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REPLY TO:

Westchester office

November 22, 2022

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

RE: Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless Special Permit and Site Plan Application to Install a Public Utility Personal Wireless Facility at the Property Known as 52 Montrose Station Road, Town of Cortlandt, NY

Hon. Chair Taylor and Members of the Planning Board:

We are the attorneys for Homeland Towers, LLC (“Homeland Towers”) and New York SMSA Limited Partnership d/b/a Verizon Wireless (“Verizon Wireless”) (collectively, “Applicants”) in connection with a request for a special permit and site plan approval to install a public utility personal wireless facility (“Facility”) at the above captioned property (“Property”). The Facility consists of a 140 foot monopole telecommunications tower (“Tower”) with small panel antennas, together with equipment within a fenced compound at the base thereof.

The Town Code of the Town of Cortlandt (“Town Code”) provides in Chapter 277 (“Wireless Law”), that personal wireless facilities, such as the Facility, are permitted on the Property by special permit and site plan approval from the Town Planning Board. The Facility is proposed to be located toward the rear of the Property and will meet all of the applicable setbacks of the Town Code, such that no variances are required.

The Property consists of over 6 acres and is currently used for non-residential purposes. The Facility has been strategically located on a wooded portion of the 6 acre Property. The Facility will enable Verizon Wireless to remedy a significant gap in coverage in order for Verizon Wireless to furnish reliable wireless communications, including wireless 911 to the area. Verizon Wireless is licensed by the Federal Communications Commission to provide wireless communication services throughout the New York metropolitan area, including the Town of Cortlandt (“Town”).¹

¹ Please also note that wireless providers, like Verizon Wireless, have been deemed a public utility under New York law for zoning purposes and in connection therewith, a reviewing agency must consider the need for the Facility and that the broader public will be served by the Facility. See Cellular Telephone Co. v. Town of Oyster Bay, 166 F.3d 490, 494 (2d. Cir. 1999); Vill. of Floral Park Bd. Of Trs., 812 F.Supp.2d at 154; Cellular One v. Rosenberg, 82 N.Y.2d 364 (1993).

In response to comments from this Board and comments received by this Board in connection with the Facility, enclosed please find the following:

- 1) A letter from C Squared Systems, LLC (“C Squared”), dated November 21, 2022 (“November 2022 C Squared Letter”), is submitted herewith, which (i) confirms that the two site scenarios mentioned by this Board fails to provide coverage to a significant area that would have coverage from the proposed site; (ii) confirms that, as noted by this Board’s consultant, Michael Musso of Henningson, Durham & Richardson Architecture and Engineering, P.C. (“HDR”) at this Board’s November 1, 2022 public hearing, a facility at a private property on Dickerson Mountain would not provide coverage to the southern area of the existing significant gap in coverage, including the Valeria neighboring due to shadowing from Dickerson Mountain; and (iii) provides that the C Squared maps more accurately reflect the existing coverage than the maps on the FCC website.
- 2) A letter from Vincent Xavier of Homeland Towers, dated November 21, 2022 (“November 2022 HLT letter”) is submitted herewith, which is provided in response to this Board’s request for a review of existing tall structures, and confirms that there are no existing tall structures on which Verizon Wireless could collocate and provide the necessary coverage to the existing significant gap;
- 3) In response to a comment from Michael Musso of HDR, in a memorandum dated September 23, 2022 (“HDR September Memo”), noting that the “NYSDEC’s Environmental Mapper which depicts potential state-regulated freshwater wetlands and a small pond approximately 500 feet from the site”, submitted herewith is an email from the New York State Department of Environmental Conservation confirming that “the proposed project is not located within 100 feet of the DEC-regulated freshwater wetland P-3” and, therefore, “a permit is not required for this project”; and
- 4) In response to documents regarding proposed legislation in California and electrical fires in Malibu, California, submitted herewith are letters from the Lake Mohegan Fire District and Westchester County Fire Coordinator confirming that: (i) fires at telecommunication towers are not common; (ii) firefighters, including those in the Lake Mohegan Fire District serving the Property, are trained to deal with various types of fires including electrical fires; (iii) the conditions in Malibu, California are unique and different than the conditions in the Town of Cortlandt in Westchester County; and (iv) “fire safety is not a concern” for the proposed Tower.

At this Board's November 1, 2022 public hearing on this matter, it was requested that the Applicants summarize the application and the numerous detailed submissions provided in support thereof. In response to this Board's request, below is a summary of the information previously provided to this Board. However, we also refer this Board to all of the Applicants' prior submissions including, but not limited to, the most recent submissions to this Board, dated October 20, 2022, October 3, 2022, and August 24, 2022.²

The Application Complies with Wireless Law

The Applicants filed an application in compliance with the Town's Wireless Law. As noted above, the Facility is proposed to be located toward the rear of the Property and will meet all of the applicable setbacks, such that no variances are required.

In the HDR September Memo, HDR also confirmed that:

“the responses to comments and additional information provided by the applicants appear to be responsive, and the combined application materials / filings appear to be comprehensive and in accordance with the requirements of the Town's Wireless Code.”

