

Right to Know/FOIL

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DEC - 8 2017
PB 9-99

**FRANK S. MCCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2005)**

**FRANK S. MCCULLOUGH, JR.
JAMES STAUDT
LINDA B. WHITEHEAD
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RUTH F.-L. POST
KEVIN E. STAUDT
STEVEN M. WRABEL**

**CHARLES A. GOLDBERGER
KEITH R. BETENSKY
COUNSEL**

December 8, 2017

MGS#2224.03

Chairperson Loretta Taylor and Members of the Planning Board
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567

- Copies 7
- Planning Board
- Town Board
- Zoning Board
- Legal Dept.
- DOTS Director
- C.A.C.
- A.R.C.
- Applicant
- _____
- _____

**Re: Application of Beaver Brook Cortlandt, LLC (formerly Furnace Dock, Inc.),
16 lot cluster subdivision, Furnace Dock Road**

12/11/17

Dear Chairperson Taylor and Members of the Planning Board:

As you will recall, by Resolution No. 17-11 dated July 6, 2011, the Planning Board granted conditional final plat approval for the above referenced application. You have previously granted twenty-four (24) ninety (90) day extensions of the conditional approval.

Due to the timing and current circumstances, we are respectfully requesting a twenty-fifth (25th) and hopefully final ninety (90) day extension.

Significant progress has been made. The revised and updated plat has been submitted to the Department of Health for re-approval. As you may recall the DOH previously signed the subdivision plat in 2011, but changes have been made at the request of the Town since that time. The DOH has requested updated "will serve" letters from the Town and the operator of the Baltic Estates Sewer Treatment Plant. The Town Engineer had requested additional revisions to the plans prior to issuing the "will serve" letter for water service, and I understand those revisions have been submitted. We are awaiting updated requests for payments from Jonas Bastys, Inc. in connection with issuing the updated "will serve" letter.

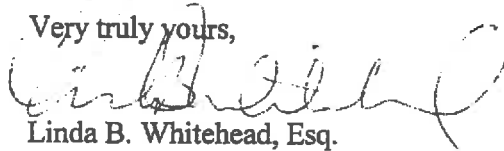
As to the other remaining conditions to be satisfied, the soil erosion and maintenance security, as well as the performance security are now being worked on by the client and will be submitted shortly. The estimate for the performance security was previously approved but is being updated at the request of the Town Engineer. The payment of \$90,000 to the Town for the railroad

pond property (condition 7d.) has already been paid by our client, and the remaining payments are due pursuant to an agreed schedule relating to the issuance of building permits and certificates of occupancy, or in the case of the inspection fee, 60 days prior to the commencement of any work on the site. Lastly, easement documents have been prepared and were submitted to the Town Attorney for review.

We hereby request that this matter be put on your January 9, 2018 agenda, although it is possible we will have met the conditions prior to that time.

Thank you for your continued cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Linda B. Whitehead". The signature is fluid and cursive, with a large loop at the end.

Linda B. Whitehead, Esq.

cc: Howard Blitman, P.E.
Cosmo Marfione, P.E.
Dan Ciarcia, P.E.

DRAFT

**TOWN OF CORTLANDT
PLANNING BOARD
PB 9-99**

RESOLUTION NO. 1-18

WHEREAS, an application for Planning Board approval of a Final Plat pursuant to Sections 276 and 277 of the New York State Town Law and Chapter 265 (Subdivision Regulations) of the Town of Cortlandt Code submitted by **Beaver Brook Cortlandt, LLC** for a 16 lot cluster subdivision of a 42.43 acre parcel of property as shown on a Final Plat entitled “Subdivision Plat for Furnace Dock, Inc” latest revision dated April 11, 2011 prepared by Scott B. Gray, L.S and on a 12 page set of improvement drawings entitled “Furnace Dock Subdivision” prepared by Dan Ciarcia PE, latest revision dated April 14, 2011 was approved by Planning Board Resolution 17-11 adopted on July 6, 2011, and

WHEREAS, the subject property is located on the north side of Furnace Dock Road, 1,500 feet east of Albany Post Road and is designated on the Town of Cortlandt Tax Maps as Section 55.19, Block 1, Lot 1, and

WHEREAS, by Resolutions 3-12, 11-12, 21-12, 29-12, 4-13, 15-13, 28-13, 42-13, 3-14, 12-14, 21-14, 29-14, 2-15, 6-15, 12-15, 16-15, 1-16, 11-16, 22-16, 3-17, 10-17 & 25-17 the Planning Board previously granted twenty-four (24) 90-day time extensions the latest of which expired on December 11, 2017, and

WHEREAS, by a letter dated December 8, 2017 Linda Whitehead, Esq. requested the twenty-fifth (25th) extension of Final Plat Approval to satisfy conditions of said approval, and

NOW THEREFORE BE IT RESOLVED, that the request of Linda Whitehead, Esq. for the 25th 90-day time extension of the above mentioned Final Plat is **APPROVED** said extension to expire on March 11, 2018.

TO BE CONSIDERED FOR ADOPTION: JANUARY 9, 2018

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LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

msheridan@snyderlaw.net

Westchester office

December 22, 2017

Honorable Chairperson Loretta Taylor
and Members of the Planning Board
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567

RE: New York SMSA Limited Partnership d/b/a Verizon Wireless
Collocation at the Existing Tower located on
5742 Albany Post Road, Town of Cortlandt, NY

Hon. Chairperson Taylor and
Members of the Planning Board:

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the collocation of its facility ("Facility") on the existing tower ("Existing Tower") at the above referenced property ("Property"). The Facility consists of small panel antennas collocated on the Existing Tower with related equipment at the base thereof. In connection therewith, the following responses are submitted with respect to comments from the Town Engineer, in his memo dated November 29, 2017 ("Engineer's Memo") and in an email dated December 18, 2017 ("Engineer's Email"). A copy of the Engineer's Memo and Engineer's Email are attached hereto as Exhibit 1 for your reference.

ENGINEER'S MEMO

General Comments:

Comment #1: *Updates to the liability insurance shall be provided to the Town prior to the issuance of the building permit for the collocation and base station installation.*

Response: Any reasonable request for insurance certificates in connection with the proposed Facility will be provided in connection with the issuance of the building permit for Verizon Wireless' Facility.

Comment #2: *Certifications as per the Town of Cortlandt Code Section 277-6 (G & I) shall be provided by a NYS licensed Professional Engineer. Currently, the certifications are being offered by the Attorney. Also, please revise the Attorney's supporting documentation to remove these certifications.*

Response: Section 277-6 provides the criteria for a special use permit for a “telecommunications tower.” Telecommunications Tower is defined in Section 277-4 of the Code as a:

“...structure or location designed or intended to be used or used to support antennas. It includes without limit, freestanding towers, guyed towers, monopoles and similar structures that employ camouflage technology, including, but not limited to structures such as a church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications services or microwave telecommunications, but excluding those used exclusively for fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications that do not exceed height limitations addressed elsewhere in Town regulations.”

As indicated above, Section 277-6 of the code only applies to a “Telecommunications Tower” and not collocated facilities, like the Facility here. Moreover, subsection (I) of Section 277-6 contains requirements for certifications “after construction”, and subsection (G) of Section 277-6 requires documentation after the installation is “constructed.” Therefore, even if such subsections apply to mere collocations, compliance with subsections (I) and (G) cannot be completed until after the Facility is approved, permitted and constructed. Notwithstanding the above, attached hereto as Exhibit 2 is a letter from project engineer, Scherer Design Group (“SDG”), confirming that the “proposed installations and all attachment will be designed to... meet the ANSI TIA-222-G... and all county, state and federal structural requirements.”

Comment #3: *The existing cell tower is located in a designated FEMA flood plain zone AE. Furthermore electrical equipment including a base transceiver station and other electrical components are proposed onsite. The plans shall be revised to indicate the flood plain elevation, flood zone, streams, water courses and wetlands from the proposed work area.*

Response: Enclosed herewith is the full set of revised plans, dated December 20, 2017 (“Revised Plans”) prepared by SDG. Page Z3 of the Revised Plans now includes a note confirming that based upon the flood plain elevation and the ground elevation “the proposed Verizon equipment is not within the flood plain elevation.”

Comment #4: *A property survey showing access including metes and bounds and references to filed documents must be included as part of the plan set.*

Response: On October 17, 2014, the Federal Communications Commission adopted the Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies order (“FCC Order”) regarding Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (“TRA”). The FCC Order minimizes application materials and provides that an eligible facilities request (“E.F.R.”) must be approved within sixty (60) days of a municipality’s receipt of these materials. To be an E.F.R., a proposed facility that is being collocated must not be a

“substantial change” to the physical dimensions of the Existing Tower. The FCC Order lists six (6) criteria to determine whether a collocation constitutes a “substantial change”:

- (i) outside of public rights-of-way, it increases the height of the existing tower by more than 10% or 20 feet;
- (ii) outside of public rights-of-way, it protrudes from the edge of the tower more than 20 feet;
- (iii) the collocation involves the installation of more than four (4) equipment cabinets;
- (iv) the collocation entails excavation outside the existing site;
- (v) the collocation defeats existing concealment elements; or
- (vi) the collocation does not comply with conditions of prior approvals unless the non-compliance is due to an increase in height or width, the addition of less than four cabinets, or new excavation inside the current site.

