



CITY OF BEACON, NEW YORK  
ONE MUNICIPAL PLAZA  
BEACON, NY 12508

Mayor Randy Casale  
Councilmember Lee Kyriacou, At Large  
Councilmember George Mansfield, At Large  
Councilmember Terry Nelson, Ward 1  
Councilmember John E. Rembert, Ward 2  
Councilmember Jodi M. McCrede, Ward 3  
Councilmember Amber J. Grant, Ward 4  
City Administrator Anthony Ruggiero

**City Council Workshop Agenda**  
**January 28, 2019**  
**7:00 PM**

**Workshop Agenda Items:**

1. Reappointment of David Jensen to the Zoning Board of Appeals
2. Reappointment of Robert Lanier to the Zoning Board of Appeals
3. Reappointment of Gary Barrack to the Planning Board
4. Reappointment of Jill Reynolds to the Planning Board
5. Reappointment of J. Randall Williams to the Planning Board
6. Formal Rejection of University Settlement Pool Improvement Project Proposals
7. Construction Cost Estimates for River Ridge
8. Storm Water Control Facility Maintenance Agreement and Easement for 32 Alice Street
9. Wireless Telecommunication Local Law
10. Verizon Wireless Application 2 Red Flynn Road
11. Verizon Wireless Application 7 Cross Street
12. City of Beacon Capital Plan
13. Appointment of Michael Manzi as Superintendent of Streets
14. Green Street Park
15. Consideration of Sale of Land Adjacent to 790 Wolcott Avenue

**City of Beacon Workshop Agenda  
1/28/2019**

**Title:**

**Reappointment of David Jensen to the Zoning Board of Appeals**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Type

Board Member Information Regarding Reappointments to  
the Zoning Board of Appeals and Planning Board

Cover Memo/Letter

Board Member Information Regarding Reappointments to the Zoning Board of Appeals and Planning Board

<b>Board Name</b>	<b>First Name</b>	<b>Last Name</b>	<b>Began Serving</b>	<b>Proposed Term</b>
ZBA: 7 Members. 3 Year Terms	David	Jensen	2017	2019 -2021
ZBA: 7 Members. 3 Year Terms	Robert	Lanier	2016	2019-2021
Planning: 7 Members. 3 Year Terms	Gary	Barrack	2013	2019-2021
Planning: 7 Members. 3 Year Terms	J. Randall	Williams	2000	2019-2021
Planning: 7 Members. 3 Year Terms	Jill	Reynolds	2013	2019-2021

**City of Beacon Workshop Agenda  
1/28/2019**

**Title:**

**Reappointment of Robert Lanier to the Zoning Board of Appeals**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Board Member Information Regarding Reappointments to the Zoning Board of Appeals and Planning Board	Cover Memo/Letter

Board Member Information Regarding Reappointments to the Zoning Board of Appeals and Planning Board

<b>Board Name</b>	<b>First Name</b>	<b>Last Name</b>	<b>Began Serving</b>	<b>Proposed Term</b>
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Planning: 7 Members. 3 Year Terms	J. Randall	Williams	2000	2019-2021
Planning: 7 Members. 3 Year Terms	Jill	Reynolds	2013	2019-2021

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Reappointment of Gary Barrack to the Planning Board**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Type

Board Member Information Regarding Reappointments to  
the Zoning Board of Appeals and Planning Board

Cover Memo/Letter

Board Member Information Regarding Reappointments to the Zoning Board of Appeals and Planning Board

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Planning: 7 Members. 3 Year Terms	J. Randall	Williams	2000	2019-2021
Planning: 7 Members. 3 Year Terms	Jill	Reynolds	2013	2019-2021

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Reappointment of Jill Reynolds to the Planning Board**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Type

Board Member Information Regarding Reappointments to  
the Zoning Board of Appeals and Planning Board

Cover Memo/Letter



Board Member Information Regarding Reappointments to the Zoning Board of Appeals and Planning Board

<b>Board Name</b>	<b>First Name</b>	<b>Last Name</b>	<b>Began Serving</b>	<b>Proposed Term</b>
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ZBA: 7 Members. 3 Year Terms	Robert	Lanier	2016	2019-2021
Planning: 7 Members. 3 Year Terms	Gary	Barrack	2013	2019-2021
Planning: 7 Members. 3 Year Terms	J. Randall	Williams	2000	2019-2021
Planning: 7 Members. 3 Year Terms	Jill	Reynolds	2013	2019-2021

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Reappointment of J. Randall Williams to the Planning Board**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Type

Board Member Information Regarding Reappointments to  
the Zoning Board of Appeals and Planning Board

Cover Memo/Letter

Board Member Information Regarding Reappointments to the Zoning Board of Appeals and Planning Board

<b>Board Name</b>	<b>First Name</b>	<b>Last Name</b>	<b>Began Serving</b>	<b>Proposed Term</b>
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ZBA: 7 Members. 3 Year Terms	Robert	Lanier	2016	2019-2021
Planning: 7 Members. 3 Year Terms	Gary	Barrack	2013	2019-2021
Planning: 7 Members. 3 Year Terms	J. Randall	Williams	2000	2019-2021
Planning: 7 Members. 3 Year Terms	Jill	Reynolds	2013	2019-2021

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Formal Rejection of University Settlement Pool Improvement Project Proposals**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Formal Rejection of City of Beacon Pool Bid	Cover Memo/Letter
Recreation Department Improvements to the Pool Facilities University Settlement Campus Contract 2018	Cover Memo/Letter
Pool Buildings Proposed	Cover Memo/Letter



# Memo

**To:** Anthony Ruggiero City Administrator  
**From:** Mark Price  
**CC:**  
**Date:** January 23, 2019  
**Re:** Bid Summary and Bid Rejection

A total of five (3) bid proposals were submitted and opened on January 8, 2019 for the University Settlement Pool Improvements project. The three proposals were carefully reviewed and all proposals submitted were complete.

The following tabulation shows the order from the lowest bidder, the name of the bidder, and the total contract amount.

NAME OF BIDDER	TOTAL BID AMOUNT
Barrone Construction	\$687,000.00
Bertussi Contracting	\$848,848.000
Peak Construction	\$886,530.94

The initial budget for the University Settlement Pool Improvements project is \$350,000. I want to recommend rejecting all bids and rebidding the project at a later date.

Sincerely,

Mark Price  
Recreation Director

City of Beacon  
Bid Opening

University Settlement Pool Improvements

January 8, 2019  
11:00 a.m.

CONTRACTOR NAME: Barrone Construction Group, Inc.

Total Base Bid:

\$ 687,000.00

\*\*\*\*\*

CONTRACTOR NAME: Bertussi Contracting, Inc.

Total Base Bid:

\$ 848,848.00

\*\*\*\*\*

CONTRACTOR NAME: Peak Construction

Total Base Bid:

\$ 886,530.94

\*\*\*\*\*

CONTRACTOR NAME: \_\_\_\_\_

Total Base Bid:

\$ \_\_\_\_\_

**PROPOSAL, BID AND CONTRACT**

**CITY OF BEASON RECREATION DEPARTMENT  
IMPROVEMENTS TO THE POOL FACILITIES  
UNIVERSITY SETTLEMENT CAMPUS  
CONTRACT 2018-001**

**CITY OF BEASON RECREATION DEPARTMENT  
UNIVERSITY SETTLEMENT CAMP BEACON CAMPUS  
724 WOLCOTT AVE.  
BEACON N.Y. 12508**

**December 2018 – ISSUE #1**

**PREPARED BY:**

**M. A. Day Engineering, PC**

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3 Van Wyck Lane  
Suite 2  
Wappingers Falls, New York 12590  
Phone: 845-223-3202

## **NOTICE TO BIDDERS**

Sealed bids are sought and invited by the City of Beacon, City of Beacon, NY for certain improvements to the existing pool facilities at the City of Beacon University Settlement Camp, Beacon Campus located on Wolcott Avenue (Route 9D) in the City of Beacon, Dutchess County, New York, as set forth in specifications prepared by M.A. Day Engineering, PC, 3 Van Wyck Lane, Wappingers Falls, New York 12590 dated December 2018 - Issue #1.

Bids will be received by the City of Beacon located at 1 Municipal Plaza, Beacon, NY 12508, by 11:00 AM Tuesday, January 8, 2019. All bids received will be publicly opened and read aloud at 11:00 AM, or soon thereafter. The contract will be awarded as soon as practicable thereafter as determined by the City of Beacon.

All bids are to be submitted in a sealed envelope, clearly labeled "CITY OF BEACON UNIVERSITY CAMPUS POOL FACILITY" along with the bidders name and address. Each bid must be accompanied by an original, properly executed, Non-Collusion and Bid Certification.

Work proposed under this contract is located at the City of Beacon University Settlement Campus, City of Beacon. Generally, this contract consists of the following:

### **Scope of Work**

The work proposed by the City of Beacon includes, but is not limited to, the following:

- Demolition and removal of an existing 16'x32' wood-frame building.
- Demolition of existing 16'x34' pool equipment building.
- Removal of existing backwash line from existing pool equipment building.
- Construction of a new 16'x34' pool equipment building.
- Construction of a new 16'x34 masonry block and wood frame rest/changing room.
- Removal any existing vegetation to allow for the installation of the backwash filter waste line to the proposed holding tank and two proposed 1 story block buildings near the existing pool.
- Installation of a 5,000 gallon tank with lockable covers as shown on the attached plans, installation of a high water alarm with tank sensors, 4x4 post with junction box, audible alarm in the newly constructed pool equipment building and vent tank as per plan.
- Installation of a solid PVC waste line to a 5,000 gallon precast holding tank, with audible alarm to be installed in equipment building.
- Minor site grading to return finished grade to existing conditions.
- All disturbed areas shall be brought to final finished grade, seeded and mulch as per the plan.
- Permitting will be performed by the City of Beacon.

Complete details are provided in the specification/plan document portion of the bid document.

A pre-bid and site walk will be held on December 21<sup>st</sup>, 2018 at 10 AM. Any questions will be answered at that the meeting.



**ALL BIDDERS SHOULD BE AWARE THAT THIS PROJECT SHALL BE DONE USING PREVAILING WAGE RATES. IT SHALL BE THE RESPONSIBILITY OF THE BIDDER TO UTILIZE PREVAILING WAGE RATES IN THE BID PROPOSAL FOR ALL THEIR WORK AND THE WORK OF THE SUBCONTRACTORS. IT SHALL BE THE BIDDERS RESPONSIBILITY TO OBTAIN THE CORRECT CURRENT PREVAILING WAGE RATES FOR ALL INVOLVED TRADES FROM THE NEW YORK STATE DEPARTMENT OF LABOR (<http://labor.ny.gov>).**

Electronic copies of the Bid Documents may be obtained by contacting the office of M.A. Day Engineering, PC, 3 Van Wyck Lane, Wappingers Falls, N.Y. 12590 (845-223-3202) between the hours of 8:00 a.m. and 4:30 p.m. on Monday through Friday and requesting the documents to be emailed. Contact Jennifer Maraday ([jmaraday@madayengineering.com](mailto:jmaraday@madayengineering.com)) to request the contract documents. The company information will be required so that contract addenda can also be emailed.

On all estimates for payment the fixed percentage retained shall be ten (5) percent. Any estimate shall be subject to correction in any succeeding estimate.

The final estimate will be prepared after the work has been inspected, tested and approved by the Engineer as required elsewhere herein and after acceptance has been given by the Owner. The fixed percentage retained on the final estimate for the guarantee period shall be five (5) percent of the total value of the work done and materials incorporated therein including any agreed compensation for any authorized extra work.

Payment on the final estimate shall not be made prior to the expiration of thirty (30) days from the date of acceptance of the work by the Owner and the issuance of the Certificate-of-Occupancy and "Permission to Operate" issued by the Dutchess County Health Department for the pool facilities.

The remaining five (5) percent of the retainage (less whatever expenditures that may have been necessary by the Owner for repairs or replacements) shall be made at the expiration of one (1) year from the date of the issuance of the Certificate-of-Occupancy of the facility by the City of Beacon Building Department and the "Permission-to-Operate" by the Dutchess County Department of Health.

No bid will be accepted unless a signed Certification of Non-Collusion is submitted with the bid.

The successful bidder shall be required to provide a Performance Bond and a Labor and Material Payment Bond, each for 100% of the contract price, with the contract.

The completion date for this project will be on May 31, 2019.

The City of Beacon, expressly reserves the right to waive any irregularities in or to accept any bid or to reject any and all bids or to award on any or all items, as the interest of the City may appear to require.

No bidder may withdraw his/her bid within thirty (30) days after the actual date of the bid opening.

City of Beacon

By: City of Beacon

Contained herein, or attached thereto, are the components of the bid package. All bidders will be responsible to determine that the bid package is complete prior to placing a bid.

The components are:

- Instructions to Bidders
- Bid Form
- Certification of Non-Collusion by Bidder
- Bid Bond Form
- Contract Agreement
- Instructions for Bond
- Performance Bond Form
- Labor and Material Payment Bond Form
- Contract General Conditions
- Plans – With specification details shown.

## INSTRUCTIONS TO BIDDERS

### 1. Qualifications of Bidders

The law requires that contracts for public work in the State of New York be awarded to the lowest responsible bidder as will promote the public interest. In order to assist the City in determining whether the apparent low bidder meets this standard, the City reserves the right to require the apparent low bidder to submit the following:

To furnish the City within 5 calendar days from the date of the request, a statement containing the following:

- (a) a description (including project name, location and owner) of any competitively bid project on which the bidder submitted the low bid but was not awarded a contract, within the previous five (5) years,
- (b) a current detailed financial statement showing assets (including a list of equipment owned by the bidder), liabilities and net worth, net total billings and average backlogs of uncompleted work on outstanding contracts for each of the previous three (3) years,
- (c) a list of the officers and principals of the bidder's legal entity, and a list of all subsidiary or affiliated companies in which the bidder's principals have any financial interest,
- (d) a list of the number of full time personnel of the bidder and a description of the construction experience of the bidder's principals and supervisory personnel,
- (e) a description of any projects which the bidder or his predecessors failed to complete or any litigation in which the bidder has been involved with in the previous three (3) years, including a list of project names, locations and owner,
- (f) a list and description of all contracts completed by the bidder within the previous three (3) years,
- (g) a list of at least three (3) project references (including project names, locations, owners, contact persons and telephone numbers) which included work similar in scope, complexity, and construction value as this proposed project, and
- (h) a list and description of the status of all uncompleted contracts of the bidder.

2. Preparation of Bids

Prepare the bid on the official Bid Form included in these documents. Fill in all blank spaces legibly. The Bid Form must contain an original signature.

Bid Security is required as a guarantee that the bidder will enter into the contract if awarded. Bid Security may be in the form of a certified check or bid bond. The surety company shall prepare the bid bond in accordance with the Bid Bond Form included in this package. The amount shall be at least 3% (three percent) of the total bid.

3. Performance Bond, Labor and Material Payment Bond

The bidder to whom the contract is awarded shall furnish a performance bond, and a labor and material payment bond, each equal to 100% of the amount of the contract. The date of each bond must not be prior to the date of contract.

A surety company shall prepare the performance bond, and the labor and material payment bond, in accordance with the bond forms included in this package. A letter of credit, in a form acceptable to the City Attorney, may be substituted for the performance bond and the labor and material payment bond.

4. Visit to the Site

The bid shall be regarded as having been made with full knowledge of conditions and requirements. The bidder agrees and represents that he/she has visited the premises prior to the time of submitting the bid and has inspected and given consideration to the conditions under which the work is to be performed. A pre-bid and site walk will be held on December 7<sup>th</sup>, 2018, to address any questions and to allow access to the site.

5. Prevailing Wages

Any contract or sub-contract awarded to do the work shall be required to comply with the Davis-Bacon Act and other federal labor standards or provisions. The NYS DOL and Federal Schedule of Wages applicable to this contract are attached. **It shall be the sole responsibility of the Contractor submitting a bid for this project to ensure that the correct and current prevailing wage rates were used by prepare the bid for this project. The prevailing wage rates can be obtained by the New York Stated Department of Labor.**

6. Permits

The City will be responsible for issuing all demolition and construction permits.

7. Erosion and Sediment Control

The bidder is cautioned that the contractor will be responsible for maintaining all sediment and erosion control measures during site construction in accordance with the attached erosion and sediment control plans. No SWPPP inspections are required.

8. Rock Removal

The Contractor will submit a unit price for rock removal.

9. Liquidated Damages

Liquidated damages are not part of this contract.

10. Technical Specifications

The bidder is advised that Technical Specifications are included in the Engineering Report for the design of the pool improvements which is included in the Bid Documents.

- a. The Contractor shall provide submittals for the equipment or certificates of compliance for all substituted materials to be incorporated into the project as a necessary condition of any application for payment. These material specifications will be submitted directly to the project engineer. The contact information for of the project engineer is as follows:

M.A. Day Engineering, PC  
C/o Brian J, Stokosa, P.E.  
3 Van Wyck Lane  
Wappingers Falls, N.Y. 12590  
(p) 845-223-3202  
(e) [bstokosa@madayengineering.com](mailto:bstokosa@madayengineering.com)

It is preferable to have materials sent via email but will be accepted in other forms (drop off or mail). Materials can also be provided to the inspecting engineer on-site.

## BID FORM

TO: City of Beacon

In compliance with your Notice to Contractors, duly published, the undersigned,

\_\_\_\_\_, proposes and agrees as follows:

1. To furnish all the materials, equipment, and incidentals, and to furnish labor and do all the work required, to construct, furnish, and complete the improvements to be made at the pool facilities and associated work in accordance with the prices so named in this bid in a workmanlike manner, in accordance with the specifications, of which are a part of the proposal and hereto annexed.
2. To complete all the work as specified, on which this bid is based, by May 31, 2019, after the City's Notice to Proceed.
3. To furnish the City within five (5) calendar days from the date of the request, if identified as the apparent low bidder and if requested by the City, a statement of qualifications as described in Section 1 Qualifications of Bidders in the Instructions to Bidders.
4. To enter into a contract within ten (10) calendar days from the date of acceptance of this bid and, within fifteen (15) calendar days from the date of acceptance of this bid to furnish, with suitable surety to be approved by the City of Beacon, performance and labor and material payment bonds, the amount of each of the bonds to be the full amount of the bid as it appears in this proposal.
5. To comply with the Davis-Bacon Act and other federal labor standards or provisions and to pay New York State prevailing wage rates applicable to this contract. **It is the responsibility of the Contractor to utilize current prevailing wage rates provided by the New York State Department of Labor in the preparation of the bid for this project.**
6. In compliance with the Instructions to Bidders, the undersigned declares that he/she has examined the site of the work and informed himself/herself fully in regard to all conditions pertaining to the place where the work is to be done. He/she has examined the plans and specifications for the work and the contractual documents relating thereto, has read all special provisions furnished prior to the opening of bids, and has satisfied himself/herself relative to the work to be performed.
7. If the undersigned fails to perform any of the promises made herein, the certified check herewith deposited will be paid to the City of Beacon or payment of the bond herewith deposited will be enforced for the benefit of the City of Beacon, as liquidated damages for such default; otherwise the check or bond will be returned to the undersigned.

**ADDENDA:**

Receipt of the following addenda is hereby acknowledged:

	<u>DATE</u>	<u>SIGNATURE</u>
ADDENDUM NO. 1	_____	_____
ADDENDUM NO. 2	_____	_____

**BASE BID:**

The bidder proposes to perform the work required in accordance with the Base Bid of the Contract Documents for the lump sum of

\_\_\_\_\_ , \$ \_\_\_\_\_  
(in writing) (and figures)

SIGN BID HERE \_\_\_\_\_  
Authorized Signature Title

\_\_\_\_\_  
Print Name

Legal Company Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone No. \_\_\_\_\_

Federal I.D. # \_\_\_\_\_

**UNIT PRICES**

Estimated  
Quantity

UP #1    300 YD3

**Additional Excavation**

\_\_\_\_\_ DOLLARS &

\_\_\_\_\_ CENTS

PER CUBIC YARD                    \$\_\_\_\_\_/CY    \$ \_\_\_\_\_

UP #2    300 YD3

**Additional Structural Fill**

\_\_\_\_\_ DOLLARS &

\_\_\_\_\_ CENTS

PER CUBIC YARD                    \$\_\_\_\_\_/CY    \$ \_\_\_\_\_

UP #3    500 YD3

**Rock Excavation**

\_\_\_\_\_ DOLLARS &

\_\_\_\_\_ CENTS

PER CUBIC YARD                    \$\_\_\_\_\_/CY    \$ \_\_\_\_\_

Bidder's  
Initials \_\_\_\_\_



## **DESCRIPTION OF UNIT PRICES:**

### **Unit Price #1 - Additional Excavation:**

A fee per cubic yard of additional excavation shall be paid for furnishing all labor & equipment necessary for additional excavation deemed necessary by the Owner and/or the Engineer. This excavation shall include but not be limited to, additional foundation excavation, utility work, etc. Any additional excavation shall be approved by the Owner or the Engineer prior to the excavation work being performed.

### **Unit Price #2 - Additional Structural Fill:**

A fee per cubic yard of additional structural fill shall be paid for furnishing all labor, material & equipment necessary to provide & compact additional structural fill deemed necessary by the Owner and/or the Engineer. Structural fill shall be defined as any material meeting the following specifications:

<u>Sieve Size</u> <u>Designation</u>	<u>% Passing</u> <u>By Weight</u>
2 inch	100 %
¼ inch	30-65 %
No. 40	5-40 %
No. 200	0-10%

Compact the structural fill at optimum moisture content to the required grade to not less than 95% of maximum dry unit weight according to ASTM D 1557. Any additional structural shall be approved by the Owner or the Engineer prior to the installation of any fill.

### **Unit Price #3 – Additional Rock Excavation:**

A fee per in-situ cubic yard of rock excavation shall be paid for furnishing all labor, material & equipment necessary to remove additional bedrock necessary to complete the contract or as deemed necessary by the Owner and/or the Engineer. Rock excavation shall be defined as any rock or other material which cannot be excavated with a “Caterpillar 225 Hydraulic Excavator” or a machine of equal size. Any additional rock excavation shall be approved by the Owner or the Engineer prior to the commencement of any work.

## CERTIFICATION OF NON-COLLUSION BY BIDDER

- (1) The prices in this bid have been arrived at independently, without collusion, consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such prices, with any other bidder or with any competitor.
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, to any other bidder or to any competitor, before the time of the bid opening.
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where (1), (2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (1), (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the City Clerk of the Municipality to which the bid is made, or his/her designee, determines that such disclosure was not made for the purpose of restricting competition.

- (4) The fact that a bidder (a) has published price lists, rates, or tariffs, covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items or other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph (1).
- (5) Any bid hereafter made to any public authority or to any official of any public authority created by the State or any political subdivision, by a corporate bidder for work of services performed or to be performed or goods sold or to be sold where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in the lead paragraph of this section, shall be deemed to have been authorized by the board of directors of the bidder and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation/partnership/individual.



**BID BOND FORM**

KNOW ALL PERSONS BY THESE PRESENTS: that

\* \_\_\_\_\_ as Principal; and

\*\* \_\_\_\_\_ as Surety, are hereby held and firmly bound unto the City of Beacon in the amount of:

\_\_\_\_\_ Dollars (\$ \_\_\_\_\_) for the payment whereof Principal and Surety bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

WHEREAS,

The condition of the above obligation is such that, whereas the Principal has submitted to the City of Beacon a certain bid, attached hereto and hereby made a part hereof, to enter into a contract in writing for the \_\_\_\_\_ Project and associated work for the City of Beacon as shown and specified in the contract, plans and specifications.

NOW THEREFORE,

- (a) If said Bid shall be rejected, or in the alternate
- (b) If said Bid shall be accepted and the Principal shall execute and deliver the Contract Agreement in the form attached hereto (properly completed in accordance with said Bid) and furnish such performance bond and labor and material payment bond as required, then this obligation shall be void. Otherwise, the same shall remain in force and effect, it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall in no way be impaired or affected by any extension of the time within which the Principal may accept such bid; and said Surety does hereby waive notice of any such extension.

\*Insert Bidder's Name

\*\*Insert Surety's Name



**City of Beacon**

**CONTRACT AGREEMENT**

THIS AGREEMENT, made and executed this \_\_\_\_ day of \_\_\_\_\_, in the year Two Thousand Eighteen, by and between the City of Beacon and

\_\_\_\_\_, Contractor,

WITNESSETH: in consideration of the mutual agreements herein contained the parties hereto have agreed and hereby agree with each other, the City, its successors and assigns, and the Contractor, and his/her successors and assigns, as follows:

The City of Beacon agrees to pay and the Contractor agrees to accept a total, final and fixed Contract Price of:

\_\_\_\_\_ (\$\_\_\_\_\_)

for the work outlined in the bid documents and specifications.

The Contractor will furnish all labor and materials necessary to perform the work shown on the plans and specifications as prepared for the City of Beacon by M.A. Day Engineering and the office of Aryeh Siegel, R.A.

Included in this Contract are all labor, supervision, machinery, equipment, facilities, tools, transportation, supplies, materials, insurance's, permits, certificates, tests, guarantees, protection of equipment and property and life during construction, and all other things whether or not explicitly shown or mentioned, necessary and proper for or incidental to the completion of a workmanlike job, complete in every respect and detail, left ready and in perfect condition for the Owner's use, as called for in the plans and specifications.

On all estimates for payment the fixed percentage retained shall be ten (5) percent. Any estimate shall be subject to correction in any succeeding estimate.

The final estimate will be prepared after the work has been inspected, tested and approved by the Engineer as required elsewhere herein and after acceptance has been given by the Owner. The fixed percentage retained on the final estimate for the guarantee period shall be five (5) percent of the total value of the work done and materials incorporated therein including any agreed compensation for any authorized extra work.

Payment on the final estimate shall not be made prior to the expiration of thirty (30) days from the date of acceptance of the work by the Owner and the issuance of the Certificate-of-Occupancy and "Permission to Operate" issued by the Dutchess County Health Department for the pool facilities.

The remaining five (5) percent of the retainage (less whatever expenditures that may have been necessary by the Owner for repairs or replacements) shall be made at the expiration of one (1) year from the date of the issuance of the Certificate-of-Occupancy of the facility by the City of Beacon Building Department and the "Permission-to-Operate" by the Dutchess County Department of Health.



Attest By: \_\_\_\_\_  
Signature Name (printed)  
\_\_\_\_\_  
Title (printed)

### INSTRUCTIONS FOR BOND

The name, including full given name and business or residence address of each individual party to the bond shall be inserted in the space provided therefore, and each such party shall sign the bond with his usual signature on the line opposite the scroll seal.

If the principals are partners, their individual names shall appear in the space provided therefore, with the recital that they are partners composing a firm, naming it, and all the members of the firm shall execute the bond as individuals.

If the principal or surety is a corporation, the name of the state in which incorporated shall be inserted into the space provided therefore, and said instrument shall be executed and attested under the corporate seal as indicated in the form. If the corporation has no corporate seal the fact shall be stated in which case a scroll or adhesive seal shall appear following the corporate name.

The official character and authority of the person or persons executing the bond for the principal, if a corporation, shall be certified by the secretary or the assistant secretary, according to the form herein provided. In lieu of such certificate there may be attached to the bond copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary, under the corporate seal, to be true copies.



**PERFORMANCE BOND FORM**

KNOW ALL PERSONS BY THESE PRESENTS: that

\_\_\_\_\_ (Contractor) \_\_\_\_\_ (Address)

as Principal, hereinafter called Contractor, and

\_\_\_\_\_ (Surety) \_\_\_\_\_ (Address)

as Surety, hereinafter called Surety, are held and firmly bound unto the City of Beacon, as Obligee, hereinafter called Owner, in the amount of

\_\_\_\_\_ (\$ \_\_\_\_\_) for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, CONTRACTOR has by written agreement dated \_\_\_\_\_,

20\_\_\_\_ entered into a Contract with Owner for the City of Beekman Recreation Department Pool Improvements Project at University Campus in accordance with plans and specifications prepared by M.A. Day Engineering, PC, which Contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if the Contractor shall promptly and faithfully perform said Contract and agreements of said Contract during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety and during the one year guaranty period, and if he shall satisfy all claims and demands incurred under such Contract, and shall fully indemnify and hold harmless the Owner from all costs and damages which the Owner may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Whenever Contractor shall be, and declared by Owner to be in default under the Contract, the Owner having performed Owner's obligations thereunder, the Surety shall promptly remedy the default by (1) Completing the Contract in accordance with its terms and conditions, or (2) Obtaining a bid or bids for submission to the Owner for completing the Contract in accordance with its terms and conditions, and upon determination by the Owner and the Surety jointly of the lowest responsible bidder, arrange for a contract between such bidder and Owner, and make available as work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the contract price; but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof. The term "balance of the contract price", as used in this paragraph, shall mean the total amount payable by Owner to Contractor under the Contract and any amendments thereto, less the amount properly paid by Owner to Contractor.

Any suit under this bond must be instituted before the expiration of two (2) years from the date

on which final payment under the Contract falls due.

No right of action shall accrue on this bond to or for the use of any person, corporation or entity other than the Owner named herein or the heirs, executors, administrators or successors of the Owner.

IN WITNESS WHEREOF, this instrument is executed in \_\_\_\_\_ counterparts, each one of which shall be deemed an original, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Corporate Seal if applicable)

\_\_\_\_\_  
(Officer's/Partner's/Individual's) signature

\_\_\_\_\_  
(Officer's/Partner's/Individual's) name printed

\_\_\_\_\_  
(Corporate Partnership/Individual) name printed (Principal)

STATE OF NEW YORK                    )  
  ss:  
COUNTY OF \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

NOTES:

1. Date of Bond must not be prior to date of Contract.
2. If Contractor is a Partnership all partners should execute the bond.
3. Surety Companies executing Bonds must be authorized to do business in New York State and be approved by the Owner.
4. All bonds shall be in a form acceptable to and shall be approved by the Owner.

**CERTIFICATE AS TO CORPORATE PRINCIPAL**

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ secretary of the corporation named as principal in the within bond; that \_\_\_\_\_ who signed the said bond on behalf of the principal, was then \_\_\_\_\_ of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation of its governing body.

\_\_\_\_\_ (Corporate Seal)

## LABOR AND MATERIAL PAYMENT BOND FORM

\_\_\_\_\_, as surety ("Surety")  
(Insert Proper Name of Surety)

and \_\_\_\_\_  
(Insert Proper Name of Contractor)

as principal ("Contractor"), enter into, execute this bond ("Payment Bond"), and bind themselves in favor of the City of Beacon

as obligee ("Owner") in the penal sum of \$ \_\_\_\_\_  
(Insert Penal Sum)

as per This Contract 2018-001 and any addendums thereto – December 2018

WHEREAS, the Contractor has executed a contract with the Owner herewith ("Construction Contract") for construction of the work outlined in Contract 2018-001 and any applicable addenda.

("PROJECT"); and,

WHEREAS, the Owner has required the Contractor to furnish this Labor and Material Payment Bond containing the terms and conditions set forth herein as a condition to executing the Construction Contract with the Contractor;

NOW THEREFORE, the Surety and the Contractor, both jointly and severally, and for themselves, their heirs, administrators, executors and successors agree:

1. The Construction Contract is hereby incorporated herein and by reference made a part hereof to the same extent and effect as though it were copied verbatim herein. The Surety and the Contractor are bound for the full performance of the Construction Contract including without exception of all its terms and conditions, both express and implied, and, without limitation, specifically including contractor's obligation to pay for labor, materials, services and equipment provided in connection with the Construction Contract performance;
2. For purposes of this Labor and Material Payment Bond, Beneficiary is defined as a person or entity who has actually provided labor, material, equipment, services or other items for use in furtherance of the Construction Contract, and having:
  - (A) a direct contract with the Contractor; or
  - (B) a direct contract with a subcontractor of the Contractor; or
  - (C) rights, under the laws of the jurisdiction where the Project is located, to file a lien, a claim or notice of lien, or otherwise make a claim against the Project or against funds held by the Owner, if the Project is, or were, subject to such filing.

3. The Surety shall not be obligated hereunder to any party other than a Beneficiary defined above unless such other party has given written notice of its claim to the Contractor and the Surety within the longer of:

- (A) ninety (90) days after such other party provided labor, material, equipment, services or other items for use in furtherance of the Construction Contract; or,
- (B) the period of time provided by the jurisdiction wherein the Project is located for (1) filing of a lien, claim of lien, notice of lien, if the Project is, or were, subject to such filing, or (2) otherwise making a claim against the Project or against funds held by the Owner;

stating the amount claimed and identifying, by name and address, the person or entity to whom such labor, material, equipment, services or other items were provided.

4. In no event shall the Surety be obligated hereunder for sums in excess of the Penal Sum. The Penal Sum shall be deemed increased by any amount by which the contract price increases by virtue of change orders.

5. Upon receipt of a claim from a Beneficiary hereunder, the Surety shall promptly, and in no event later than 30 days after receipt of such claim, respond to such claim in writing (furnishing a copy of such response to the Owner) by:

- (A) making payment of all sums not in dispute; and,
- (B) stating the basis for disputing any sums not paid.

6. No action shall be commenced by a Beneficiary hereunder after the passage of the longer of one (1) year following final completion of the Construction Contract or, if this bond is provided in compliance with applicable law, any limitation period provided therein. If the limitation period contained in this paragraph is unenforceable, it shall be deemed amended to provide the minimum period for an action against the Surety on a payment bond by a third-party beneficiary thereof.

7. Any and all notices to the Surety or the Contractor shall be given by Certified Mail, Return Receipt Requested, to the address set forth for each party below:

SURETY:

CONTRACTOR:

OWNER:

CONTRACTOR

SURETY

\_\_\_\_\_  
(TYPED NAME) SEAL

\_\_\_\_\_  
(TYPED NAME) SEAL

By: \_\_\_\_\_  
(SIGNATURE)

By: \_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(PRINTED NAME, TITLE & ADDRESS)

\_\_\_\_\_  
(PRINTED NAME, TITLE & ADDRESS)

\_\_\_\_\_  
(DATE OF EXECUTION)

\_\_\_\_\_  
(DATE OF EXECUTION)

NOTES:

1. Date of Bond must not be prior to date of Contract.
2. If Contractor is a Partnership all partners should execute the bond.
3. Surety Companies executing Bonds must be authorized to do business in New York State and be approved by the Owner.
4. All bonds shall be in a form acceptable to and shall be approved by the Owner.

STATE OF NEW YORK                    )  
  ss:  
COUNTY OF \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

## CONTRACT GENERAL CONDITIONS

### 1.0 PAYMENT

#### 1.1 Total Payment

- a. For the Contractor's complete performance of the work, the Owner will pay, and the Contractor agrees to accept, subject to the terms and conditions hereof, the total of the lump sum prices and the unit prices at which this Contract was awarded, plus the amount required to be paid for any extra work as approved in writing by the City of Beacon, less credit for any work omitted.

#### 1.2 Progress Payments

- a. The Owner will make a lump sum payment if work is completed within thirty (30) days from the date specified in the Notice to Proceed, or the Owner will make monthly progress payments on account of this Contract, on or after the fourth Monday of each month, whenever the monthly estimate of the Contractor, as approved by the Consultant Engineer and/or City, shows that the fair value of the work completed during the previous month exceeds one thousand dollars (\$1,000).
- b. Payment will be in an amount equal to ninety-five percent (95%) of the value of the work completed in accordance with the unit values shown on the Bid Sheets, or the Contractor's schedule of values as approved by the Engineer, less the aggregate of all previous payments, except where specifically provided elsewhere herein.
- c. Payment requests shall be made on AIA Document G702 and AIA Document G703 Continuation Sheets and shall be submitted by the tenth day of the month in which payment is scheduled to be made. Payment requests shall be approved, changed or rejected by the Consultant Engineer at least three (3) days prior to the date upon which payment is scheduled to be approved by the City of Beacon. Delays in payment due to disagreement between the Consultant Engineer and Contractor about a quantity shall be borne by the Contractor. It is also the burden of the Contractor to obtain agreement from the Consultant Engineer or to be satisfied with his estimate.
- d. When submitting payment requests, the Contractor shall certify with each request that all subcontractors, suppliers and laborers have been paid in full (less 5% retainage, if allowed) up to the date of the request. In addition, the Contractor shall provide certificates of compliance for all materials to be incorporated into the project. No payment will be made by the Owner without the required certification and certificates.
- e. All materials and work covered by progress payments shall become the property of the Owner. Payments made to the Contractor shall not be construed as acceptance by the Owner of any work or materials not in



accordance with the plans and specifications.

### 1.3 Substantial Completion

- a. When the work or major portions thereof are substantially completed, the Contractor may submit a request for payment of the remaining amount of the contract amount. Upon receipt of such request for payment, the Consultant Engineer shall make an inspection and identify all work that is incomplete or otherwise not ready for final acceptance.
- b. The Owner shall approve and promptly pay the remaining amount of the contract balance less two times the value of any remaining items to be completed (as identified in the Engineer's Certificate of Substantial Completion) and an amount necessary to satisfy any claims, liens or judgments against the Contractor which have not been suitably discharged. The Certificate of Substantial Completion may also assign responsibilities for security, maintenance, and damage to the work, insurance, etc. The Certificate shall fix the time within which the Contractor shall complete all items listed as being incomplete or otherwise not ready for final acceptance.
- c. As the remaining items of work (as identified in the Engineer's Certificate of Substantial Completion) are satisfactorily completed or corrected, the Contractor may prepare a request for payment, but not more often than monthly, for any such work. The Owner shall pay as in paragraph 1.1 above, subject to the retainage in paragraph 1.4 below.

### 1.4 Security Retainage

- a. A five percent (5%) security retainage may be held by the City for a period of thirty (30) days after final payment if all work has not been completed to the satisfaction of the Consultant Engineer. At the end of this period another inspection of the facility will be made and if all work is deemed satisfactory in the opinion of the City of Beacon the retainage shall be released. If any remedial maintenance is required, the Contractor will be notified to take all corrective actions as necessary to remedy the unsatisfactory condition.

### 1.5 Final Payment

- a. Within thirty (30) days after receiving notice from the Contractor of completion of all of the work and submission of satisfactory evidence of having repaired any and all damage to public or privately owned properties resulting from, but not a part of, the work under this contract, the Consultant Engineer will cause a final inspection to be made for approval of all the work done under this contract. If upon such inspection the Consultant Engineer determines that no further work is to be done, the Owner will issue a Certificate of Completion to the Contractor for the work done under this contract.
- b. As a condition precedent to receiving final payment, the Contractor shall submit AIA forms (or similar) G706 Contractor's Affidavit of Payment of

Debts and Liens, G706A Contractor's Affidavit of Release of Liens, and G707 Consent of Surety Company to Final Payment.

- c. The Owner will, not later than thirty (30) days after the final acceptance of the work under this Contract, pay the Contractor the entire sum so found due thereunder after deduction of all previous payments and the amount to be retained pursuant to the ninety (90) day period of maintenance. It is mutually agreed; that all prior payment having been based on estimates made solely to enable the Contractor to prosecute the work advantageously, the final payment will be subject to such corrections as may be found necessary to bring the total payments into agreement with the contract price.

#### 1.6 Acceptance of Final Payment

- a. The acceptance by the Contractor or by anyone claiming by or through him of the final payment shall operate as and shall be a release to the Owner and every officer and agent thereof, from any and all claims and all liability to the Contractor for anything done or furnished in connection with this work or project and for any act or neglect of the Owner or of any others relating to or affecting the work. No payment, however, final or otherwise shall operate to release the Contractor or his sureties from any obligations under this contract or performance bond.

### 2.0 CONTRACT SECURITY

#### 2.1. Satisfactory surety

- a. If at any time the Owner shall become dissatisfied with any surety or sureties, or the performance bond, or if for any other reason such bond shall cease to be adequate security for the Owner, the Contractor will, within five (5) days after notice from the Owner's attorney to do so, substitute an acceptable bond in such form and amount and signed by such other surety as may be satisfactory to the Owner's attorney. The Contractor shall pay the premiums on all bonds. No further payments shall be deemed due nor shall be made until the new surety shall have been qualified.

### 3.0 INSURANCE

#### 3.1 Proof of insurance

- a. Simultaneously with the execution of the contract, the Contractor shall provide at his own cost and expense, proof of the following insurance to the City, in the form of a Certificate of Insurance:
  1. Statutory Worker's Compensation coverage, in compliance with the Compensation Law of the State of New York.
  2. General Liability Insurance coverage in the comprehensive general liability form including blanket contractual coverage for the operation of the program under the Agreement in the amount of \$1,000,000.00. This insurance shall include coverage for bodily injury and property damage in

the amount of \$500,000.00. The City must be listed as additional named insured.

3. Automobile liability insurance coverage for all owned, leased, or non-owned vehicles in the amount of \$1,000,000.00 per occurrence. This insurance shall include coverage for bodily injury and property damage. The City must be listed as additional named insured.

4. Disability insurance in accordance with State Law.

- b. Prior to cancellation or material change in any policy, a thirty (30) day notice shall be given to the City Clerk by registered mail, return receipt requested, at the address listed below:

City of Beacon  
23 West Center Street  
Beacon, New York 12508

Upon receipt of such notice the City shall have the option to cancel the Agreement without further expense or liability to the City, or to require the Contractor to replace the canceled insurance policy, or rectify any material change in the policy, so that the insurance coverage required is maintained continuously throughout the term of the Agreement in form and substance acceptable to the City. Failure of the Contractor to take out or to maintain, any required insurance, shall not relieve the Contractor from any liability under the contract, nor shall the insurance requirements be construed to conflict with the obligations of the Contractor concerning indemnification.

- c. All property losses shall be made payable to and adjusted with the City.
- d. All insurance policies referred to above shall be underwritten by companies authorized to do business in the State of New York and acceptable to the City.
- e. In the event that claims in excess of these amounts are filed by reason of any operations under the Agreement, the amount of excess of such claims, or any portion thereof, may be withheld from payment due or to become due the Contractor until such time as the contractor shall furnish such additional security concerning such claims as may be determined by the City.

#### 4.0 GUARANTEE/WARRANTY

##### 4.1 Maintenance Bond

- a. All labor and materials shall be guaranteed for a minimum of one year from the date of final completion and acceptance of work. Issuance of final payment shall constitute final acceptance. **After Notice of Substantial Completion and prior to issuance of final payment, the contractor shall provide a Maintenance Bond in the amount of 10 percent of the**

**contract price. The bond shall remain in effect for one year from the date of final acceptance.**

4.2 Time period for repair of defects

- a. If, within one year after the date of final acceptance, or within such longer period of time as may be prescribed by law or by the terms of any applicable special guarantee required by the Contract Documents, any of the work is found to be defective or not in accordance with the Contract Documents, the Contractor shall correct it within 10 (ten) calendar days after receipt of a written notice from the Owner to do so, unless the Owner has previously given the Contractor a written acceptance of such condition.
- b. In case of an emergency where, in the opinion of the Consultant Engineer, delay would cause serious loss or damage, and if the Contractor does not respond to make the repairs after 24 hour notice, the Owner may make repairs at the expense of the Contractor. Said repairs will be considered to apply to all items of work done by the Contractor pertaining to the installation including trench settlement.

5.0 INDEMNIFICATION

5.1 Applicability

- a. The Contractor shall indemnify and hold harmless the Owner and the Consultant Engineer and their agents and employees from and against all claims, damages, losses, and expenses including attorney's fees arising out of or resulting from the performance of the work, provided that any such claim, damage, loss, or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the work itself) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. In any and all claims against the Owner or the Consultant Engineer or any of their agents or employees by any employee of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or subcontractor under worker's compensation acts, disability benefit acts or other employee benefit acts. The obligations of the Contractor under this paragraph shall not extend to the liability of the Consultant Engineer, his agents or employees arising out of (1) the preparation or approval of maps, drawings, opinions, reports, surveys, Change Orders, design or specifications, or (2) the giving of or the failure to give directions or instructions by the Consultant Engineer, his agents or employees provided such giving or failure to give is the primary cause of the injury or damage.

## 6.0 ENGINEER NOT RESPONSIBLE

The undertaking of periodic inspections by the Engineer OR Architect shall not be construed as supervision of actual construction nor make him responsible for providing a safe place for the performance or work by contractors or contractors employees of those of suppliers or subcontractors or for access, visits, use, work, travel, or occupancy by any person.

Approval by the architects and/or engineers of shop drawings for any material, apparatus, devices, and layouts shall not relieve this contractor from the responsibility of furnishing same of proper dimension, size, quality, quantity, and all performance characteristics to efficiently perform the requirements and intent of the contract documents. Such approval shall not relieve this Contractor from responsibility for errors of any sort on the shop drawings. If the shop drawings deviate from the contract documents, this Contractor shall advise the architects and/or engineers of the deviations in writing accompanying the shop drawings, including the reasons for the deviations.

## 7.0 SPECIFICATIONS AND DRAWINGS

The specifications and drawings are intended to cover all of the work that is known to be required to effect the complete installation. They are intended to be mutually explanatory of each other, but should any discrepancy or inconsistency appear or any misunderstanding arise as to the importance of anything contained in either the specifications or the drawings, the interpretation of the doubtful portions will be made by the Engineer OR Architect, whose decision shall, in all cases, be final and binding on the Contractor. Any materials or workmanship obviously necessary to satisfactory completion shall be furnished and installed whether or not specifically shown or mentioned. Any correction or errors or omissions in the specifications or drawings, or both, may be made by the Engineer OR Architect when such correction is necessary for the proper fulfillment of their intention as determined by him. Figures shall have preference over scale in reading dimensions. Copies of the specifications and drawings shall be kept constantly at the work.

If the Contractor, in the course of the work, finds any discrepancy between the plans and the physical conditions of the locality, or any errors or omissions in the plans or in the layout as given by the points and instructions furnished by the Engineer, it shall be his duty to immediately inform the Engineer, in writing and the Engineer shall promptly verify the same. Any work done after such discovery, until authorized, will be done at the Contractor's risk.

In case, by inadvertence or otherwise, the plans or specifications do not require some work or material necessary for that purpose, the Contractor shall, nevertheless, be required to provide the same so that the work may be completed according to the true intent and purpose of the plans and specifications.

## 8.0 CONTROL OF WORK

In the performance of the work, the Contractor shall abide by all orders, directions and requirements of the Engineer and shall perform all work to the satisfaction of the Engineer OR Architect, and at such time and places, by such methods and in such a manner and sequence as he may require. The Engineer OR Architect shall then determine the amount, quality, acceptability and fitness of all parts of the work, shall interpret the Plans, Specifications, Contract Documents and any Extra Work Orders, and shall decide all other questions in connection with the work.

The Contractor shall employ no plant, equipment, materials, methods or workers to which the Engineer OR Architect objects, and shall remove no plant materials, equipment or other facilities from the site of the work without the Engineer OR Architect's permission. Upon request, the Engineer OR Architect shall confirm in writing any oral order, direction, requirement or determination.

The enumeration herein or elsewhere in the Contract Documents of particular instances in which the opinion, judgment, discretion or determination of the Engineer OR Architect shall control or in which work shall be performed to his satisfaction or subject to his approval of inspection, shall not imply that only matters similar to those enumerated shall be so governed and performed, but without exception all the work shall be governed and so performed.

Each and every provision of law and clause required by law to be inserted in this Contract shall be deemed to be inserted herein and the Contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party, the Contract shall forthwith be physically amended to make such insertion.

The Contractor shall not sublet any part of the work under this Contract, nor assign any moneys, due him/her hereunder, without first obtaining the written consent of the Owner. This Contract shall inure to the benefit of and shall be binding upon their respective successors and assigns; but neither party hereto shall assign or transfer his/her interest herein in whole or in part without the consent of the other.

The Contractor shall assume all responsibility for, and shall take precautions for preventing injury to work completed or in progress by other contractors in or about the work; he/she shall cover and protect such work from damage, and all injury to same before completion of this Contract shall be made good by him/her. In the event that this is not done immediately, the Engineer OR Architect is hereby authorized to deduct the amount of the same, as determined, from the monthly and final payment.

The Contractor shall pay to the Owner all expenses, losses and damages as determined by the Engineer OR Architect incurred by said Owner in consequence of any defect, omission or mistake of the Contractor, agents, sub-contractors or employees, or be responsible for the making good thereof, and the Engineer OR Architect is hereby authorized to deduct the same, as determined, from the monthly and final payments.

If the work to be done under this Contract shall be abandoned, or if the Contract of any claim thereunder shall be assigned by the Contractor otherwise than as herein specified,

or if at any time the Engineer OR Architect shall be of the opinion, and shall so certify in writing to the Owner, the conditions herein specified as to the rate of progress are not fulfilled, or that the work or any part thereof is unnecessarily or unreasonably delayed, or that the Contractor has violated any provisions of this Contract, the Owner may notify the Contractor to discontinue all work, or any part thereof as the Owner may designate, and the Owner may thereupon by contract or otherwise as he may determine, complete the work or such part thereof, and charge the entire expense of so completing the work or part thereof to the Contractor; and for such completion the Owner, for itself or its contractors, may take possession of, and use or cause to be used in the completion of the work or part thereof, any of such materials, equipment, machinery, implements, and tolls of every description as may be found upon the site of said work.

All expenses incurred under the section shall be deducted and paid by the Owner out of any money then due or to become due the Contractor under this Contract, or any part thereof; and in such accounting the Owner shall not be held to obtain the lowest figures for the work of completing the Contract or any part thereof, or for insuring the proper completion, but all sums actually paid therefor shall be charged to the Contractor. In case the expenses so charged are less than the sum which would have been payable under this Contract if the same had been completed by the Contractor, the Contractor shall be entitled to receive the difference; and in case such expenses shall exceed the said sum the Contractor shall pay the excess amount to the Owner upon completion of the work without further demand being made therefor.

The Contractor shall comply at all times with the provisions of the "Occupation Safety and Health Standards for the Construction Industry" (29 CFR Part 1926).

The Contractor shall procure and pay for all permits and licenses necessary for the execution of his work and the use of such work when completed.

The Contractor shall observe all rules and regulations of the State and Local Health Officials, and must take such precautions as are necessary to avoid creating unsanitary conditions.

The Contractor shall indemnify and save harmless the Owner, its officers, and employees, from all suits, actions, or claims of any character brought because of any injuries or damage received or sustained by any person, persons, or property on account of the operations of the said Contractor; or on account of or in consequence of any neglect in safeguarding the work; or through use of unacceptable materials in constructing the work, or because of any act or omission, neglect, or misconduct of said Contractor; or because of any claims or amounts recovered from any claims or amounts arising or recovered under the "Workman's Compensation Act", or any other law, ordinance, order, or decree.

Until final acceptance of the work by the Engineer OR Architect, as evidence in writing, the Contractor shall have the charge and care thereof and shall take every precaution against injury or damage to any part thereof by the action of the elements, or from any other cause, whether arising from the execution or from the non-execution of the work. The Contractor shall rebuild, repair, restore, and make good all injuries or damages to any portion of the work occasioned by any of the above causes before final acceptance and shall bear the expense thereof.

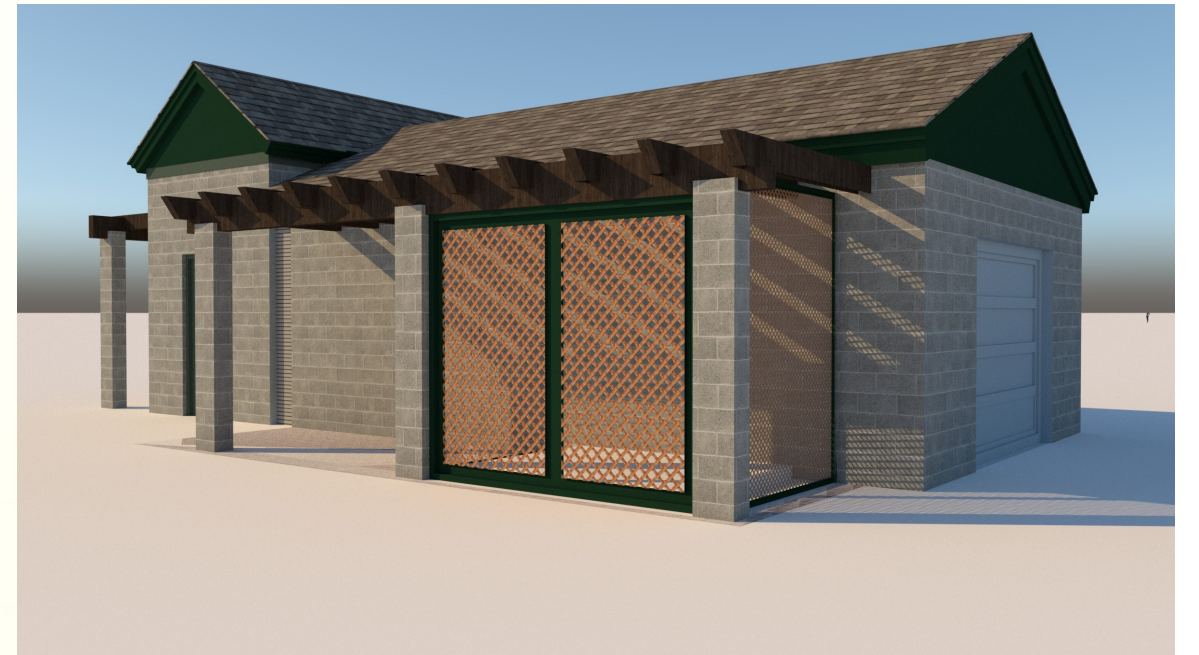
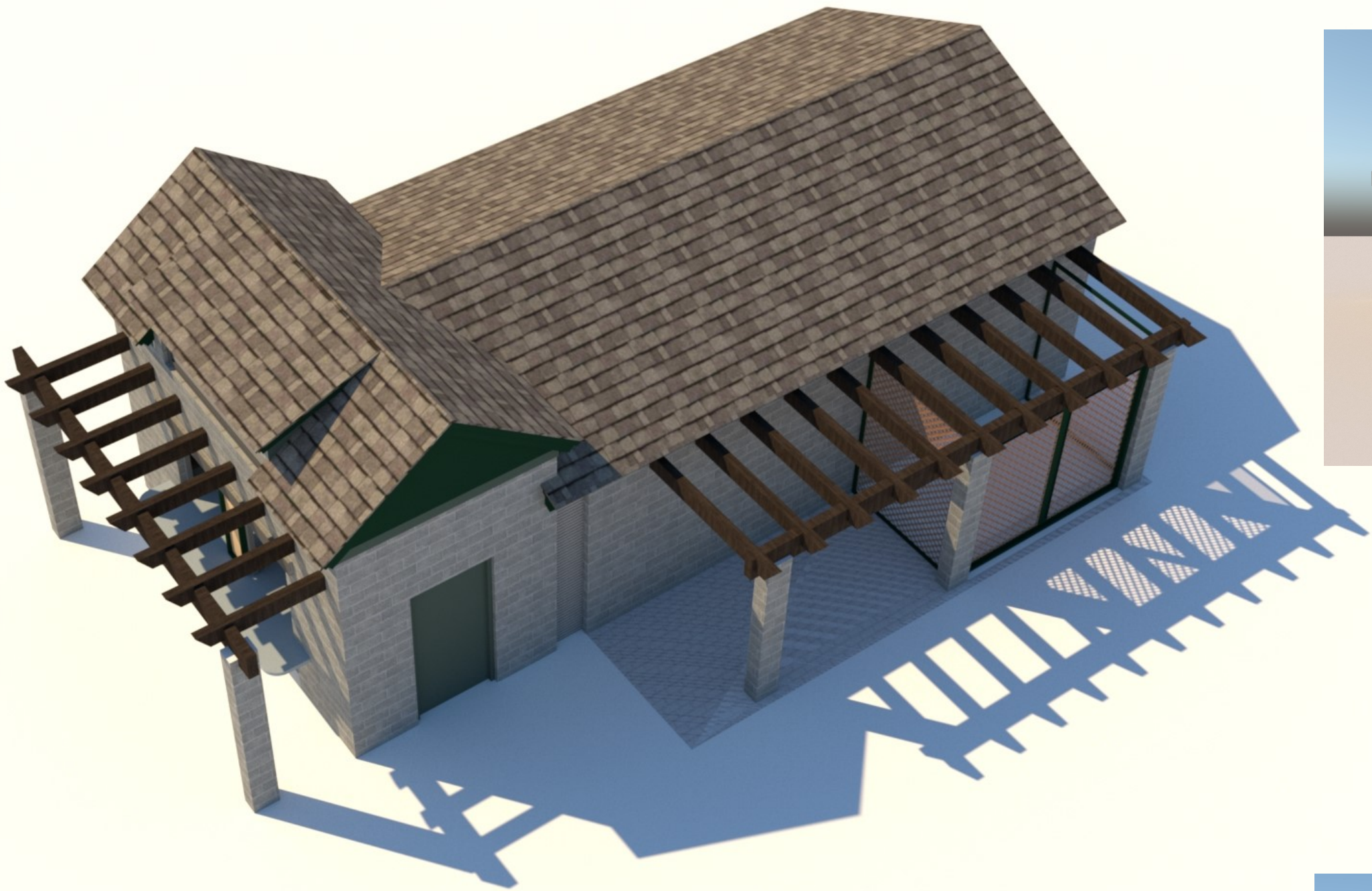
In case of suspension of work from any cause whatever, the Contractor shall be responsible for all materials, and shall properly store them, if necessary, and shall provide suitable drainage of the roadway and erect necessary temporary structures at his expense.

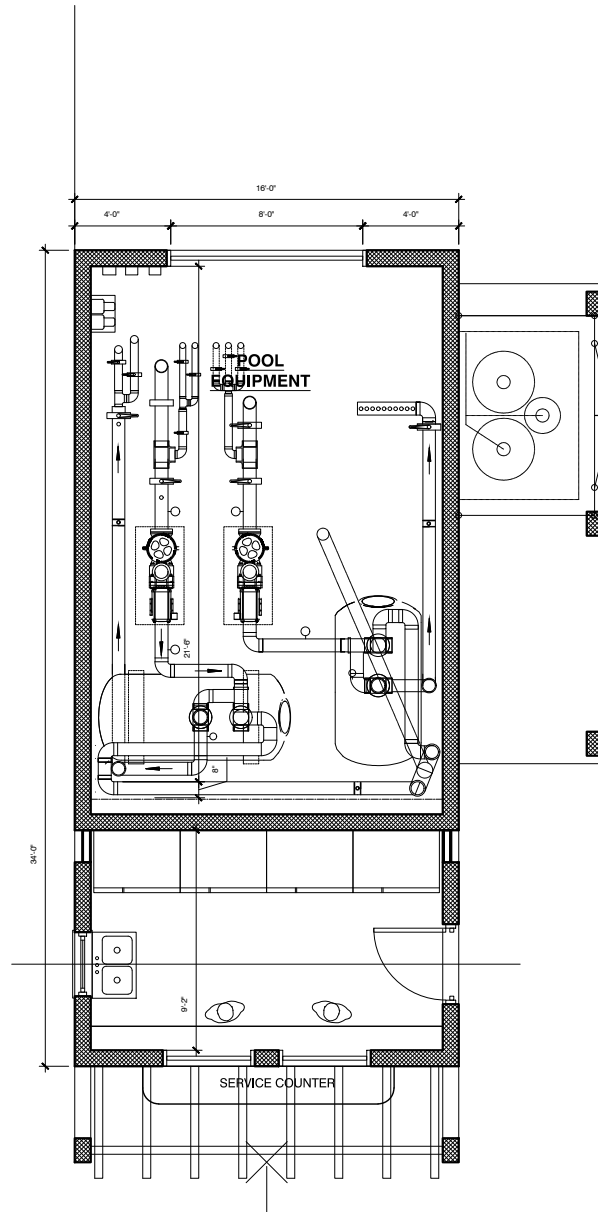
The Contractor shall not, without consent from the proper parties, enter or occupy with men, tools or materials, any land outside the rights of way or property of City of Beacon.

The Owner shall not be precluded or stopped, notwithstanding any such measurement, estimate or certificate, and payment in accordance therewith, from recovering from the Contractor and sureties such damages as it may sustain by reason of his failure to comply with the terms of the Contract. Neither the acceptance by the Owner or by any representative of the Owner, nor any payment for nor acceptance of the whole or any part of the work, nor any extension of time, nor any possession taken by the Owner, shall operate as a waiver of any portion of the Contract or of any power herein reserved, or any right to damage herein provided. A waiver of any breach of the Contract shall not be held to be a waiver of any other or subsequent breach.



**Plan – Specification Sheets**





Schematic Plan

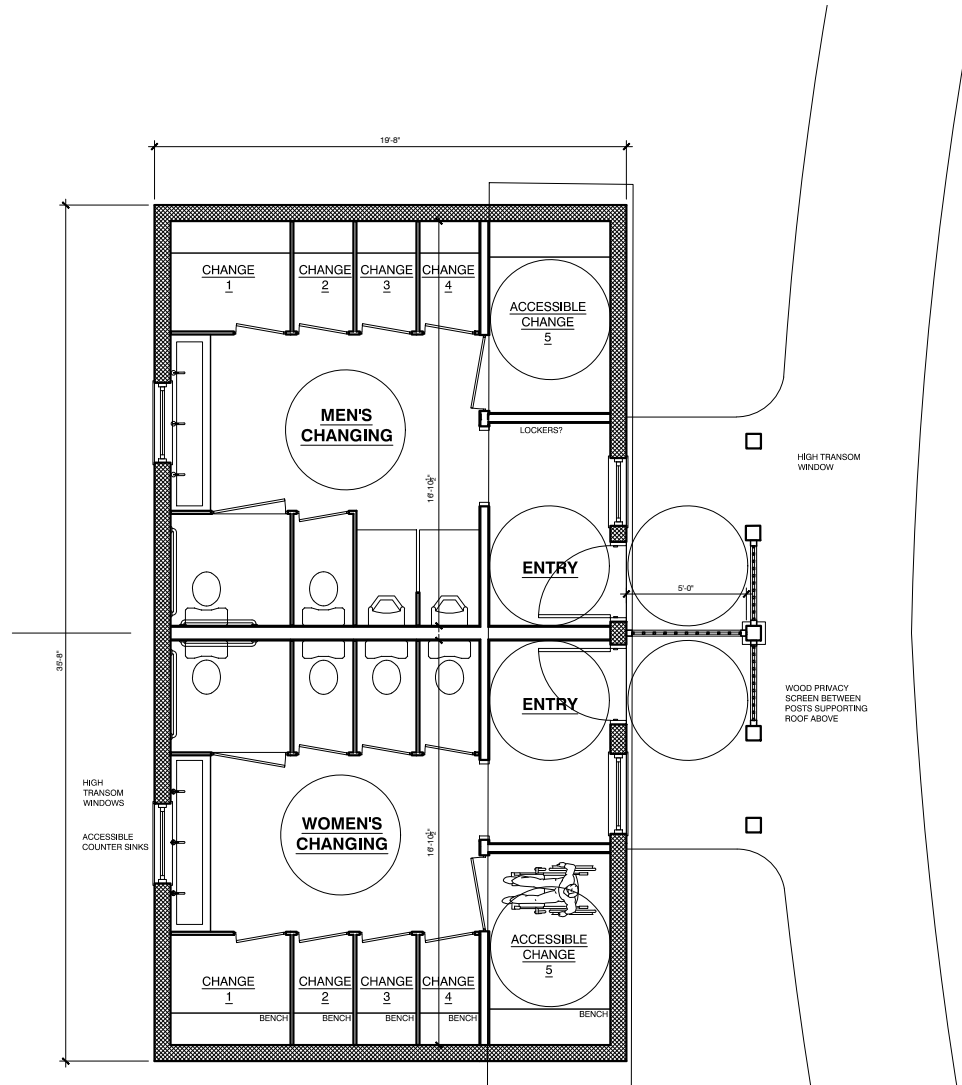
# Univerity Settlement Pool Equipment & Concession Building

February 2, 2018

1/8" = 1'-0"

Aryeh Siegel Architect





Schematic Plan

# University Settlement Changing Rooms

February 2, 2018  
 1/8" = 1'-0"  
 Aryeh Siegel Architect

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Construction Cost Estimates for River Ridge**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Construction Cost Estimates for River Ridge	Cover Memo/Letter

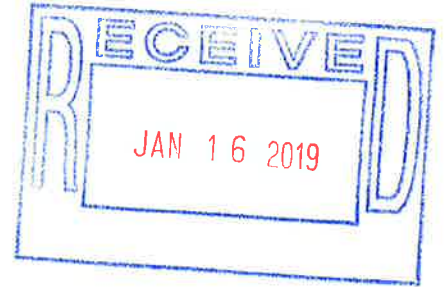
**LANC & TULLY**  
ENGINEERING AND SURVEYING, P.C.

John J. O'Rourke, P.E., Principal  
David E. Higgins, P.E., Principal  
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal  
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal  
John Lanc, P.E., L.S.  
Arthur R. Tully, P.E.

January 15, 2019



Mr. Anthony Ruggiero  
City Administrator  
City of Beacon City Hall  
1 Municipal Plaza  
Beacon, NY 12508

RE: River Ridge  
City of Beacon  
Public Improvement Bonding

Dear Mr. Ruggiero:

As part of the resolution for the River Ridge project, the applicant must establish a performance bond for the public improvements to be made as part of the site development. Attached, please find a construction cost estimate for the proposed improvements as prepared by Hudson Land Design, that has been reviewed and approved by our office. The construction cost estimate for all public improvements is valued at approximately \$260,000.00 for water, sewer, lighting, stairs, etc.

The inspection fees for the above work are to be established at 6% of the cost, which equates to \$15,600.00. Please note that the value of the inspection fees is only for the work outlined in the estimate and does not include inspection of all other site improvements.

If you have any questions, or require any further additional information, please do not hesitate to contact our office.

Very truly,

LANC & TULLY, P.C.

  
John Russo, P.E.

Enc.

Cc: John Gunn, Beacon Planning Board Chair  
David Buckley, Beacon Building Inspector  
Nick Ward-Willis, Esq., City Attorney  
Jennifer Gray, Esq., Planning Board Attorney

River Ridge Performance Bond Estimate 01-15-19

(845) 294-3700 • P.O. Box 687, Route 207, Goshen, N.Y. 10924 • FAX (845) 294-8609  
www.lanctully.com

River Ridge  
City of Beacon, NY  
11/29/2018: (Revised 12/31/2018, 01/14/2019)  
Project Number 2017:014

Performance Bond Estimate

No.	Sewer	Units	\$/Unit	Quantity	Cost	Notes
1	48" Diameter Manhole	EA	5000.00	4	\$ 20,000	Per C/o Beacon Consulting Engineer
2	48" Diameter Manhole - SMH4 (21.5' Deep)	EA	11250.00	1	\$ 11,250	Per C/o Beacon Consulting Engineer
3	8" SDR-35 Sewer Main	LF	80.00	511	\$ 40,880	Per C/o Beacon Consulting Engineer
4	8" SDR-26 Sewer Main	LF	85.00	51	\$ 4,335	Per C/o Beacon Consulting Engineer
5	Casing and Spacers for Retaining Wall	EA	4200.00	1	\$ 4,200	Per Manufacturer (Advance Products and Systems - APS)
6	Sewer Main and Structure Testing	EA	2500.00	1	\$ 2,500	
7	Subtotal				\$ 83,165	
No.	Water	Units	\$/Unit	Quantity	Cost	Notes
1	6" CL52 DIP Water Main	LF	80.00	123	\$ 9,840.00	Per C/o Beacon Consulting Engineer
2	8" CL52 DIP Water Main	LF	100.00	688	\$ 68,800.00	Per C/o Beacon Consulting Engineer
3	Hydrants	EA	5000.00	3	\$ 15,000	Per C/o Beacon Consulting Engineer
4	6" Gate Valves	EX	1000.00	2	\$ 2,000	
5	8" Gate Valves	EA	2000.00	4	\$ 8,000	Per C/o Beacon Consulting Engineer
6	8" 45 Elbow	EA	750.00	3	\$ 2,250	Per C/o Beacon Consulting Engineer
7	6" 45 Elbow	EA	500.00	2	\$ 1,000	Per C/o Beacon Consulting Engineer
8	8" 22.5 Elbow	EA	750.00	3	\$ 2,250	Per C/o Beacon Consulting Engineer
9	6" 22.5 Elbow	EA	500.00	1	\$ 500	Per C/o Beacon Consulting Engineer
10	8"x 8"x 6" Tee	EA	1300.00	2	\$ 2,600	RS Means 33 11 13.15 88240
11	Casing and Spacers for Retaining Wall	EA	4200.00	1	\$ 4,200	Per Manufacturer (Advance Products and Systems - APS)
12	Water Main Testing and Disinfection	EA	2500.00	1	\$ 2,500	
13	Subtotal				\$ 118,940	
No.	Stairs and Walkway	Units	\$/Unit	Quantity	Cost	Notes
1	Concrete Walkway	LF	50.00	130	\$ 6,500	Installed 4" Thick, 4" Gravel Base, 5' Wide (RS Means G 2030 120 1620)
2	Concrete Stairs	5 Risers	1445.00	12	\$ 17,340	Installed 5' Wide, 5 Risers (RS Means G 2030 310 2620)
3	Subtotal				\$ 23,840	
No.	Lighting	Units	\$/Unit	Quantity	Cost	Notes
1	Staircase Bollard Light	EA	750.00	9	\$ 6,750	Provided By Aryeh Siegel, AIA (Price increased 20% for Installation)
2	Subtotal				\$ 6,750	
No.	As-Built Plans and Engineering	Units	\$/Unit	Quantity	Cost	Notes
1	As-Built Plans	EA	3000.00	1	\$ 3,000	Provided By Hudson Land Design, P.C.
2	Subtotal				\$ 3,000	
Total					Cost	Notes
					\$ 235,695	
	10% Contingency				\$ 23,570	
	<b>GRAND TOTAL</b>				\$ 259,265	



**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Storm Water Control Facility Maintenance Agreement and Easement for 32 Alice Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing A Stormwater Control Facility Maintenance Agreement and Easement	Cover Memo/Letter
Keane and Beane Memorandum Regarding Storm Water Management Facility Maintenance Agreement and Easement	Cover Memo/Letter
An Erosion and Sediment Control Plan	Cover Memo/Letter
Land Survey	Cover Memo/Letter
Operation and Maintenance Plan Schedule B	Cover Memo/Letter
Site Details	Cover Memo/Letter
Stormwater Control Facility Maintenance Agreement and Easement with Schedules A and B	Cover Memo/Letter
Preliminary Subdivision Plan	Cover Memo/Letter
Water Sewer Details for 32 Alice Street	Cover Memo/Letter

**CITY OF BEACON**

**CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2019

**RESOLUTION AUTHORIZING A STORMWATER CONTROL FACILITY  
MAINTENANCE AGREEMENT AND EASEMENT  
REGARDING 32 ALICE STREET**

**WHEREAS**, Brent C. Spodek and Alison R. Spodek obtained approval from the City of Beacon Planning Board on October 10, 2018 for a 2-lot subdivision of certain real property at 32 Alice Street, identified as tax parcel 6054-47-320616, more fully shown on the subdivision map entitled “Preliminary Subdivision Plan 32 Alice Street Subdivision” which is Sheet 2 of a 5-sheet plan set prepared by Hudson Land Design Professional Engineering, P.C. (“Project”); and

**WHEREAS**, stormwater control facilities were approved in connection with the Project as shown on the “above-referenced Preliminary Subdivision Plan 32 Alice Street Subdivision”; and

**WHEREAS**, the purpose of the proposed “Stormwater Control Facility and Maintenance Agreement and Easement” is to provide for and ensure the long term maintenance and continuation of the stormwater control measures required by the approved plans.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the Mayor and/or City Administrator to sign the “Stormwater Control Facility Maintenance Agreement and Easement” for said purpose, along with all documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney and City Engineer.

## MEMORANDUM

**TO:** Mayor Randy Casale and Members of the  
Beacon City Council

**FROM:** Keane & Beane, P.C.

**RE:** 32 Alice Street - Stormwater Management Facility Maintenance  
Agreement and Easement

**DATE:** January 24, 2019

---

Attached is (1) a Stormwater Maintenance Facility Maintenance Agreement and Easement (the "Agreement"); and (2) a resolution authorizing the Mayor or Administrator to sign the Agreement and any other necessary documents, including recording forms.

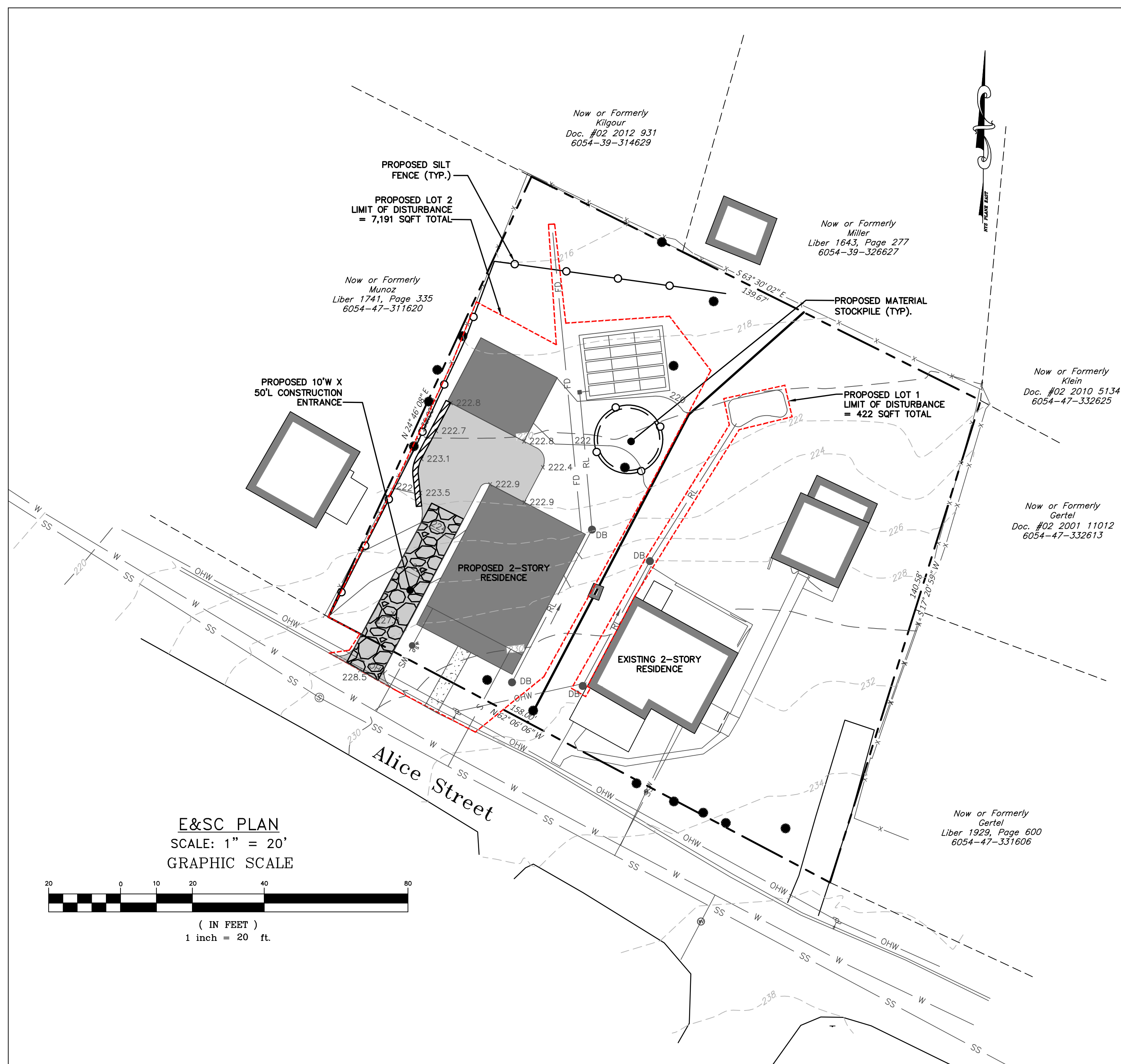
### Background

On October 10, 2018, the City of Beacon Planning Board approved a 2-lot residential subdivision located at 32 Alice Street, which included stormwater management facilities. Lot 2 is proposed to be improved with a new single family dwelling plus stormwater facilities that include a yard drain, footing drain, roof leader and underground infiltrators. Lot 1 is improved with an existing single family dwelling and a rain garden is proposed to be added in the rear yard which will collect stormwater from the dwelling's roof leaders. (See, Sheet 2 of 5, Preliminary Subdivision Plan, prepared by Hudson Land Design Professional Engineering P.C.)

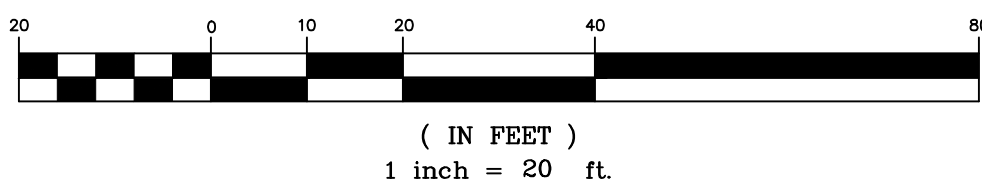
The purpose of the Agreement is to ensure the stormwater management facilities required by the approved plans will be maintained by current and future property owners in perpetuity.

The Agreement conveys an easement to the City to enter upon the property and perform inspections of the stormwater management facilities. The City has no obligation to perform inspections, but will now have the easement rights to do so if it so chooses. The City also has the right but not the obligation to take corrective measures at the property owner's expense if the property owner fails to perform its obligations under the Agreement. If the City elects to exercise its easement rights in the future resulting in a disturbance to the property, the City will be required to return the property to a reasonably similar condition as it existed prior to the City's entry onto the property.

The Agreement will be recorded in the Dutchess County Clerk's office, so it will bind future owners.



