engineering & Surveying Consultants P.C., dated April 17, 2015 and attached hereto as Exhibit 2.

### **III. Public Utility Status**

Under the laws of the State of New York, Verizon Wireless qualifies as a public utility for zoning purposes. See Cellular One v. Rosenberg, 82 N.Y.2d 364 (1993); Cellular One v. Meyer, 607 N.Y.S.2d 81 (2nd Dept. 1994); Sprint Spectrum, L.P. v. Town of West Seneca, (Index No. 1996/9106, Feb. 25, 1997, Sup.Ct. Erie County). In Rosenberg, the Court of Appeals, New York's highest court, held that federally licensed wireless carriers (such as Verizon Wireless) provide an essential public service and are therefore public utilities in the State of New York. Public utilities are accorded favored treatment in zoning matters.

Verizon Wireless' status as a public utility is underscored by the fact that its services are an important part of the national telecommunications infrastructure and will be offered to all persons that require advanced digital wireless communications services, including local businesses, public safety entities, and the general public.

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996. The federal Telecommunications Act of 1996 is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "*rapid deployment of new telecommunications technologies* (emphasis supplied)." Reno v. ACLU, 521 U.S. 844, 857 (1997). The federal Telecommunications Act of 1996 builds upon the regulatory framework for commercial mobile [radio] services which Congress established in 1993. Indeed, since 1993, it has been the policy of the United States to "foster the growth and development of *mobile services* that, by their nature, *operate without regard to state lines as an integral*

*part of the national telecommunications infrastructure.”* H.R. Rep. No. 103-111, 103d Cong., 1st Sess. 260 (1993) (emphasis added).

In fact, in 1999, Congress expanded further upon this policy by enacting the Wireless Communications and Public Safety Act of 1999, Pub.L. 106-81, 113 Stat. 1286 (the “911 Act”). The “911 Act,” empowered the FCC to develop regulations to make wireless 911 services available to all Americans. The express purpose of the Act, as articulated by Congress, was “*to encourage and facilitate the prompt deployment throughout the United States of seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation’s public safety and other communications needs*” (emphasis added).

Please note that on November 18, 2009, the FCC issued a Declaratory Ruling regarding the timely review of applications for siting of wireless facilities, WT Docket NO. 08-165 (“Shot Clock Order”).<sup>1</sup> The Shot Clock Order finds that a “reasonable period of time” for a local government to act on this type of application, a collocation application, is presumptively 90 days.<sup>2</sup> According to the Shot Clock Order, if the Town fails to act within such reasonable period of time, the applicant may commence an action in court for “failure to act” under Section 332(c)(7)(B)(v) of the Federal Communications Act.

#### **IV. The Proposed Facility Meets the Standards for Special Permit Use Approval**

The instant application respectfully requests special permit approval in accordance with Section 175-46(B)(4) of the Zoning Code. In reviewing the proposal, the following factors are offered for consideration in accordance with the Zoning Code:

A. **FCC Compliance Report/ RF Affidavit (§175-46(F)(2)(d)):** Attached hereto as Exhibit 3 is an Antenna Site FCC RF Compliance Assessment and Report (“RF Compliance Report”) prepared by Pinnacle Telecom Group. The RF Compliance Report establishes that the cumulative emissions of the proposed Facility as well as the existing communication facilities located on the Existing Tower will be in complete compliance with all applicable FCC standards. In particular, the RF Compliance Report confirms that the worst-case calculated RF exposure at ground level from the proposed and existing antennas is only 4.3714% of the FCC’s limit for acceptable, continuous exposure of the

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<sup>1</sup> A copy of the Shot Clock Order is available at

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-99A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1.pdf)

<sup>2</sup> The Shot Clock Order, ¶71

general public (or 22 times below the limit established as safe for continuous human exposure). Moreover, attached hereto as Exhibit 4 is the affidavit of Kadry Ahmed, Verizon Wireless' radio frequency engineer ("RF Affidavit"), which establishes that the Facility is necessary to for the provision of reliable service within the Town.

B. Lot Size and Setbacks (§175-46(G)): The Facility will be located on a single lot and will comply with all lot size and setback requirements.

C. Visual Impact Assessment (§175-46(H)): The Facility will not have any adverse visual impact on abutting properties and streets since the antennas will be collocated at only 110' of the 392' Existing Tower.

D. Accessory Structures (§175-46(I)(6)): Verizon Wireless' equipment cabinets will be located within a proposed fenced compound adjacent to an existing fenced compound, and will be screened with additional proposed 8-foot tall fencing, similar to the existing fencing. Therefore, Verizon Wireless' equipment area will blend with the existing equipment on the site. In addition, Verizon Wireless' equipment cabinets will be less than 12 feet high in accordance with the requirements of Section 175-46(I)(6)(b) of the Zoning Code.

E. Signs (§175-46(I)(7)): No commercial or retail signage is proposed in connection with the Facility. The only signs proposed in connection with the Facility are RF warning and a sign indicating the operator of the Facility and an emergency contact number pursuant to Section 175-46(I)(7) of the Zoning Code.

F. Vegetation (§175-46(J)): Existing on-site vegetation will be preserved to the extent possible. No trees with 12" or larger caliper are proposed to be removed as part of the installation of the related equipment.

G. Screening (§175-46(K)): The Facility will be screened by existing trees and fencing so the equipment will not be visible.

H. Lighting (§175.46(L)): No lighting is proposed in connection with the Facility.

I. Access (§175-46(M)): The proposed Facility is fully accessible for police and fire vehicles via an existing paved driveway off of Sky Lane, which is accessible from Ridge Road. In addition, the Facility is unmanned and does not require transportation, water supply, waste disposal, or any other public facilities. Telephone and electrical service will be installed from existing service on the site.

J. Parking (§175-46(N)): The Facility is unmanned requiring maintenance visits approximately once per month. The existing parking area will suffice for maintenance visits and for emergency access.

K. Fencing (§175-46(O)): The related equipment will be screened by fencing like the fencing screen the other carriers' equipment.

L. Insurance (§175-46(S)): Verizon Wireless respectfully requests that the requirement to provide insurance certificates be made a condition of final approval of the Facility.

Based on the foregoing, it is respectfully submitted that Verizon Wireless has complied with the requirements for special use permit approval.

**V. The Proposed Facility Meets the Performance Standards**

Pursuant to Section 175-40 of the Zoning Code, it is respectfully submitted that the proposed Facility meets the environmental performance standards set forth therein as follows:

A. Noise (§175-40(C)): Except for noise necessarily involved in construction, no noise above ambient levels will be produced by the Facility at the property lines.