The proposed Facility is an E.F.R. because the Facility (i) does not increase the height of the Existing Tower; (ii) does not protrude from the edge of the Existing Tower more than twenty feet; (iii) involves the standard number of equipment cabinets, not exceeding four; (iv) does not entail any excavation outside the existing site boundaries or even outside the area contemplated by the Town for collocators in connection with the Existing Tower; (v) does not defeat any concealment elements; and (vi) does not deviate from any conditions of approval appropriate to an E.F.R.

Therefore, it is respectfully submitted that there is not a need for a survey in this matter. To the extent that this Honorable Board believes that a survey is necessary, it is requested that the survey be a condition of the certificate of completion for the Facility.

Comment #5: *The Applicant is proposing to construct ground mounted equipment. Clarification shall be given to whether new impervious surfaces or ground disturbance is proposed as the work zone appears to be in a wetlands buffer.*

Response: Page Z3 of the Revised Plans now includes a note confirming that the equipment is proposed to be located on a concrete pad within the existing previously disturbed compound and “will not result in any additional ground disturbance.”

Exhibit 1 Comments

Comment #1: *The submitted RF Compliance Report shall clearly demonstrate the actual components installed on the tower and located at the base station. The Report shall be compared to the most current and approved report on file with the Department of Technical Services - Office of Code Enforcement.*

Response: The structural report submitted, prepared by Tower Engineering Solutions and dated November 8, 2016 (hereinafter “Structural Report”), includes the existing and proposed equipment on the Existing Tower. See page 3 of the Structural Report regarding the existing equipment on

the Existing Tower. For your reference, such information is also reflected on Page Z5 of the Revised Plans.

Moreover, attached hereto as Exhibit 3 is a supplemental letter from Pinnacle Telecom Group, LLC (“Supplemental RF Letter”). The Supplemental RF Letter provides that because Pinnacle’s previously submitted Antenna FCC RF Compliance Assessment and Report “conservatively assume[s] operation... with maximum channel capacity and at maximum transmitter power... the number of antennas for each carrier that would collectively transmit such maximum output is immaterial.” As said report is “conservative” and the “maximum” output from all carriers is assumed, what the “actual components installed on the tower” are is not relevant, nor is such information “reasonably related” to determining if Verizon Wireless’ Facility is an E.F.R.

Exhibit 2 Comments

Comment #1: *The Structural Report should state that the components utilized in the calculations were field verified.*

Response: Pursuant to your request, the Structural Report will be field verified, and it is respectfully requested that the Planning Board approve the Facility subject to such verification prior to the issuance of a building permit.

Comment #2: *The Structural Report shall be revised to reflect the structural computations (including existing antennas, mounts and transmission lines) and plan sets approved and on file with the Department of Technical Services- Office of Code Enforcement. If additional components were installed or modified without Town approval, explanation shall be provided and appropriate action shall be taken.*

Response: The Structural Report provides the details of the existing and proposed equipment on the Existing Tower. To the extent that the other carriers did not install what the Town approved, Verizon Wireless has no control over the other carriers and same should be addressed with such other carriers, if necessary, and not Verizon Wireless.

It must be noted that the proposed Facility is an E.F.R pursuant to Section 6409 of the TRA. Under the FCC Order, if a wireless facility is an E.F.R., like the proposed Facility, any review is limited in scope and a local government may only request documentation “reasonably related to determining” if the request is an E.F.R., and “may not require the applicant to submit any other documentation.” Additional documentation regarding prior approvals or plans sets in connection with other carriers’ installations is not “reasonably related to determining” if Verizon Wireless’ Facility is an E.F.R.

Drawing Comments (As Conditions of PB Approving Resolution)

Comment #3:

Site plans shall be based on an actual survey prepared by a licensed professional land surveyor. GIS information depicting property lines is not acceptable.

Response: As noted above, the proposed Facility is an E.F.R. and as such only such information “reasonably related to determining” if the Facility is an E.F.R., may be required. Therefore, it is respectfully submitted that there is not a need for a survey in this matter. To the extent that this Honorable Board believes that a survey is necessary, it is requested that the survey be a condition of the issuance of the certificate of completion for the Facility.

Comment #4: *The site plans shall be revised to show the existing well and septic areas, generators and fuel tanks.*

Response: As noted above, the proposed Facility is an E.F.R. and as such only such information “reasonably related to determining” if the Facility is an E.F.R., may be required. Moreover, Verizon Wireless’ proposed Facility is to be located on the Existing Tower and within the existing compound at the base thereof. Therefore, it is respectfully submitted that there is not a need to show the existing well and septic system, generators and fuel tanks, as it is not “reasonably related to determining” if Verizon Wireless’ Facility is an E.F.R.

Comment #5: *Verify the flood plain, elevations and distances to wetlands.*

Response: Page Z3 of the Revised Plans has been revised to note the flood plain, elevations and distances to wetlands. Notwithstanding, Verizon Wireless’ proposed Facility is to be located on the Existing Tower and within the existing compound at the base thereof. Therefore, it is respectfully submitted that there is not a need to verify floodplains or any wetlands, as it is not “reasonably related to determining” if Verizon Wireless’ Facility is an E.F.R.

Comment #6: *Plans shall be revised to provide a zoning compliance chart in accordance with Town Code Chapter 307.*

Response: The requested zoning compliance chart has been added to Page Z3 of the Revised Plans.

Comment #7: *Tower Elevations shall be revised to reflect the current antenna setup including manufacture information, date of installation and certification dates.*

Response: Page Z3 of the Revised Plans reflects the equipment information from the Structural Report, which includes equipment of other carriers on the Existing Tower. As noted above, Verizon Wireless is merely a collocator and does not have any firsthand knowledge or control over what any other carrier has on the Existing Tower. As noted above, the Facility is an E.F.R., so any review is limited in scope and a local government may only request documentation “reasonably related to determining” if the request is an E.F.R. It is respectfully submitted that additional documentation regarding other carriers’ installations at the property is not “reasonably related to determining” if Verizon Wireless’ Facility is an E.F.R.

Comment #8: *Antenna manufacturer cut sheets indicating physical dimensions and radio frequency information were not provided. Details shall be consistent to those proposed in Exhibit 1 and Exhibit 2. No deviation is permitted. Notes indicating antennas and RRH units are subject to change shall be removed from the drawing sets. If the equipment cannot be purchased at the*

time of install the Applicant shall submitted updated manufactures information and recertification of the structural adequacy of the monopole prior to install.

Response: Antenna cutsheets are attached hereto as Exhibit 4. Additionally the notes on Page Z6 of the Revised Plans indicating that the antennas and RRHs are “subject to change based upon availability at the time of construction” have been removed.

Comment #9: *Applicant shall provide details for all antenna sub components including but not limited to diplexers, RRH, amplifiers, surge protection, GPS, battery cabinets, generators, etc...*

Response: Equipment details are located on Page Z6 of the Revised Plans, including details for the “antenna sub components.”

Comment #10: *Applicant shall revise plan to reflect how coaxial cables will connect to proposed antennas. Means and methodologies shall be consistent with Exhibit 2 – Structural Certification. Details including modifications to grounding requirements shall be provided.*

Response: Page Z7 of the Revised Plans reflect the details on how coaxial cables will connect to proposed antennas, which details are consistent with the “Structural Certification” a/k/a Structural Report.

Comment #11: *Applicant shall provide standard details for footings, slab, ice canopy/bridge, signage etc...*

Response: Standard details for footings, slab, ice canopy/bridge, and signage have been added to Pages Z7 and Z8 of the Revised Plans.

ENGINEER’S EMAIL

Comment: *In addition to the information that was requested in my previous review memo’s, kindly have your professional staff verify the wind speed used in the analysis (special wind zone). Computations in accordance with the Uniform Code shall be provided. Ron is not evaluating the structural analysis but will provide supplemental comments to my review memo to confirm completeness of the submittal.*

Response: The Structural Report includes details regarding wind requirements and calculations.

Comment: *On the revised plans and documentation, indicate the FCC identification number for each pole as well as owner of record. It is my understanding that the pole ownership may have been changed from the initial applications.*

Response: The name of the Existing Tower owner has been added to Page Z1 of the Revised Plans. The FCC identification number is still being verified and it is respectfully requested that the Planning Board approve the Facility subject to such verification prior to the issuance of a building permit.

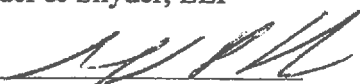
Conclusion

As detailed above, Verizon Wireless' Facility is an E.F.R. and does not increase the height of the Existing Tower. Therefore, the application for the Facility is subject to an expedited review by the Board in accordance with Section 277-8.C of the Town's Code and federal law.

Pursuant to Section 6409 of the TRA and the FCC Order, a local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Any municipal review is limited in scope and the Facility must be approved within 60 days of the filing of an application for an E.F.R.¹ See Title 47 C.F.R Section 1.40001.

For all of the foregoing reasons, Verizon Wireless' Facility must be approved forthwith. If you have any questions, please call me or Leslie Snyder at (914) 333-0700.

