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THE CENTER FOR MUNICIPAL SOLUTIONS  
70 CAMBRIDGE DRIVE  
GLENMONT, NEW YORK 12077

FAX (518)478-0909

April 19, 2019  
UPDATED: October 16, 2019

(via e-mail & regular mail)  
(via e-mail & regular mail)

Snyder & Snyder, LLP  
94 White Plains Road  
Tarrytown, New York 10591  
Attention: Leslie J. Snyder, Esq.

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.....  
Sent 10/17/19

RE: New York SMSA Limited Partnership d/b/a Verizon Wireless (Verizon Wireless)  
Proposed Installation of a New Wireless Telecommunications Facility  
Planning Board Application  
Premises: 52 Montrose Station Road, Cortlandt Manor, New York  
Cortlandt, NY – Verizon – 52 Montrose Station Road, Cortlandt Manor NEW

Dear Ms. Snyder:

We have reviewed the application material submitted for the above-listed proposed installation of a new wireless telecommunications facility.

Verizon Wireless proposes to install a new wireless telecommunications facility at the subject premises (Sky Blue Equestrian Center) in Cortlandt Manor, New York. There are currently no other wireless service providers at this location.

A pre-application site visit was conducted with the Town on 4/01/19, to view the location and proposed area for installation of the facility.

Verizon Wireless is proposing to install a 140' lattice tower within a 20' x 20' compound surrounded by an 8' tall chain link fence with gate for access. On the tower, Verizon Wireless is proposing to install twelve (12) proposed Model NHH-65B-R2B panel antennas (four antennas (4) per sector) at Sectors A, B, and C at 137' centerline AGL, twelve (12) RRH's (four (4) per sector) at Sectors A, B, and C (Model B25 4x30-4R, Model B13 4x30, and Model B66A 4x45), and three (3) 6-circuit OVP Boxes (one (1) per sector) at Sectors A, B, and C. Although there are four (4) RRH's proposed to be installed per sector, only specifications for three (3) model types of RRH's were provided in the plans submitted. Verizon Wireless is also proposing to install an equipment compound, approximately 30' x 36', surrounded by an 8' chain link fence with double gate for access, within which it proposes to install related equipment consisting of one (1) 20kw diesel generator, one (1) work light, one (1) battery cabinet, one (1) Base Receiver Station cabinet, one (1) power telco cabinet, one (1) meter center, and one (1) telco cabinet. The telco and electric service will be trenched to the equipment platform. Related cabling and conduit will be routed from the equipment platform along a proposed ice bridge to the lattice tower, and up the lattice tower to the antenna sectors. The proposed equipment compound will be large enough to accommodate the equipment for three (3) additional carriers.

Pursuant to Section 277-5, “In order to ensure that the placement, construction and modification of telecommunications towers conforms to the Town's land use code or law, the Board creates a special use permit for a telecommunications tower. As such, the Board adopts an overall policy with respect to a special use permit for a telecommunications tower for the express purpose of achieving the following goals:

- A. Implementing an application process for person(s) seeking a special use permit for a telecommunications tower.
- B. Establishing a policy for examining an application for and issuing a special use permit for a telecommunications tower that is both fair and consistent with the current land use code or law of the Town.
- C. Establishing reasonable time frames for granting or not granting a special use permit for a telecommunications tower, or recertifying or not recertifying, or revoking the special use permit granted under this chapter.
- D. Promoting and encouraging, wherever possible, the sharing and/or collocation of a telecommunications tower among service providers.
- E. 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.”

Upon review and discussions, we offer the following comments:

A conference call was held with the applicant and Town Officials to discuss this application and project issues. Please see comments below.

Pursuant to Section 277-6(B), “Any application for a special use permit for a telecommunications tower shall be signed by an officer of the applicant attesting to the truth and completeness of the information....”

Applicant has submitted its Planning Board Application for Special Permit signed by Csaba Szekely on behalf of New York SMSA d/b/a Verizon Wireless. However, Csaba Szekely's title is not referenced on the Application, and, as such, it is unknown if Csaba Szekely is an employee and an officer of the applicant authorized to sign on its behalf. We recommend that the applicant confirm that Csaba Szekely is an employee and an officer of New York SMSA d/b/a Verizon Wireless authorized to sign on its behalf.

Applicant has submitted another copy of the Planning Board Application for Special Permit (Exhibit 7) signed by Csaba Szekely, which now provides Ms. Skezely's title as Real Estate and Regulator Specialist/Project Manager for New York SMSA Limited Partnership d/b/a Verizon Wireless. However, while Ms. Skezely's title evidences that she is an employee of Verizon Wireless, her title does not purvey her as an officer of Verizon Wireless who is authorized to sign on its behalf. We recommend that the applicant submit a Letter of Authorization signed by an Officer of Verizon Wireless authorizing Csaba Szekely to sign on Verizon Wireless' behalf. INCOMPLETE

Pursuant to Section 277-6(B), “The landowner, if different than the applicant, shall.” Applicant has submitted a Letter of Authorization signed by Laura Labriola, “Owner” on behalf of Bezo Enterprises, LLC. However, Laura Labriola's title with Bezo Enterprises, LLC is not referenced on the Application, and, as such, it is unknown if Laura Labriola is an employee and an officer of the owner authorized to sign on its behalf. In addition, the Letter of Authorization does not verify that the owner is aware that the Town may deny the application or issue a permit with conditions. We recommend that the applicant confirm that Laura Labriola is an employee and an officer of Bezo Enterprises, LLC and that the Letter of Authorization be revised to include that the owner is aware that the Town may deny the application or issue a permit with conditions. Applicant has submitted a revised Letter of Authorization (Exhibit 8) signed by Laura Labriola

as Owner and Sole Member of Bezo Enterprises LLC and notarized on July 15, 2019. The Letter of Authorization states that the owner is aware of the application and is aware that the Town may deny the application or issue a permit with conditions. COMPLETE

Pursuant to Section 277-6(D), "The applicant shall state in writing: (1) That the applicant's proposed telecommunications tower will be maintained in a safe manner and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the Board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, state and federal laws, rules and regulations. (2) That the construction of the telecommunications tower is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York State." The foregoing is contained in the Statement in Support submitted by Applicant, dated February 20, 2019, by Leslie J. Snyder of Snyder & Snyder, LLP, attorneys for applicant.

