

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

**NEGATIVE DECLARATION OF SIGNIFICANCE
SITE PLAN APPROVAL
WETLAND PERMIT**

**NY LUXURY MOTORS OF MOUNT KISCO (JAGUAR LAND ROVER DEALERSHIP)
299 KISCO AVENUE**

**Sheet 69.49, Block 2, Lot 1
Cal #2017-0350
November 24, 2020**

WHEREAS, the subject property is owned by HVA Realty, LLC, consists of ±1.6 acres of land and is located at 299 Kisco Avenue, within the General Commercial (GC) Zoning District (“the subject property”); and

WHEREAS, the subject property is identified on the Village/Town Tax Rolls as Section 69.49, Block 2, Lot 1 and is located at the northeast corner of the intersection of Kisco Avenue and Holiday Inn Drive and adjacent to the northbound entrance to the Saw Mill River Parkway; and

WHEREAS, the subject property is currently developed with a 14,650 s.f. automobile sales and service dealership, including a one-story building, associated paved parking areas, gravel car storage area, driveways, and landscaped areas; and

WHEREAS, NY Luxury Motors of Mount Kisco, Inc. (“the applicant”), is proposing the demolition of the existing building and pavement areas and the construction of a new, one-story (9,463 s.f.) automobile sales dealership, including off-street parking, landscaping, lighting, stormwater management, and other ancillary improvements (“the proposed action”); and

WHEREAS, the sale of motor vehicles is a permitted use within the underlying Zoning District, subject to Article V of the Zoning Code; and

WHEREAS, the subject property is currently served by two (2) full movement driveways on Kisco Avenue and one (1) full movement driveway off of Holiday Inn Drive; under proposed conditions, one in-bound only driveway will be provided on Kisco Avenue and one (1) full movement driveway will be provided on Holiday Inn Drive; and

WHEREAS, the proposed use will include new vehicle sales as well as a vehicle service drop-off and pick-up area; and

WHEREAS, the service of vehicles will not be conducted on-site and will be performed at 17 Norm Avenue within the Town of Bedford, pending Town of Bedford Planning Board Approval; and

WHEREAS, all service customers will drop-off and pick-up their vehicles at the subject property and vehicles will be individually driven by employees of the proposed facility to the service center to be located at 17 Norm Avenue in Bedford; and

WHEREAS, all vehicle inventory and parts delivery will occur at 17 Norm Avenue in the Town of Bedford and, therefore, the delivery of vehicles will not occur on-site; car carriers will not load/unload on the subject property or within any public right-of-way in proximity to same; and

WHEREAS, the applicant had originally submitted a separate application involving the demolition of an existing office building, the construction of a 1-story building to be used for automotive detailing, and vehicle inventory parking to be located at 41 Kensico Drive in Mount Kisco; this application has been withdrawn by the applicant; and

WHEREAS, no modifications or changes to 41 Kensico Drive are proposed or approved and any prior authorization for the temporary use of the property for automotive storage has expired; and

WHEREAS, while the proposed action will result in a net decrease in impervious coverage when compared to the existing condition, the proposed action exceeds Village development coverage requirements and an area variance is required from the Zoning Board of Appeals; a separate variance is required relating to the location of the proposed refuse enclosure; and

WHEREAS, the applicant is proposing off-site landscaping improvements within the New York State Department of Transportation (NYSDOT) right-of-way; and

WHEREAS, an off-site wetland is located adjacent to the subject property and a portion of the development area is located within the Village of Mount Kisco 100-foot regulated wetland buffer; and

WHEREAS, the subject property is located within the New York City East of Hudson Watershed and proposed land disturbance exceeds 5,000 square feet; coverage under New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) will be required.

WHEREAS, the applicant is proposing the installation of new impervious surfaces within a mapped Designated Main Street Area and New York City Department of Environmental Protection (NYCDEP) Stormwater Pollution Prevention Plan (SWPPP) Approval is required; and

WHEREAS, reference is made to the Survey of Property and Topographic Survey, prepared by JMC, dated November 20, 2017; and

WHEREAS, reference is made to the Traffic Study, prepared by JMC, dated (last revised) October 6, 2020; and

WHEREAS, reference is made to the Preliminary Stormwater Pollution Prevention Plan, prepared by JMC, dated (last revised) October 6, 2020; and

WHEREAS, reference is made to the Expanded Environmental Assessment Report, prepared by JMC, dated October 6, 2020; and

WHEREAS, reference is made to the Hydrologic and Hydraulic Report, prepared by Leonard Jackson Associates, dated (last revised) October 5, 2020; and

WHEREAS, the application has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and any comments submitted by the County have been considered; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened on November 12, 2019, adjourned to numerous Planning Board meeting dates, and closed on October 27, 2020, at which time all interested parties were afforded an opportunity to be heard; and

WHEREAS, reference is made to the following drawings, prepared by Stuart Romm Architect, dated (last revised) October 1, 2020:

- First Floor Plan (Drawing No. A201a)
- Exterior Elevations (Drawing No. A400a)

NOW, THEREFORE, BE IT RESOLVED THAT, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review has been ongoing with the Planning Board acting as Lead Agency; and

BE IT FURTHER RESOLVED THAT, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED THAT, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants Site Plan Approval and a Wetland Permit and approves the following plans (hereafter referred to as “the approved plans”), subject to the below conditions:

The following plans, prepared by JMC, dated (last revised) October 6, 2020:

- Cover Sheet (Drawing No. C-000)
- Site Existing Conditions Map (Drawing No. C-010)
- Site Demolition Plan (Drawing No. C-020)
- Site Layout Plan (Drawing No. C-100)
- Site Grading Plan (Drawing No. C-200)
- Site Utilities Plan (Drawing No. C-300)
- Site Erosion & Sediment Control Plan (Drawing No. C-400)
- Site Landscaping Plan (Drawing No. C-500)
- Site Lighting Plan (Drawing No. C-600)
- Existing Development Area Calculations Plan (Drawing No. C-700)
- Proposed Development Area Calculations Plan (Drawing No. C-800)
- Construction Details (Drawing No. C-900)
- Construction Details (Drawing No. C-901)
- Construction Details (Drawing No. C-902)
- Construction Details (Drawing No. C-903)
- Construction Details (Drawing No. C-904)
- Construction Details (Drawing No. C-905)
- Construction Details (Drawing No. C-906)

BE IT FURTHER RESOLVED THAT, unless extended by the Planning Board, construction shall commence within six (6) months of the date of this Resolution and all conditions contained herein shall be satisfied within one (1) year of commencement of construction.

Conditions to be Satisfied Prior to the Signing of the Approved Plans:

1. Prior to the signing of the approved plans, it is the applicant’s responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. Copies of outside agency permits/approvals shall be submitted to the Planning Board and the Building Department. In the event that such permit(s) require modification to the plans approved herein, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification(s) is substantive and should be returned to the Planning Board for review. The following outside agency permits/approvals have been identified by the applicant:
 - Variances from the Zoning Board of Appeals (ZBA)
 - Architectural Review Board (ARB) – Building and Signage
 - NYCDEP SWPPP Approval
 - NYSDOT Use and Occupancy Permit

- Floodplain Development Permit (to be issued with Building Permit)
 - Village Department of Public Works (DPW) Driveway Permits(s) (to be issued prior to Building Permit)
 - NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (to be issued prior to Building Permit)
2. The owner/applicant shall satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
 3. The applicant shall demonstrate compliance with Article V of the Zoning Code, Section 110-30F.
 4. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.
 5. The applicant shall submit a “check set” (4 copies) of the approved plans prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
 6. The approved plans shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the approved plans, signed and sealed by the design professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman. All plans shall have a common revision date.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

7. The owner/applicant shall satisfy the above conditions and the approved plans shall be signed by Village staff and the Planning Board Chairman.

Conditions to be Satisfied Prior to Commencement of Any Work:

8. The applicant shall obtain a Building Permit. A Building Permit shall not be issued until the Approved Plans have been signed by the Village staff and the Planning Board Chairman.
9. The applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
10. Before commencement of any land disturbance, placing construction equipment on-site or actual construction, the subject property must be staked out by a NYS Licensed Land Surveyor, as determined necessary by the Village Engineer.

11. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector, Village Planner and Village Engineer.

Conditions to be Satisfied During Construction:

12. The Village Engineer and Village Planner shall have the right to inspect the property during construction.
13. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer and Village Planner shall have the right to inspect the property during construction, the cost of which shall be paid for by the applicant.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:

14. A backflow preventer device(s) shall be installed to the satisfaction of the Village Engineer and Building Inspector, as required.
15. There shall be no Final Certificate of Occupancy issued, until there is full compliance with the plans approved herein and all conditions of this Resolution.
16. Prior to the issuance of a Final Certificate of Occupancy, an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and demonstrating compliance with the approved plans shall be submitted. This survey shall be prepared to the satisfaction of the Village Engineer.
17. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.
18. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

Other Conditions:

19. All WHEREAS clauses contained within the body of this Resolution shall be deemed incorporated as conditions of approval, as if fully set forth herein.
20. The Planning Board is to retain original jurisdiction.
21. The applicant shall comply with Article V of the Zoning Code, Section 110-30F.
22. There shall be no service of vehicles on the subject property.
23. All proposed light fixtures shall be dimmable and illuminance levels shall be reduced by 30% after business hours.

24. All exterior light fixtures shall be non-adjustable and installed so as to be directed downward toward the ground; adjustable light fixture brackets and flood plights are not permitted.
25. All signage, including within windows, shall be fully compliant with Chapter 89 of the Village Code. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds.
26. No interior televisions or illuminated signs shall be left on during non-business hours, which would be visible from the public street.
27. All interior lighting on the subject property shall be turned off during non-operating hours, with the exception of security lighting as deemed appropriate by the Building Inspector.
28. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan. In the event that landscaping is not maintained to the satisfaction of the Village Engineer and/or Building Inspector, the Village Engineer and/or Building Inspector shall notify the applicant in writing of the violation.
29. No modifications or changes to 41 Kensico Drive is permitted and the property shall not be used (including temporarily) for automotive sales, storage, display, or deliveries, unless otherwise approved by the Planning Board.
30. There shall be no loading or unloading of vehicles or trucks on the subject property or within any Village right-of-way.
31. The proposed operation shall comply with the Statement of Use as submitted by the applicant. To the extent that information contained with the Statement of Use differs from that contained within this Resolution, this Resolution shall govern.
32. No change of use, no change in tenancy, no demising of space, and no expansion or intensification of use shall be permitted without Planning Board approval.
33. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan approval and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this site plan or certificates of occupancy issued in conjunction therewith, null and void.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: _____

The motion was seconded by: _____

The vote was as follows:

DOUGLAS HERTZ	_____
JOHN BAINLARDI	_____
RALPH VIGLIOTTI	_____
MICHAEL BONFORTE	_____
WILLIAM POLESE	_____
CRYSTAL PICKARD	_____
JOHN HOCHSTEIN	_____

Douglas Hertz

November 24, 2020

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: November 24, 2020

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Mount Kisco Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: NY Luxury Motors Site Plan Approval & Wetland Permit

SEQRA Status: Type 1

Unlisted

Conditioned Negative Declaration: Yes

No

Coordinated Review: Yes

No

Description of Action: The subject property is owned by HVA Realty, LLC, consists of ±1.6 acres of land and is located at 299 Kisco Avenue, within the General Commercial (GC) Zoning District (“the subject property”). The subject property is identified on the Village/Town tax rolls as Section 69.49, Block 2, Lot 1 and is located at the northeast corner of the intersection of Kisco Avenue and Holiday Inn Drive and adjacent to the northbound entrance to the Saw Mill River Parkway. The subject property is currently developed with a 14,650 s.f. automobile sales and service dealership, including a one-story building, associated paved parking areas, gravel car storage area, driveways, and landscaped areas. NY Luxury Motors of Mount Kisco, Inc. (“the applicant”), is proposing the demolition of the existing building and pavement areas and the construction of a new one-story (9,463 s.f.) automobile sales dealership, including off-street parking, landscaping, lighting, stormwater management, and other ancillary improvements (“the proposed action”). The service of vehicles will not be conducted on-site and will be performed at 17 Norm Avenue within the Town of Bedford, pending Town of Bedford Planning Board Approval.

Location: 299 Kisco Avenue, Mount Kisco, Westchester County, New York

Reasons Supporting This Determination: The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c). Specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

The proposed action will result in the demolition of the existing building and pavement and the construction an automotive sales dealership to support Jaguar Land Rover Mt. Kisco; the servicing and delivery of vehicles is proposed to be conducted off-site, at 17 Norm Avenue in Bedford. No land disturbance or construction is proposed within any regulated wetland or watercourse; however, ±27,813 s.f. of disturbance within the wetland buffer is proposed. A slope analysis of the existing topography on the site was conducted and it has been determined that only 1% of the site contains slopes 15% or greater, therefore, there will not be an adverse impact on steep slopes. The proposed action will not have a significant impact on traffic, noise, air quality or solid waste production. Refuse and recycling will be collected by the Village of Mount Kisco. With the elimination of the service facility, it is anticipated that the proposed use will result in fewer impacts when compared to the existing use.

Reference is made to the following documents:

- Traffic Study, prepared by JMC, dated (last revised) October 6, 2020; and
 - Preliminary Stormwater Pollution Prevention Plan, prepared by JMC, dated (last revised) October 6, 2020; and
 - Expanded Environmental Assessment Report, prepared by JMC, dated October 6, 2020; and
 - Hydrologic and Hydraulic Report, prepared by Leonard Jackson Associates, dated (last revised) October 5, 2020.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

The subject property is almost entirely developed with building and pavement

which will be reduced under the proposed condition. No known threatened or endangered plant or animal species or special habitat exists on the subject property.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

The subject property is not located within a Critical Environmental Area.

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.

The proposed action is a permitted use within the underlying Zoning District and, with the exception of two (2) area variances, has been determined to be compliant with the underlying zoning regulations, as well as the Village's Comprehensive Plan.

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

The proposed action is not located in proximity to a protected historic, archeological or aesthetic resource. The proposed action will require approval from the Village's Architectural Review Board (ARB) prior to the issuance of a Building Permit.

6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

The proposed facility will connect to existing utilities and it is anticipated that the proposed use will result in a net decrease in energy when compared to the existing use.

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

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

9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.

10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

WHEREUPON, this Negative Declaration was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: _____

The motion was seconded by: _____

The vote was as follows:


DOUGLAS HERTZ	_____
JOHN BAINLARDI	_____
RALPH VIGLIOTTI	_____
MICHAEL BONFORTE	_____
WILLIAM POLESE	_____
CRYSTAL PICKARD	_____
JOHN HOCHSTEIN	_____

Douglas Hertz, Chairman November 24, 2020

MEMORANDUM

TO: Chairman Douglas Hertz and
Members of the Mount Kisco Planning Board

CC: Michelle Russo
Whitney Singleton, Esq.
Anthony Oliveri, P.E.
Peter Miley
Georges Jacquemart, P.E., AICP

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: November 19, 2020

RE: The Park 333 – Shoprite Expansion
Site Plan, Subdivision, Special Use Permit,
Change of Use Permit and Steep Slopes Permit Application
309, 333 and 383 North Bedford Road
Section 69.43-1-2 & 3, 69.50-2-1 and 69.51-1-3

PROJECT DESCRIPTION

The subject properties are located on North Bedford Road within the ML and CL Zoning Districts. The project site includes several parcels, portions of which are located within the Town of Bedford. The main component of the project is the proposed conversion of the north end of the building, located at 333 North Bedford Road, to a ±85,652 s.f. Shoprite Grocery Store, including a related parking lot expansion and improvements to the site's two (2) main access driveways and related intersections. However, the project also involves use conversions and the redevelopment of 309 and 383 North Bedford Road. Previous submissions had contained lot line reconfigurations, but that has been abandoned as part of this submission; instead, easements for access and utilities are proposed.

SEQRA

The proposed action has been preliminarily identified as a Type 1 Action under the State Environmental Quality Review Act (SEQRA). The Planning Board, as Lead Agency, issued a Negative Declaration of Significance on May 12, 2020.

REQUIRED APPROVALS/REFERRALS

1. Site Plan Approval, a Change of Use Permit, a Steep Slopes Permit, and a Special Use Permit are required by the Planning Board; a public hearing is required to be held on the Steep Slopes Permit and Special Use Permit.
2. The proposed action requires variances from the Zoning Board of Appeals.
3. The proposed action requires Architectural Review Board (ARB) approval.
4. Site Plan Approval and a Steep Slopes Permit are required from the Town of Bedford Planning Board.
5. The proposed action may require variances from the Town of Bedford Zoning Board of Appeals.
6. The proposed action requires approval from the Town of Bedford Wetlands Control Commission.
7. The subject property is located within the NYC East of Hudson Watershed and proposed land disturbance exceeds 5,000 s.f. Coverage under New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) will be required.
8. The subject parcel is located with the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and any new impervious cover will require NYCDEP Stormwater Pollution Prevention Plan (SWPPP) approval.
9. Work within the NYS right-of-way requires a Highway Work Permit from New York State Department of Transportation (NYSDOT).

COMMENTS

1. A total of 30 parking spaces are provided to serve the proposed 5,529 s.f. retail building located at 383 North Bedford Road, 15 spaces of which are proposed on a portion of 333 North Bedford Road known as Easement #3 and identified on the Existing Conditions Plan as a right-of-way. We defer to the Village Attorney as to whether parking for an adjoining parcel is permitted within the easement. If parking is deemed to be allowed and a determination is made that the future retail use may not require all 30 spaces, consideration should be given to land-banking some or all of the parking spaces proposed within the easement. As currently proposed, the row of parking spaces shown within the easement is located immediately adjacent to a property line and an abutting building, is within the required landscape buffer, and requires the installation of a >80-foot retaining wall and safety fence to construct. Further, the proposed driveway off North Bedford

Road is identified to be 10% grade; it is recommended that a driveway profile be submitted for review.

2. The applicant is proposing a safety fence on top of proposed retaining walls located on both 333 North Bedford Road and 383 North Bedford Road. The fence at 333 North Bedford Road is proposed to be galvanized chain link, while the fence proposed at 383 North Bedford is specified as a six (6) foot tall PVC fence. Can the height of the retaining wall security fence be reduced in height? If chain link fencing is proposed, it is recommended that its be specified as black vinyl coated. If PVC fencing is proposed, it is recommended that an alternate color than white be specified for maintenance purposes.
3. The applicant should provide a construction detail for the retaining wall proposed at 333 North Bedford Road. While this office defers to the Village Engineer regarding the engineering-related design, the detail should identify minimum and maximum height, block manufacturer, and specific information pertaining to the particular block proposed (size, color, texture, etc.).
4. Regarding 309 North Bedford Road, it appears that proposed accessible parking signage conflicts with a door shown at the front of the building.
5. Many of the tables, schedules and details throughout the plan set have layer issues and consist of a series of letters making them unreadable.
6. Given the existing use of 383 North Bedford Road (auto repair), are there any known environmental/contamination concerns? Has a Phase 1 Environmental Assessment been conducted?

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

PLANS REVIEWED, PREPARED BY JMC, DATED NOVEMBER 3, 2020:

- Cover Sheet (C-000)
- Parking Analysis Tables (C-001)
- Parking Analysis Plan & Table (333 NBR) (C-002)
- Parking Analysis Plan & Table (309 NBR) (C-003)
- Parking Analysis Plan & Table (383 NBR) (C-004)
- Overall Existing Conditions Plan (C-010)
- Overall Demolition Plan (C-020)
- Overall Layout Plan (C-100)
- Layout Plan (C-110, C-120, C-130, C-140)
- Overall Grading Plan (C-200)

- Grading Plan (C-210, C-220, C-230, C-240)
- Road Profiles (C-241)
- Stormwater System Cross Section (C-242)
- Overall Utilities Plan (C-300)
- Utilities Plan (C-310, C-320, C-330, C-340)
- Storm Sewer Profiles (C-350)
- Storm Sewer Profiles (C-351)
- Overall Sediment & Erosion Control Plan (C-400)
- Overall Phasing Plan (C-401)
- Overall Existing Conditions Lighting Plan (C-600)
- Overall Proposed Conditions Lighting Plan (C-601)
- Existing Conditions Lighting Plan (309 NBR) (C-630)
- Proposed Conditions Lighting Plan (309 NBR) (C-631)
- Existing Conditions Lighting Plan (383 NBR) (C-640)
- Proposed Conditions Lighting Plan (383 NBR) (C-641)
- Delivery Truck Plan (Entering) (C-700)
- Delivery Truck Plan (Exiting) (C-701)
- Fire Truck Plan (C-710)
- Garbage Truck Turning Plan (C-720)
- Construction Details (C-900, C-901, C-902, C-903, C-904, C-905)
- Overall Landscaping Plan (L-100)
- Tree Preservation Plan (L-101)
- Overall Tree Removal Plan (L-102)
- Landscaping Plan (L-110, L-120, L-130, L-140)
- Steep Slopes Plan (SS-01, SS-02)
- 333 North Bedford Road Existing Development and Pervious Areas (Figure 1)
- 309 North Bedford Road Existing Development and Pervious Areas (Figure 2)
- 383 North Bedford Road Existing Development and Pervious Areas (Figure 3)
- 333 North Bedford Road Proposed Development and Pervious Areas (Figure 4)
- 309 North Bedford Road Proposed Development and Pervious Areas (Figure 5)
- 383 North Bedford Road Proposed Development and Pervious Areas (Figure 6)

DOCUMENTS REVIEWED:

- Letter, prepared by JMC, dated November 3, 2020
- Project Narrative, prepared by JMC, dated (last revised) November 3, 2020
- Steep Slopes Narrative, prepared by JMC, dated (last revised) November 3, 2020
- Freestanding Entrance Sign (A-011), prepared by Gallin Beeler Design Studio, dated July 9, 2019

JKJ/dc

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MEMO

To: Douglas Hertz, Planning Board Chairman

C: Planning Board Members
Edward W. Brancati, Village Manager
Peter Miley, Building Inspector
Whitney Singleton Esq., Village Attorney,
Jan K. Johannessen AICP, Village Planner

From: Anthony Oliveri, P.E.

Date: November 19, 2020

Re: The Park
Shoprite Expansion
333 North Bedford Road
Village/Town of Mount Kisco

With regard to the above mentioned project, this office has reviewed the following revised plans and submittals:

- Plan set entitled “Site Plan Approval Drawings, The Park 333 (Shoprite Expansion), prepared by John Meyer Consulting, last revised 11/3/2020;
- Correspondence from John Meyer Consulting, dated 11/3/2020;
- Steep Slopes Narrative, prepared by John Meyer Consulting, dated 11/3/2020;

Our comments are as follows:

1. It has been noted that shared stormwater detention and infrastructure improvements including driveway access for the three parcels will be contained within easements; a separate easement plan may be advisable to clearly delineate this. Easements and maintenance agreements between the parcels must be clearly defined as part of the site plan approval.
2. It is not clear what areas are tributary to the rain garden proposed at 383 N. Bedford Rd.
3. As noted previously, a final SWPPP report must be submitted and coordinated with current design details for review by the Village and NYCDEP.

4. Details as previously requested for the proposed retaining wall should be submitted, including an elevation view, including the proposed retaining wall at the 383 parcel.
5. A profile for the proposed road/driveway at 383 N. Bedford road must be submitted.
6. The disposition of required parking located in the road/driveway for the 383 parcel must be addressed; the plan defines this as a right of way.
7. Top and bottom retaining wall elevations at the 383 parcel must be provided; a cross section including the adjoining property and building should be included for review.
8. Suitability of soils at the proposed porous asphalt pavement must be demonstrated at the 383 parcel.
9. Roadway slopes at the proposed south entrance appear to exceed 10% in some areas.
10. In general the capacity of existing drainage piping located on the 333 site must be shown to be sufficient to accept additional flows as is now proposed.

We will be happy to continue our review once additional information is provided. Please feel free to contact me if you have any questions.

Thank you



Site Planning
 Civil Engineering
 Landscape Architecture
 Land Surveying
 Transportation Engineering

Environmental Studies
 Entitlements
 Construction Services
 3D Visualization
 Laser Scanning

November 3, 2020

Chairman Douglas Hertz and Members of the Mount Kisco Planning Board
 Village of Mount Kisco
 104 Main Street
 Mount Kisco, NY 10549

RE: JMC Project 18118
 The Park 333 (ShopRite Expansion)
 333 North Bedford Road
 Town/Village of Bedford and Mount Kisco, NY

Dear Chairman Hertz and Members of the Planning Board:

On behalf of the applicant DP2I, LLC, we are pleased to submit the following information for review and discussion:

1. Project Narrative, revised 11/03/2020 (8 copies)
2. Steep Slopes Narrative, revised 11/03/2020 (8 copies)
3. JMC Drawing List (3 full size and 5 half scale size) last revised 11/03/2020:

<u>Dwg. No.</u>	<u>Title</u>
C-000	"Cover Sheet"
C-001	"Parking Analysis Tables"
C-002	"Parking Analysis Plan & Table (333 NBR)"
C-003	"Parking Analysis Plan & Table (309 NBR)"
C-004	"Parking Analysis Plan & Table (383 NBR)"
C-010	"Overall Existing Conditions Plan"
C-020	"Overall Demolition Plan"
C-100	"Overall Layout Plan"
C-110	"Layout Plan"
C-120	"Layout Plan"
C-130	"Layout Plan"
C-140	"Layout Plan"
C-200	"Overall Grading Plan"
C-210	"Grading Plan"
C-220	"Grading Plan"
C-230	"Grading Plan"
C-240	"Grading Plan"
C-241	"Road Profiles"
C-242	"Stormwater System Cross Section"

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C-300	"Overall Utilities Plan"
C-310	"Utilities Plan"
C-320	"Utilities Plan"
C-330	"Utilities Plan"
C-340	"Utilities Plan"
C-350	"Storm Sewer Profiles"
C-351	"Storm Sewer Profiles"
C-400	"Overall Sediment & Erosion Control Plan"
C-401	"Overall Phasing Plan"
C-600	"Overall Existing Conditions Lighting Plan"
C-601	"Overall Proposed Conditions Lighting Plan"
C-630	"Existing Conditions Lighting Plan (309 NBR)"
C-631	"Proposed Conditions Lighting Plan (309 NBR)"
C-640	"Existing Conditions Lighting Plan (383 NBR)"
C-641	"Proposed Conditions Lighting Plan (383 NBR)"
C-700	"Delivery Truck Turning Plan (Entering)"
C-701	"Delivery Truck Turning Plan (Exiting)"
C-710	"Fire Truck Turning Plan"
C-720	"Garbage Truck Turning Plan"
C-900	"Construction Details"
C-901	"Construction Details"
C-902	"Construction Details"
C-903	"Construction Details"
C-904	"Construction Details"
C-905	"Construction Details"
L-100	"Overall Landscaping Plan"
L-101	"Tree Preservation Plan"
L-102	"Tree Removal Plan"
L-110	"Landscaping Plan"
L-120	"Landscaping Plan"
L-130	"Landscaping Plan"
L-140	"Landscaping Plan"
SS-01	"Steep Slopes Plan"
SS-02	"Steep Slopes Plan (Town of Bedford only)"

4. Gallin Beeler Design Studio, PLLC Drawing A-011 "Freestanding Entrance Sign", dated 07/09/2019 (3 full size and 5 half scale size)
5. Existing Easements for 309, 383 and 333 North Bedford Road
6. Cross Easement Agreements prepared by Cuddy & Feder LLP

We have decided to keep the existing lot lines the same instead of proposing lot line changes and a subdivision approval as requested in the prior submission. The decision was arrived at after reviewing the existing easement documents and preparation of the proposed easement documents, coordination with the Village attorney and the owners of all three parcels in question. Instead, easements for access and utilities are provided by 309 NBR and 383 NBR to 333 NBR for the proposed driveways. The enclosed drawings have been revised to keep all current lot lines. The

setbacks and zoning parameters have been adjusted and recalculated. The changes do not result in any technical changes or environmental impacts.

The enclosed drawings have also been modified to address the remaining comments received over the course of two virtual meetings with Village staff such as minor adjustments to the proposed lighting design at 309 NBR and 383 NBR, additional landscaping at 309 NBR and 383 NBR, replacing the proposed fence with landscaping along the northern Shoprite loading area, etc. A steep slope disturbance narrative is also provided to identify compliance with each portion of the steep slope ordinance. And of course, the project narrative, environmental forms, applications and expanded environmental assessment report have been updated to reflect the above.

The existing and proposed easement documents are provided for review. The site plans have always shown the proposed sign locations along North Bedford Road. Gallin Beeler Design Studio has prepared the sign drawings but they are conceptual, work-in-progress and will require variances. We respectfully request approval of the signs be made a condition of building permit approval so that they can be approved under a separate application.

We are preparing an updated SWPPP for submission to NYCDEP and the Village Engineer based on the recent soil testing. We are preparing the NYSDOT Stage 2 permit construction drawings towards the NYSDOT Roadway permit. This submission also includes an updated list of variances (3 were eliminated, 2 were lessened and 2 were increased) for the Village Building Inspector to review and coordinate with the Village Zoning Board of Appeals. And finally, we are working with the Town of Bedford to appear before them towards their approval.

We trust that the enclosed documents and above responses are sufficient for the Planning Board's review and approval. We look forward to discussing the project at the September 22nd continuation of the public hearing. If you have any questions or require additional information, please do not hesitate to contact our office (914) 273-5225.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

Stephen Spina, PE
Senior Project Manager

cc: Mr. Jim Diamond
Neil Alexander, Esq.
Richard Sandor, Esq.
Mr. Michael Gallin, AIA, LEED AP
Mr. Dan Merritts, PLS
Mr. Henry Valdivia
Town of Bedford Planning Board



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

Project Narrative

Revised November 3, 2020

JMC Project 18118

The Park 333 (Shop Rite Expansion)

The proposed project involves an expansion and conversion of existing tenant space within the main existing multi-use building. There are proposed conversions of warehouse/office to family recreational and grocery uses. A ShopRite grocery store is proposed to occupy current warehouse/office space within the northeast corner of the existing building. As part of ShopRite, an enclosed vestibule and bottle recycling area are proposed additions to the existing building footprint. A small internal expansion to GPNY is also proposed to occupy some existing warehouse/office space. The project proposes to improve the two existing access driveways along North Bedford Road to align with the existing driveways on the opposite side of the roadway.

As part of the north and south driveway realignments along North Bedford Road (NBR), cross access and utility easements are proposed on the existing adjacent properties to accommodate the proposed improvements. The existing project site located at 333 North Bedford Road (Section 69.50, Block 2, Lot 1) is owned by DP 21, LLC (which is part of Diamond Properties) and consists of 37.52 acres within Mount Kisco and Bedford. 333 NBR is located within the Village of Mount Kisco ML (Light Manufacturing) District, Village of Mount Kisco CL (Limited Commercial) District and Town of Bedford LI (Light Industrial) District. 333 NBR is where the majority of the proposed improvements are located. However, to properly design the project, there are existing adjacent properties along the northern and southern driveways that must provide cross access and utility easements.

The existing property located at 309 North Bedford Road, (Section 69.51, Block 1, Lot 3) is owned by DP 62, LLC (which is part of Diamond Properties) and consists of 0.75 acres within Mount Kisco. 309 NBR is located within the Village of Mount Kisco CL (Limited Commercial) District.

Modifications to 309 NBR involve the demolition of a portion of the existing building and parking lot in front of the building to allow for the intersection alignment with Park Drive.

The existing property located at 383 North Bedford Road, (Section 69.43, Block 1, Lot 2 & 3), owned by Philar Realty Co., LLC (which is currently leased by Diamond Properties) and consists of 0.43 acres within Mount Kisco. 383 NBR is located within the Village of Mount Kisco CL (Limited Commercial) District.

The intersection modifications will improve site access for delivery vehicles, fire/emergency apparatus and passenger vehicles as well as more efficient traffic maneuvering within the roadway. Sidewalks and crosswalks are proposed to improve pedestrian circulation across the driveways and NBR, while providing new designated pedestrian routes from North Bedford Road to the front of the main building. Traffic signal and roadway striping modifications will be required as part of the NYSDOT Highway Work in NBR. The existing 333 NBR property contains 802 parking spaces. The parking area on the east and north sides of the main building is proposed to be slightly expanded to provide an additional 71 parking spaces and to properly align the parking rows for better circulation and pedestrian access. The total proposed parking provided at 333 NBR is 873 spaces.

The existing 309 NBR lot has 33 parking spaces and a loss of 14 spaces from the proposed improvements results in 19 proposed spaces at the 309 NBR building. The existing 383 NBR lot has 18 parking spaces and a gain of 12 spaces from the proposed improvements results in 30 proposed spaces at the 383 NBR building.

Drainage, lighting and landscaping improvements are also proposed within the disturbed portions of 333 NBR, 309 NBR and 383 NBR.

A ShopRite grocery store is proposed to occupy current warehouse/office space within the existing building. As part of ShopRite, an enclosed vestibule and bottle recycling area are proposed additions to the existing building footprint. The ShopRite enclosed vestibule of 4,511 s.f. and the ShopRite bottle return area of 412 s.f. results in a building footprint increase of 4,923 s.f. The total proposed ShopRite building is 85,652 sf which consists of a 82,063 sf store space and a 3,562 s.f.

mezzanine office space. The 82,063 s.f. store space is comprised of an entry vestibule of 4,511 s.f., a bottle return area of 412 s.f., interior loading dock areas of 7,600 s.f., and all other store space of 69,540 s.f. According to Local Law 5-2018 adopted 07/16/2018, a grocery store requires a Special Use Permit in the ML District. The maximum building area is 75,000 s.f., where 85,652 s.f. is proposed.

Modifications are also proposed to the interior of Grand Prix New York (GPNY). GPNY is expanding to the east by incorporating 3,817 s.f. of warehouse area previously leased to Photo File. This will expand the existing flexible event area historically used for kid's activities, birthday parties, and private events. The enlarged flex space will be open except for a few storage rooms used for event material. 24,905 s.f. of the existing track area, currently used for the kids track and teen track, will be converted to an assortment of obstacle style courses similar to indoor rock climbing and ninja courses.

The parking area on the east and north sides of the main building is proposed to be slightly expanded to provide additional parking spaces and to properly align the parking rows for better circulation and pedestrian access. The revised parking layout will also provide better accommodations for the existing delivery trucks that serve the tenants along the east side of the building. The plans also include drainage improvements within the disturbed portions of the site as well as some parking lot areas at the southern portion of the site that experience slow draining during heavy storms as required by the Village Engineering and Planning consultants.

A proposed recreational Field House at the existing municipal soccer field is also included in the project. The Field House has been proposed and presented to the Village under prior applications. The Field House is 382 s.f. and consists of public restrooms, equipment storage room/closet and a small vending machine closet. The roof of the Field House is a proposed observation terrace to view the adjacent field. There are several small retaining/seal walls adjacent to the Field House and an extension of an existing sidewalk from the Field House to the parking area.

The proposed improvements result in an increase of approximately 0.80 acres (an addition of 0.96 acres on 333 NBR lot, a reduction of 0.04 acres on 383 NBR lot and a reduction of 0.12 acres on 309 NBR lot) of impervious area. Some of the proposed parking areas on 383 NBR are proposed

to be constructed with pervious pavement. 70% development coverage is permitted, where existing conditions is 66.5% and 69.1% is proposed for the 333 NBR lot. For the 309 NBR and 383 NBR lots, 80% development coverage is permitted. The development coverage for the 309 NBR lot is 91.6% under existing conditions and 76.1% under proposed conditions. The 383 NBR lot has a development coverage of 96.5% in existing conditions and 86.2% is proposed.

The following are the changes within the existing 333 NBR building based on the Gallin Beeler Design Studio Drawings:

- Grand Prix New York increase from 118,096 s.f. to 121,913 s.f.
- 42,848 s.f. Office/Warehouse A being replaced with 39,031 s.f. Office/Warehouse A
- 114,037 s.f. Office/Warehouse B being reduced to 86,471 s.f. Office/Warehouse B for proposed ShopRite
- Office/Warehouse F and Office/Warehouse G to be replaced by 85,652 s.f. ShopRite

The following are the changes within the existing 309 NBR lot:

- Proposed cross access and utility easements to allow for the intersection alignment with Park Drive.
- Demolition of existing 4,688 sf building consisting of 2,344 s.f. computer retail and 1,102 s.f. storage repair store in the front of the building and a 1,242 s.f. auto repair facility in the rear of the building.
- Total remaining building area for 309 NBR is 5,698 s.f. which is 1,225 sf of vacant space, a 812 s.f. nail salon and a 812 s.f. subway restaurant on the upper level. The lower level has a vacant space of 1,225 sf and 1,624 sf of automotive use space.
- Removal of 14 parking spaces, proposed total remaining for 309 NBR is 19 spaces.

The following are the changes within the existing 383 NBR lot:

- Proposed cross access and utility easements to allow for the intersection alignment with Foxwood Circle.

- Demolition of existing 7,893 sf building consisting of a retail store and an auto repair facility.
- Construction of new building with future retail use consisting of 5,528 sf.
- Addition of 12 parking spaces. The proposed design includes 30 parking spaces.

A conceptual Site Plan submission was made to the Village of Mount Kisco Planning Board on October 23, 2018 and initial planning and engineering comments have been received. The conceptual application appeared before the Village of Mount Kisco Planning Board on November 13, 2018. A formal submission was made to the Village of Mount Kisco Planning Board on December 5, 2018 and was presented at the January 8, 2019 and March 26, 2019 Village of Mount Kisco Planning Board meetings. The SEQRA distribution was made by the Village of Mount Kisco Planning Board in March 2019. The project was presented to the Town of Bedford Planning Board on April 23, 2019. The submission for Preliminary Site Plan Application, Steep Slope Permit and Environmental Clearance is submitted to the Town of Bedford Planning Board on May 21, 2019. A revised submission was provided to the Village of Mount Kisco Planning Board and Town of Bedford Planning Board, most notably including the Traffic Study, dated July 23, 2019. A Joint meeting was held between the Village of Mount Kisco Planning Board and Town of Bedford Planning Board on September 24, 2019. The Village of Mount Kisco Planning Board opened a public hearing on October 10, 2019. The Village of Mount Kisco Planning Board approved the SEQR Negative Declaration on May 12, 2020.

Based on the Planning Board meetings, pre-submission conferences with key members of Village staff/consultants and review of the previously submitted Site Plan drawings and applications, the project requires the following approvals:

1. Village of Mount Kisco Planning Board Site Plan Approval - modifications to the parking areas and access driveways along North Bedford Road, Site Plan waivers for parking, steep slopes, development coverage, etc.
2. Village of Mount Kisco Planning Board Special Use Permit - The proposed ShopRite grocery store requires a Special Use Permit in the ML District in accordance with the Resolution of the Board of Trustees of the Village/Town of Mount Kisco, Local Law 5-2018 adopted 07/16/2018.

3. Village of Mount Kisco Planning Board Special Use Permit - The proposed modifications to the GPNY requires a Special Use Permit in the ML District. **The Special Permit was received from the Planning Board on September 24, 2019.**
4. Village of Mount Kisco Planning Board Change of Use Permit - Conversion of warehouse/office use to Family Recreational Facility and Full-Service Grocery Store uses within the existing 333 NBR multi-use building.
5. Village of Mount Kisco Planning Board Steep Slopes Permit - Construction of a proposed retaining wall on steep slopes in order to expand the existing parking area east and north of the existing 333 NBR multi-use building.
6. Village of Mount Kisco Architectural Review Board. Modifications to the façade/exterior of the northeast corner of the main building at 333 NBR for the Shoprite expansion, renovation/rejuvenation of the exterior of the existing building at 309 NBR, construction of new building at 383 NBR and proposed field house building adjacent to the existing soccer field.
7. Village of Mount Kisco Zoning Board of Appeals variances:
 - 1) 333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 85,652 sf is proposed. Therefore a 10,652 sf variance is required.
 - 2) 333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. Therefore a 2.3% variance is required. It should be noted that the proposed development coverage for the entire 333 NBR lot (all zoning districts in Mount Kisco and Bedford) is 69.1%.
 - 3) 333 NBR (CL District), As per Village/Town of Mount Kisco Code 110-19 C. (4) Minimum lot width: 100 feet. Proposed is 50 feet therefore; a 50 foot lot-width variance is required.
 - 4) 333 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 0 feet therefore; a 20 foot front-yard buffer variance is required.
 - 5) 333 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side-yard buffer variance is required.

- 6) 309 NBR (CL District), Parking required is 30 parking spaces, proposed is 19 spaces therefore; an 11 parking space variance is required.
- 7) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 7 feet. therefore; a 13 feet front yard buffer variance is required.
- 8) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot side yard buffer variance is required.
- 9) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 2.7 feet. therefore; a 7.7 foot variance is required.
- 10) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Maximum development coverage is 80%, proposed is 86.2 % therefore; a 6.2% development coverage variance is required.
- 11) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet
Proposed is 12 feet. therefore; an 8 foot front yard buffer variance is required.
- 12) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot rear yard buffer variance is required.
- 13) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is required.
- 14) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 1 ft. therefore; a 9 foot side yard setback variance is required.
- 15) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rear yard setback variance is required.

- 16) 383 NBR (CL District), As per Village/ Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.
8. Town of Bedford Planning Board - modifications to the parking areas and access driveway along North Bedford Road.
9. Town of Bedford Zoning Board of Appeals may be required.
- 1) Length of parking space required is 20 feet, where 18.5 feet is proposed.
- 2) Width of driveway aisle required is 25 feet, where 24 feet is proposed.
10. Town of Bedford Steep Slope Permit – disturbing steep slopes for proposed parking and retaining wall.
11. Town of Bedford Wetlands Control Commission – disturbance proposed within 100 foot wetland buffer. **Bedford Wetlands Control Commission permit was received on February 3, 2020.**
12. Westchester County Department of Health (WCDOH) – Subdivision Approval for the modifications to the lot lines between 333 NBR, 309 NBR and 383 NBR. Based on an initial meeting and conversations with health department engineers, the project does not require a permit for the continued use of an existing sanitary sewer line (333 NBR and 309 NBR). Any new sanitary sewer service line requires a permit if greater than 2,500 gallon per day is anticipated (383 NBR) which is not since the building is proposed to be retail.
13. New York State Department of Environmental Conservation (NYSDEC) – coverage under SPDES General Permit No. GP-0-15-002 for Stormwater Discharges from Construction Activities for activities disturbing greater than one acre of soil

14. New York City Department of Environmental Protection (NYCDEP) – proposed construction within a *Designated Main Street Area (DMSA)*, involving the creation of new *impervious surfaces* requires a *SWPPP approval* in accordance with the *Watershed Regulations*.
15. New York State Department of Transportation (NYSDOT) – Driveway alignment modifications and roadway work along and within NBR.

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Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

Steep Slopes Narrative

Dated November 3, 2020

JMC Project 18118

The Park 333 (Shop Rite Expansion)

In accordance with “Item” A(2)(c) Standards for development approval of Subsection 110-33.1 Natural Resources Protection Regulations of Chapter 110: Zoning of the Village of Mount Kisco Zoning Code, the following describes the standards and demonstrates compliance for each.

In denying, granting, or granting with modifications any application for a steep slopes permit, the Planning Board shall consider the consistency of the proposed activity with the following standards:

(1) Disturbance and construction activities on very steep slopes shall not be permitted unless there is no viable alternative.

Response:

Relocating the driveway to provide better site circulation and space for the proposed infiltration basin on-site unfortunately includes the steep slopes along its eastern side.

(2) Disturbance of areas with steep slopes shall be in conformance with the following provisions:

(a) The planning, design and development of buildings shall provide the maximum in structural safety and slope stability while adapting the affected site to, and taking advantage of, the best use of the natural terrain and aesthetic character.

Response:

Proposed Site Plan complies and several design iterations have been made to attempt to reduce the height of the retaining wall and its location to reduce the amount of steep slope disturbance.

(b) The terracing of building sites shall be kept to an absolute minimum. The construction of retaining walls greater than six feet in height or 60 feet in length shall not be permitted unless there is no viable alternative.

Response:

Proposed Site Plan does not include building terracing.

(c) Roads and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion and shall be consistent with other applicable regulations of the Village of Mt. Kisco and current engineering practices.

Response:

The existing driveways and slopes along the east side of the site contain steep slopes. The modifications to the parking area and driveways follow the existing topography to lessen the disturbance to the steep slopes.

(d) Replanting shall consist of vegetation intended to further slope stabilization with a preference for indigenous woody and herbaceous vegetation.

Response:

Proposed Site Plan complies. The existing slope is stable and is covered with lawn and trees. The proposed slope will not increase in steepness and will also be covered with lawn, shrubs and trees.

(e) When development activities are proposed to occur on hilltops or ridgelines, the plans submitted for review shall demonstrate that the impacts on the functions, aesthetics and essential characteristics of such areas are effectively minimized and mitigated. The natural elevations and vegetative cover of ridgelines shall be disturbed only if the crest of a ridge and the tree line at the crest of the ridge remains uninterrupted and shall not be permitted unless there is no viable alternative. This may be accomplished either by positioning buildings and areas of disturbance below a ridgeline or hilltop or by positioning buildings and areas of disturbance at a ridgeline or hilltop so that the elevation of the roof line of the building is no greater than the elevation of the natural tree line. However, under no circumstances shall more than 50 feet along a ridgeline, to a width of 50 feet generally centered on a ridgeline, be disturbed.

Response:

The site is not at a natural high point and thus no disturbance to ridgelines is proposed.

(f) Any regrading shall blend in with the natural contours and undulations of the land.

Response:

Proposed Site Plan complies.

(g) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom, and sides of regraded slopes.

Response:

The grading design on the proposed Site Plan complies.

(h) The angle of cut and fill slopes shall not exceed a slope of one vertical to two horizontal except where retaining walls, structural stabilization, or other methods acceptable to the Village Engineer are used, in which case the angle shall not exceed a slope of one vertical to three horizontal.

Response:

The grading design on the proposed Site Plan complies. There are retaining walls proposed where proposed slopes exceed one foot vertical to two feet horizontal.

(i) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structures in the event of the collapse of the cut or fill slopes. Generally, such distance shall be considered to be six feet plus 1/2 the height of the cut or fill.

Response:

Proposed Site Plan complies. There are shoulders provided at the top of steep slopes and swales provided at the bottom of steep slopes.

(j) Disturbance of rock outcrops shall be by means of explosives only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable regulations of the Village of Mt. Kisco and the State of New York.

Response:

Proposed Site Plan does not include disturbance of rock outcroppings.

(k) Disturbance of steep slopes shall be undertaken in workable units in which the disturbance can be completed and stabilized in one construction season so that areas are not left bare and exposed during the winter and spring thaw periods (December 15 to April 15).

Response:

Proposed Site Plan shall comply with the above by dividing the project into phases and then individual sub-phases as outlined and noted on the Construction Phasing Plan drawing.

(l) Disturbance of existing vegetative ground cover shall not take place more than 15 days prior to grading and construction.

Response:

Proposed Site Plan shall comply with the above as outlined and noted on the Construction Phasing Plan drawing and construction details.

(m) Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, must be applied to an area of disturbance within two days of establishing the final grade, and permanent stabilization must be applied within 15 days of establishing the final grade.

Response:

Any and all temporary measures will be done in accordance with Village, NYCDEP and NYSDEC requirements. Construction observations will be performed twice per week and reports sent to the above.

(n) Soil stabilization must be applied within two days of disturbance if the final grade is not expected to be established within 21 days. In locations where construction activities have temporarily ceased, temporary soil stabilization measures must be applied within one week.

Response:

Proposed Site Plan steep slope disturbance shall be stabilized immediately with either temporary measures or permanent ground cover.

(o) Topsoil shall be stripped from all areas of disturbance, stockpiled and stabilized in a manner to minimize erosion and sedimentation, and replaced elsewhere on the site at the time of final grading. Stockpiling shall not be permitted on slopes of greater than 10%.

Response:

Proposed Site Plan complies. All soil stockpiles and construction staging areas are proposed to be located within existing flat, paved portions of the parking area and surrounded by erosion control measures.

(p) No organic material or rock with a size that will not allow appropriate compaction or cover by topsoil shall be used as fill material. Fill material shall be no less granular than the soil upon which it is placed, and shall drain readily.

Response:

All controlled backfill and compaction shall be done under the direct supervision of the project geotechnical engineer. Compaction testing shall be done by the project geotechnical engineer.

(q) Compaction of fill materials in fill areas shall be such to ensure support of proposed structures and stabilization for intended uses.

Response:

All controlled backfill and compaction shall be done under the direct supervision of the project geotechnical engineer. Compaction testing shall be done by the project geotechnical engineer.

(r) Structures shall be designed to fit into the hillside rather than altering the hillside to fit the structure. (Among the methods that may be employed to achieve this goal are reduced footprint design, "step-down" structures, stilt houses, minimization of grading outside the building footprint, placement of structures at minimum street setback requirements to preserve natural terrain, etc.).

Response:

The site does not propose any structures on hills or steep slopes.

(s) Development shall be sited on the least sensitive portions of the site to preserve the natural landforms, geological features, and vegetation.

Response:

Proposed Site Plan only proposes disturbance to currently developed area.

(t) The stability of slopes and the erodibility of soils on slopes is a function of various physical soil properties and underlying bedrock conditions. Where site surveys indicate the presence of soils or underlying bedrock conditions the physical properties of which might present limitations on construction practices or high erodibility that may result in unstable slopes, the Planning Board may limit the type and extent of construction activities or disturbance to these areas as necessary to ensure public health, safety, and welfare.

