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October 20, 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").

In response to comments from this Board and comments received by this Board in connection with the application, including comments received from Andrew Campanelli, an attorney for certain neighbors, titled "Supplemental Memorandum in Further Opposition" (hereinafter, "Further Opposition Memo"), enclosed please find the following:

- 1) A letter from C Squared Systems, LLC ("C Squared"), dated October 20, 2022 ("October 2022 C Squared Letter"), provided in response to, among other things, this Board's request for a review of alternatives;
- 2) A Site Analysis Report from Vincent Xavier, of Homeland Towers, LLC, dated October 20, 2022 ("Alternative Site Analysis"), provided in response to this Board's request for a review of alternatives;
- 3) FAA Determination of No Hazard to Air Navigation; and
- 4) A letter from EBI Consulting, dated October 20, 2022, regarding the SHPO concurrence.

At this Board's October 11, 2022 public hearing on this matter, it was decided that any documents in opposition to the application would be provided to the Town Planner by October 14, 2022. The Further Opposition Memo and a letter from a neighbor, Mr. Jonathan Fein, dated October 18, 2022, should not be considered by this Honorable Board, as they were submitted after the agreed upon deadline. The Further Opposition Memo was not submitted until October 17, 2022, three days late, and Mr. Fein's letter was not submitted until October 18, 2022, four days late. Notwithstanding, to the extent this Board decides to consider same, please note the following in response to those documents, as well as other comments discussed at this Board's October 11, 2022 public hearing.

The Application Complies with Wireless Law

As we noted previously, 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 memo from the Town's consultant, Michael Musso of Henningson, Durham & Richardson Architecture and Engineering, P.C. ("HDR"), dated September 23, 2022 ("HDR September Memo"), HDR 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.

The Need for the Facility Has Been Established

The Further Opposition Memo restates much of what was in the prior opposition memo, dated August 28, 2022, submitted by Mr. Campanelli ("Prior Opposition Memo"), with continued

efforts to cloud the record with misleading statements regarding the existing significant gap in coverage that the Facility has been strategically located to alleviate. Please also see the Applicants response to the Prior Opposition Memo, included a part of the Applicants' October 3, 2022 submission ("October 3rd Submission").

The Further Opposition Memo again references ExteNet Systems, Inc. v. Village of Flower Hill. In response to the Prior Opposition Memo, C Squared already submitted a letter, dated September 30, 2022 ("September 2022 C Squared Letter") with the October 3rd Submission, which detailed that Mr. Campanelli's reliance on the Flower Hill case is misplaced. As detailed in the September 2022 C Squared Letter, the Flower Hill case is not applicable to this matter because the gap in coverage has been shown to exist using the lowest frequency Verizon Wireless operates under in Westchester, and that higher frequencies would provide even less area of coverage. Specifically, "the Applicants have already shown that Verizon Wireless has a gap in its coverage at 750 MHz, which is the lowest frequency it currently operates under in Westchester, and therefore cannot "downshift" any lower." See page 4 of the September 2022 C Squared Letter. The Further Opposition Memo does nothing to counter the evidence presented by C Squared that (i) the Flower Hill decision is not relevant; and (ii) that there is an existing significant gap in coverage.

Furthermore, numerous neighbors at this Board's meeting on September 6, 2022 and even more neighbors at this Board's October 11, 2022 meeting attested to the fact that there is a gap in coverage in the vicinity of the Property. Additionally, the Board's consultant, HDR, found that "[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). Furthermore, at this Board's October 11, 2022 meeting, members of this Board also agreed that there is a gap in coverage.

In what appears to be another attempt to cloud the record, attached to the Further Opposition Memo are maps that Mr. Campanelli claims were obtained from the FCC website. As explained in the October 2022 C Squared Letter submitted herewith, such FCC maps are not intended to provide details on coverage needs or determine existing significant gaps in coverage. See page 13 of the October 2022 C Squared Letter. C Squared notes that Mr. Campanelli "mistakes a mapping system used by the FCC to prioritize federal broadband funding to the most acutely unserved areas for the analysis used to determine where a network operator needs to add sites to its existing network." See page 13 of the October 2022 C Squared Letter.

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). Through reports, which included coverage maps and drive test data, prepared by the Applicants' RF consultant, C Squared, the Applicants have detailed the significant gap in reliable wireless coverage in the vicinity of the Property.¹ Through the C Squared reports, the Applicants have also demonstrated

¹ In the Further Opposition Memo, Mr. Campanelli notes that the drive test data is from 2017, however as stated in the October 2022 C Squared Letter, "[w]e have confirmed with Verizon Wireless that no facilities have been added in this area in that timeframe, therefore coverage is unchanged and there was no need to update the drive test data."

that the location of the Facility at the Property will remedy that significant gap. Moreover, the significant gap in coverage in the vicinity of the site has been further confirmed by testimony from neighbors, a report by HDR, and was even acknowledged by members of this Board.

There are No Other Locations Where the Facility Could be Located

As noted above, the Town Code permits wireless communication facilities pursuant to the Wireless Law. The Wireless Law provides that telecommunications towers, such as the Facility here, may be located on the Property in the Town of Cortlandt.

The Further Opposition Memo referenced Section 277-1 of the Wireless Law regarding the “Purpose and Legislative Intent” of the wireless law, specifically that “the intent of this chapter is to minimize the negative impact of telecommunications towers...assure an integrated, comprehensive review of environmental impacts of such facilities and protect health, safety and welfare of the Town of Cortlandt.” Similarly, in connection with locating a facility, Section 277-7.A(4) provides that “notwithstanding the above, the Board may approve any site located within an area in the above list of priorities, provided that the Board finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants.”

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. Additionally, in reference to such code requirements, at this Board’s October 11, 2022 meeting a concerned neighbor, Mr. David Morgenstern, stated that “when thousands of people are unable to dial 911 outside of their homes or even in their homes during a power outage, I would argue that the Town is not succeeding in protecting the health, safety and welfare of all its inhabitants. We need a cell tower to remedy that situation and we need it yesterday.” See Video of October 11, 2022 meeting at the 1:27:55 mark. Accordingly, not approving the Facility allows the continuation of the “health, safety and welfare” issues detailed by Mr. Morgenstern that currently exist due to the lack of reliable wireless coverage in the existing significant gap in coverage in the vicinity of the Property, including the lack of ability to connect to emergency 911.²

The Further Opposition Memo also again references Section 277-7.A(1) of the Wireless Law which provides a “Priority of Locations” where personal wireless facilities can be located.

² We are also in receipt of a letter from “Americans for Responsible Technology” (“ART”), dated October 3, 2022, which puts forth unsubstantiated claims regarding fire risks associated with telecommunications towers, and mischaracterizes the cause of and size of a fire in California, which was caused by a local electric utility company’s utility poles, not a telecommunications tower like the one is proposed here. The ART letter also misrepresents the fall zone for the Tower as including residential structures, vehicles and a recreational area. As shown on the plans submitted to this Board, prepared by the Applications project engineer SDG, last dated 9/28/22, the fall/collapse zone is located entirely within the unoccupied wooded area toward the rear of the Property. The ART letter also misrepresents the details regarding the MTA tower in Tarrytown. As this Board is aware, the MTA does not require local zoning and it was only after the tower was constructed that many locals provided comments to the MTA. Subsequent to comments, the MTA removed the tower for what appears to have been political reasons, as it is not subject to local zoning. Conversely, here the Applicants have already addressed comments from the Town and its consultants and redesigned the Facility in accordance with such comments, and continue to address comments from this Board, Town Staff and its consultants.

Subsections (a)-(d) allow for locations on existing telecommunications towers or other tall structures, collocations on the same site, and locations within non-residentially zoned areas of the Town, including municipally owned property. The Further Opposition Memo confirms that Subsection (e) provides that personal wireless facilities can be located “on other property in the Town”, such as the Property.³

As noted above, Section 277-7.A(4) provides that, notwithstanding the priority list, this Board may “approve any site located within an area in the above list of priorities, provided that the Board finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants.” As noted by Mr. Xavier in the Alternative Site Analysis and as stated by neighbors at the public hearings, the lack of reliable wireless coverage in the area of the existing significant gap is a safety issue. Accordingly, the Board should approve the proposed Facility forthwith.

Although the Applicants have already presented documentation confirming that there are no other feasible locations for the Facility, as requested by this Board at its October 11, 2022 meeting, submitted herewith is an Alternative Site Analysis, from Vincent Xavier of Homeland Towers regarding a review of alternative locations. 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. Additionally, in response to this Board’s comments, submitted herewith is the October 2022 C Squared Letter providing coverage data with respect to several of the 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.

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,

³ In a letter dated October 18, 2022, Mr. Fein requests that Starlink be considered as an option. However, as noted in the October 2022 C Squared Letter, “the Starlink system is similar in design to a stationary Wi-Fi system. It does not provide the same functions or area of connectivity that the proposed wireless facility will provide. The Starlink system only affords service within the very limited reach of a single Wi-Fi signal and does not support any mobility.” See page 14 of the October 2022 C Squared Letter. It is also important to note that the Board cannot dictate what technology Verizon Wireless must use to provide coverage to the existing significant gap in coverage. With respect to alternative technologies, “federal law has preempted the field of the technical and operational aspects of wireless telephone service, and there is ‘no room’ for [local laws] that give a preference to ‘alternate technologies.’” New York SMSA Ltd. Partnership v. Town of Clarkstown, 612 F.3d 97, 106 (2d Cir. 2010). Therefore, any requirements by this Board regarding alternative technologies are preempted by federal law.

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.

The Further Opposition Memo also references Section 277-5 and 277-6 of the Wireless Law regarding the placement and location of the Facility. Section 277-5.E notes that “Promoting and encouraging, wherever possible, the placement of a telecommunications tower in such a manner as to cause minimal disruption to aesthetic considerations of the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such a telecommunications tower.” Section 277-6.O provides that “All telecommunications towers and accessory facilities shall be sited so as to have the least practical adverse visual effect on the environment and its character, and the residences in the area of the telecommunication tower site.”

As documented in the Applicants’ submissions and testimony, the Facility has already been 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.

Moreover, as stated in the Visual Resource Assessment prepared by Saratoga Associates (“Saratoga”), dated August 18, 2022 (“2022 VRA”), submitted to this Board under separate cover dated August 24, 2022, “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.