See Page 33 of the HDR September Memo.

Moreover, pursuant to the documents provided with the Applicants' submissions to this Board, including but not limited to, drawings prepared by the Applicants' project engineer Scherer Design Group (“SDG”), last dated 9/28/22, the Applicants have demonstrated that the Facility is in compliance with applicable Wireless Law provisions.

The Need for the Facility Has Been Established

Through reports prepared by the Applicants' RF consultant, C Squared, and submitted to this Board as a part of the Applicants' submissions, the Applicants have detailed the significant gap in reliable wireless coverage in the vicinity of the Property using, among other things, drive test data. Through the numerous C Squared reports, the Applicants have also demonstrated that the location of the Facility at the Property will remedy that significant gap.

Based on the detailed information provided by the Applicants, in the HDR September Memo, HDR determined that:

- “[a] telecommunications facility consisting of a new tower located at the Montrose Station Road site, as proposed, will provide enhanced Verizon network services to the gap area.”

See Page 34 of the HDR September Memo.

- “[t]he applicant's RF engineer has provided technical information that attests to the need for the proposed tower location such that a gap in Verizon's coverage has been identified.”

See Page 18 of the HDR September Memo.

² Such prior submissions include, but are not limited to, detailed responses to Town/Board comments, neighbor's comments and comments from the neighbor's attorney, including case law raised by the neighbors' attorney.

- “[a]s depicted in the application materials and described in this Tech Memo, Verizon’s need to remedy a service gap appears to have been adequately documented.”

See Page 34 of the HDR September Memo.

Moreover, at this Board’s public hearings for this application, numerous individuals spoke about the impact of the significant gap in coverage on their lives and/or the lives of their family members and voiced their support of the Facility to this Board. The Facility will, among other things, enhance wireless communication services including vital emergency wireless 911 communications in the area.

The Applicants also provided evidence of the need for the Facility to be the proposed height of 140 feet. As determined in the HDR September Memo,

“[t]he height of the proposed monopole (140 ft above grade) appears to be reasonable based on (a) the heights of existing trees and the varying topography that exists in the area which could impede signal propagation; (b) the possibility of future co-location by other wireless carriers or Town antennas should the tower be approved and constructed; (c) the fact that FAA markings or lighting will not be required at the proposed height; and (d) Town Code Section 277-9(B) states that towers shall not exceed 140 ft in height.”

See Page 34 of the HDR September Memo.

There are No Other Locations Where the Facility Could be Located

The Applicants have already presented documentation confirming that there are no other feasible locations for the Facility, including, but not limited to, an Alternative Site Analysis from Vincent Xavier of Homeland Towers, dated October 20, 2022 (“Alternative Site Analysis”), regarding a review of alternative locations, which was submitted as an attachment to the Applicants’ October 20, 2022 submission. As concluded in the Alternative Site Analysis,

“[b]ased on the analysis of Verizon Wireless’ consultant and myself we have documented that the proposed site at 52 Montrose Station Road is in the best interests of the health, safety and welfare of the Town and its inhabitants and that there are no Town owned or non-residentially zoned properties that are suitable to provide the required coverage.”

See Page 12 of the Alternative Site Analysis submitted an attachment to Applicants’ October 20, 2022 submission.

Additionally, in response to this Board’s comments, a letter prepared by C Squared, dated October 20, 2022 (“October 2022 C Squared Letter”), was also submitted as an attachment to the Applicants’ October 20, 2022 submission. The October 2022 C Squared Letter provides coverage data with respect to several alternative locations reviewed, which letter concludes that “none of these proposed alternate sites provide adequate coverage to the significant gap which the proposed Site is intended to address.”

See page 1 of the October 2022 C Squared Letter submitted as an attachment to the Applicants’

October 20, 2022 submission.

Moreover, as detailed in the C Squared letter dated September 30, 2022 (“September 2022 C Squared Letter”), submitted as an attachment to the Applicants’ October 3, 2022 filing to this Board:

“the Site was strategically located to provide coverage to the existing significant gap in coverage, which includes areas from Valeria to the south to Chapel Hill Drive, Buttonwood Avenue and Greenlawn Road and the neighboring areas to the north, as well as a significant amount of area in between (including roads, homes, businesses and schools). It will also provide coverage for hikers in the Blue Ridge Mountain Park. None of the other alternatives proposed to this Board provide the same significant amount coverage as the proposed Site. Due to the topography in the area, many locations are not suitable, as coverage to areas would be blocked by the terrain.”

See Page 1 of the C Squared September 2022 Letter submitted as an attachment to the Applicants’ October 3, 2022 filing.