Respectfully submitted,
Snyder & Snyder, LLP

By: 
Michael P. Sheridan

Enclosures

LJS:mps

cc: Verizon Wireless

Z:\SSDATA\WPDATA\SS4\WP\NEWBANMMAYBECKPEEKSKILL 4\ZONING\PB RESPONSE LETTER.MS.FIN.DOCX

¹ As noted at this Honorable Board's December 6, 2017 meeting, the 60 day time limit in connection with the approval of an E.F.R. has been extended by mutual agreement until this Honorable Board's January 9, 2018, meeting.

RECEIVED

DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION

2017-19

Ronald E. Graiff, P.E.
Radio Frequency Consulting Engineer
52 Bogus Hill Road
New Fairfield, CT 06812

Copies 7

- Planning Board
- Town Board
- Zoning Board
- 1 Legal Dept.
- 1 DOTS Director
- C.A.C.
- A.R.C.
- Applicant
- _____
- _____

Sent 1/2/18

January 2, 2018

Loretta Taylor, Chairwoman
Town of Cortlandt Planning Board
1 Heady Street
Cortlandt Manor, New York 10567

RE: The application of New York SMSA Limited Partnership ("Verizon Wireless") to co-locate on an existing monopole at 5742 Albany Post Road, Town of Cortlandt

Dear Chairwoman Taylor and Members of the Planning Board:

Your Board, at the request of Michael Preziosi, P.E., Director of Technical Services, has asked the undersigned, a New York State licensed professional engineer specializing in radio frequency engineering, to review and comment on certain portions of the proposed co-location application. While such applications are exempted from review for zoning or planning purposes pursuant to FCC Rules and Regulations 47 CFR 1.40001 (Eligible Facility), there still exists the right of the municipality to determine if the proposal meets certain requirements for structural integrity and radio frequency safety associated with the co-location. For this instant review and comment, the undersigned as utilized the following submissions:

Structural Analysis prepared by Haoxuan Lei, Tower Engineering Solutions ("TES"), sealed by James Reyes, P.E. dated November 8, 2016.

Preliminary and Final Site Plan Drawings, prepared by Coleen Connoly, P.E. SDG Design Group, dated December 20, 2017.

Antenna Site FCC RF Compliance Assessment and Report, prepared by Daniel Penesso, Director of R.F. Engineering, Pinnacle Telecom Group and sealed by Peter M. Longo. P.E. dated September 13, 2017.

This engineer's comments will be limited to areas of his knowledge with respect to the information reviewed.

The structural analysis utilizes what appears is not the correct wind speed for location of the monopole. Cortlandt is in a special wind region and such wind speeds to be utilized for the

analysis may be specified by the building official of the municipality or by the results of a special wind speed study. The wind speed utilized, 115 MPH V ultimate, is less than that typically utilized in Westchester County of 120 MPH V ultimate. The analysis, because of the date prepared (2016), is somewhat antediluvian. The antenna components indicated on the site plan drawings as well as the current state of the art for LTE and PCS installations would tend to indicate that one or more of the existing carriers on the monopole *may* be utilizing remote radio heads ("RRH's) as are being proposed by Verizon Wireless. Such RRH's result in additional wind load and weight on the structure that must be considered. Moreover, there may be confusion on the mount to be utilized by Verizon Wireless. The site plans merely specifies "proposed antenna mount" with no indication as to the type of mount proposed to be utilized. The structural analysis notes a "low profile platform" but there is no supporting evidence in the site plans.

FINDING: The results of the structural analysis may be questioned by the Town's building official: (1) The wind speed utilized for the analysis does not appear to be in accordance with what may be required for a special wind region; (2) Due to the improvements in equipment required for LTE utilization by all of the carriers involved, as has been seen in countless other application reviews by this engineer, the equipment on the tower may not be as noted in the structural analysis. As is noted in the structural analysis: *The analysis was performed on the information supplied to TES, LLC (2016). Verification of the information provided was not included the scope of work for TES. The accuracy of the analysis is dependent on the accuracy of the information provided.* It is strongly recommended that a "site mapping" be performed by a qualified contractor to verify all equipment and antennas currently on the monopole.

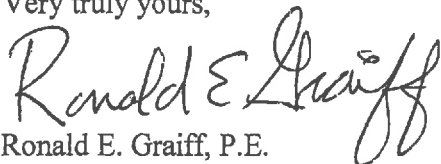
The RF compliance report demonstrates compliance with the requirements of FCC Bulletin OET-65. The co-location proposal is "categorically excluded" from the requirements because of the power utilized or the height above ground of the antennas. Notwithstanding that exclusion, the municipality has the authority to review such a report. It cannot, however, deny the application as a result of the review. There are some minor issues associated with the report. Mr. Penesso provided detailed information on the antenna types, effective radiated power and height above ground of the proposed Verizon Wireless antennas. Such information is critical in verifying the results. He did not, however, provide any such information on the existing AT&T, Sprint or T-Mobile antennas on the monopole, thereby making any verification impossible. Moreover, the tabular results on page 11 of the report indicate the specific MPE levels for each of the Verizon Wireless frequencies, while those for AT&T, Sprint and T-Mobile have been "lumped" into one value for each carrier. Once again, verification is impossible. Finally the certification and sealing by Mr. Longo, while apparently required by your code, it is impossible to determine if Mr. Longo is a qualified radio frequency engineer.

FINDING: The results of the RF compliance report meet the requirements of Bulletin OET-65. Notwithstanding that finding, it would be helpful for a critical review to be completed to have the information noted above as missing supplied for further review.

This review and comment is based on the information presented and to the best of the undersigned's knowledge and belief that the information contained there is true, accurate and

complete. Should your Board have any additional questions, please feel free to contact the undersigned,

Very truly yours,

A handwritten signature in cursive script that reads "Ronald E. Graiff". The signature is written in black ink and is positioned above the printed name and license information.

Ronald E. Graiff, P.E.

New York State License 050547

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SNYDER & SNYDER, LLP

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December 22, 2017

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LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

Honorable Chairperson Loretta Taylor
and Members of the Planning Board
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567

RE: New York SMSA Limited Partnership d/b/a Verizon Wireless
Collocation at the Existing Tower located on
451 Yorktown Road, Town of Cortlandt, NY

Hon. Chairperson Taylor and
Members of the Planning Board:

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the collocation of its facility ("Facility") on the existing tower ("Existing Tower") at the above referenced property ("Property"). The Facility consists of small panel antennas collocated on the Existing Tower with related equipment at the base thereof. In connection therewith, the following responses are submitted with respect to the comments from the Town Engineer, in his memo dated November 29, 2017 ("Engineer's Memo") and in an email dated December 18, 2017 ("Engineer's Email"). A copy of the Engineer's Memo and Engineer's Email are attached hereto as Exhibit 1 for your reference.

ENGINEER'S MEMO

General Comments:

Comment #1: *The Applicant's Attorney indicates that collocation is an eligible facility request (EFR) since there will not be a "substantial change to the physical dimensions of the tower or base station". However it is unclear what constitutes significant change. The Applicant is proposing a 14'-5" x 11' enclosure for a new base station which is a 25% increase in the footprint of the existing facility. The Applicant shall clarify and provide FCC documentation (interpretation of 6409(a)) which elaborates.*

Response: On October 17, 2014, the Federal Communications Commission adopted the Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies order (“FCC Order”) regarding Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (“TRA”). The FCC Order minimizes application materials and provides that an eligible facilities request (“E.F.R.”) must be approved within sixty (60) days of a municipality’s receipt of these materials. To be an E.F.R., a proposed facility that is being collocated must not be a “substantial change” to the physical dimensions of the Existing Tower. The FCC Order lists six (6) criteria to determine whether a collocation constitutes a “substantial change”:

- (i) outside of public rights-of-way, it increases the height of the existing tower by more than 10% or 20 feet;
- (ii) outside of public rights-of-way, it protrudes from the edge of the tower more than 20 feet;
- (iii) the collocation involves the installation of more than four (4) equipment cabinets;
- (iv) the collocation entails excavation outside the existing site;
- (v) the collocation defeats existing concealment elements; or
- (vi) the co-location does not comply with conditions of prior approvals unless the non-compliance is due to an increase in height or width, the addition of less than four cabinets, or new excavation inside the current site.

The proposed Facility is an E.F.R. because the Facility (i) does not increase the height of the Existing Tower; (ii) does not protrude from the edge of the Existing Tower more than twenty feet; (iii) involves the standard number of equipment cabinets, not exceeding four; (iv) does not entail any excavation outside the existing site boundaries or even outside the area contemplated by the Town for collocators in connection with the Existing Tower; (v) does not defeat any concealment elements; and (vi) does not deviate from any conditions of approval appropriate to an E.F.R.

Comment #2: *Updates to the liability insurance shall be provided to the Town prior to the issuance of the building permit for the collocation and base station installation.*

Response: Any reasonable request for insurance certificates regarding the proposed Facility will be provided in connection with the issuance of the building permit for Verizon Wireless’ Facility.

Comment #3: *Certifications as per the Town of Cortlandt Code Section 277-6 (G & I) shall be provided by a NYS licensed Professional Engineer. Currently, the certifications are being offered by the Attorney. Also, please revise the Attorney’s supporting documentation to remove these certifications.*

Response: Section 277-6 provides the criteria for a special use permit for a “telecommunications tower.” Telecommunications Tower is defined in Section 277-4 of the Code as a:

“...structure or location designed or intended to be used or used to support antennas. It includes without limit, freestanding towers, guyed towers, monopoles and similar structures that employ camouflage technology, including, but not limited to structures such as a church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications services or microwave telecommunications, but excluding those used exclusively for fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications that do not exceed height limitations addressed elsewhere in Town regulations.”

