	_	Case No.:	
Fee: \$750.00	MAR 2 8 2023	Date File	l:
	Zoning Board of Ap Village/Town of Mount		
	Village/Town of Mo		
	Municipal Buil		
	104 Main Street, Mt. Kiso	co, NY 10549	
	Zoning Board of A		
	Application	1	
Appellant: DP 21, LLC			
	ford Road, Suite 145, Moun		
Address of subject proper	rty (if different): 333 Nor	rth Bedford Road, M	ount Kisco, NY 1054
Appellant's relationship t	to subject property: X	Owner Les	ssee Other
Property owner (if different Address:	ent): Same as above		
	ZONING BOARD OF AP Building Inspector, <b>Peter</b>		
dated 09/06/2019	. Application is hereby	made for the follow	ving:
	**************************************		
12/2 (###################################	Interpretation	n of Section See atto	iched list
	e/Town of Mount Kisco,		
of the Code of the Villago		Conversion;	Maintenance
of the Code of the Village permit the: Erect	e/Town of Mount Kisco,		
of the Code of the Village to permit the: Erect of Refer to list of required	e/Town of Mount Kisco, stion; <u>X</u> Alteration; I variances in cover letter a	nd project narrative	
of the Code of the Village of permit the: Erect of Refer to list of required in ac	e/Town of Mount Kisco,  tion; <b>x</b> Alteration; <b>d</b> triances in cover letter and accordance with plans filed	on (date) 12/21/2	2020
of the Code of the Village of permit the: Erect of Refer to list of required in according Property ID # See belong The subject premises is so	tion; X Alteration;	on (date) 12/21/20 the ML & CL side of (street) N	ZO20 Zoning District.
f the Code of the Village  permit the: Erect  f Refer to list of required  in according Property ID # See below  The subject premises is significant.	tion; X Alteration; La Variances in cover letter and coordance with plans filed low located in the Village/Town of Mount Kisco, Alteration; La Variances in cover letter and coordance with plans filed low located in the Village/Town of Mount Kisco, Alteration; La Variance in the Village/Town of Mount Kisco, La Variance in the Village/Town of Mount Kisco, Alteration; La Variance in the Village/Town of Mount Kisco, La Variance in the Village i	on (date) 12/21/20 the ML & CL side of (street) Nunt Kisco, County of	ZO20 Zoning District. orth Bedford Road of Westchester, NY.
of the Code of the Village of permit the: Erect of Refer to list of required in accord Property ID # See below The subject premises is some in Does property face on two	tion; X Alteration; Large Alteration; Alteration; Large Alteration	on (date) 12/21/2 the ML & CL side of (street) N unt Kisco, County of Yes/No No	ZO20 Zoning District. orth Bedford Road of Westchester, NY.
in action Property ID # See below in See see in See See See See See See See See See Se	tion; X Alteration; La Variances in cover letter and coordance with plans filed low located in the Village/Town of Mount Kisco, Alteration; La Variances in cover letter and coordance with plans filed low located in the Village/Town of Mount Kisco, Alteration; La Variance in the Village/Town of Mount Kisco, La Variance in the Village/Town of Mount Kisco, Alteration; La Variance in the Village/Town of Mount Kisco, La Variance in the Village i	on (date) 12/21/2 the ML & CL side of (street) N unt Kisco, County of Yes/No No	ZO20 Zoning District. orth Bedford Road of Westchester, NY.

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to
this property? Yes
Is there an approved site plan for this property? No in connection with a  X Proposed or X Existing building; erected (yr.)  333 NBR: 1,964.5 333 NBR: 1,124.3 333 NBR: 37.70  Size of Lot: 309 NBR: 71 feet wide 309 NBR: 203 feet deep Area 309 NBR: 0.42  383 NBR: 125 383 NBR: 1240 333 NBR: 0.58  Size of Building: at street level are the feet wide 200 NBR: 45 feet deep feet deep
Size of Lot: 309 NBR: 71 feet wide 309 NBR: 203feet deep Area 309 NBR: 0.42 383 NBR: 125 383 NBR: 120 383 NBR: 0.58
Size of Building. at Street level 309 NBR; 65
Height of building: See below Present use of building: Auto Storage/Warehouse/Office  Top of ShopRite sign wall 35'-0", top of main building 27'-3"
309 NBR is 16' tall on the east side and 31'-4" on the west side, 383 NBR is 21'  Does this building contain a nonconforming use? No Please identify and explain:
Is this building classified as a non-complying use? No Please identify and explain:
Has any previous application or appeal been filed with this Board for these premises? Yes/No? Yes
Was a variance ever granted for this property? Yes If so, please identify and explain:  Area Variances as part of ZBA Decision 20-06 granted on 12/18/2020
Are there any violations pending against this property? No If so, please identify and explain:
Has a Work Stop Order or Appearance Ticket been served relative to this matter?  Yes or X No Date of Issue:
Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? <b>No</b>

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on \_\_\_\_\_\_ upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE <u>AT LEAST 15 DAYS</u> PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- \*j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- \*k) A floor plan of the subject building with all the necessary measurements.
- \*1) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

<sup>\*</sup> Optional - As Needed

I hereby depose & say that all the above statements as papers submitted herewith are true.	
	Appellant to sign here)
Sworn to before me this day of: 13th of Nacc Notary Public, Cardy Sinh	CINDY GENTILE  Notary Public, State of New York  Registration No. 01GE6419898  Qualified in Putnam County  Commission Expires  Commission Expires
[TO BE COMPLETED IF APPELLANT IS NOT THE State of New York } County of Westchester } ss	IE PROPERTY OWNER IN FEE]
Being duly sworn, deposes and say that he resides at County of Westchester, in the State of New York, that certain lot, piece or parcel of land situated, lying and Kisco, County of Westchester aforesaid and known a and that he hereby authorized	being in the Village of Mount nd designated as number to make
the annexed application in his behalf and that the state are true.	ements contained in said application
<del>-</del>	(sign here)

# THE JOURNAL NEWS NORTHERN EDITION

DIRECT DIAL TO: Phone – (914)694-5123 Heidi - (888) 516-9220 ext. 3662 E-Mail – tjn-lhlegals@gannet.com

## **ORDER FOR LEGAL NOTICES**

The attached the issue date	l legal notice is to run in The Joued March 6, 2023	arnal News, Northern Edition, started with for a total of 1 insertion.
BILL TO:		
ADDRESS:	120 Bedford Road, Armonk, NY	10504
PHONE #:	(914) 273-5225	
Please send	Affidavits of Publication to:	Number of proof – 3
		A
Signed:		
publication d		p.m. on the fourth day in advance of y 12:00 noon on the third day in advance of luded.
When sendin	ng legal notices by mail to The Je	ournal News, please specify on the envelope:
	Legal Advertising Departmen	t
To avoid erro	ors, notices should be typed dou	ble space on separate sheets of paper.
Three affidav upon request		erwise specified. Proof will be furnished

# **AFFIDAVIT OF MAILING**

STATE OF NEW YORK	}
COUNTY OF WESTCHESTER	}SS.: }
Stephen Spina	being duly sworn, deposes and
says:	
I reside at JMC, PLIC 120 Bedford Road	, Armonk, NY 10504
On <u>March 6,</u> 20 <b>23</b> I s	served a notice of hearing, a copy of which is
attached hereto and labeled Exhibit A	, upon persons whose names are listed in a schedule
of property owners within 300 feet of	the subject property identified in this notice. A
copy of this schedule of property own	ers' names is attached hereto and labeled Exhibit B.
I placed a true copy of such notice in	a postage paid property addressed wrapper
addressed to the addresses set forth in	Exhibit B, in a post office or official depository
under the exclusive care and custody	of the United States Post Office, within the County
of Westchester.	
Sworn to before me on this	
day of	20
	·
(Notary Public)	

## **PUBLIC NOTICE**

PLEASE TAKE NOTICE	that the Zoning	Board of Appeals of the Vi	illage/Town of	
Mount Kisco, New York	will hold a Public	Hearing on the	day of	
March	20_ <b>23</b> at the M	Municipal Building, Mount	t Kisco, New York,	
beginning at <u>7:00</u> PM	I pursuant to the	Zoning Ordinance on the A	Appeal of	
DP 21, LLC				
333 North Bedford Road,	(Name of A Suite 145, Mount			
	(Address of A			
from the decision of Peter	J. Miley, Buildin	ng Inspector, dated09/06/	/2019	
denying the application da		(1):	ate of Denial Letter).	
		(Proposed W	ork)	
The property involved is k	known as The Par	k 333 (333 North Bedford R	oad, Mount Kisco, NY	10549)
		(Address of Property)	)	
and described on the Villa	ge Tax Map as S	ection Block	Lot	
ount Kisco (Section 69.50, Block 2, Lot 1), (Section 69.5 and is located on the wes				1.12, Block 2, Lot 36)
· · · · · · · · · · · · · · · · · · ·	west/n/s	(Street Name)	in a	
ML & CL	Zoning District.	Said Appeal is being mad	le to obtain a	
variance from Section(s)	refer t	o the attached list	of the	
	(Identify spec	cific zoning code section n	umber(s))	
Code of the Village/Town	of Mount Kisco,	which requires refer to th	e attached list	
-				-

Harold Boxer, Chair Zoning Board of Appeals Village/Town of Mount Kisco

## **REVISION TO STATE ZONING LAWS ENACTED**

The rules governing the issuance of area variances have not been as clearly established by the Court as those for use variances. New Town Law, Section 267-b(3)- and Village Law, Section 7-712 (b) (3) establish a new, statutory process for the granting of area variances. There is no "test" as such for granting of area variances. The requirement that the applicant show "practical difficulty" or "significant economic injury" is gone. Instead, when an applicant requests an area variance, the new law requires the Board of Appeals to balance two elements: the benefit to the applicant from the variance, and the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance was to be granted.

The provision set forth five factors for the Board to consider in balancing these interests.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the variance.
- (2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- (3) Whether the requested variance is substantial.
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (5) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the <u>area</u> variance).

Date:	RECEIVED	Case No.:
Fee: \$750.00	MAR 2 8 2023	Date Filed:
15	Zoning Board of Appeals	
	Village/Town of Mount Kisco Village/Town of Mount	
	Municipal Building	
	104 Main Street, Mt. Kisco,	
	Zoning Board of App Application	peals
	Application	
Appellant: DP 62, LLC		
	edford Road, Suite 145, Mount Ki	
ddress of subject pro	perty (if different): 309 North I	Bedford Road, Mount Kisco, NY 10549
Appellant's relationshi	in to subject property: Y Ox	wner Lessee Other
ippendite s relationsin	ip to subject property o.	wher bessee outer
roperty owner (if diff	ferent): Same as above	
Address:		
O THE CHAIDMAN	I ZONING BOARD OF ARRE	ALS: An appeal is hereby taken
		ey Memorandem to the Planning Board
	. Application is hereby made	
X Variation	<u>or</u> Interpretation of	Section See attached list
i the Code of the Vill	age/Town of Mount Kisco,	
o permit the: Er	rection: <b>x</b> Alteration:	Conversion; Maintenance
•		project narrative
S27		
	accordance with plans filed on	
	below located in the	de of (street) North Bedford Road
ne subject premises i		Kisco, County of Westchester, NY.
		es/No_No
loes property face on	two different public streets? Te	
If on two streets, give		

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? <b>Yes</b>
Is there an approved site plan for this property? No in connection with a  X Proposed or X Existing building; erected (yr.)  333 NBR: 1.964.5 333 NBR: 1.124.3 333 NBR: 3.7 70
333 NBR: 1,964.5 333 NBR: 1,124.3 333 NBR: 37.70  Size of Lot: 309 NBR: 71 feet wide 309 NBR: 203 feet deep 383 NBR: 125 333 NBR: 120 333 NBR: 1,240 333 NBR: 595  Size of Building: at street level 309 NBR: 65 feet wide 309 NBR: 65 feet deep 309 NBR: 65 feet deep 309 NBR: 65
Height of ShopRite sign wall 35'-0", top of main building 27'-3"  Total Street level 309 NBR: 65  383 NBR: 135  383 NBR: 45  Grocery store/Retail/Family Recreation  Present use of building: Auto Storage/Warehouse/Office  Top of ShopRite sign wall 35'-0", top of main building 27'-3"
309 NBR is 16' tall on the east side and 31'-4" on the west side, 383 NBR is 21'  Does this building contain a nonconforming use? No Please identify and explain:
Is this building classified as a non-complying use? No Please identify and explain:
Has any previous application or appeal been filed with this Board for these premises?  Yes/No? Yes
Was a variance ever granted for this property? Yes  Area Variances as part of ZBA Decision 20-06 granted on 12/18/2020
Are there any violations pending against this property? No If so, please identify and explain:
Has a Work Stop Order or Appearance Ticket been served relative to this matter?  Yes or X No Date of Issue:
Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? <b>No</b>

I hereby depose & say that all the above stapapers submitted herewith are true.			
	/ (A	appellant to sign he	ere)
Sworn to before me this day of: 13th  Notary Public, Ludy	March &	, 20 <u>23</u> Westchester , County, NY	CINDY GENTII Notary Public, State of Registration No. 01GE Qualified in Putnam Commission Expires
Notary Public,		, County, N 1	COMMUSSION
[TO BE COMPLETED IF APPELLANT I State of New York } County of Westchester } ss	IS NOT THI	E PROPERTY OW	/NER IN FEE]
Being duly sworn, deposes and say that he County of Westchester, in the State of Nev certain lot, piece or parcel of land situated, Kisco, County of Westchester aforesaid an and that he hereby	w York, that, lying and band known an	eing in the Village d designated as nu	of Mount
the annexed application in his behalf and that are true.			said application
	_	(sign her	re)

Date:	RECEIVED	Case No.:
¢750.00	MAR 2 8 2023	
Fee: \$730.00		Date Filed:
	Zoning Board of Appeals	
	Village/Town of Mount Kisse Village/Town of Mount K	isco
	Municipal Building	
	104 Main Street, Mt. Kisco, N	Y 10549
	Zoning Board of Appea	als
	Application	
Appellant: DP 102, LLC		
Address: 333 North Be	edford Road, Suite 145, Mount Kisc	o, NY
Address of subject proj	perty (if different): 383 North Be	dford Road, Mount Kisco, NY 10549
Appellant's relationshi	p to subject property: Owr	ner <b>X</b> _ Lessee Other
Property owner (if diffe	erent): PHILAR REALTY CO., LLC	
	116 Woodridge Road, Moun	t Kisco, NY 10549
from the decision of the	, ZONING BOARD OF APPEAL	Memorandem to the Planning Board
dated 09/06/2019	Application is hereby made	for the following:
	or Interpretation of So age/Town of Mount Kisco,	ection See attached list
or the code of the vinc	age/ Town of Mount Risco,	
	ection; X Alteration; C	
of Refer to list of requir	red variances in cover letter and pro	ject narrative
in	accordance with plans filed on (d	late) 12/20/2022
for Property ID # See b	located in the	ML & CL Zoning District.
The subject premises is	s situated on the west side	of (street) North Bedford Road
loss property face on	in the Village/Town of Mount Ki	isco, County of Westchester, NY.
Joes property race on	two different public streets? Yes/	NO No
If on two streets give	oom succe names)	
If on two streets, give		

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to
this property? Yes
Is there an approved site plan for this property? No in connection with a Proposed or X Existing building; erected (yr.)
333 NBR: 1.964.5 333 NBR: 1.124.3 222 NBB: 27.70
333 NBR: 1,964.5 333 NBR: 1,124.3 333 NBR: 37.70  Size of Lot: 309 NBR: 71 feet wide 309 NBR: 203 feet deep 383 NBR: 1725 383 NBR: 1720 333 NBR: 1,240 333 NBR: 595  Size of Building: at street level 309 NBR: 65 feet wide 309 NBR: 65 feet deep 309 NBR: 65 feet deep 323 NBR: 65 feet deep
Size of Building: at street level 309 NBR: 65 feet wide 309 NBR: 65 feet deep
Height of building: See below  Present use of building: Auto Storage / Warehouse / Office
Top of ShopRite sign wall 35'-0", top of main building 27'-3"
309 NBR is 16' tall on the east side and 31'-4" on the west side, 383 NBR is 21'  Does this building contain a nonconforming use? No Please identify and explain:
Is this building classified as a non-complying use? No Please identify and explain:
Has any previous application or appeal been filed with this Board for these premises?  Yes/No? Yes
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Are there any violations pending against this property? No If so, please identify and explain:
Has a Work Stop Order or Appearance Ticket been served relative to this matter?  Yes or X No Date of Issue:
Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? No

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items MUST be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on \_\_\_\_\_ upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE <u>AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.</u>

- A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- \*j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- \*k) A floor plan of the subject building with all the necessary measurements.
- \*1) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

<sup>\*</sup> Optional - As Needed

	(Appellant to sign her	re)
Sworn to before me this day of: March	20 , 20 23	
Notary Public,	, County, NY	
	Q	AnnaMaria Ruggiere otary Public, State of New York Registration #01RU6366612 ualified In Westchester County ommission Expires Oct. 30, 2021
[TO BE COMPLETED IF APPELLANT IS		



Site Planning Civil Engineering Landscape Architecture Land Surveying Transportation Engineering Environmental Studies Entitlements Construction Services 3D Visualization Laser Scanning

March 28, 2023

Chairman Wayne Spector and Members of the Zoning Board of Appeals c/o Ms. Michelle Russo Zoning Board of Appeals Secretary Village of Mount Kisco Zoning Board of Appeals 104 Main Street Mount Kisco, NY 10549

RECEIVED

MAR 2 8 2023

Zoning Board of Appeals Village/Town of Mount Kisco

RE:

JMC Project 18118

The Park 333 (ShopRite Expansion)

333 North Bedford Road

Town/Village of Mount Kisco, NY

Dear Chairman Spector and Members of the Zoning Board of Appeals:

We represent Diamond Properties in making an application for certain improvements to their commercial center located at The Park 333 at 333 North Bedford Road (NBR) in the Town/Village of Mount Kisco, New York. In accordance with the Town/Village protocol, we applied for several site variances from the Town/Village Zoning Code which were received. The variances were approved by ZBA Decision 20-06, dated December 18, 2020, and are still valid for approval. This Decision was then reapproved by the Zoning Board of Appeals (ZBA) on January 17, 2023. We are providing this submission to provide an update to the Board regarding the latest site plans and its impact on the previously approved variances.

As you may be aware, the approved development is before the Village's Planning Board for an amended approval which includes some proposed modifications to the site plans. The major modification is the proposed internal roadway connection to the adjacent property to the north (Kohl's property) which will allow vehicles to travel between the two properties without having to utilize Route 117. The previously approved roundabout at the northern site driveway has been enlarged and modified to accept this proposed internal roadway connection. Additionally, a new channelized right turn lane (entrance slip lane) is proposed at the northern driveway to 333 North Bedford Road. The last modifications relate to shifting the previously approved retaining wall to reduce the wall height as well as some minor parking lot modifications to curbs and parking.

We have attached an updated list of all the variances for the development comparing the approved variances from the ZBA Decision 20-06 to the amended site development plans. As you can see from our variance comparison table, there is either no change to the approved variance or less relief sought than the approved variances compared to the current site plans with the exception of one variance requiring further clarification.

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC | JMC Site Development Consultants, LLC

Additionally, we have included the previously approved ZBA Decisions, which include tables comparing the original requested variances to the proposed variances.

We request to appear before the Village's Zoning Board of Appeals present the latest site plans as well as to correct the ZBA Decision 20-06 to reflect the lot coverage shown on the approved site plans. Accordingly, we are pleased to submit ten (10) copies of the following referenced documents for Zoning Board of Appeals review:

- 1. Copy of the original approving ZBA Decision 20-06, dated December 18, 2020.
- 2. JMC Project Narrative, last revised March 21, 2023.
- 3. Updated Variance Comparison Table.
- 4. JMC Drawing List (2 full size and 8 half scale):

Dwg. No.	Title	Last Revision
C-000	"Cover Sheet"	12/21/2020
C-010	"Overall Existing Conditions Plan"	12/21/2020
C-100	"Overall Layout Plan"	12/21/2020
C-110	"Layout Plan"	12/21/2020
C-120	"Layout Plan"	12/21/2020
C-130	"Layout Plan"	12/21/2020
C-140	"Layout Plan"	12/21/2020

We trust that the enclosed documents are sufficient for the Zoning Board of Appeals review and look forward to discussing the project at the next available meeting. If you have any questions or require additional information, please do not hesitate to contact our office at (914) 273-5225.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying PLLC

### Stephen Spina

Stephen Spina, PE Senior Project Manager

cc: Mr. Jim Diamond

Mr. lay Black

Mr. Guillermo Rivas

Neil Alexander, Esq.

Mr. Michael Gallin, AIA, LEED AP

Mr. Richard Skriloff

Zoning Board of Appeals of the Village/Town of Mount Kisco DEC 1 8 2020

Mount Kisco Office of the Village Clerk

In the Matter of the Application of

Case No.: ZBA 20-61

DP 21, LLC, DP 62, LLC, and PHILAR REALTY CO., LLC

- - - - - - - - X

## 1. Location of Property:

Property ID: 69.50-2-1; 69.43-1-

2: and 69.51-1-3

333, 383, and 309 North Bedford Road

#### 2. Description of Request:

The proposed project involves three separate tax parcels, 333 North Bedford Road which is located in the ML (Light Manufacturing) Zoning District with sections that and fronting North Bedford Road and located in the CL (Limited Commercial) Zoning District; 383 North Bedford Road which is located in the CL (Limited Commercial) Zoning district; and 309 North Bedford Road which is located in the CL (Limited Commercial) Zoning District. Proposed includes the merger/ subdivision of property lines and the realignment of the ingresses and egresses to the property (333 N. Bedford Rd.) that are located at both the north (opposite Foxwood Cir.) and south (Ice House Rd.) entrances. 383 N. Bedford Rd. is proposed to demolish the existing building to accommodate the realignment of the north entrance and construct a new 5,528 sq. ft, retail building and parking area, 309 N. Bedford Rd, will demolish part of the existing structure and reconfigure the parking area to accommodate the entrance/ egress located at Ice House Rd. The proposed project includes a Change of Use from office/warehouse to a "Full-Service Grocery Store" and alterations to the existing Grand Prink New York (GPNY) site which is now classified as a Family Recreational Facility. GPNY requires a change of use permit for a section of office space that is expanding to Family Recreational Facility. The change in sq. ft. amount (GPNY) is going from 118,096 sq. ft. to 121,913 sq. ft., an increase of 3,817 sq. ft.