B. Vibration (§175-40(D)): Except for vibrations necessarily involved in construction, no vibrations will be produced by the Facility.

C. Smoke, Dust or other Atmospheric Pollutants (§175-40(E)): No dust, dirt, smoke, particulates, fumes, or gases will be emitted by the Facility. The Facility is unmanned and does not generate any of the foregoing.

D. Odors (§175-40(F)): No odors will be produced by the Facility.

E. Toxic or Noxious Matter (§175-40(G)): No toxic or noxious fumes or other matter will be produced at the Facility.

F. Radiation (§175-40(H)): There is no proposed handling, storage, or disposal of radioactive materials or waste by-products at the Facility.

G. Electromagnetic Interference (§175-40(I)): Please note that the issue of radio frequency interference is pre-empted from local consideration as a matter of federal law. See Freeman v. Burlington Broadcasters, Inc., 2000 WL 204526 (2d Cir. Vt.); FCC Order DA 03-2196, July 3, 2003. Therefore, this certification is submitted under protest since the issue of radio frequency

interference is preempted by federal law. In any case, the proposed antennas will not cause harmful interference with existing telecommunication devices, in accordance with FCC requirements.

H. Fire and Explosion Hazard (§175-40(J)): No activities at the Facility will require the use or storage of flammable or explosive materials.

I. Heat (§175-40(K)): There will be no emission of heat which would cause the air temperature to increase 1 degree Fahrenheit at the adjoining lot lines.

J. Exterior Illumination & Glare (§175-40(L)): No lighting is proposed; therefore, the Facility will not attract attention or cause glare.

K. Liquid & Solid Wastes (§175-40(M)): The Facility is unmanned and therefore will not generate any liquid or solid waste.

L. Traffic (§175-40(N)): The Facility will have no impact on pedestrian or vehicular traffic, since the Facility will be unmanned, requiring infrequent maintenance visits of approximately once per month. An existing parking area will be utilized for such maintenance visits.

#### **VI. No Additional New York State Town Law Section 280-a Approval should be required for the Facility**

The Building Inspector stated in the Denial that it does not “appear” that there is approved access to the proposed Facility in accordance with New York State Town Law § 280-a and Town Code §112, Part 2. New York State Town Law states that “[t]he town board may, by resolution, establish an open development area or areas within the town, wherein permits may be issued for the erection of structures to which access is given by right of way or easement.” Town Law §280-a(4). The Town Board of Philipstown expressly established an open development area in all of Philipstown by resolution in 1958, and the Zoning Board expressly granted access to the Property, Existing Tower, and auxiliary facilities via a right of way on May 31, 1977 by resolution (“Resolution”) in connection with Appeal No. 232. The Resolution stated that “present access is sufficient to provide ready availability to police fire and ambulance protection,” when granting the right of way to the Property via Sky Lane and Ridge Road.

Subsequently in 2003 and 2005, this Honorable Board granted special use permits for other carriers similar to Verizon Wireless, namely Sprint and Nextel, in regards to these carriers’ collocation at the Existing Tower finding that there was adequate access to the Property, and no additional Section 280-a

approval was required in connection therewith. Moreover, upon approval of Verizon Wireless' proposed Facility, the Existing Tower will still only house two carriers, as Nextel merged with Sprint and is not currently separately on the Existing Tower. Therefore, based on the determination of this Honorable Board in 2003 and 2005, sufficient access exists to the Existing Tower and Property, as Verizon Wireless is not proposing any intensification of use that would warrant a need for any increased access.

The Court of Appeals has stated that “[a] decision of an administrative agency which neither adheres to its own prior precedent nor indicates its reason for reaching a different result on essentially the same facts is arbitrary and capricious.” Knight v. Amelkin, 68 N.Y.2d 975, 977 (1986). Since the facts of this collocation application are identical to the previous Sprint and Nextel collocation applications in 2003 and 2005, Verizon Wireless respectfully requests this Honorable Board to direct the Building Inspector to issue a building permit upon approval of the special use permit since there is no reason for Verizon Wireless to obtain approval under New York State Town Law § 280-a and Town Code §112, Part 2 wherein no other carriers were required to do so and Verizon Wireless is utilizing the same right of way previously approved for access to the Property.<sup>3</sup>

### **Conclusion**

By granting the special permit, the Zoning Board of Appeals will permit Verizon Wireless to provide enhanced wireless communications to the area. Any potential impact on the community created by the approval will be minimal and of no significant adverse effect.

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<sup>3</sup>The Building Inspector's determination that 280-a would apply in the instant case violates Section 704 of the Telecommunications Act which states that “[t]he regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--shall not unreasonably discriminate among providers of functionally equivalent services.” 47 U.S.C. § 332(c)(7)(B)(i)(I). Congress's clear intent was that the Telecommunications Act intensify competition in the communications industry and has commanded that local governments “*shall not*” utilize zoning powers to “unreasonably discriminate among providers of functionally equivalent services,” and, “*shall not*” enforce their zoning ordinances in a manner that prohibits, or has the “effect of prohibiting the provision of personal wireless services.” Sprint Spectrum L.P. v Jefferson County, 968 F. Supp. 1457, 1467 (N.D. Ala 1997). *quoting* 47 U.S.C. § 332(c)(7)(B)(I) (emphasis added).

**WHEREFORE**, for all of the foregoing reasons, the Applicant respectfully prays that this Honorable Board issue a negative declaration pursuant to the New York State Environmental Quality Review Act, grant the special permit for the Facility, and deem that no additional Section 280-a of New York State Town Law approval is required for access to the Property.

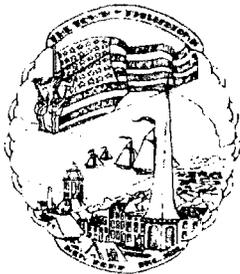
Dated: June 1, 2015  
Tarrytown, New York

Respectfully submitted,

Leslie J. Snyder  
SNYDER & SNYDER, LLP  
94 White Plains Road  
Tarrytown, NY 10591

# Exhibit 1

Building Inspector Letter



## Town of Philipstown

Code Enforcement Office  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

Leslie J. Snyder  
New York SMSA Limited Partnership  
d/b/a Verizon Wireless  
Snyder & Snyder  
94 White Plains Road  
Tarrytown, New York 10591

May 20, 2015

Re: Building Permit Application,  
Co-Location of communications equipment  
Location: 22 Sky Lane  
Tax Map: 83.18-1-23

Ms. Snyder

A review of the building permit application for the Co-Location of communications equipment on an existing radio tower and the installation of a 14 x 20 equipment shelter at the property shown as Tax Map #83.18-1-23, revealed the following items need to be addressed or submitted;

1. The construction activity is located on Tax Map #83.18-1-23 and does not appear to have access to a street or highway maintained by the state, county or town. An approved access in compliance with NYS Town Law 280-a and the Code of the Town of Philipstown Section 112 Part 2 Open Development Area is required.
2. The property is located on the Suburban Residential Zone (SR) as shown of the Official Zoning Map and the Code of the Town of Philipstown. Section 175-46 B. (4) requires the issuance of a Special Use Permit from the Zoning Board of Appeals for the collocation of new communication equipment on an approved communication tower or tall structure.