Response:

Soil borings have been advanced in the area of the proposed retaining wall along the top of the existing steep slope. The soil is fill material with a consistent sandy soil with gravel and some silt throughout the profiles. Additional soil borings will be performed by the project geotechnical engineer prior to construction to finalize the retaining wall design.

(u) Impacts from construction activities or other disturbance on bedrock outcrops and glacial erratics shall be minimized.

Response:

The project does not propose any disturbance on bedrock outcrops.

(v) All measures for the control of erosion and sedimentation shall be undertaken consistent with this chapter and with the Westchester County Soil and Water Conservation District's "Best Management Practices Manual for Erosion and Sediment Control," and New York State

Department of Environmental Conservation "Guidelines for Urban Erosion and Sediment Control", as amended, or its equivalent satisfactory to the Planning Board, whichever requires the higher standards.

Response:

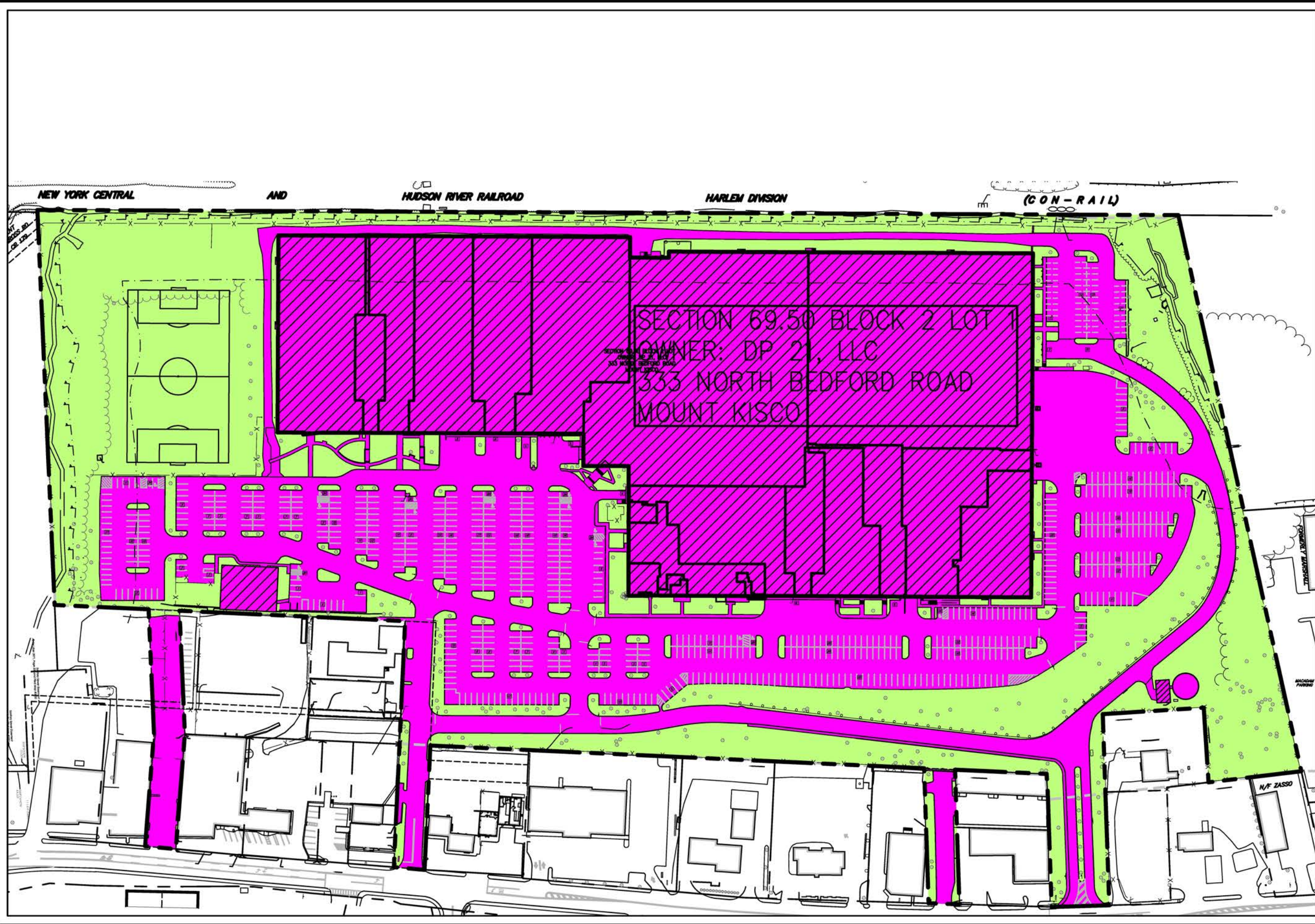
Proposed Site Plan complies. Any and all temporary measures will be done in accordance with Village, Westchester County Soil and Water Conservation District, and NYSDEC requirements as outlined in the SWPPP and construction details.

(w) All proposed disturbance of steep slopes shall be undertaken with consideration of the soils limitations characteristics contained in the Identification Legend, Westchester County Soils Survey, 1989, as prepared by the Westchester County Soil and Water Conservation District, in terms of recognition of limitation of soils on steep slopes for development and application of all mitigating measures, and as deemed necessary by the Planning Board.

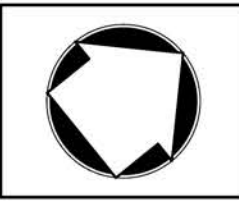
Response:

The proposed Site Plan shall comply and follow any guidelines requested by the Planning Board.

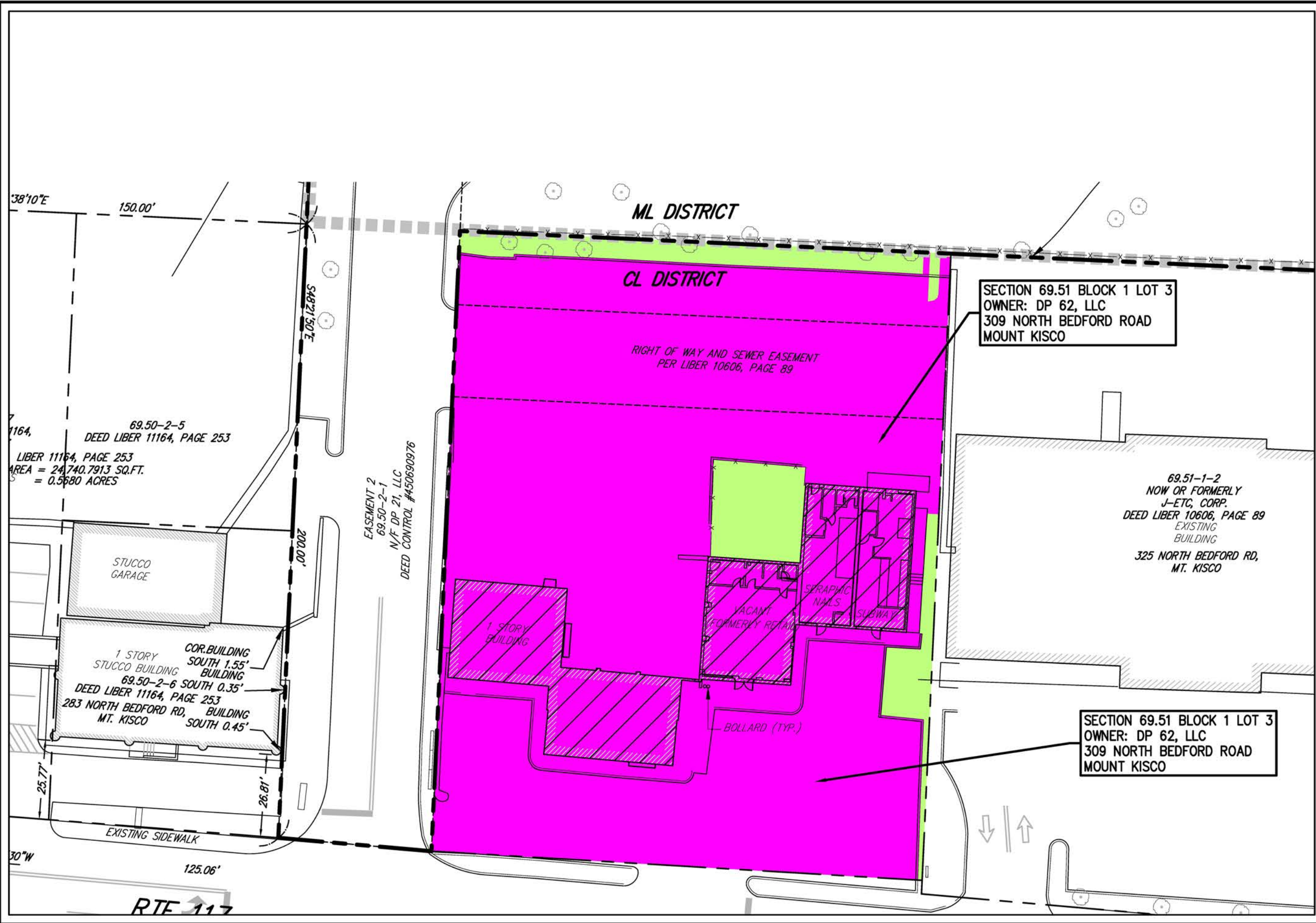
p:\2018\18118\admin\18118- steep slopes narrative 11-03-2020.docx



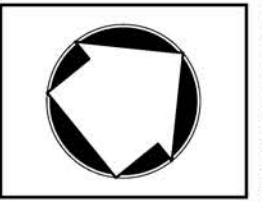
120 BEDFORD RD
 ARMONK
 NY 10604
 (914) 273-5225
 fax: 273-2102
 JMCPLLC.COM



THE PARK 333 (SHOPRITE EXPANSION)
 VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY
 333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
333 NORTH BEDFORD ROAD
EXISTING DEVELOPMENT AND PERVIOUS AREAS
 DATE: 03/05/2019
 JMC PROJECT: 18118
 SCALE: 1" = 150'



120 BEDFORD RD
ARMONK
NY 10604
(914) 273-5225
fax: 273-2102
JMCPLLC.COM



333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

THE PARK 333 (SHOPRITE EXPANSION)

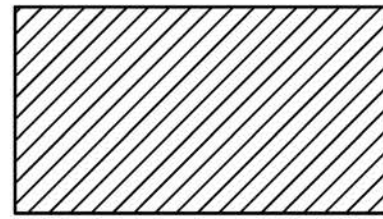
**309 NORTH BEDFORD ROAD
EXISTING DEVELOPMENT AND PERVIOUS AREAS**

DATE: 03/05/2019
JMC PROJECT: 18118

SCALE: 1" = 30'

FIGURE: 2

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BUILDING COVERAGE



DEVELOPMENT COVERAGE



PERVIOUS COVERAGE

TOTAL AREA: 563,885 SQ.FEET

TOTAL AREA: 1,128,477 SQ.FEET

TOTAL AREA: 505,806 SQ.FEET



120 BEDFORD RD
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(914) 273-5225
fax: 273-2102
JMCPLLC.COM



THE PARK 333 (SHOPRITE EXPANSION)
VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY
333 NORTH BEDFORD ROAD/799 BEDFORD ROAD

**333 NORTH BEDFORD ROAD
PROPOSED DEVELOPMENT AND PERVIOUS AREAS**
JMC PROJECT: 18118

REVISED: 11/03/2020

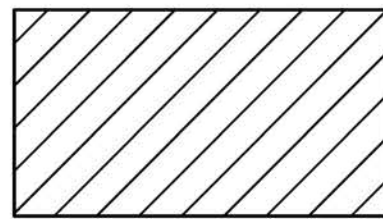
DATE: 04/23/2019

FIGURE: 4

SCALE: 1" = 150'

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18118-LAYOUT.dwg; 333 P&MP; tab FIG. 3.scr



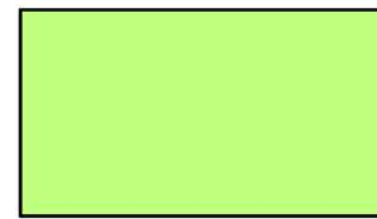
BUILDING COVERAGE

TOTAL AREA: 2,859 SQ.FT



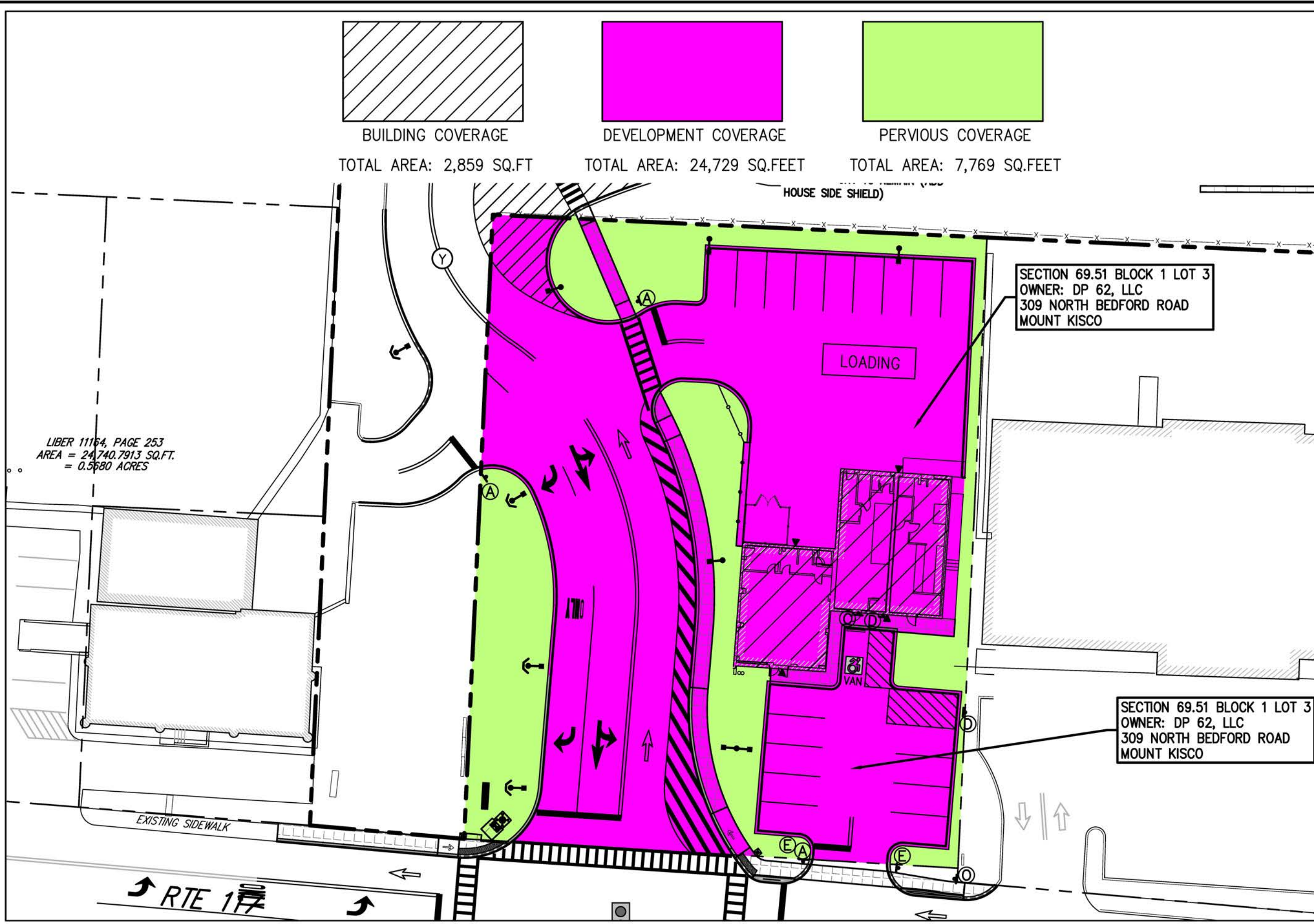
DEVELOPMENT COVERAGE

TOTAL AREA: 24,729 SQ.FEET

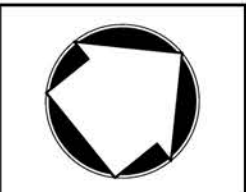


PERVIOUS COVERAGE

TOTAL AREA: 7,769 SQ.FEET



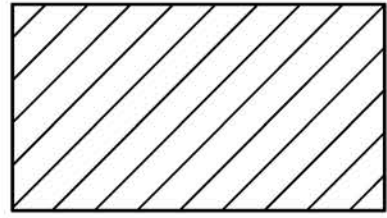
120 BEDFORD RD
ARMONK
NY 10604
(914) 273-5225
fax: 273-2102
JMCPLLC.COM



THE PARK 333 (SHOPRITE EXPANSION)
VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
309 NORTH BEDFORD ROAD
PROPOSED DEVELOPMENT AND PERVIOUS AREAS
JMC PROJECT: 18118
REvised: 11/03/2020
DATE: 04/23/2019
FIGURE: 5
SCALE: 1" = 30'

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18118-LAYOUT.dwg; 309 P&MP.tab FIG. 4&7.scr



BUILDING COVERAGE

TOTAL AREA: 5,433 SQ.FT



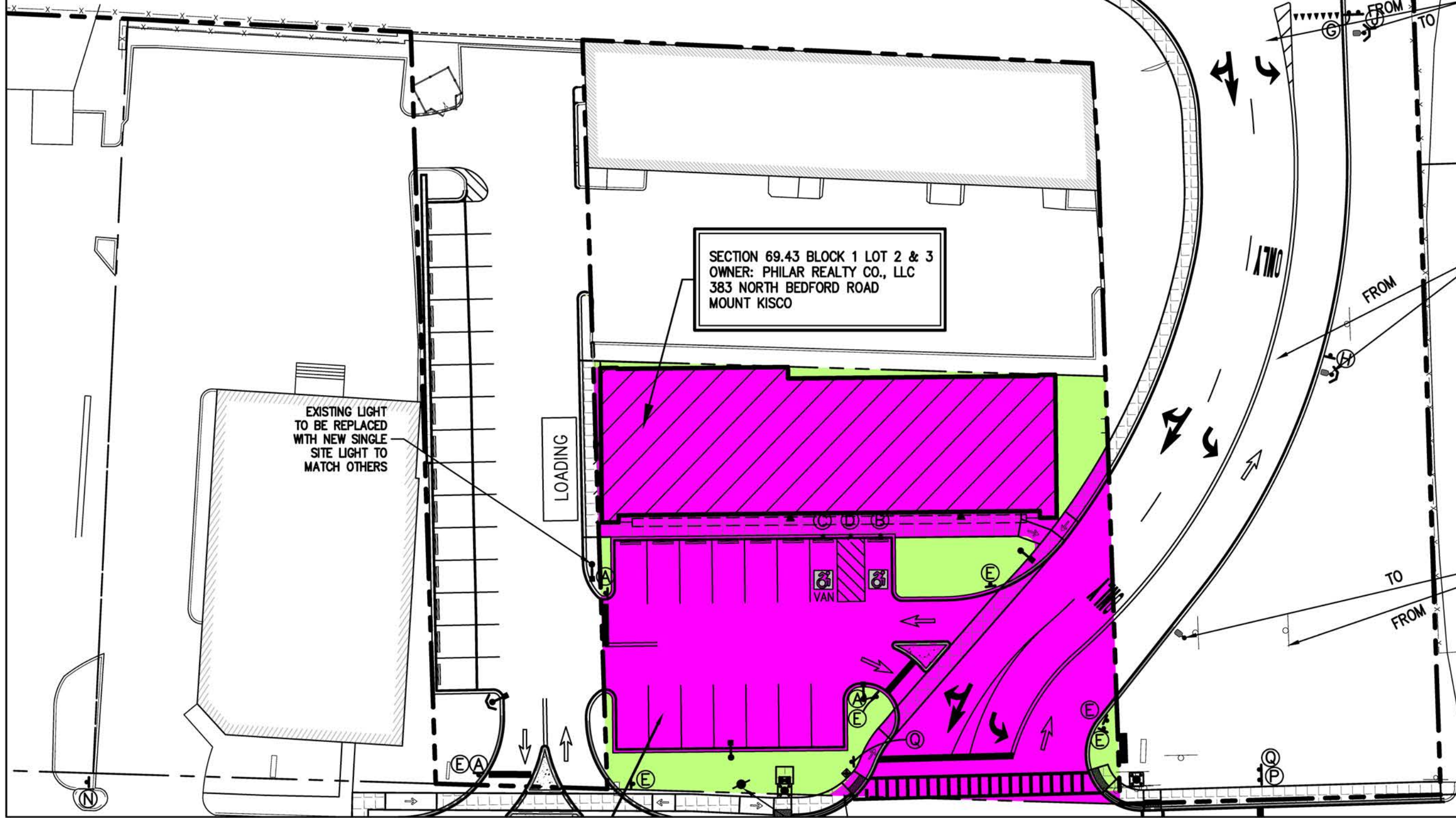
DEVELOPMENT COVERAGE

TOTAL AREA: 16,080 SQ.FEET

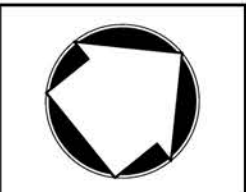


PERVIOUS COVERAGE

TOTAL AREA: 2,584 SQ.FEET



120 BEDFORD RD
 ARMONK
 NY 10604
 (914) 273-5225
 fax: 273-2102
 JMCPLLC.COM



THE PARK 333 (SHOPRITE EXPANSION)
 VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY
 333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
383 NORTH BEDFORD ROAD
PROPOSED DEVELOPMENT AND PERVIOUS AREAS
 JMC PROJECT: 18118
 REVISION: 11/03/2020
 DATE: 04/23/2019
 SCALE: 1" = 30'

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 18118-LAYOUT.dwg; 383 P&MP; tab 383 FIG. 4&7.scr



Village/Town of Mount Kisco Building Department
104 Main Street
Mount Kisco, New York 10549
Ph. (914) 864-0019-fax (914) 864-1085

MEMORANDUM

TO: Acting Chairman Mike Bonforte and Respected Members of the Planning Board

FROM: Peter J. Miley, Building Inspector *PJM*

SUBJECT: Homeland Towers, LLC
Public Utility Wireless Telecommunications Facility
180 S. Bedford Rd. Tax Parcel No: 80.44-1-1

DATE: November 19, 2020

Introduction

On October 6, 2020, the Building Department prepared a second memorandum with-respect-to the Public Utility Wireless Telecommunications Facility application that was submitted on August 18, 2020 by Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless (“the applicant”) to be located at the proposed location: 180 S. Bedford Road in Mount Kisco, New York (“the property”).

Although this memo mentions some of my previous comments from my last memo, this new memo does not supersede or replace any of the previous Building Department memos in connection with this application. This new memorandum is in response to the recently submitted – revised application that the Building Department received on November 4, 2020 by Homeland Towers.

Homeland Towers, LLC, and New York SMSA Limited Partnership d/b/a Verizon Wireless requires a Special Use Permit, Site Plan Approval, and a Steep Slopes Permit from the Planning Board in accordance with Sections 110-27.1(H), 110-46, 110-45 and 110-33.1 of the Village Zoning Code. Sunrise Community Solar, LLC (“Sunrise”) also has an existing (pre-dating) application for a Special Use Permit, Site Plan Approval, and a Steep Slopes Permit from the Planning Board for a Tier-3 Solar Farm on the very same site. While the applicants are unaffiliated, they continue to move their application forward as separate commercial projects on the same parcel of land.

The Property

180 S. Bedford Road (AKA Route 172) is located in the § 110-7. CD Conservation Development District which is outside of the § 110-27.1. PWSF Personal Wireless Service Facilities Overlay Zoning District. The PWSF Overlay District is the preferred location within the Village and is *“intended to provide a suitable choice of locations for establishment, construction and maintenance of personal wireless service facilities.”* Personal wireless service facilities outside of the Overlay District is only permitted when the additional and different set of criteria set forth in § 110-27.1 H.

As I pointed out above and stated in my previous memo dated October 6, 2020 and contrary to what Homeland Towers, LLC and Verizon Wireless states in their recent “Memorandum in Support of Applications for Special Permit...” § 110-27.1 H is only one section of the Village code specific to the issuance of a special permit; §110-46, §110-45 and §110-33.1 of the Village Zoning Code still apply.

Additionally, included in the applicants “Memorandum in Support of Applications for Special Permit...” Homeland Towers brings attention to a memo that was generated for the replacement of a cell-tower that is located on the Village Owned Property. The cell-tower located at the top of the mountain on Village owned property, differs significantly from the Homeland Tower application, the notable differences are as follows:

- a. Site already had an existing cell-tower that was approved on August 8, 1988 which predates the PWSF Zoning District adopted in 1996 and it’s located on a property that is almost 7 acres larger than the proposed Homeland Towers location
- b. The property where the existing cell-tower is located is also Village owned, it’s not on private property and the Village is not subject to its own Zoning Laws
- c. The setback distances to homes and any roadway are far greater than the Homeland Towers Proposal
- d. The existing cell-tower on the mountain is not located along any major arterial roadway

In addition, Homeland Towers skips mentioning another, more recent and pertinent memo dated April 7, 2020, regarding Site Plan & Special Use Application located at 45 East Main Street for the proposed Personal Wireless Service Facility, New York SMSA Limited Partnership d/b/a Verizon Wireless. In that memo, it was stated that all sections (as applicable) pursuant to § 110-27.1. PWSF Personal Wireless Service Facilities Overlay District and setbacks shall apply to those applications that are outside of the PWSF Personal Wireless Service Facilities Overlay. Notably, that applicant and the law firm representing that applicant, are identical to the immediate application. As such, they have been made previously aware of this interpretation, and never appealed same.

Last, the criteria set forth in § 110-27.1 H is specific regarding which Board (Planning Board or Board of Trustees, based on the location/ownership of property) is responsible for the issuance of

a Special Permit. The issuance of a Special Permit by the Planning Board does not nullify other requirements set forth in § 110-27.1 or in §110-46. Therefore, Chapter 110. Zoning Article III. District Regulations § 110-27.1. PWSF Personal Wireless Service Facilities Overlay District shall apply to the 180 S. Bedford Road, Public Utility Wireless Telecommunications Facility project.

Zoning

Variances required;

1. Pursuant to § 110-27.1. PWSF Personal Wireless Service Facilities Overlay District E. (3) Maximum height.

“Unless the FCC promulgates rules to the contrary or the applicant demonstrates to the satisfaction of the board granting the special permit that a greater height is necessary, the maximum height for a tower or monopole shall be 80 feet above ground level or the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Village, whichever is less.”

The proposed 145 feet (140 ft. Monopine and a 5ft. faux tree canopy) is 65 feet more than permitted. Unless the applicant can demonstrate to the satisfaction of the board granting the special permit that a greater height is necessary therefore; a 65 ft. maximum height variance will be required.

2. Pursuant to Chapter 110. Zoning Article III. District Regulations § 110-27.1. PWSF Personal Wireless Service Facilities Overlay District. (5) Setbacks.

“Unless the FCC promulgates rules to the contrary, all personal wireless service facilities shall be separated from [all] residential dwellings by a distance of no less than 500 feet. In no case shall a setback be less than 20 feet or the minimum setback required by the underlying zoning district, whichever is greater. The setback shall increase 100 feet for each 10 feet that the personal wireless service facility exceeds the maximum height set forth in the underlying zoning district.”

The proposed cell tower is located in the § 110-7. CD Conservation Development District. The maximum height permitted in the CD zoning district is 35 feet. Proposed is a Monopine with faux tree canopy totaling 145 feet, this is 110 feet higher than what is permitted in the CD Zoning District. Proposed is a setback distance of 197 feet to the closest residential home (care-takers cottage) a 1,600 feet setback to a residence is required and therefore; a 1,403 ft. setback variance is required.

COMMENTS

1. Plan R1 sheet title block still indicates a 300 ft. distance.

2. Proposed drawing still “*does not include,*” an area adequate for Fire Department access, staging of equipment, and parking for additional responding personnel.
3. The Building Department defers to the Village Engineer for all storm water mitigation, run-off, drainage, basins/detention, infiltration, and all aspect of grading. As previously identified by the Village Engineer in his memorandum of September 3, 2020 storm water pollution prevention plan is required for site plan approval. SWPPP shall demonstrate compliance with all applicable the requirements of the Village Zoning Code, Article XIV Stormwater Control.

Pursuant to § 110-62. Stormwater pollution prevention plans.

“A. Pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article and Chapter 92A.”

4. The Building Department Defers to the Village Planner for landscaping, tree preservation plan, and lighting requirements. Tree preservation plan shall be provided.
5. The proposed cell tower location is 388 feet to one residence (east) and 197 feet from the Marsh Sanctuary care-takers cottage.
6. Information (type/size) for future equipment should be provided.
7. The proposed cell tower project will require that an additional 33 trees – greater than 4” caliper will be removed.
8. The Building Department still needs clarification as to whether one application or a subsequent application that was submitted for a different use on the same property can violate the zoning requirements (required minimum lot area and buffers) of another pending application that preceded the second application.

APPROVALS REQUIRED

- Site Plan Approval
- Special Permit issued by the Planning Board
- Steep Slopes Permit issued by the Planning Board; public hearing required
- Zoning Board of Appeals (variances)
- Fire Department

PM/mkr

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

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)

WRITER'S E-MAIL ADDRESS
rgaudioso@snyderlaw.net

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

REPLY TO:
TARRYTOWN OFFICE

November 12, 2020

Honorable Chairman
and Members of the Planning Board
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: 180 S. Bedford Road
Public Utility Wireless Telecommunications Facility
Homeland Towers, LLC

Honorable Chairman and
Members of the Planning Board:

As you are aware, we are the attorneys for Homeland Towers, LLC ("Homeland Towers") and Verizon Wireless (together "Applicants") in connection with their enclosed application to place a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property").

Please find enclosed herewith a letter in response to the comment that the Applicants float a balloon at the alternate location referred to as "old tennis court." Please also find enclosed herewith proof of the public notice requirements.

The Planning Board is reminded that a balloon test has been scheduled for the morning of November 14, 2020 at the Property.

We thank you for your consideration, and look forward to discussing this matter at the Planning Board hearing on November 24, 2020. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: 

Robert D. Gaudioso

RDG/djk

Enclosures

cc: Applicants
Zoning Board

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\PB Letter 11.12.20.rtf



HOMELAND TOWERS

November 12, 2020

Honorable Members of the Planning Board
Village of Mt Kisco
104 Main St
Mount Kisco, NY 10549

RE: Balloon test permission from Skull Island Partners LLC at 180 S Bedford Rd, Mt Kisco, NY

Hon. Members of the Planning Board:

On November 11, 2020 I reached out again to David Seldin, Managing Member of Skull Island Partners, LLC to seek permission to conduct a balloon test at the alternate location on his property referred to as the "old tennis court" as requested by the Planning Board and was informed: "No, I do not consent to the additional test."

The foregoing is consistent with the letter previously submitted by Mr. Seldin to the Board in connection with the Solar project. Without the permission of the landlord, Homeland Towers is unable to perform the second balloon test at the old tennis court location. We will proceed to perform the balloon test at the proposed location as previously detailed.

Respectfully

Klaus Wimmer

Klaus Wimmer
Regional Manager
Homeland Towers, LLC.
(203)-297-6345

AFFIDAVIT OF MAILING

State of New York)
)
County of Westchester) ss:

Erica Atzl being duly sworn, deposes and says that she is over twenty-one years of age and works at 94 White Plains Road, Tarrytown, in the State of New York; that she is a paralegal at Snyder & Snyder, LLP, the attorney for Homeland Towers, LLC and Verizon Wireless regarding their application for the installation of a public utility wireless telecommunications facility at 180 South Bedford Road, Village of Mount Kisco, New York. On November 6th, she served notices, a copy of which is attached hereto, upon the following named persons at the addresses set forth, as shown on the attached list, by mailing true copies of the same, enclosed and properly sealed in postpaid envelopes, which she entrusted to the exclusive care and custody of the United States Postal Service within the State of New York.


Erica Atzl

Sworn to and subscribed before me
this 9th day of November 2020


NOTARY PUBLIC

David James Kenny
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02KE6343903
Qualified in Westchester County
Commission Expires June 20, 2020

BALLOON TEST NOTICE

Notice is hereby given that the Village/Town of Mount Kisco Planning Board has scheduled a balloon test on Saturday, November 14, 2020 between the hours of approximately 8:00a.m. and 12:00p.m. related to the property proposed for a new 140-foot wireless telecommunications facility located on approximately 25 acres at 180 South Bedford Road, better known on the tax maps as SBL 80.44 – 1 – 1. The Planning Board has scheduled Sunday, November 15, 2020, and each consecutive date thereafter as a weather alternative for the balloon test. The purpose of the balloon test is to have the balloons represent and identify the height of the proposed tower, as it will appear from certain public viewsheds previously identified by the Planning Board, as well as to assess the accuracy of the visual simulations presented by the Applicant. During the balloon test, the Applicant will take photographs from the viewshed locations identified by the Planning Board, which will be available for public inspection. Any additional viewpoints requested by the public should be provided to the Planning Board by November 12, 2020.

PUBLIC NOTICE

PLEASE TAKE NOTICE that in accordance with Chapter 110 of the Code of the Town/Village of Mount Kisco (“Code”), a public hearing has been scheduled in connection with an Application for a special permit in accordance with §§110-27.1 and 110-46 of the Code, and site plan approval in accordance with §110-45 of the Code submitted by the Applicants Homeland Towers, LLC and Verizon Wireless. The project involves land disturbance in areas with slopes over 20%, and a steep slope permit in accordance with §110-33.1 from the Planning Board is required.

The subject property is comprised of ±25 acres of land, and is located at 180 S. Bedford Road (SBL 80.44-1-1) within the Conservation Development (CD) Zoning District (the “Property”). The Applicants, are currently proposing to locate a wireless communications facility (the “Facility”) at the Property. The Facility is proposed to include a 140 foot monopole (145 feet to top of branches), designed to resemble a tree, with panel antennas thereon, together with related equipment located within a secure fenced area at the base thereof. The Planning Board of the Village of Mount Kisco will hold a public hearing on Tuesday, November 24, 2020 at 7:00 PM, or as soon thereafter as may be heard, in the Frank J. DiMicco, Sr. room located within Village Hall, 104 Main Street, Mount Kisco, New York to receive public comment.

All interested parties are invited to attend and be heard.

By order of:
Mount Kisco Planning Board

Wildlife Preserve Inc.
71 Sarles Street
Mount Kisco, NY 10549

Michael J. and Madlyn Inserra
3 Brentwood Court
Mount Kisco, NY 10549

George Coppola & Ellen Molloy
5 Brentwood Court
Mount Kisco, NY 10549

Maryann M. Tarnok
7 Brentwood Court
Mount Kisco, NY 10549

Frank and Barbara Paccetti
9 Brentwood Court
Mount Kisco, NY 10549

Mt. Kisco Chase HOA Inc.
PO Box 265
Somers, NY 10589

Karan and Pratibha Garewal
6 Brentwood Court
Mount Kisco, NY 10549

Marsh Sanctuary Inc.
71 Sarles Street
Mount Kisco, NY 10549

Anna C. and John G. Pietrobono
2 Sarles Street
Mount Kisco, NY 10549

David M. and Holly Y. Schwartz
10 Brentwood Court
Mount Kisco, NY 10549

Gerard and Beth Romski
8 Brentwood Court
Mount Kisco, NY 10549

Elizabeth Jacobs
1 Brentwood Court
Mount Kisco, NY 10549

Michael and Carla Bird
35 Tucker Road
Bedford Corners, NY 10549

Marci Stearns & Steven McCormick
25 Tucker Road
Bedford Corners, NY 10549

Town of Bedford
321 Bedford Road
Bedford Hills, NY 10507

Realis Development LLC
356 Manville Road
Pleasantville, NY 10570

Chabad of Bedford Inc.
133 Railroad Avenue
Bedford Hills, NY 10507

Abdelouahab and Nancy El Bouhali
PO Box 667
Bedford Hills, NY 10507

Lawrence and Daisy Lee
43 Linden Lane
Bedford Corners, NY 10549

Rosemarie A. Maiorano
& Valeri Hedges
69 Linden Lane
Bedford Corners, NY 10549

Ihor Andrew and
Natalia M. Czernyk
108 Second Avenue
New York, NY 10003

Edward and Harriet Feinberg
701 D. Bedford Road
Bedford Hills, NY 10507

Lisbeth Fumagalli, Town Clerk
Town of Bedford
321 Bedford Road
Bedford Hills, NY 10507



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 Tarrytown, NY 10591

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 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

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1. Wildlife Preserve Inc.
 71 Sarles Street
 Mount Kisco, NY 10549

2. Michael J. and Madlyn Inserra
 3 Brentwood Court
 Mount Kisco, NY 10549

3. George Coppola & Ellen Molloy
 5 Brentwood Court
 Mount Kisco, NY 10549

4. Maryann M. Tarnok
 7 Brentwood Court
 Mount Kisco, NY 10549

5. Frank and Barbara Paccetti
 9 Brentwood Court
 Mount Kisco, NY 10549

6. Mt. Kisco Chase HOA Inc.
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 Somers, NY 10589

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 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Addressee (Name, Street, City, State, & ZIP Code™)

1. **Karan and Pratibha Garewal**
6 Brentwood Court
Mount Kisco, NY 10549
2. **Marsh Sanctuary Inc.**
71 Sarles Street
Mount Kisco, NY 10549
3. **Anna C. and John G. Pietrobono**
2 Sarles Street
Mount Kisco, NY 10549
4. **David M. and Holly Y. Schwartz**
10 Brentwood Court
Mount Kisco, NY 10549
5. **Gerard and Beth Romski**
8 Brentwood Court
Mount Kisco, NY 10549
6. **Elizabeth Jacobs**
1 Brentwood Court
Mount Kisco, NY 10549
- 7.
- 8.

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[Signature]
 Complete in Ink

Total Number of Pieces Listed by Sender: 3877

Total Number of Pieces Received at Post Office: 3877

Firm Mailing Book For Accountable Mail



Firm Mailing Book For Accountable Mail

Name and Address of Sender

Snyder & Snyder, LLP
 94 White Plains Road
 Tarrytown, NY 10591

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Addressee (Name, Street, City, State, & ZIP Code™)

1. Michael and Carla Bird
 35 Tucker Road
 Bedford Corners, NY 10549

2. Marci Stearns & Steven McCormick
 25 Tucker Road
 Bedford Corners, NY 10549

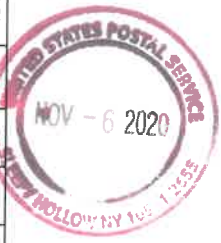
3. Town of Bedford
 321 Bedford Road
 Bedford Hills, NY 10507

4. Realis Development LLC
 356 Manville Road
 Pleasantville, NY 10570

5. Chabad of Bedford Inc.
 133 Railroad Avenue
 Bedford Hills, NY 10507

6. Abdelouahab and Nancy El Bouhali
 PO Box 667
 Bedford Hills, NY 10507

Affix Stamp Here
*(For additional copies of this receipt),
 Postmark with Date of Receipt.*



Hasler
 11/06/2020
US POSTAGE \$007.50

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 11/06/2020
US POSTAGE \$001.50

USPS Tracking/Article Number	Postage (Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
Handling Charge - if Registered and over \$50,000 in value												

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)



Agency:
 SNYDER & SNYDER LGA
 94 WHITE PLAINS RD
 TARRYTOWN, NY 10591
 ATTN: Cam Atzl
Acct: TJN-033568205

Client: SNYDER & SNYDER LGA
 94 WHITE PLAINS RD,
 TARRYTOWN, NY 10591
 Acct No: TJN-033568205

BALLOON TEST NOTICE

This is not an invoice

Order #	Advertisement/Description	Items	# Col x # Lines	Cost
0004455472	BALLOON TEST NOTICE BALLOONTESTNOTICENOTICEISHEREBYGIVENT- ATTREVIEWLAGETOWNOEMOUNTKISCOPLANNING	Legal Notices	1 col x 28 lines	\$56.00
		Affidavit of Publication Charge	1	\$30.00
		Tearsheet Charge	0	\$0.00
		<i>Subtotal:</i>		\$86.00
		Agency Commission	0	\$0.00
Net Total Due:				\$86.00

Run Dates: 11/09/2020

The Journal News
 P. O. Box 822883
 Philadelphia, PA 19182-2883





**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

On the 9 day of November in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Nichola Lewiston, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Nichola Lewiston being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester

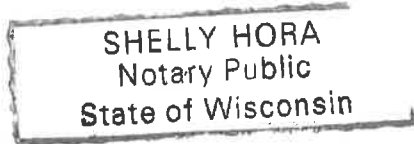
Run Dates:
11/09/2020

[Signature]
Signature

Sworn to before me, this 9 day of November, 2020

[Signature]
Notary Public, State of Wisconsin, County of Brown

8-25-23
My commission expires



Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004455472

BALLOON TEST NOTICE

Notice is hereby given that the Village/Town of Mount Kisco Planning Board has scheduled a balloon test on Saturday, November 14, 2020 between the hours of approximately 8:00a.m. and 12:00p.m. related to the property proposed for a new 140-foot wireless telecommunications facility located on approximately 25 acres at 180 South Bedford Road, better known on the tax maps as SBL 80.44 - 1 - 1. The Planning Board has scheduled Sunday, November 15, 2020, and each consecutive date thereafter as a weather alternative for the balloon test. The purpose of the balloon test is to have the balloons represent and identify the height of the proposed tower, as it will appear from certain public viewsheds previously identified by the Planning Board, as well as to assess the accuracy of the visual simulations presented by the Applicant. During the balloon test, the Applicant will take photographs from the viewshed locations identified by the Planning Board, which will be available for public inspection. Any additional viewpoints requested by the public should be provided to the Planning Board by November 12, 2020.

4455472



Agency:
 SNYDER & SNYDER LGA
 94 WHITE PLAINS RD
 TARRYTOWN, NY 10591
 ATTN: Cam Atzi
Acct: TJN-033568205

Client: SNYDER & SNYDER LGA
 94 WHITE PLAINS RD,
 TARRYTOWN, NY 10591

 Acct No: TJN-033568205

planning board notice

This is not an invoice

Order #	Advertisement/Description	Items	# Col x # Lines	Cost
0004455448	planning board notice PUBLICNOTICEPLEASETAKENOTICETHATINACCC RDANCEWITHCHAPTER110OFTHECODEOFTHE	Legal Notices	1 col x 41 lines	\$82.00
		Affidavit of Publication Charge	1	\$30.00
		Tearsheet Charge	0	\$0.00
		<i>Subtotal:</i>		\$112.00
		Agency Commission	0	\$0.00
Net Total Due:				\$112.00

Run Dates: 11/09/2020

The Journal News
 P. O. Box 822883
 Philadelphia, PA 19182-2883



**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

On the 9 day of November in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Nichola Kustan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Nichola Kustan being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester

Run Dates:
11/09/2020

Signature [Handwritten Signature]

Sworn to before me, this 9 day of November, 2020

[Handwritten Signature]
Notary Public, State of Wisconsin, County of Brown

8-25-23
My commission expires

Legend:

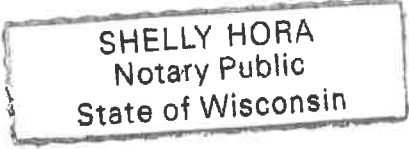
WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briardiff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thorwood, Tuckahoe, Valhalla, Verplanck, Weccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Gammerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palsades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thillels, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004455448



PUBLIC NOTICE

PLEASE TAKE NOTICE that in accordance with Chapter 110 of the Code of the Town/Village of Mount Kisco ("Code"), a public hearing has been scheduled in connection with an Application for a special permit in accordance with §§110-27.1 and 110-46 of the Code, and site plan approval in accordance with §110-45 of the Code submitted by the Applicants Homeland Towers, LLC and Verizon Wireless. The project involves land disturbance in areas with slopes over 20%, and a steep slope permit in accordance with §110-33.1 from the Planning Board is required.

The subject property is comprised of ±25 acres of land, and is located at 180 S. Bedford Road (SBL 80.44-1-1) within the Conservation Development (CD) Zoning District (the "Property"). The Applicants, are currently proposing to locate a wireless communications facility (the "Facility") at the Property. The Facility is proposed to include a 140 foot monopole (145 feet to top of branches), designed to resemble a tree, with panel antennas thereon, together with related equipment located within a secure fenced area at the base thereof. The Planning Board of the Village of Mount Kisco will hold a public hearing on Tuesday, November 24, 2020 at 7:00 PM, or as soon thereafter as may be heard, in the Frank J. DiMicco, Sr. room located within Village Hall, 104 Main Street, Mount Kisco, New York to receive public comment.

All interested parties are invited to attend and be heard.

By order of:
Mount Kisco Planning Board

4455448

NOV 19 2020

RECEIVED

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING

Gjon Rrotaj

~~Guillermo Gomez~~, being duly sworn, says that on the 19th day of November 2020, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
104 Main Street

_____X_____

Public Library
100 Main Street

_____X_____

Fox Center

_____X_____

Justice Court – Green Street
40 Green Street

_____X_____

Mt. Kisco Ambulance Corp
310 Lexington Ave

_____X_____

Carpenter Avenue Community House
200 Carpenter Avenue

_____X_____

Leonard Park Multi Purpose Bldg

_____X_____

[Signature]

Guillermo Gomez

GJON RROTAJ

Sworn to before me this 19th day of November 2020

Michelle K. Russo

Notary Public

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022

George Latimer
County Executive

November 13, 2020

Michelle Russo, Planning Board Secretary
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, NY 10549

**County Planning Board Referral File MTK 20-003B – Homeland Towers
Site Plan and Special Permit Approvals – Lead Agency**

Dear Ms. Russo:

The Westchester County Planning Board has received a Lead Agency notification with respect to an ongoing application for site plan and special permit approvals for a proposed 140-foot monopole supporting wireless telecommunications equipment to be located at 180 South Bedford Road (NYS Route 172). The proposed monopole would be designed to look like a pine tree, with the top branches extending to 145 feet in height.

The site is 25 acres in size, of which 5.8 acres is currently being considered for a solar farm containing an array of 5,924 solar panels. The proposed monopole and related equipment would be constructed to the north of the proposed solar farm and would have access from the same driveway intended for the solar farm.

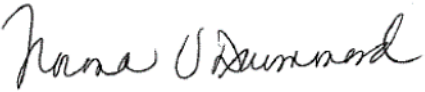
We previously reviewed the application for the solar farm under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we responded to the Village/Town in a letter dated March 23, 2020. We also reviewed a prior submission for the monopole application and we responded in a letter dated October 2, 2020.

With respect to the Mount Kisco Planning Board assuming Lead Agency and the initiation of the required environmental review, we continue to raise our concern about a segmented approach where the solar farm and the monopole are reviewed separately, even though they are located on the same subject site, would utilize the same driveway, and have the same property owner listed for both applications. We recommend the environmental review for both actions be combined since that could better measure the cumulative impacts of both proposals. It would also allow the Village/Town the ability to consider whether the use of this vacant site for utilities is consistent with its Comprehensive Plan.

Please inform us of the Village/Town's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 

Norma V. Drummond
Commissioner

NVD/LH

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

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)

(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

rgaudioso@snyderlaw.net

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

REPLY TO:

TARRYTOWN OFFICE

November 4, 2020

Honorable Chairman
and Members of the Planning Board
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: 180 S. Bedford Road
Public Utility Wireless Telecommunications Facility
Homeland Towers, LLC

Honorable Chairman and
Members of the Planning Board:

As you are aware, we are the attorneys for Homeland Towers, LLC ("Homeland Towers") and Verizon Wireless (together "Applicants") in connection with their enclosed application to place a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property"). The Facility is proposed as a 140-foot (145' to top of branches) monopole designed to resemble a tree ("Monopine") to support the equipment for Verizon Wireless. The Property is located in the CD Conservation Development District.

In support of the foregoing and in response to the comments received from the Village Building Inspector, Planning Board Engineer, and Planning Board's Wireless Consultant, ("Village Comments"), and also in response to certain public comments received, we are pleased to enclose fourteen (14) copies of the following materials:

1. Memorandum in Support of Application;
2. SHPO Concurrence that there are No Historic Properties in the Area of Potential Effects;
3. FAA Determination of No Hazard to Air Navigation;
4. Supplemental Radio Frequency Justification Report prepared by V-COMM L.L.C dated October 28, 2020;

5. Letter from Klaus Wimmer, of Homeland Towers, dated November 2, 2020, confirming that the mentioned alternative “high elevation” locations are not feasible alternative locations and are not available for the installation of the Facility;
6. Collocation Commitment Letter;
7. Memorandum of Lease;
8. Letter from APT, dated November 3, 2020, in response to the Village Comments and public comments;
9. Letter from APT, dated November 2, 2020, detailing the projects compliance with the requirements of §110-33.1(A) of the Village Code for a Steep Slope permit;
10. Letter from APT, dated October 29, 2020, confirming that the generator proposed will be in compliance with the Village’s noise level requirements contained in the Village Code;
11. Fall Zone/Structural Letter from APT, dated September 16, 2020, certifying that the Facility, in the unlikely event of a collapse, would fall completely within the Property lines;
12. Please note that the Facility has been designed to collapse within the Property lines and there are no publicly accessible locations within close proximity to the facility. The Memorandum in Opposition from a neighboring property owner’s counsel includes a letter from Dennis Rogers, dated March 28, 2013. This letter was originally submitted to the Town of Kent on behalf of an opposition group represented by Mr. Campanelli. Submitted herewith is the response from Tectonic Engineering, dated April 8, 2013, detailing the false assumptions contained in the Rogers letter;
13. Letter from Saratoga Associates, dated November 3, 2020, detailing the scope and methodology for the balloon test; and
14. Revised Zoning Drawings.