333 North Bedford Road also includes an existing Membership Club that is subject to a Special Permit issued by the Planning Board. Parking requirements for Membership Clubs are now determined by the Planning Board and subject to Institute of Transportation Engineers review or other recognized parking sources per specific us prior to a parking determination. Membership clubs are subject to § 11-30 J and § 110-46, as well as the following:

<sup>&</sup>lt;sup>1</sup> This application was amended and supplemented from its original form with only one applicant/appellant (DP 21, LLC) to include other property owners, DP 62, LLC and PHILAR REALTY CO., LLC.

#### 110-24 B (2) Special Permit Uses

- (a) Membership clubs conducting leisure-time and recreation activities for use by members, customers or clients on a periodic or seasonal basis, subject to the provisions of §§ 110-30J and 110-46 of this chapter, as well as the following:
  - [1] Submission at the time of application of a detailed exterior and interior layout plan and a schedule of activities and maximum capacities;
  - [2] Demonstration by the Applicants that potential traffic generation shall be within the reasonable capacity of the existing or planned road or street providing access, and that traffic circulation, exit and entrance drives are laid out to minimize traffic hazards and nuisances; and
  - [3] Demonstration by the Applicant that the membership club will be appropriate in the proposed location and will have no material adverse effect on existing or prospective conforming development, and the proposed site is adequate in size for the use.

Parking requirements for Family Recreation Facilities shall be determined by the Planning based upon specific standards from the Institute of Transportation Engineers or other recognized parking sources per specific us.

Parking requirements for "Full-Service Grocery Stores" requires not less than 1 space per 200 square feet of gross floor area.

#### 3. Zoning of Property:

ML (Light Manufacturing) Zoning District (333 - Portion) -AND-CL (Limited Commercial) Zoning District (333 - Portion, 383 and 309)

#### 4. Variance(s) Requested:

A. Original Requested Relief: By site, the variances originally requested were:

## 1) 333 North Bedford Road

i.	A variance from the requirement that the store [full-service grocery store],
	inclusive of all square footage devoted to the tenant, operator, and/or affiliated
	uses shall occupy at least 35,000 square feet but not more than 75,000 square
	feet as set forth in Village Code 110-24(B)(2)(b)(1).

	leet as set forth in Vinage Code 110-24(b)(2)(0)(1).			Vaniones
		Required	Proposed	Variance <u>Needed</u>
	Maximum Storage	75,000 Sq.Ft.	85,652 Sq.Ft.	10,652 Sq.Ft.
ii.	A variance from the requirement that parking spaces under Village Code 1		Grocery Store o	
		Required	Proposed	Variance <u>Needed</u>
	Parking Spaces	429 Spaces	176 Spaces	253 Spaces
iii.	A variance from the maximum devel Village Code 110-24(C)(3).	lopment covera	ge of 70% as so	et forth in
	Village Code 110-24(C)(3).	Required	Proposed	Variance <u>Needed</u>
	Maximum Development Coverage	70%	73.1%	3.1%
iv.	A variance from the minimum lot with 110-19(C)(4).	dth of 100 ft. a	s set forth in V	illage Code
		Required	Proposed	Variance Needed

	Required	Proposed	Variance <u>Needed</u>
Minimum Lot Width	100 ft.	50 ft.	50 ft.

A variance from the minimum front yard buffer of 20 ft. as set forth in Village Code 110-19(C)(6).

	Required	Proposed	Variance Needed
Minimum Front Yard Buffer	20 ft.	0 ft.	20 ft.

A variance from the minimum side yard buffer as set forth in Village Code 110vi. 19(C)(6).

	Required	Proposed	Variance <u>Needed</u>	
Minimum Side Yard Buffer	5 ft.	2 ft.	3 ft.	

## Case No. ZBA 20-06 - DP 21, LLC Page 4 of 9

## 2) 309 North Bedford Road

i.	A variance from the requirement that premises offer 30 parking spaces under
	Village Code 110.

1.	Village Code 110.			
	, mage code risk	Required	Proposed	Variance <u>Needed</u>
	Parking Spaces	30 Spaces	19 Spaces	11 Spaces
ii.	A variance from the minimum lot 19(C)(4).	width as set for	th in Village C	ode 110-
		Required	Proposed	Variance <u>Needed</u>
	Minimum Lot Width	100 ft.	71 ft.	29 ft.
iii.	A variance from the minimum fro	nt yard buffer as	s set forth in Vi	llage Code 110-
	19(U)(0).			
	19(C)(6).	Required	Proposed	Variance <u>Needed</u>
	Minimum Front Yard Buffer	Required 20 ft.	Proposed 7 ft.	
iv.	Minimum Front Yard Buffer  A variance from the minimum sid	20 ft.	7 ft.	Needed 13 ft.
iv.	Minimum Front Yard Buffer	20 ft.	7 ft.	Needed 13 ft.

	Required	Proposed	Variance <u>Needed</u>
Minimum Side Yard Buffer	5 ft.	0 ft.	5 ft.

A variance from the minimum side yard setback as set forth in Village Code 110-19(C)(5).

· / · /	Required	Proposed	Variance <u>Needed</u>
Minimum Side Yard Setback	10 ft.	7 ft.	3 ft.

## 3) 383 North Bedford Road

A variance from the maximum development coverage of 80% as set forth in Village Code 110-19(C)(3).

	Required	Proposed	Variance <u>Needed</u>
Maximum Development Coverage	80%	83.1%	3.1%

ii.	A variance from the minimum front yard buffer as set forth in Village Code 110 19(C)(6).			llage Code 110-
	.,(0)(0).	Required	Proposed	Variance <u>Needed</u>
	Minimum Front Yard Buffer	20 ft.	12 ft.	8 ft.
iii.	A variance from the minimum rear $19(C)(6)$ .	yard buffer as	set forth in Vill	age Code 110-
	· ///	Required	Proposed	Variance <u>Needed</u>
	Minimum Rear Yard Buffer	5 ft.	0 ft.	5 ft.
iv.	A variance from the minimum side 19(C)(6).	yard buffer as	set forth in Vill	age Code 110-
		Required	Proposed	Variance <u>Needed</u>
	Minimum Side Yard Buffer	5 ft.	0 ft.	5 ft.
ν.	A variance from the minimum side 110-19(C)(5).	yard setback as	s set forth in Vi	llage Code
		Required	Proposed	Variance <u>Needed</u>
	Minimum Side Yard Setback	10 ft.	0.8 ft.	9.2 ft.
vi.	A variance from the minimum rear (110-19(C)(5).	yard setback as	set forth in Vil	llage Code
	( - //- //-	Required	Proposed	Variance <u>Needed</u>
	Minimum Rear Yard Setback	10 ft.	0 ft.	10 ft.

vii. A variance from requirement that compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district as set forth in Village Code 110-30(D)(1) and where under Village Code 110-31(G)(1), no accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.

Required Proposed Needed

Compactor, Dumpster or Container Located in Rear Yard Adjacent to Side Lot Line

Prohibited Allowed

Allowed

B. Revised Requested Relief: The variances originally requested were re-evaluated by the Applicants, Planning Board and professional staff in an effort to improve the plan layout, improve traffic efficiency and achieve greater zoning compliance. The result was a significant reduction in the number and degree of variances sought by Applicants. The revised requested relief (10 area variances) is reflected in the *right-hand* column of the schedule attached hereto as Exhibit A, with numerical assignment to each of the still need variances, and no numbers assigned to variances that were eliminated.

5. <u>Dates of Public Hearings:</u> July 21, 2020 and December 11, 2020 (and a joint meeting with

Planning Board on October 8, 2020)

Date of Action:

December 15, 2020

6. Comments Received at the Public Hearing.

None

#### 7. Documents Submitted with the Application:

- Memorandum from Peter J. Miley, Building Inspector, dated 08/13/2019
- Principal Points, dated 06/30/2020
- Zoning Board of Appeals Application, dated 06/30/2020
- Copy of Map of properties within 300 Feet
- Full list of names for mailing
- Affidavit of Mailing, dated 07/06/2020
- Affidavit of Publication from The Journal News, dated 07/06/2020
- Affidavit of Posting, dated 09/09/2020
- Copy of Public Notice
- Copy of Survey
- Copy of Deed
- Copies of Site Plans, Surveys, Elevations, Layouts, and Renderings
- Fees Paid

#### 8. SEORA Determination:

The subject application constitutes a Type I Action for which a separate resolution for a Negative Declaration was adopted and filed, determining the action has no significant adverse effect on the environment. The Planning Board, as Lead Agency, issued its Negative Declaration of Significance on May 12, 2020. Accordingly, the requirements of 6 NYCRR Part 617 have been met and this application not subject to further review under Environmental Conservation Law, Article VIII.

#### 9. Decision: CONDITIONALLY APPROVED

#### 10. Basis for Decision of ZBA:

Under the statutorily enumerated criteria and based upon a review of the entire record, including testimony, submissions, maps, records and all other documentary proof, the ZBA has determined that the benefit to the Applicant outweighed any detriments to the community or neighborhood. This application is in connection with the site plan modification of several distinct properties to effectuate access relocation so as to facilitate full intersections, rather than the off-set intersections which presently exist. To accomplish the goal of improved traffic flows and increased traffic efficiency, there has been a need to work around existing site conditions on the several involved properties. As this application shall have substantial positive impact on traffic on the North Bedford Road corridor, and given Applicants' efforts to improve traffic flow on said corridor, this application cannot be reviewed in a vacuum. Applicants have worked in a collaborative manner with the Village Building Department Professional Staff and the Planning Board to reduce the number of variances required. Moreover, this Board met with the Planning Board, the Applicants and traffic design engineers to get a full appreciation of the attendant site constraints and planning challenges.

As such, the Board makes the following findings that:

- (1) no undesirable change would occur to the character of the neighborhood, since the only significant site alterations include a) full signalized intersections, b) replacement of an existing building, with a smaller newly-constructed building (383 NBR), c) increased on-site parking and an improved site lay-out for 333;
- (2) the benefits sought by the Applicants could not be achieved by a feasible method other than the variances, in that the Applicants have worked through numerous staff meeting to minimize or eliminate variances from the applicable zoning, and has eliminated approximately half of the variances originally sought. Although the respective sites could theoretically be designed to eliminate all (or almost all) of the requested variances, there are very valid attendant financial considerations, environmental site constraints and property right limitations that play a significant factor. This Board believes that the proposed planned and associated variance,

represent the only means by which the Applicants' objectives could reasonable be achieved;

- (3) the variances are not substantial and, in many cases, bring the respective sites into greater compliance with the underlying zoning;
- (4) there will not be an adverse impact on the environment, as there is no consequential change in either the building or development coverage (impervious surfaces); and,
- (5) while the alleged difficulty was undoubtedly self-created, in that the current property owner was aware of existing traffic patterns, zoning and North Bedford Road corridor conditions at the time of its purchase, it is not fatal to the application, nor does such fact outweigh the other factors favoring the variances as set forth above.

#### 11. Conditions of Approvals.

- A) The variances are solely for the plans presented, reviewed and considered by the Zoning Board.
- B) The variances herein are expressly conditioned upon the granting of site plan approval, special permit, steep slopes permit and appropriate waivers by the Planning Board(s) necessary to implement the variances, as well as necessary authorizations from NYSDOT and other permitting agencies.
- C) The variances are subject to Planning Board approval, including landscaping and storm water management. Failure to comply with any Planning Board conditions, limitations, requirements or preconditions shall be deemed a violation of this resolution.
- D) Any change to the plans which would impact either the necessity of a variance or the degree of relief shall constitute a change to the plans invalidating the relief granted herein without further approval of this Board.
- E) Any conditions herein or incorporated by reference shall be deemed to be continuing obligations of the respective Applicants.

[NO FURTHER TEWXT ON THIS PAGE]

Case No. ZBA 20-06 - DP 21, LLC Page 9 of 9

#### **<u>Vote:</u>** BY ORDER OF THE BOARD OF APPEALS 12.

Motion to approve by: Mr. Weise	Vote:	Mr. Spector	AYE
,		Mr. Hoyt	AYE
Seconded by: Mr. Alfano		Mr. Weise	AYE
		Mr. Alfano	AYE
		Chairman Boxer	AYE

RESOLUTION EXECUTED: December // , 2020 ZONING BOARD OF APPEALS Willage/Town of Mount Kisco

HAROLD BOXER, CHAIRMAN

r		79-90-00-00-00-00-00-00-00-00-00-00-00-00
	PREVIOUS	REVISED LIST OF VARIANCES
1)	LIST OF VARIANCES  333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 85,652 sf is proposed. Therefore a 10,652 sf variance is required.	LIST OF VARIANCES  1) 333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 85,652 sf is proposed. 10,652 sf variance is still sought.
2)	333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. Therefore a 2.3% variance is required. It should be noted that the proposed development coverage for the entire 333 NBR lot (all zoning districts in Mount Kisco and Bedford) is 69.5%.	2) 333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. 2.3% variance is still sought.
3)	333 NBR (ML District), the required quantity of parking spaces is 1,127 (prior to ITE input and determination by Planning Board), where 873 spaces are proposed. Therefore a 254 parking space variance is required.	Under new zoning, PLANNING BOARD makes discretionary parking determination for a number of uses within the site, making the degree of or need for a variance premature.  NO VARIANCE NEEDED AT THIS TIME
4)	333 NBR (CL District), As per Village/Town of Mount Kisco Code 110-19 C. (4) Minimum lot width: 100 feet. Proposed is 50 feet therefore; a 50 foot lot-width variance is required.	By eliminating subdivision/re-subdivision, there is no longer any proposed new noncompliance.  Lot width is an existing condition, compliant or otherwise.  NO VARIANCE NEEDED AT THIS TIME
5)	333 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 0 feet therefore; a 20 foot front-yard buffer variance is required.	Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 ft. Proposed is 0 feet. IF THE PB DEEMS THIS ADVISABLE,THIS CAN BE WAIVED BY PB §110-32 B. NO VARIANCE NEEDED AT THIS TIME
6)	333 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] side yard buffer: 5 feet. Proposed is 2 feet therefore; a 3 foot side-yard buffer variance is required.	Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 0 feet IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PER §110-32 B.  NO VARIANCE NEEDED AT THIS TIME
7)	309 NBR (CL District), Parking required is 30 parking spaces, proposed is 19 spaces therefore; an 11 parking space variance is required.	309 NBR (CL District), Applicant can satisfy off-street parking by providing on adjoining lot per Village Code § 110-28 B.  NO VARIANCE NEEDED AT THIS TIME

8)	309 NBR (CL District), As per Village/Town of Mount Kisco Code 110-19 C. (4) Minimum lot width: 100 feet. Proposed is 71 feet. therefore; a 29 foot lot-width variance is required.	Need for variance eliminated by abandoning subdivision. Existing condition does not require a variance.  NO VARIANCE NEEDED AT THIS TIME	
·	309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 7 feet. therefore; a 13 feet front yard buffer variance is required.	309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 7 feet. IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PER §110-32 B. NO VARIANCE NEEDED AT THIS TIME	
	309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot side yard buffer variance is required.	309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet. IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PER §110-32 B. NO VARIANCE NEEDED AT THIS TIME	
ŕ	309 NBR (CL District), As per Village/Town Mount Kisco Code I I 0-19 C. (5) Minimum building setback side: 10 feet. Proposed is 7 feet. therefore; a 3 foot variance is required.	3) 309 NBR (CL District), As per Village/Town Mount Kisco Code I I 0-19 C. (5) Minimum building setback side: 10 ft. Proposed is 7.7 ft. therefore; a 2.3 foot variance is required. DESPITE DECREASE FROM EXISTING CONDITION Variance of 2.3 feet sought.	
	383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Maximum development coverage is 80%, proposed is 86.4 % therefore; a 6.4% development coverage variance is required.	4) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Max development coverage is 80%, proposed is 86.4 % therefore; a 6.4% development coverage variance is required. Variance of 6.4 % needed, but represents a decrease from 96.5% to 86.4%	
	(3) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet, Proposed is 12 feet. therefore; an 8 foot front yard buffer variance is required.	383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet, Proposed is 12 feet. IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PURSUANT TO §110-32 B. NO VARIANCE NEEDED AT THIS TIME	

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- 14) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot rear yard buffer variance is required.
- 5) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot rear yard buffer variance is requested.

  Variance remains as proposed
- 15) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19
  C. (6) (a) [3] Side yard buffer: 5 feet.
  Proposed is 0 feet therefore; a 5 foot side yard buffer variance is required.
- 6) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is requested.

## 16) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 0.8 ft. therefore; a 9.2 foot side yard

setback variance is required.

Variance remains as proposed

- 17) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rear yard setback variance is required.
- 7) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 1 ft. A 9 ft side yard setback variance is requested.

  Variance remains as proposed

- 18) 383 NBR (CL District), As per Village/ Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (I) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be
- 8) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rear yard setback variance is required.

  Variance remains as proposed
- 9) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations §110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31 Supplementary development regulations.
  - G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the

located or project nearer to any street	principal structure on the lot.
line or side lot line than does the principal structure on the lot.	Variances remain as proposed
19) 333 NBR (ML District), As per Village/ Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-33.1(c)[b] Natural Resource Protection regulations. Maximum the retaining wall length: 60 linear feet. Proposed retaining walls exceed 60 feet. The longest wall is 1,100 linear feet. Therefore, a 1,040 linear foot variance is required.	NO VARIANCE NEEDED AT THIS TIME

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Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies Entitlements Construction Services 3D Visualization Laser Scanning

# Project Narrative Revised March 21, 2023

JMC Project 18118 The Park 333 (Shop Rite Expansion)

The proposed project involves an expansion and conversion of existing tenant space within the main existing multi-use building. There are proposed conversions of warehouse/office to a grocery store. A ShopRite grocery store is proposed to occupy current warehouse/office space within the northeast corner of the existing building. As part of ShopRite, an enclosed vestibule and bottle recycling area are proposed additions to the existing building footprint. The project proposes to improve the two existing access driveways along North Bedford Road to align with the existing driveways on the opposite side of the roadway. The project went through the approval process from late 2018 to early 2021 with the following approvals being received:

## 1. Town/Village of Mount Kisco:

#### A. Planning Board

Site Plan, Steep Slopes, Special Use Permit and Change of use Original approval resolution dated 01/12/2021, stamped 03/05/2021. Revised resolution issued 10/25/2022 to adjust the construction timing of the southern driveway. Approval extended to 07/13/2023.

## B. Zoning Board of Appeals

Site Variances:

Original approval resolution dated 12/15/2020, expired 09/21/2022
The site variances were re-approved by the ZBA at the 11/15/2022 meeting. The There will be adjustments needed to 2 of the variances based on the latest modifications to the site plans described in this narrative. However, the site plan modifications result in reductions to the previously approved variances.

Signage variances:

Original approval resolution dated 06/16/2021, expiration 11/23/2022 The signage variances were extended by the ZBA at the 11/15/2022 meeting.

#### 2. Town of Bedford:

#### A. Planning Board

Original approval resolution, dated 12/15/2020, adopted 02/03/2021, expires 18 months from endorsement of plans (08/03/2022), extended to 06/14/2023

- B. Wetlands Control Commission
  Approved 02/03/2020, expires 02/03/2024 (4 years)
- 3. NYCDEP SWPPP Approval received 11/30/2021, expires 11/30/2026 (5 years)
- 4. NYSDEC SPDES General Permit Coverage received 01/20/2022, no expiration

### 5. **NYSDOT** Highway Work Permit:

Stage 2 approval received in email 10/21/2021, reviewing new proposed modifications Stage 3 in progress

Land Donation: in progress

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

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

Modifications to 309 NBR involve the demolition of a portion of the existing building and parking lot in front of the building to allow for the intersection alignment with Park Drive. However, since the prior approval was issued, the property owner has had difficulties with one of the existing tenants within the existing building at 309 NBR. As a result, the tenant wishes to remain in the space and therefore the southern portion of the existing building that was previously approved for demolition must remain for several years until the tenant lease expires in 2027. This results in the inability to realign the southern driveway prior to the construction of ShopRite as previously proposed and approved. As a result, the drawings reflect the southern driveway in its current condition until Phase 3 of the project which would be after the construction and occupancy of ShopRite. In the interim, the southern driveway is proposed to restrict left turns out onto North Bedford Road. The 309 NBR driveway is also proposed to restrict exiting left turns out onto North Bedford Road in the interim condition.

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

A connection from an internal existing driveway along the northern portion of the 333 NBR property is proposed to connect to the existing parking area within the northern adjacent Kohl's property which is 777 Bedford Road. The roadway will provide an internal connection that will allow vehicles passenger vehicles and delivery trucks to travel between the properties without having to enter onto North Bedford Road. The connection driveway between the 333 NBR property and 777 Bedford Road (Kohl's property) is a traffic improvement that the Town of Bedford has requested in the past. It is listed as a condition within the Bedford Planning Board Resolution of Final Site Plan Approval. The Town of Bedford had requested that the applicant pursue this connection should the option become available in the future.