As indicated above, Section 277-6 of the code only applies to a “Telecommunications Tower” and not collocated facilities, like the Facility here. Moreover, subsection (I) of Section 277-6 contains requirements for certifications “after construction”, and subsection (G) of Section 277-6 requires documentation after the installation is “constructed.” Therefore, even if such subsections apply to mere collocations, compliance with subsections (I) and (G) cannot be completed until after the Facility is approved, permitted and constructed. Notwithstanding the above, attached hereto as Exhibit 2 is a letter from project engineer, Scherer Design Group (“SDG”), confirming that the “proposed installations and all attachment will be designed to... meet the ANSI TIA-222-G... and all county, state and federal structural requirements.”

Exhibit 1 Comments

Comment #1: *The Applicant shall confirm that the existing tower meets the dimensional variances and design criteria granted under Zoning Board Decision & Order 48-05.*

Response: Enclosed herewith is the full set of revised plans, dated December 21, 2017 (“Revised Plans”) prepared by SDG. Page Z3 of the Revised Plans includes a note confirming that the Existing Tower “meets the dimensional variances and design criteria” of Zoning Board Decision & Order 48-05.

Kindly note that since the proposed Facility is an E.F.R., under the FCC Order, any municipal review is limited in scope. A local government may only request documentation “reasonably related to determining” if the request is an E.F.R., but “may not require the applicant to submit any other documentation.” Additional documentation regarding the original approval and construction of the Existing Tower is not “reasonably related to determining” if Verizon Wireless’ Facility is an E.F.R. Moreover, since Verizon Wireless is merely a collocator, it does not have any control over the Existing Tower or any other carrier on the Existing Tower.

Comment #2: *The submitted RF Compliance Report is not clear as to the number and type of existing and proposed antennas analyzed. The discussion on page 6 of the report indicates the operational ranges that AT&T is licensed by the FCC. The Applicant provides details on the assumed potential maximum exposure. There is no mention or comparison to the existing approval or determination confirming compliance to. Additional information shall be provided to expand this discussion and to confirm AT&T bands currently installed on the tower.*

a. *The latest RF Exposure Analysis on file with the Town was completed by Bechtel Communications, Inc. dated January 9, 2013.*

Response: Kindly see the supplemental letter from Pinnacle Telecom Group, LLC (“Pinnacle”), attached hereto as Exhibit 3 (“Supplemental RF Letter”), which provides that Pinnacle’s Antenna Site FCC RF Compliance Assessment and Report dated November 13, 2017 (“RF Report”), concluded that “the combined RF levels associated with the Verizon Wireless and the AT&T operations at the site satisfy the FCC general population MPE limit.” Moreover, the Supplemental RF Letter provides that because the RF Report “conservatively assume[s] operation... with maximum channel capacity and at maximum transmitter power..., the number of antennas for each carrier that would collectively transmit such maximum output is immaterial.” As the report is “conservative” and the “maximum” output from all carriers is assumed, it is not relevant what AT&T has “currently installed” on the Existing Tower, nor is such information “reasonably related” to determining if Verizon Wireless’ Facility is an E.F.R.

Comment #3: *Building Permit 20090301 allows for the construction of the 140-ft monopole and installation of 6 antennas. Building Permit 2013575 was issued permitting three additional antenna to be installed. The RF Compliance Report, Structural Calculations or site plans must quantify the actual components installed on the tower and located at the base station.*

Response: The structural report submitted, prepared by GDP Engineering and Architect Professional Corporation and dated May 16, 2017 (hereinafter “2017 Structural Report”), includes the existing and proposed equipment on the Existing Tower. See first page of Appendix A, which references nine (9) antennas for AT&T. For your reference, such information has also been reflected on Page Z5 of the Revised Plans.

Moreover, the proposed Facility is an E.F.R pursuant to Section 6409 of the TRA. Under the FCC Order, if a wireless facility is an E.F.R., like the proposed Facility, any review is limited in scope and a local government may only request documentation “reasonably related to determining” if the request is an E.F.R., and “may not require the applicant to submit any other documentation.” Additional documentation regarding the details of another carrier’s building permit or installation is not “reasonably related to determining” if Verizon Wireless’ Facility is an E.F.R.

Exhibit 2 Comments

Comment #1: *The Structural Report narrative implies that Verizon is proposing antennas for four (4) frequency bands consisting of what approximately 20 components for six (6) proposed antennas. In reviewing the supporting documents it appears as if AT&T has (9) antenna installed, with three (3) additional antenna capable of being installed. Again the report should contain references to the approving Zoning Board Decision & Order and made consistent with the RF Compliance Report and submitted drawing set.*

Response: Verizon Wireless’ plans indicate that Verizon Wireless’ proposed equipment on the Existing Tower, is consistent with the 2017 Structural Report. As noted above, the 2017 Structural Report includes the existing and proposed equipment on the Existing Tower. See first page of

Appendix A, which references nine (9) antennas for AT&T as noted in the comment above. For your reference, such information has also been reflected on Page Z5 of the Revised Plans.

Comment #2: *The Structural Report should state that the components utilized in the calculations were field verified. As described previously there are multiple discrepancies as to the number and type of antennas and ancillary units installed on the pole along with the type and length of mounting brackets.*

Response: Pursuant to your request, the 2017 Structural Report will be field verified, and it is respectfully requested that the Planning Board approve the Facility subject to such verification prior to the issuance of a building permit.

Comment #3: *The Structural Report shall be revised to reflect the structural computations and plan sets approved and on file with the Town of Cortlandt. If additional components were installed or modified without Town approval, explanation shall be provided and appropriate action shall be taken. The latest Structural Analysis on file with the Town was completed by Becthel Communications, Inc. dated 2/15/2013.*

Response: The 2017 Structural Report provides the details of the existing and proposed equipment on the Existing Tower. To the extent that AT&T did not install what the Town approved (which does not appear to be the case), Verizon Wireless has no control over AT&T and same should be addressed with AT&T and not Verizon Wireless.

It must be noted that the proposed Facility is an E.F.R pursuant to Section 6409 of the TRA. Under the FCC Order, if a wireless facility is an E.F.R., like the proposed Facility, any review is limited in scope and a local government may only request documentation “reasonably related to determining” if the request is an E.F.R., and “may not require the applicant to submit any other documentation.” Additional documentation regarding the details of another carrier’s installation is not “reasonably related to determining” if Verizon Wireless’ Facility is an E.F.R.

Drawing Comments (As Conditions of PB Approving Resolution).

Comment #4:

Site plans shall be based on an actual survey prepared by a licensed professional land surveyor. GIS information depicting property lines is not acceptable.

Response: As noted above, the proposed Facility is an E.F.R. and as such only such information “reasonably related to determining” if the Facility is an E.F.R., may be required. Therefore, it is respectfully submitted that there is not a need for a survey in this matter. To the extent that this Honorable Board believes that a survey is necessary, it is requested that the survey be a condition of the issuance of the certificate of completion for the Facility.

Comment #5: *Site plan shall note distance to the New Croton Reservoir and nearest tributary stem. Similarly plans shall be revised to indicate nearest habitable dwelling.*

Response: Page Z2 of the Revised Plans has been revised to note the distance to the New Croton Reservoir and nearest tributary stem.

Comment #6: *The site plans shall be revised to show the existing well and septic areas.*

Response: Page Z3 of the Revised Plans has been revised to show the existing well and septic system.

Comment #7: *Lots 4 and 5 shall be merged. The Applicant shall provide a description for the leased area and access easement. Said easement shall be filed in the Westchester County Clerk's Office. No building permit shall be issued until such time as the required easements have been filed.*

Response: Although Verizon Wireless has reached out to the property owner regarding the merger request, same is not a reasonable request for an E.F.R. As noted above, the Facility is an E.F.R., so any review is limited in scope and a local government may only request documentation "reasonably related to determining" if the request is an E.F.R. Additional documentation regarding a lot merger, a recorded lease area or access easement is not "reasonably related to determining" if Verizon Wireless' Facility is an E.F.R.

Comment #8: *Plans shall be revised to provide a zoning compliance chart in accordance with Town Code Chapter 307. A variance was granted by the Zoning Board D&O 48-05. ZBA Decision & Order 2013-20 re-certified the tower for an additional 5-year period.*

Response: The requested zoning compliance chart has been added to Page Z3 of the Revised Plans.

Comment #9: *Tower Elevations shall be revised to reflect the current AT&T panel antenna setup including manufacture information, date of installation and certification dates.*

Response: Page Z5 of the Revised Plans reflects the equipment information from the 2017 Structural Report, which includes AT&T's equipment on the Existing Tower. As noted above, Verizon Wireless is merely a collocator and does not have any firsthand knowledge or control over what any other carrier has on the Existing Tower. As noted above, the Facility is an E.F.R., so any review is limited in scope and a local government may only request documentation "reasonably related to determining" if the request is an E.F.R. It is respectfully submitted that additional documentation regarding AT&T's installation at the property is not "reasonably related to determining" if Verizon Wireless' Facility is an E.F.R.