Please note that the Applicants have submitted copies of the above materials together with application materials already submitted to the Planning Board to the Zoning Board of Appeals for an appeal of the Building Inspector’s interpretation, or in the alternative a request for any necessary area variances.

The Planning Board is reminded that a balloon test has been scheduled for the morning of November 14, 2020 at the Property.

We thank you for your consideration, and look forward to discussing this matter at the Planning Board hearing on November 24, 2020. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: 

Robert D. Gaudio

RDG/djk

Enclosures

cc: Homeland Towers

Verizon Wireless

Zoning Board

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\PB Letter 11.3.20.rtf



**Environmental
Protection**

November 20, 2020

Ms. Michelle Russo, Planning Board Secretary
Village of Mount Kisco, Planning Board
104 Main Street
Mount Kisco, NY 10549

**Re: Notice of Intent to be Lead Agency
Homeland Towers
Village of Mount Kisco; Westchester County, NY
Tax Map #: 80.44-1-1
DEP Log#: 2020-CNC-0798-SQ.1**

*Vincent Sapienza P.E.
Commissioner*

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

165 Columbus Avenue
Valhalla, NY 10595

T: (845) 340-7800
F: (845) 334-7175

Dear Ms. Russo and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Village of Mount Kisco Planning Board's (Board) Notice of Intent to act as Lead Agency and full Environmental Assessment Form (EAF) for the above-referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The proposed site is located in the New Croton Reservoir drainage basin of New York City's Water Supply. As the New Croton Reservoir is phosphorous restricted; water quality impacts to the receiving reservoir from pollutant-laden runoff must be avoided or mitigated.

The proposed action involves the construction of a wireless telecommunications facility, consisting of a 140 ft monopole type tower with antennas within a 2,300 sq. ft. fenced compound, access driveway and related equipment.

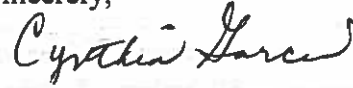
DEP does not maintain any discretionary regulatory authority over the proposed activity. As such, DEP would be considered an Interested Agency pursuant to SEQRA.

Based upon review of the submitted documents, DEP respectfully submits the following comments for the Board's consideration:

1. It is difficult to ascertain whether the existing driveway entrance is surfaced with asphalt or an impervious surface. The site plans do not clearly indicate the existing and proposed surfacing material. Note, that the driveway is located within 100 feet of a watercourse, and the construction of new impervious surfaces is generally prohibited by the Watershed Regulations.
2. DEP met recently on site with the applicant's engineer and was informed that the representation of the adjacent Marsh Sanctuary have requested that surface stormwater runoff be diverted away from their parcel as the sanctuary periodically experiences flooding. As such, it is suggested that the project sponsor utilize the nearby storm drainage catch basin to minimize adverse stormwater impacts to the adjacent property.

Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor
SEQRA Coordination Section

X: N. Drummond, WCPD

PLANNING BOARD AND
ZONING BOARD OF APPEALS
TOWN/VILLAGE OF MOUNT KISCO

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

HOMELAND TOWERS, LLC and VERIZON WIRELESS

Premises: 180 S. Bedford Road
Mount Kisco, NY 10594

S-B-L: 80.44 – 1 – 1
-----X

**MEMORANDUM IN SUPPORT OF APPLICATIONS FOR
SPECIAL PERMIT, SITE PLAN APPROVAL, STEEP SLOPE PERMIT,
AND APPEAL OF BUILDING INSPECTOR INTERPRETATION, OR IN THE
ALTERNATIVE A REQUEST FOR AREA VARIANCES, BY
HOMELAND TOWERS, LLC AND VERIZON WIRELESS
TO LOCATE A WIRELESS TELECOMMUNICATIONS FACILITY
AT 180 S. BEDFORD ROAD**

I. Introduction

Homeland Towers, LLC (“Homeland Towers”) and Verizon Wireless (together “Applicants”) respectfully submit this memorandum in support of the applications filed (“Application”) for a wireless telecommunications facility (“Facility”) located at 180 South Bedford Road, Mount Kisco, NY 10594 (“Property”).

II. Statement of Facts

The Property is identified by SBL 80.44 – 1 – 1 on the Town/Village of Mount Kisco (“Village”) Tax Map, with a postal address of 180 South Bedford Road, Mount Kisco, NY 10594 and is located in the Conservation Development (“CD”) Zoning District.

The proposed Facility will be used to provide federally licensed wireless communication services to the Village and surrounding area. The Facility will include a 140-foot monopole (145 feet to the top of the branches), designed to resemble a tree (“Monopine”) to support the antennas of Verizon Wireless, while providing collocation space for similar federally licensed wireless carriers and emergency communications equipment, with related equipment installed within a fenced equipment compound at the base thereof.

The Facility is proposed to be located on a Property outside of the Personal Wireless Service Facilities Overlay District (“Overlay District”) because the significant gap in service could not be remedied from within the Town’s Overlay District. See Radio Frequency Justification Report prepared by V-COMM, L.L.C dated August 17, 2020, and as supplemented on October 28, 2020 (“RF Report”); See also, Alternatives Site Analysis prepared by Klaus Wimmer of Homeland Towers dated August 14, 2020, and as supplemented on October 29, 2020 (“ASA”).

III. Public Utility Status

Under the laws of the State of New York Verizon Wireless is qualified as a public utility for zoning purposes. See Cellular One v. Rosenberg, 82 N.Y.2d 364 (1993) (hereinafter referred to as “Rosenberg”), Cellular One v. Meyer, 607 N.Y.S. 2d 81 (2nd Dept. 1994) and 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 Verizon Wireless) provide an essential public service and are public utilities in the State of New York. Public utilities should be accorded favored treatment in zoning matters. See Rosenberg.

Verizon Wireless’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.

In addition to its status as a public utility, Verizon Wireless is licensed by the Federal Communications Commission (“FCC”).

There is also a public need for Verizon Wireless’s service, as evidenced by the granting of licenses to Verizon Wireless by the FCC. This grant constitutes a finding that the public interest will be served by the Verizon Wireless’s service and is consistent with the public policy of the United States “to make available so far as possible, to all people of the United States a rapid, efficient, nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication . . . [.]” 47 U.S.C. §151.

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996 (“TCA”). The TCA 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 (1997).

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).

A state or local government’s authority to regulate “the placement, construction, and modification of personal wireless service facilities,” is limited by the federal requirements set forth in Section 332(c)(7)(B) of the TCA. 47 U.S.C. § 332(c)(7)(a). The Facility is a “personal wireless service facility” as defined by the TCA. 47 U.S.C. § 332(c)(7)(c). Pursuant to Section 332(c)(7)(B) the zoning authority of a State or local government, or instrumentality thereof, with regards to personal wireless service facilities is limited as follows:

- 1) No zoning decision or action shall “unreasonably discriminate among providers of functionally equivalent services,” or “prohibit or have the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. §332(c)(7)(B)(i);
- 2) Decisions and actions on zoning and construction applications must be made “within a reasonable period of time.” 47 U.S.C. §332(c)(7)(B)(ii);
- 3) Any “decision shall be in writing and supported by substantial evidence contained in a written record.” 47 U.S.C. §332(c)(7)(B)(iii); and
- 4) No action or decision shall be made “on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” 47 U.S.C. §332(c)(7)(B)(iv).

Please further 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”). The Shot Clock Order finds that a “reasonable period of time” for a local government to act on this type of application, an application for a new tower, is presumptively 150 days. The FCC again clarified the 150 day “Shot Clock” (2018 Third Report and Order) and in the implementing regulations contained in 47 C.F.R. § 1.6003. According to the Shot Clock Order and 47 C.F.R. § 1.6003(c)(1)(iv), if the Village fails to act within 150 days of filing a complete application, the applicant may commence an action in court for “failure to act” under Section 332(c)(7)(B)(v) of the TCA.

IV. The Zoning Approvals Required for the Proposed Facility Being Located Outside of the Overlay District

The Applicants respectfully appeal the Building Inspector’s interpretation contained in the Building Inspector Memo dated October 6, 2020 (“Building Inspector Memo”) that the conditions of the Overlay District apply to the Facility located outside of the Overlay District.

Section 110-27.1(H) of the Zoning Code states as follows:

Special permits for sites outside the Personal Wireless Service Facilities Overlay District. Personal wireless service facilities at sites outside the Personal Wireless Service Facilities Overlay District shall require a special permit from the Village Board if the site is located on Village-owned property and the Planning Board if the site is located on any other property, and shall be permitted only if a New York State-licensed professional engineer specializing in electrical engineering with expertise in radiocommunication facilities establishes to the satisfaction of the approving agency all of the following:

- (1) That the personal wireless service facility is needed to provide coverage to an area of the Village that currently has inadequate coverage and is of the minimum height and aesthetic intrusion necessary to provide that coverage;
- (2) That coverage cannot be provided by a personal wireless service facility located within the Personal Wireless Service Facilities Overlay District;
- (3) That all reasonable measures in siting the personal wireless service facility within the Personal Wireless Service Facilities Overlay District have been exhausted; and
- (4) That technical and space limitations prevent location or colocation in the Personal Wireless Service Facilities Overlay District.

As clearly stated in the above code section because the Facility is to be located on a Property “outside the Personal Wireless Service Facilities Overlay District,” and the Property is not “Village-owned,” the Facility shall be approved by special permit from the Planning Board, if the Applicants meet the four above listed criteria. The standards set by the Village Zoning Code for personal wireless service facilities within the Overlay District do not apply to the proposed Facility, instead the Zoning Code requires that only the four above listed criteria be satisfied for special permit approval.

It is important to note that the Village has previously determined that the requirements of the Overlay District do not apply to properties outside of the Overlay District. In fact, the Village made this exact determination approximately one year ago for a facility located on Village owned property at 1 Mountain Avenue. See Memo from Village Attorney dated May 20, 2019 (“Village Attorney 2019 Memo”).¹

By implication, the local law states that applications exempted by § 110-27.1 H do not have to comply or be “in accordance with the criteria set forth in this section [§ 110-27.1] and in § 110-46 of the Zoning Law.” In fact, § 110-27.1 H sets forth a completely different set of criteria by which to evaluate such applications. [§ 110-27.1 H(1)-(4)].

¹ A copy of the Village Attorney 2019 Memo has been annexed hereto for your convenience.

See Village Attorney 2019 Memo.

Ultimately the Applicants must be afforded the same legal interpretation of the Zoning Code as was given for the Village's own property, and the Village must be bound by its own precedent. To do otherwise would be arbitrary, capricious, and discriminatory. See Knight v Amelkin, 68 N.Y.2d 975, 978 (1986) ("because petitioners have shown earlier determinations of the Board reaching contrary results on essentially the same facts, an explanation or, in the alternative, a conforming determination, is required."); See also Town of New Castle v. Kaufmann, 72 N.Y.2d 684, 686 (1988) ("[w]hen such a construction would thwart the settled purposes of the statute, however, literal and narrow interpretations should be avoided."); See also 47 U.S.C. § 332(c)(7)(B)(i)(I).

Therefore, the Applicants respectfully appeal the Building Inspector's interpretation contained in the Building Inspector Memo that the standards for the Overlay District apply to this Facility, as both the clear language of the Village Zoning Code, and the past precedents set by the Village, demonstrate that the Overlay District requirements do not apply to this Facility on this Property. As such a height variance and setback variances are not required.

In addition, the Applicants also appeal the Building Inspector's interpretation that a height variance is required pursuant to §110-27.1(E)(3). See Building Inspector Memo. For the reasons set forth above, §110-27.1(E)(3) does not apply to the Facility because it is located outside of the Overlay District. However, even if it were found that §110-27.1(E)(3) applied to the Facility located outside of the Overlay District, §110-27.1(E)(3) does not require the Applicants to seek a variance because the language of the Zoning Code clearly and unambiguously authorized the Planning Board to approve any height as long as the height is proven necessary. Section 110-27.1(E)(3) states as follows:

Maximum height. Unless the FCC promulgates rules to the contrary or the applicant demonstrates to the satisfaction of the board granting the special permit that a greater height is necessary, the maximum height for a tower or monopole shall be 80 feet above ground level or the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Village, whichever is less.

As the Code clearly states, the 80-foot maximum height limitation does not apply if "the applicant demonstrates to the satisfaction of the board granting the special permit that a greater height is necessary." Therefore, since the Applicants have submitted an RF Justification Report that demonstrates the proposed height of 140 feet (145 to the top of faux branches) is necessary, a variance from §110-27.1(E)(3) is not required. See RF Justification Report.

The Building Inspector Memo also states that a variance from §110-7(C)(3)(a) could be required as the solar project proposed on the Property would not meet the minimum lot area requirement. Section 110-7(C)(3)(a) only sets a minimum lot area for the solar project.

Therefore, as the proposed Facility is an entirely separate and distinct use, the Applicants cannot be required to obtain a variance from this Zoning Code requirement for Tier 3 solar energy facilities. Moreover, the Property meets the requirements for the minimum lot size for both §110-7(C)(3)(a) and §110-27.1(E)(4), as the property is 25 acres in size. See Site Plan Sheet SP-1. The addition of the Facility will not reduce the size of the Property. Minimum lot size is a requirement for the size of the property and not a requirement for the amount of building or development coverage on a property. In fact, the Village Code sets separate and distinct requirements for the amount of development coverage for the solar facility. See Village Code §110-7(C)(3)(c). However, the conditions within §110-7(C)(3) only apply to the proposed solar facility and there are no maximum development coverage limitations in the Code for the Facility.

Based on all of the aforementioned it is respectfully requested that the Zoning Board of Appeals find that: (1) the standards for facilities within the Overlay District do not apply to this Facility located outside of the Overlay District; (2) there is no requirement for a variance for the height of the Facility if “the applicant demonstrates to the satisfaction of the board granting the special permit that a greater height is necessary”; (3) no setback variances are required; and (4) no variance from §110-7(C)(3)(a) is required for this Facility as that Zoning Code section only applies to “Tier 3 solar energy facilities.”

V. The Proposed Facility Meets the Special Use Permit Standards

A special use permit 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 (1972).

In reviewing the Application, the following factors are offered for consideration in accordance with the Zoning Code. Please note that the following sections in **bold** face type are the actual quotes from the Zoning Code, and the response to each section is noted below.

Special permits for sites outside the Personal Wireless Service Facilities Overlay District. Personal wireless service facilities at sites outside the Personal Wireless Service Facilities Overlay District shall require a special permit from the Village Board if the site is located on Village-owned property and the Planning Board if the site is located on any other property, and shall be permitted only if a New York State-licensed professional engineer specializing in electrical engineering with expertise in radiocommunication facilities establishes to the satisfaction of the approving agency all of the following:

As noted above the Property is located outside the Overlay District and is not on Village-owned property, therefore the Applicants have requested special permit approval from the Planning Board. The RF Report submitted with the Application has been signed and sealed by Peter Longo, P.E. a professional engineer licensed in the state of New York. See RF Report.

(1) That the personal wireless service facility is needed to provide coverage to an area of the Village that currently has inadequate coverage and is of the minimum height and aesthetic intrusion necessary to provide that coverage;

The RF Report demonstrates that there is “a significant gap in coverage for Verizon Wireless,” and that “a new wireless facility is needed.” The RF Report also demonstrates that the proposed height “is the minimum height needed to provide the capacity and coverage required.” Furthermore, the Visual Resource Assessment prepared by Saratoga Associates, dated July 29, 2020, and as supplemented on September 28, 2020 (“VRA”) demonstrates that the Facility has been strategically located on the Property so that it is not visible from a vast majority of the Village. Moreover, the Applicants have proposed a stealth design Monopine to camouflage the Facility, and further reduce any visibility. The Facility is the least intrusive means available to fill the significant gap in coverage identified in the areas surrounding the Property.

(2) That coverage cannot be provided by a personal wireless service facility located within the Personal Wireless Service Facilities Overlay District;

As demonstrated in the RF Report “[t]he Overlay District is approximately 5,500 feet away from the proposed location and is outside of the coverage gap area, therefore it will not provide the required coverage to this intended area for this proposed site.”

(3) That all reasonable measures in siting the personal wireless service facility within the Personal Wireless Service Facilities Overlay District have been exhausted; and

As noted above, and in the RF Report, it would be futile for the Applicants to attempt to locate the Facility within the Overlay District because it is too far away from the coverage gap area and a facility in the Overlay District “will not provide the required coverage to this intended area for this proposed site.” See RF Report.

(4) That technical and space limitations prevent location or collocation in the Personal Wireless Service Facilities Overlay District.

As noted above, and in the RF Report, the technical limitations of where the coverage is needed prevents Verizon from filling the identified significant gap in coverage by locating equipment in the Overlay District. See RF Report. Neither collocation on an existing facility or constructing a new facility within the Overlay District will allow the Applicants to address the significant gap in coverage identified in the areas surrounding the Property. See RF Report. The Overlay District is too far, and “will not provide the required coverage to this intended area for this proposed site.” The RF Report also states that “[a] review of the surrounding area reveals absence of existing tall structures, towers, or water tanks that meet all the requirements for a wireless facility,” which demonstrates that collocation outside the Overlay District on an existing structure is also not possible, and that the proposed Facility is necessary to cure the significant gap in coverage. Additional information on the Applicants’ efforts to locate a facility on an existing tall structure is included in the ASA, which further demonstrates that there are no available tall structures that could support a facility and remedy the significant gap in coverage identified in the RF Report. See ASA.

Section 110-46 of the Village Zoning Code contains general requirements for special permit approvals, which the Applicants have also satisfied.

A. Notice and public hearing. The Planning Board shall not decide on any application for a special permit without first holding a public hearing, notice of which hearing,

including the substance of the application, shall be given by publication in the official newspaper of the Village at least 15 days before the date of such hearing. In addition to such published notice, the applicant shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lies within 300 feet of the property for which approval is sought and to such other owners and by such other means of notification as the Planning Board may deem advisable.

The Applicants have submitted an Application to request such a public hearing and will comply with above listed public notice requirements.

B. In approving special permits, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general. The Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives:

(1) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

As demonstrated in the Application materials submitted herewith, including the VRA, the Facility has been strategically located and designed so as to fill the identified significant gap in service. The Facility will be in harmony with the appropriate and orderly development of the district, and will not be detrimental to the orderly development of adjacent properties. See VRA. The Facility is minimally visible and has incorporated a stealth monopine design to further blend the Facility into its surroundings and camouflage views of the Facility from the public. See VRA.

(2) That, in addition to the above, in the case of any use located in or directly adjacent to either a residence district or a district in which residential uses are permitted, the location and size of such use, the nature and intensity of operations involved or those conducted in connection therewith and its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the residential uses or conflict with the normal traffic of the neighborhood.

The Facility is unmanned and only requires infrequent (approximately one technician per month) service visits. Therefore, the Facility will have a negligible impact on traffic, and “will not be hazardous or inconvenient to or incongruous with the residential uses or conflict with normal traffic of the neighborhood.” See EAF. An existing access drive will be utilized. The Facility has been placed on the Property and has been limited in sized and properly designed to resemble a tree so as to “not be hazardous or inconvenient to or incongruous with the residential uses or conflict with the normal traffic of the neighborhood.”

C. Each application for a special permit shall be accompanied by a proposed plan showing the size and location of the lot and the location of all existing and proposed buildings and facilities, including access drives, parking areas and all streets within 200 feet of the lot.

The Applicants have submitted a Site Plan with their application that shows “the size and location of the lot and the location of all existing and proposed buildings and facilities, including access drives, parking areas and all streets within 200 feet of the lot.” See Site Plan.

D. Each application for a special permit shall be accompanied by a fee as set forth in Chapter A112, Fees, of this Code. In addition thereto, and in order to ensure that the cost to the Village of any engineering, planning, legal or other expert consultations required in connection with the review of any application for a special permit shall be borne by the applicant, the applicant shall, upon the submission of an application pursuant to this section, deposit with the Treasurer of the Village/Town of Mount Kisco a sum in the amount set forth in § A112-110C of this Code; provided, however, that upon a resolution of the Planning Board, adopted by a vote of not less than 2/3 of the membership of such Board, finding that a deposit in a lesser amount will be sufficient to satisfy the anticipated cost of reviewing the application, the applicant may satisfy its obligation under this section to make an initial deposit by depositing such lesser amount. The Planning Board shall not consider any application for which a deposit is required under this section until the Treasurer has certified that the required deposit has been made. The sum deposited shall be held by the Treasurer in a separate trust and agency account for the benefit of the applicant and will be disbursed by the Treasurer for the payment of such engineering, planning, legal or other expert consultations as are required by the Board of Trustees, Planning Board or Village Manager for the review of the application for a special permit or other application related thereto, in accordance with the usual requirements of the Village for the payment of bills. In the event that, prior to the completion of the review of the application, the sum deposited is depleted to the amount set forth in column B of § A112-110C, the applicant shall deposit an additional amount as set forth in column C of § A112-110C. Review of the application shall be suspended until the applicant makes the additional required deposit. After the final action of the Planning Board with respect to the application, and upon payment of all of the fees for the reviews contemplated herein, the balance remaining in the trust and agency account shall be returned to the applicant. The requirements of this section shall be strictly enforced by the Planning Board and the Building Inspector, and no certificate of occupancy shall be granted until all of the fees required to be paid pursuant to this section have been paid.

The Applicants have paid the required application fees and have submitted escrow funds as required by the Planning Board.

E. In cases where a parcel of land for which a special permit has been requested is located within 500 feet of the boundary of another municipality, the Secretary of the Planning Board shall transmit a copy of the official notice of hearing to the Municipal Clerk of the affected municipality. Said notice shall also be submitted to the

Westchester County Planning Board when so required by the Westchester County Administrative Code.

The Property is within 500 feet of the Town of Bedford, and the Applicants request that the Village direct the Secretary of the Planning Board to make the above noted referrals as required by GML §239-M and the Westchester County Administrative Code.

F. The Planning Board may review any previously granted special permit for compliance with conditions imposed. Such review shall follow public notice given 15 days before a public hearing held thereon. Personal service of the notice of such hearing shall be made upon the owner of the property 15 days before the public hearing held thereon. Said special permit may be revoked following said hearing only upon a determination by the Planning Board to the effect that such conditions as may have been prescribed previously by the Planning Board in conjunction with the issuance of the special permit have not been or are no longer being complied with. The Planning Board shall set forth, in writing, said conditions that are no longer being met, following which a period of 60 days shall be granted for the applicant to comply with such conditions. If the applicant fails to comply within said sixty-day period, the special permit may be revoked.

The Application herein is an initial request for a new special permit and therefore the above subsection is not applicable.

As noted above because the Facility is located outside of the Overlay District, meets the criteria for being located outside the Overlay District and meets the general special permit requirements, the Planning Board shall approve the Applicants' requested special use permit. See North Shore Steak House, N.Y.2d 238. Therefore, the Applicants respectfully request that the Planning Board approve the requested special permit for the Facility.

In the event that the Applicants' appeal regarding the applicability of the conditions contained in §110-27.1 is denied, the Applicants offer the following statements in support of the requested special permit.

§110-27.1

B. Permitted uses. Except as specified in § 110-27H (Special permits for sites outside the Personal Wireless Service Facilities Overlay District), all new personal wireless service facilities, and all additions and/or modifications to currently existing personal wireless service facilities, shall be allowed only in the Personal Wireless Service Facilities Overlay District and only pursuant to a special permit issued by the Planning Board in accordance with the criteria set forth in this section and in § 110-46 of the Zoning Law.

The Application includes a request for a special permit from the Planning Board.

C. Underlying zoning regulations. The requirements of the underlying zoning districts shall apply within the Personal Wireless Service Facilities Overlay District unless the provisions set forth in this section are deemed more stringent than the underlying requirements. All structures and facilities accessory to personal wireless service

facilities, including but not limited to equipment sheds, parking areas, anchors, bases and pads, shall comply with the existing setback and dimensional regulations established for principal structures in the underlying zoning district, except for the height of a proposed tower or monopole.

The Facility has been located so as to meet all of the required setbacks for the underlying Conservation Development District. See Site Plan Sheet SP-1. Please note that the setback and bulk requirements contained in §110-7(C)(3) for the proposed solar facility does not apply to this Application.

D. Data requirements. Applicants for special permits shall file with the Village Clerk 3 copies and with the Planning Board 11 copies, of the following documents:

The Applicants have submitted the required number of copies to the Village.

(1) Site plan. A site plan, in conformance with applicable site plan submission requirements contained in § 110-45 of the Zoning Law. The site plan shall show elevations, height, width, depth, type of materials, color schemes and other relevant information for all existing and proposed structures, equipment, parking and other improvements. The site plan shall also include a description of the proposed personal wireless service facility and such other information that the Planning Board requires.

The Site Plan submitted with the Application includes the elevations, height, width, depth, type of materials, color schemes and other relevant information for all existing and proposed structures, equipment, parking and other improvements. See Site Plan.

(2) Environmental Assessment Form. A completed Environmental Assessment Form (“EAF”), including the Visual EAF Addendum. Particular attention shall be given to visibility from key viewpoints identified in the Visual EAF Addendum, existing treelines and proposed elevations.

An EAF with the Visual EAF addendum has been submitted with the Applications. See EAF. The Applications have also submitted a Visual Resource Assessment with additional information regarding the limited visibility of the Facility. See VRA.

(3) Landscape plan. A landscape plan delineating the existing trees or areas of existing trees to be preserved, the location and dimensions of proposed planting areas, including the size, type and number of trees and shrubs to be planted, curbs, fences, buffers, screening elevations of fences and materials used. For towers or monopoles, the landscape plan shall address the criteria set forth in § 110-27.1F(3).

A landscape plan has been included on Sheet LS-1 of the Site Plan.

(4) Documentation of proposed height. Documentation sufficient to demonstrate that the proposed height is the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Village.

The RF Report demonstrates the proposed height is the minimum height necessary. See RF Report.

(5) Statement regarding collocation. For new personal wireless service facilities, a statement by the applicant as to whether construction of the facility will accommodate collocation of additional facilities for future users.

Homeland Towers has submitted a letter dated October 27, 2020 stating that it will accommodate collocation of additional facilities for future users, including future municipal communications equipment (“Collocation Commitment Letter”). See also, Site Plan Sheets AP-1 and AP-2.

(6) Structural engineering report. A report prepared by a New York State licensed professional engineer specializing in structural engineering as to the structural integrity of the personal wireless service facility. In the case of a tower or monopole, the structural engineering report shall describe the structure's height and design, including a cross section of the structure, demonstrate the structure's compliance with applicable structural standards and describes the structure's capacity, including the number of antennas it can accommodate and the precise point at which the antenna shall be mounted. In the case of an antenna mounted on an existing structure, the structural engineering report shall indicate the ability of the existing structure to accept the antenna, the proposed method of affixing the antenna to the structure and the precise point at which the antenna shall be mounted.

Submitted with this Application is a Structural Letter dated September 16, 2020 (“Structural Letter”), certifying that the 140-foot-tall Facility (145 feet top of faux branches) will be designed in compliance with all applicable federal, state, and local structural requirements for loading, including wind and ice load. See Structural Letter. The Structural Letter also states that the Facility “will be designed to support at least four (4) antenna arrays.” In addition, the Structural Letter also certifies that “the proposed tower will be designed with a ‘hinge-point’ at elevation 31’ AGL (closest property line distance is 109’ +/-) so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel.” The Site Plan also includes cross sections of the Tower. See Site Plan.

(7) Engineering analysis of radio emissions. An engineering analysis of the radio emissions and a propagation map for the proposed personal wireless service facility. The analysis shall be prepared and signed by a New York State-licensed professional engineer specializing in electrical engineering with expertise in radio-communication facilities. The results from the analysis must clearly show that the power density levels of the electromagnetic energy generated from the proposed facility are within the allowable limits established by the FCC which are in effect at the time of the application. If the proposed personal wireless service facility would be colocated with an existing facility, the cumulative effects of the facilities must also be analyzed. The power density analysis shall be based on the assumption that all antennas mounted on the proposed facility are simultaneously transmitting radio energy at a power level equal to the maximum antenna power rating specified by the antenna manufacturer.

Submitted with this Application is an Antenna Site FCC RF Compliance Assessment and Report prepared by Pinnacle Telecom Group, dated August 11, 2020 (“FCC Compliance Report”) that certifies the Facility will comply with the FCC rules and regulations regarding radio frequency emissions. The FCC Compliance report demonstrates that under worst-case conditions “the conservatively calculated maximum RF level caused by the combination of antenna operations is 2.0130 percent of the FCC general population MPE limit.” Therefore, the Facility is more than 45 times below the FCC limit and is in compliance. See FCC Compliance Report.

(8) Map of proposed coverage and existing facilities. A map showing the area of coverage of the proposed facility and listing all existing personal wireless service facilities in the Village and bordering municipalities containing personal wireless service facilities used by the applicant, and a detailed report indicating why the proposed personal wireless service facility is required to provide service to locations which the applicant is not able to serve with existing facilities which are located within and outside the Village, by colocation and otherwise.

The RF Report includes the above noted coverage maps and information regarding existing facilities. The RF Report demonstrates that there is a significant gap in coverage in the areas surrounding the Property and that the Facility is of the minimum height necessary to fill the gap in coverage. See RF Report.

E. Criteria for special permit applications. Applicants for special permits for establishment or construction of personal wireless service facilities shall meet all of the following criteria:

(1) Necessity. The proposed personal wireless service facility is required to provide service to locations which the applicant is not able to serve with existing facilities which are located within and outside the Village, by colocation and otherwise.

The Applicants have demonstrated that the proposed Facility is necessary and that existing facilities do not provide reliable service to the area in question resulting in the existing significant gap in coverage identified in the RF Report. See RF Report and ASA.

(2) Colocation. The colocation of existing personal wireless service facilities only within the Personal Wireless Service Facilities Overlay District shall be strongly preferred to the construction of new personal wireless service facilities. If a new site for a personal wireless service facility is proposed, the applicant shall submit a report setting forth in detail an inventory of existing personal wireless service facilities within the Personal Wireless Service Facilities Overlay District which are within a reasonable distance from the proposed facility with respect to coverage, an inventory of existing personal wireless service facilities in other municipalities which can be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve and a report on the possibilities and opportunities for colocation as an alternative to a new site. The applicant must demonstrate that the proposed personal wireless service facility cannot be accommodated on an existing facility within the Personal Wireless Service Facilities Overlay District or on an existing facility in another municipality due to one or more of the following reasons:

(a) The proposed equipment would exceed the existing and reasonably potential structural capacity of existing and approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District, considering existing and planned use for those facilities.

(b) The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be prevented or mitigated.

(c) Existing or approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District or in neighboring municipalities do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and the applicant has not been able, following a good-faith effort, to reach an agreement with the owners of such facilities.

(d) Other reasons make it impracticable to place the proposed equipment on existing and approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District on existing facilities in other municipalities.

(e) Service to the locations to which the applicant seeks to provide service cannot be provided by existing facilities within or outside the Village.

The RF Report demonstrates that the significant gap in coverage cannot be remedied by locating a facility within the Overlay District, as the Overlay District is too far away from the gap in coverage. See RF Report. The ASA also demonstrates that collocation at an existing facility outside of the Overlay District or outside of the Village is also not feasible. See ASA.

(3) Maximum height. Unless the FCC promulgates rules to the contrary or the applicant demonstrates to the satisfaction of the board granting the special permit that a greater height is necessary, the maximum height for a tower or monopole shall be 80 feet above ground level or the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Village, whichever is less.

The RF Report demonstrates that the proposed height is the minimum height necessary, and that this “greater height” is therefore necessary to fill the significant gap in coverage. See RF Report. We therefore respectfully request that the Planning Board approve the Facility with its proposed height, without the need for an area variance, as the proposed height is necessary.

(4) Minimum lot size. The minimum lot size for a tower or monopole shall be equal to the square of twice the tower's or monopole's height, or the minimum lot size required by the underlying zoning district, whichever is greater.

The CD district requires a minimum lot size of 25 acres and the Property is at least 25 acres in size. See Site Plan Sheet SP-1.

(5) Setbacks. Unless the FCC promulgates rules to the contrary, all personal wireless service facilities shall be separated from all residential dwellings by a distance of no less than 500 feet. In no case shall a setback be less than 20 feet or the minimum setback required by the underlying zoning district, whichever is greater. The setback shall increase 100 feet for each 10 feet that the personal wireless service facility exceeds the

maximum height set forth in the underlying zoning district. Setbacks from towers or monopoles shall be measured from the base of the structure.

This would require a setback of 1,600 feet, and the Sheet TR-1 of the Site Plan demonstrates that there is no location on the Property where this setback can be met. In the event the Applicants' appeal of the Building Inspector's interpretation is denied, and it is determined that the setback requirement for facilities within the Overlay District applies to this Facility, which is located outside of the Overlay District, a variance will be sought from the Zoning Board of Appeals.

(6) Security fencing. Security fencing, showing the location, materials and height, shall be provided around each tower or monopole to secure the site and provide an opaque banner. Access to the structure shall be through a locked gate.

Details on the 6 foot proposed fence is included on Sheet C-3 of the Site Plan. The access gate will be locked.

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F. Design guidelines. The proposed personal wireless service facility shall meet the following applicable design guidelines:

(1) Finish/colors. Towers or monopoles not requiring Federal Aviation Administration (FAA) painting or marking shall either have a galvanized finish or be painted gray or blue-gray above the surrounding treeline and gray, green or tannish brown below the surrounding treeline.

There are no markings or painting required by the FAA. See FAA Determination of No Hazard to Air Navigation ("FAA Determination"). The Tower is proposed with a stealth monopine design as an alternative to painting the Facility.

(2) Illumination. No signals, lights or illumination shall be permitted on personal wireless service facilities unless required by the FAA or other federal, state or local authority.

There is no light on top of the Facility and no light required by the FAA. See FAA Determination.

(3) Landscaping for towers or monopoles. For towers or monopoles, vegetative screening shall be provided to effectively screen the tower base and accessory facilities. At a minimum, screening shall consist of one row of native evergreen shrubs or evergreen trees capable of forming a continuous hedge at least five feet in height within two years of planting. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement toward meeting landscaping requirements. Additional screening may be required to screen portions of the structure from nearby residential property or important views. All landscaping shall be properly maintained to ensure good health and viability.

. Existing vegetation will be preserved to the maximum extent practicable and will be used in supplement toward meeting landscaping requirements. A landscaping plan has been included with the Site Plan to provide further screening. See Sheet LS-1 of the Site Plan

(4) Visibility. All personal wireless service facilities shall be sited to have minimum adverse visual effect on residential areas, parks or major roadways.

The Facility has been strategically located and designed with a stealth monopine design to present minimum visibility. See VRA. By locating the Facility off of the ridgeline and away from a majority of the residences, and incorporating a stealth design, the Facility will be the least intrusive means to remedy the significant gap in coverage.

(5) Signage. Signage shall be prohibited on personal wireless service facilities except for signage to identify the facility which is located along the right-of-way frontage and is approved by the Architectural Review Board. Except as specifically required by a federal, state or local authority, no signage shall be permitted on equipment mounting structures or antennas.

No signs are proposed on the tower and the only signs proposed are the site identification sign and the FCC required signage. See Site Plan Sheet C-3.

Therefore, based on all the aforementioned reasons, the Applicants have met all of the applicable criteria for special permit approval and respectfully request that the Planning Board issue the special permit for the Facility.

VI. The Facility Meets the Requirements for Site Plan Approval

The instant application also involves a request for site plan approval pursuant to §110-45 of the Zoning Code. A site plan is permitted as of right when the applicant has demonstrated compliance with the applicable standards.

In reviewing the application, the following factors are offered for consideration in accordance with the Zoning Code. Please note that the following sections in **bold** face type are the actual quotes from the Zoning Code, and the response to each section is noted below.

A. General requirements.

(1) Site plan approval shall be required for all uses other than one-family residences and the buildings accessory thereto.

As the Facility is not a one-family residential use the Applicants respectfully request Site Plan Approval from the Planning Board.

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B. Objectives. In considering and acting upon site plans, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the proposed development,

if any, and of the immediate area in particular and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the extent possible, further the expressed purposes of this chapter and the accomplishment of the following objectives in particular:

(1) Pedestrian and vehicular access and safety: that all proposed accessways are adequate but not excessive in number, adequate in width, grade, alignment and visibility and not located too near to street corners or other places of public assembly; and other similar safety considerations.

The Facility is unmanned and will have a negligible impact on traffic. See EAF. The FCC licensed services provided from the Facility will also improve pedestrian and traffic safety in the area, as wireless services are routinely used to report traffic accidents.

(2) Circulation and parking: that adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots.

The Facility is unmanned and only requires infrequent (once a month) visits by a site technician, and therefore the use will not result in an increase on parking in the surrounding public streets. Adequate parking has been provided for the proposed unmanned use. See Site Plan.

(3) Landscaping and screening: that all areas where landscaping is required are reasonably screened at all seasons of the year, particularly from the view of adjacent residential lots and streets.

Landscaping has been proposed and can be seen on Sheet LS-1 of the Site Plan. The Facility has also been strategically located so that views from nearby residential properties in the Village are screened by vegetation or limited by topography. See VRA.

(4) Drainage and utilities: that all facilities for water, sanitary and storm sewer and other utility services are adequately designed and that the site drainage system affords the best practical solution to on- and off-site drainage problems.

The Facility presents a minimal addition of impervious surface to a large undeveloped property, does not use potable water, and does not produce waste. See EAF. Soil erosion and sediment control plans are shown on the Site Plan. See Site Plan Sheets EC-1 and EC-2. The Facility will use a gravel access drive and most areas within the equipment compound (other than foundation for tower and concrete slabs for equipment cabinets) will also be gravel, which will help capture stormwater runoff and groundwater percolation.

(5) Character and appearance: that the site layout of the proposed use, buildings, structures, freestanding signs and lighting shall be in general harmony with the character and appearance of the surrounding area and that of the Village as a whole.

As noted in the VRA, views of the Facility are limited and the Facility also includes a stealth monopine design to camouflage any potential views of the Facility. Therefore, the Facility will be consistent with the character and appearance of the surrounding area.

(6) Environmental preservation: that the proposed development or use is designed so as to minimize any adverse environmental effects; that all water bodies, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, significant geological features and other areas of scenic or ecological value are preserved to the extent possible; that soil erosion is prevented to the extent possible; and that flood hazards are minimized.

The Application also involves a request for a Steep Slope permit, and as demonstrated in the Application materials, including the EAF, the Facility will not present any significant adverse environmental effects. The Facility has been strategically located off of the ridgeline. The Facility is unmanned, does not produce waste, odors or vibrations. There are no impacts to the water table or wetlands. Only minimal tree removal is presented and the Applicants are planting trees for landscaping. In addition, the Applicants have received a concurrence that no historic properties are within the areas of potential effects from New York State Historic Preservation Office dated October 29, 2020 (“SHPO Concurrence”). The Site Plan includes soil erosion and control measures and there are no flood areas within the project site.

(7) Fire protection: that all proposed structures, equipment and materials and the design of all sites are readily accessible for fire protection.

The Facility will be constructed to comply with all applicable fire protection and fire safety codes required.

(8) Master Plan: that the proposed site plan is in general conformance with the applicable provisions of the Master Plan of the Village of Mount Kisco, as may be in existence from time to time.

The Facility will be reasonably accessible for fire protection.

(9) Illumination: that the proposed development or use is designed so as to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass, and/or unnecessary sky glow, to discourage the waste of electricity, and to improve or maintain nighttime public safety, utility and security.

There is no light proposed on the tower and no light is to be installed other than a maintenance light at ground level only to be used by a technician in the event they are visiting the site during night hours. See FAA Determination. The Facility does not produce glare or sky glow. See EAF. Again, the FCC licensed services provided from the Facility will promote public safety in the area.

C. Procedure. The Planning Board shall approve or disapprove site plans in accordance with the following procedure:

(1) Prior to the submission of a formal site plan application, the applicant shall request the Planning Board to conduct a conceptual review of the proposed site plan. The request for such review shall be accompanied by the fee therefor set forth in Chapter A112 of this Code. The purpose of the conceptual review shall be to discuss the proposed site plan and the procedures and requirements of this section so that the

necessary subsequent steps may be taken with a clear understanding of the Planning Board requirements in matters relating to the development of the site.

The Applicants filed for a conceptual review meeting but no conceptual review meeting was conducted.

(2) Within six months following the presubmission conference and at least 15 days prior to the Planning Board meeting at which the plan is initially submitted to the Planning Board for review, 10 copies of the site plan and any related information, including a letter of application, shall be submitted to the Building Inspector. The fifteen-day requirement may be reduced to a minimum of 10 days at the discretion of the Planning Board, provided that said Board finds that such reduction will not preclude a thorough review of the site plan by appropriate Village officials prior to its presentation at the Planning Board meeting at which approval is requested. Subsequent submissions, data and material as deemed necessary and so requested by the Planning Board shall be submitted to the Building Inspector at least seven days prior to the meeting during which such data or material will be reviewed, unless specifically waived by the Planning Board.

The Applicants have submitted the necessary copies to the Village Planning Department for the requested approvals from the Planning Board.

(3) Each application for site plan approval, and each application for amendment to a site plan, shall be accompanied by the fee for approval of a site plan set forth in Chapter A112 of this Code, the purpose of which shall be to help defray the administrative costs related to the review of such site plan application. In the case of an application for amendment to a site plan, the Village Manager may waive the fee required herein, in whole or in part, where the proposed amendment is minor in character and will, in the judgment of the Village Manager, require minimal review by the Planning Board and staff.

The Applicants have paid the required application fees and submitted the required escrow submissions.

(4) The Building Inspector and Village Engineer shall review each proposed site plan or amended site plan for compliance with the Village Code. The Building Inspector shall present the site plan or amended site plan to the Planning Board only after he is satisfied that it does so comply with the Village Code. The application shall be deemed submitted to the Planning Board upon its presentation to the Board by the Building Inspector at a regular meeting. In the event that the Village Code is amended during the pendency of the application in any respect which may apply to the proposed site plan or amended site plan, the Planning Board shall suspend its review of the application and take no action with respect thereto until the Building Inspector has reviewed the site plan or amended site plan for compliance with the Village Code as amended. If the Building Inspector determines that the site plan does not comply with the Village Code as amended, the Building Inspector shall so report to the Planning Board, which shall thereupon deny the application for approval of the site plan or amended site plan.

The Applicants respectfully submit that the application for Site Plan approval is complete and the Facility complies with the Village Code. It is also respectfully submitted that the time period and methods for deeming the Application complete are superseded by federal law. See Shot Clock Order and 47 C.F.R. § 1.6003.

(5) When deemed appropriate by the Planning Board, the Fire Department shall be requested to review a site plan for fire access and safety considerations.

The Fire Department has reviewed the project.

(6) Applications for amendments to an approved site plan shall be made and acted upon in the same manner with the procedure set forth above. The Planning Board may refuse to consider an application for a new site plan or amendment to an approved site plan if the Building Inspector determines that the site is not in compliance with its current approved site plan by reason of the failure of the applicant or property owner to satisfy any of the conditions imposed upon the approval of such site plan.

The Application is for original site plan approval and there are no current approved site plans applicable to the proposed Facility.

(7) Superseding Subdivision 2 of § 7-725 of the Village Law insofar as it imposes a limitation upon the time within which the Planning Board must decide upon an application for site plan approval and anything to the contrary contained therein notwithstanding, the Planning Board shall decide upon an application for approval of a site plan within six months of its submission or any public hearing held thereon, whichever shall be later, and shall not be required to decide sooner.

This code section is inapplicable as the Application must be reviewed in accordance with the reasonable period of time as interpreted by the FCC, which for the instant application is 150 days from filing a complete application. See 47 C.F.R. § 1.6003.

(8) In order to ensure that the cost to the Village of any engineering, planning, legal or other expert consultations required in connection with the review of any application for approval of a site plan or amendment to an approved site plan shall be borne by the applicant, the applicant shall, upon the submission of an application pursuant to this section, deposit with the Treasurer of the Village/Town of Mount Kisco a sum in the amount set forth in § A112-110C of this Code; provided, however, that upon a resolution of the Planning Board, adopted by a vote of not less than 2/3 of the membership of such Board, finding that a deposit in a lesser amount will be sufficient to satisfy the anticipated cost of reviewing the application, the applicant may satisfy its obligation under this section to make an initial deposit by depositing such lesser amount. The Planning Board shall not consider any application for which a deposit is required under this section until the Treasurer has certified that the required deposit has been made. The sum deposited shall be held by the Treasurer in a separate trust and agency account for the benefit of the applicant and will be disbursed by the Treasurer for the payment of such engineering, planning, legal or other expert consultations as are required by the Board of Trustees, Planning Board or Village

Manager for the review of the application for approval of the site plan or amendment to an approved site plan or other application related thereto, in accordance with the usual requirements of the Village for the payment of bills. In the event that, prior to the completion of the review of the application, the sum deposited is depleted to the amount set forth in Column B of § A112-110C, the applicant shall deposit an additional amount as set forth in Column C of § A112-110C. Review of the application shall be suspended until the applicant makes the additional required deposit. After the final action of the Planning Board with respect to the application and upon payment of all of the fees for the reviews contemplated herein, the balance remaining in the trust and agency account shall be returned to the applicant. The requirements of this section shall be strictly enforced by the Planning Board and the Building Inspector, and no certificate of occupancy shall be granted until all of the fees required to be paid pursuant to this section have been paid.

The Applicants have submitted the required fees and escrow funds.

D. Site plan elements. The applicant shall submit a site plan signed and sealed by the registered architect or professional engineer responsible for the preparation of said site plan. The site plan shall include those elements hereinafter listed or as indicated by the Planning Board in the presubmission conference. This information, in total, shall constitute the site plan. Unless specifically modified by the Planning Board, the site plan shall be prepared at a scale of one inch equals 30 feet.

(1) Legal data.

(a) The section block and lot number of the property, taken from the latest tax records.

The section block and lot is 80.44-1-1 and can be found on Sheet T-1 of the Site Plan.

(b) The name and address of the owner of record and applicant if not the same.

The Property Owner is Skull Island Partners LLC, and the Applicants are Homeland Towers, LLP and Verizon Wireless. This information is listed on Sheet T-1 of the Site Plan.

(c) The name and address of the person, firm or organization preparing the plan.

The Site Plan has been prepared by Scott M. Chasse P.E. of APT Engineering with offices located at 567 Vauxhall Street Extension- Suite 311, Waterford, CT 06385.

(d) The date, North arrow and graphic scale.

The Site Plan includes a date, compass arrow pointing north and a graphic scale on each plan sheet.

(e) Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and tenths of a foot. All angles shall be given to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.

The boundary information has been included in the Site Plan which includes a survey.

(f) A vicinity map identifying the location of the site in context to the surrounding area.

Sheets R-1 and SP-1 of the Site Plan include such a Map.

(g) The location, names and existing widths of adjacent streets and curblines.

The locations, names and existing widths of adjacent streets and curblines are shown on Sheets R-1 and SP-1 of the Site Plan.

(h) The locations and owners of all adjoining lands, as shown on the latest tax records.

The locations and owners of all adjoining lands are displayed on Sheet R-1 of the Site Plan.

(i) The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjacent to the property.

There are no areas dedicated to public use as this is a public utility telecommunications facility. The information regarding easements can be found on the Survey included with the Site Plan and the setback information has been detailed on Sheet SP-1 of the Site Plan.

(j) A complete outline of existing deed restrictions or covenants applying to the property.

A copy of the Deed has been submitted with the Application.

(k) Existing zoning district boundaries.

This information can be found on Sheet SP-1 of the Site Plan.

(2) Natural features.

(a) Existing contours with intervals of two feet or less, referred to a datum satisfactory to the Village Engineer.

The Survey and Sheet SP-3 of the Site Plan contain this information.

(b) The location of existing watercourses, wetlands, wooded areas, rock outcrops, areas of slope in excess of 20%, trees with a diameter of eight inches or more, measured three feet above the base of the trunk, and other significant environmental features.

There are no watercourses, wetlands or rock outcrops near the project area. Wooded areas, steep slopes, and trees to be protected and trees to be removed are shown on the Site Plan. See Site Plan Sheet LS-1.

(3) Existing structures and utilities.

(a) The location of uses and outlines of structures, drawn to scale, on and within 50 feet of the lot.

Sheet SP-1 of the Site Plan displays this information.

(b) Paved areas, sidewalks and vehicular access between the site and public streets.

The access drive has been included on the Site Plan, but there are no proposed sidewalks or other paved areas for vehicles or pedestrians.

(c) Locations, dimensions, grades and flow directions of existing sewers, culverts and waterlines, as well as other underground and aboveground utilities within and adjacent to the property.

Information regarding aboveground utilities can be found on sheets SP-2 and SP3. The Facility does not use potable water or produce wastewater, and therefore no waterlines, sewers or culverts are required.

(d) Other existing development, including fences, landscaping and screening.