The existing property located at 777 Bedford Road, (Section 71.12, Block 2, Lot 41) is owned by DP 142, LLC (which is part of Diamond Properties) and consists of 9.718 acres within Bedford. The property is located within the Town of Bedford LI (Light Industrial) District and the Town of

Bedford RB (Roadside Business) District. Modifications to 777 Bedford Road involve the removal of a portion of the existing fence, curb and parking along the southern property line to allow for the connection driveway.

In order to propose a connection between the 333 NBR site and the 777 Bedford Road property, the driveway spans across the rear of 793 Bedford Road which is Section 71.12, Block 2, Lots 31 and 32. The property is owned by DP 130, LLC (which is part of Diamond Properties) and consists of 0.90 acres within Bedford. The property is located within the Town of Bedford LI (Light Industrial) District and the Town of Bedford RB (Roadside Business) District.

The driveway connection to the Kohl's property is located partly on 793 Bedford Road. The proposed round-a-bout has been expanded beyond what was previously approved in order to

proposed round-a-bout has been expanded beyond what was previously approved in order to accommodate the driveway connection to the Kohl's property. As a result, modifications to 793 Bedford Road property are required.

The intersection modifications will improve site access for delivery vehicles, fire/emergency apparatus and passenger vehicles as well as more efficient traffic maneuvering within the roadway. Sidewalks and crosswalks are proposed to improve pedestrian circulation across the driveways and NBR, while providing new designated pedestrian routes from North Bedford Road to the front of the main building. Traffic signal and roadway striping modifications will be required as part of the NYSDOT Highway Work in NBR. The existing 333 NBR property contains 802 parking spaces. The parking area on the east and north sides of the main building is proposed to be slightly expanded to provide an additional 61 parking spaces and to properly align the parking rows for better circulation and pedestrian access. The total proposed parking provided at 333 NBR is 863 spaces.

The existing 309 NBR lot has 33 parking spaces and a loss of 9 spaces from the proposed improvements results in 24 proposed spaces at the 309 NBR building. The existing 383 NBR lot has 18 parking spaces and a gain of 10 spaces from the proposed improvements results in 28 proposed spaces at the 383 NBR building.

Drainage, lighting and landscaping improvements are also proposed within the disturbed portions of 333 NBR, 309 NBR, 383 NBR, 793 Bedford Road and 777 Bedford Road. A ShopRite grocery store is proposed to occupy current warehouse/office space within the existing building. As part of ShopRite, an enclosed vestibule and bottle recycling area are proposed additions to the existing building footprint. The total proposed ShopRite area is 83,618 s.f. which includes an additional 1,926 s.f. portion of space from the adjacent Cucina space, thereby reducing the Cucina space. The previously approved ShopRite mezzanine of 3,960 sf was eliminated.

The ShopRite enclosed vestibule of 4,275 s.f. and the ShopRite bottle return area of 350 s.f. are also included within the new total ShopRite area of 83,618 s.f.. This results in a building footprint increase of 4,525 s.f. or if the proposed 382 s.f. field house building is included, the overall 333 NBR building footprint increase is 4,907 s.f. According to Local Law 5-2018 adopted 07/16/2018, a grocery store requires a Special Use Permit in the ML District. The maximum building area is 75,000 s.f., where 83,618 s.f. is proposed. The previously approved store area was 85,652 s.f.

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

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

The proposed improvements result in an increase of approximately 0.89 acres of impervious area as follows:

- +1.02 acres on 333 NBR lot
- -0.12 acres on 309 NBR lot
- -0.04 acres on 383 NBR lot
- +0.06 acres on 793 Bedford Rd lot
- -0.03 acres on 777 Bedford Rd lot

Some of the proposed parking areas on 383 NBR are proposed to be constructed with pervious pavement. 70% development coverage is permitted, where existing conditions is 66.5% and 69.2% is proposed for the 333 NBR lot. For the 309 NBR and 383 NBR lots, 80% development coverage is permitted. The development coverage for the 309 NBR lot is 91.6% under existing conditions and 76.1% under proposed conditions. The 383 NBR lot has a development coverage of 96.5% in existing conditions and 86.4% is proposed.

For 793 Bedford Road, 75% development coverage is permitted in the LI District and 80% development coverage is permitted in the RB District. The portion of the lot in the LI District has a development coverage of 23.6% in existing conditions and 51.3% is proposed. The portion of the lot in the RB District has a development coverage of 15.5% in existing conditions and 7% is proposed. The overall 793 Bedford Road lot has a development coverage of 19.8% in existing conditions and 30.6% in proposed conditions.

For 777 Bedford Road, 75% development coverage is permitted in the LI District and 80% development coverage is permitted in the RB District. It appears the proposed improvements are all located with the RB District. The proposed improvements result in a decrease of 0.03 acres of impervious area.

The following are the changes within the existing 333 NBR building:

 114,037 s.f. Office/Warehouse B being reduced to 86,471 s.f. Office/Warehouse B for proposed ShopRite

- Office/Warehouse F and Office/Warehouse G to be replaced by 83,618 s.f. ShopRite
- Cucina Antica Warehouse being reduced by 1,926 s.f. to be replaced by portion of the 83,618 s.f. ShopRite.

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

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

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

- Proposed cross access and utility easements to allow for the intersection alignment with Foxwood Circle.
- Demolition of existing 7,893 sf building consisting of a retail store and an auto repair facility.
- Construction of new building with future retail use consisting of 5,503 sf.
- Addition of 12 parking spaces. The proposed design includes 30 parking spaces.

The following are the changes within the existing 793 Bedford Rd lot:

- Reconstruction of existing curb cut along the frontage of NBR.
- Removal of existing driveway
- Construction of a Channelized Right Turn Lane at North Driveway
- Portion of proposed round-a-bout and Kohl's connection driveway

The following are the changes within the existing 777 Bedford Rd lot:

- Reconstruction of existing parking area at southeast corner in order to construct the Kohl's connection driveway
- Slight modification to existing curb and landscape island along the southern side of Norm Avenue to allow for delivery trucks to enter the site.

Since the prior approvals listed above, new applications have been made to the Village of Mount Kisco Planning Board and Town of Bedford Planning Board. and the Town of Bedford Planning Board. The SEQRA distribution was made on August 26, 2022 by the Village of Mount Kisco

Planning Board for its intent to become lead agency. No objections were received so the Village of Mount Kisco Planning Board voted to declare itself lead agency on October 11, 2022.

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

- Village of Mount Kisco Planning Board Site Plan Approval modifications to the parking areas and access driveways along North Bedford Road, Site Plan waivers for parking, steep slopes, development coverage, etc.
- Village of Mount Kisco Planning Board Special Use Permit The proposed ShopRite grocery store requires a Special Use Permit in the ML District in accordance with the Resolution of the Board of Trustees of the Village/Town of Mount Kisco, Local Law 5-2018 adopted 07/16/2018.
- 3. Village of Mount Kisco Planning Board Change of Use Permit Conversion of warehouse/office use to Full-Service Grocery Store use within the existing 333 NBR multi-use building.
- 4. Village of Mount Kisco Planning Board Steep Slopes Permit Construction of a proposed retaining wall on steep slopes in order to expand the existing parking area east and north of the existing 333 NBR multi-use building.
- 5. Village of Mount Kisco Architectural Review Board. Modifications to the façade/exterior of the northeast corner of the main building at 333 NBR for the Shoprite expansion, renovation/rejuvenation of the exterior of the existing building at 309 NBR, construction of new building at 383 NBR and proposed field house building adjacent to the existing soccer field.
- 6. <u>Village of Mount Kisco Zoning Board of Appeals variances:</u>
  - 1) 333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 83,618 sf is proposed. Therefore a 8,618 sf variance is required. This is reduction from the previously granted variance of 10,652 sf.
  - 2) 333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. Therefore a 2.3% variance is required.

- This is a reduction from the previously granted variance of 3.1%. It should be noted that the proposed development coverage for the entire 333 NBR lot (all zoning districts in Mount Kisco and Bedford) is 69.4% which is a slight increase from the previously approved 69.1%, which did not require a variance.
- 3) 309 NBR (CL District), As per Village/Town Mount Kisco Code I 10-19 C. (5) Minimum building setback side: 10 feet. Proposed is 7.7 feet. therefore; a 2.3 foot variance is required.
- 4) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Maximum development coverage is 80%, proposed is 86.4 % therefore; a 6.4% development coverage variance is required.
- 5) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot rear yard buffer variance is required.
- 6) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is required.
- 7) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 1 ft. therefore; a 9 foot side yard setback variance is required.
- 8) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rear yard setback variance is required.
- 9) 383 NBR (CL District), As per Village/ Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit,

- pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.
- 7. Town of Bedford Planning Board modifications to the parking areas and access driveway along North Bedford Road on 333 NBR, modifications to 793 Bedford Road and 777 Bedford Road for the Kohl's driveway connection.
- 8. Town of Bedford Steep Slope Permit disturbing steep slopes for proposed parking and retaining wall.
- Town of Bedford Wetlands Control Commission disturbance proposed within 100 foot wetland buffer. Bedford Wetlands Control Commission permit was received on February 3, 2020, expires February 3, 2024.
- 10. New York State Department of Environmental Conservation (NYSDEC) coverage under SPDES General Permit No. GP-0-20-001 for Stormwater Discharges from Construction Activities for activities disturbing greater than one acre of soil. The permit coverage has been received from the prior approval. Therefore, it will need to be modified.
- 11. New York City Department of Environmental Protection (NYCDEP) proposed construction within a Designated Main Street Area (DMSA), involving the creation of new impervious surfaces requires a SWPPP approval in accordance with the Watershed Regulations. A SWPPP Approval was received from the prior approval. The new changes to the northern driveway area will require re-approval of the SWPPP.
- 12. New York State Department of Transportation (NYSDOT) Driveway alignment modifications and roadway work along and within NBR. DOT engineers have reviewed the latest proposed changes and have recommended completing the original permit process since it is very close to being issued. The new modifications have been submitted for a permit amendment.



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JMC Project 18118 The Park 333 (Shop Rite Expansion)

Variance #	CURRENT LIST OF VARIANCES	APPROVED LIST OF VARIANCES	DIFFERENCE
-	333 NBR (ML District), the required maximum	333 NBR (ML District), the required	REDUCTION OF
	allowable building area for the proposed	maximum allowable building area for the	2,034 SF
	ShopRite grocery store is 75,000 sf, where	proposed ShopRite grocery store is 75,000	
	83,618 sf is proposed. Therefore a 8,618 sf	sf, where 85,652 sf is proposed. Therefore	
	variance is required.	a 10,652 sf variance is required.	
2	333 NBR (ML District), the required maximum	333 NBR (ML District), the required	REDUCTION OF
	development coverage for the ML District is	maximum development coverage for the ML	%8.0
	70%, where 72.3% is proposed. Therefore a 2.3%	District is 70%, where 73.1% is proposed.	
	variance is required.	Therefore a 3.1% variance is required.	
3	333 NBR (CL District), As per Village/Town of	333 NBR (CL District), As per Village/Town	NO VARIANCE
	Mount Kisco Code 110-19 C. (4) Minimum lot	of Mount Kisco Code 110-19 C. Existing	NEEDED
	width: 100 feet. Proposed is 50 feet therefore; a	non-conforming to remain; variance no	
	50 foot lot-width variance is required. Existing	longer required without subdivision.	
	non-conforming to remain; variance no longer		
	required without subdivision.		
4	333 NBR (CL District), As per Village/Town	333 NBR (CL District), As per Village/Town	NO VARIANCE
	Mount Kisco Code 110-19 C. (6) (a) [1] Front	Mount Kisco Code 110-19 C. (6) (a) [1]	NEEDED
	yard buffer: 20 feet. Proposed is 0 feet therefore;	Existing non-conforming to remain; variance	
	a 20 foot front-yard buffer variance is required.	no longer required without subdivision.	
	Existing non-conforming to remain; variance no		
	longer required without subdivision.		



Environmental Studies Entitlements Construction Services 3D Visualization

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JMC Project 18118 The Park 333 (Shop Rite Expansion)

	CONNEIN LIST OF VANIANCES	APPROVED LIST OF VARIANCES	DIFFERENCE
2	333 NBR (CL District), As per Village/Town	333 NBR (CL District), As per Village/Town	NO VARIANCE
_	Mount Kisco Code 110-19 C. (6) (a) [3] side	Mount Kisco Code 110-19 C. (6) (a) [3]	NEEDED
	yard buffer: 5 feet. Proposed is 2 feet therefore;	Planning Board can waive variance unless	
	a 3 foot side-yard buffer variance is required.	structure is in buffer according to Provision	
	9	110-32B. NO VARIANCE NEEDED AT	
		THIS TIME	
9	309 NBR (CL District), Parking required is 24	309 NBR (CL District), Parking required is	REDUCTION
	parking spaces, proposed is 24 spaces therefore	30 parking spaces, proposed is 19 spaces	FROM 11 SPACES
	meets requirement.	therefore; an 11 parking space variance is	TO 0 SPACES.
	5	required.	VARIANCE NOT
			NEEDED
7	309 NBR (CL District), As per Village/Town of	309 NBR (CL District), As per Village/Town	NO VARIANCE
	Mount Kisco Code 110-19 C. (4) Minimum lot	of Mount Kisco Code 110-19 C. (4)	NEEDED
	width: 100 feet. Proposed is 71 feet. therefore; a	Minimum lot width: 100 feet. Proposed is 71	
	29 foot lot-width variance is required. Existing	feet. therefore; a 29 foot lot-width variance	
	condition does not require variance.	is required. Existing condition does not	
		require variance.	



Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

JMC Project 18118 The Park 333 (Shop Rite Expansion)

Variance #	Variance #   CURRENT LIST OF VARIANCES	APPROVED LIST OF VARIANCES	DIFFERENCE
8	309 NBR (CL District), As per Village/Town	309 NBR (CL District), As per Village/Town	NO VARIANCE
	Mount Kisco Code 110-19 C. (6) (a) [1] Front	Mount Kisco Code 110-19 C. (6) (a) [1]	NEEDED
	yard buffer: 20 feet. Proposed is 7 feet.	Front yard buffer variance no longer	
	therefore; a 13 feet front yard buffer variance is	required without subdivision; ZBA	
	required. Buffer variance no longer required	acknowledged does not require variance.	
	without subdivision; ZBA acknowledged does		
	not require variance.		
6	309 NBR (CL District), As per Village/Town	309 NBR (CL District), As per Village/Town	NO VARIANCE
	Mount Kisco Code 110-19 C. (6) (a) [3]	Mount Kisco Code 110-19 C. (6) (a) [3]	NEEDED
	Side yard buffer: 5 feet. Proposed is 0 feet.	Side yard buffer variance may no longer be	
	therefore; a 5 foot side yard buffer variance is	required without subdivision; ZBA	
	required. Side yard buffer variance no longer	acknowledged does not require variance.	
	required without subdivision; ZBA acknowledged		
	does not require variance.		
01	309 NBR (CL District), As per Village/Town	309 NBR (CL District), As per Village/Town	REDUCTION OF
	Mount Kisco Code 110-19 C. (5) Minimum	Mount Kisco Code II0-19 C. (5) Minimum	0.7 FEET
	building setback side: 10 feet. Proposed is 7.7	building setback side: 10 feet. Proposed is 7	
	feet. therefore; a 2.3 foot variance is required.	feet. therefore; a 3 foot variance is required.	



Environmental Studies Entitlements Construction Services 3D Visualization Laser Scanning

JMC Project 18118 The Park 333 (Shop Rite Expansion)

Variance #	CURRENT LIST OF VARIANCES	APPROVED LIST OF VARIANCES	DIFFERENCE
=	383 NBR (CL District), As per Village/Town	383 NBR (CL District), As per Village/Town	<b>INCREASE IN 3.3%</b>
	Mount Kisco Code Chapter 110. Zoning Article	Mount Kisco Code Chapter 110. Zoning	HOWEVER, PLANS
	III. District Regulations § 110-19. CL Limited	Article III. District Regulations § 110-19. CL	THAT WERE
	Commercial District. C. Development	Limited Commercial District. C.	<b>PREVIOUSLY</b>
	regulations. (3) Maximum development coverage	Development regulations. (3) Maximum	APPROVED BY
	is 80%, proposed is 86.4% therefore; a 6.4%	development coverage is 80%, proposed is	PLANNING
	development coverage variance is required.	83.1% (less than existing) therefore; a 3.1%	<b>BOARD AND ZBA</b>
		development coverage variance is required.	<b>SHOW 86.4%. THE</b>
			DEVELOPMENT
			COVERAGE ON
			THE PLAN HAS
			NOT CHANGED.
			SHOULD BE
			CONSIDERED NO
			CHANGE.
12	383 NBR (CL District), As per Village/Town	383 NBR (CL District), As per Village/Town	NO VARIANCE
	Mount Kisco Code 110-19 C. (6) (a) [l] Front	Mount Kisco Code Chapter 110-19 C. (6)	NEEDED
	yard buffer: 20 feet, Proposed is 12 feet.	(a) [I] Planning Board can waive variance	
	therefore; an 8 foot front yard buffer variance is	unless structure is in buffer according to	
	required. Planning Board can waive variance	Provision 110-32B. NO VARIANCE	
	unless structure is in buffer according to	NEEDED AT THIS TIME	
	Provision 110-32B.		



Entitlements
Construction Services
3D Visualization
Laser Scanning

JMC Project 18118 The Park 333 (Shop Rite Expansion)

Variance #	CURRENT LIST OF VARIANCES	APPROVED LIST OF VARIANCES	DIFFERENCE
13	383 NBR (CL District), As per Village/Town	383 NBR (CL District), As per Village/Town	NO CHANGE
	Mount Kisco Code 110-19 C. (6) (a) [2] Rear	Mount Kisco Code 110-19 C. (6) (a) [2]	
	yard buffer: 5 feet. Proposed is 0 feet. therefore;	Rear yard buffer: 5 feet. Proposed is 0 feet.	
	a 5 foot rear yard buffer variance is required.	therefore; a 5 foot rear yard buffer variance	
	(87)	is required.	
4	383 NBR (CL District), As per Village/Town	383 NBR (CL District), As per Village/Town	NO CHANGE
	Mount Kisco Code 110-19 C. (6) (a) [3] Side	Mount Kisco Code 110-19 C. (6) (a) [3] Side	
	yard buffer: 5 feet. Proposed is 0 feet therefore;	yard buffer: 5 feet. Proposed is 0 feet	
	a 5 foot side yard buffer variance is required.	therefore; a 5 foot side yard buffer variance	
		is required.	
15	383 NBR (CL District), As per Village/Town	383 NBR (CL District), As per Village/Town	REDUCTION OF
	Mount Kisco Code 110-19 C. (5) Minimum	Mount Kisco Code 110-19 C. (5) Minimum	0.2 FEET
	building setback side: 10 feet. Proposed is 1 ft.	building setback side: 10 feet. Proposed is	
	therefore; a 9 foot side yard setback variance is	0.8 ft. therefore; a 9.2 foot side yard setback	
	required.	variance is required.	
91	383 NBR (CL District), As per Village/Town	383 NBR (CL District), As per Village/Town	NO CHANGE
	Mount Kisco Code 110-19 C. (5) Minimum	Mount Kisco Code 110-19 C. (5) Minimum	
	building setback rear: 10 feet. Proposed is 0 feet.	building setback rear: 10 feet. Proposed is 0	
	therefore; a 10 foot rear yard setback variance is	feet. therefore; a 10 foot rear yard setback	
	required.	variance is required.	