**E&SC PLAN**  
SCALE: 1" = 20'  
GRAPHIC SCALE



**LEGEND**

---	EXISTING PROPERTY LINE
---	PROPOSED PROPERTY LINE
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	EXISTING UTILITY POLE
---	PROPOSED MAJOR CONTOUR
---	PROPOSED MINOR CONTOUR
○	PROPOSED SPOT ELEVATION
---	PROPOSED SILT FENCE
---	PROPOSED LIMIT OF DISTURBANCE
---	PROPOSED SOIL STOCKPILE BOUNDARY

**OWNER'S CONSENT:**  
THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS, AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

BRENT OR ALISON SPODEK \_\_\_\_\_ DATE \_\_\_\_\_

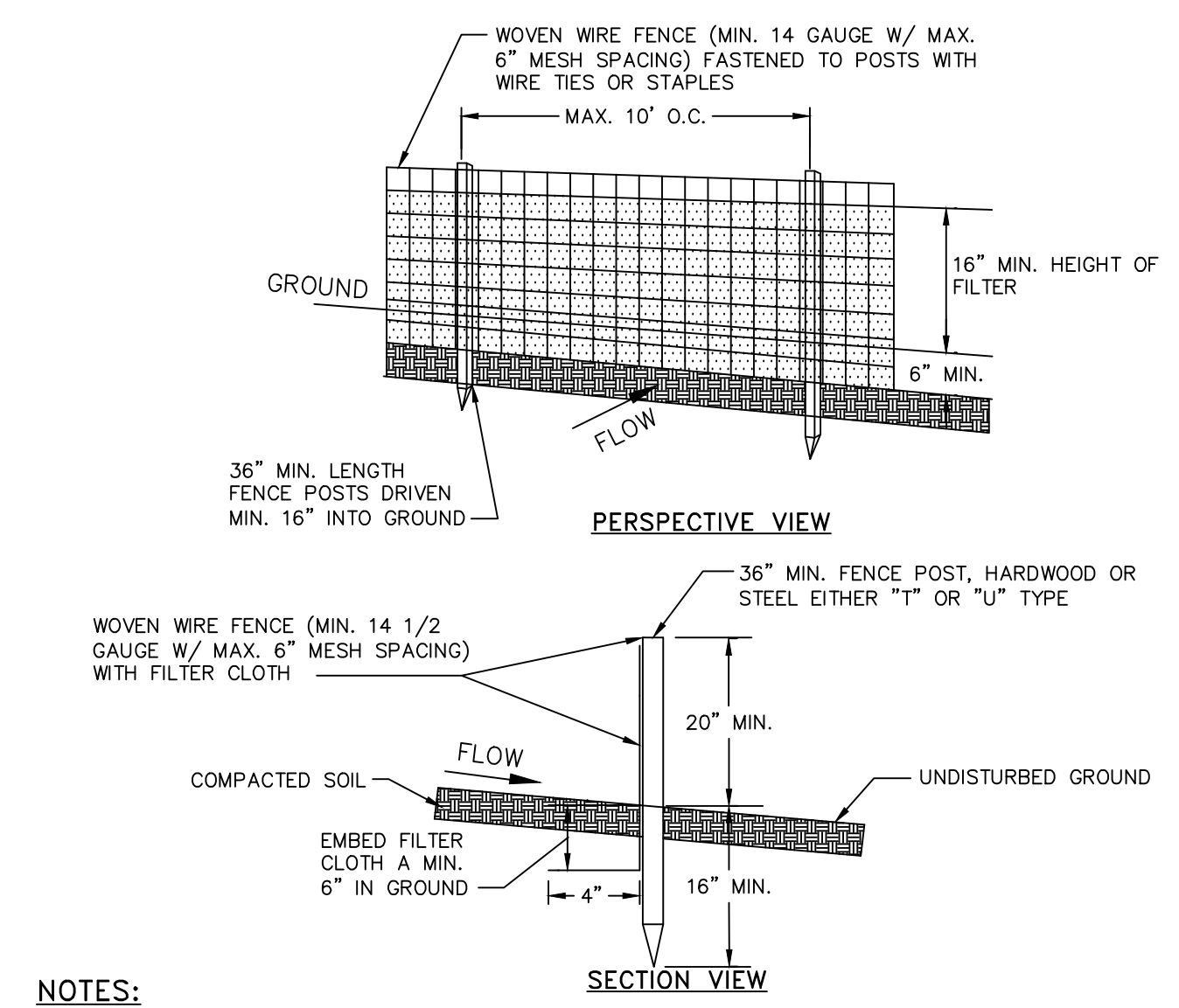
APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

\_\_\_\_\_ CHAIRMAN

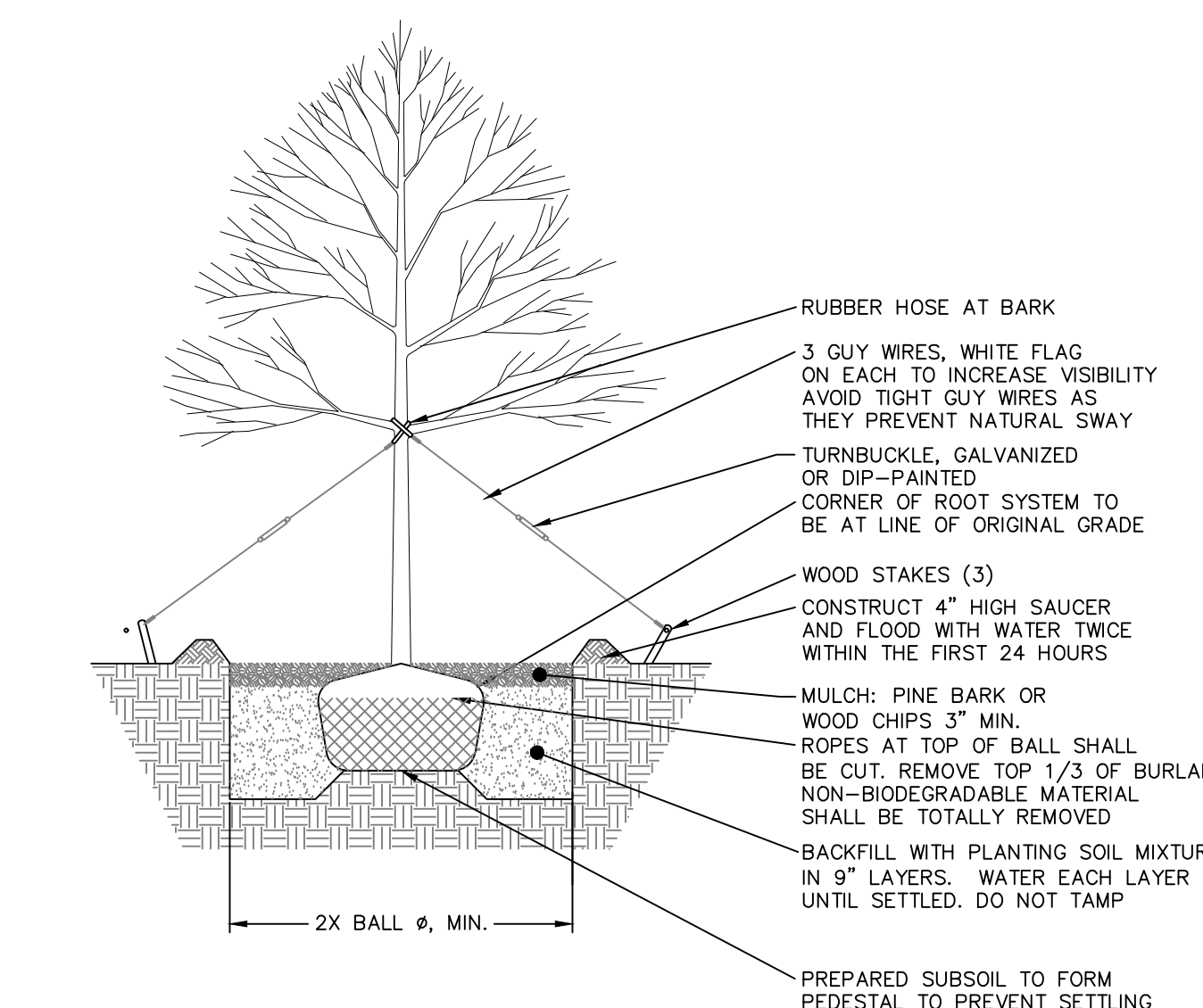
\_\_\_\_\_ SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.



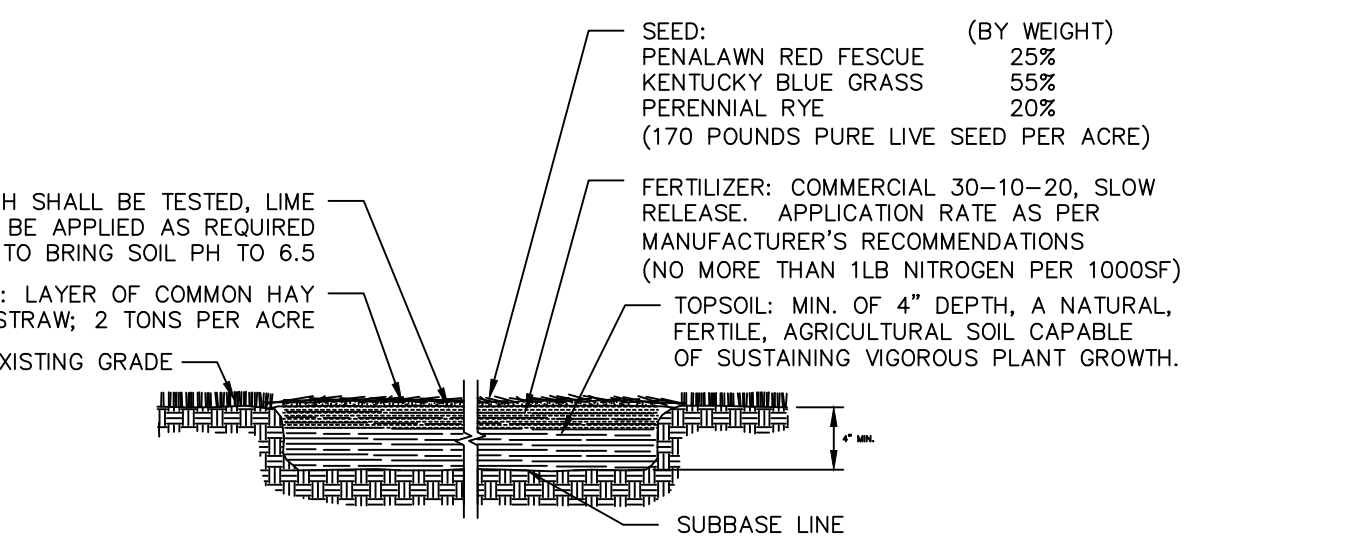
**NOTES:**  
1. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION.  
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N OR APPROVED EQUAL.  
3. PREFABRICATED UNITS SHALL BE CE04B, ENVIROFENCE OR APPROVED EQUAL.  
4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

**SILT FENCE DETAIL**  
NOT TO SCALE



**NOTES:**  
1. PROPOSED TREES TO BE PER PLANS. REFER TO SHEET 2 FOR LOCATIONS.

**TREE PLANTING DETAIL**  
NOT TO SCALE



**TOPSOIL SEED, FERTILIZER AND MULCH DETAIL**  
NOT TO SCALE

**Dig Safely. New York**  
800-962-7962  
www.digsafelynewyork.org

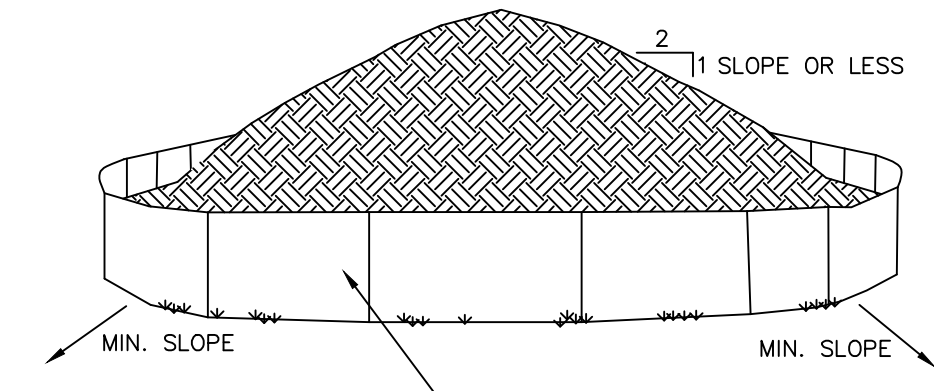
Call Before You Dig  
 Wait The Required Time  
 Confirm Utility Response  
 Respect the Marks  
 Dig With Care

DRAWN BY:	AG	CHECKED BY:	DGK	JOB NO.:	2018-014
REVISIONS:					
NO.	DATE	DESCRIPTION	BY		
1	07/31/18	REVISED LAYOUT CONSULTANTS COMMENTS	AG		
2	09/25/18	REVISED LAYOUT CONSULTANTS COMMENTS	AG		

**SURVEY NOTES:**  
1. SEE SHEET 1 FOR METES AND BOUNDS FOR EXISTING AND PROPOSED PROPERTY LINES.

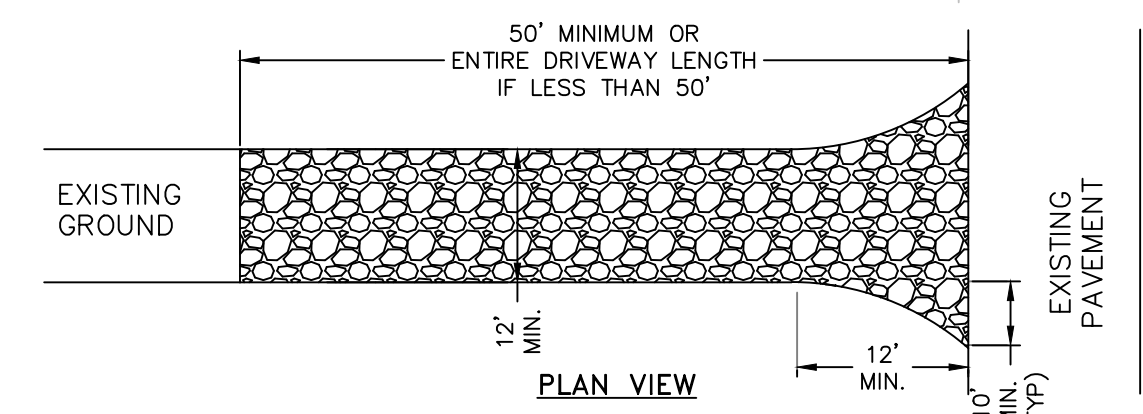
**EROSION AND SEDIMENT CONTROL NOTES:**

- ALL EROSION CONTROL MEASURES EMPLOYED DURING THE CONSTRUCTION PROCESS SHALL BE INSPECTED BY THE CONTRACTOR IN ACCORDANCE WITH THE MAINTENANCE SCHEDULE. ALL EROSION CONTROL STRUCTURES SHALL BE REPAIRED AND MAINTAINED AS NECESSARY BY THE CONTRACTOR.
- ALL STORMWATER MANAGEMENT STRUCTURES (E.G. CATCH BASINS) SHALL BE REGULARLY INSPECTED FOR SEDIMENT ACCUMULATIONS. CATCH BASINS SHALL BE CLEANED WHEN SEDIMENT DEPTH REACHES A MAXIMUM OF ONE-HALF THE AVAILABLE SUMP DEPTH.
- ALL EROSION CONTROL INSTALLATION AND MAINTENANCE MEASURES SHALL MEET THE REQUIREMENTS OF THE NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL.
- ANY PILE OF POTENTIALLY EROSION MATERIAL TEMPORARILY STOCKPILED ON THE SITE DURING THE CONSTRUCTION PROCESS SHALL BE LOCATED IN AN AREA AWAY FROM STORM DRAINAGE AND SHALL BE PROPERLY PROTECTED FROM EROSION BY A SURROUNDING SILT FENCE.
- PERMANENT SEEDED AREAS FOR EROSION CONTROL SHALL BE IN ACCORDANCE WITH DETAIL AND SPECIFICATIONS ON THIS SHEET.
- AREAS UNDERGOING CLEARING OR GRADING AND WHERE WORK IS DELAYED OR COMPLETED AND WILL NOT BE REDISTURBED FOR A PERIOD OF 21 DAYS OR MORE SHALL BE STABILIZED WITH TEMPORARY OR PERMANENT VEGETATIVE COVER WITHIN 14 DAYS.
- ON-SITE DUST CONTROL SHALL BE ACCOMPLISHED BY STANDARD METHODS OF LIGHTLY WATERING ALL EXPOSED SOIL AND RAPIDLY STABILIZING THE REGRADED AREAS WITH TOPSOIL, LOAM AND/OR SEEDING.
- THE CITY ENGINEER AND PROJECT ENGINEER SHALL BE NOTIFIED NO LESS THAN 48 HOURS PRIOR TO THE START OF ANY SITE WORK, AND BY SUCH NOTIFICATION, SHALL BE PROVIDED WITH THE NAME AND TELEPHONE NUMBER OF THE GENERAL CONTRACTOR RESPONSIBLE FOR SUCH WORK.
- THE CITY AND/OR ITS REPRESENTATIVES MAY INSPECT EROSION AND SEDIMENT CONTROL PRACTICES ON THE SITE DURING CONSTRUCTION AND RECOMMEND THAT THE CONTRACTOR INSTALL ADDITIONAL EROSION CONTROL MEASURES IF DEEMED NECESSARY TO PROTECT ANY UNDISTURBED AREAS OF THE SITE. ANY SUCH REQUESTS SHALL BE MADE DIRECTLY TO THE CONTRACTOR AND QUALIFIED PROFESSIONAL AND FOLLOWED UP WITH A WRITTEN NOTIFICATION TO THE DEVELOPER. IN ADDITION, THE PROJECT ENGINEER SHALL BE CONSULTED ON ANY SPECIAL ADDITIONS OR DELETIONS OF EROSION CONTROL MEASURES WARRANTED BY CHANGING FIELD CONDITIONS.
- IF GROUNDWATER IS ENCOUNTERED DURING CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONSTRUCT A DEWATERING PIT IN ACCORDANCE WITH NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL TO FILTER WATER FOR PUMPING TO A SUITABLE LOCATION.
- WHEN ALL DISTURBED AREAS ARE STABLE, ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED.



**NOTES:**  
1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.  
2. EACH PILE SHALL BE SURROUNDED WITH SILT FENCING, THEN STABILIZED WITH VEGETATION OR COVERED.

**TEMPORARY SOIL STOCKPILE DETAIL**  
NOT TO SCALE



**NOTES:**  
1. STONE SIZE - USE 1-4 INCH STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.  
2. THICKNESS - NOT LESS THAN SIX (6) INCHES.  
3. WIDTH - 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. 24 FOOT MINIMUM IF SINGLE ENTRANCE TO SITE.  
4. GEOTEXTILE - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.  
5. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.  
6. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURE USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.  
7. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.  
8. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

**STABILIZED CONSTRUCTION ENTRANCE DETAIL**  
NOT TO SCALE

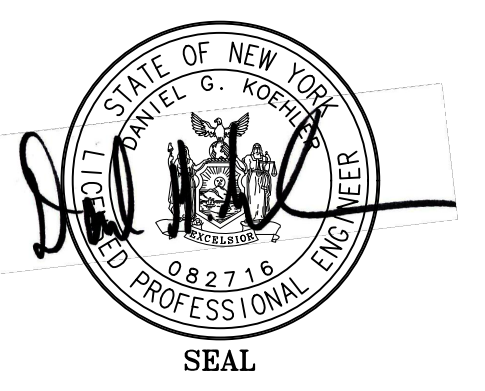
# EROSION & SEDIMENT CONTROL PLAN

## 32 ALICE ST. SUBDIVISION

32 ALICE STREET  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK  
TAX ID: 6054-47-320616  
SCALE: 1" = 20'  
JUNE 26, 2018



**HUDSON LAND DESIGN**  
PROFESSIONAL ENGINEERING P.C.  
174 MAIN STREET  
BEACON, NEW YORK 12508  
PH: 845-440-6926 F: 845-440-6637



JON D. BODENDORF, P.E.  
NYS LICENSE NO. 076245  
DANIEL G. KOEHLER, P.E.  
NYS LICENSE NO. 082716

**SURVEY NOTES**

- Copyright TEC Land Surveying, All Rights Reserved. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.
- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
- Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed or red inked seal should be assumed to be an unauthorized copy.
- Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
- The certifications herein are not transferable.
- The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
- Subject to the findings of a current title search.
- Subject to covenants, easements, restrictions, conditions and agreements of record.
- Subject to any right, title or interest the public may have for highway use.
- Bearings and North shown hereon are referenced to NAD 83-NY East using NYSNET RTN GPS.
- Contour interval is one foot. Elevations shown hereon are referenced to NAVD 88 using NYSNET RTN GPS.

**DEED REFERENCE**

Doc. #02 2015 4284  
Charlotte E. Figo  
To  
Jean Burger  
July 17, 2015

Now or Formerly  
Munoz  
Liber 1741, Page 335  
6054-47-311620

City of Beacon, Dutchess County, New York  
130500-6054-320616

**TAX PARCEL NUMBER**

**AREA**

Lot 1  
11,067 Square Feet  
0.254 Acres

Lot 2  
9,274 Square Feet  
0.213 Acres

**CERTIFICATIONS**

Jean Burger  
Benjamin Niles

**DATE OF SURVEY**

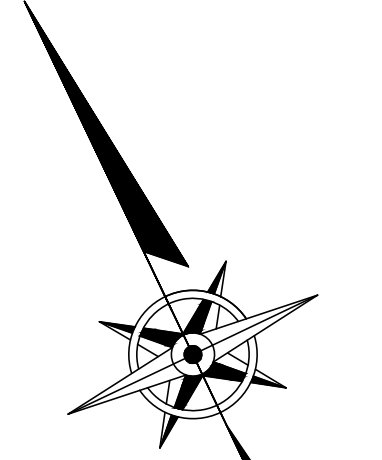
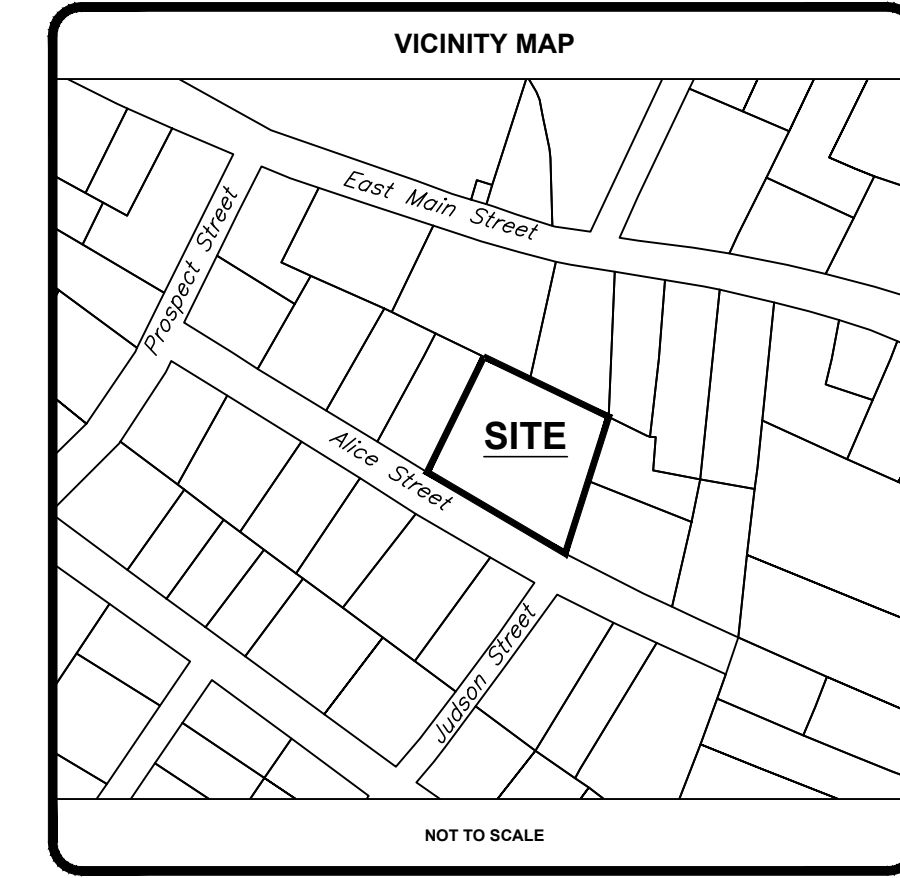
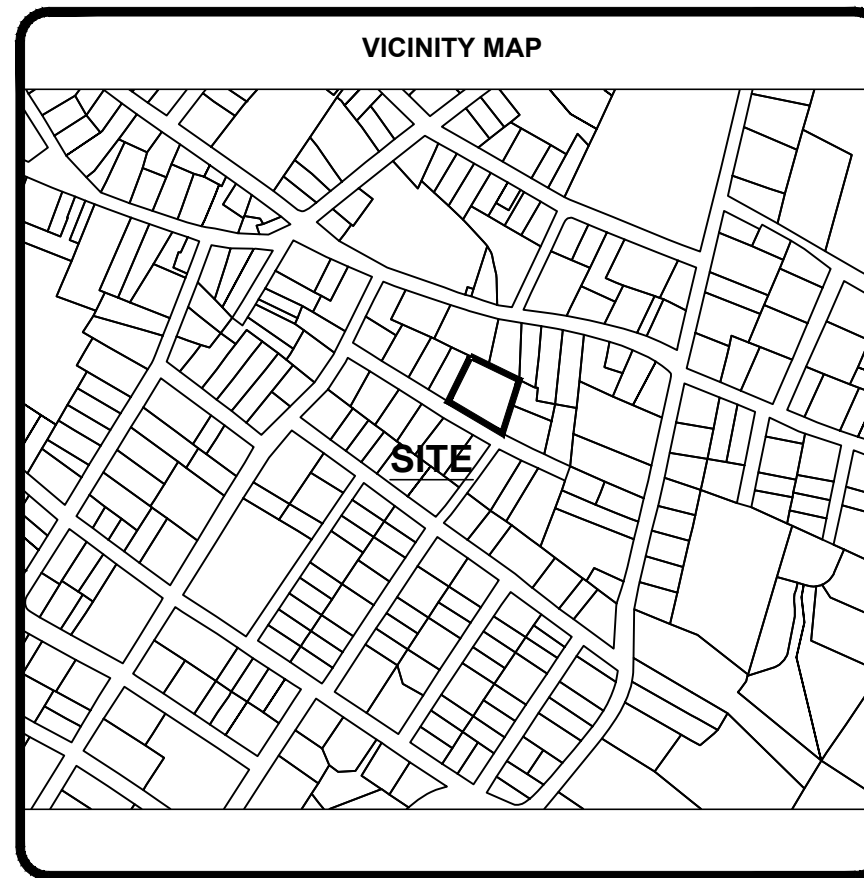
Field Completion: June 11, 2018

Now or Formerly  
Kilgour  
Doc. #02 2012 931  
6054-39-314629

Now or Formerly  
Miller  
Liber 1643, Page 277  
6054-39-326627

Now or Formerly  
Klein  
Doc. #02 2010 5134  
6054-47-332625

Now or Formerly  
Gertel  
Doc. #02 2001 11012  
6054-47-332613



**LEGEND**

—	PROPERTY LINE
SS	SANITARY SEWER LINE
ST	STORM SEWER LINE
—x—x—	FENCE
—OHW—	OVERHEAD WIRES
—W—	WATER LINE
⊕	HYDRANT
⊙	GAS VALVE
⊗	WATER VALVE
⊠	ELECTRIC BOX
⊞	ELECTRIC MANHOLE
⊚	TELEPHONE MANHOLE
⊛	SANITARY SEWER MANHOLE
⊜	DRAINAGE MANHOLE
⊝	TRANSFORMER BOX
⊞	DROP INLET
⊙	LIGHT POLE
⊚	UTILITY POLE
⊞	MAIL BOX
---	GUY WIRE
⊚	SIGN
⊙	IRON ROD FOUND

**ZONING**

Property shown hereon is located within the R1-7.5 (7,500 R7 Dwelling) Residential District as shown on map entitled "Zoning" prepared by Frederick P. Clark Associates, Inc. and dated 6/7/1996, revised on 7/29/2014.

**FLOOD ZONE**

Property shown hereon is located within the Zone "X" Unshaded region and is determined to be outside the 0.2% annual chance floodplain as shown on Flood Insurance Rate Map (FIRM) No. 36027C0577E (Effective Date: 05/02/2012).

**OWNERS & APPLICANTS**

Jean Burger  
Benjamin Niles

**PLANNING BOARD**

Approved by resolution of the Planning Board of the City of Beacon, New York, on the \_\_\_ day of year \_\_\_. Subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of the plat as approved shall void the approval. Signed this \_\_\_ day of year \_\_\_.  
By: \_\_\_\_\_ Chairman

**DCDOH STANDARD NOTE**

FOR PERMISSION TO FILE  
This plan does not constitute a realty subdivision as defined by Article XI, Title II, Section 1115 of the Public Health Law of the State of New York, and Article XI, of the Dutchess County Sanitary Code. Permission is hereby granted for the filing of this map with the Clerk of Dutchess County. Approval for arrangements for water supply and/or sewage disposal is neither sought nor granted.

Authorized Representative of the Commissioner of Health \_\_\_\_\_ Date \_\_\_\_\_

**OWNER'S CONSENT**

The undersigned owners of the property hereon state that they are familiar with this map, its contents and its legends and hereby consent to all said terms and conditions as stated hereon.  
\_\_\_\_\_  
Date \_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_

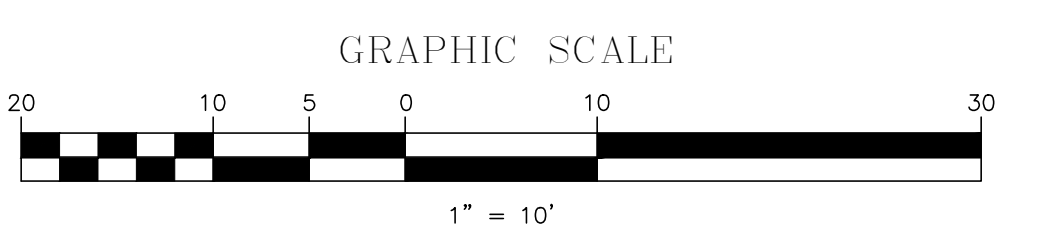
**SCHEDULE OF REGULATIONS (R1-7.5 ZONING DISTRICT) AND LOT CONFORMANCE TABLE:**

PARAMETER	REQUIREMENT	LOT #1	LOT #2
LOT AREA:	7,500 SQUARE FEET MIN	11,067 S.F.	9,274 S.F.
LOT WIDTH:	75 FEET MINIMUM	75.1 FEET**	68 FEET**
LOT DEPTH:	100 FEET MINIMUM	139.1 FEET	136.3 FEET
YARD SETBACKS (RESIDENTIAL USE):			
FRONT YARD:	30 FEET MINIMUM	5.9 FEET*	9.8 FEET***
SIDE YARD:	10 FEET MINIMUM	10.1 FEET	10.0 FEET
SIDE YARD (TOTAL OF TWO):	20 FEET MINIMUM TOTAL	53.5 FEET	33.2 FEET
REAR YARD:	30 FEET MINIMUM	93.1 FEET	81.8 FEET
MAIN BUILDING HEIGHT:	MAX 35 FEET, 2.5 STORES	±25 FEET	<35 FEET
BUILDING COVERAGE:	MAX 30%	14.5%	19.2%
DWELLING UNITS PER LOT:	MAX 1	1	1
GARAGE SETBACKS			
SIDE YARD	5 FEET	N/A	5.0 FEET
REAR YARD	5 FEET	N/A	46.4 FEET
MAX CUMULATIVE AREA	720 SQFT	N/A	480 SQFT
% OF PRIMARY HOUSE AREA	40%	N/A	22.0%

\* PRE-EXISTING NON-CONFORMANCE  
\*\* AVERAGE LOT WIDTH SHOWN. THE HOUSE AND SHEDS ON LOT 1 ARE ALL LOCATED ON PORTIONS OF THE LOT WHERE THE MINIMUM LOT WIDTH IS MET. THE PROPOSED HOUSE ON LOT 2 IS SHOWN ON A PORTION OF THE LOT WHERE THE LOT WIDTH IS NOT MET (63.2'). AT SEPTEMBER 18, 2018 ZONING BOARD APPEALS MEETING, TWO VARIANCES WERE GRANTED:  
1. LOT WIDTH ON LOT 2; ZBA GRANTED VARIANCE FOR LOT 2'S WIDTH AT 68 FEET WHERE 75 FEET IS REQUIRED.  
2. LOCATION OF PROPOSED RESIDENCE AT A POINT ON LOT 2 WHERE THE LOT WIDTH IS 63 FEET WHERE 75 FEET IS REQUIRED.  
\*\*\* THE APPLICANT REQUESTS RELIEF FROM THE PLANNING BOARD FOR THE FRONT YARD REQUIREMENT ON LOT #2 (TO PROVIDE A CONSISTENT FRONT YARD SETBACK TO HOUSES ALONG ALICE STREET).

rev.	date	description
1	9/24/18	Bulk Table Revisions

**TEC LAND SURVEYING**  
156 TIORONDA AVE. BEACON, NY 12508  
PH: 845.445.6590 FX: 845.445.6591



THOMAS E. GERCHIARA, P.L.S.  
P.L.S. No. 50732

32 ALICE STREET  
**PRELIMINARY SUBDIVISION PLAT**  
PREPARED FOR  
**32 ALICE STREET**  
CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK

tax id	6054-320616
address	32 ALICE STREET
date	9/26/18
scale	1"=10'
project no.	18-064
project name	32 ALICE STREET
sheet	1 OF 4

## **1.0 PROJECT LOCATION**

The 32 Alice Street Subdivision is located on Alice Street, and sits on approximately 0.467 acres of land identified as parcel number 6054-47-320616 on the City of Beacon Tax Maps.

## **2.0 SUMMARY OF STORMWATER MANAGEMENT SYSTEM**

The project consists of the subdivision of the existing 0.467-acre lot with the existing single-family residence to two lots with a proposed single-family residence. This report summarizes all data and information necessary for the operation and maintenance of the stormwater infrastructure that will serve the newly created lots.

Lot 1 contains the existing single-family residence. Stormwater generated from a portion of the impervious roof top will be collected by a gutter and downspout system to drain basins along the western side of the residence. The drain basin conveys stormwater to a proposed rain garden to the rear of the residence via culvert piping in trench.

Lot 2 contains the proposed single-family residence and garage. Stormwater collected on a portion of the impervious roof top will be collected by a gutter and downspout system to drain basins along the eastern side of the residence and conveyed to a yard drain in the rear of the residence to the east of the proposed garage. Stormwater collected on the impervious driveway will travel via sheet flow to the yard basin via driveway grading. The runoff collected in the yard basin will outlet to a proposed underground infiltration system located in the rear yard.

## **2.0 STORMWATER SYSTEM COMPONENTS**

### **2.1 Yard Drains**

One Yard Drain is located on Lot 2. Yard drains are pre-cast concrete structures located below grade that collect site runoff from the surface via a grate inlet, or from other portions of the site via pipe inlet. Yard drains are equipped with a sump to capture sediment. All yard drains have an outlet culvert pipe that conveys the runoff to its designed outlet.

### **2.2 Culvert Piping**

Culvert piping consists of smooth interior corrugated HPDE pipe. The culvert pipe for roof leaders on Lots 1 and 2 is 8" diameter HDPE.

### **2.3 Underground Infiltration System**

The proposed underground infiltration system on Lot 2 is comprised of 15 parabolic HDPE chambers manufactured by Stormtech, Model SC-310 Infiltrators. Each chamber unit measures 34 inches in width, 16 inches in height, and 7.1 feet in length. The chambers are embedded in stone with a depth of 6 inches below the open bottom structures, 14 inches above the top of the structures and 12 inches surrounding the outermost edge of the structures. The open bottom chambers are constructed of HDPE and are perforated around their periphery allowing stormwater to infiltrate through the outside wall of the chamber. The parabolic arch

allows for a higher storage volume per linear foot as opposed to a circular pipe of the same size. The stone that surrounds the chambers is a 1-2” washed crushed stone with 40% void space that provide for additional storage. Every starting and end chamber for each row is provided with a 6” diameter inspection port raised to grade for monitoring and maintenance purposes.

**2.4 Drain Basins**

Drain basins are HDPE structures located below grade that act as collection points for roof leader downspouts and allow changes in culvert pipe direction or as junctions for multiple culvert pipes being combined. Two drain basins per roof leader system for each lot is provided for this project.

**2.5 Rain Gardens**

Rain Gardens are shallow excavated stormwater areas used to promote stormwater infiltration and stormwater uptake from plantings. The bottom of the basin is typically mulched or grassed with plantings specifically spaced throughout Rain Garden to promote filtration. Small volumes of runoff are directed into the rain gardens from residential roof drains, driveways and other hard surfaces and seeps into the soil over a period of two days.

**3.0 MAINTENANCE**

**3.1 Responsibility for Maintenance**

The owner of record for each respective lot shall be responsible for the periodic maintenance and overall condition of the respective stormwater management system.

**3.2 Maintenance Requirements**

**3.2.1 Culvert Piping, Yard Drains, and Drain Basins**

Frequency	Observation	Maintenance Activity
Spring and Fall	Inspect all culvert inlets and outlets. Look for obstructions, vegetation, debris, litter, sediment, etc.	Remove obstructions, etc.

**3.2.2 Rain Gardens**

Rain Gardens shall be inspected monthly for sediment and debris accumulation. Inflow pipes should also be inspected for sediment and debris monthly. Any accumulated sediment or debris should be removed as necessary. After storm events, the rain gardens dewatering duration should also be monitored. Sediment shall be cleaned out of the rain garden annually.

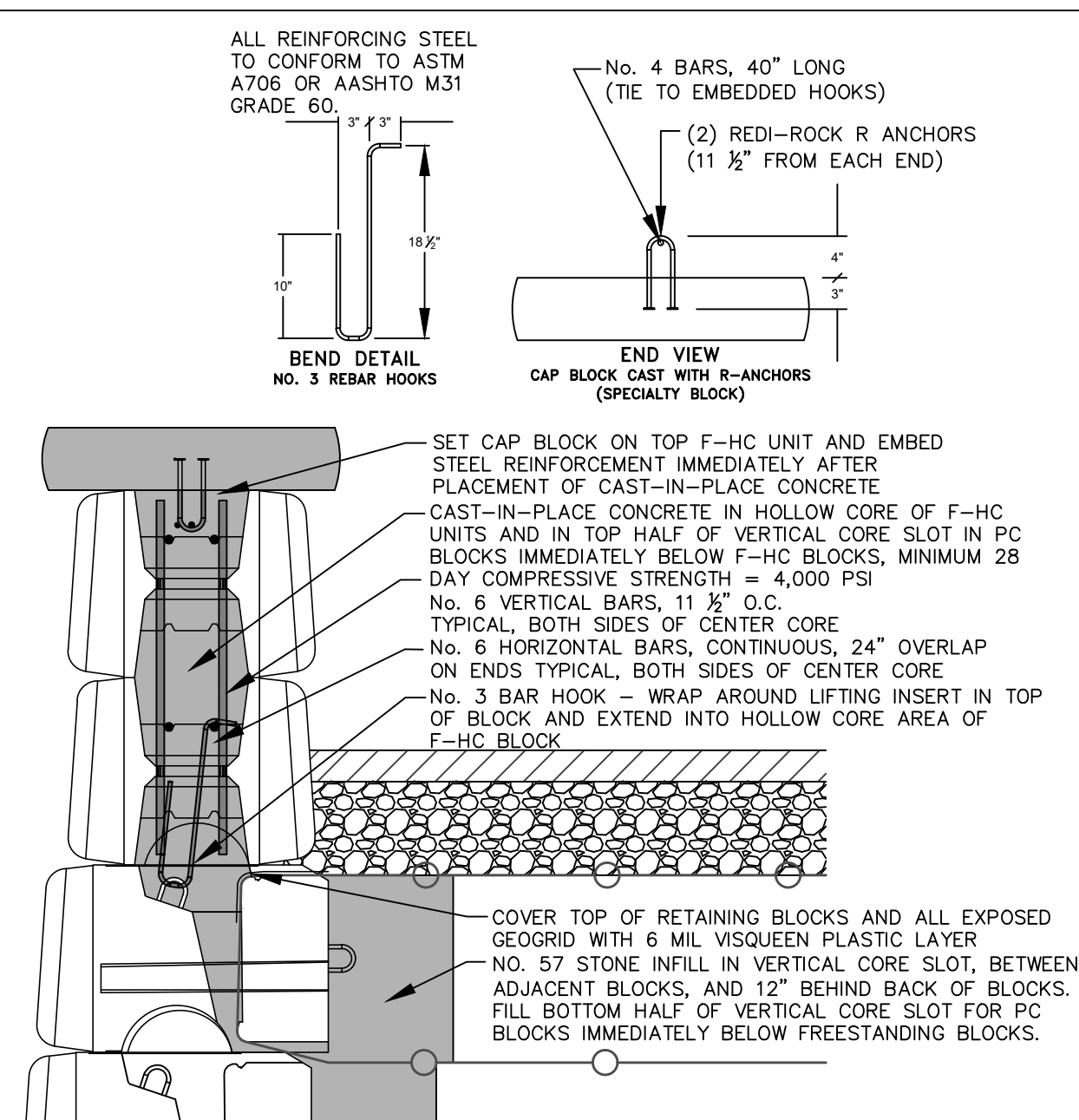
<b>Frequency</b>	<b>Observation</b>	<b>Maintenance Activity</b>
After several storm events or after an extreme storm event	Inspect outfalls and other areas for signs of erosion, signs of mulch movement out of the treatment area, signs of damaged plants or dead or diseased vegetation. Observe dewatering capability.	Replace mulch as needed, repair areas of erosion and replace dead, diseased or damage plants. Full dewatering in 24 hours.
Spring and Fall	Inspect inflow points for erosion or clogging. Inspect shrubs and other vegetation to evaluate their health and replace any dead or diseased vegetation. Inspect surrounding drainage area for erosion or signs of sediment delivery to the rain garden.	Remove any invasive plant species. Remove clogs from the stormwater system inflow and outflow components.
2 to 3 years		Replace mulch over entire area. If dewatering is a problem, core aeration of cultivating un-vegetated areas may be required to ensure adequate filtration.

### 3.2.3 Underground Infiltration System

The underground detention system shall be inspected prior to being placed into operation. Any accumulated sediment within the chambers shall be removed via hydraulic jet and vacuum truck. After being placed into operation, the following is a general guideline for inspection and maintenance, which may be adjusted by the operator periodically based on site conditions and subsequent system evaluations. Start with measurement of sediment at the inspection port for the first row of chambers via stadia rod, or inspection by CCTV. If the depth of sediment is in excess of 3 inches, then the row should be cleaned with high pressure water through a culvert cleaning nozzle, carried out through the hydrodynamic pretreatment device.

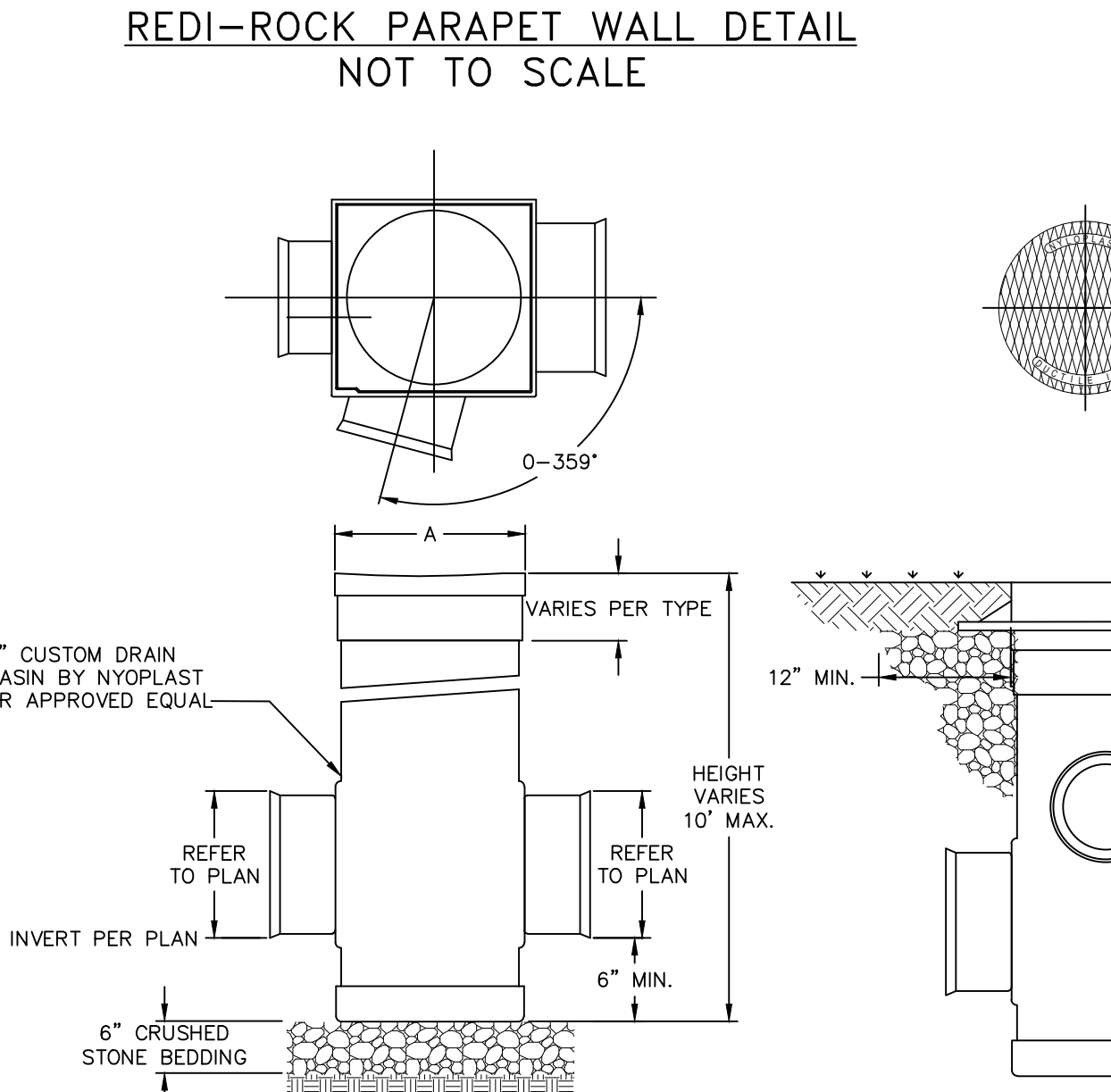
<b>Frequency</b>	<b>Observation</b>	<b>Maintenance Activity</b>
Year 1: Monthly	Inspect inlets and outlets monthly for any clogging. Inspect the surface around the chambers for any depressions.	Remove obstructions as necessary. Contact a licensed professional engineer if depressions develop.
Year 2 and after: bi-annually (spring and fall)	Inspect inlets and outlets monthly for any clogging.  Dewatering shall be monitored at least once per year. Inspect the surface around the chambers for any depressions.	Remove debris as necessary as described in the narrative. Contact a licensed professional engineer if dewatering is not occurring or if depressions develop.





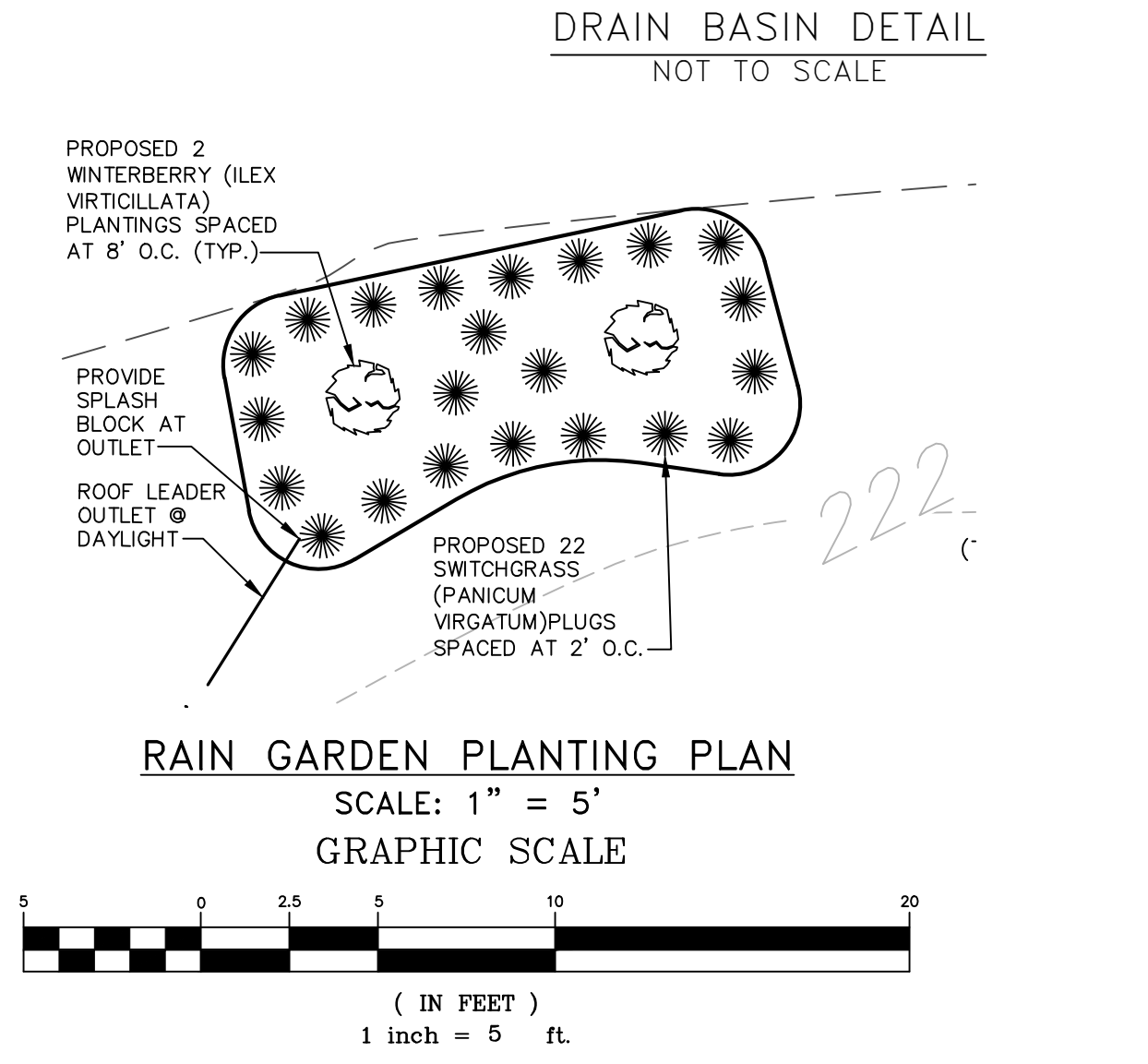
**NOTES:**

1. RETAINING WALL MANUFACTURED BY REDI-ROCK OR APPROVED EQUAL.
2. MANUFACTURER TO PROVIDE FINAL ENGINEERING CALCULATIONS AND DETAILS TO THE OWNER FOR REVIEW BY THE OWNERS ENGINEER.
3. SEE MANUFACTURER'S DETAILS AND INSTALLATION GUIDELINES FOR FURTHER REQUIREMENTS.



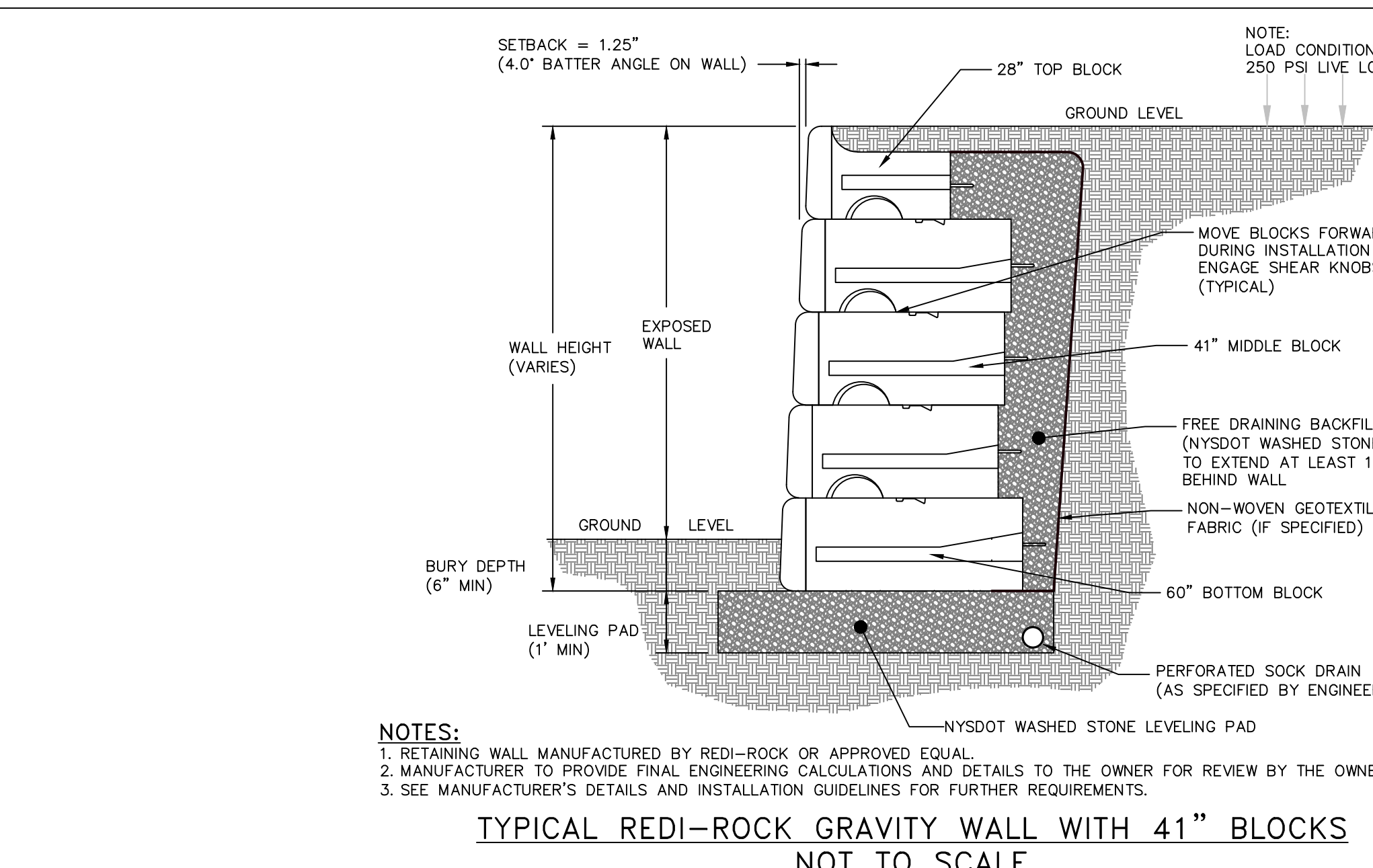
**NOTES:**

1. DRAIN BASINS TO BE USED TO CONVEY ROOF DRAINAGE TO THE OUTFALLS, AS SHOWN ON THE GRADING AND DRAINAGE PLAN.
2. ALL DRAIN BASINS TO BE EQUIPPED WITH SOLID COVERS EXCEPT DB4, WHICH SHALL BE EQUIPPED WITH A 0899CGS.



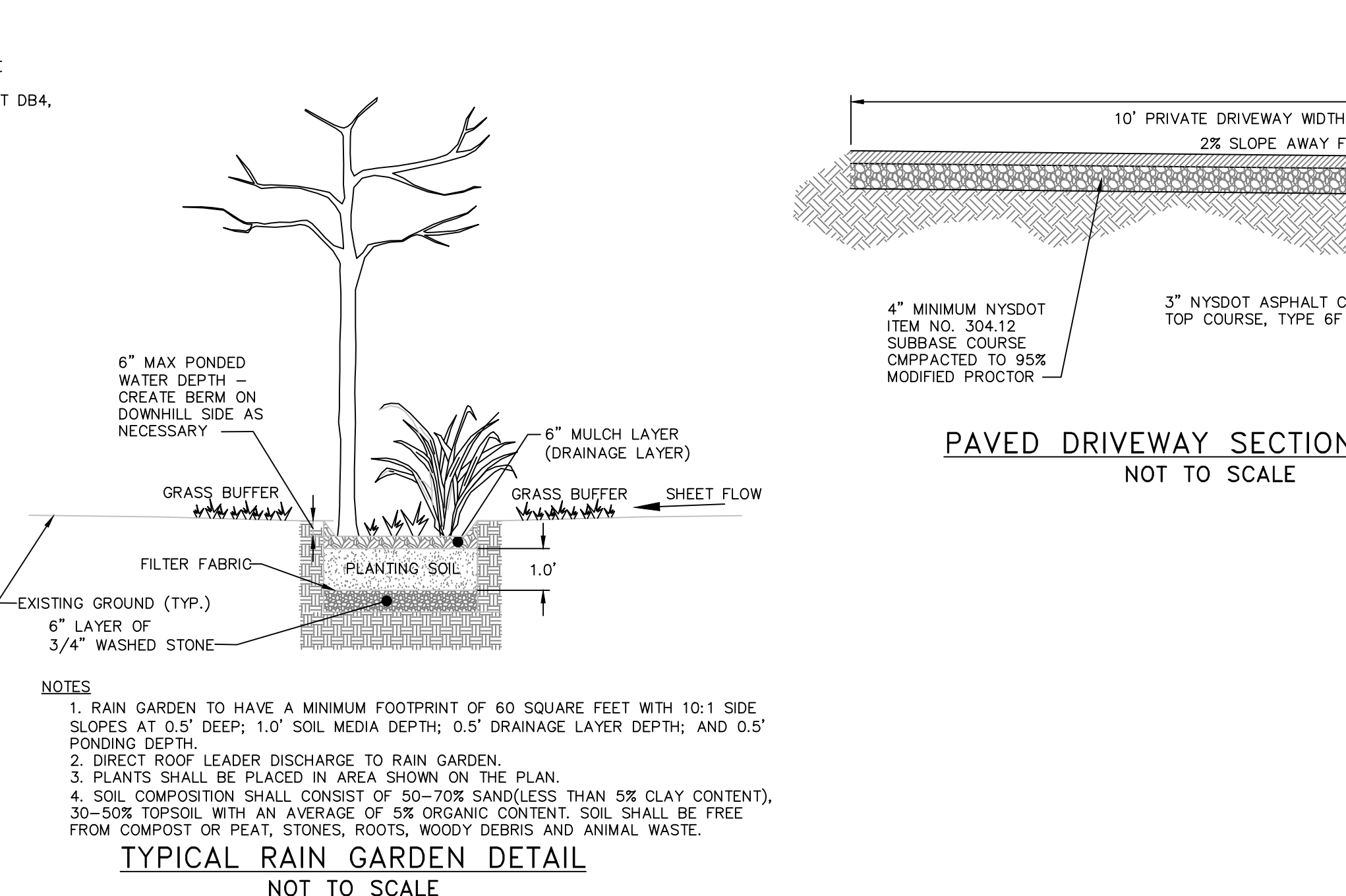
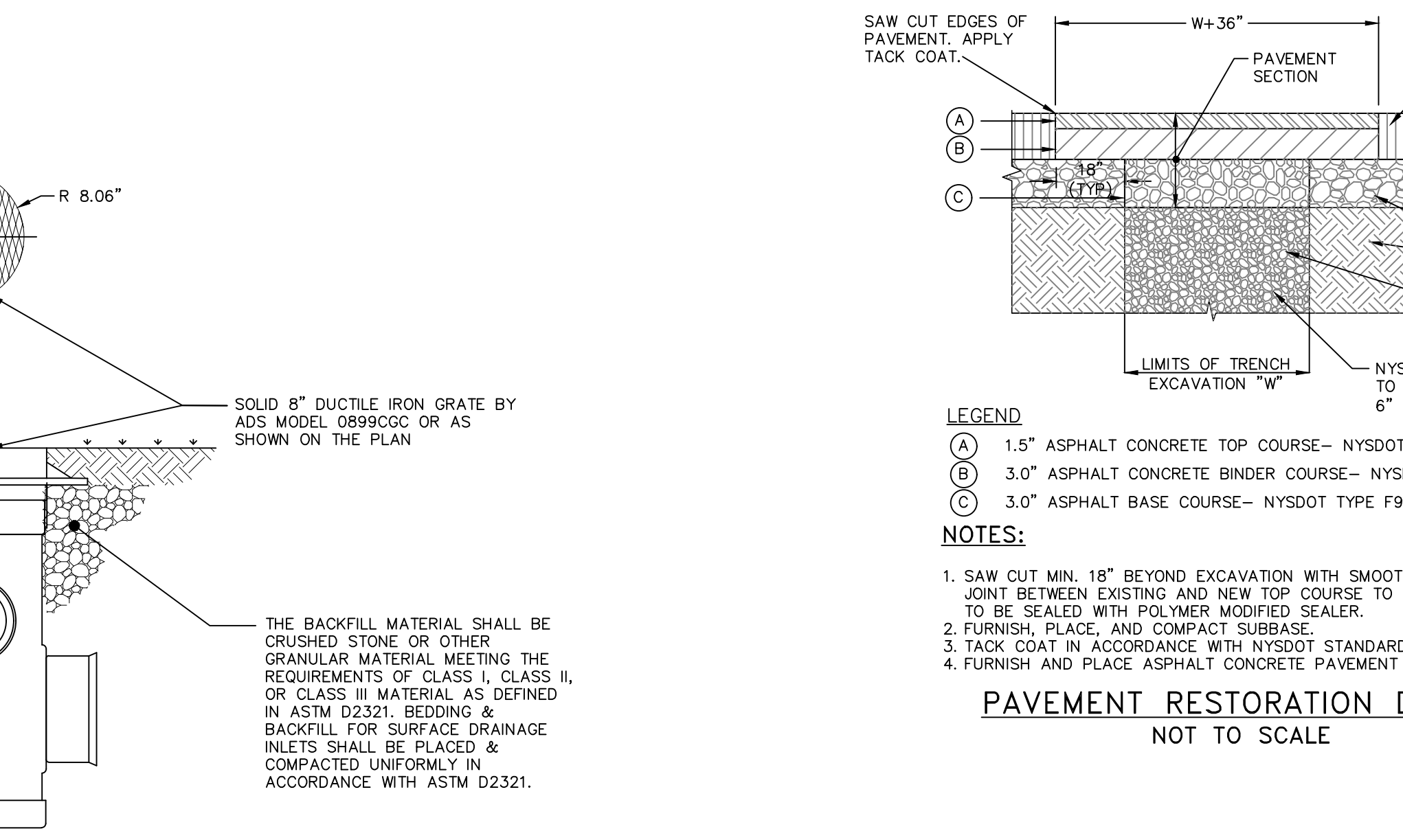
**NOTES:**

1. RAIN GARDEN TO HAVE A MINIMUM FOOTPRINT OF 60 SQUARE FEET WITH 10:1 SIDE SLOPES AT 0.5' DEEP; 1.0' SOIL MEDIA DEPTH; 0.5' DRAINAGE LAYER DEPTH; AND 0.5' PONDING DEPTH.
2. DIRECT ROOF LEADER DISCHARGE TO RAIN GARDEN.
3. PLANTS SHALL BE PLACED IN AREA SHOWN ON THE PLAN.
4. SOIL COMPOSITION SHALL CONSIST OF 50-70% SAND (LESS THAN 5% CLAY CONTENT), 30-50% TOPSOIL WITH AN AVERAGE OF 5% ORGANIC CONTENT. SOIL SHALL BE FREE FROM COMPOST OR PEAT, STONES, ROOTS, WOODY DEBRIS AND ANIMAL WASTE.



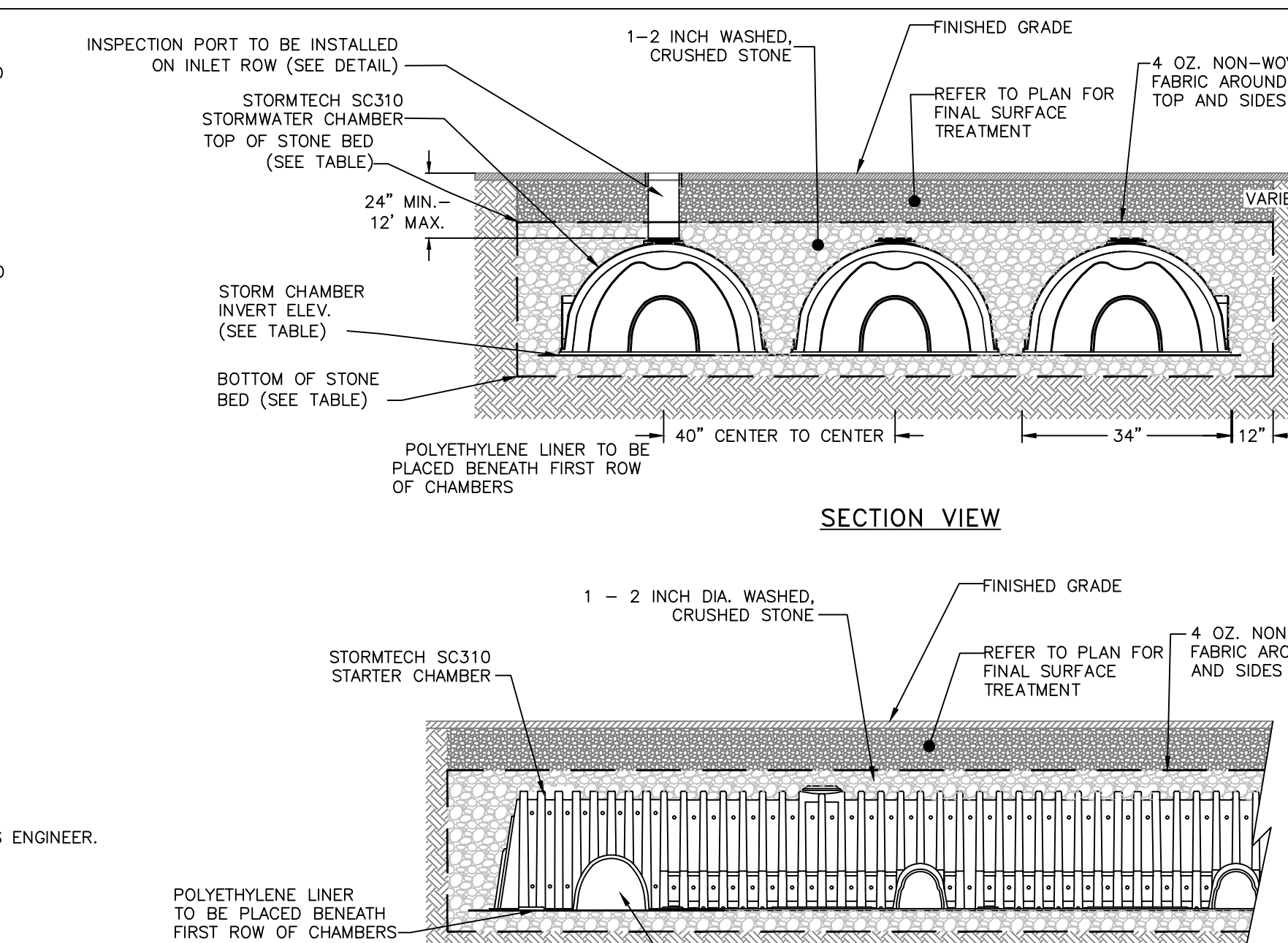
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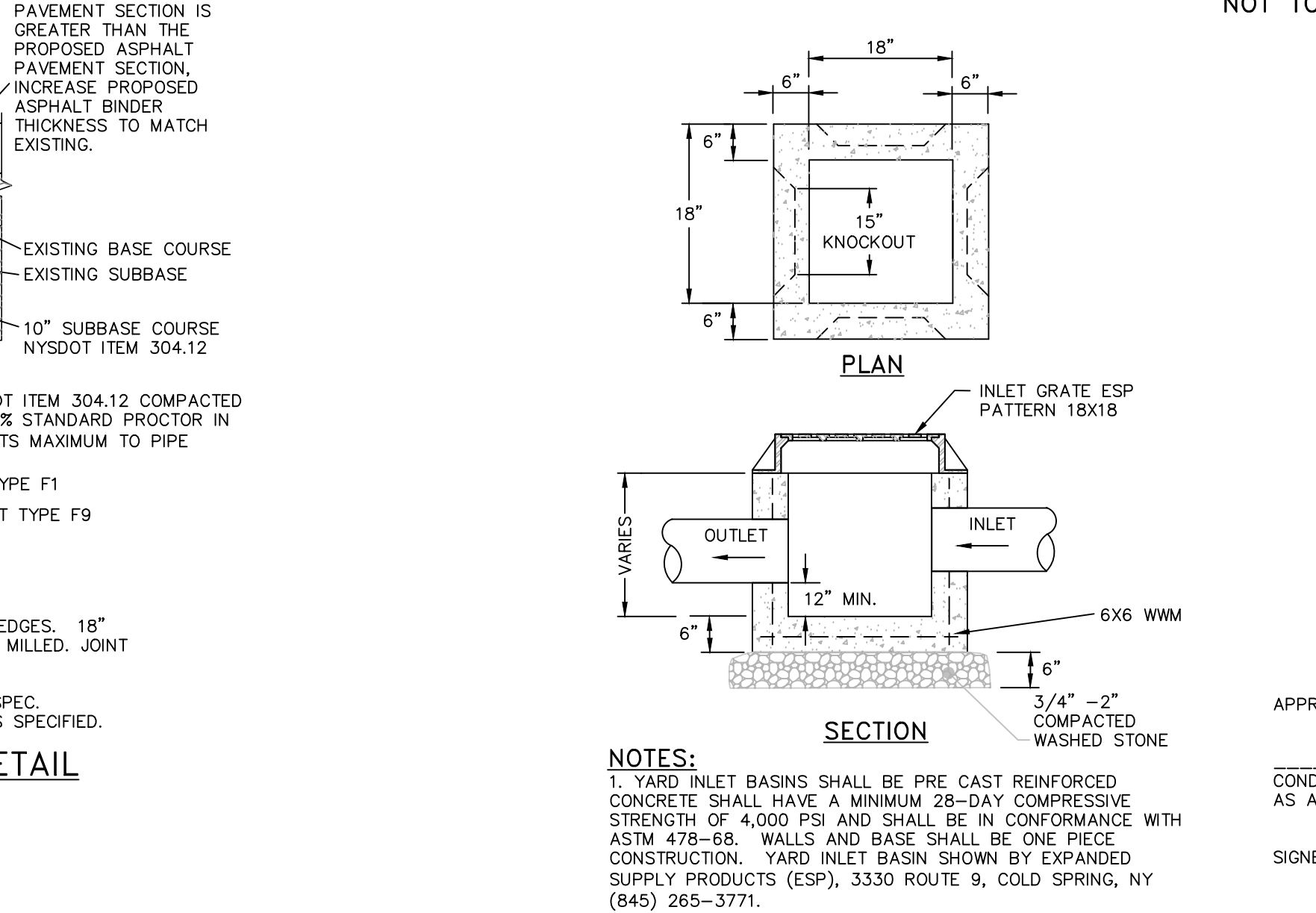
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**NOTES:**

1. STORMTECH SC310 CHAMBERS BY STORMTECH, INC. OF ROCKY HILL, CT. ALL CHAMBERS SHALL BE INSTALLED IN ACCORDANCE WITH STORMTECH INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.
2. THE BED OF THE SYSTEM FOOTPRINT SHALL BE LAID NEARLY LEVEL.
3. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IF SUBSURFACE CONDITIONS IN THE AREAS OF THE INFILTRATOR TRENCHES IS NOT CONSISTENT WITH THE TEST PIT OR PERCOLATION DATA (E.G. GROUNDWATER OR BEDROCK ENCOUNTERED, SOIL PROPERTIES ARE NOT CONSISTENT, ETC.).



**PRE-CAST CONCRETE YARD INLET DETAIL NOT TO SCALE**

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_ CHAIRMAN

\_\_\_\_\_ SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.

**CONSTRUCTION DETAILS**

# 32 ALICE ST. SUBDIVISION

32 ALICE STREET  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK  
TAX ID: 6054-47-320616  
SCALE: 1" = 20'  
JUNE 26, 2018

**HUDSON LAND DESIGN**

174 MAIN STREET  
BEACON, NEW YORK 12508  
PH: 845-440-6926 F: 845-440-6637

**Dig Safely New York**  
800-962-7962  
www.digsafelynewyork.org

- Call Before You Dig
- Wait The Required Time
- Confirm Utility Response
- Respect The Marks
- Dig With Care

NO.	DATE	DESCRIPTION	BY
1	07/31/18	REVISED LAYOUT CONSULTANTS COMMENTS	AG
2	09/25/18	REVISED PER CONSULTANTS COMMENTS	AG

DRAWN BY: AG CHECKED BY: DGK JOB NO.: 2018-014

**STORM LINE TRENCH DETAIL NOT TO SCALE**

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_ CHAIRMAN

\_\_\_\_\_ SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.

**CONSTRUCTION DETAILS**

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DRAWN BY: AG CHECKED BY: DGK JOB NO.: 2018-014

**SEAL**

JON D. BODENDORF, P.E.  
NYS LICENSE NO. 076245  
DANIEL G. KOEHLER, P.E.  
NYS LICENSE NO. 082716

**SEAL**

STATE OF NEW YORK  
DANIEL G. KOEHLER  
082716  
PROFESSIONAL ENGINEER

**SEAL**

JON D. BODENDORF, P.E.  
NYS LICENSE NO. 076245  
DANIEL G. KOEHLER, P.E.  
NYS LICENSE NO. 082716

SHEET: 4 OF 5

**STORMWATER CONTROL FACILITY  
MAINTENANCE AGREEMENT AND EASEMENT**

**WHEREAS**, the CITY OF BEACON (“City of Beacon”) and BRENT C. SPODEK AND ALISON R. SPODEK (“OWNER”) desire to enter into this agreement (the “Agreement”) dated this \_\_\_ day of \_\_\_\_\_, 2019, to provide for the long term maintenance and continuation of stormwater control measures approved by the City of Beacon for certain real property located at 32 Alice Street, Beacon, New York, identified as tax parcel 6054-47-320616, more fully shown on a the subdivision map entitled “Subdivision Plan 32 Alice Street Subdivision”, prepared by Hudson Land Design Professional Engineering, P.C., dated June 26, 2018, last revised December \_\_\_\_\_ 2018 filed in the Dutchess County Clerk’s Office on \_\_\_\_\_ as Filed Map No. \_\_\_\_\_ (“Subdivision Plat”), and set forth on Schedule A (the “Premises”); and

**WHEREAS**, this Agreement is provided in connection with a subdivision of the Premises, which received Subdivision Approval from the City of Beacon Planning Board by resolution on October 10, 2018 based on a 5-sheet Preliminary Subdivision Plan set prepared by Hudson Land Design and on file at the City of Beacon Building Department (together with the Subdivision Plat the 5-sheet plan set is referred to herein as the “Approved Project Plans”), which Approved Project Plans include certain stormwater management facilities and control measures (collectively, the “Structures”) required to be constructed and maintained in accordance with the Approved Project Plans, and the Stormwater Structures Maintenance Obligation (the “SWSMO”) prepared by Hudson Land Design Professional Engineering, P.C., and set forth in Schedule B; and

**WHEREAS**, the City of Beacon and the Owner desire that the Structures be built in accordance with the Approved Project Plans set forth on said map and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the Structures;

**NOW, THEREFORE, IN WITNESS WHEREOF**, the City of Beacon and the Owner agree as follows:

1. This Agreement binds the Owner, its successors and assigns, to the maintenance provisions depicted in the Approved Project Plans and described in the SWSMO set forth at Schedule B. The Premises shall be held, transferred, sold, conveyed and occupied subject to this Agreement.
2. The owners of the respective lots shown on the Subdivision Plat shall maintain, clean, repair, and replace the Structures and keep the Structures in continuous operation in accordance with the Approved Project Plans and the SWSMO as necessary to ensure optimum performance of the stormwater control measures to design specifications. The stormwater control measures shall include, if applicable, but shall not be limited to, the following items located at the Premises: catch basins, piping, underground infiltration basin and rain garden. The maintenance schedule of the SWSMO is set forth on the Subdivision Plat.

3. The Declarant hereby grants unto the City of Beacon, its successors and assigns a perpetual easement and right-of-way to enter upon the Premises in order to access the Structures at reasonable times and in a reasonable manner for periodic inspection by the City of Beacon to ensure that the Structures are maintained in proper working condition and meets the design standards established by the SWSMO.
4. The Declarant its successors and/or assigns shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Structures except in accordance with written approval of the City of Beacon which approval shall not be unreasonably withheld, delayed or conditioned.
5. The Declarant its successors and/or assigns shall promptly undertake necessary repairs and replacement of the Structures at the direction of the City of Beacon or in accordance with the recommendations of the inspecting professional.
6. The Declarant hereby covenants that it is seized of the Premises in fee simple and has full authority to execute this Agreement; shall do nothing to the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement.
7. This Agreement shall not confer unto the City of Beacon any duty or obligation to repair or maintain the Structures. Further, the City of Beacon's acceptance of any rights pursuant to this Agreement shall not be deemed as the acceptance of any duty or obligation to repair or maintain the Structures, except that any damage to the Structures caused by the City of Beacon's negligence during inspections or otherwise shall be restored, repaired or otherwise remedied by the City of Beacon at the City of Beacon's sole cost.
8. This Agreement shall be recorded in the Office of the County Clerk, County of Dutchess as a condition of final subdivision approval.
9. If ever the City of Beacon determines that the Declarant its successors and/or assigns has failed to construct or maintain the Structures in accordance with the SWSMO, or has failed to undertake corrective action specified by the City of Beacon, the City of Beacon shall provide the Declarant with written notice via certified mail, return receipt requested, specifying such failure. The written notice shall provide that the Declarant has fifteen (15) days to cure any defect and/or failure specified therein. In the event the failure cannot be cured within fifteen (15) days, the Declarant shall advise the City of Beacon as to same in writing within fifteen (15) days of receipt of the City of Beacon's notice to cure. The Declarant shall be afforded the opportunity to request a reasonable time frame to cure said failure/defect if the Declarant so desires. If the Declarant fails to provide written notice requesting an extension of time to cure a failure/defect and the Declarant does not cure said failure/defect, the City of Beacon is authorized but not obligated to undertake such steps as are reasonably necessary for the preservation, continuation or maintenance of the Structures and to affix the expenses thereof as a lien against the Premises. All notices and demands shall be made in writing and delivered by certified mail, return receipt requested, with postage prepaid thereon, if to Declarant to the address on file with the City Tax Assessor for the current owner of the Premises, and if to the City of Beacon, addressed as follows:

City Administrator  
City Hall  
1 Municipal Plaza  
Beacon, New York 12508

With a copy to:  
Keane & Beane, P.C.  
445 Hamilton Avenue, Ste 1500  
White Plains, New York 10601  
Attn: Nicholas M. Ward-Willis, Esq.

10. In the event the City of Beacon exercises its rights hereunder, it shall return the Premises to a reasonably similar condition as it existed prior to the exercise of such rights.

11. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the Declarant and the City of Beacon have executed this Agreement as of the date first herein above set forth.

**DECLARANT**

By: \_\_\_\_\_  
Name: Brent C. Spodek

By: \_\_\_\_\_  
Name: Alison R. Spodek

**CITY OF BEACON**

By: \_\_\_\_\_  
Name: Anthony Ruggiero  
Title: City Administrator



---

Notary Public – State of New York

**Record & Return:**

**Keane & Beane, P.C.**  
**445 Hamilton Avenue, Ste 1500**  
**White Plains, New York 10601**  
**Attn: Nicholas M. Ward-Willis, Esq.**

**Section: 6054**  
**Block: 47**  
**Lot(s): 320616**  
**County: Dutchess**

**Schedule A**  
**Description of Premises**

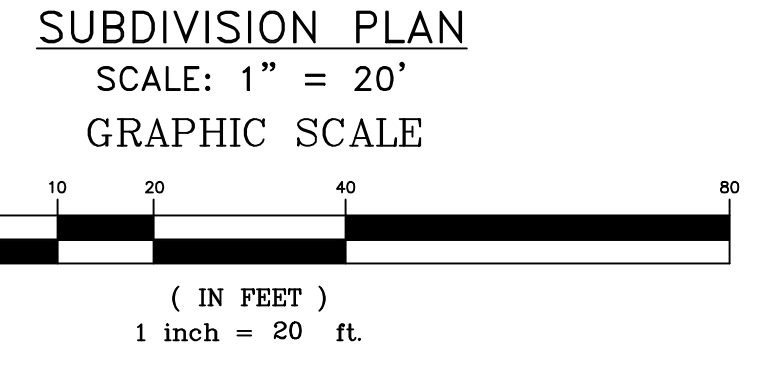
**Schedule B**  
**Stormwater Structures Maintenance Obligation (SWSMO)**





**LEGEND**

---	EXISTING PROPERTY LINE
---	PROPOSED PROPERTY LINE
---	BUILDING SETBACK LINE
---	EXISTING ADJOINER LINE
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	EXISTING UTILITY POLE
---	PROPOSED MAJOR CONTOUR
---	PROPOSED MINOR CONTOUR
+	PROPOSED SPOT ELEVATION
S	EXISTING SEWER MAIN
S	PROPOSED SEWER SERVICE LINE
W	EXISTING WATER MAIN
WS	PROPOSED WATER SERVICE LINE
WS	PROPOSED WATER SHUT-OFF VALVE
RL	PROPOSED ROOF LEADER
FD	PROPOSED FOOTING DRAIN
TBR	EXISTING TREE
TBR	TO BE REMOVED
○	DEEP TEST PIT
○	INFILTRATION TEST
○	DRAINAGE BASIN



**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS COMPLETED ON JUNE 18, 2018.

THOMAS CERCHIARA P.L.S.