Landscaping is proposed and can be seen on Sheet SP-3 and information regarding the eight-foot tall chainlink fence for the equipment compound can be found on Sheet CP-1.

(4) Proposed development.

(a) The location of proposed buildings or structural improvements.

The proposed Facility and equipment compound are shown on the Site Plan.

(b) The location and design of all uses not requiring structures, including off-street parking and loading areas.

The Facility is unmanned and the access drive provides sufficient parking for the infrequent technician visits.

(c) The location, direction, power and time of use for any proposed outdoor lighting or public-address systems.

The only light proposed would be a downward facing maintenance light only to be used in the event a technician is at the site during night hours. See Site Plan Sheet C-4.

(d) The location and plans for any freestanding signs.

No freestanding signs are proposed.

(e) The location and arrangement of proposed means of pedestrian and vehicular access, including curbs, sidewalks, driveways or other paved areas, and profiles indicating grading and cross sections showing the width of roadways and the location and width of sidewalks and curbs.

The access drive is shown on the Site Plan but there are no means for public access as the Facility is a public utility and not open to the public. However, the driveway has been widened to provide access to local emergency services in the event access to the Facility is necessary for those purposes. See Site Plan.

(f) Any proposed screening and other landscaping, including types and locations of proposed street trees, on a landscape plan prepared by a licensed architect or landscape architect.

Landscaping is proposed and has been detailed on Sheet LS-1 of the Site Plan.

(g) The location of all proposed waterlines, valves and hydrants, the location of storm sewers and drainage facilities and the location of all sewer lines and appurtenances or the location of alternate means of water supply and sewage disposal and treatment.

The Facility does not use water and does not produce sewage, therefore none of the above waterlines or sewer lines are proposed. See EAF.

(h) An outline of any proposed easements, deed restrictions or covenants.

The access drive is shown on the Site Plan and there are no relevant deed restrictions or covenants to be shown. See Survey on Site Plan and Sheet SP-2 of Site Plan.

(i) A quantitative summary of proposed site plan features, to include the gross lot area, net lot area, site development coverage, building coverage and building square footages.

This information is detailed on Sheet SP-1 of the Site Plan.

(j) Any contemplated public improvements on adjoining properties.

There are no contemplated public improvements on adjoining properties.

(k) Any proposed new grades, indicating clearly how such grades will meet existing grades.

All proposed grading information can be found on Sheet SP-3 of the Site Plan.

(l) An illumination plan in accordance with § 110-32C of this chapter.

As the only lighting proposed is a downward facing maintenance light only to be used in the event of a technician working at night. An illumination plan can be found on Sheet C-4 of the Site Plan. There is no light proposed on the tower. See FAA Determination.

(5) If the site plan encompasses a large tract with several principal buildings, the applicant may submit a staging plan for the entire tract, or the Planning Board may require an overall plan for said tract in accordance with existing zoning controls, assuming the first-stage use encompasses the entire tract. Such a plan shall indicate an overall illustrated design for the entire site, plus detailed information for the first stage or stages. The Planning Board shall review the stage presented in accordance with the provisions of this section and also with reference to the overall development planned for the site.

This project is not being proposed in stages.

(6) The submission shall also include a completed site plan application checklist, copies of which are available from the Building Inspector.

The Applicants have submitted the Site Plan Application Checklist.

(7) Upon findings of the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Board may vary or waive the provision of such information, provided that such waiver will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the site plan submission, Official Map, Village Comprehensive Plan or this chapter.

The Applicants respectfully request the waivers as noted in this Memo.

(8) A stormwater pollution prevention plan consistent with the requirements of Article XIV of this chapter and Chapter 92A shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Article XIV of this chapter. The approved site plan shall be consistent with the provisions of Article XIV of this chapter and Chapter 92A. [Added 1-7-2008 by L.L. No. 1-2008]

The Site Plan includes the necessary stormwater pollution prevention plan details.

Therefore, based on all the aforementioned reasons, the Applicants have met all of the applicable criteria for site plan approval and respectfully request that the Planning Board issue site plan approval for the Facility.

VII. The Facility Meets the Statutory Requirements for the Area Variances Requested and is a Public Utility

In the event Applicants' appeal of the Building Inspector's Interpretation is denied, the Applicants respectfully request in the alternative area variance relief from the variances noted in the Building Inspector Memo, and as stated with more specificity below.

- 1) Relief from setback of 1,600 feet from all residential dwellings contained in §110-27.1(E)(4); and
- 2) Relief from maximum height set by §110-27.1(E)(3).

Where a zoning board is considering an application involving a public utility, such as in the instant case, there is a relaxed standard for the requested variances. The Court in Rosenberg, supra, held that the traditional test for a variance does not apply to public utilities, such as Verizon Wireless, and that public utilities are entitled to a public utility variance exception. The Court held that the test for a variance for a public utility only requires the utility to show that the application is necessary "to render safe and adequate service and that

there are compelling reasons economic or otherwise,” for the Facility at the Property. Id. at 372. The Court further 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. The Court also made clear that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities. Id. “This has been interpreted in the context of zoning decisions for telecommunications facilities to require that ‘[a] telecommunications provider that is seeking a variance for a proposed facility need only establish [1] that there are gaps in service, [2] that the location of the proposed facility will remedy those gaps and [3] that the facility presents a minimal intrusion on the community.’” New York SMSA Ltd. Partnership v. Vil. of Floral Park Bd. of Trustees, 812 F.Supp.2d 143, 154 (EDNY 2011), quoting Site Acquisitions, Inc. v. Town of New Scotland, 2A.D.3d 1135, 770 N.Y.S.2d 157 (3d Dep’t 2003); See also, Decarr v. Zoning Bd. of Appeals for Town of Verona, 62 N.Y.S.3d 244, 247 (4th Dept 2017); See also, Omnipoint Commc’ns, Inc. v. City of White Plains, 430 F.3d 529, 535 (2d Cir. 2005).

As demonstrated in the RF Report, the proposed Facility is necessary to fill a significant gap in service for Verizon Wireless. See RF Report. The service provided by the Facility will fill the identified significant gap in, and enhance reliable wireless coverage to public and private users, including police, fire, ambulance and emergency response personnel. In addition, the Facility will be designed to support future municipal emergency communications equipment. See Site Plan Sheets CP-1, A-1, and A-2. This Facility also offers the ability for collocation of additional carriers in the area. Thus, by approving the requested variances the Zoning Board will further the Applicants’ goal to provide those living, working, and traveling within the areas surrounding the Facility with reliable personal wireless services.

The Facility on the Property in the instant case is ideally located to remedy the gap in service. The size, location, height, bulk, use and appearance of the Facility is such that the Facility will be in harmony with the character of the neighborhood for a number of reasons. **First**, due to its location in a less densely populated area of the Village, on a property containing and surrounded by tall trees, the Facility will fill the significant gap in wireless services while providing a Facility that is minimally visible to the surrounding public. See VRA. **Second**, the Facility will comply with all applicable laws and standards, and will not adversely affect the public health, safety or the general welfare, as demonstrated by the FCC Compliance Report and EAF. **Third**, the Facility has been designed to include a hinge point that will reduce the fall zone. See Structural Letter. With the closest Property line being approximately 109 feet away the Facility has been designed to fall well within the Property lines in the unlikely event of a collapse. See Structural Letter. **Fourth**, the Facility will serve the neighborhood and benefit the entire community by filling a significant gap in wireless telecommunications services, which is particularly well suited for responding to accidents, lost hikers, natural disasters, and for reporting medical emergencies and other dangers such as potential criminal activity. **Fifth**, the Facility is the minimum height necessary to remedy the gap in service. See RF Report. **Sixth**, the Facility includes a stealth Monopine design to further reduce the visibility of the Facility. See VRA and Site Plan.

Furthermore, the project will not adversely affect the environment. See EAF. The project will have no impact on pedestrian or vehicular traffic, since the proposed Facility is

unmanned requiring infrequent maintenance visits of approximately once per month. The nature of the operations in connection with the project will not be objectionable to nearby properties or the environment since the Facility will not produce any smoke, odor, heat, dust, or fumes. See EAF. In addition, the Facility will be unmanned, will not generate solid waste, waste water or sewage, and will not require water supply or waste disposal, and will not attract insects, vermin or other vectors. Also, the Applicants have submitted a letter from APT Engineering dated October 29, 2020 (“Generator Letter”) confirming that the generator proposed at the Facility will still be compliant with the Village Code Requirements. See Generator Letter. The Facility will have no impact on historic or scenic resources. See SHPO Concurrence. Therefore, based on all of the aforementioned reasons the Facility will not have an adverse environmental impact.

With respect to health and safety, the FCC Compliance Report previously submitted, establishes that RF emissions from the Facility, even under worst case conditions, will be in compliance with all safety criteria specified by the FCC as required by the TCA. In fact, the emissions from the Facility under worst case scenarios are still less than 2.02% of the FCC limit or approximately 45 times below the applicable limit. See FCC Compliance Report.

Finally, there are no other means feasible for the Applicants to pursue, other than the area variance(s) since there are no locations on the Property that allow for the Facility to be located to at least 1,600 feet from all residences and the height proposed is the minimum height necessary. See Site Plan Sheet TR-1 and RF Report. However, the proposed location for the Facility on the Property does provide at least a 197-foot setback from the nearest existing residential dwelling (care-taker cottage on Marsh Sanctuary property), which is over the height of the Facility plus 50 feet. See Site Plan Sheet TR-1. It should also be noted that the next closest residence, that is not on the Marsh Sanctuary property, is located approximately 388 feet away from the tower, which is over two-and one-half times the height of the Facility. See Site Plan Sheet TR-1. The Facility includes a stealth design to further reduce visibility of the Facility. See VRA. Also, the Facility has been designed so as to fall completely within the Property lines in the unlikely event of a collapse. See Structural Letter.

Based on the foregoing, it is respectfully submitted that the Applicants have complied with the requirements for the grant of the requested area variances pursuant to the Rosenberg standard applicable to public utilities. As stated above because the FCC licensed carriers are public utilities for zoning purposes and the area variances requested are reviewed under the public utility exception standard. See Decarr, at 247 (“[m]oreover, inasmuch as the Applicants include a public utility, the ZBA was further limited in its discretion to deny the area variance”). Therefore, based on the aforementioned, the Applicants have complied with the requirements for the grant of area variances pursuant to the public utility exception standard. See Rosenberg. See also, Decarr.

However, in additional support of the request for area variances the Applicants offer the following:

- 1) The Facility on the Property will not produce an undesirable change in the character of the neighborhood as shown in the VRA. See VRA. The Facility will also not produce a detriment to nearby properties as the Facility will not produce any smoke,

odor, heat, dust, or fumes. See EAF. The Facility includes a stealth design Monopine. See VRA. In addition, the Facility will be unmanned, will not generate solid waste, waste water or sewage, and will not require water supply or waste disposal, and will not attract insects, vermin or other vectors;

- 2) As demonstrated on Sheet TR-1 of the Site Plan there is no area on the Property that would allow the Facility to meet the 1,600 foot setback from residential dwellings. See Site Plan. The Structural Letter also certifies that the Facility would fall well within the property lines in the unlikely event of a collapse. The Facility is needed to fill the significant gap in coverage identified in the areas surrounding the Property. See RF Report;
- 3) The requested relief is not substantial. The Facility meets all of the other setback and height requirements (see RF Report) and all other criteria for the special permit and site plan approvals requested. See Site Plan. The Facility has been strategically located so that the Facility is less visible to residential properties. See VRA. The Facility will also, in the unlikely event of a collapse, still fall within the property lines. See Structural Letter;
- 4) The Facility will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood as demonstrated in the EAF, the Generator Letter, the FCC Compliance Report and the VRA; and
- 5) The alleged difficulty is not self-created but is rather a result of the size of the Property, and the location of off-site residential dwellings. The location of the Facility is also dictated by the number of users in the area, topography, availability of obtaining a lease for the property, and the coverage needs of the area. The RF Report demonstrates that there is a significant gap in service in the areas surrounding the proposed Facility, and that the proposed Facility is of the minimum height necessary to fill this significant gap in service. Furthermore, this particular factor does not preclude the granting of the area variance. See Town Law §267-b(3)(b)(5).

Based on the above the Applicants have demonstrated that the Facility meets all of the applicable criteria for issuance of the following area variances:

- 1) Relief from setback of 1,600 feet from all residential dwellings contained in §110-27.1(E)(4); and
- 2) Relief from maximum height set by §110-27.1(E)(3).

Please note that although the Building Inspector's Memo noted a variance was needed for relief from §110-31 for a fence height of 8 feet where a maximum fence height of 6 feet 6 inches is required, the Applicants have revised the plans to propose a 6-foot fence. See Site Plan Sheet C-3. As the fence now complies with the Zoning Code no relief is necessary.

Also, although the Building Inspector's Memo noted this proposed Facility may impact the minimum lot area for the solar project on the same property, the minimum lot area

requirement does not apply to the wireless facility, and therefore no relief is required for this Application. Whether this creates an additional variance for the solar project is for the Building Inspector to decide, but this code section cannot be applied to this Facility. Out of an abundance of caution, to the extent that a variance is deemed required, the Applicants respectfully request same for all of the reasons set forth above.

VIII. Steep Slope Permit and Compliance with §110-33.1(A) of the Zoning Code

The Application also includes a request for a Steep Slope Permit in accordance with §110-33.1(A) of the Zoning Code. A letter from the Applicants' project engineer has been submitted herewith detailing compliance with the requirements for a Steep Slope Permit.

Conclusion

By granting the approvals requested herein the Planning Board and Zoning Board of Appeals will permit Verizon Wireless to improve its network and provide local businesses, residents and public service entities with a safe and reliable wireless communications alternative. There will be no significant adverse effects from the project.

WHEREFORE, for all of the foregoing reasons, the Applicants respectfully pray that the Planning Board issue a Negative Declaration, and issue the site plan approval, special permit and Steep Slope permit, and the Zoning Board of Appeals grant the Applicants' appeal of the Building Inspector's determination or in the alternative issue the area variances requested.

Dated: November 3, 2020
Tarrytown, New York

Respectfully submitted,

/s/ Robert D. Gaudio
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Village Attorney 2019 Memo



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May 20, 2019

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104 Main Street
Mount Kisco, New York 10549

Hon. Douglas Hertz, Chairman
Mount Kisco Planning Board
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

**Re: Crown Castle Cell Tower Replacement
1 Mountain Road
Section 69.56, Block 4, Lot 6 & 7**

Dear Mayor Picinich, Chairman Hertz and Members of the Boards:

With respect to the above referenced application, both the Village Planner and Building Inspector have requested input as to the proper application and interpretation of certain state and local laws. Accordingly, I am setting forth below the inquiries that have been made and my responses, but please keep in mind that under our Code and Village Law §7-712-a the Building Inspector is charged in the first instance with rendering interpretations. Accordingly, this is merely my suggested analysis.

First, Mr. Johannessen's May 9th, 2019 memo makes the following comment in Paragraph #6:

"We defer to the Building Inspector and Village Attorney regarding zoning compliance, specifically as it relates to zoning tower height, setbacks, and minimum lot size, as specified within Section 110-27.1."

The statement above emanates from earlier discussions that the Building Inspector, Planner and I have had regarding the requisite procedures and development criteria relating to applications "outside" the Personal Wireless Facilities Overlay District.

Section 110-27.1, entitled “PWSF Personal Wireless Service Facilities Overlay District” was adopted on 10-21-1996 by Local Law No. 3-1996 to (a) create an Overlay District to provide suitable choice of locations for wireless service facilities, and b) address the potential scenario where the most ideal locations are either not within the Overlay District or where Overlay District was incapable of providing a site that could provide the requisite coverage. Under § 110-27.1 H, the Planning Board is the permitting agency for special permits that are either within the Overlay District or outside the Overlay District on non-Village-owned land. Conversely, the Board of Trustees has retained jurisdiction to review and determine such special permit applications that are outside of the Overlay District and on Village-owned lands.

The Board of Trustees has enacted local law criteria or standards by which the Planning Board must evaluate and act upon its applications, as more thoroughly set forth in § 110-27.1 and § 110-46 (See §110-27.1 B). However, as the legislative body within the Village that adopts and repeals local zoning laws, the Village Board did not and does not have to subject itself to the same requirements for special permit applications before the Village Board (e.g. on Village-owned properties), affording it greater flexibility and discretion. This is specifically set forth in § 110-27.1 B which provides:

“Except as s specified in § 110-27H (Special permits for sites outside the Personal Wireless Service Facilities Overlay District), all new personal wireless service facilities, and all additions and/or modifications to currently existing personal wireless service facilities, shall be allowed only in the Personal Wireless Service Facilities Overlay District and only pursuant to a special permit issued by the Planning Board in accordance with the criteria set forth in this section and in § 110-46 of the Zoning Law.”
(emphasis supplied)

By implication, the local law states that applications exempted by § 110-27.1 H do not have to comply or be “in accordance with the criteria set forth in this section [§ 110-27.1] and in § 110-46 of the Zoning Law.” In fact, § 110-27.1 H sets forth a completely different set of criteria by which to evaluate such applications. [§ 110-27.1 H(1)-(4)].

Section 110-27.1 H only permits exemption from the mandates of the balance of § 110-27.1 and § 110-46 where:

“a New York State-licensed professional engineer specializing in electrical engineering with expertise in radio communication facilities establishes to the satisfaction of the approving agency all of the following:

- (1) That the personal wireless service facility is needed to provide coverage to an area of the Village that currently has inadequate coverage and is of the minimum height and aesthetic intrusion necessary to provide that coverage;
- (2) That coverage cannot be provided by a personal wireless service facility located within the Personal Wireless Service Facilities Overlay District;

(3) That all reasonable measures in siting the personal wireless service facility within the Personal Wireless Service Facilities Overlay District have been exhausted; and

(4) That technical and space limitations prevent location or colocation in the Personal Wireless Service Facilities Overlay District.

Based upon the above and the submissions made to date, it seems clear that (a) the applicant's special permit application is for a facility outside of the PWSF Overlay District and (b) is on Village-owned property. Accordingly, if the applicant's RF Engineer submits documentation to sufficiently establish to the Board of Trustees' satisfaction that the four (4) criterion set forth above have been met, then the special permit application shall be deemed exempt from the other provisions of §§ 110-27.1 and 110-46. By way of example and not limitation, maximum height, setbacks, minimum lot size and other similar criteria shall not be requirements of applications on Village-owned land being reviewed by the Board of Trustees.

Notwithstanding the aforesaid, I hasten to point out that nothing within § 110-27.1 speaks to the issue of exempting any such special permit application from the requirements of § 110-45 (Site Plan Approval). Since, § 110-45 A(1) expressly provides that "site plan approval shall be required for all uses other than one-family residences and buildings accessory thereto" the Planning Board retains its site plan review authority.

In concluding the above analysis, I want to clear up a bit of confusion that seems to persist regarding the local regulation to which this site and application are subject. Having been the subject of past zoning variances and associated litigations, there seems to be some question as to how zoning regulations applied before but not now. First, zoning regulations do still apply, as evidenced by the fact that the Planning Board still possesses site plan review authority. Second, there was a legislative change in the Village's zoning as of October 21, 1996, whereby the PWSF Overlay District was created and the requirements and procedures were modified. As relates to this particular property, it was exempted from the application of many of the underlying requirements of § 110-27.1 if the mandates of § 110-27.1 H were met. The prior zoning variance applications and (and litigation) as well as Planning Board approvals all predated the adoption of the PWSF Overlay District regulations. Since the enactment of § 110-27.1, the Village Board has been the sole permitting authority for special permits and the Planning Board has solely retained jurisdiction for site plan approval (PB-2007-12, adopted 4-28-2009). Expressly within the Planning Board's resolution of Site Plan Approval, the following was recited:

"WHEREAS, the Planning Board determined that a special permit approval was required from the Village Board because the property is Village owned and is owned and is located outside the personal wireless communication facilities overlay district; and

WHEREAS, the applicant received special permit approval from the Village Board and was referred back to the Planning Board to obtain site plan approval;"

Regarding the inquiry as to whether or not the visual addendum to the EAF should be included (Paragraph #8), I concur with the Planner's position that it should be included as irrespective of the statutory form prepared by DEC, it is a requirement of the Village Zoning Code for wireless applications.

As to Paragraph #10 (whether any additional variances or modification to prior zoning board decisions needs to be made), I do not believe that any such actions need be undertaken provided that the Applicant has satisfied the four criteria necessary to be exempted from the provisions of § 110-27.1 by § 110-27.1 H. Provided that this application is exempt from § 110-27.1 it need not meet the requirements of such section or § 110-46.

Sincerely,

Whitney Singleton

Whitney Singleton

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

Date of Action: 10/29/2020

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

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

Comment Text: The NYSHPO concurs with the recommended effect finding based on the information provided. Reviewed by J.A. Bonafide, NYSHPO

File Number: 0009277271

TCNS Number: 219961

Purpose: New Tower Submission Packet

Notification Date: 7AM EST 10/29/2020

Applicant: Homeland Towers, LLC

Consultant: EnviroBusiness, Inc. d/b/a EBI Consulting (6120007971)

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

Site Name: Mt Kisco / NY 172

Site Address: 180 South Bedford Road

Detailed Description of Project: Proposed construction of a new telecommunications monopine and compound resulting in ground disturbance. Please see Attachment 4 of this filing for project design details. (6120007971)

Site Coordinates: 41-11-58.7 N, 73-42-48.6 W

City: Mt Kisco

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.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AEA-9662-OE
Prior Study No.
2020-AEA-5941-OE

Issued Date: 10/02/2020

Christine Vergati
Homeland Towers, LLC
9 Harmony Street
2nd Floor
Danbury, CT 06810

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole NY172 Mt Kisco
Location: Mount Kisco, NY
Latitude: 41-11-58.66N NAD 83
Longitude: 73-42-48.55W
Heights: 426 feet site elevation (SE)
145 feet above ground level (AGL)
571 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 04/02/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact our office at (718) 553-4199, or Dianne.Marin@FAA.GOV. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AEA-9662-OE.

Signature Control No: 450486594-452812705
Dianne Marin
Technician

(DNE)

Attachment(s)
Case Description
Frequency Data
Map(s)

cc: FCC

re-filing on updated 1A Survey data.

Frequency Data for ASN 2020-AEA-9662-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W





HOMELAND TOWERS, LLC

NY172 MOUNT KISCO 4 SITE

**180 S BEDFORD ROAD
MOUNT KISCO
WESTCHESTER COUNTY, NY**

OCTOBER 28, 2020

**DOMINIC C. VILLECCO
DAVID K. STERN**

Rev. 5

V-COMM L.L.C
2540 US Highway 130, Suite 101
Cranbury, NJ 08512
609-655-1200
609-409-1927



SUPPLEMENTAL REPORT

V-COMM, L.L.C. has been retained by Homeland Towers, LLC to provide expert analysis in association with Verizon Wireless for its proposed wireless communications facility located at 180 S Bedford Road, Mount Kisco, NY.

This supplemental report and attached coverage plots are provided in response to the Completeness¹ Memo summarizing HDR's review of application materials submitted in regards to the proposed facility in the Village/Town of Mount Kisco.

Items addressed in the report are numbered according to the Request.

3. *Verizon should also describe if the use of small cells to remedy service needs in the area has been considered or is feasible in lieu of a new monopole structure.*

Response: As part of this analysis, V-COMM investigated the use of alternative technologies such as microcells or small network nodes, and found these are not feasible at this location.

Typically, small network nodes, ODAS or repeater nodes, are used in a campus or dense urban environment to provide capacity or coverage in a specific venue to supplement the existing coverage and capacity of the macrocell network. In suburban areas like Mount Kisco, with significant variations in terrain features, these outdoor small cell nodes have not proven to be a viable alternative to traditional macro sites like that proposed.

The ODAS nodes are usually placed on electric poles or telephone poles. The ODAS nodes are also limited in its coverage radius such that 2100MHz coverage range is approximately 800 to 1000 ft. for ideal line of sight conditions in open areas. However, the area surrounding of Mount Kisco are covered by dense trees that will decrease the signal level and reduce the coverage range further as compared to line of sight conditions. Dense trees can result in significant reductions in coverage range that are less than half the range of open areas. Thus, ODAS nodes are more suitable for open areas. In example, within the coverage gap, there are houses along Stratford Drive towards Carlton Drive, and Sarles Street surrounded by trees, which are areas that do not have reliable coverage. Also, cell phone coverage is vital for proper preparedness in the face of emergencies, and the ODAS nodes do not have battery backup in cases of lost electrical power. In addition, some communities such as Mount Kisco Chase do not have telephone poles available, which besides mounting the antenna equipment also provide the necessary power and fiber for ODAS nodes, and these areas are 2000 ft. to 4000 ft. away from the nearest road with telephone poles on S. Bedford Rd, thus these areas would not have coverage and would not fill the gap in service in the area. Further, for any areas with existing telephone poles, the carrier in many cases would need to place a number of new poles to support their antenna and equipment as many

¹ Please note that the additional requested information is not required by the Town/Village code.



Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020

existing poles cannot support their equipment, and these existing and new poles would be in close proximity to houses in the township, as well.

These low height, low power nodes have very limited site coverage distances, and only provide acceptable coverage in areas with no terrain or foliage blockage features. In this area, due to its significant terrain features (up to 100 foot ground elevation changes over short distances) with substantial tree growth and foliage signal blockage and losses, small network nodes would not a viable replacement to the proposed 140 foot structure, which as demonstrated herein covers the gap in service and provides contiguous service with neighboring sites.

Taking into account the coverage, capacity and design requirements of macrocell networks, it is not feasible to deploy small network nodes, ODAS or repeater nodes as an alternate technology to meet Verizon Wireless' coverage requirements in the Village/Town of Mount Kisco.



8. For each of the existing Verizon cell sites discussed in the RF Justification (V-COMM report), add the distances to the proposed site at 180 S. Bedford Road to Table 1.

Response: Below is the subject site and surrounding existing cell sites for the Verizon Wireless network with the distances to the subject site.

Cell No.	Cell Name	Address	Antenna C/L in Ft.	Distance to the proposed site (mi)
<i>Subject Site</i>	NY172 Mount Kisco 4	180 S Bedford Road Mount Kisco	137	0.00
56	Bedford 3	I-684 & Route 172 Mount Kisco	127	1.49
174	North Armonk	Baldwin Road At Route 684 Mount Kisco	110.03	2.83
185	Mount Kisco 2	5 Green Lane Bedford Hills	137.54	1.82
230	Bedford Fox Lane	Bedford Fox Lane School Bedford	49.21	2.10
234	Readers Digest	Readers Digest Road Chappaqua	50.91	2.52
266	Mount Kisco	304 Lexington Avenue Mount Kisco	149	1.31
313	Wampus Lake	620 Armonk Road Mount Kisco	128.03	2.87
(Proposed)	Mount Kisco VZCO SNN	45 East Main Street Mount Kisco	97	0.93
(Zoning Approved)	Mount Kisco 3	1 Mountain Ave Mount Kisco	94	1.32

Please note that the proposed coverage from the proposed site at 45 East Main Street and the zoning approved site at 1 Mountain Avenue has been provided on the propagation maps that have been submitted.



9. *The propagation maps for 700 MHz and 2100 MHz / existing and proposed conditions should be updated to include the (-105) dBm RSRP for 'Open Space / Best Server' for comparison.*

Response: The service boundary of a 4G site is defined using RSRP equating to an acceptable receiver signal threshold. This value is derived from industry standards, 4G received signal levels and quality and acceptable signal to noise ratios, along with statistically quantifiable variations in terrain. This threshold must also take into account additional losses associated with surrounding location of the mobile user and signal path from the cell site.

Verizon Wireless must provide service to all customers including those in buildings. In order to account for users within buildings, additional margins must be included in the minimum RSRP level so that adequate and reliable coverage exists inside buildings. This additional margin also is required for in-vehicle service specifically to account for increased path loss associated with user body losses and losses for signal penetration for the in-vehicle use.

Verizon Wireless design criteria for its system is -95 dBm and equates to the minimally acceptable received signal level for adequate service, as measured at the mobile's receiver and accounts for the required in-building and in-vehicle customer use. Furthermore, the signal level of -105 dBm would only serve customers outdoor in open areas (i.e. standing on the street), which is an extremely small percentage of customers usage, and is not sufficient to serve customers in buildings. The vast majority (greater than 80%) of all usage is indoors, and this is the locations where all communications including emergency communications are required from a wireless network, per FCC regulations.

Maps 7 through 10 shows the existing and proposed coverage at -95 dBm for in-building and in-vehicle on-street coverage, -105 dBm for Open Space Coverage. The -95 dBm coverage is represented in green for existing sites and proposed site. The -105 dBm coverage is represented in yellow for existing sites and proposed site.

* Map 7 depicts the RF coverage from the existing Verizon Wireless sites on Google Earth as underlying map for 700 MHz frequency band.

* Map 8 depicts the RF coverage from the proposed site on Google Earth as underlying map for 700 MHz frequency band.

* Map 9 depicts the RF coverage from the existing Verizon Wireless sites on Google Earth as underlying map for 2100 MHz frequency band.

* Map 10 depicts the RF coverage from the proposed site on Google Earth as underlying map for 2100 MHz frequency band

10. *New propagation maps should be included (for 700 MHz and 2100 MHz; and for 'Open Space' and -95 dBm RSRP) for the following alternate monopole heights:*

a. *80 ft. (77-ft Verizon antenna centerline height)*

b. *125 ft. (122-ft Verizon antenna centerline height)*

The alternate height maps will be useful in justifying need (110-27.1 E (3))

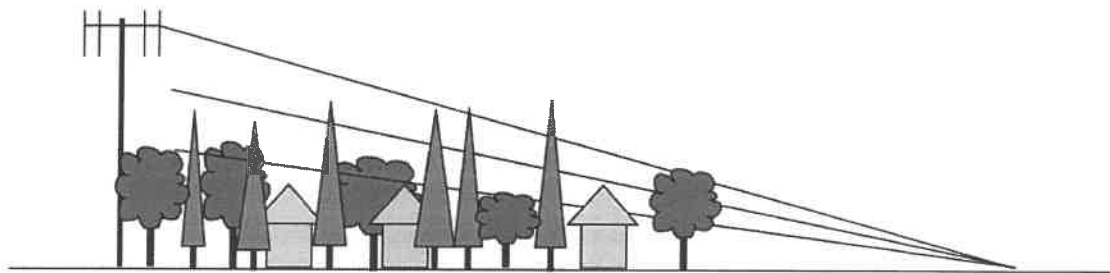
Maps 11 through 14 shows the proposed site coverage at -95 dBm in dark blue.

* Map 11 depicts the RF coverage from the proposed site at 700 MHz frequency band at 122 ft. antenna centerline.

- * Map 12 depicts the RF coverage from the proposed site at 700 MHz frequency band at 77 ft. antenna centerline.
- * Map 13 depicts the RF coverage from the proposed site at 2100 MHz frequency band at 122 ft. antenna centerline.
- * Map 14 depicts the RF coverage from the proposed site at 2100 MHz frequency band at 77 ft. antenna centerline.

As the antenna center line (ACL) descends from the proposed 137 feet, it enters into a range where clutter becomes an increasingly problematic factor. Examples of clutter are trees, houses, buildings, soil, and other physical objects on the ground. Clutter attenuates or weakens and disperses, the RF energy necessary for wireless telecommunications. As the ACL descends RF energy is increasingly attenuated by the total accumulated volume of clutter. A graphic depiction of attenuation is found in Figure 1 (not to scale).

FIGURE 1 – IMPACT OF CLUTTER



The lower height of 77 ft. provides approximately 0.5 sq. miles of coverage within the existing gap of coverage, however this results in an area that does not cover approximately 50 to 75 houses within the existing gap. Reducing the centerline to 122 ft. provides less coverage than the proposed height, and results some areas of the gap not covered including approximately 25 houses that would be losing reliable in-building coverage. In addition, for both of the reduced antenna heights shown above, Route 172 towards Darlington Road, Sarles Street, Carlton Drive and areas around Marsh Memorial Sanctuary, Guard Hill Preserve will lose reliable coverage, and the proposed antenna height will cover these areas. Therefore, the proposed antenna centerline of 137 feet AGL is the minimum height required at this location to provide reliable coverage to these uncovered areas in the gap of service.



11. For existing Verizon sites with which the proposed facility will interact and for which the proposed facility will provide supplemental capacity, provide capacity charts for key performance indicators that demonstrate existing or future capacity issues (i.e., Forward Data Volume, Average Schedule Eligible User, Average Active Connection, and/or other parameter). If there are no capacity issues at these 'on air' sites at the current time, please confirm.

Response: V-COMM analyzed whether there was sufficient RF coverage and found that there was a gap in coverage for Verizon Wireless within the Village/Town of Mount Kisco. The goal of this search area is to provide full and seamless coverage to users of Verizon Wireless' services in and around the subject site. In the case of the Mount Kisco 4, Verizon Wireless also has insufficient capacity to handle the projected 4G voice and data traffic in the area. Therefore, the secondary need for the proposed location is the capacity relief to the existing surrounding Verizon Wireless sites. Without this capacity relief, Verizon Wireless subscribers will experience gaps in service caused by insufficient network capacity.

Mount Kisco is a significant historic village along the Washington-Rochambeau Revolutionary Route. As of the 2013 United States Census there were 11,067 people, 4,128 households, and 2,447 families residing in the village. The large number of small businesses, retail stores, and financial and medical offices swells the daytime population to more than 20,000.² The day time population increases up to 5000³ due to people commuting into and through the town/village.

A substantial deficiency in service is occurring in Verizon Wireless' telecommunication network in and around the subject site. This deficiency is a result of a significant gap in coverage and capacity demands that are taxing the surrounding sites in the Verizon Wireless network. Data volume, also known as throughput, is one of the key factors reviewed to determine the 4G capacity for a site. In Figures 1-2, FDV graphs shows the average active connections "capacity". The future usage and data overflows for each site are calculated by trending the data to predict when a site will reach its capacity limit (i.e. when the usage hits the red capacity line). The trend line is based on a constant growth model where traffic on 4G grows based on the historical subscriber and usage growth on the system. However the actual trend will likely be higher with increasing subscriber take up rate of 4G capable devices.

The gap area located within the Village/Town of Mount Kisco is currently served by two sites. The sites are overloaded and requires capacity relief. Additionally the gap area is subject to significant terrain challenges for RF (signal) propagation. Signals in this area are terrain limited, meaning that terrain features in the area will block the signal due to terrain obstructing the propagation of the signal. And, in addition to terrain signal losses, there is significant losses due to ground clutter and foliage (trees, leaves, etc. above the ground) that attenuates the signal as well as limiting the propagation range from the proposed site.

The first serving site is Mount Kisco, located on a monopole and approximately 1.3 miles away from the proposed site. The sector pointing east covers the commercial and residential buildings

² https://en.wikipedia.org/wiki/Mount_Kisco,_New_York

³ city-data.com/city/Mount-Kisco-New-York.html



along Lexington Avenue, parts of Rt. 117/S Bedford Rd. Mount Kisco Alpha (cell 26 sector 1) already reached exhaust (i.e. its capacity limit) in September 2018; see figure 1.

The second serving site is Mount Kisco 2. The site covers along N Bedford Rd towards Guard Hill Road. The site is approximately 1.81 miles away from the proposed location. Mount Kisco 2 Gamma (cell 185 sector 3) reached exhaust in December 2018; see figure 2.

The existing Verizon sites Mount Kisco and Mount Kisco 2 exhausted in 2018. Since that time Verizon has been trying to remedy the capacity deficit within the town. Though geographically small, the town/village of Mount Kisco is a unique tourist destination. As explained in Section 15, we provided the long term plan for the Verizon network within the town/village of Mount Kisco in order to address the coverage and capacity deficiencies in the area. The proposed site will provide the required coverage and capacity needs within the town/village. In addition, the proposed Mount Kisco VZCO site and zoning approved site Mount Kisco 3 will also provide coverage and capacity to other areas adjacent to the proposed Mount Kisco 4 site. Thus, all 3 sites are required for the Verizon network to cover the gap in service in the Mount Kisco area.

We note that the existing coverage provided in the RF report includes the coverage from the sites Mount Kisco VZCO and Mount Kisco 3 as well as the sites that are currently on-air. As shown in the Existing Coverage Map, there is still a coverage gap within Mount Kisco that requires the new proposed site to cover this area. Neither Mount Kisco VZCO nor Mount Kisco 3 will provide coverage within the area near S Bedford Road. Due to the location, the Mount Kisco 4 site will provide the required coverage and capacity to the gap in service, in particular the most popular tourist destination Marsh Sanctuary Inc. (112 South Bedford Road).

FIGURE 1 - VERIZON WIRELESS MOUNT KISCO ALPHA

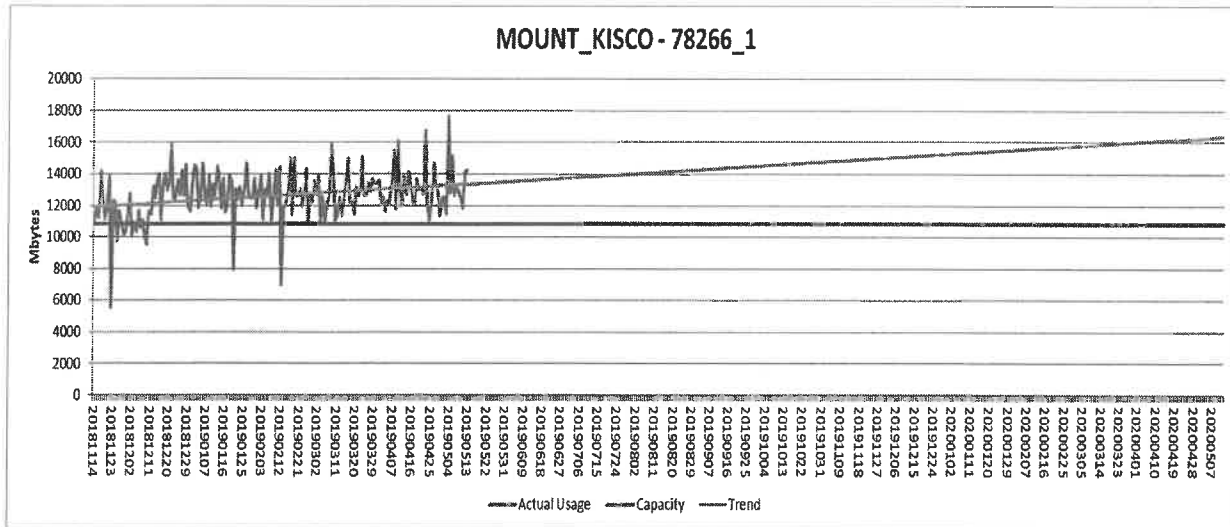
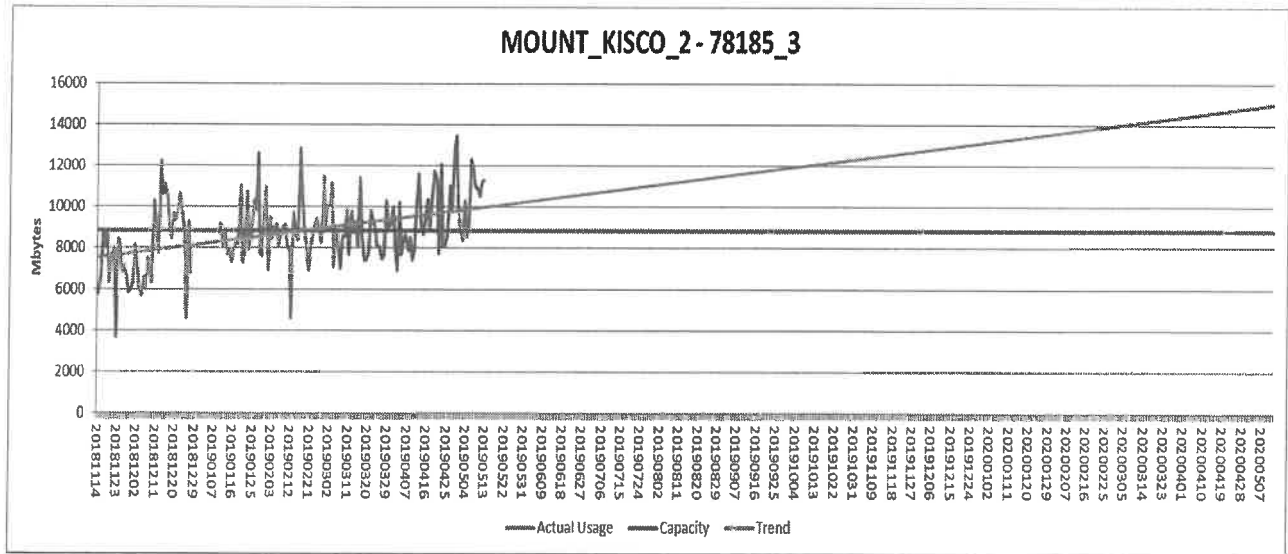




FIGURE 2 - VERIZON WIRELESS MOUNT KISCO 2 GAMMA





12. Drive test data for the area – as a supplement to the modeled signal propagation maps and requested capacity data – should be submitted if available from Verizon.

Response: There is no drive test data available for this location. V-COMM uses an industry standard RF computer-aided design tool to model the design of wireless networks. This tool can generate a coverage plot of RSRP signal level which is dependent upon the Verizon Wireless' licensed frequency band, the height of the antenna above the ground, as well as the terrain and clutter around the site.

The RF propagation plots provided in the reports are created using commercial propagation modelling software EDX using USGS terrain and land use/clutter data, using TSB-88 clutter attenuation values.

Also, drive data only shows signal level on the major roads in the data collection, compared to propagation tools that predict coverage over the entire area in the study area including smaller roads, individual houses, businesses, parks and wooded/remote areas.

15. Verizon should submit a long-range communications facilities plan for the Village of Mt. Kisco. Verizon should also confirm that no 5G operations are proposed at the current time and inform the Planning Board of its conceptual plans to roll-out 5G operations in the Village. One of the proposed high-band frequencies (3.5 GHz) should be described in terms of operations that are associated with that frequency (i.e., voice, data, capacity).

Response: 5G is not currently deployed in Mount Kisco and the proposed site is designed to remedy a 4G gap in service. Any future conceptual plans to roll out 5G technology would be communicated to the town at the appropriate time, however there are no such current plans for the Village/Town of Mount Kisco in Verizon Wireless's current forecast.



OVERALL COMPREHENSIVE PLAN

A significant deficiency in service is occurring in Verizon Wireless' telecommunication network in and around Mount Kisco. This deficiency is a significant gap that has been forecasted by reviewing the capacity data from two sectors of two existing Verizon Wireless sites. Moreover, there is a significant gap in coverage.

LONG TERM COMPREHENSIVE PLAN

Therefore, the comprehensive coverage plan for this area of Mount Kisco is to add new sites needed to better serve the area and offload the exhausted sites and to fill the gaps in coverage. The locations for the proposed sites are chosen such that they become the dominant site at areas where Verizon customers congregate such as businesses, restaurants and residences. Every day more Verizon customers convert their older 3G technology phones to 4G technology. That factor coupled with the release and popularity of ever increasingly more data intensive applications, customer's social media proclivities, VOLTE – (Voice over LTE) service and the proliferation of smart phones, tablets and wireless air cards for laptops all points to higher and higher 4G data demands every day.

Verizon Wireless is planning the following sites in this area to complete the overall comprehensive plan for this portion of Mount Kisco. The plan uses existing structures where suitable and available, and keeps the number of new towers to a minimum.

Mount Kisco 3 – The site is Zoning Approved. The site will be located on a monopole tower serving Saw Mill River Pkwy and Kisco Avenue.

Mount Kisco 4 – Proposed Subject Site

Mount Kisco VZCO –The site is proposed to be located on a building roof on Main Street and Carpenter Avenue. It will help to support the traffic around the Main Street commercial buildings including the Mount Kisco Shopping Center.



ALTERNATE LOCATIONS

The subject site was identified as a suitable location for a wireless communications facility and it also met Verizon Wireless' coverage objectives. The following site was considered as an alternative for the proposed location.

Northern Westchester Hospital, 400 E Main Street, Mount Kisco – See Maps 15 and 16 for -95 dBm coverage from the site for both 700 and 2100 MHz frequencies at 120 ft. centerline height. The site is an existing building on 400 E Main Street located too far west to provide adequate coverage to the targeted gap area. The location is close to the existing site Mount Kisco, proposed sites Mount Kisco VZCO and Mount Kisco 3 and therefore do not add any new coverage to the existing Verizon coverage.

At the height of 120 feet, the hospital location coverage cannot cover Route 172 beyond the proposed Mount Kisco 4 location at 180 S. Bedford Rd. The coverage from the hospital site is limited on Route 172 as a result of terrain, ground clutter and obstacles. For this part of Mount Kisco the density of the 80 ft. trees significantly attenuates the RF signal towards the east, as the ground elevation gradually increases, which limits the coverage significantly.

Darlington Castle, 33 Charles Rd, Bedford – V-COMM also analyzed the location at 33 Charles Rd near Bedford which is a stone mansion with 51 acre property surrounding it. The site is also close to the existing Verizon site Bedford 3 (0.45 miles away). See Maps 17 and 18 for acceptable coverage at -95 dBm signal level from the site for both 700 and 2100 MHz frequencies at the 100 ft. antenna centerline height.

The site is too far east to provide adequate coverage within the targeted coverage gap area, thus it's not a suitable site for the proposed location. This alternate location does not add sufficient new coverage to the existing Verizon coverage, as much of the coverage area is redundant with the existing Verizon Bedford 3 site coverage area. In addition, the coverage from the Darlington Castle site is limited on Route 172, as a result of the location's distance from the coverage GAP areas, as well as the terrain variability and ground clutter along those paths.

Both alternative sites, the Hospital and the Castle, are located too far from the existing coverage gap, and do not provide sufficient coverage into this gap area as the proposed Mt Kisco 4 site does, which is suitably located and providing coverage where it's needed in this gap area. In addition, both of these alternate sites are close to existing Verizon sites, and their coverage areas are already covered by the existing Verizon network, such that from an RF standpoint, they are not providing sufficient new coverage into areas needed. Further, when sites are located close to the existing sites, they can result in poor signal to interference call quality that can degrade the performance of the network. Further, both of these alternate locations would not provide new coverage in the gap area in the following areas: Route 172/S Bedford Road, parts of Sarles Street and W Patent Road.



CONCLUSION:

V-COMM reviewed the materials provided by Verizon Wireless and prepared an analysis of the existing cell sites, their respective RF coverage and System Data usage. With the existing sites, there is a significant gap in coverage and capacity. The maps demonstrate the gap in Verizon's coverage in this area and that the proposed facility will provide the additional coverage to significantly fill this gap. Due to the capacity requirements in Town/Village of Mount Kisco, a single site will not completely fulfill the capacity requirements of the Verizon network, hence V-COMM agrees with the long term comprehensive plan proposed by Verizon for the Town/Village of Mount Kisco, which includes 2 additional sites as addressed in this report.

The proposed site provide the required coverage for the Verizon network and provides significant coverage to the gap in coverage identified in this reports, is a suitable site from an radio frequency standpoint, and will work well within Verizon's network. It is our expert opinion that Verizon's proposed site on the 140 ft. proposed monopole located at 180 S Bedford Road in Mount Kisco, NY will satisfy the coverage and capacity needs of Verizon Wireless and its subscribers in this portion of the Town/Village of Mount Kisco.

Dominic C. Vilecco
President, V-COMM, L.L.C.

10/28/2020

David K. Stern
Vice President, V-COMM, L.L.C.

10/28/2020

Peter Longo, P.E.
NY Professional Engineer License #08131618
PML Consulting Engineers, L.L.C.