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JMC Project 18118 The Park 333 (Shop Rite Expansion)

DIFFERENCE	NO CHANGE	
APPROVED LIST OF VARIANCES	383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. Easement from 333 New Bedford Road must allow 383 New Bedford Road to place trash enclosure on the property. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the	principal structure on the lot.
CURRENT LIST OF VARIANCES	383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. Easement from 333 New Bedford Road to place trash enclosure on the property. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structures. (2) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.	
Variance #	2	

## RECEIVED

## AFFIDAVIT OF MAILING

APR 1 1 2023

STATE OF NEW YORK } Zoning Board of Appeals Village/Town of Mount Kisco
COUNTY OF WESTCHESTER }
Amanda Mell-Taylor being duly sworn, deposes and says:
I reside/work atIMC, 120 Bedford Road, Armonk, NY 10504
OnApril 6th2023 I served a notice of hearing, a copy of which is attached
hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property
owners within 300 feet of the subject property identified in this notice. A copy of this schedule
of property owners' names is attached hereto and labeled Exhibit B. I placed a true copy of such
notice in a postage paid property addressed wrapper addressed to the addresses set forth in
Exhibit B, in a post office or official depository under the exclusive care and custody of the
United States Post Office, within the County of Westchester.
amanda Mell-Yayan
Sworn to before me on this
Gth day of april 2023
Lisa P. Wolbe (Notary Public)

LISA P. KOLBA

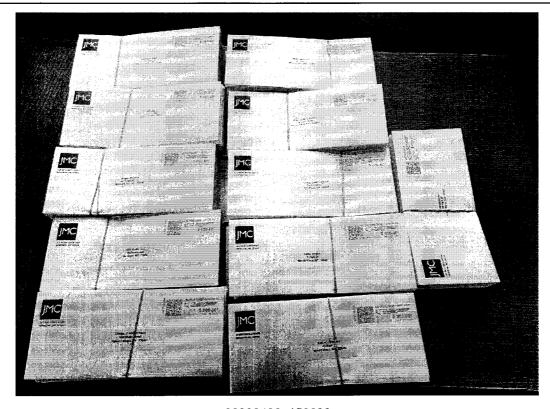
NOTARY PUBLIC, STATE OF NEW YORK

Registration No. 01KO4916831

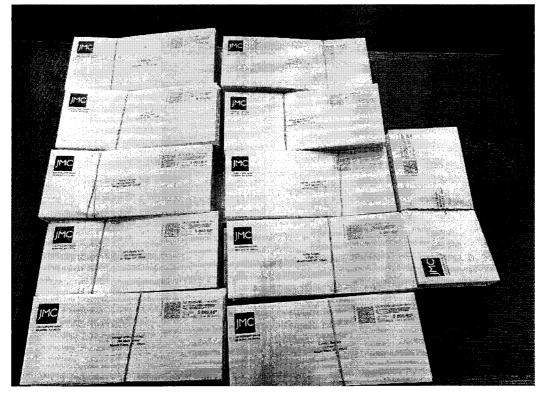
Qualified in Westchester County

Commission Expires Dec. 28, 20 2





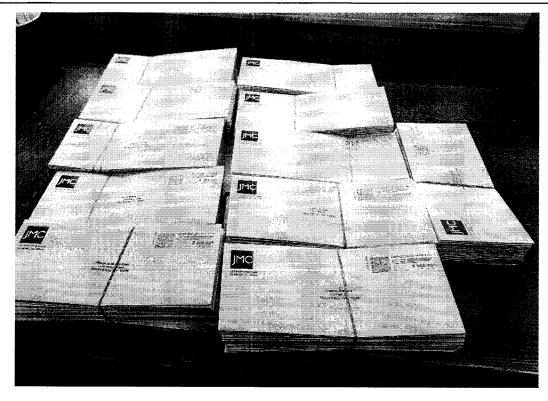
20230406\_150623



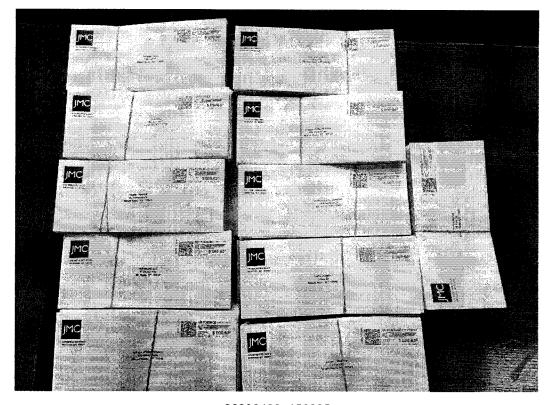
20230406\_150624

04/06/2023





20230406\_150629



20230406\_150635

04/06/2023

## RECEIVED

### **EXHIBIT B**

APR 1 1 2023

NYS Dept. of Transportation Reg. Director J. Dupont, PE 4 Burnett Blvd. Poughkeepsie, NY 12603 DP 21 LLC Victor Cannistra

333 N Bedford Rd Kensico Park Realty, LLC

Mount Kisco, NY 10549ge/Town of Mount Kisco, NY 10549

Meyer Jabaua Hotels Henry V. Kelley 7 Kenosia Ave, Ste 2A Danbury, CT 06810 Cushman & Wakefield 8875 Hidden Pkwy, Ste 300 Tampa, FL 33632 Burger King Corp #825 c/o Ryan LLC PO Box 460189 Houston, TX 77056

Cofarge BPS 2727 LBJ Fwy, Ste 806 Dallas TX 75234 Moynihan, Rebecca 47 Valley View Terr Mount Kisco, NY 10549 Hagerman Lori Ann 51 Valley View Terr Mt. Kisco, NY 10549

11 Knowlton LLC c/o Pamela Healy 40 Foxwood Circle Mt. Kisco, NY 10549 Aleshin Konstantin 95 Park Dr Mt. Kisco, NY 10549 Pasillas, Herrera 101 Park Dr Mt. Kisco, NY 10549

Anuszkiewicz, Daria 86 Park Dr Mt. Kisco, NY 10549 Jean-Jacques Norma 68 Park Dr Mt. Kisco, NY 10549 Martorano, Justin 65 Park Dr Mt. Kisco, NY 10549

Wolman Adam 64 Park Dr Mt. Kisco, NY 10549

Ludwig Karl T 44 Park Dr Mt. Kisco, NY 10549 Pellshi, Robert 75 Park Dr Mt. Kisco, NY 10549

Dejong, John M 50 Park Dr Mt. Kisco, NY 10549 271 No Bedford Rd. Mt Kisco Attn: MRE Management 27 Radio Cir Mt. Kisco, NY 10549 Vitkowski Thomas 103 Park Dr Mt. Kisco, NY 10549

Davis, Meredith M 109 Park Dr Mt. Kisco, NY 10549 Dounn, Steven 110 Park Dr Manchester, NJ 08759 Cruz Elenita 111 Park Dr Mt. Kisco, NY 10549

Young, Agata K 3 Park Dr Mt. Kisco, NY 10549

Duelk, Penny 7 Banbury Ave Mt. Kisco, NY 10549 Kantrowitz, David 6 Park Dr Mt. Kisco, NY 10549

Calagini 16 Foxwood Cir Mt. Kisco, NY 10549 Sottle, Mark 11 Foxwood Cir Mt. Kisco, NY 10549 Hillman Lane, Deborah 14 Foxwood Cir Mt. Kisco, NY 10549

Ved, Rashmi Fiorino, John Dolgert, Paul D PO Box 194 50 Foxwood Cir 49 Foxwood Cir Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 John, Mary Lyden, Trustees McKillop, Kathy Pietrowicz, Ronald 147 Joyce Pl 55 Foxwood Cir 56 Foxwood Cir Hawthorne, NY 10532 Mount Kisco, NY 10549 Mount Kisco, NY 10549 McLauglin Kirch, Madison Katz, Roberta C 67 Foxwood Cir 101 Foxwood Cir 103 Foxwood Cir Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Nash, Andrea Potusek Scott J Castracan, Michael E 34 Lake Way 18 Stonehouse Rd 113 Foxwood Cir Purdys, NY 10578 Somers, NY 10589 Mount Kisco, NY 10549 Soulias, Kim G HVA Realty, LLC Garth E Beall Esq 59 McManus Road South c/o Engie 6411 lvy Lane Ste 200 Patterson, NY 12563 PO Box 244 Greenbelt, MD 20470 Spokane, WA 99210 MRE Management Tennis Equities, Inc. Gary E Knell Revocable Trust 27 Radio Circle 77 Kensico Dr 3225 Grace St NW, Apt 204 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Washington, DC 20007 Waters, Kiernan Meaney, Scott 272 N. Bedford Rd. LLC 27 Knowlton Ave 92 Park Dr c/o Esat Gashi Mount Kisco, NY 10549 Mount Kisco, NY 10549 345 Kear St Yorktown Heights, NY 10598 Goldman Mark Martin Rosa Engel, Michael J 39 Park Dr 940 Wiget Lane 77 Park Dr Mount Kisco, NY 10549 Walnut Creek CA 94598 Mount Kisco, NY 10549 Horan, Jeannine Segal, Alla Rosenberg, Jonathan

71 Park Dr Mount Kisco, NY 10549

Schnipke, Jordan 36 Park Dr Mount Kisco, NY 10549

48 Park Dr Mount Kisco, NY 10549

DP62LLC 333 N Bedford Rd Mount Kisco, NY 10549

49 Park Dr Mount Kisco, NY 10549

DP62LLC PO Box 1493 Hicksville, NY 11802

## RECEIVED

Alagia, Edward 21 Park Dr Mount Kisco, NY 10549

Meghana, Dani 18 Park Dr Mount Kisco, NY 10549 Zoning Board of Appeals

APR 1 1 2023 Teevan Helen M 29 Park Dr Mount Kisco, NY 10549

Village/Town of Mount Kisco

Sinnott, Jeffrey G 254 Sylvan Lake Rd Hopewell Junction, NY 12533

Loia, David 8A Christopher Columbus Avenue Danbury, CT 06810

Fenton, Herbert 12 Park Dr Mount Kisco, NY 10549

Fairchild Constance 23 Foxwood Cir Mount Kisco, NY 10549

Margarita Segarra 7 Park Dr Mount Kisco, NY 10549

Andersen, Alfred N 19 Tioga Lane Pleasantville, NY 10570

Cericola, Michelle 15 Foxwood Cir Mount Kisco, NY 10549

Feireis, Erik 7 Foxwood Cir Mount Kisco, NY 10549

Adam Piscitello 5 Foxwood Cir Mount Kisco, NY 10549

Reynolds, Kristine R 14 Fairways Dr. Mount Kisco, NY 10549

Fazio Katy 77 Foxwood Cir Mount Kisco, NY 10549

Agostino, Patricia 68 Foxwood Cir Mount Kisco, NY 10549

Amico, Susan P 97 Foxwood Cir Mount Kisco, NY 10549

Waters, Cynthia I 117 Foxwood Cir Mount Kisco, NY 10549

Mancini, Richard 8 Elidge Rd Katonah, NY 10536

Dounn, Steven 110 Foxwood Cir Mount Kisco, NY 10549

HVJLR Luxury Imports 10240 York Rd Cockeysville, MD 21030

**DP 44, LLC** c/o Diamond Properties PO Box 1493 Hicksville, NY 11802

Suburban Propane L.P. Tax Dept P.O. Box 206 Whippany, NJ 07981-0206

Gas 21 Realty Inc c/o Bellery 536 Main St New Paltz, NY 12561

MRE Management 27 Radio Circle Mount Kisco, NY 10549

Diamond Properties PO Box 1493 Hicksville, NY 11802

Chia-Ling Tsu 46 Park Dr Mount Kisco, NY 10549

Yang Zang 350 3rd St, Unit 1705 Cambridge, MA 02142-1143

Chelur Jayadas 41 Park Dr Mount Kisco, NY 10549

Birnbaum, Sandra 79 Park Dr Mount Kisco, NY 10549

Colucci, Barbara 73 Park Dr Mount Kisco, NY 10549

Powell. Shana Glatt, Carolyn Lackner Eric A 24 Oxford Drive 51 Park Dr 34 Park Dr Suffern NY 10901 Mount Kisco, NY 10549 Mount Kisco, NY 10549 NRE Management Klein Jason H Chappagua Road Co LLC 27 Radio Circle 107 Park Dr C/o Anthony Belcotti Mount Kisco, NY 10549 Mount Kisco, NY 10549 500 Executive Blvd Ste 203 Ossining, NY 10562 Futterman, George The Donald Zuecker Co. 112 Park Dr 1 Park Dr 101 W. 55th St Mount Kisco, NY 10549 Mount Kisco, NY 10549 New York, NY 10019 Menon, Maya Ciavardini Lisa Marie Ferlengez, Bora 5 Park Dr 107 Waccabuc Rd 11 Park Dr Mount Kisco, NY 10549 Goldens Bridge, NY 10526 Mount Kisco, NY 10549 Bueti, Alfredo Toscano. Dianne Zaccari, Nora M 55 Beverly Rd 43 Lawrence Drive 2 Foxwood Cir Mount Kisco, NY 10549 White Plains, NY 10603 Mount Kisco, NY 10549 Hyatt Lanson J Leahy, Ann M Speare Charles 3 Foxwood Cir 30 Overlook Dr 42 Foxwood Cir Mount Kisco, NY 10549 Kingston, NY 12401 Mount Kisco, NY 10549 Kaplan, Judie Rubinson Yakov Haverkost, Frances 38 Foxwood Cir c/o Alle Segal 100 Diplomat Dr 7k Mount Kisco, NY 10549 48 Park Drive Mount Kisco, NY 10549 Mount Kisco, NY 10549 Albanese Debora M Francis Ann Stone Irrev Trst Naso, James V 114 Austin Rd 79 Foxwood Cir 34 Lake Way Mahopac, NY 10541 Mount Kisco, NY 10549 Purdys, NY 10578 Reisz, Alexander Christine Smith Perettine Joseph 63 Foxwood Cir 73 Foxwood Cir 90 Coventry Lane Mount Kisco, NY 10549 Brewster, NY 10509 Mount Kisco, NY 10549 Kalaydjian, Alice Devesta, John P Village of Mount Kisco

106 Foxwood Cir

Mount Kisco, NY 10549

104 Main Street

Mount Kisco, NY 10549

37 Wood Road

10507

Bedford Hills, NY

Village of Mount Kisco 104 Main Street Mount Kisco, NY 10549 c/o Auto Nation Inc. 200 SW 1st Ave Fort Lauderdale. FL 33301 Notaro, Marci 20 Knowlton Ave Mount Kisco, NY 10549

Torre Robert C Jr 213 Railroad Ave Bedford Hills, NY 10507 Pennessi, Christopher 19 Knowlton Ave Mount Kisco, NY 10549 Hunter Beryl 23 Knowlton Ave Mount Kisco, NY 10549

Trujillo, Betty 90 Park Dr Mount Kisco, NY 10549 Lopez, Flor 85 Manchester Dr Mount Kisco, NY 10549 Lebowitz Eric Attn: Andrew Himmelfarb 85 Park Dr Mount Kisco, NY 10549

Husain Mariellen 61 Park Dr Mount Kisco, NY 10549 Diener, Robert 43 Park Dr Mount Kisco, NY 10549 Ovadek, Richard F 42 Park Dr Mount Kisco, NY 10549

Cravotta Donna E 83 Park Dr Mount Kisco, NY 10549 Montalvo, Michael 58 Park Dr Mount Kisco, NY 10549 Carp, Kristina 72 Park Dr Mount Kisco, NY 10549

Charnas Deborah 55 Park Dr Mount Kisco, NY 10549 Kulawik, Christopher 37 Park Dr Mount Kisco, NY 10549

Doreen W. Welburn, Trustee 33 Park Dr Mount Kisco, NY 10549

Paiva Antonio D 115 Park Dr Mount Kisco, NY 10549 Moore, James K 116 Park Dr Mount Kisco, NY 10549 Zabirova Irina 24 Park Dr Mount Kisco, NY 10549

Tomarelli, Scott 20 Park Dr Mount Kisco, NY 10549 Bonet, Michael 27 Park Dr Mount Kisco, NY 10549 Mines, Daniel 10904 Northgreen Drive Lake Worth, FL 33449

Milkey, Peter 9 Foxwood Cir Mount Kisco, NY 10549 Trpisovsky, Collen K 4 Foxwood Cir Mount Kisco, NY 10549 Servedio, Ann Marie 35 Foxwood Cir Mount Kisco, NY 10549

Burns, Hilda 45 Foxwood Cir Mount Kisco, NY 10549 Kehoe, Eileen 14851 Santa Lucia Dr Charlotte, NC 28272 Kowalczyk, Stephen 15 Lambert Ridge Croos River, NY 10518

Roider David J 62 Brook St Mount Kisco, NY 10549 Lauren Pizzulla 86 Foxwood Cir Mount Kisco, NY 10549 McNee Kathleen 62 Foxwood Cir Mount Kisco, NY 10549

Vizioli Antonello R 264 Andrea Rd Yorktown Heights, NY 10598 Reisz Alexander 64 Foxwood Cir Mount Kisco, NY 10549 Bednarczyk Denise 98 Foxwood Cir Mount Kisco, NY 10549

Guerin, Marie M PO Box 606 West Kennebunkport, ME 04094 Smario Lorraine 1369 King St Greenwich, CT 06831 Guerin, Marie M P.O. Box 606 West Kennebunkport, ME 04094

Mcquaid, William L 124 Foxwood Cir Mount Kisco, NY 10549 Morales, Karen 120 Foxwood Cir Mount Kisco, NY 10549 Groben Christopher 72 Felter Hills Road Monroe, NY 10950

William Louis Dreyfuss PO Box 320 Mount Kisco, NY 10549 Halstead-Quinn Terminal Corp 33 Hubbells Dr Mount Kisco, NY 10549 Mac Marty Inc 20 Shore Drive Kingston, MA 02369

Fasulo Gaspare 35 Knowlton Ave Mount Kisco, NY 10549 Medina, Nereida 100 Park Dr Mount Kisco, NY 10549 Tostanoski, Edward J 40 Park Dr Mount Kisco, NY 10549

Salvagno Louis 80 Park Dr Mount Kisco, NY 10549

Marks, Alex 76 Park Dr Mount Kisco, NY 10549 Vuksanaj, Parlind 47 Park Dr Mount Kisco, NY 10549

Stonsby Denise 52 Park Dr Mount Kisco, NY 10549

283 N Bedford Rd Corp MRE Management 27 Radio Cir Mount Kisco, NY 10549 113 Park Drive Realty LLC C/0 Perry Verrone 12 Center Street Pleasantville, NY 10570

Loffa, Angela 2 Park Dr Mount Kisco, NY 10549 Spielvogel, Jay 28 Park Dr Mount Kisco, NY 10549 Lepp, Teresa Maria 502 Kennsington Way Mount Kisco, NY 10549

Townsend St Assoc's LP c/o Mosbacher Properties 18 E 48th St 19 Floor New York, NY 10017 Martabano, William T 325 N Bedford Rd Mount Kisco, NY 10549 McLeod Bonnie A 13 Park Dr Mount Kisco, NY 10549

04/06/2023

Minard, Laura Healey Pamela Kenny Kevin J 2650 Quaker Church Rd 40 Foxwood Cir 39 Foxwood Cir Yorktown Heights, NY 10598 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Conti, Richard Ruiz, Lisa Whitehead, Adam 47 Foxwood Cir c/o Foxwood Condominium c/o Richard Whitehead Mount Kisco, NY 10549 PO Box 265 34201 Winterberry Dr Somers, NY 10589 Plainview, NY 11803 Alexander Kokh Arvind Siriram Giordano, James A 87 Foxwood Cir 74 Foxwood Cir c/o James Giordano Mount Kisco, NY 10549 Mount Kisco, NY 10549 600 Clarence Ave, Apt. 20 Bronx, NY 10465 Logan, Susan Caravello, James J Jr Munoz, Mary T 71 Foxwood Cir 25 West Cir 96 Foxwood Cir Mount Kisco, NY 10549 Bedford, NY 10506 Mount Kisco, NY 10549 McLauglin, Karen Bergs, Roswitha Village Of Mount Kisco 118 Foxwood Cir 104 Foxwood Cir 104 Main Street Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 MRE Management Roedel Partners of Mt Kisco II Verizon New York Inc. 27 Radio Cir PO Box 598 c/o Duff & Phelps LLC Mount Kisco, NY 10549 Wilton, NH 03086 PO Box 2749 Addison, TX 75001 Mavis Tire 59 Kensico LLC DiLeo, Maria Guiseppa 358 Saw Mill River Rd 27 Radio Circle 39 Knowlton Ave Ardsley, NY 10546 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Koch, Katy Topolski, Joseph Jr Spada, Carol 93 Park Dr 89 Park Dr 102 Park Dr Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Coyne, Patrick T Campos Maquire Conseulo Kim, Hak Duk 97 Park Dr 66 Park Dr 63 Park Dr Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549

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Tavolilla, George

Glen, Rebecca 69 Park Dr Mount Kisco, NY 10549 Troncoso, Rosa 84 Park Dr Mount Kisco, NY 10549

Gilch, Jeffery Stokhamer, Jody Ettlinger, Robert 57 Park Dr 54 Park Dr 59 Stebbins Rd Mount Kisco, NY 10549 Mount Kisco, NY 10549 Carmel, NY 10512 Hardiman, Michael J Tanski-Oleszko, Cynthia MDC 23 Park Dr 126 Chapin Pkwy 27 Radio Cir Mount Kisco, NY 10549 Buffalo, NY 14209 Mount Kisco, NY 10549 **DP 102 LLC DP 102 LLC** Steuer Tuppence R 333 N Bedford Rd 333 N Bedford Rd 15 Park Dr Mount Kisco, NY 10461 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Priolo Susan Mason Elizabeth Belmont, Joseph C Jr 2937 Baisley Ave, Apt. 1 8 Park Dr 54 Greenwood Lane Bronx, NY 10549 Mount Kisco, NY 10549 Valhalla, NY 10595 Dagostino, Robert J Webster, Irina Collins James W 20 Byram Lake Rd 131 Werking Rd PO Box 40 Mount Kisco, NY 10549 E. Greenbush, NY 12061-9302 Hawthorne, NY 10532 Kemp, Jamie L Johnston, Georgette Grislis Mara 114 Foxwood Cir

129 Foxwood Cir Mount Kisco, NY 10549

Antin, Sandra 105 Foxwood Cir Mount Kisco, NY 10549

DP 47, LLC c/o Diamond Properties PO Box 1493 Hicksville, NY 11802

Marreso, Miguel 43 Knowlton Ave Mount Kisco, NY 10549

Moreno-Liberum 99 Park Dr Mount Kisco, NY 10549

125 Foxwood Cir Bedford Hills, NY 10507

Charisma Associates LLC PO Box 324 Somers, NY 10589

Greenberg, Gail B 49 Knowlton Ave Mount Kisco, NY 10549

Schottin, Rona C 91 Park Dr Mount Kisco, NY 10549

Mangione Jessica L 67 Park Dr Mount Kisco, NY 10549

MRE Management 27 Radio Cir Mount Kisco, NY 10549

Mount Kisco, NY 10549

Jackson Thomas F 31 Knowlton Ave Mount Kisco, NY 10549

Marks 88 Park Dr Mount Kisco, NY 10549

Gabrielle Volpe Living Trust c/o Sally J. Boynton LLC 81 Main St, Ste 415 White Plains, NY 10601

Malcolm Miller 1999 Realty Tr. John E. Porcelli Steuer Michael 70 Park Dr 55 Clubhouse Ln 135 Radio Cir Drive Mount Kisco, NY 10549 Scarsdale, NY 10553 Mount Kisco, NY 10549 Campbell Koli Esther MRE Management 53 Park Dr 35 Park Dr 27 Radio Cir Dr. Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 325 N Bedford Rd LLC Bando, Christopher 343 Bedford Realty, LLC 325 N Bedford Rd 104 Park Dr 75 Commercial St Mount Kisco, NY 10549 Mount Kisco, NY 10549 Plainview, NY 11803 Lortkipanidze Archil Goldstein Marc Green, Jonathan 105 Park Dr 108 Park Dr 114 Park Dr Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Weisse Daniel Corrales Samuel Healy Michael 22 Park Dr 17 Park Dr 29 Foxwood Cir Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Christine Techersch Ragusa, Maria A Cimo, Stephanie E 30 Foxwood Cir 77 Sunset Way 25 Foxwood Cir Mount Kisco, NY 10549 Tarrytown, NY 10591 Mount Kisco, NY 10549 Vena, Michael A Corvino Maria Del Gaizo, Edward 10 Park Dr 41 Foxwood Cir 58 Foxwood Cir Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Brown, Perry Cucchiarella, John T Meliambro, Rocco 57 Foxwood Cir 90 Foxwood Cir 83 Foxwood Cir Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Beristain, Melissa Ferrara, Philomena Piccione, Paula 66 Foxwood Cir 61 Foxwood Cir 70 Foxwood Cir Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Sullivan Hall, Frances Visconti Brady, Linda M Fernandini, Edith F 69 Foxwood Cir 10 Somers Hill Rd 600 Clarence Ave, Apt 2Q Mount Kisco, NY 10549 Carmel, NY 10512 Bronx, NY 10465