The building permit application is hereby deemed to be incomplete and no further review will take place until the requested information, approval of access and special use permit are received.

If you have any question you may contact my office at (845) 265-5202.

Kevin Donohue, CFM  
Code Enforcement Officer  
Zoning Administrator

# Exhibit 2

## Structural Certification Letter

# TECTONIC

Practical Solutions, Exceptional Service

CORPORATE OFFICE:  
Mountainville, NY (800) 829-6531

1279 Route 300  
Newburgh, NY 12550

(845) 567-6656 FAX: (845) 567-8703  
www.tectonicengineering.com

Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516

April 17, 2015

**RE: 22 SKY LANE, PHILIPSTOWN, NY 10524  
STRUCTURAL CERTIFICATION**

To Whom It May Concern:

New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") is proposing the installation of a public utility wireless telecommunications ("Facility"), consisting of antennas mounted on the existing 390' Guy Tower ("Tower") with proposed Tower reinforcement, and related equipment on a new steel platform at grade within an extension of the existing fenced compound.

The existing Tower, foundation, tower reinforcement, and all attachments, have been designed to meet the ANSI/TIA/EIA-222-F-1996 "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and all county, state and federal structural requirements for loads, including wind and ice loads. We have concluded that the existing Tower has adequate capacity to accommodate the proposed facility, provided the proposed reinforcement is completed.

Should you have any questions, please do not hesitate to call me at (845) 567-6656 ext. 2811.

Sincerely,

**TECTONIC**



Edward N. Iamiceli, P.E.  
Sr. Project Manager



# Exhibit 3

## RF Compliance Report



**PINNACLE TELECOM GROUP**  
*Professional and Technical Services*

**ANTENNA SITE FCC RF COMPLIANCE  
ASSESSMENT AND REPORT**

PREPARED FOR  
**NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS**

**22 Sky LANE  
Philipstown, NY**

**MARCH 16, 2015**

**14 RIDGEDALE AVENUE - SUITE 209 • CEDAR KNOLLS, NJ 07927 • 973-451-1630**

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## **INTRODUCTION AND SUMMARY**

At the request of New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), Pinnacle Telecom Group has performed an independent assessment of radiofrequency (RF) levels and related FCC compliance for proposed wireless antenna operations on a guyed tower at 22 Sky Lane in Philipstown, NY. The Verizon Wireless proposal involves the use of directional panel antennas and transmission in the 700 MHz, 850 MHz, 1900 MHz, and 2100 MHz frequency bands licensed to Verizon Wireless by the FCC.

The FCC requires wireless antenna operators to perform an assessment of potential human exposure to radiofrequency (RF) fields emanating from all the transmitting antennas at a site whenever antenna operations are added or modified, and to ensure compliance with the Maximum Permissible Exposure (MPE) limit in the FCC regulations. In this case, there are a number of existing antenna operations to include in the compliance assessment. Note that FCC regulations require any future antenna collocators to assess and assure continuing compliance based on the cumulative effects of all then-proposed and then-existing antennas at the site.

This report describes mathematical analyses of RF levels resulting around the site in areas of unrestricted public access, that is, at ground level around the site. The compliance analysis employs standard FCC mathematical models for calculating the effects of the antennas in a very conservative manner, in order to overstate the RF levels and to ensure "safe-side" conclusions regarding compliance with the FCC limit for safe continuous exposure of the general public. Different mathematical models apply to FM broadcast operations versus the wireless and other non-broadcast operations, and we will conservatively assess compliance based on the sum of the worst-case results of each type of analysis.

The results of a compliance assessment can be explained in layman's terms by describing the calculated RF levels as simple percentages of the FCC MPE limit. If the reference for that limit is 100 percent, then calculated RF levels higher than 100 percent indicate the MPE limit is exceeded, while calculated RF levels

consistently lower than 100 percent serve as a clear and sufficient demonstration of compliance with the MPE limit.

The results of the FCC RF compliance assessment in this case are as follows:

- At street level around the site, the conservatively calculated maximum RF level from the combination of proposed and existing non-broadcast antenna operations is 0.5714 percent of the FCC general population MPE limit. The maximum calculated RF level from the broadcast operation is 3.8 percent of the same FCC MPE limit. The sum of the two worst-case results is 4.3714 percent of the FCC general population MPE limit, equivalent to 22 times below the level established as safe for continuous human exposure to the RF emissions from antennas.
- The results of the analyses demonstrate compliance with the FCC general population MPE limit. Moreover, because of the conservative methodology and incorporated assumptions, RF levels actually caused by the antennas will be even less significant than the calculation results here indicate.

The remainder of this report provides the following:

- relevant technical data on the proposed Verizon Wireless antenna operations along with information on the other existing antenna operations at the site;
- descriptions of the applicable FCC mathematical models for assessing MPE compliance, and application of the relevant technical data to those models; and
- the results of the analysis, and the compliance conclusion for the site.

In addition, Appendix A provides background on the FCC MPE limit, along with a list of FCC references on compliance. Appendix B provides a summary of the qualifications of the expert certifying RF compliance for this site.