The Further Opposition Memo again references Omnipoint Communications Inc. v. The City of White Plains, 430 F.3d 529 (2005) and claims that same provides that it “should accept

statements and letters from the actual homeowners, because they are in the best position to know.” As noted in the October 3rd Submission, the facts here are distinguishable from those of Omnipoint. Unlike in Omnipoint, not only was this Board instrumental in setting up the balloon test, the Board has its own consultant, HDR, attend the balloon test. Moreover, Mr. Campanelli fails to mention more recent Court decisions which find that such general claims from neighbors are not substantial evidence on which a Board can support a denial. In New Cingular Wireless PCS, LLC v. Town of Fenton, the court held that, “[a] single neighbor’s complaints about the aesthetics of a proposed facility, even if the ZBA made a written record of their reliance on the complaints . . ., do not constitute substantial evidence of an adverse visual impact.” 843 F. Supp. 2d 236, 252 (N.D.N.Y. 2012), (citing Cellular Tel. Co. v. Town of Oyster Bay, 166 F.3d at 496 (a “few generalized expressions of concern with ‘aesthetics’ cannot serve as substantial evidence on which the Town could base the denials”)); see also Omnipoint Commc’ns, Inc. v. Town of LaGrange, 658 F. Supp. 2d 539, 558 (S.D.N.Y. 2009) (“[p]ublic officials are supposed to carry out the mandate of the TCA and state law in the face of community opposition.”). “Although aesthetic impacts may be a reasonable basis for denying an application for a wireless communications facility, such a denial must be based on more than just unsupported opinion.” New Cingular Wireless PCS, LLC v. Town of Fenton, 843 F. Supp. 2d 236, 252 (N.D.N.Y. 2012) (citing N.Y. SMSA Ltd. P’ship v. Vill. of Floral Park Bd. of Trustees, 812 F. Supp. 2d 143, 157 (E.D.N.Y. 2011) (finding that the denial which relied solely on generalized objections is not supported by substantial evidence.); T-Mobile Northeast LLC v. Inc. Vill. of E. Hills, 779 F. Supp. 2d 256, 268 (E.D.N.Y. 2011) (the ZBA’s rejection of the applicant’s expert testimony regarding the visual impact of the project and finding that the project would have a negative aesthetic impact on surrounding areas based only by general aesthetic objections raised by residents who submitted photographs, was not supported by substantial evidence); see also T-Mobile Northeast LLC v. Town of Ramapo, 701 F. Supp. 2d 446, 460-462 (S.D.N.Y. 2009).

The Further Opposition Memo again mentions letters submitted with the Prior Opposition Memo, 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.⁴ It is again 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, previously submitted to this Board, 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.”)

The Property Valuation Report from Lane Appraisals, Inc., dated September 15, 2022,

⁴ It is important to note that one of the broker letters submitted with the Prior Opposition Memo indicates that health concerns played a part in that broker’s opinion. Please 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.


(a/k/a "Lane Appraisal Report"), submitted with the October 3rd Submission, uses actual sales data to support its conclusion. The Further Opposition Memo attempts to discredit the Lane Appraisal Report, by noting that Lane Appraisals is located in Larchmont. However, such location is irrelevant as Lane Appraisal Report used actual sales data taken from the neighboring communities, including in northern Westchester (New Castle and Somers) and in southern Putnam County (Philipstown). Conversely, there is no data regarding the impact of telecommunication towers on home sales in the Town of Cortlandt or neighboring municipalities in the letters from real estate brokers, only conclusory assertions.

Finally, in the Further Opposition Memo, Mr. Campanelli again claims that "homeland/Verizon has failed to prove the existence of a significant gap in service." However, the Applicant's RF consultant, C Squared, provided evidence of the existing significant gap in coverage. Numerous neighbors have also testified before this Board that there is a gap in coverage in this area of the Town in the vicinity of the site. Additionally, the Board's consultant, HDR, found that "[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. Finally, even members of this Board have agreed that there is a gap in coverage.

As detailed above, the Applicants have addressed comments and confirmed that the proposed Facility is the only feasible location to provide coverage to the existing significant gap in coverage. We look forward to discussing this matter with the Planning Board at the November 1, 2022 public hearing.

If you have any questions, please call me at (914) 333-0700.

Respectfully submitted,
Snyder & Snyder, LLP

By: 
Michael P. Sheridan

Enclosures

MS:sm

cc: Verizon Wireless

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OCTOBER 2022 C SQUARED LETTER



October 20, 2022

C Squared Systems, LLC (“C Squared”), a firm specializing in radio-frequency engineering and wireless communication networks, submits this supplemental report in connection with the application made by Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless (“Verizon Wireless”) for the proposed public utility wireless telecommunication facility (“Facility”) at 52 Montrose Station Road, Cortlandt, New York (“Site”).

As stated in C Squared’s previous report, it is important to note that 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 Mountain Park. None of the other possible alternative location detailed below provide the same significant amount of coverage as the proposed Site. Due to the topography in the area, many locations are not suitable, as coverage to significant areas would be blocked by the terrain.

In response to comments made at the 10/11/2022 hearing, we have plotted the potential coverage of the following locations:

1. Spitzenberg Mountain
2. Water Treatment Plant
3. Croton Avenue
4. Furnace Dock Road
5. KP Lounge
6. Ohr Hameir
7. Sportsman Club
8. Chapel Hill Drive
9. Cook Pool
10. Flanders Lane

Coverage plots for each of these alternate sites listed above are shown on the following pages. As indicated in those coverage plots, none of these proposed alternate sites provide adequate coverage to the significant gap which the proposed Site is intended to address.