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_

CHAIRMAN

SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.

**SCHEDULE OF REGULATIONS (R1-7.5 ZONING DISTRICT) AND LOT CONFORMANCE TABLE:**

PARAMETER	REQUIREMENT	LOT #1	LOT #2
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LOT DEPTH:	100 FEET MINIMUM	139.1 FEET	136.3 FEET
YARD SETBACKS (RESIDENTIAL USE):			
FRONT YARD:	30 FEET MINIMUM	5.9 FEET*	9.8 FEET**
SIDE YARD:	10 FEET MINIMUM	10.1 FEET	10.0 FEET
SIDE YARD (TOTAL OF TWO):	20 FEET MINIMUM TOTAL	53.5 FEET	33.2 FEET
REAR YARD:	30 FEET MINIMUM	93.1 FEET	81.8 FEET
MAIN BUILDING HEIGHT:	MAX 35 FEET, 2.5 STORIES	±25 FEET	<35 FEET
BUILDING COVERAGE:	MAX 30%	14.5%	19.2%
DWELLING UNITS PER LOT:	MAX 1	1	1
GARAGE SETBACKS			
SIDE YARD	5 FEET	N/A	5.0 FEET
REAR YARD	5 FEET	N/A	46.4 FEET
MAX CUMULATIVE AREA	720 SQFT	N/A	480 SQFT
% OF PRIMARY HOUSE AREA	40%	N/A	22.0%

\*\* AVERAGE LOT WIDTH SHOWN, THE HOUSE AND SHEDS ON LOT 1 ARE ALL LOCATED ON PORTIONS OF THE LOT WHERE THE MINIMUM LOT WIDTH IS MET. THE PROPOSED HOUSE ON LOT 2 IS SHOWN ON A PORTION OF THE LOT WHERE THE LOT WIDTH IS NOT MET (63.2'). AT SEPTEMBER 18, 2018 ZONING BOARD APPEALS MEETING, TWO VARIANCES WERE GRANTED:

- LOT WIDTH ON LOT 2; ZBA GRANTED VARIANCE FOR LOT 2'S WIDTH AT 68 FEET WHERE 75 FEET IS REQUIRED.
- LOCATION OF PROPOSED RESIDENCE AT A POINT ON LOT 2 WHERE THE LOT WIDTH IS 63 FEET WHERE 75 FEET IS REQUIRED.

\*\*\* THE APPLICANT REQUESTS RELIEF FROM THE PLANNING BOARD FOR THE FRONT YARD REQUIREMENT ON LOT #2 (TO PROVIDE A CONSISTENT FRONT YARD SETBACK TO HOUSES ALONG ALICE STREET).

**INSPECTION SCHEDULE & LONG TERM MAINTENANCE OF STORMWATER STRUCTURES**

**CATCH BASINS AND PIPING:**  
ALL CATCH BASINS SHALL BE INSPECTED AFTER EACH STORM EVENT FOR SEDIMENT ACCUMULATION, AND DEBRIS, AND REMOVE AS NECESSARY. WHEN SEDIMENT ACCUMULATION WITHIN THE CATCH BASIN SUMP REACHES 1/2 OF THE SUMP DEPTH, IT SHALL BE REMOVED. ASSOCIATED PIPING SHALL BE INSPECTED ANNUALLY AND ACCUMULATED SEDIMENT SHALL BE REMOVED AS NEEDED.

**UNDERGROUND INFILTRATION BASIN:**  
THE UNDERGROUND INFILTRATION BASIN SHALL BE INSPECTED MONTHLY FOR SEDIMENT AND DEBRIS ACCUMULATION VIA THE INSPECTION PORTS. INFLOW PIPES AND OUTLET STRUCTURES SHOULD ALSO BE INSPECTED FOR SEDIMENT AND DEBRIS MONTHLY. ANY ACCUMULATED SEDIMENT OR DEBRIS SHOULD BE REMOVED AS NECESSARY. AFTER STORM EVENTS, THE INFILTRATION BASIN DEWATERING DURATION SHOULD ALSO BE MONITORED. SEDIMENT SHALL BE CLEANED OUT OF THE INFILTRATION BASIN ANNUALLY. THE CLEANING PROCEDURE FOR THE UNDERGROUND INFILTRATION CHAMBERS IS AS FOLLOWS:  
THE STORMTECH SYSTEM SHALL BE EQUIPPED WITH AN INSPECTION PORT LOCATED ON THE INLET ROW. THE INSPECTION PORT IS A CIRCULAR CAST BOX PLACED IN A RECTANGULAR CONCRETE COLLAR. WHEN THE LID IS REMOVED, A 6-INCH PIPE WITH A SCREW-IN PLUG WILL BE EXPOSED. REMOVE THE PLUG. THIS WILL PROVIDE ACCESS TO THE STORMTECH CHAMBER ROW BELOW. FROM THE SURFACE, THROUGH THIS ACCESS, THE SEDIMENT MAY BE MEASURED AT THIS LOCATION. A STADIA ROD MAY BE USED TO MEASURE THE DEPTH OF SEDIMENT IF ANY IN THIS ROW. ADDITIONALLY, CCTV INSPECTION OF THIS ROW CAN BE DEPLOYED THROUGH THIS ACCESS PORT TO DETERMINE IF ANY SEDIMENT HAS ACCUMULATED. IF THE DEPTH OF SEDIMENT IS IN EXCESS OF 3 INCHES, THEN THIS ROW SHOULD BE CLEANED WITH HIGH PRESSURE WATER THROUGH A CULTVERT CLEANING NOZZLE. THIS WOULD BE CARRIED OUT THROUGH THE UPSTREAM YARD BASIN. THE INLET ROW IS PLACED ON A POLYETHYLENE LINER TO PREVENT SCOURING OF THE WASHED STONE BENEATH THIS ROW. THIS FACILITATES THE FLUSHING OF THIS ROW WITH HIGH PRESSURE WATER THROUGH A CULTVERT CLEANING NOZZLE. THE NOZZLE IS DEPLOYED THROUGH THE YARD BASIN AND EXTENDED TO THE END OF THE ROW. THE WATER IS TURNED ON AND THE INLET ROW IS BACK-FLUSHED INTO THE YARD BASIN WHERE IT IS REMOVED BY USING A VACUUM TRUCK.

**RAIN GARDEN:**  
RAIN GARDENS SHALL BE INSPECTED MONTHLY AND/OR AFTER EVERY STORM EVENT TO MONITOR SEDIMENT BUILD UP WHICH CAN PROHIBIT INFILTRATIVE CAPACITY OF THE RAIN GARDEN. THE TOP FEW INCHES OF PLANTING SOIL SHALL BE REMOVED AND REPLACED WHEN STANDING WATER POOLS FOR MORE THAN 48 HOURS.

**ROUTINE MAINTENANCE** MAY INCLUDE OCCASIONAL REPLACEMENT OF PLANTINGS, MULCHING, WEEDING, THINNING AND REMOVAL OF EVASIVE PLANTS.

**TREE TABLE**

NUMBER	DESCRIPTION
1 (TBR)	12" CEDAR
2	16" SPRUCE
3	8" DOGWOOD
4	8" DOGWOOD
5	12" SPRUCE
6	10" SPRUCE
7	22" SPRUCE
8	24" MAPLE
9	18" MAPLE
10	16" MAPLE
11	22" MAPLE
12	30" MAPLE
13	10" SPRUCE
14 (TBR)	4" CEDAR
15 (TBR)	22" SPRUCE

**INFILTRATION TEST TABLE:**  
INFILTRATION TESTS RESULTS ESTABLISHED ON 7/24/2018  
TESING OBSERVED BY LANC & TULLY, P.C. ON 7/24/2018

IT-2A:	48" DEEP: 10.5 INCHES/HOUR; 10.5 INCHES/HOUR; 10.25 INCHES/HOUR
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**DEEP TEST HOLE TABLE:**  
TP1-1 & TP2-1 TEST HOLE RESULTS ESTABLISHED ON 7/24/18  
TESING OBSERVED BY LANC & TULLY, P.C. ON 7/24/2018

TP1-1:	0"-14" TOPSOIL, 14"- 60" BROWN SANDY LOAM WITH COBBLES, 60+" POSSIBLE BEDROCK, NO GROUNDWATER, NO MOTTLING
TP2-1:	0"-11" TOPSOIL, 11"- 84" MEDIUM GRADE SAND WITH SOME COBBLES, NO BEDROCK, NO GROUNDWATER, NO MOTTLING

**PROJECT INFORMATION:**

PARCEL OWNERS:	BRENT & ALISON SPODEK, 2 GREEN STREET, BEACON NY 12508
PROJECT ENGINEER:	HUDSON LAND DESIGN P.C., 174 MAIN STREET, BEACON NY 12508
PROJECT SURVEYOR:	TEC LAND SURVEYING, 15C TIORONDA AVENUE, BEACON NY 12508
PARCEL LOCATION:	32 ALICE STREET, BEACON NY, 12508
TAX PARCEL IDS:	6054-47-320616
PARCEL AREA:	± 0.467 ACRES
WATER SUPPLY:	MUNICIPAL
SEWAGE DISPOSAL:	MUNICIPAL

**SITE SPECIFIC NOTES:**

- THE CONTRACTOR SHALL PERFORM A UTILITIES CALL-OUT PRIOR TO CONSTRUCTION TO VERIFY ALL UNDERGROUND UTILITY LOCATIONS BY CONTACTING UPFO @ 1-800-962-7962. SPECIFIC ATTENTION SHALL BE PAID TO THE LOCATIONS OF THE GAS (IF APPLICABLE), WATER AND SEWER MAINS WITH RESPECT TO THE PROPOSED LOCATIONS FOR THE SERVICE LINES.
- THE CONTRACTOR SHALL CONTACT THE CITY OF BEACON WATER AND SEWER DEPARTMENTS TO SCHEDULE A PRE-CONSTRUCTION MEETING TO ENSURE THAT THE ARRANGEMENTS FOR WATER SUPPLY AND SEWAGE DISPOSAL ARE COMMENCED IN ACCORDANCE WITH THE APPROVED PLANS AND AMENDMENTS THERETO AND GENERALLY ACCEPTED STANDARDS.
- THE PROPOSED LOT SHALL BE SERVED BY THE CITY OF BEACON MUNICIPAL WATER AND SEWER SERVICES.
- THE WATER SERVICE LINE AND METER SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BEACON WATER DEPARTMENT REQUIREMENTS.
- THE WATER SERVICE LINE SHALL BE 3/4" K-COPPER.
- THE SEWER SERVICE LINE SHALL BE 4" SCH-40 PVC PIPE WITH PITCH AS SHOWN ON THE PLAN (MINIMUM OF 1/8" PER FOOT SHALL BE MAINTAINED).
- A ROAD OPENING PERMIT SHALL BE REQUIRED FOR THE INSTALLATION OF THE PROPOSED WATER AND SEWER SERVICES FOR THE NEW LOT. STREET CLOSURE FOR WATER AND SEWER SERVICE CONNECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF BEACON REQUIREMENTS.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO CONSTRUCTION. THE PROPOSED DRIVEWAY SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE.
- ROOF LEADER CONNECTIONS TO BE MINIMUM 4" PVC OR HDPE @ 2.0% MIN.
- SUMP PUMP TO BE PROVIDED FOR FOOTING DRAIN, IF NECESSARY. THE TYPE OF PUMP AND METHODS USED TO ENSURE PROPER DRAINAGE SHALL BE ACCEPTABLE TO THE CITY OF BEACON BUILDING DEPARTMENT.
- THE DRIVEWAY SIGHT DISTANCE MEETS OR EXCEEDS COMPLIANCE WITH THE CITY OF BEACON'S 192-9(B) CODE AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION REQUIREMENTS. THE STATE UTILIZES THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) GUIDELINES FOR INTERSECTION SIGHT DISTANCES. FOR ROADS WITH A SPEED LIMIT OF 30 MPH, AASHTO DESIGN TABLES CALL FOR A SIGHT DISTANCE OF 290 FEET TO THE LEFT AND 335 FEET TO THE RIGHT. THE MEASURED SIGHT DISTANCE IS AS FOLLOWS:  
LOT 2: SLSO LEFT = ±273 FEET (TO INTERSECTION OF DEAD END OF ALICE STREET)  
SLSO LEFT AND RIGHT FOR LOT 2 ARE SLIGHTLY DEFICIENT HOWEVER THESE WERE THE MAXIMUM ACHIEVABLE LENGTHS AS THE SLSO LEFT WAS MEASURED TO THE ALICE STREET TERMINATION AND THE SLSO RIGHT WAS MEASURED TO THE T-TYPE INTERSECTION WITH JUDSON STREET.  
STOPPING SIGHT DISTANCE (SSD) WAS OBSERVED TO BE IN EXCESS OF THE REQUIRED 200 FEET WHEN APPROACHING THE PROPOSED DRIVEWAY FOR LOT 2 FROM THE LEFT AND RIGHT.
- THE CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND INVERTS OF ALL CATCH BASINS, STORM SEWER LINES, SANITARY MANHOLES, SEWER LINES, WATERLINES, AND UNDERGROUND UTILITY LINES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOT ASSUME THAT ALL LOCATIONS AS SHOWN ON THE PLAN ARE CORRECT. INVESTIGATIVE TEST PITS MAY BE REQUIRED TO VERIFY LOCATIONS AND DEPTHS.
- THE CITY OF BEACON BUILDING DEPARTMENT SHALL BE PROVIDED ACCESS TO VERIFY THE LOCATION OF THE EXISTING ROOF LEADERS AND SUMP PUMPS AND THE AREA THEY DRAIN TO.

**INDIANA BAT PROTECTION NOTES:**

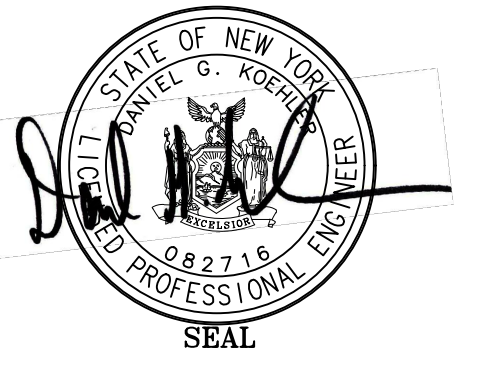
- TREE CLEARING SHALL BE RESTRICTED TO THE PERIOD BETWEEN OCTOBER 1 AND MARCH 31.
- THE LIMITS OF DISTURBANCE SHALL BE DEMARCATED BY INSTALLING ORANGE CONSTRUCTION FENCE FOR THE GENERAL IMPROVEMENT AND INFRASTRUCTURE CONSTRUCTION ACTIVITIES AND FOR THE INDIVIDUAL LOT CONSTRUCTION. THESE LIMITS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
- DUST CONTROL DURING CONSTRUCTION SHALL BE IMPLEMENTED. THIS INCLUDES USE OF CONSTRUCTION ENTRANCES, APPLYING LIGHT WATER, AND ESTABLISHING VEGETATION.
- STREET LIGHTS ARE NOT PERMITTED. RESIDENTIAL LIGHTING SHALL BE DIRECTED DOWNWARD TO REDUCE IMPACTS TO BATS FORAGING FOR FOOD.

**MAP REFERENCES:**  
1. EXISTING FEATURES AS SHOWN ON THIS SUBDIVISION PLAN PROVIDED BY MAPPING OBTAINED FROM TEC LAND SURVEYORS, P.S., LLC.

**SURVEY NOTES:**  
1. SEE SHEET 1 FOR METES AND BOUNDS FOR EXISTING AND PROPOSED PROPERTY LINES.

**PRELIMINARY SUBDIVISION PLAN**  
**32 ALICE ST. SUBDIVISION**

32 ALICE STREET  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK  
TAX ID: 6054-47-320616  
SCALE: 1" = 20'  
JUNE 26, 2018



HUDSON LAND DESIGN  
PROFESSIONAL ENGINEERING P.C.  
174 MAIN STREET  
BEACON, NEW YORK 12508  
PH: 845-440-6926 F: 845-440-6637

JON D. BODENDORF, P.E.  
NYS LICENSE NO. 076245  
DANIEL G. KOEHLER, P.E.  
NYS LICENSE NO. 082716

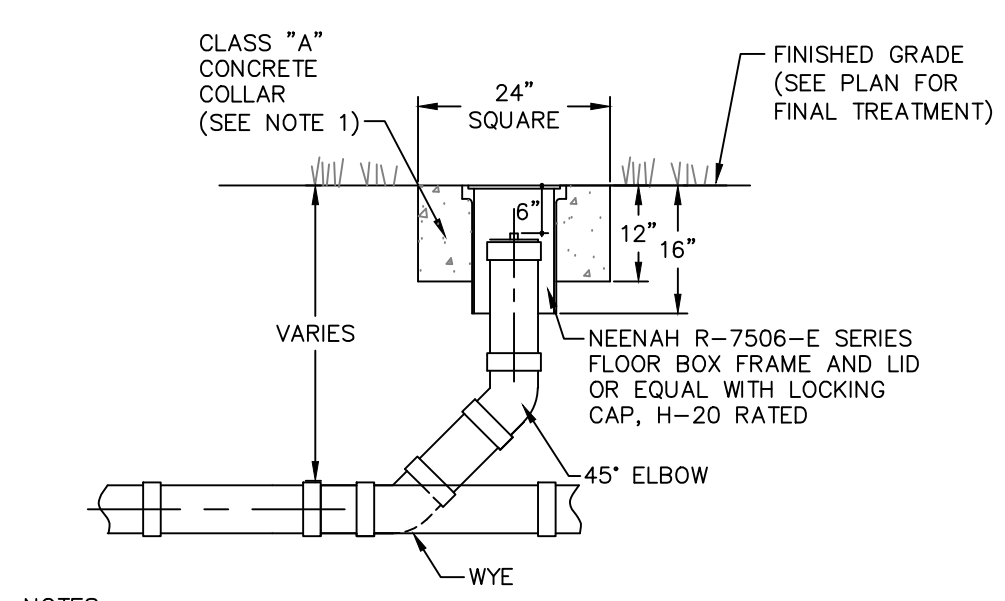
SHEET: 2 OF 5

**OWNER'S CONSENT:**  
THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

BRENT OR ALISON SPODEK DATE

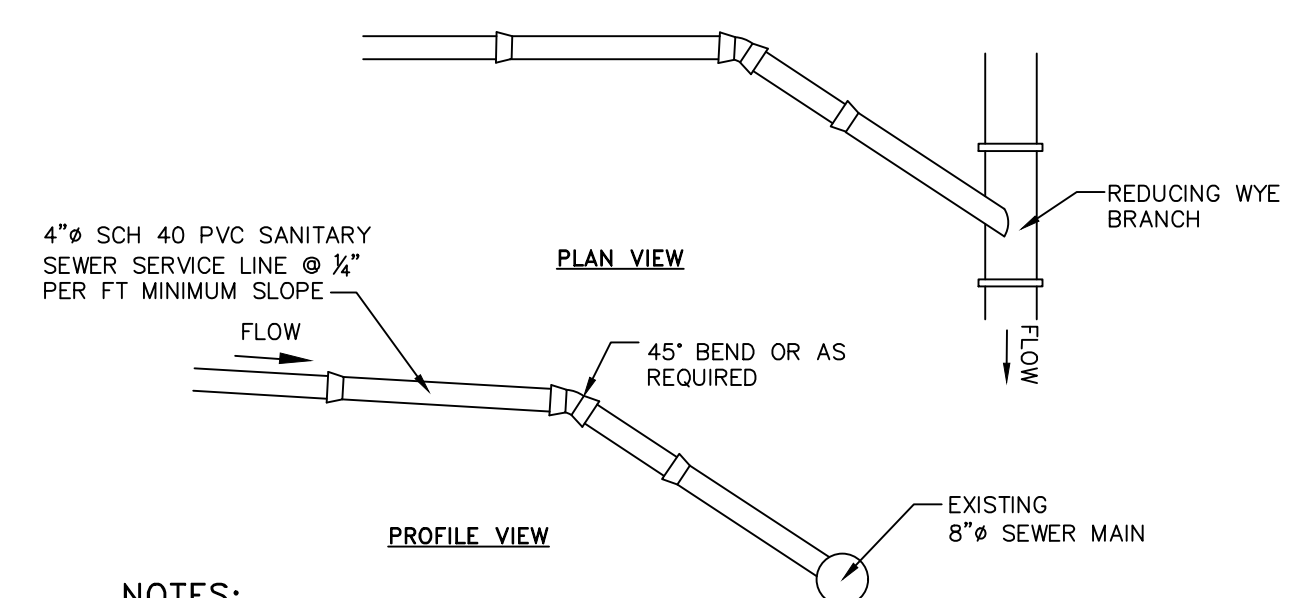


NO.	DATE	DESCRIPTION	BY
1	07/31/18	REVISED LAYOUT CONSULTANTS COMMENTS	AG
2	09/25/18	REVISED PER CONSULTANTS COMMENTS	AG



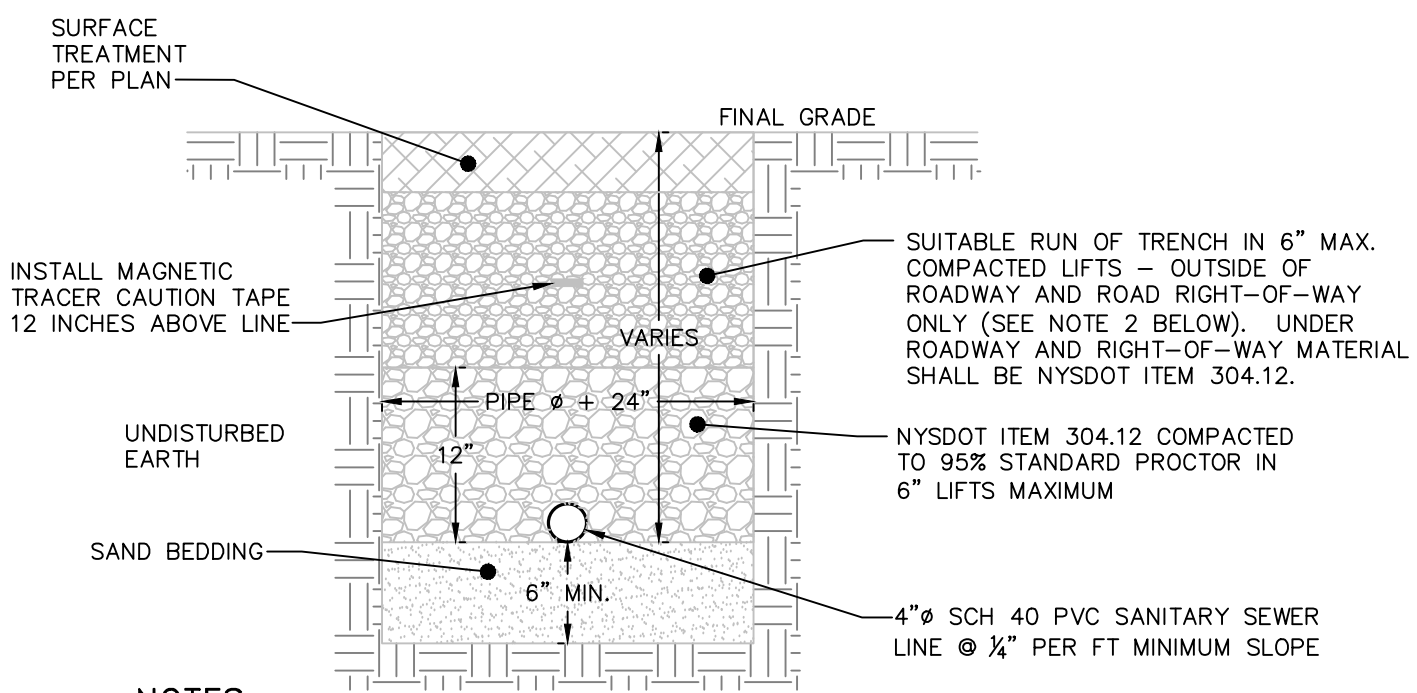
NOTES:  
 1. CONCRETE COLLAR TO BE PROVIDED IN AREAS THAT ARE NOT PAVED. THE COLLAR SHALL BE 6" FROM THE COVER AND SHALL EXTEND 6" BELOW FINAL GRADE.

**CLEANOUT DETAIL**  
 NOT TO SCALE



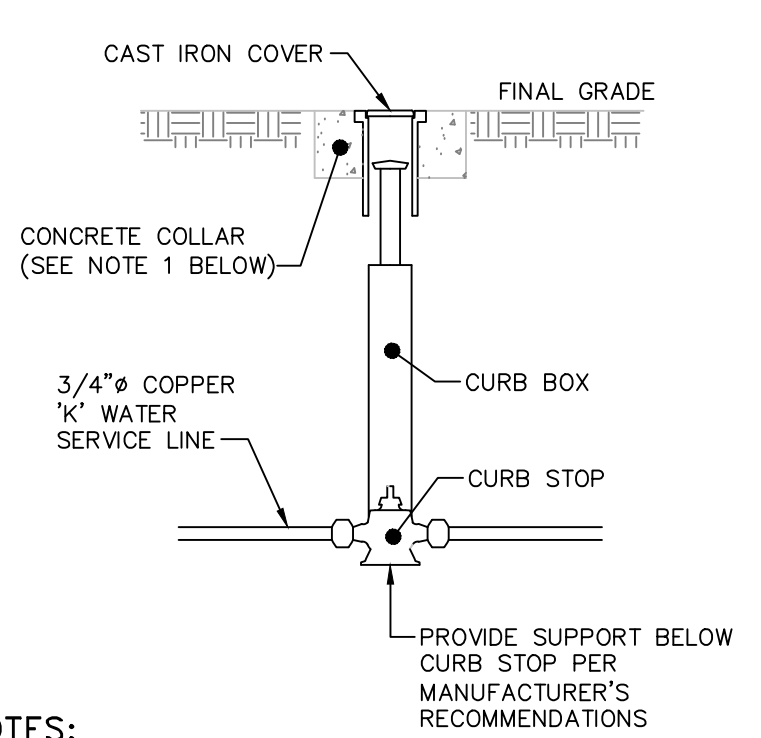
NOTES:  
 1. EXCAVATION AND TRENCHING SHALL MEET ALL OSHA REQUIREMENTS.  
 2. SUITABLE RUN OF TRENCH SHALL NOT INCLUDE FROZEN MATERIALS, DEBRIS, ORGANIC MATERIALS, LARGE STONES OR OTHER UNSUITABLE MATERIALS. IF THE RUN OF TRENCH MATERIAL IS FOUND TO BE UNSUITABLE, A SUITABLE BACKFILL MATERIAL SHALL BE IMPORTED AND USED.  
 3. TAPPING SADDLE FOR CONNECTION OF THE PROPOSED SERVICE LINE TO THE EXISTING SEWER MAIN TO BE A 4" PREDCO HUB TAP SADDLE - MODEL #HTS4/E.

**SANITARY SEWER SERVICE CONNECTION DETAIL**  
 NOT TO SCALE



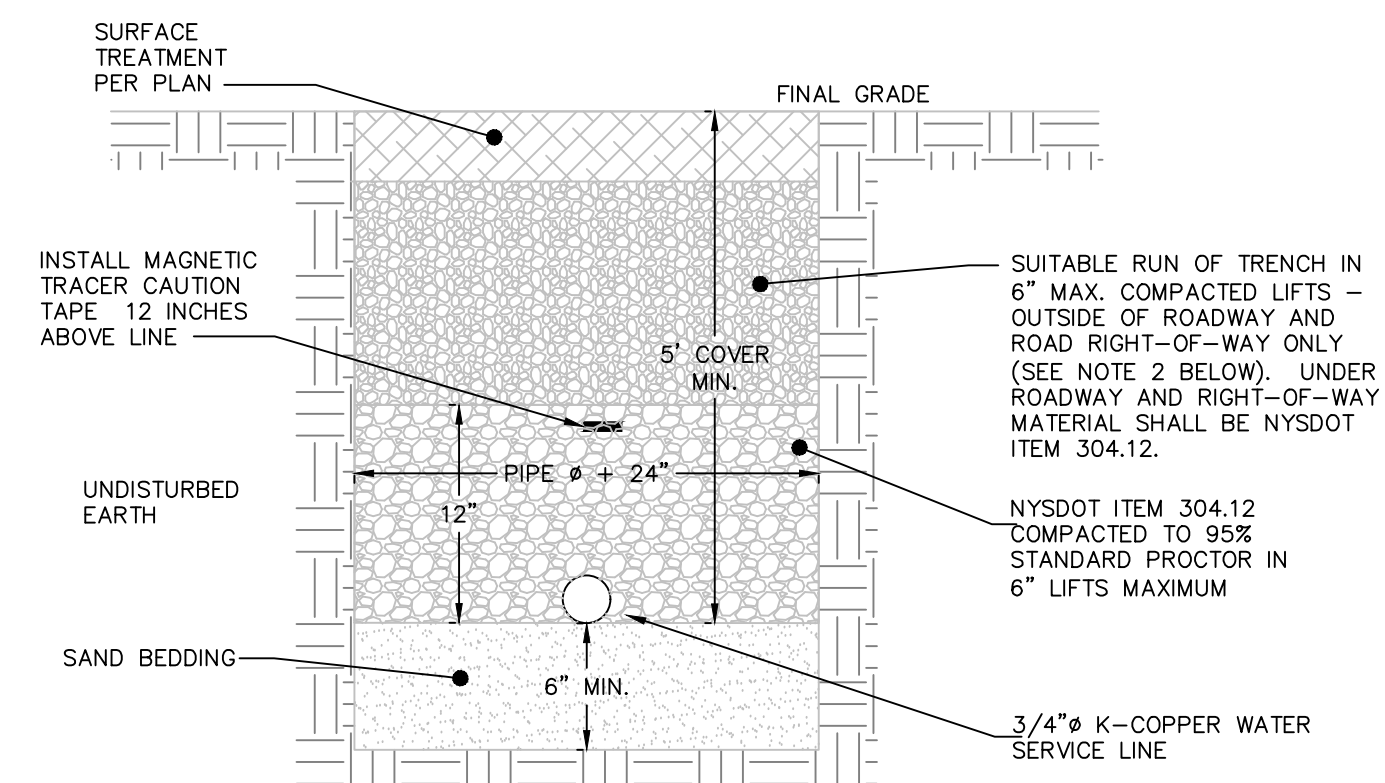
NOTES:  
 1. EXCAVATION AND TRENCHING SHALL MEET ALL OSHA REQUIREMENTS.  
 2. SUITABLE RUN OF TRENCH SHALL NOT INCLUDE FROZEN MATERIALS, DEBRIS, ORGANIC MATERIALS, LARGE STONES OR OTHER UNSUITABLE MATERIALS. IF THE RUN OF TRENCH MATERIAL IS FOUND TO BE UNSUITABLE, A SUITABLE BACKFILL MATERIAL SHALL BE IMPORTED AND USED.

**SANITARY SEWER SERVICE TRENCH DETAIL**  
 NOT TO SCALE



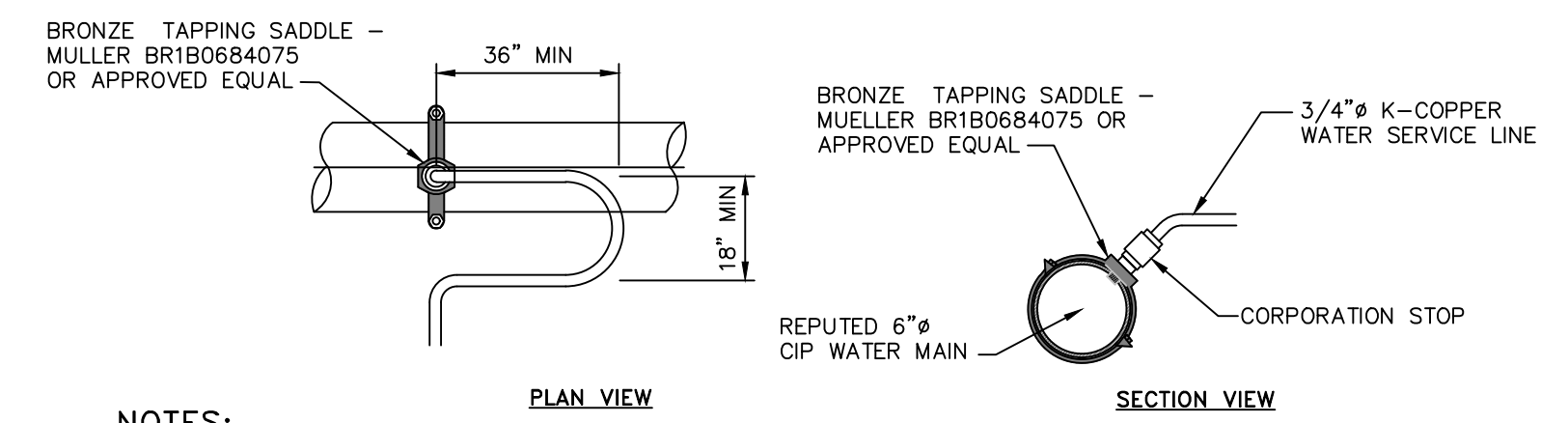
NOTES:  
 1. CONCRETE COLLAR TO BE PROVIDED IN AREAS THAT ARE NOT PAVED. THE COLLAR SHALL BE 6" FROM THE COVER AND SHALL EXTEND 6" BELOW FINAL GRADE.  
 2. CURB STOP TO BE COMPRESSION TYPE BY MUELLER.  
 3. AREA AROUND CURB BOX TO BE BACKFILLED WITH GRAVELLY MATERIAL.

**WATER SHUT-OFF VALVE DETAIL**  
 NOT TO SCALE



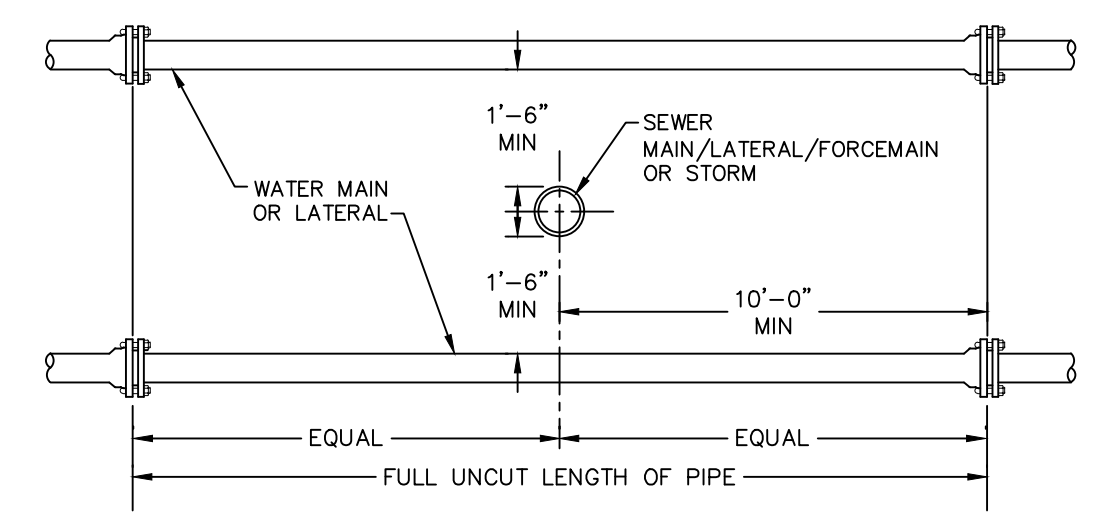
NOTES:  
 1. EXCAVATION AND TRENCHING SHALL MEET ALL OSHA REQUIREMENTS.  
 2. SUITABLE RUN OF TRENCH SHALL NOT INCLUDE FROZEN MATERIALS, DEBRIS, ORGANIC MATERIALS, ENLARGED PARTICLES, LARGE STONES OR OTHER UNSUITABLE MATERIALS. IF THE RUN OF TRENCH MATERIAL IS FOUND TO BE UNSUITABLE, A SUITABLE BACKFILL MATERIAL SHALL BE IMPORTED AND USED.  
 3. IN AREAS WHERE 5' COVER REQUIREMENT CANNOT BE MET, THE CONTRACTOR SHALL PROVIDE PIPE INSULATION TO PREVENT FREEZING.  
 4. IF WATER SERVICE AND SEWER SERVICE LINE CROSSINGS ARE NEEDED, PROVIDE 18" OF VERTICAL SEPARATION.

**WATER SERVICE LINE TRENCH DETAIL**  
 NOT TO SCALE

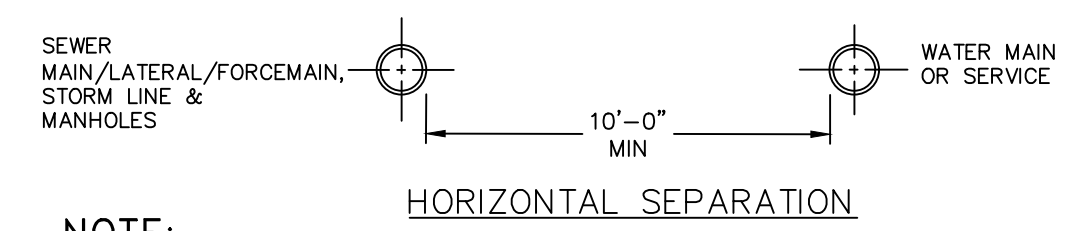


NOTES:  
 1. A MINIMUM 5' COVER SHALL BE PROVIDED ON THE WATER SERVICE LINE (CONDITIONED ON ACTUAL WATER MAIN DEPTH).  
 2. CORPORATION STOP TO BE COMPRESSION TYPE BY MUELLER.  
 3. WATER SERVICE LINE TO HAVE A 'GOOSENECK' NEAR CORPORATION STOP.  
 4. CORPORATION STOP TO BE INSTALLED IN THE UPPER HALF OF THE WATER MAIN AT AN ANGLE OF APPROXIMATELY 45° FROM HORIZONTAL.  
 5. THE CONTRACTOR SHALL INSTALL A FULL BODIED STAINLESS STEEL TAPPING SLEEVE AT THE PROPOSED WATER SERVICE LOCATION.

**WATER SERVICE CONNECTION DETAIL**  
 NOT TO SCALE



**VERTICAL SEPARATION**



**HORIZONTAL SEPARATION**

NOTE:  
 NO DEVIATION IN THE SEPARATION REQUIREMENTS WILL BE PERMITTED WITHOUT THE EXPRESS APPROVAL OF THE DUTCHESS COUNTY DEPARTMENT OF HEALTH AND THE CITY OF BEACON. CONCRETE ENGAGEMENT OF WATERLINE OR OFFSETTING OF WATERLINE SHALL BE REQUIRED WHERE SEPARATION DISTANCES CANNOT BE MAINTAINED.

**WATER LINE SEPARATION DETAIL**  
 NOT TO SCALE

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_

\_\_\_\_\_  
 CHAIRMAN

\_\_\_\_\_  
 SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.

**WATER AND SEWER DETAILS**  
**32 ALICE ST. SUBDIVISION**

32 ALICE STREET  
 CITY OF BEACON  
 DUTCHESS COUNTY, NEW YORK  
 TAX ID: 6054-47-320616  
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SEAL  
 JON D. BODENDORF, P.E.  
 NYS LICENSE NO. 076245  
 DANIEL G. KOEHLER, P.E.  
 NYS LICENSE NO. 082716

SHEET: 5 OF 5

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DRAWN BY: AG CHECKED BY: DGK JOB NO.: 2018:014			
REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	07/31/18	REVISED LAYOUT CONSULTANTS COMMENTS	AG
2	09/25/18	REVISED PER CONSULTANTS COMMENTS	AG

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Wireless Telecommunication Local Law**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Wireless Telecommunication Facilities Memo from COB Planning Board	Cover Memo/Letter
Proposed Local Law to Amend Section 223-24.5 of the Code of COB January 2019	Cover Memo/Letter
Comparison of Wireless Local Law August 2018 Version and January 2019 Version	Cover Memo/Letter
Dutchess County Planning and Development Referral	Cover Memo/Letter



# Memorandum

## *Planning Board*

---

TO: Mayor Randy Casale and City Council Members

FROM: Etha Grogan  
for Planning Board Chairman Gunn and Planning Board Members

RE: City Council request to review proposed Local Law to amend Section 223-24.5  
regarding Wireless Telecommunication Facilities

DATE: January 9, 2019

As requested, the Planning Board reviewed the proposed Local Law to amend Section 223-24.5 of City Code regarding Wireless Telecommunication Facilities. A comprehensive review took place during the regular meeting on January 8, 2019. Members generally supported the draft local law, but the Planning Board has the following suggestions for the City Council:

1. Section 223-24.5 D(1)(c)(ii) includes an HB district that does not currently exist on the Zoning Map, and in Section 223-24.5 D(1)(c)(iii) the CB district has been changed to the CMS district;
2. The priority locations in Section 223-24.5 D could also include consideration of specific views adopted as important by the City Council or listed in the Comprehensive Plan Update;
3. Section 223-24.5 G(4) appears to missing an “and” after “existing vegetation”;
4. Section 223-24.5 O should omit the words “annual” and “annually” and insert “at least once a year” to allow an additional inspection, if a complaint or other reason might require a more frequent check;
5. In Section 223-24.5 O(2) the word “operate” could be changed to “operator.”
6. Section 223-24.5.C should specifically include “heart monitors” as an exempted item.

If you have any questions, please feel free to contact me.

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO  
AMEND SECTION 223-24.5 OF THE CODE OF THE  
CITY OF BEACON**

A LOCAL LAW to amend Section 223-24.5 of Code of the City of Beacon, concerning Wireless Telecommunication Services Facilities.

BE IT ENACTED by the City Council of the City of Beacon as follows:

**SECTION 1.** Section 223-24.5 of the Code of the City of Beacon entitled “Wireless telecommunication services facilities” is amended as follows:

A. Statement of intent and objectives.

- (1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunications services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Development Plan.
- (2) The purpose of these special regulations is to reasonably control the location, construction and maintenance of wireless telecommunications services facilities in order to encourage the siting of said facilities in nonresidential areas and to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health and safety of citizens, while not unreasonably limiting competition among telecommunication providers.

B. Use. Except as provided hereinafter, no wireless telecommunication services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon unless a special use permit has been issued in conformity with the requirements of this chapter and all other applicable regulations.

C. Exemptions. The provisions of this section shall not apply to (1) wireless telecommunication facilities that obtain a small cell permit from the Planning Board pursuant to § 223-26.4, or (2) unlicensed wireless telecommunication services facilities installed wholly within a principal or accessory building, such as but not limited to baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.

D. Location and access.

~~(a)~~(1) Subject to the City Council's review and evaluation of technological, structural, safety and financial considerations associated with alternative locations for the siting of wireless telecommunication services facilities, the following locational priorities shall apply in the order specified, consistent with the City's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City:

~~(1)~~(2) Location of small cell facilities shall comply with the locational priorities set forth in § 223-26.4D.

~~(b)~~(3) The following locational priorities shall apply to all other wireless telecommunication in the ordered specified below:

~~(e)~~(a) On City-owned or City Housing Authority-owned sites, buildings and structures.

~~(a)~~(b) Co-location Collocation on an existing wireless telecommunication services facility or radio tower, as identified on an inventory of existing facilities which shall be maintained by the City (the "existing facilities inventory"). ~~Co-location Collocation~~ shall be required unless it has been demonstrated to the satisfaction of the City Council that:

[1] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunication services facility in a reasonable financially and technologically feasible manner consistent with the wireless communications service carrier's system requirements;

[2] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunications services facility with respect to structural or other engineering limitations, including frequency incompatibilities;  
or

[3] The owners of the sites identified on the existing facilities inventory within the service area lawfully refuse to permit the applicant's use of the site.

(c) On sites, buildings and structures located in the HI and LI Zoning Districts.

(d) On sites, buildings and structures in the PB, ~~HB~~, OB, LB and GB Zoning Districts.

~~(e)~~ On sites, buildings and structures in the ~~CB-CMS~~ Zoning District.

~~(f)~~ On sites, buildings and structures in Residential Zoning Districts.

~~(e)(g)~~ On sites, buildings and structures in the WD, WP, or Historic District and Landmark Overlay Zone.

(4) If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The person seeking such an exemption must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit was not granted for the proposed use.

~~(2)(5) Except for collocation on an existing wireless telecommunication services facility or radio tower identified on the existing facilities inventory and except for location on a building (and the premises thereof) which is at least nine stories in height, new wireless telecommunication services facilities shall not be located in the WD, WP and Residential Zoning Districts, nor in the Historic District and Landmark Overlay Zone.~~

~~(3)(6) Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Lattice towers shall be the structures of last resort.~~

~~(4)(7) All new wireless telecommunication services facilities and premises shall be of proper size, location and design to accommodate ~~co-location~~ collocation of other service providers' facilities, unless otherwise permitted by the City Council. To the maximum extent practicable, existing roadways shall be used to provide access to the site of a wireless telecommunication services facility.~~

~~(5)(8) An applicant may not bypass a site of higher priority by stating the site presented is the only site leased or selected. An application shall address collation as an option and, if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable.~~

~~(6)~~(9) Wireless telecommunication service facilities are permitted in all zoning districts in the City of Beacon. Notwithstanding the above, the City Council may approve any site located within the City, provided the City Council finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants.

E. Setbacks. Wireless telecommunication services facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. Wireless telecommunication services facilities structurally mounted to the roof of an existing building or structure shall be set back from the side of the building or structure so as to minimize its visibility, but in no case less than 10 feet unless a stealth design is proposed, in which case the City Council may waive or modify this requirement.

F. Height limitations. Notwithstanding the following height limitations, in no case shall a wireless telecommunication services facility exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve.

(1) The height of any antennas, or other associated equipment, structurally mounted as part of a wireless telecommunication services facility shall not exceed by more than 15 feet above the highest point of the existing structure on which such antennas or equipment is affixed.

(2) The height of any monopole or tower utilized in a wireless telecommunication services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.

(3) Applicants must submit documentation justifying the total height.

G. Visual mitigation. The applicant/provider shall prepare a visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council.

(1) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds, vantage points and surrounding properties to the extent practicable, as determined by the City Council.



(2) No signs shall be erected on any wireless telecommunication services facility except as may be required by the City Council for security or safety purposes.

(3) All equipment enclosures and storage buildings associated with the wireless telecommunication services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped.

~~G.~~(4) All special use permit applications for wireless telecommunication facilities shall contain a demonstration that the facility is sited as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residences in the area of the wireless telecommunication facilities.

H. Materials. A wireless telecommunication services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. The mountings of wireless telecommunication antennas shall be nonreflective and of the appropriate color to blend with their background.

I. Lighting. The wireless telecommunication services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.

J. Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the City Council. A copy of such certification report shall be submitted to the City Council prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

K. Noise. Noise-producing equipment shall be sited and/or insulated to prevent any detectable increase in noise above ambient levels as measured at the property line.

- L. Utility service. Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground. If the wireless telecommunication services facility is attached to a building, and if determined practical and economically feasible by the City Council, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.
- M. Safety provisions. A wireless telecommunication services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.
- N. Security provisions. A security program shall be formulated and implemented for the site of a wireless telecommunication services facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.
- O. ~~Annual~~ Structural/safety inspection and report.
- (1) A monopole or tower over 50 feet in height shall be inspected ~~annually~~ at least once a year from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.
- (2) The City of Beacon reserves the right to inspect any wireless telecommunication facility to ensure compliance with the provisions of this section and any other provisions found within the City of Beacon Code, State or Federal Law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- P. Lease agreement. In the case of an application for approval of a wireless telecommunication services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the City Council and a copy shall be filed with the City Clerk and the Building Inspector.
- Q. Interference. In the event that the wireless telecommunication services facility causes interference with the radio or television reception within the City of Beacon, the

applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

~~S. Removal. A wireless telecommunication services facility shall be dismantled and removed from the property on which it is located within 60 days when it has been inoperative or abandoned for a period of one year or more from the date on which it ceased operation. The applicant shall provide to the City written notification, including identification of the date the use of the facility was discontinued or abandoned by one or more of the service providers, acknowledgment of the requirement to remove the facility, and identification of plans for the future of the facility. The applicant shall post a bond to ensure that the wireless telecommunication services facility shall be removed upon abandonment as set forth herein at the applicant's sole expense.~~

R. ~~Application procedure~~ Special use permit application.

(1) An application for approval of a wireless telecommunication services facility shall be submitted on the relevant forms for special use permit approval and shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located.

(2) The special use permit application shall contain the following:

- a. A site plan drawing showing the location of the proposed facility shall accompany the application for special use permit approval;
- b. The applicant's name, address, telephone number, and e-mail address;
- c. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the special use permit application;
- d. A general description of the proposed work and the purpose of the work proposed.
- e. Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily within the City.
- f. Identify and disclose the number and locations of wireless telecommunication facilities that the applicant has installed or locations the applicant has considered in the past year within the City.
- g. A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance.

h. Identify all existing and proposed wireless telecommunication facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies).

a.i. Any amendment to information contained in a special use permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment. Special use approval by the City Council in accordance with §§ 223-18 and 223-19 of this chapter shall be required. The City may enlist the services of a radio frequency (RF) engineer and/or other relevant consultants, at the applicant's cost, for the review of the application.

~~b. The operator of the wireless telecommunication service shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law. The operator of such facility shall also demonstrate to the satisfaction of the City Council that there is a compelling public need for such facility at the location(s) proposed by the applicant. Such demonstration shall include the preparation of existing and master effective service area plans which:~~

~~(a) Minimize the number of such facilities within the service area(s);~~

~~(b) Maximize co-location collocation of wireless telecommunication service facilities;~~

~~(c) Identify all existing and proposed wireless telecommunication facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies); and~~

~~(d) Analyze feasible alternatives to reasonably minimize the visual impacts and exposure levels.~~

e.j. Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities.

d.k. Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation

demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide wireless telecommunication services in the area which is the subject of such application and that all reasonable efforts have been made to locate or co-locate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.

(3) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

(4) No wireless telecommunication facilities shall be installed, constructed or modified until the application is reviewed and approved by the City Council and the special use permit has been issued.

~~(2)~~(5) As a condition of special use permit approval, the applicant shall be required to provide a written agreement, in recordable form suitable for filing and prepared to the satisfaction of the City Attorney, acknowledging that it shall be required to allow the ~~co-location~~ collocation of other future wireless telecommunication service facilities at fair market cost, unless otherwise unreasonably limited by technological, structural or other engineering considerations.

~~(3)~~(6) The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).

S. The City Clerk shall forward a copy of the City Council special use permit decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.

T. Removal, relocation or modification of wireless telecommunication facilities in the public right of way

(1) Notice. Within ninety (90) days following written notice from the City , the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless telecommunication facility within the public right-of-way whenever

the City has determined that such removal, relocation, change or alteration, is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.

(2) Abandonment of Facilities. Upon abandonment of a wireless telecommunication service facility within a public right-of-way of the City, the wireless provider shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

### **Section 3. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

### **Section 4. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

### **Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO  
AMEND SECTION 223-24.5 OF THE CODE OF THE  
CITY OF BEACON

A LOCAL LAW to  
amend Section  
223-24.5 of Code of  
the City of Beacon,  
concerning Wireless  
Telecommunication  
Services Facilities.

BE IT ENACTED by the City Council of the City of Beacon as follows:

**SECTION 1.** Section 223-24.5 of the Code of the City of Beacon entitled “Wireless telecommunication services facilities” is amended as follows:

A. Statement of intent and objectives.

- (1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunications services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Development Plan.
- (2) The purpose of these special regulations is to reasonably control the location, construction and maintenance of wireless telecommunications services facilities in order to encourage the siting of said facilities in nonresidential areas and to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health and safety of citizens, while not unreasonably limiting competition among telecommunication providers.

B. Use. Except as provided hereinafter, no wireless telecommunication services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon unless a special use permit has been issued in conformity with the requirements of this chapter and all other applicable regulations.

C. Exemptions. The provisions of this section shall not apply to (1) wireless telecommunication facilities that obtain a small cell permit from the Planning Board pursuant to § 223-26.4, or (2) unlicensed wireless telecommunication services facilities installed wholly within a principal or accessory building, such as but not limited to baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.

D. Location and access.

(1) Subject to the City Council's review and evaluation of technological, structural, safety and financial considerations associated with alternative locations for the siting of wireless telecommunication services facilities, the following locational priorities shall apply in the order specified, consistent with the City's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City:

~~(2) (a)~~ Location of small cell facilities shall comply with the locational priorities set forth in § 223-26.4D.

~~(3) (b)~~ ~~Locational~~ The following locational priorities ~~for~~ shall apply to all other wireless telecommunication ~~service facilities in the ordered specified below:~~

~~(i) On sites, buildings and structures located in the HI and LI Zoning Districts.~~

~~(ii) On sites, buildings and structures in the PB, HB, OB, LB and GB Zoning Districts.~~

~~(a) (iii) On~~ On City-owned or City Housing Authority-owned sites, buildings and structures ~~in the CB Zoning District.~~

~~(b) (2) Except for collocation~~ Collocation on an existing wireless telecommunication services facility or radio tower, ~~as~~ identified on ~~the an~~ inventory of existing facilities ~~inventory and except for location on a building (and the premises thereof) which is at least nine stories in height, new wireless telecommunication services facilities shall not be located in the WD, WP and Residential Zoning Districts, nor in the Historic District and Landmark Overlay Zone which shall be maintained by the City (the "existing facilities inventory").~~ Collocation shall be required unless it has been demonstrated to the satisfaction of the City Council that:

[1] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunication services facility in a reasonable financially and



technologically feasible manner consistent with the wireless communications service carrier's system requirements;

[2] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunications services facility with respect to structural or other engineering limitations, including frequency incompatibilities; or

[3] The owners of the sites identified on the existing facilities inventory within the service area lawfully refuse to permit the applicant's use of the site.

(c) On sites, buildings and structures located in the HI and LI Zoning Districts.

(d) On sites, buildings and structures in the PB, OB, LB and GB Zoning Districts.

(e) On sites, buildings and structures in the CMS Zoning District.

(f) On sites, buildings and structures in Residential Zoning Districts.

(g) On sites, buildings and structures in the WD, WP, or Historic District and Landmark Overlay Zone.

(4) If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The person seeking such an exemption must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit was not granted for the proposed use.

(5) (3)-Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Lattice towers shall be the structures of last resort.

(6) (4)-All new wireless telecommunication services facilities and premises shall be of proper size, location and design to accommodate ~~co-location~~ collocation of other service providers' facilities, unless otherwise permitted by the City Council. To the maximum extent practicable, existing roadways shall be used to provide access to the site of a wireless telecommunication services facility.

(5) If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not

~~selected. The person seeking such an exemption must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed use.~~

~~(7) (6)~~ An applicant may not bypass a site of higher priority by stating the site presented is the only site leased or selected. An application shall address collocation as an option and, if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable.

~~(8) (7)~~ Wireless telecommunication service facilities are permitted in all zoning districts in the City of Beacon. Notwithstanding the above, the City Council may approve any site located within the City, provided the City Council finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants.

E. Setbacks. Wireless telecommunication services facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. Wireless telecommunication services facilities structurally mounted to the roof of an existing building or structure shall be set back from the side of the building or structure so as to minimize its visibility, but in no case less than 10 feet unless a stealth design is proposed, in which case the City Council may waive or modify this requirement.

F. Height limitations. Notwithstanding the following height limitations, in no case shall a wireless telecommunication services facility exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve.

(1) The height of any antennas, or other associated equipment, structurally mounted as part of a wireless telecommunication services facility shall not exceed by more than 15 feet above the highest point of the existing structure on which such antennas or equipment is affixed.

(2) The height of any monopole or tower utilized in a wireless telecommunication services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.

(3) Applicants must submit documentation justifying the total height.

G. Visual mitigation. The applicant/provider shall prepare a visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling,

photographic simulation and other pertinent analytical techniques as required by the City Council.

- (1) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds, vantage points and surrounding properties to the extent practicable, as determined by the City Council.
- (2) No signs shall be erected on any wireless telecommunication services facility except as may be required by the City Council for security or safety purposes.
- (3) All equipment enclosures and storage buildings associated with the wireless telecommunication services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped.
- (4) All special use permit applications for wireless telecommunication facilities shall contain a demonstration that the facility is sited as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residences in the area of the wireless telecommunication facilities.

H. Materials. A wireless telecommunication services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. The mountings of wireless telecommunication antennas shall be nonreflective and of the appropriate color to blend with their background.

I. Lighting. The wireless telecommunication services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.

J. Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the City Council. A copy of such certification report shall be submitted to the City Council prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council

whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

- K. Noise. Noise-producing equipment shall be sited and/or insulated to prevent any detectable increase in noise above ambient levels as measured at the property line.
- L. Utility service. Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground. If the wireless telecommunication services facility is attached to a building, and if determined practical and economically feasible by the City Council, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.
- M. Safety provisions. A wireless telecommunication services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.
- N. Security provisions. A security program shall be formulated and implemented for the site of a wireless telecommunication services facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.
- O. ~~Annual structural~~Structural/safety inspection and report.
  - (1) A monopole or tower over 50 feet in height shall be inspected ~~annually~~at least once a year from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.
  - (2) The City of Beacon reserves the right to inspect any wireless telecommunication facility to ensure compliance with the provisions of this section and any other provisions found within the City of Beacon Code, State or Federal Law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication facility is located at any time, upon reasonable notice to the ~~operate~~operator, to ensure such compliance.

P. Lease agreement. In the case of an application for approval of a wireless telecommunication services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the City Council and a copy shall be filed with the City Clerk and the Building Inspector.

Q. Interference. In the event that the wireless telecommunication services facility causes interference with the radio or television reception within the City of Beacon, the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

R. Special use permit ~~application~~applications.

(1) An application for approval of a wireless telecommunication services facility shall be submitted on the relevant forms for special use permit approval and shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located.

(2) The special use permit application shall contain the following:

(a) ~~a-~~ A site plan drawing showing the location of the proposed facility shall accompany the application for special use permit approval;

(b) ~~b-~~ The applicant's name, address, telephone number, and e-mail address;

(c) ~~c-~~ The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the special use permit application;

(d) ~~d-~~ A general description of the proposed work and the purpose of the work proposed.

(e) ~~e-~~ Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily within the City.

(f) ~~f-~~ Identify and disclose the number and locations of wireless telecommunication facilities that the applicant has installed or locations the applicant has considered in the past year within the City.

(g) ~~g-~~ A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance.

(h) Identify all existing and proposed wireless telecommunication facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies).

(i) ~~h.~~ Any amendment to information contained in a special use permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.

~~(3)~~ The operator of the wireless telecommunication service shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law. ~~The operator of such facility shall also demonstrate to the satisfaction of the City Council that there is a compelling public need for such facility at the location(s) proposed by the applicant. Such demonstration shall include the preparation of existing and master effective service area plans which:~~  
and

~~(a) Minimize the number of such facilities within the service area(s);~~

~~(b) Maximize collocation of wireless telecommunication service facilities;~~

~~(c) Identify all existing and proposed wireless telecommunication facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies); and~~

~~(d) Analyze feasible alternatives to reasonably minimize the visual impacts and exposure levels.~~

(j) ~~(4)~~ Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities.

(k) ~~(5)~~ Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide wireless telecommunication services in the area which is the subject of such application and that all reasonable efforts

have been made to locate or co-locate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.

(3) ~~(6)~~ The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.

(4) ~~(7)~~ No wireless telecommunication facilities shall be installed, constructed or modified until the application is reviewed and approved by the City Council and the special use permit has been issued.

(5) ~~(8)~~ As a condition of special use permit approval, the applicant shall be required to provide a written agreement, in recordable form suitable for filing and prepared to the satisfaction of the City Attorney, acknowledging that it shall be required to allow the ~~co-location~~ collocation of other future wireless telecommunication service facilities at fair market cost, unless otherwise unreasonably limited by technological, structural or other engineering considerations.

(6) ~~(9)~~ The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).

S. The City Clerk shall forward a copy of the City Council special use permit decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.

T. Removal, relocation or modification of wireless telecommunication facilities in the public right of way

(1) Notice. Within ninety (90) days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless telecommunication facility within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration, is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.

- (2) Abandonment of Facilities. Upon abandonment of a wireless telecommunication service facility within a public right-of-way of the City, the wireless provider shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

### **Section 3. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

### **Section 4. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

### **Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State.



Document comparison by Workshare Compare on Friday, January 25, 2019  
4:16:19 PM

Input:	
Document 1 ID	PowerDocs://DOCS/659746/1
Description	DOCS-#659746-v1-Old_Telecommunication_Law_for_Co mparison_Only
Document 2 ID	PowerDocs://DOCS/659745/1
Description	DOCS-#659745-v1-Clean_Version_Do_Not_Use_Wireless _Telecommunication_LL
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Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	48
Deletions	58
Moved from	14
Moved to	14
Style change	0
Format changed	0
Total changes	134

<b>Dutchess County Department of Planning and Development</b>	To	Date	12/27/18 # pgs ①
	Dept	From	
	Fax #	Phone #	

## 239 Planning/Zoning Referral – Exemption Communities

Municipality: City of Beacon

Referring Agency:     Planning Board             Zoning Board of Appeals             Municipal Board

Tax Parcel Number(s): \_\_\_\_\_

Project Name: LL Wireless Telecommunication service facilities

Applicant: City Council

Address of Property: \_\_\_\_\_

Please fill in this section

**Parcel(s) within 500 feet of:**

State Road \_\_\_\_\_

County Road \_\_\_\_\_

State Property (w/public building or recreation area)

County Property (w/public building or recreation area)

Municipal Boundary

Farm operation in an Agricultural District

**Actions Requiring 239 Review**

Comprehensive/Master Plans

Zoning Amendments (standards, uses, definitions, district regulations, etc.)

Rezoning involving all map changes

Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)

Site Plans (all)

Special Permits for all non-residential uses

Use Variances for all non-residential uses

Area Variances for all non-residential uses

**Exempt Actions:\***

**239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): \_\_\_\_\_

If subject of a previous referral, please note County referral number(s): \_\_\_\_\_

*\* These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.*

FOR COUNTY OFFICE USE ONLY

### Response from Dutchess County Department of Planning and Development

<p><b>No Comments:</b></p> <p><input checked="" type="checkbox"/> Matter of Local Concern</p> <p><input type="checkbox"/> No Jurisdiction</p> <p><input type="checkbox"/> No Authority</p> <p><input type="checkbox"/> Project Withdrawn</p> <p><input type="checkbox"/> Exempt from 239 Review</p>	<p><b>Comments Attached:</b></p> <p><input type="checkbox"/> Local Concern with Comments</p> <p><input type="checkbox"/> Conditional</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Incomplete — municipality must resubmit to County</p> <p><input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County</p> <p><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</p>
---	--

Date Submitted: <u>12/24/18</u>	Notes: <u>Received by Fax on 12/24/18</u>	<input type="checkbox"/> Major Project
Date Received: <u>12/24/18</u>		Referral #: <u>ZR18-405</u>
Date Requested: <u>2/4/19</u>		
Date Required: <u>1/22/19</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Jennifer Hoagy</u>
Date Response Faxed: <u>12/27/18</u>		

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Verizon Wireless Application 2 Red Flynn Road**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Application Cover Letter 2017	Cover Memo/Letter
Application for Special Use Permit, Site Plan Review, Rosenberg Waiver Relief and Statement of Intent October 2017	Cover Memo/Letter
Application Cover Letter November 2018	Cover Memo/Letter
Beacon Station Micro Supplemental Communications Facility Zoning Analysis November 2018	Cover Memo/Letter
Additional Information 2 Red Flynn Drive	Cover Memo/Letter
Keane and Bean Memorandum	Cover Memo/Letter
Comments and Recommendations from John Clarke Planning and Design	Cover Memo/Letter

# Young / Sommer LLC

YOUNG SOMMER WARD RITZENBERG BAKER & MOORE LLC

JEFFREY S. BAKER  
DAVID C. BRENNAN  
JOSEPH F. CASTIGLIONE  
MICHAEL J. MOORE  
JAMES A. MUSCATO II  
J. MICHAEL NAUGHTON  
ROBERT A. PANASCI  
KENNETH S. RITZENBERG  
DEAN S. SOMMER  
KEVIN M. YOUNG

LAURA K. BOMYEA  
E. HYDE CLARKE  
LAUREN L. HUNT  
ALLYSON M. PHILLIPS  
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COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205  
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DOUGLAS H. WARD

OF COUNSEL  
SUE H.R. ADLER  
ELIZABETH M. MORSS  
SCOTT P. OLSON  
STEPHEN C. PRUDENTE  
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PARALEGALS  
ALLYSSA T. MOODY  
AMY S. YOUNG

Writer's Telephone Extension: 258  
[solson@youngsommer.com](mailto:solson@youngsommer.com)

November 17, 2017

Via Federal Express

City of Beacon Planning Board  
1 Municipal Plaza  
Beacon, New York 12508  
Attn: Etha Grogan

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless -2 Red Flynn Drive

Dear Ms. Grogan:

This office serves as Regional Local Counsel to Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless. Enclosed for your review are five (5) copies of our:


1. Special Use Permit Application and supporting materials for review by the City of Beacon Common Council; and
2. Site Plan Review Application and supporting materials for review by the Planning Board.

Both Applications seek review and approval for the installation of one antenna and minor equipment on an existing wooden replacement utility pole. Checks for \$500 (Special Use Permit fee) and \$500 (Site Plan Review fee) are also enclosed. An electronic copy of the application will also be provided upon direction from the City confirming the e-mail address to which the application should be forwarded.

Please place this application on the next available meeting agenda and contact us to confirm.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink that reads "Scott Olson". The signature is written in a cursive style with a large, stylized "S" and "O".

Scott P. Olson, Esq.

Enclosures

cc: Amy Szostak (w/o encl.)

**BOARD OF TRUSTEES and/or PLANNING BOARD  
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

In the Matter of the Application of

---

**CELLCO PARTNERSHIP  
d/b/a Verizon Wireless**

Existing utility pole owned by Central Hudson Gas & Electric  
2 Red Flynn Drive  
City of Beacon, Dutchess County, New York

---

**APPLICATION FOR SPECIAL USE PERMIT, SITE PLAN REVIEW,  
ROSENBERG WAIVER RELIEF and STATEMENT OF INTENT**

Submitted by:

Verizon Wireless  
Margaret Hayes, Manager - Network Real Estate  
1275 John Street, Suite 100  
West Henrietta, New York 14586  
(585) 321-5390

Tectonic Engineering & Surveying Consultants, P.C.  
Steven Matthews, P.E.  
36 British American Blvd, Suite 101  
Latham, New York 12110  
(518) 783-1630

Network Building + Consulting  
Amy Szostak, Site Acquisition Specialist  
6095 Marshalee Drive, Suite 300  
Elkridge, Maryland 21075  
(607) 238-7615

Young/Sommer LLC  
Scott P. Olson, Esq.  
Executive Woods  
Five Palisades Drive  
Albany, New York 12205  
(518) 438-9907

Dated: October 19, 2017

**BOARD OF TRUSTEES and/or PLANNING BOARD  
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

In the Matter of the Application of

---

**CELLCO PARTNERSHIP  
d/b/a Verizon Wireless**

Existing utility pole owned by Central Hudson Gas & Electric  
2 Red Flynn Drive  
City of Beacon, Dutchess County, New York

---

**APPLICATION FOR SPECIAL USE PERMIT, SITE PLAN REVIEW,  
ROSENBERG WAIVER RELIEF and STATEMENT OF INTENT**

Submitted by:

Verizon Wireless  
Margaret Hayes, Manager - Network Real Estate  
1275 John Street, Suite 100  
West Henrietta, New York 14586  
(585) 321-5390

Tectonic Engineering & Surveying Consultants, P.C.  
Steven Matthews, P.E.  
36 British American Blvd, Suite 101  
Latham, New York 12110  
(518) 783-1630

Network Building + Consulting  
Amy Szostak, Site Acquisition Specialist  
6095 Marshalee Drive, Suite 300  
Elkridge, Maryland 21075  
(607) 238-7615

Young/Sommer LLC  
Scott P. Olson, Esq.  
Executive Woods  
Five Palisades Drive  
Albany, New York 12205  
(518) 438-9907

Dated: October 19, 2017

**APPLICATION FOR SPECIAL USE PERMIT**

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

**IDENTIFICATION OF APPLICANT**

(For Official Use Only)

Date Initials

Name: ORANGE COUNTY - Poughkeepsie Limited Partnership  
DON VERIZON WIRELESS

Application & Fee Rec'd

\_\_\_\_\_

Initial Review

\_\_\_\_\_

Address: 1275 JOHN ST., SUITE 100

PB Public Hearing

\_\_\_\_\_

WEST HENRIETTA, NY 14586

Sent to City Council

\_\_\_\_\_

Signature: [Signature], Attorney for Applicant

City Council Workshop

\_\_\_\_\_

Date: 8-31-17

City Council Public Hearing

\_\_\_\_\_

Phone: 518-438-9907

City Council Approve/Disapprove

\_\_\_\_\_

**IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL**

Name: YOUNG SOMMER, LLC (ATTN: Scott Olson)

Phone: 518-438-9907 EXT. 258

Address: 5 Palisades DR.

Fax: 518-438-9914

ALBANY NY 12205

Email address: solson@youngsummer.com

**IDENTIFICATION OF SUBJECT PROPERTY:**  
2 Red Flynn Drive

Property Address: 1 FERRY STREET, Beacon, NY

Tax Map Designation: Section \_\_\_\_\_

Block \_\_\_\_\_

Lot(s) \_\_\_\_\_

Land Area: EXISTING UTILITY POLE

Zoning District(s) \_\_\_\_\_

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: Installation of antenna and equipment on EXISTING UTILITY POLE

Gross Non-Residential Floor Space: Existing N/A

Proposed N/A

TOTAL: N/A

Dwelling Units (by type): Existing N/A

Proposed N/A

TOTAL: N/A

**ITEMS TO ACCOMPANY THIS APPLICATION**

- a. Five (5) **folded** copies and One (1) digital copy of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. Five (5) **folded** copies and One (1) digital copy of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- c. Five (5) **folded** copies and One (1) digital copy of additional sketches, renderings or other information.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- e. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.



**APPLICATION FOR SITE PLAN APPROVAL**

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

**IDENTIFICATION OF APPLICANT**

Name: ORANGE COUNTY - Poughkeepsie Limited Partnership d/b/a Verizon Wireless  
Address: 1275 JOHN ST., SUITE 100  
WEST HENRIETTA, NY 14586  
Signature: [Signature] Attorney for Applicant  
Date: 8-31-17  
Phone: 518-438-9907

(For Official Use Only)  
Application & Fee Rec'd \_\_\_\_\_  
Initial Review \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Conditional Approval \_\_\_\_\_  
Final Approval \_\_\_\_\_

Date \_\_\_\_\_  
Initials \_\_\_\_\_  
\_\_\_\_\_

**IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL**

Name: YOUNG SOMMER, LLC (Attn: Scott Olson)  
Address: 5 Palisades Dr.  
Albany, NY 12205

Phone: 518-438-9907 Ext. 258  
Fax: 518-438-9914  
Email address: solson@youngsummer.com

2 Red Flynn Drive

**IDENTIFICATION OF SUBJECT PROPERTY:**

Property Address: FERRY ST., Beacon, NY  
Tax Map Designation: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_  
Land Area: Existing Utility Pole Zoning District(s) \_\_\_\_\_

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: INSTALLATION OF ANTENNA AND EQUIPMENT ON EXISTING utility pole  
Gross Non-Residential Floor Space: Existing N/A Proposed N/A  
TOTAL: N/A  
Dwelling Units (by type): Existing N/A Proposed N/A  
TOTAL: N/A

**ITEMS TO ACCOMPANY THIS APPLICATION**

- a. One electronic and five (5) **folded** paper copies of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. One electronic and five (5) **folded** paper copies of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- c. One electronic and five (5) **folded** paper copies of additional sketches, renderings or other information.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- e. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

**BOARD of TRUSTEES and/or PLANNING BOARD of the CITY of BEACON,  
DUTCHESS COUNTY, NEW YORK**

In the Matter of the Special Use Permit and Site Plan Review Application of

---

**ORANGE COUNTY-POUGHKEEPSIE LIMITED PARTNERSHIP d/b/a Verizon Wireless**

Premises: 2 Red Flynn Drive  
Beacon, Dutchess County, New York

---

**STATEMENT OF INTENT and  
APPLICATION FOR SPECIAL USE PERMIT and SITE PLAN REVIEW and  
ROSENBERG WAIVER RELIEF**

**I. Introduction**

ORANGE COUNTY-POUGHKEEPSIE LIMITED PARTNERSHIP d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes to install one antenna and related equipment on a replacement wooden utility pole located at the Beacon Train Station ("Project"). The existing wooden utility pole is owned by Central Hudson Gas & Electric ("CHG&E") and located near 2 Red Flynn Drive, Beacon, New York (referred to by as CHG&E as Pole No. 44106P, Beac 398, NYT 3).

Verizon Wireless is considered a public utility under New York decisional law (*Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364 (1993)) [Exhibit 1], and a provider of "personal wireless services" under the federal Telecommunications Act of 1996 (the "TCA") [Exhibit 2]. Verizon Wireless' equipment will be in operation twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year. A copy of the applicable Verizon Wireless FCC licenses is included herewith [Exhibit 3].

In *Rosenberg*, this State's highest Court determined that the ordinary variance standard is inapplicable and a cellular telephone company applying for a variance need only show that (1) the variance is "required to render safe and adequate service," and (2) there are "compelling reasons, economic or otherwise," for needing the variance. *Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364, 372 (1993). Verizon Wireless respectfully submits this Statement of Intent in support of its application for Special Use Permit approval, and all necessary Town Board waivers under the *Rosenberg* standard.

The proposed Project involves installation and operation of one (1) small antenna and related equipment on a replacement wooden utility pole. The specific improvements proposed are detailed on the Zoning/Site Plans prepared by Tectonic Engineering and Surveying included herewith as [Exhibit 4].

## II. Purpose of Beacon Station Communications Facility

The purpose of the Project is to provide “hotspot” coverage for its advanced 4<sup>th</sup> Generation Long Term Evolution (4G LTE) services to a relative small area in the City of Beacon currently not served or under-served.

Enclosed in Exhibit 5 is a RF Analysis prepared by a qualified radio frequency consultant which analysis describes in detail the need for this new site at this location. Exhibit 6 includes a Site Selection Analysis that describes the methodology of identifying the proposed location for the Project.

## III. Additional Supporting Materials

1. Public Necessity of Facility. The Applicant has provided expert proof in the form of a report from its Radio Frequency (RF) Design Engineer depicting the area within which Verizon Wireless’ communications facility needs to be located (the “search area”) in order to provide adequate and safe service to the City of beacon, particularly in the area near the Beacon train station. This report clearly demonstrates that (i) there is an inadequate and unsafe level of service in the targeted area of the City of Beacon, and (ii) a new communications facility is necessary to provide an adequate and safe level of hand-held wireless service to this area. See, Exhibit 5.

As noted above and in Exhibits 2 and 3, Verizon Wireless is recognized as a public utility under New York law and a provider of personal wireless services under the federal Telecommunications Act of 1996. This project is a public necessity in that it is required to render adequate and safe coverage (mobile and in-building) to a significant portion of the City of Beacon. This, combined with the federal mandate to expeditiously deploy advanced wireless services across the nation and Verizon Wireless’ FCC licenses to provide such services in the City of Beacon, demonstrates that Verizon Wireless’ facility is a public necessity. Without the construction of the communications facility proposed, the public would be deprived of an essential means of communication, which, in turn, would jeopardize the safety and welfare of the community and traveling public.

2. The Application conforms with all applicable regulations promulgated by the Federal Communications Commission, the Federal Aviation Administration and other federal agencies. The proposed facility will not increase the height of the existing utility pole and will not require FAA lighting.
3. As set forth above, Verizon Wireless and the proposed facility are considered public utilities for purposes of zoning under existing New York decisional law.
4. Operation of the facility will not involve any objectionable noise, fumes, vibration or other characteristics.

5. The facility will be operated on a 24/7 basis 365 days a year with minimal maintenance required. Adequate access and parking has been incorporated into the facility design.
6. The facility will not increase or otherwise impact any existing traffic patterns, nor will it impair pedestrian or vehicular safety or overload existing roads. Additionally, the facility will be fully accessible to fire, police and other emergency vehicles.
7. Because the facility will be unmanned, it will not involve the use of any public water, drainage or sewer system, or any other municipal facility, or degrade any act or for, natural resource or ecosystem.
8. The proposed antenna and associated equipment are proposed to be located on a replacement wooden utility pole currently owned by CHG&E. The existing pole is approximately 27' 5" tall.
9. Visibility and Design Standards:
  - a. General Aesthetics: Verizon Wireless' antenna will not result in an increase to the height of the existing structure and, therefore, will not increase the visibility of the utility pole.
  - b. No FAA Marking/Lighting: No tower marking and/or lighting will be required under Federal Aviation Administration (FAA) regulations.
10. A certification from a New York licensed professional engineer (Paul Dugan, P.E. of Millennium Engineering, P.C.) entitled "RF Safety FCC Compliance of Proposed Communications Facility" is included at Exhibit 7, to document that Verizon Wireless' proposed transmissions will be: (a) in full compliance with the current FCC RF emissions guidelines (NIER); and (b) categorically excluded from local regulation under applicable federal law.
11. To assist the City fulfill its obligations under the NYS Environmental Quality Review Act ("SEQRA"), a Short Environmental Assessment Form ("EAF") has been prepared by Tectonic Engineering and is provided in Exhibit 8.

#### IV. Conclusion

Approval of the Project will enable Verizon Wireless to provide an adequate and safe level of wireless telephone service to the area of the City of Beacon and surrounding environs, within the confines of applicable technological and land use limitations. Such approval will also be in the public interest, in that it will allow Verizon Wireless to comply with its statutory mandate to build out its network and provide local businesses, residents and public service entities with safe and

reliable wireless communications services. Based upon the foregoing, Verizon Wireless respectfully submits that this project complies in all material respects with the Special Use Permit and Site Plan Review requirements of the City of Beacon's Zoning Code, and any potential impact on the community created by this approval may properly be considered to be minimal and of no significant adverse effect.

If you should have any questions or require any additional information, I can be reached at (518) 438-9907, Ext. 258.

Thank you for your consideration.

Respectfully submitted,  
ORANGE COUNTY-POUGHKEESPIE LIMITED  
PARTNERSHIP d/b/a Verizon Wireless



Scott P. Olson, Esq.  
Regional Local Counsel

Dated: October 17, 2017

DOCUMENTATION OF PUBLIC UTILITY STATUS  
and  
OVERVIEW OF ROSENBERG DECISION

In *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993), the New York Court of Appeals determined that cellular telephone companies are public utilities. The Court held that proposed cellular telephone installations are to be reviewed by zoning boards pursuant to the traditional standard afforded to public utilities, rather than the standards generally required for the necessary approvals:

It has long been held that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities. There can be no question of [the carrier's] need to erect the cell site to eliminate service gaps in its cellular telephone service area. The proposed cell site will also improve the transmission and reception of existing service. Application of our holding in *Matter of Consolidated Edison* to sitings of cellular telephone companies, such as [the applicant], permits those companies to construct structures necessary for their operation which are prohibited because of existing zoning laws and to provide the desired services to the surrounding community. . . . Moreover, the record supports the conclusion that [the applicant] sustained its burden of proving the requisite public necessity. [The applicant] established that the erection of the cell site would enable it to remedy gaps in its service area that currently prevent it from providing adequate service to its customers in the . . . area.