10/28/2020

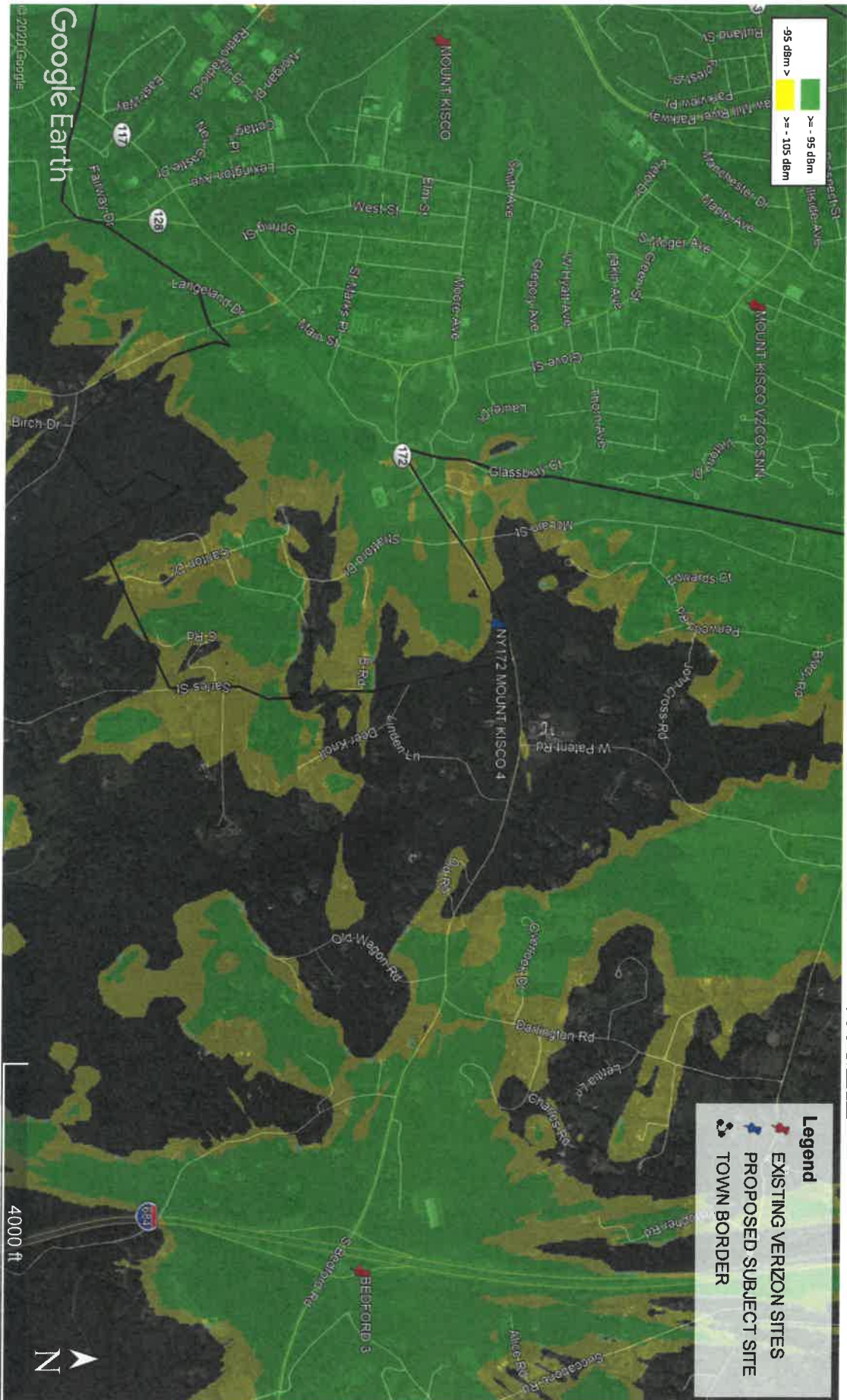
Date

Mr. Longo has reviewed the V-COMM, L.L.C. Supplemental RF Report for NY172 Mount Kisco 4 and concurs with the report conclusions



MAP 7 - VERIZON WIRELESS EXISTING COVERAGE AT 700 MHZ

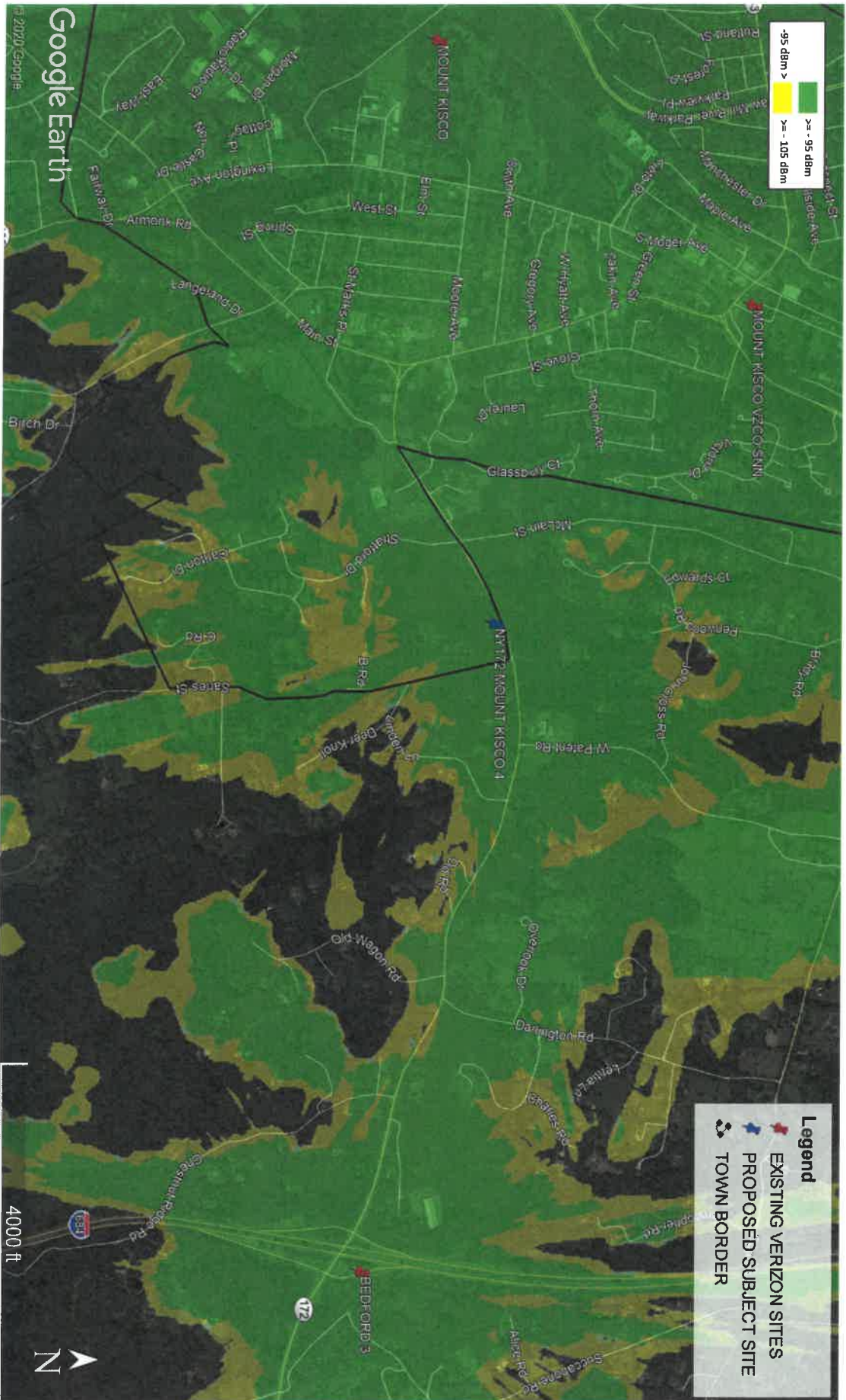
Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 8 - VERIZON WIRELESS COVERAGE WITH "NY172 MOUNT KISCO 4" SITE AT 700 MHZ

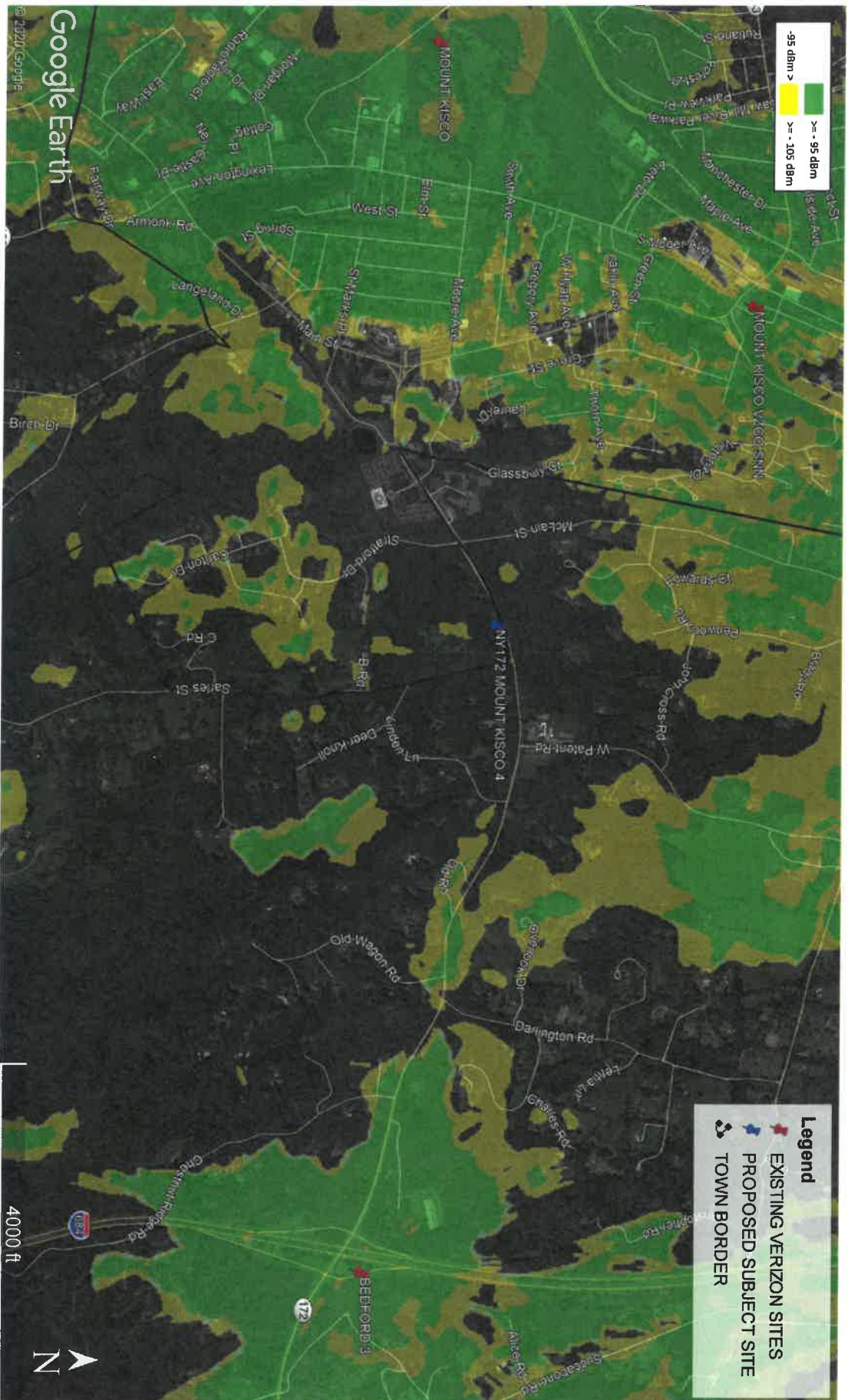
Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 9 - VERIZON WIRELESS EXISTING COVERAGE AT 2100 MHZ

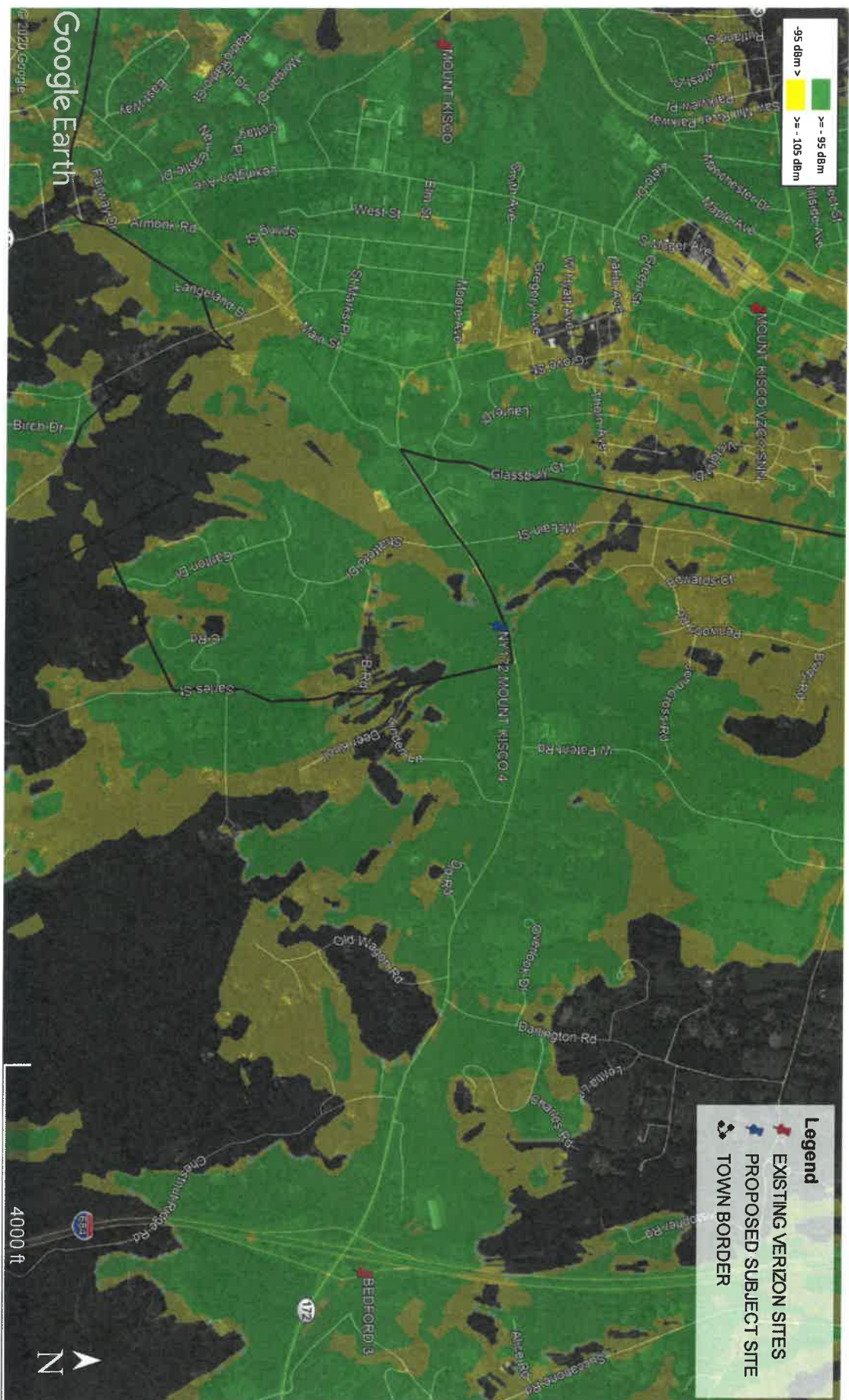
Supplemental Report
NY 172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 10 – VERIZON WIRELESS COVERAGE WITH “NY172 MOUNT KISCO 4” SITE AT 2100 MHZ

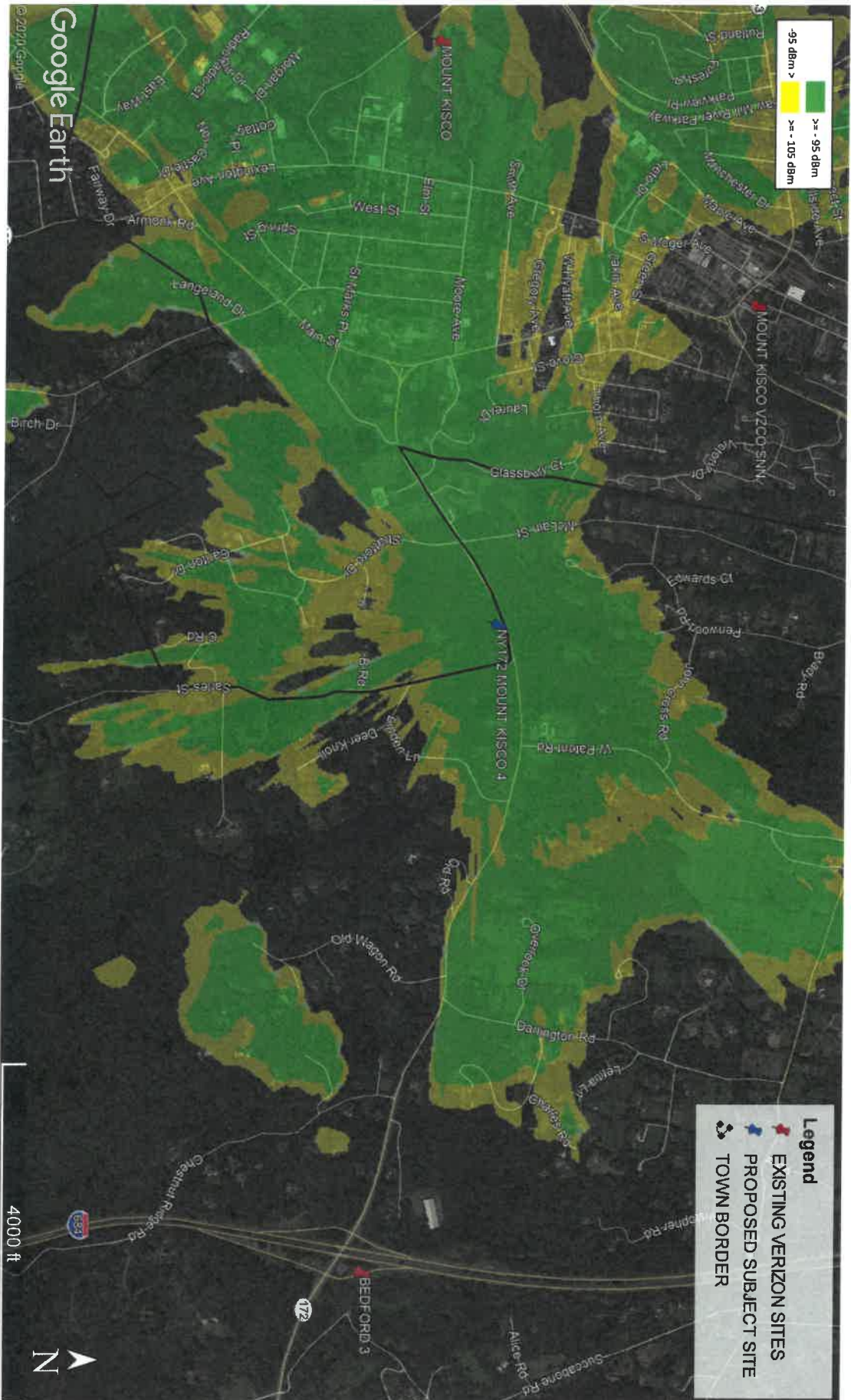
Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 11 – PROPOSED SUBJECT SITE COVERAGE AT 700 MHZ – 122 FT. C/L HEIGHT

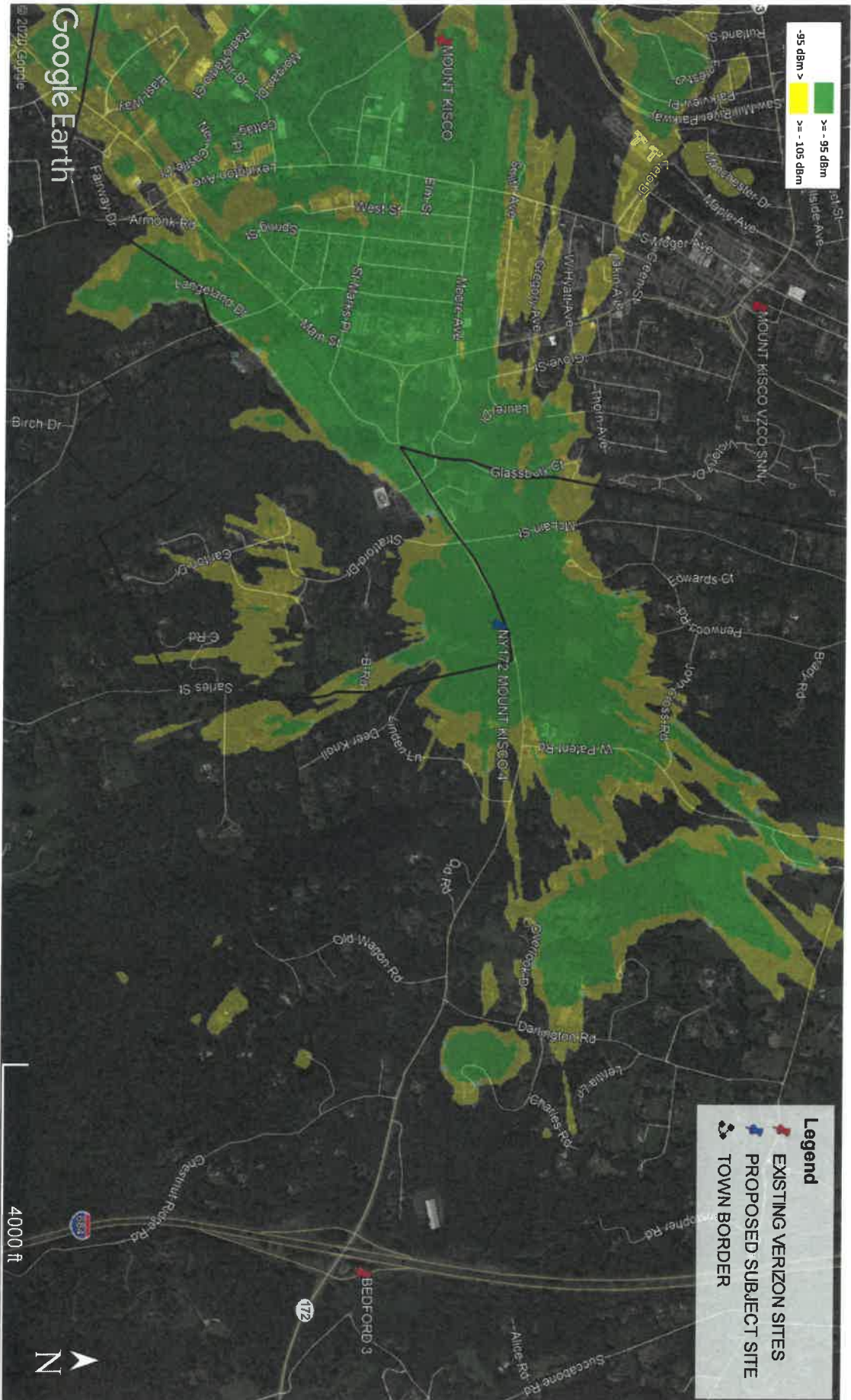
Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 12 – PROPOSED SUBJECT SITE COVERAGE AT 700 MHz – 77 FT. C/L HEIGHT

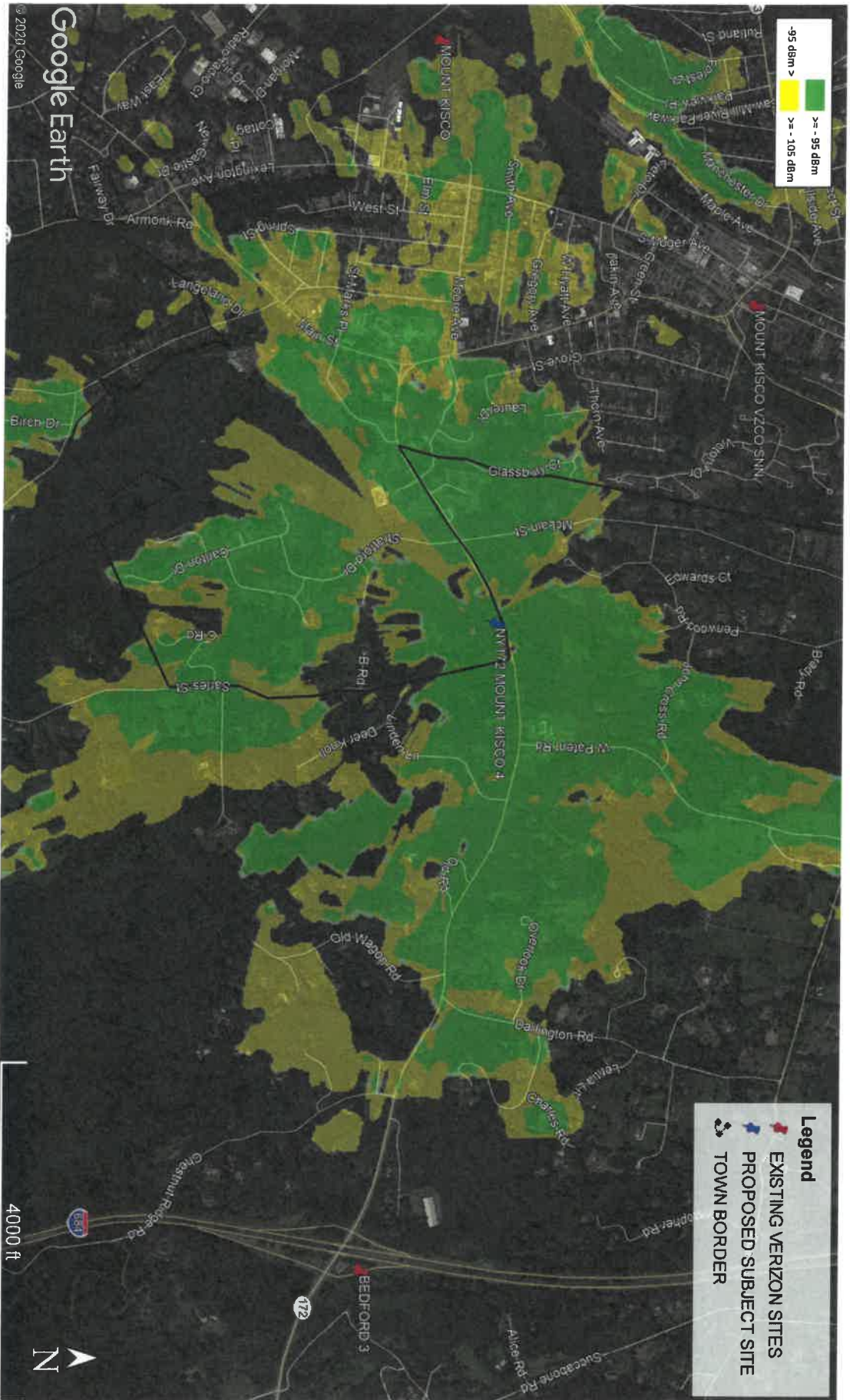
Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





Supplemental Report
 NY 172 Mount Kisco 4 Site
 Mount Kisco, NY
 October 28, 2020

MAP 13 – PROPOSED SUBJECT SITE COVERAGE AT 2100 MHz – 122 FT. CL HEIGHT



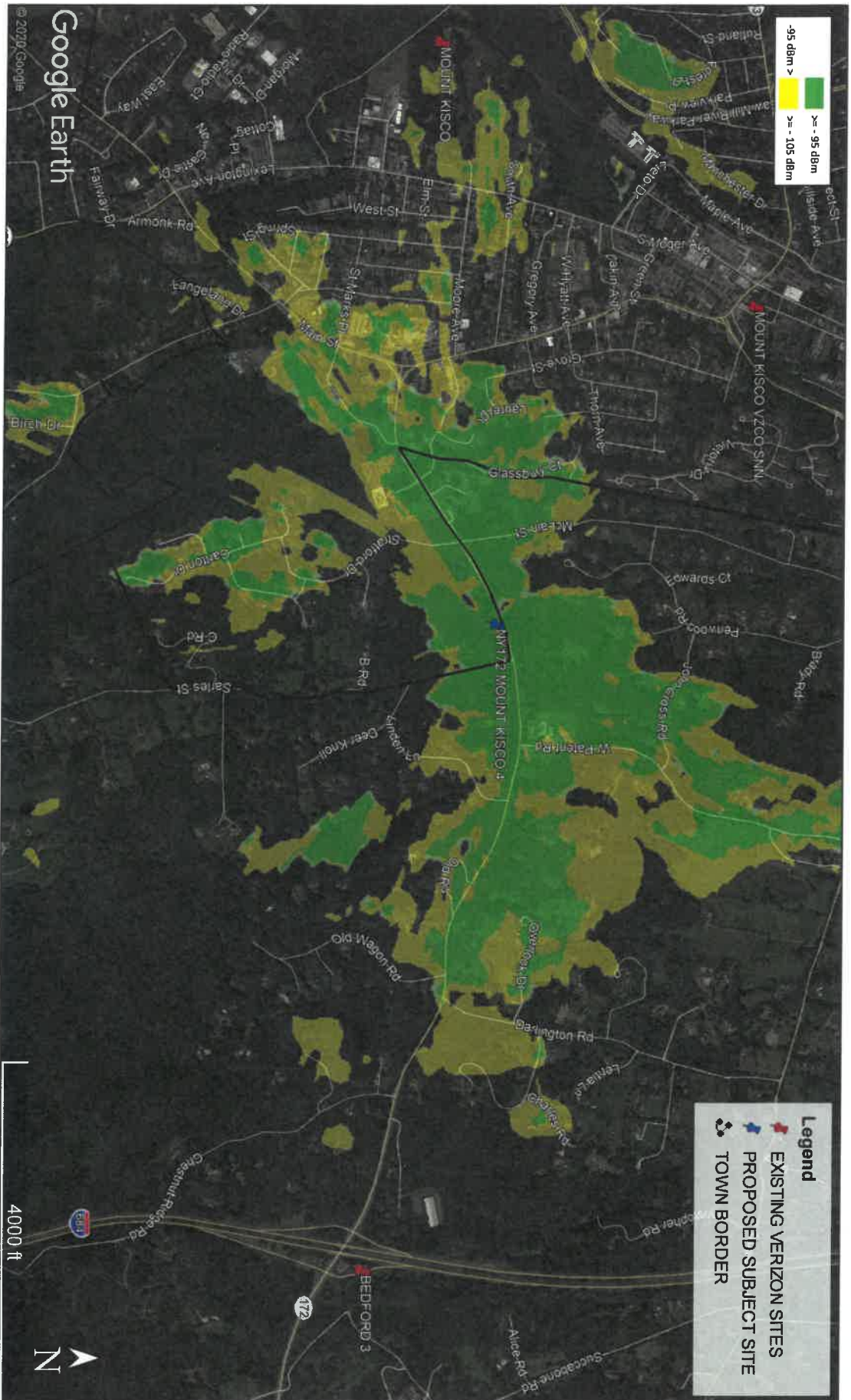
Google Earth

© 2020 Google



MAP 14 – PROPOSED SUBJECT SITE COVERAGE AT 2100 MHZ – 77 FT. C/L HEIGHT

Supplemental Report
 NY172 Mount Kisco 4 Site
 Mount Kisco, NY
 October 28, 2020





MAP 15 - NORTH WESTERN HOSPITAL COVERAGE - 700 MHZ

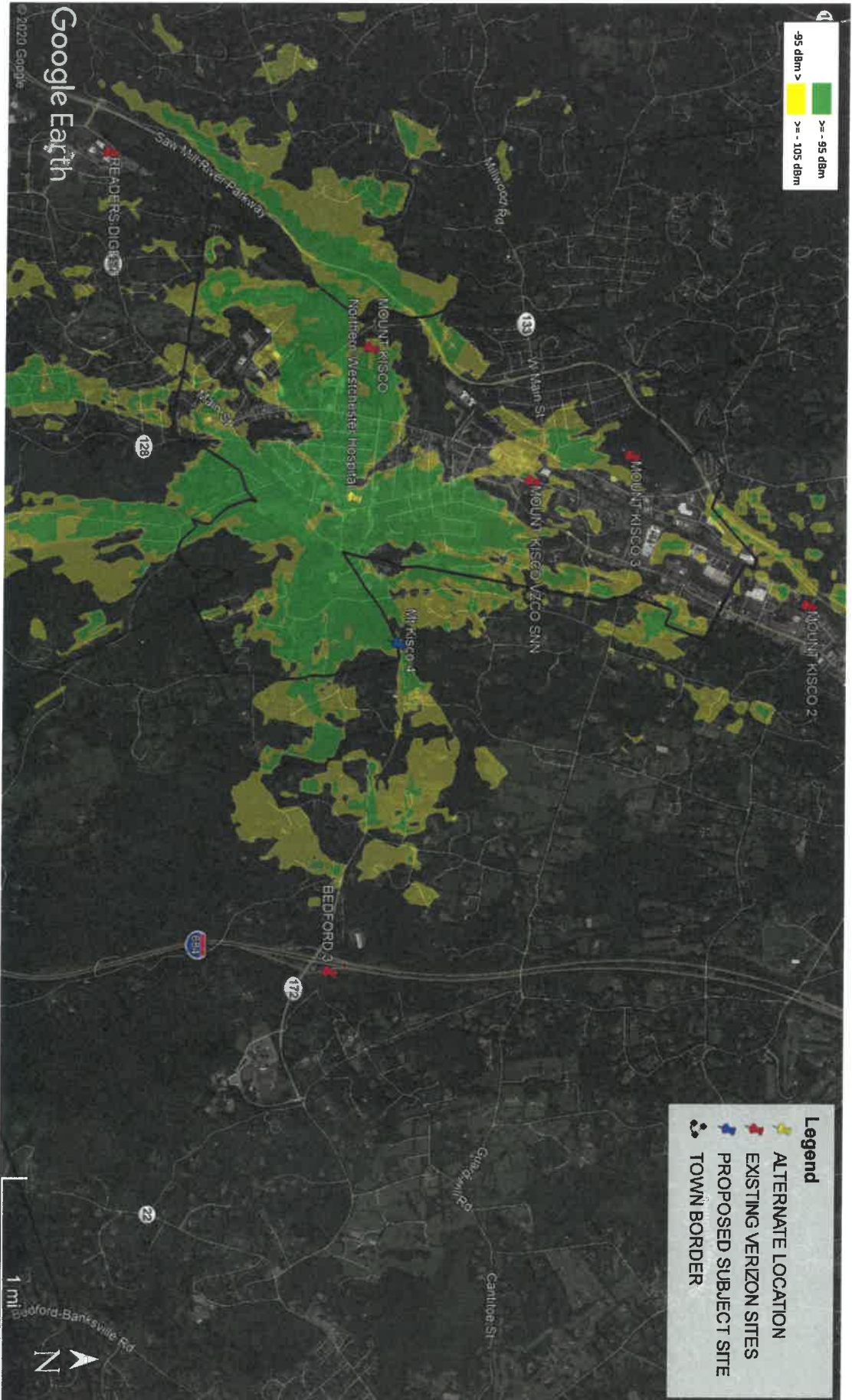
Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 16 – NORTH WESTERN HOSPITAL COVERAGE – 2100 MHZ

Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 17 - DARLINGTON CASTLE COVERAGE - 700 MHZ

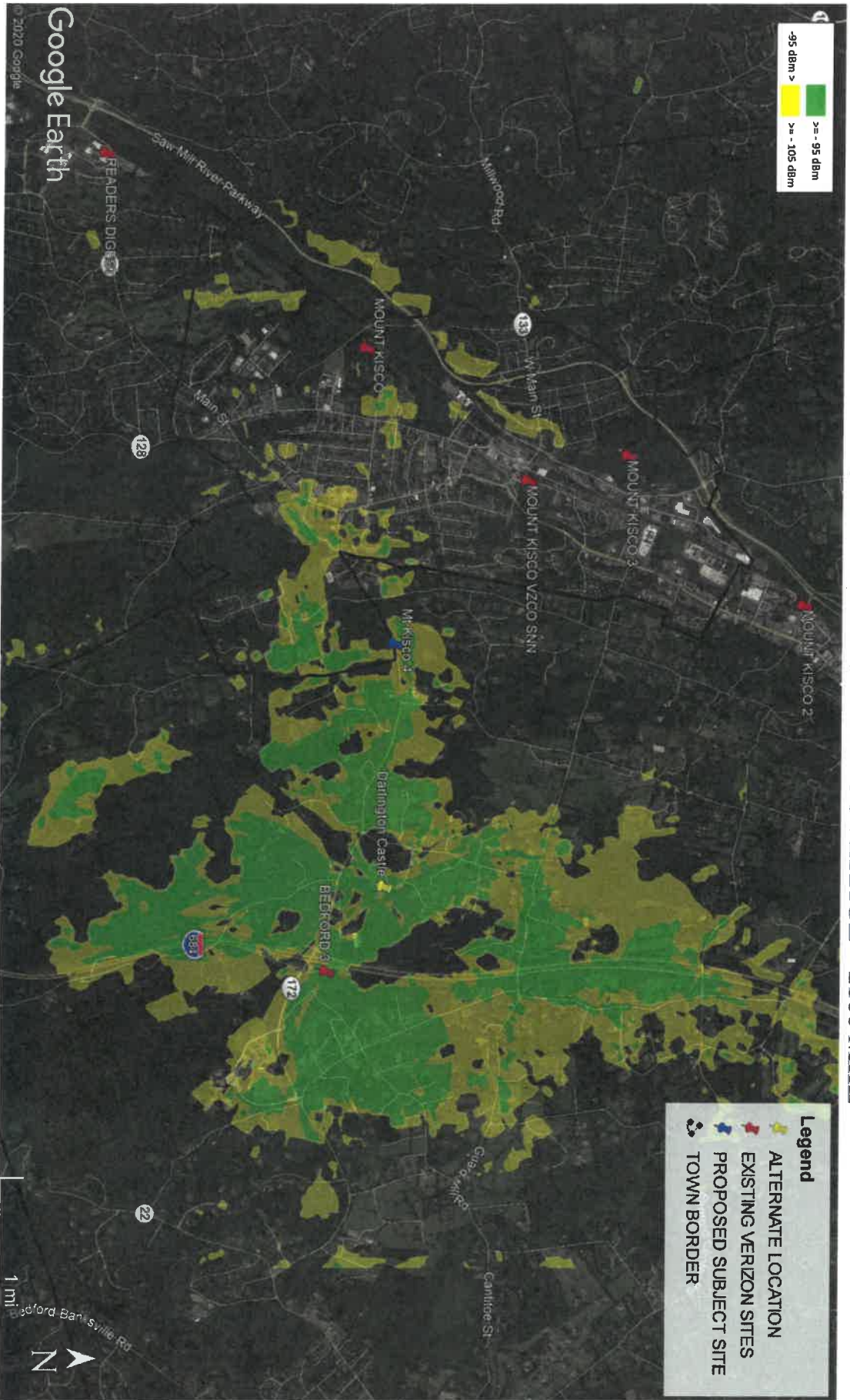
Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





MAP 18 - DARLINGTON CASTLE COVERAGE - 2100 MHZ

Supplemental Report
NY172 Mount Kisco 4 Site
Mount Kisco, NY
October 28, 2020





HOMELAND TOWERS

November 2, 2020

Hon. Members of the Planning Board
Village of Mt Kisco
104 Main St
Mt Kisco, NY 10549

Re: **Homeland Towers, LLC, Verizon Wireless application to locate a Wireless Telecommunications Facility ("Facility") at 180 S Bedford Rd, Mt Kisco, New York (Property")**
Response to Bldg. Inspector Miley memo of October 6, 2020

Dear Hon. Chairman and Members of the Planning Board:

I am the Regional Manager for Homeland Towers, LLC. As such I was responsible for identifying a suitable location for a telecommunications facility that would remedy the significant gap in reliable wireless service in this area of Mount Kisco in the vicinity of the Property and along Route 172.

Building Inspector Miley's Memo of October 6, 2020 on page 5, section (4) states: ". . . a Special Permit can only be issued by the Planning Board upon the applicant's submission of documentation by the RF Engineer that sufficiently satisfies and has met the four (4) criterion set forth above. A review of V-Comm's 8-17-20 memo suggests that the engineer did not adequately answer all of these questions. Engineers statement that 'A review of the surrounding area reveals absence of existing tall structures, towers, or water tanks that meet all the requirements for a wireless facility' is inaccurate. Certainly, the hospital, Cisqua campus, Darlington Castle and other sites of high elevations exist within the area."

For the following reasons, we respectfully disagree.

In my "Alternate Site Report" of August 14, 2020, I detailed the steps taken and the various sites and properties that were evaluated and other considerations to find the best solution to provide coverage for the significant gap in service. In addition to the sites previously included in my report, I would like to address the locations Mr. Miley mentions.

- The Northern Westchester Hospital, 400 E Main St, Mt Kisco, NY: an installation on the roof of the Hospital would not provide coverage for the existing service gap. Please see the supplemental RF Report prepared by V-Comm Telecommunications Engineers as part of this application. Moreover, the Hospital has never agreed to lease space on the hospital



HOMELAND TOWERS

building for wireless facilities despite numerous attempts by various carriers and other entities over the past decades.

- Rippowam Cisqua Campus, 325 W Patent Rd, Bedford, NY: on July 21, 2020 I reached out to the Campus and spoke with Mr. Colm MacMahon, Head of School, and was told that: “they would never lease land for a cell tower and the Board would never approve it.” In any event, there are no existing tall structures, towers, or water tanks on this property to remedy the significant gap in service.
- Darlington Castle, 33 Charles Rd, Bedford, NY: an installation at this property would not provide coverage for the existing service gap and in addition it is only 0.45 miles from an existing site at the Park & Ride on I-684. Please see the supplemental RF Report prepared by V-Comm Telecommunications Engineers as part of this application. Moreover, there is no reason to believe that the owners of this parcel would allow a wireless facility by a carrier on this building.
- 2 Sarles Street, Mount Kisco, NY. In the course of our due diligence we met with the owner Mr. Rex Pietrobono on October 9, 2020 to survey his property and discuss a possible location for a facility at his property. While initially considering the opportunity, in a follow up email Mr. Pietrobono informed us that he was not interested in our proposal and suggested other locations such as 103-105 South Bedford Rd, Mount Kisco, the Rippowan Cisqua School, Bedford and a different location on our present property on the top of the hill, which are all locations we have previously contacted or evaluated. We already documented the infeasibility of 103-105 South Bedford Road, Mt Kisco in the Alternate Site Report, but as a matter of continued due diligence I reached out again to the owner, but to date have not received a response.

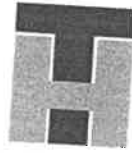
Other sites of high Elevations: I am not aware of any other “high elevation” locations in addition to the high elevation locations already listed in my report of August 14, 2020. Moreover, the Code does not require an evaluation of “high elevations.”

We would be willing to review any reasonable, specific, non-speculative alternative locations, but based on my personal extensive due diligence and documents submitted to the administrative record, it is clear that the Property is the only feasible alternative location.

Respectfully,

Klaus Wimmer

Klaus Wimmer
Regional Manager
Homeland Towers, LLC



HOMELAND TOWERS

October 27, 2020

Hon. Members of the Zoning Board
Village of Mt Kisco
104 Main St
Mt Kisco, NY 10549

Re: Application by Homeland Towers, LLC
to locate a Wireless Telecommunications Facility ("Facility")
at 180 S Bedford Rd, Mt Kisco, New York
Co-location commitment letter

Dear Hon. Members of the Zoning Board:

Homeland Towers, LLC ("Homeland Towers") has designed the proposed Facility to support collocation in accordance with §110-27.1(D)(5). The Facility, including the tower, equipment compound, and utilities, has been designed to support Verizon Wireless as well as additional FCC licensed carriers and emergency communication facilities.

In the event the Village's noncommercial emergency service departments have a need to co-locate their antennas and equipment at the Facility, space will be made available at no cost on the tower above 140' and below 90' for co-location, provided the emergency service antennas do not cause harmful interference with existing uses, together with space within a 10' x 10' area within the proposed compound designated as "Future Municipal Equipment Area" on the site plan. There will be no charge for rent for such space on the tower but Homeland Towers shall not be responsible for the costs associated with the purchase, installation or maintenance of any such antennas or equipment.

The ability to collocate at the Facility is a benefit of the application and will help to reduce the proliferation of towers in the Village. Future co-locators will not alter the stealth monopine design of the Facility as the Facility has been designed to contain the future co-locators within the stealth designed faux branches.

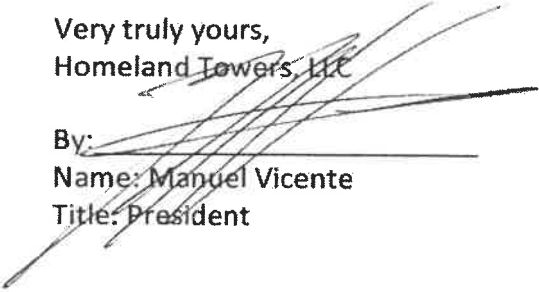


HOMELAND TOWERS

As owner of the above referenced proposed tower, Homeland Towers, hereby agrees to:

Rent or lease available space for collocation on the tower, to the extent legally, technically, structurally and economically feasible, without discrimination to other personal wireless service providers, for the duration of the existence of the tower.

Very truly yours,
Homeland Towers, LLC

By: 
Name: Manuel Vicente
Title: President



HOMELAND TOWERS

October 23, 2020

Honorable Members of the Planning Board
Village of Mt Kisco
104 Main St
Mount Kisco, NY 10549

RE: Lease with Skull Island Partners LLC at 180 S Bedford Rd, Mt Kisco, NY

Hon. Members of the Planning Board:

As requested, attached please see the recorded Memorandum of Lease together with Lease Exhibit "B1" depicting Homeland Tower's lease area.

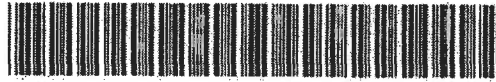
Please note that the Lease Exhibit "B1" shows the leased premises under the Lease. The property owner, Skull Island Partners LLC, has informed us that it will not permit any other location on the property.

Respectfully

Klaus Wimmer

Klaus Wimmer
Regional Manager
Homeland Towers, LLC.
(203)-297-6345

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



592663623LAG0026

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Homeland Towers LLC	Phone:	9145893750
Address 1:	9 Harmony St.	Fax:	
Address 2:	Suite 2	Email:	cv@homelandtowers.us
City/State/Zip:	Danbury CT 06810	Reference for Submitter:	TP-584 NY172

Document Details

Control Number:	592663623	Document Type:	Lease Agreement (LAG)
Package ID:	2019092300273001003	Document Page Count:	7
		Total Page Count:	8

Parties

Additional Parties on Continuation page

1st PARTY

2nd PARTY

1:	SKULL ISLAND PARTNERS LLC	- Other	1:	HOMELAND TOWERS LLC	- Other
2:			2:		

Property

Additional Properties on Continuation page

Street Address:	180 SOUTH BEDFORD	Tax Designation:	80.44-1-1
City/Town:	MOUNT KISCO	Village:	

Cross-References

Additional Cross-Refs on Continuation page

1:		2:		3:		4:	
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Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$40.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$0.00
TP-584 Filing Fee:	\$5.00
Total Recording Fees Paid:	\$85.00

Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
Total Mortgage Tax:	\$0.00

Transfer Taxes

Consideration:	\$0.00
Transfer Tax:	\$0.00
Mansion Tax:	\$0.00
Transfer Tax Number:	9099

Dwelling Type:		Exempt: <input type="checkbox"/>
Serial #:		

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 02/12/2020 at 12:46 PM
 Control Number: **592663623**
 Witness my hand and official seal

Timothy C. Idroni
Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

Homeland Towers LLC
9 Harmony Street, 2nd Floor

Danbury, CT 06810
Attn: Christine Vergati

PREPARED/RECORDING REQUESTED BY:

**Homeland Towers, LLC
9 Harmony St, 2nd Floor
Danbury, CT 06810**

Record and Return to:

*Homeland Towers, LLC
9 Harmony St, 2nd Fl.
Danbury CT 06810*

Tax ID/Parcel No.: 80.44-1-1

(space above for Recorder's use only)

MEMORANDUM OF OPTION AND GROUND LEASE AGREEMENT

THIS MEMORANDUM OF OPTION AND GROUND LEASE AGREEMENT (this "Memorandum"), made and entered into on this 21 day of November, 2019 by and between Skull Island Partners, LLC, 1571 Oceanview Dr., Tierra Verde, FL 33715-2538 a Florida Limited Liability company ("Lessor") and HOMELAND TOWERS, LLC, 9 Harmony St. 2nd Fl., Danbury, CT 06810 a New York limited liability company ("Lessee"), is a record of that certain Option and Ground Lease Agreement ("Lease") between Lessor and Lessee dated as of November 21, 2019. The Lease contains, among other things, the following terms:

1. Description of Property. The Leased Premises are located on that certain real property described in Exhibit A hereto (the "Property").
2. Term. The "Initial Term" of the Lease is five (5) years beginning on the date that Lessee exercises the Option set forth in Section 1 of the Lease. Lessee has the right to extend the term of the Lease for nine (9) successive terms of five (5) years each (individually, a "Renewal Term," and collectively, the "Renewal Terms"). The Initial Term and any applicable Renewal Term(s) are collectively referred to as the "Term."
3. Quiet Enjoyment. Pursuant to the Lease, Lessee has the exclusive right to use the Property or any portion thereof for use as telecommunications facilities providing transmission and/or receiving facilities for wireless providers and/or users, Pursuant to the Lease, Lessor shall not grant a lease, sublease, license, or

other right to use the Property, any portion thereof, or any property that is adjacent thereto that may be owned by LESSOR, to any other person or entity for the operation of antenna and/or telecommunications facilities except as provided in the Lease.

4. Subletting. Lessee has the right, at any time during the Term of the Lease, to sublet any portion of the Leased Premises or to permit any portion of the Leased Premises to be occupied or used by its subtenants, licensees, and customers in connection with the provision of communication services.
5. Right of First Refusal. The Lease grants LESSEE a right of first refusal, which shall not apply to offers pertaining to the sale or lease of the Property, in the event of (a) a lease, grant of an easement, or sale of the Leased Premises, in whole or in part, (b) a sale, transfer, or other conveyance of LESSOR's interest in the Lease including, without limitation, the right to receive rent under the Lease, and (c) the right to enter into an option, lease, or easement with respect to (a) or (b) after the term of the Lease.
6. Limited First Right to Negotiate. In the event that LESSEE exercises all of the Renewal Terms under the Lease, the Lease grants LESSEE an exclusive right to negotiate with LESSOR with respect to the terms of a new lease for a period of six (6) months commencing on the first day of the last year of the final Renewal Term. In the event that LESSEE and LESSOR have not reached agreement as to all of the material terms of the new lease on or before the expiration of such six (6) month period, then LESSEE's exclusive right to negotiate shall be of no further force or effect.
7. Limited Power of Attorney. LESSOR hereby grants the right to LESSEE to complete and execute on behalf of LESSOR any government or transfer tax forms necessary for the recording of this Memorandum. This right shall terminate upon recording of this Memorandum.
8. Ratification of Lease; Release of Memorandum. By this Memorandum, the parties: (a) intend to record a reference to the Lease; (b) hereby ratify and confirm all of the terms and conditions of the Lease; and (c) declare that the Leased Premises are subject to the Lease. Following the expiration or earlier termination of the Lease, Lessee will, upon Lessor's written request therefore, execute and deliver to the Lessor an instrument in recordable form evidencing the expiration/termination of the Lease and the release of this Memorandum.