## ANTENNA AND TRANSMISSION DATA

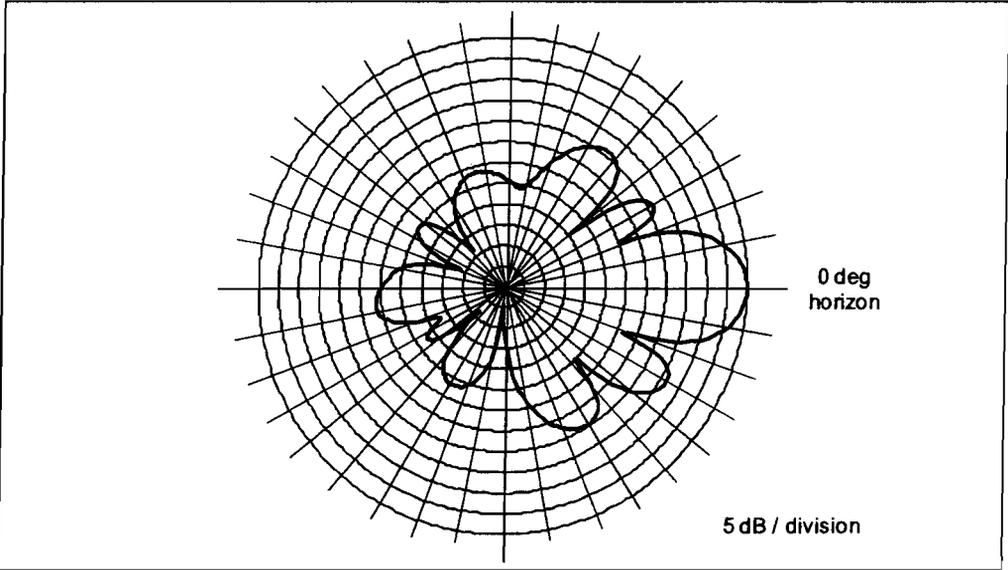
The table that follows provides the key compliance-related data for the proposed Verizon Wireless antenna operations.

<b>General Data</b>	
Frequency Bands	700 MHz, 850 MHz, 1900 MHz and 2100 MHz
Service Coverage Type	Sectorized
Antenna Type	Directional Panel
Antenna Centerline Height AGL	110 ft.
Antenna Line Loss	0 dB (conservatively ignored)
<b>700 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	CSS X7CAP-465-VR0 (13.9 dBi)
RF Channels per Sector	2 @ 40 watts
<b>850 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	CSS X7CAP-465-VR0 (14.5 dBi)
RF Channels per Sector	8 @ 20 watts
<b>1900 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	CSS QAP-460-VR0 (17.4 dBi)
RF Channels per Sector	4 @ 16 watts
<b>2100 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	CSS QAP-460-VR0 (17.6 dBi)
RF Channels per Sector	2 @ 40 watts

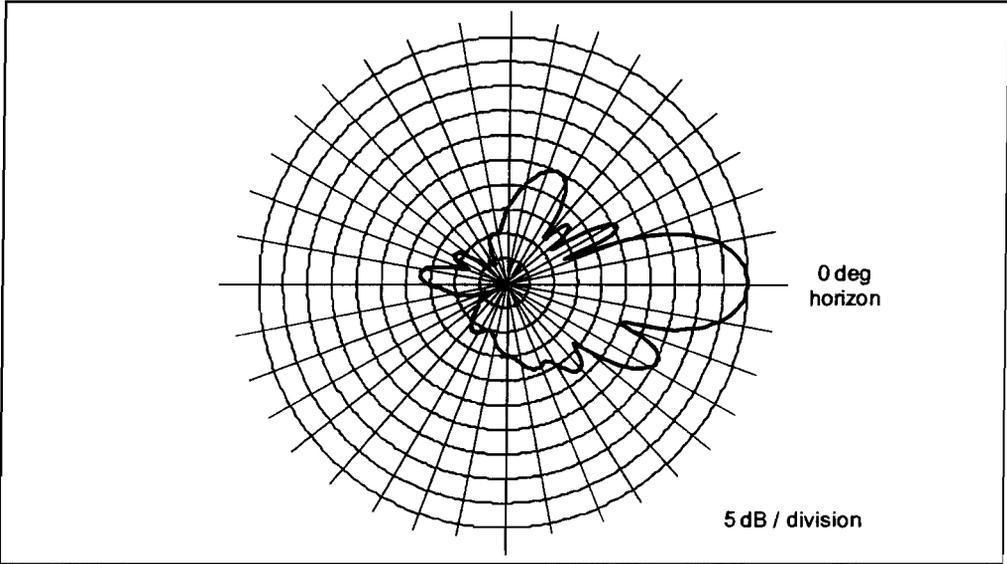
The antenna vertical-plane radiation pattern is used in the calculations of RF levels at street level around a site. By way of illustration, Figures 1 through 4 that follow show the vertical-plane patterns of the proposed antennas in each of the relevant frequency bands. In this type of antenna pattern diagram, the antenna is effectively pointed at the three o'clock position (the horizon) and the pattern at different angles is described using decibel units. Note that the use of a decibel scale to describe the relative pattern at different angles actually serves to significantly understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB the relative RF energy emitted at the corresponding downward angle is 1/100<sup>th</sup> of the maximum that occurs in the main beam (at 0 degrees); at 30 dB, the energy is only 1/1000<sup>th</sup> of the maximum. Note that the

automatic pattern-scaling feature of our internal software may skew side-by-side visual comparisons of different antenna models, or even different parties' depictions of the same antenna model.

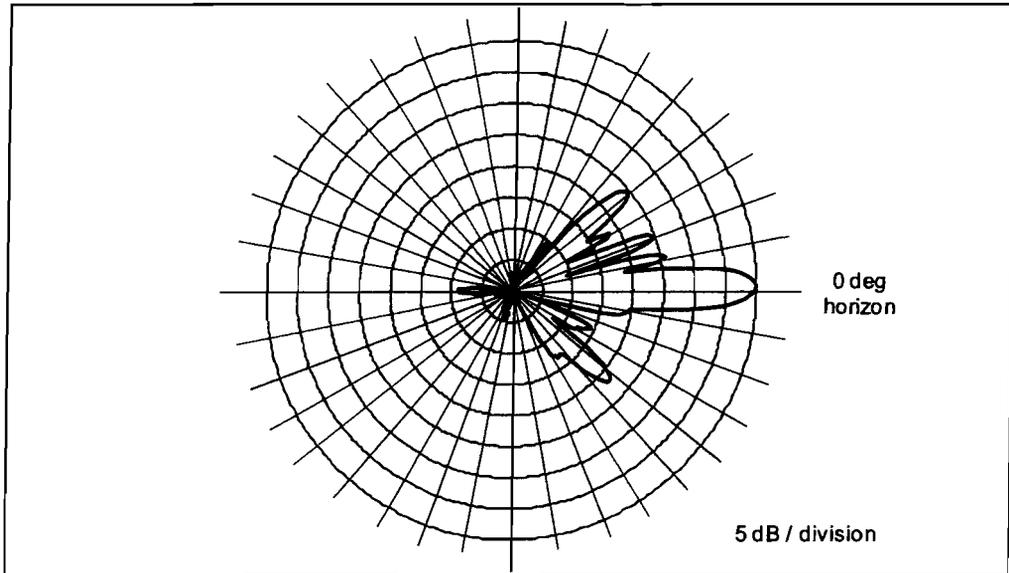
**Figure 1. CSS X7CAP-465-VR0 – 700 MHz Vertical-plane Pattern**



