

**TOWN OF BEDFORD  
PLANNING BOARD MEETING**

**425 Cherry Street  
Bedford Hills, New York 10507  
Tuesday  
September 13, 2016  
8:00 PM**

**Public Hearings:**

- 8:00** Special Use Permit – Barn  
– Accessory Structure Over 20 Feet in Height  
– Accessory Structure Greater Than 2,500 Square Feet in Ground Floor Area  
Section 83.13 Block 1 Lot 7, R-4A Zone  
326 South Bedford Road, Bedford Corners  
Owner: **326 South Bedford Road, LLC**  
Applicant: **Carol Kurth Architecture, P.C.**  
(Consider Special Use Permit Approval.)
- 8:05** Renewal – Special Use Permit  
– Public Utility Wireless Communications Facility  
Section 60.8 Block 1 Lot 3, R-½A Zone  
281 Route 117 ByPass Road, Bedford Hills  
Owner: **Peckham Materials Corp.**  
Applicant: **Crown Atlantic Company, LLC**  
(Consider Renewal of Special Use Permit.)
- 8:10** Special Use Permit Approval  
-Public Utility Wireless Communications Facility  
Section 85.13 Block 1 Lot 13, R-1A Zone  
91 Hickory Lane, Bedford  
Owners: **Angelo and Yvonne Mazzella, Brooke Mazzella Mueller,  
Kelly Milne and Angelo J. Mazzella, Jr.**  
Applicant: **New York SMSA Limited Partnership d/b/a Verizon Wireless**  
(Consider Special Use Permit Approval.)

**Approval of Minutes:**

February 9, 2016  
February 23, 2016

Supporting documentation for all items on this agenda is available at the Town of Bedford website.  
([www.bedfordny.gov](http://www.bedfordny.gov))

Larger documents and plans are available at the office of the Planning Board.  
Agenda items subject to change.

PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK

APPLICATION FOR A SPECIAL USE PERMIT

Submit to: Bedford Planning Board, Town House, Bedford Hills, N.Y. 10507

1. IDENTIFICATION OF OWNER

Name of owner: 326 South Bedford Rd. LLC

Address: 326 South Bedford Rd. Bedford Corners, NY Phone: 212-492-5661

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Carol Kurth Architecture P.C.

Address: 644 Old Post Rd. Bedford, NY 10506 Phone: 914-234-2395

3. PROFESSIONAL PERSON PREPARING SUBDIVISION PLAT

Name: N/A

Address: Phone:

4. IDENTIFICATION OF PROPERTY

a. Subdivision name or identifying title

b. Roads which property abuts Rte 172

c. Bedford tax map designation: Sector: 83.13 Block: 1 Lot(s): 7

d. Property lies in a (circle one) 4A 2A 1A 1A2A 1A3A TF VA NS CE PBR PBD LI  
Zoning District.

e. Total area of property in acres 10.395

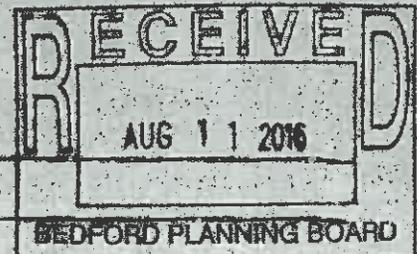
5. REQUEST

The applicant requests that the Planning Board approve the issuance of a Special Use Permit under the following section of the Code of the Town of Bedford:

Article: III Section: 125.27.D.3

The applicant proposes the following Special Permit Use:

Recreation Barn



**6. PUBLIC NOTICE**

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit mailing with the Board Secretary prior to the hearing.

**7. SITE PLAN**

Attach a Preliminary Site Plan Application Form, fee and eleven (11) copies of a Preliminary Site Plan complying with all requirements of Article IX, Section 125-88 of the Bedford Town Code.

**8. FEES (make checks payable to the Town of Bedford)**

Special Use Permit Application: \$ \_\_\_\_\_ \$ \_\_\_\_\_

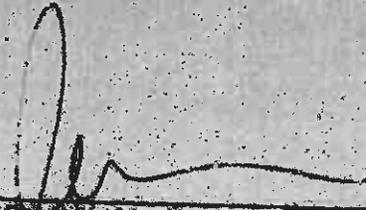
Preliminary Site Plan:  
\$500 plus \$25 per parking space required by  
the Bedford Town Code: \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Permission is hereby given to the Town of Bedford, its agents, servants and employees to enter upon the above described property solely for the purposes incidental to the within application at reasonable times upon reasonable notice to the owner or tenant in possession.

All applications shall be signed by the owner of the property affected by this application and by the applicant, if other than the owner.

\_\_\_\_\_  
Signature of Owner Date

  
\_\_\_\_\_  
Signature of Applicant Date 8.2.16

Carol Kurth  
ARCHITECTURE P.C.

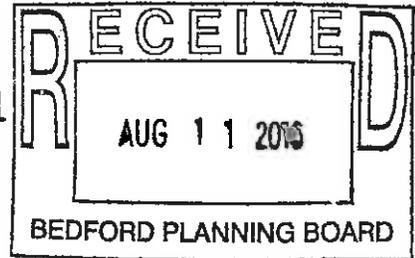
\_\_\_\_\_  
Name of Owner (Please Print) Date

Carol Kurth Architecture, P.C. 8.2.2016

\_\_\_\_\_  
Name of Applicant (Please Print) Date



**TOWN OF BEDFORD**  
**ENVIRONMENTAL CLEARANCE FORM**  
 (This Side to be completed by Applicant)



Identification of Applicant

Name Carol Kurth Architecture, P.C. Address 644 Old Post Rd. Bedford, NY 10506  
 Phone 914-234-2595

Identification of Property Owner, if Other than Applicant

Name 326 South Bedford Rd. LLC Address 326 South Bedford Rd. Bedford Corners, NY 10549  
 Phone 212-492-5661

Identification of Site Involved, if any

- a) Name or other identification of site 326 South Bedford
- b) Street which site abuts Rte. 172
- c) Tax Map Section Section: 83.13 Block: 1 Lot: 7
- d) Total site area 10.395 acres
- e) Does applicant have a whole or partial interest in lands adjoining this site? No

Identification of Proposed Action

a) Description of Proposed Action Demolish existing barn structure and rebuild recreation barn.  
Demolish existing 1 story frame building, existing cottage and existing greenhouse.

b) Relationship to other actions:

1. List of further actions which may be undertaken, of which this proposed action is a part or first step, e.g. further subdivision of a large parcel of land: \_\_\_\_\_
2. List any related actions which may be undertaken as a result of this proposed action e.g. highway reconstruction to serve increased traffic: \_\_\_\_\_
3. List any actions which are dependent upon this proposed action and therefore should be reviewed as a part of this action, e.g. house construction in the case of a residential subdivision: \_\_\_\_\_

All such actions must be reviewed in conjunction with the action proposed.

Classification of Proposed Action (see lists of Type I, II, Exempt, Excluded Actions)

- Type I. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.
- Type II or Exempt Action. No Environmental Impact Statement is needed. Submit this form only.
- Unlisted Action. Pending Analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.

Signature of Applicant: \_\_\_\_\_ Date: 8-2-16

*Carol Kurth Architecture PC*

# TOWN OF BEDFORD – ENVIRONMENTAL CLEARANCE FORM

(This Side for Official Use Only)

Classification Approved; Further Action Required:

- Type I Action. The proposed action will have a significant effect on the environment. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.
- Type II or Exempt or Excluded Action. No Environmental Impact Statement is needed. No further action required.
- Unlisted Action. The proposed project may have a significant effect on the environment. Pending analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.

Comments:

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Town Agency

Agency Signature

Date



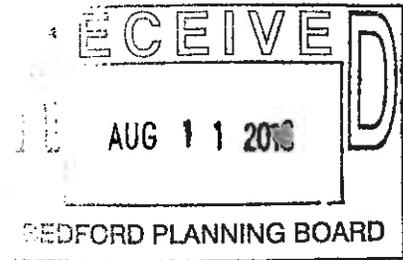
**CAROL KURTH  
ARCHITECTURE PC**

Architecture as a backdrop for living™

THE ARCADE BUILDING | 644 OLD POST ROAD | BEDFORD, NY 10506 | T. 914.234.2595 | F. 914.234.6552

April 30, 2015

Town of Bedford  
Zoning Board of Appeals/ Planning Board  
Building Department  
425 Cherry Street  
Bedford Hills, NY 10507



Re: Zoning & Planning Board Application for:  
326 South Bedford Road LLC  
Bedford Corners, NY 10549  
Section 83.13 / Block 1/ Lot 7

Please be advised that the undersigned does hereby authorize Carol Kurth Architecture, P.C. to act as its agent on their behalf with respect to the above residence and specifically with regard to the filing of all plans and applications and other written documents affecting the said project.

Best Regards,

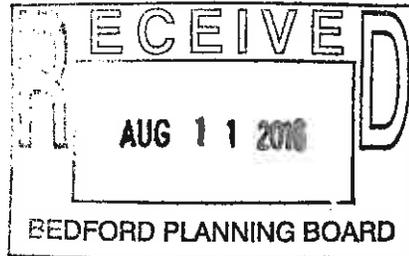


**CAROL KURTH**  
**ARCHITECTURE P.C.**

Architecture as a backdrop for living

THE ARCADE BUILDING | 644 OLD POST ROAD | BEDFORD, NY 10506 | T. 914.234.2595 | F. 914.234.6552

August 9, 2016  
Town of Bedford  
Planning Board  
Building Department  
425 Cherry Street  
Bedford Hills, NY 10507



Re: Planning Board Application for:  
326 South Bedford Road LLC  
Bedford Corners, NY 10549  
Section 83.13 / Block 1 / Lot 7

Dear Members of the Planning Board,

On behalf of our clients we are returning to you and seeking Planning Board Approval for a revised site plan approval for previously approved Planning Approvals for the above referenced property.

We are proposing to tear down and replace the existing barn with a more functional recreational structure to meet the client's needs. We would then demolish the existing greenhouse and the remains of the existing 1story frame structure. Note that we had previously been granted a demo permit to demolish and rebuild the cottage. The Cottage has been demolished, and the client would then not proceed with the cottage construction and withdraw the building permit.

We are seeking approval of the following:

- A New Recreation Barn to replace the existing barn, including new plumbing for a bathroom and wet bar.
- We are seeking approval for the height of a studio/building over 2500 SF, per Article III Section 125.27.D.3. The proposed maximum building height of the barn is at 32'-6" above exposed face to ridge. Note that the building is into the hillside at its rear and side; thus, those facades have a lower profile, maximum of 22 ft to ridge
- Demolition of the existing greenhouse
- Demolition the remains of the existing 1story frame structure
- Withdrawal of Cottage Building Permit

We are seeking relief from Article III, Section 125.27.D.3 for the construction of an accessory building over 2,500 SF and greater than 20 feet in building height.

Thank you for your review and consideration. Please feel free to contact our office should you have any questions.

Respectfully,

Carol J.W Kurth, FAIA  
Carol Kurth Architecture, P.C.





**CAROL KURTH  
ARCHITECTURE PC**

Architecture as a backdrop for living

THE ARCADE BUILDING | 644 OLD POST ROAD | BEDFORD, NY 10506 | T. 914.234.2595 | F. 914.234.6552

To: Town of Bedford  
Planing Board  
425 Cherry Street  
Bedford Hills, NY 10507

Date: 8/9/2016  
Attn:  
Job #  
Re: 326 South Bedford Road LLC

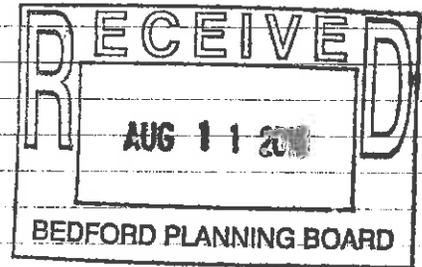
**TRANSMITTAL**

We are sending you:

<input checked="" type="checkbox"/> Prints	<input type="checkbox"/> Plots	<input type="checkbox"/> Samples	<input type="checkbox"/> Info	<input type="checkbox"/> Disc / CD / DVD
<input type="checkbox"/> Letter	<input type="checkbox"/> Contract	<input type="checkbox"/> Bill	<input type="checkbox"/> Change Order	<input type="checkbox"/> RFI

Other:

Date:	Originals	Copies	Description:
8/9/2016	8		Drawing Set 24x36 (signed/sealed)
8/9/2016	8		Letter of Introduction to Planning Board
8/9/2016	8		Letter of Authorization
8/9/2016	8		Application for Special Use Permit
8/9/2016	8		Environmental Clearance Form
8/9/2016	8		Surveys
8/9/2016	1		Check for Planning Board



For Approval       As Requested       For Your Use       Review and Comment

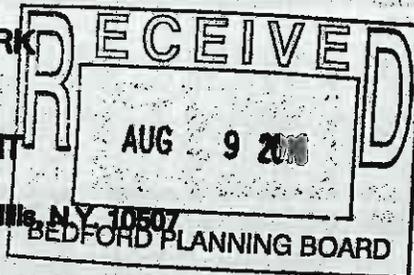
Re-Submittal       Other:

Remarks:

CC: Files \_\_\_\_\_

Sincerely,  
Signed: \_\_\_\_\_  
Carol J. W. Kurth, FAIA , Principal

PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK



APPLICATION FOR A SPECIAL USE PERMIT

Submit to: Bedford Planning Board, Town House, Bedford Hills, NY 10507

1. IDENTIFICATION OF OWNER

Name of owner: Peckham Materials Corp.

Address: 20 Haarlem Avenue, White Plains, NY 10603

Phone: 914-949-2000

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: Crown Atlantic Company LLC

Address: 3530 Toringdon Way, Suite 300, Charlotte, NC 28277

Phone: 704-405-6539

3. PROFESSIONAL PERSON PREPARING SUBDIVISION PLAT

Name: French & Parrello Associates, P.A.

Address: 1800 Route 34, Suite 101, Wall, NJ 07719

Phone: 732-312-9800

4. IDENTIFICATION OF PROPERTY

a. Subdivision name or identifying title Peckham

b. Roads which property abuts Harris Road, Bedford Hills, NY

c. Bedford tax map designation: Section 60.08 Block 1 Lot(s) 3

d. Property lies in a (circle one) 4A 2A 1A 1/2A 1/4 A TF VA NB CE PB-R PB-O LI  
Zoning District.

e. Total area of property in acres 9.17

5. REQUEST

The applicant requests that the Planning Board approve the issuance of a Special Use Permit under the following section of the Code of the Town of Bedford:

Article: VIII, Section: 125-85.2

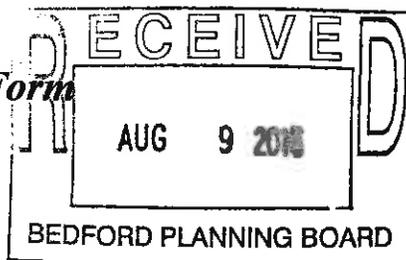
The applicant proposes the following Special Permit Use:

Renewal of Special Permit for public utility wireless communications facility last renewed

per attached resolution.



**Short Environmental Assessment Form  
Part 1 - Project Information**



**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

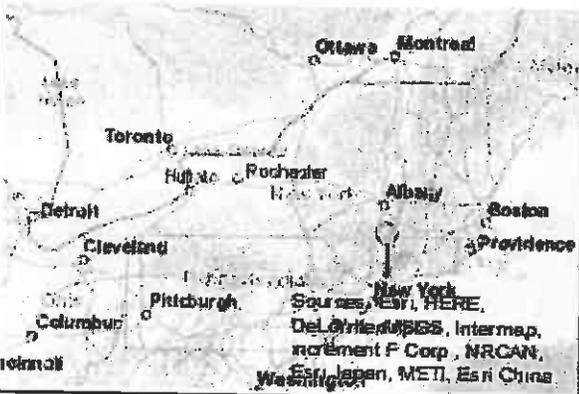
<b>Part 1 - Project and Sponsor Information</b>							
Crown Atlantic Company LLC							
Name of Action or Project: Crown Public Utility Wireless Telecommunications Facility							
Project Location (describe, and attach a location map): Harris Road, Bedford, NY (Tax Map Section 60.08, Block 1, Lot 3)							
Brief Description of Proposed Action: Five (5) year renewal of existing special permit to operate a public utility wireless telecommunications facility, consisting of an existing monopole with wireless communication antennas mounted thereto, together with related equipment at the base thereof.							
Name of Applicant or Sponsor: Crown Atlantic Company LLC, c/o Snyder and Snyder LLP		Telephone: 914-333-0700					
		E-Mail: msheridan@snyderlaw.net					
Address: 94 White Plains Road							
City/PO: Tarrytown		State: NY	Zip Code: 10591				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		_____ N/A* acres	* Application is for renewal of existing special permit. No work is proposed in connection with renewal.				
b. Total acreage to be physically disturbed?		_____ N/A* acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ N/A* acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Existing Tower with related equipment <input type="checkbox"/> Parkland							



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____ *N/A. Application is for renewal of existing special permit. No work is proposed in connection with renewal.          _____          _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/>*</p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Crown Atlantic Company, LLC</u> Date: <u>8-8-16</u></p> <p>Signature: <u></u>, as attorney</p>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Geographic Area Overlaying Aquifer, Reason:Exceptional or unique character, Agency:Bedford, Town of, Date:11-3-84
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

**PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK**

**RESOLUTION NO. 12/38**

**ANTENNA WORK TO EXISTING MONOPOLE  
PECKHAM  
WAIVER OF SITE PLAN APPROVAL**

**WHEREAS**, an application dated June 12, 2012 from Leslie Snyder, Esq., Snyder & Snyder, LLP, 94 White Plains Road, Tarrytown, New York 10591, attorney for the applicant for approval of a waiver of site plan approval for antenna work to the existing monopole at the wireless telecommunication facility located at 179 Harris Road, Bedford Hills, New York 10507, shown and designated on Town Tax Maps as Section 60.8 Block 1 Lot 3, in the Residential One half Acre Zone, was received by the Planning Board on June 12, 2012, and

**WHEREAS**, the Planning Board received a plan consisting of two (2) sheets titled "Verizon Wireless – Bedford Asphalt," on March 20, 2012, as follows:

- No. 1 Cover Page
- No. 2 Compound Layout

**WHEREAS**, the Bedford Planning Board determined the proposed site plan will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and

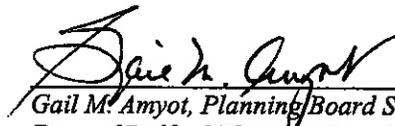
**WHEREAS**, the above-described final site plan meets all requirements of the Code of the Town of Bedford, except as noted.