Comment #10: *Antenna manufacturer cut sheets indicating physical dimensions and radio frequency information were not provided. Details shall be consistent to those proposed in Exhibit 1 and Exhibit 2. No deviation is permitted. Notes indicating antennas and RRH units are subject to change shall be removed from the drawing sets. If the equipment cannot be purchased at the time of install the Applicant shall submitted updated manufactures information and recertification of the structural adequacy of the monopole prior to install.*

Response: Antenna cutsheets are attached hereto as Exhibit 4. Additionally, the notes on Page Z6 of the Revised Plans indicating that the antennas and RRHs are “subject to change based upon availability at the time of construction” have been removed.

Comment #11: *Applicant shall provide details for all antenna sub components including but not limited to diplexers, RRH, amplifiers, surge protection, GPS, battery cabinets, generators, etc...*

Response: Equipment details are located on Page Z6 of the Revised Plans, including details for the “antenna sub components.”

Comment #12: *Applicant shall revise plan to reflect how coaxial cables will connect to proposed antennas. Means and methodologies shall be consistent with Exhibit 2 – Structural Certification. Details including modifications to grounding requirements shall be provided.*

Response: Page Z7 of the Revised Plans reflect the details on how coaxial cables will connect to proposed antennas, which details are consistent with the “Structural Certification” a/k/a 2017 Structural Report.

Comment #13: *Applicant shall provide standard details for footings, slab, ice canopy/bridge, signage etc...*

Response: Standard details for footings, slab, ice canopy/bridge, and signage have been added to Page Z7 of the Revised Plans.

ENGINEER’S EMAIL

Comment: *In addition to the information that was requested in my previous review memo 's, kindly have your professional staff verify the wind speed used in the analysis (special wind zone). Computations in accordance with the Uniform Code shall be provided. Ron is not evaluating the structural analysis but will provide supplemental comments to my review memo to confirm completeness of the submittal.*

Response: The 2017 Structural Report includes details regarding wind requirements and calculations.

Comment: *On the revised plans and documentation, indicate the FCC identification number for each pole as well as owner of record. It is my understanding that the pole ownership may have been changed from the initial applications.*

Response: The FCC identification number and the name of the Existing Tower owner have been added to Page Z1 of the Revised Plans.

Conclusion

As detailed above, Verizon Wireless' Facility is an E.F.R. and does not increase the height of the Existing Tower. Therefore, the application for the Facility is subject to an expedited review by the Board in accordance with Section 277-8.C of the Town's Code and federal law.

Pursuant to Section 6409 of the TRA and the FCC Order, a local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Any municipal review is limited in scope and the Facility must be approved within 60 days of the filing of an application for an E.F.R.¹ See Title 47 C.F.R Section 1.40001.

For all of the foregoing reasons, Verizon Wireless' Facility must be approved forthwith. If you have any questions, please call me or Leslie Snyder at (914) 333-0700.

Respectfully submitted,
Snyder & Snyder, LLP

By: 
Michael P. Sheridan

Enclosures

LJS:mps

cc: Verizon Wireless

Z:\SSDATA\I\WPDATA\ISS\WP\NEWBAN\M\A\Y\BECK\CROTON RESERVOIR\ZONING\GPB RESPONSE LETTER.MS.FIN.DOCX

¹ As noted at this Honorable Board's December 6, 2017 meeting, the 60 day time limit in connection with the approval of an E.F.R. has been extended by mutual agreement until this Honorable Board's January 9, 2018, meeting.

RECEIVED

DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION
2017-20

Ronald E. Graiff, P.E.
Radio Frequency Consulting Engineer
52 Bogrus Hill Road
New Fairfield, CT 06812

Copies...7... Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTD Director
..... C.A.C.
..... A.R.C.
..... Applicant
.....
.....
Sent 1/2/18

January 2, 2018

Loretta Taylor, Chairwoman
Town of Cortlandt Planning Board
1 Heady Street
Cortlandt Manor, New York 10567

RE: The application of New York SMSA Limited Partnership ("Verizon Wireless") to co-locate on an existing monopole at 451 Yorktown Road, Town of Cortlandt

Dear Chairwoman Taylor and Members of the Planning Board:

Your Board, at the request of Michael Preziosi, P.E., Director of Technical Services, has asked the undersigned, a New York State licensed professional engineer specializing in radio frequency engineering, to review and comment on certain portions of the proposed co-location application. While such applications are exempted from review for zoning or planning purposes pursuant to FCC Rules and Regulations 47 CFR 1.40001 (Eligible Facility), there still exists the right of the municipality to determine if the proposal meets certain requirements for structural integrity and radio frequency safety associated with the co-location. For this instant review and comment, the undersigned as utilized the following submissions:

Structural Analysis prepared by Christopher J. Scheks. P.E. GDP Engineering, dated May 16, 2017.

Preliminary and Final Site Plan Drawings, prepared by Coleen Connolly, P.E. SDG Design Group, dated December 21, 2017.

Antenna Site FCC RF Compliance Assessment and Report, prepared by Daniel Penesso, Director of R.F. Engineering, Pinnacle Telecom Group and sealed by Peter M. Longo. P.E. dated September 13, 2017.

This engineer's comments will be limited to areas of his knowledge with respect to the information reviewed.

The structural analysis utilizes the correct and in fact even greater V ultimate wind speed for the analysis. Cortlandt is in a special wind region and such wind speeds may be specified by the

building official of the municipality or the results of a special wind study. The wind speed utilized, 130 MPH, is greater than that typically utilized in Westchester County of 120 MPH V ultimate. The antennas and associated equipment that exists and is proposed and noted on the structural analysis agree with that specified in the Site Plan Drawings.

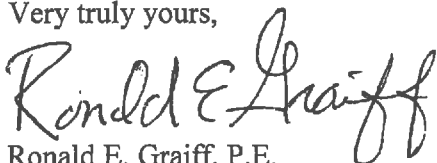
FINDING: The results of the structural analysis may be considered acceptable, subject to the disclaimers made by the engineer in his report.¹

The RF compliance report demonstrates compliance with the requirements of FCC Bulletin OET-65. The co-location proposal is "categorically excluded" from the requirements because of the power utilized or the height above ground of the antennas. Notwithstanding that exclusion, the municipality has the authority to review such a report. It cannot, however, deny the application as a result of the review. There are some minor issues associated with the report. Mr. Penesso provided detailed information on the antenna types, effective radiated power and height above ground of the proposed Verizon Wireless antennas. Such information is critical in verifying the results. He did not, however, provide any such information on the existing AT&T antennas on the monopole, making any verification impossible. Moreover, the tabular results on page 10 of the report indicate the specific MPE levels for each of the Verizon Wireless frequencies, while those for AT&T have been "lumped" into one value. Once again, verification is impossible. Finally the certification and sealing by Mr. Longo, while apparently required by your code, it is impossible to determine if Mr. Longo is a qualified radio frequency engineer.

FINDING: The results of the RF compliance report meet the requirements of Bulletin OET-65. Notwithstanding that finding, it would be helpful for a critical review to be completed to have the information noted above as missing supplied for further review.

This review and comment is based on the information presented and to the best of the undersigned's knowledge and belief that the information contained there is true, accurate and complete. Should your Board have any additional questions, please feel free to contact the undersigned,

Very truly yours,



Ronald E. Graiff, P.E.

New York State License 050547

¹ While there may be some question as to the size of the side arms located on the monopole supporting the antennas and associated equipment and if they had been increased in the past, the analysis agrees with the information of the site plan elevation drawings.

CAREMOUNT MEDICAL NARRATIVE

2084 EAST MAIN STREET, CORTLANDT MANOR, NY

Caremount Medical PC, the largest independent multi-specialty medical group in New York State, providing medical care of the highest quality to over 550,000 patients in over 43 locations is looking to open a 5,300+ square foot medical office in Cortlandt Manor. The location will be a regular medical office conducting business during typical medical office hours with three physicians plus twelve employees. Caremount Medical should help provide needed medical services to the surrounding community and should not be of any concern as a tenant to the neighboring residential properties. Caremount should also be a quality long-term tenant and provide stability to the property, which has had a fair amount of vacancy over the last several years (and previously had two more local type tenants who each did not operate for more than two years in the location).

In conjunction with Caremount Medical's planned tenancy at the property, the Owner intends to update the façade and columns to modernize the look of the property and also plans to repave the entire parking lot and make some landscaping improvements. In conclusion, we feel that Caremount Medical and the improvements intended for the center shall be a positive addition to the Town of Cortlandt Manor.