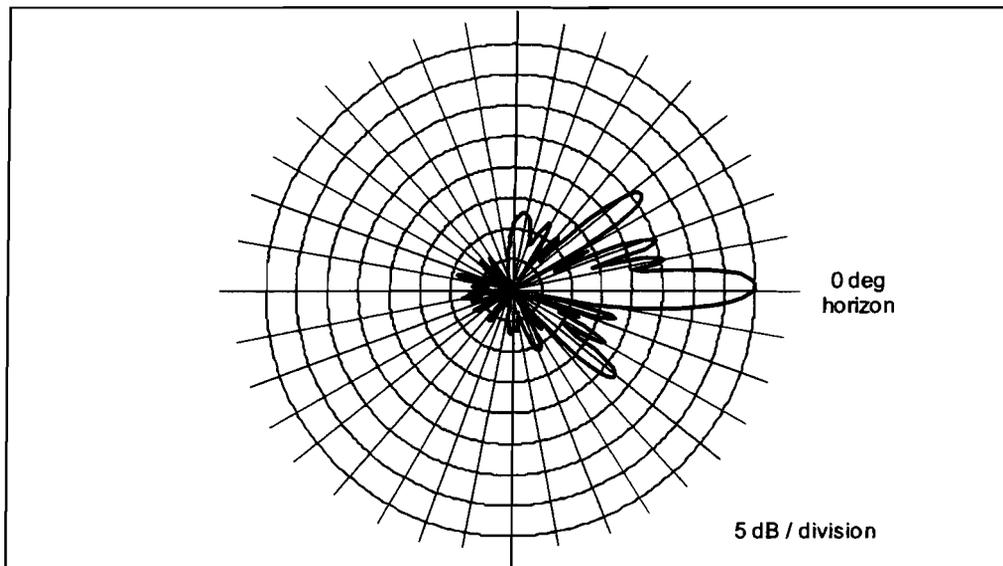
**Figure 2. CSS X7CAP-465-VR0 – 850 MHz Vertical-plane Pattern**



**Figure 3. CSS QAP-460-VR0 – 1900 MHz Vertical-plane Pattern**



**Figure 4. CSS QAP-460-VR0 – 2100 MHz Vertical-plane Pattern**



As noted at the outset, there are existing antenna operations at the site to include in the compliance assessment.

Sprint is licensed to operate in the 860, 1900 and 2500 MHz frequency bands. In the 860 MHz band, Sprint uses one 20-watt channel per antenna sector. In the 1900 MHz band, Sprint uses six RF channels per antenna sector, with a maximum of 16 watts of transmitter power per channel. In the 2500 MHz band, Sprint uses one 26-watt channel per sector. Sprint also has a point-to-point dish operation, transmitting in the 11 GHz band with a transmitter power level of 126 milliwatts (0.126 watt).

FCC records show that AMS Spectrum Holdings has a license for omnidirectional transmission in the 929 MHz band with a maximum transmitter power level of 500 watts.

FCC records also show the State of New York is authorized for omnidirectional transmission in the 42 MHz band with an effective radiated power (ERP) level of 300 watts, and omnidirectional transmission in the 155 MHz band with a maximum ERP of 153 watts. ("ERP" is the combination of maximum transmitter power and maximum antenna gain, offset by any antenna line loss.)

The search of FCC records indicates there are no other currently licensed transmitting antenna operations at the site.

## **Compliance Analysis**

FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") provides guidelines for mathematical models to calculate the RF levels at various points around transmitting antennas.

As mentioned, a different FCC model applies to non-broadcast antennas than applies to the FM broadcast operation – and we will address each in turn in the subsections that follow.

### ***Analysis of Non-Broadcast Operations***

At street-level around an antenna site (in what is called the “far field” of the antennas), the RF levels are directly proportional to the total antenna input power and the relative antenna gain in the downward direction of interest – and the levels are otherwise inversely proportional to the square of the straight-line distance to the antenna. Conservative calculations also assume the potential RF exposure is enhanced by reflection of the RF energy from the intervening ground. Our calculations will assume a 100% “perfect” reflection, the worst-case approach.

The formula for street-level RF compliance calculations for any given wireless antenna operation is as follows:

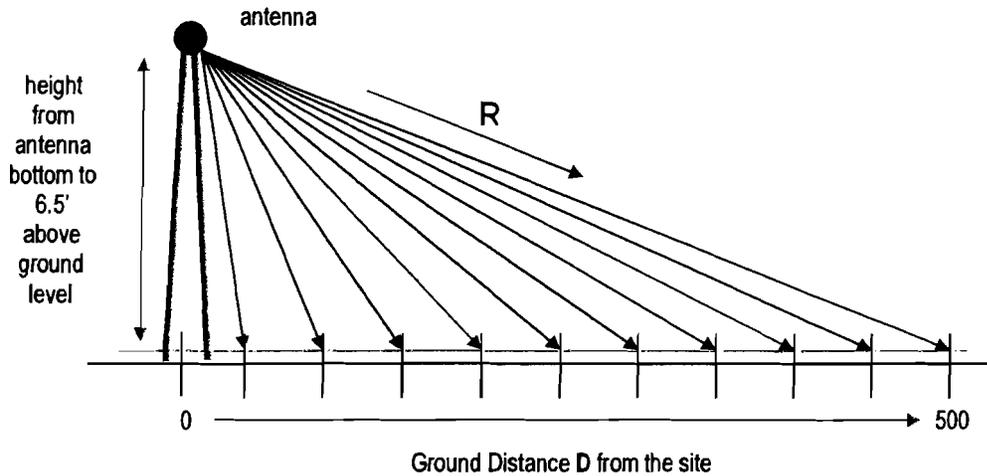
$$\text{MPE\%} = (100 * \text{TxPower} * 10^{(\text{Gmax-Vdisc}/10)} * 4) / (\text{MPE} * 4\pi * R^2)$$

where

MPE%	=	RF level, expressed as a percentage of the MPE limit applicable to continuous exposure of the general public
100	=	factor to convert the raw result to a percentage
TxPower	=	maximum net power into antenna sector, in milliwatts, a function of the number of channels per sector, the transmitter power per channel, and line loss
$10^{(\text{Gmax-Vdisc}/10)}$	=	numeric equivalent of the relative antenna gain in the downward direction of interest; data on the antenna vertical-plane pattern is taken from manufacturer specifications
4	=	factor to account for a 100-percent-efficient energy reflection from the ground, and the squared relationship between RF field strength and power density ( $2^2 = 4$ )
MPE	=	FCC general population MPE limit
R	=	straight-line distance from the RF source to the point of interest, centimeters

The street-level MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters, the FCC-

recommended standing height) off the ground, as illustrated in the Figure 5, below.