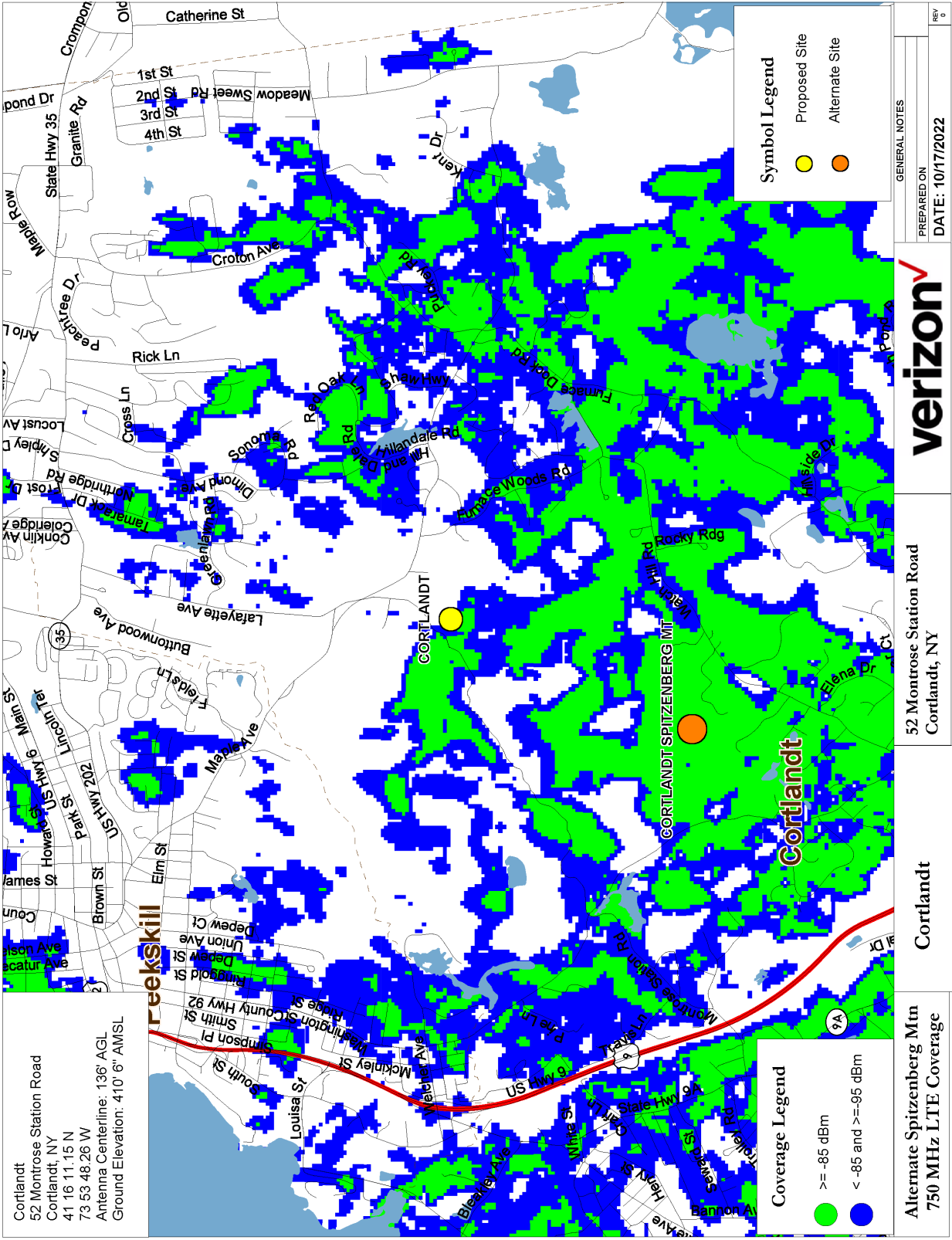


Figure 1 – Spitzberg Mountain

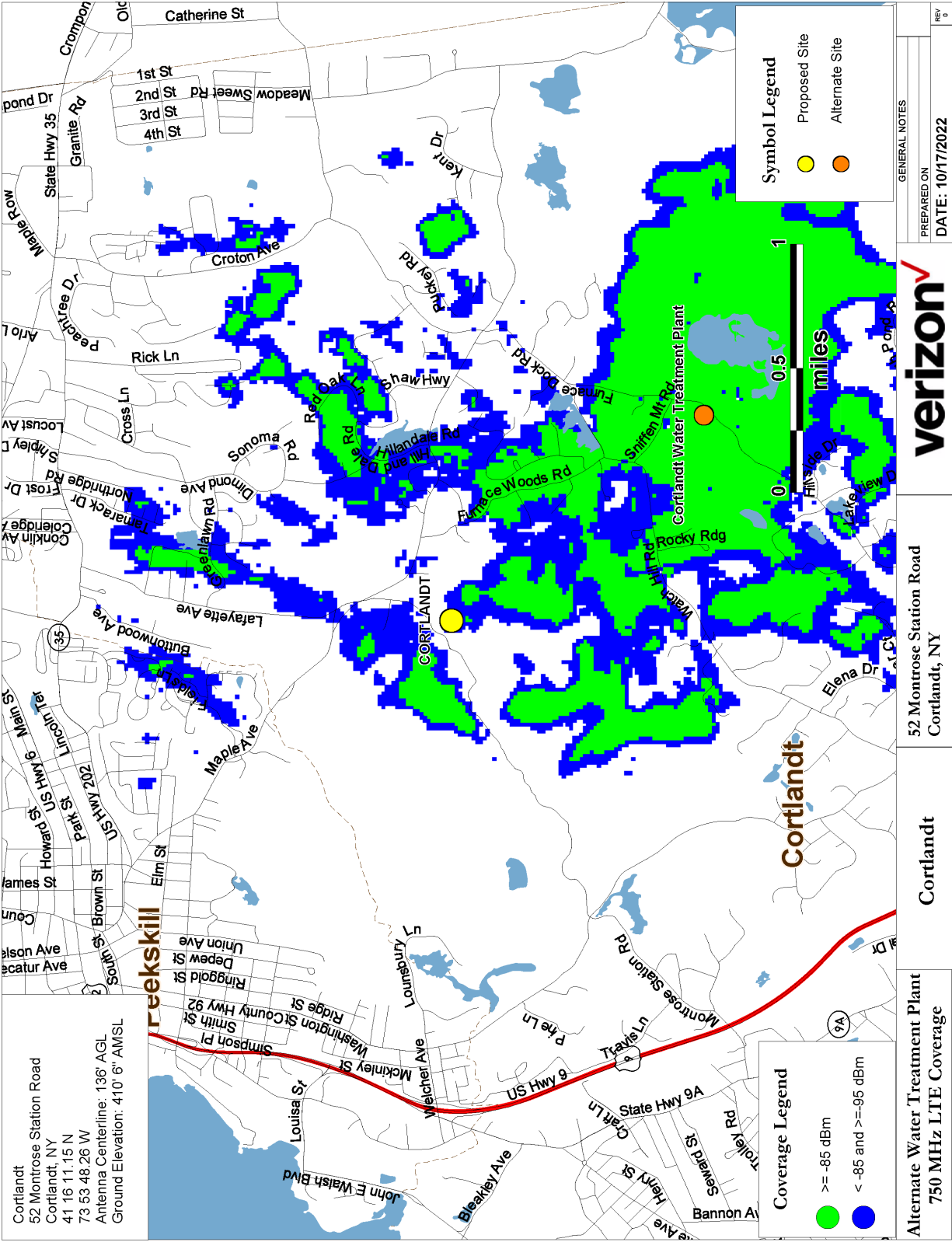


Figure 2 – Water Treatment Plant

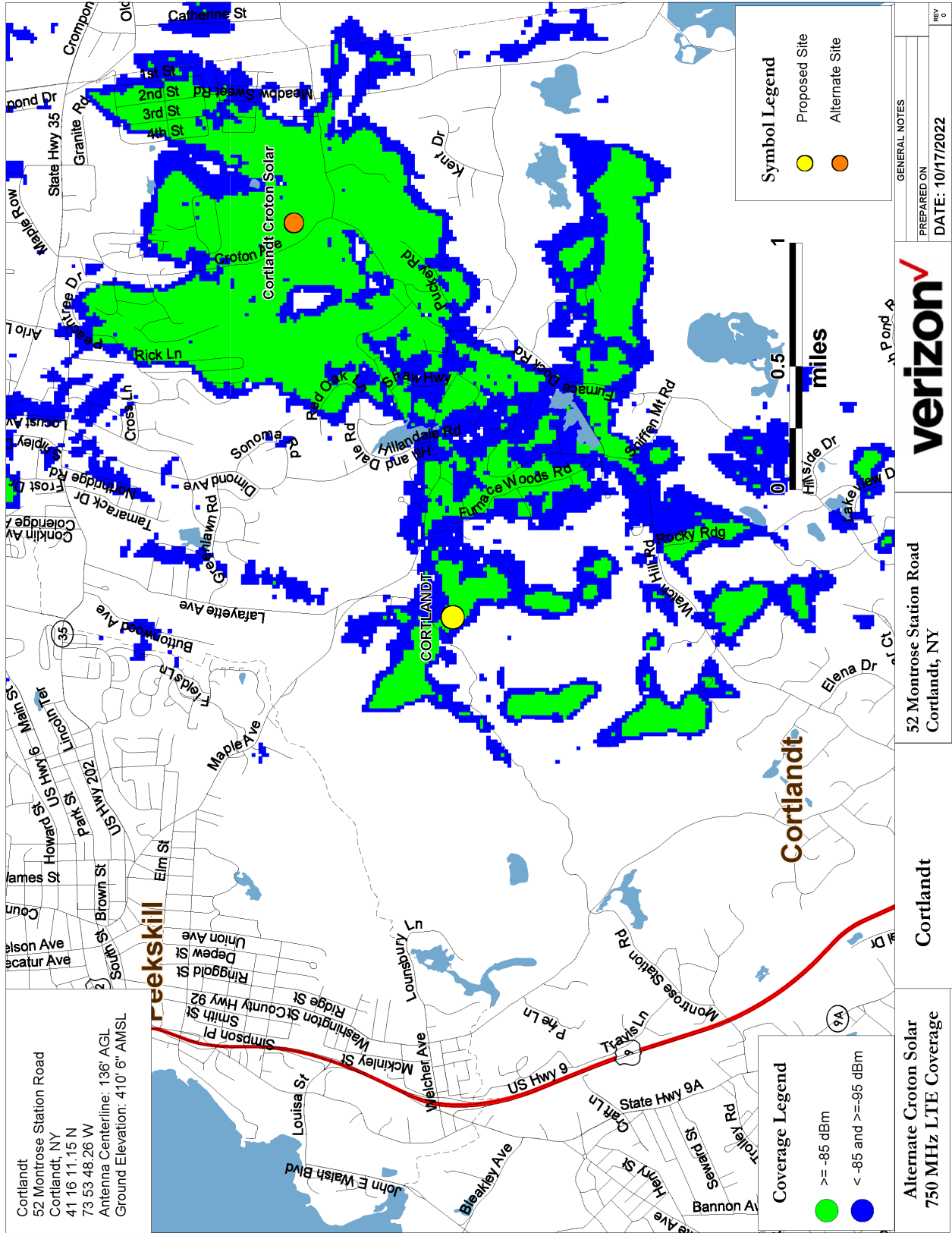


Figure 3 – Croton Solar

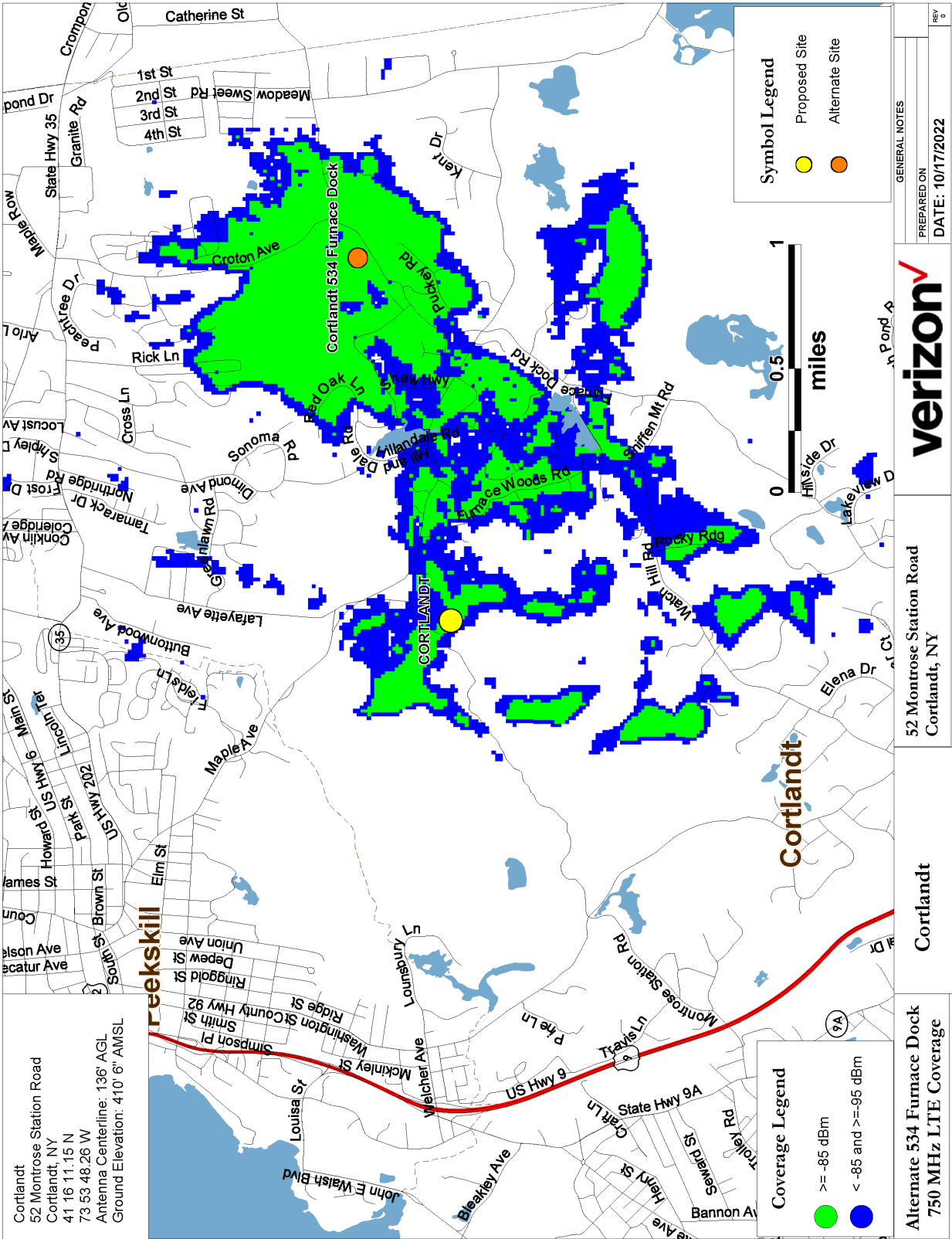


Figure 4 – 534 Furnace Dock

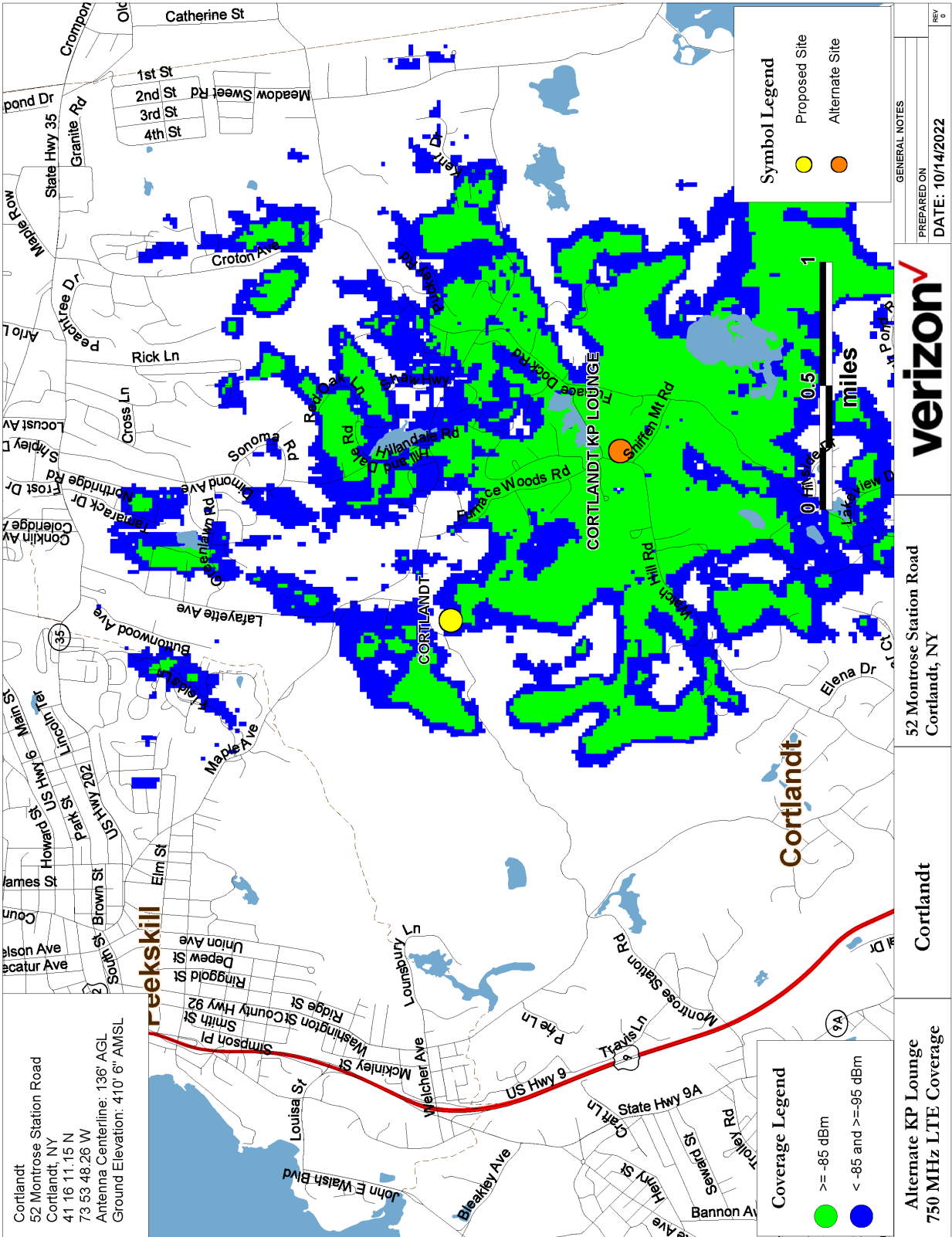


Figure 5 – KP Lounge

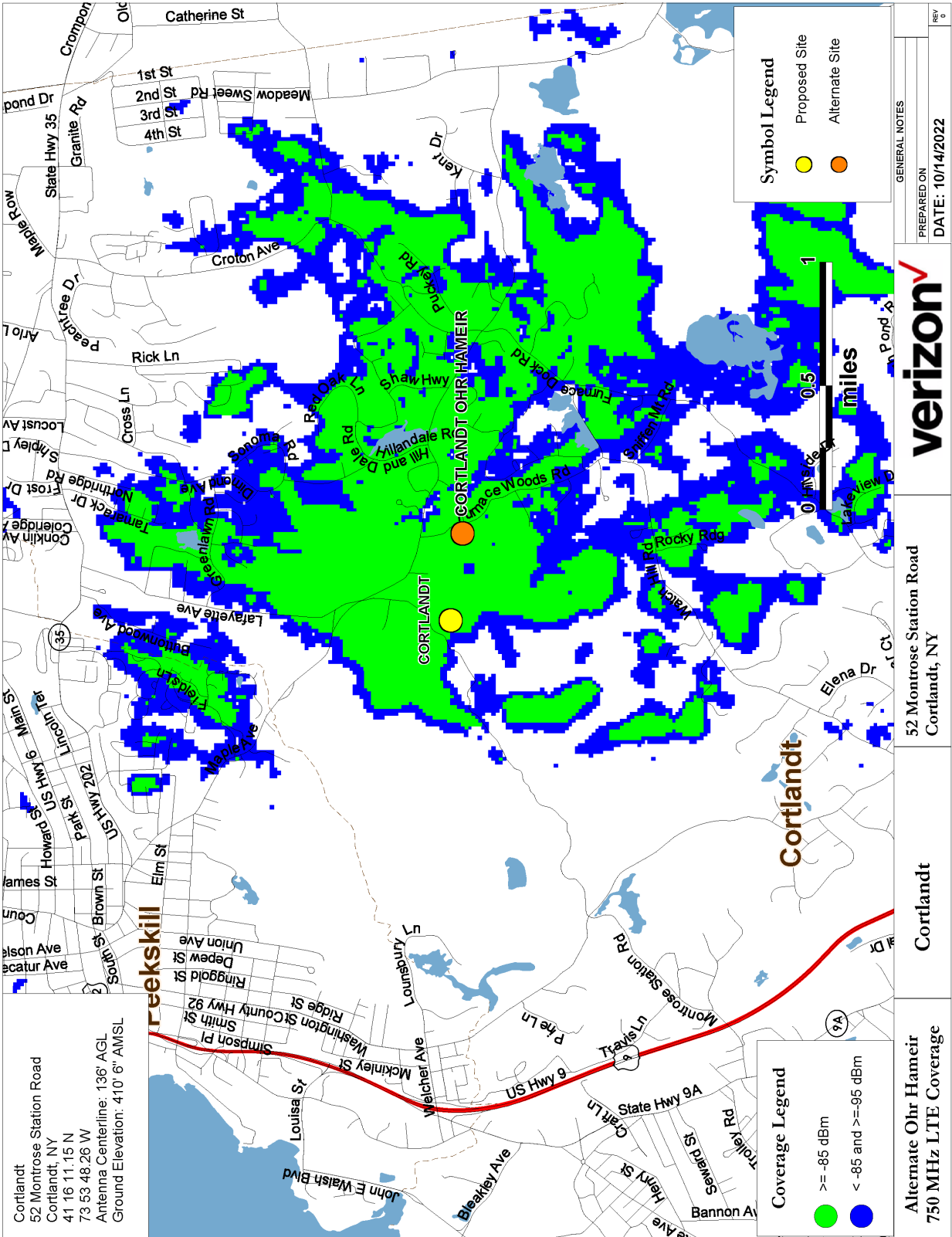


Figure 6 – Ohr Hameir

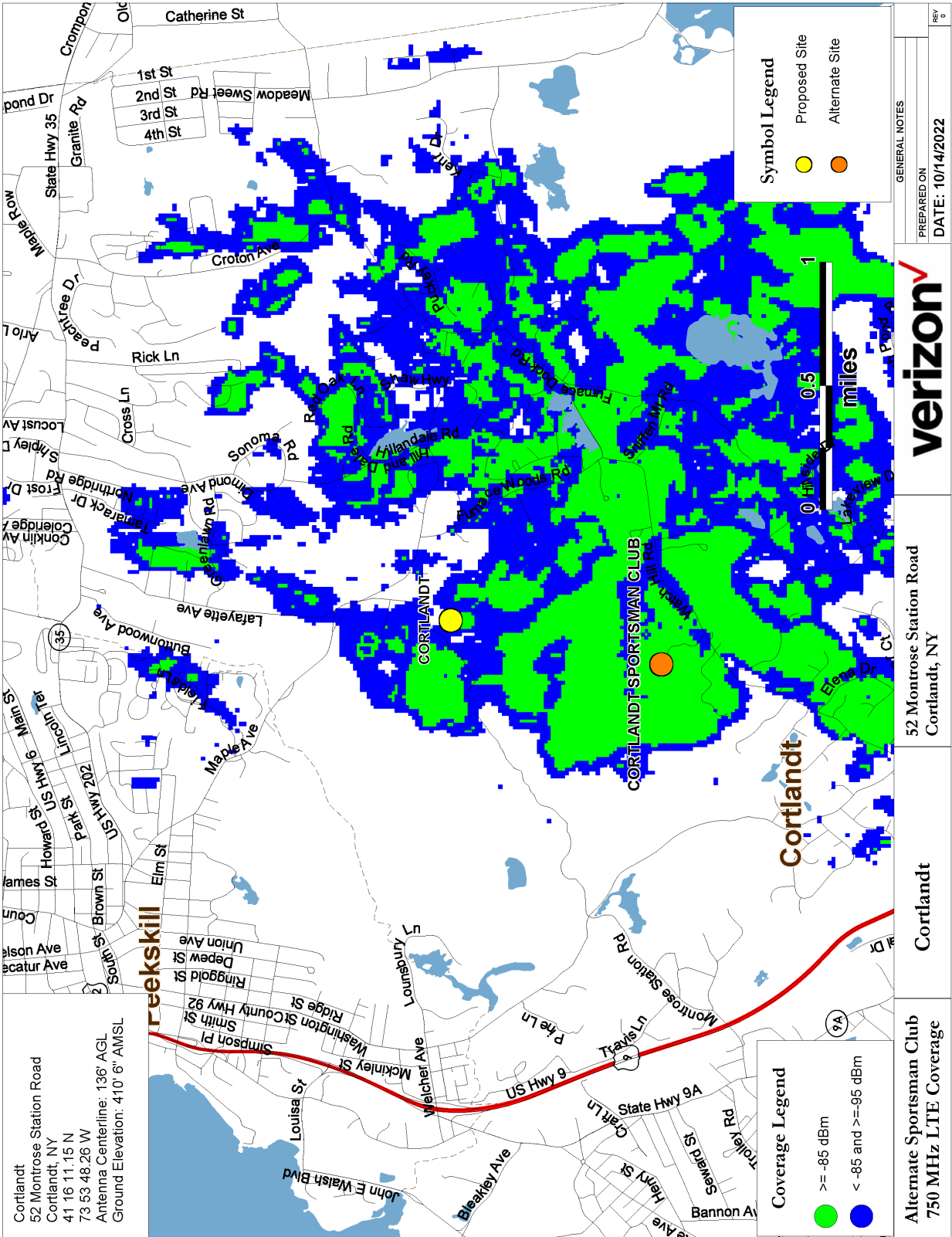


Figure 7 – Sportsman Club

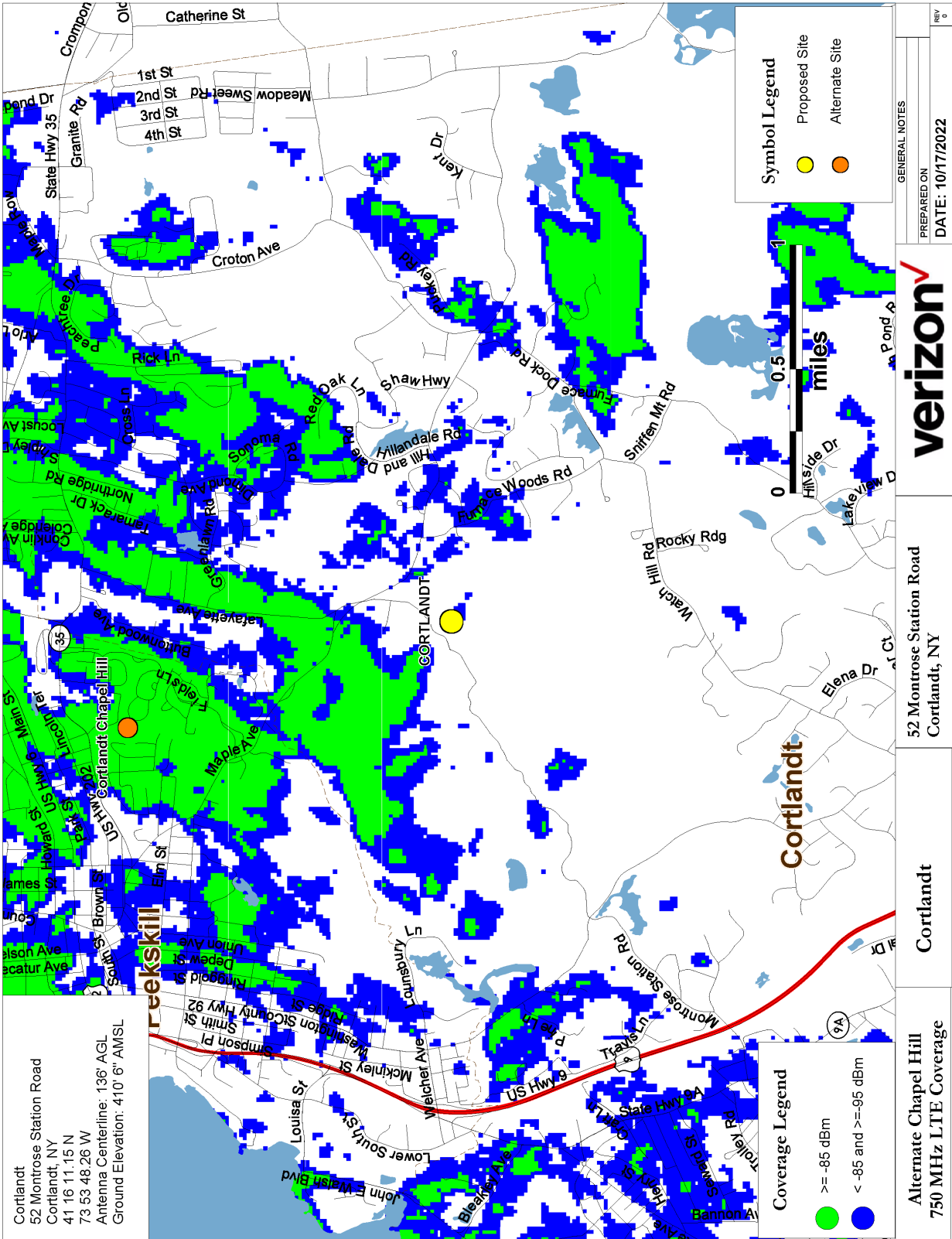


Figure 8 - Chapel Hill

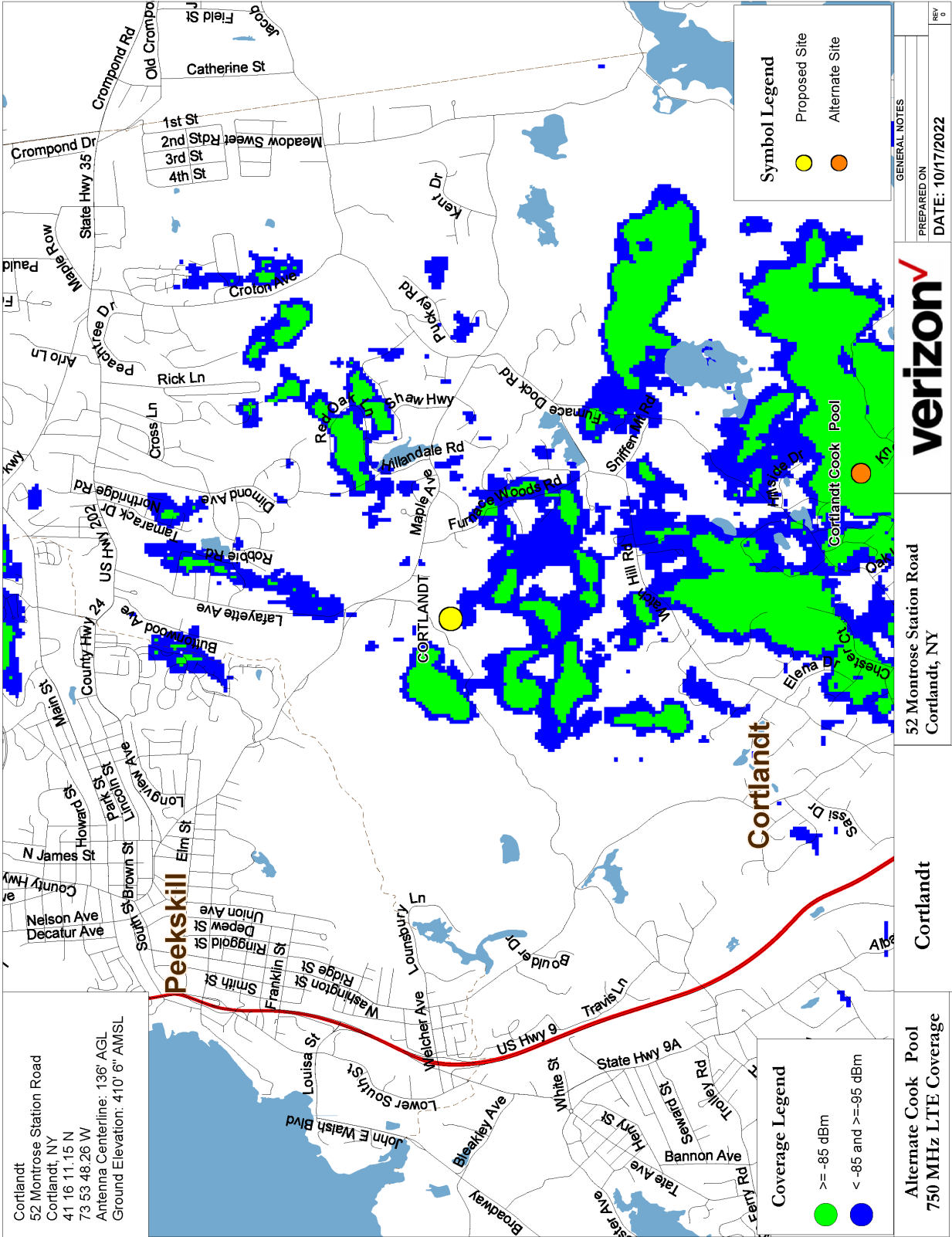


Figure 9 – Cook Pool

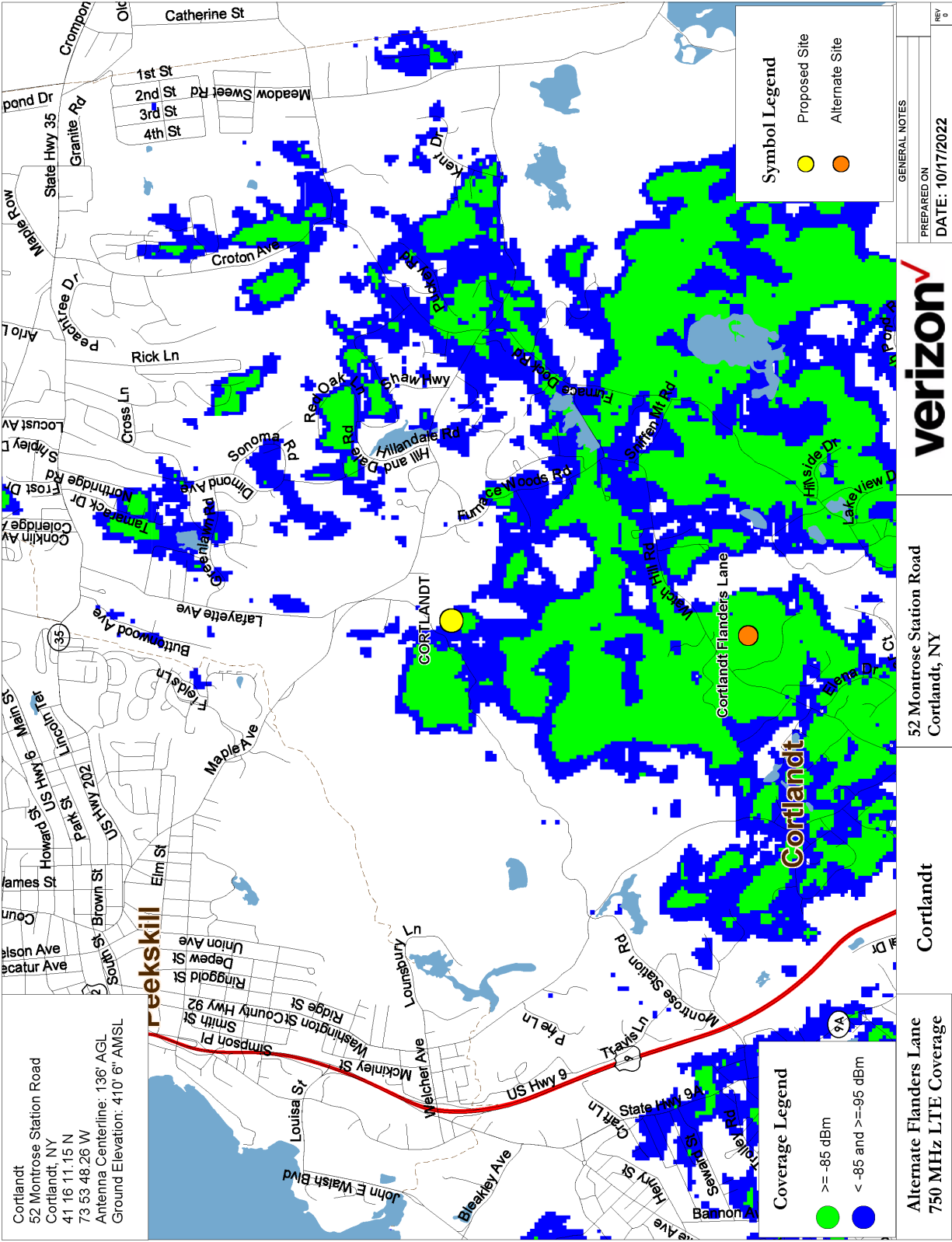


Figure 10 – Flanders Lane

As shown on the maps above, compared to the coverage from the facility at 52 Montrose Station Road, these alternatives provide significantly less coverage to the existing significant gap:

