

### **Right to Know/FOIL**

Information contained herein is compiled and made available for informational purposes only. While every effort has been made to provide correct and timely information neither the Town nor its employees or agents assume any legal liability or responsibility for the accuracy, scope or timeliness of its content. The Town reserves the right to alter or remove any material or information posted or contained on this website without notice. The DRAFT Resolutions and documentation herein are for the convenience of the Board and should not be construed as an indication as to how the Board will vote. The Resolutions are only proposed and do not become final until approved by a majority of the Board.



445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300  
F 914 761 5372  
cuddyfeder.com

Lucia Chiocchio  
[lchiocchio@cuddyfeder.com](mailto:lchiocchio@cuddyfeder.com)

October 26, 2018

**By Electronic Mail & First Class Mail**

Chairperson Loretta Taylor and Members of the Planning Board  
c/o Mr. Chris Kehoe, AICP, Dep. Director DOTS  
DOTS: Planning Division  
1 Heady St  
Cortlandt Manor, NY 10567

Re: SBA 2012 TC Assets, LLC ("SBA")  
Special Use Permit No. 131-04; 40-09; 2014-04; 2018-19  
Recertification of Special Use Permit  
Existing Wireless Telecommunications Facility  
Premises: 51 Scenic Drive, Cortlandt, New York (Section 67.7, Block 2, Lot 3)

Dear Chairperson Taylor and Members of the Planning Board:

On behalf of our client, SBA 2012 TC Assets, LLC (SBA), we respectfully request that the Planning Board update the re-certification dates in its Resolution 34-18 approving the Re-certification of the Special Use Permit for the existing wireless telecommunications facility at 51 Scenic Drive (the "Resolution"). As noted in the Resolution (copy attached), the last five-year re-certification was issued on February 19, 2014 making the five-year anniversary February 2019. Thus, the five-year anniversary of the re-certification issued by the Planning Board in the Resolution is February 2024.

Accordingly, we respectfully request that the Planning Board update the date included in Condition No. 3 of the Resolution indicating that SBA must submit an application for re-certification by August 2023 in accordance with Code Section 277-18.A, which requires requests for recertification to be submitted between twelve months and six months prior to the five year anniversary date of the re-certification.

Thank you for your consideration of this request. If you or Town Staff should have any questions in connection with this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Lucia Chiocchio". The signature is written in a cursive, flowing style.

Lucia Chiocchio

Enclosures

cc: SBA

**DRAFT**

**TOWN OF CORTLANDT  
PLANNING BOARD  
PB 2018-19**

**RESOLUTION NO. 39-18**

**WHEREAS**, the Planning Board approved a recertification of an existing cell tower located at 51 Scenic Drive as required by Section 277 (Telecommunications Towers) of the Town of Cortlandt Code by Resolution 34-18 adopted on October 2, 2018, and

**WHEREAS**, Condition #3 of Resolution 34-18 requires the applicant to re-apply to the Planning Board for recertification at or prior to the December 2022 Planning Board meeting for the recertification to be completed by February 2023, and

**WHEREAS**, by letter dated October 26, 2018 Lucia Chiochio, Esq. requested the Planning Board correct the recertification dates as required by Condition #3 of Resolution 34-18 to require the recertification application to be submitted in August 2023 for the recertification process to be completed by February 2024 which is the 5 years as required by Code.

**NOW THEREFORE BE IT RESOLVED THAT**, Planning Board Resolution 34-18 is hereby modified to require the applicant to submit a Planning Board application for recertification of the existing cell tower located at 51 Scenic Drive by August 2023 in accordance with Code Section 277-18.A. which requires requests for recertification to be submitted between twelve months and six months prior to the five year anniversary date of the recertification.

**TO BE CONSIDERED FOR ADOPTION: NOVEMBER 7, 2018**