At this Board’s November 1, 2022 meeting, Mr. Musso of HDR also confirmed the Applicants’ findings. Via a presentation to this Board at said meeting, Mr. Musso detailed how the topography of the area impeded the coverage from alternative locations to the area of existing significant gap. During his presentation, Mr. Musso of HDR also provided details regarding why a third property that was referenced by the Board and Town Staff in the area of Dickerson Mountain was also not a feasible, less intrusive location that could provide the necessary coverage.³ As confirmed by Mr. Musso of HDR, that third property on Dickerson Mountain would not only have a greater environmental impact to steep slopes and tree removal, but it would also fail to provide the coverage needed in the southern part of the existing significant gap (including the Valeria neighborhood), since a part of Dickerson Mountain would block coverage from that area. As stated by Mr. Musso of HDR at the November 1, 2022 meeting, “some of the coverage further south southeast towards Valeria would be blocked by the mountain itself, where the existing site does get you some coverage past Dickerson Mountain based on its situation.” See November 1, 2022 Meeting Video starting at 53:35. Please also note that in the November 2022 C Squared Letter submitted herewith, C Squared “reviewed the topography of Dickerson Mountain in relation to the Valeria neighborhood and surrounding areas in the southeast and concur with Mr. Musso that a location on that suggested alternate private property on Dickerson Mountain would not provide coverage to those areas in the southeast (including Valeria) due to the “shadowing” that would occur from the existing terrain on the mountain.” See page 2 of the November 2022 C Squared Letter.

Moreover, HDR has also provided documentation to this Board confirming the Applicants’ conclusions, by detailing that there is no alternative location that would provide the necessary coverage to the existing significant gap:

³ The initial two properties reviewed on Dickerson Mountain were Town owned properties. The two Town owned properties are not feasible due to a deed restriction. See Page 5 of the Alternative Site Analysis submitted as an attachment to the Applicants’ October 20, 2022 submission.

“HDR has reviewed the attestations made and technical information filed by the applicant with regard to site selection and the lack of available alternative sites and feels that the information presented is reasonable in justifying that potential alternative sites are not viable to provide the coverage needs as identified by Verizon.”

And

“HDR also used its own site reconnaissance including desktop reviews and general knowledge of the area in its review of the applicant’s filed materials. As such, the location at 52 Montrose Station Road (as proposed) appears reasonable based on a lack of viable alternatives or higher priority sites in the area to meet the applicant’s current service needs.”

See Page 19 and Page 20 of the HDR September Memo, respectively.

The Facility Has Been Located to Have the “Least Practical Adverse Visual Impact”

As detailed in the Applicants’ filings provided to this Board, the Facility was redesigned in connection with comments from this Board, Town staff and the Town’s consultants, to have the least practical adverse visual effect on the environment and its character, and the residences in the area of the Facility in compliance with the Wireless Law.

As noted in the HDR September Memo, “[t]he proposed tower’s re-design (from lattice tower to monopole) resulted in the following major changes:

- o Change in tower style from self-support lattice tower to conventional monopole.
- o Reduction in tower elevation by approximately 35-ft (ground elevation at the original tower base was ±445-ft amsl and at the new tower location is ±410-ft amsl).
- o Reduction in footprint of equipment compound from 1,425 square feet to 930 square feet. Tower now located within compound.
- o Reduction in proposed quantity of trees to remove (from 35 to 19).
- o Tower moved farther from side yard”.

See Page 34 of the HDR September Memo.

In addition to redesigning the Facility, the Applicants have also submitted stealth design options for this Board’s review. In response to a previous request from HDR, Saratoga Associates (“Saratoga”) provided two simulations of the Tower in its Visual Resource Assessment, dated August 18, 2022 (“2022 VRA”), which was submitted with the Applicants’ August 24, 2022 filing to this Board; one using the proposed galvanized gray color and another using a matte brown color. In response to an additional request by HDR, a third option (a tower camouflaged with a stealth tree design), is shown on the additional visual simulations prepared by Saratoga. See the Saratoga Letter, dated September 29, 2022, previously submitted to this Board as an attachment to the Applicants’ October 3, 2022 submission.

The Tower Will be Screened by Vegetation

As detailed in the 2022 VRA, “the Facility is substantially or fully screened by dense woodland vegetation beyond the immediate Facility area.” See Page 6 of the 2022 VRA. Moreover, the Town’s consultant, HDR, reviewed the 2022 VRA and noted that “Saratoga concludes that in most cases visibility from residential areas will be blocked by vegetation even during winter, “leaf off” months and that visibility from local roads will be limited to occasional views where gaps in roadside vegetation exist.” HDR found that Saratoga’s “conclusions appear reasonable based on HDR’s field observations and the results of the balloon visibility test.” See Page 30 of the HDR September Memo.

Moreover, Saratoga found that “[w]hen considered within the framework of the DEC Visual Policy’s definition of ‘significant adverse visual impact’, it is clear the Facility will not cause a diminishment of the public enjoyment and appreciation of any scenic or historic resource, or one that impairs the character or quality of such a place. As such, the proposed Facility will not result in any adverse visual impact to the area.” See Page 12 of the 2022 VRA, which was submitted with the Applicants August 24, 2022 filing.

As explained by HDR, the “DEC’s Visual Policy provides a framework for the determination of visual significance and impacts for the SEQRA process (on multiple project types, not solely telecommunications towers) when DEC is the lead agency. However, it is advisory and commonly utilized by other lead agencies for visual assessments. The policy provides a definition of what an aesthetically significant place is (“A place that is formally designated and visited because of its beauty” – e.g., national or state parks, scenic roads, listed or eligible historic places, landmarks, state or federal trails, etc.) and that the intent of the policy is to address places that are open and accessible to the public (e.g., not private land).” See Page 29 of the HDR September Memo.