*Rosenberg*, 82 N.Y.2d at 372-74 (citing *Consolidated Edison Co. v. Hoffman*, 43 N.Y.2d 598 (1978)).

This special treatment of a public utility stems from the essential nature of its service, and the fact that a public utility transmitting facility must be located in a particular area in order to provide service. For instance, water towers, electric switching stations, water pumping stations and telephone poles must be in particular locations (including within residential districts) in order to provide the utility to a specific area:

[Public] utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

Anderson, *New York Zoning Law Practice*, 3d ed., p. 411 (1984) (hereafter "Anderson"). See also, *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993); *Payne v. Taylor*, 178 A.D.2d 979 (4th Dep't 1991).

Accordingly, the law in New York is that a municipality may not prohibit facilities, including towers, necessary for the transmission of a public utility. In *Rosenberg*, 82 N.Y.2d at 371, the court found that "the construction of an antenna tower... to facilitate the supply of cellular telephone service is a 'public utility building' within the meaning of a zoning ordinance." See also *Long Island Lighting Co. v. Griffin*, 272 A.D. 551 (2d Dep't 1947) (a municipal corporation may not prohibit the expansion of a public utility where such expansion is necessary to the maintenance of essential services).

**DOCUMENTATION OF PERSONAL WIRELESS SERVICE FACILITY STATUS  
and  
FEDERAL TELECOMMUNICATIONS ACT OF 1996**

In addition to being considered a public utility under New York decisional law, Verizon Wireless is classified as a provider of “personal wireless services” under the federal Telecommunications Act of 1996 (the “TCA”).

As stated in the long title of the Act, the goal of the TCA is to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” *Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996)*.

The TCA mandates a process designed to achieve competitive telecommunications markets. In keeping with the central goals of the TCA, the authors specify in Section 253(a) that “[n]o State or local statute or regulation...may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” *TCA Section 253(a), emphasis added*.

Section 332(c) of the TCA preserves the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction and modification of personal wireless service facilities, subject to several important limitations:

- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services” (*TCA §332(c)(7)(B)(i)(I)*);
- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services” (*TCA §332(c)(7)(B)(i)(II)*);
- Applications must be processed within a reasonable period of time, and any decision to deny a request for placement of personal wireless service facilities must be in writing and supported by substantial evidence contained in a written record (*TCA §§332(c)(7)(B)(ii) and (iii)*); and
- regulations based upon the perceived environmental effects of radio frequency emissions are prohibited, so long as the proposed personal wireless service facility complies with FCC regulations concerning such emissions (*TCA §332(c)(7)(B)(iv)*).

A reference copy of the Telecommunications Act of 1996 is included herewith.



TELECOMMUNICATIONS ACT OF 1996

JANUARY 31, 1996. Ordered to be printed

Mr. BLILEY, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany S. 652]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 652), to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

**SECTION 1. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—This Act may be cited as the “Telecommunications Act of 1996”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title; references.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

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~~Any entity that obtains an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such pole, duct, conduit, or right-of-way accessible.~~

~~Any entity that obtains an attachment to such conduit or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity.~~

**SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.**

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—

“(A) GENERAL AUTHORITY.—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) LIMITATIONS.—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

“(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities 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.

"(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

"(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

"(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v))."

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

~~SECTION 332(c) (47 U.S.C. 332(c)) IS AMENDED BY ADDING AT THE~~  
**RIERS.**

Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

~~"(8) MOBILE SERVICES ACCESS.—A person engaged in the provision of commercial mobile services, insofar as such person is engaged, shall not be required to provide equal access to common carriers for the provision of telephone toll services."~~

portionate share of the costs incurred by the owner in making such conduit or right-of-way accessible.

*Conference agreement*

The conference agreement adopts the Senate provision with modifications. The conference agreement amends section 224 of the Communications Act by adding new subsection (e)(1) to allow parties to negotiate the rates, terms, and conditions for attaching to poles, ducts, conduits, and rights-of-way owned or controlled by utilities. New subsection 224(e)(2) establishes a new rate formula charged to telecommunications carriers for the non-useable space of each pole. Such rate shall be based upon the number of attaching entities. The conferees also agree to three additional provisions from the House amendment. First, subsection (g) requires utilities that engage in the provision of telecommunications services or cable services to impute to its costs of providing such service an equal amount to the pole attachment rate for which such company would be liable under section 224. Second, new subsection 224(h) requires utilities to provide written notification to attaching entities of any plans to modify or alter its poles, ducts, conduit, or rights-of-way. New subsection 224(h) also requires any attaching entity that takes advantage of such opportunity to modify its own attachments shall bear a proportionate share of the costs of such alterations. Third, new subsection 224(i) prevents a utility from imposing the cost of rearrangements to other attaching entities if done solely for the benefit of the utility.

SECTION 704—FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS

*Senate bill*

No provision.

*House amendment*

Section 108 of the House amendment required the Commission to issue regulations within 180 days of enactment for siting of CMS. A negotiated rulemaking committee comprised of State and local governments, public safety agencies and the affected industries were to have attempted to develop a uniform policy to propose to the Commission for the siting of wireless tower sites.

The House amendment also required the Commission to complete its pending Radio Frequency (RF) emission exposure standards within 180 days of enactment. The siting of facilities could not be denied on the basis of RF emission levels for facilities that were in compliance with the Commission standard.

The House amendment also required that to the greatest extent possible the Federal government make available to use of Federal property, rights-of-way, easements and any other physical instruments in the siting of wireless telecommunications facilities.

*Conference agreement*

The conference agreement creates a new section 704 which prevents Commission preemption of local and State land use decisions and preserves the authority of State and local governments over

zoning and land use matters except in the limited circumstances set forth in the conference agreement. The conference agreement also provides a mechanism for judicial relief from zoning decisions that fail to comply with the provisions of this section. It is the intent of the conferees that other than under section 332(c)(7)(B)(iv) of the Communications Act of 1934 as amended by this Act and section 704 of the Telecommunications Act of 1996 the courts shall have exclusive jurisdiction over all other disputes arising under this section. Any pending Commission rulemaking concerning the preemption of local zoning authority over the placement, construction or modification of CMS facilities should be terminated.

When utilizing the term "functionally equivalent services" the conferees are referring only to personal wireless services as defined in this section that directly compete against one another. The intent of the conferees is to ensure that a State or local government does not in making a decision regarding the placement, construction and modification of facilities of personal wireless services described in this section unreasonably favor one competitor over another. The conferees also intend that the phrase "unreasonably discriminate among providers of functionally equivalent services" will provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements even if those facilities provide functionally equivalent services. For example, the conferees do not intend that if a State or local government grants a permit in a commercial district, it must also grant a permit for a competitor's 50-foot tower in a residential district.

Actions taken by State or local governments shall not prohibit or have the effect of prohibiting the placement, construction or modification of personal wireless services. It is the intent of this section that bans or policies that have the effect of banning personal wireless services or facilities not be allowed and that decisions be made on a case-by-case basis.

Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances. It is not the intent of this provision to give preferential treatment to the personal wireless service industry in the processing of requests, or to subject their requests to any but the generally applicable time frames for zoning decision.

The phrase "substantial evidence contained in a written record" is the traditional standard used for judicial review of agency actions.

The conferees intend section 332(c)(7)(B)(iv) to prevent a State or local government or its instrumentalities from basing the regulation of the placement, construction or modification of CMS facilities directly or indirectly on the environmental effects of radio frequency emissions if those facilities comply with the Commission's regulations adopted pursuant to section 704(b) concerning such emissions.

The limitations on the role and powers of the Commission under this subparagraph relate to local land use regulations and are not intended to limit or affect the Commission's general authority over radio telecommunications, including the authority to regulate the construction, modification and operation of radio facilities.

The conferees intend that the court to which a party appeals a decision under section 332(c)(7)(B)(v) may be the Federal district court in which the facilities are located or a State court of competent jurisdiction, at the option of the party making the appeal, and that the courts act expeditiously in deciding such cases. The term "final action" of that new subparagraph means final administrative action at the State or local government level so that a party can commence action under the subparagraph rather than waiting for the exhaustion of any independent State court remedy otherwise required.

With respect to the availability of Federal property for the use of wireless telecommunications infrastructure sites under section 704(c), the conferees generally adopt the House provisions, but substitute the President or his designee for the Commission.

It should be noted that the provisions relating to telecommunications facilities are not limited to commercial mobile radio licensees, but also will include other Commission licensed wireless common carriers such as point to point microwave in the extremely high frequency portion of the electromagnetic spectrum which rely on line of sight for transmitting communication services.

~~SECTION 705 MOBILE SERVICE DIRECT ACCESS TO LONG DISTANCE CARRIERS~~

*Senate bill*

Subsection (b) of section 221 of the Senate bill, as passed, states that notwithstanding the MFJ or any other consent decree, no CMS provider will be required by court order or otherwise to provide long distance equal access. The Commission may only order equal access if a CMS provider is subject to the interconnection obligations of section 251 and if the Commission finds that such a requirement is in the public interest. CMS providers shall ensure that its subscribers can obtain unblocked access to the interexchange carrier of their choice through the use of interexchange carrier identification codes, except that the unblocking requirement shall not apply to mobile satellite services unless the Commission finds it is in the public interest.

*House amendment*

Under section 109 of the House amendment, the Commission shall require providers of two-way switched voice CMS to allow their subscribers to access the telephone toll services provider of their choice through the use of carrier identification codes. The Commission rules will supersede the equal access, balloting and prescription requirements imposed by the MFJ and the AT&T-McCaw consent decree. The Commission may exempt carriers or classes of carriers from the requirements of this section if it is ~~consistent with the public interest, convenience, and necessity, and the~~

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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630

<b>Call Sign</b> WQGA902	<b>File Number</b> 0006150136
<b>Radio Service</b> AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

<b>Grant Date</b> 11-29-2006	<b>Effective Date</b> 12-28-2013	<b>Expiration Date</b> 11-29-2021	<b>Print Date</b> 02-14-2014
<b>Market Number</b> BEA005	<b>Channel Block</b> B	<b>Sub-Market Designator</b> 5	
<b>Market Name</b> Albany-Schenectady-Troy, NY			
<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

Waivers/Conditions:

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

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

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

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

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**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630

<b>Call Sign</b> WQGA903	<b>File Number</b>
<b>Radio Service</b> AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

<b>Grant Date</b> 11-29-2006	<b>Effective Date</b> 03-30-2016	<b>Expiration Date</b> 11-29-2021	<b>Print Date</b>
<b>Market Number</b> BEA006	<b>Channel Block</b> B	<b>Sub-Market Designator</b> 5	
<b>Market Name</b> Syracuse, NY-PA			
<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

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

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## ELECTRICAL NOTES

1. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS, NEC AND ALL APPLICABLE LOCAL CODES.
2. ALL ELECTRICAL EQUIPMENT AND ACCESSORIES SHALL BE U.L. APPROVED OR LISTED.
3. CONDUIT ROUTINGS ARE SCHEMATIC. CONTRACTOR SHALL INSTALL CONDUITS SO THAT ACCESS TO EQUIPMENT IS NOT BLOCKED.
4. WIRING, RACEWAY AND SUPPORT METHODS AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE NEC.
5. ALL CIRCUITS SHALL BE SEGREGATED AND MAINTAIN MINIMUM CABLE SEPARATION AS REQUIRED BY THE NEC.
6. CABLES SHALL NOT BE ROUTED THROUGH LADDER-STYLE CABLE TRAY RUNGS.
7. EACH END OF EVERY POWER, POWER PHASE CONDUCTOR (I.E., HOTS), GROUNDING, AND T1 CONDUCTOR AND CABLE SHALL BE LABELED WITH COLOR-CODED INSULATION OR ELECTRICAL TAPE (3M BRAND, 1/2 INCH PLASTIC ELECTRICAL TAPE WITH UV PROTECTION, OR EQUAL). THE IDENTIFICATION METHOD SHALL CONFORM WITH NEC & OSHA.
8. ALL ELECTRICAL COMPONENTS SHALL BE CLEARLY LABELED WITH ENGRAVED LAMACOID PLASTIC LABELS. ALL EQUIPMENT SHALL BE LABELED WITH THEIR VOLTAGE RATING, PHASE CONFIGURATION, WIRE CONFIGURATION, POWER OR AMPACITY RATING, AND BRANCH CIRCUIT ID NUMBERS (I.E., PANELBOARD AND CIRCUIT ID'S).
9. PANELBOARDS (ID NUMBERS) AND INTERNAL CIRCUIT BREAKERS (CIRCUIT ID NUMBERS) SHALL BE CLEARLY LABELED WITH ENGRAVED LAMACOID PLASTIC LABELS.
10. POWER, CONTROL, AND EQUIPMENT GROUND WIRING IN TUBING OR CONDUIT SHALL BE SINGLE CONDUCTOR (#14 AWG OR LARGER), 600 V, OIL RESISTANT THHN OR THWN-2, STRANDED COPPER CABLE RATED FOR 90°C (WET AND DRY) OPERATION; LISTED OR LABELED FOR THE LOCATION AND RACEWAY SYSTEM USED, UNLESS OTHERWISE SPECIFIED.
11. SUPPLEMENTAL EQUIPMENT GROUND WIRING LOCATED INDOORS SHALL BE SINGLE CONDUCTOR (#6 AWG OR LARGER), 600 V, OIL RESISTANT THHN OR THWN-2 GREEN INSULATION, STRANDED COPPER CABLE RATED FOR 90°C (WET AND DRY) OPERATION; LISTED OR LABELED FOR THE LOCATION AND RACEWAY SYSTEM USED, UNLESS OTHERWISE SPECIFIED.
12. POWER AND CONTROL WIRING, NOT IN TUBING OR CONDUIT, SHALL BE MULTI-CONDUCTOR, TYPE USE-2 CABLE (#14 AWG OR LARGER), 600 V, OIL RESISTANT RHW-2 OR XHHW-2, STRANDED COPPER CABLE RATED FOR 90°C (WET AND DRY) OPERATION; WITH OUTER JACKET; LISTED OR LABELED FOR THE LOCATION USED, UNLESS OTHERWISE SPECIFIED.
13. ALL POWER AND GROUNDING CONNECTIONS SHALL BE CRIMP-STYLE, COMPRESSION WIRE LUGS AND WIRE NUTS BY THOMAS AND BETTS (OR EQUAL). LUGS AND WIRE NUTS SHALL BE RATED FOR OPERATION AT NO LESS THAN 90°C.
14. RACEWAY AND CABLE TRAY SHALL BE LISTED OR LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA, UL, ANSI/IEEE, AND NEC.
15. ELECTRICAL METALLIC TUBING (EMT) OR RIGID METALLIC CONDUIT (RMC) SHALL BE USED FOR EXPOSED INDOOR LOCATIONS.
16. ELECTRICAL METALLIC TUBING (EMT) OR RIGID METALLIC CONDUIT (RMC) SHALL BE USED FOR CONCEALED INDOOR LOCATIONS.
17. PVC SCHEDULE 40 CONDUIT SHALL BE USED UNDERGROUND EXCEPT IN AREAS OF VEHICULAR TRAFFIC. IN SUCH AREAS, PVC SCHEDULE 80 SHOULD BE USED.
18. ALL OUTDOOR EXPOSED CONDUIT SHALL BE PVC SCHEDULE 80 AND SHALL BE SUPPORTED ADEQUATELY.
19. LIQUID-TIGHT FLEXIBLE METALLIC CONDUIT (LIQUID-TITE FLEX) SHALL BE USED INDOORS AND OUTDOORS, WHERE VIBRATION OCCURS OR FLEXIBILITY IS NEEDED. LFMC SHALL CONFORM TO NEC ARTICLE 350.
20. CONDUIT AND TUBING FITTINGS SHALL BE THREADED OR COMPRESSION-TYPE AND APPROVED FOR THE LOCATION USED. SET SCREW FITTINGS ARE NOT ACCEPTABLE.
21. CABINETS, BOXES, AND WIREWAYS SHALL BE LISTED OR LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA, UL, ANSI/IEEE, AND NEC.
22. WIREWAYS SHALL BE EPOXY-COATED (GRAY) AND INCLUDE A HINGED COVER, DESIGNED TO SWING OPEN DOWNWARD; SHALL BE PANDUIT TYPE E (OR EQUAL); AND RATED NEMA 1 (OR BETTER) INDOORS, OR NEMA 3R (OR BETTER) OUTDOORS.
23. EQUIPMENT CABINETS, TERMINAL BOXES, JUNCTION BOXES, AND PULL BOXES SHALL BE GALVANIZED OR EPOXY-COATED SHEET STEEL, SHALL MEET OR EXCEED UL 50, AND RATED NEMA 1 (OR BETTER) INDOORS, OR NEMA 3R (OR BETTER) OUTDOORS.
24. METAL RECEPTACLE, SWITCH, AND DEVICE BOXES SHALL BE GALVANIZED, EPOXY-COATED, OR NON-CORRODING; SHALL MEET OR EXCEED UL 514A AND NEMA OS 1; AND RATED NEMA 1 (OR BETTER) INDOORS, OR WEATHER PROTECTED (WP OR BETTER) OUTDOORS.
25. NON-METALLIC RECEPTACLE, SWITCH, AND DEVICE BOXES SHALL MEET OR EXCEED NEMA OS 2; AND RATED NEMA 1 (OR BETTER) INDOORS, OR WEATHER PROTECTED (WP OR BETTER) OUTDOORS.
26. IF REQUIRED, CONTRACTOR SHALL APPLY FOR ELECTRICAL SERVICE AS SOON AS POSSIBLE AND COORDINATE REQUIREMENTS, SERVICE ROUTING, AND METER SOCKET TYPE WITH LOCAL POWER COMPANY.
27. CONTRACTOR SHALL OBTAIN ALL PERMITS, PAY PERMIT FEES, AND SCHEDULE INSPECTIONS.
28. CONTRACTOR SHALL LABEL ELECTRICAL EQUIPMENT IN ACCORDANCE WITH NEC 110.16 AND 110.24.
29. CONTRACTOR SHALL VERIFY THAT THE MAIN BONDING JUMPER AND GROUNDING ELECTRODE CONDUCTOR IS INSTALLED PROPERLY AT SERVICE ENTRANCE.
30. CONTRACTOR SHALL SEAL AROUND ALL CONDUIT PENETRATIONS THROUGH WALLS, FLOORS AND ROOFS TO PREVENT MOISTURE PENETRATION OR VERMIN INFESTATIONS.
31. WHERE ELECTRICAL POWER IS TO BE SUB-FED FROM AN EXISTING DISTRIBUTION SYSTEM, THE FOLLOWING SHALL APPLY:
  - A. CONTRACTOR SHALL PERFORM LOAD TESTING TO DETERMINE MAXIMUM FEEDER DEMAND PER N.E.C. ARTICLE 220.
  - B. CONTRACTOR SHALL VERIFY WHETHER EXISTING FEEDER CAPACITY EXCEEDS VALUE CALCULATED PER N.E.C. ARTICLE 220.
  - C. EACH BRANCH CIRCUIT PROTECTIVE DEVICE SHALL HAVE SAME INTERRUPTING RATING AS EQUIPMENT SUPPLYING IT.
  - D. PREFERRED MEANS OF SUPPLY SHALL BE A BRANCH CIRCUIT PROTECTIVE DEVICE LOCATED IN EXISTING PANEL.
32. DURING TRENCH BACK-FILLING FOR EACH UNDERGROUND ELECTRICAL, TELEPHONE, SIGNAL AND COMMUNICATIONS LINE, PROVIDE A CONTINUOUS UNDERGROUND WARNING TAPE TWELVE INCHES BELOW FINISHED GRADE.

## ANTENNA MOUNTING NOTES

1. DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFORM TO ANSI/TIA-222-G "STRUCTURAL STANDARD FOR ANTENNA SUPPORTING STRUCTURES AND ANTENNAS". THE BUILDING CODE OF NEW YORK STATE, AND ALL OTHER APPLICABLE LOCAL, STATE, AND FEDERAL CODES.
2. ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A123 "ZINC (HOT-DIP GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS", UNLESS OTHERWISE NOTED.
3. ALL BOLTS, ANCHORS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153 "ZINC-COATING (HOT-DIP) ON IRON AND STEEL HARDWARE", UNLESS OTHERWISE NOTED.
4. DAMAGED GALVANIZED SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A780.
5. ALL ANTENNA MOUNTS SHALL BE INSTALLED WITH DOUBLE NUTS AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
6. DESIGN OF THE ANTENNA MOUNTING BRACKETS, SUPPORTS, AND ALL COMPONENTS THEREOF AND ATTACHMENT THERETO SHALL BE THE RESPONSIBILITY OF THE MANUFACTURER. MANUFACTURER SHALL PROVIDE THE OWNER DRAWINGS DETAILING ALL COMPONENTS OF THE ASSEMBLY, INCLUDING CONNECTIONS, DESIGN LOADS, AND ALL OTHER PERTINENT DATA. MANUFACTURER SHALL ALSO PROVIDE THE OWNER WITH A STATEMENT OF COMPLIANCE, INDICATING THAT THE ANTENNA SUPPORTS HAVE BEEN DESIGNED IN ACCORDANCE WITH ANSI/TIA-222-G STANDARDS. ALL SUBMISSIONS SHALL BEAR THE SIGNATURE AND SEAL OF A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.

## STRUCTURAL NOTE

1. THE VERIFICATION OF STRUCTURAL ADEQUACY AND DESIGN OF THE ATTACHMENTS MUST BE PERFORMED, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.

## GROUNDING NOTES

### GROUND TESTING AFTER CONSTRUCTION:

1. AFTER COMPLETION OF CONSTRUCTION OF THE CELL SITE GROUND SYSTEM, A POST INSTALLATION GROUND TEST SHALL BE PERFORMED BY THE CONTRACTOR. THE CONTRACTOR SHALL DETERMINE THE GROUND RESISTANCE FOR ALL SITES AFTER INSTALLATION OF THE EARTH GROUND SYSTEM. A PRELIMINARY EARTH RESISTIVITY TEST (3 POLE TEST OR CLAMP-ON-METER) SHALL BE PERFORMED PRIOR TO BACK FILLING ALL TRENCHES AS SPECIFIED IN VERIZON NETWORK STANDARDS (NSTD46) AND THE NATIONAL ELECTRIC CODE.
2. APPROVED MEASUREMENT METHODS FOR POST INSTALLATION GROUND TESTING SHALL BE ONE OF THE FOLLOWING METHODS:
  - A. FALL OF POTENTIAL METHOD - 3 POINT
  - B. CLAMP-ON RESISTANCE TEST
  - C. TOWER AND EXTERNAL CONDUCTOR TEST
3. A GROUNDING RESISTANCE TEST REPORT SHALL BE PREPARED UPON COMPLETION OF THE TESTING. THE TEST REPORT SHALL SHOW THE RESISTANCE IN OHMS AT 40%, 52%, 62%, 72% AND 82% POINTS IN 10% INTERVALS. RESISTANCE IS TO BE RECORDED AT EACH INTERVAL FOR EACH POINT FOR FOUR (4) DIFFERENT DIRECTIONS UNTIL THERE IS A PLATEAU SEEN AT THE 62% POINT. TESTING SHOULD BE COMPLETED IN A MINIMUM OF TWO (2) DIFFERENT DIRECTIONS AT 90 DEGREES APART. RECORD THE AVERAGE OR MEAN AS THE RESISTANCE OF THE SITE AND ENTER THIS ON THE POST RESISTANCE DATA CHART.
4. PROVIDE THE POST INSTALLATION - GROUND RESISTANCE TEST REPORT TO THE REGIONAL PROJECT ENGINEER ACCOMPANIED BY THE POST RESISTANCE DATE CHART.

## GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NEW YORK STATE BUILDING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
2. CONTRACTOR SHALL VISIT THE JOB SITE AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
3. PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY, UNLESS OTHERWISE NOTED. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO EFFECT ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
4. DIMENSIONS SHOWN ARE TO FINISH SURFACES, UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS. SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS AND/OR DESIGN INTENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE CARRIER'S AUTHORIZED REPRESENTATIVE OR THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
5. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
6. CONTRACTOR SHALL RECEIVE CLARIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND TO BE IN THE FIELD.
8. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST CONSTRUCTION SKILLS AND ATTENTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES, AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER CONTRACT, UNLESS OTHERWISE NOTED.
9. ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED WORKMEN IN ACCORDANCE WITH APPLICABLE CODES AND THE BEST ACCEPTED PRACTICE. ALL MEMBERS SHALL BE LAID PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORK AREA, ADJACENT AREAS, AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS.
11. CONTRACTOR SHALL COORDINATE HIS WORK AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
13. CONTRACTOR SHALL MAINTAIN LIABILITY INSURANCE TO PROTECT THE OWNER AND CARRIER.
14. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
15. MAKE NECESSARY PROVISIONS TO PROTECT EXISTING SURFACES, EQUIPMENT, IMPROVEMENTS, PIPING, ANTENNA AND ANTENNA CABLES. REPAIR ANY DAMAGE THAT OCCURS DURING CONSTRUCTION.
16. REPAIR ALL EXISTING SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND WITH ADJACENT SURFACES.
17. KEEP CONTRACT AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DEBRIS AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
18. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
19. CONTRACTOR SHALL SECURE ALL NECESSARY BUILDING PERMITS AND INSPECTIONS AND PAY ALL REQUIRED FEES.
20. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A/10-BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE BUILDOUT AREA DURING CONSTRUCTION.
21. ALL BROCHURES, OPERATING AND MAINTENANCE MANUALS, CATALOGS, SHOP DRAWINGS AND OTHER DOCUMENTATION SHALL BE TURNED OVER TO CARRIER AT COMPLETION OF CONSTRUCTION.
22. COMPLETE JOB SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR AFTER THE DATE OF ACCEPTANCE BY CARRIER. ANY WORK, MATERIALS, OR EQUIPMENT FOUND TO BE DEFECTIVE DURING THAT PERIOD SHALL BE CORRECTED IMMEDIATELY UPON WRITTEN NOTIFICATION AT NO ADDITIONAL COST TO CARRIER.
23. RIGGING OPERATIONS SHALL BE DONE IN ACCORDANCE WITH STATE AND FEDERAL SAFETY REGULATIONS (OSHA). ENGINEER, CARRIER AND THE OWNER SHALL BE HELD HARMLESS IN THE EVENT THE CONTRACTOR DOES NOT FOLLOW SUCH SAFETY REGULATIONS.
24. CONTRACTOR SHALL PROVIDE ACCESS TO THE SITE AND ASSIST THE RADIO EQUIPMENT VENDOR AND THE ANTENNA INSTALLATION CONTRACTOR AS THEY MAY REQUIRE.

**verizon**

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ORIGINAL SIZE IN INCHES  
(22x34 FORMAT)

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ORIGINAL SIZE IN INCHES  
(11x17 FORMAT)

### SITE INFORMATION

BEACON STATION MICRO  
RE PN: 20161509176  
LC: 432849

### SITE ADDRESS

2 RED FLYNN DR  
CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

### SHEET TITLE

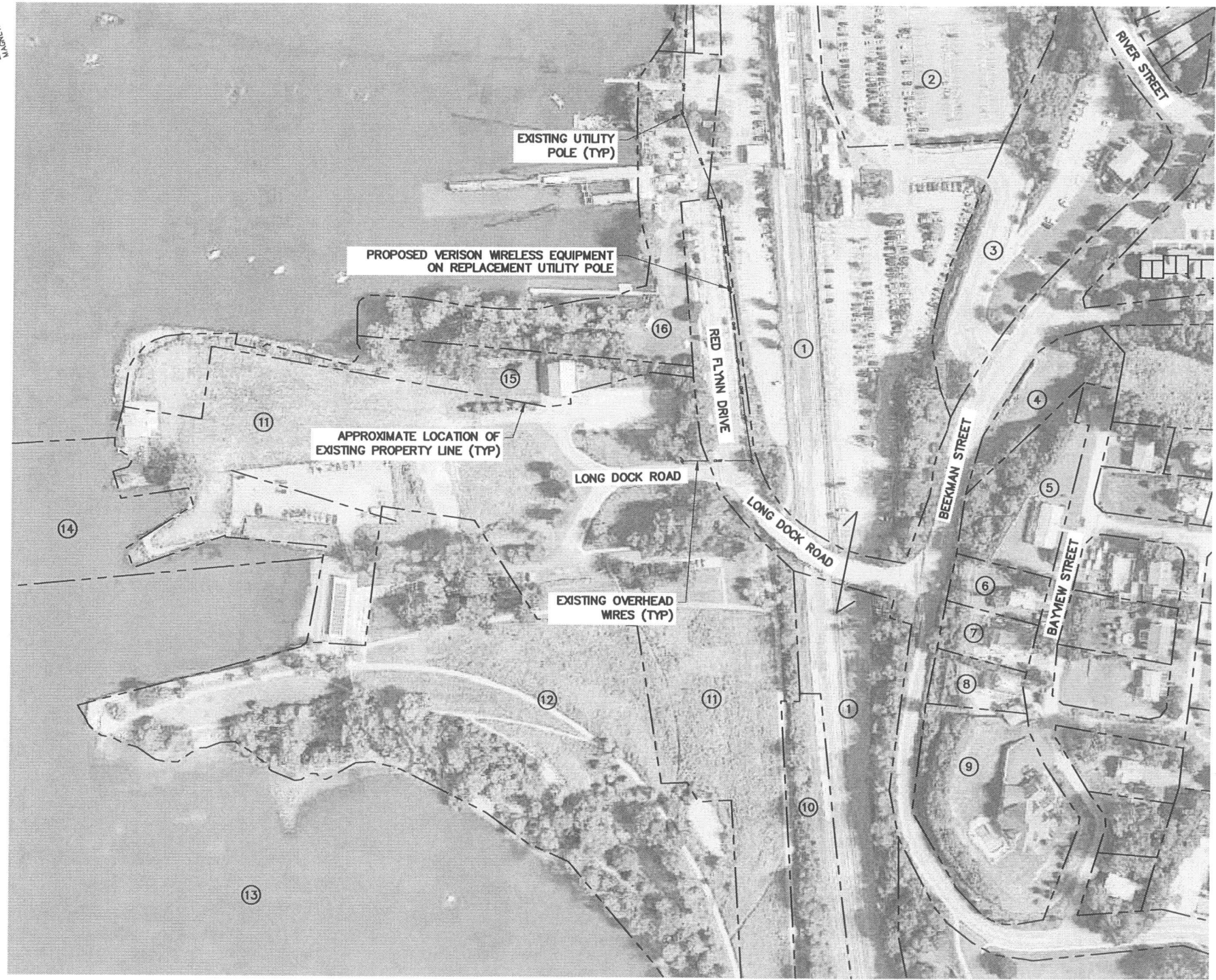
GENERAL NOTES

### SHEET NUMBER

GN-1



**NORTH ORIENTATION**  
 1. NORTH ORIENTATION ESTABLISHED BY COMPASS OBSERVATION.



**1 ADJOINERS PLAN**  
 C-1  
 SCALE: 1" = 200' (11 X 17)  
 1" = 100' (22 X 34)

NUMBER	SBL	Owner Name	OWNER ADDRESS
1	130200-5954-33-549777	CONRAIL	1700 BROADWAY NEW YORK, NY 10018
2	130200-5954-25-554890	METRO NORTH COMM RAILROAD CO.	347 MADISON AVE NEW YORK, NY 10017
3	130200-5954-33-594862	METRO NORTH COMM RAILROAD CO.	333 W. 34TH STREET NEW YORK, NY 10001
4	130200-5954-33-556840	ARMAND NINNIE	PO BOX 328 BEACON, NY 12508
5	130200-5954-33-552825	CHARLES & MARY SUE KELLY	5 BAYVIEW AVE BEACON, NY 12508
6	130200-5954-33-572806	ROSE SIMMONS	15 BAYVIEW AVE BEACON, NY 12508
7	130200-5954-33-571799	JOHN BLESSO	56 ACKERMAN STREET BEACON, NY 12508
8	130200-5954-33-570791	CAROL HEARTY	60 E WILLOW STREET BEACON, NY 12508
9	130200-5954-33-569773	LORI JOSEPH	27 BAYVIEW AVE BEACON, NY 12508
10	130200-5954-49-574583	METRO NORTH COMM RAILROAD CO.	347 MADISON AVE NEW YORK, NY 10017
11	130200-5954-32-490828	BEACON WATERFRONT LLC	1 CIVIC CENTER PLZ POUGHKEEPSIE, NY 12601
12	130200-5954-41-537725	SCENIC HUDSON LAND TRUST INC	1 CIVIC CENTER PLZ POUGHKEEPSIE, NY 12601
13	133089-5954-00-472672	SCENIC HUDSON LAND TRUST INC	1 CIVIC CENTER PLZ POUGHKEEPSIE, NY 12601
14	133089-5954-00-424816	SCENIC HUDSON LAND TRUST INC	1 CIVIC CENTER PLZ POUGHKEEPSIE, NY 12601
15	130200-5954-32-481840	SCENIC HUDSON LAND TRUST INC	1 CIVIC CENTER PLZ POUGHKEEPSIE, NY 12601
16	130200-5954-33-519873	CITY OF BEACON	1 MUNICIPAL PLZ BEACON, NY 12508

**2 ADJOINERS LIST**  
 AD-1 SCALE: NTS

**verizon**

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 WEST HENRIETTA, NY 14586

**TECTONIC**

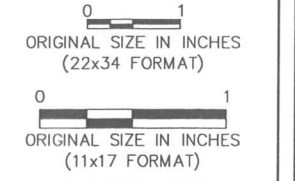
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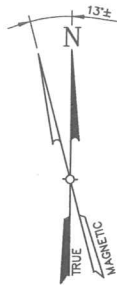
**SITE INFORMATION**  
 BEACON STATION MICRO  
 RE PN: 20161509176  
 LC: 432849

**SITE ADDRESS**  
 2 RED FLYNN DR  
 CITY OF BEACON  
 DUTCHESS COUNTY  
 NY 12508

**SHEET TITLE**  
 ADJOINERS PLAN

**SHEET NUMBER**

**AD-1**



**NORTH ORIENTATION**

1. NORTH ORIENTATION ESTABLISHED BY COMPASS OBSERVATION.



**1**  
C-1  
**SITE PLAN**  
SCALE: 1" = 100' (11 X 17)  
1" = 50' (22 X 34)



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ORIGINAL SIZE IN INCHES  
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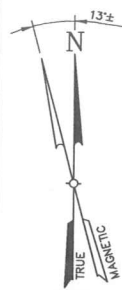
**SITE INFORMATION**  
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RE PN: 20161509176  
LC: 432849

**SITE ADDRESS**  
2 RED FLYNN DR  
CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

**SHEET TITLE**  
SITE PLAN

**SHEET NUMBER**

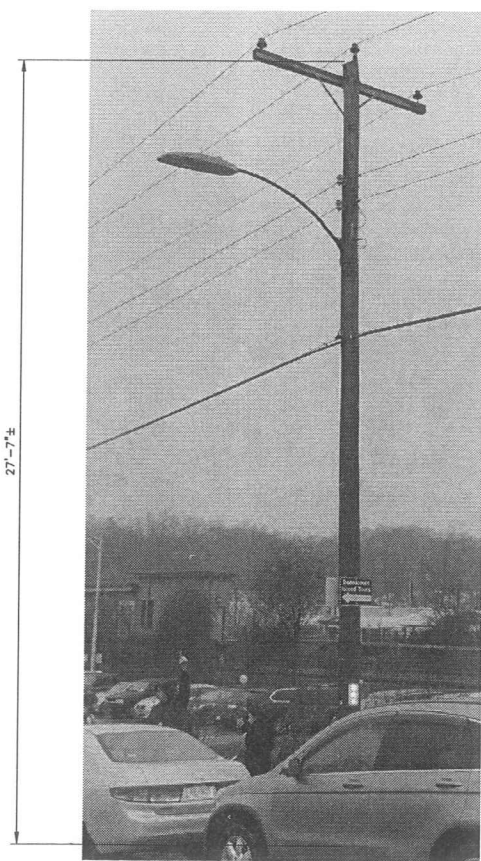
**C-1**



PROPOSED VERIZON WIRELESS EQUIPMENT ON REPLACEMENT UTILITY POLE. NEW POLE TO REPLACE EXISTING POLE #CHG&E 44106P, BEAC. 398, NYT 3.

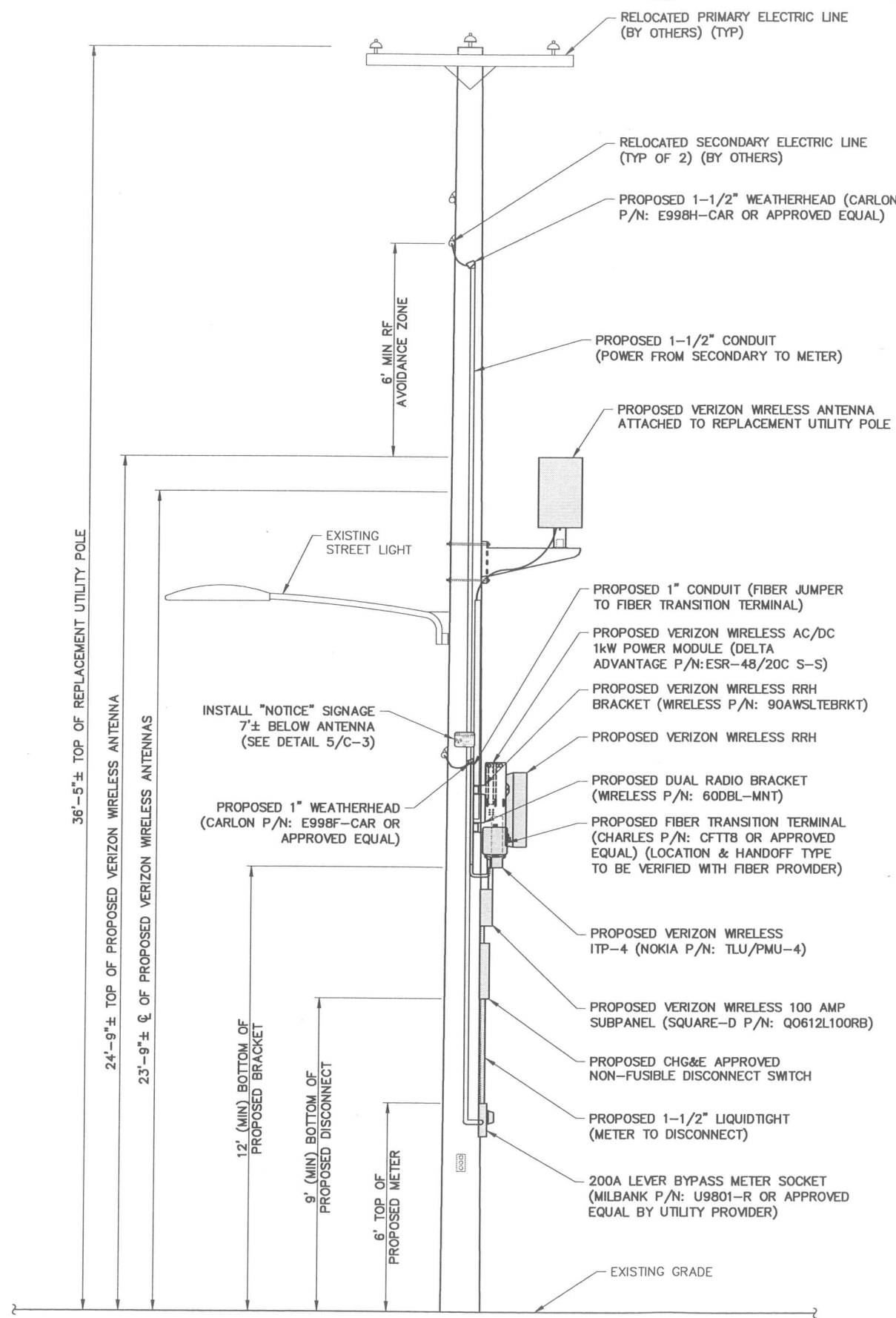
**1 SITE DETAIL PLAN**

SCALE: 1" = 60' (11 X 17)  
1" = 30' (22 X 34)



**2 EXISTING POLE PHOTO**

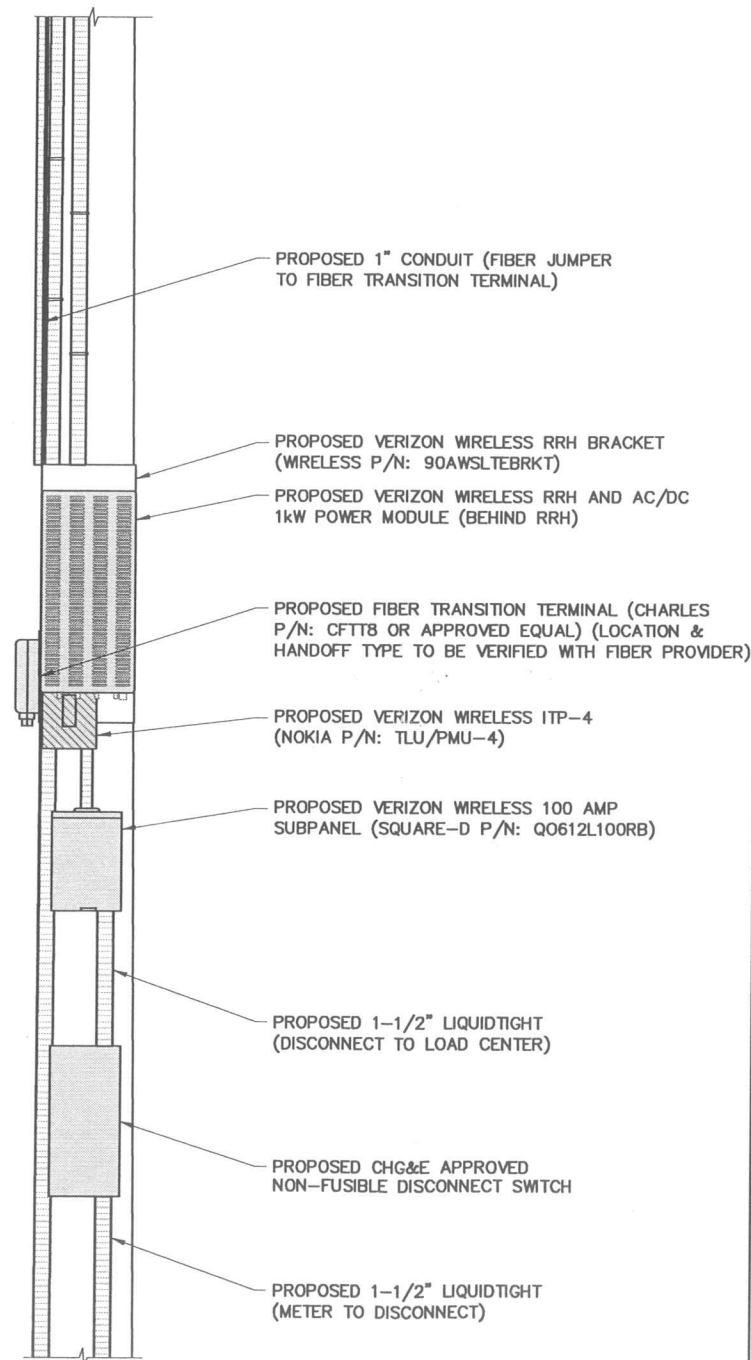
SCALE: NTS



**3 UTILITY POLE ELEVATION**

SCALE: 1" = 4' (11 X 17)  
1" = 2' (22 X 34)

**NOTE:**  
USE OF SCHEDULE 40/80 CONDUIT OR RIGID CONDUIT SHALL BE DETERMINED BY THE UTILITY PROVIDERS REQUIREMENTS.



**4 ELEVATION DETAIL**

SCALE: 1" = 2' (11 X 17)  
1" = 1' (22 X 34)



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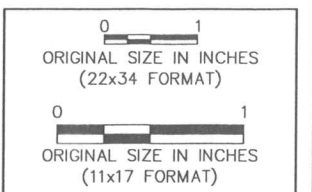
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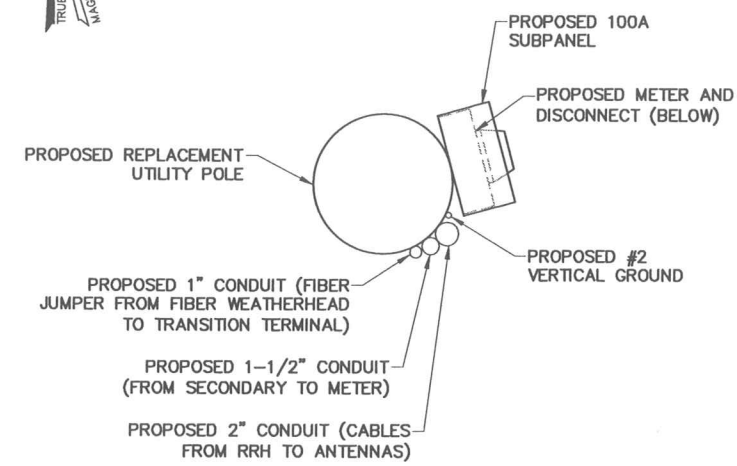
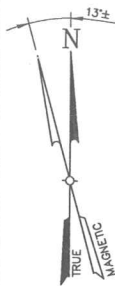
**SITE INFORMATION**  
BEACON STATION MICRO  
RE PN: 20161509176  
LC: 432849

**SITE ADDRESS**  
2 RED FLYNN DR  
CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

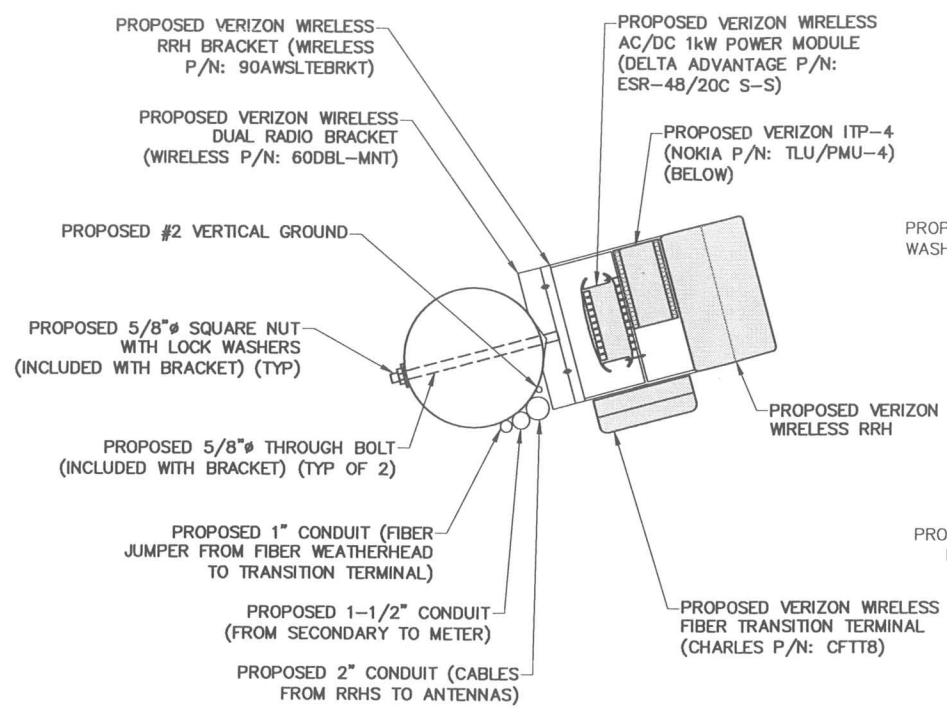
**SHEET TITLE**  
POLE ELEVATION & DETAIL

**SHEET NUMBER**

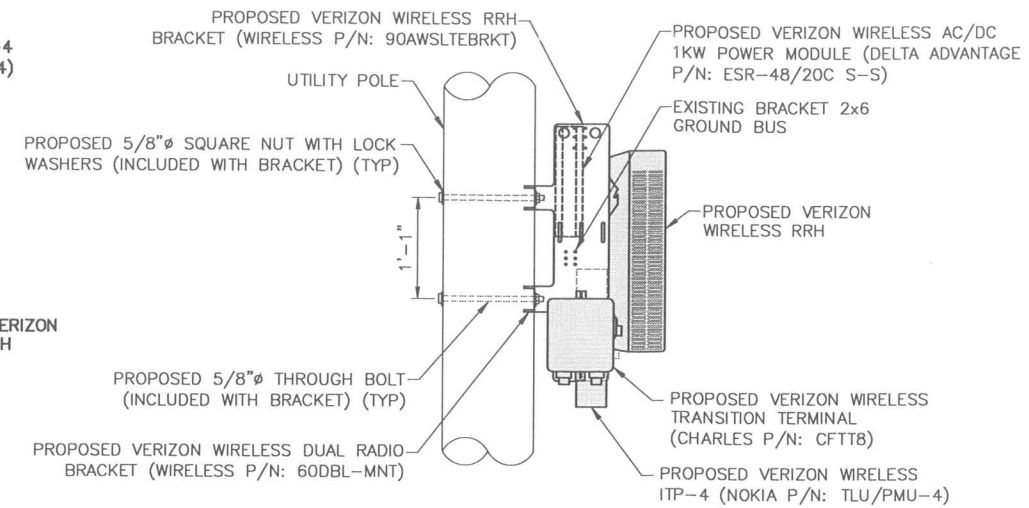
**C-2**



**1 EQUIPMENT PLAN**  
 SCALE: 3" = 1'-0" (11 X 17)  
 1-1/2" = 1'-0" (22 X 34)

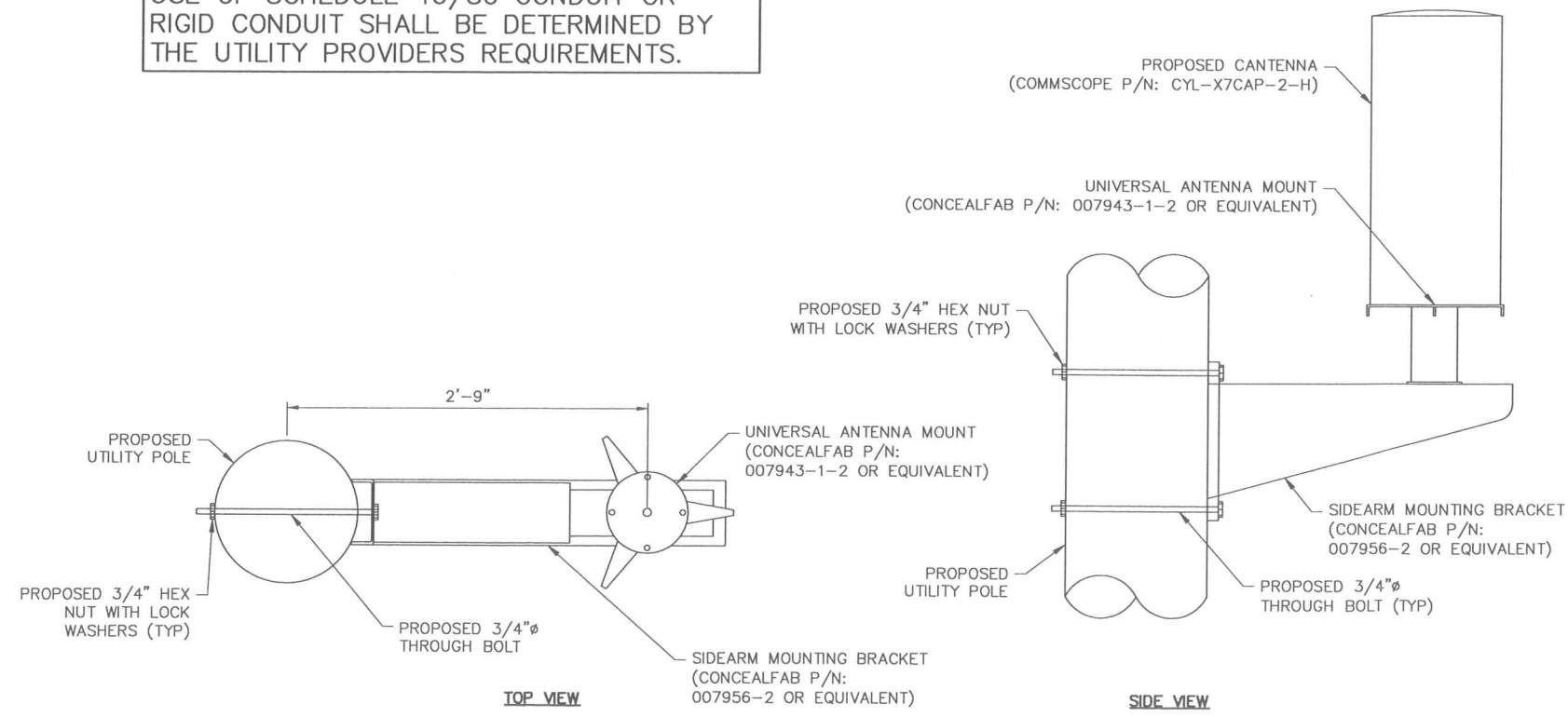


**2 RRH PLAN VIEW**  
 SCALE: 3" = 1'-0" (11 X 17)  
 1-1/2" = 1'-0" (22 X 34)



**3 RRH MOUNTING DETAIL**  
 SCALE: 1" = 2'-0" (11 X 17)  
 1" = 1'-0" (22 X 34)

**NOTE:**  
 USE OF SCHEDULE 40/80 CONDUIT OR RIGID CONDUIT SHALL BE DETERMINED BY THE UTILITY PROVIDERS REQUIREMENTS.



**4 ANTENNA MOUNTING DETAILS**  
 SCALE: 3" = 1'-0" (11 X 17)  
 1-1/2" = 1'-0" (22 X 34)



**VERIZON WIRELESS  
 AC SERVICE DISCONNECT  
 & RF SHUTOFF**

- NOTE:**
1. CONTRACTOR TO FURNISH AND INSTALL PHENOLIC LABEL APPLIED TO DISCONNECT.
  2. ATTACH "CAUTION" SIGNAGE TO FACE OF PROPOSED UTILITY POLE USING 1" WOOD SCREWS

**5 PROPOSED SIGNAGE**  
 SCALE: NTS



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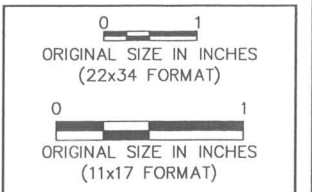


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**SITE INFORMATION**

BEACON STATION MICRO  
 RE PN: 20161509176  
 LC: 432849

SITE ADDRESS  
 2 RED FLYNN DR  
 CITY OF BEACON  
 DUTCHESS COUNTY  
 NY 12508

SHEET TITLE  
 POLE MOUNT DETAILS

SHEET NUMBER  
 C-3

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NO.	DATE	ISSUE

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ORIGINAL SIZE IN INCHES  
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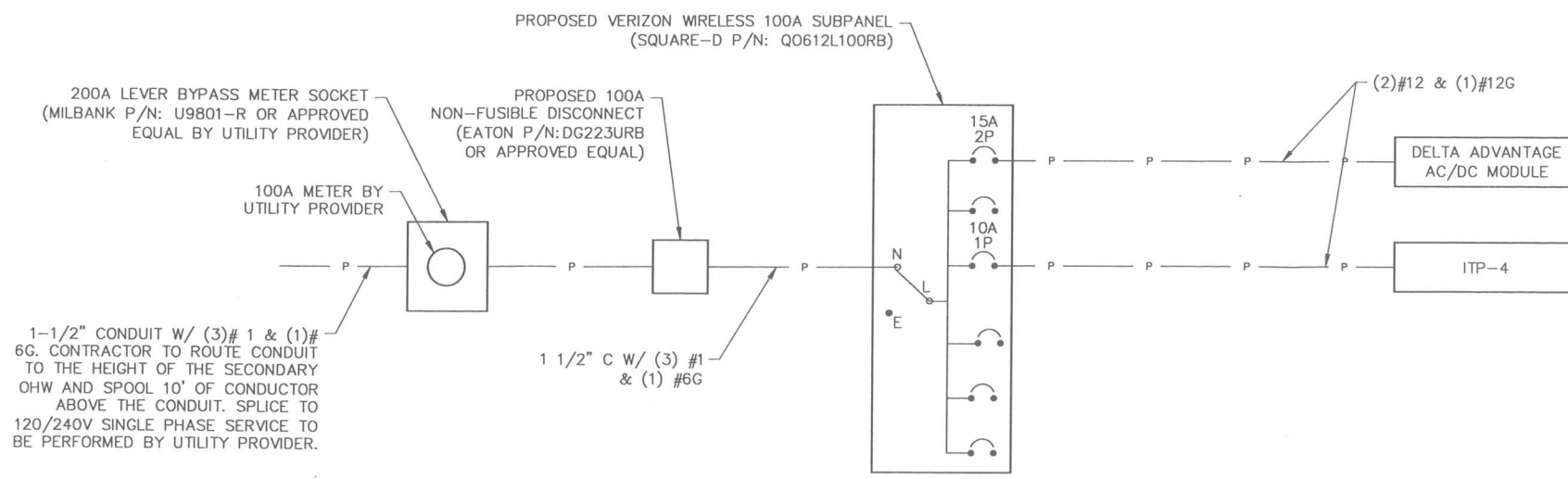
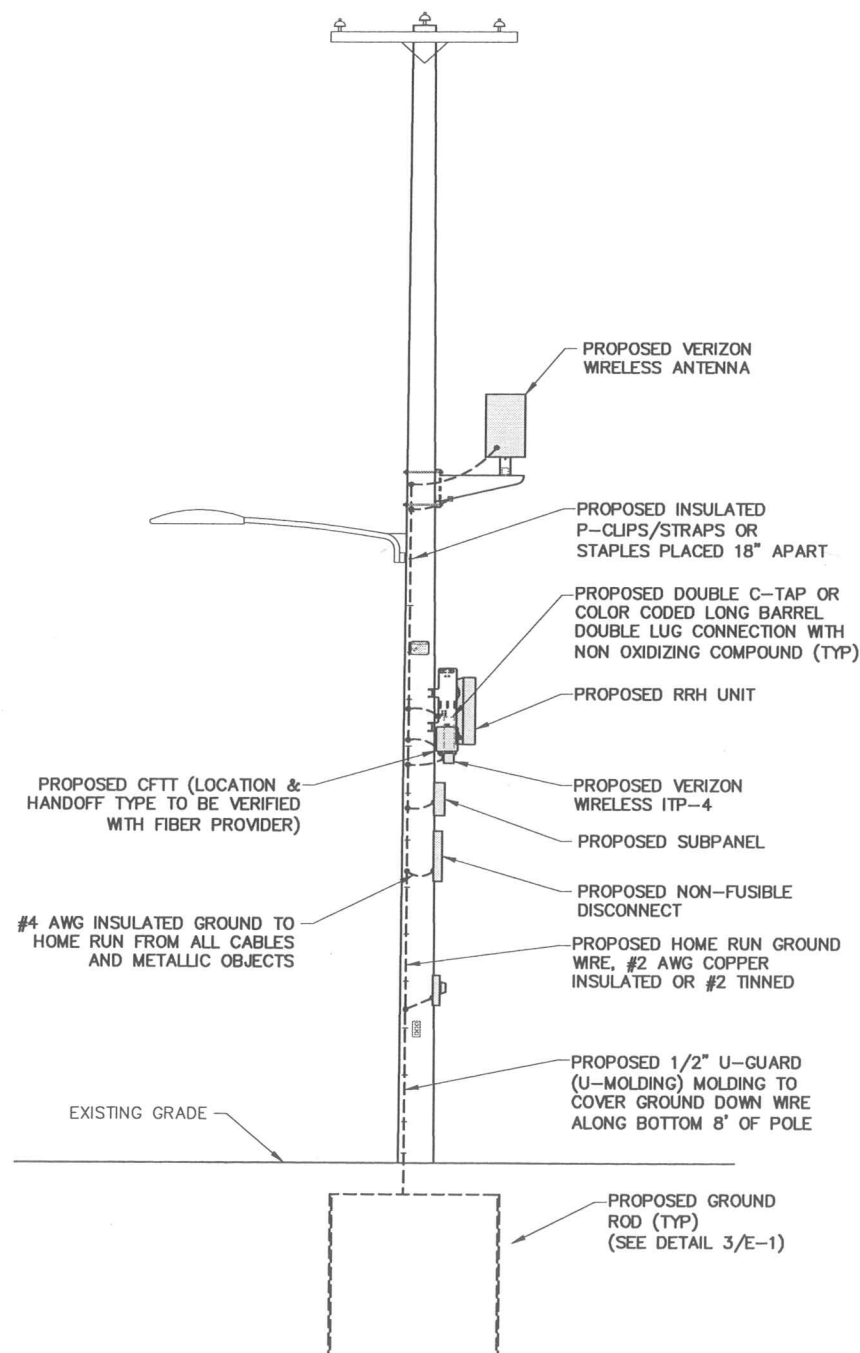
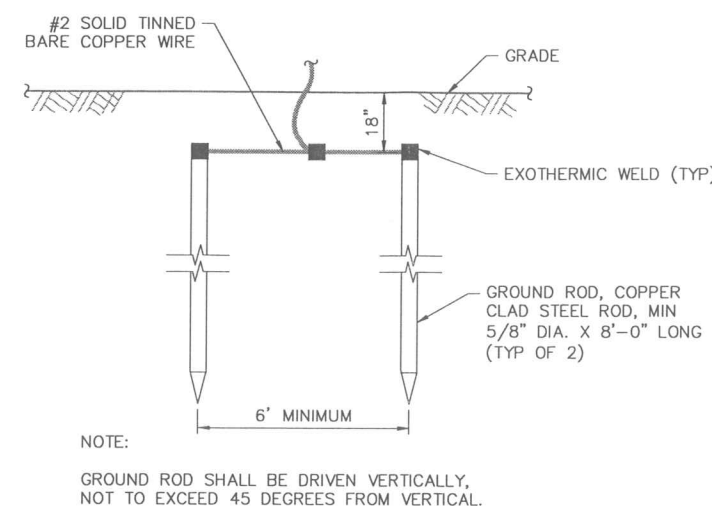
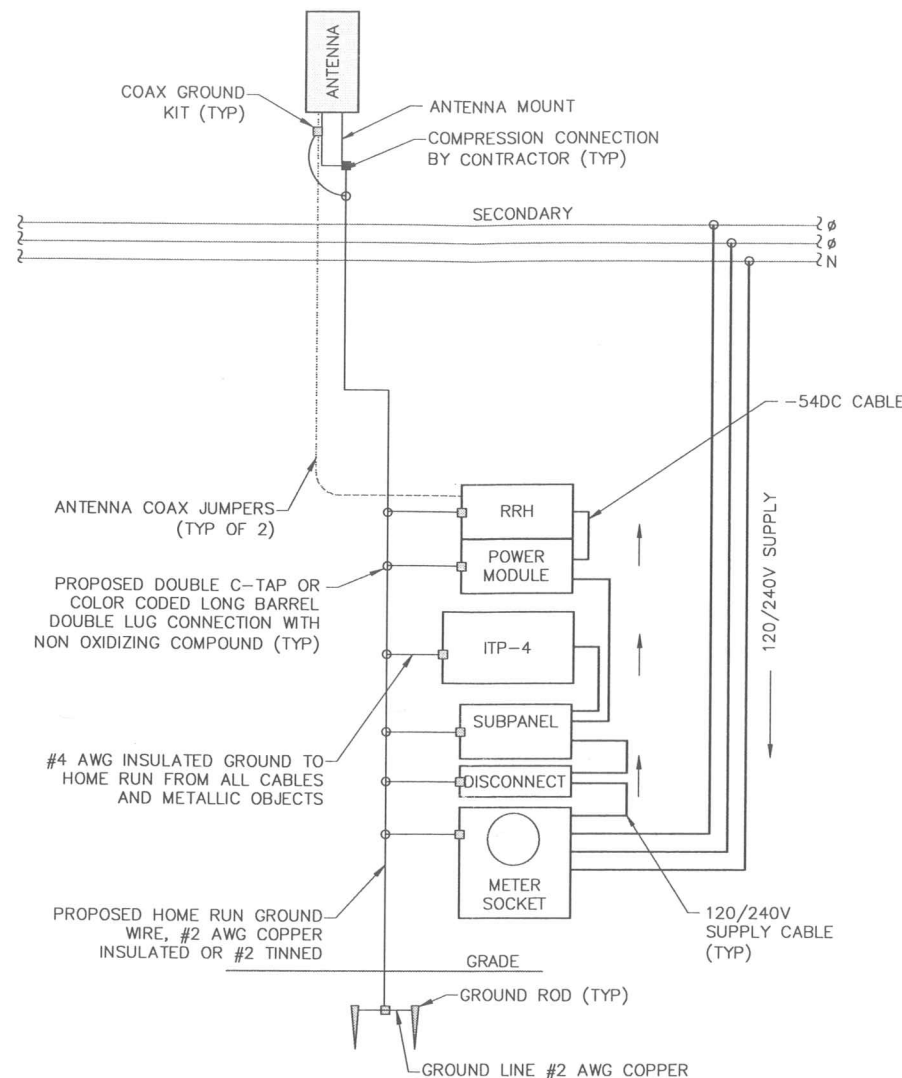
**SITE INFORMATION**  
BEACON STATION MICRO  
RE PN: 20161509176  
LC: 432849

**SITE ADDRESS**  
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CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

**SHEET TITLE**  
ELECTRICAL DIAGRAMS &  
DETAILS

**SHEET NUMBER**

**E-1**



## **Beacon Station Micro Cell Communications Facility** **Radio Frequency Analysis**

Verizon Wireless has proposed construction of a microcell facility at Beacon Station in Dutchess County, NY. This new wireless node will provide increased wireless network bandwidth (capacity) as well as improved network performance and user experience within the City of Beacon. Verizon has and continues to experience significant 4G network utilization and increasing demand generated from this area. Verizon Wireless' existing sites in this area are not able to adequately support the existing and emerging usage being demanded throughout this area.

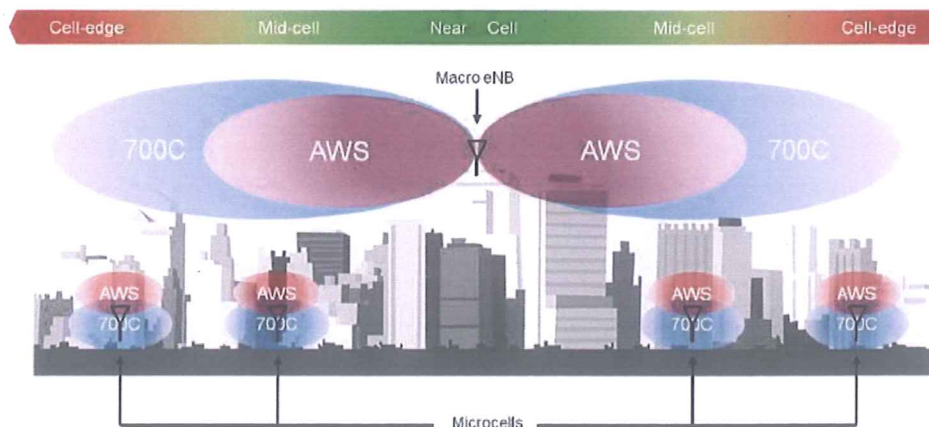
The proposed microcell is a significantly scaled down version of a typical macro cell (i.e., a standard 3-sector array placed on tower, building or otherwise similar to Verizon's Beacon DT site located off Wolcott Ave/9-D Road). A micro cell is typically a single or dual-sector radio unit with one or two relatively small external antennas that are intended to provide "hotspot" type coverage to specific buildings, malls, event venues, airports, etc. or small outdoor areas where the coverage requirement is a radius of 1,000 ft. or less (or roughly a ¼ mile). It is critical to locate small cells within the targeted objective area similar to the proposed installation at Beacon Station.

The advent of micro cells has been primarily fueled by a few main forces:

- To fulfill the ever-growing need for user bandwidth within Verizon Wireless' finite spectrum inventory;
- To satisfy in-building usage and coverage demand; and
- To provide adequate and consistent user experience and performance across the network

As Verizon Wireless' traditional and relatively higher-powered macro communications facilities provide network-wide regional coverage, a layer of small cells can be under-laid beneath to create what is termed a Heterogeneous Network (HetNet). This network topology can achieve significant improvements in overall network capacity. Furthermore, as Verizon Wireless can utilize both 700 MHz and AWS (2100MHz) frequency bands, these independent frequency bands can be used in specific scenarios to provide an extra degree of freedom in overall HetNet design to achieve an even higher capacity. The diagram below is a simplified 2D illustration of Verizon Wireless' HetNet topology concept.

**Figure 1 – 4G LTE Heterogeneous Network Concept**





In a typical suburban area within Verizon Wireless' network, it is common to have specific high usage areas, referred to in wireless communications terms as "traffic hotspots". These are simply concentrated pockets of mobile devices (or customers) generating significant traffic on the network. These hotspots are typically found within the macro cell's coverage footprint. Hotspots located in the mid-cell and cell-edge region (refer to **Figure 1**) are often best served by deploying micro cells. Hotspot areas where customers are relatively isolated from the macro cell signals (e.g. where there is currently insufficient RF coverage) are also good candidate locations for micro cells.

Traditionally, the primary and most effective way to increase capacity is to implement a cell split. A cell split refers to the process of adding a second macro cell (i.e., a standard 3-sector antenna array on either a tower or rooftop) within a specific capacity-limited site's existing coverage footprint, effectively splitting a given high-usage geographical coverage area between two macro cells (versus only one), and ultimately doubling network capacity in the given area. However, in a typical suburban area, wireless mobile devices (customers) tend to be concentrated in hotspots rather than evenly distributed throughout a given area. Where this is the case, micro cells can be deployed as a viable solution to maximize performance to the isolated pocket of mobile devices while minimizing interference to the surrounding macro network.

### **General Methodology – Network Design/Micro Cell Placement**

The development of micro cells within the Verizon Wireless network is generally based on the need for capacity relief. With respect to wireless networks, capacity generally refers to the finite number of users that an existing network can accommodate at one given time. Once that number is reached, other users attempting to access the network are either denied access or experience significantly degraded service, essentially rendering the service unusable.

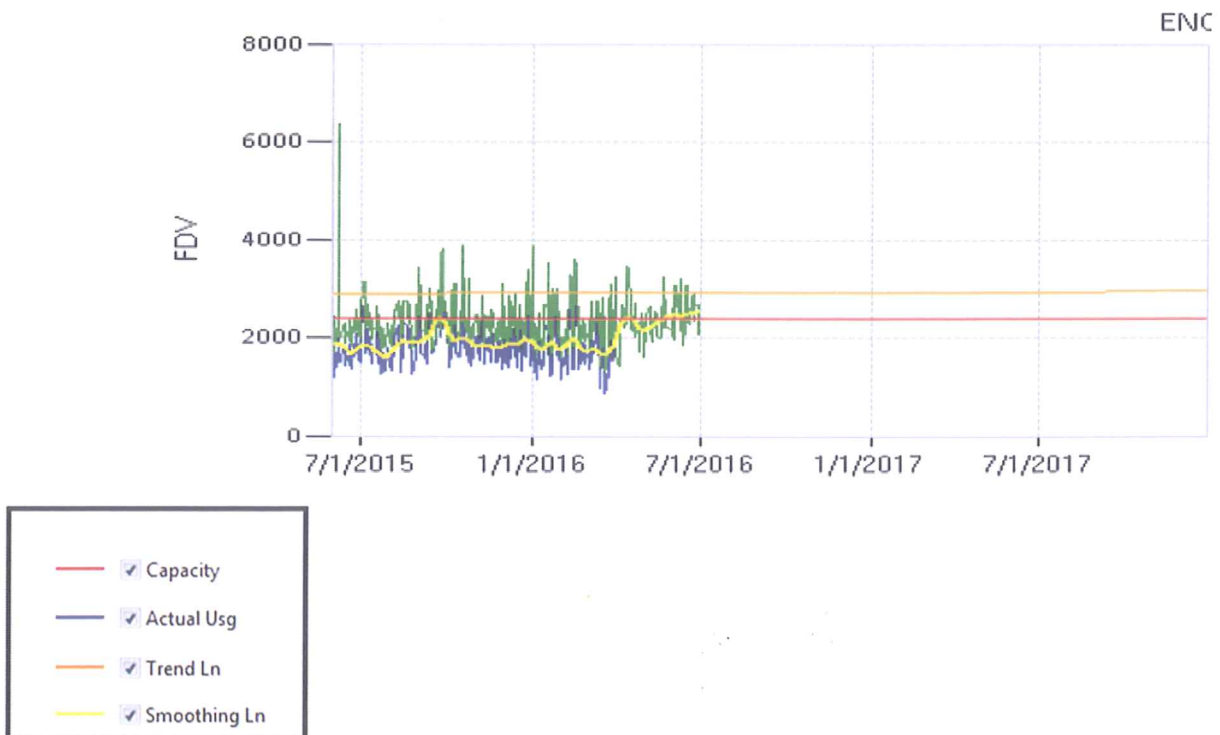
Verizon Wireless' approach to micro cell placement is a two-part process. The first step is to identify sectors within the macro cell network that are reaching or are at maximum capacity. These sectors are deemed "exhausted", which means one or more of its components has reached the maximum load it can handle (i.e., the site's radio equipment is consistently serving the maximum number of mobile devices it can effectively handle before customers are denied access to the network or experience significant performance degradation). The second step is to identify hotspot areas within the footprint of a specific "exhausted" sector. Once identified, these areas are analyzed to determine potential micro cell locations as close to the center of the hotspot area as possible with the goal of offloading the localized hotspot traffic from the macro network. With these localized mobile devices offloaded to a well-placed micro cell (i.e. accessing Verizon Wireless' 4G network through the micro cell versus a nearby capacity-limited macro cell), remaining users within the macro sector's footprint will realize improved performance as a result of the activation of the proposed micro cell.

The two-step process described above was followed in connection with the current small cell proposal. In 2016, Verizon Wireless determined that the macro cell site currently serving the area (Verizon Wireless' "Beacon DT" facility located on the roof top of a building at 2 Forrestal Height in the City of Beacon) would reach its maximum capacity in 2017. Additionally, the existing macro site (i.e. Beacon DT) is overloaded and providing reduced performance to the Verizon Wireless telecommunications customers being served by it.

The chart in **Attachment A** illustrates the capacity issues currently experience at the Beacon DT macro site. Forward Data Volume ("FDV"), a measure of usage (data throughput) on a particular site over a given period of time, is the performance metric used to evaluate the capacity of an existing facility. The red line indicates the capacity limit for the Beacon DT macro, it shows the current capacity, actual 4G traffic trends should be below the capacity red line. The gold trend line represents trends where 4G traffic grows similarly to historical subscriber and usage growth on the system. The Green spikes indicate the daily capacity usage on Benton DT Alpha sector where the yellow line represents the normalized traffic.

## Attachment A - Capacity issue on Beacon DT macro

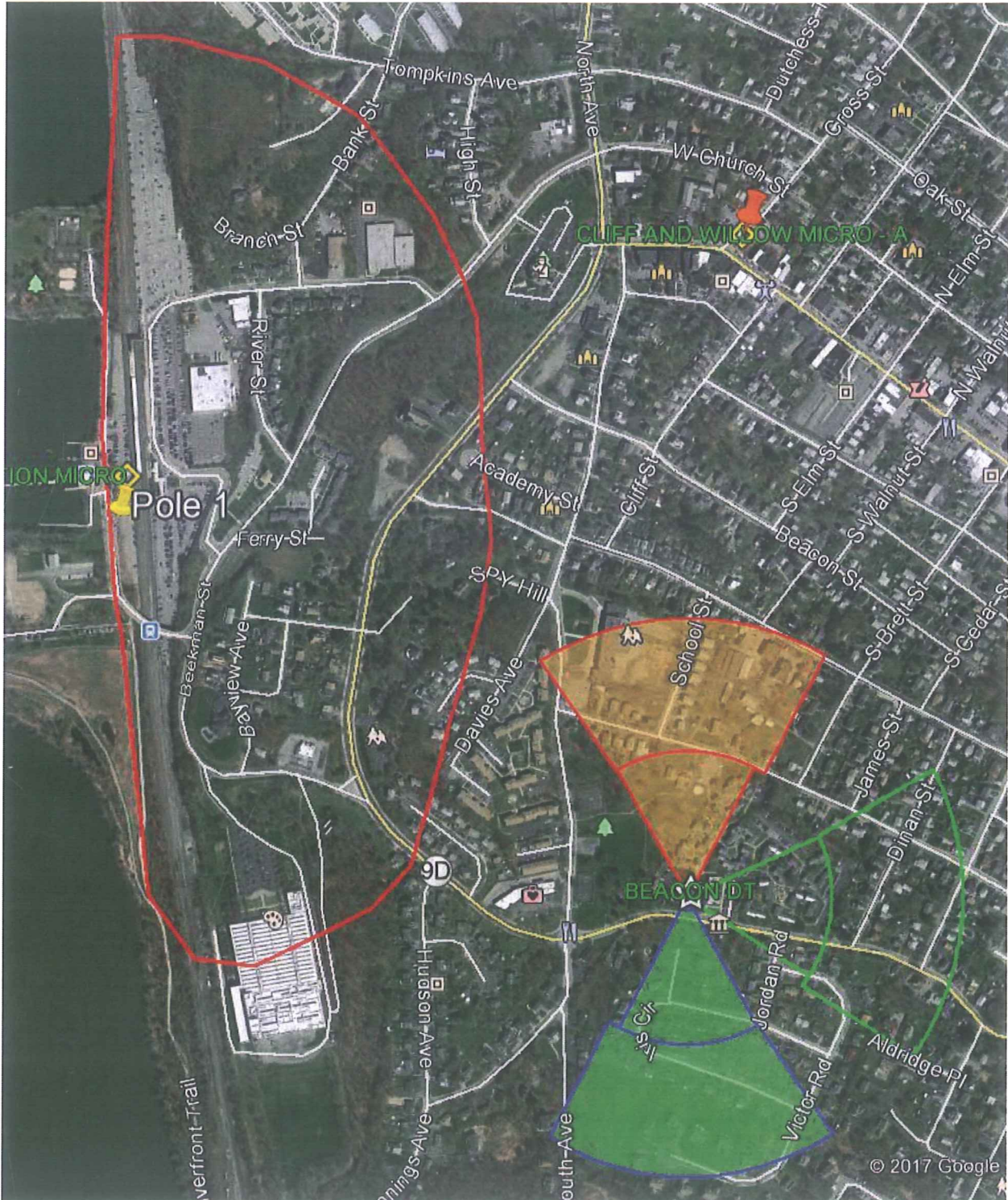
172. Site: 74301 BEACON\_DT



As it is depicted in **Figure 2**, the targeted section of the proposed Beacon Station micro facility (1 Ferry Plaza Beacon, NY 12508) consists of a train station that serves the residents of Beacon, New York, via the Hudson Line. Trains leave for New York City every hour during off peak hours, and about every 15–25 minutes during rush hour. The Beacon Station residents and businesses in the surrounding area are currently not fully served by the Macro Beacon DT due to the significant number of Verizon Wireless users in the surrounding area, including the train station. See, **Attachment 1**. Stated differently, the existing Beacon DT facility simply does not have the capacity to accommodate all of the users in the surrounding area.