IN WITNESS WHEREOF, Lessor and Lessee have executed this Memorandum of Option and Ground Lease as of the date first above written.

Skull Island Partners LLC
a Florida LLC
("LESSOR")
By: [Signature]
Name: David Seldin
Title: mgr

State of Florida
County of Hillsborough

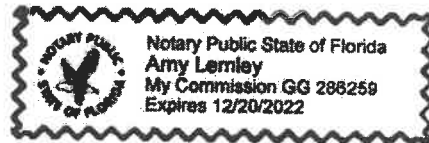
On November 1, 2019, before me, the undersigned Notary Public, personally appeared David Seldin, Manager of Skull Island Partners LLC who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]
Print Name: Amy Lemley
My Commission Expires: 12/20/2022
Commission No.: GG 286259

(Affix Notarial Seal)



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IN WITNESS WHEREOF, Lessor and Lessee have executed this Memorandum of Option and Ground Lease as of the date first above written.

HOMELAND TOWERS, LLC, a New York limited liability company
("LESSEE")

By: _____
Name: Manuel Vicente
Title: President

State of Connecticut
County of Fairfield

On November 21, 2019, before me, the undersigned Notary Public, personally appeared Manuel J. Vicente, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

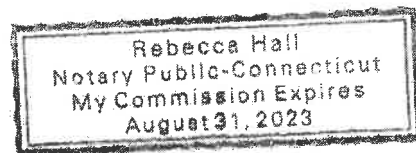
Signature: _____

(Affix Notarial Seal)

Print Name: Rebecca Hall

My Commission Expires: 8.31.2023

Commission No.: 177224



**EXHIBIT "A" TO MEMORANDUM OF OPTION AND GROUND LEASE
AGREEMENT**

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT A

SITUATED IN THE VILLAGE OF MOUNT KISCO, TOWN OF MOUNT KISCO, COUNTY OF WESTCHESTER, STATE OF NEW YORK:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY LINE OF SARLES STREET AT ITS INTERSECTION WITH THE PREMISES HEREIN DESCRIBED ON THE SOUTH AND PROPERTY NOW OR FORMERLY BELONGING TO R. & J. COOGAN ON THE NORTH, SAID POINT BEING DISTANT 345.33 FEET FROM THE SOUTHERLY BOUNDARY OF SOUTH BEDFORD ROAD AS MEASURED IN A SOUTHERLY DIRECTION ALONG SAID WESTERLY BOUNDARY LINE OF SARLES STREET;

RUNNING THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF SARLES STREET AND ALONG THE DIVISION LINE BETWEEN THE VILLAGE AND TOWN OF MOUNT KISCO ON THE WEST AND THE TOWN OF BEDFORD ON THE EAST, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 00 DEGREES 28 MINUTES 20 SECONDS WEST 24.00 FEET,
SOUTH 17 DEGREES 32 MINUTES 20 SECONDS EAST 50.77 FEET,
SOUTH 01 DEGREE 17 MINUTES 30 SECONDS EAST 186.00 FEET,
SOUTH 02 DEGREES 38 MINUTES 30 SECONDS WEST 192.35 FEET,
SOUTH 00 DEGREES 52 MINUTES 30 SECONDS EAST 116.81 FEET,
SOUTH 00 DEGREES 48 MINUTES 50 SECONDS EAST 277.68 FEET,
SOUTH 03 DEGREES 44 MINUTES 50 SECONDS WEST 112.34 FEET, AND
SOUTH 00 DEGREES 54 MINUTES 40 SECONDS WESTS 68.83 FEET TO A POINT;

THENCE IN A WESTERLY AND NORTHERLY DIRECTION ALONG THE NORTHERLY BOUNDARY LINE OF OTHER PROPERTY NOW OR FORMERLY BELONGING TO WILLIAM G. GREEN NORTH 83 DEGREES 56 MINUTES 49 SECONDS WEST 1104.37 FEET AND NORTH 07 DEGREES 29 MINUTES 40 SECONDS EAST 147.07 FEET TO A POINT;

THENCE CONTINUING IN A NORTHERLY, EASTERLY AND NORTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO WILDLIFE PRESERVES, INC. THE FOLLOWING COURSES AND DISTANCES:

NORTH 07 DEGREES 29 MINUTES 40 SECONDS EAST 291.06 FEET,
NORTH 12 DEGREES 52 MINUTES 40 SECONDS EAST 218.31 FEET,
NORTH 20 DEGREES 02 MINUTES 40 SECONDS EAST 172.00 FEET,
SOUTH 76 DEGREES 54 MINUTES 20 SECONDS EAST 54.75 FEET,
NORTH 89 DEGREES 18 MINUTES 40 SECONDS EAST 229.00 FEET, AND
NORTH 00 DEGREES 12 MINUTES 20 SECONDS WEST 364.98 FEET TO A POINT;

THENCE IN AN EASTERLY DIRECTION ALONG THE SOUTHERLY BOUNDARY LINE OF SOUTH BEDFORD ROAD THE FOLLOWING COURSES AND DISTANCES:

NORTH 68 DEGREES 33 MINUTES 40 SECONDS EAST 97.37 FEET,
NORTH 74 DEGREES 09 MINUTES 40 SECONDS EAST 101.36 FEET,
SOUTH 88 DEGREES 46 MINUTES 59 SECONDS EAST 60.96 FEET,
NORTH 88 DEGREES 13 MINUTES 00 SECONDS EAST 101.03 FEET,
NORTH 84 DEGREES 00 MINUTES 00 SECONDS EAST 26.36 FEET, AND
NORTH 85 DEGREES 06 MINUTES 10 SECONDS EAST 51.32 FEET TO A POINT;

THENCE IN A GENERALLY SOUTHERLY, WESTERLY AND EASTERLY DIRECTION ALONG THE WESTERLY BOUNDARY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO R. & J. COOGAN THE FOLLOWING COURSES AND DISTANCES:

SOUTH 04 DEGREES 53 MINUTES 50 SECONDS EAST 61.79 FEET, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 49.00 FEET, A CENTRAL ANGLE OF 40 DEGREES 43 MINUTES 40 SECONDS FOR A LENGTH OF 34.83 FEET, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 161.00 FEET, A CENTRAL ANGLE OF 28 DEGREES 53 MINUTES 20 SECONDS FOR A LENGTH OF 81.18 FEET, SOUTH 64 DEGREES 43 MINUTES 10 SECONDS WEST 108.00 FEET, ON A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 159 DEGREES 13 MINUTES 50 SECONDS FOR A LENGTH OF 69.48 FEET; NORTH 85 DEGREES 29 MINUTES 20 SECONDS EAST 98.48 FEET, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 78 DEGREES 43 MINUTES 00 SECONDS FOR A


EXHIBIT A

LENGTH OF 137.39 FEET, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 527.00 FEET, A CENTRAL ANGLE OF 02 DEGREES 24 MINUTES 46 SECONDS FOR LENGTH OF 22.19 FEET, AND SOUTH 89 DEGREES 31 MINUTES 40 SECONDS EAST 160.08 FEET PER SURVEY (160.00 FEET PER DEED) TO THE POINT AND PLACE OF BEGINNING.

TAX I.D. NUMBER: 80.44-1-1

BEING THE SAME PROPERTY CONVEYED TO SKULL ISLAND PARTNERS LLC, A FLORIDA LIMITED LIABILITY COMPANY, GRANTEE, FROM REALIS DEVELOPMENT, LLC, GRANTOR, BY DEED RECORDED 07/01/2013, AS DOCUMENT NO. 531553080, OF THE WESTCHESTER COUNTY RECORDS.

Exhibit B1 pages LE-1 to LE-3




APT
ENGINEERING

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WATERFORD, CT 06385
WWW.ALLPOINTSTECH.COM

PHONE: (860)-663-1697
FAX: (860)-663-0935

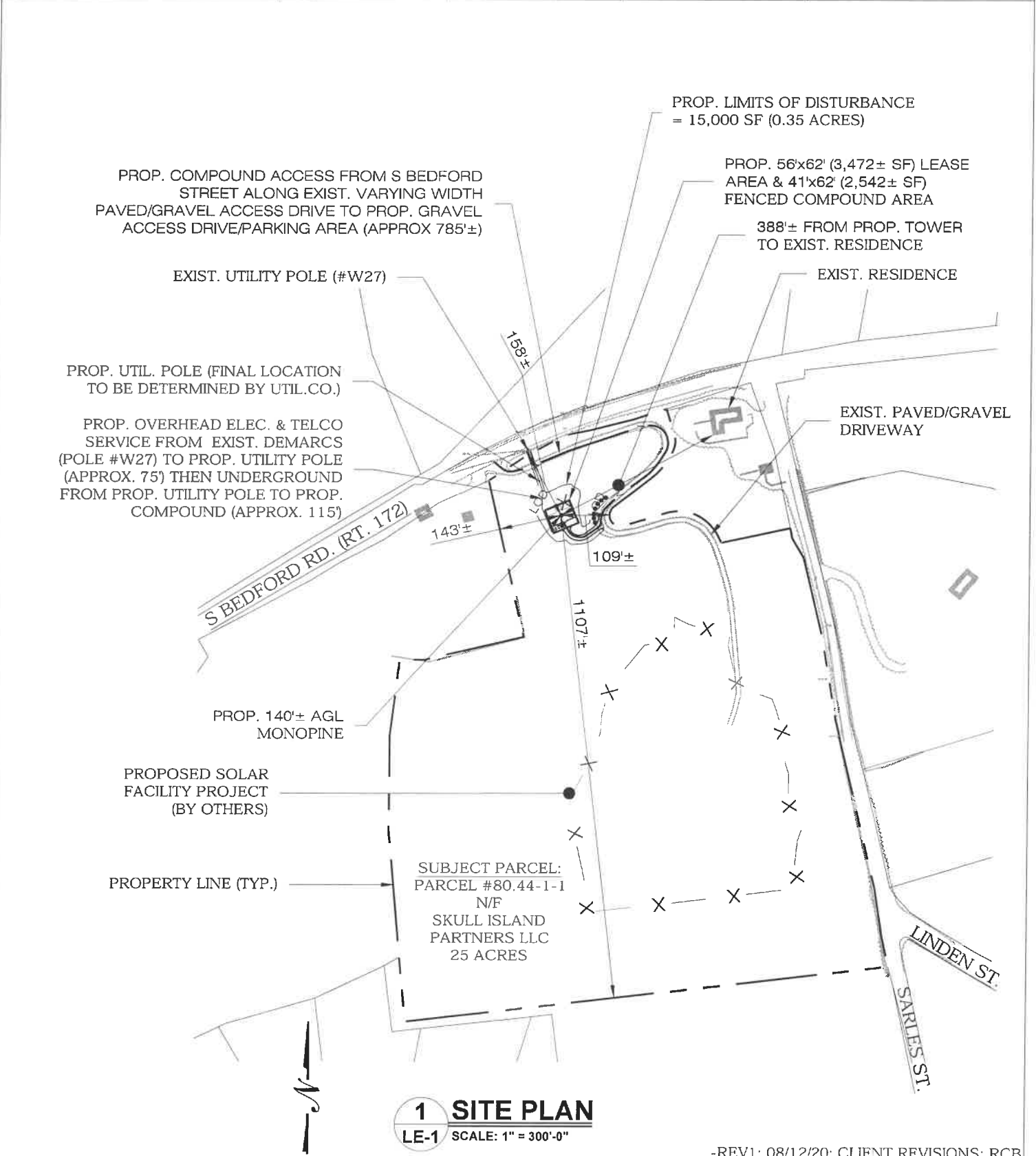
APT FILING NUMBER: NY283830	
LE-1	
SCALE: AS NOTED	DRAWN BY: CSH
DATE: 07/27/2020	CHECKED BY: RCB



HOMELAND TOWERS, LLC
9 HARMONY STREET
2nd FLOOR
DANBURY, CT 06810

**HOMELAND TOWERS:
NY172**

**MOUNT KISCO
180 S. BEDFORD RD.
MT. KISCO, NY 10594**



1 SITE PLAN
LE-1 SCALE: 1" = 300'-0"

-REV1: 08/12/20: CLIENT REVISIONS: RCB

NOTE: EXACT LOCATION AND ORIENTATION OF PROPOSED LEASE AREA PENDING SITE SURVEY & FURTHER ENGINEERING REVIEW AND ANALYSIS. PROPOSED UTILITY ROUTING AND R.O.W. EXTENTS TO BE DETERMINED BY LOCAL UTILITY PROVIDERS.



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APT FILING NUMBER: NY283830

LE-3

SCALE: AS NOTED

DRAWN BY: CSH

DATE: 07/27/2020

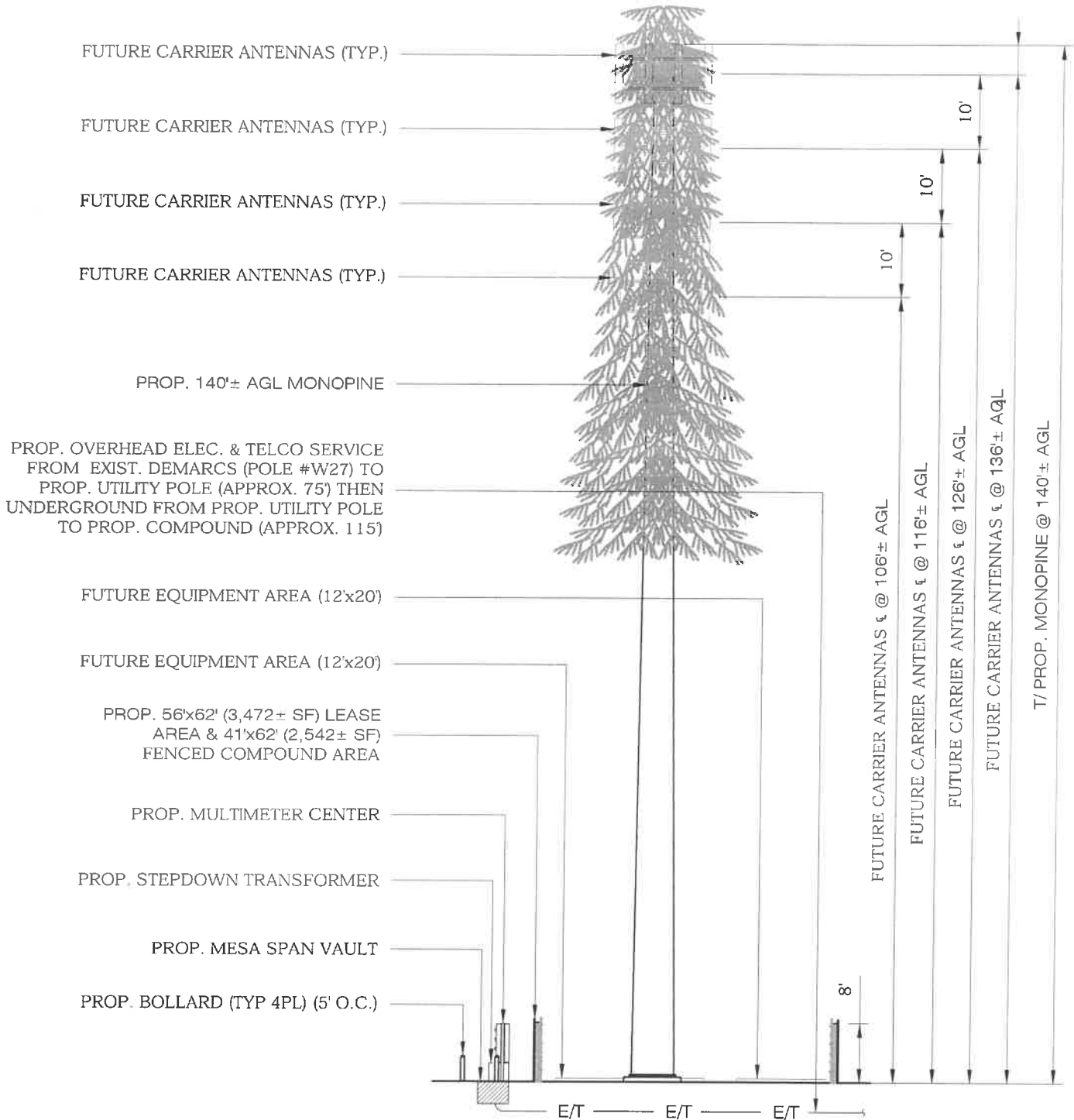
CHECKED BY: RCB



HOMELAND TOWERS, LLC
9 HARMONY STREET
2nd FLOOR
DANBURY, CT 06810

**HOMELAND TOWERS:
NY172**

**MOUNT KISCO
180 S. BEDFORD RD.
MT. KISCO, NY 10594**



1 EAST ELEVATION
LE-3 SCALE : 1" = 20'-0"

-REV1: 08/12/20: CLIENT REVISIONS: RCB

NOTE: EXACT LOCATION AND ORIENTATION OF PROPOSED LEASE AREA PENDING SITE SURVEY & FURTHER ENGINEERING REVIEW AND ANALYSIS. PROPOSED UTILITY ROUTING AND R.O.W. EXTENTS TO BE DETERMINED BY LOCAL UTILITY PROVIDERS.



Honorable Chairman
and Members of the Planning Board
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

November 3, 2020

RE: Homeland Towers Site Name: Mt. Kisco NY172
180 S. Bedford Road
Mt. Kisco, NY 10594
Response to Comments

Honorable Chairman and Members of the Board:

Please find as follows the responses to the comments from the Peter J. Miley comment memo dated October 6, 2020, Michael P. Musso, P.E. letter dated September 18, 2020, the Anthony Olivieri, P.E. memo dated September 3, 2020, and the fire, ice and debris comments from Andrew J. Campanelli Memorandum of Opposition (the response is in red after each of the referenced comments):

Miley Memo

Comments:

- Comment 2: A listing of property owners adjacent to, across streets from, and downslope within 500 feet of the property, and any additional property owners deemed appropriate by the Planning Board is required. Plan R1 provides only a 300 ft. distance.
Drawing R-1 has been updated to show property owners within 500 feet of the property.
- Comment 3: Location of the proposed utilities are partially underground. All utilities from the street should be located underground.
The design has been revised to propose the utilities services on the site run underground the entire way.
- Comment 8: The proposed cell tower location is 388 feet to the closest residence (east) and will encroach 73 ft. into the 200 ft. buffer requirement for a Ground-Mounted Solar Facility. Setback dimensions to the two structures (care takers cottage) located at the Marsh Sanctuary have not been provided.
Drawing TR-1 has been added to the drawing set. This drawing shows the distances to all of the residences within the tower setback (1,600 ft.). The distances to the (2) structures located at the Marsh Sanctuary are also shown on Drawing SP-1.
- Comment 9: Distances to other residences within the required setback have not been provided.
Drawing TR-1 has been added to the drawing set. This drawing shows the distances to all of the residences within the tower setback (1,600 ft.).
- Comment 10: Plans containing equipment should be in color.
The colors of all the proposed carrier equipment have been listed with the detail of each piece of equipment.
- Comment 12: Information (type/size) for future equipment should be provided.

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The spaces showing 'future equipment' is for illustrative purposes only, and to show the potential for collocation. The information relating to the type and size of the future equipment cannot be known until the collocator submits plans for collocation at the Facility. The equipment used is selected by each individual carrier, and therefore we cannot know what equipment may be proposed by a future collocator.

Musso Letter

Comments:

- Comment 5: It should be confirmed whether any new utility poles are proposed at the property or at the street frontage of the property as part of the proposed wireless facility. Underground utility conduits shall be confirmed.
It is unknown whether a new utility pole will be required to replace the existing pole on S. Bedford Road until the site is walked with the utility company. Beyond that there are no new utility poles proposed on this project and all proposed utilities are to be underground.
- Comment 7: Please confirm that an emergency generator is required for the facility, or if backup battery cabinets can be employed by Verizon.
Both an emergency generator and a battery backup cabinet are proposed for the Verizon installation at this site (see Drawing C-1).
- Comment 16: Additional x-sections (DWGs A-1 and A-2) should be added to show a 140-ft conventional monopole, with and without co-location by other carriers. It is noted here and above that an alternate height scenario will need to undergo technical evaluation:
The two tower elevations described above have been added to Drawing A-3.
- Comment 17: Although a full structural and foundation analysis would be submitted and reviewed as part of a future Building Permit (should the current applications be approved), potential construction methods (dewatering; type of foundation construction; equipment slabs on grade) should be provided at this time. Narrative format is acceptable. Please confirm if any borings have been conducted in the area of the proposed monopole, and provide data if available.
The construction of the proposed tower foundation will be design upon the completion of a Geotechnical Investigation, which has not been performed to date (currently there is no boring data). The preferred tower foundation will be a buried concrete pad and pier. If dewatering is required during construction it will be performed in accordance with all applicable codes. The proposed concrete equipment pad details have been provided on the drawings (see Drawing C-1).

Olivieri Memo:

Comments:

- Comment 2: Cut and fill calculations should be submitted for review.
The proposed earthwork numbers have been added to Drawing SP-3.
- Comment 6: The sediment and erosion control plan must provide greater detail and include items such as soil stockpiling, and a concrete washout location etc.
Additional sediment and erosion control detail has been added to Drawings SP-3, EC-1 and EC-2.
- Comment 7: The limit of disturbance should include any staging areas, it is unclear if other areas of the site would be utilized for this.
A proposed staging area has been added to the drawings and the proposed Limit of Disturbance has been increased to reflect this addition.

Comment 8: Stormwater detention for any proposed increase to impervious coverage must be included; it is unclear if this would be incorporated into the stormwater design for the proposed solar panel project, the disturbance as noted will require NYSDEC General Permit coverage and possibly NYCDEP SWPPP approval.

The stormwater calculations have been shown on Drawing SP-3. These calculations are based on the telecommunication installation only. The proposed solar panel project will be responsible for the stormwater for that facility. A SWPPP for the Telecommunications Facility has been included as part of the revised ZD submission (Drawing EC-1). We agree that NYSDEC General Permit coverage and NYCDEP SWPPP approval are required and will be sought once the design and layout of the facility are finalized by the Planning Board.

Comment 9: A structural design and calculations should be submitted for the proposed tower and foundation demonstrating capability for proposed and future carriers.

The structural design and calculations will be performed based on the appropriate design standards and will be part of the proposed Construction Drawings that will be submitted for a Building Permit.

Campanelli Memo of Opposition:

Structural Failures: The proposed facility is located such that it is a minimum of 109 feet to the nearest property line (east). The applicant is proposing to design the tower to have a failure hinge point at elevation 31' AGL which would allow the tower fall zone to be contained within the subject parcel. The top section of the tower would collapse on itself.

Fire: Homeland Towers, LLC, is proposing the construction of an unmanned wireless telecommunications facility at the above referenced site. We offer the following information relative to fire safety at the proposed facility.

There are hundreds of thousands similar towers nationwide and the limited number of fires reported is a rare occurrence. In fact, many telecommunications towers are expressly used to support emergency service antennas and equipment. Overall, fire impacts are limited based on the non-combustible/fire-resistant nature of steel monopine towers, the implementation and enforcement of best management practices required during welding, the installation of lightning suppression systems and provisions for emergency service access.

The wireless telecommunications tower proposed for this project is a monopine, consisting of a steel monopole tower outfitted with faux branching and foliage intended to mimic a pine tree. A monopole is constructed of non-combustible hollow sections of metal which provide for telecommunication lines to be routed within the structure. The faux branching and foliage are classified as fire resistant having met the testing requirements of ASTM D635 and NFPA 701, respectively. While monopines are non-combustible/fire resistant, some materials located within the structure are flammable.

On the rare occasion that a fire does occur, it is generally fueled by the outer jacketing surrounding the telecommunications coaxial cables inside the pole due to a welding accident. Welding on a tower site occurs in very rare circumstances when structural upgrades are being made to the tower itself. The tower being proposed at this location is structurally designed to handle the proposed Verizon installation along with the loading for (3) future carriers; therefore, the likelihood that the tower will need to be structurally reinforced is very low. In response to such concerns, all welding at this site will be performed in accordance with OSHA Guidelines and the local Fire Department will be notified prior to welding activities occurring. Some OSHA guidelines that will be followed should welding need to take place on the site shall include any combustibles shall be protected with fire blankets or wet down to help prevent ignition of material. Adequate sources of water will be available. Installation of temporary 3/4" plywood covers over ice bridges and vulnerable equipment to protect against possible fire and falling

materials. Coax cables (internal and external) will be bundled to maintain a minimum 6 inches of clearance from the surface of any section to be cut or take other measures to protect cables from heat, sparks, embers, and flames.

Another potential fire source could be a lightning strike. However, the tower will be properly bonded and grounded thus lightning strikes are not a significant concern.

Based on the very rare occurrence of fire at wireless facilities, the non-combustible/fire-resistant nature of the monopine tower, compliance with welding best management practices and associated OSHA regulations, bonding and grounding the tower and facility to protect against lightning strikes, and the fact that the facility is fully accessible to emergency service vehicles, there will be no significant adverse effects related to fire.

Ice and Debris Fall: The design of the facility as a monopine, is located within a secured fenced compound appropriately located on a large property more than 100 feet from the nearest property line and 288' from the nearest residence. Therefore there will be minimal possibility of ice accumulation and debris fall on adjacent parcels. I believe there is not a significant risk to persons or property from ice and/or debris fall in this situation.

In our experience falling ice is not as much a concern with monopine structures as it is with broadcast towers guyed towers and/or lattice towers. Accumulation of ice is generally of function of altitude, structure height and site location. Mountain top sites or very tall towers have been documented to shed ice. Smaller monopole structures (200' or <) such as that proposed and specifically located in Westchester County New York have not been reported to have shedding ice issues.

In addition to altitude, tower height and site location - the surface area of the tower structure is a major factor for ice shedding. Monopines have less surface area than broadcast towers or other towers, which are usually much taller and constructed with a lattice and/or guy wire design. Monopoles for telecommunication facilities are typically 200' high or less.

Should you have any questions, please do not hesitate to call me at (860) 663-1697 x206.

Sincerely,

APT Engineering

A handwritten signature in blue ink that reads "Robert C. Burns". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert C. Burns, P.E.
Program Manager



November 2, 2020

Honorable Chairman
and Members of the Planning Board
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

RE: 180 S. Bedford Road
Public Utility Wireless Telecommunications Facility
Homeland Towers, LLC

Dear Honorable Chairman and
Members of the Planning Board:

I am Robert C. Burns, P.E. with APT Engineering, the project engineer for the above referenced project to construction a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property"). As you are aware the application ("Application") filed by Homeland Towers and Verizon Wireless ("Applicants") also includes a request for a Steep Slope Permit in accordance with §110-33.1(A) of the Zoning Code. In reviewing the Application, the following factors are offered for consideration in accordance with the Steep Slope Permit requirements contained in the Village Zoning Code. Please note that the following sections in **bold** face type are the actual quotes from the Zoning Code, and the response to each section is noted below.

A. Steep slopes.

(1) Development limitations. To protect environmentally sensitive lands, preserve the Village's natural resources, and promote the orderly development of land, development on parcels that contain excessively steep slope areas, which parcel on the effective date of this chapter is in excess of 40,000 square feet and is in single, undivided ownership, shall be limited by deducting the following from the gross lot area of such parcels to determine the net lot area [in conjunction with § 110-33.1B(1) herein]:

(a) Fifty percent of the area of steep slopes greater than 25%.

(b) Twenty-five percent of the area of steep slopes greater than 20% but not greater than 25%.

Please see below the following slope information for the Property:

111,614 SF slopes 20%-25%;

381,778 SF slopes over 25%; and

45% of the existing property has slopes over 20%.

(2) Steep slopes protection regulations.

(a) Purpose. For the purpose of preventing erosion, preventing stormwater runoff and flooding, providing safe building sites, preventing landslides and soil instability, protecting the quantity and quality of the Village's surface and groundwater resources, protecting important scenic views and vistas, preserving areas of wildlife habitat, minimizing the area of land disturbance related to site

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development and protecting the Village's character and property values, it is the intent of these steep slope regulations to minimize disturbance on steep slopes and to avoid disturbance and construction activities on very steep slopes. Further, it is the intent of these steep slope regulations to minimize the development of hilltops and ridgelines. The Village Board, the Planning Board, the Zoning Board of Appeals, the Building Inspector and the Village Engineer shall take these objectives into consideration in reviewing and acting on any plans submitted pursuant to the provisions of this chapter.

(b) Exempt and regulated activities.

[1] Regulated activities.

[a] It shall be unlawful to create any disturbance greater than 100 square feet in aggregate, or to cut any tree with a diameter greater than four inches when measured from 1 1/2 feet from ground level, on any steep slope, hilltop, or ridgeline, other than an exempt activity as defined herein, without a Steep Slopes Permit issued in conformance with these regulations.

The proposed project involves 4,039 SF (2,128 sf of 20-25% slope and 1,911 sf of over 25% slope) of disturbance on slopes over 20% and trees larger than 4" diameter. Therefore, as the project involves land disturbance in areas with slopes over 20%, a Steep Slope Permit will be required, and the Applicants respectfully request that the Planning Board issue the Steep Slope Permit.

[b] In order to protect the stability of slopes and to ensure the safety of residents, construction activities on steep slopes shall be minimized and shall follow the standards for grading set forth herein.

The grading plan included with the Site Plan follows the standards set by the Village code.

[c] Construction activities shall not be permitted on very steep slopes unless there is no viable alternative.

The proposed plan has 1,911 sf of disturbance on very steep slopes, however due to the location of the Facility and slope of the Property there is no other viable alternative.

[2] Exempt activities. The following activities shall be exempt from provisions of this chapter:

[a] Any customary landscaping, provided that any such activity conforms to all other applicable laws of the Village of Mt. Kisco.

[b] Repair of existing structures with no increase in any physical dimension.

The project does not qualify as an exempt activity therefore a Steep Slope Permit has been requested.

(c) Standards for development approval. In denying, granting, or granting with modifications any application for a steep slopes permit, the Planning Board shall consider the consistency of the proposed activity with the following standards:

[1] Disturbance and construction activities on very steep slopes shall not be permitted unless there is no viable alternative.

With the Facility proposed in this location there is no viable option to avoid the disturbance of very steep slopes.

[2] Disturbance of areas with steep slopes shall be in conformance with the following provisions:

[a] The planning, design and development of buildings shall provide the maximum in structural safety and slope stability while adapting the affected site to, and taking advantage of, the best use of the natural terrain and aesthetic character.

The compound has been designed to minimize the disturbance in the area of development.

[b] The terracing of building sites shall be kept to an absolute minimum. The construction of retaining walls greater than six feet in height or 60 feet in length shall not be permitted unless there is no viable alternative.

The site is not terraced and there are no retaining walls currently proposed.

[c] Roads and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion and shall be consistent with other applicable regulations of the Village of Mt. Kisco and current engineering practices.

The proposed access drive to the compound extends off the existing access drive and follows the natural terrain to the most feasible way possible to reduce land disturbance and meet current engineering practices.

[d] Replanting shall consist of vegetation intended to further slope stabilization with a preference for indigenous woody and herbaceous vegetation.

Currently the proposed slopes are to be seeded with NYSDEC permanent construction area planting mixture #1 from the New York State Standards and Specifications for Erosion and Sediment control (Blue Book), latest edition and covered with Erosion Control Blankets to allow the turf to be established.

[e] When development activities are proposed to occur on hilltops or ridgelines, the plans submitted for review shall demonstrate that the impacts on the functions, aesthetics and essential characteristics of such areas are effectively minimized and mitigated. The natural elevations and vegetative cover of ridgelines shall be disturbed only if the crest of a ridge and the tree line at the crest of the ridge remains uninterrupted and shall not be permitted unless there is no viable alternative. This may be accomplished either by positioning buildings and areas of disturbance below a ridgeline or hilltop or by positioning buildings and areas of disturbance at a ridgeline or hilltop so that the elevation of the roof line of the building is no greater than the elevation of the natural tree line. However, under no circumstances shall more than 50 feet along a ridgeline, to a width of 50 feet generally centered on a ridgeline, be disturbed.

The Facility is not located on a hilltop or ridgeline.

[f] Any regrading shall blend in with the natural contours and undulations of the land.

All proposed grading will be blended into the existing natural contours.

[g] Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom, and sides of regraded slopes.

All proposed cuts and fill contours are shown rounded off on the Site Plan.

[h] The angle of cut and fill slopes shall not exceed a slope of one vertical to two horizontal except where retaining walls, structural stabilization, or other methods acceptable to the Village Engineer are used, in which case the angle shall not exceed a slope of one vertical to three horizontal.

The cut and fill slopes do not exceed a 2:1 slope.

[i] Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structures in the event of the collapse of the cut or fill slopes. Generally, such distance shall be considered to be six feet plus 1/2 the height of the cut or fill.

The Facility is set back from the edge of the slope by 26' and the foundation of the tower will be designed so that it will not be sitting on any of the proposed fill required for construction of the equipment compound. There are no other structures on the site other than a concrete equipment pad which is approximately 5' from the edge of the slope.

[j] Disturbance of rock outcrops shall be by means of explosives only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable regulations of the Village of Mt. Kisco and the State of New York.

There are no rock outcroppings observed within the proposed area of disturbance. It is not known if there is any ledge in the area because a Geotechnical Explorations has not been performed yet. The Applicants do not anticipate the need for blasting to construct the proposed Facility. If ledge is encountered, chipping is preferred to blasting. If blasting were required, an appropriate protocol would be followed in accordance with state and municipal regulations.

[k] Disturbance of steep slopes shall be undertaken in workable units in which the disturbance can be completed and stabilized in one construction season so that areas are not left bare and exposed during the winter and spring thaw periods (December 15 to April 15).

The total construction time is anticipated to take 12 weeks and no disturbance to any steep slopes will occur between December 15 and April 15.

[l] Disturbance of existing vegetative ground cover shall not take place more than 15 days prior to grading and construction.

The Applicants will comply with this requirement.

[m] Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, must be applied to an area of disturbance within two days of establishing the final grade, and permanent stabilization must be applied within 15 days of establishing the final grade.

Erosion control blankets are proposed on all graded slopes with a 3:1 slope or steeper.

[n] Soil stabilization must be applied within two days of disturbance if the final grade is not expected to be established within 21 days. In locations where construction activities have temporarily ceased, temporary soil stabilization measures must be applied within one week.

The Erosion Control notes (Site Plan Sheet- EC-1) on the Site Plan comply with this criteria.

[o] Topsoil shall be stripped from all areas of disturbance, stockpiled and stabilized in a manner to minimize erosion and sedimentation, and replaced elsewhere on the site at the time of final grading. Stockpiling shall not be permitted on slopes of greater than 10%.

Soil Stockpiling as shown on the Site Plan is not proposed on any slopes greater than 10% and that a note has been added to the Temporary Stockpile Detail (See Site Plan Sheet EC-2).

[p] No organic material or rock with a size that will not allow appropriate compaction or cover by topsoil shall be used as fill material. Fill material shall be no less granular than the soil upon which it is placed, and shall drain readily.

All fill material will be in accordance with a Licensed Geotechnical Engineers recommendations once a Geotechnical Report has been completed for the project.

[q] Compaction of fill materials in fill areas shall be such to ensure support of proposed structures and stabilization for intended uses.

All compaction of fill material will be in accordance with a Licensed Geotechnical Engineers and the proposed Tower and Tower Foundation design engineer's recommendations once a Geotechnical Report and tower design has been completed for the project.

[r] Structures shall be designed to fit into the hillside rather than altering the hillside to fit the structure. (Among the methods that may be employed to achieve this goal are reduced footprint design, "step-down" structures, stilt houses, minimization of grading outside the building footprint, placement of structures at minimum street setback requirements to preserve natural terrain, etc.).

There are no "buildings" being proposed as part of the Facility.

[s] Development shall be sited on the least sensitive portions of the site to preserve the natural landforms, geological features, and vegetation.

Where the development is currently being proposed on the site is designed to not affect and natural land forms geological features and to try and minimize any tree clearing.

[t] The stability of slopes and the erodibility of soils on slopes is a function of various physical soil properties and underlying bedrock conditions. Where site surveys indicate the presence of soils or underlying bedrock conditions the physical properties of which might present limitations on construction practices or high erodibility that may result in unstable slopes, the Planning Board may limit the type and extent of construction activities or disturbance to these areas as necessary to ensure public health, safety, and welfare.

The project is designed such that the proposed slopes are stable and will not be impacted by erosion.

[u] Impacts from construction activities or other disturbance on bedrock outcrops and glacial erratics shall be minimized.

There were no outcroppings or glacial erratics visible in the area of the development area.

[v] All measures for the control of erosion and sedimentation shall be undertaken consistent with this chapter and with the Westchester County Soil and Water Conservation District's "Best Management Practices Manual for Erosion and Sediment Control," and New York State Department of Environmental Conservation "Guidelines for Urban Erosion and Sediment Control", as amended, or its equivalent satisfactory to the Planning Board, whichever requires the higher standards.

All erosion control measures have been designed in accordance with NYSDEC guidelines.

[w] All proposed disturbance of steep slopes shall be undertaken with consideration of the soils limitations characteristics contained in the Identification Legend, Westchester County Soils

Survey, 1989, as prepared by the Westchester County Soil and Water Conservation District, in terms of recognition of limitation of soils on steep slopes for development and application of all mitigating measures, and as deemed necessary by the Planning Board.

According to the Westchester County Soils Survey, CsD soils which are a B soil are located in the proposed area of disturbance.

(d) Permit procedures.

[1] Application for permit. An application for a steep slopes permit shall be filed with the Planning Board, and shall contain the following information and such other information as required by it, except when waived by the Planning Board as not pertinent or necessary for the proposed disturbance:

[a] Name, post office address and telephone number of the owner and applicant.

Property Owner is Skull Island Partners LLC,
c/o David Seldin, 1571 Oceanview Drive, Tierra Verde, Florida 33715
(646) 932-3628

Applicants are Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless, c/o Snyder & Snyder, LLP 94 White Plains Road, Tarrytown, New York 10591
(914) 333-0700

[b] Street address and Tax Map designation of property covered by the application.

The Property is identified as 180 South Bedford Road - SBL 80.44-1-1

[c] Statement of authority from owner for any agent making application.

A letter of authorization from the Property Owner has been included with the Application.

[d] Listing of property owners adjacent to, across streets from, and downslope within 500 feet of the property, and any additional property owners deemed appropriate by the Planning Board.

A map and list of adjacent property owners has been included on Sheet R-1 of the Site Plan.

[e] Statement of proposed work and purpose thereof.

This has been included in the Application, the Application is for a public utility wireless telecommunications facility to address a significant gap in Verizon Wireless's network.

[f] A statement prepared by a licensed architect, registered landscape architect, or engineer, that describes:

[i] The methods to be used in overcoming foundation and other structural problems created by slope conditions, in preserving the natural watershed and in preventing soil erosion; and

[ii] The methods to be used to eliminate or mitigate water runoff on all adjacent properties and any other property that will be naturally affected by increased water runoff.

The proposed equipment compound is designed with clean broken stone with 40% voids that will allow the increase in runoff to be held within the voids and infiltrated back into the ground. A swale has been designed on the south side of the driveway to convey the existing stormwater runoff from the uphill areas south of the proposed development area around the proposed compound and driveway and discharge through a riprap energy dissipator, slowing down the runoff where it will naturally drain down the hill towards S. Bedford Road as it does in existing conditions

[g] A statement made under the seal of a licensed professional engineer certifying that:

[i] The proposed activity will disturb the steep slope area to the minimum extent practicable; and
[ii] The proposed mitigation measures will prevent, to the maximum extent practicable, the adverse effect of any disturbance of the steep slope area on the environment and any neighboring properties.

The proposed development has been designed to minimize the disturbance on steep slope areas as much as possible and that disturbance will not adversely effect the neighboring properties.

[h] Eleven copies of plans for the proposed regulated activities drawn to a scale of not less than one inch equals 50 feet (unless otherwise specified by the Planning Board). Such plans shall be sealed and show the following:

[i] Location of proposed construction or disturbance and its relationship to property lines, easements, buildings, roads, walls, sewage disposal systems, wells, and wetlands within 100 feet of the proposed construction or disturbance, unless a greater distance is deemed appropriate by the Planning Board.

This has been included on the Site Plan.

[ii] Estimated material quantities of excavation/fill.

130 CY of excavation, 815 CY of fill required and 165 CY of gravel import.

[iii] Location and size of areas of soils by soils types in the area of proposed disturbance and to a distance of 100 feet surrounding the area of disturbance.

Soil boundaries and soil types are included on the Site Plan.

[iv] Existing and proposed contours (NGVD, National Geodetic Vertical Datum) at two-foot intervals in the area of proposed disturbance and to a distance of 100 feet beyond.

This information has been provided on the Site Plan.

[v] Slope categories for the entire project site itself showing at minimum the steep slope and very steep slope categories. Slope is to be determined from on-site topographic surveys prepared with a two-foot contour interval. The vertical rise is to be measured, on the basis of two-foot contours, in a ten-foot horizontal length.

This information has been provided on the Site Plan.

[vi] Cross sections of steep slope areas proposed to be disturbed.

A Cross section through the steep slope area has been provided on the Site Plan.

[vii] Retaining walls or like constructions, with details of construction.

There are no retaining walls or like construction proposed.

[viii] Erosion and sedimentation control plan prepared in accordance with the requirements listed above in Subsection A(2)(c)[2][k] through [o]. These plans must be submitted under the seal of a licensed professional engineer and must show and certify the following:

[A] All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion and water.

[B] The calculated volume of water runoff from the slope(s) and from the lot in question, as unimproved.

[C] The calculated volume of water runoff from the slope(s) and from the lot in question, as improved.

[D] The existence, location and capacity of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain water runoff to and from the slopes(s) and the lot.

The sediment and erosion control plans contain everything except all natural and artificial drainage courses and facilities within 500' of the lot. The proposed design is decreasing the runoff analysis of those areas are not necessary. The Property drains into S. Bedford Road and per this requirement that has been shown on the Site Plan.

[j] A list of all applicable county, state or federal permits that are required for such work or improvements.

There are no applicable county, state or federal permits required. The approvals required for the Facility have been noted on the EAF filed with the Application.

[k] An application fee in the amount set forth in a fee schedule established by the Village Board.

The Applicants have filed the necessary application fees with the Planning Board.

Conclusion

Based on the aforementioned it is respectfully submitted that the Applicants have met the criteria for issuance of the Steep Slope Permit.

Sincerely,

APT Engineering

A handwritten signature in black ink, appearing to read "Robert C. Burns", with a long horizontal flourish extending to the right.

Robert C. Burns, P.E.
Program Manager



October 29, 2020

Honorable Chairman
and Members of the Planning Board
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

RE: Homeland Towers Site Name: Mt. Kisco NY172
180 S. Bedford Road
Mt. Kisco, NY 10594
Verizon Generator

Honorable Chairmen and Members of the Board,

As part of the proposed Wireless Telecommunications Facility application at the above referenced address currently before the Planning Board, Verizon Wireless is proposing to install and operate an emergency diesel powered 15kw DC backup generator. The generator specified on the drawings is a Ascot: 15 kw generator. A 54 gallon diesel belly tank is proposed to fuel this generator. The proposed tank is a double walled tank fitted with leakage alarms. The proposed generator will be typically cycled remotely once a week for approximately 20 minutes.

According to the manufacturer's specifications, the maximum noise levels produced by the proposed generator is 66 dBA measured at a distance 23 feet from the generator. The closest property line is approximately 80' east of the existing facility; therefore, the projected noise level from the proposed generator at the closest property line is below the Town of Mt. Kisco required noise standards set by Town Code.

I trust the foregoing provides the information you have requested. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

APT Engineering

Robert C. Burns, P.E.
Program Manager

APT ENGINEERING

567 VAUXHALL STREET EXTENSION, SUITE 311 · WATERFORD, CT 06385 · PHONE 860-663-1697 · FAX 860-663-0935

□ 116 GRANDVIEW ROAD · CONWAY, NH 03818 · PHONE 603-496-5853 · FAX 603-447-2124



Town of Mount Kisco
10 Main Street
Mount Kisco, NY 10549

September 16, 2020

RE: Homeland Towers Site Name: Mount Kisco NY172
180 S. Bedford Road
Mount Kisco, NY 10594
Structural Certification

To Whom it May Concern:

Homeland Towers, LLC is proposing the installation of a public utility wireless telecommunications facility, consisting of a 140' monopine ("Tower") with antennas mounted thereon.

The proposed Tower, all attachments, and the Tower's foundation will be designed to meet the ANSI/TIA-222-H "Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures" and all county, state and federal structural requirements for loading, including wind and ice loads. The Tower will be designed to be able to support at least four (4) antenna arrays. Furthermore, the proposed tower will be designed with a "hinge-point" at elevation 31' AGL (closest property line distance is 109' +/-) so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel.

Should you have any questions, please do not hesitate to call me at (860) 663-1697.

Sincerely,

APT Engineering

Michael S. Trodden, P.E.
Senior Structural Engineer



APT ENGINEERING

567 VAUXHALL STREET EXTENSION · SUITE 311 · WATERFORD, CT 06385 · PHONE 860-663-1697 · FAX 860-663-0935

P.O. BOX 504 · 116 GRANDVIEW ROAD · CONWAY, NH 03818 · PHONE 603-496-5853 · FAX 603-447-2124



CORPORATE OFFICE
 Mountville, NY (800) 828-6631

1278 Route 300
 Newburgh, NY 12550

(845) 367-6656
 www.tectoniceengineering.com

Honorable Supervisor, Doherty and
 Members of the Town Board
 Town of Kent
 25 Sybil's Crossing
 Kent Lakes, NY

April 8, 2013

RE: W.O. 4806.NY181
 HOMETLAND TOWERS, LLC
 21 SMOKEY HOLLOW CT.
 KENT LAKES, NY 10512

Honorable Supervisor and Members of the Town Board:

Tectonic Engineering Consultants & Surveyors, P.C. (Tectonic) has been provided a copy of "An Analysis of Cell Tower Ice Falls" prepared by Mr. Dennis Rogers dated March 28, 2013.

Based on the review of the said letter we would like to offer the following:

1. Mr. Rogers incorrectly assumes an antenna size of 2 x 1 meters (6'-6" x 3'-3"). These values translate into a surface area of 21.5 sqft. A more realistic antenna size for one of the major wireless carriers (Verizon Wireless) is approximately 6ft x1ft, which has a surface area of 6 sqft. This value is significantly less than the area used in the analysis referenced above.
2. Mr. Rogers assumes an ice thickness of 6 cm (2.36 inches) which would result in a piece of ice weighing approximately 108 kg (237 lbs). The proposed installation is governed by ANSI/TIA.

Per the latest version of the TIA publication, ANSI/TIA-222-G-2005, "Structural Standard for Antenna Supporting Structures and Antennas", published by the Telecommunications Industry Association, Standard, the Maximum Basic Design Ice Thickness for Putnam County is listed as 0.75 inches. The code also requires that the ice be escalated with height when calculating the ice weight and wind on ice loads. Therefore the radial ice calculated at 160' (top of the proposed pole) is approximately 1.75 inches. Utilizing this ice thickness and an area of 6 sqft, the mass of potential ice would be reduced to approximately 65 lbs. See attached calculations for determination of radial ice based on the TIA standard which is lower than the arbitrary thickness assumed by Mr. Rogers.

3. In our professional opinion, the photo of *Cell Tower Ice build up* found in the summary of Mr. Rogers is not a proper representation of typical conditions found in the northeast. Our research indicates that this photo is available on the World Wide Web and is most likely of a self-support tower located in Cordova Alaska. It should also be noted that the structure shown in the photo is of a self-support lattice structure and not a monopole structure that is proposed at this location. As noted in

PLANNING • ENGINEERING • CONSTRUCTION AND PROGRAM MANAGEMENT

An Equal Opportunity Employer

SARATOGA ASSOCIATES

Landscape Architects, Architects,
Engineers, and Planners, P.C.

November 3, 2020

Honorable Chairman and Members of the Planning Board
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: Visual Assessment
Proposed Wireless Telecommunications Facility
180 South Bedford Road

Dear Honorable Chairman and Planning Board Members:

Saratoga Associates is writing on behalf of Homeland Towers regarding a proposed telecommunications tower and associated equipment at the above referenced address. Saratoga Associates has been retained to address potential visual impacts associated with this project.

At the October 27 Village of Mount Kisco Planning Board meeting the Village Planning Board (the "Board") requested the applicant conduct a balloon visibility test for the above referenced project. In a memo dated October 22, 2020 Board consultant HDR provided a recommended scope for the balloon test. Consistent with HDR's recommended scope we offer the following balloon test methodology for Board consideration.

Balloon Date/Time - The balloon test will be publicly advertised to take place on Saturday November 14 between the hours of 8am and 12pm or in the event of inclement or windy weather each consecutive day thereafter until the balloon test is completed.