Pursuant to Section 277-6(E)(1)(a-m, q), "No telecommunications tower shall be installed or constructed until the site plan is reviewed and approved by the Board." Applicant has submitted drawings entitled "Preliminary and Final Site Plans" (Rev. E, dated 02/008/19) prepared on Verizon Wireless' behalf by Scherer Design Group, signed and sealed by Colleen Connolly, P.E., which were deemed incomplete as to "f", "g", "j", "m", and "q" by the Department of Technical Services in its March 11, 2019 Review Memorandum. We recommend that the drawings be revised as suggested in the Department of Technical Services' March 11, 2019 Review Memorandum. Applicant has submitted revised plans (Rev. H, dated 7/15/19) prepared on Verizon Wireless' behalf by Scherer Design Group, signed and sealed by Colleen Connolly, P.E. and are subjected to review by the Department of Technical Services' per their March 11, 2019 Review Memorandum.

Pursuant to Section 277-6(E)(1)(n-p, r), "(n) The frequency, modulation and class of service of radio or other transmitting equipment. (o) The transmission and maximum effective radiated power of the antenna(s). (p) The direction of maximum lobes and associated radiation of the antenna(s). (r) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC, though the certifying engineer need not be approved by the Town." Applicant has submitted an Antenna Site FCC Compliance Assessment and Report (Pinnacle Telecom Group, dated 12/19/18, signed by Daniel J. Collins, Chief Technical Officer) with antenna and transmission data and certifying that the analysis of site RF compliance provided is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.

The Pinnacle Report states that: "According to the FCC, the FCC MPE limit has been constructed in such a manner than continuous human exposure to RF emissions up to and including 100 percent of the MPE limit is acceptable and safe. As described, the analysis in this case shows that the maximum calculated RF level from the proposed operations at the site, is 0.7934 percent of the FCC MPE limit. In other words, the worst-case calculated RF level from the antenna operations is more than 125 times below the limit established as safe for continuous human exposure to the RF emissions from antennas. The results of the calculations provide a clear demonstration of compliance with the FCC MPE limit. Moreover, because of the conservative calculation methodology and operational assumptions we applied in the analysis, RF levels actually caused by the antennas will be even less significant than the calculation results herein indicate." However, the Pinnacle Report is not signed and sealed by a New York state licensed professional engineer. We recommend that the Pinnacle Report be signed and sealed by a New York state licensed professional engineer. Applicant has submitted a revised Antenna Site FCC Compliance Assessment and Report (Pinnacle Telecom Group, dated 6/27/19, signed by Daniel J. Collins, Chief Technical Officer, and signed and sealed by Peter M. Longo, P.E.) with antenna and transmission data and certifying that the

analysis of site RF compliance provided is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.

The Pinnacle Report states that: “According to the FCC, the FCC MPE limit has been constructed in such a manner than continuous human exposure to RF emissions up to and including 100 percent of the MPE limit is acceptable and safe. As described, the analysis in this case shows that the maximum calculated RF level from the proposed operations at the site, is 1.0038 percent of the FCC MPE limit. In other words, the worst-case calculated RF level from the antenna operations is more than 95 times below the limit established as safe for continuous human exposure to the RF emissions from antennas. The results of the calculations provide a clear demonstration of compliance with the FCC MPE limit. Moreover, because of the conservative calculation methodology and operational assumptions we applied in the analysis, RF levels actually caused by the antennas will be even less significant than the calculation results here indicate.”

COMPLETE

Pursuant to Section 277-6(E)(1)(s), “Certification that the proposed antenna(s) will not cause interference with existing telecommunications devices, though the certifying engineer need not be approved by the Town.” Applicant has submitted an Antenna Site FCC Compliance Assessment and Report (Pinnacle Telecom Group, dated 12/19/18, signed by Daniel J. Collins, Chief Technical Officer), which states: “...we can provide a clear assurance that the proposed antenna operation will not interfere with public safety communications services enjoyed by the nearby residential and non-residential properties, or other existing telecommunications devices.” However, the Pinnacle Report is not signed and sealed by a New York state licensed professional engineer. We recommend that the Pinnacle Report be signed and sealed by a New York state licensed professional engineer. Applicant has submitted a revised Antenna Site FCC Compliance Assessment and Report (Pinnacle Telecom Group, dated 6/27/19, signed by Daniel J. Collins, Chief Technical Officer, and signed and sealed by Peter M. Longo, P.E.). COMPLETE

Pursuant to Section 277-6(E)(1)(t), “A copy of the FCC license applicable to the use of the telecommunications tower.” Applicant has submitted copies of its relevant FCC licenses. We note that the FCC License bearing Call Sign WQJQ689, Licensee, Cellco Partnership, is due to expire on 6/13/19. Applicant, by its attorneys, in its August 28, 2019 letter correspondence, in its “Response to the Comments from Town Consultant”, Response to Comment #8 states, “Any licenses expiring after the submission have been renewed in due course.” We recommend that the applicant provide a copy of the renewed FCC License bearing Call Sign WQJQ689, Licensee, Cellco Partnership. INCOMPLETE