**NOW THEREFORE BE IT RESOLVED**, the requirement of preliminary and final site plan approval is hereby waived pursuant to Article IX Section 125-93 of the Code of the Town of Bedford with the following conditions:

1. All antennas should be brown to match existing antennas
2. The applicant shall provide authorization from the property owner.

**APPROVED:** June 25, 2012  
**DATED:** June 28, 2012

*The foregoing resolution is certified to be a true copy of the resolution, which was approved on June 25, 2012 by the Planning Board of the Town of Bedford.*

  
\_\_\_\_\_  
Gail M. Amyot, Planning Board Secretary  
Town of Bedford Planning Board

LAW OFFICES OF  
**SNYDER & SNYDER, LLP**

94 WHITE PLAINS ROAD

TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

msheridan@snyderlaw.net

NEW JERSEY OFFICE  
ONE GATEWAY CENTER, SUITE 2600  
NEWARK, NEW JERSEY 07102  
(973) 824-9772  
FAX (973) 824-9774

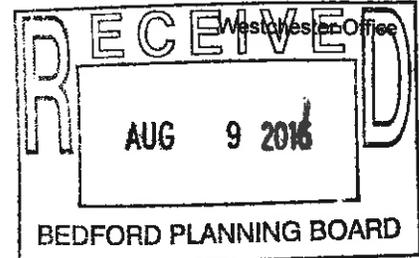
REPLY TO:

NEW YORK OFFICE  
445 PARK AVENUE, 9TH FLOOR  
NEW YORK, NEW YORK 10022  
(212) 749-1448  
FAX (212) 932-2693

LESLIE J. SNYDER  
ROBERT D. GAUDIOSO

DAVID L. SNYDER  
(1956-2012)

August 8, 2016



Honorable Chair Deidre Courtney-Baston  
and Members of the Planning Board  
Town House  
321 Bedford Road  
Bedford Hills, New York 10507

RE: NY-Bedford - Crown Atlantic Company LLC's Special Permit Renewal for the Public Utility Wireless Communication Facility ("Facility") at Peckham Property Harris Road and Route 22, Town of Bedford, New York

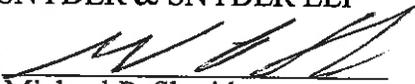
Dear Honorable Chair Courtney-Baston and Members of Planning Board:

We are the attorneys for Crown Atlantic Company LLC ("Crown") in connection with its special permit renewal application for above captioned Facility. The special permit for the Facility was last renewed for five years by the Town Board in August 2011. Since that time the Zoning Code of the Town of Bedford has been revised to provide that the Planning Board grants the requested special permit renewal. See Section 125-85.2 of the Zoning Code. In connection with the foregoing, I have enclosed the following:

- 1) Eight (8) copies of a complete<sup>1</sup> Special Permit Renewal Application;
- 2) Eight (8) copies of a Short Environmental Assessment Form<sup>1</sup>; and
- 3) Required Special Permit Fee of One Hundred Fifty and 00/100 (\$150.00) Dollars.

Kindly place this matter on the next available Planning Board agenda. If you have any questions or require additional documentation, please do not hesitate to contact me or Leslie Snyder at (914) 333-0700.

Very respectfully submitted,  
SNYDER & SNYDER LLP

By:   
Michael P. Sheridan

cc: Bruce Pickens

Z:\SSDATA\WPDATA\SS4\WP\CROWN\BEDFORD\2016 SPECIAL PERMIT RENEWAL\RENEWAL LTR.FIN.DOCX

<sup>1</sup> Please note that the permit renewal is a Type II action under the State Environmental Quality Review Act (6 NYCRR 617.5(c)(26)), which has been determined "not to have a significant impact on the environment or is otherwise precluded from environmental review." 6 NYCRR 617.5(a).

RESOLUTION

RESOLVED that the Special Use Permit issued to Crown Atlantic Company LLC for an existing communication facility on Harris Road, on the Peckham Materials property, shown and designated on Town Tax maps as Section 60.08 Block 1 Lot 3 in the Residential One-Acre District be renewed for a five (5) year period, said Special Use Permit to expire August 2011.

STATE OF NEW YORK }  
COUNTY OF WESTCHESTER } SS.  
TOWN OF BEDFORD }

*I hereby certify that I have compared the foregoing Resolution with the original on file in my office, and that the same is a correct transcript therefrom and the whole of the said original Resolution, which was duly adopted by the Town Board of the Town of Bedford, on August 1, 2006*

*IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said Town of Bedford,*

*Dated: August 2, 2006*

  
Town Clerk,  
Town of Bedford

**TOWN OF BEDFORD**

321 Bedford Road  
Bedford Hills, NY 10507  
www.BedfordNY.info

APPLICATION FOR SPECIAL USE PERMIT

SUBMIT TO: BEDFORD TOWN BOARD, TOWN HOUSE, 321 BEDFORD ROAD, BEDFORD HILLS, NY 10507

1. IDENTIFICATION OF OWNER

Name: Peckham Materials Corp. Phone: 914-949-2000  
Address: 20 Haarlem Avenue cell phone: \_\_\_\_\_  
White Plains, New York 10603 e-mail: \_\_\_\_\_

Signature of Homeowner is required.

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name: Crown Atlantic Company LLC Phone: 704-405-6539  
Address: 3530 Toringdon Way, Suite 300 cell phone: \_\_\_\_\_  
Charlotte, North Carolina 28277 e-mail: Lewis.Bingham@crowncastle.com

3. PROFESSIONAL PERSON PREPARING PLAN

Name: French & Parrello Associates, P.A. Phone: 732-312-9800  
Address: 1800 Route 34, Suite 101 cell phone: \_\_\_\_\_  
Wall, New Jersey 07719 e-mail: \_\_\_\_\_  
Contact person: \_\_\_\_\_ Direct dial: \_\_\_\_\_

4. LOCATION and IDENTIFICATION of PROPERTY

Name or identifying title: Peckham  
Address: Harris Road, Bedford Hills, New York

Town of Bedford tax map designation: SECTION: 60.08, BLOCK: 1, LOT: 3

Property is zoned as: 4A 2A 1A 1/2A 1/4A TF VA NB CB RB MF EL RO PB-R PB-O PB-O(K) LI  
(circle district)

Total area of property in acres: 9.17

Property abuts a State or County highway, thruway or park: YES  No

Property is within 500 feet of the boundary of the Town of Bedford: YES  No

5. REQUEST

The applicant requests that the Town Board approve the issuance of a Special Use Permit under the following section of the Code of the Town of Bedford:

ARTICLE: VIII, SECTION: 125-85.2

The applicant proposes the following Special Permit Use:

Renewal of special permit for public utility wireless communication facility last renewed per attached resolution.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. PUBLIC NOTICE

Notice of the Public Hearing shall be published at least ten (10) days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least ten (10) days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject property. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

7. SITE PLAN

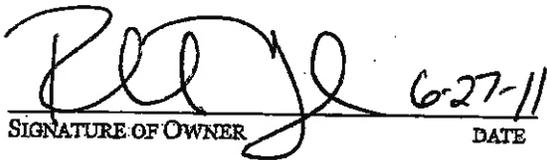
Attach a Preliminary Site Plan Application Form, fee and four (4) copies of a Preliminary Site Plan complying with all requirements of Article IX, Section 125-88 of the Bedford Town code.

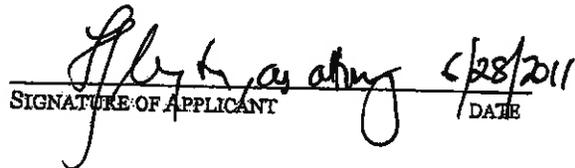
8. FEES (Make checks payable to the Town of Bedford.)

SPECIAL USE PERMIT APPLICATION: \$150 \$ 150.00

Permission is hereby given to the Town of Bedford, its agents and employees to enter upon the above described property solely for the purposes incidental to this application at reasonable times and upon reasonable notice to the owner or tenant in possession.

All applications shall be signed by the owner of the property affected by this application and by the applicant, if other than the owner.

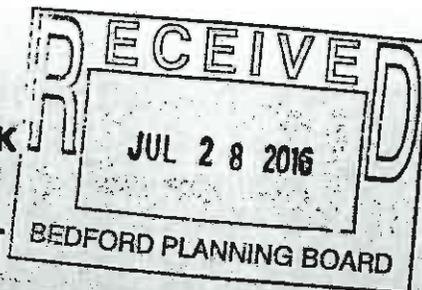
 6-27-11  
SIGNATURE OF OWNER DATE

 6/28/2011  
SIGNATURE OF APPLICANT DATE

Peckham Materials Corp.  
PRINT NAME OF OWNER

Crown Atlantic Company LLC  
PRINT NAME OF APPLICANT

PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK



APPLICATION FOR A SPECIAL USE PERMIT

Submit to: Bedford Planning Board, Town House, Bedford Hills, N.Y. 10507

1. IDENTIFICATION OF OWNER

Name of owner: Angelo Mazzella, Yvonne Mazzella, Brooke Mazzella Mueller, Kelly Miine and Angelo J. Mazzella, Jr.

Address: 21 Emerson Avenue, New Rochelle, New York 10801 Phone: \_\_\_\_\_

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless

c/o Snyder & Snyder, LLP, 94 White Plains Road, Tarrytown

Address: New York 10591

Phone: 914-333-0700

3. PROFESSIONAL PERSON PREPARING SUBDIVISION PLAT

Name: Tectonic Engineering & Surveying Consultants, P.C.

Address: 1279 Route 300, Newburgh, New York 12550

Phone: 845-567-6656

4. IDENTIFICATION OF PROPERTY

a. Subdivision name or identifying title \_\_\_\_\_

b. Roads which property abuts Hickory Lane

c. Bedford tax map designation: Section 85.13 Block 1 Lot(s) 13

d. Property lies in a (circle one) 4A 2A 1A 1/2A 1/4A TF VA NB CE PB-R PB-O U  
Zoning District

e. Total area of <sup>project site</sup> property in acres .13 <sup>approximately</sup> /17.72 property

5. REQUEST

The applicant requests that the Planning Board approve the issuance of a Special Use Permit under the following section of the Code of the Town of Bedford:

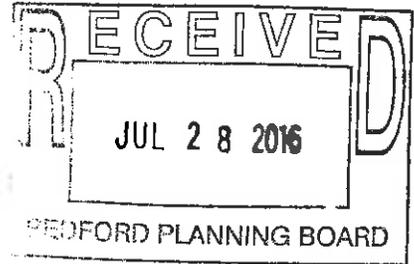
Article: VIII Section: 125-85.2(D)

The applicant proposes the following Special Permit Use:

Installation of a public utility wireless telecommunications facility



LETTER OF AUTHORIZATION



Municipality: Town of Bedford

APPLICATION FOR APPROVALS

Angelo Mazzella, Yvonne Mazzella, Brooke Mazzella Mueller, Kelly Milne, and Angelo J. Mazzella, Jr., the owners of the property located at 21 Emerson Avenue, New Rochelle, New York (the "Property"), does hereby appoint New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and its authorized representatives, as the owner's agent for the purpose of consummating any applications necessary to insure Verizon Wireless' ability to use the Property for the purpose of installing a communications facility on the Property, consisting of antennas and related equipment.

Assessor's Parcel Number: Section 85.13, Block 1, Lot 13

Signature of Property Owner:

*Angelo Mazzella*  
ANGELO MAZZELLA

*Yvonne Mazzella*  
YVONNE MAZZELLA

*Brooke Mazzella Mueller*  
BROOKE MAZZELLA MUELLER

\_\_\_\_\_  
KELLY MILNE

\_\_\_\_\_  
ANGELO J. MAZZELLA, JR.

Josephine Dellamonica  
Notary Public  
State of New York  
#01DE6205102  
Qualified in  
Westchester County  
Commission Expires  
05-04-17

Sworn to me on 6-4-17  
*Josephine Dellamonica*

Authorized Agent:

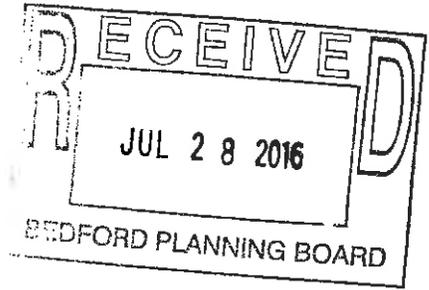
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this  
3 day of June, 2014.

*Josephine Dellamonica*  
Signature of Notary

Josephine Dellamonica  
Notary Public  
State of New York  
#01DE6205102  
Qualified in  
Westchester County  
Commission Expires  
05-04-17

LETTER OF AUTHORIZATION



Municipality: Town of Bedford

APPLICATION FOR APPROVALS

Angelo Mazzella, Yvonne Mazzella, Brooke Mazzella Mueller, Kelly Milne, and Angelo J. Mazzella, Jr., the owners of the property located at 21 Emerson Avenue, New Rochelle, New York (the "Property"), does hereby appoint New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and its authorized representatives, as the owner's agent for the purpose of consummating any applications necessary to insure Verizon Wireless' ability to use the Property for the purpose of installing a communications facility on the Property, consisting of antennas and related equipment.

Assessor's Parcel Number: Section 85.13, Block 1, Lot 13

Signature of Property Owner:

\_\_\_\_\_  
ANGELO MAZZELLA

\_\_\_\_\_  
YVONNE MAZZELLA

\_\_\_\_\_  
BROOKE MAZZELLA MUELLER

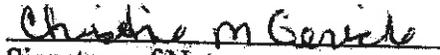
  
\_\_\_\_\_  
KELLY MILNE

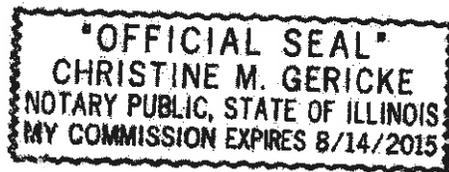
\_\_\_\_\_  
ANGELO J. MAZZELLA, JR.

Authorized Agent:

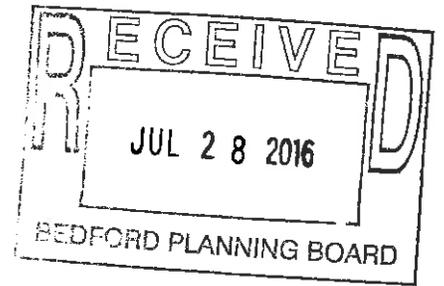
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this  
4 day of June, 2014.

  
\_\_\_\_\_  
Signature of Notary



LETTER OF AUTHORIZATION



Municipality: Town of Bedford

APPLICATION FOR APPROVALS

Angelo Mazzella, Yvonne Mazzella, Brooke Mazzella Mueller, Kelly Milne, and Angelo J. Mazzella, Jr., the owners of the property located at 21 Emerson Avenue, New Rochelle, New York (the "Property"), does hereby appoint New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and its authorized representatives, as the owner's agent for the purpose of consummating any applications necessary to insure Verizon Wireless' ability to use the Property for the purpose of installing a communications facility on the Property, consisting of antennas and related equipment.