Fein, Such, Crane LLP **Brad Schneider** Palmiero, John 7 Century Drive, Ste 1 49 Highland Rd 11 Reeback Dr Parsippany, NJ 07054 Thornwood, NY 10594 Valhalla, NY 10595 Frederick Vaccaro 275 Kisco Ave., LLC Valle Lourdes L 100 Foxwood Cir 14 Albion Oval West 6411 lvy Lane, Ste 200 Mount Kisco, NY 10549 Greenbelt, MD 20770 Mahopac, NY 10541 North County Properties LLC Trinity Investment Properties Brooks Realty of Mt. Kisco LLC 187 Falmouth Rd 21 Lauder Lane 15 Kensico Dr Falmouth, ME 04105 Greenwich, CT 06831 Mount Kisco, NY 10549 Tennis Equities Inc Vaccaro Vaccaro 77 Kensico Dr 94 Park Dr 96 Park Dr Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Jager Christopher J Jacobowitz, Steven O Friedlander, David H 87 Park Dr 59 Park Dr 81 Park Dr Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Juarez Elgamal, Alyma Sassano 38 Park Dr 106 Park Dr 26 Park Dr Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Sorenson Lee Jaevong Broth, Jacqueline 19 Park Dr 4 Park Dr 31 Park Dr Mount Kisco, NY 10549 Mount Kisco, NY 10549 Mount Kisco, NY 10549 Gentilie John A. Martabano Trust No. 1 Belanich, Michael 16 Park Dr 5515 Lake Ridge Drive 30 Park Dr Mount Kisco, NY 10549 Brighton, MI 48116 Mount Kisco, NY 10549 Spadaccia, Frank D Dellaripa, Frank Maritza Budiuck

Ryan, Evelyne H 9 Park Dr Mount Kisco, NY 10549

31 Foxwood Cir

Mount Kisco, NY 10549

Pasternak, Louise Ann 2924 Nathaniel Run Williamsburg, VA 23185

14 Park Dr

Mount Kisco, NY 10549

Cruz, Jeffrey M 17 Foxwood Cir Mount Kisco, NY 10549

77 Kenisco Dr

Mount Kisco, NY 10549

Stephens, Ross 24 Foxwood Cir Mount Kisco, NY 10549 Sage Judith E 18 Foxwood Cir Mount Kisco, NY 10549 Merusi Daniel PO Box 46 Schenocock, NY 10587

Stasio, Rosemarie 37 Foxwood Cir Mount Kisco, NY 10549 Naccari, Maria 52 Foxwood Cir Mount Kisco, NY 10549 Guldner Louise 53 Foxwood Cir Mount Kisco, NY 10549

Fazio, Gregory 76 Foxwood Cir Mount Kisco, NY 10549 Townley Anthony Heritage Hills 469A Somers, NY 10589 Alexander Fazio 85 Foxwood Cir Mount Kisco, NY 10549

Ciavardini, Paul W 59 Foxwood Cir Mount Kisco, NY 10549 Ryan Isbell 93 Foxwood Cir Mount Kisco, NY 10549 Jessica Robustelli, Inc. 80 Chestnut Ridge Mt. Kisco, NY 10549

Bonforte, Michael 102 Foxwood Cir Mount Kisco, NY 10549 Yamagami, Hiroshi 109 Foxwood Cir Mount Kisco, NY 10549 K. Cullen Brookside & Foxwood Somers, NY 10589

Lori Zollo 19 S Broadway, Unit BC Tarrytown, NY 10591

Gary E Knell Revocable Trust 55 Knowlton Ave Mt. Kisco, NY 10549

Heritage Management Services Po Box 265 Somers, NY 10589 Duelk, Penny 28 Foxwood Cir Mt. Kisco, NY 10549

AKA Realty LLC 190 N Bedford Rd Mt. Kisco, NY 10549 HVA Realty, LLC 250 Kisco Ave Mt. Kisco, NY 10549

Toscano, Dianne 8 Foxwood Cir Mt. Kisco, NY 10589



## AFFIDAVIT OF PUBLICATION FROM

Zoning Board of Appeal Village/Town of Mount Kisco

State of Wisconsin County of Brown, ss.:

111/0/07/17/17	undersigned, a Notary Public in and for said State, personally appeared tersonally known to me or proved to me on the basis of satisfactory evidence to the within instrument and acknowledged to me that he/she/they executed to the within instrument and acknowledged to me that he/she/they executed to the within instrument and acknowledged to me that he/she/they executed the same that he/she/they exe	ience to
be the individual(s) whose name(s) is (are) subscribed	their signature(s) on the instrument, the individual(s), or the person upon	n behalf
of which the individual(s) acted, executed, the instrum	ent.	
being du	ly sworn says that he/she is the principal clerk of THE JOURNAL NE	WS, a
newspaper published in the County of Westchester and	the State of New York, and the notice of which the annexed is a printed	d copy, or
the editions dated		
Zone:	Run Dates:	
Westchester	04/02/2023	
Ludatut		
Sworn to before me, this 3 day of April, 2023		
Notary Public. State of Wisdonsin. County of Brown	VICKY FELTY	7
91926	Notary Public	l
· · · · · · · · · · · · · · · · · · ·	State of Wisconsin	1
My commission expires	The state of the s	anneau I

Legend:

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

### ROCKLAND:

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

Ad Number: 0005649066

Run Dates: 04/02/2023 Ad Number: 0005649066

### PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 18th day of April, 2023 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of DP 21, LLC, 333 North Bedford Road, Suite 145, Mount Kisco, NY. 10549 from the drecision of Peter J. Miley, Building Inspector, dated 09/06/2019 denying the application dated to permit the items on the attached list. The property movived is known as The Park 333 (333 North Bedford Road, Mount Kisco, NY. 10549) and described on the Village Tax Map as Mount Kisco (Section 69.50, Block 2, Lot 1), (Section 69.51, Block 1, Lot 3) and (Section 69.43, Block 1, Lot 2 & 3) and Bedford (Section 71.12, Block 2, Lot 36) and is located on the vect side of North Bedford Road in a Mt & CL Zoning District. Said Appeal is being mode to obtain a variance from Section(s) refer to attached list of the Code of the Village/Town of Mount Kisco, which requires refer to the attached list

Wayne Spector, Chair Zoning Board of Appeals Village/Town of Mount Kisco

### Village of Mount Kisco Zoning Board of Appeals variances:

Original variances were received on December 16, 2020 and reinstated on January 18, 2023 (ZBA Case No. 20-6). The site plan design has been modified and all variances are either the same or have been reduced with the exception one slight increase:

### Village of Mount Kisco Zoning Board of Appeals variances:

- 1. 333 NBR (ML District), the required maximum allowable bulkling area for the proposed ShopRite grocery state is 75,000 sf, where 83,618 sf is proposed. Therefore a 8,618 sf variance is required. This is reduction from the previously granted variance of 10,652 sf
- 2. 333 NBR, a variance from the requirement that Full-Service Grocery Store provide 420 parking

	Required	Proposed	Variance Neede
Parking Spaces	420	167	253

- 3. 333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. Therefore a 2.3% variance is required. This is a reduction from the previously granted variance of 3.1%. It should be noted that the proposed development coverage for the entire 333 NBR lot (all zoning districts in Mount Risco and Bedford) is 69.4% which is a slight increase from the previously ap-
- proved 69.1%, which did not require a variance.
- 4: 309 NBR (CL District). As per Vallage/Town Mount Kisco Code (1 0-19 C. (5) Minimum building setback side: 10 feet. Proposed is 7.7 feet. therefore; a 2.3 foot variance is required.
- 5. 383 NBR (CL District), As per Village/Town Mosint Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Maximum development coverage is 80%, proposed is 86.4% therefore; a 6.4% development coverage variance is required. This equalses to an increase in 3.3% from the previously approved variance of 83.1% development coverage which received a 3.1% development coverage regulations.
- 5. 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer; 5 feet. Proposed is 0 feet, therefore; a 5 foot rear yard buffer variance is required.
- 7. 383 NBR (CL District), As per Village/Iown Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is required.
- 8. 383 NBR (Ct. District). As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 1 ft. therefore; a **9 foot side yard setback variance is re**
- 9. 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rearyard setback variance is required.
- 10. 383 NBR (CL District), As per Village! Town Mount Kisco Code Chapter 110. Zoning Article V Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located. siers and other large trach containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed thumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations G. Accessory structures, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a size plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.

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RECEIVED

State of New York )	APD * -
) ss: County of Westchester)	AFFIDAVIT OF POSTING PR 1 1 2023
Gilmar Palacios Chin, being duly sworn, says that conspicuously fastened up and posted in seven pub. Mount Kisco, County of Westchester, a printed not copy, to Wit:	blic places, in the Village/Town of
Municipal Building – 104 Main Street	<u>X</u>
Public Library 100 Main Street	<u>X</u>
Fox Center	X
Justice Court – Green Street 40 Green Street	X
Mt. Kisco Ambulance Corp 310 Lexington Ave	<u>X</u>
Carpenter Avenue Community House 200 Carpenter Avenue	<u>X</u>
Leonard Park Multi Purpose Bldg	X
	Gilmar Palacios Chin
Sworn to before me this day of	023

No. 01RU6313298 Qualified in Putnam County My Commission Expires 10-20-2026

ShopRite

To: Mount Kisco Planning Board

CC: MK Zoning Board / MK Village Board

Re.: Public Comments regarding Cell Tower Project / subsequent Solar proposal

I am writing regarding the Cell and Solar Projects proposed on Rt 172/ Sarles Street.

I have followed all the meetings held on Facebook and have seen the process with the Homeland Cell proposal seemingly now being considered separately/ segmented from the Solar project.

Mt. Kisco as well as many small towns are under pressure from State and Federal mandates for cell infrastructure development, and I do not have any easy answers. As we do not have any mandates to develop a solar farm for a private company on virgin treed property; we can at least deny that application. I agree with the Town's lawyer, Mr. Singleton, who has mentioned that there should only be one commercial tenant on that piece of property.

That said, removing the Solar application opens the possibility of re-siting the cell tower to the already disturbed/ less treed area of the mansion and tennis court. This new site would require less variances, less cutting of mature trees and provide much more distance from any home or sanctuary and seems to be the most common-sense solution. The fact brought up by Homeland that it may be more visible from distances at that site, in my opinion, is the lesser of two evils.

Considering all the environmental concerns already raised numerous times by others, the steep slopes, destruction of trees and wildlife habitats, along with concerns for the residents in the immediate area, I truly hope that you utilize your oversight to protect the residents and Sanctuary.

Linda McCartney; 60 Barker St., Mt Kisco, NY lmccartney679@gmail.com

### **MEMORANDUM**

DATE: March 9, 2023

TO: Mount Kisco Planning Board and Zoning Board of Appeals

CC: Whitney Singleton, Esq., Village Attorney, Michael P. Musso, P.E.

FROM: Rex Pietrobono

SUBJECT: 180 South Bedford Rd; 2 Sarles Street Mitigation Response and Recommendations

First, I must reiterate my continuous and strong opposition to the Homeland Towers, LLC's 180 South Bedford Road proposed cellular applications pending before both Village Boards.

Nevertheless, as requested by the Mount Kisco Planning Board and Zoning Board of Appeals, I am submitting this Memorandum in response to the memorandum of mitigation options by the Village consultant, Michael Musso, (HDR), in the contingent event the cell tower was ultimately sited at the current location. I believe Mr. Musso did a thoroughly astute investigation of the proposed site, neighboring area, exhaustive review of the application itself and the proposed tower and base compound—and all viewed through HDR's own lens of considerable real—world experience in the placement of other cellular projects throughout the region and pertinent best practices rules and regulations. In short, his report should be the *minimum* basis for mitigation of the significant adverse environmental impacts on the community and neighboring properties.

Bear in mind while considering Mr. Musso's recommendations and my own supplemental details for additional screening, that it was Homeland Towers, LLC., who elected to place a cell tower within a few hundred feet of residences, a nature preserve, and near the Route 172 entrance to the Village. Thus, it is respectfully asked that the Village Boards' focus on mitigation efforts should not be deterred from requiring extensive screening due to any parsimonious objections Homeland Towers, LLC, may raise to the accompanying price tag.

### THE BEST MITIGATION IS RELOCATION!

Homeland selected one of the worst locations out of the entire 25 acres to negotiate a lease for a cell tower—between a home, a nature Preserve and a Village entrance. No dense screening to shield the neighboring properties. The Board of Trustees expressed their disdain for the proposed location this past Monday evening (March 6, 2023) where Mayor Gina Picinich said for the record:

The place where there does seem to be agreement by this Board is that the location for the cell tower, as proposed, in the current application before the Planning Board, so close to homes, is not desirable. The place where there appears to be agreement is that we would like to see that tower moved to a different location on that property further from homes. This, however, is not under our authority and remains under the purview of the Planning Board.

Board of Trustees, March 6, 2023, FB video record at 31:28 et seq.

Homeland knowingly painted themselves into a corner to demand the Village bail them out. Whether they *presently* have the right to relocate the tower elsewhere on the 25-acre parcel is not conclusive upon whether they *previously had* that right and waived it. Hence, a self-created or self-inflicted hardship while effectively removing from the Planning Board and ZBA their own determinations of "least impactful" or "least instructive" means of addressing a gap in coverage.

Neither the Boards nor the public know whether Homeland could have leased, or even sub-leased, a 4,000 sq ft spot in a less impactful or least intrusive site out of an entire 25 acres parcel also proposed to house a commercial solar farm since Homeland has not produced their lease(s).

Since when do Boards defer making their pivotal determinations because an applicant says so? Do any of you really believe your Board and Village consultants couldn't have laid out a better non-segmented plan for that parcel that would be less intrusive or impactful? Rather than being ham-strung, of course you could have done a better job.

The ZBA requested the lease(s)—Homeland declined and elected to rely upon its submissions. Prior to that, the Planning had requested the lease(s)—Homeland refused. As part of the Board's evaluations, the needed to ascertain whether Homeland had the chance to select a site elsewhere on the same parcel, but less intrusive or impactful means upon that parcel and the surrounding area. That critical element is one of the few afforded by the FCC and relevant caselaw to the local Boards in making their own determinations.

Notwithstanding all the foregoing, should one or both Boards abdicate that determination to the applicant itself and accede to this present off-course navigation, then the following requests are made to *supplement* the consultant's mitigation report

## SUPPLEMENTAL MITIGATION ACTIONS IN ADDITION TO HDR RECOMMENDATIONS:

**Expense:** At the outset, you should anticipate that the applicant may decry portion(s) of HDR's report as well as the following supplementary recommendations. While weathering any such objection(s), bear in mind my earlier point that Homeland itself selected, negotiated, and contracted for this terrible location "so close to homes." The applicant is an experienced commercial entity seeking to site a cell tower at an severely impactful and intrusive location. Their profitability at that proposed location comes at an inverse relationship to our family's well-being and, in turn, our overall property value. We are afraid for the health of our family and generations to come much more than the aesthetics. There are rapidly advancing technologies and reports detailing the hazards the monopole's emissions would pose to persons residing too close to such a cellular structure. That real and perceived impact equates to a substantial devaluation of our property as detailed in two October 2020 letters by respected real estate brokers Mariangela Cavaggioni and Dee Roider (see attached). So, make no mistake, while hearing demeaning objections of all proposed mitigation measures, our family, the Preserve, and

the community are already indirectly bearing the costs of mitigation of the cell tower at that proposed location on many fronts.

Monopole texture /color: The natural faux bark finish, (brown matte finish), for example, would likely cost more and require future maintenance—which is a good thing! The applicant should not be off the hook from maintaining the integrity of their responsibilities and conditions. As recommended by HDR (pages 8-9 of their report), the faux bark should go all the way to the top to give what little degree of screening is even available for such a tall stealth-tree monopole as is proposed. The Preserve, our family property, and the passer-by on Rt 172, should be afforded whatever available measures help to mitigate the visual impact of that monopole—and that faux bark is one of them. Viewing the monopole from the surrounding areas should be sufficient reason to require it, but also for all persons passing through the Eastern Gateway to our Village. A painted pole is distinguishable from a natural looking finish whether from the Preserve, our property, and r South Bedford Road. That minimal courtesy could go a long way toward more effective screening and that opportunity should not be lost simply to save Homeland that expense and maintenance.

### **ON-SITE SUPPLEMENTAL RECOMMENDATIONS**

<u>On-site tree screening next to driveway at apex of turn</u>: " (page 4 of HDR Report) "DWG SP-3 notes 50 trees being removed by the applicant. That is a lot of trees which should be replaced *in addition to* all of the trees required to screen the proposed project.

<u>Preservation of tall pine trees</u>: (Page 4 & 5 HDR Report) During the site visits, and in Mr. Musso's report, there are at least three (3) critical tall pine trees to be preserved and protected which would be the only partial screening o the monopole from our family property: tagged specifically, as #37, #3083, #43, #38, and #39. On several occasions, Homeland has already acknowledged their significance and critical role in any attempts at partial screening.

Penalty fee for preserved tree damage: (Page 7 HDR Report) The above-referenced three trees are so vital to screening that Mr. Musso and a Planning Board member recommended a penalty or liquidated damages clause by Homeland be required to be paid in the event the applicant damages or destroys one of the aforesaid irreplaceable trees. At the site visit, Homeland stated that they could construct the monopole in the proposed location with a large crane between the trees and not damage them. They should be held to that representation. A penalty would act as a warranty against careless construction or maintenance. The sum should be large enough to compel the applicant, its agents, workers, contractors, or other representatives to carefully avoid any contact with those trees and the protection of the root system. It is suggested that a significant liquidated damages sum payable to our property (2 Sarles Street) reflecting damage to one of the said existing seventy-foot plus pine trees. Any damage would cause irreparable adverse visual impact and corresponding additional devaluation to our family property. (Note: the tallest Norway Spruce sold by Rosedale Nurseries, Inc. is 26XX ft.) Thus, the penalty should a high multiple of such expense to reflect the absence of

replacement tree of that height. The point of the clause is incentive to carefully keep the three trees safe and sound. All trees planted should be warrantied for replacement by Homeland.

<u>Plantings and berm</u>: (Page 10 & 11 of HDR Report) "Drawings show seven (7) new plantings (evergreen; 8 ft tall at planting)" on a four-foot-high dirt berm. The berm is a great idea for protection of trees and shrubs and adds additional height to tree screening. 12 ft tall trees are recommended herein. That extra 4 ft accelerates several years of growth to get to any effective screening height faster. According to a representative at Rosedale Nurseries, Inc., 51 Saw Mill River Road, Hawthorne, NY 10532, 914-769-1300, "Norway spruces grow the tallest, fastest, and do very well in this area."

Annual professional tree servicing against disease and insects: It is a challenge to grow and protect trees in this immediate area from drought, disease, and insects. While the watering could be done by lay persons, professional tree care is a must to ensure any trees planted by the applicant don't merely check-off a box but survive and thrive. Our family uses SavATree on an annual basis for many of our most important trees and shrubs.

Removal of parking spaces/by-pass: (Pages 13 & 14 of HDR Report) "[t[he by-pass located uphill from the compound area on can be eliminated from the Site Plan Drawings. . ." and is indicated in the diagram to be removed as a red "X." That was an improper insinuation of parking within the northern buffer zone and likewise my request for its prohibition for well over a year (drawings indication "Homeland" had proposed these admittedly unnecessary off-site four 9x20' parallel parking spaces which are expressly prohibited in a buffer zone per our Mount Kisco Code and would have required the removal of three (3) tall pine trees which are vital to screening other portions of our property. Those three (3) trees have been tagged (two of them twice) as follows: #51 (also as #3084), #52, and #53 (also as 2988).

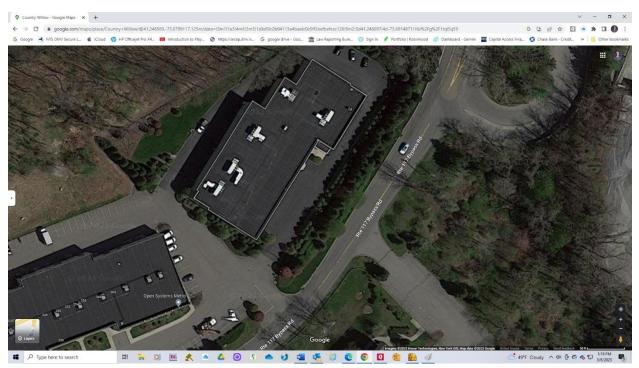
### **OFF-SITE SUPPLEMENTAL RECOMMENDATIONS FOR 2 Sarles Street Property:**

Any of the many HDR recommended mitigation conditions for future Boards' Resolution, if any, not directly referenced herein to avoid repetition, (including but not limited to, removal of proposed parking spaces, installation of a gate near base of driveway, stealth tree with branches and faux bark, on-site dirt berm, and no nighttime lighting except for necessary manual temporary use while servicing during such hours), are adopted herein as part of our requested recommendations and as a basis for any supplementation of same as well.