To assure the best opportunity for a successful test the applicant will consult and HDR to make a "go/no go" decision no later than 2pm on the day before the scheduled test. The balloon test will be postponed if the weather forecast calls for precipitation or winds in excess of 8 mph at any time during the scheduled "float window". HDR will coordinate with the applicant and the Board to establish and email chain to advise all involved parties of the go/no decision.

Balloon Launch/Float - One 5-foot± diameter red balloon will be raised to the top elevation of the proposed tower (140 feet). A 4-foot± diameter red balloon will be affixed to the same tether 15 feet below the top balloon to represent an alternative tower height. The second balloon is

Village of Mount Kisco Planning Board

November 3, 2020

Page 2 of 6

provided solely at the request of the Board. The application currently before the Board is for 140 feet tall monopole tower only. The land owner has not agreed to allow a facility at the alternative location.

A second set of balloons will be simultaneously flown at an alternative location on the property to the south and at a higher elevation than the primary location. At this second location one 5-foot± diameter blue balloon will be raised to the top elevation of the proposed tower (140 feet and a 4-foot± diameter blue balloon will be affixed to the same tether 15 feet below the top balloon to represent an alternative tower height. This second balloon is provided solely at the request of the Board. The application currently before the Board is for a 140 feet tall monopole tower at the first location only. The land owner has not agreed to allow a facility at the alternative location.

The anchor position of the balloon(s) will be as close to designated tower center(s) as practicable considering the presence of dense overhead tree canopy in the area. The location of the balloon anchor point(s) will be documented in the field using a handheld GPS unit. The actual ground elevation of the anchor location(s) will be determined in advance of the test. The length of the tether will be adjusted as necessary to account for any proposed cut/fill grade change at the tower center and/or actual ground elevation at balloon anchor point if an offset location is necessary raise the balloon as close as practicable to proposed top of monopole elevation.

The height of the balloon(s) (length of the tether) and ground elevation adjustment will be verified in the field by Board consultant HDR. The applicant will provide a tape measure for use by HDR to document tether length. In order to maintain the launch schedule HDR must be present on-site at least 30 minutes prior to launch time to verify the tether length.

The applicant will document the weather condition and wind speed direction once per hour during the float window (i.e., screen shot of current local weather conditions as reported by the Weather Channel, Accuweather or other reputable source). The applicant will keep note of the any tilt or bobbing of the balloon over the course of the float.

Should the balloon(s) pop or deflate within the float window a replacement balloon will be promptly raised. The applicant will document the time the balloon was down or otherwise floated at less than full height. Spare balloons and helium will be mobilized for the field test.

Photo Receptors – 36 locations have been identified in consultation with HDR to be visited during the balloon test. Attached are viewshed maps Figure 1a – Photo Location/Bare Earth Viewshed Map 1 Mile Radius, Figure 1b Photo Location/Land Cover Viewshed Map 1 Mile Radius, Figure 2a – Photo Location/Bare Earth Viewshed Map 1/2 Mile Radius, Figure 2b Photo Location/Land Cover Viewshed Map 1/2 Mile Radius are provided as Exhibit A herein. These viewshed maps identify the geographic area within which the top elevation of the propose 140-foot-tall monopole is

SARATOGA ASSOCIATES

Village of Mount Kisco Planning Board

November 3, 2020

Page 3 of 6

theoretically visible under bare earth (i.e., without consideration of the screening value of existing vegetation or structures) and land cover (i.e., with without consideration of the screening value of existing vegetation or structures).

Viewshed maps illustrating the theoretical bare earth and land cover visibility of a 140-foot-tall tower at the alternative location are provided herein as Exhibit B.

While the balloon is in the air an experienced visual analyst will visit each preapproved location to document balloon visibility (whether the balloon is visible or not). Photographs may also be taken from additional publicly accessible vantage points as may be identified in the field during the balloon test.

Board consultant HDR will attended the balloon test and independently visit preidentified visual resources. While in the field HDR will be in communication with the Saratoga Associates visual analyst as may be necessary to confirm photographs are being taken from visible vantage points and to recommend additional locations as may be determined in the field. Prior to the balloon test the applicant will provide the names and mobile phone numbers of the field crew, in case Planning Board members or HDR needs to contact them or vice versa.

Photographs will be taken using a Canon 6D Mark II digital single lens reflex ("DSLR") 24-mega pixel camera with fixed 50mm ("prime") lens. A 50mm lens is used to minimize optical distortion and is most reprehensive of normal human eyesight. The precise coordinates of each photo location will be recorded in the field using a handheld global positioning system (GPS) unit. Prior to field reconnaissance, the coordinates of the proposed telecommunications tower will be programmed into a handheld GPS unit as a "waypoint." The "waypoint indicator" function of the GPS (arrow pointing along a calculated bearing) will be used to assist the visual analyst determine the direction of the tower site from each photo location in cases where the balloon(s) is not visible though or above intervening vegetation.

Thank you for your attention to this matter.



Matthew W. Allen, RLA

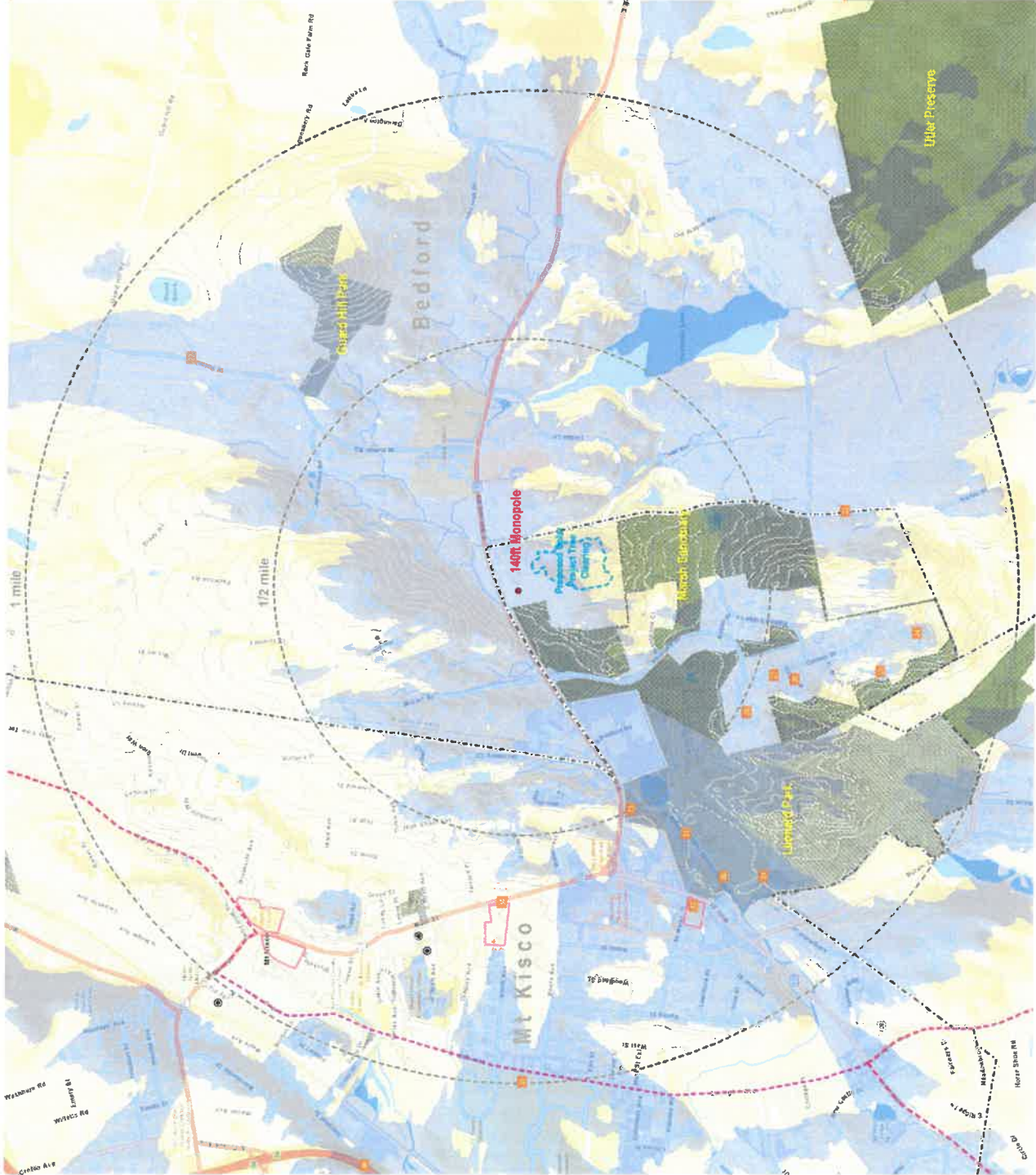
Principal

SARATOGA ASSOCIATES

Landscape Architects, Architects, Engineers, and Planners, P.C.



Exhibit A
Photo Location/Viewshed Maps
Proposed Tower Location



LEGEND

■ Bare Earth Viewshed Area (140ft tower)
(Excludes existing vegetation and structures)

Scenic Resources

- County Preserve
- Municipal Recreation Area
- Municipal Recreation Area
- National Register of Historic Places S
- County Trail System
- National Register of Historic Places S
- National Register-eligible Site

Photo Locations

■ Photo Location (see Figure 2a/2b for locations within 1/2 mile radius)

Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Bare Earth" condition overlay identifies areas where the proposed telecommunications tower high point may be visible without consideration of the screening effect of existing vegetation or built structures. Bare earth analysis is provided to assist experienced visual analysts identify the maximum potential geographic area within which further investigation is appropriate. This topography-only viewshed map is not representative of project visibility during winter season leaf-off conditions.

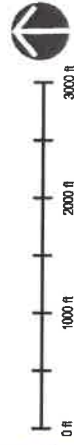


FIGURE 1a

PHOTO LOCATION/BARE EARTH VIEWSHED MAP - 1/2 MILE RADIUS

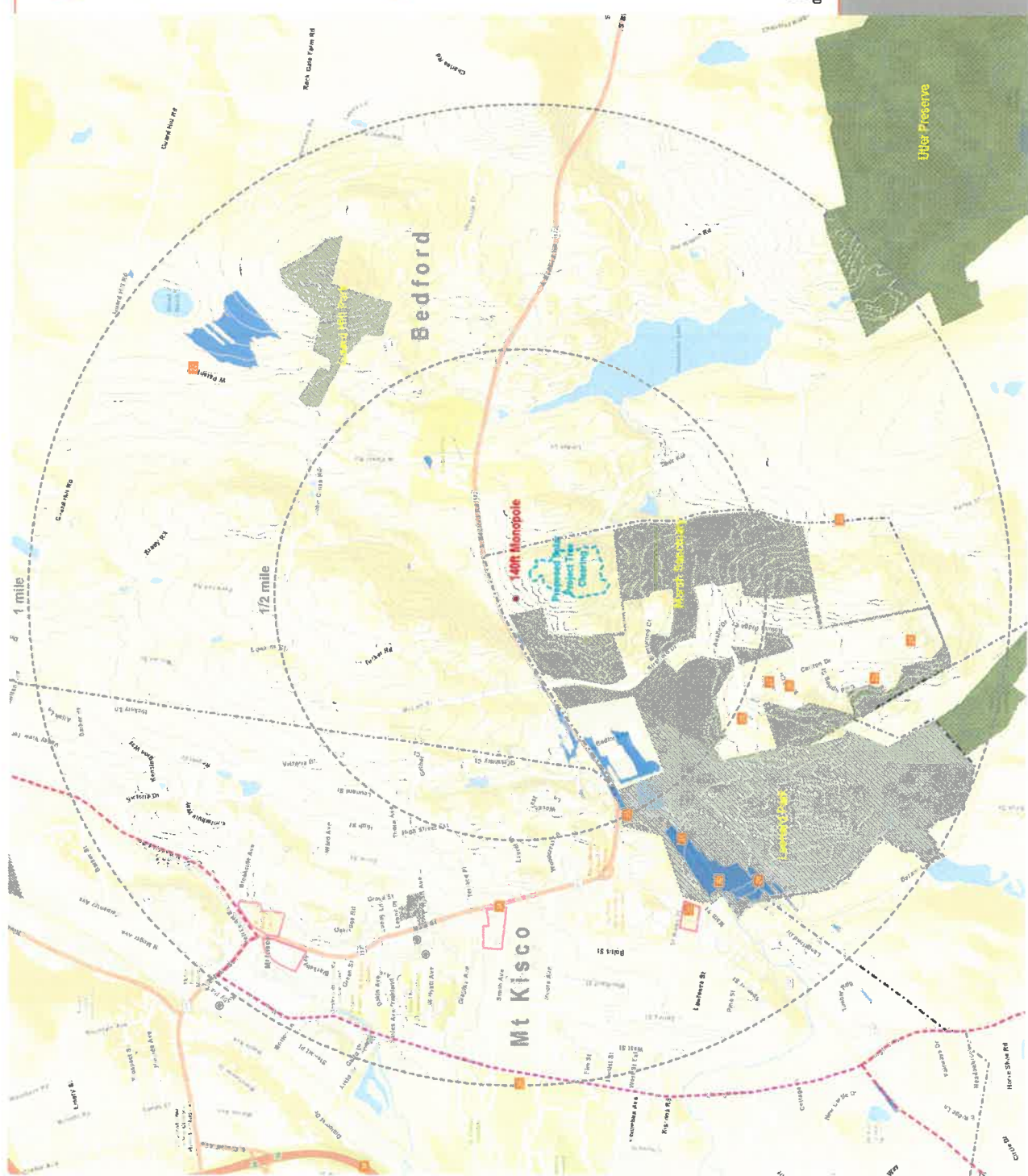
Visual Resource Assessment

Proposed Telecommunications Tower



HOMELAND TOWERS

Atum Kisco Site (M1172)
180 South Bedford Road
Mount Kisco, NY 10554



LEGEND

- Land Cover Viewshed Area (140ft tower)
(includes existing vegetation and structures)
- Scenic Resources**
- County Preserve
- Municipal Recreation Area
- Municipal Recreation Area
- National Register of Historic Places:
- County Trail System
- National Register of Historic Places:
- National Register-eligible Site

Photo Locations

Photo Location (see Figure 2a2b for locations within 1/2 mile radius)

Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Land Cover" condition viewshed area includes the screening effect of intervening vegetation and buildings. Vegetation areas and buildings were manually digitized from 2016 one-foot resolution digital orthophotography. All digitized tree cover is assumed to be 50 feet tall and all digitized buildings are assumed to be 25 feet tall.

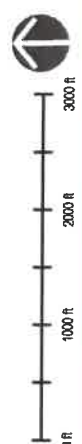


FIGURE 1b
PHOTO LOCATION/LAND COVER VIEWSHED MAP - 1 MILE RADIUS
Visual Resource Assessment
Proposed Telecommunications Tower



Mount Echo Site (NY 173)
 160 South Bedford Road
 Mount Kisco, NY 10594

HOMELAND TOWERS

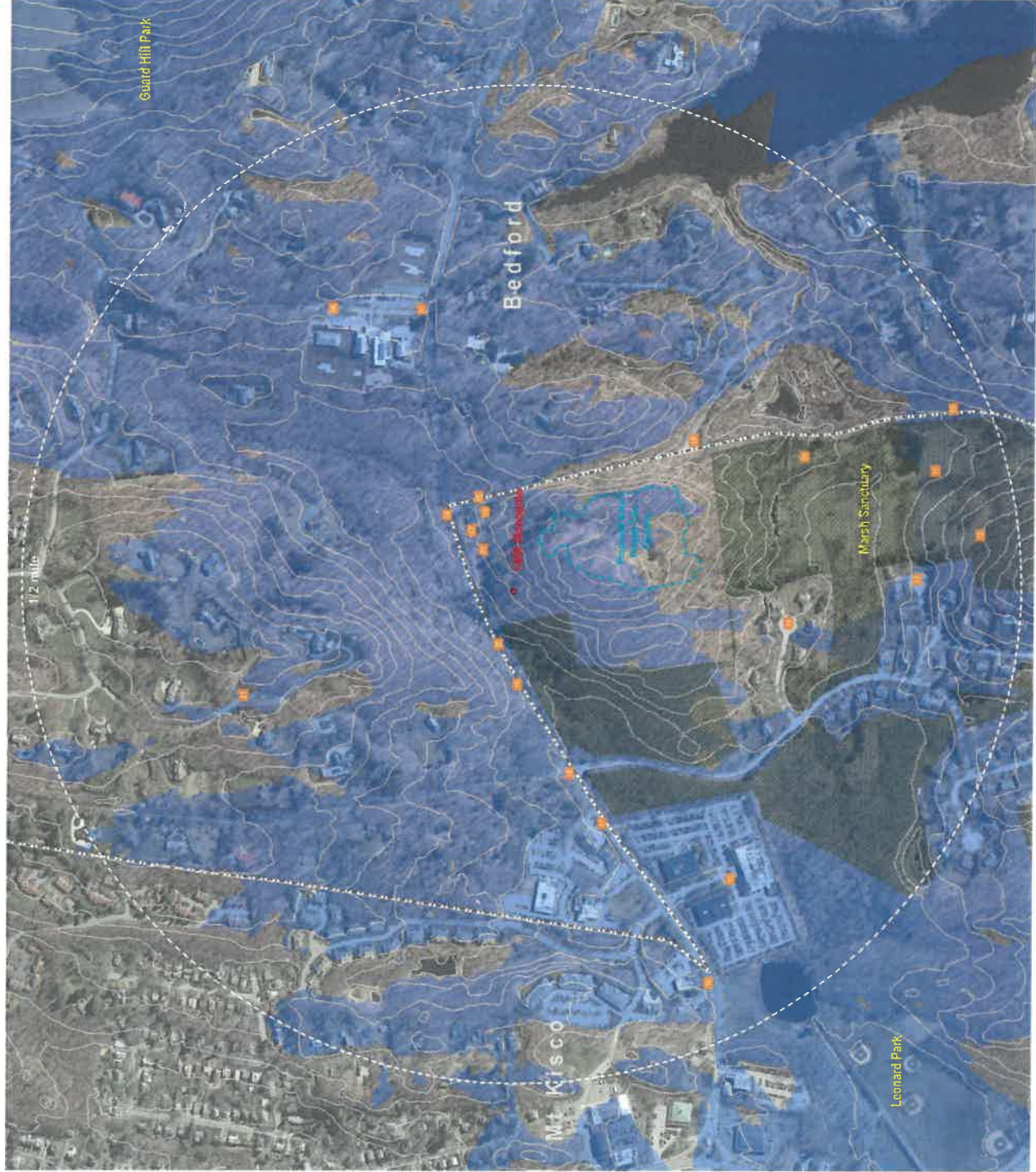
LEGEND

Bare Earth Viewshed Area (140ft tower)
(Excludes existing vegetation and structures)

- Scenic Resources**
- County Preserve
 - Municipal Recreation Area
 - Municipal Recreation Area
 - National Register of Historic Places:
 - County Trail System
 - National Register of Historic Places:
 - National Register-eligible Site

Photo Locations

Photo Location (see Figure 1a/1b for locations within beyond 1 mile radius)



Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Bare Earth" condition overlay identifies areas where the proposed telecommunications tower high point may be visible without consideration of the screening effect of existing vegetation or built structures. Bare earth analysis is provided to assist experienced visual analysts identify the maximum potential geographic area within which further investigation is appropriate. This topography-only viewshed map is not representative of project visibility during winter season leaf-off conditions.

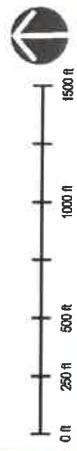


FIGURE 2a
PHOTO LOCATION/ BARE EARTH VIEWSHED MAP - 1/2 MILE RADIUS

Visual Resource Assessment
Proposed Telecommunications Tower

Mount Kisco, N.Y. 10542
180 South Bedford Road
Mount Misco, NY 10554



HOMELAND TOWERS



LEGEND

Land Cover Viewshed Area (140ft tower)
(includes existing vegetation and structures)

Scenic Resources

- County Preserve
- Municipal Recreation Area
- Municipal Recreation Area
- National Register of Historic Places :
- County Trail System
- National Register of Historic Places :
- National Register-eligible Site

Photo Locations

Photo Location (see Figure 1a1b for locations within beyond 1 mile radius)

Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Land Cover" condition viewshed area includes the screening effect of intervening vegetation and buildings. Vegetated areas and buildings were manually digitized from 2016 one-foot resolution digital orthorectification. All digitized tree cover is assumed to be 50 feet tall and all digitized buildings are assumed to be 25 feet tall.

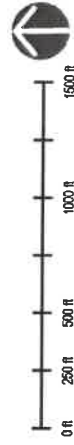


FIGURE 2b
PHOTO LOCATION/LAND COVER VIEWSHED MAP - 1.2 MILE RADIUS
Visual Resource Assessment
Proposed Telecommunications Tower
Mount Kisco Slim (11172)
180 South Bedford Road
Mount Kisco, NY 10594

HOMELAND TOWERS

Exhibit B
Photo Location/Viewshed Maps
Alternative Tower Location

LEGEND

Bare Earth Viewshed Area (140ft tower)
(Excludes existing vegetation and structures)

- Scenic Resources**
- County Preserve
 - Municipal Recreation Area
 - Municipal Recreation Area
 - National Register of Historic Places
 - County Trail System
 - National Register of Historic Places
 - National Register-eligible Site

Photo Locations

Photo Location (see Figure 4a/4b for locations within 1/2 mile radius)

Note: This alternative location analysis is provided solely at the request of the Board. The application currently before the Board is for a 140 foot tall monopole tower at the primary location only. The land owner has not agreed to allow a facility at the alternative location.

Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Bare Earth" condition overlay identifies areas where the proposed telecommunications tower high point may be visible without consideration of the screening effect of existing vegetation or built structures. Bare earth analysis is provided to assist experienced visual analysis identify the maximum potential geographic area within which further investigation is appropriate. This topography-only viewshed map is not representative of project visibility during winter season leaf-off conditions.

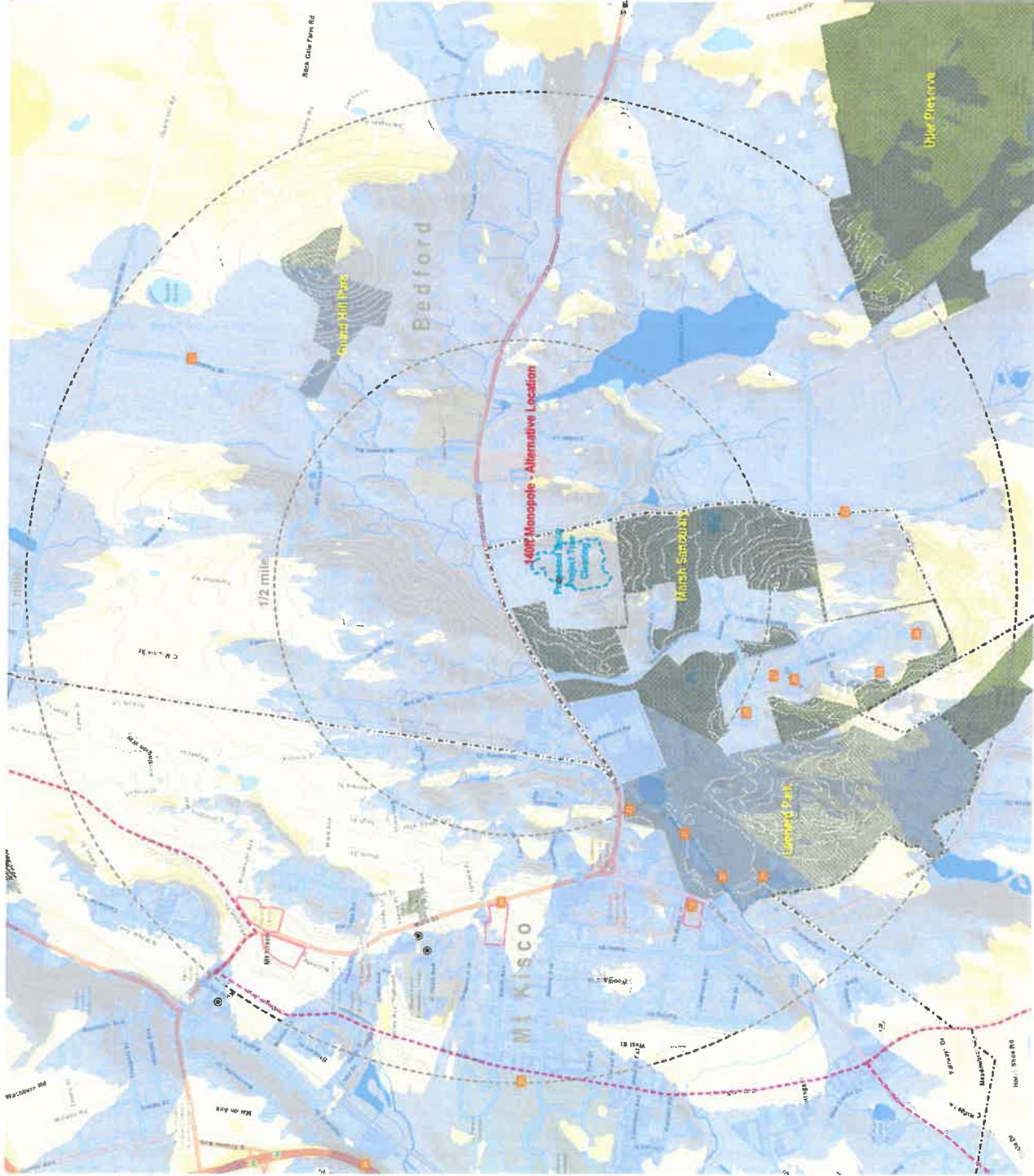


FIGURE 3a
ALTERNATIVE LOCATION
PHOTO LOCATION/BARE EARTH VIEWSHED MAP - 1/2 MILE RADIUS
Visual Resource Assessment

Proposed Telecommunications Tower

Mount Piseco Site (NY172)
180 South Bedford Road
Madison, NY 13294

HOME LAND TOWERS

LEGEND

Land Cover Viewshed Area (140ft tower)
(Includes existing vegetation and structures)

- Scenic Resources**
- County Preserve
 - Municipal Recreation Area
 - National Register of Historic Places
 - County Trail System
 - National Register of Historic Places
 - National Register-eligible Site

Photo Locations
Photo Location (see Figure 44/4b for locations within 1/2 mile radius)

Note: This alternative location analysis is provided solely at the request of the Board. The application currently before the Board is for a 140 foot ball monopole tower at the primary location only. The land owner has not agreed to allow a facility at the alternative location.

Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Land Cover" condition viewshed area includes the screening effect of intervening vegetation and buildings. Vegetated areas and buildings were manually digitized from 2016 one-foot resolution digital orthophotography. All digitized tree cover is assumed to be 50 feet tall and all digitized buildings are assumed to be 25 feet tall.

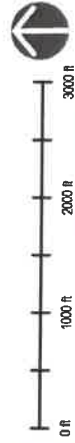
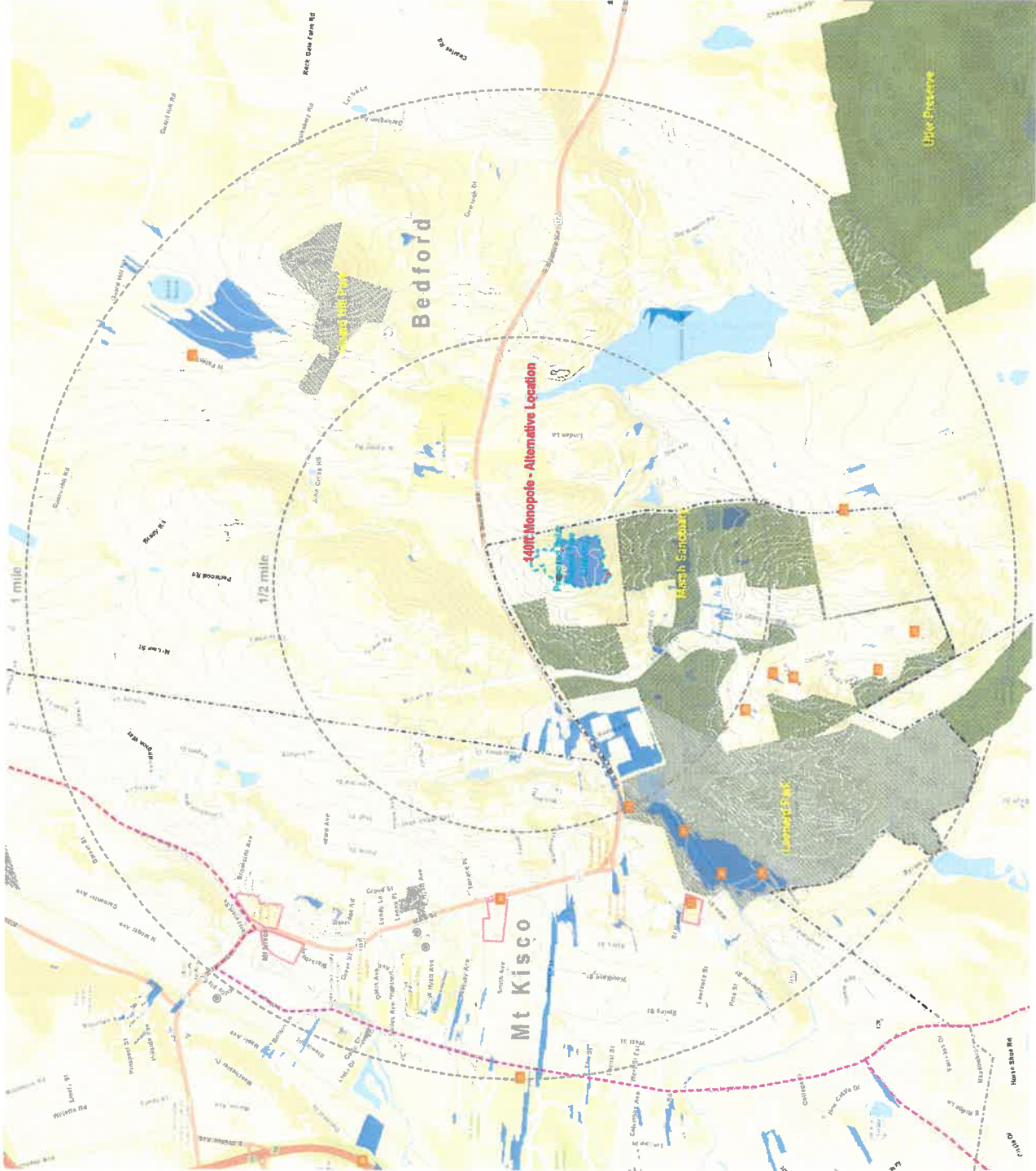
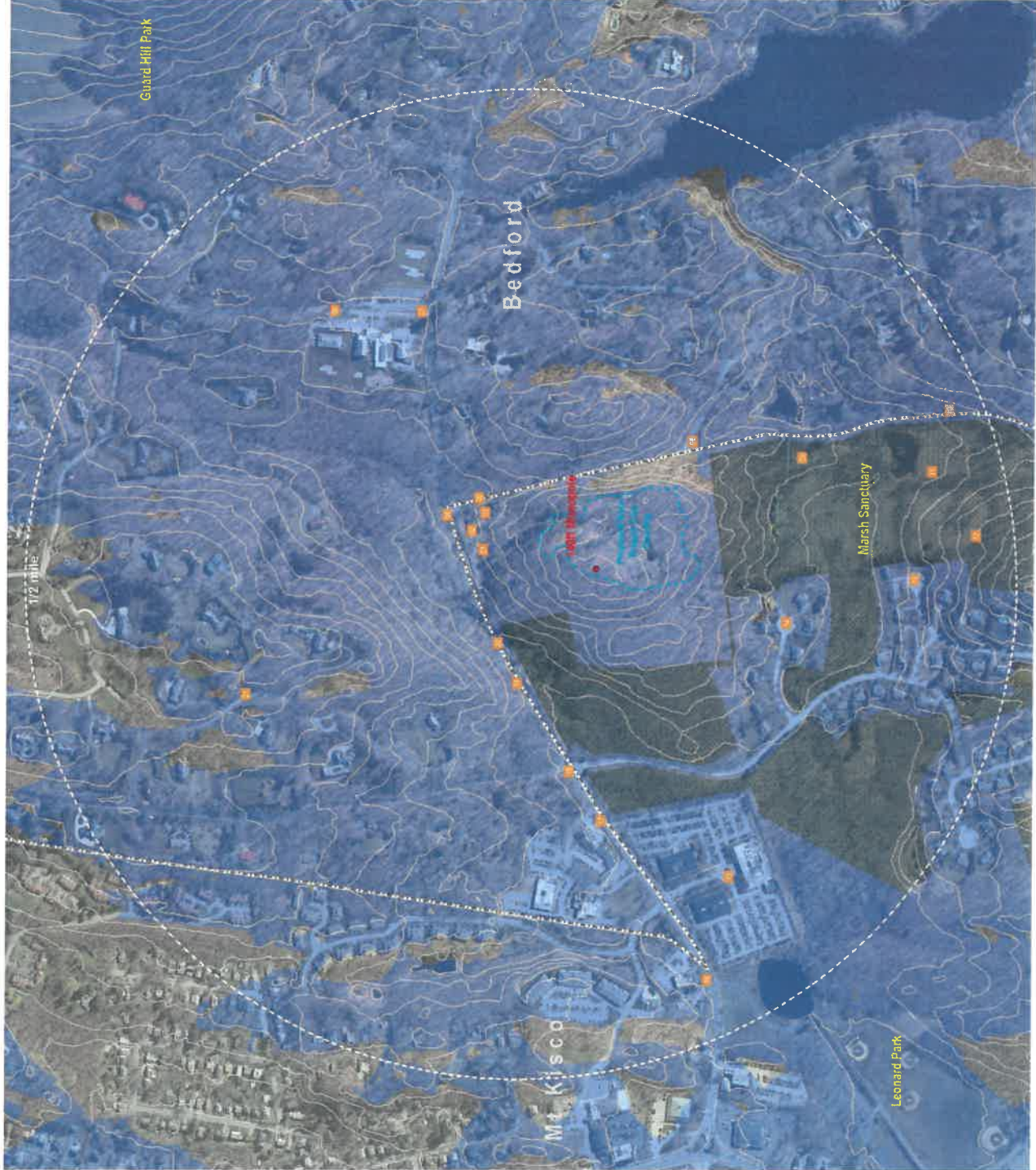


FIGURE 36
ALTERNATIVE LOCATION
PHOTO LOCATION, LAND COVER VIEWSHED MAP - 1 MILE RADIUS
Visual Resource Assessment

Proposed Telecommunications Tower

Mount Kisco Site (NY172)
140' South Bedford Road
Mount Kisco, NY 10554

HOMELAND TOWERS



LEGEND

Bare Earth Viewshed Area (140ft tower)
(Excludes existing vegetation and structures)

Scenic Resources

- County Preserve
- Municipal Recreation Area
- National Register of Historic Places :
- County Trail System
- National Register of Historic Places :
- National Register-eligible Site

Photo Locations

Photo Location (see Figure 3a7b for locations within beyond 1 mile radius)

Note: This alternative location analysis is provided solely at the request of the Board. The application currently before the Board is for a 140 foot tall monopole tower at the primary location only. The land owner has not agreed to allow a facility at the alternative location.

Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Bare Earth" condition overlay identifies areas where the proposed telecommunications tower high point may be visible without consideration of the screening effect of existing vegetation or built structures. Bare earth analysis is provided to assist experienced visual analysts identify the maximum potential geographic area within which further investigation is appropriate. This topography-only viewshed map is not representative of project visibility during winter season leaf-off conditions.

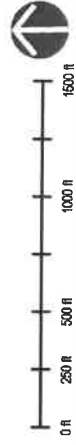


FIGURE 4a
ALTERNATIVE LOCATION
PHOTO LOCATION: BARE EARTH VIEWSHED MAP - 12 MILE RADIUS

Visual Resources Assessment
Proposed Telecommunications Tower



Mount Pleasant Site (NY172)
180 South Bedford Road
Mount Pleasant, NY 10554

HOMELAND TOWERS



LEGEND

Land Cover Viewshed Area (140ft tower)
(includes existing vegetation and structures)

Scenic Resources

- County Preserve
- Municipal Recreation Area
- National Register of Historic Places
- County Trail System
- National Register of Historic Places
- National Register-eligible Site

Photo Locations

Photo Location (see Figure 3a-5b for locations within beyond 1 mile radius)

Note: This alternative location analysis is provided solely at the request of the Board. The application currently before the Board is for a 140 foot monopole tower at the primary location only. The land owner has not agreed to allow a facility at the alternative location.

Note: Viewshed areas are not definitive. Viewshed mapping provides a general understanding of where the proposed project is theoretically visible based on regional topographic, forest and building cover data sources.

The "Land Cover" condition viewshed area includes the screening effect of intervening vegetation and buildings. Vegetated areas and buildings were manually digitized from 2016 one-foot resolution digital orthorectified imagery. All digitized tree cover is assumed to be 50 feet tall and all digitized buildings are assumed to be 25 feet tall.

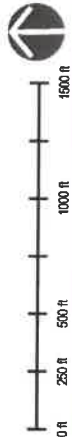


FIGURE 4b
ALTERNATIVE LOCATION
PHOTO LOCATION/LAND COVER VIEWSHED MAP - 12 MILE RADIUS

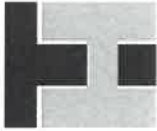
Visual Resource Assessment

Proposed Telecommunications Tower

Mount Kisco Site (WV172)
180 South Bedford Road
Mount Kisco, NY 10554



HOMELAND TOWERS



HOMELAND TOWERS, LLC

WIRELESS TELECOMMUNICATIONS FACILITY

MOUNT KISCO

180 S. BEDFORD RD. MT. KISCO, NY 10594

DRAWING INDEX

- T-1 TITLE SHEET & INDEX
- 1 OF 2 ABUTTERS PLAN
- 2 OF 2 PARTIAL EXISTING CONDITIONS SURVEY
- R-1 500' RADIUS MAP & PROPERTY OWNERS
- TR-1 1,600' TOWER RADIUS MAP
- SP-1 SITE PLAN
- SP-2 PARTIAL SITE PLAN
- SP-3 PARTIAL SITE PLAN
- CP-1 COMPOUND PLAN
- A-1 - A-3 ELEVATIONS & ALTERNATE MONOPOLE ELEVATIONS
- EC-1 EROSION CONTROL NOTES & DETAILS
- EC-2 EROSION CONTROL DETAILS
- C-1 VERIZON EQUIPMENT PLAN & DETAILS
- C-2 VERIZON ANTENNA PLAN & DETAILS
- C-3 SITE DETAILS
- C-4 VERIZON EQUIPMENT LIGHTING DETAILS
- SS-1 STEEP SLOPE PLAN
- LS-1 LANDSCAPING & TREE PROTECTION PLAN



LOCATION MAP
SCALE 1" = 500'

OWNER: SKULL ISLAND PARTNERS LLC
 9 HARMONY STREET
 1471 LOCUST GROVE
 BRICKA VERDE, FL 33715-2538
 (809) 297-6836

APPLICANTS: HOMELAND TOWERS, LLC
 4 CENTEROCK RD.
 WEST HAVEN, CT 06810
 KLAUS WIMMER
 (809) 297-6836

HOMELAND PROJECT ARCHITECTS, INC.
 SNYDER & SNYDER, LLP
 24 WHITE PLAINS ROAD
 THIRTON, NY 10591
 (814) 333-0700

POWER PROVIDER: TELCO PROVIDER:
 COMEDISON; (800) 752-6633 VERIZON; (914) 850-0000

DIC SAFFELY, NEW YORK
 (800) 962-7962

GOVERNING CODES:
 2020 NEW YORK STATE UNIFORM
 FIRE PREVENTION & BUILDING CODE
 NATIONAL FIRE PROTECTION ASSOCIATION
 NFPA 704-2021

HOMELAND TOWERS, LLC
 4 CENTEROCK ROAD
 WEST HAVEN, CT 06810
 (809) 297-6836



APR NATIONAL STREET EXTENSION (STATE ST)
 1000 STATE STREET
 WASHINGTON, DC 20004
 WWW.APTENGINEERING.COM TEL: (800) 962-0000

NO.	DATE	REVISION
1	08/12/20	FOR REVIEW: RCB
2	08/12/20	FOR REVIEW: RCB
3	08/12/20	FOR REVIEW: RCB
4	08/12/20	FOR REVIEW: RCB
5	08/12/20	FOR REVIEW: RCB
6	08/12/20	FOR REVIEW: RCB
7	08/12/20	FOR REVIEW: RCB
8	08/12/20	FOR REVIEW: RCB
9	08/12/20	FOR REVIEW: RCB
10	08/12/20	FOR REVIEW: RCB

DESIGN PROFESSIONAL OF RECORD:
 PROF. SCOTT M. CHASE, P.E.
 CONSULTING ENGINEERING
 EXTENSION, SUITE 511
 WATERFORD, CT 06895
 (860) 297-6836

DEVELOPER: HOMELAND TOWERS, LLC
 2ND FLOOR
 DANBURY, CT 06810

ENGINEER CONTACT: ROBERT C. BURAS, P.E.
 (860) 863-1607 x206

PROJECT LOCATION: 180 S. BEDFORD RD.
 MT. KISCO, NY 10594

PROJECT DESCRIPTION: HAWKLAND SITE W/ GROUND EQUIPMENT
 WITHIN 2.6402 AC SITE COMMUNICATIONS
 COMPOUND WITH NEW 142' AEL MONOPOLE.

PROPERTY DEVELOPER: HOMELAND TOWERS, LLC
 2ND FLOOR
 DANBURY, CT 06810

DEVELOPER CONTACT: KLAUS WIMMER
 (203) 297-6345

ENGINEER CONTACT: ROBERT C. BURAS, P.E.
 (860) 863-1607 x206

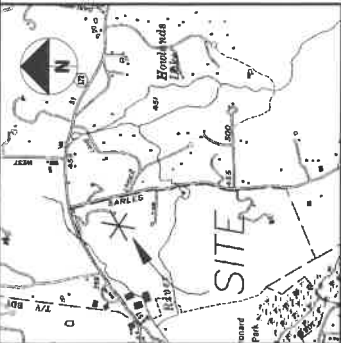
LATITUDE: 41° 11' 58.68"N
 LONGITUDE: 73° 42' 46.25"W
 ELEVATION: 428 ± AMSL

SECTION: 80-44
 LOT: 1
 BLOCK: 1
 ZONE: CD - CONSERVATION DEVELOPMENT DISTRICT

HOMELAND TOWERS
 199 S. BEDFORD RD.
 ADDRESS: MT. KISCO, NY 10594
 APT FILING NUMBER: WY03200
 DATE: 08/12/20 DRAWN BY: CSW
 CHECKED BY: RCB

SHEET TITLE:
 TITLE SHEET
 & INDEX





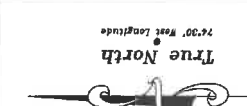
Source: NYSDEC, USGS, Google Street - Mt. Kisco, NY

SURVEY NOTES

1. THE TITLE REFLECTS THE INFORMATION AS FOLLOWS:
 2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 3. ALL ANGLES ARE IN DEGREES, MINUTES AND SECONDS.
 4. ALL CURVES ARE FULL CIRCLES UNLESS OTHERWISE NOTED.
 5. ALL CURVES ARE TO THE RIGHT UNLESS OTHERWISE NOTED.
 6. ALL CURVES ARE TO BE RUN AS SHOWN ON THE PLAN.
 7. THE DISTANCE FROM THE CENTER OF GRAVITY OF THE EARTH TO THE CENTER OF GRAVITY OF THE POINT IS 1.118 INCHES.
 8. THE DISTANCE FROM THE CENTER OF GRAVITY OF THE EARTH TO THE CENTER OF GRAVITY OF THE POINT IS 1.118 INCHES.
 9. THE DISTANCE FROM THE CENTER OF GRAVITY OF THE EARTH TO THE CENTER OF GRAVITY OF THE POINT IS 1.118 INCHES.
 10. THE DISTANCE FROM THE CENTER OF GRAVITY OF THE EARTH TO THE CENTER OF GRAVITY OF THE POINT IS 1.118 INCHES.

LEGEND

• Corner Point Label
 --- Boundary Line
 --- County Tax Parcel Line
 80-44-1-1 County Tax Parcel ID Number

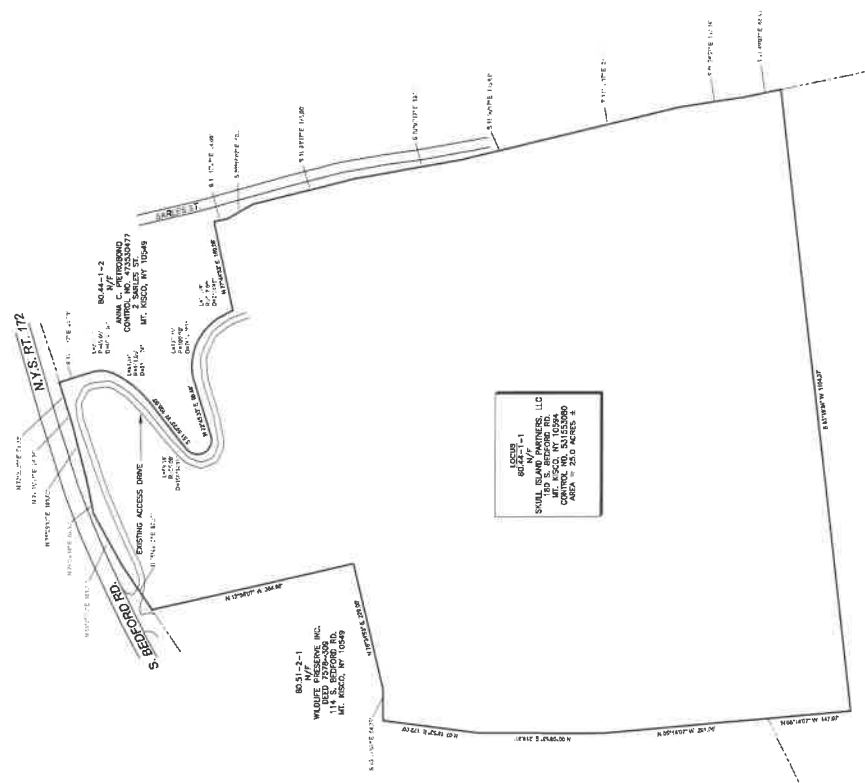


REVISIONS

NO.	DATE	DESCRIPTION

SITE SPECIFIC NOTES

1. FIELD SURVEY DATE: AUGUST 6, 2009
2. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83)
3. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
4. OWNER: SKULL ISLAND PARTNERS, LLC
800 S. BEDFORD RD.
MT. KISCO, NY 10549
5. SITE NUMBER: 80-44-1-1
ST. PETERSBURG, FL 33701
6. SITE ADDRESS: 180 S. BEDFORD RD.
MT. KISCO, NY 10549
7. APPLICANT: HONOLAND TOWNSHIP
VILLAGE OF MT. KISCO
WESTCHESTER COUNTY, NY
8. JURISDICTION: WESTCHESTER COUNTY, NY
9. TAX ID: 80-44-1-1
10. DEED REFERENCE: CONTROL NO. 501553080
11. ZONING DISTRICT: CD CONSERVATION DEVELOPMENT DISTRICT
12. THE HORIZONTAL DATUM AND VERTICAL DATUM WERE DERIVED FROM A DUAL FREQUENCY GPS SURVEY.
13. ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREON WAS OBTAINED FROM THE RECORDS OF THE WESTCHESTER COUNTY ENGINEERING DEPARTMENT. THE LOCATION OF ALL UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF ALL SITE WORK. CALL DISAPPLY NET WORK TO IDENTIFY THE LOCATION OF UTILITIES PRIOR TO ANY CONSTRUCTION ACTIVITY.
14. ACCORDING TO FEDERAL ENERGY MANAGEMENT AGENCY MAPS, THERE ARE NO POWER LINES OR CABLES LOCATED WITHIN THE AREA DESCRIBED AS ZONE X (UNSHOWN) AREA OF MOUNTAIN FLOODING DAMAGED PROPERTY, NO. 2019 E 0154 F
15. FIELD SURVEY BY GSA TOTAL STATION.
16. THIS IS NOT A REPRESENTATIVE SURVEY. THE METERS AND BOUNDS SHOWN HEREON ARE COMPILED FROM THE RECORDS OF THE WESTCHESTER COUNTY ENGINEERING DEPARTMENT AND DATA HAS BEEN OBTAINED FROM THE RECORDS. NO BOUNDARY SURVEY WAS PERFORMED.
17. ALL PROPERTY LINES SHOWN ARE FROM RECORDS, PLANS OF RECORD OR SURVEYS OF RECORD. THE PROPERTY LINES ARE APPROXIMATE AND NOT GUARANTEED. THE PROPERTY LINES ARE APPROXIMATE AND NOT GUARANTEED.
18. ALL PROPERTY LINES AND STREET LINES ARE TAKEN FROM THE RECORDS OF THE WESTCHESTER COUNTY, NY GIS DEPARTMENT AND ARE APPROXIMATE ONLY.