Assessor's Parcel Number: Section 85.13, Block 1, Lot 13

Signature of Property Owner:

N/A [Signature]  
ANGELO MAZZELLA

N/A [Signature]  
YVONNE MAZZELLA

N/A [Signature]  
BROOKE MAZZELLA MUELLER

N/A [Signature]  
KELLY MILNE

[Signature]  
ANGELO J. MAZZELLA, JR

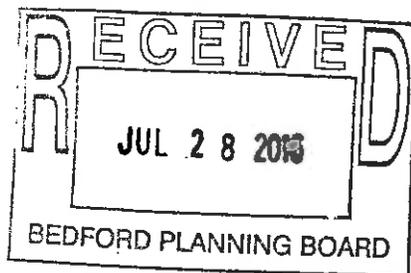
Authorized Agent:  
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this  
4 day of June, 2014.

[Signature]  
Signature of Notary

JUL 28 2016

PLANNING BOARD  
TOWN OF BEDFORD  
WESTCHESTER COUNTY, NEW YORK



PRELIMINARY SITE PLAN APPLICATION

Submit to: Town of Bedford Planning Board, Bedford Hills, N.Y. 10507

1. IDENTIFICATION OF OWNER

Angelo Mazzella, Yvonne Mazzella, Brooke Mazzella Mueller,

Name of owner: Kelly Milne and Angelo J. Mazzella, Jr.

Phone: \_\_\_\_\_

Address: 21 Emerson Avenue, New Rochelle, New York 10801

SIGNATURE OF OWNER: See attached letter of authorization

Date: \_\_\_\_\_

2. IDENTIFICATION OF APPLICANT, IF OTHER THAN OWNER

Name of applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless

Phone: 914-333-0700

Address: c/o Snyder & Snyder, LLP, 94 White Plains Road, Tarrytown, New York 10591

Interest of applicant: Lessee

3. PROFESSIONAL PERSON PREPARING SITE PLAN

Name: Tectonic Engineering & Surveying Consultants, P.C.

Phone: 845-567-6656

Address: 1279 Route 300, Newburgh, New York 12550

4. IDENTIFICATION OF DEVELOPMENT

Bedford Tax Map Designation: Section: 85.13 Block: 1 Lot(s): 13 Area: approx. .13 acres

Zoning District: R-1A Proposed Use: Public utility wireless telecommunications facility

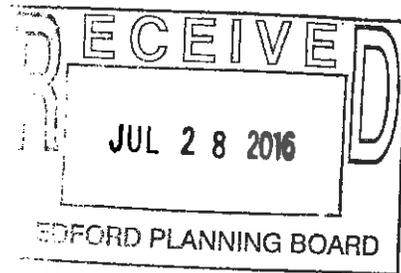
Number of parking spaces required by the Bedford Town Code: 1

5. SUBMISSIONS ACCOMPANYING THIS APPLICATION

- a. Ten (10) copies each of 7 sheets showing data required by Article IX, Section 125-89 of The Bedford Town Code for approval of a Preliminary Site Plan.
- b. One (1) copy of any additional sketches, renderings, or other information which the Applicant may wish to present to the Planning Board.
- c. Fee in amount of \$500, plus \$25 per parking space required by the Bedford Town Code. (make check payable to the Town of Bedford).

(See reverse side of this form for information required with this application)

LETTER OF AUTHORIZATION



Municipality: Town of Bedford

APPLICATION FOR APPROVALS

Angelo Mazzella, Yvonne Mazzella, Brooke Mazzella Mueller, Kelly Milne, and Angelo J. Mazzella, Jr., the owners of the property located at 21 Emerson Avenue, New Rochelle, New York (the "Property"), does hereby appoint New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and its authorized representatives, as the owner's agent for the purpose of consummating any applications necessary to insure Verizon Wireless' ability to use the Property for the purpose of installing a communications facility on the Property, consisting of antennas and related equipment.

Assessor's Parcel Number: Section 85.13, Block 1, Lot 13

Signature of Property Owner:

*Angelo Mazzella*  
ANGELO MAZZELLA

*Yvonne Mazzella*  
YVONNE MAZZELLA

*Brooke Mazzella Mueller*  
BROOKE MAZZELLA MUELLER

\_\_\_\_\_  
KELLY MILNE

\_\_\_\_\_  
ANGELO J. MAZZELLA, JR.

Josephine Dellamonica  
Notary Public  
State of New York  
#01 DE6205102  
Qualified in  
Westchester County  
Commission Expires  
05-04-17  
Sworn to me on 6-4-17  
Josephine Dellamonica

Authorized Agent:

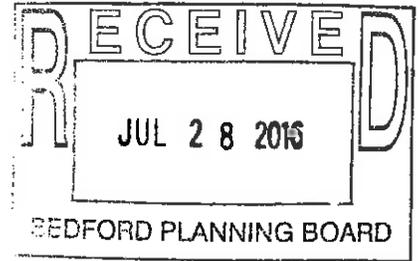
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this  
3 day of June, 2014.

*Josephine Dellamonica*  
Signature of Notary

Josephine Dellamonica  
Notary Public  
State of New York  
#01 DE6205102  
Qualified in  
Westchester County  
Commission Expires  
05-04-17

LETTER OF AUTHORIZATION



Municipality: Town of Bedford

APPLICATION FOR APPROVALS

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Assessor's Parcel Number: Section 85.13, Block 1, Lot 13

Signature of Property Owner:

\_\_\_\_\_  
ANGELO MAZZELLA

\_\_\_\_\_  
YVONNE MAZZELLA

\_\_\_\_\_  
BROOKE MAZZELLA MUELLER

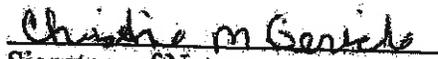
  
\_\_\_\_\_  
KELLY MILNE

\_\_\_\_\_  
ANGELO J. MAZZELLA, JR.

Authorized Agent:

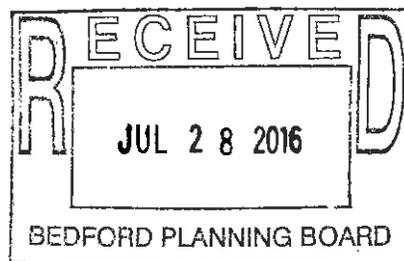
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this  
4 day of June, 2014.

  
\_\_\_\_\_  
Signature of Notary



LETTER OF AUTHORIZATION



Municipality: Town of Bedford

APPLICATION FOR APPROVALS

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Assessor's Parcel Number: Section 85.13, Block 1, Lot 13

Signature of Property Owner:

N/A   
\_\_\_\_\_  
ANGELO MAZZELLA

N/A   
\_\_\_\_\_  
YVONNE MAZZELLA

N/A   
\_\_\_\_\_  
BROOKE MAZZELLA MUELLER

N/A   
\_\_\_\_\_  
KELLY MILNE

  
\_\_\_\_\_  
ANGELO J. MAZZELLA, JR.

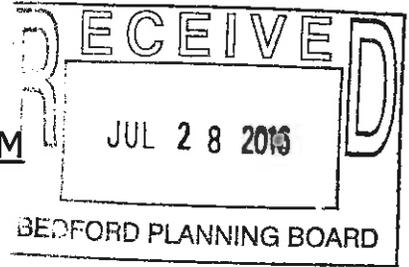
Authorized Agent:  
New York SMSA Limited Partnership d/b/a Verizon Wireless

Sworn to and subscribed to before me on this  
4 day of June, 2014.

  
\_\_\_\_\_  
Signature of Notary  
EMILY WHITEHEAD  
NOTARY PUBLIC  
STATE OF NEW YORK  
MY COMMISSION EXPIRES 28, 2016



**TOWN OF BEDFORD**  
**ENVIRONMENTAL CLEARANCE FORM**  
 (This Side to be completed by Applicant)



Identification of Applicant

Name New York SMSA Limited Partnership Address 94 White Plains Rd., Tarrytown NY 10591  
 d/b/a Verizon Wireless c/o Snyder & Snyder LLP Phone 914-333-0700

Identification of Property Owner, if Other than Applicant

Name Angelo Mazella, Yvonne Mazzella, Brooke Mazella Mueller, Kelly Milne and Angelo J. Mazella, Jr. Address 21 Emerson Ave., New Rochelle NY 10801  
 Phone \_\_\_\_\_

Identification of Site Involved, if any

- a) Name or other identification of site \_\_\_\_\_
- b) Street which site abuts Hickory Lane
- c) Tax Map Section Section 85.13 Block 1 Lot 13
- d) Total site area +/- .13 acres
- e) Does applicant have a whole or partial interest in lands adjoining this site? No

Identification of Proposed Action

- a) Description of Proposed Action Installation of public utility wireless telecommunications facility
- b) Relationship to other actions:
  - 1. List of further actions which may be undertaken, of which this proposed action is a part or first step, e.g. further subdivision of a large parcel of land: N/A
  - 2. List any related actions which may be undertaken as a result of this proposed action e.g. highway reconstruction to serve increased traffic: N/A
  - 3. List any actions which are dependent upon this proposed action and therefore should be reviewed as a part of this action, e.g. house construction in the case of a residential subdivision: N/A

All such actions must be reviewed in conjunction with the action proposed.

Classification of Proposed Action (see lists of Type I, II, Exempt, Excluded Actions)

- Type I. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.
- Type II or Exempt Action. No Environmental Impact Statement is needed. Submit this form only.
- Unlisted Action. Pending Analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form. Full EAF Submitted herewith

Signature of Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless  
 By: Edward Taylor as attorney Date: 6/29/2016

**TOWN OF BEDFORD – ENVIRONMENTAL CLEARANCE FORM**

(This Side for Official Use Only)

Classification Approved; Further Action Required:

- Type I Action. The proposed action will have a significant effect on the environment. An Environmental Impact Statement is required unless the applicant demonstrates conclusively that one is not needed. Proceed to Environmental Assessment Form.
  
- Type II or Exempt or Excluded Action. No Environmental Impact Statement is needed. No further action required.
  
- Unlisted Action. The proposed project may have a significant effect on the environment. Pending analysis of further information, an Environmental Impact Statement may be required. Proceed to Environmental Assessment Form.

Comments:

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Town Agency

Agency Signature

Date

LAW OFFICES OF  
**SNYDER & SNYDER, LLP**

94 WHITE PLAINS ROAD  
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

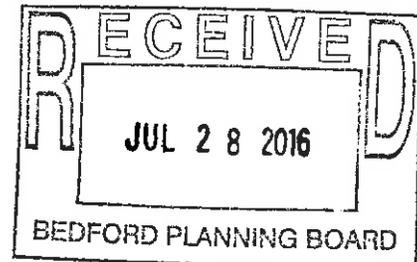
**L.Snyder@snyderlaw.net**

July 18, 2016

LESLIE J. SNYDER  
ROBERT D. GAUDIOSO

DAVID L. SNYDER  
(1956-2012)

Honorable Chair Deirdre Courtney-Batson  
and Members of the Planning Board  
Town of Bedford  
321 Bedford Road  
Bedford Hills, New York 10507



RE: **New York SMSA Limited Partnership d/b/a Verizon Wireless  
Public Utility Wireless Telecommunications Facility  
91 Hickory Lane, Bedford, New York**

Dear Hon. Chair Deirdre Courtney-Batson and Members of the Planning Board:

We are the attorneys for New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the enclosed application for special permit and site plan approval for a wireless telecommunications facility ("Facility") at the above referenced property ("Property"). The Facility will consist of the installation of a 150 foot monopole ("Tower"), with small panel antennas thereon, together with related equipment within an approximately 3100 square foot fenced compound at the base thereof. The Facility has been strategically located on the 17.78 acre wooded Property so as to be screened by the mature vegetation thereon.

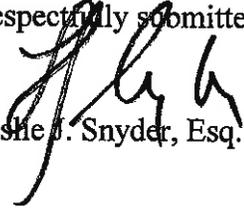
By way of background, kindly note that Verizon Wireless is a provider of commercial mobile radio services, and is licensed by the Federal Communications Commission to provide wireless telecommunications throughout the New York metropolitan area, including the Town of Bedford. The Facility will enhance Verizon Wireless' communication services in the area. Pursuant to Section 125-85.2 of the Town of Bedford Zoning Code, the Facility is permitted at the Property by special permit and site plan approval from the Planning Board.

In furtherance of the foregoing, I have enclosed the required \$360.00 special permit application fee, \$525.00 site plan application fee, and ten (10) copies of the following documents:

1. Special Permit Application form;
2. Site Plan Application form;
3. Environmental Clearance form;
4. Memorandum in Support of Application, with exhibits attached thereto; and
5. Site Plan, prepared by Tectonic Engineering and Surveying Consultants P.C.

We thank you for your consideration and look forward to discussing this matter at the next available Planning Board meeting. If you have any questions or require additional documentation, please do not hesitate to contact me.

Respectfully submitted,

  
Leslie J. Snyder, Esq.

Enclosures

LJS:et

cc: Verizon Wireless

Tectonic

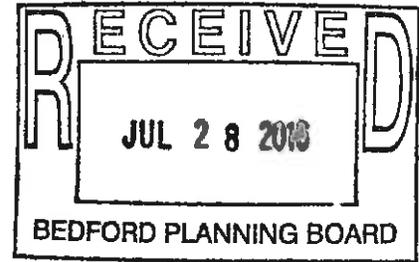
\\wp\newbanm\maybeck\bedford village (hickory lane)\zoning\pb letter.et.7.16.doc

PLANNING BOARD  
TOWN OF BEDFORD

-----X  
In the matter of the Application of

**NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS**

Premises: 91 Hickory Lane  
Section 85.13, Block 1, Lot 13



-----X  
**MEMORANDUM IN SUPPORT OF APPLICATION  
FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR  
A PUBLIC UTILITY WIRELESS TELECOMMUNICATION FACILITY**

FILE

**I. Introduction**

New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless" or "Applicant"), respectfully submits this statement in support of its application for special permit and site plan approval to install a public utility wireless telecommunications facility ("Facility") at 91 Hickory Lane, Bedford, New York ("Site").

**II. Statement of Facts**

The Site consists of 17 acres and is known as Section 85.13, Block 1, Lot 13 on the Bedford Tax Assessment Map. The Site is located in the R-1A Zoning District. Pursuant to Section 125-85.2(D) of the Town of Bedford Zoning Code ("Zoning Code"), public utility wireless telecommunications facilities are permitted on the Site by special permit approval and site plan approval from the Planning Board.

The Facility will provide wireless communication services to the local area and has been strategically located behind mature vegetation at the rear of the 17.78 acre wooded Site. The Facility will consist of small panel antennas mounted on a 150 foot monopole, together with related equipment at the base thereof, within an approximately 3,100 square foot fenced compound.. A detailed site plan prepared by Tectonic Engineering and Surveying Consultants P.C., is submitted herewith ("Site Plan").

### III. Public Utility Status

Under the laws of the State of New York, Verizon Wireless qualifies as a public utility. See Cellular One v. Rosenberg, 82 NY2d 364 (1993) (hereinafter referred to as "Rosenberg"); Cellular One v. Meyer, 607 NYS 2d 81 (2nd Dept. 1994); Sprint Spectrum, L.P. v. Town of West Seneca, (Index No. 1996/9106, Feb. 25, 1997, Sup.Ct. Erie County). In Rosenberg, supra, the Court of Appeals, New York's highest court, held that federally licensed wireless carriers (such as the Applicant) provide an essential public service and are therefore public utilities in the State of New York. Public utilities are accorded favored treatment in zoning matters. The Applicant's status as a public utility is underscored by the fact that its services are an important part of the national telecommunications infrastructure and will be offered to all persons that require advanced digital wireless communications services, including local businesses, public safety entities, and the general public.

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996. The federal Telecommunications Act of 1996 is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "*rapid deployment of new telecommunications technologies* (emphasis supplied)." Reno v. ACLU, 521 U.S. 844, 857, 117 S.Ct. 2329, 2337-38, 138 L.Ed.2d 874 (1997). The federal Telecommunications Act of 1996 builds upon the regulatory framework for commercial mobile [radio] services which Congress established in 1993. Indeed, since 1993, it has been the policy of the United States to "foster the growth and development of *mobile services* that, by their nature, *operate without regard to state lines* as an integral part of the *national telecommunications infrastructure*." H.R. Rep. No. 103-111, 103d Cong., 1st Sess. 260 (1993) (emphasis added). As such, Verizon Wireless is licensed to provide wireless telephone service to subscribers throughout New York, including the Town of Bedford ("Town").

In fact, in 1999, Congress expanded further upon this policy by enacting the Wireless Communications and Public Safety Act of 1999, Pub.L. 106-81, 113 Stat. 1286 (the "911 Act"). The "911 Act," empowered the FCC to develop regulations to make wireless 911 services available to all Americans. The express purpose of the Act, as articulated by Congress, was "*to encourage and facilitate the prompt deployment throughout the United States of*

*seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.*" (emphasis added).

Please note that on November 18, 2009, the FCC issued a Declaratory Ruling regarding timely review of applications for siting of wireless facilities, WT Docket NO. 08-165 (the "Shot Clock Order").<sup>1</sup> The Shot Clock Order finds that a "reasonable period of time" for a local government to act on this type of application, a collocation application, is presumptively 150 days.<sup>2</sup> According to the Shot Clock Order, if the Town fails to act within such reasonable period of time, the applicant may commence an action in court for "failure to act" under Section 332(c) (7) (B) (v) of the Federal Communications Act.