The Verizon Wireless RF department has determined that adding a micro cell facility at the proposed location will resolve the existing capacity issue by serving the area with adequate signal density. Significantly, installation of the proposed micro cell facility will obviate the need for a new macro facility (i.e. traditional cell tower facility) in the proposed location. Upon completion, the proposed micro cell will provide localized network bandwidth and improved AWS 2100 MHz frequency band coverage to this area (i.e., the area inside the red boundary shown in **Figure 2**), and it will offer an adequate level of capacity relief to the existing capacity-limited Forrestral heights road site.

Figure 2 – Targeted Capacity Offload Area of the Proposed Beacon Station Micro



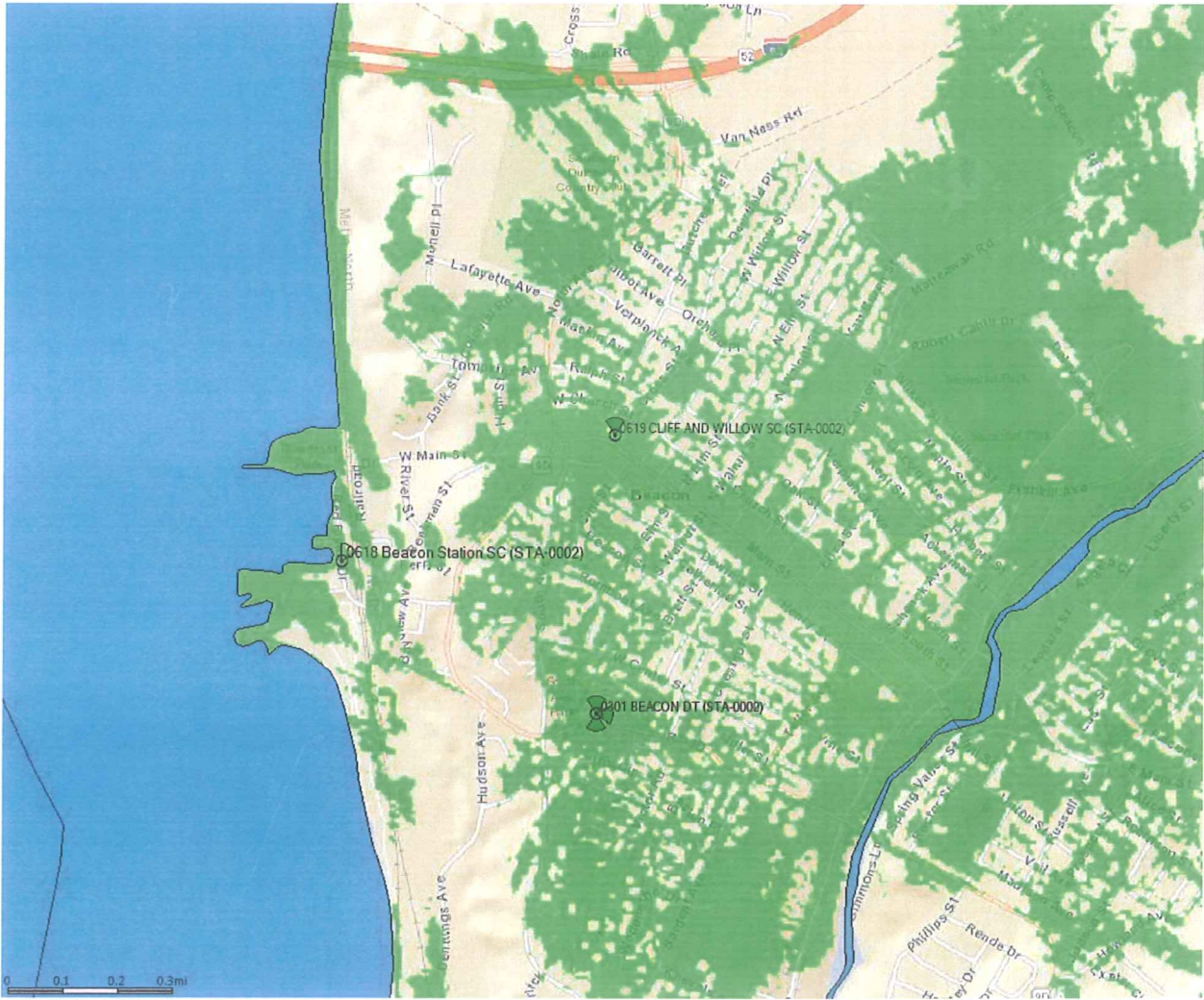
As it is depicted in **Attachment 2**, the calculated coverage plot provided below demonstrates the predicted 2100 MHz coverage from Beacon DT macro. The additional service area to be provided by the proposed site (red color), will be concentrated at and around the Beacon Train Station. The design objective is to have a signal level of a minimum of -95 dBm. Any signal weaker than -95 dBm would not provide the minimum signal strength necessary to serve the area in question.

Additionally, we can observe the proposed micro will provide AWS coverage of an approximately 0.3 mile radius, where the macro Beacon DT was not able to serve Verizon Wireless subscribers due to the fact the AWS footprint is limited to a certain distance, also depending on the morphology of that area. Therefore, upon the approval and installation of the small cell facility Beacon Station, the majority of Beacon Station travelers and business users will be offloaded from the Beacon DT macro site. This will serve to increase network capacity (i.e. increase the number of users that can access the network in the area), which, in turn will significantly improve network service. Specifically, the reduction of users on the Beacon DT macro Alpha sector (a result of the new small cell facility) will improve network performance and capacity for most users throughout Beacon DT sector footprints. Most, if not all Verizon Wireless, customers using their mobile devices in the area will access Verizon Wireless' 4G network via the proposed micro cell instead of the surrounding macro network, thus alleviating a portion of the capacity demand on surrounding macro facilities in the Town of Beacon.

Verizon Wireless is also proposing to install a second micro cell facility, referred to internally as the "Cliff and Willow" site. This is identified in Attachment 2 as a "Future" micro that is intended to provide capacity relief to Beacon DT macro. A separate application will be submitted for the Cliff and Willow site.

### Attachment 1

### Existed AWS Best Server at -95dBm

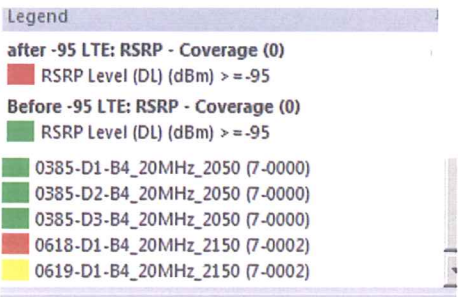
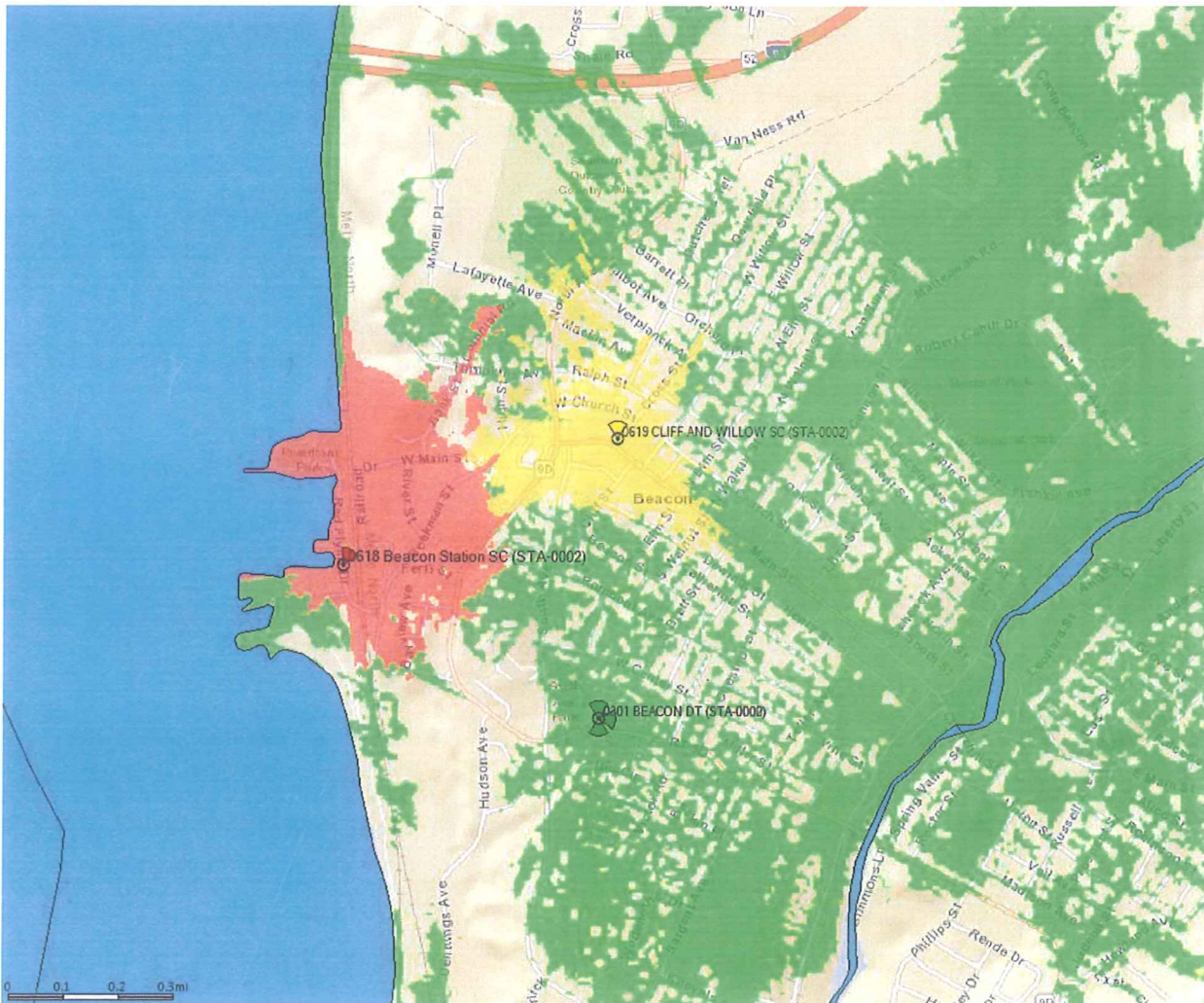


Before -95 LTE: RSRP - Coverage (0)

■ RSRP Level (DL) (dBm) >= -95

### Attachment 2

### Proposed AWS Best Server at -95dBm



**Conclusion:**

Verizon Wireless is proposing an Omni antenna (measuring 23.6 in. high by 12 in. wide) on the top of an existing utility pole with an associated micro cell unit and ancillary equipment also mounted on the utility pole (there will be no equipment on the ground, at the base or near the pole). The bottom of the radio equipment is 10 ft. above ground level on the 48 ft. tall pole with ½" coax cable placed in conduit and routed to the pole top antenna. The lowest Verizon Wireless equipment on the pole is the power meter which will be mounted 8 ft. above ground level at its lowest point. This micro cell is intended to provide "hotspot" type AWS band wireless telecommunications capacity to the area including portions of Route US-09D as well as portions of the city of Beacon where Verizon Wireless' existing macro cell network is overburdened by excessive demand of its 4th Generation LTE network.

Date: August 22, 2017

**Prepared by:**

*George Karim*

George Karim  
Radio Frequency (RF) Design Engineer  
Verizon Wireless

## Beacon Station Micro Communications Facility Site Selection Analysis Prepared on August 28, 2017

This Site Selection Analysis has been prepared to summarize the manner in which the proposed site was selected for a new small cell/micro communications facility.

When a network need is identified (e.g., a gap in coverage and/or capacity constraints), the Verizon RF Engineer first determines, through a comprehensive analysis of the system performance in the surrounding network, whether the existing network can be modified to solve the problem. If this is not possible and a new wireless facility is required, the RF Engineer devises a "Search Area". A Search Area is the target area for locating a site on which to build a new wireless facility to solve the identified network performance problem. Once the Search Area is determined, it is given to a Site Acquisition Firm for an in-depth investigation of the targeted area. The Site Acquisition Specialist then identifies appropriate locations within the Search Area to develop a new wireless telecommunications site. As part of this investigation, the Site Acquisition Specialist works closely with Verizon Wireless' land use and zoning attorneys, who review local zoning requirements with respect to the installation and operation of a new wireless telecommunications facility.



The Search Area Map for the proposed small cell is shown above. Candidates within the Search Area have been pinned. In order to effectively cover the Verizon Wireless targeted coverage area, it was crucial to find an acceptable building central to the targeted coverage area. Within the Search Area Map, there are five (5) existing structures A-E and sixteen (16) utility poles Pole 1-16 in the right of way. These were all evaluated as potential candidates. Attempts were made to



contact the landlord of each structure that met RF requirements within the Search Area. The results, owners level of interest and the subsequent evaluation by the Site Acquisition Specialist is detailed within each candidate's summary below.

**Candidate A:**

**Beacon Train Station**

Address:

8 Long Dock Road Beacon, NY 12508

Owner Interest:

Spoke to P. Geary in the Real Estate division at MTA corporate headquarters on December 8<sup>th</sup>, 2016. They are already in discussions with Verizon Wireless for a larger infrastructure project for all of their stations and do not have interest in pursuing a small cell for this location.

RF Review:

This location would adequately serve the targeted coverage and capacity objective



**Candidate B:**

**Art Dedominicis (property owner)**

Address:

5 W Main St Beacon, NY 12508

Owner Interest:

Spoke to owner A. Dedominicis on December 5<sup>th</sup> 2016, he expressed interest in the small cell proposal, emailed him information and submitted site to RF Engineer for review

RF Review:

This location would not adequately serve the targeted coverage and capacity objective due to the location of trees that would obstruct the antenna signals.



**Candidate C:**

**Scenic Hudson**

Address:

23 Long Dock Road Beacon, NY 12508

Owner Interest:

Spoke to L. Sumner on December 5<sup>th</sup> 2016, emailed her information to review with the Director. Submitted site to RF Engineer for review.

RF Review:

This location would not adequately serve the targeted coverage and capacity objective due to the location of trees that would obstruct the antenna signals.



**Candidate D:**

**MTA Police Department**

Address:

24 Beekman St Beacon, NY 12508

Owner Interest:

Spoke to the Police Captain and she advised that this property is part of the MTA, same contact for Beacon Train Station. Spoke to P. Geary in the Real Estate division at MTA corporate headquarters on December 8<sup>th</sup>, 2016. They are already in discussions with Verizon Wireless for a larger infrastructure project for all of their stations and do not have interest in pursuing a small cell for this location.

RF Review:

This location would adequately serve the targeted coverage and capacity objective



**Candidate E:**

**Beacon Sloop Club**

Address:

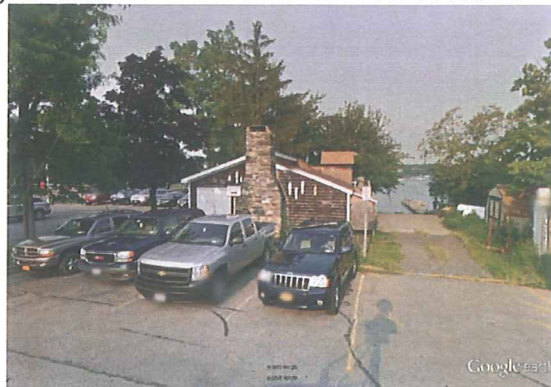
2 Red Flynn Drive Beacon, NY 12508

Owner Interest:

Called landlord several times, no answer. Submitted site to RF Engineer for review.

RF Review:

This location would not adequately serve the targeted coverage and capacity objective. Desired antenna height cannot be achieved on this roof structure.



**Candidate Pole 1:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 2:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Long Dock Road Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 3:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 4:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 5:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 6:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 7:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 8:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 9:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 10:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 11:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 12:**

**Central Hudson Utility Pole in the Right of Way**

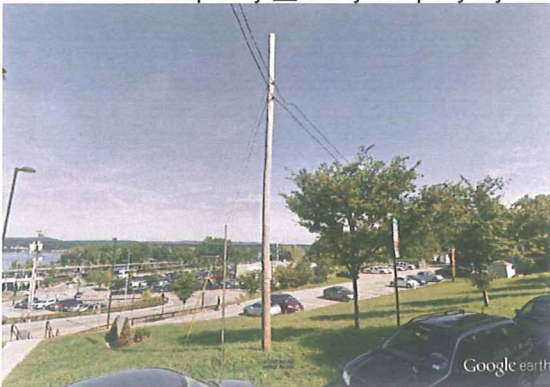
Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Candidate Pole 13:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit
- Double primary wire
- Transformer
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements

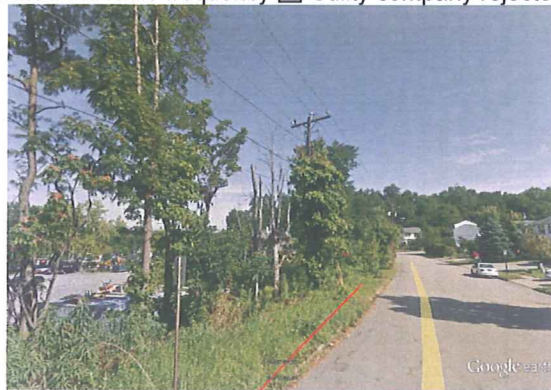


**Candidate Pole 14: Central Hudson Utility Pole in the Right of Way**

Address: Beekman Street Beacon, NY 12508

RF Review: This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements

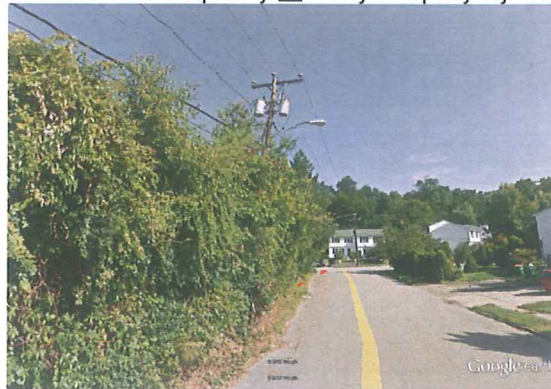


**Candidate Pole 15: Central Hudson Utility Pole in the Right of Way**

Address: Beekman Street Beacon, NY 12508

RF Review: This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements

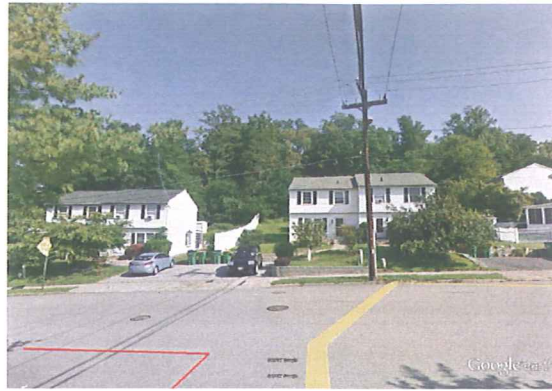


**Candidate Pole 16: Central Hudson Utility Pole in the Right of Way**

Address: W Main Street Beacon, NY 12508

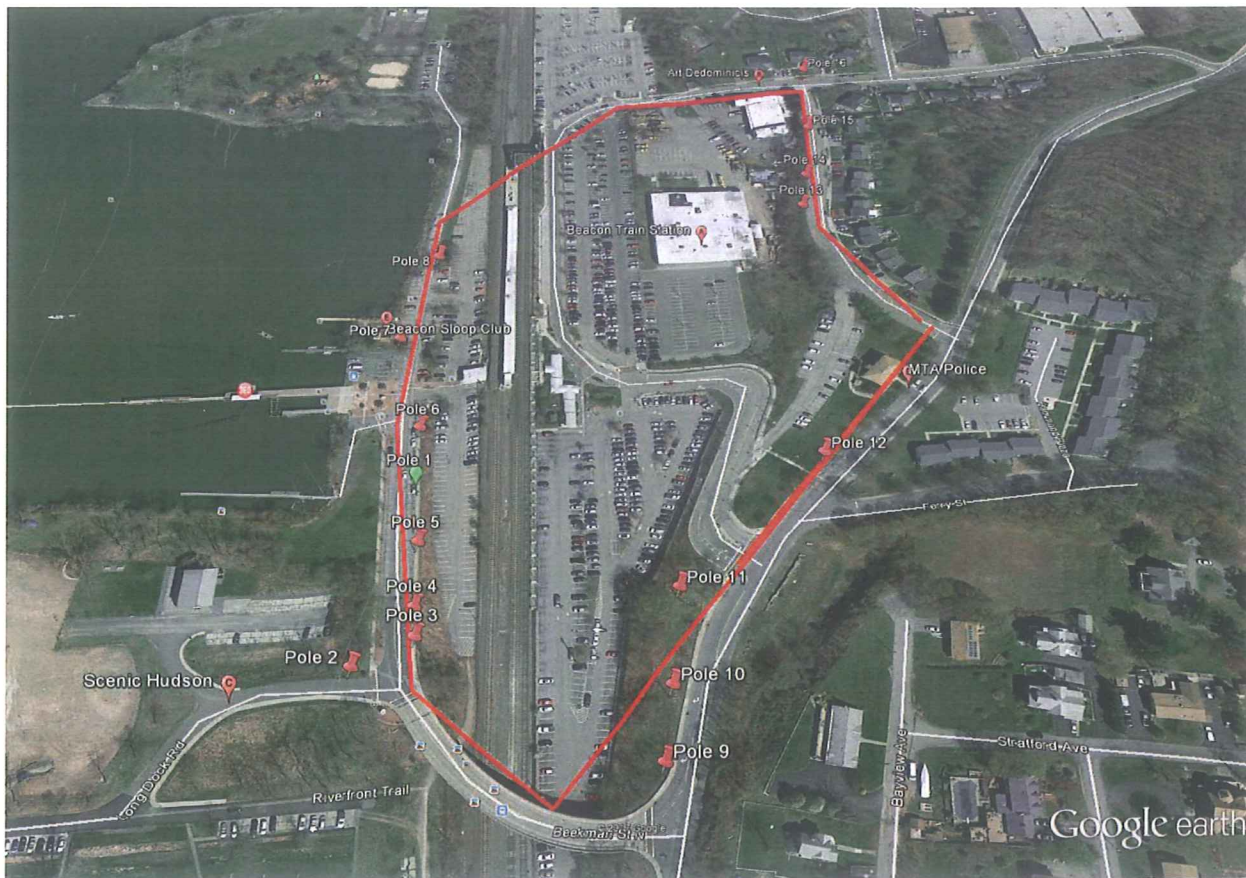
RF Review: This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Conclusion:**

After canvassing this Search Area, it has been determined that the only viable candidates for a new small cell/micro facility are Pole 1 and Pole 5. The other fourteen utility poles are not available due to restrictions such as conduits, double primary wires, transformers, issues getting power/telco, or tree/obstruction to radio frequency. The five structures shown below, are not viable for either lack of owner interest, roof height and/or construction restrictions determined by the RF Engineer.



In conclusion, Verizon Wireless is proposing to install one antenna with related equipment on an existing utility pole (i.e. Pole 1). This micro cell is intended to provide "hotspot" type wireless telecommunications coverage in an area where Verizon Wireless' existing macro cell network is overburdened by exploding demand on its 4th Generation LTE network.



**Prepared by:**

**Amy Szostak**

*Site Acquisition Specialist*

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Fax: 610-644-4355  
Email: pauldugan@comcast.net

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August 21, 2017

Attn: George Karim, RF Design Engineer  
Verizon Wireless  
1275 John Street, Suite #100  
West Henrietta, NY 14586

**Re: RF Safety FCC Compliance of Proposed Communications Facility**

**Site Name: Beacon Station Micro, Proposed 36.4' Replacement Utility Pole (36.75' Overall Height)**

**Structure Owner: Central Hudson Gas & Electric Corp. (Pole#: CHG&E 44106P, BEAC. 398, NYT 3)**

**Site Address: 2 Red Flynn Drive, Beacon, NY 12508 (City of Beacon, Dutchess County)**

**Site Coordinates: 41° 30' 18.70" N, 73° 59' 06.32" W (NAD83), G.E. 6'+/- A.M.S.L.**

Dear Mr. Karim,

I have performed an analysis to provide an independent determination and certification that the proposed Verizon Wireless communications facility at the above referenced property will comply with Federal Communications Commission (FCC) exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields (Code of Federal Regulation 47 CFR 1.1307 and 1.1310). As a registered professional engineer I am under the jurisdiction of the State Registration Boards in which I am licensed to hold paramount the safety, health, and welfare of the public and to issue all public statements in an objective and truthful manner.

Verizon Wireless plans to replace an existing 27.58' utility pole. The proposed communications facility consists of a proposed 36.4' replacement utility pole (36.75' overall height – top of relocated primary electric line) owned by Central Hudson Gas & Electric Corp. (Pole#: CHG&E 44106P, BEAC. 398, NYT 3) at the above referenced property. The proposed Verizon Wireless antenna configuration from the information furnished to me consists (1) 2100 MHz (LTE) antenna (a.k.a. "cantenna" for can-shaped antenna) (JMA CYL-X7CAP-2-H or equivalent) with omni heart azimuths of 20/140 degrees on the horizontal plane at a centerline of 23.75' above ground level and no mechanical downtilt. Transmitting from this antenna will be (1) 2100 MHz LTE wideband channel. The proposed Verizon Wireless antenna will be mounted on the side of the replacement utility pole opposite a street light with a centerline of 13' below the relocated crossarm and primary electric line, 12.65' below the top of the pole, 8.55' below the secondary electric line and 2.85' above the street light (antenna will transmit away from pole, electric lines and street light).

The following assumptions are made for reasonable upper limit radiofrequency operating parameters for the proposed facility due to the Verizon Wireless antenna alone:

- (1) 2100 MHz (LTE) transmit antenna at 0-10 degrees mechanical downtilt
- (1) 2100 MHz LTE wideband channel at 2x90W max power before cable loss/antenna gain
- The facility would be at or near full capacity during busy hour

Using the far-field power density equations from FCC Bulletin OET 65, the power density at any given distance from the antennas is equal to  $0.360(ERP)/R^2$  where R is the distance to the point at which the exposure is being calculated. The given equation is a conversion of the OET 65 power density equation for calculating power density given the distance in feet and the result in metric units ( $mW/cm^2$ ). This calculated power density assumes the location is in the main beam of the vertical pattern of the antenna. After making an adjustment for the reduction in power density due to the vertical pattern of the transmit antenna, the calculated ground level power density is below  $1 \mu W/cm^2$  at any distance from the antenna system of Verizon Wireless.

The 2100 MHz (AWS) "B Block", "C Block" and "D Block" transmit frequencies (2120-2130, 2130-2135, 2135-2140 MHz), which Verizon Wireless is licensed by the FCC to operate, have an uncontrolled/general population maximum permissible exposure (MPE) FCC limit of  $1000 \mu W/cm^2$  or  $1 mW/cm^2$ . Therefore, the exposure at ground level at any distance from the structure would be substantially below 1 % of the FCC exposure limits due to Verizon Wireless antennas alone. The extremely low ground exposure levels are due to the elevated positions of the antennas on the structure and the low power which these systems operate. See Figures 1 and 2 in back of this report which discuss the relationship between height, proximity or distance, and orientation to level of electromagnetic field exposure.

From the information furnished to me, the existing/replacement structure does not currently contain any existing antenna systems.

I have performed a near-field analysis to determine the exposure levels directly in front of the proposed Verizon Wireless antenna for the safety of occupational workers. I have performed upper limit calculations to determine the maximum possible exposure for occupational workers at a distance of 3 feet directly in front of the antenna. **The calculated exposure is below the FCC occupational exposure limits at 3 feet directly in front of the antenna.** As a general rule, occupational workers should maintain a distance of 3 feet from all transmitting antennas.

I have also performed calculations to determine the exposure levels at the antenna height of the proposed Verizon Wireless antenna (i.e. in the main beam of the antenna) for the safety of the general population. **I have performed upper limit calculations to determine the maximum possible exposure for general population and found that the calculated exposure is below the FCC general population exposure limits at a distance of 13 feet directly in front of the antenna. Therefore, at any distance outside of 13 feet from the antenna, the exposure levels will comply with the federal general population standards for human exposure to radiofrequency electromagnetic fields. Furthermore, when the distance from the antenna is doubled, the exposure level is reduced by a factor of four (e.g. at a distance of 26 feet from the antenna, the exposure level will be at least 4 times less than the exposure level at 13 feet from the antenna).** Please note that the nearest building is over 200' from the replacement utility pole and antenna location.

**In summary, the proposed communications facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields (FCC Bulletin OET 65).** Federal law (FCC Rule Title 47 CFR 1.1307 and 1.1310) sets the national standard for compliance with electromagnetic field safety. The FCC exposure limits are based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI). **Thus, there is full compliance with the standards of the IRPA, FCC, IEEE, ANSI, and NCRP.**

### **General Information on Electromagnetic Field Safety**

Verizon Wireless facilities transmit and receive low power electromagnetic fields (EMF) between base station antennas and handheld portable cell phones. The radiofrequency energy from these facilities and devices is non-ionizing electromagnetic energy. Non-ionizing, unlike X-Rays or other forms of potentially harmful energy in the

microwave region, is not cumulative over time nor can the energy change the chemical makeup of atoms (e.g. strip electrons from ions). "Non-ionizing" simply means that the energy is not strong enough to break ionic bonds.

Safe levels of electromagnetic fields were determined by numerous worldwide organizations, such the International Committee for Non-Ionizing Radiation Protection, a worldwide multi-disciplinary team of researchers and scientists studying the effects of non-ionizing radiofrequency energy such as that emitted by base stations or cell phones. The FCC did not arbitrarily establish their own standards, but adopted the recommendations of all leading organizations that set standards and research the subject such as the Institute of Electrical and Electronics Engineers (IEEE), American National Standards Institute (ANSI), and National Council on Radiation Protection and Measurements (NCRP).

When Verizon Wireless is located on an antenna structure such as a self-supporting lattice type tower, lattice tower, guyed tower, watertank, etc. the antennas are typically 10 meters or more above ground level (10 meters = 32.81 feet). With the relatively low power and elevated positions of the antennas on the structure with respect to ground level, the maximum ground level exposure can rarely approach 1 % of the applicable FCC exposure limit regardless of how many sets of antennas are collocated on the structure. For this reason, the FCC considers the facilities "categorically excluded" from routine evaluation at antenna heights above 10 meters (or above 32.81 feet). Categorical exclusion exempts a site from routine on-site evaluation. However, the facility is not excluded from compliance with the federal exposure limits and guidelines. The types of facilities used by Verizon Wireless typically elevated on antenna structures (away from access to close proximity, i.e. greater than 10 meters or 32.81 feet) simply cannot generate ground level exposure levels that approach the limits under any circumstances.

From a regulatory perspective, the FCC has sole jurisdiction over the regulation of electromagnetic fields from all facilities and devices. The FCC has established guidelines and limits over emissions and exposure to protect the general public. The FCC also has certain criteria that trigger when an environmental evaluation must be performed. The criteria are based on distance from the antennas (accessibility) and transmit power levels.

**CONCLUSIONS:**

- 1) **The proposed communications facility will comply with electromagnetic field safety standards by a substantial margin (well below 1 %) in all publicly accessible areas. This includes the base of the replacement structure and any areas in proximity to the replacement structure.**
- 2) **Verizon Wireless takes appropriate measures to ensure that all telecommunications facilities (including this proposed facility) comply with applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields (FCC Bulletin OET 65).**
- 3) **In cases where such compliance exists, the subject of electromagnetic field safety is preempted.** The Telecommunications Act of 1996 states that: "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." Telecommunications Act of 1996, § 332[c][7][B][iv].

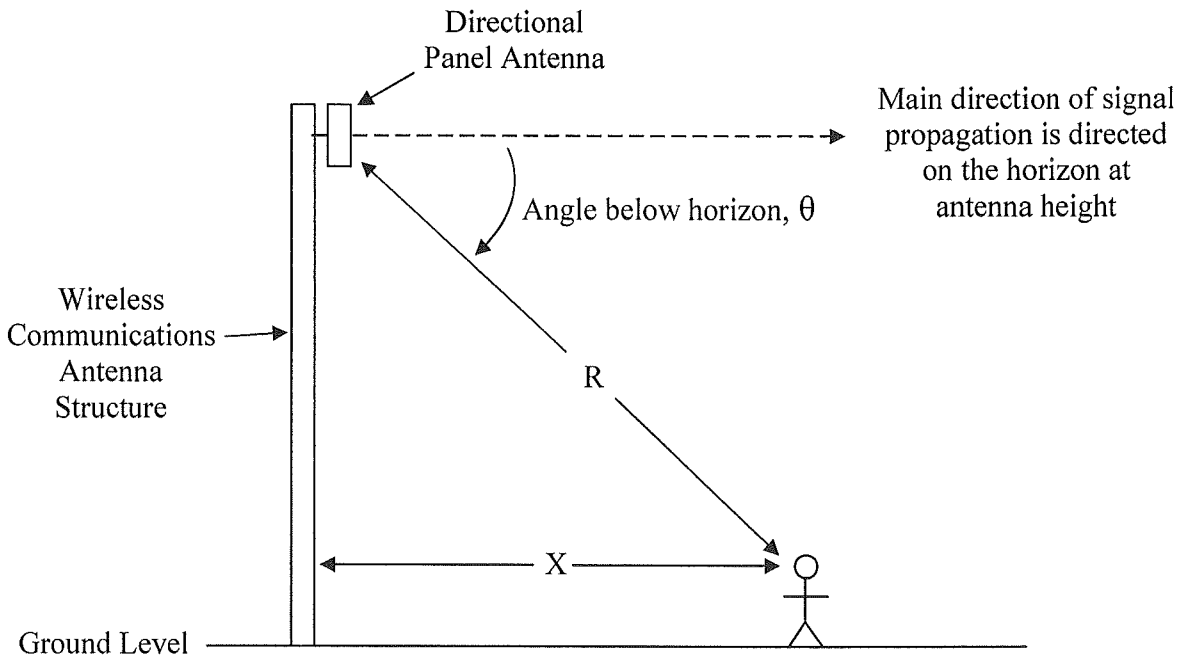
Respectfully,



Paul Dugan, P.E.  
Registered Professional Engineer  
New York License Number 79144

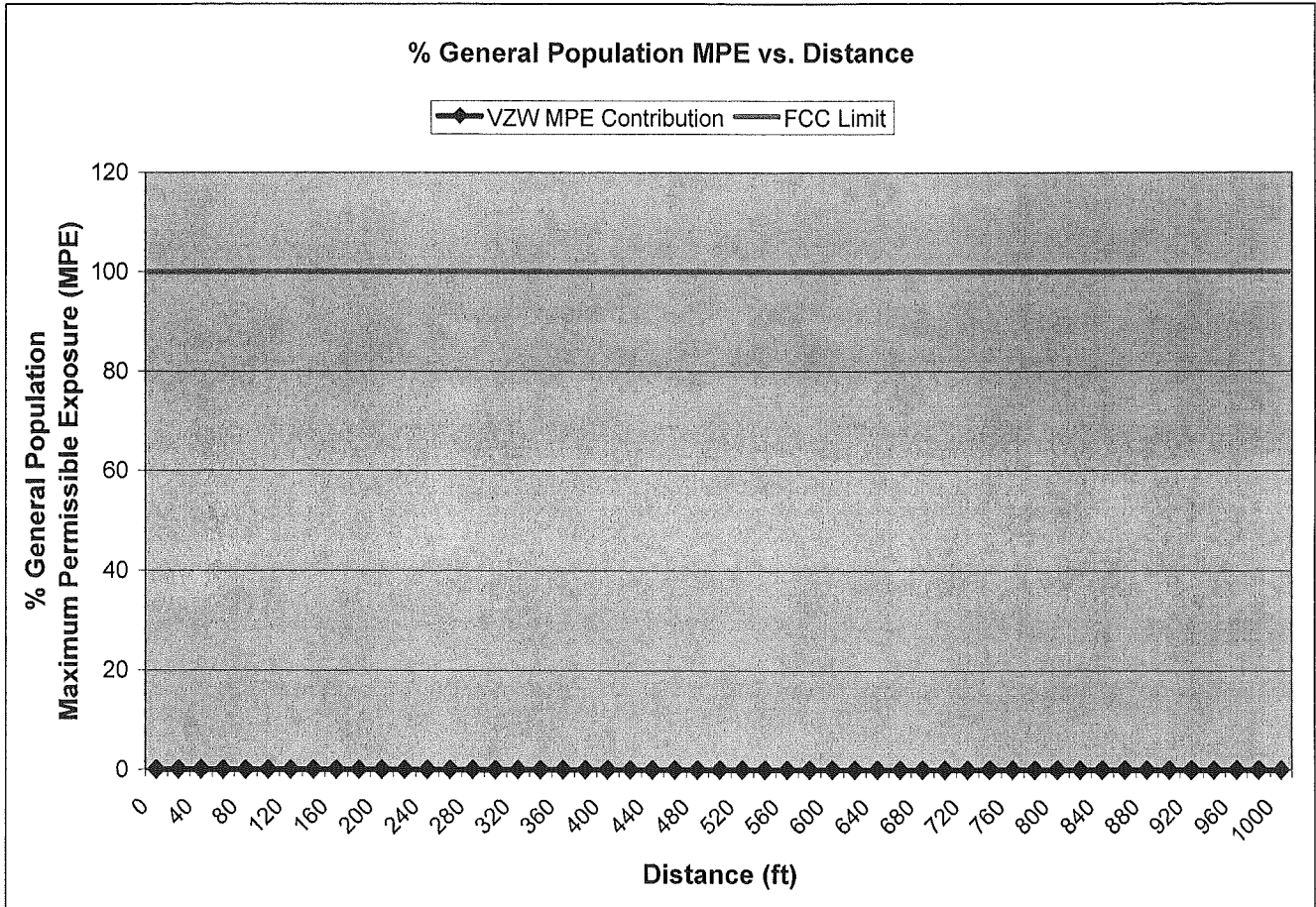


**FIGURE 1: Diagram of Electromagnetic Field Strength as a Function of Distance and Antenna Orientation**



The above diagram illustrates the conceptual relationship of distance and orientation to directional panel antennas used in wireless communications. At the base of the structure ( $x = 0$ ), the distance  $R$  is a minimum when the angle of the direction of propagation  $\theta$  is a maximum. As one moves away from the antenna structure, the horizontal distance  $X$  increases as well as the distance  $R$  to the antennas while the angle below the horizon decreases. For this reason, electromagnetic fields from these facilities remain fairly uniform up to a few hundred feet and continue to taper off with distance. As noted in the report, the electromagnetic fields from these types of facilities are hundreds of times below safety standards at any distance from the antenna structure, making them essentially indistinguishable relative to other sources of electromagnetic fields in the environment due to the elevated heights of the antennas and the relatively low power at which these systems operate.

FIGURE 2: Graph of MPE Contribution vs. Distance



The above graph represents the contribution of Verizon Wireless to the composite electromagnetic field exposure level at any distance from the base of the structure. The contribution of Verizon Wireless will remain well under 1% of the FCC general population maximum permissible exposure (MPE) at any distance as shown.

## DECLARATION OF ENGINEER

Paul Dugan, P.E., declares and states that he is a graduate telecommunications consulting engineer (BSE/ME Widener University 1984/1988), whose qualifications are a matter of record with the Federal Communications Commission (FCC). His firm, Millennium Engineering, P.C., has been retained by Verizon Wireless to perform power density measurements or calculations for an existing or proposed communications facility and analyze the data for compliance with FCC exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields.

Mr. Dugan also states that the calculations or measurements made in the evaluation were made by himself or his technical associates under his direct supervision, and the summary letter certification of FCC compliance associated with the foregoing document was made or prepared by him personally. Mr. Dugan is a registered professional engineer in the Jurisdictions of Pennsylvania, New Jersey, Delaware, Maryland, Virginia, New York, Connecticut, District of Columbia, West Virginia and Puerto Rico with 30 years of engineering experience. Mr. Dugan is also an active member of the Association of Federal Communications Consulting Engineers, the National Council of Examiners for Engineering, the National Society of Professionals Engineers, the Pennsylvania Society of Professional Engineers, and the Radio Club of America. Mr. Dugan further states that all facts and statements contained herein are true and accurate to the best of his own knowledge, except where stated to be in information or belief, and, as to those facts, he believes them to be true. He believes under penalty of perjury the foregoing is true and correct.



Paul Dugan, P.E.

Executed this the 21<sup>st</sup> day of August, 2017.

**PAUL DUGAN, P.E.**  
132 Jaffrey Road  
Malvern, Pennsylvania 19355

Cell: 610-220-3820  
Fax: 610-644-4355  
Email: pauldugan@comcast.net  
Web Page: [www.millenniumeng.com](http://www.millenniumeng.com)

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**EDUCATION:** Widener University, Chester, Pennsylvania  
**Master of Business Administration**, July 1991  
**Master of Science, Electrical Engineering**, December 1988  
**Bachelor of Science, Electrical Engineering**, May 1984

**PROFESSIONAL ASSOCIATIONS:** **Registered Professional Engineer** in the following jurisdictions:

Pennsylvania, License Number PE-045711-E  
New Jersey, License Number GE41731  
Maryland, License Number 24211  
Delaware, License Number 11797  
Virginia, License Number 36239  
Connecticut, License Number 22566  
New York, License Number 079144  
District of Columbia, License Number PE-900355  
West Virginia, License Number 20258  
Puerto Rico, License Number 18946

Full member of **The Association of Federal Communications Consulting Engineers**  
([www.afcce.org](http://www.afcce.org)) January 1999 to Present

**Elected to serve on the Board of Directors for 2006-2007**

Full member of **The National Society of Professional Engineers** ([www.nspe.org](http://www.nspe.org)) and the  
**Pennsylvania Society of Professional Engineers** ([www.pspe.org](http://www.pspe.org)) June 2003 to Present  
Currently serving on the Board of Directors of the Valley Forge Chapter and as South East Region Vice-Chair for the "Professional Engineers in Private Practice" Executive Committee

Actively participate in **Chester County ARES/RACES** (CCAR [www.w3eoc.org](http://www.w3eoc.org)) which prepares and provides emergency backup communications for Chester County Department of Emergency Services, March 2005 to Present

Full member of **The National Council of Examiners for Engineering**  
([www.ncees.org](http://www.ncees.org)) May 2001 to Present

Full Member of **The Radio Club of America**  
([www.radio-club-of-america.org](http://www.radio-club-of-america.org)) December 2003 to present

**PROFESSIONAL EXPERIENCE:** Millennium Engineering, P.C., Malvern, Pennsylvania  
Position: **President**, August 1999 to Present ([www.millenniumeng.com](http://www.millenniumeng.com))

Verizon Wireless, Plymouth Meeting, Pennsylvania  
Position: **Cellular RF System Design/Performance Engineer**, April 1990 to August 1999

Communications Test Design, Inc., West Chester, Pennsylvania  
Position: **Electrical Engineer**, May 1984 to April 1990



Beacon Station Micro  
Zoning Checklist  
(City of Beacon, Orange County)  
Prepared by Scott Olson, Esq.  
July 23, 2017

Verizon Wireless proposes to install and operate a new small cell facility on a replacement utility pole on property located near 2 Red Flynn Drive in the City of Beacon, Orange County, NY. The existing 27.58' utility pole has or will be replaced by the pole owner with a new 36'9" utility pole, on which VZW will install a cantenna and related equipment.

The City has enacted wireless communications regulations ("Tower Law") which are codified at Chapter 223 of the Zoning Law (copy attached).

The Tower Law requires the following permit and approvals:

1. Special Use Permit (Town Board)
2. Site Plan Review (Planning Board)
3. Building Permit

I would strongly recommend waiting until the existing utility pole is replaced before submitting the Verizon Wireless application. This way we can attempt to classify it as a collocation on an existing pole.

The following materials are required for the Special Use and Site Plan Review Application:

1. Completed Application Forms and Fees (YS);
2. Statement of Intent (YS);
3. Short EAF (complete part 1, attach parts 2 and 3) (AE);
4. Redacted copy of fully executed Lease Agreement (YS/SAQ);
5. Documentation of Public Utility Status and Overview of Rosenberg Decision (YS);
6. Overview of Telecommunications Act of 1996 (YS);
7. Copies of Verizon Wireless' Licenses for the Orange County Area (YS);
8. RF Analysis and Site Selection Analysis – standard full form report. SSA must address siting hierarchy for each of the preferred locations in § 223-24.5.

Siting Hierarchy:

1. on city owned or City Housing Authority owned sites, buildings or structures;
2. co-location on an existing wireless telecommunications service facility or radio tower, as identified on an inventory of existing facilities which shall be maintained by the city;
3. on sites, buildings or structures located in the HI and LI zoning districts;
4. sites, buildings or structures located in the PB, HB, OB, LB and GB zoning districts; and
5. sites, buildings or structures located in the CB zoning district.

9. NIER Analysis/Categorical Exclusion Letter – Standard Paul Dugan, P.E. report (VZW/RF);
10. Site Plans – Applicant must submit a full sized Site Plan (AE);
11. Statement by SAQ that VZW has reviewed the City’s existing facilities inventory to the extent relevant to provide wireless service to the area in question and that all reasonable attempts have been made to collocate the facility on City-owned sites, buildings and structures and all sites identified in such inventory (SAQ)
12. VZW contact info for maintenance (SAQ);

**Contact Info/ Filing Deadlines**

City of Beacon  
1 Municipal Plaza  
Beacon, New York  
Tel: 845-838-5003

**Planning Board Members:**

James C. Sheers, Chairman  
Gary Barrack  
David Burke  
Patrick Lambert  
Richard Muscat  
Jill Reynolds  
J. Randall Williams

Planning Board Meetings: 1<sup>st</sup> and 3<sup>rd</sup> Thursday of every month @ 7:00 PM  
Filing Deadline: TBD (assume a minimum of 2 weeks)

**Common Council Members**

Peggy Ross  
Omar Harper  
Pam Wetherbee  
Ali T. Muhammad  
George Mansfield  
Lee Kyriacou

Common Council Meetings: 1<sup>st</sup> and 3<sup>rd</sup> Mondays of every month @ 7:00 PM  
Filing Deadline: TBD (assume a minimum of 2 weeks)

# Short Environmental Assessment Form

## Part 1 - Project Information

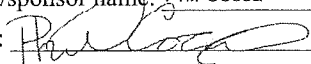
### Instructions for Completing

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

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

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Verizon Wireless - Beacon Station Micro - Unmanned Wireless Communications Facility			
Project Location (describe, and attach a location map): 2 Red Flynn Drive, City of Beacon, Dutchess County, New York 12508			
Brief Description of Proposed Action: Orange-County Poughkeepsie Limited Partnership, d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the installation of an unmanned wireless communications facility on a proposed replacement utility pole in the right of way of Red Flynn Drive. The subject pole is located on Red Flynn Drive approximately 700' northwest of the intersection of Beekman Street and Red Flynn Drive.  In general, the installation will consist of the following: One (1) antenna to be mounted at a centerline height of 23' - 9" above grade on a proposed 36' - 5" tall utility pole. All accessory equipment, cabling and utility services (power and fiber) are to be mounted to the replacement utility pole. The proposed utility pole will replace an existing 27.7' tall utility pole in the same location.			
Name of Applicant or Sponsor: Orange-County Poughkeepsie Limited Partnership, d/b/a Verizon Wireless		Telephone: (585) 321-5390 E-Mail: Margaret.Hayes2@VerizonWireless.com	
Address: 1275 John Street, Suite 100			
City/PO: West Henrietta		State: New York	Zip Code: 14586
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Beacon Building Permit, City of Beacon - Town Board - Special Use Permit, City of Beacon - Planning Board - Site Plan Approval			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ N/A acres			
b. Total acreage to be physically disturbed? _____ <0.0001 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ <0.0001 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____  <u>9212560: #2 Fuel Oil Spill - the spill case was closed by the case manager in the Department of Environmental Conservation on 1/9/2009 because the necessary cleanup and removal actions have been completed.</u></p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Phil Cocca</u> Date: <u>8/11/2017</u></p> <p>Signature: <u></u></p>		

Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

# Young / Sommer LLC

JEFFREY S. BAKER  
DAVID C. BRENNAN  
JOSEPH F. CASTIGLIONE  
JAMES A. MUSCATO II  
J. MICHAEL NAUGHTON  
ROBERT A. PANASCI  
ALLYSON M. PHILLIPS  
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[solson@youngsommer.com](mailto:solson@youngsommer.com)

November 28, 2018

Via Federal Express

City of Beacon City Council  
1 Municipal Plaza  
Beacon, New York 12508  
Attn: Etha Grogan

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless -2 Red Flynn Drive

Dear Ms. Grogan:

This office serves as Regional Local Counsel to Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless. By letter dated November 17, 2017, we filed an application for Special Use Permit on behalf of our client for the installation of a new small cell facility on an existing wooden utility pole located in the municipal right of way adjacent to the above referenced address.

Shortly after the submission of the application, the city began deliberating a proposed local law intended to regulate small cell facilities. Verizon Wireless agreed to place its application on hold pending the review of the small cell local law, which was formally adopted in August, 2018.

Verizon Wireless respectfully requests the City Council to reinstate the review of the application.

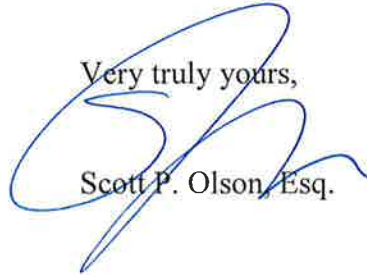


To assist the City Council, Verizon Wireless has revised its Site Selection Analysis included in the original application materials to account for the new siting priorities established in the small cell local law. Please find enclosed ten (10) copies of the revised Site Selection Analysis, which confirms that the proposed small cell facility complies with the siting hierarchy contained in the small cell local law, despite the fact that the proposed facility was designed long before the City Council adopted the new hierarchy.

Please place this application on the next available meeting agenda and contact us to confirm.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "S. Olson", is written over the typed name "Scott P. Olson, Esq.".

Scott P. Olson, Esq.

Enclosure

cc: Christopher Borncamp (w/ encl.)

**Beacon Station Micro  
Supplemental Communications Facility Zoning Analysis  
Prepared on November 28, 2018**

This Supplemental Zoning Analysis has been prepared to illustrate that, despite the fact that Verizon Wireless planned and designed the proposed site prior to the enactment of the City's new small cell local law, Verizon Wireless' proposed site complies with the City of Beacon small cell site hierarchy set forth in section 223-26.4(E)(1)(a)-(f). The city will recall that the original application for the proposed site was submitted prior to the enactment of the new small cell facility local law.

Verizon Wireless regularly monitors, maintains and upgrades its wireless network to ensure that it is operating properly and as designed. When a network need is identified (e.g., a gap in coverage and/or capacity constraints), the matter is forwarded to the Verizon RF Engineer, who determines, conducts a comprehensive analysis of the system performance in the surrounding network to determine whether the existing network can be modified to solve the problem. If this is not possible and a new wireless facility is required, the RF Engineer devises a "Search Area". A Search Area is the target area in which the engineer has determined that a new site is needed to solve the identified network performance problem. Once the Search Area is determined, it is given to a Site Acquisition Firm for an in-depth investigation of the targeted area. The Site Acquisition Specialist identifies appropriate locations within the Search Area appropriate for the development of a new wireless telecommunications site. As part of this investigation, the Site Acquisition Specialist works closely with Verizon Wireless' land use and zoning attorneys, who review local zoning requirements with respect to the installation and operation of a new wireless telecommunications facility.



The Search Area Map for the proposed small cell is shown above. Candidates within the Search Area have been pinned. Within the Search Area Map, there are five (5) existing structures and one (16) existing utility pole in the right of way. There are no municipal buildings or structures (light poles, flag poles, etc.) within the Search Area.

The city recently enacted a new small cell facility local law, in which it created a siting hierarchy in section 223-26.4(E)(1)(a)-(f). Even though this hierarchy was established long after the original site was identified and designed, Verizon Wireless has examined the Search Area in light of the new hierarchy to ensure that the proposed site is consistent with the City's desire to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City. As set forth below, the proposed site is consistent with the City's siting hierarchy.

- (a) On the roof of any City owned or federal, state or local government owned buildings or structures.
  - 1. **There are no city owned or federal, state or local government owned buildings or structures in the search ring (SR) that meet coverage objectives/ have interested building owners.**
- (b) Location on privately-owned buildings
  - 1. **Per the original site selection analysis (which is reproduced below), there are no viable privately-owned buildings in the SR due to either lack of landlord interest or lack of building height to meet RF objectives.**
- (c) Location on an existing City owned utility poles
  - 1. **There are no city owned poles in the SR that meet coverage objectives.**
- (d) Location on City-owned infrastructure on private poles
  - 1. **There is no existing city-owned infrastructure that meets RF coverage objectives.**
- (e) Location City-owned property, where there is no existing pole Location on privately-owned utility poles.
  - 1. **There is no city-owned property in the SR that meets RF objectives.**

The only viable location that meets RF coverage needs within the SR, is the proposed location at Red Flynn Drive, which involves collocation on an existing utility pole in the public right of way.

**Set forth below is a summary of the candidates considered for the new Verizon Wireless small cell facility.**

<b>Candidate A:</b>	<b>Beacon Train Station</b>
Address:	8 Long Dock Road Beacon, NY 12508
Owner Interest:	This property is owned by the MTA. Verizon Wireless contacted the Real Estate Division to determine whether the MTA had any interest in lease space to Verizon Wireless for a small cell facility. The MTA stated that they do not have interest in pursuing a small cell for this location.
RF Review:	This location would adequately serve the targeted coverage and capacity objective



**Candidate B:**

**Art Dedominicis (property owner)**

Address: 5 W Main St Beacon, NY 12508

Owner Interest: This property is owned by A. Dedominicis. Mr. Dedominicis expressed interest in leasing space to Verizon Wireless for the installation of a new small cell facility, including a new wooden utility pole to be located on the property.

RF Review: This location would not adequately serve the targeted coverage and capacity objective due to the location of tall trees (which can be seen in the picture below) that would obstruct the antenna signals.



**Candidate C:**

**Scenic Hudson**

Address: 23 Long Dock Road Beacon, NY 12508

Owner Interest: Verizon Wireless attempted to contact the owner of the property. Unfortunately, a response was not forthcoming.

RF Review: This location would not adequately serve the targeted coverage and capacity objective due to the fact that it is located outside of the SR and the fact that the location of tall trees on the property would obstruct the antenna signals intended for the target area.



**Candidate D:**

**MTA Police Department**

Address:

24 Beekman St Beacon, NY 12508

Owner Interest:

This property is owned by the MTA. The MTA confirmed that it was not interested in pursuing a small cell for this location.

RF Review:

This location would adequately serve the targeted coverage and capacity objective



**Candidate E:**

**Beacon Sloop Club**

Address:

2 Red Flynn Drive Beacon, NY 12508

Owner Interest:

Several attempts to contact the property were made. A response was not forthcoming.

RF Review:

This location would not adequately serve the targeted coverage and capacity objective. Desired antenna height cannot be achieved on this roof structure.



**Candidate Pole 1:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole location meets RF requirements as it is 1) located in the SR, and 2) the RF antenna height / location meets the RF coverage objective. This existing pole also meets construction requirements as the equipment can be mounted on the pole, making it accessible.

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 2:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Long Dock Road Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 3:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 4:**

**Central Hudson Utility Pole in the Right of Way**

Address: Red Flynn Drive Beacon, NY 12508

RF Review: This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 5: Central Hudson Utility Pole in the Right of Way**

Address: Red Flynn Drive Beacon, NY 12508

RF Review:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 6: Central Hudson Utility Pole in the Right of Way**

Address: Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 7:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 8:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Red Flynn Drive Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements





**Candidate Pole 9:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 10: Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 11:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 12:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco  
 Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 13:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco  
 Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 14:**

**Central Hudson Utility Pole in the Right of Way**

Address:

Beekman Street Beacon, NY 12508

RF Review:

This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 15:**

**Central Hudson Utility Pole in the Right of Way**

Address: Beekman Street Beacon, NY 12508

RF Review: This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Candidate Pole 16:**

**Central Hudson Utility Pole in the Right of Way**

Address: W Main Street Beacon, NY 12508

RF Review: This pole does not meet construction requirements due to:

- Conduit  Double primary wire  Transformer  Issues getting power/telco
- Trees/obstruction to radio frequency  Utility company rejected pole use  Pole meets requirements



**Conclusion:**

After canvassing this Search Area, it has been determined that the only viable candidates for a new small cell/micro facility are Pole 1 and Pole 5. The other fourteen utility poles are not available due to restrictions such as conduits, double primary wires, transformers, issues getting power/telco, or tree/obstruction to radio frequency. The five structures shown below, are not viable for either lack of owner interest, roof height and/or construction restrictions determined by the RF Engineer.



Verizon Wireless is proposing to install one antenna with related equipment on an existing utility pole (i.e. Pole 1). This micro cell is intended to provide “hotspot” type wireless telecommunications coverage in an area where Verizon Wireless’ existing macro cell network is overburdened by exploding demand on its 4th Generation LTE network.

**Prepared by:**  
**Chris Borncamp**

*Senior Site Acquisition Specialist*

**NETWORK BUILDING + CONSULTING**  
6095 Marshalee Drive | Suite 300 | Elkridge, MD | 21075  
M 315-415-0369 | P 410.712.7092 | [cborncamp@nbcllc.com](mailto:cborncamp@nbcllc.com)



# Young / Sommer LLC

YOUNG SOMMER WARD RITZENBERG BAKER & MOORE LLC

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DAVID C. BRENNAN  
JOSEPH F. CASTIGLIONE  
MICHAEL J. MOORE  
JAMES A. MUSCATO II  
J. MICHAEL NAUGHTON  
ROBERT A. PANASCI  
KENNETH S. RITZENBERG  
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KEVIN M. YOUNG

LAURA K. BOMYEA  
E. HYDE CLARKE  
LAUREN L. HUNT  
ALLYSON M. PHILLIPS  
KRISTIN LAVIOLETTE PRATT  
JESSICA R. VIGARS

COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205  
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KRISTIN CARTER ROWE

PARALEGALS  
ALLYSSA T. MOODY  
AMY S. YOUNG

Writer's Telephone Extension: 258  
[solson@youngsommer.com](mailto:solson@youngsommer.com)

December 14, 2017

Via Federal Express

City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508  
Attn: *Dave Buckley*

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon  
Wireless -2 Red Flynn Drive

Dear Mr. Buckley:

In response to your e-mail of December 4, 2017 concerning the above-referenced application, enclosed for your review the following additional supporting materials:


1. Copy of November 15, 2017 License from Central Hudson Gas & Electric;
2. Application fee of \$250.00 (the difference owed);
3. Escrow fee of \$1,000.00 (the difference owed);
4. Completed Application Processing Restriction Law form;
5. Site Plan Specification Form;
6. Entity Disclosure Form; and
7. Completed Full Environmental Assessment Form.

Upon receipt of this additional information, please place this application on the next available meeting agenda and contact us to confirm.

Thank you for your consideration.

Mr. Dave Buckley  
City of Beacon  
December 14, 2017  
Page 2

Very truly yours,



Scott P. Olson, Esq.

Enclosures

cc: Amy Szostak (w/o encl.)

**1**

November 15, 2017

MR. MARK COON  
VERIZON WIRELESS  
1275 JOHN ST., STE. 100  
WEST HENRIETTA NY 14586

Dear MR. COON,

Enclosed are the necessary licenses to attach to the solely  
and/or jointly owned poles which we identify as:

Central Hudson Job No: J7-72388  
Central Hudson Survey: 71-5466-17  
RED FYLNN DR, C/ BEACON  
VERIZON

Failure to attach in the correct location by your Company will  
invalidate this License Agreement.

NOTE: Cable may not attach until Telephone Make Ready  
---- is complete.

Sincerely,



Special Services Representative

Enclosure



Permit No.: VZW-13      Location: C/ BEACON      Date 11/15/2017

Application and License for Attachments

Notification of Removal of Attachments

Director - Special Services  
Central Hudson Gas & Electric Corporation  
284 South Avenue  
Poughkeepsie, NY 12601-4879

In accordance with the terms of Agreement dated 2015/01/05

Application is hereby made for license to make attachments to:

Notification is hereby given of attachment removals from the following Poles:

CH Survey No: 71-5466-17    Log No: J772388

CH Pole No.	Tele. Pole No.	Line No.	Location	Municipality
-----	-----	-----	-----	-----

SEE ATTACHED SCHEDULE 'A'

8

Total Poles

VERIZON WIRELESS

Licensee

Each pole subject to \$7.75 application fee

License Granted

Receipt of the above notice is hereby acknowledged

11/15/17  
Date

CENTRAL HUDSON GAS & ELECTRIC CORP.  
(Licensor)

By: J. Costa (CEC)  
Director - Special Services

DATE: 2017/11/15  
TIME: 11:40:48  
PRGM: N0160A11

CENTRAL HUDSON GAS & ELECTRIC CORP  
SCHEDULE 'A'  
CH SURVEY: 71-5466-17  
CH LOG NO: J7-72388

PAGE: 1

CH	ATTCHMNT	TEL.			
POLE NO.	TYPE	POLE NO.	LINE NO.	LOCATION	MUNICIPALITY
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON
P 41100	WIRLSS	3		Red Flynn Dr	CITY OF BEACON

TOTAL ATTACHMENTS LICENSED: 8

**2**

YOUNG/SOMMER LLC

32814

CHECK

DATE	DESCRIPTION	INVOICE #	AMOUNT	DEDUCTION	NET AMOUNT
12/04/17	2847.00 City of Beacon 35006.44		250.00		250.00

CHECK DATE 2/04/17	CONTROL NUMBER 32814	TOTALS	Gross: 250.00	Ded: 0.00	Net: 250.00
-----------------------	-------------------------	--------	---------------	-----------	-------------

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

**YOUNG/SOMMER LLC**  
 5 PALISADES DRIVE, EXECUTIVE WOODS  
 ALBANY, NEW YORK 12205

KeyBank National Association  
 SCHENECTADY, NEW YORK 12303  
 1-800-KEY2YOU

32814

29-7/213

DATE	CHECK	AMOUNT
12/04/17		****\$250.00

PAY  
 TO THE  
 ORDER  
 OF City of Beacon

\*\*\* TWO HUNDRED FIFTY & 00/100 DOLLARS

*Michael Banger*  
 \_\_\_\_\_  
 AUTHORIZED SIGNATURE



THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈032814⑈ ⑆021300077⑆ 325900018426⑈

**3**

YOUNG/SOMMER LLC

32815

DATE	DESCRIPTION	INVOICE #	CHECK		NET AMOUNT
			AMOUNT	DEDUCTION	
12/04/17	2847.00 City of Beacon 35006.44		1,000.00		1,000.00

CHECK DATE 2/04/17	CONTROL NUMBER 32815	TOTALS ► Gross:	1,000.00	Ded:	0.00	Net:	1,000.00
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THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

**YOUNG/SOMMER LLC**  
 5 PALISADES DRIVE, EXECUTIVE WOODS  
 ALBANY, NEW YORK 12205

KeyBank National Association  
 SCHENECTADY, NEW YORK 12303  
 1-800-KEY2YOU

32815

29-7/213

DATE	CHECK	AMOUNT
12/04/17		**\$1,000.00

PAY: \*\*\* ONE THOUSAND & 00/100 DOLLARS

TO THE ORDER OF City of Beacon

*W. Beeneja*

---



AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈032815⑈ ⑆021300077⑆ 325900018426⑈

**4**

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: City of Beacon owns right of way; Verizon Wireless is Applicant

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

Orange County- Poughkeepsie Limited Partnership d/b/c Verizon Wireless; Verizon Wireless of the East LP; and Cella Partnership

List all properties in the City of Beacon that you hold a 5% interest in:

Ø

Applicant Address: 1275 John St., Suite 100, West Henrietta, NY 14586

Project Address: Right of way adjacent to 2 Red Flynn Drive

Project Tax Grid # N/A

Type of Application Special Use Permit and Site Plan Approval

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Scott Olson, Regional Local Council to Applicant, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

- 1. No violations are pending for ANY parcel owned by me situated within the City of Beacon Y
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon N
3. ALL tax payments due to the City of Beacon are current Y
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon N
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon N
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current Y

Signature of Scott Olson

Signature of Owner

Regional Local Council to Verizon Wireless

Title if owner is corporation

Table with 4 columns: Office Use Only, NO, YES, Initial. Rows include: Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.), ALL taxes are current for properties in the City of Beacon are current (Tax Dept.), ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)



**5**

**CITY OF BEACON  
SITE PLAN SPECIFICATION FORM**

Name of Application: Verizon Wireless - Beacon Station

<b>PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.</b>		
	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:	✓	
<b>LEGAL DATA</b>		
Name and address of the owner of record.		✓
Name and address of the applicant (if other than the owner).	✓	
Name and address of person, firm or organization preparing the plan.	✓	
Date, north arrow, and written and graphic scale.	✓	
<b>NATURAL FEATURES</b>		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.		N/A
Approximate boundaries of any areas subject to flooding or stormwater overflows.		N/A
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.		N/A
<b>EXISTING STRUCTURES, UTILITIES, ETC.</b>		
Outlines of all structures and the location of all uses not requiring structures. Paved areas, sidewalks, and vehicular access between the site and public streets.	✓	
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.		N/A
Other existing development, including fences, retaining walls, landscaping, and screening.		N/A
Sufficient description or information to define precisely the boundaries of the property.	✓	
The owners of all adjoining lands as shown on the latest tax records.	✓	
The locations, names, and existing widths of adjacent streets and curb lines.	✓	
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.	✓	

<b>PROPOSED DEVELOPMENT</b>	<b>YES</b>	<b>NO</b>
The location, use and design of proposed buildings or structural improvements.	✓	
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas.		N/A
Any proposed division of buildings into units of separate occupancy.		N/A
The location, direction, power, and time of use for any proposed outdoor lighting.		N/A
The location and plans for any outdoor signs.		N/A
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	✓	
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.		N/A
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.		N/A
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.		N/A
Any contemplated public improvements on or adjoining the property.		N/A
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.		N/A
Elevations of all proposed principal or accessory structures.	✓	
Any proposed fences or retaining walls.		N/A
<b>MISCELLANEOUS</b>		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	✓	
Erosion and sedimentation control measures.		N/A
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.		N/A
An indication of proposed hours of operation.		N/A
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.	✓	

For all items marked "NO" above, please explain below why the required information has not been provided:

The proposal involves the installation of one small antenna and equipment on an existing utility pole located in the Red Flynn right-of-way. The utility pole is owned by Central Hudson Gas & Electric and is structurally capable of accommodating the proposed antennas and equipment of Verizon Wireless. No ground disturbance is proposed.

Applicant/Sponsor Name: Verizon Wireless

Signature: Scott Olsen, Attorney for Applicant

Date: 12/14/17

**6**

**FOR OFFICE USE ONLY**

Application #

**CITY OF BEACON**

**1 Municipal Plaza, Beacon, NY**

**Telephone (845) 838-5000 \* <http://cityofbeacon.org/>**

**ENTITY DISCLOSURE FORM**

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person(s))

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

**SECTION A**

Name of Applicant: Orange County - Poughkeepsie Limited Partnership d/b/a Verizon Wireless

Address of Applicant: 1275 John Street, Suite 100, West Henriette, NY 14586

Telephone Contact Information: c/o Scott Olson, Esq. 518-438-9907 Ext. 258

**SECTION B. List all owners of record of the subject property or any part thereof.**

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
City of Beacon *	One Municipal Plaza Beacon, NY 12508		UNKNOWN	Dutchess County Clerk's Office

\* Application involves collection of one antenna and equipment on an existing wooden utility pole located in the existing Red Flynn right-of-way.

**SECTION B.** Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

YES

NO

City owns the right-of-way

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship
N/A			

**SECTION C.** If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

**SECTION D.** Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

YES

NO

owner of utility pole has licensed the use of the utility pole to Verizon Wireless

I, Scott Olson being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) Scott Olson

(Signature) Scott Olson

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

**Instructions for Completing Part 1**

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

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

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

**A. Project and Sponsor Information.**

Name of Action or Project: Verizon Wireless - Beacon Station Micro - Unmanned Wireless Communications Facility		
Project Location (describe, and attach a general location map): 2 Red Flynn Drive, City of Beacon, Dutchess County, New York 12508		
Brief Description of Proposed Action (include purpose or need): Orange-County Poughkeepsie Limited Partnership, d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the installation of an unmanned wireless communications facility on a proposed replacement utility pole in the right of way of Red Flynn Drive. The subject pole is located on Red Flynn Drive approximately 700' northwest of the intersection of Beekman Street and Red Flynn Drive.  In general, the installation will consist of the following: One (1) antenna to be mounted at a centerline height of 23' - 9" above grade on a proposed 36' - 5" tall utility pole. All accessory equipment, cabling and utility services (power and fiber) are to be mounted to the replacement utility pole. The proposed utility pole will replace an existing 27.7' tall utility pole in the same location.		
Name of Applicant/Sponsor: Orange-County Poughkeepsie Limited Partnership, d/b/a Verizon Wireless	Telephone: (585) 321-5390	E-Mail: Margaret.Hayes2@VerizonWireless.com
Address: 1275 John Street, Suite 100		
City/PO: West Henrietta	State: NY	Zip Code: 14586
Project Contact (if not same as sponsor; give name and title/role): Scott Olson, Esq. (Counsel at Young Sommer)	Telephone: (518) 438-9907	E-Mail: solson@youngsommer.com
Address: 5 Palisades Drive		
City/PO: Albany	State: NY	Zip Code: 12205
Property Owner (if not same as sponsor): CHG&E/NYT/City of Beacon	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals**

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

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
WD - Waterfront Development

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

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

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

a. In what school district is the project site located? Beacon City School District (10 Education Dr, Beacon, NY 12508)

b. What police or other public protection forces serve the project site?  
Beacon Police Department (1 Municipal Plaza, Beacon, NY 12508)

c. Which fire protection and emergency medical services serve the project site?  
City of Beacon Fire Department (13 South Ave, Beacon, NY 12508)

d. What parks serve the project site?  
Long Dock Park and Pete and Toshi Seeger Riverfront Park (Red Flynn Dr, Beacon, NY 12508)

**D. Project Details**

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

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

b. a. Total acreage of the site of the proposed action? N/A - ROW acres  
 b. Total acreage to be physically disturbed? 0.0001 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 00.001 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 1 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

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

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

i. Total number of structures \_\_\_\_\_ 1

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ 36'-5" height; \_\_\_\_\_ 1'-6" width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

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

i. Purpose of the impoundment: \_\_\_\_\_

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

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

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

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

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

**D.2. Project Operations**

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

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

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

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

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

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

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

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

viii. Will the excavation require blasting?  Yes  No

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

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

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

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

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

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

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

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

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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

If Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

• Do existing sewer lines serve the project site?  Yes  No  
 • Will line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_  
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 Construction Equipment  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 N/A  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

---

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

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

---

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

If Yes:

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

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

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

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

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

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vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

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

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

---

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 Minimal increase in electrical power usage as necessary to operate the facility.

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

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

---

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 8am-5pm</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours</li> <li>• Saturday: _____ 24 hours</li> <li>• Sunday: _____ 24 hours</li> <li>• Holidays: _____ 24 hours</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
During construction, noise associated with the operation of construction equipment, one construction of the proposed facility is complete, there will be no contributing factors to noise levels.

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

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

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_

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

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

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

If Yes:

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

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

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

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

If Yes:

i. Describe proposed treatment(s):  
 \_\_\_\_\_

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

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

If Yes:

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

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

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

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

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

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

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

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
  - \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_

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

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

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

a. Existing land uses.

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

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)
- Forest  Agriculture  Aquatic  Other (specify): Parkland, museum, walking trail, train station

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

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



c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: Project site is located within the Pete and Toshi Seeger Riverfront Park

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

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 546031  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: GE, in accordance with the Consent Decree for the site, opted to implement Phase 2 of the remedy on 12/31/10. Phase 2 of the remedial project started in 2011, and is anticipated to be completed in 2017. Dredging was completed in fall 2015; habitat reconstruction was completed in 2016. Facility decommissioning was performed in 2016.  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): V00293 , V00096 , V00299 , 314069 , C314112...  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
Remediation measures are in place to address residual contamination.

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

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

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

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6 feet

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

c. Predominant soil type(s) present on project site: Ud-Udortherts smoothed \_\_\_\_\_ 100 %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 3.6 feet

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

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

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

h. Surface water features.

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

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

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

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

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

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters Approximate Size N/A
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 Name - Pollutants - Uses: Hudson River (Class B) - Priority Organics - Fish Consumption

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:

i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site:

Rabbits _____	Squirrels _____	Skunks _____
Chiomunks _____	Opposums _____	Raccoons _____
Birds _____		

n. Does the project site contain a designated significant natural community?  Yes  No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_

ii. Source(s) of description or evaluation: \_\_\_\_\_

iii. Extent of community/habitat:

- Currently: \_\_\_\_\_ acres
- Following completion of project as proposed: \_\_\_\_\_ acres
- Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No

The project location is in a check zone for endangered or threatened animal/plant species per NYS DEC environmental resource mapper.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No

If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

The project will have no impact on recreational fishing in the area.

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No

If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No

i. If Yes: acreage(s) on project site? \_\_\_\_\_

ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No

If Yes:

i. Nature of the natural landmark:  Biological Community  Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No

If Yes:

i. CEA name: \_\_\_\_\_

ii. Basis for designation: \_\_\_\_\_

iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>New York State Route 9</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>New York State's Designated Scenic Roads</u>	
<i>iii.</i> Distance between project and resource: _____ 4 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**


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

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

**G. Verification**

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

Applicant/Sponsor Name Phil Cocca Date 12/10/2017

Signature  Title Visual Resource Coordinator

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project :

Date :

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>	<input type="checkbox"/> NO	<input type="checkbox"/> YES		
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>	
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>	
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>	
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>	
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>	
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	

**2. Impact on Geological Features**  
The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  NO  YES  
*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**  
The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  NO  YES  
*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>		
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>		
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>		

g. Other impacts: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>



e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b> The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project : Date : 

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



## MEMORANDUM

**TO:** City Council of the City of Beacon

**FROM:** Keane & Beane, P.C.

**RE:** 2 Red Flynn Drive – Small Cell Wireless Facility  
Special Use Permit Application

**DATE:** January 24, 2018

---

The City received an application for a special use permit from Verizon Wireless (the “Applicant”) for the installation and operation of a small cell facility. The project involves the installation of a small cell antenna and related equipment on an existing utility pole on property located at 2 Red Flynn Drive in the Waterfront Park (WP) Zoning District in the City’s right-of-way (ROW) (the “Property”). The proposed antenna and associated equipment are proposed to be located on a proposed replacement wooden utility pole currently owned by CHG&E. The replacement utility pole will be approximately 36’ 5” tall. The existing utility pole is 27’ 5” tall.

Under the City’s Small Cell Wireless Facilities Local Law, adopted August 7, 2018, as Local Law 13-2018 (the “Small Cell Local Law”), special use permit approval by the City Council is required under Section 223-24.5 for the installation of a utility pole for a small cell facility where equipment is installed on a pole at an elevation less than 15 feet from the ground. The top of the proposed meter will be located six feet from the ground; therefore the application must be approved by the City Council pursuant to Section 223-24.5.

This memorandum reviews the applicable special use permit requirements set forth in Section 223-24.5 for wireless telecommunication facilities and discusses how the Applicant addresses, or fails to address, the applicable provision. Section 223-24.5 of the City Zoning Code is attached for your reference. Please note, the submitted application also requires an LWRP consistency review and site plan approval by the Planning Board, and is a SEQRA Unlisted Action.

### Location and Access

Section 223-24.5.D sets forth locational priorities for wireless telecommunication facilities to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City. The City Council must review and evaluate the technological, structural, safety and financial considerations associated with alternative locations. The Applicant has provided information as to how and why the Property was selected as the proposed location for the small cell facility.

Wherever possible, new wireless telecommunication facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. The proposed utility pole replaces the existing utility pole in-kind, albeit nine feet taller. The Applicant is adding the small cell facility to a location that currently exists; the installation of the replacement pole does not create a new location for the purpose of installing a small cell facility. Therefore, it can be argued that the Applicant meets the City's requirement that new wireless telecommunication facilities be attached to existing buildings or structures.

The Applicant submitted a Communications Facility Site Selection Analysis as Exhibit 6 to its October 19, 2017 submission. The Applicant canvassed the Search Area established by the Radio Frequency (RF) Engineer to determine that the only viable candidates for a new small cell facility are poles located at 8 Long Dock Road and 2 Red Flynn Drive. The Applicant alleges that the other poles in the Search Area are not available due to restrictions such as conduits, double primary wires, transformers, issues getting power, or obstructions to radio frequency. The Applicant also explains that it considered several existing structures in the area, but argues that these structures are not viable for either lack of owner interest, roof height and/or construction restrictions determined by the RF Engineer. The Search Area is the target area for locating a site on which to build a new wireless facility to solve the identified network performance problem.

The Applicant submitted a Supplemental Communications Facility Zoning Analysis on November 28, 2018 to illustrate that Verizon Wireless' proposed site at 2 Red Flynn Drive complies with the City's locational priorities hierarchy.

### **Setbacks**

Wireless telecommunication facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. City of Beacon Zoning Code § 223-24.5.E.

The proposed small cell facility will be located on an existing utility pole in the public ROW, therefore the setback requirements do not apply.

### **Height Limitations**

The height of the replacement utility pole is 36' 5" feet. The City Zoning Code states that the height of any antennas, or other associated equipment, structurally mounted as part of the wireless telecommunication services facility shall not exceed by more than 15 feet the highest point of the existing structure on which such antennas or equipment is affixed. The proposed antenna and associated equipment will not exceed the height of the replacement pole. The top of the proposed Verizon Wireless antenna will be located 24' 9" above existing grade, the replacement pole will be 36' 5" tall.

### **Visual Mitigation**

Under Section 223.24.5.G, the Applicant must prepare a visual impact assessment of the proposed wireless telecommunication facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council. Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds, vantage points and surrounding properties to the extent practicable, as determined by the City Council.

The Applicant alleges that the proposed antenna will not result in an increase to the height of the existing structure and therefore, will not increase the visibility of the utility pole. However, the Applicant has not submitted a visual impact assessment. The City Council may request the applicant provide a visual impact assessment of the proposed small cell facility.

### **Materials**

Under Section 223-24.5.H, a wireless telecommunication facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. According to Sheet No.GN-1 of Exhibit 4 of the October 19, 2017 submission, General Notes, equipment cabinets, terminal boxes, junction boxes and pull boxes will be galvanized or epoxy-coated sheet steel. All steel materials will be galvanized after fabrication. All bolts, anchors and miscellaneous hardware will also be galvanized.

### **Lighting**

The Applicant advises that no tower marking and/or lighting will be required under the Federal Aviation Administration regulations.

### **Operational Characteristics**

The application includes a report from a Radio Frequency Design Engineer as Exhibit 7 to the October 19, 2017 submission. The Design Engineer concluded that the proposed facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radio frequency electromagnetic fields and thus fully complies with the standards of the IRPA, FCC, IEEE, ANSI and NCRP.

The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the Applicant

in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

**Noise**

The Applicant advises that operation of the facility will not involve any objectionable noise, fumes vibration or other characteristics.

**Utility Service**

All electrical lines extended to serve the wireless telecommunication facility will be installed underground.

**Safety and Security Provisions**

The City Council should ask the Applicant to discuss issues regarding safety and security at the facility.

Section 223-24.5.M requires a wireless telecommunication facility to be designed that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from any adjacent developments.