Copies ⁷ Planning Board
..... Town Board
..... Zoning Board
..... Legal Dept.
..... DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant
..... _____
..... _____
Sent 12/20/17

DEC 20 2017
2017-23

**TOWN OF CORTLANDT
PLANNING BOARD APPLICATION**

CHECK APPROVAL (S) REQUESTED

- Lot Line Adjustment
- Preliminary Subdivision
- Conventional
- Cluster-open space
- Final Subdivision
- Site Development Plan
- Site Development Plan Amendment
- Special Permit
- Wetlands Permit
- Steep Slopes Permit
- Tree Removal Permit

For Official Use Only

PB No. _____

2017-23

Date Received 12/20/17

DEC 20 2017

Fee Paid \$250 #635

Copies 1
 Planning Board
 Town Board
 Zoning Board

1. Name of Proposed Development Caremount Medical -- Change of Use Legal Dept
2. Name of Applicant Richard Gladstone Phone 914-861-4600 DOTS Director
410 Gladstone Development Corp.
 Address 287 Bowmen Avenue, Purchase, NY 10577 A.R.C.
 Street No. & Name Town State Zip
3. Owner of Record The TSB GRAT #7, LLC Phone 914-861-4600 Applicant
 Address 2084 East Main Street, Cortlandt Manor, NY
 Street No. & Name Town State Zip
4. Engineer/Architect Edmund A. Cummo, Gemma & Associates Phone 914-862-0202
 Address 317 Elwood Avenue, Hawthorne, NY 10532
 Street No. & Name Town State Zip
5. Land Surveyor Rakesh Bahel of Summit Land Surveying P.C. Phone 914-629-7758
 Address 64 Virginia Avenue, Dobbs Ferry, NY 10522
 Street No. & Name Town State Zip
6. Attorney _____ Phone _____
 Address _____
 Street No. & Name Town State Zip
7. Site Location: On the north side of Route 6
 (direction) (street) 2084 East Main Street (Home & Health Bldg.)
 _____ feet _____ of _____
 (direction) (street)
8. Tax lot designation: Section: 24.13 Block 2 Lot(s) 10
9. Total Area: 47,119 sf No. of Lots 1 Sq. Ft. of Building 13,000 sf
 Zoning Dist. CD Proposed Use Medical Off. No. Of Parking Spaces 64
10. If this application is for a cluster-open space subdivision give date and
 Resolution number of Town Board authorization. Date: _____ Res. # _____

PLEASE CHECK APPROPRIATE SPACE: I consent to the extension of the 62-day public hearing review period.
 See instructions item # 4. YES _____ NO _____

MARY E BRENING
 Receiver of Taxes, Town of Cortlandt

CONFIRMATION ALL TAXES PAID: Makelle Jones Date: DEC 15 2017
 Receiver of Taxes

STATE OF ~~NEW YORK~~ CONNECTICUT) FAIRFIELD
 COUNTY OF ~~WESTCHESTER~~) SS
 TOWN OF ~~CORTLANDT~~) GREENWICH

I, Richard Gladstone hereby depose and say that all the above statements and the statements contained in the papers submitted
 (please print name)
 herewith are true.

[Signature]
 (signature)

Mailing Address 287 Bowmen Avenue
Purchase, NY 10577

SWORN to before me this

18th day of December, 2017

NOTARY PUBLIC Lisa Ann O'Connor

LISA ANN O'CONNOR
 NOTARY PUBLIC
 My Commission Expires 12/31/2018

CareMount Medical - Cortland Manor Location - 2882 East Main St.

SIMULATED RENDERING



Project Manager: Joe Reichert 845-331-8710 x1003
Drawn By: Paul Reichert 845-331-8710 x1003
 Underwriters Laboratories, Inc. Electrical to use U.L. Listed components and shall meet all N.E.C. Standards

Project: CareMount - Cortland Manor
File Title: CM-CortlandManor-Ext.ai
Date: December 20, 2017

Client Approval: _____
Date: _____

The original drawing and the artwork contained within is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Timely Signs of Kingston, Inc. or its authorized agents. Copyright 2017.



Elissa Diaz <elissalyn198088@gmail.com>

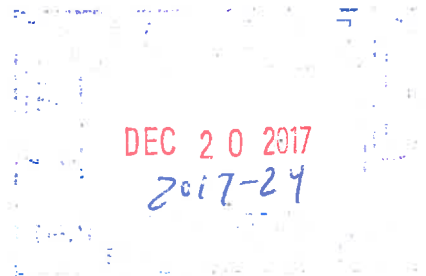
Hair Goddess

1 message

Elissa Diaz <elissalyn198088@gmail.com>
To: Elissa <elissalyn198088@gmail.com>

Thu, Dec 7, 2017 at 9:21 PM

Hair Goddess
Hair & Beauty Salon
10 Oakwood Drive
Peekskill N.Y. 10566



December 8, 2016

Loretta Taylor, Chairperson
Planning Board

Dear Chairperson Taylor,

This letter is regarding the retail space located at 2093 E. Main st, Cortlandt Manor, N.Y. 10567, The old flower shop also known as the Freight Liquidator Building.

I, Elissa Diaz- Laboy & partner, Lateasha McDuffie want to open a Hair & Beauty Salon in the above premises. We will be providing services such as, Cuts, Color, blowout, make-up, Lash & hair extension, & waxing. This salon will have a computer for appointment booking and service records of each of our clientele, as well a square POS Register at the front desk for point-of-sale purposes and a phone.

The salon will also have three Styling chair stations, two shampoo chairs, two hair dryers , a beauty spa salon bed, and a vanity station fitting two makeup chairs, and a product display.

I propose to be open Monday-Saturday 10 am to 8 pm and Sunday from 11 am to 6 pm. I anticipate having two full time employees and one part time employee. I am proposing new signage for the awning in front of the store but no other exterior changes.

If you have any questions please feel free to contact me at (845)743-4360

sincerely,

Elissa Diaz-Laboy
Lateasha McDuffie

- Copies 1 Planning Board
- Town Board
- Zoning Board
- 1 Legal Dept.
- 1 DOTS Director
- C.A.C.
- 1 A.R.C.
- Applicant
- _____
- _____
- Sent 12/20/17



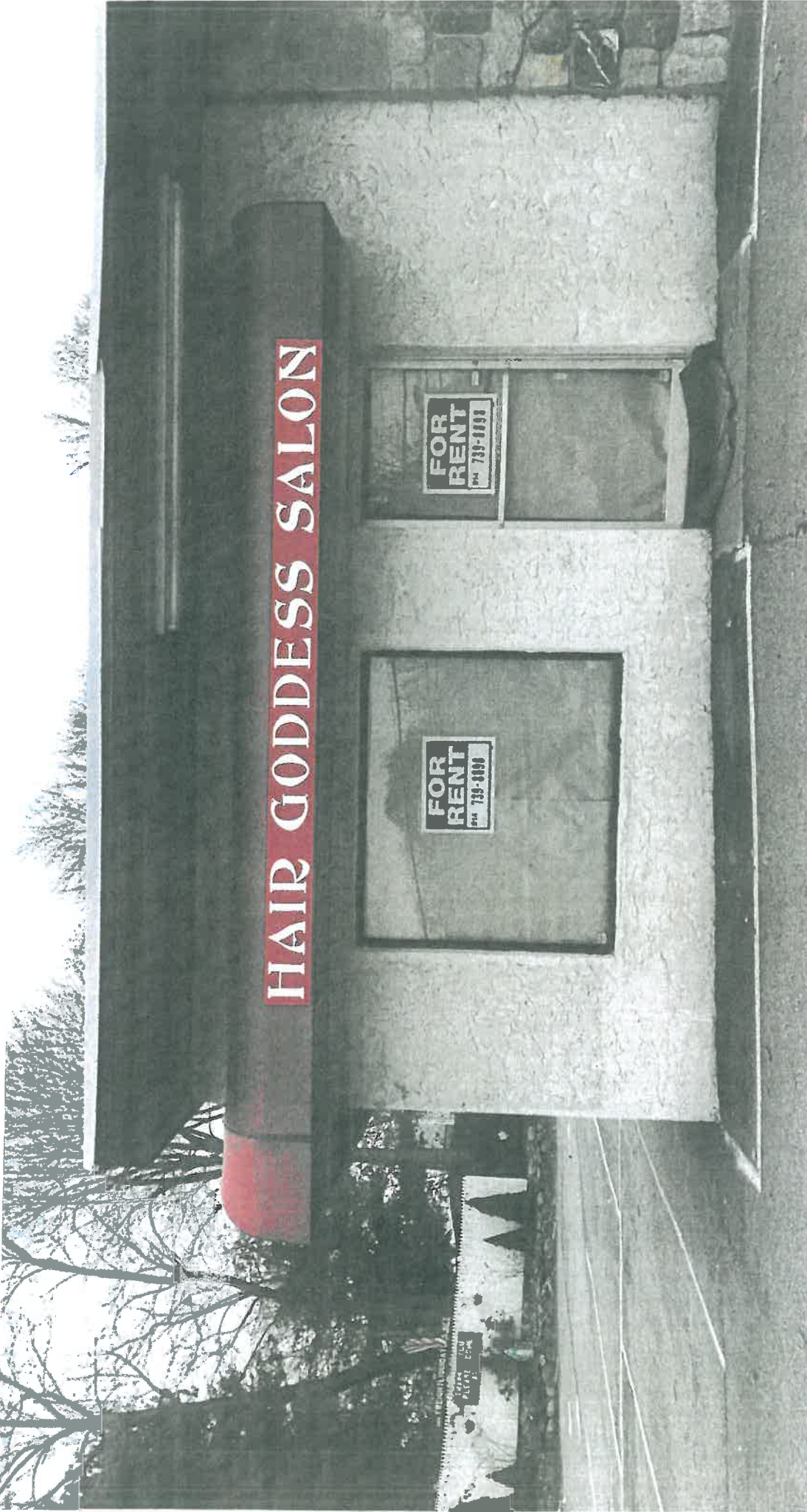
FOR RENT
739-8338

FOR RENT
739-8338

PARKING



ATTENTION!
PLEASE USE CURBS



12' x 12' Burgundy Aluminum with White Vinyl

10" FONT

HAIR GODDESS SALON



CUSTOMER: HAIR GODDESS

SALES: STEVE CHESTER

DESIGNER: JUSTIN MILLER

DATE: 12/5/2017

7
TOWN OF CORTLANDT
PLANNING BOARD APPLICATION
 Town Board

CHECK APPROVAL (S) REQUESTED

- Lot Line Adjustment
- Preliminary Subdivision
- Conventional
- Cluster-open space
- Final Subdivision
- Site Development Plan
- Site Development Plan Amendment
- Special Permit
- Wetlands Permit
- Steep Slopes Permit