#### **IV. The Proposed Facility Meets the Standards for a Special Permit**

The instant application respectfully requests special permit approval in accordance with Section 125-85.2 of the Zoning Code. A special permit use is permitted as of right when the applicant has demonstrated compliance with the applicable standards. See Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 N.Y.2d 238, 331 NYS2d 645 (1972). In reviewing the proposal, the following factors are offered for consideration in accordance with the Zoning Code, including, without limitation, Section 125-85.2 thereof:

A. The Facility is Properly Located: In accordance with the requirements of Section 125-85.2(C) of the Zoning Code, the Facility is not located on or within 2,500 feet of town-owned parkland or cemetery land. See Site Plan, prepared by Tectonic Engineering Consultants, P.C., General Note 13, Sheet C-1 ("Site Plan"), submitted herewith. The Facility will be amply screened by the mature trees surrounding the Site. In addition, the Facility is located on a 775,000 square foot parcel which greatly exceeds the required 40,000 square foot lot size.

B. The Facility Meets the Special Permit Requirements: In accordance with Section 125-85.2(D) of the Zoning Code, the Facility has been sited to maximize the separation from residences. In fact, the Facility will be located approximately 425 feet from the closest residence. See Site Plan sheet C-1. In addition, by being placed on the 775,000 square foot Site,

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<sup>1</sup> A copy of the Rule is available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-99A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1.pdf)

<sup>2</sup> Rule, ¶71.

the Facility meets all required setback requirements. Therefore, the Facility is adequately setback to prevent any potential damage or injury, and avoid all other impacts, upon adjoining properties.

C. The Facility will Promote Collocation: The Facility is designed to support Verizon Wireless' antennas and the antennas of three (3) additional carriers. There is no existing telecommunications facility in the area surrounding the Site that could remedy Verizon Wireless' significant coverage gap. See Alternatives Analysis Affidavit attached hereto as Exhibit 1 ("Alternatives Affidavit"). Additionally, the RF Affidavit attached hereto as Exhibit 2 establishes that the proposed Facility is necessary to remedy a significant gap in service in the Town of Bedford.

D. The Facility Meets the Height Requirements: The Facility meets the 150 foot height limitation set forth in Section 125-85.2(F) of the Zoning Code. In addition, the Facility is the minimum height required to provide reliable licensed communications services to the Town of Bedford to eliminate the existing significant gap in service. See RF Affidavit. In addition, the Facility will be constructed to support additional carriers in order to promote collocation.

E. Engineering Report: In accordance with the requirements of Section 125-85.2(G) of the Zoning Code, attached hereto as Exhibit 3 is a structural engineering report, signed and sealed by Edward Iamiceli, New York State Licensed Professional Engineer, which demonstrates the Facility's compliance with applicable structural standards and describes the Facility's capacity to support the collocation of antennas for three (3) additional carriers.

F. Coverage Maps: In accordance with the requirements of Section 125-85.2(H) of the Zoning Code, the RF Affidavit includes coverage maps which show Verizon's existing and proposed areas of coverage, and locates all existing Verizon's sites within the Town and within a mile of the Town.

G. Facility Plan: In accordance with the requirements of Section 125-85.2(J) of the Zoning Code, the following information is provided as the required Facility Plan:

- (1) Property Owner:  
Angelo Mazzella, Yvonne Mazzella, Brooke Mazzella Mueller,  
Kelly Milne and Angelo J. Mazzella, Jr.  
21 Emerson Avenue  
New Rochelle, NY 10801

Applicant:  
New York SMSA Limited Partnership  
d/b/a Verizon Wireless  
4 Centerock Road  
West Nyack, New York 10994

- (2) The postal address of the property is: 91 Hickory Lane, Bedford, New York. The property is known as Section 85.13, Block 1, Lot 13 on the Bedford Tax Assessment Map.
- (3) The property is located in the R-1A zoning district.
- (4) The Site Plan was prepared by Edward N. Iamiceli, Tectonic Engineering Consultants, P.C., 1279 Route 300, Newburgh, New York 12550.
- (5) The size of the property is approximately 775,000 square feet. The location of all lot lines are shown on the Site Plan.
- (6) The location of the nearest residential structure is approximately 425 feet to the South West of the Facility, as shown on the Site Plan.
- (7) The location of the nearest occupied structure is approximately 425 feet to the South West of the Facility, as shown on the Site Plan.
- (8) The locations of all structures on the property which are the subject of this application are shown on the Site Plan.
- (9) The location, size, height and ground footprint of all proposed and existing facilities and support structures and all appurtenant structures are shown on the Site Plan.
- (10) All proposed fencing is shown on the Site Plan. Please note that no lighting is proposed other than a security light on the equipment canopy which shall be operated by an electronic timer during the approximately monthly maintenance visits. In addition, due to the heavily wooded nature of the location of the Facility, no landscaping is proposed.
- (11) The number, type and design of the proposed Facility is indicated on the Site Plan. Specifically, Verizon proposes one (1) monopole, twelve (12) panel antennas and four (4) GPS antennas. The monopole is designed to accommodate collocation of other antenna arrays.
- (12) The tower has been designed as a steel grey monopole with a height of 150 feet above ground level. A 180 square foot equipment pad together with generator on a concrete pad within a sound attenuating enclosure are proposed to be installed within a secured fenced area at the base of the tower.
- (13) The Facility's function and purpose is to provide federally licensed wireless communication services to the surrounding area.
- (14) The manufacturer of the proposed antennas is Amphenol.
- (15) The frequency range, modulation and class of service are set forth in the RF Report, prepared by Pinnacle Telecom Group, attached hereto as Exhibit 4 ("RF Report").

- (16) The transmission and maximum effective radiated power of the proposed Verizon Wireless antennas is set forth in the RF Report, attached hereto as Exhibit 4.
- (17) The direction of the maximum lobes and associated radiation of the proposed Verizon Wireless antennas is indicated on the specification sheet set forth as Detail 2/C-3 on the Site Plan. In addition, certification that the Facility will meet the applicable FCC standards for radio frequency emissions is set forth in the RF Report, attached hereto as Exhibit 4.
- (18) The location, height and characteristics of all existing Verizon Wireless sites in and adjacent to the Town is set forth in the RF Affidavit, attached hereto as Exhibit 2.
- (19) Verizon Wireless is willing to allow collocation wherever technically, structurally and financially feasible.
- (20) A copy of Verizon Wireless' FCC license is attached hereto as Exhibit 5. As noted above, the RF Affidavit demonstrates the need for the Facility to provide adequate and reliable coverage within the Town. As demonstrated by the RF Affidavit, Verizon Wireless' existing sites do not provide reliable coverage throughout the Town. In addition, the placement of the Facility at the Site will minimize the number of future towers in the Town by covering a large geographic area. Moreover, since the Facility will be designed to support other carriers, the Facility will promote collocation.
- (21) As demonstrated by the Alternatives Analysis Affidavit attached hereto as Exhibit 1, Verizon Wireless analyzed the feasibility of collocating on the Town's existing facilities. However, there are no other towers or structures hosting wireless carriers in the area that could support the Facility while providing the necessary coverage, such that the Facility at the Property is the least intrusive means of meeting Verizon Wireless' need to provide its service to the area.

H. Environmental Assessment Form: In accordance with the requirements of Section 125-85.2(M), (N) (1) of the Zoning Code and the New York State Environmental Quality Review Act, attached hereto as Exhibit 6 is a Full Environmental Assessment Form.

I. Lighting: In accordance with the requirements of Zoning Code Section 125-85.2(N) (2), no lighting is proposed on the monopole. Please note that a remote sensor security light is proposed on the equipment canopy, which light will only be operated during the infrequent maintenance visits which are approximately once a month.

J. Noise: In accordance with the requirements of Zoning Code Section 125-85.2(N) (3), the Facility will not produce any noise above ambient levels as measured at the property line of the Site. See Noise Letter prepared by Tectonic Engineering, attached hereto as Exhibit 7.

K. Underground Utilities: It is respectfully submitted that the requirements of Zoning Code Section 125-85.2(N)(4) are inapplicable to the instant application since the Site already contains overhead utility lines, and the rock outcroppings on the Site prevent trenching for the extension of the existing utilities underground.

L. Safety Provisions: In accordance with the requirements of Zoning Code Section 125-85.2(N) (5), the Facility has been sited on the approximately 775,000 square foot Site, such that in the highly unlikely event of structural failure, the Facility will fall within the setback area and away from any development. In addition, the Facility is not an 'obstruction' or 'hazard' as defined by the Federal Aviation Administration in 14 CFR 77.

M. Security Fencing: In accordance with the requirements of Zoning Code Section 125-85.2 (N) (6), the Facility will be secured by a six (6) foot high chain link fence.

In addition, the following factors are offered for consideration in accordance with Section 125-60 of the Zoning Code:

A. Community Need. The Facility will serve the neighborhood and benefit the entire community, by offering a wireless telecommunications alternative, which is particularly well suited for responding to accidents, natural disasters, and for reporting medical emergencies and other dangers. As demonstrated in the RF Affidavit, the proposed use will remedy a significant gap in the wireless coverage. The gap in coverage that presently exists in the vicinity of the Site prevents Verizon Wireless from providing seamless wireless coverage to private and public users such as police, fire, ambulance and emergency response personnel.

B. Character of the Neighborhood. The proposed use has been appropriately located and the size and nature of the Facility is such that the Facility will be in harmony with the appropriate and orderly development of the neighborhood for a number of reasons. **First**, the proposed use is specifically authorized by special permit in accordance with the Zoning Code. **Second**, the Facility will be located on a large 775,000 square foot property, distant from neighboring uses. **Third**, the Facility will comply with all applicable setback and height limitations. **Fourth**, the Facility will not interfere with the frequencies of any radio, television, telephone or other uses.

C. Nature of Improvements. The location, nature and height of the Facility and the extent of existing plantings will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings. Since the Facility will be located on the large Site, the Facility will be distant from neighboring uses.

D. Nature of Operations. The nature of the operations in connection with the proposal will not be objectionable to nearby properties since the Facility is unmanned and will not generate solid waste, waste water or sewage, will not produce any smoke, gas, heat, odor, dust, fumes, vibrations or flashing lights, and will not attract insects, vermin or vectors. In addition, the Facility will not require water supply or waste disposal. No commercial or retail signage is proposed. No lighting is proposed other than a security light on the equipment canopy, which will be operated by an electronic timer during the approximately monthly maintenance visits. Therefore, the Facility will not be obtrusive or otherwise disruptive to its neighbors and will be less objectionable than other uses permitted on the Site.

E. Parking and Access. The proposal will have no impact on pedestrian or vehicular traffic, since the proposed use is unmanned requiring infrequent maintenance visits of approximately once per month. One (1) parking space and one (1) vehicle turnaround have been proposed pursuant to the Site Plan. Existing access from Hickory Lane will be used to access the Facility.

**V. The Proposed Facility Meets the Standards for Site Plan Approval**

In reviewing Verizon Wireless' request for site plan approval in accordance with Zoning Code Section 125-87, and Section 274-a of New York State Town Law, the following factors are offered for consideration in accordance with:

A. Circulation: The proposal will have no impact on pedestrian or vehicular traffic since the Facility is unmanned, requiring infrequent maintenance visits of approximately once per month. Therefore, there will be no traffic hazards or nuisances created by the Facility.

B. Site Layout: The Facility will be constructed, operated and maintained so as not to endanger the public or surrounding property. The nature of the operations in connection with the proposal will not be objectionable to nearby properties since the Facility will not produce any smoke, gas, heat, fumes or vibrations. Moreover, the Facility will be unmanned and will not require water supply or waste disposal. No commercial or retail signage is proposed.

C. Design/Screening: The Facility will be amply screened by the mature trees surrounding the Site. In accordance with its placement on the Site, the Facility is not visually obtrusive to the surrounding community.

D. Drainage: It is respectfully submitted that the existing drainage system for the Site is sufficient to handle in minimal increase in impervious surface created by the Facility. Moreover, it is respectfully submitted that Zoning Code Section 125-87(D) is not applicable to the instant application in so far as the Site is not proposed to be developed to the maximum density permitted under the Zoning Code.

E. Underground Utilities: It is respectfully submitted that the requirements of Sections 125-85.2(N)(4) and 125-87(E) of the Zoning Code are inapplicable to the instant application since the Site already contains overhead utility lines, and the rock outcroppings on the Site prevent trenching for the extension of the existing utilities underground.

F. Conformity to Town Development Plan: Verizon Wireless will comply with all applicable codes, laws and ordinances. In addition, the Facility has been designed in accordance with all applicable structural standards. See structural report, attached as Exhibit 3.

G. Environmental Concerns: The Facility will not produce any smoke, gas, odor, heat, dust, fumes, or vibrations. In addition, the Facility will be unmanned, and will not generate solid waste, waste water or sewage, nor require water supply or waste disposal. The Facility will not have an adverse impact on watercourses nor will it cause soil erosion. Therefore, the Facility will not have an adverse environmental impact.

H. Solar: It is respectfully submitted that Zoning Code Section 125-87(H) is not applicable to the instant application as no buildings are proposed.

I. Design/Screening: The Facility will be amply screened by the mature trees surrounding the Site. In accordance with its placement, the Facility is not visually obtrusive to the surrounding community as said screening will be harmonious with the natural features of the Site.

J. Open space: It is respectfully submitted that Zoning Code Section 125-87(J) is not applicable to the instant application as no open space is proposed.

K. Noise/Sight: In accordance with the requirements of Section 125-85.2(N) (3) of the Zoning Code, the Facility will not produce any noise above ambient levels as measured at the property line of the Site. As stated above, the Facility will be amply screened by the mature trees surrounding the Site.

L. Consistent and Harmonious: The proposal will have no impact on the Town's existing streetscape since the Facility is unmanned, requiring infrequent maintenance visits of approximately once per month, and the existing access drive off of Hickory Lane will be used for such access. Moreover, the Facility will be amply screened by the mature trees surrounding the Site so as to not be harmonious with the natural features of the Site.

M. Lighting: In accordance with the requirements of Section 125-85.2(N) (2) of the Zoning Code, no lighting is proposed on the monopole. Please note that a security light is proposed on the equipment canopy, which will only be operated during the infrequent maintenance visits, as permitted by Zoning Code Section 125-87(N)(7).

### Conclusion

Where the board is considering an application by a public utility such as in the instant application, there is a relaxed standard for zoning approvals, including special permit and site plan applications. Indeed, in Rosenberg, supra, the Court found that "where the intrusion or burden on the community is minimal, the showing required by the utility shall be correspondingly reduced." Id. at 372. Based upon the foregoing, it is respectfully submitted that Verizon Wireless has met the requirements for special permit and site plan approval for the Facility pursuant to the Zoning Code.

By granting the special permit and site plan approval, the Planning Board will create a benefit not only to Verizon Wireless, by permitting it to comply with its statutory mandate to provide reliable coverage, but also to the neighborhood, by providing emergency contact services and greater efficiency to local businesses, residents and public service entities. Any potential impact on the community created by the proposal has been shown to be minimal and of no significant adverse effect.

**WHEREFORE**, for all of the foregoing reasons, Verizon Wireless respectfully prays that this Honorable Board issue a negative declaration under the State Environmental Quality Review Act and grant the requested approvals.

Dated: July 18, 2016

Respectfully submitted,  
Leslie J. Snyder  
SNYDER & SNYDER  
94 White Plains Road  
Tarrytown, NY 10591

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**EXHIBIT 1**  
**Alternatives Affidavit**

TOWN OF BEDFORD

-----X

In the matter of the Application of

NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS

**Alternatives Analysis**  
**Affidavit**

Premises: 91 Hickory Lane  
Section 85.13, Block 1, Lot 13

-----X

State of New York                    )  
  )ss.:  
County of Rockland                 )

**Donna-Marie Stipo**, does depose and say:

1. I am a site acquisition consultant with more than 15 years of experience and have been retained by New York SMSA Limited Partnership d/b/a Verizon Wireless (“Verizon Wireless”) in connection with the captioned matter. I specialize in identifying and evaluating properties for wireless telecommunications purposes.

2. I am familiar with Verizon Wireless’ existing and proposed wireless telecommunications facility sites in the Town of Bedford (“Town”) and I respectfully submit this affidavit in support of the application by Verizon Wireless to locate a public utility wireless telecommunications facility (“Facility”) at 91 Hickory Lane, Town of Bedford, New York (“Property”).

3. The process of selecting a property for a public utility wireless telecommunications facility for Verizon Wireless begins when Verizon Wireless’ radio-frequency engineer identifies a gap in coverage or area of unreliable service. The site acquisition consultant then evaluates properties which would address said coverage concerns and allow for the location of a facility in compliance with the local zoning regulations.