<u>Soil for berm</u>: (Pages 17 of HDR Report) the amount of soil needed for +/- 350 linear feet along inside of eastern edge of access road at a height of roughly between four (4) to six (6) feet (depending upon the specific spot along said berm) and eight (8') feet wide. The berm will help screen the base compound structure of the monopole and serve as a healthy base for new tree and shrub plantings (and transplants of existing trees set forth below). The berm will also help protect our property from incidental encroachments during and after construction of the base and cell tower.

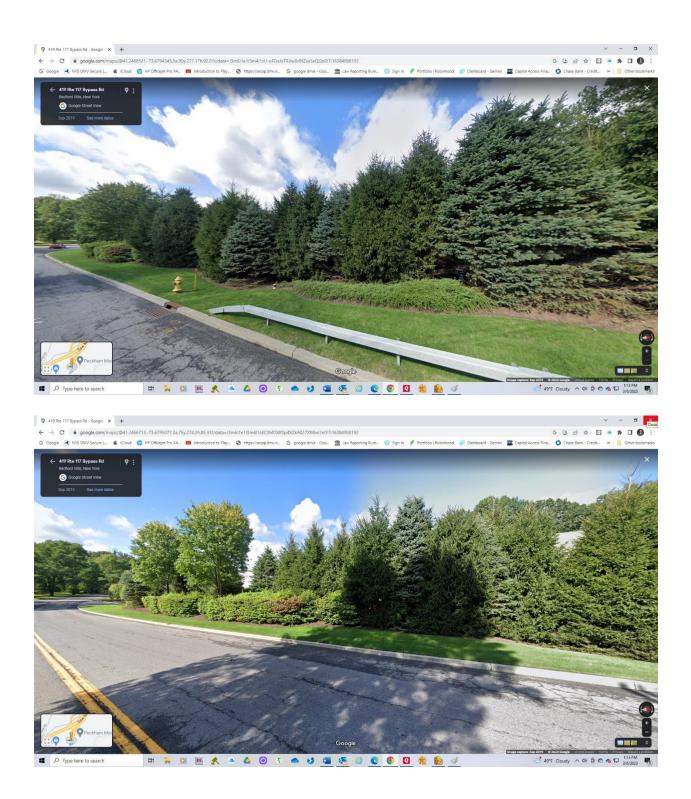
<u>Fencing</u>: (Pages 17 of HDR Report) HDR recommends fencing along the eastern edge of the access road at "6 ft 8 ft" in height. We would recommend limiting the fence height to 6' high, but then extend the entire length of the linear feet of the fencing to screen our western view of the base compound and lowest portion of the monopole (along with other recommended screening from HDR and herein). That means, the fencing (made of composite material) should run from the southeastern most point of our property to the northwestern property boundary point abutting SBR. My family utilizes every part of our property and we ask the Boards to protect whatever view will remain should a cell tower be approved at the proposed location. Again, expense should be secondary to mitigation efforts. A variance may be necessary in some locations on our property and not others. Thus, we would request a variance to six (6) for our entire property.

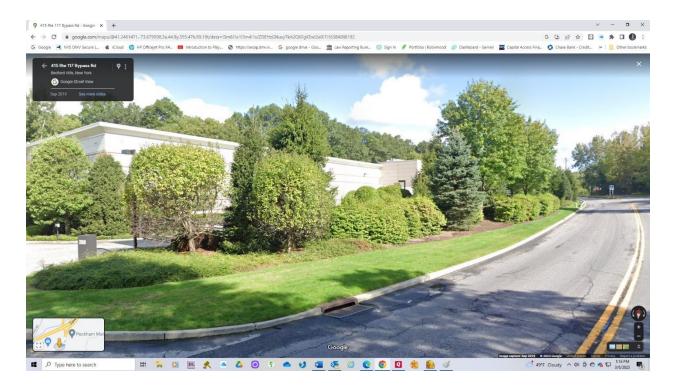
<u>Number and Height of New Trees</u>: (Pages 18 of HDR Report) "Plantings-suggested 10-15 new deciduous and coniferous trees and shrubs (mix). . ." To be clear, *more than* 15 new trees would be needed to facilitate screening in an organic looking setting to match the rest of our family property. An example of such screening (although ours could be thinner) is shown below in images taken from 268 Route 117 By-pass Road, Bedford Hills, NY 10507.



268 Route 117 By-pass Road, Bedford Hills, NY 10507 et seg.

The section of berm, trees, and shrubs, depicted above and in the following photographs, appears to be roughly 200 linear feet. There appears to be about six (6) trees per fifty feet, plus shrubs. That would require more like twice the amount recommended by HDR numbering about 30 trees, plus many shrub varietals. The trees should be a mix of Norway Spruces, Green Giants, a few dog woods, and other successful local growth trees. The new evergreens should be 12' height.





<u>Number of shrubs</u>: a mix of many local varieties, deer resistant, consistent with other areas of our family property.

<u>Transplanting some existing trees and shrubs:</u> two (2) existing specimen trees, six (6) small fruit trees, and three (3) "Beauty Bushes, to make room for dirt berm.

<u>Irrigation infrastructure</u>: the trees and shrubs in that far western area lay beyond our water source (well) and some irrigation infrastructure would be needed to maintain all the numerous plantings.

<u>Stones for Short Walls and Terraces Along Berm</u>: an estimated 12-15 yards of "Loose Native Fieldstone" available at Bedford Gravel would need to be available for a series of interrupted short walls and terraces to intermittently shore up the berm and wrap around existing tall pine trees to protect their trunk and roots.

<u>Permission to use access road</u>: to facilitate delivery and installation of soil for berm, trees, shrubs, and stones to driveway for deliveries of soil, trees, shrubs, and stones to that western portion of our family property.

**Shed** (Pages 18 of HDR Report) We recommend an actual shed and a "faux" one. We need a longer and higher area screening the driveway near monopole and its base from our bedroom windows on the second floor facing west. It would need to be higher and larger than the Code permits without a building permit, thus, a variance(s) will be necessary.

<u>Screening for Route 172</u>: The balloon test at the 180 SBR site showed that the monopole will be visible to passers-by along SBR. All large swath of the public view may effectively be screened off-site with a combination of trees and shrubs and fencing. My family would consider allowing such appropriate screening in the northeast corner of our family property adjacent to Sarles Street and SBR.

**<u>Variances</u>**: Variances may be needed to effect creation of the berm, fencing, and shed.

<u>Warranty</u>: Homeland should warranty all trees and shrubs in the event they fail within the first five (5) years. Also, as stated previously, an annual service agreement should be entered into with a tree service company to help ensure the new plantings survival.

<u>Part 2-Full Environmental Assessment Form</u>: RF emission testing by a third-party consultant should be performed annually. This issue of emissions testing to ensure ongoing compliance with federal regulations was discussed by Mr. Musso at an informational cellular service seminar this year at the request of the Village Board of Trustees. Part 2, section 16 "Impact on Human Health" should be modified under sub-section (m) "Other impacts:" to describe the acceptable emissions and annual testing.

**Mitigation Fund**: to avoid future confusion or conflict with any other areas to be mitigated, such as, the Preserve and Route 172, it is recommended that the allocation of funds be made for each specific location along with their specifically approved mitigation efforts as submitted in the HDR Report and each interested party's own Supplemental Recommendations, if any.

### SELF-CREATED HARDSHIP SHOULD NOT ELIMINATE OUR BOARDS' EVALUATION OF IMPACT:

Homeland is responsible for their own self-created hardship and should likewise be accountable for the expense of efforts to sufficiently mitigate the severe adverse impacts of a 140' monopole upon the neighboring properties and surrounding community area.

In this case, Homeland's application seeking a special use permit and variances should be denied outright on the record before the Boards underscoring the rejection of one or both of the two ill-conceived proposed industrial projects being shoehorned into a Conservation District (CD) 25-acre parcel at 180 SBR. Given the established record before the Planning Board of numerous significant environmental impacts that the cell tower (and a solar power plant—segmented or not) would have on the environment. At the very least, a Positive Declaration is clearly mandated in relation to Homeland's Planning Board application and a denial of the variances sought from the Zoning Board of Appeals.

If the Planning Board were nonetheless inclined to approve the special use permit and the ZBA the three (3) *necessary* variances for the monopole and its compound, then is respectfully submitted that the February 27, 2023, HDR report of mitigation options, together with my

Supplemental recommendations, be accepted in whole by the Planning Board and ZBA as a condition of satisfying Part 2 of the Environmental Impact Statement.

Arguably, the Village has been shaving off the edges of the proverbial square peg to be forced through the round hole and has disincentivized the applicant to relocate to an alternate site elsewhere on the larger parcel *via* renewed negotiations with the owner to lease a different spot, or perhaps the solar applicant to sub-lease the 4,000 sq ft monopole elsewhere on the 25-acre parcel. For example, alongside the proposed solar farm at the top of the hill, if the solar application were to proceed and thus minimizing the non-segmented adverse impacts upon surrounding areas. As it's been repeated for ages: *where there's a will--there's a way.* It is conceivable that given their vast experience and resources, that had Homeland desired to relocate it proposed monopole to an alternate location—it would be accomplished.

William Raveis Real Estate Katonah Office 95 Katonah Avenue Katonah, NY 10536

October 6, 2020

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

RE: Proposed Cell Tower--180 South Bedford Road Entrance

Dear Mount Kisco Planning Board:

My name is Dorothea ('Dee') Roider. I have been a Realtor Estate Broker in Westchester County, New York for the last 34 years, during which time I have held the position as the number one listing agent for 24 consecutive years. In my career I have handled over \$200,000,000 dollars in properties listed and sold.

I am also a life-long resident of Mount Kisco, and as such, I have always been active in local community causes. I am a member of professional organizations including the National Association of Realtors, New York State Association of Realtors, and Hudson Gateway Multiple Listing Services.

It has been brought to my attention that the location of a 145 ft cell tower has been proposed at 180 South Bedford Road in a spot situated between the Pietrobono home, Marsh Sanctuary, and South Bedford Road.

In my professional opinion, the installation of the proposed tower in that location would certainly have a negative impact on and reduce the value of the residence located at 2 Sarles Street, Mount Kisco, NY 10549 by approximately 20%; making said home less saleable, even at a reduced purchase price.

While I understand there may be a need in our community for improved cellular telephone coverage in nearby areas, such a project in that location would create a disproportionately adverse financial impact upon the 2 Sarles Street residence.

In my experience, I have had prospective buyers decline suggested properties for as little as being located near power lines. Having a 145 ft cell tower within such close proximity to the property would certainly reduce its number of potential buyers. I am sure that any potential buyer would have a lot of questions about the cell tower, and, because of all the notice about the proposed cell site and my obligation to my clients, this information would have to be disclosed to any future buyer. Thus, limiting the number of buyers that would be willing to purchase the property.

Sincerely,

Dee Roider

Dee Roider

Coldwell Banker Residential Brokerage Katonah - Bedford 165 Katonah Ave, Katonah, NY 10536

October 7, 2020

Planning Board Village of Mount Kisco 104 Main Street Mount Kisco, NY 10549

Cell Tower Proposed for 180 South Bedford Road, Mount Kisco, NY 10549 RE:

Members of the Mount Kisco Planning Board:

It has come to my attention that Homeland Towers and Verizon Wireless intend to build a 140 foot tall telecommunications structure located very closely to Route 172 and the Pietrobono home at 2 Sarles Street, Mount Kisco, New York 10549, as well as the neighboring Marsh

Sanctuary Wildlife Preserve caretaker's house.

As a practicing real estate agent in this area for the past forty-three (43) years and, presently, an associate realtor for Coldwell Banker in Katonah-Bedford, I can affirm that a significant number of buyers will not be interested in purchasing a house, even as nice as the Pietrobono home, with a cell tower so close to it. As it stands today, the present view at the Pietrobono residence is the same as when they bought it in 1996, i.e. wildlife, woods, and roads with no direct view of any other buildings. The introduction of a tall steel tower would undoubtedly NEGATIVELY IMPACT their property value.

In my professional opinion, the installation of such a commercial cellular tower structure would have a significant adverse aesthetic impact upon the Pietrobono home causing it to suffer a

reduced property value of roughly 18%.

There are other geographic locations in the immediate area which would be far less impactful and concealed from open view of nearby residences and all of the people driving into Mount Kisco. I am confident in the Mount Kisco Village and Town officials to find a suitable location which does not unfairly and adversely impact one of their residential homes.

Very truly yours,

Mariangela Cavappioni

#### **MEMORANDUM**

DATE: May 3, 2023

TO: Mount Kisco Planning Board and Zoning Board of Appeals

CC: Whitney Singleton, Esq., Village Attorney, Michael P. Musso, P.E.

FROM: Rex Pietrobono

SUBJECT: 180 S. Bedford Rd; 2 Sarles Street Response to Homeland Mitigation Submissions

### MONOPOLE AND BASE COMPOUND STRUCTURES QUALIFY AS A BUILDING UNDER CODE

In light of Homeland's April 4, 2023, correspondence to the ZBA and the Planning Board, (included in the Planning Board's April 25, 2023, agenda packet), we would like to address Homeland's claim that the proposed 140 ft steel monopole and its base compound do not qualify as a structure or building under the Mount Kisco Code, and therefore, no set-back applies.

Contrary to this assertion, not only does it conflict with the Village Attorney's 2022 opinion on the matter, but it is also refuted by their counsel's own analysis when their Revised site plan, dated April 13, 2023, is considered in conjunction with their own arguments presented on pages 2 and 3 therein.

The Village Code defines a building as: "Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals and/or property." It is clear that the facility in question includes structures meeting this definition, rendering the claim that no setbacks apply as baseless.

A closer examination of the revised site plan submitted by Homeland Towers, LLC reveals that it includes a 10' x 14' concrete pad (C-3) with a minimum 3500 psi concrete (C-4), supported by 48" concrete columns or "footings" (C-1) as the base for the 140' steel structure and compound, which houses personal property and equipment. Furthermore, the site plan (C-6) includes two "Vertiv XTE Walk-in Cabinets (WIC)" featuring "2-inch insulated wall panels" and an "insulated roof" (C-1), all of which are supported by concrete columns and the large concrete pad (C-3). Taking into account the recently revised site plan's alignment with the counsel's arguments, the Village Attorney's 2022 opinion, and an impartial interpretation of the Mount Kisco Code, it is evident that the 140 ft steel monopole, its base compound, and related equipment and housing constitute a structure that meets the Village Code's definition of a building.

Arguing otherwise is disingenuous and serves only to expedite the ZBA and Planning Board's processing of the pending application, while also laying the groundwork for Homeland's unilateral relocation of the proposed monopole 14' to the south, and indirectly, the reintroduction of the solar project application proposed on the same 25-acre parcel.

### HOMELAND WAS RESPONSIBLE TO NEGOTIATE A LESS IMPACTFUL OR INSTRUSIVE LOCATION

While the tenor of the Homeland mitigation response is appreciated, there are notable issues which need to be addressed at this time or run the risk of entrenched mistakes or omissions. Most mitigation efforts and adverse impacts of the monopole at the proposed location would be obviated by the applicant and/or the Boards doing the right thing and making a determined

initiative to correct their early mislocating of the monopole and move the tower to the old tennis court by *earnest* negotiation with either their landlord or adjacent to the solar project as sublandlord. The applicants appear to continually be seeking to force two principal uses, structures, and buildings onto the same parcel in contravention of the good faith consideration of the present neighboring properties and the community passers-by along South Bedford Road. It appears that Homeland, with all its experience and resources, gets what it wants, where it wants, when it wants—and not to the contrary.

### HOMELAND IS RESPONSIBLE FOR MITIGATION AS PART OF APPLICATION AND SEQRA PROCESS

If Homeland had opted for a more appropriate location within the 25-acre property, off-site mitigation measures could have been minimized or even completely avoided. Consequently, neighboring property owners are now obligated to dedicate their own space to address Homeland's poorly chosen, limited parcel that lacks sufficient terrain and space for its own proper project screening.

Effectiveness should be the primary consideration in screening, with cost being a secondary factor. Homeland's proposed financial contribution, while not negligible, does not fully cover the actual expenses required for mitigation of our property, regardless of who bears the cost. Their application has significant adverse effects on our property, necessitating the best possible screening solutions as detailed in HDR's mitigation report and my supplemental Memorandum. While Homeland's commercial objective is profit—our home and well-being are at stake. They chose the location, not us, and their proposed site is unsuitable in terms of topography, aesthetics, and health. They break it, they bought it.

Interestingly, in their April 13, 2023, letter to your Boards, Homeland attempts to shift their mitigation responsibility onto our family property and the adjacent Preserve property. It is quite audacious for them to expect adversely affected properties to "waive any potential challenges to the Village approvals of the Facility." The Boards, Mount Kisco Code, and the SEQRA process govern Homeland's mitigation efforts. Requiring waivers from any impacted third party as a condition for an applicant's mitigation package is not only untenable but also possibly voidable as it goes against public policy. This stance undermines due process, standing, and sets an unfavorable precedent for your Boards.

### MOVING THE MONOPOLE 14 FT SOUTH WOULD BE AN EVEN MORE VISIBLE LOCATION

It appears that Homeland's recent assertion that setbacks don't apply to them may also underlie their *sua sponte* decision to relocate the cellular tower fourteen feet from the specific spot it has been proposing for about the last three years. The said existing proposed spot is already problematic, and we have been arguing the reasons before your Boards also for about. The said current proposed spot has been included in previously filed site plans while being referenced in nearly every other supporting document submitted by Homeland.

Homeland's latest proposal to move the monopole and base structure fourteen (14) feet south should be denied for the following reasons:

1. Homeland now intends to move the monopole from a partially screened position to a worse new spot with absolutely no screening. They paradoxically claim this move is to

- save the tallest screening pine tree, which was the sole tree even partially screening the monopole at its previously proposed location—a self-contradictory assertion.
- 2. After three years of challenging Homeland's proposal for being too close to our property, they now unilaterally seek to move it even closer to our western property line.
- 3. The currently proposed location has been cited for nearly three years and was even the subject of a balloon test—so we could all assess the impact at that specific location.
- 4. All of Homeland's studies and proposals have been based on a specific location on this poorly chosen site, which has been viewed extensively during several site visits by the Planning Board, ZBA, Village Board of Trustees, and the public.
- 5. Although a fourteen-foot (14') shift might not appear significant on paper, it is essential to maximize the monopole's screening from our home in order to avoid exacerbating the adverse effects (even more intrusive and impactful) from Homeland's poorly chosen leased location from the entire 25-acre parcel. (See 2021 monopole simulation and May 2, 2023, view from our home.) The newly proposed move would place the entire cell tower front and center in the gap visible at the end of our property. The tree(s) we have sought to protect, and that Homeland themselves assured us could be saved during the site visit, were intended to provide the only partial screening available for the monopole. Now, Homeland seeks to unilaterally move the monopole 14' to a location with virtually no on-site screening. Their new plan worsens the situation, rather than improving it.

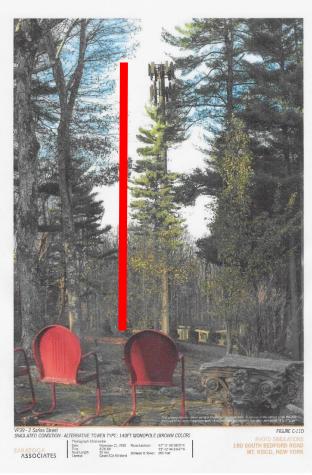


Image 2021. Emphasis added herein; red indicates my estimate of the monopole positioned 14' south.



Image taken May 2, 2023; emphasis added. Red indicates my estimate of the monopole positioned 14' south, while yellow represents my estimate of the previously proposed location.

For the past three years, the monopole has been proposed to be located partially behind the cluster of tall pines along the right side of our property line when viewed from our home. Their newly proposed move would be even worse than their previous presentations. Given the aforementioned points, Homeland's recent proposal to move the monopole fourteen feet to an even more conspicuous spot should be denied outright without further consideration. Alternatively, if Homeland insists on the new location, they should perform another balloon test at the newly proposed, more visible spot. Otherwise, their prior balloon test was misleading and invalid for the Boards and the public. Moreover, if they still insist on the new spot after the balloon test, Homeland should be required to cover the cost of installing the tallest new tree from Rosedale Nurseries, Inc., Hawthorne, NY, as an entirely separate expense and mitigation measure from all other recommendations made thus far and to pay for and arrange for the installation of the tallest new tree from the Rosedale Nurseries, Inc. Hawthorne, NY, Hawthorne referenced in my March 9, 2023, Memorandum:

It is suggested that a *significant* liquidated damages sum payable to our property (2 Sarles Street) reflecting damage to one of the said existing seventy-foot plus pine trees. Any damage would cause irreparable adverse visual impact and corresponding additional devaluation to our family property. (Note: the tallest Norway Spruce sold by Rosedale Nurseries, Inc. is 26XX ft.) *Emphasis added*.

March 9, 2023 Memorandum, page 3, last paragraph.

The representative from Rosedale Nurseries advised that such a tall tree would require installation by crane.

### MONOPOLE SHOULD INSTEAD BE EQUITABLY RELOCATED ALL THE WAY TO TOP OF THE HILL

Since Homeland now impliedly acknowledges that the current site they have been proposing is unsuitable and wants to move the monopole, they should go ahead and relocate it to the top of the hill. If Homeland seeks to move the monopole at all—then every reason which they have in favor of that the new surprise situs would exist and be beneficially amplified with *a relocation to the top of the hill* since, once again, the best mitigation would be a fair relocation to the abandoned tennis court with a level foundation, no tree canopy to remove, existing dense screening of base compound and approximately half to two-thirds of monopole / monopine, adjacent to the center of ongoing proposed industrial complex at top of hill, and essentially equidistant from all residential properties.