Section 223-24.5.N requires the Applicant to implement a security program for the site of a wireless telecommunication facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

To: Mayor Casale and the Beacon City Council  
Date: January 25, 2019  
Re: **2 Red Flynn Drive, Small Cell Special Permit Application**

I have reviewed the October 19, 2017 Special Permit Application packet from Verizon Wireless, including a Short EAF Part 1, a December 14, 2017 packet of supporting materials, including a Full EAF Part 1, a Supplemental Zoning Analysis submitted on November 28, 2018, and a 7-sheet Site Plan set with the last revision date of October 4, 2017.

### **Proposal**

The applicant is proposing to replace an existing 27.7-foot utility pole owned by Central Hudson Gas and Electric with a 36.5-foot wooden pole and install a small cell antenna with accessory equipment on the new pole. Because some equipment is located at an elevation less than 15 feet from the ground level, the application requires a Special Permit and the provisions of Section 223-24.5 apply.

### **Comments and Recommendations**

1. The Full EAF, question C.3.a, and Sheet T-1 identify the proposed pole as located in the Waterfront Development district, but it is actually in the Waterfront Park district.
2. The project location is near the municipal boundary and within the area covered by the City's Local Waterfront Revitalization Program (see EAF question C.2.b), so it should need a referral to the Dutchess County Planning Department and an LWRP consistency review.
3. In Section 223-24.5 D, one of the higher location priorities is to place new facilities in an industrial district, and the priority list would not typically encourage these facilities in the Waterfront Development or Waterfront Park districts. The target search area includes a Light Industrial district, but in the August 28, 2017 Site Selection Analysis no industrial area sites were evaluated. For example, the large MTA maintenance building or the northern MTA overpass, both in the LI district, were not on the list of sites considered. The analysis of other MTA facilities concludes that the MTA Real Estate division was not interested because they were already in discussions with Verizon for a larger infrastructure project for all their stations. What is the current status of any such discussions with MTA and might this pole soon be redundant?
4. Since this a new and higher replacement pole, not installation on an existing structure, it would seem to be a better match for the priority list to put up the new pole in the best position of the industrial district or consider the existing utility pole at the northern edge of the district near the overpass.
5. The applicant should provide a photo-simulation, consistent with the visual impact assessment requirement in Section 223-24.5 G, showing the existing pole and the proposed pole and equipment in relation to the sidewalk and immediate surroundings.

Page 2, January 25, 2019 Memo on 2 Red Flynn Drive

6. The Site Plan shows that the lowest-level of the attached equipment would be set at 5-6 feet, potentially creating a head-high hazard to passing pedestrians.
7. The Council should consider enlisting an independent consultant to review the capacity analysis, exposure, and other more technical parts of the application.

If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

c: Anthony J. Ruggiero, City Administrator  
David Buckley, Building Inspector  
Nicholas M. Ward-Willis, Esq., City Attorney  
John Russo, P.E., City Engineer  
Scott P. Olson, Esq., Project Representative

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**Verizon Wireless Application 7 Cross Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Application Cover Letter 2017	Cover Memo/Letter
Application for Special Use Permit, Site Plan Review, Rosenberg Waiver Relief and Statement of Intent 2017	Cover Memo/Letter
Application Cover Letter 2018	Cover Memo/Letter
Cliff and Willow Micro Supplemental Communications Facility Zoning Analysis 2018	Cover Memo/Letter
Additional Information	Cover Memo/Letter
Keane and Beane Memorandum	Cover Memo/Letter
Comments and Recommendations from John Clarke Planning and Design	Cover Memo/Letter
American Cities and Counties Publication Regarding Stealth Small Cells	Cover Memo/Letter

# Young / Sommer LLC

YOUNG SOMMER WARD RITZENBERG BAKER & MOORE LLC

JEFFREY S. BAKER  
DAVID C. BRENNAN  
JOSEPH F. CASTIGLIONE  
MICHAEL J. MOORE  
JAMES A. MUSCATO II  
J. MICHAEL NAUGHTON  
ROBERT A. PANASCI  
KENNETH S. RITZENBERG  
DEAN S. SOMMER  
KEVIN M. YOUNG

LAURA K. BOMYEA  
E. HYDE CLARKE  
LAUREN L. HUNT  
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COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205  
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ALLYSSA T. MOODY  
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[solson@youngsommer.com](mailto:solson@youngsommer.com)

November 17, 2017

Via Federal Express

City of Beacon Planning Board  
1 Municipal Plaza  
Beacon, New York 12508  
Attn: *Etha Grogan*

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless -7 Cross Street

Dear Ms. Grogan:

This office serves as Regional Local Counsel to Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless. Enclosed for your review are five (5) copies of our:

1. Special Use Permit Application and supporting materials for review by the City of Beacon Common Council; and
2. Site Plan Review Application and supporting materials for review by the Planning Board.

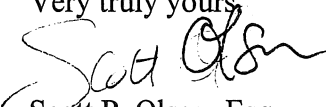
Both Applications seek review and approval for the installation of one antenna and minor equipment an existing wooden replacement utility pole. Checks for \$500 (Special Use Permit fee) and \$500 (Site Plan Review fess) are also enclosed. An electronic copy of the application will also be provided upon direction from the City confirming the e-mail address to which the application should be forwarded.

Please place this application on the next available meeting agenda and contact us to confirm.



Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Scott Olson". The signature is written in black ink and is positioned above the printed name.

Scott P. Olson, Esq.

Enclosures

cc: Chris Borncamp (w/o encl.)

**BOARD OF TRUSTEES and/or PLANNING BOARD  
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

In the Matter of the Application of

---

**CELLCO PARTNERSHIP  
d/b/a Verizon Wireless**

Existing utility pole - 7 Cross Street  
City of Beacon, Dutchess County, New York

---

**APPLICATION FOR SPECIAL USE PERMIT, SITE PLAN REVIEW,  
ROSENBERG WAIVER RELIEF and STATEMENT OF INTENT**

Submitted by:

Verizon Wireless  
Margaret Hayes, Manager - Network Real Estate  
1275 John Street, Suite 100  
West Henrietta, New York 14586  
(585) 321-5390

Tectonic Engineering & Surveying Consultants, P.C.  
Steven Matthews, P.E.  
36 British American Blvd, Suite 101  
Latham, New York 12110  
(518) 783-1630

Network Building + Consulting  
Chris Borncamp, Site Acquisition Specialist  
6095 Marshalee Drive, Suite 300  
Elkridge, Maryland 21075  
(315) 415-0369

Young/Sommer LLC  
Scott P. Olson, Esq.  
Executive Woods  
Five Palisades Drive  
Albany, New York 12205  
(518) 438-9907

Dated: November 14, 2017

**APPLICATION FOR SITE PLAN APPROVAL**

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

**IDENTIFICATION OF APPLICANT**

Name: ORANGE COUNTY - Poughkeepsie Limited PARTNERSHIP d/b/a Verizon Wireless  
Address: 1275 John St., Suite 100  
West Henrietta, NY 14586  
Signature: [Signature], Attorney for Applicant  
Date: 10/11/17  
Phone: 518-527-6817

(For Official Use Only)  
Application & Fee Rec'd \_\_\_\_\_  
Initial Review \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Conditional Approval \_\_\_\_\_  
Final Approval \_\_\_\_\_

Date \_\_\_\_\_  
Initials \_\_\_\_\_  
\_\_\_\_\_

**IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL**

Name: YOUNG SOMMER, LLC (ATTN: Scott Olson)  
Address: 5 PALISADES DR.  
ALBANY, NY 12205

Phone: 518-438-9907 Ext. 258  
Fax: 518-438-9914  
Email address: solon@youngsummer.com

**IDENTIFICATION OF SUBJECT PROPERTY:**

Property Address: 7 CROSS STREET  
Tax Map Designation: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_  
Land Area: Existing utility pole Zoning District(s) \_\_\_\_\_

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: Installation and operation of antenna and equipment on existing utility pole  
Gross Non-Residential Floor Space: Existing N/A Proposed N/A  
TOTAL: N/A  
Dwelling Units (by type): Existing N/A Proposed N/A  
TOTAL: N/A

**ITEMS TO ACCOMPANY THIS APPLICATION**

- a. One electronic and five (5) **folded** paper copies of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. One electronic and five (5) **folded** paper copies of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- c. One electronic and five (5) **folded** paper copies of additional sketches, renderings or other information.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- e. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

**INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH**

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

**INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN**

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

**Approved by Resolution of the Beacon Planning Board  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
subject to all conditions as stated therein**

\_\_\_\_\_  
**Chairman, City Planning Board**

\_\_\_\_\_  
**Date**

**APPLICATION FOR SPECIAL USE PERMIT**

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

**IDENTIFICATION OF APPLICANT**

Name: Orange County- Poughkeepsie Limited Partnership  
Address: 1275 John St., Suite 100  
WEST Henrietta, NY 14586  
Signature: [Signature] Attorney for Applicant  
Date: 10-11-17  
Phone: 518-527-6813

(For Official Use Only) Date Initials  
Application & Fee Rec'd \_\_\_\_\_  
Initial Review \_\_\_\_\_  
PB Public Hearing \_\_\_\_\_  
Sent to City Council \_\_\_\_\_  
City Council Workshop \_\_\_\_\_  
City Council Public Hearing \_\_\_\_\_  
City Council Approve/Disapprove \_\_\_\_\_

**IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL**

Name: YOUNG SOMMER, LLC (ATTN: SCOTT OLSON)  
Address: 5 PALMADO DR.  
ALBANY, NY 12205

Phone: 518-438-9907 Ext. 258  
Fax: 518-438-9914  
Email address: solson@youngsummer.com

**IDENTIFICATION OF SUBJECT PROPERTY:**

Property Address: 7 Cross Street  
Tax Map Designation: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_  
Land Area: Existing utility pole Zoning District(s) \_\_\_\_\_

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: Installation and operation of antenna and equipment on existing utility pole  
Gross Non-Residential Floor Space: Existing N/A Proposed N/A  
TOTAL: N/A  
Dwelling Units (by type): Existing N/A Proposed N/A  
TOTAL: N/A

**ITEMS TO ACCOMPANY THIS APPLICATION**

- a. Five (5) **folded** copies and One (1) digital copy of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. Five (5) **folded** copies and One (1) digital copy of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- c. Five (5) **folded** copies and One (1) digital copy of additional sketches, renderings or other information.
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- e. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

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- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

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- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
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- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

**Approved by Resolution of the Beacon Planning Board  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
subject to all conditions as stated therein**

\_\_\_\_\_  
**Chairman, City Planning Board**

\_\_\_\_\_  
**Date**

**BOARD of TRUSTEES and/or PLANNING BOARD of the CITY of BEACON,  
DUTCHESS COUNTY, NEW YORK**

In the Matter of the Special Use Permit and Site Plan Review Application of

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**ORANGE COUNTY-POUGHKEEPSIE LIMITED PARTNERSHIP d/b/a Verizon Wireless**

Premises: 7 Cross Street  
Beacon, Dutchess County, New York

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**STATEMENT OF INTENT and  
APPLICATION FOR SPECIAL USE PERMIT and SITE PLAN REVIEW and  
ROSENBERG WAIVER RELIEF**

**I. Introduction**

ORANGE COUNTY-POUGHKEEPSIE LIMITED PARTNERSHIP d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes to install one antenna and related equipment on a replacement wooden utility pole located at in the existing right of way adjacent to 7 Cross Street ("Project").

Verizon Wireless is considered a public utility under New York decisional law (*Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364 (1993)) [Exhibit 1], and a provider of "personal wireless services" under the federal Telecommunications Act of 1996 (the "TCA") [Exhibit 2]. Verizon Wireless' equipment will be in operation twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year. A copy of the applicable Verizon Wireless FCC licenses is included herewith [Exhibit 3].

In *Rosenberg*, this State's highest Court determined that the ordinary variance standard is inapplicable and a cellular telephone company applying for a variance need only show that (1) the variance is "required to render safe and adequate service," and (2) there are "compelling reasons, economic or otherwise," for needing the variance. *Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364, 372 (1993). Verizon Wireless respectfully submits this Statement of Intent in support of its application for Special Use Permit approval, and all necessary Town Board waivers under the *Rosenberg* standard.

The proposed Project involves installation and operation of one (1) small antenna and related equipment on an existing wooden utility pole. The specific improvements proposed are detailed on the Zoning/Site Plans prepared by Tectonic Engineering and Surveying included herewith as [Exhibit 4].

## II. Purpose of Beacon Station Communications Facility

The purpose of the Project is to provide “hotspot” coverage for its advanced 4<sup>th</sup> Generation Long Term Evolution (4G LTE) services to a relative small area in the City of Beacon currently not served or under-served.

Enclosed in Exhibit 5 is a RF Analysis prepared by a qualified radio frequency consultant which analysis describes in detail the need for this new site at this location. Exhibit 6 includes a Site Selection Analysis that describes the methodology of identifying the proposed location for the Project.

## III. Additional Supporting Materials

1. Public Necessity of Facility. The Applicant has provided expert proof in the form of a report from its Radio Frequency (RF) Design Engineer depicting the area within which Verizon Wireless’ communications facility needs to be located (the “search area”) in order to provide adequate and safe service to the City of beacon, particularly in the area near the proposed facility. This report clearly demonstrates that (i) there is an inadequate and unsafe level of service in the targeted area of the City of Beacon, and (ii) a new communications facility is necessary to provide an adequate and safe level of hand-held wireless service to this area. See, Exhibit 5.

As noted above and in Exhibits 2 and 3, Verizon Wireless is recognized as a public utility under New York law and a provider of personal wireless services under the federal Telecommunications Act of 1996. This project is a public necessity in that it is required to render adequate and safe coverage (mobile and in-building) to a significant portion of the City of Beacon. This, combined with the federal mandate to expeditiously deploy advanced wireless services across the nation and Verizon Wireless’ FCC licenses to provide such services in the City of Beacon, demonstrates that Verizon Wireless’ facility is a public necessity. Without the construction of the communications facility proposed, the public would be deprived of an essential means of communication, which, in turn, would jeopardize the safety and welfare of the community and traveling public.

2. The Application conforms with all applicable regulations promulgated by the Federal Communications Commission, the Federal Aviation Administration and other federal agencies. The proposed facility will not increase the height of the existing utility pole and will not require FAA lighting.
3. As set forth above, Verizon Wireless and the proposed facility are considered public utilities for purposes of zoning under existing New York decisional law.
4. Operation of the facility will not involve any objectionable noise, fumes, vibration or other characteristics.



5. The facility will be operated on a 24/7 basis 365 days a year with minimal maintenance required. Adequate access and parking has been incorporated into the facility design.
6. The facility will not increase or otherwise impact any existing traffic patterns, nor will it impair pedestrian or vehicular safety or overload existing roads. Additionally, the facility will be fully accessible to fire, police and other emergency vehicles.
7. Because the facility will be unmanned, it will not involve the use of any public water, drainage or sewer system, or any other municipal facility, or degrade any act or for, natural resource or ecosystem.
8. The proposed antenna and associated equipment are proposed to be located on an existing wooden utility pole. The pole is approximately 43' tall.
9. Visibility and Design Standards:
  - a. General Aesthetics: Verizon Wireless' antenna will increase the height of the existing structure by approximately 7'.
  - b. No FAA Marking/Lighting: No tower marking and/or lighting will be required under Federal Aviation Administration (FAA) regulations.
  - c. Photographic simulations have been prepared and provided in Exhibit 7 to demonstrate that the installation of the antenna and equipment on the utility pole will not result in any significant visual impacts.
10. A certification from a New York licensed professional engineer (Paul Dugan, P.E. of Millennium Engineering, P.C.) entitled "RF Safety FCC Compliance of Proposed Communications Facility" is included at Exhibit 8, to document that Verizon Wireless' proposed transmissions will be: (a) in full compliance with the current FCC RF emissions guidelines (NIER); and (b) categorically excluded from local regulation under applicable federal law.
11. To assist the City fulfill its obligations under the NYS Environmental Quality Review Act ("SEQRA"), a Short Environmental Assessment Form ("EAF") has been prepared by Tectonic Engineering and is provided in Exhibit 9.

#### IV. Conclusion

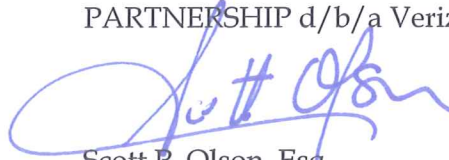
Approval of the Project will enable Verizon Wireless to provide an adequate and safe level of wireless telephone service to the area of the City of Beacon and surrounding environs, within the confines of applicable technological and land use limitations. Such approval will also be in the

public interest, in that it will allow Verizon Wireless to comply with its statutory mandate to build out its network and provide local businesses, residents and public service entities with safe and reliable wireless communications services. Based upon the foregoing, Verizon Wireless respectfully submits that this project complies in all material respects with the Special Use Permit and Site Plan Review requirements of the City of Beacon's Zoning Code, and any potential impact on the community created by this approval may properly be considered to be minimal and of no significant adverse effect.

If you should have any questions or require any additional information, I can be reached at (518) 438-9907, Ext. 258.

Thank you for your consideration.

Respectfully submitted,  
ORANGE COUNTY-POUGHKEESPIE LIMITED  
PARTNERSHIP d/b/a Verizon Wireless



Scott P. Olson, Esq.  
Regional Local Counsel

Dated: October 16, 2017

DOCUMENTATION OF PUBLIC UTILITY STATUS  
and  
OVERVIEW OF ROSENBERG DECISION

In *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993), the New York Court of Appeals determined that cellular telephone companies are public utilities. The Court held that proposed cellular telephone installations are to be reviewed by zoning boards pursuant to the traditional standard afforded to public utilities, rather than the standards generally required for the necessary approvals:

It has long been held that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities. There can be no question of [the carrier's] need to erect the cell site to eliminate service gaps in its cellular telephone service area. The proposed cell site will also improve the transmission and reception of existing service. Application of our holding in *Matter of Consolidated Edison* to sitings of cellular telephone companies, such as [the applicant], permits those companies to construct structures necessary for their operation which are prohibited because of existing zoning laws and to provide the desired services to the surrounding community. . . . Moreover, the record supports the conclusion that [the applicant] sustained its burden of proving the requisite public necessity. [The applicant] established that the erection of the cell site would enable it to remedy gaps in its service area that currently prevent it from providing adequate service to its customers in the . . . area.

*Rosenberg*, 82 N.Y.2d at 372-74 (citing *Consolidated Edison Co. v. Hoffman*, 43 N.Y.2d 598 (1978)).

This special treatment of a public utility stems from the essential nature of its service, and the fact that a public utility transmitting facility must be located in a particular area in order to provide service. For instance, water towers, electric switching stations, water pumping stations and telephone poles must be in particular locations (including within residential districts) in order to provide the utility to a specific area:

[Public] utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

Anderson, *New York Zoning Law Practice*, 3d ed., p. 411 (1984) (hereafter "Anderson"). See also, *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993); *Payne v. Taylor*, 178 A.D.2d 979 (4th Dep't 1991).

Accordingly, the law in New York is that a municipality may not prohibit facilities, including towers, necessary for the transmission of a public utility. In *Rosenberg*, 82 N.Y.2d at 371, the court found that "the construction of an antenna tower... to facilitate the supply of cellular telephone service is a 'public utility building' within the meaning of a zoning ordinance." See also *Long Island Lighting Co. v. Griffin*, 272 A.D. 551 (2d Dep't 1947) (a municipal corporation may not prohibit the expansion of a public utility where such expansion is necessary to the maintenance of essential services).

**DOCUMENTATION OF PERSONAL WIRELESS SERVICE FACILITY STATUS  
and  
FEDERAL TELECOMMUNICATIONS ACT OF 1996**

In addition to being considered a public utility under New York decisional law, Verizon Wireless is classified as a provider of “personal wireless services” under the federal Telecommunications Act of 1996 (the “TCA”).

As stated in the long title of the Act, the goal of the TCA is to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” *Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996)*.

The TCA mandates a process designed to achieve competitive telecommunications markets. In keeping with the central goals of the TCA, the authors specify in Section 253(a) that “[n]o State or local statute or regulation...may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” *TCA Section 253(a), emphasis added*.

Section 332(c) of the TCA preserves the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction and modification of personal wireless service facilities, subject to several important limitations:

- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services” (*TCA §332(c)(7)(B)(i)(I)*);
- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services” (*TCA §332(c)(7)(B)(i)(II)*);
- Applications must be processed within a reasonable period of time, and any decision to deny a request for placement of personal wireless service facilities must be in writing and supported by substantial evidence contained in a written record (*TCA §332(c)(7)(B)(ii) and (iii)*); and
- regulations based upon the perceived environmental effects of radio frequency emissions are prohibited, so long as the proposed personal wireless service facility complies with FCC regulations concerning such emissions (*TCA §332(c)(7)(B)(iv)*).

A reference copy of the Telecommunications Act of 1996 is included herewith.

TELECOMMUNICATIONS ACT OF 1996

JANUARY 31, 1996. Ordered to be printed

Mr. BLILEY, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany S. 652]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 652), to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

**SECTION 1. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—*This Act may be cited as the "Telecommunications Act of 1996".*

(b) **REFERENCES.**—*Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).*

**SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

- Sec. 1. Short title; references.*
- Sec. 2. Table of contents.*
- Sec. 3. Definitions.*

22-327

Federal Communications Commission  
Library

~~The owner shall provide written notification of such attachment to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such conduit, duct, conduit, or right-of-way accessible.~~

~~Any entity that obtains an attachment to a pole, conduit, or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity (including the owner of such pole, conduit, or right-of-way).~~

**SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.**

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—

“(A) GENERAL AUTHORITY.—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) LIMITATIONS.—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

“(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities 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.

"(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

"(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

"(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v))."

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

**RIERS.**

Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

"(8) MOBILE SERVICES ACCESS.—A person engaged in the provision of commercial mobile services, insofar as such person is engaged, shall not be required to provide equal access to common carriers for the provision of telephone toll services. If



portionate share of the costs incurred by the owner in making such conduit or right-of-way accessible.

*Conference agreement*

The conference agreement adopts the Senate provision with modifications. The conference agreement amends section 224 of the Communications Act by adding new subsection (e)(1) to allow parties to negotiate the rates, terms, and conditions for attaching to poles, ducts, conduits, and rights-of-way owned or controlled by utilities. New subsection 224(e)(2) establishes a new rate formula charged to telecommunications carriers for the non-useable space of each pole. Such rate shall be based upon the number of attaching entities. The conferees also agree to three additional provisions from the House amendment. First, subsection (g) requires utilities that engage in the provision of telecommunications services or cable services to impute to its costs of providing such service an equal amount to the pole attachment rate for which such company would be liable under section 224. Second, new subsection 224(h) requires utilities to provide written notification to attaching entities of any plans to modify or alter its poles, ducts, conduit, or rights-of-way. New subsection 224(h) also requires any attaching entity that takes advantage of such opportunity to modify its own attachments shall bear a proportionate share of the costs of such alterations. Third, new subsection 224(i) prevents a utility from imposing the cost of rearrangements to other attaching entities if done solely for the benefit of the utility.

SECTION 704—FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS

*Senate bill*

No provision.

*House amendment*

Section 108 of the House amendment required the Commission to issue regulations within 180 days of enactment for siting of CMS. A negotiated rulemaking committee comprised of State and local governments, public safety agencies and the affected industries were to have attempted to develop a uniform policy to propose to the Commission for the siting of wireless tower sites.

The House amendment also required the Commission to complete its pending Radio Frequency (RF) emission exposure standards within 180 days of enactment. The siting of facilities could not be denied on the basis of RF emission levels for facilities that were in compliance with the Commission standard.

The House amendment also required that to the greatest extent possible the Federal government make available to use of Federal property, rights-of-way, easements and any other physical instruments in the siting of wireless telecommunications facilities.

*Conference agreement*

The conference agreement creates a new section 704 which prevents Commission preemption of local and State land use decisions and preserves the authority of State and local governments over

zoning and land use matters except in the limited circumstances set forth in the conference agreement. The conference agreement also provides a mechanism for judicial relief from zoning decisions that fail to comply with the provisions of this section. It is the intent of the conferees that other than under section 332(c)(7)(B)(iv) of the Communications Act of 1934 as amended by this Act and section 704 of the Telecommunications Act of 1996 the courts shall have exclusive jurisdiction over all other disputes arising under this section. Any pending Commission rulemaking concerning the preemption of local zoning authority over the placement, construction or modification of CMS facilities should be terminated.

When utilizing the term "functionally equivalent services" the conferees are referring only to personal wireless services as defined in this section that directly compete against one another. The intent of the conferees is to ensure that a State or local government does not in making a decision regarding the placement, construction and modification of facilities of personal wireless services described in this section unreasonably favor one competitor over another. The conferees also intend that the phrase "unreasonably discriminate among providers of functionally equivalent services" will provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements even if those facilities provide functionally equivalent services. For example, the conferees do not intend that if a State or local government grants a permit in a commercial district, it must also grant a permit for a competitor's 50-foot tower in a residential district.

Actions taken by State or local governments shall not prohibit or have the effect of prohibiting the placement, construction or modification of personal wireless services. It is the intent of this section that bans or policies that have the effect of banning personal wireless services or facilities not be allowed and that decisions be made on a case-by-case basis.

Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances. It is not the intent of this provision to give preferential treatment to the personal wireless service industry in the processing of requests, or to subject their requests to any but the generally applicable time frames for zoning decision.

The phrase "substantial evidence contained in a written record" is the traditional standard used for judicial review of agency actions.

The conferees intend section 332(c)(7)(B)(iv) to prevent a State or local government or its instrumentalities from basing the regulation of the placement, construction or modification of CMS facilities directly or indirectly on the environmental effects of radio frequency emissions if those facilities comply with the Commission's regulations adopted pursuant to section 704(b) concerning such emissions.

The limitations on the role and powers of the Commission under this subparagraph relate to local land use regulations and are not intended to limit or affect the Commission's general authority over radio telecommunications, including the authority to regulate the construction, modification and operation of radio facilities.

The conferees intend that the court to which a party appeals a decision under section 332(c)(7)(B)(v) may be the Federal district court in which the facilities are located or a State court of competent jurisdiction, at the option of the party making the appeal, and that the courts act expeditiously in deciding such cases. The term "final action" of that new subparagraph means final administrative action at the State or local government level so that a party can commence action under the subparagraph rather than waiting for the exhaustion of any independent State court remedy otherwise required.

With respect to the availability of Federal property for the use of wireless telecommunications infrastructure sites under section 704(c), the conferees generally adopt the House provisions, but substitute the President or his designee for the Commission.

It should be noted that the provisions relating to telecommunications facilities are not limited to commercial mobile radio licensees, but also will include other Commission licensed wireless common carriers such as point to point microwave in the extremely high frequency portion of the electromagnetic spectrum which rely on line of sight for transmitting communication services.

~~SECTION 705. MOBILE SERVICE DIRECT ACCESS TO LONG-DISTANCE CARRIERS~~

*Senate bill*

Subsection (b) of section 221 of the Senate bill, as passed, states that notwithstanding the MFJ or any other consent decree, no CMS provider will be required by court order or otherwise to provide long distance equal access. The Commission may only order equal access if a CMS provider is subject to the interconnection obligations of section 251 and if the Commission finds that such a requirement is in the public interest. CMS providers shall ensure that its subscribers can obtain unblocked access to the interexchange carrier of their choice through the use of interexchange carrier identification codes, except that the unblocking requirement shall not apply to mobile satellite services unless the Commission finds it is in the public interest.

*House amendment*

Under section 109 of the House amendment, the Commission shall require providers of two-way switched voice CMS to allow their subscribers to access the telephone toll services provider of their choice through the use of carrier identification codes. The Commission rules will supersede the equal access, balloting and prescription requirements imposed by the MFJ and the AT&T-McCaw consent decree. The Commission may exempt carriers or classes of carriers from the requirements of this section if it is consistent with the public interest, convenience, and necessity, and the

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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630

<b>Call Sign</b> WQGA902	<b>File Number</b> 0006150136
<b>Radio Service</b> AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

<b>Grant Date</b> 11-29-2006	<b>Effective Date</b> 12-28-2013	<b>Expiration Date</b> 11-29-2021	<b>Print Date</b> 02-14-2014
<b>Market Number</b> BEA005	<b>Channel Block</b> B		<b>Sub-Market Designator</b> 5
<b>Market Name</b> Albany-Schenectady-Troy, NY			
<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

Waivers/Conditions:

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

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

Conditions:

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

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

REFERENCE COPY

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELCO PARTNERSHIP

ATTN: REGULATORY
CELCO PARTNERSHIP
1120 SANCTUARY PKWY, #150 GASA5REG
ALPHARETTA, GA 30009-7630

Table with Call Sign (WQGA903), File Number, and Radio Service (AW - AWS (1710-1755 MHz and 2110-2155 MHz)).

FCC Registration Number (FRN): 0003290673

Table with columns: Grant Date, Effective Date, Expiration Date, Print Date, Market Number, Channel Block, Sub-Market Designator, Market Name, 1st Build-out Date, 2nd Build-out Date, 3rd Build-out Date, 4th Build-out Date.

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations.

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

Conditions: Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS).



## ELECTRICAL NOTES

1. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS, NEC AND ALL APPLICABLE LOCAL CODES.
2. ALL ELECTRICAL EQUIPMENT AND ACCESSORIES SHALL BE U.L. APPROVED OR LISTED.
3. CONDUIT ROUTINGS ARE SCHEMATIC. CONTRACTOR SHALL INSTALL CONDUITS SO THAT ACCESS TO EQUIPMENT IS NOT BLOCKED.
4. WIRING, RACEWAY AND SUPPORT METHODS AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE NEC.
5. ALL CIRCUITS SHALL BE SEGREGATED AND MAINTAIN MINIMUM CABLE SEPARATION AS REQUIRED BY THE NEC.
6. CABLES SHALL NOT BE ROUTED THROUGH LADDER-STYLE CABLE TRAY RUNGS.
7. EACH END OF EVERY POWER, POWER PHASE CONDUCTOR (I.E., HOTS), GROUNDING, AND TI CONDUCTOR AND CABLE SHALL BE LABELED WITH COLOR-CODED INSULATION OR ELECTRICAL TAPE (3M BRAND, 1/2 INCH PLASTIC ELECTRICAL TAPE WITH UV PROTECTION, OR EQUAL). THE IDENTIFICATION METHOD SHALL CONFORM WITH NEC & OSHA.
8. ALL ELECTRICAL COMPONENTS SHALL BE CLEARLY LABELED WITH ENGRAVED LAMACOID PLASTIC LABELS. ALL EQUIPMENT SHALL BE LABELED WITH THEIR VOLTAGE RATING, PHASE CONFIGURATION, WIRE CONFIGURATION, POWER OR AMPACITY RATING, AND BRANCH CIRCUIT ID NUMBERS (I.E., PANELBOARD AND CIRCUIT ID'S).
9. PANELBOARDS (ID NUMBERS) AND INTERNAL CIRCUIT BREAKERS (CIRCUIT ID NUMBERS) SHALL BE CLEARLY LABELED WITH ENGRAVED LAMACOID PLASTIC LABELS.
10. POWER, CONTROL, AND EQUIPMENT GROUND WIRING IN TUBING OR CONDUIT SHALL BE SINGLE CONDUCTOR (#14 AWG OR LARGER), 600 V, OIL RESISTANT THHN OR THWN-2. STRANDED COPPER CABLE RATED FOR 90°C (WET AND DRY) OPERATION; LISTED OR LABELED FOR THE LOCATION AND RACEWAY SYSTEM USED, UNLESS OTHERWISE SPECIFIED.
11. SUPPLEMENTAL EQUIPMENT GROUND WIRING LOCATED INDOORS SHALL BE SINGLE CONDUCTOR (#6 AWG OR LARGER), 600 V, OIL RESISTANT THHN OR THWN-2 GREEN INSULATION, STRANDED COPPER CABLE RATED FOR 90°C (WET AND DRY) OPERATION; LISTED OR LABELED FOR THE LOCATION AND RACEWAY SYSTEM USED, UNLESS OTHERWISE SPECIFIED.
12. POWER AND CONTROL WIRING, NOT IN TUBING OR CONDUIT, SHALL BE MULTI-CONDUCTOR, TYPE USE-2 CABLE (#14 AWG OR LARGER), 600 V, OIL RESISTANT RHW-2 OR XHHW-2, STRANDED COPPER CABLE RATED FOR 90°C (WET AND DRY) OPERATION; WITH OUTER JACKET; LISTED OR LABELED FOR THE LOCATION USED, UNLESS OTHERWISE SPECIFIED.
13. ALL POWER AND GROUNDING CONNECTIONS SHALL BE CRIMP-STYLE, COMPRESSION WIRE LUGS AND WIRE NUTS BY THOMAS AND BETTS (OR EQUAL). LUGS AND WIRE NUTS SHALL BE RATED FOR OPERATION AT NO LESS THAN 90°C.
14. RACEWAY AND CABLE TRAY SHALL BE LISTED OR LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA, UL, ANSI/IEEE, AND NEC.
15. ELECTRICAL METALLIC TUBING (EMT) OR RIGID METALLIC CONDUIT (RMC) SHALL BE USED FOR EXPOSED INDOOR LOCATIONS.
16. ELECTRICAL METALLIC TUBING (EMT) OR RIGID METALLIC CONDUIT (RMC) SHALL BE USED FOR CONCEALED INDOOR LOCATIONS.
17. PVC SCHEDULE 40 CONDUIT SHALL BE USED UNDERGROUND EXCEPT IN AREAS OF VEHICULAR TRAFFIC. IN SUCH AREAS, PVC SCHEDULE 80 SHOULD BE USED.
18. ALL OUTDOOR EXPOSED CONDUIT SHALL BE PVC SCHEDULE 80 AND SHALL BE SUPPORTED ADEQUATELY.
19. LIQUID-TIGHT FLEXIBLE METALLIC CONDUIT (LIQUID-TITE FLEX) SHALL BE USED INDOORS AND OUTDOORS, WHERE VIBRATION OCCURS OR FLEXIBILITY IS NEEDED. LFMC SHALL CONFORM TO NEC ARTICLE 350.
20. CONDUIT AND TUBING FITTINGS SHALL BE THREADED OR COMPRESSION-TYPE AND APPROVED FOR THE LOCATION USED. SET SCREW FITTINGS ARE NOT ACCEPTABLE.
21. CABINETS, BOXES, AND WIREWAYS SHALL BE LISTED OR LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA, UL, ANSI/IEEE, AND NEC.
22. WIREWAYS SHALL BE EPOXY-COATED (GRAY) AND INCLUDE A HINGED COVER, DESIGNED TO SWING OPEN DOWNWARD; SHALL BE PANDUIT TYPE E (OR EQUAL); AND RATED NEMA 1 (OR BETTER) INDOORS, OR NEMA 3R (OR BETTER) OUTDOORS.
23. EQUIPMENT CABINETS, TERMINAL BOXES, JUNCTION BOXES, AND PULL BOXES SHALL BE GALVANIZED OR EPOXY-COATED SHEET STEEL, SHALL MEET OR EXCEED UL 50, AND RATED NEMA 1 (OR BETTER) INDOORS, OR NEMA 3R (OR BETTER) OUTDOORS.
24. METAL RECEPTACLE, SWITCH, AND DEVICE BOXES SHALL BE GALVANIZED, EPOXY-COATED, OR NON-CORRODING; SHALL MEET OR EXCEED UL 514A AND NEMA OS 1; AND RATED NEMA 1 (OR BETTER) INDOORS, OR WEATHER PROTECTED (WP OR BETTER) OUTDOORS.
25. NON-METALLIC RECEPTACLE, SWITCH, AND DEVICE BOXES SHALL MEET OR EXCEED NEMA OS 2; AND RATED NEMA 1 (OR BETTER) INDOORS, OR WEATHER PROTECTED (WP OR BETTER) OUTDOORS.
26. IF REQUIRED, CONTRACTOR SHALL APPLY FOR ELECTRICAL SERVICE AS SOON AS POSSIBLE AND COORDINATE REQUIREMENTS, SERVICE ROUTING, AND METER SOCKET TYPE WITH LOCAL POWER COMPANY.
27. CONTRACTOR SHALL OBTAIN ALL PERMITS, PAY PERMIT FEES, AND SCHEDULE INSPECTIONS.
28. CONTRACTOR SHALL LABEL ELECTRICAL EQUIPMENT IN ACCORDANCE WITH NEC 110.16 AND 110.24.
29. CONTRACTOR SHALL VERIFY THAT THE MAIN BONDING JUMPER AND GROUNDING ELECTRODE CONDUCTOR IS INSTALLED PROPERLY AT SERVICE ENTRANCE.
30. CONTRACTOR SHALL SEAL AROUND ALL CONDUIT PENETRATIONS THROUGH WALLS, FLOORS AND ROOFS TO PREVENT MOISTURE PENETRATION OR VERMIN INFESTATIONS.
31. WHERE ELECTRICAL POWER IS TO BE SUB-FED FROM AN EXISTING DISTRIBUTION SYSTEM, THE FOLLOWING SHALL APPLY:
  - A. CONTRACTOR SHALL PERFORM LOAD TESTING TO DETERMINE MAXIMUM FEEDER DEMAND PER N.E.C. ARTICLE 220.
  - B. CONTRACTOR SHALL VERIFY WHETHER EXISTING FEEDER CAPACITY EXCEEDS VALUE CALCULATED PER N.E.C. ARTICLE 220.
  - C. EACH BRANCH CIRCUIT PROTECTIVE DEVICE SHALL HAVE SAME INTERRUPTING RATING AS EQUIPMENT SUPPLYING IT.
  - D. PREFERRED MEANS OF SUPPLY SHALL BE A BRANCH CIRCUIT PROTECTIVE DEVICE LOCATED IN EXISTING PANEL.
32. DURING TRENCH BACK-FILLING FOR EACH UNDERGROUND ELECTRICAL, TELEPHONE, SIGNAL AND COMMUNICATIONS LINE, PROVIDE A CONTINUOUS UNDERGROUND WARNING TAPE TWELVE INCHES BELOW FINISHED GRADE.

## ANTENNA MOUNTING NOTES

1. DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFORM TO ANSI/TIA-222-G "STRUCTURAL STANDARD FOR ANTENNA SUPPORTING STRUCTURES AND ANTENNAS". THE BUILDING CODE OF NEW YORK STATE, AND ALL OTHER APPLICABLE LOCAL, STATE, AND FEDERAL CODES.
2. ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A123 "ZINC (HOT-DIP GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS", UNLESS OTHERWISE NOTED.
3. ALL BOLTS, ANCHORS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153 "ZINC-COATING (HOT-DIP) ON IRON AND STEEL HARDWARE", UNLESS OTHERWISE NOTED.
4. DAMAGED GALVANIZED SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A780.
5. ALL ANTENNA MOUNTS SHALL BE INSTALLED WITH DOUBLE NUTS AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
6. DESIGN OF THE ANTENNA MOUNTING BRACKETS, SUPPORTS, AND ALL COMPONENTS THEREOF AND ATTACHMENT THERETO SHALL BE THE RESPONSIBILITY OF THE MANUFACTURER. MANUFACTURER SHALL PROVIDE THE OWNER DRAWINGS DETAILING ALL COMPONENTS OF THE ASSEMBLY, INCLUDING CONNECTIONS, DESIGN LOADS, AND ALL OTHER PERTINENT DATA. MANUFACTURER SHALL ALSO PROVIDE THE OWNER WITH A STATEMENT OF COMPLIANCE, INDICATING THAT THE ANTENNA SUPPORTS HAVE BEEN DESIGNED IN ACCORDANCE WITH ANSI/TIA-222-G STANDARDS. ALL SUBMISSIONS SHALL BEAR THE SIGNATURE AND SEAL OF A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.

## STRUCTURAL NOTE

1. THE VERIFICATION OF STRUCTURAL ADEQUACY AND DESIGN OF THE ATTACHMENTS MUST BE PERFORMED, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.

## GROUNDING NOTES

### GROUND TESTING AFTER CONSTRUCTION:

1. AFTER COMPLETION OF CONSTRUCTION OF THE CELL SITE GROUND SYSTEM, A POST INSTALLATION GROUND TEST SHALL BE PERFORMED BY THE CONTRACTOR. THE CONTRACTOR SHALL DETERMINE THE GROUND RESISTANCE FOR ALL SITES AFTER INSTALLATION OF THE EARTH GROUND SYSTEM. A PRELIMINARY EARTH RESISTIVITY TEST (3 POLE TEST OR CLAMP-ON-METER) SHALL BE PERFORMED PRIOR TO BACK FILLING ALL TRENCHES AS SPECIFIED IN VERIZON NETWORK STANDARDS (NSTD46) AND THE NATIONAL ELECTRIC CODE.
2. APPROVED MEASUREMENT METHODS FOR POST INSTALLATION GROUND TESTING SHALL BE ONE OF THE FOLLOWING METHODS:
  - A. FALL OF POTENTIAL METHOD - 3 POINT
  - B. CLAMP-ON RESISTANCE TEST
  - C. TOWER AND EXTERNAL CONDUCTOR TEST
3. A GROUNDING RESISTANCE TEST REPORT SHALL BE PREPARED UPON COMPLETION OF THE TESTING. THE TEST REPORT SHALL SHOW THE RESISTANCE IN OHMS AT 40%, 52%, 62%, 72% AND 82% POINTS IN 10% INTERVALS. RESISTANCE IS TO BE RECORDED AT EACH INTERVAL FOR EACH POINT FOR FOUR (4) DIFFERENT DIRECTIONS UNTIL THERE IS A PLATEAU SEEN AT THE 62% POINT. TESTING SHOULD BE COMPLETED IN A MINIMUM OF TWO (2) DIFFERENT DIRECTIONS AT 90 DEGREES APART. RECORD THE AVERAGE OR MEAN AS THE RESISTANCE OF THE SITE AND ENTER THIS ON THE POST RESISTANCE DATA CHART.
4. PROVIDE THE POST INSTALLATION - GROUND RESISTANCE TEST REPORT TO THE REGIONAL PROJECT ENGINEER ACCOMPANIED BY THE POST RESISTANCE DATE CHART.

## GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NEW YORK STATE BUILDING CODE, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
2. CONTRACTOR SHALL VISIT THE JOB SITE AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
3. PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY, UNLESS OTHERWISE NOTED. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO EFFECT ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
4. DIMENSIONS SHOWN ARE TO FINISH SURFACES, UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS. SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS AND/OR DESIGN INTENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE CARRIER'S AUTHORIZED REPRESENTATIVE OR THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
5. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
6. CONTRACTOR SHALL RECEIVE CLARIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND TO BE IN THE FIELD.
8. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST CONSTRUCTION SKILLS AND ATTENTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES, AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER CONTRACT, UNLESS OTHERWISE NOTED.
9. ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED WORKMEN IN ACCORDANCE WITH APPLICABLE CODES AND THE BEST ACCEPTED PRACTICE. ALL MEMBERS SHALL BE LAID PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORK AREA, ADJACENT AREAS, AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS.
11. CONTRACTOR SHALL COORDINATE HIS WORK AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
13. CONTRACTOR SHALL MAINTAIN LIABILITY INSURANCE TO PROTECT THE OWNER AND CARRIER.
14. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
15. MAKE NECESSARY PROVISIONS TO PROTECT EXISTING SURFACES, EQUIPMENT, IMPROVEMENTS, PIPING, ANTENNA AND ANTENNA CABLES. REPAIR ANY DAMAGE THAT OCCURS DURING CONSTRUCTION.
16. REPAIR ALL EXISTING SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND WITH ADJACENT SURFACES.
17. KEEP CONTRACT AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DEBRIS AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
18. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
19. CONTRACTOR SHALL SECURE ALL NECESSARY BUILDING PERMITS AND INSPECTIONS AND PAY ALL REQUIRED FEES.
20. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A/10-BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE BUILDOUT AREA DURING CONSTRUCTION.
21. ALL BROCHURES, OPERATING AND MAINTENANCE MANUALS, CATALOGS, SHOP DRAWINGS AND OTHER DOCUMENTATION SHALL BE TURNED OVER TO CARRIER AT COMPLETION OF CONSTRUCTION.
22. COMPLETE JOB SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR AFTER THE DATE OF ACCEPTANCE BY CARRIER. ANY WORK, MATERIALS, OR EQUIPMENT FOUND TO BE DEFECTIVE DURING THAT PERIOD SHALL BE CORRECTED IMMEDIATELY UPON WRITTEN NOTIFICATION AT NO ADDITIONAL COST TO CARRIER.
23. RIGGING OPERATIONS SHALL BE DONE IN ACCORDANCE WITH STATE AND FEDERAL SAFETY REGULATIONS (OSHA). ENGINEER, CARRIER AND THE OWNER SHALL BE HELD HARMLESS IN THE EVENT THE CONTRACTOR DOES NOT FOLLOW SUCH SAFETY REGULATIONS.
24. CONTRACTOR SHALL PROVIDE ACCESS TO THE SITE AND ASSIST THE RADIO EQUIPMENT VENDOR AND THE ANTENNA INSTALLATION CONTRACTOR AS THEY MAY REQUIRE.

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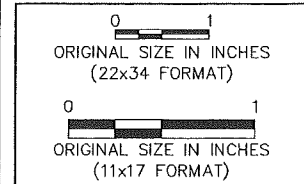
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1	10/13/17	FOR ZONING

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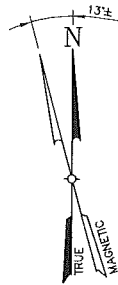


SITE INFORMATION  
CLIFF AND WILLOW  
RE PN: 20161373924  
LC: 412510

SITE ADDRESS  
7 CROSS STREET  
CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

SHEET TITLE  
GENERAL NOTES

SHEET NUMBER  
GN-1



**NORTH ORIENTATION**  
 1. NORTH ORIENTATION ESTABLISHED BY COMPASS OBSERVATION.



**1 ADJOINERS PLAN**  
 AD-1 SCALE: 1" = 60' (11 X 17)  
 1" = 30' (22 X 34)

NUMBER	SBL	Owner Name	OWNER ADDRESS
1	130200-5954-27-793937	HUDSON TODD LLC	4 CROSS ST BEACON, NY 12508
2	130200-5954-27-798971	HUDSON TODD LLC	4 CROSS ST BEACON, NY 12508
3	130200-5954-27-802974	JOSE SANTIAGO & MYRIAM ORREGO	8 CROSS ST BEACON, NY 12508
4	130200-5954-27-808975	CROSSIX LLC	50 SIMMONS LN BEACON, NY 12508
5	130200-5954-27-799966	HUDSON TODD LLC	4 CROSS ST BEACON, NY 12508
6	130200-5954-27-805964	7215-18TH AVENUE REALTY CORP	PO BOX 417 SHRUB OAK, NY 10588
7	130200-5954-27-786950	BERISHA BROTHERS INC	4 FOREST VIEW DR HOPEWELL JUNCTION, NY 12533
8	130200-5954-27-783953	MOVIL DEVLOP. CORP	284 MAIN ST BEACON, NY 12508
9	130200-5954-27-782958	CHASE PROPERTY MANAGEMENT, LLC	110 ANDERSON ST BEACON, NY 12508
10	130200-5954-27-778961	BARBARA & BRENDA SIMS	5 KITTERIDGE PL BEACON, NY 12508
11	130200-5954-27-777974	LINDLEY TODD LLC	4 CROSS ST BEACON, NY 12508
12	130200-5954-27-781973	THE HOSE COMPANY LLC	162 MAIN ST BEACON, NY 12508
13	130200-5954-27-787978	CITY OF BEACON	1 MUNICIPAL PL BEACON, NY 12508
14	130200-5954-27-788982	CROSSIX LLC	50 SIMMONS LN BEACON, NY 12508
15	130200-5954-27-792985	CROSSIX LLC	50 SIMMONS LN BEACON, NY 12508

**2 ADJOINERS LIST**  
 AD-1 SCALE: NTS

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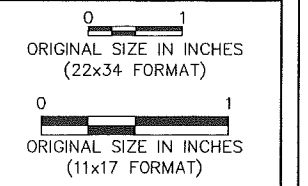
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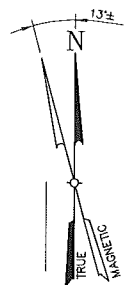
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 DUTCHESS COUNTY  
 NY 12508

**SHEET TITLE**  
 ADJOINERS PLAN

**SHEET NUMBER**  
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**NORTH ORIENTATION**  
 1. NORTH ORIENTATION ESTABLISHED BY COMPASS OBSERVATION.



**1 SITE PLAN**  
 C-1 SCALE: 1" = 60' (11 X 17)  
 1" = 30' (22 X 34)

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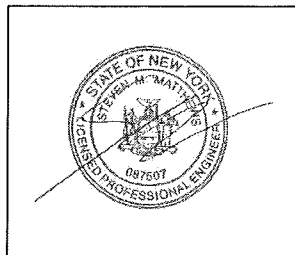
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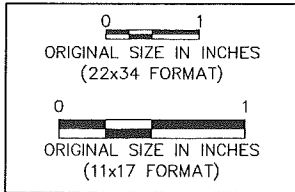
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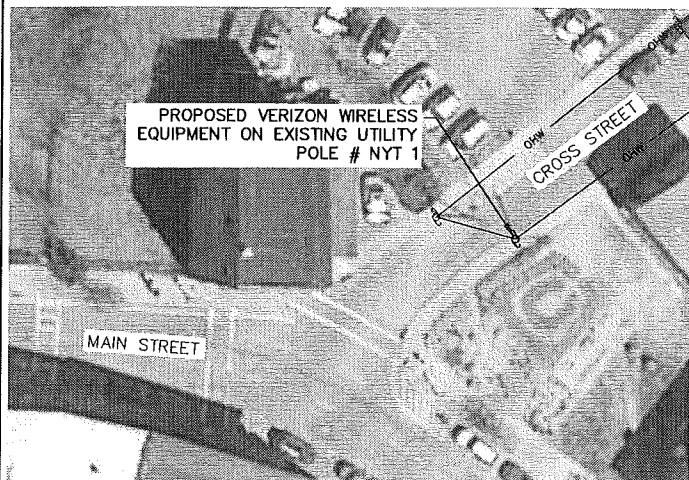
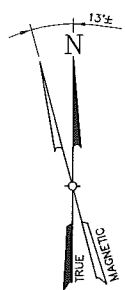


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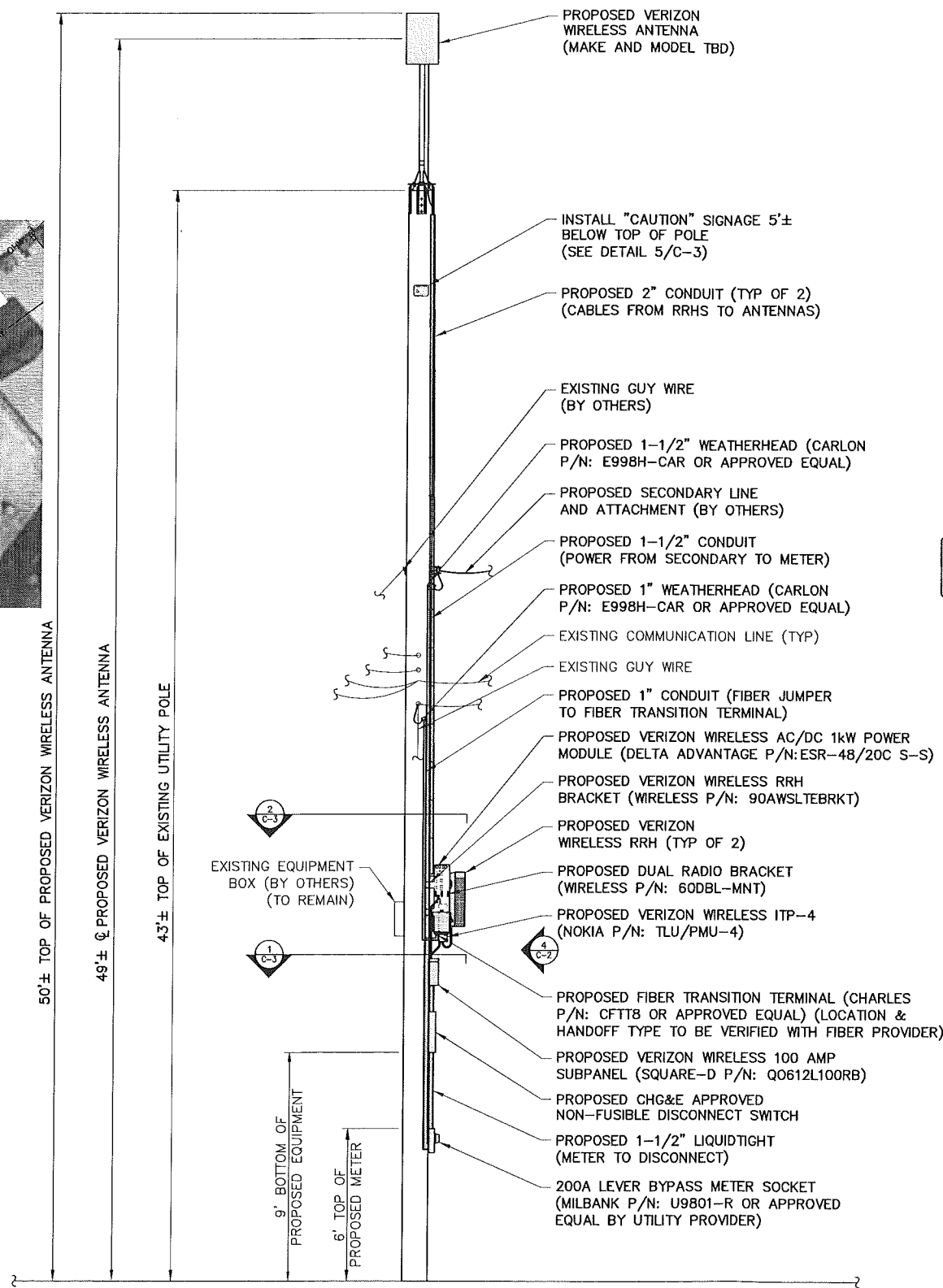
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 SITE PLAN

**SHEET NUMBER**  
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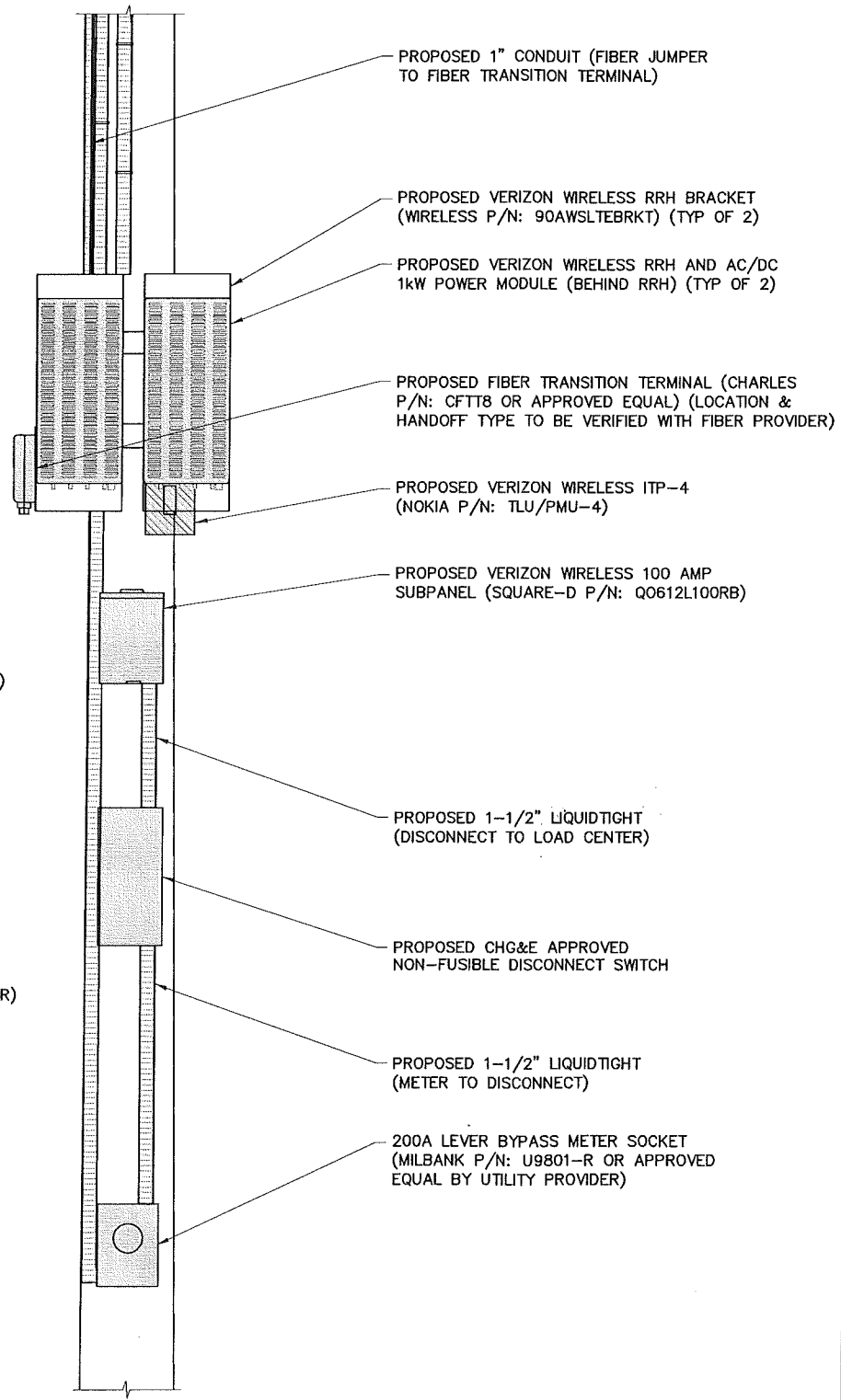


1 SITE DETAIL PLAN  
SCALE: 1" = 60' (11 X 17)  
1" = 30' (22 X 34)



2 UTILITY POLE ELEVATION  
SCALE: 1" = 4' (11 X 17)  
1" = 2' (22 X 34)

NOTE:  
USE OF SCHEDULE 40/80 CONDUIT OR RIGID CONDUIT SHALL BE DETERMINED BY THE UTILITY PROVIDERS REQUIREMENTS.



3 ELEVATION DETAIL  
SCALE: 1" = 2' (11 X 17)  
1" = 1' (22 X 34)



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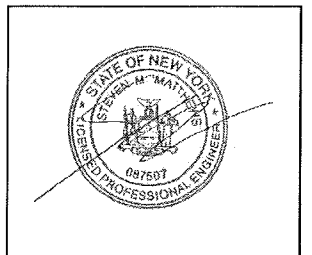


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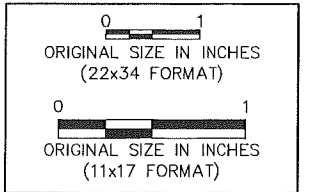
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LC: 412510

SITE ADDRESS

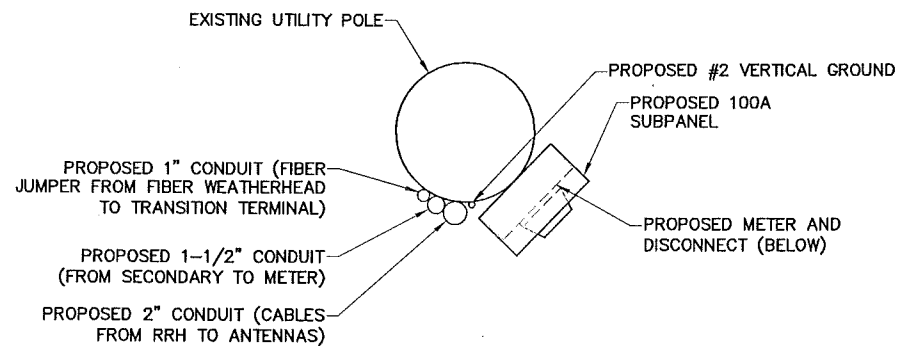
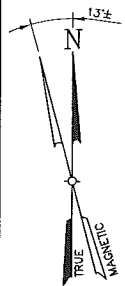
7 CROSS STREET  
CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

SHEET TITLE

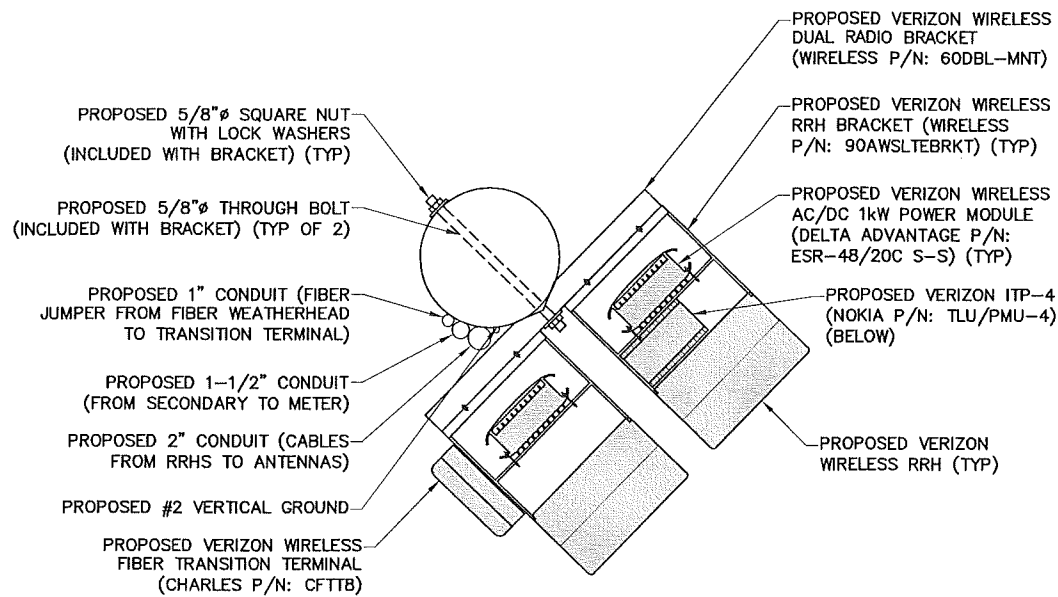
POLE ELEVATION & DETAIL

SHEET NUMBER

C-2

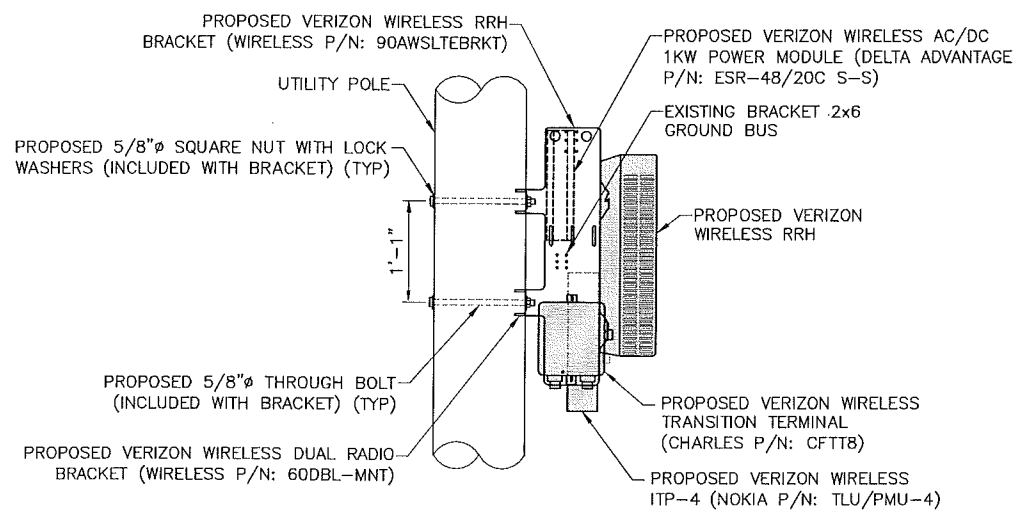


1 EQUIPMENT PLAN  
SCALE: 3" = 1'-0" (11 X 17)  
1-1/2" = 1'-0" (22 X 34)

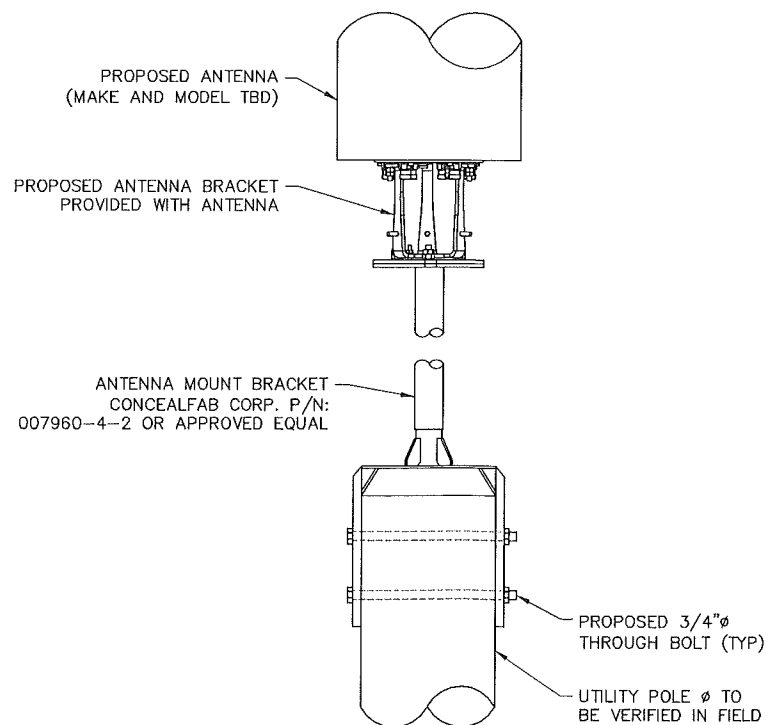


2 RRH PLAN VIEW  
SCALE: 3" = 1'-0" (11 X 17)  
1-1/2" = 1'-0" (22 X 34)

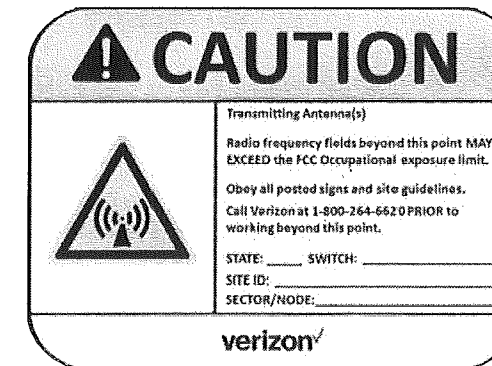
NOTE:  
USE OF SCHEDULE 40/80 CONDUIT OR RIGID CONDUIT SHALL BE DETERMINED BY THE UTILITY PROVIDERS REQUIREMENTS.



3 RRH MOUNTING DETAIL  
SCALE: 1" = 2'-0" (11 X 17)  
1" = 1'-0" (22 X 34)



4 POLE-TOP ANTENNA MOUNTING  
SCALE: NTS



VERIZON WIRELESS  
AC SERVICE DISCONNECT  
& RF SHUTOFF

- NOTE:
- CONTRACTOR TO FURNISH AND INSTALL PHENOLIC LABEL APPLIED TO LOAD CENTER.
  - ATTACH "CAUTION" SIGNAGE TO FACE OF PROPOSED UTILITY POLE USING 1" WOOD SCREWS

5 PROPOSED SIGNAGE  
SCALE: NTS



1275 JOHN STREET, SUITE 100  
WEST HENRIETTA, NY 14586



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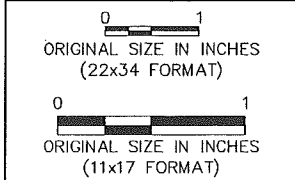
WORK ORDER NUMBER 8669.11  
DRAWN BY JRF

NO.	DATE	ISSUE
0	8/17/17	FDR COMMENT
1	10/13/17	FDR ZONING

RELEASED BY DATE



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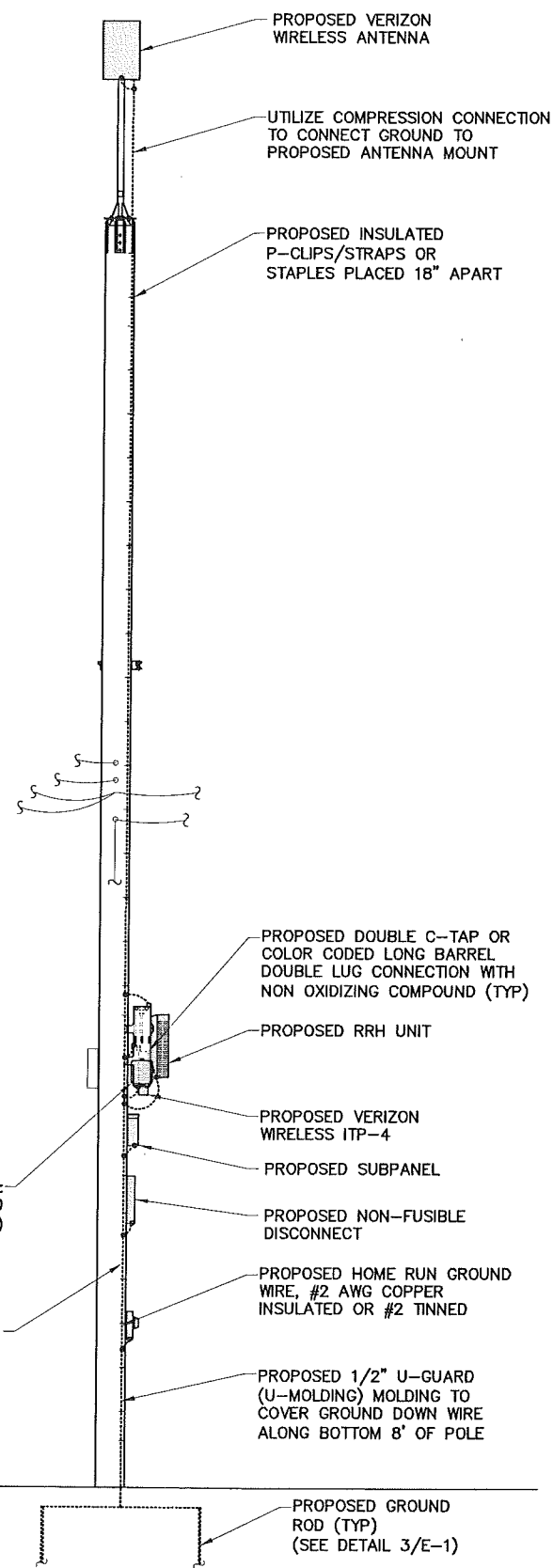
SITE INFORMATION

CLIFF AND WILLOW  
RE PN: 20161373924  
LC: 412510

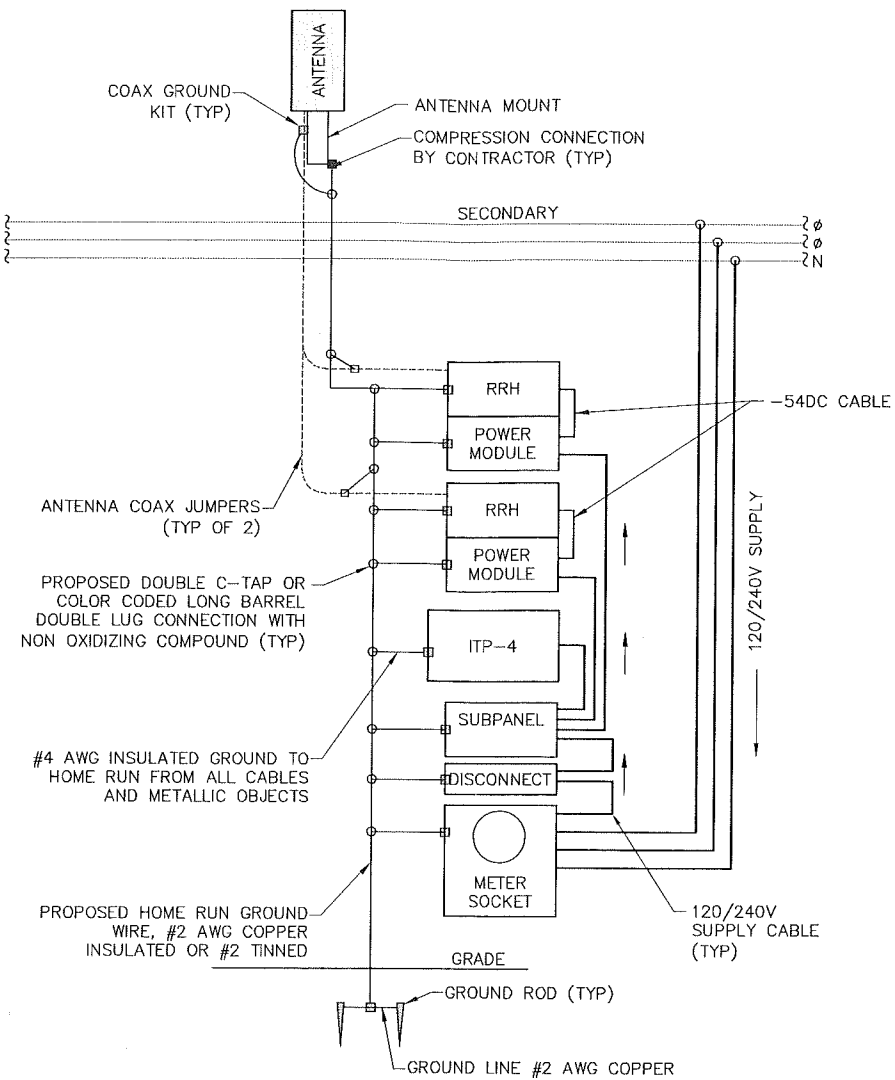
SITE ADDRESS  
7 CROSS STREET  
CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

SHEET TITLE  
POLE MOUNT DETAILS

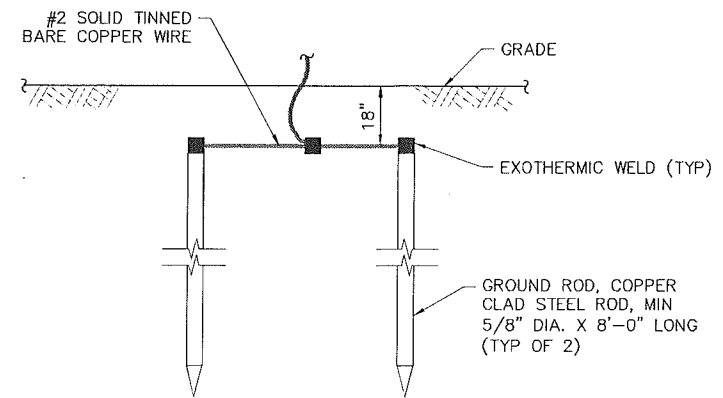
SHEET NUMBER  
C-3



1  
E-1  
SCALE: 1" = 6" (11 X 17)  
1" = 3" (22 X 34)

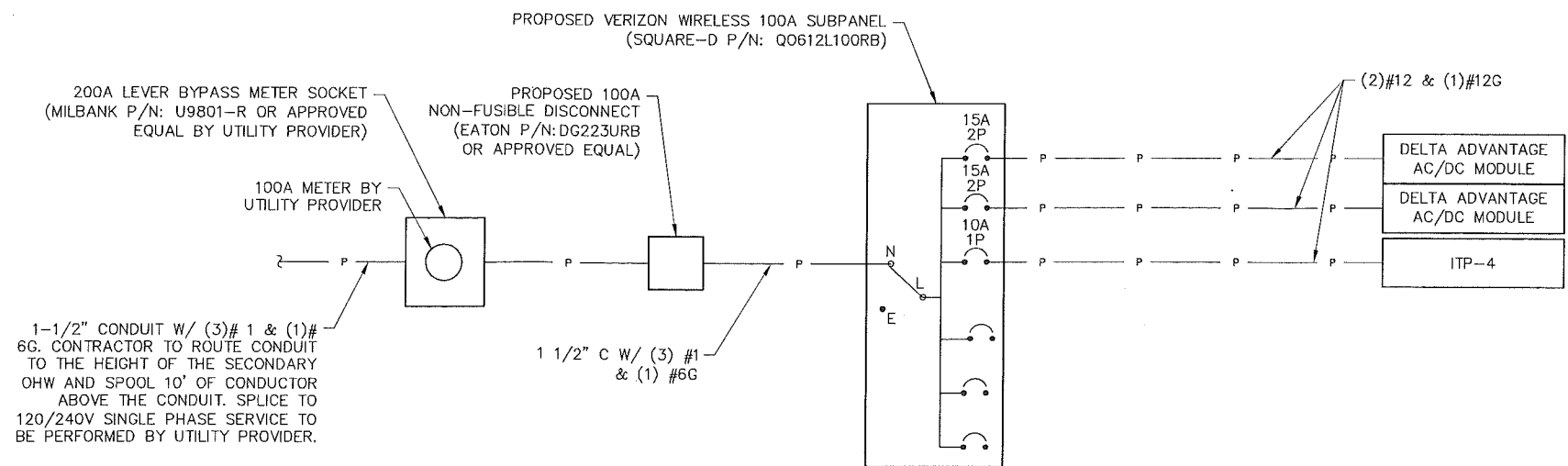


2  
E-1  
SCALE: NTS



NOTE:  
GROUND ROD SHALL BE DRIVEN VERTICALLY,  
NOT TO EXCEED 45 DEGREES FROM VERTICAL.

3  
E-1  
SCALE: NTS



1-1/2" CONDUIT W/ (3)# 1 & (1)# 6G. CONTRACTOR TO ROUTE CONDUIT TO THE HEIGHT OF THE SECONDARY OHW AND SPOOL 10' OF CONDUCTOR ABOVE THE CONDUIT. SPLICE TO 120/240V SINGLE PHASE SERVICE TO BE PERFORMED BY UTILITY PROVIDER.

1 1/2" C W/ (3) #1 & (1) #6G

4  
E-1  
SCALE: NTS

**verizon**

1275 JOHN STREET, SUITE 100  
WEST HENRIETTA, NY 14585

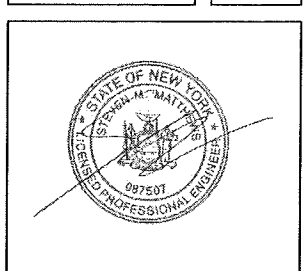
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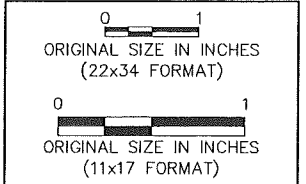
WORK ORDER NUMBER 8669.11  
DRAWN BY JRF

NO.	DATE	ISSUE
0	8/17/17	FOR COMMENT
1	10/13/17	FOR ZONING

RELEASED BY DATE



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SITE INFORMATION  
CLIFF AND WILLOW  
RE PN: 20161373924  
LC: 412510  
SITE ADDRESS

7 CROSS STREET  
CITY OF BEACON  
DUTCHESS COUNTY  
NY 12508

SHEET TITLE  
ELECTRICAL DIAGRAMS & DETAILS

SHEET NUMBER

E-1

## Cliff and Willow Micro Cell Communications Facility Radio Frequency Analysis

Verizon Wireless has proposed construction of a microcell facility at Cliff and Willow in Dutchess County, NY. This new wireless node will provide increased wireless network bandwidth (capacity) as well as improved network performance and user experience within the City of Beacon. Verizon has and continues to experience significant 4G network utilization and increasing demand generated from this area. Verizon Wireless' existing sites in this area are not able to adequately support the existing and emerging usage being demanded throughout this area.