Pursuant to Section 277-6(E)(1)(v), “Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites.” The applicant has submitted an RF Report (C Squared Systems, LLC, dated 2/20/19, signed by Martin J. Lavin), which includes as Exhibits, drive test maps (conducted on 11/1/17) and propagation maps. The RF Report notes that the proposed facility is needed to remedy Verizon Wireless’ gap in coverage and capacity needs. Only propagation maps for 750 MHz LTE and 2100 MHz LTE service were submitted. In order to determine the need for a new facility, we recommend that Verizon submit propagation maps for all frequencies that it is authorized to operate in this area, showing all existing and proposed adjacent sites. The RF Report at Section 1.1 Systems Considerations, states that Verizon Wireless network, over which it seeks to provide seamless and reliable service, includes licenses in the 700 (a/k/a 750), 850, 1900, and 2100 MHz frequency bands. We also recommend that current drive test data be provided, as well as detailed proof of need to operate at -85 dBm, which is ten times stronger than industry accepted -95 dBm. We recommend that the applicant submit propagation maps and drive test data as noted above. To confirm the accuracy of the data and maps provided, we require the applicant to complete the attached Propagation Data Study Sheet and attest to the maximum power being utilized for the maps. The

applicant has submitted supplemental material that contains a Supplemental Report (C Squared Systems, LLC, dated 8/16/19, signed by Martin Lavin) and signal propagation maps to demonstrate Verizon Wireless service at the proposed location. The supplement report and maps provided show only 750 MHz service and show required signal strength for reliable in- building and in-vehicle service for 750 MHz frequencies at -85 dBm and -95 dBm, respectively. As noted above and as discussed on the conference call, we recommend that Verizon submit separate propagation maps for all frequencies that it is authorized to operate in this area, showing all existing and proposed coverage from all adjacent sites. Drive test data should also be provided to confirm service deficiency. To confirm the accuracy of the data and maps provided, we require the applicant to complete the attached Propagation Data Study Sheet and attest to the maximum power being utilized for the maps. INCOMPLETE

In order to determine capacity needs, the applicant needs to specify which sectors of which sites need relief and to provide the appropriate key performance indicator. If any sector of any adjoining sites will need relief in the next year, we will need year over year data to show growth.

Applicant has also submitted an Antenna Site FCC Compliance Assessment and Report (Pinnacle Telecom Group, dated 12/19/18, signed by Daniel J. Collins, Chief Technical Officer). The Report notes that Verizon utilizes 700, 1900, and 2100 for this area of Westchester County. However, the submitted RF Report (C Squared Systems, LLC) notes that Verizon Wireless includes 700 (a/k/a 750), 850, 1900, and 2100 MHz frequency bands. We recommend that the FCC Compliance Assessment be revised to include all frequencies that Verizon is authorized to operate in this area. Applicant has submitted a revised Antenna Site FCC Compliance Assessment and Report (Pinnacle Telecom Group, dated 6/27/19, signed by Daniel J. Collins, Chief Technical Officer, and signed and sealed by Peter M. Longo, P.E.), which now includes 700 (a/k/a 750), 850, 1900, and 2100 MHz frequency bands. COMPLETE

Pursuant to Section 277-6(F), "In the case of a new telecommunications tower, the applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing telecommunications tower(s). Copies of written requests and responses for shared use shall be provided to the Board." Applicant has submitted an Affidavit sworn to on 2/6/19 by John Pepe, Site Acquisition Consultant retained by Verizon Wireless, which states "...there are no towers or other tall structures in the area surrounding the property that would allow the Facility to provide the necessary coverage that is provided by the Facility at the Property."

Pursuant to Section 277-6(G), "Certification by a licensed engineer that the telecommunications tower and attachments both are designed and constructed ("as built") to meet all county, state and federal structural requirements for loads, including wind and ice loads." Applicant has submitted a Structural Certification letter (Scherer Design Group, LLC, dated 2/8/19, signed by Colleen Connelly, P.E.). We recommend that a full and complete Structural Analysis Report, including calculations, signed and sealed by a New York State professional engineer be submitted. Applicant has submitted a Structural Certification Letter (Scherer Design Group, LLC, dated 7/15/19, signed and sealed by Colleen Connolly, P.E.), which states, "The proposed Tower, all attachments, and the Tower's foundation will be designed to meet the ANTI/TIA-222G (sic) 'Structural Standard for Antenna Supporting Structures and Antennas' and all county, state, and federal structural requirements for loading, including wind and ice loads. The Tower will be designed to be able to support up to four (4) colocators." Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #13 states, "Once the Tower design has been approved by this Honorable Board, SDG will work with the tower manufacturer and submit the final "full and complete" structural analysis ....it is therefore respectfully requested that the structural analysis be a condition of the building permit approval." The final tower design and engineering has not been determined. Once confirmed, we recommend that applicant submit a "full and complete" structural analysis with all calculations. COMPLETE