Property Values

As stated in the conclusion of the Property Valuation Report, dated September 15, 2022 (a/k/a “Lane Appraisal Report”), prepared by Paul A. Alfieri III, an MAI appraiser from Lane Appraisals, Inc, previously submitted to this Board with Applicants’ October 3, 2022 submission, “the installation, presence, and/or operation of the proposed Facility will not result in the diminution of property values or reduce the marketability of properties in the immediate area,” based on properties in Westchester County and the surrounding area with views of towers. See Page 3 of the Lane Appraisal Report.⁴ As detailed in the Lane Appraisal Report, such report uses actual sales data to support its conclusion.

⁴ Property Valuation Reports submitted by Lane Appraisals have been upheld by New York State and federal courts and have been found to be an accurate method to demonstrate whether a cell tower would impact nearby property values to the extent it is even a relevant consideration. See Orange County-Poughkeepsie Ltd. Partnership v. Town of E. Fishkill, 84 F. Supp. 3d 274, 291 (S.D.N.Y. 2015), aff’d sub nom. Orange County--County Poughkeepsie Ltd. Partnership v. Town of E. Fishkill, 632 Fed. Appx 1 (2d Cir 2015) (“Plaintiffs submitted a report by Edward J. Ferrarone, a certified appraiser employed at Lane Appraisals, Inc., Real Estate Valuation Consultants”). See the Applicants’ October 3, 2022 submission for additional case law where the Court relied on Property Valuation Reports submitted by Lane Appraisals.

Letters in opposition were submitted to this Board from neighbors and real estate brokers and/or realtors making conclusory assertions and putting forth generalized concerns that the Facility will have an adverse impact on property values. It is important to note that generalized concerns regarding a potential decrease in property values cannot be relied upon in the face of an expert report, such as the Property Valuation Reports from Lane Appraisals, which contradicts such generalized concerns. See Cellular Tel. Co. v. Town of Oyster Bay, 166 F.3d 490 (2d Cir. 1999); See also, Sprint Spectrum, L.P. v. Cestone, at 11 (“[g]eneralized concerns about a potential decrease in property values stemming from the construction of the proposed communications antenna, especially in light of the expert reports contained in this record before the Court, are not adequate to support the conclusion that a special use permit should be denied”). Please also note that concerns related to perceived environmental and health effects from radio frequency emissions cannot be disguised as property value concerns as “the TCA bars reliance on fear of declining property values because this rationale is actually a proxy for the impermissible ground of environmental effects.” Cellular Tel. Co., at 496.

Conclusion

The instant application is for a special use permit. A special permit use is permitted as of right when the applicant has demonstrated compliance with the applicable standards. See Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 N.Y.2d 238, 331 N.Y.S. 2d 645 (1972). It is respectfully submitted that the Facility conforms to the requirements of Section 277 of the Town Code a/k/a Wireless Law and Section 274-b of New York State Town Law. As demonstrated above and in the Applicants’ prior submissions, as well as through comments and documents from the Town’s consultant, HDR, the Applicants have demonstrated compliance with the applicable standards of the Wireless Law and the requested approvals should be granted forthwith.

Additionally, we remind the Town that the Telecommunications Act requires that the Town not take any action, or enforce any Town Code section, that prohibits or effectively prohibits the provision of personal wireless services. 47 USC §§ 253(a) & 332(b)(i)(II). The FCC in the Third Report and Order clarified that the significant gap plus least intrusive means standard is no longer applicable and that a carrier need only to demonstrate that a municipality is materially inhibiting the provision of wireless services. See In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018), (hereinafter referred to as the “Third Report and Order”); See also, City of Portland v. United States, 969 F.3d 1020, (9th Cir. 2020), cert denied sub nom. City of Portland, Oregon v. Fed. Communications Commn., 141 S. Ct. 2855 (2021) (upholding the Third Report and Order’s materially inhibit standard.) The FCC clarified that “an effective prohibition occurs where a state or local legal requirement materially inhibits a provider’s ability to engage in any of a variety of activities related to its provision of a covered service. This test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities.” Third Report and Order, at 9104-9105. Furthermore, “a state or local legal requirement could materially inhibit service in numerous ways—not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of

existing services. Thus, an effective prohibition includes materially inhibiting additional services or improving existing services.” Third Report and Order, at 9105; See also, New Cingular Wireless PCS, LLC v. Town of Colonie, 20-CV-1388 (NAM/ATB), 2022 WL 1009436, (N.D.N.Y. Mar. 31, 2022) (“[t]he FCC has stated that the ‘materially inhibit’ standard is the appropriate standard for determining whether a State or local law operates as a prohibition or effective prohibition within the meaning of Sections 253 and 332.”)