4. Pursuant to Town of Bedford Zoning Code Section 125-85.2 (“Wireless Law”), I researched as to whether the proposed Facility could be collocated on an existing tower or structure with wireless carriers already thereon in the area surrounding the Property. There are no existing towers or structures hosting other wireless carriers in the area that could support the Facility while providing the necessary coverage.

5. Pursuant to Section 125-85.2(C) (3) of the Wireless Law, I researched as to whether the proposed Facility could be located on property owned or leased by the Town of Bedford. No suitable options were identified to provide the necessary coverage, as the Town-owned properties in the area were either parkland or in close proximity to parkland.

#### Numerous Alternatives Reviewed

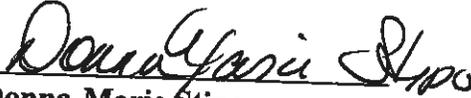
6. As detailed below, except for the Property, all of the other properties listed below were reviewed and rejected for the following reasons:

- A. 65-69 Stone Hill Road, Bedford, NY 10506. This residential property is closer in proximity to Town parkland than the Property. Moreover, a conservation easement with the Westchester Land Trust limited the options for placement of the Facility on this property. Due to its proximity to Town parkland, this property would not have been the least intrusive means of remedying Verizon Wireless' needs to provide service to the area.
- B. 1055 Old Post Road, Bedford, NY 10506. Despite multiple letters and phone calls, the owner of this property failed to respond to indicate interest in a lease with Verizon Wireless. This property is located in the R-4A zoning district of the Town. Moreover, the property line is 1800 feet from Indian Hill Park, such that a variance from Section 125-85.2(C) (2) of the Wireless Law would be required.
- C. 945 Old Post Road, Bedford NY 10506. Said property is at a lower elevation than the Property and would have required a much higher antenna structure than the Facility at the Property to provide the necessary coverage. Accordingly, this property would not have been the least intrusive means of remedying Verizon Wireless' needs to provide service to the area.

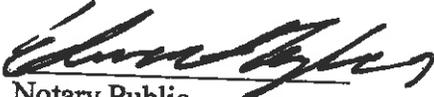
7. As detailed in the documentation submitted, the Facility at the Property is the least intrusive means of meeting Verizon Wireless' need to provide its service to the area.

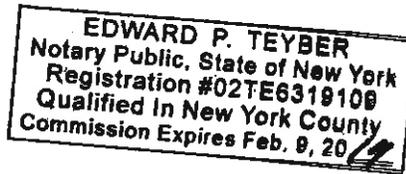
Based on the foregoing, the requested approvals for the Facility at the Property should be granted forthwith.

Respectfully submitted,

  
Donna-Marie Stipo

Signed before me this  
29<sup>th</sup> day of June, 2016

  
Notary Public



\\SS4\WP\NEWBANM\Maybeck\Bedford Village (Hickory Lane)\Zoning\Alternatives analysis.et.rtf

**EXHIBIT 2**  
**RF Affidavit**

TOWN OF BEDFORD

-----X  
In the matter of the Application of

NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS,

RF Affidavit

Premises: 91 Hickory Lane  
Section 85.13, Block 1, Lot 13

-----X  
State of New York )  
County of Rockland ) ss.:  
)

**Ali Aljibori**, does depose and say:

1. I am a radio frequency engineer with New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"). As a radio frequency engineer, I am trained to identify gaps in wireless telecommunications coverage and to evaluate the ability of proposed wireless telecommunications facility sites to remedy gaps in said coverage. In addition, I am familiar with Verizon Wireless' existing and proposed facility sites in and around the Town of Bedford.

2. I respectfully submit this affidavit in support of Verizon Wireless' application to install a public utility wireless telecommunications facility ("Facility") at 91 Hickory Lane, Bedford Village, New York ("Property").

3. The proposed Facility consists of small panel antennas mounted to the 150' monopole, together with related equipment at the base thereof. The Facility has been strategically located on the approximately 17 acre Property and will be screened by existing mature vegetation to reduce any visual impact to the surrounding area.

### Need for the Facility

4. Verizon Wireless is licensed by the Federal Communications Commission (“FCC”) to provide wireless telecommunications throughout New York State, including the Town of Bedford (“Town”).
  
5. Unlike radio and television broadcast towers, which utilize high power output transmitters to cover large geographical areas, Verizon Wireless’ wireless telecommunications network relies on geographically close low power transmitters and antennas. This network is comprised of cell sites which operate within a group of assigned radio frequencies. Reliable wireless telecommunications, including data receipt and transmission, depends on the architecture of the wireless network.
  
6. Verizon Wireless currently has a significant gap in the provision of its wireless services in the vicinity of the Property. As mobile phone use continues to increase, demand for high speed data transmission increases. A gap in service is evidenced by the inability to adequately transmit or to receive telecommunications, or by the interruption or disconnection of telecommunications. The gap that exists in the Town prevents Verizon Wireless from effectively providing reliable wireless services to the area, particularly high speed data transmission, to current and future users of its wireless telecommunications system, including residents, businesses, police, fire, hospital, ambulance and emergency 911 response personnel.
  
7. I was able to confirm Verizon Wireless’ significant gap in wireless service within the Town and surrounding areas by using an industry standard computer software predictive modeling tool that identifies areas where reliable coverage will exist, and where it will not.

### **The Proposed Facility Will Remedy the Significant Gap in Service**

8. Natural and manmade features, such as buildings, hills, trees, ridge lines and mountains, all effect the way radio signals travel, and can distort or obstruct radio signals. Radio signals will either bounce off, bounce back or be absorbed by these obstructions. These constraints significantly limit the suitability of sites for purposes of remedying a significant gap in service. Attached hereto as Exhibit A is a coverage map which documents the gap in Verizon Wireless' service in the vicinity of the Property.

9. The Facility takes into account the foregoing topographic constraints and will significantly remedy the gap in Verizon Wireless' coverage that currently exists in the vicinity of the Property. Attached hereto as Exhibit B is a coverage map which indicates that the proposed Facility will remedy a significant gap in Verizon Wireless' services in the vicinity of the Property, including many of the roads servicing the area.

10. It should be noted that even at a centerline height of +/- 147' on the proposed 150' monopole, certain portions of the surrounding area are still not adequately covered. However, Verizon Wireless is proposing a 150' monopole in order to comply with the Town's zoning code. Moreover, the 150' monopole has been designed to accommodate additional wireless carriers, including municipal and public safety antennas. As wireless carriers typically need at least 10' separation from one another, the 150' monopole is recommended in order to allow future co-location for both wireless carriers and municipal/public safety antennas. Indeed, in order to promote collocation in accordance with Section 125-85.2(E) of the Town zoning code, it is respectfully requested that this Honorable Board approve the 150' monopole for the Facility, as permitted under Section 125-85.2(D)(2) of the Town zoning code.

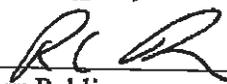
Conclusion

Based on the foregoing, the requested approvals should be granted forthwith.

Respectfully submitted,

  
\_\_\_\_\_  
Ali Aljibofi

Signed before me this  
6<sup>th</sup> day of November, 2015

  
\_\_\_\_\_  
Notary Public

**ROBERT C. BREYER**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02BR000237  
QUALIFIED IN ROCKLAND COUNTY  
COMMISSION EXPIRES 2/13/19

**Exhibit A**  
**Existing Coverage Map**



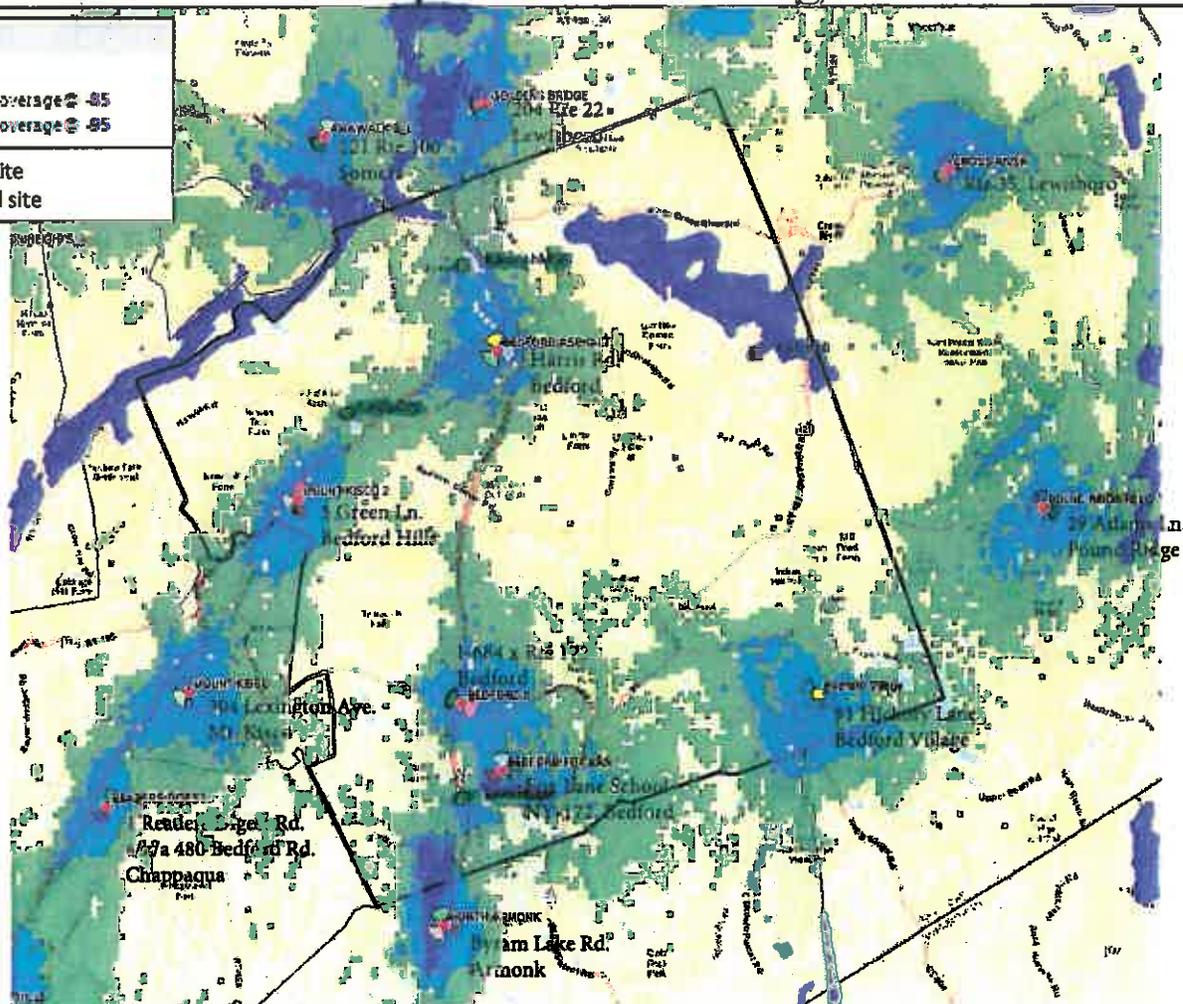
**Exhibit B**  
**Proposed Coverage Map**

# Proposed Coverage

## Legend

- Reliable Coverage @ -85
- Reliable Coverage @ -95

- Existing site
- Proposed site



**EXHIBIT 3**  
**Structural Letter**

# TECTONIC

Practical Solutions, Exceptional Service

TECTONIC Engineering & Surveying Consultants PC.  
1279 Route 300  
Newburgh, NY 12550

CORPORATE OFFICE:  
Mountairville, NY (800) 829-6531

(845) 567-6656 FAX (845) 567-8703  
www.tectonicengineering.com

Town of Bedford  
425 Cherry Street  
Bedford Hills, NY 10507

July 29, 2014

RE: 6666.BEDVIL  
91 HICKORY LANE  
BEDFORD, NY 10506  
STRUCTURAL CAPACITY VERIFICATION

To Whom It May Concern:

New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") is proposing a public utility wireless telecommunications facility ("Facility"), consisting of a 150' ± monopole with antennas mounted thereon, together with related equipment within the proposed fenced compound.

For structural design of the Tower and equipment, the most stringent criteria from "The Building Code of New York State", and the "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" will be used.

The Tower will have sufficient capacity to support Verizon Wireless' proposed antennas and equipment. The tower is being designed to accommodate Verizon Wireless plus three (3) additional co-locators.

Should you have any questions, please do not hesitate to call me at (845) 567-6656 ext. 2811.

Sincerely,  
TECTONIC



Edward N. Iamiceli, P.E.  
Sr. Project Manager



**EXHIBIT 4**  
**RF Report**



**Pinnacle Telecom Group**  
*Professional and Technical Services*

**ANTENNA SITE FCC RF COMPLIANCE  
ASSESSMENT AND REPORT**

PREPARED FOR  
**NEW YORK SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS**

**“Bedford Village” SITE  
91 HICKORY LANE  
BEDFORD, NY**

DECEMBER 3, 2015

14 RIDGEDALE AVENUE - SUITE 260 • CEDAR KNOLLS, NJ 07927 • 973-451-1630

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### **Appendix A. BACKGROUND ON THE FCC MPE LIMIT**

## **INTRODUCTION AND SUMMARY**

At the request of New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless"), Pinnacle Telecom Group has performed an independent assessment of radiofrequency (RF) levels and related FCC compliance for proposed wireless base station antenna operations involving a new monopole to be erected at 91 Hickory Lane in Bedford, NY. Verizon Wireless refers to the site as "Bedford Village" and its antenna operation involves directional panel antennas and transmission in the 746 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency bands licensed to it by the FCC.

The FCC requires wireless system operators to perform an assessment of potential human exposure to radiofrequency (RF) fields emanating from all the transmitting antennas at a site whenever antenna operations are added or modified, and to ensure compliance with the Maximum Permissible Exposure (MPE) limit in the FCC regulations. In this case, while the monopole may be designed to accommodate collocation by other antenna operators, at this point there are no other proposed antenna operations at the site to include in the compliance assessment. Note that FCC regulations require any future antenna collocators to assess and assure continuing compliance based on the cumulative effects of all then-proposed and then-existing antennas at the site.

This report describes a mathematical analysis of RF levels resulting around the site in areas of unrestricted public access, that is, at ground level around the site. The compliance analysis employs a standard FCC formula for calculating the effects of the antennas in a very conservative manner, in order to overstate the RF levels and to ensure "safe-side" conclusions regarding compliance with the FCC limit for safe continuous exposure of the general public.

The results of a compliance assessment can be explained in layman's terms by describing the calculated RF levels as simple percentages of the FCC MPE limit. If the reference for that limit is 100 percent, then calculated RF levels higher than 100 percent indicate the MPE limit is exceeded, while calculated RF levels consistently lower than 100 percent serve as a clear and sufficient demonstration

of compliance with the MPE limit. We will also describe the overall worst-case calculated result via the "plain-English" equivalent "times-below-the-limit factor".

The results of the FCC RF compliance assessment in this case are as follows:

- At street level around the site, the conservatively calculated maximum RF level from the existing antenna operations at the site is 0.1938 percent (i.e., less than 2/10<sup>th</sup>s of one percent) of the FCC general population MPE limit. In other words, even with the significant degree of conservatism incorporated in the analysis, the worst-case calculated RF level around the site is still more than 515 times below the FCC limit established as safe for continuous human exposure to the RF emissions from antennas.
- The results of the analysis provide a clear demonstration of compliance with the FCC regulations and associated guidelines for RF compliance. Moreover, because of the conservatism incorporated in the analysis, actual RF levels caused by the antennas will be even less significant than indicated by the calculations.

The remainder of this report provides the following:

- relevant technical data on the Verizon Wireless antenna operations;
- a description of the applicable FCC mathematical model for assessing MPE compliance, and application of the relevant technical data to that model; and
- the results of the analysis, and the compliance conclusion for the site.

In addition, Appendix A provides background on the FCC MPE limit, along with a list of FCC references on compliance.

## **ANTENNA AND TRANSMISSION DATA**

The table that follows provides the key compliance-related data for the Verizon Wireless operations.

