

**DRAFT**

**TOWN OF CORTLANDT  
PLANNING BOARD  
PB 2018-26**

**RESOLUTION NO. 10-19**

**WHEREAS**, an application for Planning Board approval of a Special Permit as per Chapter 277 (Telecommunications), and for Site Plan approval, to the extent applicable, under Chapter 307 (Zoning) of the Town of Cortlandt Code was submitted on behalf of New York SMSA Limited Partnership, d/b/a Verizon Wireless, for the property of the Cortlandt Engine Company, Inc., for a proposed public utility personal wireless facility on the rooftop of the existing Montrose Fire Department building as shown on a 9 page set of drawings entitled “Zoning Drawings” prepared by Peter J. Tardy, P.E. latest revision dated January 16, 2019, and

**WHEREAS**, the subject property of approximately 1.6 acres is located at 2143 Albany Post Road, is split zoned with the front portion located along Albany Post Road being zoned CC, Community Commercial and the rear portion being zoned RG, residential and is designated on the Town of Cortlandt Tax Maps as Section 43.20, Block 4, Lot 42, and

**WHEREAS**, the Planning Board is considering the application an Unlisted Action and as required by Article 8 of the New York State Environmental Conservation Law the applicant completed and submitted Part 1 of the Full Environmental Assessment Form dated March 28, 2019, and

**WHEREAS**, the applicant is proposing to install on the roof of the existing Montrose Fire Department building a personal wireless facility and conceal the antennas within a stealth enclosure to replicate the existing fire whistle that is on the roof now and to locate related equipment at the base of the firehouse building, and

**WHEREAS**, submitted with the drawing set was an RF Compliance Assessment Report completed by Pinnacle Telecom Group dated October 16, 2018, and RF Affidavit signed by Ali Aljibori dated October 23, 2018 and a Structural Analysis Report prepared by Peter J. Tardy, P.E. of French & Parrello Engineering dated September 26, 2018, and

**WHEREAS**, the Town Engineer completed a review of the subject drawings and reports and issued written comments in a review memorandum dated November 6, 2018, and

**WHEREAS**, the Town retained the services of a consultant firm, The Center for Municipal Solutions, specializing in the review of applications for wireless telecommunications facilities, and they submitted a report dated February 18, 2019 reviewing the application material, and

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**WHEREAS**, as required by Section 277-16 of the Telecommunications Law the Planning Board held the required Public Hearing on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on March 5, 2019, and

**WHEREAS**, the Public Hearing Notice for this application was published in the “Gazette”, and

**WHEREAS**, the required notice was mailed to all landowners whose property is located within 1,500 feet of any property line of the parcel on which the tower is located and the subject property was posted with a sign giving notice of the public hearing, and

**WHEREAS**, as required by Section 277-6 U of the Telecommunications Law the subject application was referred to adjacent and adjoining municipalities and the Westchester County Planning Department, and

**WHEREAS**, as permitted by Section 277-8 C of the Telecommunications Law the Planning Board may waive certain requirements of the code to expedite the review of a shared “collocated” facility upon the showing of good cause by the applicant, and

**WHEREAS**, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject application at the public hearing, and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Section 617.7 of the SEQR Regulations, as stated in this Resolution and throughout the course of this application as contained in the minutes of the public hearing and other regular meetings of the Planning Board, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

1. The proposed action, with conditions imposed by this approving resolution, will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the

habitat of such a species, or other significant adverse effects to natural resources.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.

4. The proposed action will not result in the creation of a material conflict with the adopted 2016 Town Sustainable Comprehensive Master Plan and Town Zoning Ordinance.

5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.

6. The proposed action will not significantly impact the use of either the quantity or type of energy.

7. The proposed action will not create a hazard to human health.

8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.

10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.

11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.

12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section, and the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action, and

**FURTHER BE IT RESOLVED** that the Planning Board as lead agency in this matter finds that based on Part 1 of the Full Environmental Assessment Form (EAF) prepared by Peter J.

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Tardy, P.E. dated March 28, 2019 and Part II of the Full EAF prepared by the Planning Division dated April 2, 2019 and based on the subject site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Short EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

**FURTHER BE IT RESOLVED** that the application of New York SMSA Limited Partnership, d/b/a Verizon Wireless, for the property of the Cortlandt Engine Company, Inc. for Planning Board approval of a Special Permit as per Chapter 277 (Telecommunications), and to the extent applicable Chapter 307 (Zoning) of the Town of Cortlandt Code for a proposed public utility personal wireless facility on the rooftop of the existing Montrose Fire Department building as shown on a 9 page set of drawings entitled “Zoning Drawings” prepared by Peter J. Tardy, P.E. latest revision dated January 16, 2019 is hereby **approved**, and

**FURTHER BE IT RESOLVED** that approval of said amended Site Development Plan shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval and to obtain the signature of the Planning Board Chairman on the Site Development Plan. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for a maximum of two (2) additional years, granted in one year intervals, **upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension**, and

**FURTHER BE IT RESOLVED** that the approved site plan with the Planning Board Chairman’s signature shall be valid for a period of twelve (12) months from the date of signing. If there is no substantial change in the condition of the site and/or its environs, Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, **upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension.**

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**CONDITIONS AND MODIFICATIONS:**

- 1. Obtain the required signature from the Director of Technical Services and the Planning Board Chairperson on the subject drawing(s) and submit (4) four prints of the signed site plan drawing set.**
- 2. Add the correct signature block to the subject drawing (attached).**
- 3. Prior to the issuance of a building permit, the applicant shall provide the following:**
  - i) a structural analysis and assessment of the existing fire station roof clearly demonstrating that the roof can support the additional load in accordance with the NYS Uniform Code, to the satisfaction of the Director of Technical Services**
  - ii) Revised drawing showing the radio frequency warning signs to be installed in the vicinity of the proposed antennae**
  - iii) A landscape plan for the fenced in equipment area to the satisfaction of the Director of Technical Services**
- 4. Prior to the issuance of a building permit, the applicant's Structural Engineer and RF Frequency engineer shall respond to all comments as outlined in the Director of Technical Services November 6, 2018 Review Memorandum and the Town's Consultant review memo dated February 18, 2019.**
- 5. Prior to the issuance of a certificate of compliance, 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 shall be submitted.**
- 6. 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, as installed herein, are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.**
- 7. The Applicant shall notify the Department of Technical Services and shall submit all certifications as outlined in this resolution and Town Code Chapter 277 within 30 days of completion of construction and prior to use of the equipment.**

**TO BE CONSIDERED FOR ADOPTION: APRIL 2, 2019**