1. Spitzenberg Mountain- Due to elevation and topography, provides significantly less coverage to the North, East and West of the Site.
2. Water Treatment Plant - Due to elevation and topography, provides significantly less coverage to the North, East and West of the Site.
3. Croton Avenue/ Cortlandt Croton Solar - Due to elevation and topography, provides significantly less coverage to the North, East, West and South of the Site. It is also redundant of the coverage of the existing Verizon Wireless site at 260 Croton Avenue.
4. Furnace Dock Road - Due to elevation and topography, provides significantly less coverage to the North, East, West and South of the Site. It is also redundant of the coverage of the existing Verizon Wireless site at 260 Croton Avenue.
5. KP Lounge - Due to elevation and topography, provides significantly less coverage to the North, East and West of the Site.
6. Ohr Hameir - Due to elevation and topography, provides significantly less coverage to the North, West and South of the Site.
7. Sportsman Club - Due to elevation and topography, provides significantly less coverage to the North, East and West of the Site.
8. Chapel Hill Drive- Due to elevation and topography, provides significantly less coverage to the North, East, West and South of the Site.
9. Cook Pool - Due to elevation and topography, provides significantly less coverage to the North, East, West and South of the Site.
10. Flanders Lane - Due to elevation and topography, provides significantly less coverage to the North, East and West of the Site.

As noted above, all of the alternates fall short of addressing the significant gap that the proposed Site is intended to and will address.