<b>General Data</b>	
Frequency Bands	746 MHz, 850 MHz, 1900 MHz and 2100 MHz
Service Coverage Type	Sectorized
Antenna Type	Directional Panel
Antenna Centerline Height AGL	147 ft. 6 in.
Antenna Line Loss	0 dB (conservatively ignored)
<b>746 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Amphenol BXA-70080-6CF (15.1 dBi)
RF Channels per Sector	2 @ 40 watts
<b>850 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Amphenol BXA-70080-6CF (15.6 dBi)
RF Channels per Sector	8 @ 20 watts
<b>1900 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Amphenol BXA-171085-12CF (17.6 dBi)
RF Channels per Sector	8 @ 16 watts and 4 @ 40 watts
<b>2100 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Amphenol BXA-171085-12CF (18.0 dBi)
RF Channels per Sector	2 @ 40 watts

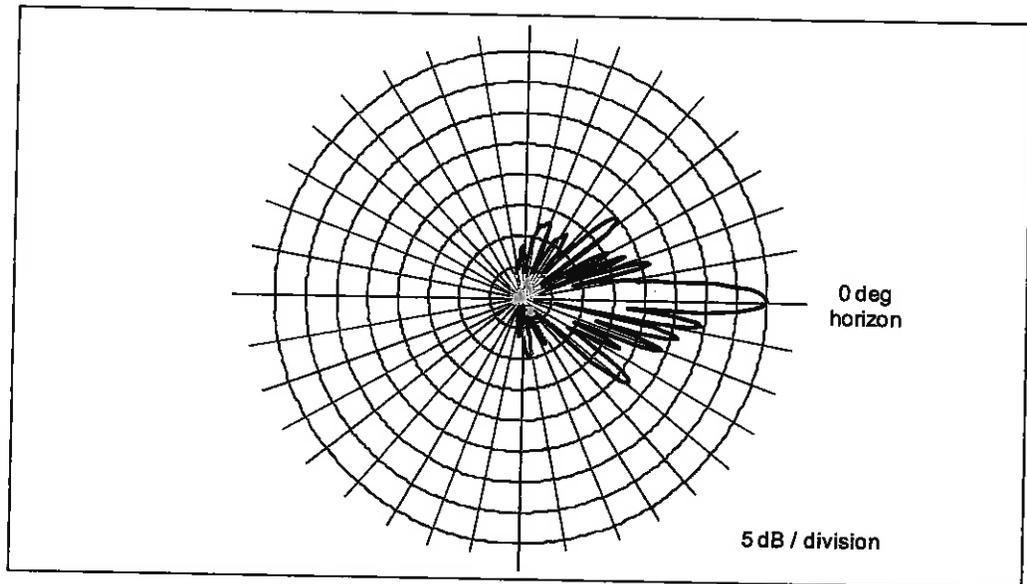
The antenna vertical-plane radiation pattern is used in the calculations of RF levels at ground level around a site.

By way of illustration, Figure 1 that follows shows the vertical-plane radiation pattern of the antenna used by Verizon Wireless in the 1900 MHz frequency band. Note that in this type of diagram, the antenna is effectively pointed at the three o'clock position (the horizon) and the relative strength of the pattern at different angles is described using decibel units.

The use of a decibel scale to describe the relative pattern at different angles incidentally tends to visually understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB, for example, the relative RF energy emitted at the corresponding downward angle is 1/100<sup>th</sup> of the maximum that occurs in the main beam (at 0 degrees); at a 30 dB point, the level is 1/1,000<sup>th</sup> of the maximum.

Note that the automatic pattern-scaling feature of our internal software may skew side-by-side visual comparisons of different antenna models, or even different parties' depictions of the same antenna model.

**Figure 1. Amphenol BXA-171085-12CF – 1900 MHz Vertical-plane Pattern**



## **Compliance Analysis**

FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") provides guidelines for mathematical models to calculate the RF levels at various points around transmitting antennas.

At street-level around an antenna site (in what is called the "far field" of the antennas), the RF levels are directly proportional to the total antenna input power and the relative antenna gain in the downward direction of interest – and the levels are otherwise inversely proportional to the square of the straight-line distance to the antenna. Conservative calculations also assume the potential RF exposure is enhanced by reflection of the RF energy from the ground. Our calculations will assume a 100% "perfect" reflection, the worst-case approach.

The FCC's formula for street-level RF compliance calculations for any given wireless antenna operation is as follows:

$$\text{MPE\%} = (100 * \text{TxPower} * 10^{(\text{Gmax-Vdisc}/10)} * 4) / (\text{MPE} * 4\pi * R^2)$$

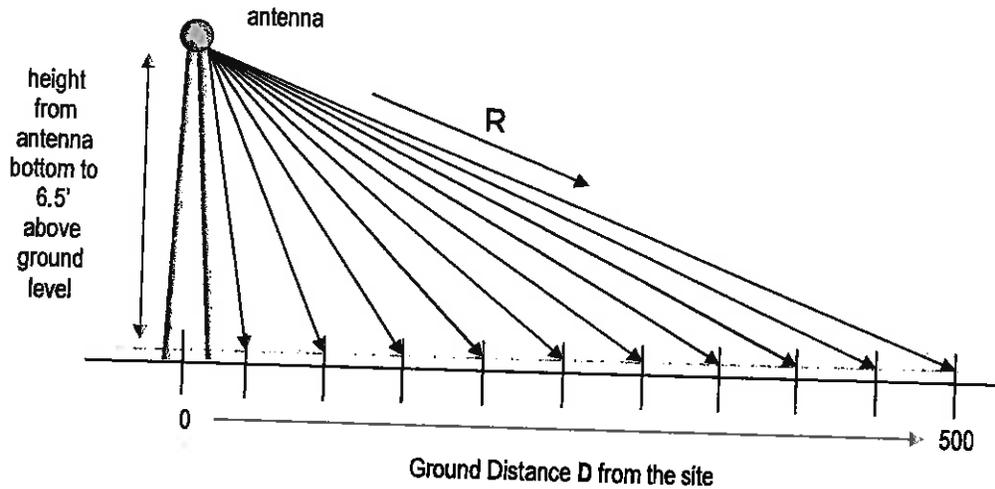
where

MPE%	=	RF level, expressed as a percentage of the MPE limit applicable to continuous exposure of the general public
100	=	factor to convert the raw result to a percentage
TxPower	=	maximum net power into antenna sector, in milliwatts, a function of the number of channels per sector, the transmitter power per channel, and line loss
$10^{(\text{Gmax-Vdisc}/10)}$	=	numeric equivalent of the relative antenna gain in the downward direction of interest, referenced to any applied antenna mechanical downtilt; data on the antenna vertical-plane pattern is taken from manufacturer specifications
4	=	factor to account for a 100-percent-efficient energy reflection from the ground, and the squared relationship between RF field strength and power density ( $2^2 = 4$ )
MPE	=	FCC general population MPE limit
R	=	straight-line distance from the RF source to the point of interest, centimeters

The MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters, the FCC-recommended standing height) off the ground, as illustrated in the Figure 2 on the next page.

It is popularly understood that the farther away one is from an antenna, the lower the RF level – which is generally but not universally correct. The results of MPE% calculations fairly close to the site will reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antennas. Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site. As the distance approaches 500 feet and beyond, though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled, and as a

result the RF levels generally decrease with increasing distance, and are well understood to be in compliance.



**Figure 2. MPE% Calculation Geometry**

FCC compliance for a multiple-band antenna operation is assessed in the following manner. At each distance point along the ground, an MPE% calculation is made for the RF effect in each frequency band, and the sum of the individual MPE% contributions at each point is compared to 100 percent, which serves as the normalized reference for the FCC MPE limit. We refer to the sum of the individual MPE% contributions as "total MPE%", and any calculated MPE% total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represents non-compliance and a need to mitigate the RF levels. If, on the other hand, all results are below 100 percent, that set of results serves as a demonstration of compliance with the MPE limit.

We refer to the sum of the individual MPE% contributions as "total MPE%", and any calculated total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represent non-compliance and a need to mitigate the potential exposure. If all results are consistently below 100 percent, on the other hand, that set of results serves as a clear and sufficient demonstration of compliance with the MPE limit.

Note that according to the FCC, when directional antennas and sectorized coverage arrangements are used, the compliance assessments are based on the RF effect of a single antenna sector (or, in cases of non-identical parameters, the worst-case effect of any individual sector).

The following conservative methodology and assumptions are incorporated into the MPE% calculations on a general basis:

1. The antennas are assumed to be operating continuously at maximum power, and at maximum channel capacity. In addition, the effects of antenna line loss are ignored wherever possible.
2. The power-attenuation effects of shadowing or other obstructions to the line-of-sight path from the antenna to the point of interest are ignored.
3. The calculations intentionally minimize the distance factor (R) by assuming a 6'6" human and performing the calculations from the bottom (rather than the centerline) of the antenna.
4. The potential RF exposure at ground level is assumed to be 100-percent enhanced (increased) via a "perfect" field reflection from the ground itself.

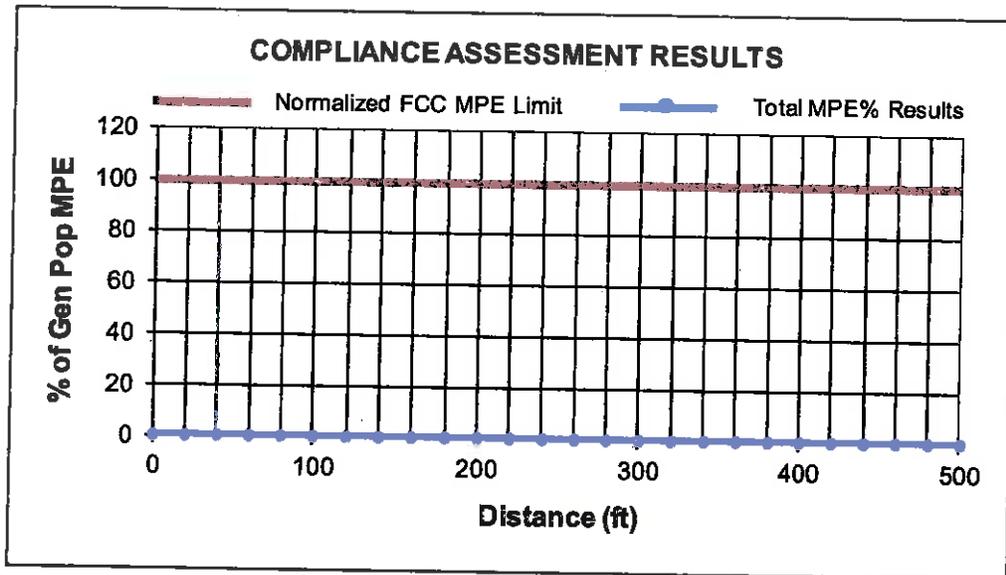
The net result of these assumptions is to significantly overstate the calculated RF exposure levels relative to the levels that will actually occur – and the purpose of this conservatism is to allow very "safe-side" conclusions about compliance.

The table on the next page provides the results of the MPE% calculations, with the worst-case result highlighted in bold in the last column.

Ground Distance (ft)	Verizon Wireless 746 MHz MPE%	Verizon Wireless 850 MHz MPE%	Verizon Wireless 1900 MHz MPE%	Verizon Wireless 2100 MHz MPE%	Total MPE%
0	0.0009	0.0296	0.0098	0.0014	0.0417
20	0.0019	0.0373	0.0214	0.0034	0.0641
40	0.0051	0.0485	0.0037	0.0011	0.0584
60	0.0068	0.0508	0.0042	0.0144	0.0762
80	0.0051	0.0221	0.0094	0.0057	0.0424
100	0.0116	0.0063	0.0029	0.0098	0.0305
120	0.0310	0.0074	0.0010	0.0029	0.0422
140	0.0281	0.0023	0.0006	0.0273	0.0582
160	0.0101	0.0098	0.0832	0.0014	0.1045
180	0.0021	0.0389	0.1408	0.0121	0.1938
200	0.0079	0.0707	0.0397	0.0648	0.1831
220	0.0147	0.0762	0.0080	0.0801	0.1790
240	0.0178	0.0611	0.0109	0.0093	0.0991
260	0.0117	0.0410	0.0304	0.0080	0.0911
280	0.0072	0.0318	0.0283	0.0096	0.0769
300	0.0012	0.0271	0.0037	0.0044	0.0364
320	0.0001	0.0280	0.0062	0.0018	0.0362
340	0.0003	0.0303	0.0317	0.0002	0.0625
360	0.0027	0.0388	0.0772	0.0044	0.1230
380	0.0033	0.0378	0.0598	0.0170	0.1179
400	0.0030	0.0345	0.0546	0.0155	0.1076
420	0.0029	0.0302	0.0213	0.0159	0.0703
440	0.0018	0.0236	0.0040	0.0122	0.0416
460	0.0006	0.0161	0.0194	0.0032	0.0393
480	0.0005	0.0149	0.0179	0.0030	0.0363
500	0.0001	0.0096	0.0457	0.0011	0.0565

As indicated, even with the significant degree of conservatism built into the calculations, the maximum calculated RF level is 0.1938 percent of the FCC MPE limit – that is, less than 2/10<sup>th</sup>s of one percent of the limit, and obviously well below the 100-percent reference for compliance, especially given the conservatism incorporated in the analysis.

A graph of the overall calculation results, provided on the next page, probably provides a clearer *visual* illustration of the relative compliance of the calculated RF levels. The line representing the overall calculation results does not noticeably rise above the baseline, and shows a clear, consistent margin to the FCC compliance limit.



### COMPLIANCE CONCLUSION

According to the FCC, the FCC MPE limit has been constructed in such a manner that continuous human exposure to RF emissions up to and including 100 percent of the MPE limit is acceptable and safe.

As described, at street level the conservatively calculated maximum RF level from the proposed antenna operations at the site is 0.1938 percent of the FCC MPE limit. In other words, even with the significant degree of conservatism in the analysis, the worst-case calculated RF level is still more than 515 times below the FCC limit.

Moreover, because of the conservatism incorporated in the analysis, actual RF levels caused by the antennas will be even less significant than these calculations indicate.

## CERTIFICATION

The undersigned certifies as follows:

1. I have read and fully understand the FCC regulations concerning RF safety and the control of human exposure to RF fields (47 CFR 1.1301 *et seq.*).
2. To the best of my knowledge, the statements and information disclosed in this report are true, complete and accurate.
3. The analysis of site RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.
4. The results of the analysis indicate that the subject antenna operations will be in full compliance with the FCC regulations concerning RF exposure.

  
\_\_\_\_\_  
Patricia A. Stankovich  
Manager – RF Compliance

12/3/15

\_\_\_\_\_  
Date

## Appendix A. BACKGROUND ON THE FCC MPE LIMIT

### *FCC Rules and Regulations*

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

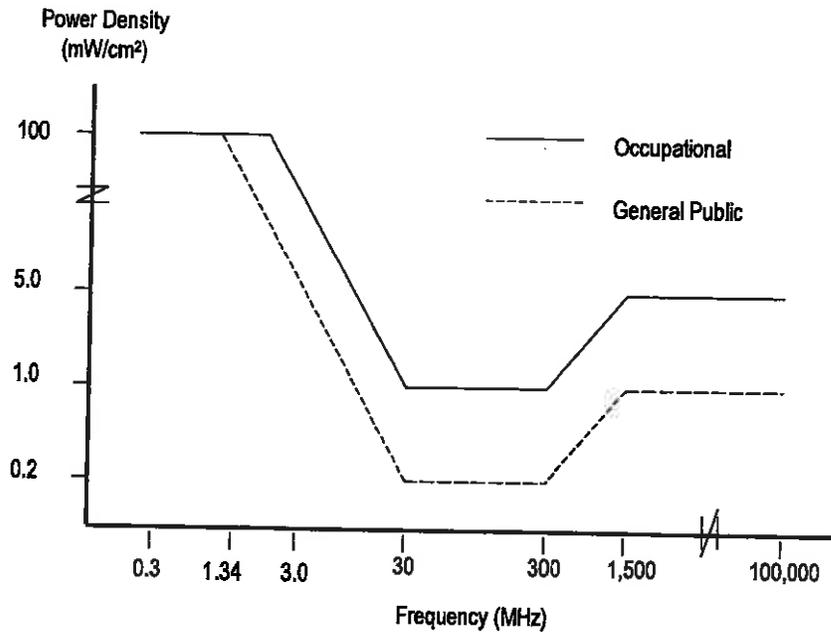
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for two tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm<sup>2</sup>). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm<sup>2</sup> reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm <sup>2</sup> )	General Public Exposure (mW/cm <sup>2</sup> )
0.3 - 1.34	100	100
1.34 - 3.0	100	$180 / F^2$
3.0 - 30	$900 / F^2$	$180 / F^2$
30 - 300	1.0	0.2
300 - 1,500	$F / 300$	$F / 1500$
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's MPE limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.

The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

Note that the FCC "categorically excludes" certain types of antenna facilities from the routine requirement to specifically (i.e., mathematically) demonstrate compliance with the MPE limit. Among those types of facilities are cellular antennas mounted on any type of tower, when the bottoms of the antennas are more than 10 meters (c. 32.8 feet) above ground. The basis for the categorical exclusion, according to the FCC, is the understanding that because of the low power and the directionality of the antennas, such facilities – individually and collectively – are well understood to have no significant effect on the human environment. As a result, the FCC automatically deems such facilities to be in compliance.

#### ***FCC References on Compliance***

47 CFR, FCC Rules and Regulations, Part 1 (Practice and Procedure), Section 1.1310 (Radiofrequency radiation exposure limits).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192), Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62), and Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

FCC Report and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released August 1, 1996.

FCC Office of Engineering and Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", Edition 97-01, August 1997.