- Zoning Board
 - Legal Dept.
 - DOTS Director
 - C.A.C.
 - A.R.C.
 - Applicant
- For Official Use Only:**
 PB No. 2017-25
 Date Received 12/20/17
 Fee Paid \$ 625.00

1. Name of Proposed Development LU LU PROPERTIES NY
2. Name of Applicant MR. KEVIN TOOTHEY, JP Phone 9149941698
 Address 0 TRAVIS AVE, MONTROSE, NY 10548
Street No. & Name Town State Zip
3. Owner of Record LU LU PROPERTIES NY Phone 9149941698
 Address 23 CYNTHIA RD CORTLANDT MAN, NY 10567
Street No. & Name Town State Zip
4. Engineer/Architect JOHN A. LENTINI, RA Phone 914737-2890
 Address 124 ALLAN ST CORTLANDT MAN, NY 10567
Street No. & Name Town State Zip
5. Land Surveyor SADEX & WATSON Phone _____
 Address 3063 RT 9 COLD SPRING NY 10516
Street No. & Name Town State Zip
6. Attorney _____ Phone _____
 Address _____
Street No. & Name Town State Zip
7. Site Location: On the NORTH side of TRAVIS AVE
(direction) (street)
0 feet WEST of ALBANY POST RD
(direction) (street)
8. Tax lot designation: Section: 54, 8 Block 3 Lot(s) 4
9. Total Area: 41,376 No. of Lots 1 Sq. Ft. of Building _____
 Zoning Dist. CC/R15 Proposed Use TAXI CAB OPERATION No. Of Parking Spaces 35
10. If this application is for a cluster-open space subdivision give date and Resolution number of Town Board authorization. Date: _____ Res. # _____

PLEASE CHECK APPROPRIATE SPACE: I consent to the extension of the 62-day Public Hearing and review period. See instructions item # 4.
 YES NO

CONFIRMATION ALL TAXES PAID: Mary E. Breining Receiver of Taxes, Town of Cortlandt.
 Date: _____
Receiver of Taxes

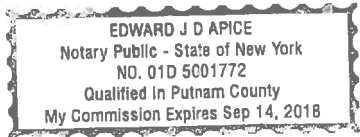
STATE OF NEW YORK:)
 COUNTY OF WESTCHESTER:) SS
 TOWN OF CORTLANDT)

I, KEVIN TOOTHEY hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address
23 Cynthia Rd
Cortlandt Man, NY
10567

SWORN to before me this 14 day of December, 2017
 NOTARY PUBLIC [Signature]

[Signature]



JOHN A. LENTINI ARCHITECT
pencilbase@aol.com

124 ALLAN STREET
CORTLANDT MANOR, NY 10567
914-737-2890

December 19, 2017

DEC 20 2017
2017-25

TOWN OF CORTLANDT
PLANNING BOARD
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Copies 1 Planning Board
..... Town Board
..... Zoning Board
..... 1 Legal Dept.
..... 1 DOTS Director
..... C.A.C.
..... A.R.C.
..... Applicant
.....
.....

Attn: Chair Person

Re: -0- Travis, Montrose, NY, 54.8-3-4, LuLu Properties, Actnowtaxi.

Dear Chair Person:

The owner of the referenced property, Kevin Toohey, seeks approval to develop his property to accommodate his livery cab service. Mr. Toohey provides transportation to medical clients for scheduled appointments. The public will not be able to obtain a ride from this site. The business has 30 cabs that include 15 unmarked sedans and 15 sedans that are modestly marked with Actnow Taxi service. All of the vehicles are late model and are serviced off site. The drivers will exchange their personal autos with the cabs between the hours of 6 AM to 6 PM. There may be minor activity between 6 PM and 11 PM. In any event it is not expected that many cars will be coming in and out all day. Other spaces will be required at the office to include barrier free access.

Sent 12/20/17

All calls are dispatched via cell phone when the cars are on the road. Once the cars leave they generally only return to be retired. The office hours will be 5 AM till 7 PM. Office activities include dispatching, medical billing and other clerical work associated with the business. The office structure design is residential in appearance, however, will contain no sleeping accommodations. The maximum amount of office employees expected is 5 persons, however, ordinarily there would be 2 to 4 persons working in the office.

The site is gently sloping up to the West from the West side of Albany Post Road that is a State road. The site is located on the Southwest corner of Travis Avenue and Albany Post Rd and is not presently improved. There has been recent clearing and clean up performed with approximately 25% of the site containing mature tree and shrubbery growth remaining. The plans have been prepared with the intention of maintaining most of the mature growth and to provide additional buffer planting. Upon completion there will be approximately 55% landscaping consisting of trees shrubs and lawn. Shrubby along Albany Post Road will remain and be enhanced so as to limit the view of the parked autos from the right of way. Buffer planting will be maintained in accordance with applicable Town Zoning Codes.

The parcel is within the CC zone to the East and the R15 zone to the West. The site borders an unimproved lot to the North that, also, contains the two zones and a residential lot to the South containing a residence on a lot within the two zones. The Western edge of the lot borders improved residential lots in the R15 zone. Westchester County GIS maps reveal that the site is within the Hudson River Critical environmental area that contains an area aligned with the Hudson River and runs from New York City to Putnam County. The site will be accessed from Travis Avenue to the South.

The site soil, at the Western portion of the site, has been tested and found suitable for the installation of an Individual Site Sewerage Disposal/Treatment System. Approvals from the County Environmental Health Department will be required. The site will require connection to Municipal Water supply that exists on Albany Post Road and will require approval from the Town and Water District.

Storm water runoff will be designed so as not to increase peak flows to the Town storm system. Grading will be performed in a manner so as not to allow storm water from running onto adjoining neighbor's property. Presently the site grade directs most run off to the right of way.

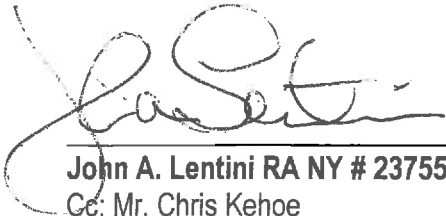
Site lighting will be designed so as to limit glare to the road or to neighboring properties. The switching and timing of site lights will be provided for the operation hours.

The structure and site design intends to comply with the Americans with Disability Act and will provide for barrier free access to the office.

I believe that it will be necessary to evaluate the site pursuant to Zoning Code section 307-48 that describes "Transitional Locations". Designation as a Transitional site is described within the code relative to side lot lines that the subject lot shares with lots that are also transitional. A decision may be required from the Zoning Review Board.

Respectfully

JOHN A. LENTINI ARCHITECT



John A. Lentini RA NY # 23755

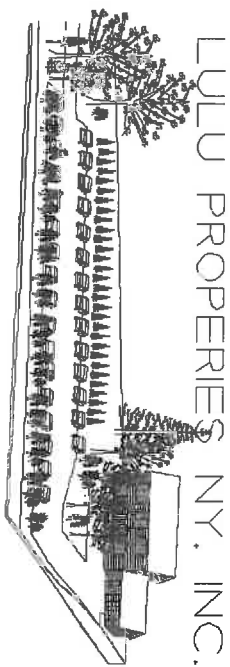
Cc: Mr. Chris Kehoe

Mr. Kevin Toohey



LULU PROPERTIES NY, INC.