Pursuant to Section 277-6(H), "Certification by a licensed engineer that the telecommunications tower is designed with a break point that would result in the telecommunications tower falling or collapsing within the boundaries of the property on which the telecommunications tower is placed." Applicant has submitted a Structural Certification letter (Scherer Design Group, LLC, dated 2/8/19, signed by Colleen Connelly, P.E.), which certifies that "The proposed Tower, all attachments, and the Tower's foundation will be designed to meet the ANTI/TIA-222-G [sic] 'Structural Standard for Antenna Supporting Structures and Antennas' and all county, state, and federal structural requirements for loading, including wind and ice loads." The Applicant has not provided the required break point analysis. Applicant has submitted revised plans (Rev. H, dated 7/15/19) prepared on Verizon Wireless' behalf by Scherer Design Group, signed and sealed by Colleen Connolly, P.E., which at Sheets Z5 and Z6 now depict a tower break point at 110' AGL. In addition, applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #14 states, "...once the Tower design has been approved by this Honorable Board, SDG will work with the tower manufacturer and submit the final "full and complete" structural analysis, including any required break point analysis...it is therefore respectfully requested that the any break point analysis be a condition of the building permit approval." As discussed with applicant, once tower design is confirmed, the applicant will submit a complete structural analysis report with break point analysis for review and approval. COMPLETE

Pursuant to Section 277-6(I), "After construction and prior to receiving a certificate of compliance, the applicant shall have certified by a licensed engineer that the telecommunications tower and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors." We recommend that prior to the issuance of the Certificate of Compliance, the applicant submit, for review and approval, a Certification Letter signed and sealed by a New York State professional engineer certifying that the telecommunications tower and related facilities are grounded and bonded and installed with appropriate surge protectors.

Pursuant to Section 277-6(J), "The applicant shall submit a completed long form EAF and a completed visual environmental assessment form (visual EAF addendum). The Board may require submission of a more detailed visual analysis based on the results of the visual EAF. We recommend that applicants seek preapplication meetings with the Zoning Board of Appeals to address the scope of the required visual assessment." Applicant has submitted a Long Environmental Assessment Form prepared on its behalf by Scherer Design Group, LLC, dated 2/19/19, and signed by Colleen Connolly, P.E. However, applicant has not submitted a completed visual environmental assessment form and, as stated by the Department of Technical Services in its March 11, 2019 Review Memorandum, other environmental approvals may also be required. We recommend that the applicant submit a visual environmental assessment form (visual EAF addendum, and any other environmental approvals that may also be required. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #16 states, "...according to the NYS DEC, the visual EAF addendum merged into the full EAF which as noted above was previously submitted." Applicant has submitted a Visual Resource Assessment (Saratoga Associates Landscape Architects, Architects, Engineers, and Planners, P.C., dated 8/27/19, signed by Matthew W. Allen, RLA), which concludes, "This assessment demonstrates that there are no large geographic areas where Facility views will occur. Places where Facility views are found are isolated locations where narrow view corridors exist through rare small openings in roadside vegetation. Additionally, as demonstrated above, the Facility will not be visible from any scenic resource of statewide or national significance, including places listed on or eligible for listing on the National Register of Historic Places. Based on the location of the facility, it is clear that project visibility is not of a size or extent that it would constitute an unacceptable magnitude. When 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.” The proposed tower will be visible to the surrounding residences and roadways. Proof of need for this facility at this location and height have not been established. Therefore, the degree of visual impact to this community has not been determined. INCOMPLETE

Pursuant to Section 277-6(K), “A visual impact assessment which shall at the Board's request include: A Zone of Visibility Map which shall be provided in order to determine locations from which the tower may be seen. (2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors or travelers. If requested by the applicant, the Zoning Board of Appeals, acting in consultation with its consultants or experts, will provide guidance concerning the appropriate key sites at a presubmission conference. [Amended 1-18-2005 by L.L. No. 1-2005] (3) An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.” Although the applicant, by its attorneys, in its Statement in Support states that “The installation of the Facility will not have any adverse visual impact on the surrounding area since the Facility has been strategically located on the largely wooded 6-acre property.” Applicant is proposing to install a 140’ tower, and we recommend that this material be provided. The proposed 140’ lattice tower will be visible to the adjacent homeowners and is the most visually obtrusive tower design. Although the Code does not specify required distances to be included in the Zone of Visibility Map, due to the residential surroundings, we recommend that all highways and roadways be considered out to a distance of five miles. Also, we recommend that a visual assessment be provided for any location requested by a landowner where the proposed tower will be visible from their property. Applicant has submitted a Visual Resource Assessment (Saratoga Associates Landscape Architects, Architects, Engineers, and Planners, P.C., dated 8/27/19, signed by Matthew W. Allen, RLA), which extends to a two (2) mile radius from the proposed Facility, not to a distance of five (5) miles as previously recommended. The Visual Resource Assessment states, “Viewshed analysis demonstrates that the Facility will be substantially or completely screened by existing woodland vegetation beyond a radius of 1-mile...As such, assessment of the potential impact of the Facility on specific visual resources is largely focused on viewpoints within a 1-mile radius (“1-mile VRA study area”) of the Facility.” A balloon visibility test was conducted on May 4, 2019 during which photographs were taken from the nearest publicly accessible vantage point of 25 locations provided to Verizon Wireless by the Town Engineer and Town Planner, as directed by the Town of Cortlandt Planning Board. As noted above, the Visual Resource Assessment concludes that “When 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.” As noted above, visual impact from the proposed tower has not been determined. INCOMPLETE.