Please also note that it is well established law that “in order to establish public necessity, ‘the carrier must demonstrate not that the proposed facility was the ‘least intrusive means,’ but rather that the proposed facility was ‘more feasible than other options.’” District courts in [the 2nd Circuit] have generally concluded that “[i]f the [wireless carrier] makes the required showing, which necessarily means the record is devoid of substantial evidence to support a denial, the [application] must [be granted].” UP State Tower Co., LLC v. Town of Tonawanda, New York, 118CV00952LJVMJR, 2020 WL 8083693, [W.D.N.Y. Nov. 18, 2020], report and recommendation adopted, 18-CV-952-LJV-MJR, 2021 WL 50906 [W.D.N.Y. Jan. 6, 2021], at 11, citing Vill. of Floral Park. (Emphasis added). We respectfully submit that the Applicants have made such a demonstration and that the record is completely devoid of any available viable alternative to address the gap in service, other than the proposed Facility at the Property. Without the Facility, Verizon Wireless will be materially inhibited or limited from providing its personal wireless services in the Town.

As detailed above, and in the Applicants’ prior submissions to this Honorable Board, the Applicants have demonstrated that there is an existing significant gap in coverage in the vicinity of the Property and confirmed that the proposed Facility is the only feasible location to provide the necessary coverage to the existing significant gap in the vicinity of the Property. The Applicants have also demonstrated compliance with the applicable standards of the Wireless Law. Therefore, the requested approvals should be granted forthwith.

Respectfully submitted,
Snyder & Snyder, LLP

By: 
Michael P. Sheridan

Enclosures

MS:sm

cc: Verizon Wireless

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NOVEMBER 2022 C SQUARED LETTER



November 21, 2022

C Squared Systems, LLC (“C Squared”), a firm specializing in radio-frequency engineering and wireless communication networks, submits this report in connection with the Applicants (Homeland Towers, LLC and Verizon Wireless) application for a public utility wireless telecommunication facility (“Facility”) at 52 Montrose Station Road, Cortlandt, New York (“Proposed Site”). The Facility will consist of a 140 foot monopole with related equipment at the base thereof.

Two-Site Scenario

The Board requested that the Applicants explore a two-site scenario with reduced antenna heights. A propagation map of the area with the Water Treatment and Chapel Hill Alternates at 85 feet above ground level at -95 dBm is attached hereto as Exhibit A. The resultant coverage is much more “patchy”, leaving large areas in the existing significant gap without coverage, compared to the more continuous coverage provided by the Proposed Site at -95 dBm (the hatched area on Exhibit A), particularly in areas adjacent to the Proposed Site.

After calculating the area of new coverage from the proposed site (“Proposed Site Coverage Area”), I was able to determine that the two-site scenario will only provide coverage to 40% of the Proposed Site Coverage Area at -95 dBm. Therefore, the two-site scenario will fail to cover 60% of the Proposed Site Coverage Area at -95 dBm. (See the table below for the difference in coverage at both -85 and -95 dBm.) While the Water Treatment and Chapel Hill sites may combine to provide some additional coverage to the north and south of the significant coverage gap at issue, they fail to fully address the Proposed Site Coverage Area, specifically in those areas between (in the middle of) those two sites.

Coverage from Proposed Site (Proposed Site Coverage Area) NOT Duplicated by Water Treatment and Chapel Hill at 85 feet AGL	
	% Area
-85 dBm	73%
-95 dBm	60%

Dickerson Mountain

In response to comments regarding a suggested alternative private property on Dickerson Mountain, this Board's consultant, Michael Musso of HDR, determined that such property would not provide the necessary coverage to the existing significant gap. Mr. Musso stated to this Board at this Board's November 1, 2022 meeting, that "some of the coverage south southeast towards Valeria would be blocked by the mountain itself, where the existing site does get you some coverage past Dickerson Mountain based on its situation." See November 1, 2022 Meeting Video starting at 53:35. Please be advised that I have reviewed the topography of Dickerson Mountain in relation to the Valeria neighborhood and surrounding areas in the southeast and concur with Mr. Musso that a location on that suggested alternate private property on Dickerson Mountain would not provide coverage to those areas in the southeast (including Valeria) due to the "shadowing" that would occur from the existing terrain on the mountain.

FCC Maps

Please note that the FCC recently updated its broadband maps on its website. As you recall these maps were discussed at this Board's meeting on November 1, 2022. As I noted in my previous submission, the FCC's mapping program is standardized by the FCC to serve the FCC's administrative purposes to allocate funding for broadband, not to be used by wireless operators to design their networks. Their goal is uniformity in order to compare networks, not absolute accuracy.

As noted throughout the FCC website when referring to the maps recently released, such maps are "draft" maps. As indicated in the press release accompanying the maps, "[o]ur pre-production draft maps are a first step in a long term effort to continuously improve our data as consumers, providers and other share information with us." Per the FCC: "The map will be updated continuously to improve its accuracy through a combination of FCC verification efforts, new data from Internet providers, updates to the location data, and—importantly—information from the public."

Finally, the FCC provides that "the map does not include information on the availability of mobile wireless broadband service while indoors... and that on-the-ground experience may vary due to factors such as the end-user device used to connect to the network, cell site capacity, and terrain."