**Figure 5. Street-level MPE% Calculation Geometry**

It is popularly understood that the farther away one is from an antenna, the lower the RF level – which is generally but not universally correct. The results of MPE% calculations fairly close to the site will reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antennas. Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site. As the distance approaches 500 feet and beyond, though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled, and as a result the RF levels generally decrease with increasing distance, and are well understood to be in compliance.

Street-level FCC compliance for a collocated antenna site is assessed in the following manner. At each distance point along the ground, an MPE% calculation is made for the RF effect from each operation, and the sum of the individual MPE% contributions at each point is compared to 100 percent, the normalized reference for compliance with the MPE limit. We refer to the sum of

the individual MPE% contributions as “total MPE%”, and any calculated total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represents non-compliance and a need to mitigate the potential exposure. If all results are consistently below 100 percent, on the other hand, that set of results serves as a clear and sufficient demonstration of compliance with the MPE limit.

Note that according to the FCC, when directional antennas such as the panels commonly used in wireless communications are used, the compliance assessments are based on the RF effect of a single (facing) antenna sector or, in cases of non-identical parameters, the worst-case effect of any individual sector.

The following conservative methodology and assumptions are incorporated into the MPE% calculations on a general basis:

1. The antennas are assumed to be operating continuously at maximum power, and at maximum channel capacity.
2. The power-attenuation effects of shadowing or other obstructions to the line-of-sight path from the antenna to the point of interest are ignored.
3. The calculations intentionally minimize the distance factor (R) by assuming a 6’6” human and performing the calculations from the bottom (rather than the centerline) of the antenna.
4. The potential RF exposure at ground level is assumed to be 100-percent enhanced (increased) via a “perfect” field reflection from the intervening ground.

The net result of these assumptions is to significantly overstate the calculated RF exposure levels relative to the levels that will actually occur – and the purpose of this conservatism is to allow very “safe-side” conclusions about compliance.

The table on the following page provide the results of the street-level MPE% calculations for the non-broadcast operations, with the overall worst-case result highlighted in bold in the last column.

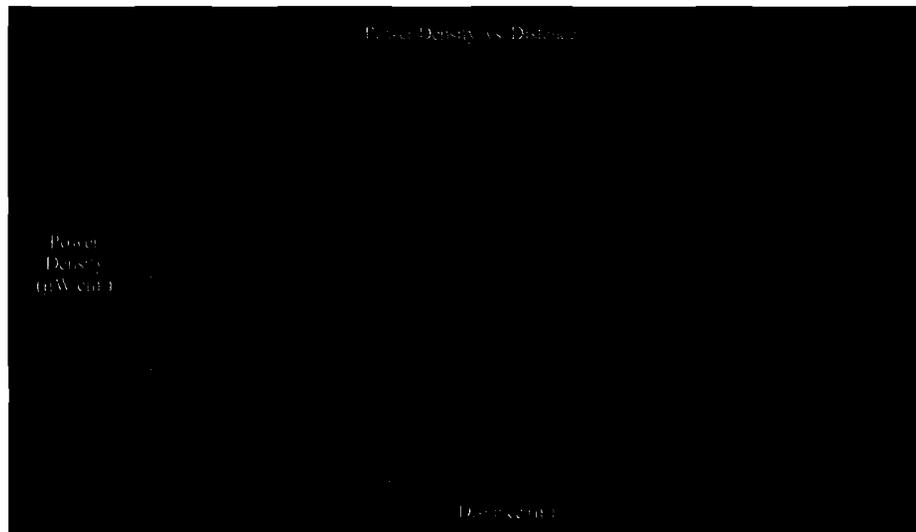
Ground Distance (ft)	Verizon Wireless Proposed 700 MHz MPE%	Verizon Wireless Proposed 850 MHz MPE%	Verizon Wireless Proposed 1900 MHz MPE%	Verizon Wireless Proposed 2100 MHz MPE%	Sprint MPE%	AMS Spectrum MPE%	NY State MPE%	Total MPE%
0	0.0001	0.0069	0.0015	0.0078	0.0021	0.0006	0.0003	0.0193
20	0.0093	0.0116	0.0004	0.0046	0.0039	0.0006	0.0397	0.0701
40	0.0492	0.0161	0.0003	0.0107	0.0094	0.0006	0.0924	0.1787
60	0.0841	0.0135	0.0068	0.0054	0.0162	0.0006	0.0711	0.1977
80	0.0441	0.0316	0.0130	0.0059	0.0264	0.0006	0.0384	0.1600
100	0.0019	0.0226	0.0489	0.0101	0.0386	0.0005	0.0664	0.1890
120	0.0342	0.0091	0.0608	0.1002	0.0541	0.0005	0.1097	0.3686
140	0.1262	0.0685	0.0059	0.0256	0.0634	0.0025	0.1021	0.3942
160	0.1519	0.1338	0.0029	0.0064	0.0230	0.0050	0.0749	0.3979
180	0.1400	0.1866	0.0044	0.0215	0.0398	0.0059	0.0490	0.4472
200	0.0881	0.1777	0.0052	0.0066	0.0114	0.0056	0.0413	0.3359
220	0.0415	0.1266	0.0053	0.0019	0.0302	0.0020	0.0440	0.2515
240	0.0094	0.0660	0.0029	0.0036	0.0604	0.0015	0.0502	0.1940
260	0.0023	0.0363	0.0014	0.0031	0.0478	0.0037	0.0648	0.1594
280	0.0093	0.0105	0.0001	0.0001	0.0297	0.0186	0.0717	0.1400
300	0.0232	0.0100	0.0002	0.0013	0.0253	0.0246	0.0762	0.1608
320	0.0441	0.0213	0.0002	0.0041	0.0346	0.0376	0.0787	0.2206
340	0.0686	0.0458	0.0002	0.0064	0.0309	0.0478	0.0843	0.2840
360	0.0978	0.0823	0.0003	0.0067	0.0343	0.0462	0.0906	0.3582
380	0.1279	0.1293	0.0010	0.0052	0.0267	0.0363	0.0931	0.4195
400	0.1161	0.1174	0.0009	0.0047	0.0156	0.0286	0.0814	0.3647
420	0.1462	0.1698	0.0021	0.0023	0.0142	0.0202	0.0879	0.4427
440	0.1765	0.2247	0.0034	0.0005	0.0132	0.0118	0.0974	0.5275
460	0.1622	0.2064	0.0031	0.0005	0.0121	0.0050	0.0899	0.4792
480	0.1926	0.2627	0.0038	0.0002	0.0260	0.0011	0.0850	0.5714
500	0.1781	0.2429	0.0036	0.0002	0.0240	0.0009	0.0936	0.5433

As indicated, even with the significant degree of conservatism built into the calculations, the maximum calculated RF level is 0.5714 percent – less than 6/10<sup>ths</sup> of one percent of the FCC limit, and obviously well below the 100-percent reference for compliance. This worst-case result will be summed with the worst-case result of the analysis of the FM broadcast operation, which follows.