Pursuant to Section 277-6(M), “The applicant shall effectively screen from view its proposed telecommunications tower base and all related facilities and structures, subject to Board approval.” The plans submitted by the applicant depict the installation of an 8’ chain link fence. We recommend that the applicant confirm in writing that the 8’ chain link fence will be installed with privacy slats and will be high enough so as to hide all of the equipment. The proposed project will include extensive site work and tree removal. We recommend that the applicant submit a landscaping plan depicting replacement plantings to further mitigate the proposed visual impact of this project. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its “Response to the Comments from Town Consultant” Response to Comment #18

states, "...the Facility is to be located behind mature trees, away from the road and away from any neighboring residences, such that no additional landscaping is proposed. Moreover, as indicated on Page Z7 of the Revised Plans, the proposed fences shall be 8' high so as to be high enough to screen the proposed equipment and shall be installed with privacy slats. Additionally, as indicated above, Page Z11 of the Revised Plans shows the existing trees and notes those few trees that will need to be removed. Upon approval and location of the Facility, SDG will work with the Town's arborist regarding the removal." COMPLETE

Pursuant to Section 277-6(N), "All utilities leading to and away from any telecommunications tower site shall be installed underground and in compliance with all laws, rules and regulations of the Town, including specifically but not limited to the National Electrical Safety Code and the National Electrical Code where appropriate..." The zoning drawings depict proposed telco and electric to be trenched underground from a proposed Verizon utility pole to be located near the front of the property along the driveway and proposed driveway extension to the equipment. The Applicant has proposed a new utility pole which does not comply with this section of the Code and needs to be explained. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #19 states, "Currently, Verizon Wireless is proposing all utilities to be installed in a trench underground, except where they cross the road. A utility pole on the Property is proposed to avoid any trenching within the existing road. To the extent that this Board requires trenching across the existing road, same can be accommodated." COMPLETE

Pursuant to Section 277-6(O), "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." The facility, as proposed, will substantially increase the visual impact to the surrounding area. To reduce the substantial visual impact from the proposed installation, we recommend that this facility be redesigned to conceal all antennas from view. Also, the material provided does not demonstrate the need for the proposed facility at 140' height. The need and minimum height required must be established. A concealment tower at a lower height would dramatically decrease the visual impact to the surrounding community. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #20 states, "The Visual Assessment concludes that 'the proposed Facility will not result in any adverse visual impact to the area.' As the Facility 'will not result in any adverse visual impact,' a redesign is not necessary. Additionally, the minimum height is confirmed by the C Squared Supplemental Report submitted herewith." Attached as Exhibit B to the C Squared Supplemental Report are coverage maps showing the differences in coverage at varying heights (97', 107', 117', 127' and 137'), which show that coverage decreases as the heights get lower. Upon review it appears that the difference in coverage is minimal between the different heights and a structure height of 100' would satisfy the proposed need. However, as previously noted additional coverage maps, drive test data and detailed capacity data has not been submitted to confirm the need for the proposed new facility at this location and height. INCOMPLETE.

Pursuant to Section 277-6(P), "Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings." As noted above, we recommend that the applicant submit a landscaping plan depicting plantings and site remediation. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #20 states, "...as indicated on Pages Z1, Z5, Z6, Z7, Z11 of the Revised Plans, the Facility will be located on a wooded portion of the property behind mature vegetation and enclosed within proposed 8' tall fences with brown privacy slats, such that no additional landscaping is necessary. Moreover, as indicated



above, Page Z11 of the Revised Plans shows the existing trees and notes those few trees requiring removal.”  
COMPLETE

Pursuant to Section 277-6(Q), “An access road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent not commercially or physically impracticable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Usual requirements regarding weight and carrying capacity for emergency vehicles should apply to access roads.” The applicant, by its attorneys, in its Statement in Support states that “The Facility is unmanned requiring maintenance visits of approximately once per month. Access to the Facility will be provided via a proposed extension to an existing access drive off of Montrose Station Road. The Facility is designed with a parking area at the end of the proposed access drive next to the Compound.”

Pursuant to Section 277-6(R), “A person who holds a special use permit for a telecommunications tower shall construct, operate, maintain, repair, modify or restore the permitted telecommunications tower in strict compliance with all current technical, safety and safety-related codes adopted by the Town, the county, the state, or the United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to construction, building, electrical, fire, safety, health and land use codes.” Applicant, by its attorneys, in its Statement in Support states that “Verizon Wireless shall construct, operate, maintain, repair, modify or restore the Facility in strict compliance with all applicable technical, safety, and safety related codes.”

Pursuant to Section 277-6(S), “A holder of a special use permit granted under this chapter shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or Law, and must maintain the same, in full force and effect, for as long as required by the Town or other appropriate governmental entity or agency.” Applicant, by its attorneys, in its Statement in Support states that “Verizon Wireless shall obtain all required permits and licenses required by any applicable law, rule or regulation, and shall maintain same in full force and effect.”

Pursuant to Section 277-6(V), “The applicant shall examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for at least two additional commercial applications, e.g. future collocations. The scope of this examination shall be determined by the Board. The telecommunications tower shall be structurally designed to accommodate at least two additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference.” Applicant has submitted a Structural Certification letter (Scherer Design Group, LLC, dated 2/8/19, signed by Colleen Connelly, P.E.), which certifies that “The Tower will be designed to be able to support up to four (4) colocators.”

The proposed facility will be located at the lowest priority location pursuant to Section 277-7(A)(1)(4) “On other property in the Town.”