**EXHIBIT 5**  
**FCC Licenses**



Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASASREG  
ALPHARETTA, GA 30009-7630

SCANNED

Call Sign WQJQ689	File Number 0003865021
Radio Service WU - 700 MHz Upper Band (Block C)	

FCC Registration Number (FRN): 0003290673

Grant Date 11-26-2008	Effective Date 06-11-2009	Expiration Date 06-13-2019	Print Date 06-11-2009
Market Number REA001	Channel Block C	Sub-Market Designator 0	
Market Name Northeast			
1st Build-Out Date 06-13-2013	2nd Build-Out Date 06-13-2019	3rd Build-Out Date	4th Build-Out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

This authorization is conditioned upon compliance with section 27.16 of the Commission's rules

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

REFERENCE COPY

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**Federal Communications Commission**  
Wireless Telecommunications Bureau

**RADIO STATION AUTHORIZATION**

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATOR  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, SUITE 500, CUMMINGS, GA 30041  
ALPHARETTA, GA 30004-6300

Call Sign WQGA715	File Number 0003833180
Radio Service AW - AWS, 1710-1755/2110-2155 MHz bands	

FCC Registration Number (FRN): 0003833173

Grant Date 11-29-2006	Effective Date 05-11-2009	Expiration Date 11-29-2021	Print Date 05-12-2009
Market Number REA001	Channel Block	Sub-Market Designator 0	
Market Name Southeast			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

**Waivers/Conditions:**

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WT Docket No. 02-353, rel. April 20, 2006.

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Federal Communications Commission  
Wireless Telecommunications Bureau

Radio Station Authorization (Reference Copy Only)

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Licensee: Cellco Partnership

ATTN Regulatory  
Cellco Partnership  
1120 Sanctuary Pkwy, #150 GASASREG  
Alpharetta, GA 30004

FCC Registration Number (FRN): 0003290673	
Call Sign: KNLH264	File Number: 0003047719
Radio Service: CW - PCS Broadband	

Grant Date 07/23/2007	Effective Date 07/23/2007	Expiration Date 06/27/2017	Print Date 07/26/2007
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Market Number: BTA321	Channel Block: F	Sub-Market Designator: 0
Market Name: New York, NY		

1st Build-out Date 06/27/2002	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
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**Special Conditions or Waivers/Conditions** This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 24.716 of the Commission's Rules and the terms of the Commission's installment plan as set forth in the Note and Security Agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of this authorization.

**Conditions**

Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls/> and select "License Search". Follow the instruction on how to search for license information

**FCC 601 - MB**  
**September 2002**





Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASASREG  
ALPHARETTA, GA 30009-7630

ANNED

Call Sign WQBT539	File Number 0003864879
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003290673

Grant Date 02-28-2007	Effective Date 06-11-2009	Expiration Date 01-03-2017	Print Date 06-11-2009
Market Number BTA321	Channel Block C	Sub-Market Designator 4	
Market Name New York, NY			
1st Build-Out Date 12-07-2003	2nd Build-Out Date	3rd Build-Out Date	4th Build-Out Date

**Waivers/Conditions:**

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is conditioned upon the full and timely payment of all monies due pursuant to Sections 1.2110 and 24.711 of the Commission's Rules and the terms of the Commission's installment plan as set forth in the Note and Security Agreement executed by the licensee. Failure to comply with this condition will result in the automatic cancellation of this authorization.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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**Federal Communications Commission**  
Wireless Telecommunications Bureau

**RADIO STATION AUTHORIZATION**

LICENSEE: VERIZON WIRELESS TELECOM INC.

ATTN: REGULATORY  
VERIZON WIRELESS TELECOM INC.  
1120 SANCTUARY PKWY #150 - GASASREG  
ALPHARETTA, GA 30004

**SCANNED**

Call Sign KNLF644	File Number 0003298939
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0005798061

Grant Date 02-28-2007	Effective Date 01-23-2008	Expiration Date 01-03-2017	Print Date 01-24-2008
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Market Number BTA321	Channel Block C	Sub-Market Designator 3
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Market Name New York, NY
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1st Build-Out Date 12-07-2003	2nd Build-Out Date 01-03-2007	3rd Build-Out Date	4th Build-Out Date
----------------------------------	----------------------------------	--------------------	--------------------

**Waivers/Conditions:**

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at <http://wireless.fcc.gov/uls> and select "License Search". Follow the instructions on how to search for license information.



Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASASREG  
ALPHARETTA, GA 30009-7630

**SCANNED**

Call Sign WQJQ696	File Number 0003864907
Radio Service WY - 700 MHz Lower Band (Blocks A, B, E)	

FCC Registration Number (FRN): 0003290673

Grant Date 11-26-2008	Effective Date 06-11-2009	Expiration Date 06-13-2019	Print Date 06-11-2009
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Market Number BEA010	Channel Block A	Sub-Market Designator 0
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Market Name New York-No. New Jer.-Long Isl
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1st Build-Out Date 06-13-2013	2nd Build-Out Date 06-13-2019	3rd Build-Out Date	4th Build-Out Date
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**Waivers/Conditions:**

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**REFERENCE COPY**

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

**LICENSEE: NEW YORK SMSA LIMITED PARTNERSHIP**

**ATTN: REGULATORY  
NEW YORK SMSA LIMITED PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630**

<b>Call Sign</b> KNKA206	<b>File Number</b> 0006358273
<b>Radio Service</b> CL - Cellular	
<b>Market Numer</b> CMA001	<b>Channel Block</b> B
<b>Sub-Market Designator</b> 0	

**FCC Registration Number (FRN): 0003473220**

<b>Market Name</b> New York, NY-NJ/Nassau-Suffolk				
<b>Grant Date</b> 09-03-2014	<b>Effective Date</b> 09-03-2014	<b>Expiration Date</b> 10-01-2024	<b>Five Yr Build-Out Date</b>	<b>Print Date</b> 09-03-2014

**Site Information:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
2	40-50-32.0 N	073-01-33.0 W	89.6	93.0	1043284

**Address: ADIRONDACK DR 300 FT S OF MIDVALE**

**City: SELDEN County: SUFFOLK State: NY Construction Deadline:**

<b>Antenna: 4 Azimuth (from true north)</b>	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	86.100	83.100	83.800	99.800	106.000	93.200	84.600	81.800
<b>Transmitting ERP (watts)</b>	33.190	240.450	576.810	458.170	102.570	10.500	1.210	1.660
<b>Antenna: 5 Azimuth (from true north)</b>	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	86.100	83.100	83.800	99.800	106.000	93.200	84.600	81.800
<b>Transmitting ERP (watts)</b>	0.110	0.100	0.150	1.780	9.770	15.850	8.510	1.350
<b>Antenna: 6 Azimuth (from true north)</b>	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	86.100	83.100	83.800	99.800	106.000	93.200	84.600	81.800
<b>Transmitting ERP (watts)</b>	14.460	5.130	0.600	0.100	0.100	0.390	3.470	13.180

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

**EXHIBIT 6**  
**Full EAF**

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: New York State SMSA Limited Partnership d/b/a Verizon Wireless public utility wireless communication facility		
Project Location (describe, and attach a general location map): 91 Hickory Lane, Bedford, NY 10506 (Westchester County)		
Brief Description of Proposed Action (include purpose or need): Installation of a public utility wireless telecommunications facility, consisting of a 150' ± monopole with antennas mounted on the monopole, together with related equipment at grade within a 3,120+/- square foot compound.		
Name of Applicant/Sponsor: New York SMSA Limited Partnership d/b/a Verizon Wireless/c/o Snyder & Snyder	Telephone: (914)-333-0700	E-Mail: lsnyder@snyderlaw.net
Address: 94 White Plains Road		
City/PO: Tarrytown	State: NY	Zip Code: 10591
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Angelo & Yvonne Mazzella	Telephone: (914) 632-2761	E-Mail:
Address: 21 Emerson Avenue		
City/PO: New Rochelle	State: NY	Zip Code: 10801

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Special Permit Approval, Site Plan Approval.	July, 2016
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building Permit	Upon grant of zoning approvals
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s):	
<p><u>NYC Watershed Boundary - The project site is not located within any local or regional special planning district, however a portion of the property, not to be impacted by the project, is located within the NYC Watershed Boundary.</u></p>	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
<p>_____</p> <p>_____</p> <p>_____</p>	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
The site is located in the R-1A (Residence One-Acre) zoning district.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Bedford Central School District

b. What police or other public protection forces serve the project site?  
Bedford Police Department. Mount Kisco Police Department

c. Which fire protection and emergency medical services serve the project site?  
Bedford Hills Fire department, Stamford Emergency Medical Services

d. What parks serve the project site?  
Bedford Village Memorial Park. Indian Hill Park. Pound Ridge Town Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? public utility/commercial

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 0.13 +/- acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ 0.13 +/- acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 0.13 +/- acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ 1 months

- ii. If Yes:
- Total number of phases anticipated \_\_\_\_\_
  - Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
  - Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
  - Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase				
At completion				
of all phases				

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No

If Yes,

i. Total number of structures 3 \*\* Diameter  
ii. Dimensions (in feet) of largest proposed structure: 150' ± height; \*\* 6' ± width; and N/A length  
iii. Approximate extent of building space to be heated or cooled: N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No

If Yes,

i. Purpose of the impoundment: \_\_\_\_\_  
ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

## D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No

If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
\_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes: \_\_\_\_\_

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will line extension within an existing district be necessary to serve the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

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iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

\_\_\_\_\_

\_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)

ii. Describe types of new point sources. \_\_\_\_\_

\_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

\_\_\_\_\_

\_\_\_\_\_

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

\_\_\_\_\_

- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

~~Maintenance vehicle once per month for approximately one hour per visit.~~

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

N/A

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

Emergency generator to be used in the event of a prolonged power outage.

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 200 Amp - Minimal increase in electrical power.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
 Con- Edison

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<i>i. During Construction:</i>		<i>ii. During Operations:</i>	
• Monday - Friday:	8am-6pm	• Monday - Friday:	N/A
• Saturday:	8am-6pm	• Saturday:	N/A
• Sunday:	8am-6pm	• Sunday:	N/A
• Holidays:	N/A	• Holidays:	N/A

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:

\_\_\_\_\_

\_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No

Describe: \_\_\_\_\_

\_\_\_\_\_

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
RAB 28W, Lighting model #WPLED26 (Or Equal) within fenced compound with remote sensor.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No

Describe: \_\_\_\_\_

\_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

\_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

\_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

\_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

Area is mix of uses with mature trees located throughout.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0.13 +/-	+ 0.13 +/-
• Forested	N/A	N/A	N/A
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	N/A	N/A	N/A
• Agricultural (includes active orchards, field, greenhouse etc.)	0.13 +/-	0	-0.13 +/-
• Surface water features (lakes, ponds, streams, rivers, etc.)	N/A	N/A	N/A
• Wetlands (freshwater or tidal)	N/A	N/A	N/A
• Non-vegetated (bare rock, earth or fill)	N/A	N/A	N/A
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No

i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No

If Yes,

i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_

iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No

If Yes:

i. Has the facility been formally closed?

Yes  No

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:

Yes  No

Yes - Spills Incidents database

Provide DEC ID number(s): \_\_\_\_\_

Yes - Environmental Site Remediation database

Provide DEC ID number(s): \_\_\_\_\_

Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No

If yes, provide DEC ID number(s): \_\_\_\_\_

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 1.34 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ 13 %

c. Predominant soil type(s) present on project site: Chatfield-Hollis-Rock outcrop comp. \_\_\_\_\_ 100 %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 6.56 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 100 % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 83 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ 17 % of site

Project area will be graded to reduce all slopes over 10%.  Yes  No

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name N/A stream is located adjacent not on project site Classification N/A
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>Southern Wood Violet _____</p> <p>Eastern Wormsnake _____</p> <p>Winter Grape _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No \*\*\* SHPO response, dated 7/18/14

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

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h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: **\*\*Project site will not be visible from any scenic or aesthetic resource.**

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

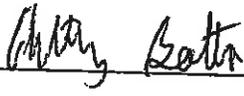
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name New York SMSA Limited Partnership d/b/a Verizon Wireless Date 12/1/15

Signature  Title Project Engineer

## Rae Miller

---

**From:** towernotifyinfo@fcc.gov  
**Sent:** Friday, July 18, 2014 12:45 PM  
**To:** Rae Miller  
**Subject:** Section 106 Notification of SHPO/THPO Concurrence- Email ID #801505

This is to notify you that the Lead SHPO/THPO has concurred with the following filing:

Date of Action: 07/18/2014

Direct Effect: No Historic Properties in Area of Potential Effects (APE)

Visual Effect: No Historic Properties in Area of Potential Effects (APE)

Comment Text: None

File Number: 0006343755

Purpose: New Tower Submission Packet

Notification Date: 7AM EST 06/26/2014

Applicant: Verizon Wireless

Consultant: CHRS Inc., on behalf of Trileaf Corporation

Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No

Site Name: BEDFORD VILLAGE - 91 Hickory Lane

Site Address: 91 Hickory Lane

Detailed Description of Project: Legal Description: No Township Found

Site Coordinates: 41-11-45.0 N, 73-37-0.9 W

City: Bedford

County: WESTCHESTER

State:NY

Lead SHPO/THPO: New York State Historic Preservation Office

### **NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE**

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

**EXHIBIT 7**  
**Noise Letter**



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(845) 567-6656 FAX (845) 567-8703  
www.tectonicengineering.com

Town of Bedford  
425 Cherry Street  
Bedford, New York 10507

December 15, 2015

**RE: W.O. 6666.BEDVIL  
VERIZON WIRELESS SITE: BEDFORD VILLAGE  
91 HICKORY LANE  
BEDFORD, NY 10506  
NOISE REPORT FOR PROPOSED BACKUP GENERATOR**

To Whom It May Concern:

The following is a summary of our findings in connection with the sound generated by the backup generator proposed by New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") at 91 Hickory Lane, Bedford, NY ("Property"). All information provided is based upon good engineering judgment and the manufacturers' specifications.

Verizon Wireless is proposing to place a backup generator ("Generator") on a concrete slab at grade within a proposed sound attenuating enclosure. The generator will be approximately 204 feet from the nearest property line.

The Generator is typically turned on once a week during the afternoon for approximately one hour as a maintenance check only. Other than that, it will only turn on in the event of a sustained power outage.

Section 125-32 of the Town of Bedford Noise Standards utilizes a preferred frequencies scale and an octave band scale. A Table of these standards is attached for your convenience.

Polar Power, the Generator manufacturer, has supplied Tectonic with sound generated data. The data gives the tone corrected decibel levels in accordance with ARI Sound Standard 270. The ARI 275 Standard for estimating weighted sound pressure levels was used to estimate the noise levels 204 feet from the Generator. Additionally, the estimation accounts for the blockage of sound due to the location of Verizon Wireless' proposed equipment cabinets. The estimated noise levels are shown in the table below. The table below indicates a worst case scenario as it fails to account for fencing, trees, vegetation or terrain that will further reduce the noise levels from the Generator at the property line.



Practical Solutions, Exceptional Service

Preferred Frequencies								
Center Frequency (cycles per second)	31.5 & 63	125	250	500	1,000	2,000	4,000	8,000
Town of Bedford Maximum Permitted Sound-Pressure Levels (decibels)	65 & 67	66	59	52	46	37	26	17
Town of Bedford Maximum Permitted Sound-Pressure Levels Minus Six (6) Decibels for Residence District (decibels)	59 & 61	60	53	46	40	31	20	11

Pre-1960s Octave Bands								
Octave Band (cycles per second)	20-74	75-149	150-299	300-599	600-1199	1,200-4,799	2,400-4,799	4,800-20,000
Town of Bedford Maximum Permitted Sound-Pressure Levels (decibels)	67	66	61	54	47	39	29	20
Town of Bedford Maximum Permitted Sound-Pressure Levels Minus Six (6) Decibels for Residence District (decibels)	61	60	55	48	41	33	23	14
Generator at 204' From Nearest Property Line (Decibels)	61	60	55	48	41	33	23	14

The above data demonstrates that the sound levels associated with the proposed Generator comply with the Town of Bedford Noise Standards.

Sincerely,  
**TECTONIC**

Edward Iamiceli, P.E.  
Sr. Project Manager



## Town of Bedford Planning Board

2<sup>nd</sup> Floor Conference Room  
425 Cherry Street  
Bedford Hills, New York 10507

Tuesday, February 9, 2016

### Minutes

A meeting of the Planning Board was held on February 9, 2016, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Board Member Diane Lewis, Board Member Michael Tierney, Planning Director Jeff Osterman, and Secretary Anne Paglia. Absent was Board Member William Colavito and Board Member Felix Cacciato. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

#### 1. Conference:

**Waiver of Site Plan Approval – Auto Body Shop**  
**Section 71.8 Block 2 Lot 16, LI Zone**  
**128 Plainfield Avenue, Bedford Hills**  
**Owner: Annie K. Harper**  
**Applicant: Goodfellas Auto Body, Inc. – Contract Vendee**  
**(Consider Waiver of Site Plan Approval.)**

#### Present:

John Arena, Principal, Goodfellas Auto Body, Inc.  
Joseph Gatto, Principal, Goodfellas Auto Body, Inc.  
Charles V. Martabano, Attorney at Law

Mr. Martabano stated that they have appeared before the Zoning Board of Appeals on January 6, 2016 and were granted the variance and the Special Permits, subject to conditions. One condition was to finish the site plan approval process with the Planning Board and the other condition is to incorporate in the Planning Board decision those conditions which were in the Planning Board's recommendations to the Zoning Board of Appeals.