Maps From FCC Website

With his latest submission, Attorney Campanelli submits maps from the FCC's Broadband mapping website. Just as he did with the online marketing maps provided by Verizon, Attorney Campanelli misinterprets the information from the FCC's Broadband website. He mistakes a mapping system used by the FCC to prioritize federal broadband funding to the most acutely unserved areas for the analysis used to determine where a network operator needs to add sites to its existing network. Discerning the difference between these two sets of data requires extensive experience in the Radio Frequency engineering of mobile wireless systems. Attorney Campanelli is not an RF expert. Despite this, Attorney Campanelli repeatedly gives direct testimony on the subject of Radio Frequency engineering. His testimony on this subject must not be relied upon by this Board in any manner.

Specifically, the FCC's mapping program is standardized by the FCC to serve the FCC's administrative purposes, not to be used by wireless operators to design their networks. Their goal is uniformity, not absolute accuracy.

Similar to the Verizon Wireless website map, Attorney Campanelli appears to have missed the informative statements on the website that indicate the maps he is referencing cannot and should not be used for the purpose that he is using them for. To quote from the website he cites (<https://www.fcc.gov/BroadbandData/MobileMaps/mobile-map> See the homepage <https://www.fcc.gov/BroadbandData>

"The FCC is in the process of updating its current broadband maps with more detailed and precise information on the availability of fixed and mobile broadband services. The Broadband Data Collection (BDC) program will give the FCC, industry, state, local and Tribal government entities, and consumers the tools they need to improve the accuracy of existing maps."

Therefore, it is readily admitted by the FCC that they are in the process of updating their current maps with more detailed and precise information, meaning that the maps currently provide are not detailed or precise. Moreover, pursuant to the FCC's language above, "[t]he Broadband Data

Collection program will give... tools... to improve the accuracy of existing maps.” The FCC is conceding that the maps and information provided by this program are not the final accurate maps that should be relied upon. In order to determine if a gap in coverage exists, more detailed and precise maps are needed than what is provided on the FCC website.

This FCC mapping program serves a governmental administrative purpose, not a system design purpose. Actual testimony at this Board’s last two meetings from numerous neighbors in the area of the significant gap in coverage at issue, confirmed that that the gap in coverage exists as indicated on the detailed maps prepared by C Squared and previously presented to this Board.

Drive Test Data

Attorney Campanelli also notes that Verizon Wireless’ drive test data is from 2017. We have confirmed with Verizon Wireless that no facilities have been added in this area in that timeframe, therefore coverage is unchanged and there was no need to update the drive test data.

Starlink

This Board has received comments regarding the Starlink system. At present, the Starlink system is similar in design to a stationary Wi-Fi system. It does not provide the same functions or area of connectivity that the proposed wireless facility will provide. The Starlink system only affords service within the very limited reach of a single Wi-Fi signal and does not support any mobility. It is not a solution to provide coverage to the existing significant gap.

Qualifications and Statement of Certification

I am a Radio Frequency Engineer for C Squared Systems, LLC, which has been retained by Verizon Wireless. I have extensive experience in the design and testing of Verizon Wireless' communication facilities as part of its federally licensed network in New York. For example, I have participated in the design and performance of the Verizon Wireless' network in New York, participated in engineering efforts to provide a quality system build-out, evaluated zoning provisions applicable to wireless communication facilities in various communities, testified before local zoning boards in zoning hearings, prepared search areas for new installations, participated in drive tests and reviewed drive test results, participated in site visits, prepared RF designs for proposed installations, reviewed plans and prepared RF packages for zoning hearings, tested and evaluated new sites, and located and corrected system performance problem areas.

I have been involved in Verizon Wireless' design of the proposed wireless communication facility at the above site. I have personally visited the area, reviewed coverage data for the proposed installation, and reviewed RF coverage information for Verizon Wireless' existing sites. I certify to the best of my knowledge that the statements in this report are true and accurate.

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: October 20, 2022

ALTERNATIVE SITE ANALYSIS



HOMELAND TOWERS

October 20, 2022

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

RE: Alternative Site Analysis- 52 Montrose Station Road, Cortlandt NY079

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

At the Public Hearing on October 11, 2022 for the proposed wireless telecommunications facility ("Facility") located at 52 Montrose Station Road, members of the Planning Board and members of the community asked questions concerning: (1) what other sites have been considered as part of the determination, specifically, sites of higher priority consistent with Section 277-7 (A) of the Town Code; and (2) if certain other properties would provide similar coverage. It is my goal to answer both of those questions with this report.

Notwithstanding, please note that the original application for the proposed site by Verizon Wireless included two documents that confirmed that there are no sites of higher location pursuant to Section 277-7 (A) of the Town Code. The first document is an affidavit from John Pepe, a site acquisition consultant for Verizon Wireless dated February 6, 2019 (the "Pepe Affidavit") and the second was an RF report by Martin Lavin of C-Squared Systems dated February 20, 2019 (the "RF Report"). These documents have been reviewed by the both of the Town's Consultant's namely Richard Comi of the Center for Municipal Solutions and Michael Musso of HDR and will be referenced herein. These documents confirmed that there are no sites of higher location pursuant to Section 277-7 (A) of the Town Code.

Site Selection

It is important to understand how a site is selected. Once Verizon Wireless' RF Engineers determine that a site is needed to fill an existing significant gap in coverage, a consultant is tasked with investigating the area and the Town Code to determine if any suitable properties or structures exist for the siting of Facility. As shown on the existing coverage map attached as Exhibit B to C Squared's report dated, August 19, 2022, the approximate middle of the significant gap is in the vicinity of the intersection of Montrose Station Road and Maple Avenue. Based on the existing significant gap in coverage, the coverage goals including Maple Avenue, the residential areas to the South, North, and East, the schools to the South and the hiking trails at Blue Mountain. When reviewing potential locations, the consultant considers proximity to the gap, existing nearby

sites, surrounding terrain, ability to comply with zoning requirements, restrictions on land use, existing land uses and landlord cooperation to allow for the site on the property.

Another way a site may be selected is when a firm such as Homeland Towers independently confirms that there is an area within a municipality that appears to be lacking reliable wireless service, finds a potential solution, and presents that to the carriers for consideration. As a resident of the Town of Cortlandt, I have personal experience with the service deficiencies within our Town and within the existing significant gap that the proposed site will provide coverage. Those experiences include: 1. attending a “Sport Squirts” program at the Blue Mountain Middle School where even outside on the fields I was unable to achieve a reliable wireless signal; 2. at the Cook Pool facility, where my children attended summer camp, I had similar experiences; and, 3. at Lincoln Titus Elementary School, where my children attend school, wireless service within the classrooms is nonexistent. The lack of wireless service I experienced was an unacceptable risk for the safety of my family.

Due to these experiences, I was determined to do what I could to resolve the unacceptable safety risk. As early as 2015, I began thoroughly investigating the extent of the coverage issues in our Town and researched if there were any potential solutions via collocation on existing structures or construction of new structures existed. I researched areas and locations in accordance with the priority list detailed in Section 277-7(A) of the Town Code. I even met with the Town regarding possible location at the Charles Cook pool in 2015, which, after much effort on my part, the Town declined to move forward. After being unable to find a suitable property that complied with the higher priorities in on the Priority List, Homeland Towers decided to become a co-applicant on this Site, which will provide coverage to the existing significant gap in coverage.

As a result of my efforts and Verizon Wireless’ efforts, this application benefits from having both the consultant for Verizon Wireless and Homeland Towers independently investigating locating a FACILITY to provide coverage to the existing significant gap. We both have concluded 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 non-residentially zoned properties that are suitable to provide the required coverage.

Based on my knowledge of the area and my efforts since at least 2015 to locate a site in this area of Cortlandt, I will detail below why there are not any sites of high priority that can be used to locate a Facility to provide coverage to the existing significant gap in the vicinity of the proposed Facility.

Other properties in the area that have been considered as potential site locations

Please note the following information regarding why the property at 52 Montrose Station is the ideal and only feasible location for this Facility to be located to provide the necessary coverage to the existing significant gap that existing in this area of Cortlandt.

Section 277-7 (A) of the Town Code contains the priority of location in the own Code for wireless telecommunications facilities, which is as follows:

§ 277-7(A) Priority of locations.

(1) Applications for telecommunications towers shall locate, site and erect said telecommunications towers or other tall structures in accordance with the following priorities (outside of any residential district within the Town), (a) being the highest priority and (e) being the lowest priority:

- (a) On existing telecommunications towers or other tall structures.
- (b) Collocation on a site with existing telecommunications towers or structures.
- (c) In nonresidentially zoned areas of the Town, including on municipally-owned properties.
- (d) In nonresidentially zoned areas of the Town.
- (e) On other property in the Town.

It is important to note that the proposed Facility at the Property complies with Subsection E of Section 277-7 of the Town Code as it is allowed to be located on such property if, as provided in Section 277-7.A(2), “the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected.” Below, I have detailed how there are no other locations of higher priority where the Facility can be located to provide coverage to the existing significant gap. Even if I were unable to do so, please note that Section 277-7.A(4) provides that “notwithstanding” the priority list, “the Board may approve any site located within an area in the above list of priorities, provided that the Board finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants.” As I noted above, and as has been noted by neighbors at the public hearings before this Board on this matter, the lack of reliable wireless coverage in the area of the existing significant gap is a safety issue and as such, the Board should approve the proposed Facility to address same.

Please note the following with regarding to alternative locations starting with Subsection A of the priority list:

Location Priority Subsection A- Collocation on Existing Towers

Based on my own knowledge of the area, there are no telecommunications towers or other tall structures in the area of need that will provide the necessary coverage.

The C Squared report dated February 20, 2019 at Section 5 on page 14 documents a four mile wide search of the area and confirms that there are only seventeen “towers or other tall structures” in that area that Verizon Wireless does not already have a current or planned facility. None of those seventeen locations will “remedy the significant gap in coverage in the vicinity of the Site due to their distance from the Proposed Facility and the intervening terrain and land use.”

Concurring with the C Squared assessment, this Board’s consultant, HDR, stated in its tech memo dated September 23, 2022 that “[a]s noted by the applicant and reviewed by HDR via map / terrain assessment and

site reconnaissance, existing nearby towers are not able to service the targeted gap area due to distance or terrain which prevents co-location on an existing structure or wireless facility.”

Location Priority Subsection B- Collocation on Properties with Existing Towers

As detailed above, with regard to subsection (a), there are no sites with existing telecommunications towers or structures upon which collocation is possible that will provide the necessary coverage. The nearest site with an existing telecommunications tower is located at the Lake Mohegan Fire District-Station 3 with an address of 260 Croton Avenue (Verizon Wireless’ existing “Dickerson Mountain” site). Verizon Wireless is already located on that existing telecommunications tower, which does not provide the necessary coverage to the significant gap area due to distance and terrain blockage.

As I stated above, the C Squared report dated February 20, 2019 at Section 5 on page 14 also documents that none of the existing seventeen locations with towers within a four mile radius will “remedy the significant gap in coverage in the vicinity of the Site due to their distance from the Proposed Facility and the intervening terrain and land use.”