The data presented in the FCC maps is very coarse compared to the data presented by C Squared. The smallest hexagons indicated on the FCC mapping system are roughly ¼ mile in diameter. Compared to the FCC hexagons, the 30 meter (33 yard) bins used by C Squared result in over 100 times as many data points as the FCC data. Therefore, the data provided by the FCC does not delve into as much detail as the C Squared maps, prepared with drive test data. C Squared's maps more accurately reflect the existing coverage, since unlike the FCC maps, the C Squared maps are more detailed, based on drive test data and factor in the existing terrain and the significant impact it has on blocking coverage from existing sites.

Conclusion

As detailed herein and in our previous reports, C Squared has demonstrated that Verizon Wireless has a significant gap in coverage in the Town of Cortlandt and the proposed Facility at the Site (52 Montrose Station Road) will remedy that significant gap in coverage. Moreover, there is no feasible alternative to the proposed Facility at the Site which would remedy the significant gap in coverage. Therefore, it is respectfully submitted that the proposed Facility at the 52 Montrose Station Road site should be approved forthwith.

SUBMITTED BY:

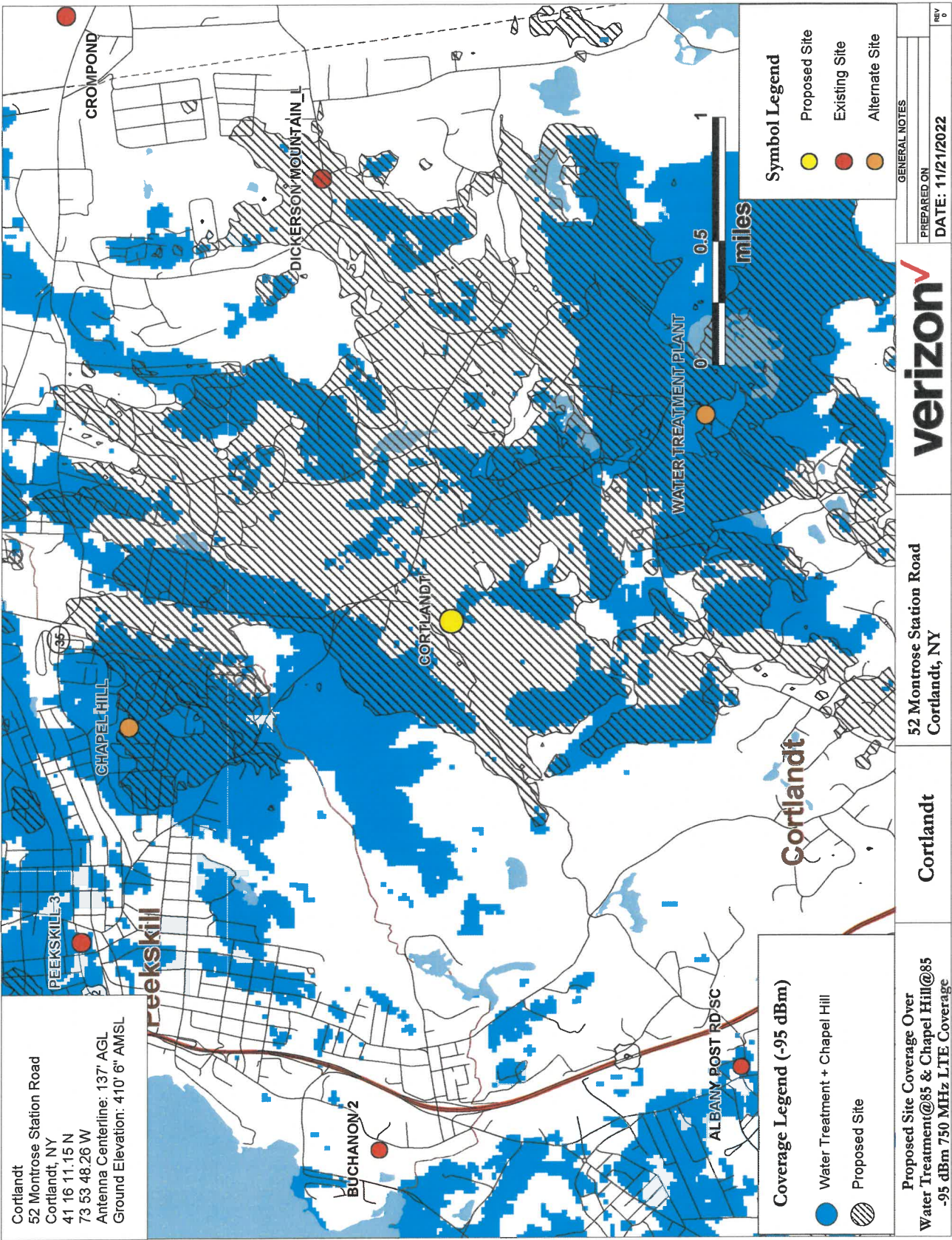
A handwritten signature in black ink, appearing to read "Martin J. Lavin". The signature is written in a cursive, flowing style.