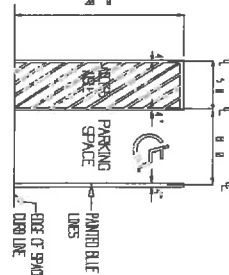
PERSPECTIVE VIEW



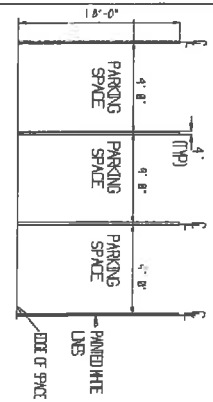
HANDICAPPED PARKING SIGN WHITE LETTERING W/ BLUE BACK-GROUND

PAVING BLUE LINES
-DOT OF 9" ON
CONCRETE FLOORING

HANDICAP SIGN DETAIL

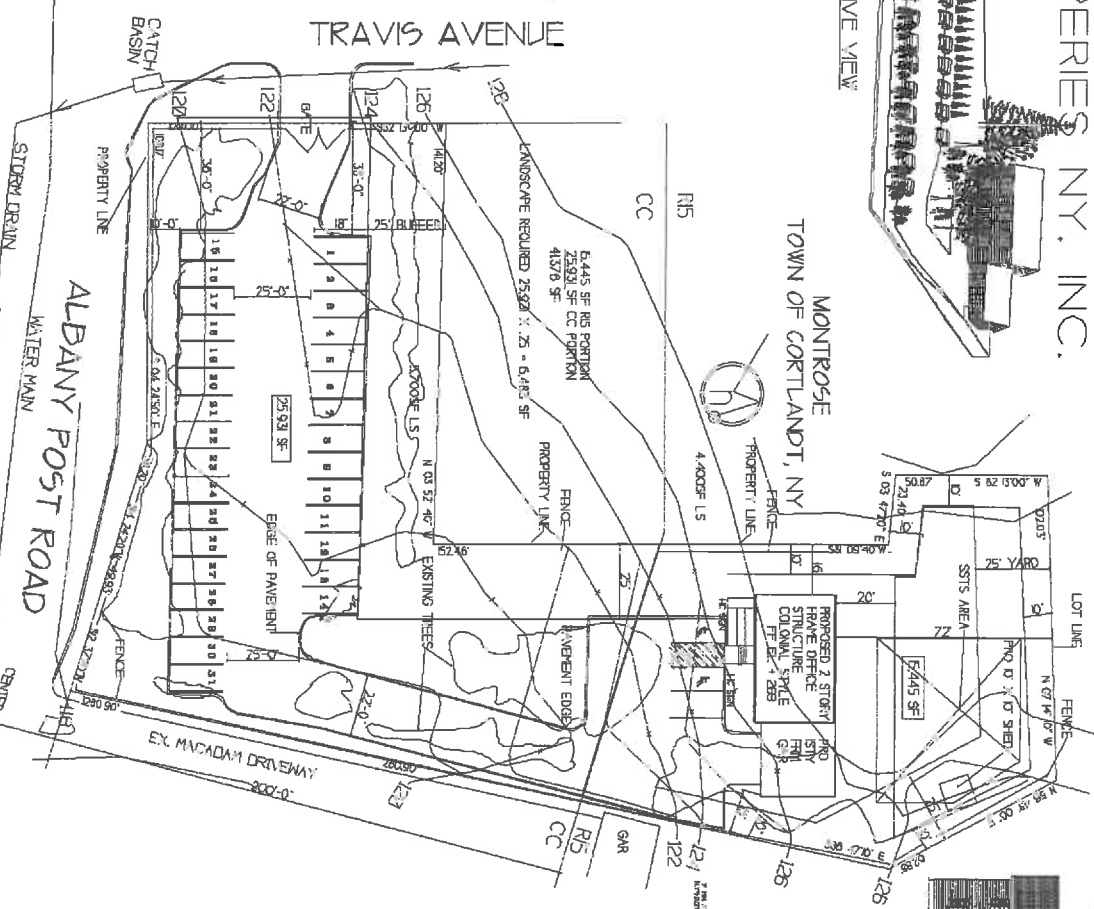


HANDICAPPED SPACE DETAIL



PARKING SPACE DETAIL

TOWN OF CORTLANDT, NY
MONTROSE



ALBANY POST ROAD

TRAVIS AVENUE

SCALE 1" = 20'-0"

NOTED: SITE PLAN PREPARED WITH BASE MAP AND LATERAL COUNTY GIS AND WESTHESTER COUNTY GIS

PARKING AND DRIVE SECTION



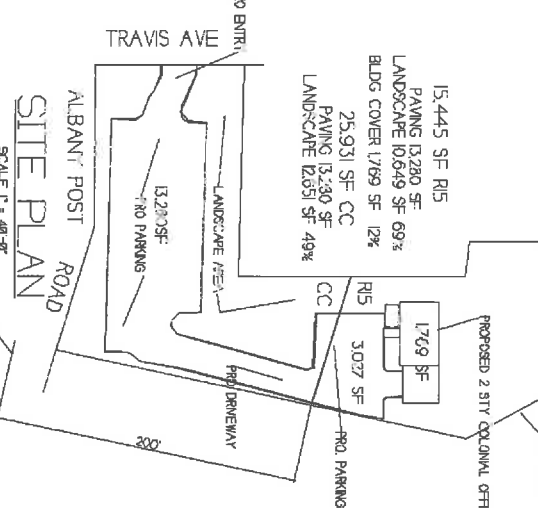
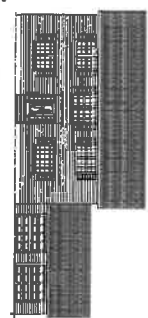
SHRUB PLANTING DETAIL



TREE PLANTING DETAIL



FRONT ELEVATION



ALBANY POST ROAD

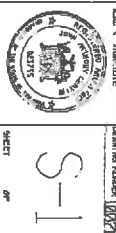
TRAVIS AVE

SCALE 1" = 40'-0"

15,445 SF R15
PAVING 13,280 SF
LANDSCAPE 10,649 SF 69%
BLDG COVER 1,799 SF 12%
25,931 SF CC
PAVING 13,280 SF
LANDSCAPE 12,651 SF 49%



NO.	REVISION	DATE	BY	CHKD.	APP'D.
1	ISSUED FOR PERMITS	10/15/15	JL	ML	
2	REVISED PER COMMENTS	11/10/15	JL	ML	
3	REVISED PER COMMENTS	11/10/15	JL	ML	
4	REVISED PER COMMENTS	11/10/15	JL	ML	



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ARCHITECT
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CORTLANDT, NY 13814
PHONE (607) 752-4800 FAX (607) 752-4815
WWW.JAL-ARCHITECTS.COM

LULU PROPERTIES NY, INC.
LOCATION
0 TRAVIS AVENUE
MONTROSE, NY

NO.	REVISION	DATE	BY	CHKD.	APP'D.
1	ISSUED FOR PERMITS	10/15/15	JL	ML	
2	REVISED PER COMMENTS	11/10/15	JL	ML	
3	REVISED PER COMMENTS	11/10/15	JL	ML	
4	REVISED PER COMMENTS	11/10/15	JL	ML	

NO.	REVISION	DATE	BY	CHKD.	APP'D.
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2	REVISED PER COMMENTS	11/10/15	JL	ML	
3	REVISED PER COMMENTS	11/10/15	JL	ML	
4	REVISED PER COMMENTS	11/10/15	JL	ML	

S-1

January 3, 2018

RE: Case #2017-25

Hearing Date: 1/9/18

RECEIVED
JAN 9 2018

DEPT. OF TECHNICAL SERVICES
PLANNING DIVISION

- Copies 1 Planning Board
- Town Board
- Zoning Board
- 1 Legal Dept.
- 1 DOTS Director
- 1 C.A.C. via e-mail
- A.P.C.
- Applicant
- _____

Dear Town of Cortlandt Planning Board,

My name is Gennelle MacNeil and I live at 12 Montrose Station Road, Montrose, NY 10548. 1/5/18
Sent _____

I understand that there is an Application under Case #2017-25 for a Livery Cab Service on the corner of Travis Avenue and Albany Post Road in Montrose under New Business for the January 9, 2018 meeting.

Please accept this letter to address my concerns as a resident, as I will not be able to attend the meeting as I will be out of state.

From the facts I have obtained regarding the Parcel located in the application the Zoning is CC (Community Commercial) and R-15 (Single Family Residential Districts).

According to the Town of Cortlandt Code Book, CC (Community Commercial) Zoning is defined as follows:

“CC Districts are designed to provide shopping facilities and services for persons residing in immediately adjacent areas. The sizes of businesses are restricted in order to limit traffic volumes to a level appropriate to the character of the districts.”

According to the Town of Cortlandt Code Book, HC (Highway Commercial) Zoning is defined as follows:

“HC Districts are designed to accommodate automobile-oriented commercial facilities serving a wide area.”

From knowledge gained from area residents speaking to the applicant directly, his intention is to develop this site into a parking lot/storage of 30 commercial vehicles in this lot.

As I can clearly interpret from the Town of Cortland Code, the intended use of the property stated by the property owner, does not meet the requirements of CC Zoning.

My arguments for this conclusion are as follows:

- 1) Community Commercial (CC) Zoning should be for shopping facilities or services for the immediate area. The local Montrose Community does not have a need for 30 taxi cabs.

It is clear that Montrose is a small hamlet, consisting mainly of residential homes. If a need arises for a car service, the trend is to access your Uber App on your phone and have a car pick you up at your house.

- 2) Commercial automobile oriented facilities, such as a Livery Cab Service, that service a wide area, such as neighboring areas of Peekskill, Croton, White Plains and Airports clearly as stated in your Town Code Book, should be located within a Highway Commercial (HC) Zone.

The two clearly stated points above referencing the Town of Cortlandt Code Book are my reasons to respectfully ask the Planning Board to reject the application before you.

The residents of Montrose deserve to have the three empty lots, the one in the discussed application, as well as the lots to the left and right of said application, only to be approved with appropriate Community Commercial businesses that will be in alignment with the character of the district. From past history the two adjacent lots, have been small businesses that serviced the local residents, a gas station and a video store. The taxpayers of Montrose, should not have to bear the brunt of commercial vehicles operating 24/7, 365 days a year, which provide NO NEEDED SERVICES to its residents. Appropriate CC Zoned businesses operate during normal business hours, respecting their residential abutting neighbors.

Sincerely,

Gennelle MacNeil