Again, concurring with the C Squared assessment, this Board’s consultant, HDR, stated in its tech memo dated September 23, 2022 that “[a]s noted by the applicant and reviewed by HDR via map / terrain assessment and site reconnaissance, existing nearby towers are not able to service the targeted gap area due to distance or terrain which prevents co-location on an existing structure or wireless facility.”

Location Priority Subsection C- Town Owned Properties

There are a very limited number of town owned properties that are in the vicinity of the existing significant gap in coverage that were large enough to meet setbacks, had road access, were not in wetlands or not in close proximity to existing sites. Based upon my previous review and locations raised by members of the Planning Board, I was able to confirm the following four locations warranted further review.

Property 1- Dickerson Mountain-

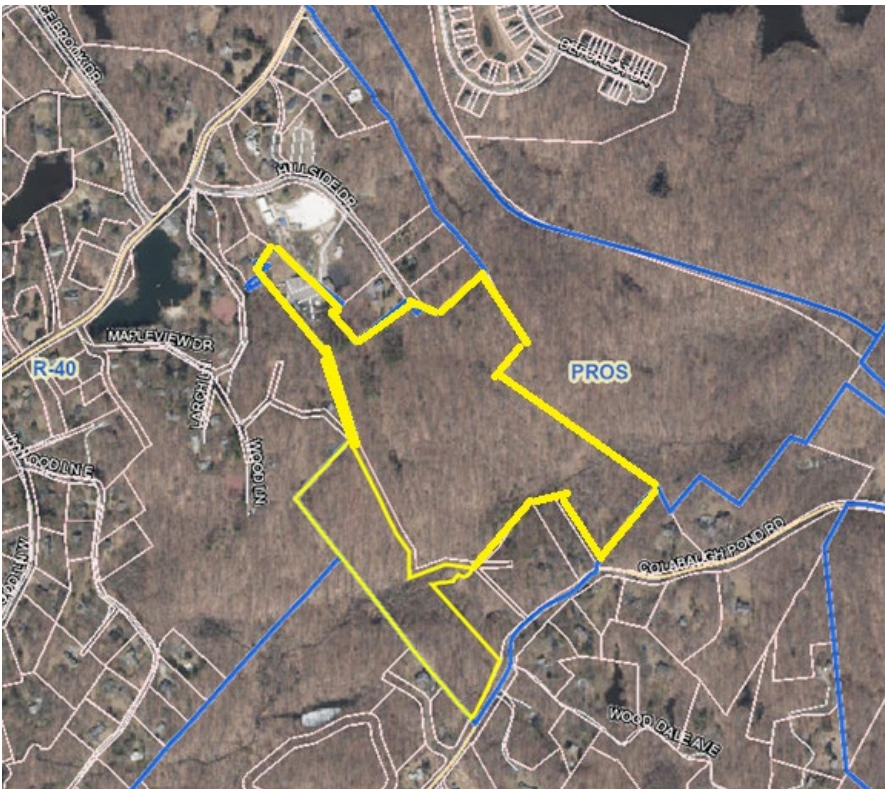
The Town of Cortlandt took ownership of two parcels on Dickerson Mountain in 2017. Those parcels are shown on the GIS map below outlined yellow. A restriction was placed on the properties which states in part “There shall be no paving for any parking areas or roads, or structures, permitted on the premises; specifically, no cellular towers or water tanks or towers shall be permitted to be erected.” Based on this restriction, these properties are not feasible alternatives to the proposed site.



Property 2. Cook Pool

As part of my review of Town properties in the area, I concluded that there were three sites that may be suitable to remedy some gaps in service in the Town and begin a conversation with the Town Board. I also met Town Attorney Tom Wood on December 10, 2015 to discuss the issue. The three Town properties we discussed were at Arlo Lane (to cover Lincoln Titus Elementary School), Memorial Drive (to enhance coverage at the MTA train Station) and at the Charles Cook Pool with the goal of covering the pool facility. Of the three sites, only the site at Cook Pool site is relevant to this application since it is the only site in the relative vicinity of the proposed site at 52 Montrose Station Road. After several meetings regarding the Cook Pool site, I was informed in July of 2018 that the Town did not wish to move forward with a site at this location.

Regardless, submitted herewith is a letter dated October 20, 2022 from C Squared, which contains a coverage map from Cook Pool. As detailed in the C Squared letter a site at this location would not have provided “adequate coverage to the significant gap which the proposed site is intended to address.”



Property 3. Sniffen Mountain Road and the Valeria Water Treatment facility

As part of my previous analysis for the Cook Pool site, I also investigated the two parcels shown on the GIS image below. They include a vacant lot and a lot that is used as a water treatment facility. At the time of my initial search only the vacant lot was owned by the Town of Cortlandt but now both appear to be. The vacant lot has a deed restriction preserving the property as open space and was part of a large dedication to the Westchester Land Trust on or about 2008.

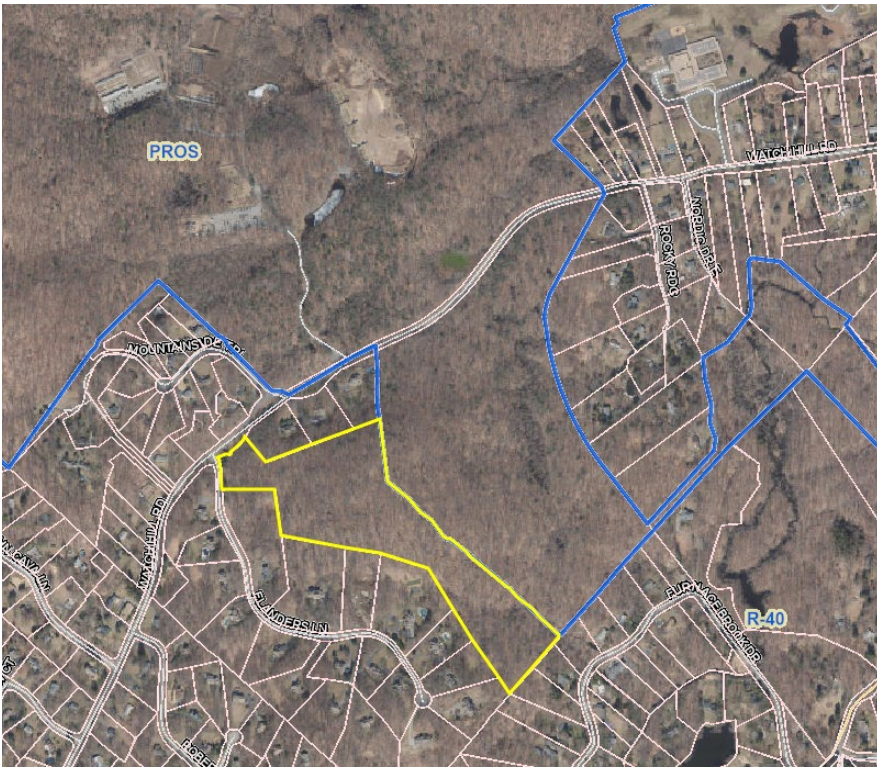
The Water Treatment Plant site was further reviewed and submitted herewith is a letter dated October 20, 2022 from C Squared, which contains a coverage map from the Water Treatment Plant. As detailed in the C Squared letter a site at this location would not have provided “adequate coverage to the significant gap which the proposed site is intended to address.”



Property 4. Flanders Lane

The Town of Cortlandt owns the lot adjacent to Flanders Lane which is shown highlighted yellow on the GIS image below. I had sent an inquiry about using this property to the Town during my investigation of the Cook Pool site but did not receive a decision as to whether the Town Board was willing to entertain a proposal at this location.

Regardless, submitted herewith is a letter dated October 20, 2022 from C Squared, which contains a coverage map from Flanders Lane. As detailed in the C Squared letter a site at this location would not have provided “adequate coverage to the significant gap which the proposed site is intended to address.”



Location Priority D- Non-residentially Zoned Areas of Town.

The area of need is almost completely composed of residentially zoned properties. In fact, the vast majority of the Southeastern portion of the Town of Cortlandt south of Route 202 and East of Route 9 is residentially zoned. There are only two areas within the relative vicinity of the significant gap that are non-residential. The CC District, located between Watch Hill Road and Sniffen Mountain Road, and the MD District, located at the intersection of Croton Avenue and Furnace Dock Road. Based on location, elevation and terrain neither of these districts would provide the necessary coverage.

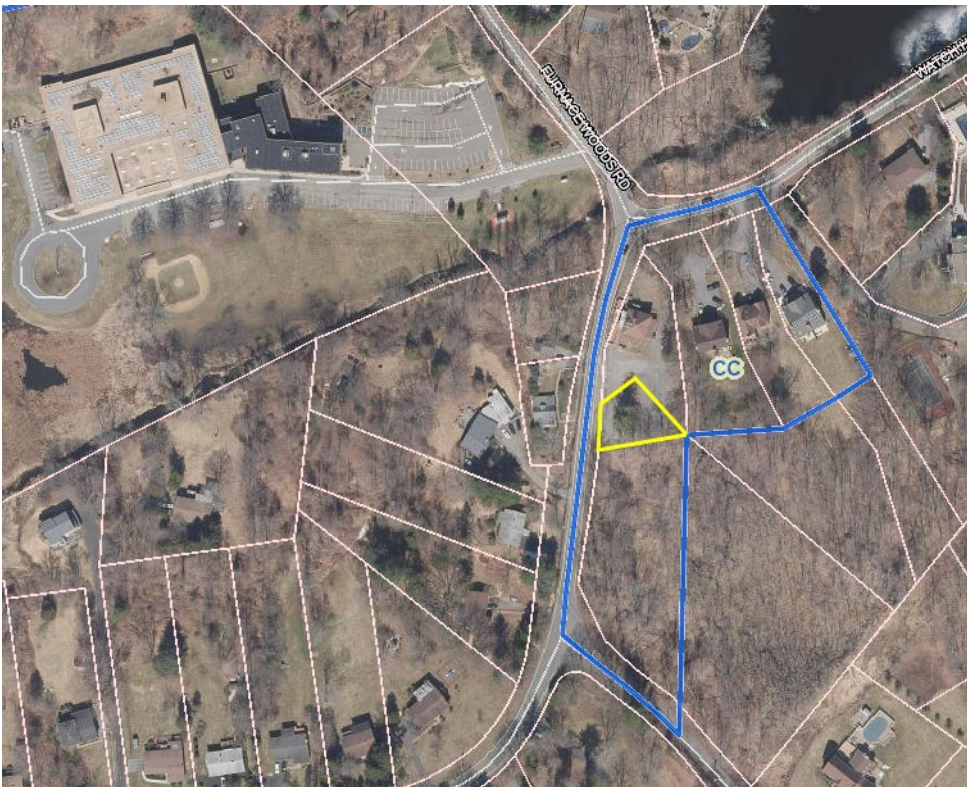
MD-Designed Industrial Zone review

The MD- Designed industrial Zone consists of two parcels. Those parcels are outlined yellow on the image on the following page. As you can see, this zone is incredibly close to the existing tower that Verizon Wireless has already located at 260 Croton Avenue (known to Verizon Wireless as its “Dickerson Mountain” site). For this reason, these two parcels can be dismissed as potential alternative sites due to the lack of new coverage and redundancy. In order to verify this information, submitted herewith is a letter dated October 20, 2022 from C Squared, which contains a coverage map from the 534 Furnace Dock Road. As detailed in the C Squared letter a site at this location would not have provided “adequate coverage to the significant gap which the proposed site is intended to address.” As you can see, a site at this location will not provide the necessary coverage including the residential area to the North, Maple Avenue and Blue Mountain and therefore is not a feasible alternative to the proposed site location.