80-44-1-2
 N.Y.
 MOUNTAIN FLOODING
 DAMAGED PROPERTY
 CONTROL NO. 501553080
 MT. KISCO, NY 10549



Skull Island Partners, LLC
 Abutters Plan
 Premises of
 Control No. 531553080
 Village of Mount Kisco, County of Westchester
 State of New York



REVISIONS	NO.	DATE



DATE: August 6, 2020

NO. 1054

SCALE: 1 inch = 40 feet

DRAWN BY: J.L.S.

CHECKED BY: J.L.S.

FIELD OPERATED BY: J.L.S.

DATE PLOTTED: 10/23/2020

DATE: 10/24/2021

SHEET NO. 2 of 2



SURVEY NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

2. ALL ANGLES ARE IN DEGREES AND DECIMALS THEREOF.

3. ALL CURVES ARE FULL CURVES UNLESS OTHERWISE NOTED.

4. ALL CURVES ARE TO BE RUN AS FULL CURVES UNLESS OTHERWISE NOTED.

5. ALL CURVES ARE TO BE RUN AS FULL CURVES UNLESS OTHERWISE NOTED.

6. ALL CURVES ARE TO BE RUN AS FULL CURVES UNLESS OTHERWISE NOTED.

7. ALL CURVES ARE TO BE RUN AS FULL CURVES UNLESS OTHERWISE NOTED.

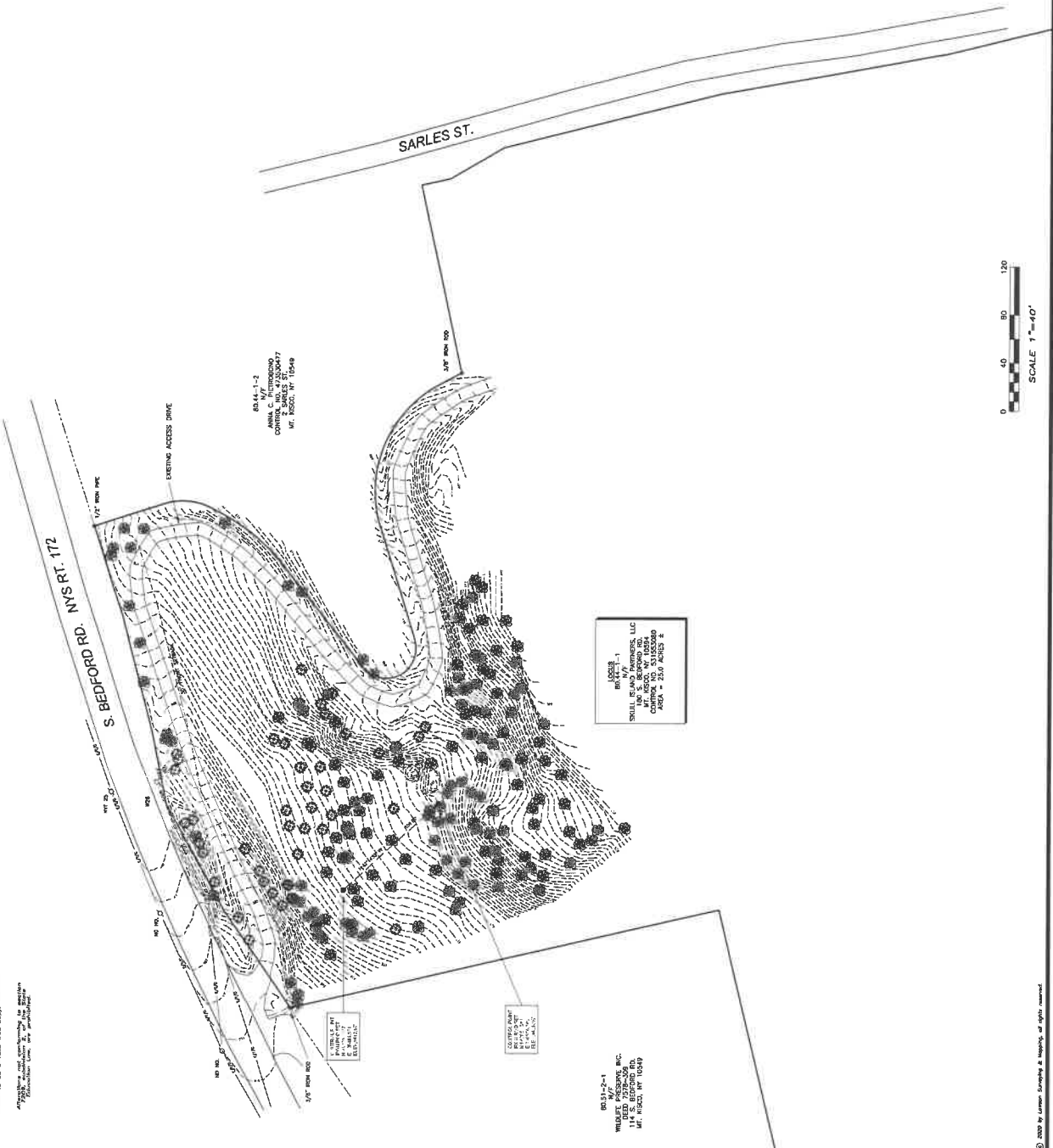
8. ALL CURVES ARE TO BE RUN AS FULL CURVES UNLESS OTHERWISE NOTED.

9. ALL CURVES ARE TO BE RUN AS FULL CURVES UNLESS OTHERWISE NOTED.

10. ALL CURVES ARE TO BE RUN AS FULL CURVES UNLESS OTHERWISE NOTED.

LEGEND

 Boundary Point Label
 Corner/Line
 Utility Pole
 Other Feature
 50' x 40' x 1' 1' Utility Area, Electric/Hydrocarbon P.V.
 Purchase Line "X"
 Contour Line "X"



SKULL ISLAND PARTNERS, LLC
 14 S. BEDFORD RD.
 MT. KISCO, NY 10949

AS 14-1-2
 ANNA C. FICORONDO
 CONTROL SURVEY
 MT. KISCO, NY 10949

SKULL ISLAND PARTNERS, LLC
 14 S. BEDFORD RD.
 MT. KISCO, NY 10949
 AREA = 23.0 ACRES ±



Skull Island Partners, LLC

Control No. 531553080
 Village of Mount Kisco, County of Westchester
 State of New York



HOME LAND TOWERS, LLC
 9 HILL STREET
 2ND FLOOR
 DANBURY, CT 06810
 860.272.2474



4 CENTERCROCK ROAD
 WEST YAFACK, NY 10984



APT ENGINEERING
 307 VANDERBILT STREET
 DANBURY, CT 06810
 WWW.APTENGINEERING.COM FAX 860.349.8800

PERMITTING DOCUMENTS
 NO. DATE REVIEWER
 1. 10/15/13 FOR REVIEW: RICE
 2. 10/15/13 FOR REVIEW: RICE
 3. 10/15/13 FOR REVIEW: RICE
 4. 10/15/13 FOR REVIEW: RICE
 5. 10/15/13 FOR REVIEW: RICE
 6. 10/15/13 FOR REVIEW: RICE

TOWN PROFESSIONALS OF RECORD
 PROJECT: 300' RADIUS MAP
 DRAWN BY: J. GIBLIN
 CHECKED BY: RHB

DEVELOPER: HOME LAND TOWERS, LLC
 ADDRESS: 2ND FLOOR
 9 HILL STREET
 DANBURY, CT 06810

THIS IS A VIOLATION OF NEW YORK STATE
 EDUCATION LAW ARTICLE 146, SECTION
 146.1(1)(b) WHICH PROHIBITS ANY
 ACTING UNDER THE DIRECTION OF A
 LAND SURVEYOR TO ALTER AN ITEM OR
 PART OF A SURVEYED LAND INSTRUMENT
 OF A SURVEYED LAND INSTRUMENT
 ALTERED. THE ALTERING INSTRUMENT OR
 PART OF A SURVEYED LAND INSTRUMENT
 IS VOID AS TO THE ALTERATION AND THE
 SIGNATURE AND THE DATE OF SUCH
 ALTERATION ARE VOID.

HOME LAND TOWERS
 MOUNT KISCO
 100 S. BEDFORD RD.
 ADDRESS: MT. KISCO, NY 10984

AUTOMATIC NUMBER: NY098430
 DATE: 04/13/13 DRAWN BY: JG
 CHECKED BY: RHB

SHEET TITLE
 300' RADIUS MAP &
 PROPERTY OWNERS



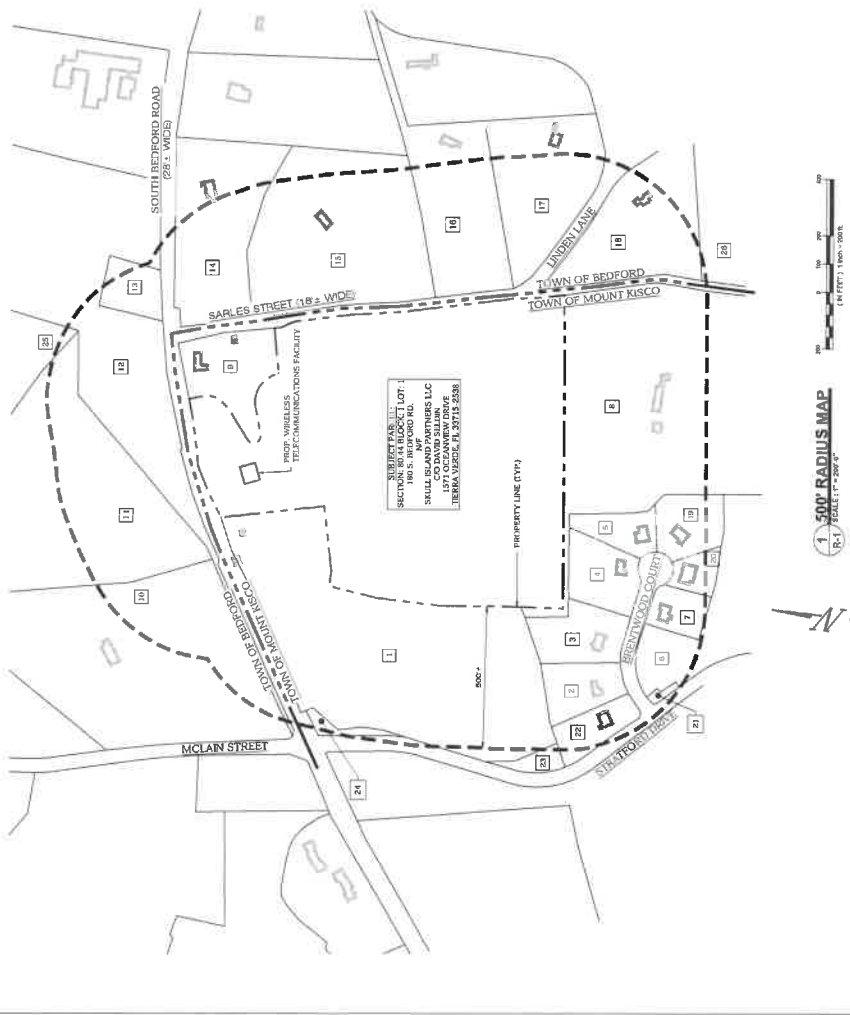
SHEET NUMBER
R-1

VILLAGE OF MOUNT KISCO
 300' RADIUS PROPERTY OWNERS

MAP ID	SECTION	BLOCK	LOT	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS
1	80.51	2	1	114 S. BEDFORD RD. MOUNT KISCO, NY 10984	WJ DUFF RESERVE INC	71 SARLES ST, MOUNT KISCO, NY 10989
2	80.51	2	3	114 S. BEDFORD RD. MOUNT KISCO, NY 10984	MICHAEL L. INDEGA & MARGA MOUNT KISCO, NY 10989	71 SARLES ST, MOUNT KISCO, NY 10989
3	80.51	2	4	5 BENTWOOD CT. MOUNT KISCO, NY 10989	GEORGE CAPRIDA & ELEN MOUNT KISCO, NY 10989	5 BENTWOOD CT. MOUNT KISCO, NY 10989
4	80.51	2	5	5 BENTWOOD CT. MOUNT KISCO, NY 10989	MURPHIN TRIPKOR	5 BENTWOOD CT. MOUNT KISCO, NY 10989
5	80.51	2	6	9 BENTWOOD CT. MOUNT KISCO, NY 10989	MIKHA FACCHETTI & BARBARA MOUNT KISCO, NY 10989	9 BENTWOOD CT. MOUNT KISCO, NY 10989
6	80.59	1	L17	MT. KISCO CHASE POA INC STATTON DR. MOUNT KISCO, NY 10984	JACCHETTI	MT. KISCO CHASE POA INC STATTON DR. MOUNT KISCO, NY 10989
7	80.51	2	9	71 SARLES ST, MOUNT KISCO, NY 10989	IRISAN GARDINIA & PHILIPPA GARDINIA	71 SARLES ST, MOUNT KISCO, NY 10989
8	80.46	1	2	71 SARLES ST, MOUNT KISCO, NY 10989	MORON SHANTUARY INC	71 SARLES ST, MOUNT KISCO, NY 10989
9	80.46	1	2	71 SARLES ST, MOUNT KISCO, NY 10989	ANNAC RETROBORD & JOHN C. MOUNT KISCO, NY 10989	71 SARLES ST, MOUNT KISCO, NY 10989
19	80.51	2	7	10 BENTWOOD CT. MOUNT KISCO, NY 10989	DANIELA SCHWARTZ & HOLY T. SCHWARTZ	10 BENTWOOD CT. MOUNT KISCO, NY 10989
20	80.51	2	8	8 BENTWOOD CT. MOUNT KISCO, NY 10989	GEORGE ROUSSE & BETH ROUSH MOUNT KISCO, NY 10989	8 BENTWOOD CT. MOUNT KISCO, NY 10989
21	N/A	N/A	N/A	N/A	N/A	N/A
22	80.51	2	2	1 BENTWOOD CT. MOUNT KISCO, NY 10989	ELIZABETH JACOBS	1 BENTWOOD CT. MOUNT KISCO, NY 10989
23	N/A	N/A	N/A	N/A	N/A	N/A
24	N/A	N/A	N/A	N/A	N/A	N/A

TOWN OF BEDFORD
 300' RADIUS PROPERTY OWNERS

MAP ID	SECTION	BLOCK	LOT	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS
10	82.12	2	2	35 TUCKER RD, MOUNT KISCO, NY 10989	MICHAEL CARLARO	35 TUCKER RD, BEDFORD CORNERS, NY 10549
11	82.11	2	1	35 TUCKER RD, MOUNT KISCO, NY 10989	MARK STERNS & STEVEN WECORME	35 TUCKER RD, BEDFORD CORNERS, NY 10549
12	83.05	1	6	OPEN SPACE	TOWN OF BEDFORD	341 BEDFORD RD. BEDFORD, NY 10507
13	83.00	1	1	201 SOUTH BEDFORD RD. MOUNT KISCO, NY 10949	RAUL DEVELOPMENT LLC	341 BEDFORD RD. BEDFORD, NY 10507
14	83.00	1	19	295 SOUTH BEDFORD RD. MOUNT KISCO, NY 10989	CHALABO DEB-ORON	341 BEDFORD RD. BEDFORD, NY 10507
15	83.00	1	18	22 SARLES ST, MOUNT KISCO, NY 10989	ANDREW HELLER & DANIELA NANCY E. ROJMAN	341 BEDFORD RD. BEDFORD, NY 10507
16	83.00	1	16	43 LINCOLN BL, MOUNT KISCO, NY 10989	LAWRENCE LISA DANLEY	43 LINCOLN BL, BEDFORD, NY 10507
17	83.00	1	15	69 LINCOLN BL, MOUNT KISCO, NY 10989	ROSEMARIE MARCHIANO & VALERIE BERGEE	69 LINCOLN BL, BEDFORD, NY 10507
18	83.13	1	1	72 LINCOLN BL, MOUNT KISCO, NY 10989	ROD AMBROSIO & PATRICIA M. BERTINI	72 LINCOLN BL, NEW YORK, NY 10025
19	83.05	1	4	N/A	N/A	N/A
26	83.13	1	17	100 SOUTH BEDFORD CORNERS, NY 10989	BRIAN PATRICK & HARRIET FRISVOLD	100 SOUTH BEDFORD CORNERS, NY 10989



SECTION 80.51, BLOCK 2, LOT 7
 SHULL ISLAND PARTNERS LLC
 180 S. BEDFORD RD.
 1571 OCEANVIEW DRIVE
 TERRA VERDE, FL 32715-2338

PROPERTY LINE (1/4")

300'

1" = 500' RADIUS MAP
 (IN FEET) 1" = 500'



HOMELAND TOWERS, LLC
 1100 WEST 10TH STREET
 2ND FLOOR
 DENVER, COLORADO 80202
 (303) 297-5315



4 CENTEROCK ROAD
 WEST NYACK, NY 10994



APPROVED FOR RECORD
 DATE: 05/15/2018
 DRAWN BY: CON
 CHECKED BY: ICE

DESIGN PROFESSIONAL OF RECORD
 PRICP: SCOTT M. CHANSE, P.E.
 COMPANY: APT ENGINEERING
 ADDRESS: 1000 WEST 10TH STREET
 WATERFORD, CT 06495

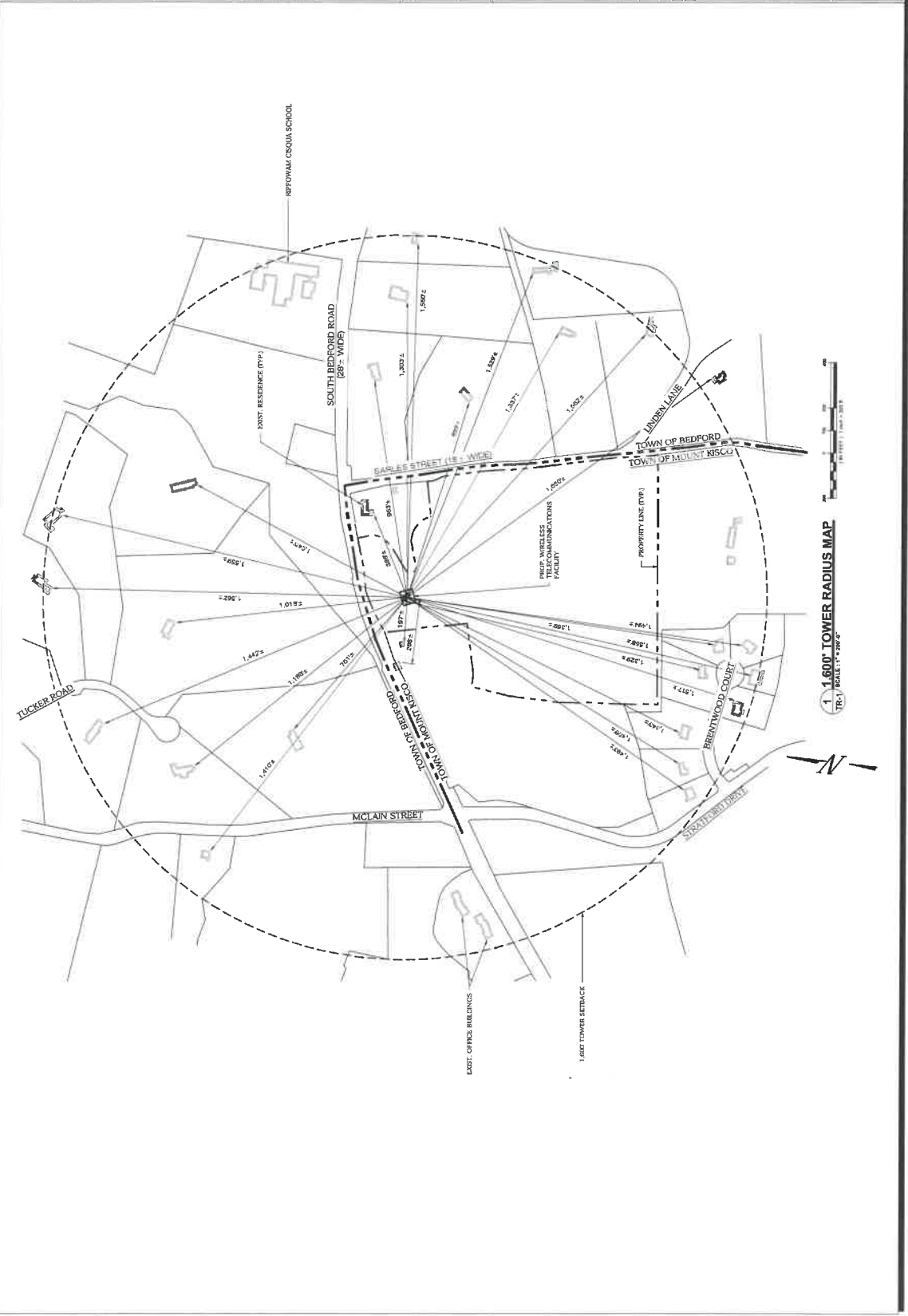
DEVELOPER: HOMELAND TOWERS, LLC
 ADDRESS: 2ND FLOOR
 STREET: WEST 10TH STREET
 CITY: DENVER, CO 80202

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 146, SECTION 146.1(1) FOR ANY PERSON TO ACT AS AN ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM ON A PLAN, SPECIFICATION, REPORT, OR DRAWING, OR TO SIGN OR SEAL ANY SUCH PLAN, SPECIFICATION, REPORT, OR DRAWING, WITHOUT THE WRITTEN CONSENT OF THE ENGINEER OR LAND SURVEYOR WHO HAS PREPARED OR CAUSED TO BE PREPARED THE SAME, AND THE VIOLATION OF THIS SECTION SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ETHICS OF THE ENGINEER OR LAND SURVEYOR.

SITE: 189 S. REDFORD RD.
 ADDRESS: MT. KISCO, NY 10549
 APPLICABLE NUMBER: 17838304
 DATE: 05/15/2018
 DRAWN BY: CON
 CHECKED BY: ICE

SHEET TITLE:
1,600' TOWER RADIUS MAP

SHEET NUMBER:
TR-1



HOME LAND TOWERS, LLC
 8 HIGHLAND STREET
 2ND FLOOR
 DANBURY, CT 06810
 (203) 757-0100

verizon
 4 CENTERCROCK ROAD
 WEST INYACK, NY 10894

APT ENGINEERING
 875 WALTON STREET EXTENSION, SUITE 311
 DANBURY, CT 06810
 WWW.APTENGINEERING.COM FAX: (203) 753-0200

PERMITTING DOCUMENTS

NO.	DATE	REVISION
1	08/11/10	PRELIMINARY
2	08/11/10	FOR CONSTRUCTION
3	08/11/10	FOR REVIEW
4	08/11/10	FOR REVIEW
5	08/11/10	FOR REVIEW

DESIGN PROFESSIONAL'S OF RECORD
 REG. NO. 00000000000000000000
 COMP. APT ENGINEERING
 875 WALTON STREET
 DANBURY, CT 06810
 WATERFORD, CT 06895

DEVELOPER: ROSELAND TOWERS, LLC
 2ND FLOOR
 STREET
 DANBURY, CT 06810

FOR A VIOLATION OF NEW YORK STATE
 EDUCATION LAW ARTICLE 146-B SECTION
 146-B(1)(b) OR 146-B(1)(c), THE
 ACTING SUPERVISOR OF THE STATE
 EDUCATION DEPARTMENT HAS
 LAID DOWNS TO ALL USES IN EITHER
 PART OR WHOLE THE PROPERTY
 OF AN INDIVIDUAL OR ENTITY
 ATTACHED TO THE STATE DEPARTMENT OF
 EDUCATION. THE ALTERNATIVE ENGINEER OR
 ARCHITECT SHALL BE RESPONSIBLE FOR
 THE DESIGN AND THE NOTATION
 HEREON. THE DATE OF SUCH
 SIGNATURE AND THE DATE OF SUCH
 REVISION SHALL BE THE DATE OF SUCH
 REVISION OF THE ALTERNATIVE
 DESCRIPTION OF THE ALTERATION.

HOME LAND TOWERS
MOUNT KISCO
 SITE
 149 S. BURGESS RD.
 ADDRESS: MT. KISCO, NY 10894
 APT FILING NUMBER: NY28982
 DATE: 08/11/10 DRAWN BY: CHH
 CHECKED BY: ROB

SHEET NUMBER: **SP-2**
 SHEET TITLE: **PARTIAL SITE PLAN**

LEGEND

- PROPERTY LINE
- BUILDING STRUCTURE LINE
- LINE OF DISTURBANCE
- PROP. CHAIN LINK FENCE
- PROP. ELECTROFENCE
- PROP. ELECTROFENCE LINE
- SET FENCE
- EXIST. TREE TO REMAIN
- EXIST. TREE TO BE REMOVED
- EXIST. TREE TO BE PROTECTED
- PROP. EVERGREEN TREE
- EROSION CONTROL BLANKET
- CONSTRUCTION STAGING AREA
- EXIST. RESIDENCE (TYP)
- EXISTING SETBACK LINE (TYP)
- PROPERTY LINE (TYP)
- FUTURE SOLAR PROJECT ACCESS DRIVEWAY IMPROVEMENTS (TYP)



1. PARTIAL SITE PLAN
 SP-2 SCALE: 1/4" = 100'

NOTES:

- PROJECT LIMITS OF DISTURBANCE = 17,000 SF @ 29 ACRES
- 38 EXISTING TREES > 4" CALIPER DIAMETER TO BE REMOVED.
- FACILITY WILL INCLUDE A SIGN (NOT TO EXCEED 2 SF, LISTING NUMBER, SEE DETAIL 06C-2).
- PROPOSED FACILITY IS AN UNMANNED FACILITY. EMPLOYEES WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR MAINTENANCE. THE FACILITY WILL BE PROTECTED FROM WATER OR SEWER UTILITIES PROPOSED FOR THIS PROJECT.

NOTES:

- PROJECT LIMITS OF DISTURBANCE = 17,000 SF @ 29 ACRES
- 38 EXISTING TREES > 4" CALIPER DIAMETER TO BE REMOVED.
- FACILITY WILL INCLUDE A SIGN (NOT TO EXCEED 2 SF, LISTING NUMBER, SEE DETAIL 06C-2).
- PROPOSED FACILITY IS AN UNMANNED FACILITY. EMPLOYEES WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR MAINTENANCE. THE FACILITY WILL BE PROTECTED FROM WATER OR SEWER UTILITIES PROPOSED FOR THIS PROJECT.

MAP REFERENCES:
 1. EXISTING CONDITIONS SURVEY, PORTION OF PLOTS OF SMALL ISLAND PARCELS, COUNTY OF MONTAUK, NEW YORK, LONG ISLAND COUNTY, NY, 1998.

LEGEND

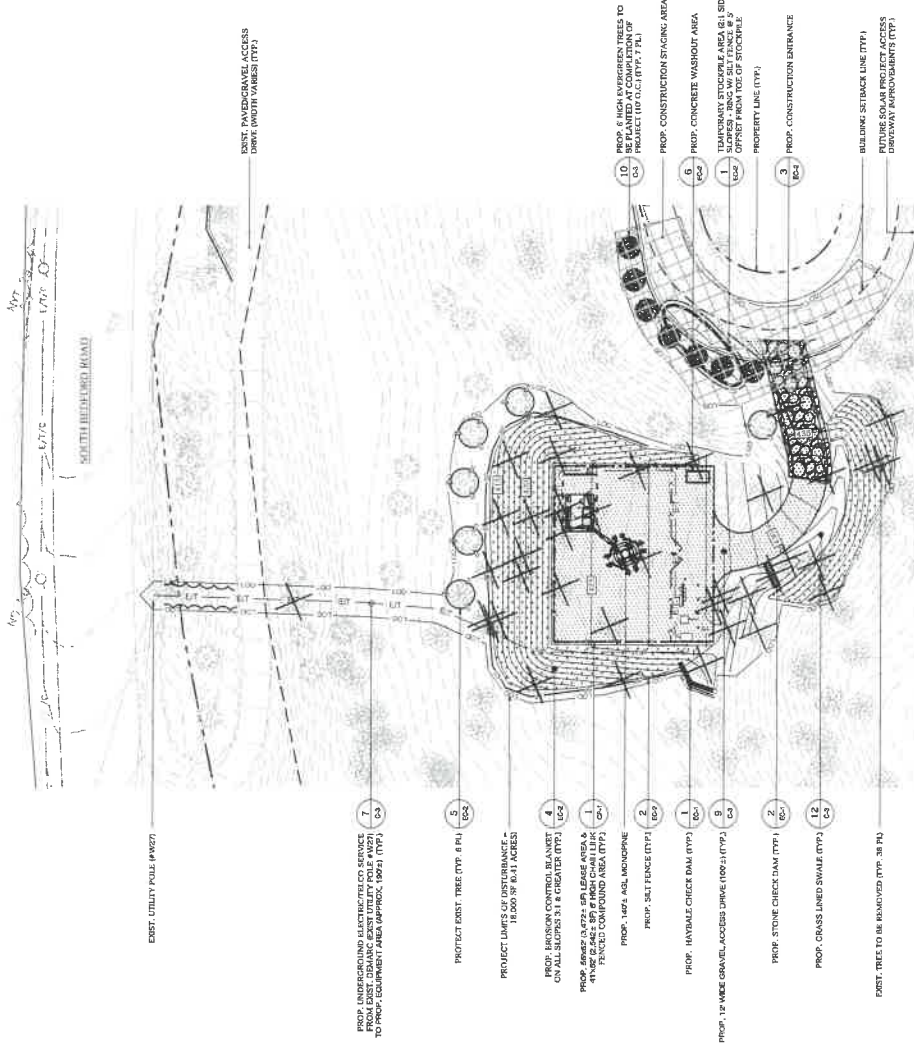
- PROPERTY LINE
- BUILDING SETBACK LINE
- LIMIT OF DISTURBANCE
- PROV. CHAIN LINK FENCE
- PROV. 1.5" ELEC. YELLOW LINE
- SILT FENCE
- EXIST. TREE TO REMAIN
- EXIST. TREE TO BE REMOVED
- EXIST. TREE TO BE PROTECTED
- PROV. EVERGREEN TREE
- URBANSOFT CONTROL BLANKET
- CONSTRUCTION STAGING AREA

BALTIMORE	
PROPOSED CUT	10.25%
150 CY	
EXIST. FILL	5.0%
810 CY	
GRAVEL IMPACT	
185 CY	
STORMWATER	
CONFOUND AREA SLURRIES:	
EXISTING -	10.25%
PROPOSED -	5.0%
STORMWATER VOLUME:	4,484 SF
WATER QUALITY STD VOLUME (1" - 35" CF)	
STORAGE VOLUME (1" DEPTH, 45% YIELD) = 2,542 CF	
10 - 14" DIA. STORM PIPES (1" DEPTH, 45% YIELD) = 2,542 CF	
PROPOSED - 0.76 CFS	
25-YEAR STORM	0.73 CFS
PROPOSED - 1.12 CFS	

NOTE: CONTRACTOR TO HAVE A GPR SURVEY CONDUCTED PRIOR TO CONSTRUCTION. STRUCTURES MARKED BUT PRIOR TO CONSTRUCTION.

NOTES:

1. PROJECT LIMITS OF DISTURBANCE = 17,000 SF (0.39 ACRES)
2. 36" EXISTING TREES > 4" CALIPER DIAMETER TO BE REMOVED.
3. EXISTING TREES > 4" CALIPER DIAMETER TO BE PROTECTED. THE CONSOLE OPERATORS NAME & EMERGENCY TELEPHONE NUMBER. SEE DETAIL B6-C.3.
4. PROPOSED FACILITY IS AN UNMANNED FACILITY. SINGLE A MONTH FOR PURPOSES OF SITE & POWER UTILITIES PROPOSED FOR THIS PROJECT.



1 PARTIAL SITE PLAN
SP-3 RESULT 17-202



SCALE: 1" = 10'-0"

verizon
4 CENTEROCK ROAD
WEST NYACK, NY 10994

100 VALKING ST. WEST EXTENSION SUITES 11
WWW.APTENGINEERING.COM FAX: 800-930-5066

APT ENGINEERING

PERMITTING DOCUMENTS

NO.	DATE	REVISION
1	08/12/2024	FOR NEW PERMIT
2	11/22/2023	FOR NEW PERMIT
3	08/12/2024	FOR NEW PERMIT
4	08/12/2024	FOR NEW PERMIT
5	08/12/2024	FOR NEW PERMIT
6	08/12/2024	FOR NEW PERMIT

CREW PROFESSIONALS OF RECORD

PROF. SCOTT M. CHASSE, P.E.
COMP. APT ENGINEERING
EXTENSION SUITES 11
WEST NYACK, NY 10994

PROJECT: HIGHLAND TOWERS, LLC
ADDRESS: 2ND FLOOR
DANBURY, CT 06810

HOME AND TOWERS

MOUNT NISCO

SITE ADDRESS: 199 S. BEDFORD RD.
DANBURY, CT 06810

APPLIC. NO.: 199 S. BEDFORD RD.
DATE: 08/12/2024

HOME AND TOWERS

MOUNT NISCO

SITE ADDRESS: 199 S. BEDFORD RD.
DANBURY, CT 06810

APPLIC. NO.: 199 S. BEDFORD RD.
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DANBURY, CT 06810

APPLIC. NO.: 199 S. BEDFORD RD.
DATE: 08/12/2024

MAP REFERENCES:
1. EXISTING CONDITIONS SURVEY, PORTION OF PREDASES OF SKULL ISLAND PARKING, ROUTE 8, ORSONTA, NEW YORK, 12002, DATED AUGUST 6, 2008.

HOME LAND TOWERS, LLC
 1000 WEST 10TH STREET
 2ND FLOOR
 WATERBURY, CT 06810
 203.227.6244

verizon
 4 CENTERCROCK ROAD
 WEST NYACK, NY 10994



800 VALHALL STREET EXTENSION - ADJ-111
 WWW.APTENGINEERING.COM FAX 800.480.8000

PERMITTING DOCUMENTS:

NO.	DATE	REVISION
1	08/12/2011	ISSUE FOR RFP
2	08/12/2011	ISSUE FOR RFP
3	11/02/2011	CONTRACT DOCUMENTS
4		
5		
6		

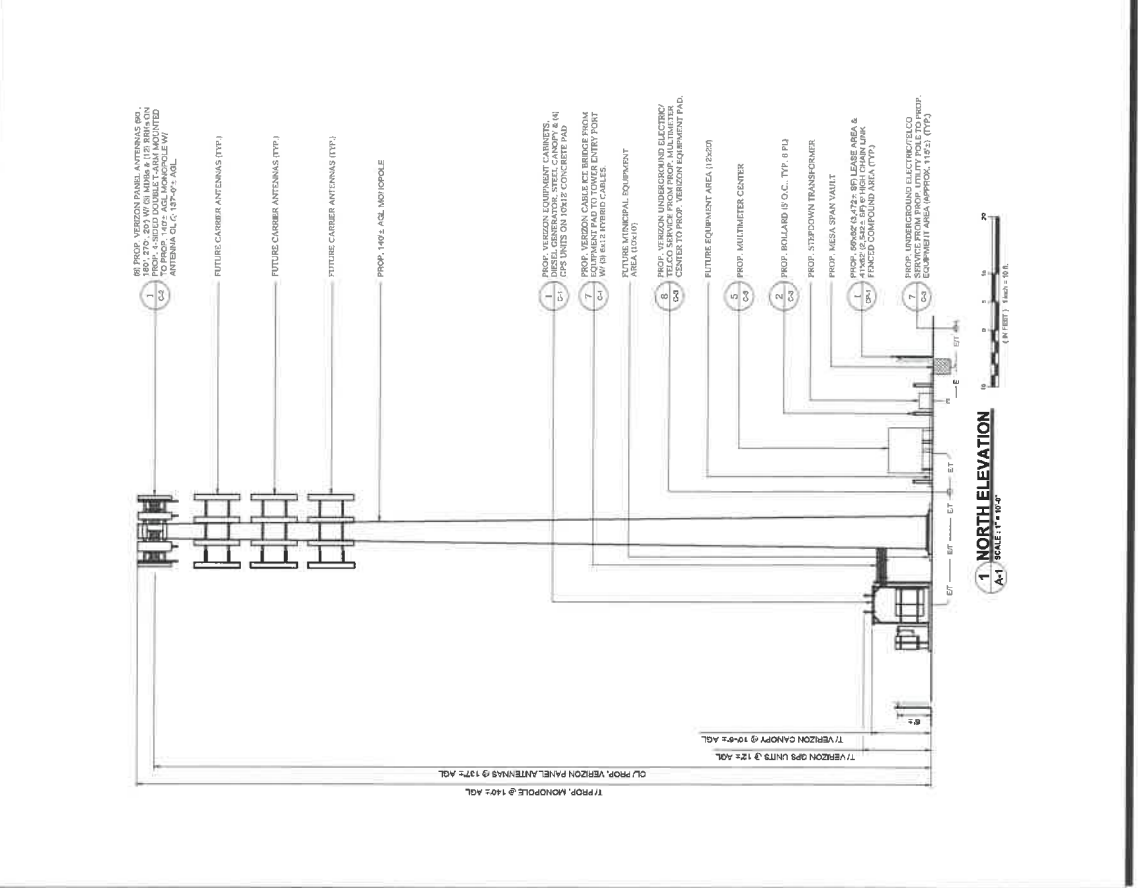
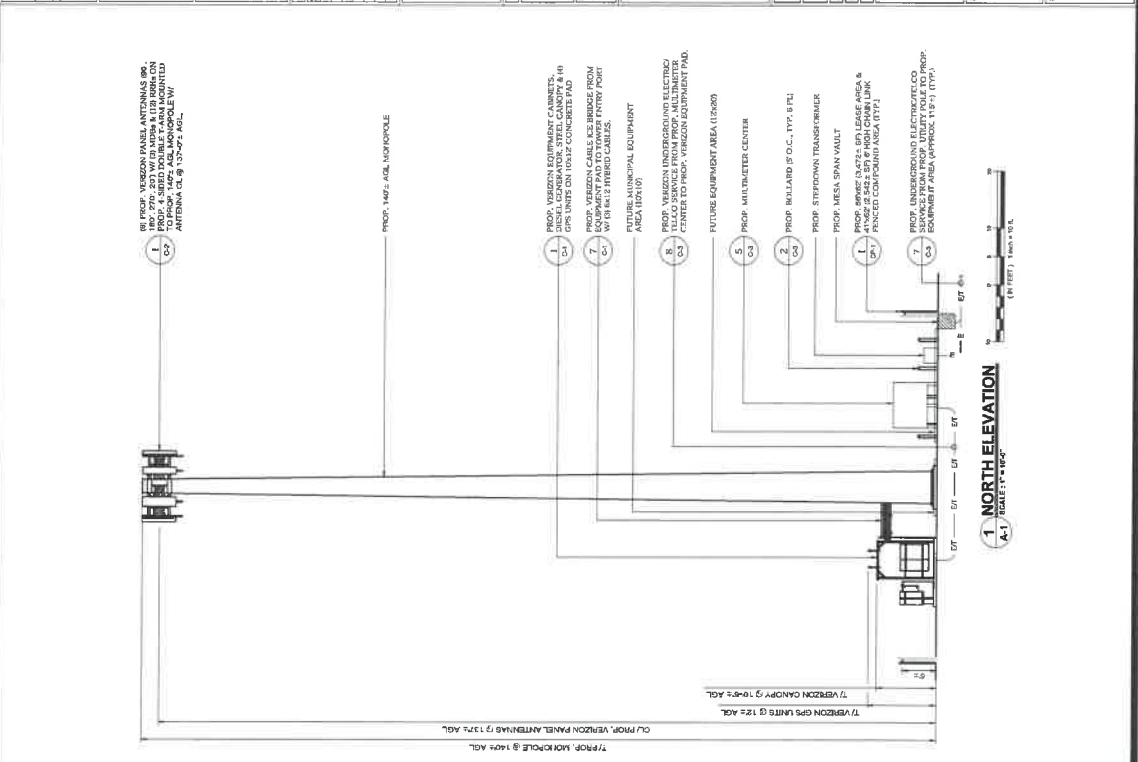
DESIGN PROFESSIONALS OF RECORD:
 APT ENGINEERING, P.C.
 800 VALHALL STREET
 ADJ-111
 WATERBURY, CT 06810
 DEVELOPER: HOME LAND TOWERS, LLC
 ADDRESS: 2ND FLOOR
 DANBURY, CT 06810

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 146, SECTION 146.1(1)(b) FOR ANY PERSON OR ENTITY ACTING UNDER THE DIRECTION OF A PERSON OR ENTITY TO SIGN ANY CONTRACT OR AGREEMENT FOR THE INSTALLATION OF A MONOPOLE ON LAND BELONGING TO AN INDIVIDUAL OR LAND BELONGING TO A CORPORATION, PARTNERSHIP, TRUST, OR OTHER ENTITY, WITHOUT THE SIGNATURE AND THE DATE OF SUCH SIGNATURE OF THE INDIVIDUAL OR ENTITY DESCRIBED IN THE ALTERNATE MONOPOLE ELEVATIONS.

HOME LAND TOWERS
MONUMENT
 SITE
 ADDRESS: 1000 WEST 10TH ST.
 WATERBURY, CT 06810
 DATE: 08/12/2011
 DRAWN BY: CDM
 CHECKED BY: RFB

SHEET TITLE:
**ALTERNATE
 MONOPOLE
 ELEVATIONS**

SHEET NUMBER:
A-3



NO.	DATE	REVISION
1	01/14/20	FOR REVIEW
2	01/14/20	TOWER COMMENTS
3	01/14/20	TOWER COMMENTS
4		
5		
6		

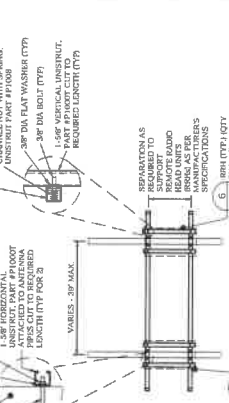
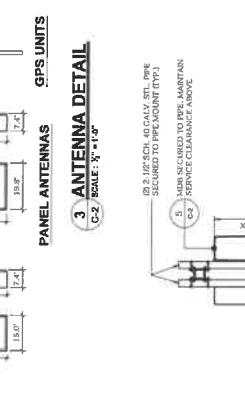
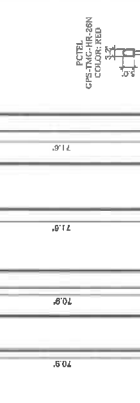
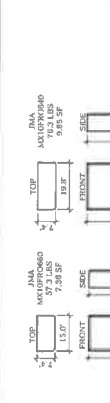
DESIGN PROFESSIONAL OF RECORD
PROF. SCOTT M. CHANSE, P.E.
COMP. APT ENGINEERING
600 WESTCHESTER AVENUE
WESTCHESTER, NY 10894
WATERPOW, CT 06895

DEVELOPER: ROBERTSON TOWERS LLC
ADDRESS: 2ND FLOOR
DANBURY, CT 06816

PER A VIOLATION OF NEW YORK STATE
DOMESTIC VIOLENCE LAW ARTICLE 16B SECTION
16B-1.1(1)(b) THE CONTRACTOR SHALL
ACTING UNDER THE DIRECTION OF A
LAND SURVEYOR TO ALL USES AND BE
OF ALL KINDS FOR LAND SURVEYING
AND SURVEYING SHALL APPLIED TO
THE SURVEY AND THE NOTATION
HEREON AND THE NAME OF SUCH
SURVEYOR SHALL BE PLACED IN THE
DESCRIPTION OF THE ALLOCATION.

**HOME AND TOWERS
MOUNT KISSCO**
SITE: 88 & BERKOW RD.
ADDRESS: WT. ROCK, NY 10984
JOB/FIELD NUMBER: 178330
DATE: 08/13/20
DRAWN BY: CH
CHECKED BY: CH

SHEET TITLE:
**VERIZON ANTENNA
PLAN & DETAILS**
SHEET NUMBER:
C-2



NOTE:
PRINT MOUNTS, ANTENNAS, CABLING & APPURTENANCES TO
MATCH TREE & INSTALL ANTENNA SOCKS ON ALL ANTENNAS.

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HOME LAND TOWERS, LLC
 910 WASHINGTON STREET
 2ND FLOOR
 DANBURY, CT 06810
 (860) 329-4200



APT
 ENGINEERING
 801 WASHINGTON STREET, SUITE 311
 DANBURY, CT 06810
 WWW.APTENGINEERING.COM FAX: (860) 329-4200

PERMITTING DOCUMENTS

NO.	DATE	REVISION
1	08/15/20	FOR REVIEW: RCB
2	08/15/20	FOR REVIEW: RCB
3	10/05/20	FOR REVIEW: RCB
4		
5		
6		

DESIGN PROFESSIONALS OF RECORD
 APT ENGINEERING, P.C.
 801 WASHINGTON STREET
 DANBURY, CT 06810
 WATERSHED, CT 06855

DEVELOPER: HOME LAND TOWERS, LLC
 910 WASHINGTON STREET
 DANBURY, CT 06810

NOTE: REGULATION OF NEW YORK STATE
 REGULATION MAY ARTICLE 145 SECTION
 145-2.10(1) REQUIRES THE DESIGN OF A
 PROJECT TO BE REVIEWED BY THE
 LAND SURVEYOR TO ALTER AN INTERFERING
 WAYWAY. AFTER REGARDING THE REAL
 OWNERS OF THE ADJACENT PROPERTY
 ALTERED, THE ALTERING ENGINEER OR
 ARCHITECT SHALL BE RESPONSIBLE FOR
 NOTIFYING THE REAL AND THE NOTATION
 SHOWN HERE AND THE DATE OF SUCH
 ALTERATION SHALL BE SHOWN IN THE
 DESCRIPTION OF THE ALTERATION.

HOME LAND TOWERS
 MOUNT KISCO
 SITE: 188 N. BESTFORD RD.
 ADDRESS: MT. KISCO, NY 10944
 APT FILE NUMBER: RY28292
 DATE: 08/15/20 DRAWN BY: CHN
 CHECKED BY: RCB

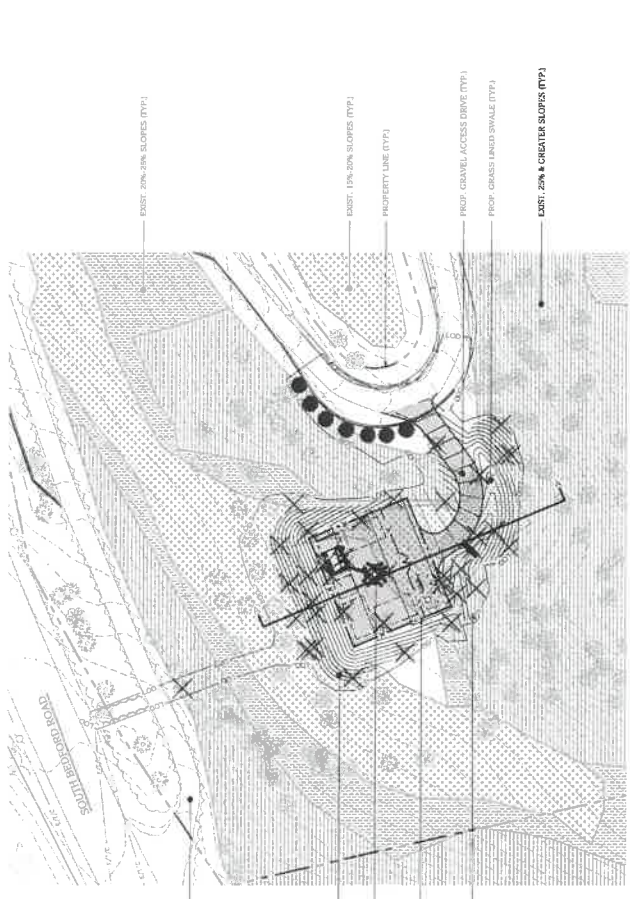
SHEET TITLE:
STEEP SLOPE PLAN
 SHEET NUMBER:
SS-1

LEGEND

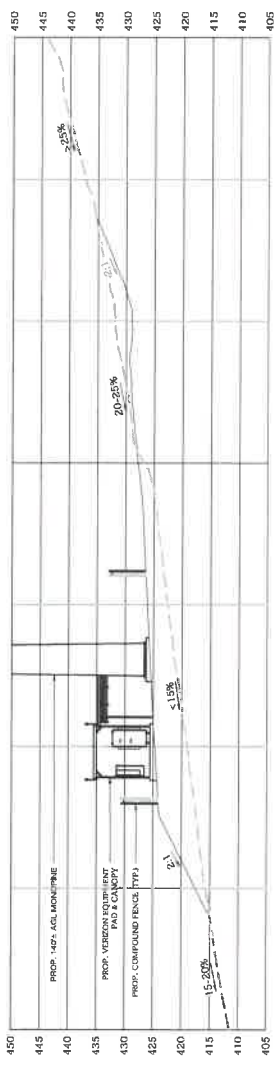
	SLOPES 10%-20%
	SLOPES 20%-25%
	SLOPES 25% & GREATER

AREAS OF DISTURBANCE

SLOPES 10%-20%	5,439 SF
SLOPES 20%-25% <td>1,208 SF</td>	1,208 SF
SLOPES 25% & GREATER <td>1,394 SF</td>	1,394 SF



1 STEEP SLOPE PLAN
 SCALE: 1" = 20'-0"



2 SECTION 'A-A'
 SCALE: 1" = 10'-0"