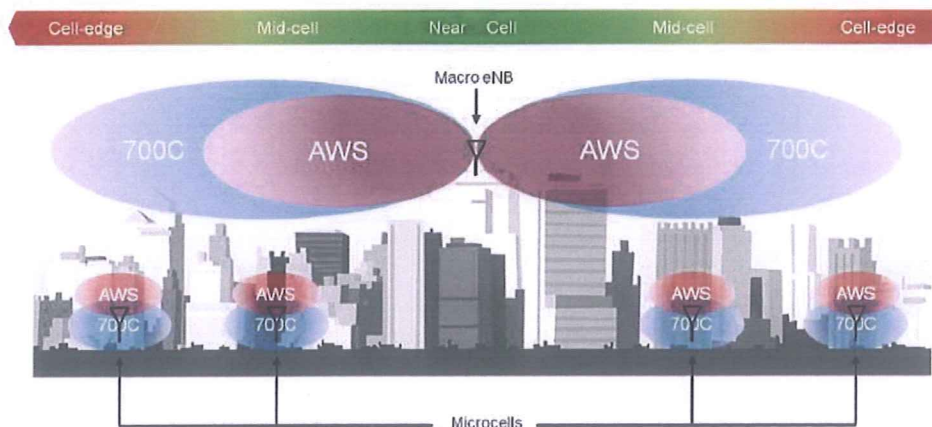
The proposed microcell is a significantly scaled down version of a typical macro cell (i.e., a standard 3-sectored array placed on tower, building or otherwise similar to Verizon's Beacon DT site located off Wolcott Ave/9-D Road). A micro cell is typically a single or dual-sector radio unit with one or two relatively small external antennas that are intended to provide "hotspot" type coverage to specific buildings, malls, event venues, airports, etc. or small outdoor areas where the coverage requirement is a radius of 1,000 ft. or less (or roughly a ¼ mile). It is critical to locate small cells within the targeted objective area similar to the proposed installation at Cliff and Willow.

The advent of micro cells has been primarily fueled by a few main forces:

- To fulfill the ever-growing need for user bandwidth within Verizon Wireless' finite spectrum inventory;
- To satisfy in-building usage and coverage demand; and
- To provide consistent user experience and performance across the network

As Verizon Wireless' traditional and relatively higher-powered macro communications facilities provide network-wide regional coverage, a layer of small cells can be under-laid beneath to create what is termed a Heterogeneous Network (HetNet). This network topology can achieve significant improvements in overall network capacity. Furthermore, as Verizon Wireless can utilize both 700 MHz and AWS (2100MHz) frequency bands, these independent frequency bands can be used in specific scenarios to provide an extra degree of freedom in overall HetNet design to achieve an even higher capacity. The diagram below is a simplified 2D illustration of Verizon Wireless' HetNet topology concept.

**Figure 1 – 4G LTE Heterogeneous Network Concept**



In a typical suburban area within Verizon Wireless' network, it is common to have specific high usage areas, referred to in wireless communications terms as "traffic hotspots". These are simply concentrated pockets of mobile devices (or customers) generating significant traffic on the network. These hotspots are typically found within the macro cell's coverage footprint. Hotspots located in the mid-cell and cell-edge region (refer to **Figure 1**) are often best served by deploying micro cells. Hotspot areas where customers are relatively isolated from the macro cell signals (e.g. where there is currently insufficient RF coverage) are also good candidate locations for micro cells.

Traditionally, the primary and most effective way to increase capacity is to implement a cell split. A cell split refers to the process of adding a second macro cell (i.e., a standard 3-sector antenna array on either a tower or rooftop) within a specific capacity-limited site's existing coverage footprint, effectively splitting a given high-usage geographical coverage area between two macro cells (versus only one), and ultimately doubling network capacity in the given area. However, in a typical suburban area, wireless mobile devices (customers) tend to be concentrated in hotspots rather than evenly distributed throughout a given area. Where this is the case, micro cells can be deployed as a viable solution to maximize performance to the isolated pocket of mobile devices while minimizing interference to the surrounding macro network.

### **General Methodology – Network Design/Micro Cell Placement**

Verizon Wireless' approach to micro cell placement is a two-part process. The first step is to identify sectors within the macro cell network that are reaching or are at maximum capacity. These sectors are deemed "exhausted", which means one or more of its components has reached the maximum load it can handle (i.e., the site's radio equipment is consistently serving the maximum number of mobile devices it can effectively handle before customers are denied access to the network or experience significant performance degradation). The second step is to identify hotspot areas within the footprint of a specific "exhausted" sector. Once identified, these areas are analyzed to determine potential micro cell locations as close to the center of the hotspot area as possible with the goal of offloading the localized hotspot traffic from the macro network. With these localized mobile devices offloaded to a well-placed micro cell (i.e. accessing Verizon Wireless' 4G network through the micro cell versus a nearby capacity-limited macro cell), remaining users within the macro sector's footprint will realize improved performance as a result of the activation of the proposed micro cell.

Many roof tops building were identified within the search area to use for deploying a micro cell facility, to off load the sectors of the macro cell network that are reaching to its maximum capacity, none of landlords of these roofs were interested in entering into a deal with Verizon Wireless, therefore, the only option left for Verizon Wireless is to use one of the existing utility poles in the search area.

As far as capacity relief on sector alpha of Beacon DT, as we know in wireless systems that capacity issue is the result of the fact that each cell site has only a finite number of users it can accommodate at any given time. Once that number is reached, other users attempting to access the network are either denied access or experience significantly degraded service, essentially rendering the service unusable. The chart in **Figure 2a** illustrates current and forecasted capacity issues at the Beacon DT macro site. Forward Data Volume ("FDV"), a measure of usage (data throughput) on a particular site over a given period of time, is the performance metric used to evaluate the capacity of an existing facility. The red line indicates the capacity limit for the Beacon DT macro, it shows the current capacity, actual 4G traffic trends should be below the capacity red line. The gold trend line represents trends where 4G traffic grows similarly to historical subscriber and usage growth on the system. The Green spikes indicate the daily capacity usage on Beacon DT Alpha sector where the yellow line represents the normalized traffic.

It should be noted that this projection in **Figure 2a** is significantly understated as the tool which generates this chart is not capable of forecasting the 25-33% increase in traffic expected as a result of the Mt. Beacon Macro shutdown project. Mt. Beacon is targeted for EOY 2017 shutdown. Mt. Beacon overlaps the Beacon area including the area of Cliff and Willow (proposed site) as well as Beacon DT (existing site). Once Mt. Beacon is off air, additional traffic will be served by the existing sites, increasing the urgency of planned capacity solutions like Cliff and Willow. To help better visualize this impact, Verizon's traffic engineers have created a customized chart to represent the pending impact with Mt. Beacon off air (**Figure 2b**).

Figure 2a  
Capacity issue on Beacon DT macro

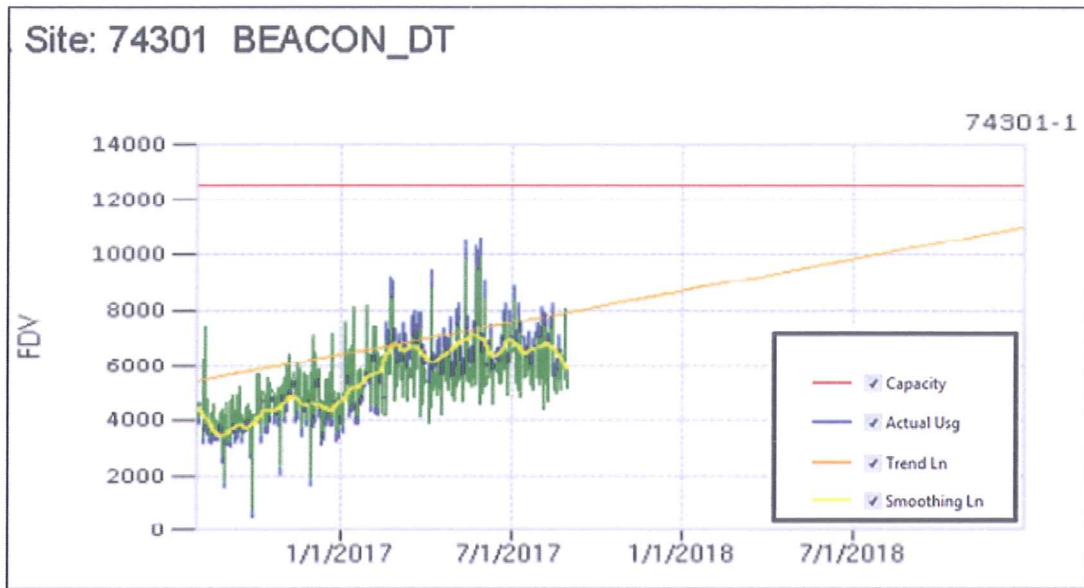
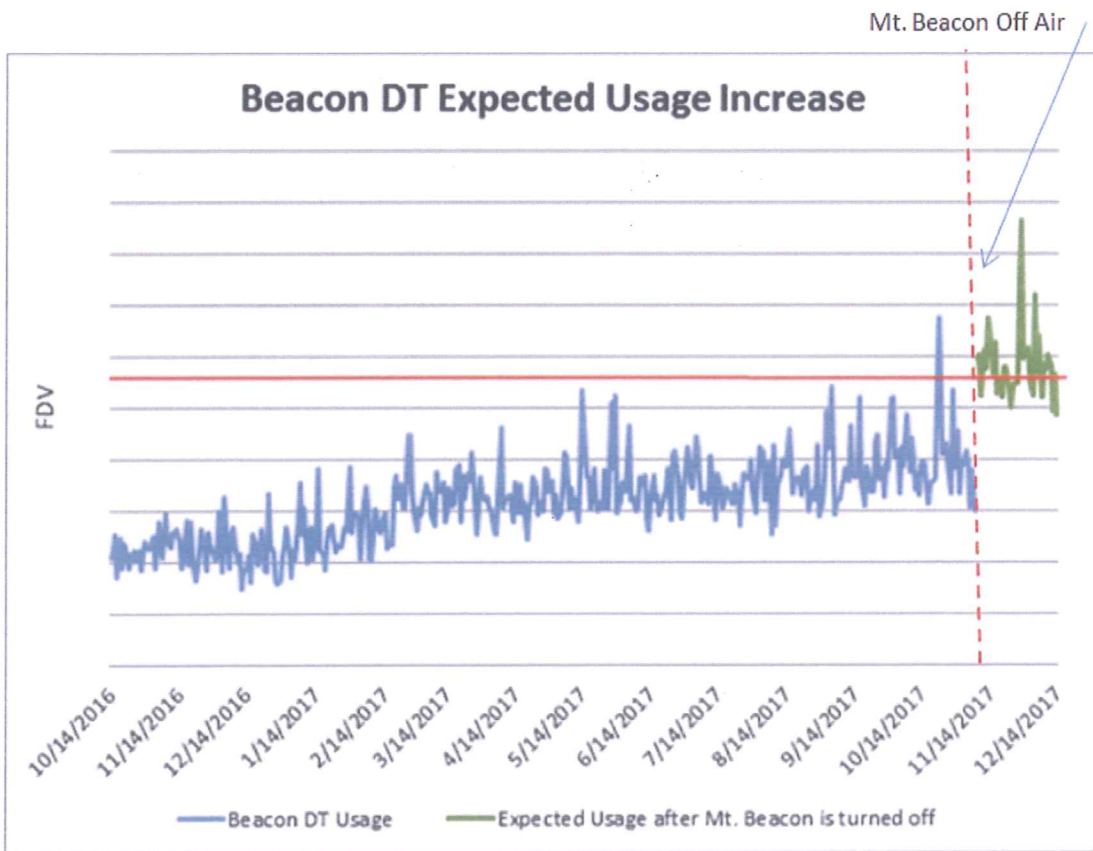


Figure 2b  
Similar to 2a above with Mt. Beacon adjustment (in green)



As it is depicted in **Figure 3**, the targeted section of Cliff and Willow micro (Main and Cross) consists of a mixture of residences and businesses including apartment buildings, offices, restaurants, shopping plazas, etc. not fully served by the Macro with AWS (2100 MHz) coverage as in **Attachment 1**. Therefore, adding a micro at the proposed location will serve the area with adequate signal density. Upon completion, the proposed micro cell will provide localized network bandwidth and improved AWS 2100 MHz frequency band coverage to this area (i.e., the area inside the red boundary shown in **Figure 3**), and it will offer an adequate level of capacity relief to the existing capacity-limited Beacon DT site.

**Figure 3**  
**Targeted Capacity Offload Area of the Proposed Cliff and Willow Micro**

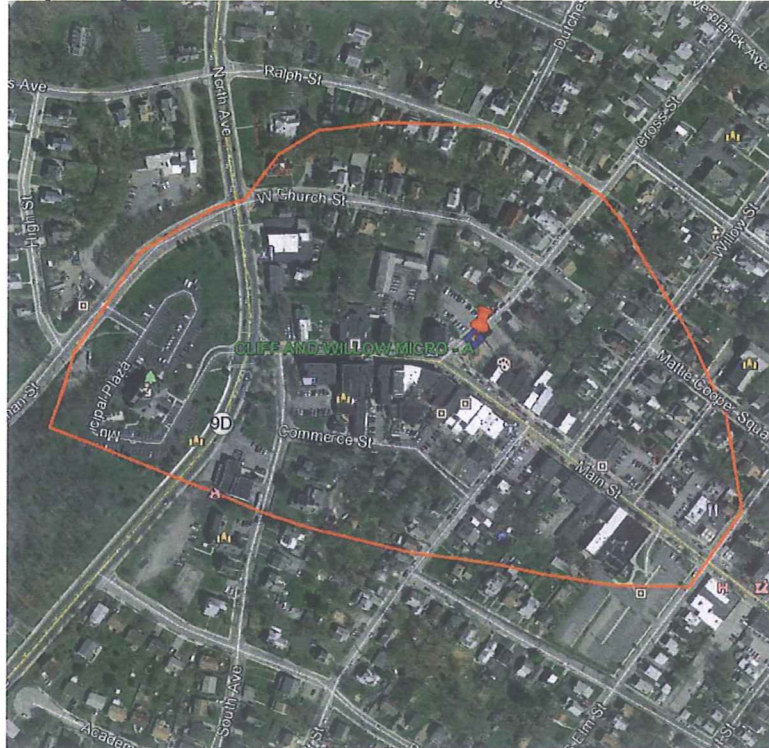




Figure 4 below shows the calculated coverage plot demonstrating the predicted 2100 MHz coverage from Beacon DT macro.

**Figure 4**  
**Existing AWS Best Server at -95dBm**

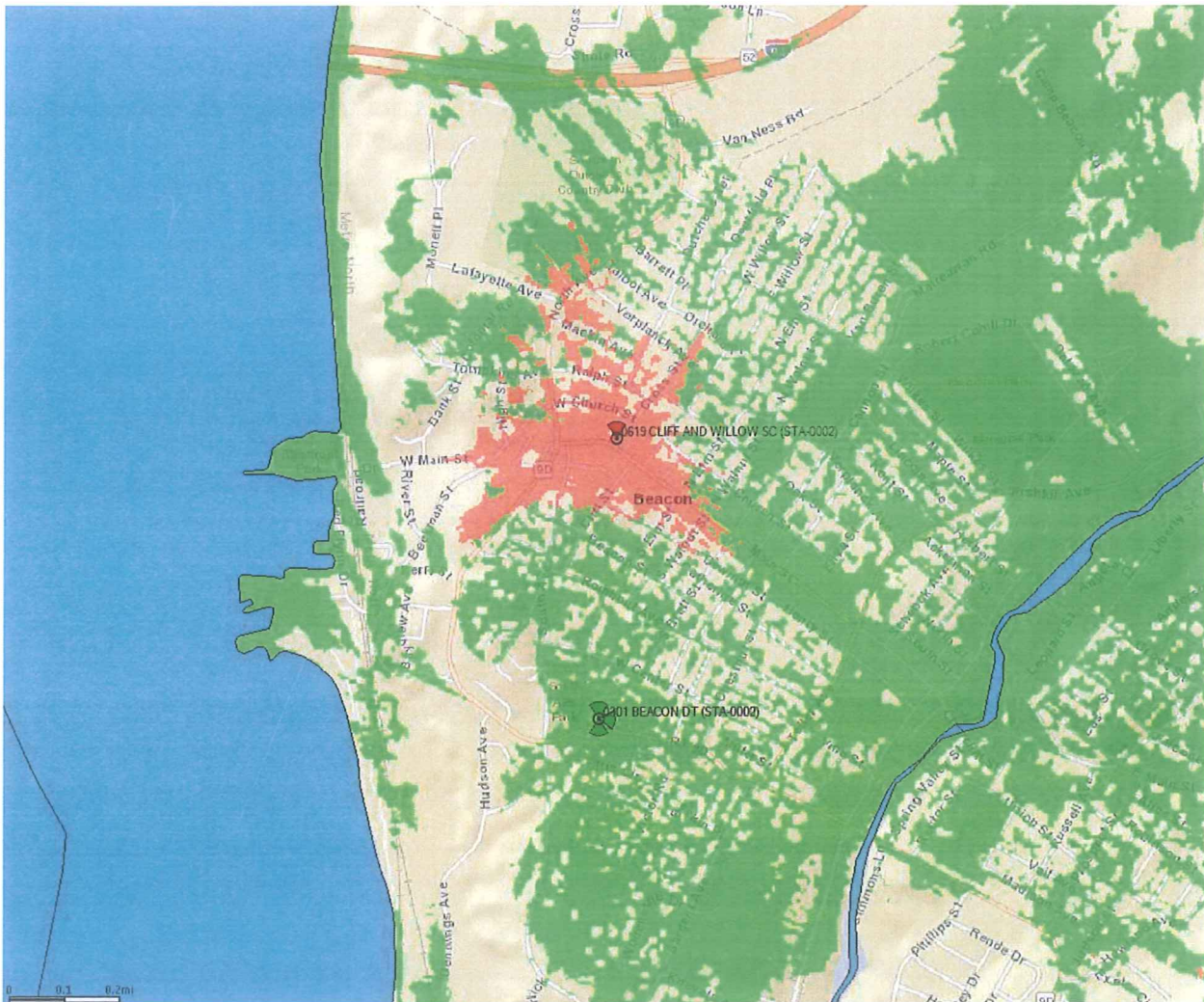


Before -95 LTE: RSRP - Coverage (0)  
■ RSRP Level (DL) (dBm) >= -95

Depicted in **Figure 5**, the calculated coverage plot provided demonstrates the predicted 2100 MHz coverage from Beacon DT macro and from the proposed Cliff and Willow micro cell at a 4G RSRP signal level of -95 dBm (or stronger). It is very important to have a signal level of a minimum of -95 dBm, Any signal weaker than -95 dBm will result with lack of signal dominance and failure to offload the macro network and in some area would lack the ability to penetrate buildings. Additionally we can observe the proposed micro will provide AWS coverage of approximately 0.3 mile radius, where the macro Beacon DT was not able to serve Verizon Wireless subscribers due to the fact the AWS footprint is limited dependent on building structure and area morphology. Therefore, upon the approval and installation of the small cell facility Cliff and Willow, the majority of customers in this area will be offloaded from the Beacon DT macro site. This will serve to increase network capacity (i.e. increase the number of users that can access the network in the area), which, in turn will significantly improve network service meeting the needs of the customers in this portion of the City of Beacon.

**Figure 5**

**Proposed AWS Best Server at -95dBm**



**Legend**

- after -95 LTE: RSRP - Coverage (0)**
- RSRP Level (DL) (dBm) >= -95
- Before -95 LTE: RSRP - Coverage (0)**
- RSRP Level (DL) (dBm) >= -95

**Conclusion**

Verizon Wireless is proposing an Omni antenna (measuring 23.6 in. high by 12 in. wide) on the top of an existing utility pole with an associated micro cell unit and ancillary equipment also mounted on the utility pole (there will be no equipment on the ground, at the base or near the pole). The bottom of the radio equipment is 10 ft. high on the 48 ft. tall pole with 1/2" coax cable placed in conduit and routed to the pole top antenna. The lowest Verizon Wireless equipment on the pole is the power meter which will be mounted 8 ft. above ground level at its lowest point. This micro cell is intended to provide "hotspot" type AWS band wireless telecommunications capacity to the area including portions of Route US-09D as well as portions of the city of Beacon where Verizon Wireless' existing macro cell network is overburdened by excessive demand of its 4th Generation LTE network.

Date: November 13, 2017

Prepared by:

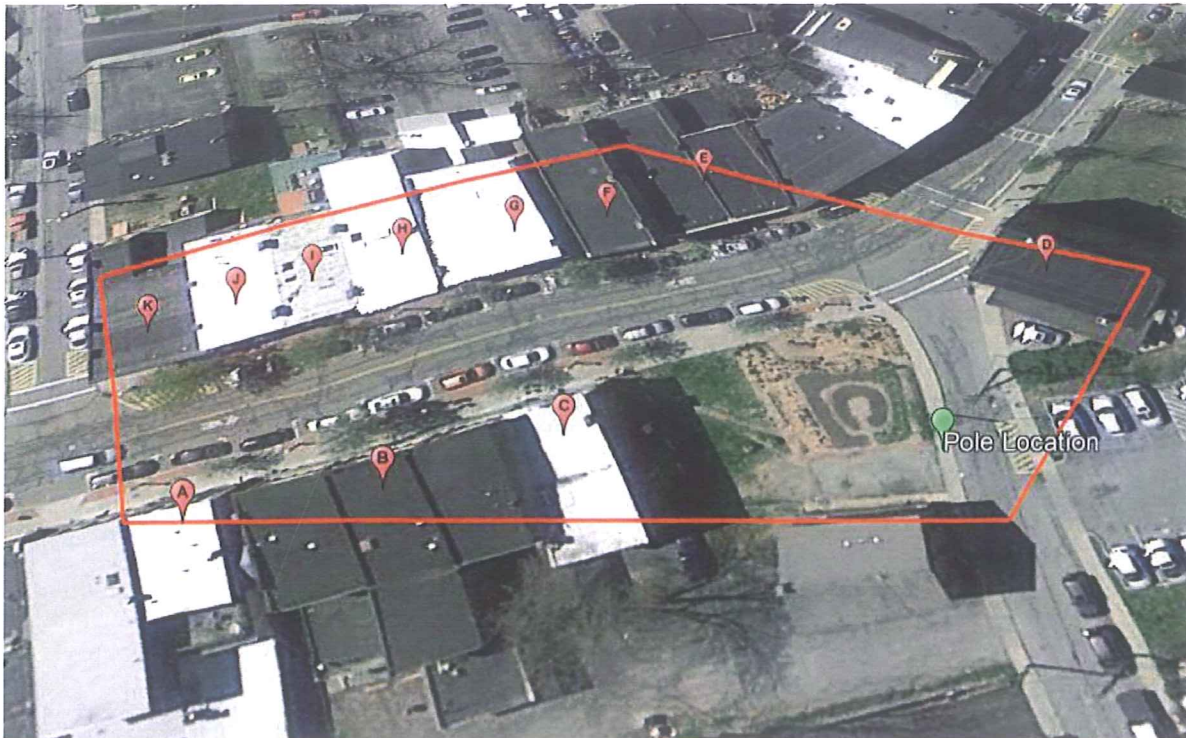
*George Karim*

George Karim  
Radio Frequency (RF) Design Engineer  
Verizon Wireless

## Cliff and Willow Micro Communications Facility Site Selection Analysis Prepared on September 1, 2017

This Site Selection Analysis has been prepared to summarize the manner in which the proposed site was selected for a new small cell/micro communications facility. Per the village code, § 223-24.5, the site selection hierarchy was followed—as there are no city owned or city housing buildings in the search area. This analysis is for a co-location on an existing facility.

When a network need is identified (e.g., a gap in coverage and/or capacity constraints), the Verizon RF Engineer first determines, through a comprehensive analysis of the system performance in the surrounding network, whether the existing network can be modified to solve the problem. If this is not possible and a new wireless facility is required, the RF Engineer devises a “Search Area”. A Search Area is the target area for locating a site on which to build a new wireless facility to solve the identified network performance problem. Once the Search Area is determined, it is given to a Site Acquisition Firm for an in-depth investigation of the targeted area. The Site Acquisition Specialist then identifies appropriate locations within the Search Area to develop a new wireless telecommunications site. As part of this investigation, the Site Acquisition Specialist works closely with Verizon Wireless’ land use and zoning attorneys, who review local zoning requirements with respect to the installation and operation of a new wireless telecommunications facility.



The Search Area Map for the proposed small cell is shown above. Candidates within the Search Area have been pinned. In order to effectively cover the Verizon Wireless targeted coverage area, it was crucial to find an acceptable location, central to the targeted coverage area. Within the Search Area Map, there are eleven (11) existing structures (letters A to M) and one (1) existing utility pole in the right of way. These were all evaluated as potential candidates. Attempts were made to contact the landlord of each structure that met RF requirements within the Search Area. The results, owners level of interest and the subsequent evaluation by the Site Acquisition Specialist is detailed within each candidate’s summary below.

**Candidate A:**

Address:  
Owner Interest:  
RF Review:

**Artisan Wine Shop**

180 Main Street, Beacon, NY 12508  
The building owner, 180 Main LLC, was not interested in the proposal to work with VZW  
This location would adequately serve the targeted coverage and capacity objective



**Candidate B:**

Address:  
Owner Interest:  
RF Review:

**Dondero Block Building**

174-178 Main Street, Beacon, NY 12508  
The building owner, 180 Main LLC, was not interested in the proposal to work with VZW  
This location would adequately serve the targeted coverage and capacity objective



**Candidate C:**

Address:  
Owner Interest:  
RF Review:

**172 Main Street**

172 Main Street, Bacon, NY 12508  
The building owner, Todd Hudson, was not interested in the proposal to work with VZW  
In addition, the location would not adequately serve the targeted coverage and capacity objective.  
Desired antenna height cannot be achieved on this roof structure.



**Candidate D:**

Address:  
Owner Interest:  
RF Review:

**Hudson Beach Glass**

162 Main Street, Beacon, NY 12508  
The building owner, Todd Hudson, was not interested in the proposal to work with VZW due to building renovations and ground space limitations.  
This location would adequately serve the targeted coverage and capacity objective.



**Candidate E:**

Address:  
Owner Interest:  
RF Review:

**Chase Property Mgt.**

163-164 Main Street, Beacon, NY 12508  
There is no ground space for VZW equipment. Does not meet real estate standards.  
This location would not adequately serve the targeted coverage and capacity objective. Desired antenna height cannot be achieved on this roof structure.



**Candidate F:**

Address:  
Owner Interest:  
RF Review:

167 Main Street, Beacon, NY 12508  
The owners were contacted on 6/10/2016, and they were not interested in the proposal.  
This location would adequately serve the targeted coverage and capacity objective, however, the ground space in the rear of the property is severely limited.



**Candidate G:**

Address: 169-173 Main Street, Beacon, NY 12508  
Owner Interest: The owners were contacted on 6/10/2016, and they were not interested in the proposal.  
RF Review: This location would adequately serve the targeted coverage and capacity objective, however, the ground space in the rear of the property is severely limited due to parking/blockage of spaces.



**Candidate H:**

**Notions and Potions**

Address: 175 Main Street, Beacon, NY 12508  
Owner Interest: The owners were contacted on 6/10/2016, and they were not interested in the proposal.  
RF Review: This location would adequately serve the targeted coverage and capacity objective, however, the ground space in the rear of the property is severely limited due to parking/blockage of spaces.



**Candidate I, J, K:**

Address: 177, 179, 181-185 Main Street, Beacon, NY 12508  
Owner Interest: The owners were not contacted as the roof height does not meet RF requirements.  
RF Review: These locations would not adequately serve the targeted coverage and capacity objective. Desired antenna height cannot be achieved on this roof structure.



**Candidate Pole 1:**

Address:

RF Review:

**Existing Pole in the Right of Way**

7 Cross Street, Beacon, NY 12508

This pole location meets construction requirements because there is no:

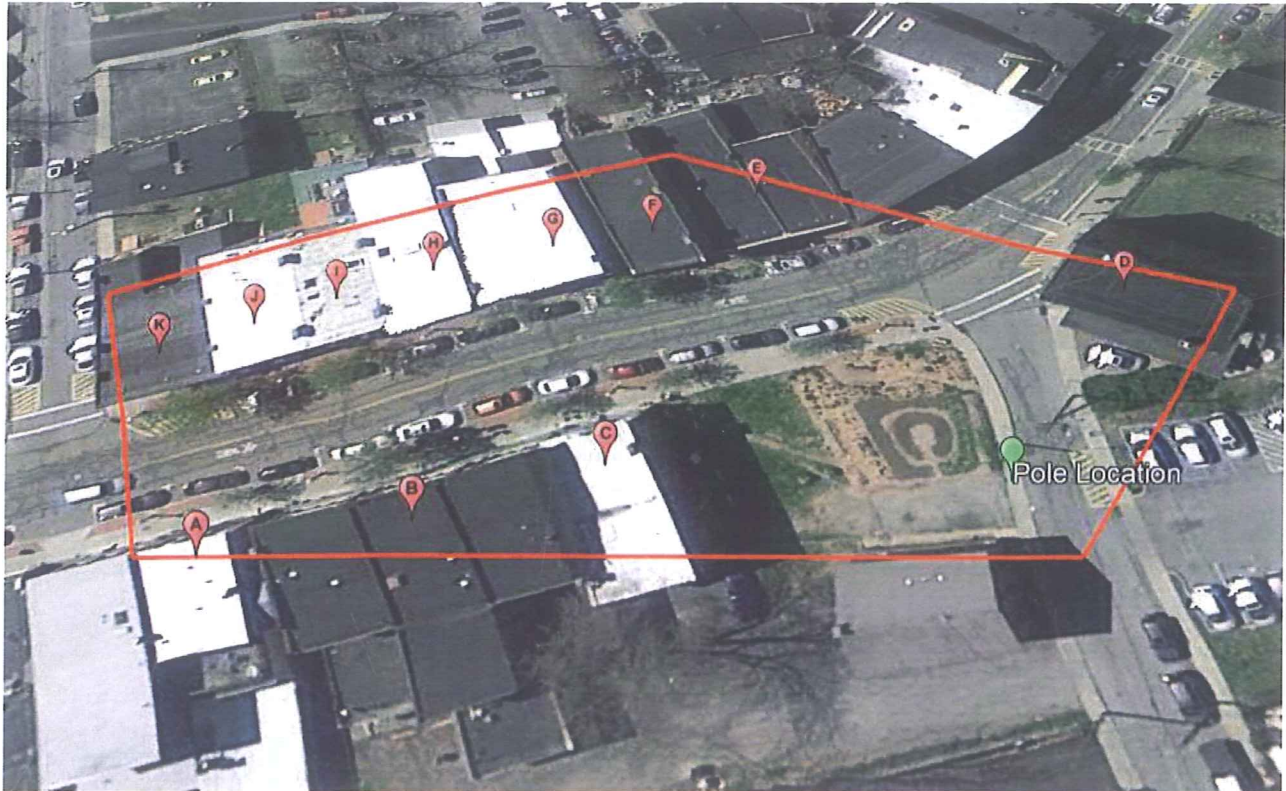
- Conduit
- Double primary wire
- Transformers
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements





**Conclusion:**

After canvassing this Search Area since April 2016, the only viable candidate for a new small cell/micro facility is the existing utility pole at 7 Cross Street. Structures A-K are not viable for either lack of owner interest, roof height, lack of ground space, and/or construction restrictions determined by the Real Estate Team.



Verizon Wireless is proposing to install one antenna with related equipment on an existing utility pole (i.e. Pole 1). This micro cell is intended to provide "hotspot" type wireless telecommunications coverage in an area where Verizon Wireless' existing macro cell network is overburdened by exploding demand on its 4th Generation LTE network.

**Prepared by:**

**Chris Borncamp**

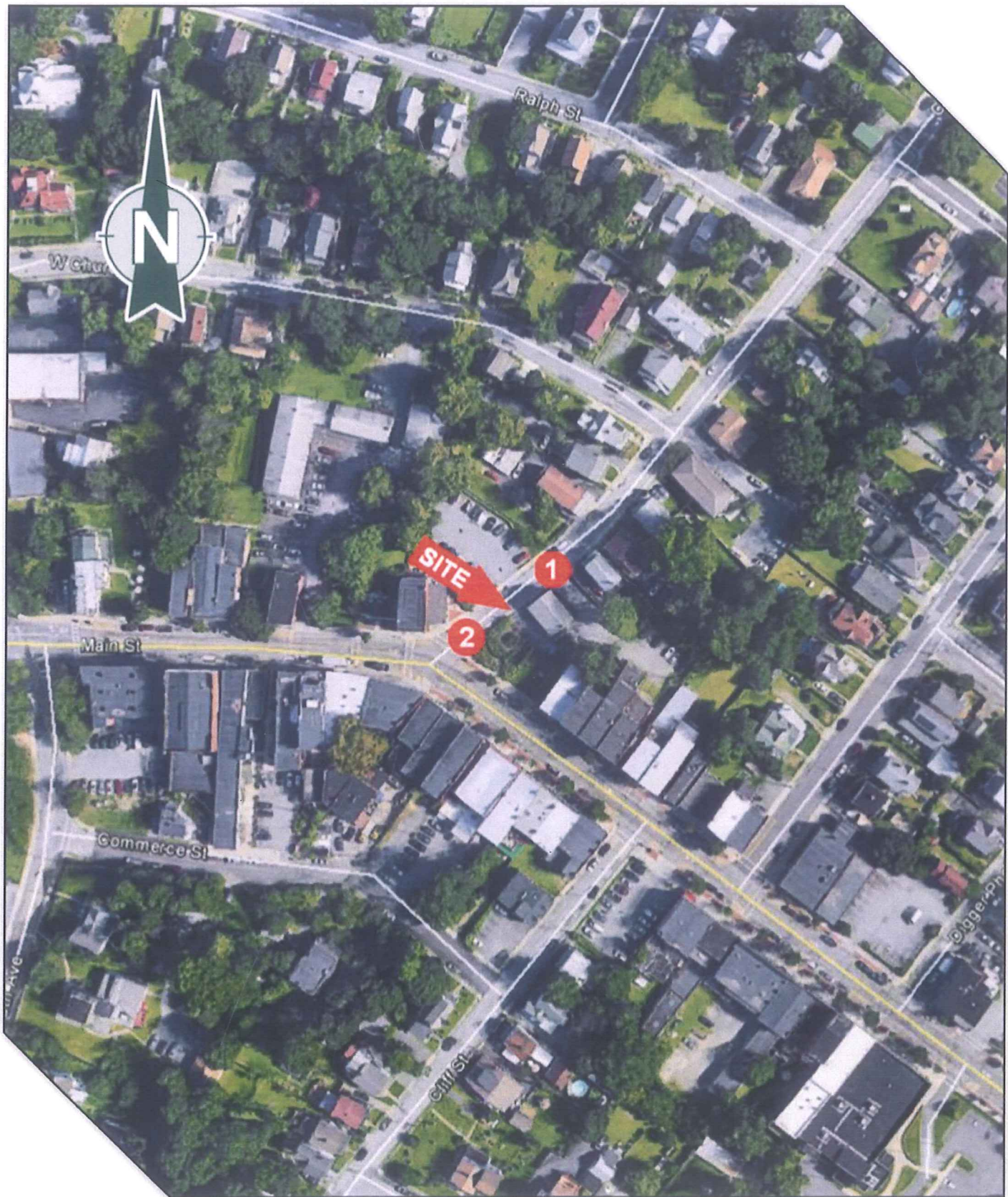
*Site Acquisition Specialist*

**NETWORK BUILDING + CONSULTING**

6095 Marshalee Drive | Suite 300 | Elkridge, MD | 21075

M 315-415-0369 | P 410.712.7092 | [cborncamp@nbcllc.com](mailto:cborncamp@nbcllc.com)





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**Cliff And Willow  
7 Cross Street  
Beacon, New York 12508**

**Photolog  
Map**

**8669.11**



**TECTONIC**

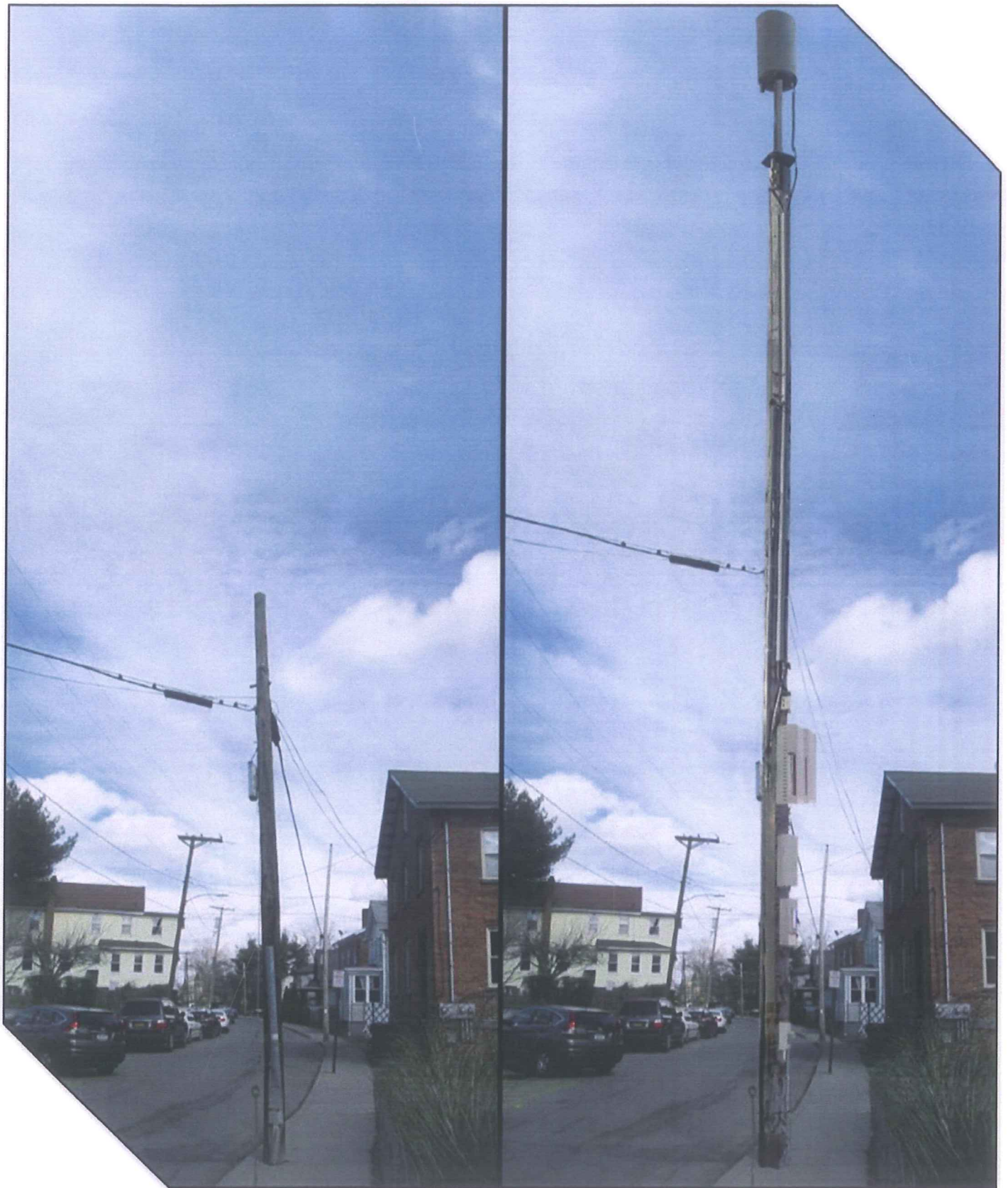
Practical Solutions, Exceptional Service

Looking southwest from 6 Cross Street.  
Proposed installation will be visible from this location.

*Distance from the photographic location to the proposed site is 70'±*

**P-1**

**8669.11**



**TECTONIC**

Practical Solutions, Exceptional Service

Looking northeast from the intersection of Main Street & Cross Street.  
Proposed installation will be visible from this location.

*Distance from the photographic location to the proposed site is 50'±*

**P-2**

**8669.11**

**MILLENNIUM ENGINEERING, P.C.**

132 Jaffrey Road  
Malvern, Pennsylvania 19355

Cell: 610-220-3820  
www.millenniumeng.com

Fax: 610-644-4355  
Email: pauldugan@comcast.net

---

August 14, 2017

Attn: George Karim, RF Engineer  
Verizon Wireless  
1275 John Street, Suite# 100  
West Henrietta, NY 14586

**Re: RF Safety FCC Compliance of Proposed Communications Facility**  
**Site Name: Cliff and Willow Micro, Proposed 43' Replacement Utility Pole (50' Overall)**  
**7 Cross Street, Beacon, NY 12508 (City of Beacon, Dutchess County)**  
**41° 30' 30.40" N, 73° 58' 31.60" W (NAD83)**

Dear Mr. Karim,

I have performed an analysis to provide an independent determination and certification that the proposed Verizon Wireless communications facility at the above referenced property will comply with Federal Communications Commission (FCC) exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields (Code of Federal Regulation 47 CFR 1.1307 and 1.1310). As a registered professional engineer I am under the jurisdiction of the State Registration Boards in which I am licensed to hold paramount the safety, health, and welfare of the public and to issue all public statements in an objective and truthful manner.

The proposed communications facility consists of a proposed 43' replacement utility pole (50' overall – top of proposed Verizon Wireless antenna) at the above referenced property. The proposed Verizon Wireless antenna configuration from the information furnished to me consists (1) 2100 MHz (LTE) omnidirectional antenna (a.k.a. "cantenna" for can-shaped antenna) (Kathrein 84010511 or equivalent) with a centerline of 48.99' above ground level (50' to top of antenna) and no mechanical downtilt. Transmitting from this antenna will be (1) 2100 MHz LTE wideband channel. The proposed Verizon Wireless antenna will be mounted on the top of the proposed replacement utility pole with a centerline of 5.99' above the top of the pole.

The following assumptions are made for reasonable upper limit radiofrequency operating parameters for the proposed facility due to the Verizon Wireless antenna alone:

- (1) 2100 MHz (LTE) omnidirectional transmit antenna at 0-10 degrees mechanical downtilt
- (1) 2100 MHz LTE wideband channel at 2x90W max power before cable loss/antenna gain
- The facility would be at or near full capacity during busy hour

Using the far-field power density equations from FCC Bulletin OET 65, the power density at any given distance from the antenna is equal to  $0.360(ERP)/R^2$  where R is the distance to the point at which the exposure is being calculated. The given equation is a conversion of the OET 65 power density equation for calculating power density given the distance in feet and the result in metric units ( $mW/cm^2$ ). This calculated power density assumes the location is in the main beam of the vertical pattern of the antenna. After making an adjustment for the

reduction in power density due to the vertical pattern of the transmit antenna, the calculated ground level power density is at or below  $1 \mu\text{W}/\text{cm}^2$  at any distance from the antenna system of Verizon Wireless.

The 2100 MHz (PCS) “B Block”, “C Block” and “D Block” transmit frequencies (2120-2130, 2130-2135, 2135-2140 MHz), which Verizon Wireless is licensed by the FCC to operate, have an uncontrolled/general population maximum permissible exposure (MPE) FCC limit of  $1000 \mu\text{W}/\text{cm}^2$  or  $1 \text{mW}/\text{cm}^2$ . Therefore, the exposure at ground level at any distance from the structure would be substantially below 1 % of the FCC exposure limits due to Verizon Wireless antennas alone. The extremely low ground exposure levels are due to the elevated positions of the antennas on the structure and the low power which these systems operate. See Figures 1 and 2 in back of this report which discuss the relationship between height, proximity or distance, and orientation to level of electromagnetic field exposure.

I have performed a near-field analysis to determine the exposure levels directly in front of the proposed Verizon Wireless antenna for the safety of occupational workers. I have performed upper limit calculations to determine the maximum possible exposure for occupational workers at a distance of 3 feet directly in front of the antenna. **The calculated exposure is well below the FCC occupational exposure limits at 3 feet directly in front of the antenna.** As a general rule, occupational workers should maintain a distance of 3 feet from all transmitting antennas.

**In summary, the proposed communications facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields (FCC Bulletin OET 65).** Federal law (FCC Rule Title 47 CFR 1.1307 and 1.1310) sets the national standard for compliance with electromagnetic field safety. The FCC exposure limits are based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI). **Thus, there is full compliance with the standards of the IRPA, FCC, IEEE, ANSI, and NCRP.**

### General Information on Electromagnetic Field Safety

Verizon Wireless facilities transmit and receive low power electromagnetic fields (EMF) between base station antennas and handheld portable cell phones. The radiofrequency energy from these facilities and devices is non-ionizing electromagnetic energy. Non-ionizing, unlike X-Rays or other forms of potentially harmful energy in the microwave region, is not cumulative over time nor can the energy change the chemical makeup of atoms (e.g. strip electrons from ions). “Non-ionizing” simply means that the energy is not strong enough to break ionic bonds.

Safe levels of electromagnetic fields were determined by numerous worldwide organizations, such as the International Committee for Non-Ionizing Radiation Protection, a worldwide multi-disciplinary team of researchers and scientists studying the effects of non-ionizing radiofrequency energy such as that emitted by base stations or cell phones. The FCC did not arbitrarily establish their own standards, but adopted the recommendations of all leading organizations that set standards and research the subject such as the Institute of Electrical and Electronics Engineers (IEEE), American National Standards Institute (ANSI), and National Council on Radiation Protection and Measurements (NCRP).

When Verizon Wireless is located on an antenna structure such as a self-supporting lattice type tower, lattice tower, guyed tower, watertank, etc. the antennas are typically 10 meters or more above ground level (10 meters = 32.81 feet). With the relatively low power and elevated positions of the antennas on the structure with respect to ground level, the maximum ground level exposure can rarely approach 1 % of the applicable FCC exposure limit regardless of how many sets of antennas are collocated on the structure. For this reason, the FCC considers the facilities “categorically excluded” from routine evaluation at antenna heights above 10 meters (or above 32.81

feet). Categorical exclusion exempts a site from routine on-site evaluation. However, the facility is not excluded from compliance with the federal exposure limits and guidelines. The types of facilities used by Verizon Wireless typically elevated on antenna structures (away from access to close proximity, i.e. greater than 10 meters or 32.81 feet) simply cannot generate ground level exposure levels that approach the limits under any circumstances.

From a regulatory perspective, the FCC has sole jurisdiction over the regulation of electromagnetic fields from all facilities and devices. The FCC has established guidelines and limits over emissions and exposure to protect the general public. The FCC also has certain criteria that trigger when an environmental evaluation must be performed. The criteria are based on distance from the antennas (accessibility) and transmit power levels.

### **CONCLUSIONS:**

- 1) The proposed communications facility will comply with electromagnetic field safety standards by a substantial margin (below 1 %) in all publicly accessible areas. This includes the base of the proposed structure and any areas in proximity to the proposed structure.**
- 2) Verizon Wireless takes appropriate measures to ensure that all telecommunications facilities (including this proposed facility) comply with applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields (FCC Bulletin OET 65).**
- 3) In cases where such compliance exists, the subject of electromagnetic field safety is preempted. The Telecommunications Act of 1996 states that: "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." Telecommunications Act of 1996, § 332[c][7][B][iv].**

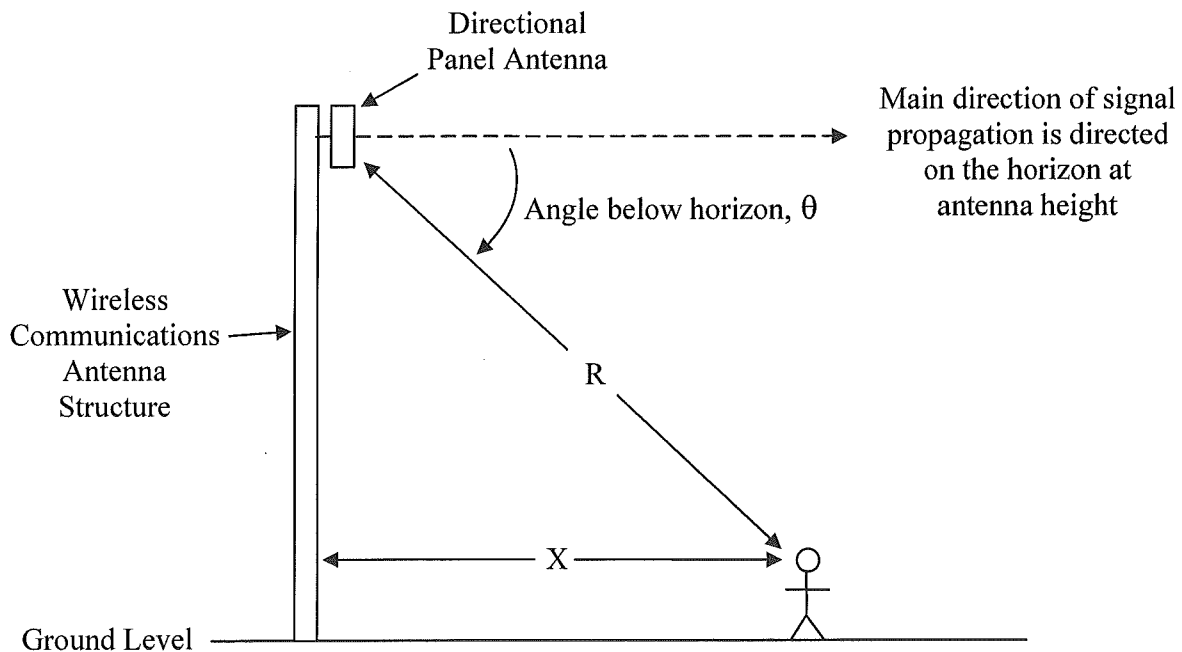
Respectfully,



Paul Dugan, P.E.  
Registered Professional Engineer  
New York License Number 79144



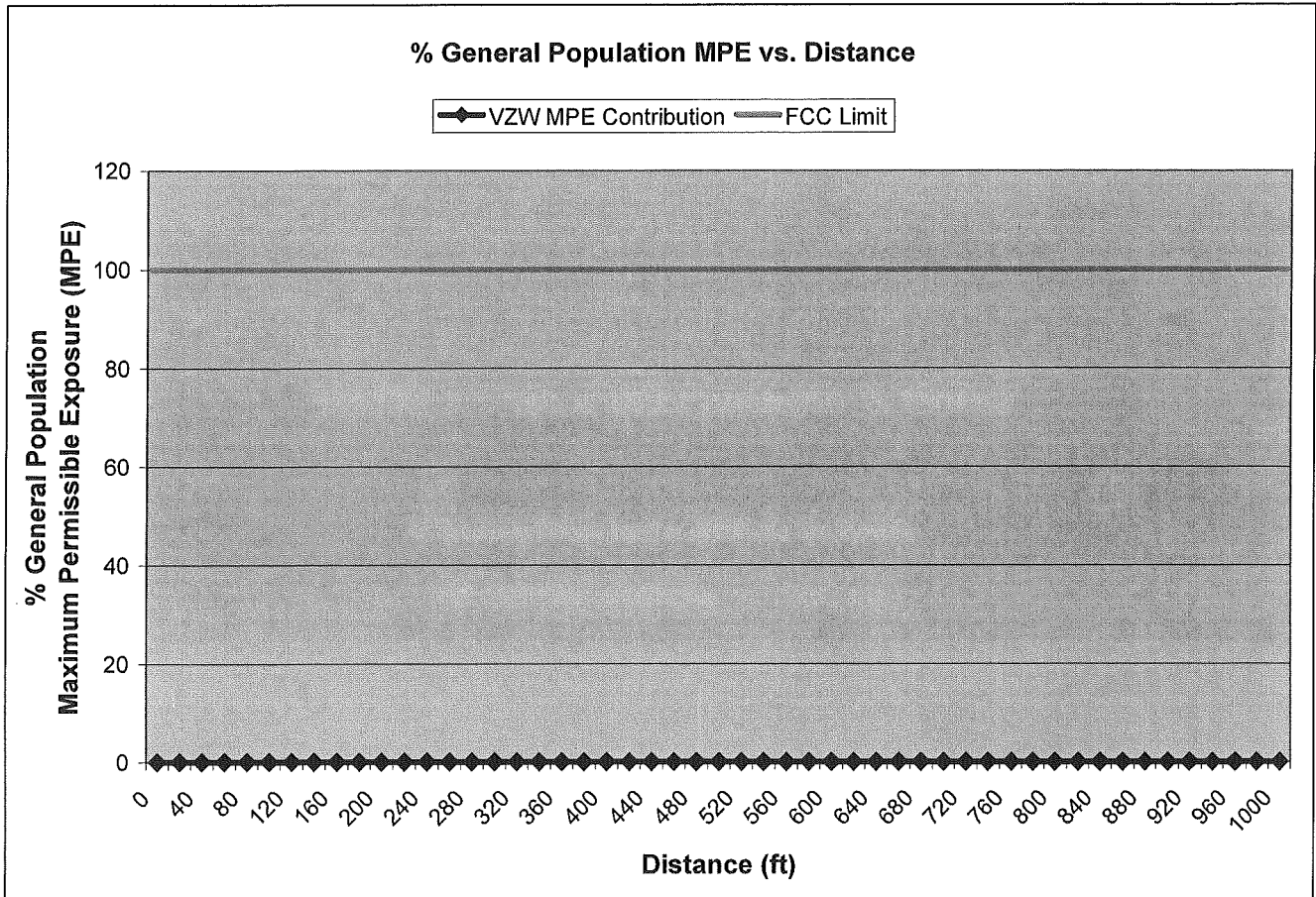
**FIGURE 1: Diagram of Electromagnetic Field Strength as a Function of Distance and Antenna Orientation**



The above diagram illustrates the conceptual relationship of distance and orientation to directional panel antennas used in wireless communications. At the base of the structure ( $x = 0$ ), the distance  $R$  is a minimum when the angle of the direction of propagation  $\theta$  is a maximum. As one moves away from the antenna structure, the horizontal distance  $X$  increases as well as the distance  $R$  to the antennas while the angle below the horizon decreases. For this reason, electromagnetic fields from these facilities remain fairly uniform up to a few hundred feet and continue to taper off with distance. As noted in the report, the electromagnetic fields from these types of facilities are hundreds of times below safety standards at any distance from the antenna structure, making them essentially indistinguishable relative to other sources of electromagnetic fields in the environment due to the elevated heights of the antennas and the relatively low power at which these systems operate.



**FIGURE 2: Graph of MPE Contribution vs. Distance**



The above graph represents the contribution of Verizon Wireless to the composite electromagnetic field exposure level at any distance from the base of the structure. The contribution of Verizon Wireless will remain well under 1% of the FCC general population maximum permissible exposure (MPE) at any distance as shown.

## DECLARATION OF ENGINEER

Paul Dugan, P.E., declares and states that he is a graduate telecommunications consulting engineer (BSE/ME Widener University 1984/1988), whose qualifications are a matter of record with the Federal Communications Commission (FCC). His firm, Millennium Engineering, P.C., has been retained by Verizon Wireless to perform power density measurements or calculations for an existing or proposed communications facility and analyze the data for compliance with FCC exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields.

Mr. Dugan also states that the calculations or measurements made in the evaluation were made by himself or his technical associates under his direct supervision, and the summary letter certification of FCC compliance associated with the foregoing document was made or prepared by him personally. Mr. Dugan is a registered professional engineer in the Jurisdictions of Pennsylvania, New Jersey, Delaware, Maryland, Virginia, New York, Connecticut, District of Columbia, West Virginia and Puerto Rico with 30 years of engineering experience. Mr. Dugan is also an active member of the Association of Federal Communications Consulting Engineers, the National Council of Examiners for Engineering, the National Society of Professionals Engineers, the Pennsylvania Society of Professional Engineers, and the Radio Club of America. Mr. Dugan further states that all facts and statements contained herein are true and accurate to the best of his own knowledge, except where stated to be in information or belief, and, as to those facts, he believes them to be true. He believes under penalty of perjury the foregoing is true and correct.

  
Paul Dugan, P.E.

Executed this the 14<sup>th</sup> day of August, 2017.

**PAUL DUGAN, P.E.**  
132 Jaffrey Road  
Malvern, Pennsylvania 19355

Cell: 610-220-3820  
Fax: 610-644-4355  
Email: [pauldugan@comcast.net](mailto:pauldugan@comcast.net)  
Web Page: [www.millenniumeng.com](http://www.millenniumeng.com)

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**EDUCATION:** Widener University, Chester, Pennsylvania  
**Master of Business Administration**, July 1991  
**Master of Science, Electrical Engineering**, December 1988  
**Bachelor of Science, Electrical Engineering**, May 1984

**PROFESSIONAL ASSOCIATIONS:** **Registered Professional Engineer** in the following jurisdictions:

Pennsylvania, License Number PE-045711-E  
New Jersey, License Number GE41731  
Maryland, License Number 24211  
Delaware, License Number 11797  
Virginia, License Number 36239  
Connecticut, License Number 22566  
New York, License Number 079144  
District of Columbia, License Number PE-900355  
West Virginia, License Number 20258  
Puerto Rico, License Number 18946

Full member of **The Association of Federal Communications Consulting Engineers**  
([www.afcce.org](http://www.afcce.org)) January 1999 to Present  
**Elected to serve on the Board of Directors for 2006-2007**

Full member of **The National Society of Professional Engineers** ([www.nspe.org](http://www.nspe.org)) and the  
**Pennsylvania Society of Professional Engineers** ([www.pspe.org](http://www.pspe.org)) June 2003 to Present  
Currently serving on the Board of Directors of the Valley Forge Chapter and as South East Region Vice-Chair for the "Professional Engineers in Private Practice" Executive Committee

Actively participate in **Chester County ARES/RACES** (CCAR [www.w3eoc.org](http://www.w3eoc.org)) which prepares and provides emergency backup communications for Chester County Department of Emergency Services, March 2005 to Present

Full member of **The National Council of Examiners for Engineering**  
([www.ncees.org](http://www.ncees.org)) May 2001 to Present

Full Member of **The Radio Club of America**  
([www.radio-club-of-america.org](http://www.radio-club-of-america.org)) December 2003 to present

**PROFESSIONAL EXPERIENCE:** Millennium Engineering, P.C., Malvern, Pennsylvania  
Position: **President**, August 1999 to Present ([www.millenniumeng.com](http://www.millenniumeng.com))

Verizon Wireless, Plymouth Meeting, Pennsylvania  
Position: **Cellular RF System Design/Performance Engineer**, April 1990 to August 1999

Communications Test Design, Inc., West Chester, Pennsylvania  
Position: **Electrical Engineer**, May 1984 to April 1990

# Short Environmental Assessment Form

## Part 1 - Project Information

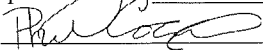
### Instructions for Completing

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

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

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: Verizon Wireless - Cliff and Willow - Unmanned Wireless Communications Facility							
Project Location (describe, and attach a location map): 7 Cross Street, City of Beacon, Dutchess County, New York 12508							
Brief Description of Proposed Action: Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the installation of one (1) antenna and related equipment on a utility pole in the right of way of Cross Street. The subject pole is located on Cross Street approximately 75' northeast of the intersection of Main Street and Cross Street.  In general, the installation will consist of the following: One (1) antenna to be mounted at a centerline height of 48.99' above grade on a 43' tall utility pole. All accessory equipment, cabling and utility services (power and fiber) are to be mounted to the replacement utility pole.							
Name of Applicant or Sponsor: Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless		Telephone: (585) 321-5390 E-Mail: Margaret.Hayes2@VerizonWireless.com					
Address: 1275 John Street, Suite 100							
City/PO: West Henrietta		State: New York	Zip Code: 14586				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Beacon Building Permit & Special Use Permit			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		_____ N/A acres					
b. Total acreage to be physically disturbed?		_____ >0.0001 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ >0.0001 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ Potable water service is not required since the proposed facility is an unmanned facility.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ There will be no wastewater generated since the proposed facility is an unmanned facility.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Phil Cocca</u> Date: <u>10/12/2017</u></p> <p>Signature: <u></u></p>		

Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_

Name of Lead Agency

\_\_\_\_\_

Date

\_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_

Title of Responsible Officer

\_\_\_\_\_

Signature of Responsible Officer in Lead Agency

\_\_\_\_\_

Signature of Preparer (if different from Responsible Officer)



# Young / Sommer LLC

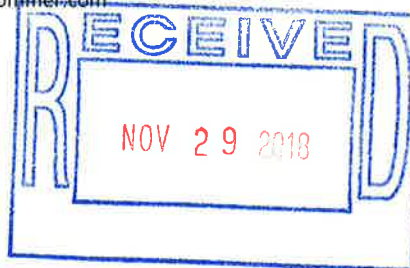
JEFFREY S. BAKER  
DAVID C. BRENNAN  
JOSEPH F. CASTIGLIONE  
JAMES A. MUSCATO II  
J. MICHAEL NAUGHTON  
ROBERT A. PANASCI  
ALLYSON M. PHILLIPS  
DEAN S. SOMMER  
KEVIN M. YOUNG

LAURA K. BOMYEA  
E. HYDE CLARKE  
JESSICA ANSERT KLAMI  
KRISTINA M. MAGNE  
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November 28, 2018

Via Federal Express

City of Beacon City Council  
1 Municipal Plaza  
Beacon, New York 12508  
Attn: Etha Grogan

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless -7 Cross Street

Dear Ms. Grogan:

This office serves as Regional Local Counsel to Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless. By letter dated November 17, 2017, we filed an application for Special Use Permit on behalf of our client for the installation of a new small cell facility on an existing wooden utility pole located in the municipal right of way adjacent to the above referenced address.

Shortly after the submission of the application, the city began deliberating a proposed local law intended to regulate small cell facilities. Verizon Wireless agreed to place its application on hold pending the review of the small cell local law, which was formally adopted in August, 2018.

Verizon Wireless respectfully requests the City Council to reinitiate the review of the application.

To assist the City Council, Verizon Wireless has revised its Site Selection Analysis included in the original application materials to account for the new siting priorities established in the small cell local law. Please find enclosed ten (10) copies of the revised Site Selection Analysis, which confirms that the proposed small cell facility complies with the siting hierarchy contained in the small cell local law, despite the fact that the proposed facility was designed long before the City Council adopted the new hierarchy.

Please place this application on the next available meeting agenda and contact us to confirm.

Thank you for your consideration.

Very truly yours,

  
Scott P. Olson, Esq.

Enclosure

cc: Christopher Borncamp (w/ encl.)

**Cliff and Willow Micro  
Supplemental Communications Facility Zoning Analysis  
Prepared on September 28, 2018**

This Supplemental Zoning Analysis has been prepared to illustrate that, despite the fact that Verizon Wireless planned and designed the proposed site prior to the enactment of the City's new small cell local law, Verizon Wireless' proposed site complies with the City of Beacon small cell site hierarchy set forth in section 223-26.4(E)(1)(a)-(f). The city will recall that the original application for the proposed site was submitted prior to the enactment of the new small cell facility local law.

Verizon Wireless regularly monitors, maintains and upgrades its wireless network to ensure that it is operating properly and as designed. When a network need is identified (e.g., a gap in coverage and/or capacity constraints), the matter is forwarded to the Verizon RF Engineer, who determines, conducts a comprehensive analysis of the system performance in the surrounding network to determine whether the existing network can be modified to solve the problem. If this is not possible and a new wireless facility is required, the RF Engineer devises a "Search Area". A Search Area is the target area in which the engineer has determined that a new site is needed to solve the identified network performance problem. Once the Search Area is determined, it is given to a Site Acquisition Firm for an in-depth investigation of the targeted area. The Site Acquisition Specialist identifies appropriate locations within the Search Area appropriate for the development of a new wireless telecommunications site. As part of this investigation, the Site Acquisition Specialist works closely with Verizon Wireless' land use and zoning attorneys, who review local zoning requirements with respect to the installation and operation of a new wireless telecommunications facility.



The Search Area Map for the proposed small cell is shown above. Candidates within the Search Area have been pinned. Within the Search Area Map, there are eleven (11) existing structures (letters A to M) and one (1) existing utility pole in the right of way. There are no municipal buildings or structures (light poles, flag poles, etc.) within the Search Area.

The city recently enacted a new small cell facility local law, in which it created a siting hierarchy in section 223-26.4(E)(1)(a)-(f). Even though this hierarchy was established long after the original site was identified and designed, Verizon Wireless has examined the Search Area in light of the new hierarchy to ensure that the proposed site is consistent with the City's desire to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City. As set forth below, the proposed site is consistent with the City's siting hierarchy.

- (a) On the roof of any City owned or federal, state or local government owned buildings or structures.
  - 1. **There are no city owned or federal, state or local government owned buildings or structures in the search ring (SR) that meet coverage objectives.**
- (b) Location on privately-owned buildings
  - 1. **Per the original site selection analysis (which is reproduced below), there are no viable privately-owned buildings in the search ring due to lack of landlord interest, limited ground space for Verizon Wireless equipment and or lack of building height to meet RF objectives.**
- (c) Location on an existing City owned utility poles
  - 1. **There are no city owned poles in the search area**
- (d) Location on City-owned infrastructure on private poles
  - 1. **There is no existing city-owned infrastructure that meets RF coverage objectives.**
- (e) Location City-owned property, where there is no existing pole Location on privately-owned utility poles.
  - 1. **There is no city-owned property in the search ring that meets RF objectives.**

The only viable location that meets RF coverage needs within the search area, is the proposed location at 7 Cross Street, an existing Verizon utility pole in the public right of way.

**Set forth below is a summary of the candidates considered for the new Verizon Wireless small cell facility.**

<b>Candidate A:</b>	<b>Artisan Wine Shop</b>
Address:	180 Main Street, Beacon, NY 12508
Owner Interest:	The building owner, 180 Main LLC, was not interested in leasing space to VZW.
RF Review:	This location would adequately serve the targeted coverage and capacity objectives.



**Candidate B:**

Address:  
Owner Interest:  
RF Review:

**Dondero Block Building**

174-178 Main Street, Beacon, NY 12508  
The building owner, 180 Main LLC, was not interested in leasing space to VZW  
This location would adequately serve the targeted coverage and capacity objectives.



**Candidate C:**

Address:  
Owner Interest:  
RF Review:

**172 Main Street**

172 Main Street, Bacon, NY 12508  
The building owner, Todd Hudson, was not interested in leasing space to VZW  
In addition, the location would not adequately serve the targeted coverage and capacity objectives. Desired antenna height of 50' cannot be achieved on this roof structure.



**Candidate D:**

Address:  
Owner Interest:  
RF Review:

**Hudson Beach Glass**

162 Main Street, Beacon, NY 12508  
The building owner, Todd Hudson, was not interested in leasing space to VZW due to building renovations and ground space limitations.  
This location would adequately serve the targeted coverage and capacity objectives.



**Candidate E:**

**Chase Property Mgt.**

Address: 163-164 Main Street, Beacon, NY 12508

Owner Interest: There is no ground space for VZW equipment. This site, therefore, does not meet real estate standards.

RF Review: This location would not adequately serve the targeted coverage and capacity objectives.



**Candidate F:**

Address: 167 Main Street, Beacon, NY 12508

Owner Interest: The owners were not interested in leasing space to Verizon Wireless.

RF Review: RF did not review as the landlord did not have interest.



**Candidate G:**

Address: 169-173 Main Street, Beacon, NY 12508

Owner Interest: The owners were not interested in leasing space to Verizon Wireless.

RF Review: RF did not review as the landlord did not have interest.



**Candidate H:**

Address:

Owner Interest:

RF Review:

**Notions and Potions**

175 Main Street, Beacon, NY 12508

The owners were not interested in leasing space to Verizon Wireless.

RF did not review as the landlord did not have interest.



**Candidate I, J, K:**

Address:

Owner Interest:

RF Review:

177, 179, 181-185 Main Street, Beacon, NY 12508

The owners were not interested in leasing space to Verizon Wireless.

RF did not review as the landlord did not have interest.



**Candidate Pole 1:**

**Existing Pole in the Right of Way**

Address:

7 Cross Street, Beacon, NY 12508

RF Review:

This pole location meets RF requirements as it is 1) located in the Search Area and 2) the RF antenna height / location meets the RF coverage objective. This existing pole also meets construction requirements as the equipment can be mounted on the pole, making it accessible.

- Conduit
- Double primary wire
- Transformers
- Issues getting power/telco
- Trees/obstruction to radio frequency
- Utility company rejected pole use
- Pole meets requirements



**Conclusion:**

After canvassing this Search Area since April 2016, the only viable candidate for a new small cell/micro facility is the existing utility pole at 7 Cross Street. Structures A-K are not viable for either lack of owner interest, roof height, lack of ground space, and/or construction restrictions. Per 223-26.4(E)(1)(a)-(f) of the City of Beacon Code, the proposed location complies with the newly enacted zoning hierarchy.





Prepared by:

**Chris Borncamp**

*Senior Site Acquisition Specialist*

**NETWORK BUILDING + CONSULTING**

6095 Marshalee Drive | Suite 300 | Elkridge, MD | 21075

M 315-415-0369 | P 410.712.7092 | [cborncamp@nbcllc.com](mailto:cborncamp@nbcllc.com)

**NB+C**  
TOTALLY COMMITTED.

# Young / Sommer LLC

YOUNG SOMMER WARD RITZENBERG BAKER & MOORE LLC

COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205  
Phone: 518-438-9907 • Fax: 518-438-9914

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DOUGLAS H. WARD

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SCOTT P. OLSON  
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KRISTIN CARTER ROWE

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ALLYSSA T. MOODY  
AMY S. YOUNG

Writer's Telephone Extension: 258  
[solson@youngsommer.com](mailto:solson@youngsommer.com)

December 14, 2017

Via Federal Express

City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508  
Attn: Dave Buckley

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon  
Wireless -7 Cross Street

Dear Mr. Buckley:

In response to your e-mail of December 4, 2017 concerning the above-referenced application, enclosed for your review the following additional supporting materials:


1. Copy of October 6, 2017 License from New York Telephone;
2. Application fee of \$250.00 (the difference owed);
3. Escrow fee of \$1,000.00 (the difference owed);
4. Completed Application Processing Restriction Law form;
5. Site Plan Specification Form;
6. Entity Disclosure Form; and
7. Completed Full Environmental Assessment Form.

Upon receipt of this additional information, please place this application on the next available meeting agenda and contact us to confirm.

Thank you for your consideration.

Mr. Dave Buckley  
City of Beacon  
December 14, 2017  
Page 2

Very truly yours,

A handwritten signature in black ink that reads "Scott Olson". The signature is fluid and cursive, with the first name "Scott" and last name "Olson" clearly legible.

Scott P. Olson, Esq.

Enclosures

cc: Amy Szostak (w/o encl.)

**1**

**APPLICATION AND POLE ATTACHMENT LICENSE - FORM 1**

<b>Licensee</b>	VERIZON WIRELESS
<b>Agreement No.</b>	ANY150005
<b>Pole Attachment License</b>	ANY1500050146
<b>Customer License Number</b>	Cliff and Willow Micro- 412510
<b>State of</b>	NY
<b>Municipality</b>	BEACON

<b>Type of Attachment</b>	<b>Number of Attachments</b>	<b>Billing Description</b>
Anchor	0	
Antenna	5	NY CAE-RAN
Antenna	1	NY CAE-CUTOFF SWITCH
Antenna	1	NY CAE-POWER METER
Antenna	1	NY CAE-POLE TOP ANTENNA
Cable/ADSS	0	
Cable/Strand	0	
Decorative	0	
Drop	0	
ERUV	0	
Misc	0	
Overlash	0	
Power supply	0	
Riser	1	NY AERIAL - NO BILL

<b>Total Attachments</b>	9
<b>Total Attachments Billable</b>	8
<b>Total Attachments - No Bill</b>	1

<b>Licensor's Name (Print)</b>	JIN NI
<b>Signature</b>	Approved by JIN NI on 10/06/2017
<b>Date</b>	10/06/2017
<b>Title</b>	
<b>Phone</b>	516-783-2452

**VERIZON ITEMIZED POLE MAKE READY WORK AND CHARGES**

<b>Date</b>	03/31/2017
<b>Licensee</b>	VERIZON WIRELESS
<b>Agreement No</b>	ANY150005
<b>License Number</b>	ANY1500050146
<b>Customer Application Num</b>	Cliff and Willow Micro- 412510
<b>Municipality</b>	BEACON
<b>State</b>	NY



YOUNG/SOMMER LLC

32816

DATE	DESCRIPTION	INVOICE #	CHECK		NET AMOUNT
			AMOUNT	DEDUCTION	
12/04/17	2847.00 City of Beacon 35006.42		250.00		250.00

CHECK DATE	CONTROL NUMBER	TOTALS	Gross:	Ded:	Net:
12/04/17	32816		250.00	0.00	250.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

**YOUNG/SOMMER LLC**  
 5 PALISADES DRIVE, EXECUTIVE WOODS  
 ALBANY, NEW YORK 12205

KeyBank National Association  
 SCHENECTADY, NEW YORK 12303  
 1-800-KEY2YOU

32816

29-7/213

DATE	CHECK	AMOUNT
12/04/17		****\$250.00

\*\*\* TWO HUNDRED FIFTY & 00/100 DOLLARS

WZ513186-10-16  
 PAY  
 TO THE  
 ORDER  
 OF  
 City of Beacon

*Wade Benigno*  
 \_\_\_\_\_  
 AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈032816⑈ ⑆021300077⑆ 325900018426⑈



**3**

YOUNG/SOMMER LLC

32817

CHECK

DATE	DESCRIPTION	INVOICE #	AMOUNT	DEDUCTION	NET AMOUNT
2847.00 12/04/17	City of Beacon 35006.42		1,000.00		1,000.00

CHECK DATE	CONTROL NUMBER	TOTALS	Gross:	Ded:	Net:
12/04/17	32817		1,000.00	0.00	1,000.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

**YOUNG/SOMMER LLC**  
 5 PALISADES DRIVE, EXECUTIVE WOODS  
 ALBANY, NEW YORK 12205

KeyBank National Association  
 SCHENECTADY, NEW YORK 12303  
 1-800-KEY2YOU

32817

29-7/213

DATE	CHECK	AMOUNT
12/04/17		**\$1,000.00

\*\*\* ONE THOUSAND & 00/100 DOLLARS

WZ513198-10-16  
 PAY  
 TO THE  
 ORDER  
 OF City of Beacon

*[Handwritten Signature]*  
 \_\_\_\_\_  
 AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈032817⑈ ⑆021300077⑆ 325900018426⑈

4

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: City of Beacon owns right of way; Verizon Wireless is Applicant

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

Orange County - PatchKeypic Limited Partnership of Verizon Wireless; Verizon Wireless of the East LP; Cella Partnership

List all properties in the City of Beacon that you hold a 5% interest in:

Ø

Applicant Address: 1275 John Street, Suite 100, West Henrietta, NY 14586

Project Address: Right of way in front of 7 Cross Street

Project Tax Grid # N/A

Type of Application Special Use Permit and Site Plan Review

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Scott Olson, Regional Local Council to Applicant, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

- 1. No violations are pending for ANY parcel owned by me situated within the City of Beacon Y
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon N
3. ALL tax payments due to the City of Beacon are current Y
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon N
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon N
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current Y

Signature of Scott Olson

Signature of Owner

Regional Local Council to Verizon Wireless

Title if owner is corporation

Table with 4 columns: Office Use Only, NO, YES, Initial. Rows include: Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.), ALL taxes are current for properties in the City of Beacon are current (Tax Dept.), ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

**CITY OF BEACON  
SITE PLAN SPECIFICATION FORM**

Name of Application: Verizon Wireless - Cliff and Willow Road

**PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.**

	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:	✓	
<b>LEGAL DATA</b>		
Name and address of the owner of record.		✓
Name and address of the applicant (if other than the owner).	✓	
Name and address of person, firm or organization preparing the plan.	✓	
Date, north arrow, and written and graphic scale.	✓	
<b>NATURAL FEATURES</b>		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.		N/A
Approximate boundaries of any areas subject to flooding or stormwater overflows.		N/A
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.		N/A
<b>EXISTING STRUCTURES, UTILITIES, ETC.</b>		
Outlines of all structures and the location of all uses not requiring structures. Paved areas, sidewalks, and vehicular access between the site and public streets.	✓	
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.		N/A
Other existing development, including fences, retaining walls, landscaping, and screening.		N/A
Sufficient description or information to define precisely the boundaries of the property.	✓	
The owners of all adjoining lands as shown on the latest tax records.	✓	
The locations, names, and existing widths of adjacent streets and curb lines.	✓	
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.	✓	

PROPOSED DEVELOPMENT	YES	NO
The location, use and design of proposed buildings or structural improvements.	✓	
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas.		N/A
Any proposed division of buildings into units of separate occupancy.		N/A
The location, direction, power, and time of use for any proposed outdoor lighting.		N/A
The location and plans for any outdoor signs.		N/A
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	✓	
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.		N/A
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.		N/A
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.		N/A
Any contemplated public improvements on or adjoining the property.		N/A
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.		N/A
Elevations of all proposed principal or accessory structures.	✓	
Any proposed fences or retaining walls.		N/A
<b>MISCELLANEOUS</b>		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	✓	
Erosion and sedimentation control measures.		N/A
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.		N/A
An indication of proposed hours of operation.		N/A
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.	✓	

For all items marked "NO" above, please explain below why the required information has not been provided:

The proposal involves the installation of one small antenna and equipment on an existing utility pole located in the Cross Street right of way. The utility pole is owned by New York Telephone and has been designed to accommodate the proposed Verizon Wireless improvements. No ground disturbance is proposed in connection w/ the proposed installation.

Applicant/Sponsor Name: Verizon Wireless

Signature: Scott Olsen, Attorney for Applicant

Date: 12/4/17

**6**



**FOR OFFICE USE ONLY**

Application #

**CITY OF BEACON**

**1 Municipal Plaza, Beacon, NY**

**Telephone (845) 838-5000 \* <http://cityofbeacon.org/>**

**ENTITY DISCLOSURE FORM**

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person(s))

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

**SECTION A**

Name of Applicant: Orange County - Poughkeepsie Limited Partnership d/b/a Verizon Wireless  
Address of Applicant: 1275 John Street, Suite 100, West Henrietta, NY 14586  
Telephone Contact Information: c/o Scott Olson, ESS. 518-438-9907 Ext. 258

**SECTION B. List all owners of record of the subject property or any part thereof.**

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
City of Beacon *	One Municipal Plaza Beacon, NY 12508		Unknown	Dutchess County Clerk's office

\* Application involves collection of one antenna and equipment on an existing wooden utility pole located in the existing cell street right of way.