Homeland's own Revised Site Plan can be viewed as support for a further relocation of the entire small leased space. A glance at Homeland's Revised Site Plan TR-1 clearly shows that the "500' TOWER SETBACK" radius would fit perfectly at the top of the hill without violating any residential setback. A mere half-inch adjustment on the TR-1 plan effectively resolves the issue for everyone.

Homeland has never been properly incentivized to effectively pursue relocation to that area, either from the landlord or the solar applicant as a potential sub-landlord, and they rely on claims that it's too visible and the landlord will not permit it (a reminder that they may have had their chance at different locations on the parcel—we cannot know for sure since they have not released their lease(s) as previously requested by both the Planning Board and ZBA). It was, and remains, Homeland's responsibility to satisfy the least impactful and intrusive means of addressing the alleged coverage gap that only they appear concerned about. Your Boards have the power to deny the application at this abhorrent currently proposed location. We look to you to protect us and our properties as you would want your own families protected by our Mount Kisco government, and not merely cast us aside.

## GATE SHOULD BE LOCATED JUST BEYOND DRIVEWAY ENTRANCE TO THE 25-ACRE PARCEL

The applicant presents a suitable "ENTRANCE GATE DETAIL" on the Revised Site Plan C-8. However, the location is not easily identifiable on any of the pages. If it is not already planned for the lower driveway location, it must be placed there to be effective. Before the driveway entrance deteriorated to its current state, several vehicles a day would drive up to the top or park their vehicle at any convenient spot along the driveway and explore the area. If the entrance and driveway were improved, we could reasonably anticipate an increase in vehicles attempting to drive up the driveway to walk around, view the tower up close, explore, or engage in potentially more nefarious activities, as I have previously detailed for the Planning Board. Vehicles could improperly park and turn wherever convenient for the driver, as they have done in the past, and possibly engage in even more disruptive behaviors in the future. Therefore, if not already planned for that location, the gate should be installed in the lower portion of the driveway, close to the entrance but leaving enough room for a vehicle or two to stop, unlock the combination lock, and open the gate for proper and authorized entry only.

## PENALTY FEE, OR LIQUIDATED DAMAGES, FOR PRESERVED TREE(S) DAMAGE

During the last site visit by the Planning Board, Homeland indicated that the three tallest pines could be preserved and protected during tower installation at the location *before* their newly proposed move. At that site visit, there was a recommendation for a penalty or liquidated damages clause to be required by Homeland in the event the applicant, its agents, and/or representatives damages or destroys one of the aforementioned irreplaceable trees. As I have previously stated, a penalty would serve to optimize efforts against careless construction or maintenance. In Homeland's Revised Site Plan SP-4, we see in note "7" that Homeland will seek to pass the responsibility for any tree damage onto its contractors:

"7. THE CONTRACTOR IS RESPONSIBLE TO PROTECT, REPAIR AND/OR REPLACE ANY DAMAGED STRUCTURES, UTILITIES, OFF-SITE PROPERTIES, OR LANDSCAPED AREAS." Homeland's Revised site plan in SP-4. (See also, L-2, no. 18.)

Replacing a damaged existing 100 ft pine tree in kind is impossible for a contractor. Therefore, it is prudent to include a penalty or liquidated damages clause specifying a predetermined amount to be paid as damages for failure to perform under a contract or breach a condition thereof (such as damaging an irreplaceable and critical screening tree). The sum should be significant enough to encourage the applicant, its agents, workers, contractors, or other representatives to exercise caution in avoiding contact with those trees and protecting the root system. However, this risk should be borne by the applicant and not further harming our property's aesthetics, by Homeland maintaining the proposed monopole at the previously selected location, which allows at least partial screening, rather than moving it 14 feet away to a new spot where it would have zero screening. Homeland picked their postage-stamp sized lease which doesn't allow for on-site mitigation. It's their self-created hardship, and their corresponding responsibility to make it work according to Hoyle.

A suggested formula, only applicable if damage occurs, should resemble treble damages – three times a determined sum, such as the devaluation of property due to an unobstructed view of the tower. Additionally, consider that purchasing, delivering, and installing the tallest mentioned tree may cost between \$10,000 and \$12,000 – and that's for a 26-foot Norway Spruce. According to the SavaTree Assessment (part of Homeland's April 13, 2023, submission) Report dated April 7, 2023, on page 3, second paragraph: "[t]he tallest trees at this site are currently 100-110 feet tall."

### OFF-SITE MITIGATION MEASURES LACK ITEMIZATION BY HOMELAND

Although Homeland may not be directly responsible for implementing off-site mitigation measures, they are accountable for the associated costs. In their April 13, 2023, letter to the ZBA and Planning Board, Homeland states that they "consent to the mitigation measures contained therein as conditions of approval by both the Zoning Board of Appeals and Planning Board." However, their submission does not provide specific details regarding the off-site measures they have agreed to or how the mitigation costs were itemized. For your reference, here are some of the primary mitigation measures recommended in both Michael Musso's HDR Report dated February 27, 2023, and my March 9, 2023, Memorandum.

### OFF-SITE FENCING AND EARTHEN BERM

In the HDR Report's "Mitigation Options" on pages 16-17, the second paragraph recommends "Fencing and Earthen Berm with Plantings," stating:

"Fencing—along portions of the eastern edge of access road [2 Sarles Street property]. Brown pressure treated composite wood. Height can vary from 6 ft to 8 ft. Similar to compound fencing."

"Berm—along portions of the eastern edge of access road, on the "inside" (or 2 Sarles Street property side) of the fencing. Taper in height (3 ft – 4 ft and width (5 ft to 8 ft wide) to allow mix of plantings (shrubs) and deciduous and/or coniferous trees on top. Roughly 325-350 linear ft for extent along access road where fencing / berms may be placed."

The revised site plan does not indicate any such off-site composite fencing or berm to help screen our family property from the monopole base compound and, hopefully, a part of the lower monopole. Fencing and a dirt berm are essential components of the mitigation measures and have been omitted by Homeland in the Revised site plan.

Since neither the fencing nor berm, nor any of the following items for that matter, were specifically included in the revised site plan or accompanying Homeland documents, it is impossible to determine what may or may not have been included in the sum proffered by Homeland for the 2 Sarles Street mitigation fund.

### **OFF-SITE TREES and SHRUBS**

Page 18 of the HDR Report suggests "Plantings—10-15 new deciduous and coniferous trees and shrubs (mix)..." However, based on my review of similar screened distances and density, more than 15 new trees would be needed to facilitate screening in an organic-looking setting to match the rest of our family property. It is submitted that about 30 trees, plus various shrub varieties, would be required. The trees should be a mix of Norway Spruces, Green Giants, a few dogwoods, and other successful local growth trees. The shrubs should be a mix of many local varieties—all deer-resistant and consistent with other areas of our family property.

### TRANSPLANTING EXISTING TREES and SHRUBS

Transplanting some existing trees and shrubs: two (2) existing specimen trees, six (6) small fruit trees, and three (3) "Beauty Bushes," to make room for the dirt berm.

### IRRIGATION INFRASTRUCTURE

The trees and shrubs in that far western area lay beyond our water source (well) and some irrigation infrastructure would be needed to maintain all the numerous plantings.

### **STONES**

Stones are necessary for constructing short walls and terraces along the new dirt berm. An estimated 12-15 yards of "Loose Native Fieldstone" from Bedford Gravel should be acquired to

create a series of intermittent short walls and terraces. These structures will help stabilize the berm and protect the trunks and roots of existing tall pine trees by wrapping around them.

### SHED

The idea of a wood structure or wooden shed was included in both the HDR Report (Page 18 of HDR Report) as well as my own Memorandum. For effective visual screening of the monopole, base, and/or a portion of the lower driveway from our property and home facing 180 South Bedford Road, the shed should be taller (closer to a 1 ½ or 2 story structure) than a basic shed. Alternatively, it could feature a large cupola or belvedere on top for added screening. These types of sheds are readily available at the Carmel Home Depot.

### WARRANTY

Homeland should provide a warranty for all trees and shrubs, covering their replacement in the event of failure within the first five years. Additionally, as previously mentioned, it is recommended that an annual service agreement be established with a reputable tree service company to help ensure the health and survival of the newly planted vegetation.

### KNOTWOOD INFESTATION WITHIN DRIVEWAY U-TURN REQUIRES PROFESSIONAL REMOVAL

Based on information gathered during Earth Day and subsequent research, there is a cluster of Japanese Knotweed at the inside of the driveway's first U-turn (i.e., closest to our family property). This infested area is identified on SP-3 of Homeland's Revised Site Plan, precisely where the "PROP.GRAVEL DRIVEWAY WIDENING FOR FIRE TRUCK ACCESS (TYP.)" is proposed.



Japanese Knotweed inside of the driveway's first U-turn; image taken May 2, 2023

Japanese Knotweed is an incredibly aggressive invasive plant species that is notoriously difficult to eliminate due to its strong root and rhizome system, which extends deep into the ground. The root structure of knotweed is so robust that it can grow through and worsen small cracks in paving, tarmac, building foundations, and flood defenses. With up to two-thirds of the mature plant's biomass stored underground in its extensive rhizome systems, a single established plant can have rhizomes reaching 3 inches in diameter, extending horizontally between 20 and 60 feet, and penetrating 6-10 feet downward in suitable soils. The plant spreads not only through rhizomes but also through stem material, necessitating proper and careful disposal of all plant material to prevent further proliferation. Although sprouting is more likely near the soil's surface, it has been observed from fragments up to 39 inches deep.



Japanese Knotweed at the inside of the driveway's first U-turn; image taken May 2, 2023. Weeds early seasonal stage of sprouting.

The invasive species' extensive underground root system can extend beneath the driveway to our western property, or its seeds and/or cuttings can be blown onto our property by wind and rain. Knotweed has been known to cause significant structural damage to weak points in masonry and property foundations, damage and blockages to underground drains, ruined driveways and patios, and the collapse of boundary walls.



Japanese Knotweed at the inside of the driveway's first U-turn; this closer image taken May 2, 2023

As I previously presented to the Board in my March 9, 2023, Memorandum, the proposed monopole would significantly devalue our property. Now, it appears we are confronted with this additional challenge which poses an issue which will only worsen and spread if neglected or improperly managed. Control and removal of a knotweed infestation can be challenging and time-consuming, but if left untreated, the plant will continue to grow unchecked, causing various problems. Eradicating this invasive plant requires time, consistency, and repetition.

The knotweed cluster at hand is situated on the steep slope between a residential property utilizing well water and a nature preserve—home to numerous birds and wildlife. If mechanical methods are insufficient, herbicide injection can be effective while minimizing harm to surrounding plants and wildlife. Professional eradication of this knotweed cluster must be performed prior to any disturbance at the said location to prevent its spread and resulting damage. It is important to emphasize that herbicides or other chemical methods can be harmful to humans, animals, and the environment, and could contaminate groundwater.

### **FOLLOW-UP CONCERNS**

- 1. Who is going to maintain control and responsibility over satisfactory maintenance of:
  - a. On-site new tree and shrub plantings?
  - b. Upkeep of on-site fencing, compound, and monopole?
  - c. How should those individual(s) responsible to be contacted?
- 2. Homeland's Revised site plan, SP-3 shows a curb along the east side of the driveway at the first U-turn to begin at a certain point approximately in the middle of the apex.

However, that curb should begin at a location further along the driveway at least just past the turn to protect 2 Sarles Street from excess water flow running down the driveway and spilling directly onto our property's Northwestern area. Also, in a recent winter, a snow plow was used next door and the entire second run of the driveway was plowed directly onto our western property rather than sweeping it around the turn and depositing it along the South Bedford Road border area. That damaged our row of beauty bushes and will continue to do so if not protected. Those screening bushes, plus any other trees and shrubs added for screening, would also be at risk of such damage.

- 3. To facilitate delivery and installation of soil for berm, trees, shrubs, and stones to driveway for deliveries of soil, trees, shrubs, and stones to that western portion of our family property, we will need permission to use the access road.
- 4. Salt should not be used for plowing since the neighboring properties are on wells and cannot afford for the aquifer to become contaminated. Similarly, pesticides should not be used for broad application over large areas.
- 5. A silt fence or disturbance fence is requested to be installed along the eastern side of the driveway along our western property line so that contractors and other workers unfamiliar with the property boundaries or to avoid careless encroachments.
- 6. Variances may be needed to effect creation of the berm, fencing, and shed. We need a longer and higher area screening the driveway near monopole and its base from our bedroom windows on the second floor facing west. A shed would likely need to be higher and larger than the Code permits without a building permit, thus, a variance(s) will be necessary.

Thank you to the members of the Planning Board, Zoning Board of Appeals, and staff for your time and consideration of all the foregoing.

LAW OFFICES OF

# SNYDER & SNYDER, LLP

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TARRYTOWN, NEW YORK 10591
(914) 333-0700

FAX (914) 333-0743

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

April 4, 2023

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

REPLY TO:

TARRYTOWN OFFICE

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LESLIE J. SNYDER

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445 PARK AVENUE, 9TH FLOOR

NEW YORK, NEW YORK 10022

DAVID L. SNYDER (1956-2012)

> Honorable Chairman Wayne Spector and Members of the Zoning Board of Appeals Village of Mount Kisco 104 Main Street Mount Kisco, New York 10549

> > Re: 180 S. Bedford Road

Homeland Towers, LLC & Verizon Wireless

Honorable Chairman Spector and Members of the Zoning Board of Appeals:

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

Enclosed please find as Exhibit 1 the public notice that is being published and mailed in connection with the April 18, 2023 public hearing. As you recall, the first public hearing in connection with this matter was closed on March 21, 2023. A new public hearing has been necessitated by the Village for the reasons set forth below. The Applicants respectfully request any necessary variances that the Village deems are required.

# I. Fence Height:

The Planning Board has requested that the security fence be increased in height to ten (10) feet and the Building Inspector has determined that the fence height is limited to six-and-a-half (6.5) feet. See Exhibit 2. In an effort to accommodate the request of the Planning Board, the Applicants hereby request a height variance for the fence, and in the alternative, appeal the Building Inspector's determination that a fence height variance is required.

With respect to the appeal, please note that Section 110-27.1(E)(6) of the Village Code states: "Security fencing. Security fencing, showing the location, materials and height, shall be provided around each tower or monopole to secure the site and provide an opaque banner. Access to the structure shall be through a locked gate." Thus, the Planning Board has the authority under the special permit criteria to allow the fence of any height.

Based on the foregoing, we respectfully request a determination that no fence height variance is required, or in the alternative the fence height variance.

### II. Setbacks:

The Applicants hereby request any additional or new variances under Section 110-27.1(E)(5) of the Village Code as now interpreted by the Building Inspector, and in the alternative the Applicants appeal the determination that such additional or new variances are required based on the following:

1. In late 2020 the Building Inspector issued a series of four (4) memos setting forth his official interpretation of the Village Code, including the setbacks under Section 110-27.1(E)(5). See Exhibit 3. On November 4, 2020, the Applicants expressly appealed the Building Inspector's interpretation of the necessary variances, stating clearly that: "The Applicants respectfully file this application to appeal the Building Inspector's Interpretation, or in the alternative to request any necessary area variances for the Facility." See Exhibit 4, including cover letter and memorandum of law. The Building Inspector's analysis with respect to the required setback variances was very detailed and specific. The Applicants relied upon this interpretation, as did the Zoning Board itself in approving the public notice. See Exhibit 5.

Section 110-27.1(E)(5) states:

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

Nothing in Section 110-27.1(E)(5) referees a setback from the property line. It only refers to separation from residential dwellings. In contrast, Section 110-27.1(C) expressly applies the underlying setbacks to the property line for the Facility, which the Facility meets. Moreover, Section 110-59 of the Village Code defines a setback as: "The horizontal distance from a lot line to the part of the building which is nearest to such lot line." The term building is defined in the Village Code as: "Any structure having a roof

supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals and/or property." The Facility does not include any structure that meets the Village Code definition of building, and thus no setbacks apply. Accordingly, the only setback requirement that requires a variance is the separation to residential dwellings as originally applied for and discussed during the public hearing that was closed on February 21, 2023. No additional setback variance is required.

- 2. Other than the Applicants' appeal, no other appeal was taken by any third party within the required appeal period.
- 3. The Building Inspector's interpretation was the correct interpretation of the Village Code.
- 4. Other functionally equivalent competitors of Verizon Wireless were permitted without the need for these new and additional variances, and thus to require such variances here is arbitrary, capricious and unreasonably discriminatory in violation of both State and federal law.
- 5. Tellingly, the Building Inspector on the record at the February 21, 2023 public hearing stated that if he wanted to change his prior determination, he "would have already done so" and that he made the same determination for another application. See https://vimeo.com/801354044.
- 6. Since the application was filed, the Village Board amended the Village Code to expressly require the enforcement of various special permit criteria to wireless facilities located outside of the Overlay District, when such criteria had not been previously applied to other facilities. However, the Village Board chose not to amend the Village Code related to the setback issue discussed herein. Clearly, the Village Board had ample opportunity to amend the code to correct any misinterpretation that it believed the Building Inspector may have made dating back to 2020 in this application, and even earlier in other applications.

The FCC shot clock has been extended many times by the parties and is scheduled to expire on April 28, 2023. In the event the Zoning Board determines that the height of the tower (as appealed in the original filing) and the fence (as being appealed here) are within the purview of the Planning Board, then we respectfully request that the Zoning Board approve any necessary setback variances on April 18, 2023 as Type II actions under SEQRA. However, if the Zoning Board determines that the height of the tower and fence are subject to the issuance of variances, then the Zoning Board, having already consented to a coordinated SEQRA review, must await the Planning Board's action on SEQRA. In which case we respectfully request that the Zoning Board schedule a special meeting on April 26, 2023. Please note that we request any necessary

variances the Village deems necessary and hereby incorporate the entire administrative record form the first public hearing process into this process.

We thank you for your consideration. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

Bv

Robert D. Gaudioso

**Enclosures** 

RDG/djk

cc: Pla

Planning Board Building Inspector

**Applicants** 

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\ZBA Letter 4-3-23.rtf

# Exhibit 1

## PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 18th day of April 2023 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Application of Homeland Towers, LLC and Verizon Wireless c/o Snyder & Snyder, LLP 94 White Plains Road, Tarrytown, NY 10591, for its proposed wireless telecommunications facility at the Property identified as 180 S. Bedford Road, Mount Kisco, NY 10594 and described on the Village Tax Map as Section 80.44 Block 1 Lot 1 requires certain variances. The Property is located on the South side of South Bedford Road in a Conservation Development Zoning District. Application being made to obtain variances from §110-27.1(E)(5) for: (1) having a personal wireless service facility within 500 foot of a residential dwelling with the tower being approximately 295 feet from the naturalists cottage at the Marsh Sanctuary and approximately 390 feet from the residential dwelling at 2 Sarles Street and variances of approximately 205 feet and 110 feet, respectively; and (2) a setback of less than 1,130 feet from all property lines where the tower is approximately 171' to northerly property line, approximately 103' to easterly property line, approximately 1,094' to southerly property line and approximately 147' to westerly property line is proposed and variances of approximately up to 959', 1,027', 36' and 983' respectively are requested. A variance is also requested for relief from maximum fence height requirement of §110-31(F)(2) Code of the Village/Town of Mount Kisco setting a maximum fence height of 61/2 feet where up to 10 feet is proposed and a variance of up to 3½ is requested, all as subject to Planning Board's required mitigation. Any other necessary variances are also requested and in the alternative an appeal that no variances are required or that the variances required had previously been applied for.

Wayne Spector, Chair Zoning Board of Appeals Village/Town of Mount Kisco

# Exhibit 2



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

March 1, 2023

Via e-mail: RGaudioso@snyderlaw.net

Robert D. Gaudioso, Esq. Snyder & Snyder, LLP 94 White Plains Road Tarrytown, New York 10591

Re: Homeland Application at 180 South Bedford Road, Tax ID 80.44-1-1

Dear Mr. Gaudioso:

For clarity moving forward, I would like to elaborate on a few items that were discussion topics raised during the last Planning Board meeting on February 28, 2023 and the Zoning Board of Appeal's meeting of February 21, 2022. For organizational purposes, and in no particular order of importance, I have set them forth in separate paragraphs.

<u>Determinations</u>. While I have drafted numerous memoranda for the Planning Board's consideration and review, with some being specific to Homeland and others addressing issues on the SCS Sarle's application, those documents merely reflected my then-current views based upon various evolving application issues, and were not denial letters or "determinations" so as to start the sixty (60) day period within which your client or any aggrieved parties must appeal. Inter-office memos to the Planning Board are not "determinations" as they do not authorize or prohibit any particular component of your client's application, nor are they filed in my office or the village clerk's office as "determinations" so as to commence an appeal period under Village Law § 7-712-a (5)(b).

Scope of Requisite Variances. As you are well aware, the property owner has authorized and the Planning Board has been entertaining two applications for the above-referenced property. While you may deem them as independent of one another, from a zoning perspective, they clearly are not. The interrelation of these applications and the dual siting and implementing of the two projects rather than one, may well trigger variances that might not otherwise be required, or amplify the degree of variance necessary. This coupled with the evolving nature of your client's application, including changes such as: (1) an increased fence height variance raised in last evening's Planning Board meeting and (2) the need for a variance for tower height being necessary only in the event that the special permitting authority denies the proposed height, makes pinning down required variances an ever-changing task.

It is for the reasons set forth above, that I have never issued any denial letters or otherwise made "determinations" commencing any appeal clock. Based upon the above, in my view, your statements at the last Zoning Board of Appeals meeting suggesting that any appeals period had expired was incorrect.