Pursuant to Section 277-7(A)(2), “If 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. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant or service provider if

not granted, or the benefits that might inure, and the beneficiaries of such an alternative site.” Applicant has submitted an Affidavit sworn to on 2/6/19 by John Pepe, Site Acquisition Consultant retained by Verizon Wireless and an RF Report (C Squared Systems, LLC, dated 2/20/19, signed by Martin J. Lavin), which includes as Exhibits, drive test maps (conducted on 11/1/17) and propagation maps. The submitted documents claim that there are no existing telecommunications towers or existing tall structures (or sites with existing towers or structures) on which Verizon Wireless can locate its equipment and remedy its significant gap in coverage and that there is not property in non-residentially zoned areas of the Town, including municipally owned property where Verizon Wireless could locate a tower and remedy its significant gap in coverage. However, the documents do not note all alternative higher priority locations that that could accommodate collocation or a new structure in a non-residential zone. We recommend that the applicant submit an Alternative Site Analysis to confirm that there are no existing higher priority locations for the proposed facility. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its “Response to the Comments from Town Consultant” Response to Comment #27 states, “...documentation has already been submitted confirming ‘that there are no existing higher priority locations for the proposed [F]acility.” COMPLETE

Pursuant to Section 277-7(A)(3), “An applicant may not bypass sites of higher priority by stating the site presented is the only site leased or selected. An application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation shall not be a valid basis for any claim of commercial impracticability or hardship.” Applicant has submitted an Affidavit sworn to on 2/6/19 by John Pepe, Site Acquisition Consultant retained by Verizon Wireless, which states “...there are no towers or other tall structures in the area surrounding the property that would allow the Facility to provide the necessary coverage that is provided by the Facility at the Property.” As noted above, we recommend that the applicant submit an Alternative Site Analysis to confirm that there are no existing higher priority locations for the proposed facility. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its “Response to the Comments from Town Consultant” Response to Comment #28 states, “As noted in response to Comment 27, Verizon Wireless already submitted documentation which provides ‘that there are no existing higher priority locations for the proposed [F]acility.” COMPLETE

Pursuant to Section 277-7(B), “Upon filing an application for a special use permit for a telecommunications tower, the applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.” Applicant has submitted an Affidavit sworn to on 2/6/19 by John Pepe, Site Acquisition Consultant retained by Verizon Wireless and an RF Report (C Squared Systems, LLC, dated 2/20/19, signed by Martin J. Lavin), which includes as Exhibits, drive test maps (conducted on 11/1/17) and propagation maps. The submitted documents claim that there are no existing telecommunications towers or existing tall structures (or sites with existing towers or structures) on which Verizon Wireless can locate its equipment and remedy its significant gap in coverage and that there is not property in non-residentially zoned areas of the Town, including municipally owned property where Verizon Wireless could locate a tower and remedy its significant gap in coverage. However, applicant has not proven its need for the proposed facility at this location. We recommend that the applicant submit propagation maps and current drive test data as noted above to confirm the accuracy of the data and maps provided, to confirm that the proposed Facility would provide the necessary coverage, and we recommend the applicant complete the attached Propagation Data Study Sheet and attest to the maximum power being utilized for the maps. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its “Response to the Comments from Town Consultant” Response to Comment #29 states, “As noted in response to Comment 27, Verizon

Wireless already submitted documentation which provides ‘that there are no existing higher priority locations for the proposed facility.’ COMPLETE

Pursuant to Section 277-7(C), “The applicant shall, in writing, identify and disclose the number and locations of any additional sites that the applicant has, is or will be considering, reviewing or planning for telecommunications towers in the Town and all municipalities adjoining or adjacent to the Town for a two-year period from the date of the subject application.” Applicant has submitted an RF Report (C Squared Systems, LLC, dated 2/20/19, signed by Martin J. Lavin), which includes a list of Existing Network sites and a list of Proposed/Pending Sites in Cortlandt.

Pursuant to Section 277-8, “Shared use of existing telecommunications towers shall be preferred by the Town, as opposed to the proposed construction of new telecommunications towers. Additionally, where such shared use is unavailable, location of antennas on other preexisting structures shall be considered and preferred. The applicant shall submit a comprehensive report inventorying existing towers and other appropriate structures within four miles of any proposed new tower site, unless the applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other preexisting structures as a preferred alternative to new construction.” Applicant has submitted an Affidavit sworn to on 2/6/19 by John Pepe, Site Acquisition Consultant retained by Verizon Wireless and an RF Report (C Squared Systems, LLC, dated 2/20/19, signed by Martin J. Lavin). The submitted documents claim that there are no existing telecommunications towers or existing tall structures (or sites with existing towers or structures) on which Verizon Wireless can locate its equipment and remedy its significant gap in coverage and that there is not property in non-residentially zoned areas of the Town, including municipally owned property where Verizon Wireless could locate a tower and remedy its significant gap in coverage. We recommend that an Alternative Site Analysis be submitted as noted above. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its “Response to the Comments from Town Consultant” Response to Comment #31 states, “As noted in response to Comment 27, Verizon Wireless already submitted documentation confirming ‘that there are no existing higher priority locations for the proposed [F]acility.’ Specifically, see section 5.0 of the C Squared February Report. Therefore, documentation has already been submitted confirming ‘that there are no existing higher priority locations for the proposed [F]acility.’ COMPLETE

Pursuant to Section 277-9(A), “The applicant must submit documentation justifying to the Board the total height of any telecommunications tower and/or antenna and the basis therefor. Such justification shall be to provide service within the Town, to the extent practicable, unless good cause is shown.” Applicant has submitted an RF Report (C Squared Systems, LLC, dated 2/20/19, signed by Martin J. Lavin). However, we recommend that complete propagation maps be submitted at 10-foot increases, beginning at 100’ height, to determine the minimum height needed for a structure at this location. Attached as Exhibit B to the C Squared Supplemental Report are coverage maps showing the differences in coverage at varying heights (97’, 107’, 117’, 127’ and 137’), one at -85 dBm and one at -95 dBm, which show that coverage decreases as the heights get lower. Upon review it appears that the difference in coverage is minimal between the different heights and a structure height of 100’ would satisfy the proposed need. However, addition drive test data and detailed capacity data has not been submitted to confirm the need for the proposed new facility. INCOMPLETE

Pursuant to Section 277-10(A), “Telecommunications towers shall not be artificially lighted or marked, except as required by law.” Applicant, by its attorney, in its Statement in Support has stated that “The Tower will not be artificially lighted or marked.”