### ***Analysis of FM Broadcast Operation***

According to the FCC, the RF compliance analysis of FM broadcast operations is to be performed using a software package called “FM Model” that is available from the FCC’s web site.

The FM operation at the site is WHUD. The FM Model software takes as inputs the transmitter power level (in this case, 50 kW) and the antenna height above average terrain (110 meters). The output is a graphic depiction of the calculated RF level (in microwatts per square centimeter) versus distance from the site (also in meters). The output graph for the WHUD operation is reproduced below.



The FM Model software has a pop-up feature that provides the maximum calculated RF level from the broadcast operation, and in this case it is 7.6 microwatts per square centimeter, which is equivalent to 0.0076 milliwatts per square centimeter.

The frequency of the WHUD operation is 100.7 MHz, for which the FCC MPE limit is 0.2 milliwatt per square centimeter. The calculated maximum RF level of 0.0076 milliwatt per square centimeter is equivalent to 3.8 percent of the FCC MPE limit.

### ***Combined Effects of Broadcast and Non-Broadcast Antennas***

The most conservative way to assess the combination of broadcast and non-broadcast antenna operations is to simply sum the respective worst-case calculated results for each – ignoring the fact that the maximum results occur at different distances from the site.

In this case, the maximum calculated result from the broadcast operation is 3.8 percent of the FCC MPE limit, and for the non-broadcast operations the maximum result was 0.5714 percent.

The sum of these two figures – 4.3714 percent – is well below the 100-percent reference for compliance, and demonstrates that the overall combination of antenna operations satisfies the FCC requirement regarding potential exposure. The worst-case overall result is more than 22 times below the FCC MPE limit.

## **COMPLIANCE CONCLUSION**

According to the FCC, the FCC MPE limit has been constructed in such a manner that continuous human exposure to RF emissions up to and including 100 percent of the MPE limit is acceptable and safe.

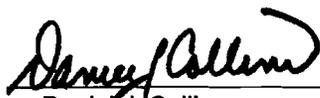
As described, the conservatively calculated maximum RF level from the combination of the proposed and existing antenna operations is 4.3714 percent of the FCC MPE limit. In other words, even with an extremely conservative analysis intended to overstate the results, the calculated worst-case RF level is still more than 22 times below the FCC limit.

The results of the calculations indicate clear compliance with the FCC regulations and the related MPE limit. Moreover, because of the conservative calculation methodology and operational assumptions applied in the analysis, the RF levels actually caused by the antennas will be even less significant than the calculation results here indicate.

## CERTIFICATION

It is the policy of Pinnacle Telecom Group that all FCC RF compliance assessments are reviewed, approved, and signed by the firm's Chief Technical Officer, who certifies as follows:

1. I have read and fully understand the FCC regulations concerning RF safety and the control of human exposure to RF fields (47 CFR 1.1301 *et seq.*)
2. To the best of my knowledge, the statements and information disclosed in this report are true, complete and accurate.
3. The analysis of RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.
4. The results of the analysis indicate that the subject antenna operations at the site will be in compliance with the FCC regulations concerning RF exposure.

  
\_\_\_\_\_  
Daniel J. Collins  
Chief Technical Officer

3/16/15

\_\_\_\_\_  
Date

## Appendix A. BACKGROUND ON THE FCC MPE Limit

### *FCC Rules and Regulations*

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

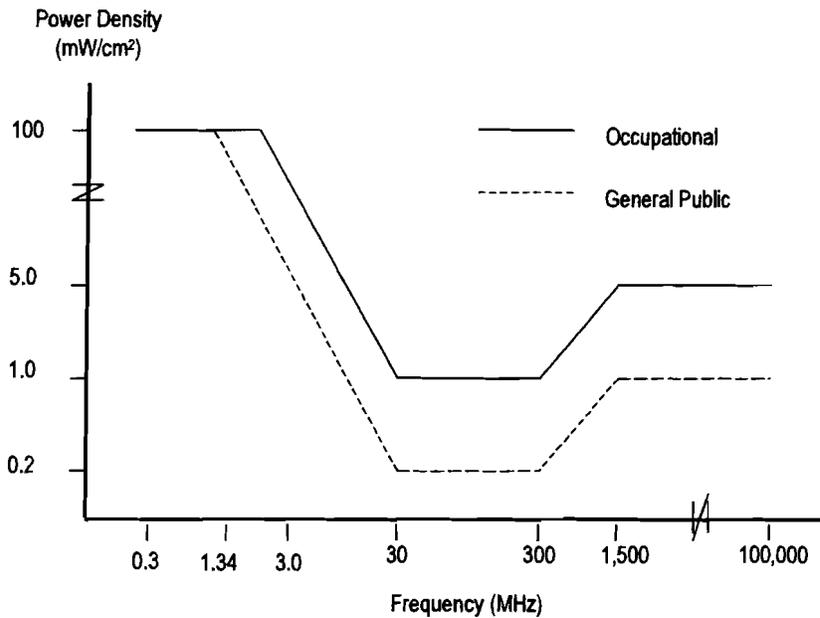
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for two tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm<sup>2</sup>). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm<sup>2</sup> reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm <sup>2</sup> )	General Public Exposure (mW/cm <sup>2</sup> )
0.3 - 1.34	100	100
1.34 - 3.0	100	180 / F <sup>2</sup>
3.0 - 30	900 / F <sup>2</sup>	180 / F <sup>2</sup>
30 - 300	1.0	0.2
300 - 1,500	F / 300	F / 1500
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's MPE limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.

The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

Note that the FCC "categorically excludes" certain types of antenna facilities from the routine requirement to specifically (i.e., mathematically) demonstrate compliance with the MPE limit. Among those types of facilities are cellular antennas mounted on any type of tower, when the bottoms of the antennas are more than 10 meters (c. 32.8 feet) above ground. The basis for the categorical exclusion, according to the FCC, is the understanding that because of the low power and the directionality of the antennas, such facilities – individually and collectively – are well understood to have no significant effect on the human environment. As a result, the FCC automatically deems such facilities to be in compliance.