CC District review-

The CC-Community Commercial District is located immediately across from the Blue Mountain Middle School in a more densely residential area the proposed Site and consists of portions of or all of six different lots as shown on the map below. Due to the lower ground elevation and distance from the gap in coverage a site within this district will not provide the necessary coverage. In order to verify this information, submitted herewith is a letter dated October 20, 2022 from C Squared, which contains a coverage map from the KP Lounge. As detailed in the C Squared letter a site at this location would not have provided “adequate coverage to the significant gap which the proposed site is intended to address.” As you can see, a site at this location will not provide the necessary coverage including the residential area to the North, Maple Avenue and Blue Mountain and therefore is not a feasible alternative to the proposed site location. Additionally, due to the dense nature of the surrounding residential area this site is not less intrusive than the proposed site and would be closer to existing residences.



Location Priority E- Other property in the Town

As part of my initial investigation into the area and based on questions from members of the Planning Board and community, we additionally looked into several other properties in the area that would fall into the category of “Other property in the Town” within the hierarchy of priorities established under section 277-7(A) of the town code. Those properties are listed below and shown on the map with white push pins.

All of these properties were further evaluated and submitted herewith is a letter dated October 20, 2022 from C Squared, which contains a coverage map from these properties. As detailed in the C Squared letter a site at these locations would not have provided “adequate coverage to the significant gap which the proposed site is intended to address.”

Property 1 Blue Mountain School

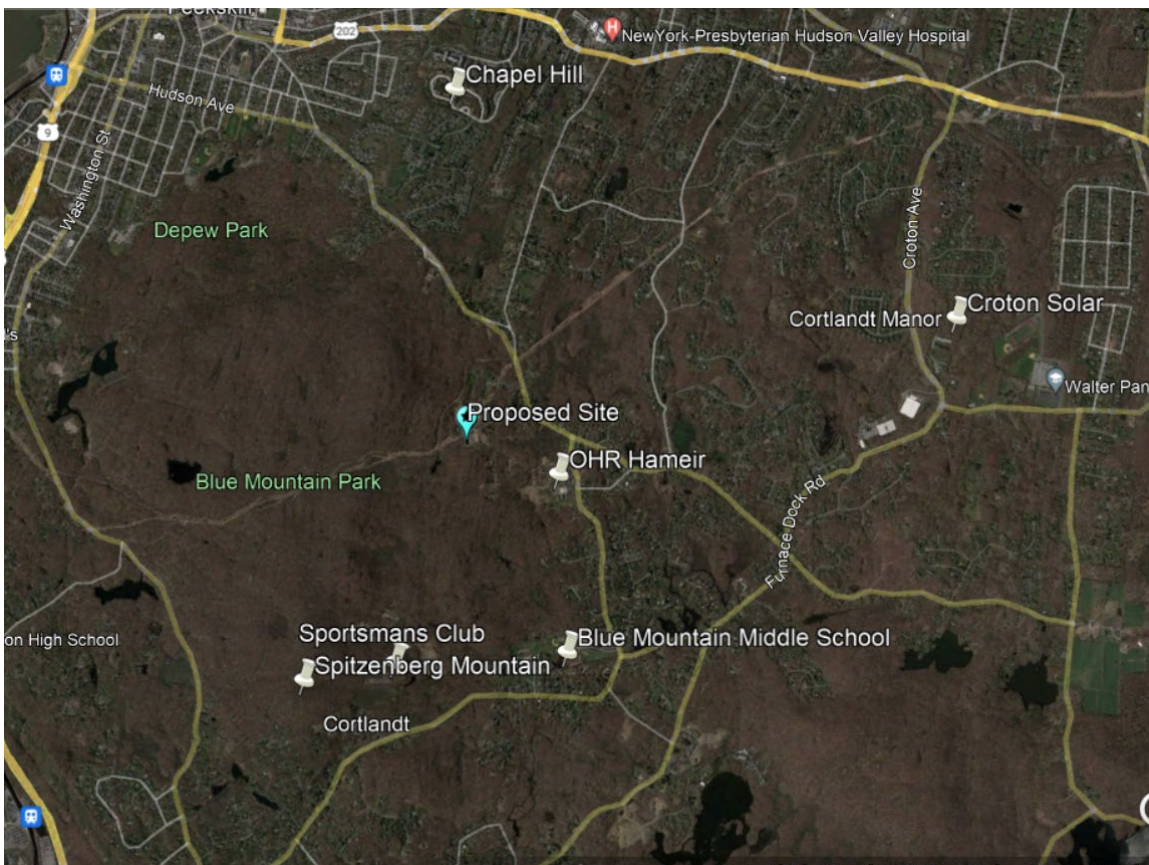
Property 2 Ohr Hameir

Property 3 Sportsmans club

Property 4- Cortlandt Croton Solar

Property 5- Chapel Hill

Property 6- Spitzenberg Mountain



Conclusion

As you can see from the above analysis, the search for a suitable location for a wireless communications facility in this area has been going on for many years and has involved collaboration with the Town of Cortlandt Town Board. Based 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.

The Town's consultant, Michael Musso of HDR also concluded that "In summary, 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. 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.**"

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

Sincerely,

A handwritten signature in blue ink, appearing to read "V. Xavier", with a stylized flourish at the end.

Vincent Xavier

Regional Manager

Cell: 914-879-9172

VLX@homelandtowers.us

FAA DETERMINATION



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AEA-11741-OE

Issued Date: 10/11/2022

Christine Vergati
Homeland Towers, LLC
9 Harmony Street
2nd Floor
Danbury, CT 06810

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole NY079 Cortlandt 2
Location: Cortlandt, NY
Latitude: 41-16-11.15N NAD 83
Longitude: 73-53-48.26W
Heights: 410 feet site elevation (SE)
145 feet above ground level (AGL)
555 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 04/11/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination does not constitute authority to transmit on the frequency(ies) identified in this study. The proponent is required to obtain a formal frequency transmit license from the Federal Communications Commission (FCC) or National Telecommunications and Information Administration (NTIA), prior to on-air operations of these frequency(ies).

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (202) 267-4525, or david.maddox@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AEA-11741-OE.

Signature Control No: 539771002-557079026

(DNE)

David Maddox
Specialist

Attachment(s)
Case Description
Frequency Data
Map(s)

cc: FCC

Case Description for ASN 2022-AEA-11741-OE

Proposed 145 ft AGL Monopole for communication purposes, no C-Band Frequencies

Frequency Data for ASN 2022-AEA-11741-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W



EBI LETTER/SHPO

October 19, 2022

Hon. Chairperson Loretta Taylor and
Members of the Planning Board
Town of Cortlandt
1 Heady Street
Cortlandt NY 10567

Subject: NY079/Cortlandt
52 Montrose Station Road, Cortlandt, Westchester County, NY 10567
EBI Project #: 6118001698 / 6122008511
E106 #: 0008181303

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

EBI Consulting (EBI) completed an environmental review on behalf of the applicants for the property noted above as part of its regulatory review by the Federal Communications Commission (FCC). The review is focused on the National Environmental Policy Act (NEPA) compliance and includes an evaluation of whether historic properties or archaeological sites may be affected by the proposed telecommunications facility at the address noted above under Section 106 of the National Historic Preservation Act (NHPA).

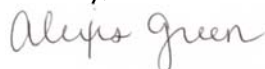
On April 20, 2018, EBI submitted a request for comments to the New York State Historic Preservation Office (SHPO) regarding our "No Historic Properties" determination for the above-referenced telecommunications installation project. The New York SHPO concurred with this finding on May 8, 2018.

Subsequently, the applicants revised the project plans. EBI submitted an addendum to the SHPO via the FCC e106 system on September 9, 2022. The e106 filing was updated, sending the submission to the New York SHPO, per their standard FCC review process. The filing had a determination of "No Historic Properties Present." According to the Nationwide Programmatic Agreement For The Review of Effect on Historic Properties For Certain Undertakings Approved By The FCC, Appendix B, VII.B.2., if there is no response from the SHPO within 30 days of receipt of the submission and there are no historic properties affected, it is deemed that no historic properties effected and we can proceed with the project.

(2004 NPA Appendix B. VII.B.2.) If the SHPO/THPO does not provide written notice to the Applicant that it agrees or disagrees with the Applicant's determination of no Historic Properties affected within 30 days following receipt of a complete Submission Packet, it is deemed that no Historic Properties exist within the APE or the Undertaking will have no effect on Historic Properties. The Section 106 process is then complete and the Applicant may proceed with the project, unless further processing for reasons other than Section 106 is required.

Given the above regulatory review framework for non responses from the SHPO, this project can proceed as planned.

Sincerely,



Alexis Green
Assistant Technical Director – Cultural Resources
P: 585.815.3290 | F: 781.425.5167
agreeen@ebiconsulting.com

Attachments: e106 Notification that the SHPO review time period has expired
e106 confirmation of submittal to the SHPO

Alexis Green

From: towernotifyinfo@fcc.gov
Sent: Wednesday, October 12, 2022 5:18 AM
To: Alexis Green
Subject: Section 106 Notification of Expiration of SHPO/THPO Review Period- Email ID #7576848

This is to notify you that the SHPO/THPO review period has expired for the following filing:
Date of Action: 10/12/2022

File Number: 0008181303
TCNS Number: 254849
Purpose: Update
Original Purpose: New Tower Submission Packet

Notification Date: 7AM EST 09/09/2022

Applicant: Verizon Wireless
Consultant: EnviroBusiness, Inc. d/b/a EBI Consulting (EBI 6118001698/6122008511)
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: Cortlandt / NY079
Site Address: 52 Montrose Station Road
Detailed Description of Project: Proposed construction of a new telecommunications monopole tower and compound resulting in ground disturbance. Please see the SHPO Addendum for project design details. (6122008511)
Site Coordinates: 41-16-11.2 N, 73-53-48.3 W
City: Cortlandt
County: WESTCHESTER
State:NY
Lead SHPO/THPO: New York State Historic Preservation Office

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE
Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

Alexis Green

From: towernotifyinfo@fcc.gov
Sent: Thursday, September 8, 2022 4:15 PM
To: Alexis Green
Subject: Section 106 Filing Update- Email ID #7443317

The following Section 106 filing has been updated:

File Number: 0008181303
TCNS Number: 254849
Purpose: Update
Original Purpose: New Tower Submission Packet

Notification Date: 7AM EST 09/09/2022

Applicant: Verizon Wireless
Consultant: EnviroBusiness, Inc. d/b/a EBI Consulting (EBI 6118001698/6122008511)
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City: Cortlandt
County: WESTCHESTER
State: NY
Lead SHPO/THPO: New York State Historic Preservation Office

Consultant Contact Information:
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