Pursuant to Section 277-10(C), "If lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines on which the telecommunications tower is located." Applicant, by its attorney, in its Statement in Support has stated that "The only lighting proposed in connection with the Facility is a light on a timer in the equipment area. Such light will be pointing toward the ground so there will be no glare on surrounding properties." We recommend that the applicant explain the need for the light in the equipment area and the need for said light to be on a timer. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #34 states, "The light is to be used in connection with maintenance work and will be located within the equipment area. See Pages Z4 and Z7 of the Revised Plans. The light will be on a timer, such that when the technician turns on the light the timer starts counting down. In the event the technician fails to turn off the light, it will go off automatically after a limited amount of time. The timer will ensure that the light does not remain on for an extended period of time." COMPLETE

Pursuant to Section 277-11, "All telecommunications towers and antennas shall be located, fenced or otherwise secured in a manner which prevents unauthorized access. Specifically: A. All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into. B. Transmitters and telecommunications control points must be installed such that they are readily accessible only to persons authorized by the FCC's licensee to operate or service them." Pursuant to the zoning drawings, the proposed facility will be surrounded by an 8' tall chain link fence. We recommend that a lock be installed on the gate so there is no public access to the facility. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #35 states, "...locks will be installed on the gates to the compounds. See Page Z7 of the Revised Plans." COMPLETE

Pursuant to Section 277-12, "Telecommunications towers shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any antennas, antenna supporting structures or antenna towers unless required by law." Applicant by its attorney, in its Statement in Support has stated that "The Facility will contain a sign, no larger than four (4) square feet, with the name and emergency telephone number for Verizon Wireless, and a sign in accordance with FCC regulations regarding radio frequency emissions. No commercial or retail signage is proposed."

Pursuant to Section 277-13(B), "Telecommunications towers shall be located with a minimum setback from any property line a distance equal to 1/2 the height of the tower or the existing setback requirement of the underlying zoning district, whichever is greater. Further, any accessory structure shall be located so as to comply with the minimum setback requirements for the property on which it is situated." Applicant, by its attorney, in its Statement in Support has stated that "The Facility will comply with all of the setback requirements set forth in Section 277-13, except for an individual side yard setback. In connection therewith, Verizon Wireless will require a variance from the Zoning Board of Appeals." Pursuant to the Department of Technical Services March 11, 2019 Review Memorandum, an Engineer is to re-evaluate the location of the tower and equipment area to comply with dimensional setbacks. We recommend that the tower and equipment area be staked to mark the exact location for this project and confirm setbacks to adjacent

property. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #37 states, "...Verizon Wireless 're-evaluated' the location of the Facility and that based on topography, location of trees, size and shape of the Property, it determined that the proposed location is the best location for the Facility as it will be behind mature trees, away from the road and away from any neighboring residences, and will provide much needed reliable wireless communications, including wireless 911, to a significant gap in coverage that exists in that area of the Town. As indicated in the memo in support submitted previously: 'Z. Setbacks Section 277-13: The facility will comply with all of the setback requirements set forth in Section 277-13, except for an individual side yard setback.' In connection therewith, Verizon Wireless will require a variance from the Zoning Board of Appeals. However, the setback variance that Verizon Wireless requires is with respect to the Facility's setback from the Blue Mountain Reservation adjacent to the Property. Therefore, there are no structures in the proximate area only woods between the Property and the adjacent Reservation, so the variance will have no adverse impact to the area." Final location to be determined, upon which setback requirements will be confirmed. COMPLETE

Pursuant to Section 277-21, "The applicant and the owner of record of any proposed telecommunications tower property site shall be jointly required to execute and file with the Town a bond or other form of security acceptable to the Town as to type of security and the form and manner of execution in an amount deemed sufficient by the Board to assure the faithful performance of the terms and conditions of this chapter and any special use permit issued pursuant to this chapter. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and/or until the removal of the telecommunications tower, and any necessary site restoration is completed." Applicant has requested a temporary waiver of the bond until after the issuance of the Building Permit. Inasmuch as applicant is proposing a new wireless facility, as security, to assure the faithful performance of the terms and conditions of this chapter and any special use permit issued, we recommend that the applicant submit, for review and approval, a bond after the issuance of the Building Permit, but prior to the start of construction. The amount of security bond will be confirmed once the facility design has been established.