In addition, FCC Rules and Regulations Section 1.1307(b)(3) describes a provision known in the industry as "the 5% rule". It describes that when a specific location – like a spot on a rooftop – is subject to an overall exposure level exceeding the applicable MPE limit, operators with antennas whose MPE% contributions at the point of interest are less than 5% are exempted from the obligation otherwise shared by all operators to bring the site into compliance, and those antennas are automatically deemed by the FCC to satisfy the rooftop compliance requirement.

#### ***FCC References on Compliance***

47 CFR, FCC Rules and Regulations, Part 1 (Practice and Procedure), Section 1.1310 (Radiofrequency radiation exposure limits).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192), Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62), and Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

## Appendix B. SUMMARY of EXPERT QUALIFICATIONS

*Daniel J. Collins, Chief Technical Officer, Pinnacle Telecom Group, LLC*

<b>Synopsis:</b>	<ul style="list-style-type: none"> <li>• 40+ years of experience in all aspects of wireless system engineering, related regulation, and RF exposure</li> <li>• Has performed or led RF exposure compliance assessments on more than 17,000 antenna sites since the new FCC rules went into effect in 1997</li> <li>• Has provided testimony as an RF compliance expert more than 1,400 times since 1997</li> <li>• Accepted as an expert in New York, New Jersey, Connecticut, Pennsylvania and more than 40 other states, as well as by the FCC</li> </ul>
<b>Education:</b>	<ul style="list-style-type: none"> <li>• B.E.E., City College of New York (Sch. Of Eng.), 1971</li> <li>• M.B.A., 1982, Fairleigh Dickinson University, 1982</li> <li>• Bronx High School of Science, 1966</li> </ul>
<b>Current Responsibilities:</b>	<ul style="list-style-type: none"> <li>• Leads all PTG staff work involving RF safety and FCC compliance, microwave and satellite system engineering, and consulting on wireless technology and regulation</li> </ul>
<b>Prior Experience:</b>	<ul style="list-style-type: none"> <li>• Edwards &amp; Kelcey, VP – RF Engineering and Chief Information Technology Officer, 1996-99</li> <li>• Bellcore, Executive Director – Regulation and Public Policy, 1983-96</li> <li>• AT&amp;T (Corp. HQ), Director – Spectrum Management Policy and Practice, 1977-83</li> <li>• AT&amp;T Long Lines, Group Supervisor – Microwave Radio System Design, 1972-77</li> </ul>
<b>Specific RF Safety / Compliance Experience:</b>	<ul style="list-style-type: none"> <li>• Involved in RF exposure matters since 1972</li> <li>• Have had lead corporate responsibility for RF safety and compliance at AT&amp;T, Bellcore, Edwards &amp; Kelcey, and PTG</li> <li>• While at AT&amp;T, helped develop the mathematical models later adopted by the FCC for predicting RF exposure</li> <li>• Have been relied on for compliance by all major wireless carriers, as well as by the federal government, several state and local governments, equipment manufacturers, system integrators, and other consulting / engineering firms</li> </ul>
<b>Other Background:</b>	<ul style="list-style-type: none"> <li>• Author, <i>Microwave System Engineering</i> (AT&amp;T, 1974)</li> <li>• Co-author and executive editor, <i>A Guide to New Technologies and Services</i> (Bellcore, 1993)</li> <li>• National Spectrum Managers Association (NSMA) – former three-term President and Chairman of the Board of Directors; was founding member, twice-elected Vice President, a long-time member of the Board of Directors, and was named an NSMA Fellow in 1991</li> <li>• Published more than 35 articles in industry magazines</li> </ul>

# Exhibit 4

RF Affidavit

ZONING BOARD OF APPEALS  
TOWN OF PHILIPSTOWN

-----X

In the matter of the Application of

**RF Affidavit**

**NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS**

Premises: 22 Sky Lane  
Philipstown, New York 10524  
Section 83.18 , Block 1, Lots 22 & 23

-----X

State of New York            )  
  ) ss.:  
County of Westchester        )

**Kadry Ahmed**, does depose and say:

1. I am a radio frequency engineer employed by New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"). As a radio frequency engineer, I am trained to identify issues in wireless telecommunications coverage and to evaluate the ability of proposed wireless telecommunication facility sites to remedy any issues. In addition, I am familiar with Verizon Wireless' existing and proposed facility sites in the Town of Philipstown ("Town") and abutting municipalities.

2. I respectfully submit this affidavit in support of the special permit application ("Application") to collocate a wireless communications facility ("Facility") on the existing guyed lattice tower ("Tower") located at 22 Sky Lane, Philipstown, New York.

3. The proposed Facility will consist of the collocation of small panel antennas with ancillary equipment on the Tower, together with equipment at the base thereof.

### **Need for the Facility**

4. Verizon Wireless is licensed by the Federal Communications Commission ("FCC") to provide wireless communications throughout New York State, including the Town.

5. Unlike radio and television broadcast towers, which utilize high power output transmitters to cover large geographical areas, Verizon Wireless' network relies on geographically close, low power transmitters and antennas. This network is comprised of cell sites which operate within a group of assigned radio frequencies. Reliable wireless communications depends on the architecture of the wireless network.

6. Verizon Wireless currently has critical capacity issues in the area of the Facility in the Town. As mobile phone use continues to increase, especially the demand for data transmitted via such devices, the existing facilities in the Town responsible for transmitting and receiving such data have become overburdened resulting in dropped calls, denied access to the network, a slow down of data transmission speed or an inability to transmit data.

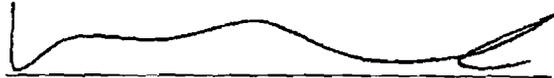
7. The proposed Facility would allow the "off-load" of excess capacity from Verizon Wireless' existing facilities in the area of the Town near where the Tower is located. The proposed Facility will allow for fewer dropped calls, better ability to access Verizon Wireless' network and faster data transmission speeds.

8. The Facility is ideally located because it is proposed on an existing Tower, thus obviating the need for Verizon Wireless to construct a new telecommunications structure in this area of the Town. Moreover, Verizon Wireless' antennas and related equipment will be located on the Tower and the base thereof such that they will have no adverse visual impact on the surrounding area.

**Conclusion**

Based on the foregoing, the requested approval should be granted forthwith.

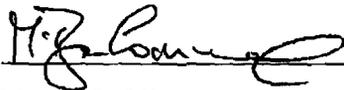
Respectfully submitted,



**Kadry Ahmed**

Signed before me this

27<sup>th</sup> day of May, 2015



Notary Public

**Michael R. Bonhomme  
Notary Public, State of New York  
No. 01806144229  
Qualified in Orange County  
Commission Expires 04/24/2018**

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