Martin J. Lavin

Senior RF Engineer

Date: November 21, 2022

EXHIBIT A



Cortlandt
 52 Montrose Station Road
 Cortlandt, NY
 41 16 11.15 N
 73 53 48.26 W
 Antenna Centerline: 137' AGL
 Ground Elevation: 410' 6" AMSL

Coverage Legend (-95 dBm)
 Water Treatment + Chapel Hill
 Proposed Site

Symbol Legend
 Proposed Site
 Existing Site
 Alternate Site

Proposed Site Coverage Over
 Water Treatment@85 & Chapel Hill@85
 -95 dBm 750 MHz LTE Coverage

Cortlandt
 52 Montrose Station Road
 Cortlandt, NY



GENERAL NOTES
 PREPARED ON
 DATE: 11/21/2022
 rev
 no

NOVEMBER 2022 HLT LETTER



HOMELAND TOWERS

November 21, 2022

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

RE: Supplement to Alternative Site Analysis- 52 Montrose Station Road, Cortlandt (NY079)

Honorable Chairperson Taylor and Members of the Town of Cortlandt Planning Board:

Homeland Towers, LLC ("Homeland Towers") and New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") (collectively, "Applicants") have requested a special permit and site plan approval to install a public utility personal wireless facility at 52 Montrose Station Road ("Proposed Site"). In connection with the Proposed Site and in addition to the alternative locations reviewed in my Alternative Site Analysis, dated October 20, 2022, the Town requested that the Applicants show all of the existing tall structures in the area and confirm that collocation could not provide the much need coverage to the existing significant gap.

Pursuant to this Board's request, attached hereto as Exhibit A is a map showing the existing tall structures in the area. The red circle represents a 4 mile radius around the proposed site which is identified with a white star. The red and green icons identify the location of existing towers or other structures. Those structures on which Verizon Wireless is already currently located are colored green. As indicated on the map, there are no existing tall structures in significantly closer proximity to the existing significant gap on which Verizon Wireless can collocate to the provide the necessary coverage. As shown on the map, to the extent Verizon Wireless is not on an existing structure, it is on an adjacent structure or in relatively close proximity, such that the alternate locations are subject to similar distance and topography and would also fail to provide coverage to the existing significant gap.

A community member, Mr. Fein, has alleged that AT&T has suitable coverage in this area. Based on his discussions with AT&T and utilization of cellmapper.net, he identified four sites that AT&T is currently installed on and asked if Verizon could simply collocate on the facilities at those locations to provide coverage to the existing gap. As detailed below, Verizon is already located either at the same location or within very close proximity to the four sites mentioned, and they do not provide coverage to the existing significant gap.

1. **Wheelabrator Facility** -AT&T currently has a facility on the rooftop of the Wheelabrator facility located at 3 John Walsh Blvd. Verizon is currently installed on a tower approx. 1400ft to the East which is closer to the existing gap in service.
2. **181 Benefield Blvd.** - AT&T is currently installed upon a water tank at this location. Verizon is location on a similar water tank within the same community only 1800 ft away to the East.

3. **Crompond Road-** There is an existing tower located on Crompond Road behind the Yorktown Golf and Baseball Center. Both AT&T and Verizon are located upon this tower.

4. **Cortlandt Train Station-** I am not aware of and could not identify an existing tower at the Cortlandt Train Station. The nearest telecommunications facility to the Cortlandt Train Station is the existing water tanks at the Montrose VA Hospital. Verizon is already located on those water tanks. If Mr. Fein instead meant the Croton Train station, there is an existing tower there. Verizon is already currently installed on this tower as well.

Moreover, as indicated in my Alternative Site Analysis and in the C Squared letter, both dated October 20, 2022, and both previously submitted to this Board, the Applicants reviewed numerous sites in closer proximity to the existing significant gap than any of the existing tall structures, including those mentioned by Mr. Fein, and even those locations could not provide the same comprehensive coverage to the existing significant gap as the proposed site. Therefore, there is not an existing tall structure on which Verizon Wireless could collocate to provide the necessary coverage to the existing significant gap.

As such, we respectfully ask that you grant the permit.

Sincerely,



Vincent Xavier
Regional Manager
Cell: 914-879-9172
VLX@homelandtowers.us

EXHIBIT A



**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION EMAIL**

From: Pawliczak, Sarah A (DEC) <Sarah.Pawliczak@dec.ny.gov>
Sent: Tuesday, November 1, 2022 3:25 PM
To: Vincent Xavier; Anthony Rekosik
Cc: Steve Krug; Michael Sheridan; Jan Johannessen
Subject: RE: DEC Wetlands Review Request - 52 Montrose Station Road, Cortlandt NY

EXTERNAL EMAIL.

Hi Vincent,

I apologize for the delay. The proposed project is not located within 100 feet of the DEC-regulated freshwater wetland P-3. Therefore, an Article 24 permit is not required for this project.