Pursuant to Section 277-23, " A. A holder of a special use permit for a telecommunications tower shall secure and at all times maintain public liability insurance, property damage insurance and umbrella insurance coverage for the duration of the special use permit in amounts as set forth below (1) Public liability: \$1,000,000 per person/per occurrence. (2) Property damage: \$1,000,000 per any one claim. (3) Umbrella liability: \$3,000,000. B. The public and personal liability and property damage insurance policy shall specifically include the Town and its officials, employees and agents as additional insureds. C. The public and personal liability insurance and property damage insurance policy shall be issued by an agent or representative of an insurance company licensed to do business in the state. D. The public liability and property damage insurance policy shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days' written notice in advance of the cancellation of the insurance. E. Renewal or replacement policies or certificates shall be delivered to the Town at least 15 days before the expiration of the insurance which such policies are to renew or replace. F. Before construction of a permitted telecommunications tower is initiated, but in no case later than 15 days after the grant of the special use permit, the holder of the special use permit shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts." We recommend that the insurance requirements as noted above be required for this project. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #39 states, "...it is respectfully requested that Verizon Wireless submit any reasonable request for insurance as a condition of the building permit." We recommend that applicant's request to submit insurance requirements as a condition to the issuance of the building permit be granted. COMPLETE

Pursuant to Section 277-24, "Any special use permit issued pursuant to this chapter shall contain a provision with respect to indemnity. Such provision shall require the holder of the special use permit, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless and exempt the Town, officials of the Town, its officers, agents, servants, and employees from any and all penalties, damage or charges arising out of any and all claims, suits, demands, causes of action or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, products performance, operation, maintenance, repair, installation, replacement, removal or restoration of a telecommunications tower within the Town. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees and expert witness fees are included in those costs that are recoverable by the Town." Applicant has requested waiver of the indemnity requirement inasmuch as the Facility is not proposed to be on Town property.

We recommend that the applicant submit a full set of construction drawings depicting the specifications and installation of the proposed tower and its foundation; the specifications and mounting details of all proposed components to be installed on the proposed tower; and the specifications and installation of the proposed equipment compound; and the specifications and mounting details of all components in the proposed equipment compound. Applicant, by its attorneys, in its August 29, 2019 letter correspondence, in its "Response to the Comments from Town Consultant" Response to Comment #41 states, "...submitted herewith are the Revised Plans for this Facility... To the extent that such Revised Plans are not 'construction drawings', it is respectfully submitted that 'construction drawings' are only needed in connection with an application for building permit and that same will be submitted in connection with any building permit application." Upon determination of final structure design and location, the applicant will submit a full set of construction drawings for review and approval. COMPLETE

Due to the amount of missing and incomplete material, we strongly recommend a conference call, with the applicant, including the individual(s) that will be submitting the material, to discuss the Code requirements and data that must be provided for this application so that the next submittal can be complete. Please contact Evamarie Wilson at 516-477-8051 or Al Tagliaferri at 914-316-5039, to establish a date and time for the call.

Upon review and discussion of all the submitted material required under the Town of Cortlandt Code, we find that there is essential outstanding material as noted above that must be submitted for review and approval and, therefore, this application is incomplete. Upon review and discussion of the submitted supplemental material required under the Town of Cortlandt Code, we find that there remains essential outstanding material as noted above that must be submitted for review and approval and, therefore, this application remains incomplete.

Sincerely,

*R. A. Comi* (electronic signature)

Richard A. Comi  
CMS

cc: Chris Kehoe (via e-mail)  
Michael Preziosi (via e-mail)  
Al Tagliaferri (via e-mail)  
Evamarie Wilson (via e-mail)

**Propagation Study Data Sheet**

**Applicant:**

**Name/title person completing form:**

**Proposed Site Name:**

**Site Address:**

Instructions: Complete this form, attach radio and antenna spec sheets and include with the RF Propagation Study. All nearby sites (adjacent) providing coverage in and near the proposed site are to be included in the study. Use an additional form if more than 3 sites

Line No.	ITEM	UNIT	Proposed site Data	Adjacent site #1 Data	Adjacent site #2 Data	Adjacent site #3 Data
	<b>GENERAL INFO:</b>					
#1	Site Name					
#2	Site Address					
#3	Tower or structure height	feet				
#4	Antenna mounting height agl	feet				
#5	Network Technology					
#6	Operating Frequency	Mghz				
#7	Base Station Manufacturer					
#8	Base Station Model #					
#9	Radio Max Power	Watts				
#10	Is pilot channel used for propagation (yes or no)					
#11	If yes, pilot channel power (min. 20% of power)	Watts				
#12	<b>Convert Power to dBm</b>	dBm				
#13	<b>Losses:</b>					
#14	Is there a combiner					
#15	If yes, make and model					
#16	If yes, combiner loss	dB				
#17	Cable losses:					
#18	Cable diameter	in.				
#19	Cable lgth. From antenna to equipment	Ft				
#20	Cable loss per 100 ft.	dB				
#21	Calculated loss	dB				
#22	Connectors					
#24	Loss per connector	dB				
#25	Calculated Loss	dB				
#26	Jumpers:					
#27	Number of jumpers					
#28	Loss per jumper	dB				
#29	Calculated loss	dB				
#30	<b>Total calculated loss:</b>	dB				
#31	<b>Gains:</b>					
#32	Is there an in line amplifier					
#33	If yes, gain	dB				
#34	Antenna Mftg.					
#35	Antenna Model #					
#36	Antenna gain	dB				
#37	<b>Total gain:</b>	dB				
#38	<b>Result:</b>					
#39	Transmission Power	dBm				
#40	ERP	Watts				
	<b>To Calculate ERP (Line #40) of an Antenna:</b>					

	Step #1: Insert the radio power in Watts in line 9 and pilot power, if applicable in Line 11.
	Step #2: Convert the radio power or pilot power, as applicable, into dBm units. Insert the result into Line #12
	Step #3: Add all dB losses: Line #16 + Line #21+ Line #25 + Line #29; Insert the result into Line #30
	Step #4: Add all dB gains: Line #33 + Line #36; Insert the result into Line #37
	Step #5: Add Line #37 to Line #12. Subtract from the result, Line #30. Insert the result into Line #39.
	Step #6: Convert the number in Line #39 into Watts. Record the result in Line #40.