**SECTION B.** Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

YES

NO

*City owns the right of way*

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship
<i>N/A</i>			

**SECTION C.** If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

**SECTION D.** Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

YES

NO

*owner of utility pole has licensed the use of the utility pole to Verizon Wireless*

I, Scott Olson being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) Scott Olson

(Signature) *Scott Olson*

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

**Instructions for Completing Part 1**

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

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

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

**A. Project and Sponsor Information.**

Name of Action or Project: Verizon Wireless - Cliff and Willow - Unmanned Wireless Communications Facility		
Project Location (describe, and attach a general location map): 7 Cross Street, City of Beacon, Dutchess County, New York 12508		
Brief Description of Proposed Action (include purpose or need): Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the installation of one (1) antenna and related equipment on an existing utility pole in the right of way of Cross Street. The subject pole is located on Cross Street approximately 75' northeast of the intersection of Main Street and Cross Street.  In general, the installation will consist of the following: One (1) antenna to be mounted at a centerline height of 49' above grade on a 43' tall utility pole. All accessory equipment, cabling and utility services (power and fiber) are to be mounted to the utility pole.		
Name of Applicant/Sponsor: Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless		Telephone: (585) 321-5390 E-Mail: Margaret.Hayes2@VerizonWireless.com
Address: 1275 John Street, Suite 100		
City/PO: West Henrietta	State: NY	Zip Code: 14586
Project Contact (if not same as sponsor; give name and title/role): Scott Olson, Esq. (counsel at Young Sommer)		Telephone: (518) 438-9907 E-Mail: solson@youngsommer.com
Address: 5 Palisades Drive		
City/PO: Albany	State: NY	Zip Code: 12205
Property Owner (if not same as sponsor): R.O.W		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Special Use Permit	TBD
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Site plan approval	TBD
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building Permit	TBD
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li>i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning**

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
CB - Central Business and Historic District and Landmark Overlay Zone

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

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

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

a. In what school district is the project site located? Beacon City School District (10 Education Dr, Beacon, NY 12508)

b. What police or other public protection forces serve the project site?  
Beacon Police Department (1 Municipal Plaza, Beacon, NY 12508)

c. Which fire protection and emergency medical services serve the project site?  
City of Beacon Fire Department (13 South Ave, Beacon, NY 12508)

d. What parks serve the project site?  
Beacon City Recreation Park (1 Municipal Plaza # 1, Beacon, NY 12508)  
Main Street Pop-up Park (intersection of Main Street and Cross Street)

**D. Project Details**

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

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

b. a. Total acreage of the site of the proposed action? N/A - R.O.W acres  
 b. Total acreage to be physically disturbed? 0.0001 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.0001 acres

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

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: 1 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

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

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

i. Total number of structures \_\_\_\_\_ 1

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ 50'-0" height; \_\_\_\_\_ 1'-6" width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ N/A square feet

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

i. Purpose of the impoundment: \_\_\_\_\_

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

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

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

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

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

**D.2. Project Operations**

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

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

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

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

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

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

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

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

viii. Will the excavation require blasting?  Yes  No

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

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

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

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

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

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

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

If Yes:

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

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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

If, Yes:

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

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

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

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

If Yes:

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

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

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

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

If Yes:

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

• Do existing sewer lines serve the project site?  Yes  No  
 • Will line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No  
 iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 Construction Equipment  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 N/A  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



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

If Yes:

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

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

---

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

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

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

If Yes:

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

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

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

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

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

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

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

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

---

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
Minimal increase in electrical power usage as necessary to operate the facility.

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

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 8am-5pm _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours _____</li> <li>• Saturday: _____ 24 hours _____</li> <li>• Sunday: _____ 24 hours _____</li> <li>• Holidays: _____ 24 hours _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
During construction, noise associated with the operation of construction equipment. One construction of the proposed facility is complete. there will be no contributing factors to noise levels.

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

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

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
\_\_\_\_\_

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

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

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

If Yes:

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

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

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

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

If Yes:

i. Describe proposed treatment(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

If Yes:

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

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

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

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

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

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

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

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

---

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

If Yes:

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

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

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

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

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

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

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

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

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

a. Existing land uses.

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

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): Park, municipal

ii. If mix of uses, generally describe: \_\_\_\_\_

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b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: The project is located adjacent to the Main Street Pop-up Park

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities:  
St. Joachim Evangelist Church, Star of Bethlehem Baptist Church, Reformed Church of Beacon, St. Andrew's Episcopal Church, St. James Church, Springfield Baptist Church, Lexington Center for Recovery

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): 314069 , B00130  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
Remediation measures are in place to address residual contamination.

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

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

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

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6 feet

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

c. Predominant soil type(s) present on project site: UR - Urban Land \_\_\_\_\_ 100 %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 3-6 feet

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

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

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

---

h. Surface water features.

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

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

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

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

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

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

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

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

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

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

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

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 Birds and insects \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 The project site is located in a check zone for endangered or threatened animal/plant species according to the NYS DEC environmental resource mapper.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District</p> <p>ii. Name: <u>Lower Main Street Historic District</u></p> <p>iii. Brief description of attributes on which listing is based:  <u>The District covers about 50 acres and includes 32 buildings, most of them in the late 19th-century Italianate style.</u></p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify resource: <u>New York State Route 9</u></p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>New York State's Designated Scenic Roads</u></p> <p>iii. Distance between project and resource: _____ <u>0.1</u> miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

**F. Additional Information**

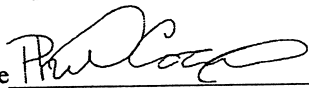
Attach any additional information which may be needed to clarify your project.

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

**G. Verification**

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

Applicant/Sponsor Name Phil Cocca Date 12/10/2017

Signature  Title Visual Resource Coordinator

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project :   
 Date :

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f, and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

**11. Impact on Open Space and Recreation**  NO  YES

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  
(See Part 1. C.2.c, E.1.c., E.2.q.)  
*If "Yes", answer questions a - e. If "No", go to Section 12.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**  NO  YES

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  
*If "Yes", answer questions a - c. If "No", go to Section 13.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  NO  YES  
 The proposed action may result in a change to existing transportation systems.  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  NO  YES  
 The proposed action may cause an increase in the use of any form of energy.  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**  NO  YES  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  
*If "Yes", answer questions a - m. If "No", go to Section 17.*

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project : Date : 

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**MEMORANDUM**

**TO:** City Council of the City of Beacon  
**FROM:** Keane & Beane, P.C.  
**RE:** 7 Cross Street – Small Cell Wireless Facility  
Special Use Permit Application  
**DATE:** January 24, 2018

---

The City received an application for a special use permit from Verizon Wireless (the “Applicant”) for the installation and operation of a small cell facility. The project involves the installation of a small cell antenna and related equipment on an existing utility pole on property located at 7 Cross Street in the Central Main Street (CMS) Zoning District in the City’s right-of-way (ROW) (the “Property”). The utility pole is approximately 43 feet tall<sup>1</sup>. The proposed antenna will increase the height of the existing structure by approximately seven feet. The structure will be approximately 50 feet high measured from grade to the top of the proposed antenna. All accessory equipment, cabling and utility services are to be mounted to the utility pole.

Under the City’s Small Cell Wireless Facilities Local Law, adopted August 7, 2018, as Local Law 13-2018 (the “Small Cell Local Law”), special use permit approval by the City Council is required under Section 223-24.5 for the installation of a utility pole for a small cell facility where equipment is installed on a pole at an elevation less than 15 feet from the ground. The top of the proposed meter will be located six feet from the ground, therefore the application must be approved by the City Council pursuant to Section 223-24.5.

This memorandum reviews the applicable special use permit requirements set forth in Section 223-24.5 for wireless telecommunication facilities and discusses how the Applicant addresses, or fails to address, the applicable provision. Section 223-24.5 of the City Zoning Code is attached for your reference. Please note, the submitted application also requires site plan approval by the Planning Board and is a SEQRA Unlisted Action.

**Location and Access**

Section 223-24.5.D sets forth locational priorities for wireless telecommunication facilities to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City. The City Council must review and evaluate the technological,

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<sup>1</sup> Please note that the utility company replaced the previous pole prior to Verizon’s application submission. The original pole was less than 43 feet tall.  
5102/15/659631v1 1/25/19

structural, safety and financial considerations associated with alternative locations. The Applicant has provided information as to how and why the Property was selected as the proposed location for the small cell facility.

Wherever possible, new wireless telecommunication facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. The Applicant meets this requirement by installing the proposed small cell facility on an existing utility pole. The Applicant is adding the small cell facility to a location that currently exists; the installation of the new pole does not create a new location for the purpose of installing a small cell facility. Therefore, it can be argued that the Applicant meets the City's requirement that new wireless telecommunication facilities be attached to existing buildings or structures.

The Applicant submitted a Communications Facility Site Selection Analysis as Exhibit 6 to its November 14, 2017 submission. The Applicant canvassed the Search Area established by the Radio Frequency (RF) Engineer to determine that the only viable candidate for a new small cell facility was the existing utility pole located at 7 Cross Street. The Applicant considered several existing structures in the area and alleges that these structures are not viable for either lack of owner interest, roof height, lack of ground space and/or construction restrictions determined by the site acquisition team. The Search Area is the target area for locating a site on which to build a new wireless facility to solve the identified network performance problem.

The Applicant submitted a Supplemental Communications Facility Zoning Analysis on September 28, 2018 to illustrate that Verizon Wireless' proposed site at 2 Red Flynn Drive complies with the City's locational priorities hierarchy.

### **Setbacks**

Wireless telecommunication facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. City of Beacon Zoning Code § 223-24.5.E.

The proposed small cell facility will be located on an existing utility pole in the public ROW, therefore the setback requirements do not apply.

### **Height Limitations**

The height of the utility pole is approximately 43 feet. The City Zoning Code states that the height of any antennas, or other associated equipment, structurally mounted as part of the wireless telecommunication services facility shall not exceed by more than 15 feet the highest point of the existing structure on which such antennas or equipment is affixed. The top of the proposed Verizon Wireless antenna will be located 50 feet above

existing grade, or approximately seven feet above the top of the existing utility pole. The proposed antenna is approximately one foot in height.

### **Visual Mitigation**

Under Section 223.24.5.G, the Applicant must prepare a visual impact assessment of the proposed wireless telecommunication facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council. Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds, vantage points and surrounding properties to the extent practicable, as determined by the City Council.

The applicant provided photographic simulations in Exhibit 7 of its November 14, 2017 submission to demonstrate that the installation of the antenna and equipment on the utility pole will not result in any significant visual impacts. The City may request additional assessments if it believes such review is necessary.

### **Materials**

Under Section 223-24.5.H, a wireless telecommunication facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. According to Sheet No.GN-1 of Exhibit 4 of the November 14, 2017 submission, General Notes, equipment cabinets, terminal boxes, junction boxes and pull boxes will be galvanized or epoxy-coated sheet steel. All steel materials will be galvanized after fabrication. All bolts, anchors and miscellaneous hardware will also be galvanized.

### **Lighting**

The Applicant advises that no tower marking and/or lighting will be required under the Federal Aviation Administration regulations.

### **Operational Characteristics**

The application includes a report from a Radio Frequency Design Engineer as Exhibit 8 to its November 14, 2017 submission. The Design Engineer concluded that the proposed facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radio frequency electromagnetic fields and thus fully complies with the standards of the IRPA, FCC, IEEE, ANSI and NCRP.

The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and

subsequent certification report(s), the cost of which shall be reimbursed by the Applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

**Noise**

The Applicant advises that operation of the facility will not involve any objectionable noise, fumes vibration or other characteristics.

**Utility Service**

All electrical lines extended to serve the wireless telecommunication facility will be installed underground.

**Safety and Security Provisions**

The City Council should ask the Applicant to discuss issues regarding safety and security at the facility.

Section 223-24.5.M requires a wireless telecommunication facility to be designed that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from any adjacent developments.

Section 223-24.5.N requires the Applicant to implement a security program for the site of a wireless telecommunication facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

To: Mayor Casale and the Beacon City Council  
Date: January 25, 2019  
Re: **7 Cross Street, Small Cell Special Permit Application**

I have reviewed the November 14, 2017 Special Permit Application packet from Verizon Wireless, including a Short EAF Part 1, a December 14, 2017 packet of supporting materials, including a Full EAF Part 1, a Supplemental Zoning Analysis submitted on November 28, 2018, and a 7-sheet Site Plan set with the last revision date of October 13, 2017.

### **Proposal**

The applicant is proposing to install a small cell antenna with accessory equipment on an existing utility pole owned by New York Telephone in the public right-of-way and sidewalk. Because some equipment is located at an elevation less than 15 feet from the ground level, the application requires a Special Permit and the provisions of Section 223-24.5 apply.

### **Comments and Recommendations**

1. The Full EAF, question C.3.a, identifies the proposed pole as located in the Central Business district, but it has been included in the Central Main Street district since June of 2018. Wireless telecommunications facilities are a permitted principal use in the CMS district.
2. The project location is also in the Historic District and Landmark Overlay Zone, which is included in a list of districts where new wireless telecommunications facilities are not typically encouraged (see Section 223-24.5 D(2)).
3. The current 43-foot replacement pole was installed in late 2017 and, according to the Site Plan Application, "has been designed to accommodate the proposed Verizon Wireless improvements." The September 1, 2017 Site Selection Analysis considered multiple surrounding buildings and the previous utility pole at the proposed location. Why was the utility pole on the opposite side of Cross Street not evaluated, especially since it is outside the Historic District and Landmark Overlay Zone and is along the front of a city-owned parking lot?
4. The owner of the corner lot at Main and Cross streets may have plans for a new multi-story, mixed-use building, consistent with existing zoning. A future building on this corner would have the small cell equipment mere feet from the upper floor bedroom windows. To avoid this problem, a better solution would be to put the small cell facility across the street near the City parking lot, or if there was now an interested owner, on the roof of a nearby building.
5. The applicant has provided photo-simulations, showing the existing pole and the proposed pole and equipment in relation to the sidewalk and immediate surroundings. The pole blocks a good portion of the narrow sidewalk and the lowest-level of the equipment would be set at 5-6 feet, further narrowing the walking area and creating a head-high hazard to passing pedestrians.



6. Section 223-24.5 G allows consideration of stealth design to minimize visual impacts. I have attached a reference article and photos of designs incorporating the small cell equipment inside a light pole for the Council's review.
7. The Council should consider enlisting an independent consultant to review the capacity analysis, exposure, and other more technical parts of the application.

If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

- c: Anthony J. Ruggiero, City Administrator  
David Buckley, Building Inspector  
Nicholas M. Ward-Willis, Esq., City Attorney  
John Russo, P.E., City Engineer  
Scott P. Olson, Esq., Project Representative



# SMART CITIES

PROFILING PROJECTS THAT USE TECHNOLOGY AND DATA TO MORE EFFICIENTLY MANAGE SERVICES.

## A Small Cell in a Smart Pole in Pursuit of a Smarter City

In the shadow of nearby Dallas, Farmers Branch, Texas is staking a claim for progressive, forward-thinking solutions that will deliver for its citizens now and for generations to come

By David Reuter

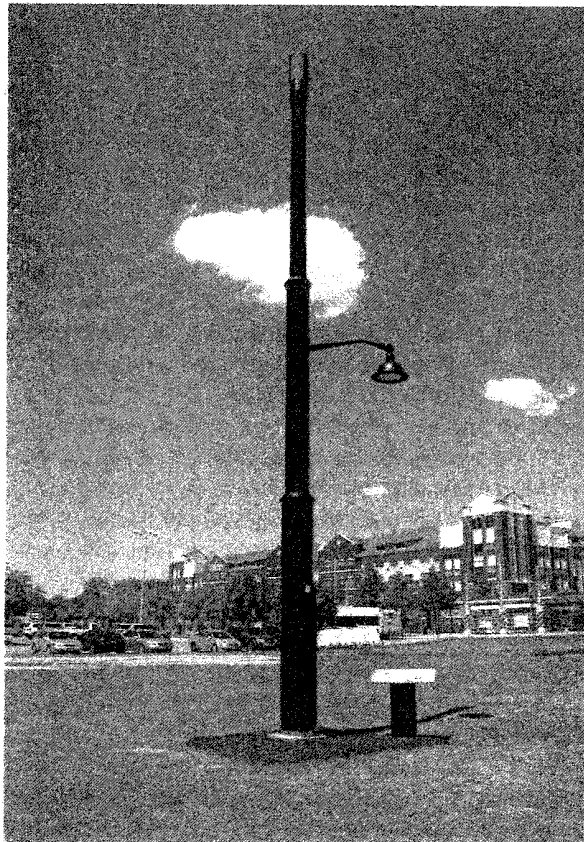
**R**obert C. Dye, mayor of Farmers Branch, Texas, recently spoke with David Reuter of nepsa solutions LLC, about his vision for a smart city and how collaboration is the only way to achieve real results.

“We began with the idea of exploring 5G and how it might improve our business community’s Internet connectivity,” Dye says. “We have a lot of dark spots and for a town with such a high concentration of commercial businesses, we must do a better job of making sure we can support their growing needs, with diverse solutions ranging from fiber connections to improved quality of life in terms of traffic congestion and public safety.”

“We’re a small city of around 28,600 and while we have different challenges than our much larger neighbor, Dallas, we’re still part of the greater Dallas Fort Worth community. Technology solutions that work in large cities should be scalable to meet the needs of every community.”

“Our ideas and wishes came together after attending a smart cities conference in Austin, Texas,” says Dye, “when we saw what smart poles can accomplish with small cell and smart technology.”

“Combined with the need to address Texas legislation SB-1004, regarding small cell nodes, the design of the smart pole from nepsa solutions got us thinking



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modernize

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Availability sur  
Patent and trade

**City of Beacon Workshop Agenda**  
**1/28/2019**

**Title:**

**City of Beacon Capital Plan**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City of Beacon Capital Plan	Cover Memo/Letter

<b>CITY OF BEACON CAPITAL PLAN 2019 - 2028</b>										
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<b>HIGHWAY:</b>										
<b><u>PUBLIC BUILDINGS</u></b>										
Memorial Building Roof	50,000									
City Hall HVAC	20,000									
City Hall Generator	25,000									
Park Shed			300,000							
<b><u>PARK</u></b>										
Green Street Park Improvements	160,000									
USC Pool Restoration -Fiberglass	150,000									
Park fixtures and Improvements - Benches, Tables, Barbeques, etc.	15,000	15,000								
Riverfront Park Basketball Court Restoration/Fencing and Parking Lot/Walkway Expansion	-	315,000								
WeePlay play surface replacement	-	80,000								
Memorial (Hilltop) 20x30 Pavilion		30,000								
USC Theater Parking and Patios			25,000							
<b><u>HIGHWAY EQUIPMENT</u></b>										
980 Dump/Plow/Sander	63,000									
Replace 2000 Morbark Grinder	500,000									
Replace 2005 #053 1-ton dump truck w/plow	63,000									
Replace 2005 #052 1-ton dump truck w/plow	63,000									
Replace 1993 #932 truck with 6-wheel w/ plow	-	300,000								
Replace 1992 #992 Dump/Plow/Sander	-	300,000								
Replace 2000 Daewoo Excavator	-	118,000								
<b><u>ROAD RECONSTRUCTION</u></b>										
East Willow Street (Wilkes to Forest Ln) Survey, Engineering	62,500									
Red Flynn Drive Joint Repair	100,000									
<b><u>SIDEWALKS</u></b>										
Wilkes Street sidewalk/running path along park		283,000								
<b><u>POLICE</u></b>										
Detective Vehicle w/ police upfit (Ford Taurus)	38,000									
In-Car Cameras w/ maintenence agreement	17,830									

<b>CITY OF BEACON CAPITAL PLAN 2019 - 2028</b>										
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
Mobile light Tower	12,000									
Locker room renovation		100,000								
<b><u>BUILDING DEPARTMENT</u></b>										
Building Department Vehicle	40,000									
<b><u>FIRE</u></b>										
Replace portable fire radios			24,000							
Replace 1993 Pumper				600,000						
Replace rubber fire boat/motor					15,000					
Replace 12 SCBA harness/bottles						120,000				
<b>TOTAL ANNUAL PROJECT AMOUNTS</b>	<b>1,379,330</b>	<b>1,541,000</b>	<b>349,000</b>	<b>600,000</b>	<b>15,000</b>	<b>120,000</b>	-	-	-	-
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028

<b>CITY OF BEACON WATER CAPITAL PLAN 2019-2028</b>										
	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>	<b><u>2022</u></b>	<b><u>2023</u></b>	<b><u>2024</u></b>	<b><u>2025</u></b>	<b><u>2026</u></b>	<b><u>2027</u></b>	<b><u>2028</u></b>
<b><u>WATER MAIN IMPROVEMENTS</u></b>										
Fulton Ave., Fowler St., Vine St. area 1,600 ft. undersized	510,000									
Wilson St. (Liberty St. to dead end) 2,000 ft. undersized Construction	553,000									
East Willow Street, Engineering	12,000									
Back Up Well Pump House Road	-	250,000								
Cargill Line (well field to Route 9) Construction	-	1,030,000								
<b><u>WATER TREATMENT FACILITY IMPROVEMENTS</u></b>										
Filter Rate of Flow Control Panel	150,000									
The Pocket Dam Construction	325,000									
Re-face Mt. Beacon Dam - Engineerng and Surveying	250,000									
Re-face Mt. Beacon Dam - Construction		2,500,000								
Melzingah Dam Piping	-	400,000								
Filter Plant Roof Replacement	-	100,000								
Removal of Existing Underground 1000 gallons storage tank and installation of new natural gas generator	-		350,000							
<b><u>EQUIPMENT</u></b>										
Replace 2008 Dump Truck #088	45,000									
Replace 2002 Box Van #022	-	62,500								
<b>TOTAL ANNUAL PROJECT AMOUNTS</b>	<b>1,845,000</b>	<b>4,342,500</b>	<b>350,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

<b>CITY OF BEACON SEWER CAPITAL PLAN 2019-2028</b>										
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<b><u>WWTP UPGRADES</u></b>										
Chlorine Contact Basin and Dechlorination Engineering	50,000									
Replace aeration tank diffuser	660,000									
STP Headworks Construction	3,650,000									
Belt press mechanical improvements	50,000									
Centerfuge Study and Engineering	30,000									
WWTP Outfall Pipe Engineering and Surveying	50,000									
Chlorine Contact Basin and Dechlorination Construction		2,400,000								
Centerfuge Construction			800,000							
<b><u>SEWER LINE IMPROVEMENTS</u></b>										
South Interceptor - Cleaning & Televising - Kristy to South Avenue & End of Walkway to STP	250,000									
East Willow Street Survey, Engineering	10,500									
Wilkes St. (Fishkill to Matteawan) Reconstruction Slip Lining	265,000									
Teller Avenue (Catherine to Henry) Construction	299,152									
West Main Pump Station - Forcemain Replacement		1,800,000								
West Main Pump Station	-	2,100,000								
North Interceptor Replacement - Behind DIA to STP	-	1,400,000								
<b><u>EQUIPEMENT</u></b>										
Main Line Sanitary Sewer Inspection Equipment	75,000									
<b><u>I &amp; I Improvements</u></b>	-	-	-							
<b>TOTAL ANNUAL PROJECT AMOUNTS</b>	<b>5,389,652</b>	<b>7,700,000</b>	<b>800,000</b>	-	-	-	-	-	-	-

**City of Beacon Workshop Agenda  
1/28/2019**

**Title:**

**Appointment of Michael Manzi as Superintendent of Streets**

**Subject:**

**Background:**



**City of Beacon Workshop Agenda  
1/28/2019**

**Title:**

**Green Street Park**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Green Street Park Letter from Constituent to Council Member Grant	Cover Memo/Letter
Existing Conditions and Removal Plan	Cover Memo/Letter
Grading and Utility Plan	Cover Memo/Letter

Green Street Park Letter to Council member Grant

Thanks again for fighting for us. Here are my thoughts for the council.

We live on the corner of first and prospect and we have to look at a bright green block with a massive chain link fence from our home. When my daughter is in the park I have to walk entirely around it because we live on the underside of the park. Sometime my wife and I talk through the fence and it feel like a border wall. We would love trees, a fence with a gate from prospect and the retaining wall removed or fixed. I did pick up a massive rusty nail used to hold together the rotted wood from the grass. It was very sharp and massive. That wall and pavement need to be removed. Basketballs could be stopped by a small fence that is in from the hill as the park plan shows. There is no baseball being played and that fencing has no purpose.

There are also little to no trees blocking the view of the bathroom building at this point in time. There should be some trees planted if you insist on that color for a neighborhood building.



**LEGEND**

- EXISTING ROAD EDGE
- - - EXISTING ADJOINER LINE
- OHW — EXISTING OVERHEAD WIRE
- 180 — EXISTING MAJOR CONTOUR
- 182 — EXISTING MINOR CONTOUR
- ST — EXISTING STORM LINE
- x - x - x - EXISTING FENCE
- ⊕ EXISTING UTILITY POLE

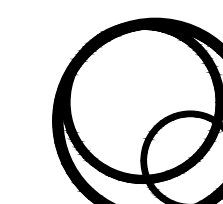
**DEMOLITION NOTES:**

1. THE CONTRACTOR SHALL PERFORM A UTILITIES CALL-OUT PRIOR TO DEMOLITION TO VERIFY ALL UNDERGROUND UTILITY LOCATIONS BY CONTACTING UFPO @ 1-800-962-7962.
2. PRIOR TO DEMOLISHING ANY BUILDINGS/STRUCTURES, THE CONTRACTOR SHALL PERFORM A PRE-DEMOLITION SURVEY IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS GOVERNING THE DISPOSAL OF SOLID WASTE. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS BY THE AUTHORITY HAVING JURISDICTION. ALL DEBRIS RESULTING FROM DEMOLITION ACTIVITIES SHALL BE DISPOSED OF OFF-SITE AT A FACILITY APPROVED TO RECEIVE THE DEBRIS.
3. CONFORM TO APPLICABLE CODE FOR DEMOLITION OF STRUCTURES, SAFETY OF ADJACENT STRUCTURES, DUST CONTROL, RUNOFF CONTROL, AND HAULING, DISPOSAL AND STORAGE OF DEBRIS.
4. PROVIDE, ERECT, AND MAINTAIN TEMPORARY BARRIERS AND SECURITY DEVICES.
5. MAINTAIN EXISTING UTILITIES TO REMAIN IN SERVICE AND PROTECT THEM AGAINST DAMAGE DURING SELECTIVE DEMOLITION OPERATIONS. DO NOT INTERRUPT EXISTING UTILITIES SERVING OPERATING FACILITIES, EXCEPT WHEN AUTHORIZED IN WRITING BY OWNER AND AUTHORITIES HAVING JURISDICTION.
6. NOTIFY ADJACENT OWNERS OF WORK THAT MAY AFFECT THEIR PROPERTY, POTENTIAL NOISE, UTILITY OUTAGE, OR DISRUPTION. COORDINATE WITH OWNER.
7. PREVENT MOVEMENT OR SETTLEMENT OF ADJACENT STRUCTURES. PROVIDE BRACING AND SHORING.
8. LOCATE AND IDENTIFY ALL EXISTING UTILITIES WITHIN THE CONSTRUCTION AREA. DISCONNECT AND SEAL OR CAP OFF UTILITY SERVICES THAT WILL BE AFFECTED BY THIS PROJECT. NOTIFY AFFECTED UTILITY COMPANIES BEFORE STARTING WORK AND COMPLY WITH THEIR REQUIREMENTS. VERIFY THAT UTILITIES HAVE BEEN DISCONNECTED AND CAPPED.
9. DEMOLISH AND REMOVE COMPONENTS IN AN ORDERLY AND CAREFUL MANNER.
10. PROTECT EXISTING FEATURES THAT ARE NOT TO BE DEMOLISHED.
11. CONDUCT OPERATIONS WITH MINIMUM INTERFERENCE TO PUBLIC OR PRIVATE ACCESSES.
12. MAINTAIN EGRESS AND ACCESS AT ALL TIMES. DO NOT CLOSE OR OBSTRUCT ROADWAYS, OR SIDEWALKS WITHOUT PERMITS.
13. CEASE OPERATIONS IMMEDIATELY IF ADJACENT STRUCTURES APPEAR TO BE IN DANGER. NOTIFY AUTHORITY HAVING JURISDICTION.
14. ROUGH GRADE AND COMPACT AREAS AFFECTED BY DEMOLITION TO MAINTAIN SITE GRADES AND CONTOURS.
15. FIELD VERIFY EXISTING CONDITIONS AND CORRELATE WITH REQUIREMENTS INDICATED ON DEMOLITION PLAN TO DETERMINE EXTENT OF SELECTIVE DEMOLITION REQUIRED.
16. MAINTAIN EXISTING UTILITIES TO REMAIN IN SERVICE AND PROTECT THEM AGAINST DAMAGE DURING SELECTIVE DEMOLITION OPERATIONS.
17. CONDUCT DEMOLITION OPERATIONS AND REMOVE DEBRIS TO ENSURE MINIMUM INTERFERENCE WITH SELECTIVE DEMOLITION OPERATIONS.
18. CONDUCT DEMOLITION OPERATIONS TO PREVENT INJURY TO PEOPLE AND DAMAGE TO ADJACENT BUILDINGS AND FACILITIES TO REMAIN. ENSURE SAFE PASSAGE OF PEOPLE AROUND SELECTIVE DEMOLITION AREA.
19. USE WATER MIST, TEMPORARY ENCLOSURES AND OTHER SUITABLE METHODS TO LIMIT THE SPREAD OF DUST AND DIRT. COMPLY WITH GOVERNING ENVIRONMENTAL PROTECTION REGULATIONS. DO NOT USE WATER WHEN IT MAY DAMAGE EXISTING CONSTRUCTION, SUCH AS ICE, FLOODING, AND POLLUTION.
20. REMOVE AND TRANSPORT DEBRIS IN A MANNER THAT WILL PREVENT SPILLAGE ON ADJACENT SURFACES AND AREAS.
21. CLEAN ADJACENT STRUCTURES AND IMPROVEMENTS OF DUST, DIRT AND DEBRIS CAUSED BY SELECTIVE DEMOLITION OPERATIONS. RETURN ADJACENT AREAS TO CONDITION EXISTING BEFORE START OF SELECTIVE DEMOLITIONS.
22. PROMPTLY DISPOSE OF DEMOLISHED MATERIALS. DO NOT ALLOW DEMOLISHED MATERIALS TO ACCUMULATE ON-SITE. DO NOT BURN DEMOLISHED MATERIALS ON-SITE.
23. THE CITY OF BEACON HIGHWAY DEPARTMENT SHALL REMOVE THE PERIMETER FENCE FOR USE AT ANOTHER SITE, AND SHALL REMOVE THE ASPHALT SURFACE AS DEPICTED ON THIS PLAN. THESE TWO ITEMS ARE NOT IN THE CONTRACT.

**EXISTING FEATURES NOTES:**

1. EXISTING FEATURES AS SHOWN ON THIS PLAN WERE TAKEN FROM A FIELD MEASUREMENT SURVEY CONDUCTED BY ONE NATURE, LLC.
2. EXISTING 2' INTERVAL TOPOGRAPHY SHOWN ON THIS PLAN IS TAKEN FROM AVAILABLE LIDAR DATA.
3. THE CONTRACTOR SHALL FIELD VERIFY THE SIZE, LOCATION, DEPTH AND CONDITION OF ALL UTILITIES AND REPORT ANY DISCREPANCIES TO THE ENGINEER. THE CONTRACTOR SHALL NOT ASSUME THAT ALL LOCATIONS AS SHOWN ON THE PLAN ARE CORRECT.

**PROJECT LANDSCAPE ARCHITECT:**



One Nature, LLC  
 178 Main Street  
 Beacon, NY 12508  
 Ecological Services  
 Landscape Construction  
 Native Plant Nursery  
 onenaturellc.com

DRAWN BY: CMB CHECKED BY: MAB JOB NO.: 2018-031

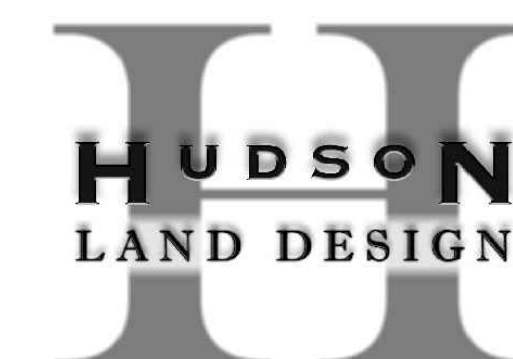
**REVISIONS:**

NO.	DATE	DESCRIPTION	BY
1			
2			

**Dig Safely.**  
 New York  
 800-962-7962  
 www.digsafelynewyork.org  
 Call Before You Dig  
 Wait The Required Time  
 Confirm Utility Response  
 Respect the Marks  
 Dig With Care

**EXISTING CONDITIONS & REMOVAL PLAN  
 GREEN STREET PARK**

25 GREEN STREET  
 CITY OF BEACON  
 DUTCHESS COUNTY, NEW YORK  
 TAX ID: 6054-47-259571  
 SCALE: 1" = 20'  
 SEPTEMBER 14, 2018

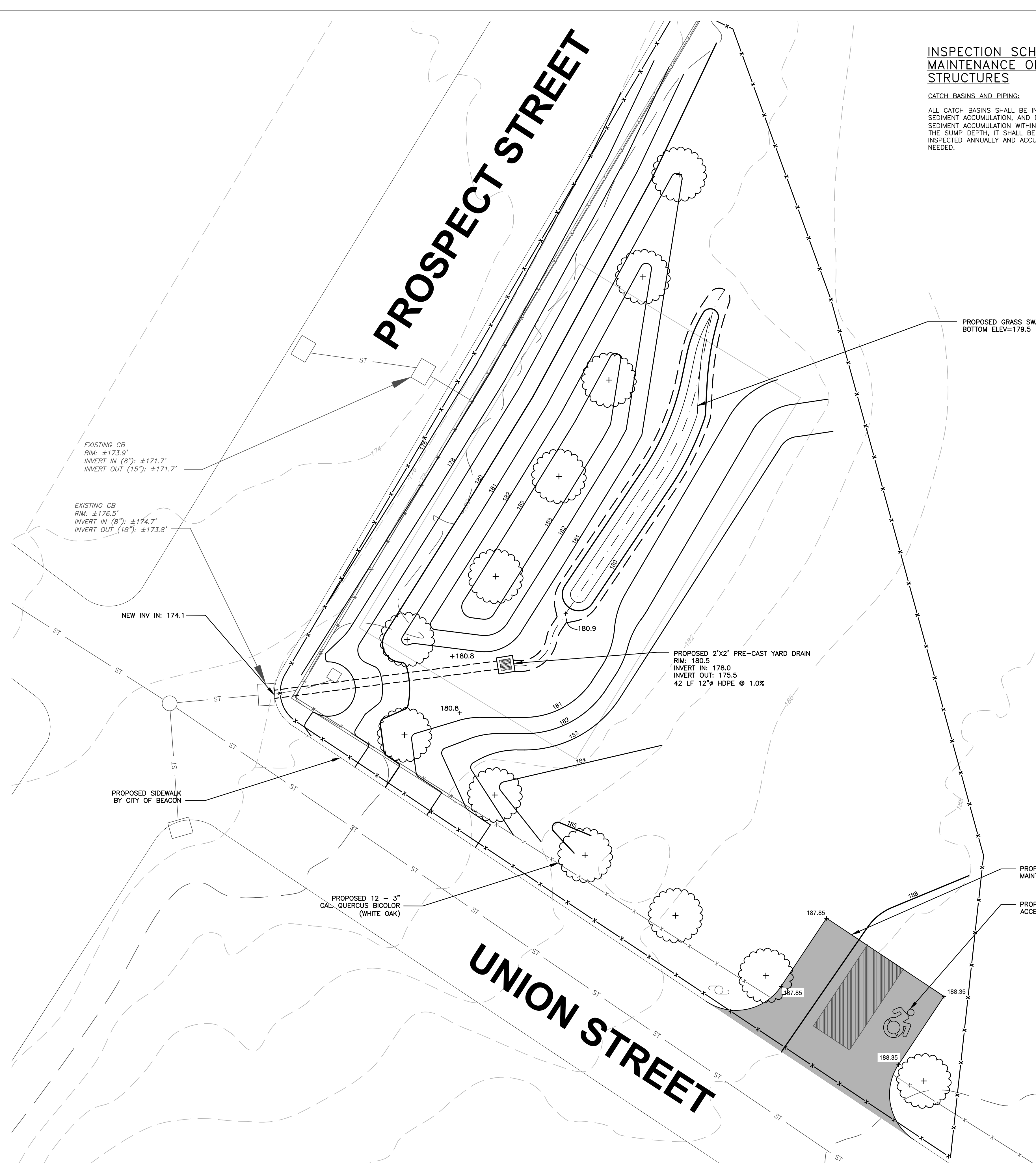


**HUDSON LAND DESIGN**  
 PROFESSIONAL ENGINEERING P.C.

174 MAIN STREET  
 BEACON, NEW YORK 12508  
 PH: 845-440-6926 F: 845-440-6637

SEAL

JON D. BODENDORF, P.E.  
 NYS LICENSE NO. 076245  
 DANIEL G. KOEHLER, P.E.  
 NYS LICENSE NO. 082716



**INSPECTION SCHEDULE & LONG TERM MAINTENANCE OF STORMWATER STRUCTURES**

**CATCH BASINS AND PIPING:**  
 ALL CATCH BASINS SHALL BE INSPECTED AFTER EACH STORM EVENT FOR SEDIMENT ACCUMULATION, AND DEBRIS, AND REMOVE AS NECESSARY. WHEN SEDIMENT ACCUMULATION WITHIN THE CATCH BASIN SUMP REACHES 1/2 OF THE SUMP DEPTH, IT SHALL BE REMOVED. ASSOCIATED PIPING SHALL BE INSPECTED ANNUALLY AND ACCUMULATED SEDIMENT SHALL BE REMOVED AS NEEDED.

**LEGEND**

	EXISTING ROAD EDGE
	EXISTING ADJOINER LINE
	EXISTING OVERHEAD WIRE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING STORM LINE
	EXISTING FENCE
	EXISTING UTILITY POLE
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED CONSTRUCTION FENCE
	PROPOSED DIVERSION SWALE
	PROPOSED CULVERT
	PROPOSED SILT FENCE
	PROPOSED ASPHALT SURFACE
	PROPOSED RIP RAP
	PROPOSED CONSTRUCTION ENTRANCE
	PROPOSED EROSION CONTROL BLANKET

**GENERAL CONSTRUCTION NOTES:**

1. THE CONTRACTOR SHALL PERFORM A UTILITIES CALL-OUT PRIOR TO CONSTRUCTION TO VERIFY ALL UNDERGROUND UTILITY LOCATIONS BY CONTACTING UFPO @ 1-800-962-7962.
2. PROPOSED STORMWATER INFRASTRUCTURE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS. THE CONTRACTOR SHALL FIELD VERIFY THE SIZE, LOCATION, DEPTH AND CONDITION OF ALL UTILITIES AND REPORT ANY DISCREPANCIES DISCOVERED WITH THE EXISTING TIE-IN POINT AT THE CATCH BASIN AT THE CORNER OF PROSPECT STREET AND UNION AVE WITH THE PROJECT ENGINEER IMMEDIATELY. THE CONTRACTOR SHALL NOT ASSUME THAT ALL LOCATIONS AS SHOWN ON THE PLAN ARE CORRECT. THE CONTRACTOR SHALL CONSTRUCT ALL IMPROVEMENTS AS SHOWN ON PLANS. ANY FIELD CONDITIONS THAT MAY RESULT IN A VARIATION FROM THE PLAN SET SHALL BE BROUGHT TO THE ENGINEERS ATTENTION IN WRITING. VARIATIONS FROM THE PLAN WITHOUT APPROVAL FROM THE ENGINEER WILL BE CONSIDERED DEFICIENT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ON-SITE OR OFF-SITE DAMAGES TO VEGETATION OR PROPERTY CAUSED BY HIS OPERATIONS. SUCH DAMAGES SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S COST TO THE SATISFACTION OF THE ENGINEER, PROPERTY OWNER OR AGENCY HAVING JURISDICTION.
4. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL SECURE THE WORK LIMITS OF THE SITE BY INSTALLATION OF CONSTRUCTION FENCING AND OTHER MEASURES, AS NECESSARY TO PREVENT NON-AUTHORIZED ENTRY.
5. THE CONTRACTOR SHALL KEEP THE SITE IN A CLEAN AND ORDERLY MANNER.
6. THE CONTRACTOR SHALL NOT INTERRUPT EXISTING ACCESS OR OPERATIONS FOR THE REMAINDER OF THE SITE.

PROPOSED GRASS SWALE  
 BOTTOM ELEV=179.5

EXISTING CB  
 RIM: ±173.9'  
 INVERT IN (6"): ±171.7'  
 INVERT OUT (15"): ±171.7'

EXISTING CB  
 RIM: ±176.5'  
 INVERT IN (6"): ±174.7'  
 INVERT OUT (15"): ±173.8'

NEW INV IN: 174.1

PROPOSED 2'X2' PRE-CAST YARD DRAIN  
 RIM: 180.5  
 INVERT IN: 178.0  
 INVERT OUT: 175.5  
 42 LF 12" HDPE @ 1.0%

PROPOSED 12 - 3" CAL. QUERCUS BICOLOR (WHITE OAK)

PROPOSED PAVED MAINTENANCE ACCESS POINT

PROPOSED ASPHALT PAVED ACCESSIBLE PARKING SPACES

**PROJECT LANDSCAPE ARCHITECT:**

One Nature, LLC  
 178 Main Street  
 Beacon, NY 12508  
 Ecological Services  
 Landscape Construction  
 onaturellc.com Native Plant Nursery

DRAWN BY: CMB	CHECKED BY: MAB	JOB NO.: 2018-031	
REVISIONS:			
NO.	DATE	DESCRIPTION	BY

**GRADING & UTILITY PLAN  
 GREEN STREET PARK**

25 GREEN STREET  
 CITY OF BEACON  
 DUTCHESS COUNTY, NEW YORK  
 TAX ID: 6054-47-259571  
 SCALE: 1" = 10'  
 SEPTEMBER 14, 2018



HUDSON LAND DESIGN  
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 174 MAIN STREET  
 BEACON, NEW YORK 12508  
 PH: 845-440-6926 F: 845-440-6637

SEAL  
 JON D. BODENDORF, P.E.  
 NYS LICENSE NO. 076245  
 DANIEL G. KOHLER, P.E.  
 NYS LICENSE NO. 082716

**City of Beacon Workshop Agenda  
1/28/2019**

**Title:**

**Consideration of Sale of Land Adjacent to 790 Wolcott Avenue**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from Keane and Beane Regarding Sale of Land Adjacent to 790 Wolcott Avenue	Cover Memo/Letter
Purchase and Sale Agreement of Land Adjacent to 790 Wolcott Avenue	Cover Memo/Letter
Survey of Bob's Corner Store and Surrounding Land	Cover Memo/Letter

- **Main Office**  
445 Hamilton Avenue  
White Plains, NY 10601  
Phone 914.946.4777  
Fax 914.946.6868
- **Mid-Hudson Office**  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120
- **New York City Office**  
505 Park Avenue  
New York, NY 10022  
Phone 646.794.5747

**MEMORANDUM**

**TO:** City of Beacon City Council  
**FROM:** Nicholas M. Ward-Willis  
**RE:** 790 Wolcott Avenue; Bob's Corner Store - Conveyance of Land  
**DATE:** January 25, 2019

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For discussion on Monday night's agenda is the proposed conveyance of City owned land to the owner of the property located at 790 Wolcott Avenue upon which Bob's Corner Store is located. Attached is a proposed Contract of Sale and map for your reference.

If you view the map, you will note that a portion of the parking lot for Bob's Corner Store is located on City property. The City would be conveying to the property owner the land which they are presently using for the parking lot. We have confirmed that the City has no use for this property and it appears that at some point in time there were takings by NYSDOT for road widening and realignment and conveyances to the City which may have resulted in the parking lot not being located on property owned by the owner of 790 Wolcott Avenue. Conveying this property would remove liability from the City, as owner of the property, for any accidents occurring on that property and therefore it is our recommendation that the Council consider approving the sale of the property. The purchase price is \$15,750.00 which is based upon the City Assessor's valuation of the property.

Upon your review, should you have any questions, do not hesitate to contact me.

Attach.

## **PURCHASE AND SALE AGREEMENT**

THIS AGREEMENT is made this \_\_\_\_\_ day of January, 2019, by and between the CITY OF BEACON, a municipal corporation with its principal offices at One Municipal Plaza, Beacon, New York 12508 (“Seller”), and Rafiq Ahmed, an individual having an address at 790 Wolcott Avenue, Beacon, New York 12508 (“Purchaser”).

Purchaser agrees to purchase and Seller agrees to sell the property described below on the following terms and conditions:

1) **PROPERTY DESCRIPTION.** The property which is the subject of this Agreement is the vacant land adjacent to 790 Wolcott Avenue, Beacon, New York 12508, as shown in “Schedule A” annexed hereto and made a part hereof (the “Property”).

2) **PRICE: AMOUNT AND HOW IT WILL BE PAID.** The purchase price for the Property shall be Seventeen Thousand Five Hundred and 00/100 Dollars (\$17,500.00) (the “Purchase Price”). At the time of execution of this Agreement, Purchaser shall submit a check for ten percent (10%) of the Purchase Price (the “Downpayment”) made payable to “Keane & Beane, P.C., as escrow agent”. At the time of Closing, Purchaser shall pay to Seller Fifteen Thousand Seven Hundred Fifty and 00/100 Dollars (\$15,750.00) by cash, official bank check or wire transfer of immediately available funds.

3) **CLOSING DATE:** The settlement of the obligations of Seller and Purchaser to each other under this Agreement, including transfer of title and payment of the Purchase Price (the “Closing”), shall be completed at the offices of Keane & Beane, P.C., 445 Hamilton Avenue, Suite 1500, White Plains, New York, or at such other place as mutually agreed to between Seller and Purchaser, at 10:00 A.M. on or before thirty (30) days subsequent to this Agreement being adopted by the Beacon City Council as a resolution(the “Closing Date”).

4) **PERMITTED EXCEPTIONS.** The Property is sold and shall be conveyed subject to the following (collectively, the “Permitted Exceptions”):

(a) Zoning and subdivision laws and regulations, and landmark historic or wetlands designation, provided that they are not violated by the existing buildings and improvements erected on the Property or their use;

(b) Real estate taxes that are a lien, but are not yet due and payable;

(c) Any and all state of facts, easements and legends shown on any filed map which an accurate survey of the Property would disclose, provided the same do not render title to the Property uninsurable and/or unmarketable.

(d) Any and all recorded covenants, restrictions, easements, reservations, limitations, burdens, conditions and rights-of-way encumbering the Property, provided the same

(i) do not render title to the Property uninsurable and/or unmarketable, (ii) are not violated by existing improvements and/or uses on the Property, (iii) do not contain any outstanding options or purchase rights, or require any affirmative acts or monetary payments, and (iv) do not contain any provision whereby a future violation will result in a forfeiture or reversion of title.

(e) De minimis encroachments of retaining walls, hedges and fences, and variations between record lines and retaining walls, hedges and fences.

(f) Easements deemed necessary by the Seller in its reasonable discretion to access existing utilities to be coordinated with Purchaser so that easements shall be located on Purchaser's Survey, as described in Schedule B (Terms and Conditions of Sale), Paragraph 11.

5) **PURCHASER'S POSSESSION OF PROPERTY.** Purchaser shall have possession of the Property from and after the Closing Date.

6) **DOWNPAYMENT IN ESCROW.** (a) Seller's attorney ("Escrowee") shall hold the Downpayment in escrow in a segregated bank account at Sterling National Bank, Address: 40 Church Street, White Plains, New York 10601 until Closing or sooner termination of this Agreement and shall pay over or apply the Downpayment in accordance with the terms of this paragraph. Escrowee shall hold the Downpayment in a(n) interest-bearing account for the benefit of the parties. If interest is held for the benefit of the parties, it shall be paid to the party entitled to the Downpayment and the party receiving the interest is held for the benefit of the parties, it shall be paid to the party entitled to the Downpayment and the party receiving the interest shall pay any income taxes thereon. If interest is not held for the benefit of the parties, the Downpayment shall be placed in an IOLA account or as otherwise permitted or required by law. The Social Security or Federal Identification numbers of the parties shall be furnished to Escrowee upon request. At Closing, the Downpayment shall be paid by Escrowee to Seller. If for any reason Closing does not occur and either party gives Notice (as defined in paragraph 27) to Escrowee demanding payment of the Downpayment ("Notice of Demand"), Escrowee shall give prompt Notice to the non-demanding party of such Notice of Demand. If Escrowee does not receive a notice of objection ("Notice of Objection") from such non-demanding party to the proposed payment within 10 business days after the giving of such Notice of Demand ("Objection Period"), then Escrowee is hereby authorized and directed to make such payment. If Escrowee does receive such Notice of Objection within the Objection Period or if for any other reason Escrowee in good faith shall elect not to make such payment, Escrowee shall continue to hold such amount until otherwise directed by Notice from the parties to this Agreement or a final, nonappealable judgment, order or decree of a court. However, Escrowee shall have the right at any time to deposit the Downpayment and the Interest thereon with the clerk of a court in the county in which the Property is located and shall give Notice of such deposit to Seller and Purchaser. Upon such deposit or other disbursement in accordance with the terms of this paragraph, Escrowee shall be relieved and discharged of all further obligations and responsibilities hereunder.

(b) The parties acknowledge that, Escrowee is acting solely as a stakeholder at their request and for their convenience and that Escrowee shall not be liable to either party for any act or omission on its part unless taken or suffered in bad faith or in willful disregard of this



Agreement or involving gross negligence on the part of Escrowee. Seller and Purchaser jointly and severally (with right of contribution) agree to defend (by attorneys selected by Escrowee), indemnify and hold Escrowee harmless from and against all costs, claims and expenses (including reasonable attorneys' fees) incurred in connection with the performance of Escrowee's duties hereunder, except with respect to actions or omissions taken or suffered by Escrowee in bad faith or in willful disregard of this Agreement or involving gross negligence on the part of Escrowee.

(c) Escrowee may act or refrain from acting in respect of any matter referred to herein in full reliance upon and with the advice of counsel which may be selected by it (including any member of its firm) and shall be fully protected in so acting or refraining from acting upon the advice of such counsel.

(d) Escrowee acknowledges receipt of the Downpayment by check subject to collection and Escrowee's agreement to the provisions of this paragraph by signing in the place indicated on the signature page of this Agreement.

(e) Escrowee or any member of its firm shall be permitted to act as counsel for Seller in any dispute as to the disbursement of provisions of this paragraph by signing in the place indicated on the signature page of this Agreement.

(f) The party whose attorney is Escrowee shall be liable for loss of the Downpayment.

7) **CONDITIONS TO CLOSING.** This Agreement and Purchaser's obligation to purchase the Property are subject to and conditioned upon the fulfillment of the following conditions precedent:

(a) The delivery by Seller to Purchaser of a Quit Claim Deed.

(b) The delivery by Seller to Purchaser of evidence reasonably satisfactory to Purchaser's title company that Seller has the legal power, right and authority to consummate the sale of the Property.

(c) The delivery by Seller to Purchaser of the Property and any improvements comprising a part thereof.

(d) The accuracy, as of the Closing Date, of the representations, warranties and covenants of Seller made in this Agreement.

(e) The delivery by Seller of any other affidavits or documents required as a condition of recording the deed.

(f) The parties acknowledge that the Seller's ability to enter into this Agreement is conditioned upon the underlying sale being adopted by the Beacon City Council as a resolution, pursuant to Section 1.04 of the City of Beacon Code.

8) **TITLE.** If, for any reason, a marketable title cannot be delivered by Closing, because of certain defects against the title then held by the Seller, the Seller reserves the right to extend the date of the Closing for a reasonable time, not to exceed ninety (90) days, so that such defects may be removed. In case such defects cannot be removed within a reasonable time, the Purchaser or the Seller shall have the option of canceling this Agreement. Notwithstanding the foregoing, Purchaser shall have the right to accept such title as the Seller is able to deliver. If this Agreement is cancelled as provided for in this paragraph, the Seller shall return the Downpayment to the Purchaser and the parties to this Agreement shall have no further obligation to one another respecting this Agreement of Sale.

9) **OBJECTIONS TO TITLE.** If Purchaser raises a valid written objection to the insurability of Seller's title, Seller may but shall be under no obligation (with the exception of a defect which can be cured by the payment of a fixed sum of money, such as but not limited to judgments, mortgages, tax liens or mechanics liens) to cure the defect to Purchaser's satisfaction as a precondition to Purchaser's performance under this Agreement. If Seller elects to cure a nonmonetary defect Seller shall be entitled to a reasonable adjournment of the Closing Date set forth herein, whereupon Seller shall have until such new Closing Date to dispose of any such objections, at no cost or expense to the Purchaser. Any attempt by the Seller to cure an objection shall not be construed as an admission by Seller that such objection is one that will give the Purchaser the right to cancel this Agreement. Purchaser retains the right to: (i) close as set forth herein in the event Seller is unable to cure any written objection, or (ii) elect to terminate this Agreement in the event Seller is unable or unwilling to cure said defect.

10) **RECORDING COSTS AND TRANSFER TAX.** Purchaser will pay for continuation of all tax and title searches to and including the time of Closing, and, pursuant to New York State Tax Law §1405, for any real property transfer taxes. Purchaser will pay for recording the deed.

11) **INTENTIONALLY OMITTED.**

12) **CONDITION OF PROPERTY.** Purchaser acknowledges and represents that Purchaser is fully aware of the physical condition and state of repair of the Property, based on Purchaser's own inspection and investigation thereof, and that Purchaser is entering into this Agreement based solely upon such inspection and investigation and not upon any information, data, statements or representations, written or oral, as to the physical condition, state of repair, use, cost of operation or any other matter related to the Property or the other property included in the sale, given or made by Seller or its representatives unless expressly stated in this Agreement, and shall accept the same "as is" in their present condition and state of repair, subject to reasonable use, wear, tear and natural deterioration between the date hereof and the date of Closing, without any reduction in the purchase price or claim of any kind for any change in such condition by reason thereof subsequent to the date of this Agreement. Purchaser and its authorized representatives shall have the right, at reasonable times, to inspect the Property before Closing.

**13) SELLER'S REPRESENTATIONS, WARRANTIES AND COVENANTS.**

Seller represents, warrants and covenants to Purchaser, based on the actual knowledge of the Seller as of the date hereof, as follows:

(a) Requisite Action. Seller is the sole owner of the Property and has the full right, power and authority to sell, convey and transfer the same in accordance with the terms of this Agreement. Without limiting the generality of the foregoing, Seller has obtained all requisite consents necessary to enter into this Agreement and to consummate the transactions contemplated hereby.

(b) Validity. This Agreement and all documents required hereby to be executed by Seller are and shall be valid, legally binding obligations of and enforceable against Seller in accordance with their terms, except to the extent that enforceability thereof may be subject to applicable bankruptcy, insolvency, reorganization, moratorium or similar laws affecting the enforcement of contracts and creditor's rights generally and to general principles of equity.

(c) Conflicts. Neither the execution and delivery of this Agreement and documents referenced herein, nor the incurrence of the obligations set forth herein, nor the consummation of the transactions herein contemplated, nor referenced herein, conflict with or result in the material breach of any terms, conditions or provisions of or constitute a default under, any bond, note or other evidence of indebtedness or any contract or lease to which Seller is a party.

(d) Defaults and Remedies. If Purchaser defaults hereunder and such default remains uncured after any applicable cure or grace period, Seller's sole remedy shall be to receive and retain the Downpayment as liquidated damages, it being agreed that Seller's damages in case of Purchaser's default might be impossible to ascertain and that the Downpayment constitutes a fair and reasonable amount of damages under the circumstances and is not a penalty.

**14) RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** If more than one person signs this Agreement as Purchaser, each person shall be responsible for keeping the promises made by Purchaser in this Agreement. This Agreement may not be assigned by Purchaser and any purported assignment of this Agreement by Purchaser shall be void ab initio.

**15) ENTIRE AGREEMENT.** This Agreement when signed by both Purchaser and Seller will be the record of the complete Agreement between the Purchaser and Seller concerning the purchase and sale of the Property. No verbal agreements or promises will be binding.

**16) FURTHER DOCUMENTS.** Each party to this Agreement agrees to execute, acknowledge and deliver or cause to be delivered, such other deeds, assignments, affidavits, certificates and other instruments and documents as may be reasonably necessary and required by the other party from time to time to confirm and carry out the intent and

purpose of this Agreement and the performance of each party's obligations under the terms of this Agreement, in such form as shall be reasonably satisfactory to counsel for both parties.

17) **HEADINGS.** Headings in this Agreement are for convenience of reference only and in no way define, limit or describe the scope of this Agreement and shall not be used to interpret or construe this Agreement or any of its provisions.

18) **NO THIRD PARTY BENEFICIARIES.** This Agreement is intended for the exclusive benefit of the parties hereto and shall not be for the benefit of, and shall not create any rights in, or be enforceable by, any other person or entity.

19) **INTEGRATION.** All prior understandings, agreements, representations and warranties, oral or written, between Purchaser and Seller are merged in this Agreement which Agreement completely expresses their full agreement and has been entered into after full investigation, neither party relying upon any statement made by anyone else that is not set forth in this Agreement.

20) **INTERPRETATION.** This Agreement shall be interpreted and construed according to its fair meaning and neither for nor against any party hereto irrespective of which party caused the same to be drafted. Each of the parties acknowledges that it has been or has had the opportunity to be represented by an attorney in connection with the preparation and execution of this Agreement.

21) **GOVERNING LAW; VENUE.** This Agreement shall be interpreted, construed and enforced in accordance with and governed by the internal laws of the State of New York without reference to the principles of conflicts of laws. Each party hereby irrevocably consents to the exclusive jurisdiction of the courts of the County of Dutchess and State of New York for all purposes in connection with any action, suit or proceeding which arises out of or relates to this Agreement. To the fullest extent it may effectively do so under applicable law, each party hereby irrevocably waives and agrees not to assert, by way of motion, as a defense or otherwise, any claim that it is not subject to the jurisdiction of any such court, any objection which it may now or hereafter have to the laying of the venue of any such action, suit or proceeding brought in any such court and any claim that any such action, suit or proceeding brought in any such court has been brought in an inconvenient forum.

22) **AMENDMENTS.** This Agreement may not be modified, amended or terminated nor may any of its provisions be waived except by an agreement in writing signed by the party against whom enforcement of any such modification, amendment, termination or waiver is sought, and then such modification, amendment, termination or waiver shall be effective only in the specific instance and for the specific purpose for which given.

23) **FURTHER ASSURANCES.** Each party hereto shall, at any time and from time to time, execute, acknowledge where appropriate and deliver such further instruments and documents and take such other action as may be reasonably requested by the other party in

order to carry out the intent and purpose of this Agreement. This paragraph shall survive the Closing under this Agreement.

24) **SUCCESSORS AND ASSIGNS.** Subject to the terms and conditions hereof, the covenants, agreements, terms, provisions and conditions contained in this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective distributees, legal representatives, successors and assigns.

25) **COUNTERPARTS.** This Agreement may be executed by the parties individually in several separate counterparts, each of which shall be deemed an original, and all of the said counterparts taken together shall be deemed to constitute one and the same instrument. This Agreement is intended to be enforceable when executed and delivered by facsimile or by e-mail.

26) **SEVERABILITY.** If any term, covenant or condition of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and be enforced to the extent permitted by the law.

27) **NOTICES.** Any notice given hereunder shall be in writing and shall be served in person, via facsimile (subject to printout of confirmation of receipt); via email, by nationally recognized overnight express delivery service, or by United States certified mail, with postage prepaid, properly addressed and directed to a party's attorney at the following address:

If to Seller:

Nicholas M. Ward-Willis, Esq.  
Keane & Beane, P.C.  
445 Hamilton Avenue  
Suite 1500  
White Plains, New York 10601  
Telephone: (914) 946-4777  
Facsimile: (914) 946-6868

If to Purchaser:

Steven Nesheiwat, Esq.  
Nesheiwat Law Offices  
224 Church Street  
Poughkeepsie, New York 12601  
Telephone:  
Facsimile:

28) **BROKER.** Seller and Purchaser each represents and warrants to the other that it has not dealt with any real estate broker in connection with this sale. Seller and Purchaser shall indemnify and defend each other against any costs, claims and expenses,

including reasonable attorneys' fees, arising out of the breach of their respective parts of any representation or agreement contained in this paragraph. The provisions of this paragraph shall survive Closing or, if Closing does not occur, the termination of this Agreement.

29) Purchaser and Seller expressly authorize their respective attorneys to act on their behalf and bind the respective parties to any stipulations as to extensions, adjournments or changes in any time periods in this Agreement, including, but not limited to, the Closing Date.

30) Neither this Agreement nor a memorandum thereof may be recorded by Purchaser. Breach of this provision by Purchaser shall constitute a default hereunder.

31) **LEAD BASED PAINT WARNING.** Intentionally Omitted.

32) See Terms and Conditions of Sale, attached hereto as Schedule "B" and made a part hereof.

IN WITNESS WHEREOF, each of the parties hereto has caused its duly authorized representative to execute this Agreement as of the date first above set forth.

CITY OF BEACON

\_\_\_\_\_

By: \_\_\_\_\_  
Anthony Ruggiero, City Administrator

By: \_\_\_\_\_

**Schedule A**

## **Schedule B – Terms and Conditions of Sale**

### **I. Condition of Property**

1. Seller makes no representations that the Property meets local, County or Federal ordinances, regulations or laws governing development of property commercially, industrially or otherwise. All permits, empowerments, permissions and grants necessary for the development of the Property are at the Purchaser's risk, cost and responsibility. Any variances, permissions or grants necessary to meet these requirements are likewise at Purchaser's risk, cost and expense.

2. The Property is being sold in its "AS IS" condition. The Seller has not performed any inspections to verify any of the land or premises that are being sold in an "AS IS" condition. Premises which are occupied shall be sold "AS IS" and a landlord/tenant relationship does not exist between the Seller and the occupant.

3. Purchaser recognizes that certain portions of parking spaces on the west adjoining New York State Route 9-D are not located on the Property being conveyed to Purchaser but encroach with the New York State right of way. It shall be Purchaser's sole obligation to secure any necessary permission from New York State for such spaces.

4. The Property will NOT be delivered at Closing in a "broom clean" condition and Seller shall have no obligation to remove any personal property present on the Property and Purchaser shall be solely responsible to remove any personal property or debris.

### **II. Redevelopment Conditions**

5. Purchaser intends to renovate Bob's Corner Store located at 790 Wolcott Avenue, Parcel Grid ID#130200-6054-13-228457 (the "Project") and shall be solely responsible to obtain all permits, land use approvals and permissions necessary for the renovation and development of the Property.

6. Within ninety (90) days of the Closing Date, Purchaser shall apply for a Building Permit for the Project.

7. Purchaser shall commence construction of the Project within ninety (90) days of issuance of a Building Permit.

8. Purchaser must diligently pursue construction of the Project and obtain a Certificate of Occupancy for the Project within twenty (20) months of issuance of the Building Permit.

9. On or before the Closing Date, Purchaser shall provide Seller with (a) a copy of the signed contract with a construction manager for the construction of the Project, and (b) evidence that Purchaser has closed its financing for construction of the Project, if applicable. Alternatively, Purchaser may provide other evidence to Seller that construction of the Project is



imminent and that funds necessary for such construction are available to Purchaser, on the condition that such other evidence is reasonably satisfactory to the City Administrator, in consultation with the City Attorney and City Building Inspector.

10. The Parties agree that the dates set forth in paragraphs 6, 7 and 8 of these Terms and Conditions of Sale are subject to Unavoidable Delays (as hereinafter defined) and the dates set forth in such paragraphs shall be extended for the period of Unavoidable Delay provided Purchaser promptly advises the City in writing of the Unavoidable Delay and sets forth a date by which it anticipates such Unavoidable Delay will be resolved and provides a written update every thirty (30) days and proceeds with those portions of the Project not affected by the Unavoidable Delay. Any Unavoidable Delay is subject to the City's reasonable approval, which approval shall not be unreasonably withheld, conditioned, or delayed. "Unavoidable Delays" shall mean delays due to fire, casualty, labor trouble, inclement weather conditions, natural disaster, civil unrest, unforeseen site conditions or other unforeseen conditions, governmental preemption of priorities or other controls in connection with a national or other public emergency or shortages of fuel, supplies or labor resulting therefrom, or any other cause, whether similar or dissimilar, beyond Purchaser's reasonable control.

### **III. Survey**

11. The Property consists of remnants of an urban redevelopment program and an exact metes and bounds description does not exist. "Schedule A" to this Agreement is a printout from the Dutchess County Tax Map depicting the Property. Within thirty (30) days of the date of this Agreement, Purchaser, at its sole cost and expense, shall obtain an ALTA/ACSM survey and legal description of the Property by a licensed land surveyor ("Purchaser's Survey") and shall send a copy of such survey and legal description to the Seller. Easements deemed necessary by the Seller in its reasonable discretion to access existing utilities, to be coordinated with the Purchaser, shall be located on Purchaser's Survey. If such survey and legal description are satisfactory to the Seller, they shall be deemed to be incorporated into this Agreement as a description of the Property and shall replace the printout referenced as "Schedule A". If such survey and legal description are not satisfactory to the Seller, Purchaser shall take such reasonable steps necessary so that they become satisfactory to the Seller.

### **IV. Restrictions on Use or Sale of the Property**

12. The Purchaser shall be responsible upon the Closing for a) securing all vacant property on the Property to prevent unauthorized entry or use and b) compliance of the Property with all applicable sections of the Property Maintenance Code of the State of New York, the City of Beacon Code and all other applicable codes, rules, and standards.

13. The Property is being sold upon the condition that all or any part thereof shall not be used as a used car lot, junkyard or for any other dangerous, noxious or offensive purpose or establishment whatsoever. The deed shall contain language to this effect.

14. The Purchaser shall not be permitted to sell or transfer the Property until such time as the Project has been issued a final Certificate of Occupancy.

15. All sales shall be final and without recourse, and in no event shall the Seller be liable for any defects in title for any cause whatsoever. No claim, demand or suit of any nature shall exist in favor of the Purchaser, his/her heirs, successors or assigns, against the Seller arising from this sale.

16. Seller selected Purchaser on the basis of Purchaser's assurance that the Property would be developed in the manner, and within the timeframes, described herein so that the Property will be utilized for the benefit of the City of Beacon and its residents and visitors. Seller hereby retains a possibility of reverter in the Property for the purpose of assuring compliance with the Conditions of Sale set forth herein. The Terms and Conditions of Sale are covenants that shall run with the land and be binding to the fullest extent permitted by law and in equity. These Terms and Conditions of Sale shall inure to the benefit of the City of Beacon and shall be enforceable against Purchaser and its successors and assigns. This possibility of reverter shall be set forth in the deed and shall be binding upon any successor owner of the Property until such time as all post-Closing conditions have been satisfied. If the post-Closing Terms and Conditions of Sale are not satisfied within the specified times outlined herein (as such specified times may be extended), the Property shall revert to Seller, free and clear of any and all claims, encumbrances or other liens as set forth below. Notwithstanding the foregoing, however, Seller agrees to fully subordinate its possibility of reverter rights to any first or second mortgage secured against the Property if such subordination is required by Purchaser's lender to allow Purchaser to obtain financing for the construction of the Project.

a. If Purchaser fails to comply with any of the post-Closing conditions set forth in these Terms and Conditions of Sale, Seller shall provide to Purchaser a written Notice of Failure to Comply (the "Notice") with Terms and Conditions of Sale. Purchaser shall have thirty (30) days after receipt of such Notice to comply; provided, however, that if any such failure to comply cannot be cured within such thirty (30) day period, Purchaser shall be afforded up to an additional thirty (30) days to cure such failure, provided Purchaser shall have commenced such cure within such initial thirty (30) day period and shall thereafter diligently continue to cure such failure to comply;

b. If Purchaser has failed to correct the condition that is set forth in the Notice by the end of thirty (30) days or as such time as may be extended as set forth in paragraph 16(a) or in writing by Seller, the City Council and Seller shall at its regularly scheduled meeting, adopt a Resolution declaring Purchaser to be in default.

c. Seller shall send a certified copy of such Resolution to Purchaser. Purchaser agrees that upon receipt of a certified copy of the Resolution adopted by the City Council declaring Purchaser to be in default of these post-Closing Terms and Conditions of Sale, Purchaser shall, within ten (10) days, execute a deed conveying the Property to the Seller at no cost to the Seller.

d. In the event Purchaser fails to execute such deed, Seller shall have the right to commence an action in Supreme Court, Dutchess County compelling Purchaser to execute the deed and convey the Property to the Seller. Purchaser shall be responsible for all

reasonable legal fees and expenses incurred by the Seller in preparing the Notice, Resolution and costs associated with any litigation.

e. Upon the issuance of all permanent Certificates of Occupancy for the Property conforming to the complete Project, the conditions set forth in these Terms and Conditions of Sale shall have been deemed fulfilled (aside from the restriction on using all or any part of the Property as a used car lot, junkyard or for any other dangerous, noxious or offensive purpose or establishment whatsoever, which restriction shall continue to remain in effect) and the possibility of reverter set forth herein and on the deed shall automatically terminate and be of no further force and effect.

17. Seller reserves the right to extend or modify for good reason any of the conditions and/or timeframes listed above.

## **V. Miscellaneous Matters**

18. Except as specifically provided for in the Conditions of Sale, the City of Beacon makes no representation and gives no warranties as to the environmental conditions of the aforesaid structure(s), lands and premises (the Property).

a. For the purposes of these conditions, “Environmental Laws” mean Federal, State and local laws and regulations, common law, orders, and permits governing the protection of the environment, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, et seq. as amended (CERCLA); the Resource Conservation and Recovery Act, as amended 42 U.S.C. 6901, et seq.; the Clean Water Act, 33 U.S.C. 1251, et seq.; the Clean Air Act, 42, U.S.C. 7401, et seq.; The Toxic Substance Control Act, 15 U.S.C. 300f through 300j; Et seq. and any amendments thereto together with any other similar laws regulating the environment existing at the time of coming into existence in the future.

b. Purchaser acknowledges that they are taking the Property subject to all environmental conditions existing at the Property, whether known or unknown.

c. Purchaser agrees to indemnify, defend, and hold harmless the City of Beacon from all liability for any claims relating to any contamination, or violations of any Environmental Laws, as defined above regardless of whether relating to conditions known or unknown or existing prior to or following Closing, including reasonable attorneys’ fees.

d. The representations and warranties contained in this paragraph shall survive the date of Closing.

19. All sales shall be final and without recourse, and in no event shall the Seller be liable for any defects in title for any cause whatsoever. Except as set forth in paragraph 14 of the Agreement, no claim, demand or suit of any nature shall exist in favor of the Purchaser, his/her heirs, successors or assigns, against the Seller arising from this sale. This paragraph shall survive the date of Closing.

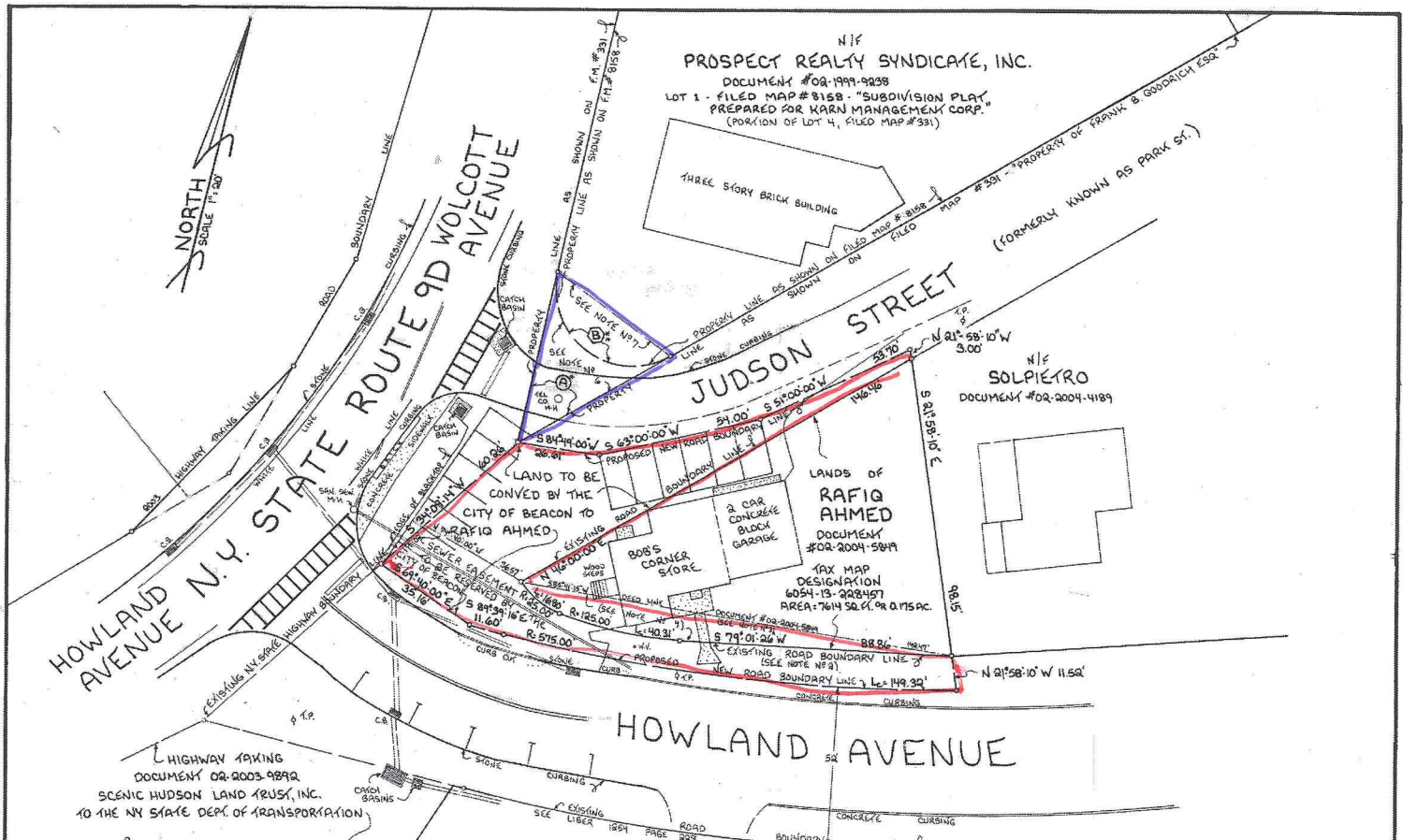
20. Purchaser represents that it owns the adjacent property at 790 Wolcott Avenue, Parcel Grid ID#130200-6054-13-228457 (the "Adjacent Parcel"). It is the intent of the Parties that Purchaser shall resubdivide the Property by deed with the Adjacent Parcel at Closing to create a single parcel consisting of both the Property and the Adjacent Parcel. Seller will consider a resubdivision by deed in this instance only and without creating any precedent in the future for any third person to rely upon, as the City is the Seller and the City will be receiving a survey and legal description prior to the conveyance to assure itself as to the accuracy of the description of the land being conveyed and resubdivided.

21. At the time of Closing, Purchaser shall coordinate with the Tax Assessor, at Purchaser's sole cost and expense, to restore the Property to the tax roll. In the event that the Property is not presently on the Assessment Roll and assessed real property taxes, Purchaser agrees to pay at Closing its proportionate share of city, county and school taxes from the date of Closing in an amount equal to that which it would have been apportioned if the Property were on the Assessment Roll. If the Property is not listed on the Assessment Roll (or will not be listed when the Assessment Roll is next published), Purchaser shall make no objection to the Property being restored to the Assessment Roll and the Property being assessed omitted taxes from the date of Closing and forward, which shall be Purchaser's obligation to pay. In no event shall the Seller be responsible for the payment of any property taxes.

22. In accordance with NYS Tax Law §1405, Purchaser shall be responsible for paying the New York State real estate transfer tax.

23. Purchaser shall be responsible for paying Seller's reasonable attorneys' fees for this transaction at Closing.

24. All of the terms, obligations and conditions set forth in paragraphs 1 through and including 23 shall survive the Closing.



NIF  
**PROSPECT REALTY SYNDICATE, INC.**  
 DOCUMENT #02-1999-9238  
 LOT 1 - FILED MAP #8158 - "SUBDIVISION PLAN  
 PREPARED FOR KARN MANAGEMENT CORP."  
 (PORTION OF LOT 4, FILED MAP #331)

NIF  
**SOLPIETRO**  
 DOCUMENT #02-2004-4189

LANDS OF  
**RAFIQ AHMED**  
 DOCUMENT #02-2004-5049

**LEGENDS:**

- \* (A) - 709 SQ. FT. PARCEL OF LAND SHOWN ON FILED MAP #8158 ("SUBDIVISION PLAN PREPARED FOR KARN MANAGEMENT CORP." - FILED ON 10/19/87) AND DESIGNATED THEREON AS AN "AREA TO BE DEDICATED TO THE CITY OF BEACON FOR ROAD PURPOSES" (SEE NOTE #1).
- \*\* (B) - PORTION OF LOT 1 ON FILED MAP #8158 DESIGNATED THEREON AS A "SIGHT EASEMENT TO BE GRANTED TO THE CITY OF BEACON" (SEE NOTE #7).

**NOTES:**

- 1) OWNER OF RECORD: RAFIQ AHMED - DOCUMENT #02-2004-5049
- 2) THE LOCATION OF THE EXISTING ROAD BOUNDARY ALONG THE NORTHERLY SIDE OF HOWLAND AVENUE AS SHOWN HEREON IS BASED UPON INFORMATION SHOWN ON A MAP ENTITLED "MAP OF LANDS AT MATTHEWAN N.Y. THE PROPERTY OF FRANK B. GOODRICH ESA; AND FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE AS MAP #331, AS WELL AS INFORMATION ON A SURVEY MAP PREPARED BY G.R. HUSTIS ON MARCH 13, 1936 ENTITLED "MAP SHOWING LOCATION OF J.J. NEVILLE'S RESTAURANT"
- 3) THE DESCRIPTION CONTAINED IN THE DEED OF RECORD FOR THIS PROPERTY CALLS FOR THE NORTHERLY LINE OF HOWLAND AVENUE TO BE A STRAIGHT LINE.
- 4) THE CITY OF BEACON SHALL QUIET CLAIM TO RAFIQ AHMED THE SLIVER OF LAND LYING BETWEEN THE TWO NORTHERLY LINES OF HOWLAND AVENUE SHOWN HEREON (AREA: 951 SQ. FT. OR 0.022 AC.)
- 5) THE CITY OF BEACON SHALL CONVEY TO RAFIQ AHMED THE PARCEL OF LAND SHOWN HEREON THAT LIES BETWEEN THE EXISTING ROAD BOUNDARY LINES FOR HOWLAND AVENUE AND JUDSON STREET AND THE PROPOSED NEW ROAD BOUNDARY LINES FOR THOSE TWO CITY STREETS & THE EXISTING N.Y. STATE HIGHWAY BOUNDARY FOR ROUTE 9D (AREA: 5334 SQ. FT. OR 0.123 AC.)
- 6) PARCEL (A) AS SHOWN HEREON IS A PORTION OF THE PREMISES CONVEYED BY KARN MANAGEMENT CORP. TO MOUNTAIN SIDE AGENCY INC. (LOT 4, FILED MAP #331) BY DEED DATED SEPTEMBER 24, 1987 AND RECORDED IN THE DUTCHESS COUNTY CLERK'S OFFICE ON NOVEMBER 24, 1987 IN LIBER 1777 OF DEEDS AT PAGE 217. NO DEED OF RECORD COULD BE FOUND FROM EITHER OF THOSE TWO PARTIES TO NEITHER THE CITY OF BEACON NOR THE NY STATE DEPT. OF TRANSPORTATION THAT ACTUALLY TRANSFERRED THE TITLE TO THIS PARCEL.
- 7) NO DEED OF RECORD FROM EITHER KARN MANAGEMENT CORP., MOUNTAIN SIDE AGENCY INC. OR PROSPECT REALTY SYNDICATE, INC. COULD BE FOUND THAT ACTUALLY GRANTED THIS SIGHT EASEMENT (B) TO THE CITY OF BEACON.

MAP OF SURVEY OF  
**BOB'S CORNER STORE**

CITY OF BEACON, DUTCHESS COUNTY, NEW YORK SCALE 1" = 20' APRIL 1, 2014 REVISED JUNE 16, 2015 (A), (B), LEGEND, NOTES 6 & 7 ADDED)

**CERTIFIED TO:**  
 THE CITY OF BEACON  
 RAFIQ AHMED

PREPARED BY: **GARY R. LA TOUR, L.S.**  
 273 EAST MAIN ST.  
 BEACON, NEW YORK