Thank you,

Sarah Pawliczak (she/her/hers)
Biologist, Bureau of Ecosystem Health
New York State Department of Environmental Conservation
21 South Putt Corners Road, New Paltz, NY 12561
P: (845) 256-3050 | sarah.pawliczak@dec.ny.gov
www.dec.ny.gov |



Department of
Environmental
Conservation



**LETTERS FROM
LAKE MOHEGAN FIRE DISTRICT AND
WESTCHESTER COUNTY FIRE COORDINATOR**

Lake Mohegan Fire District

BOARD OF FIRE COMMISSIONERS

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TREASURER
INTERIM SECRETARY

November 14, 2022

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

RE: Wireless Telecommunications Tower at 52 Montrose Station Road, Cortlandt, NY

Dear Hon. Chair Taylor and Members of the Planning Board:

I am the Career Captain of the Lake Mohegan Fire District. I am writing to address comments and submissions made to this Planning Board regarding the ability of the Lake Mohegan Fire District and surrounding Fire Districts/Departments to respond to a hypothetical fire at a wireless telecommunications tower.

It is important to note that the Fire District has a wireless telecommunications tower on one of our properties (260 Croton Avenue, Cortlandt Manor, NY). Had this Fire District determined that such towers were a fire safety concern, then the Fire District would not have entertained the installation of such a structure on one of our properties.

Based on experience and review of applicable resources, it is our experience that fires at wireless telecommunications towers are rare occurrences. If one ever does occur, this Fire District and those in the surrounding area have the training to respond appropriately to such occurrence.

We understand that there was a specific comment regarding a firefighter's ability to deal with fires that have an electrical component. Please be advised that this Fire District, as well as the surrounding Districts/Departments have trained with Con Edison to be able to respond to fires at its numerous electrical transformers throughout Westchester County. We have also been trained with regard to, and deal with on numerous occasions, down power lines, especially after major storms. Therefore, this Fire District has been extensively trained on how to deal with fires/situations that have an electrical component and has practical experience in dealing with same.

I also reviewed documents (a letter dated April 26, 2021 and report updated on May 8, 2022) with regard to fire concerns in Malibu, California. It appears that such documents are specific to the situation in Malibu, California, as the letter and report detail the unique geographic location, climate, and specific California regulations as factors, all of which are not applicable to this situation. With regard to the limited examples noted in those

document that involved fires not in California, according to the details contained in the documents, all were safely contained without the fire spreading any further. I would also note that none of the examples contained in those documents were from New York State. I cannot speak to the Fire Codes of those other states and can only comment that under the rigorous standards on the New York State Fire Code, the proposed tower is not considered a fire hazard.

I also wanted to mention that the Fire District has been known to rely on wireless services for various reasons, including to coordinate efforts to respond to emergencies. We are also aware that the public uses wireless services to communicate, including about emergencies. Consequently, any additional coverage that can be provided to those areas where there is not coverage within the Fire District is welcomed by the Lake Mohegan Fire District as a benefit to overall public safety.

In conclusion, it is our opinion that fire safety is not a concern with regarding to the proposed wireless telecommunications tower.

Sincerely,

A handwritten signature in black ink that reads "Thomas Eade". The signature is written in a cursive style with a horizontal line above the first few letters.

Thomas Eade
Captain



George Latimer
County Executive

Department of Emergency Services

Richard G. Wishnie
Commissioner

Susan B. Spear
Deputy Commissioner

November 14, 2022

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

RE: Wireless Telecommunications Tower at 52 Montrose Station Road, Cortlandt, NY

Dear Hon. Chair Taylor and Members of the Planning Board:

I am the Westchester County Fire Coordinator. I am writing to address comments and submissions made to this Planning Board regarding the ability of the Lake Mohegan Fire District and surrounding Fire Districts/Departments to respond to a hypothetical fire at a wireless telecommunications tower.

To my knowledge, there has never been a fire involving a telecommunications tower within Westchester County. However, the Westchester County Department of Emergency Services – Fire Training Center works collaboratively with utility companies to train firefighters. Our facility trains all 58 fire departments within the County as well as some in the surrounding counties. We work extensively with Consolidated Edison to develop training programs that are specific to electrical, gas, and transformer fires. This training is included in the Career Fire Academy curriculum, which the career staff of the Mohegan Lake Fire District has received, as well as their mutual aid partners in the City of Peekskill Fire Department.

I also reviewed documents (a letter dated April 26, 2021 and report updated on May 8, 2022) with regard to fire concerns in Malibu, California. These documents are specific to California, as the letter and report detail the unique geographic location, topography, climate, and dry vegetation. In the Northeast, we do not experience the same dry weather patterns. Most of the examples of fires provided in the documents were safely contained, and exposures were controlled.



The site where this tower will be located is close to the County's Blue Mountain Park. Having better cellular service in this area will only enhance public safety of those utilizing the County Park. If there was a lost or injured hiker or park user, and they were in a non-cellular covered area, they either would not be able to call for help, or have to send someone to get help. This takes time they might not have if they were injured. Furthermore, without having cell service, emergency responders would waste countless time trying to locate the victim without being able to pin the phone location.

In conclusion, it is my opinion that fire safety is not a concern with regarding to the proposed wireless telecommunications tower, but would significantly increase public safety in the area.

Thank you,

A handwritten signature in black ink, appearing to read 'Neil Caputo', with a long horizontal flourish extending to the right.

Neil Caputo
Program Coordinator (Fire Services)
Westchester County Fire Coordinator