

DRAFT

**TOWN OF CORTLANDT
PLANNING BOARD
PB 2019-19**

RESOLUTION NO. 23-19

WHEREAS, an application was submitted by SBA Communications Corporation, for the property of Reed Partners LP/William R. Reed for the Re-Certification of an existing Special Use Permit for an existing cellular tower located at 5742 Albany Post Road as shown on an 8 page set of drawings entitled “Annsville NYCNNY5524” prepared by Burtner Engineering Services, PLLC latest revision dated June 11, 2019, and

WHEREAS, the subject property of approximately 1 acre is located at 5742 Albany Post Road, is zoned HC, Highway Commercial and is designated on the Town of Cortlandt Tax Maps as Section 22.16, Block 4, Lot 3, and

WHEREAS, a Special Use Permit was originally approved by the Zoning Board of Appeals on April 20, 2005 by ZBA Decision & Order 12-05 for a 130 foot monopole with antennas collocated with related equipment in a fenced in compound at grade, and

WHEREAS, as required by Section 277-18 of the Town Code (Telecommunications Towers) the Zoning Board of Appeals (the prior approval authority) granted approval for the re-certification of the tower by a subsequent owners TowerCo in 2010 (ZBA Case 41-09) and by SBA in 2014 (ZBA Case No. 2014-16), and

WHEREAS, the Planning Board previously approved by PB Res. 2-18 adopted on January 9, 2018 the co-location of additional equipment with additional related equipment at the base of the tower, and

WHEREAS, pursuant to Section 277-18 of the Town Code the applicant has submitted a structural analysis report, prepared by TES, Kyle Wayant, P.E. dated April 10, 2019 confirming

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that the existing tower structure and its foundation were found to be adequate to safely support the existing and any proposed equipment and meets the minimum requirements of all applicable laws, and

WHEREAS, the request for recertification was reviewed by Department of Technical Services staff as required by Chapter 277 of the Town Code, and

WHEREAS, the subject request is considered a Type II action under the State Environmental Quality Review Act (SEQRA).

NOW THEREFORE BE IT RESOLVED, that the request of Leonard A. Cohen, Esq. for recertification of the Special Permit issued for the existing wireless telecommunications facility located at 5742 Albany Post Road is hereby approved subject to the conditions listed below:

CONDITIONS AND MODIFICATIONS:

- 1) **The applicant shall provide a copy of the current lease agreement and property survey prepared by a licensed professional land surveyor.**
- 2) **The applicant is advised that no further permits for the existing tower shall be granted until an as-built survey is submitted to and accepted by the Department of Technical Services.**
- 3) **The tower owner shall complete a tower climb and submit a report to the satisfaction of the Director of Technical Services certifying all existing equipment on the tower and located in the compound. The report shall include make, model and style of equipment, certification or statement pertaining to existing antennas, mounts and transmission line and plan sets are consistent with all plans approved and on file with the Department of Technical Services – Office of Code Enforcement.**

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- 4) The applicant shall submit the required information as per the Town of Cortlandt Code section 277 81 In addition the information required under 277 -10e existing cell tower and appurtenances shall be inspected certified as structurally sound. The certification shall be addressed "To Whom it may Concern". Certification shall be by a NYS licensed Professional Engineer.
- 5) The applicant shall make application to the Planning Board at or prior to the November 2024 Planning Board meeting to request the next 5 year re-certification and the current certification shall be considered valid during the Planning Board review of the recertification request.

TO BE CONSIDERED FOR ADOPTION: OCTOBER 10, 2019