Mrs. Courtney-Batson asked what the upper level was being used for. Mr. Martabano said that it was an internet/shipping type of business. He also stated that the smaller building was still being used for offices. Mr. Martabano agreed with Mrs. Courtney-Batson that if any of the uses were to change, they would come back to the Planning Board.

Mr. Osterman asked if the upper floor had rights to the parking in front. Mr. Martabano agreed that they did. Mr. Osterman asked that this be specified, so that there is no confusion.

Mrs. Courtney-Batson stated that the applicant was asked to return with a plan showing the location of the paint booth. Mr. Martabano said that the applicant did not have access to the

property, as they are only the contract vendee. Westchester County would also have input as to where it is located. Mr. Martabano said that they could locate the approximate position of the paint booth, he then indicated it to the board. Mrs. Courtney-Batson then stated that that would mean there would be one less parking space and Mr. Martabano agreed. Mrs. Courtney-Batson then stated that a condition of approval would be that the paint booth be added to the plan when it is permanently located and the plan submitted to the town.

Mrs. Courtney-Batson stated that she has read all the material that was sent to the Planning Board by the neighbor and that she is satisfied that the use is not substantially and, therefore, the parking requirements are met.

Mrs. Courtney-Batson said that she has not hear of this property causing problems in the past, and Mr. Osterman stated he has not either.

Mrs. Courtney-Batson reviewed the conditions:

1. The paint booth shall be added to the plan
2. The upper level shall have access to the parking in the front.
3. All conditions specified in the Planning Board Memo to the Zoning Board of Appeals, dated January 5, 2016, shall apply.

Motion: A motion was made by Mrs. Lewis to approve this application for a Waiver of Site Plan Approval, with the conditions specified.

Motion seconded by Mr. Tierney.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mrs. Lewis endorsed the Board’s determination on the ECF. Mr. Tierney seconded.

Vote: Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

## **2. Conference:**

**Waiver of Site Plan Approval – Hair Salon**

**Section 60.14 Block 5 Lot 6, LI Zone**

**25-27Adams Street, Bedford Hills**

**Owner: Fedele Realty, LLC**

**Applicant: Hernan Prada Salon**

**(Consider Waiver of Site Plan Approval.)**

### Present:

Dominick Fedele, Owner

Carla Meehan, Partner, Hernan Prada Salon

Phillip Ceradini, Architect, AIA

Ms. Meehan stated that they would not be changing much. They would be putting in two sinks and a little extra lighting.

There was a discussion of the chemicals to be used by the salon. Ms. Meehan stated that they would be paraben-free, formaldehyde-free and also ammonia free. Ms. Lewis asked if there was any objection to this being a condition of approval and Ms. Meehan said that was fine. Ms. Lewis stated that if the applicant wishes to do something outside of this purview, they will need to return to the Planning Board.

Mrs. Courtney-Batson asked what the current use of the other space in the building was. Mr. Fedele stated that the other space is currently empty and he is using it for storage. He stated that this space is sealed off from the salon space.

Mrs. Courtney-Batson asked Mr. Fedele if he had any problem with a condition of the salon approval be that the water usage for the salon be 2,000 gallons, because the water budget is for the whole building. This would basically limit the use of the other space to a dry use. Mr. Fedele agreed and said that he might do an office space or a studio. Mr. Fedele said he had no objection.

Mrs. Courtney-Batson listed the following conditions for approval:

1. The remaining office space shall be limited to less than 2,000 gallons water usage per quarter..
2. The chemicals used by the salon shall be paraben-free, formaldehyde-free and also ammonia free. If this changes, the applicant must return to the Planning Board for further review.

Mr. Osterman asked Mr. Fedele to explain the parking. After he explained the parking, Mrs. Courtney-Batson then stated that the parking would be grand-fathered.

Motion: A motion was made by Mrs. Lewis to approve this application for a Waiver of Site Plan Approval for a hair salon, with the conditions listed.

Motion seconded by Mr. Tierney.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mrs. Lewis endorsed the Board’s determination on the ECF. Mr. Tierney seconded.

Vote: Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

Vote: Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

## **2. Conference:**

**Waiver of Site Plan Approval – Additions and Alterations to Commercial Building**

**Section 60.14 Block 5 Lot 6, LI Zone**

**25-27 Adams Street, Bedford Hills**

**Owner/Applicant: Fedele Realty, LLC**

**(Consider Waiver of Site Plan Approval.)**

### Present:

Dominick Fedele, Owner

Phillip Ceradini, Architect, AIA

Mr. Ceradini displayed the plans and then described them to the Planning Board.

Mrs. Courtney-Batson asked Mr. Ceradini if he was aware that this was currently on the Town of Bedford's List of Historic Properties. Mr. Ceradini said he was aware.

Mrs. Lewis asked if the plants on the side could become a native plant border. Mr. Fedele stated that he was a landscaper designer and agreed with that idea. She also asked if the area to be added would be insulated. Mr. Fedele said that he would be looking into open foam insulation, or something similar.

Mrs. Courtney-Batson said that when the applicant returns to the Planning Board for a Final Site Plan Approval, they should have:

1. Planting plan – with native plants.
2. Parking delineation.
3. Lighting specifications which include a picture of each fixture as well as the lumens.

Motion: A motion was made by Mr. Tierney to deny this application for a Waiver of Site Plan Approval for additions and alterations to a commercial building because it does not meet the Zoning code for setbacks and parking.

Motion seconded by Mrs. Lewis.

Vote: Ayes: Courtney-Batson, Lewis, Tierney  
Nays: None

### **3. Conference:**

**Preliminary Subdivision Approval – Four-Lot Subdivision**

**Section 82.12 Block 1 Lot 3, R-2A Zone**

**28 McLain Street, Bedford Corners**

**Owner: Northern Westchester Professional Park II**

**Applicant: Merv Blank**

**(Consider Preliminary Subdivision Approval.)**

#### Present:

Edward J. Delaney, Jr., Project Manager, Bibbo Associates, L.L.P., Consulting Engineers

Mr. Delaney described the history of the application to the Planning Board which began in the summer of 2012. He would like to discuss:

1. Preliminary approval process.
2. A negative declaration.
3. A statement of the intent of the waiver for the road width from 24 to 20 feet and the cul-de-sac from 95 to 85 feet.

Mrs. Courtney-Batson said that one of the conditions of Preliminary Subdivision Approval would be final consideration of the road width.

Mr. Delaney suggested conditions would be:

1. Final from DEP

2. Final from the Town Engineer
3. Final from Kevin Winn [Commissioner of Public Works]
4. Planting Plan

Mr. Delaney said that they did have approval from the Bedford Hills Fire Department and would provide it to the board.

Mrs. Courtney-Batson stated that before there is a final site plan approval, the Planning Board should do a site visit so that the two members who have not seen the site may do so. She stated that the board would like to discuss the planting plan before the site visit.

Mrs. Courtney-Batson stated, for the record, that in order to do SEQR, the board needs a sign-off on the steep slopes from the Town Engineer. Mr. Osterman said that he spoke with the Town Engineer who stated that there was no problem with the steep slope application on the current set of plans.

Mrs. Courtney-Batson asked that the building envelopes be presented for final approval. Final decisions on landscaping and building envelopes will be made subsequent to the board's final site walk and will be part of the final approval.

Mrs. Lewis asked that removal of invasive species be a condition of preliminary approval.

Mrs. Courtney-Batson also suggested the condition for preliminary approval of a statement on the final plan that there is no proposed lighting or a lighting plan should be submitted.

Mr. Delaney stated that the Village of Mount Kisco will also participate in the signing of the plat. Another condition of final approval will be confirmation, in writing, of the approval from the Village of Mount Kisco Planning Board.

Mrs. Courtney-Batson then read through and reviewed the statements in the Short Environmental Assessment Form. With the Planning Board.

Mrs. Courtney-Batson then read the two choices for determination, based on the information and analysis above, and any supporting documentation, either the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required, or, the proposed action will not result in any significant adverse environmental impacts.

Mrs. Lewis made a motion to endorse the determination that, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Mr. Tierney seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

Mr. Osterman then read conditions he had noted:

1. Approval of the Town Engineer prior to final subdivision approval..

2. Approval by the Department of Public Works for the small portion of the right-of-way within the proposed new road.
3. Final approval by the Bedford Hills Fire Department for the final subdivision approval shall be received.
4. A final landscaping plan shall be submitted.
5. Final disturbance envelopes shall be shown on the plan.
6. Invasive species shall be removed within the disturbance areas.
7. A note shall be added to the plan that no street lighting is being proposed.
8. The plan must receive the endorsement of the Village of Mount Kisco Planning Board.
9. Copies of the drainage easement shall be provided to the Planning Board.
10. Information regarding the homeowners' association and the relevant maintenance agreements shall be provided to the Planning Board.

Motion: A motion was made by Mrs. Lewis to approve this application for a Preliminary Subdivision Approval.

Motion seconded by Mr. Tierney.

Vote: Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

Mr. Osterman told Mr. Delaney that once the conditions are met, a public hearing for final site plan approval will be scheduled.

**4. Conference:**

**Steep Slope Permit**

**Section 60.13 Block 1 Lot 3, EL Zone**

**3 Haines Road, Bedford**

**Owner: Bradhurst Realty Corp.**

**Applicant: Joseph Pugni**

**(Consider Steep Slope Permit.)**

Present:

Edward J. Delaney, Jr., Project Manager, Bibbo Associates, L.L.P., Consulting Engineers

Mr. Delaney reviewed the history of the lot for the Planning Board. He stated that the Planning board never approved a Steep Slope Permit for the lot. He also stated that there was a wetlands permit, but it expired in 2008. Mr. Osterman and Mr. Delaney agreed that they were, basically, starting over. Mr. Osterman stated that the Wetlands Commission has seen the lot in the Fall, 2015, but would like the Planning Board to hear the steep slope application first before the wetlands application, which would contain a wetlands mitigation plan.

Mrs. Courtney-Batson stated that this is a difficult site and that it is very important that Mrs. Lewis and Mr. Tierney see it. Mr. Osterman said that he would call the neighbors to advise them of the application and the site walk. Mrs. Courtney-Batson suggested that the site walk take place in March.

**5. Conference:**

**Steep Slope Permit - Pool  
Section 72.10 Block 1 Lot 4, R-4A Zone  
40-44 Broad Brook Road, Bedford Hills  
Owner/Applicant: Broad Brook Realty, LLC  
(Review Steep Slope Permit Application.)**

**Present:**

Matthew Van Houten, Owner Representative  
David Sessions, RLA, AICP, Kellard Sessions Consulting, P.C.

Mr. Sessions described the property and the plan to replace the existing pool which is 55-feet by 23-feet with the proposed new pool which will be 75-feet by 30-feet.

He then discussed the landscaping plan with the Planning Board.

Mrs. Courtney-Batson proposed the following conditions for approval:

1. A performance bond in the amount of \$20,000.00 shall be posted to guarantee stabilization or restoration of the site, in accordance with the Town Engineer’s memorandum dated 2/8/16.
2. The proposed infiltration system shall be utilized to accept the pool drawdown, filter backwash, and stormwater runoff from the pool deck, in accordance with the Town Engineer’s memorandum dated 2/8/16.
3. Additional trees planted in connection with this project shall be predominantly native species.

**Motion:** A motion was made by Mrs. Lewis to approve this application for a Steep Slope Permit with the conditions listed.

Motion seconded by Mr. Tierney.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mr. Tierney endorsed the Board’s determination on the ECF. Mrs. Lewis seconded.

**Vote:** Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

**Vote:** Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

**6. Conference:**

**Special Use Permit – Creation of a Cottage in an Existing Barn  
Section 61.6 Block 1 Lot 10, R-4A Zone  
49 Girdle Ridge Road, Katonah  
Owners/Applicants: Alfred and Sandra Luposello  
(Consider Special Use Permit.)**

**Present:**

No representative present.

Mrs. Courtney-Batson ascertained that the owners were made aware of tonight’s meeting. Mrs. Paglia said they were.

Mrs. Courtney-Batson stated that this application was already before the Planning Board as a Public Hearing, at which time it was denied. [October 27, 2015] The applicant then applied to the Zoning Board of Appeals for a variance which they received on November 4, 2015. The variance received was for an 879 square-foot cottage which is greater than 25% of the residence.

The Planning Board did, previously, request a lighting plan from the owner. Mr. Osterman stated that it has not been received. Mrs. Courtney-Batson suggested that a condition of approval be that if there is any outdoor lighting proposed, the plan must be presented to the Director of Planning for review and approval of conformance with the town’s lighting requirements. If the Director of Planning does not approve the lighting, the Applicant must return to the Planning Board for approval. No Building Permit shall be issued until the lighting plan has been approved.

**Motion:** A motion was made by Mrs. Lewis to approve this application for a Special Use Permit for the creation of a cottage in an existing barn with the condition specified.

Motion seconded by Mr. Tierney.

The Board reviewed the Environmental Clearance Form and unanimously determined that this proposal is a “Type II or Exempt Action” under SEQR.

Mrs. Lewis endorsed the Board’s determination on the ECF. Mr. Tierney seconded.

**Vote:** Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

**Vote:** Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

**Discussion:**

**Town Comprehensive Plan of 2003**

**(Review Chapters 1 – 4.)**

The Planning Board and Director of Planning reviewed chapters 1 through 4 of the Town Comprehensive Plan, page by page.

**Approval of Minutes:**

**Motion:** Mrs. Lewis made a motion to approve the minutes of the August 25, 2015 meeting, as amended, and the September 8, 2015 meeting. Mr. Tierney seconded the motion.

**Vote:** Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

The next meeting will be on Tuesday, February 23, 2016.

Mr. Tierney moved to close the meeting. Mrs. Lewis seconded the motion.

**Vote:** Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

The meeting was adjourned at 10:30 PM.

Date these minutes were approved by the Planning Board: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Anne Paglia, Secretary  
Town of Bedford Planning Board

\_\_\_\_\_  
Date

## **Town of Bedford Planning Board**

**2<sup>nd</sup> Floor Conference Room  
425 Cherry Street  
Bedford Hills, New York 10507**

**Tuesday, February 23, 2016**

### **Minutes**

A meeting of the Planning Board was held on February 23, 2016, starting at 8:00 P.M., at 425 Cherry Street, Bedford Hills, New York. Present were Chairman Deirdre Courtney-Batson, Board Member Diane Lewis, and Board Member Michael Tierney, Planning Director Jeff Osterman, and Secretary Anne Paglia. Absent was Board Member William Colavito and Board Member Felix Cacciato. *[All Planning Board meetings are recorded. A CD copy of this recording may be obtained from the Planning Board Office.]*

#### **Approval of Minutes:**

##### Motion:

Mrs. Lewis made a motion to approve the minutes of the September 29, 2015 and the October 13, 2015 meetings. Mr. Tierney seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Tierney  
Nays: None

#### **1. Conference:**

##### **Proposed 10-Lot Subdivision**

**Section 62.9 Block 1 Lot 13, R-4A Zone**

**Upper Hook Road, Katonah**

**Section 62.13 Block 1 Lot 1, R-4A Zone**

**131 Upper Hook Road, Katonah**

**Owner: New York Bedford Castle Co.**

**Applicant: America Capital Energy Corporation**

**(Continuation of review of the revised DEIS.)**

##### Present:

Richard Williams, Executive Vice President, America Capital Energy Corporation

David Sessions, RLA, AICP, Kellard Sessions Consulting, P.C. (Arrived at 8:30 P.M.)

Mrs. Courtney-Batson stated that Charles Martabano, attorney for the applicant, is unable to attend tonight's meeting, and, therefore, all affordable housing issues in the review of the revised DEIS would be tabled until another meeting. Mr. Williams agreed.

Mrs. Courtney-Batson and the members of the Planning Board then reviewed Section IV of the revised DEIS, page by page, taking questions and statements from the applicant and the audience as she proceeded.

**DRAFT – DRAFT – DRAFT – DRAFT – DRAFT – DRAFT – DRAFT - DRAFT**

At the end of the review, she again stated that all affordable housing issues of Section IV will be discussed when Mr. Martabano was present.

The Planning Board decided that the next meeting will be on Tuesday, March 8, 2016. The meeting after that will take place on Tuesday, March 29, 2016.

Motion:

Mr. Tierney moved to close the meeting. Mrs. Lewis seconded the motion.

Vote: Ayes: Courtney-Batson, Lewis, Tierney

Nays: None

The meeting was adjourned at 9:40 PM.

Date these minutes were approved by the Planning Board: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Anne Paglia, Secretary  
Town of Bedford Planning Board

\_\_\_\_\_  
Date