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MEMORANDUM

TO: Chairwoman Taylor & Members of the Planning Board

FROM: Michael J. Cunningham, Esq.
Deputy Town Attorney

RE: PB 2019-5: Application of Homeland Towers, LLC and New York SMSA Limited Partnership, dba Verizon Wireless for the property of Bezo Enterprises, LLC for Site Development Plan approval and a Special Permit for a proposed public utility personal wireless facility (telecommunications tower) on a portion of a 6-acre parcel of property located at 52 Montrose Station Road

DATE: October 6, 2022

The Planning Board had requested a list of factors it could and could not consider in evaluating the proposed telecommunications tower for 52 Montrose Station Road. A summary is located below:

I. Below is a list of factors that the Planning Board can consider:

1. The location of the tower within the property.
2. Any site improvements to the physical terrain.
3. The physical appearance of the tower as seen in elevation drawings (i.e. design, type of tower, size, height, configuration, screening, etc.).
4. Fall Zone area.
5. Historical significance of the property, if any.
6. Section 277-7 of the Town Code ranks locations in the following order of highest to lowest priority: (i) On existing telecommunications towers or other tall structures; (ii) Collocation on a site with existing telecommunications towers or structures; (iii) In nonresidentially zoned areas of the Town, including on municipally-owned properties; (iv) In nonresidentially zoned areas of the Town; (v) On other property in the Town. The proposal is in the lowest priority tier. However, a representative of the Applicant submitted an affidavit stating that it could not find a property in a higher priority location to remedy the purported gap in coverage.

II. Below is a list of factors that the Planning Board cannot consider:

1. Environmental effects of radio frequency emissions so long as the facility complies with FCC regulations. In this matter, our consultant has determined that the proposed telecommunications tower will comply with the federal government's RF Frequency limits.