Logistics Moving Forward. At the last Zoning Board meeting, you indicated that your client would like to move forward with its pending application for interpretation/variances in their current form. While this is certainly Homeland's prerogative, I do not want there to be any misunderstanding or confusion as to my position. Based upon the present status of your application, there will likely be additional variances necessary for this project to be completed. Based upon my discussion with the Village Attorney, my further review of the current status of the project and what happened at the last Planning Board meeting, I believe that the requested variance from the separation requirement contained in Village Code § 110-27.1 E(5) will be a variance in the amount of 500 feet, less the shortest distance to the base of the tower and to the nearest dwelling. There will also be a setback variance needed once the actual height of the tower is determined [Village Code § 110-27.1 E(5)]. Furthermore, unless the applicant demonstrates to the satisfaction of the board granting the special permit that a greater height is necessary, Homeland would need a variance from the maximum permitted tower height [Village Code § 110-27.1 E(3)]. Additionally, as raised at the last Planning Board meeting, if the fence height around the structure is going to exceed the maximum permitted fence height of 6½ feet, another variance will be needed [Village Code § 110-31(F)(2)].

If Homeland does not wish to amend and re-notice its application now to seek this additional relief, that is its prerogative. However, I do not want to misconstrue as to the scope of variances that is ultimately going to be needed. As the application progresses and amended plans are submitted, I think it is important that we confer as to precisely what those remaining variances will be.

Peter Miley

Sincerely.

**Building Inspector** 

Ccs: Planning Board

Zoning Board of Appeals

Whitney Singleton, Attorney for the Town/Village

File

# Exhibit 3



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

# **MEMORANDUM**

TO:

Chairman Doug Hertz and Members of the Planning Board

FROM:

Peter J. Miley, Building Inspector

SUBJECT:

Homeland Towers, LLC

Public Utility Wireless Telecommunications Facility

180 S. Bedford Rd. Tax Parcel No: 80.44-1-1

DATE:

September 1, 2020

### **PROJECT**

Proposed by Homeland Towers, LLC is the construction of a new Public Utility Wireless Telecommunications Facility ("cell-tower") to be located at 180 S. Bedford Road (SBR). 180 SBR is a 25 +/- acre parcel that is located in the Conservation Development District (CD) Zoning District. The proposed Public Utility Wireless Telecommunications Facility is a separate application with no connection to the application currently under review by the Planning Board for the installation of a Ground Mounted Solar Facilities, application No. PB2020-0395 proposed on the same parcel. Homeland Towers, LLC ("the applicant") seeks a Special Use Permit, Site Plan Approval and a Steep Slopes Permit from the Planning Board in accordance with Sections 110-27.1(H). 110-45(A) and 110-33.1 of the Village Zoning Code.

The CD Zoning District, by the issuance of a Special Permit by the Planning Board, allows for Tier 3 – Ground Mounted Solar Facilities. However, regarding a Public Utility Wireless Telecommunications Facility, 180 S. Bedford Road ("the property") is located <u>outside</u> of the § 110-27.1. PWSF Personal Wireless Service Facilities Overlay Zoning District which is an overlay district that is "<u>intended</u> to provide a suitable choice of locations for establishment, construction and maintenance of personal wireless service facilities."

Pursuant to § 110-7. CD Conservation Development District. A. Purpose and intent:

"is to permit single-family residential development at relatively low densities, consistent with the long-range planning objectives of the Village, which development is designed to maintain, preserve and enhance the natural and manmade environment of the lands within and adjacent to the district. In adopting this

district, the Village Board of the Village of Mount Kisco declares its intent to encourage well-planned residential site development by establishing flexible zoning controls that are designed to assure maximum conservation and efficient utilization of land."

The proposed cell tower project will require that 33 trees – greater than 4" caliper be removed.

## **STRUCTURES**

The proposed Public Utility Wireless Telecommunications Facility includes the installation of a 140 ft. monopole (145 ft. is the total height including "peak of faux treetop") that is designed to resemble a large Pine Tree ("Monopine") and designed to support multiple — "four-sided" Verizon Antennas. The proposed design also includes three lower areas on the Monopine for future colocation of other carriers. In addition, the fenced compound will also contain multiple equipment cabinets, a diesel generator and four future equipment areas contained within the 8 ft. high, 3,472 sq. ft. "fenced-in" area.

### THE PROPERTY

The proposed Public Utility Wireless Telecommunications Facility is located on the same twenty-five (25) acre parcel as the proposed Tier 3 Ground ☐ Mounted Solar Facility.

Pursuant to Chapter 110. Zoning Article III. District Regulations § 110-7. CD Conservation Development District. (3):

"Lot regulations for places of Tier 3 solar energy facilities. (a) Minimum lot area and site requirements: <u>25 acres parcel</u> having frontage and access on a county or state road."

The proposed Public Utility Wireless Telecommunications Facility location would reduce the minimum lot area requirement of 25 acres by approximately 3,472 sq. ft. for a Tier 3 Ground-Mounted Solar Facility.

## **LOCATION**

The location of the cell-tower compound is 127 ft. south from the north property line that runs parallel to S. Bedford Road and 388 ft. from the residential home.

The proposed Public Utility Wireless Telecommunications Facility is in the CD Zoning District which is located "outside" of the Personal Wireless Facilities Overlay District. Section 110-27.1 titled "PWSF Personal Wireless Service Facilities Overlay District" was adopted on 10-21-1996 by Local Law No. 3-1996. Pursuant to § 110-27.1 H, the Planning Board is the permitting agency for Special Permits that are either within the Overlay District or outside the Overlay

District on non-Village-owned land. § 110-27.1 H sets forth a completely different and additional set of criteria by which to evaluate such applications [§ 110-27.1 H (1)-(4)] and shall be permitted only if:

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

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

Therefore, a Special Permit can only be issued by the Planning Board upon the applicant's submission of documentation by the RF Engineer that sufficiently satisfies, and has met the four (4) criterion set forth above.

# **ZONING**

• Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. Exceptions to yard requirements. (2) Fences, hedges or walls, other than retaining walls, that are not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence, wall or hedge, other than a retaining wall, that is erected in any front yard shall not have a height in excess of four feet. With respect to all new fence installations or replacements, the finished or formal presentation side of said fence shall face the adjacent property or street. Proposed is an 8 ft. fence that surrounds the compound and therefore; a 1 ft. 6 in. fence variance is required.

### APPROVALS REQUIRED

- Site Plan Approval
- Special Permit
- Steep Slopes Permit
- Zoning Board
- Public Hearing Required

### PM/mkr



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

## **MEMORANDUM**

TO:

Vice Chairman John Bainlardi and Respected Members of the Planning Board

FROM:

Peter J. Miley, Building Inspector

SUBJECT:

Homeland Towers, LLC

Public Utility Wireless Telecommunications Facility

180 S. Bedford Rd. Tax Parcel No: 80.44-1-1

DATE:

October 6, 2020

### **PROJECT**

Proposed by Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless ("the applicant") is the construction of a new Public Utility Wireless Telecommunications Facility ("cell tower") to be located at 180 S. Bedford Road ("the property"). 180 S. Bedford Road is a 25 +/- acre parcel that is located in the Conservation Development (CD) Zoning District. The proposed cell tower location is on the same 25-acre parcel that is currently under review by the Planning Board for the installation of a Ground-Mounted Solar Facility application No. PB2020-0395. Homeland Towers, LLC, and New York SMSA Limited Partnership d/b/a Verizon Wireless requires a Special Use Permit, Site Plan Approval, and a Steep Slopes Permit from the Planning Board in accordance with Sections 110-27.1, 110-46, 110-45 and 110-33.1 of the Village Zoning Code. Sunrise Community Solar, LLC ("Sunrise") also has an existing (pre-dating) application for a Special Use Permit, Site Plan Approval, and a Steep Slopes Permit from the Planning Board for a Tier-3 Solar Farm on the very same site. While the applicants are unaffiliated, they are proposing separate commercial projects on the same parcel of land and have timed the submissions of their respective applications in such a manner as to result in confusion in the process and misrepresentation as to the scope of the project, requiring certain recusals and hiring of outside consultants. Accordingly, reference to Sunrise in this memorandum is not because the applications are joint, but because each application bears upon the other as to the site-wide impacts and overall compliance with underlying zoning regulations.

### **PROPERTY**

180 S. Bedford Road (AKA Route 172) is located <u>outside</u> of the § 110-27.1. PWSF Personal Wireless Scrvice Facilities Overlay Zoning District. The PWSF Overlay District is the preferred location "<u>intended</u> to provide a suitable choice of locations for establishment, construction and maintenance of personal wireless service facilities." Siting personal wireless service facilities <u>outside</u> of the Overlay District is only permitted when the additional provisions of §110-27.1 H are all satisfied.

Pursuant to § 110-7. CD Conservation Development District. A. Purpose and intent:

"Is to permit single-family residential development at relatively low densities, consistent with the long-range planning objectives of the Village, which development is designed to maintain, preserve and enhance the natural and manmade environment of the lands within and adjacent to the district. In adopting this district, the Village Board of the Village of Mount Kisco declares its intent to encourage well-planned residential site development by establishing flexible zoning controls that are designed to assure maximum conservation and efficient utilization of land."

Pursuant to Chapter 110. Zoning Article III. District Regulations § 110-7. CD Conservation Development District.

"(3) Lot regulations for places of Tier 3 solar energy facilities. (a) Minimum lot area and site requirements: 25 acres parcel having frontage and access on a county or state road."

The Public Utility Wireless Telecommunications Facility, would reduce the minimum lot area by approximately 3,472 +/- sq. ft.

### **LOCATION**

The proposed cell tower and equipment compound will be located 127 feet south, starting at the north property line which runs parallel to S. Bedford Road. The property also runs south to southeast along and fronts Sarles Street. The proposed cell tower location is 388 feet to the closest residence (east) and will encroach 73 ft. into the 200 ft. buffer requirement for a Ground-Mounted Solar Facility.

Pursuant to § 110-7. CD Conservation Development District C. Development regulations (c) additional regulations.

[4] Buffers shall be designed to effectively limit the visibility of the development from surrounding uses and shall principally include areas left substantially in their natural state, although the Planning Board may require that portions of said buffer areas be landscaped with grass, trees, shrubs or other ground cover or treatment to effectively limit the visibility of the development from surrounding areas. No parking, loading or buildings shall be permitted in said buffer areas, with the exception of preexisting buildings; a gate or security house of not greater than 125 square feet in floor area and 15 feet in height; and required utility structures designed to service the proposed development. Any new accessory structure located in a buffer area shall be permitted upon approval of the Planning Board. The minimum depth of said buffer area may be reduced by the Planning Board under site plan approval where the uses on each side of a common property line are generally similar in nature, but in no event shall such reduction exceed 50% of the hereinbefore mentioned buffer area depth.

- [5] Significant ecological features, such as trees and stands of trees of significant size or character, streams and wetlands, shall be preserved and incorporated into the landscaping of the development to the maximum extent possible.
- [6] Significant topographical features, such as steep slopes and large rock outcrops, shall be preserved, except where, in the judgment of the Planning Board, their alteration is necessary to achieve a satisfactory site plan.
- [7] All utilities shall be installed <u>underground</u> or within buildings. Plans for water and sewer service shall be subject to approval by the Village Engineer. On-site drainage facilities shall be provided so as to minimize off-site flooding. Said drainage facilities shall also be subject to approval by the Village Engineer.
- [8] If development is planned in stages, the Planning Board shall review and, if acceptable, approve the overall plan, as well as each stage, to assure that the staged development meets good planning and engineering standards.
- [9] Open space. [a] The development shall result in the preservation of open space having meaningful scenic, ecological and/or recreational characteristics, with its location, access, shape and dimensions suitable, in the judgment of the Planning Board, for the intended purposes.
- [b] The preservation of such open space shall be permanently assured by means of the filing of covenants and restrictions and/or scenic easements on the land. In addition, such land shall be conveyed to one of the following:
- [i] A private land trust that assures the permanent preservation of such land as open space; or
- [ii] An association of all property owners within the development, established in accordance with applicable law.

[c] All legal agreements and documents pertaining to the establishment of any trust or association and to the preservation and protection of all open space shall be subject to approval by the Village Board of the Village of Mount Kisco. The Village may require any additional conditions, agreements or documents which it deems necessary to ensure the completion of all improvements, the establishment of and continuity of the trust or association and the preservation and protection of all open space.

### **STRUCTURES**

The Public Utility Wireless Telecommunications Facility includes the installation of a 140 ft. monopole (145 ft. is the total height including "peak of faux/canopy treetop") that is designed to resemble a large Pine Tree ("Monopine") and support multiple – "four-sided" Verizon Antennas. At the highest point of the equipment installation (140 ft.), the Verizon four-sided array spans over 10 ft. in width on all four sides. The proposed design also includes three – lower areas on the Monopine for future colocation of other carriers. In addition, the fenced compound will also contain multiple equipment cabinets, a diesel generator and four – future equipment areas contained within the 8 feet high, 3,472 sq. ft. "fenced-in" area. Due to the slope of the area, the compound area is set on a built-up berm, the higher/elevated area will be fronting S. Bedford Road.

### SPECIAL PERMIT

Personal Wireless Service Facilities require a Special Permit pursuant to the provisions of both Section 110-46 (Special Permits) and Section 110-27.1 (PWSF Personal Wireless Service Facilities Overlay District). Pursuant to § 110-27.1 H, the Planning Board is the permitting agency for Special Permits that are either within the Overlay District or outside the Overlay District on non-Village-owned land. § 110-27.1 H sets forth a completely different and additional set of criteria by which to evaluate such applications [§ 110-27.1 H (1)-(4)] and shall be permitted only if:

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

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

- (2) That coverage cannot be provided by a personal wireless service facility located within the Personal Wireless Service Facilities Overlay District;
- (3) That all reasonable measures in siting the personal wireless service facility within the Personal Wireless Service Facilities Overlay District have been exhausted; and
- (4) That technical and space limitations prevent location or colocation in the Personal Wireless Service Facilities Overlay District.

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

As I pointed out above (Page 4 Special Permit - first paragraph) and in my previous memo dated September 1, 2020, § 110-27.1 H sets forth a completely different and *additional* set of criteria by which to evaluate such applications. Consistent with a recent memo dated April 7, 2020 Site Plan & Special Use Application located at 45 East Main Street for the proposed Personal Wireless Service Facility, New York SMSA Limited Partnership d/b/a Verizon Wireless, it was stated that all sections (as applicable) pursuant to § 110-27.1. PWSF Personal Wireless Service Facilities Overlay District shall apply to those applications that are outside of the PWSF Personal Wireless Service Facilities Overlay. Notably, that applicant and the law firm representing that applicant, are identical to the immediate application. As such they have been made previously aware of this interpretation, and never appealed same.

The criteria set forth in § 110-27.1 H is specific regarding which Board (Planning Board or Board of Trustees based on location/ownership of property) is responsible for the issuance of a Special Permit. The issuance of a Special Permit by the Planning Board does not nullify other requirements set forth in § 110-27.1 or in §110-46. Therefore, Chapter 110. Zoning Article III. District Regulations § 110-27.1. PWSF Personal Wireless Service Facilities Overlay District shall apply to 180 S. Bedford Road, Public Utility Wireless Telecommunications Facility project. By way of illustration, but not limitation, the following provisions apply:

- <u>D.</u> Data requirements. Applicants for special permits shall file with the Village Clerk 3 copies and with the Planning Board 11 copies, of the following documents:
- (1) Site plan. A site plan, in conformance with applicable site plan submission requirements contained in § 110-45 of the Zoning Law. The site plan shall show

elevations, height, width, depth, type of materials, color schemes and other relevant information for all existing and proposed structures, equipment, parking and other improvements. The site plan shall also include a description of the proposed personal wireless service facility and such other information that the Planning Board requires.

- (2) Environmental Assessment Form. A completed Environmental Assessment Form ("EAF"), including the Visual EAF Addendum. Particular attention shall be given to visibility from key viewpoints identified in the Visual EAF Addendum, existing tree lines and proposed elevations. (It bears nnoting that not all applicants have signed the EAF or application)
- (3) Landscape plan. A landscape plan delineating the existing trees or areas of existing trees to be preserved, the location and dimensions of proposed planting areas, including the size, type and number of trees and shrubs to be planted, curbs, fences, buffers, screening elevations of fences and materials used. For towers or monopoles, the landscape plan shall address the criteria set forth in § 110-27.1F(3).
  - F.(3) Landscaping for towers or monopoles. For towers or monopoles, vegetative screening shall be provided to effectively screen the tower base and accessory facilities. At a minimum, screening shall consist of one row of native evergreen shrubs or evergreen trees capable of forming a continuous hedge at least five feet in height within two years of planting. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement toward meeting landscaping requirements. Additional screening may be required to screen portions of the structure from nearby residential property or important views. All landscaping shall be properly maintained to ensure good health and viability.
- (4) Documentation of proposed height. Documentation sufficient to demonstrate that the proposed height is the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Village.
- (5) Statement regarding colocation. For new personal wireless service facilities, a statement by the applicant as to whether construction of the facility will accommodate colocation of additional facilities for future users.
- (6) Structural engineering report. A report prepared by a New York State licensed professional engineer specializing in structural engineering as to the structural integrity of the personal wireless service facility. In the case of a tower or monopole, the structural engineering report shall describe the structure's height and design, including a cross section of the structure, demonstrate the structure's compliance with applicable structural standards and describes the structure's capacity, including the number of antennas it can accommodate and the precise point at which the antenna shall be mounted. In the case of an antenna mounted on an existing structure, the structural engineering report shall indicate the ability

of the existing structure to accept the antenna, the proposed method of affixing the antenna to the structure and the precise point at which the antenna shall be mounted.

- (7) Engineering analysis of radio emissions. An engineering analysis of the radio emissions and a propagation map for the proposed personal wireless service facility. The analysis shall be prepared and signed by a New York State-licensed professional engineer specializing in electrical engineering with expertise in radio-communication facilities. The results from the analysis must clearly show that the power density levels of the electromagnetic energy generated from the proposed facility are within the allowable limits established by the FCC which are in effect at the time of the application. If the proposed personal wireless service facility would be colocated with an existing facility, the cumulative effects of the facilities must also be analyzed. The power density analysis shall be based on the assumption that all antennas mounted on the proposed facility are simultaneously transmitting radio energy at a power level equal to the maximum antenna power rating specified by the antenna manufacturer.
- (8) Map of proposed coverage and existing facilities. A map showing the area of coverage of the proposed facility and listing all existing personal wireless service facilities in the Village and bordering municipalities containing personal wireless service facilities used by the applicant, and a detailed report indicating why the proposed personal wireless service facility is required to provide service to locations which the applicant is not able to serve with existing facilities which are located within and outside the Village, by colocation and otherwise. It bears noting that the applicant's PE memorandum and propagation maps do not incorporate the reconstructed tower on Captain Merritt's Hill, as their V-Comm report shows the new tower as approved but not constructed. It also shows it as only 94 feet tall. It also shows the 45 Main Street site as proposed without any inclusion of its proposed coverage. These should be updated, as should the letter from Homeland that relies upon the V-Comm report.)
- <u>E.</u> Criteria for special permit applications. Applicants for special permits for establishment or construction of personal wireless service facilities shall meet all of the following criteria:
- (1) Necessity. The proposed personal wireless service facility is required to provide service to locations which the applicant is not able to serve with existing facilities which are located within and outside the Village, by colocation and otherwise.
- (2) Colocation. The colocation of existing personal wireless service facilities only within the Personal Wireless Service Facilities Overlay District shall be strongly preferred to the construction of new personal wireless service facilities. If a new site for a personal wireless service facility is proposed, the applicant shall submit a report setting forth in detail an inventory of existing personal wireless service facilities within the Personal Wireless Service Facilities Overlay District which are within a reasonable distance from the proposed facility with respect to coverage, an inventory of existing personal wireless service facilities in other municipalities which can be utilized or modified in order to provide coverage to

the locations the applicant is seeking to serve and a report on the possibilities and opportunities for colocation as an alternative to a new site. The applicant must demonstrate that the proposed personal wireless service facility cannot be accommodated on an existing facility within the Personal Wireless Service Facilities Overlay District or on an existing facility in another municipality due to one or more of the following reasons:

- (a) The proposed equipment would exceed the existing and reasonably potential structural capacity of existing and approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District, considering existing and planned use for those facilities.
- (b) The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be prevented or mitigated.
- (c) Existing or approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District or in neighboring municipalities do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and the applicant has not been able, following a goodfaith effort, to reach an agreement with the owners of such facilities.
- (d) Other reasons make it impracticable to place the proposed equipment on existing and approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District on existing facilities in other municipalities.
- (e) Service to the locations to which the applicant seeks to provide service cannot be provided by existing facilities within or outside the Village.
- (3) Maximum height. Unless the FCC promulgates rules to the contrary or the applicant demonstrates to the satisfaction of the board granting the special permit that a greater height is necessary, the maximum height for a tower or monopole shall be 80 feet above ground level or the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Village, whichever is less.
- (4) Minimum lot size. The minimum lot size for a tower or monopole shall be equal to the square of twice the tower's or monopole's height, or the minimum lot size required by the underlying zoning district, whichever is greater.
- (5) Setbacks. Unless the FCC promulgates rules to the contrary, all personal wireless service facilities shall be separated from all residential dwellings by a distance of no less than 500 feet. In no case shall a setback be less than 20 feet or the minimum setback required by the underlying zoning district, whichever is greater. The setback shall increase 100 feet for each 10 feet that the personal wireless service facility exceeds the maximum height set forth in the underlying zoning district. Setbacks from towers or monopoles shall be measured from the base of the structure.

- (6) Security fencing. Security fencing, showing the location, materials and height, shall be provided around each tower or monopole to secure the site and provide an opaque banner. Access to the structure shall be through a locked gate.
- (7) Architectural compatibility. Where a personal wireless service facility is to be attached to an existing building or structure, such facility shall be integrated into such existing building or structure in a manner which blends with the architectural characteristics of the building or structure to the maximum extent practicable.
- (8) Placement. Unless wall-mounted on an existing roof-mounted mechanical enclosure or similar appurtenance, all antennas mounted on a roof shall be located so that visibility of the antenna is limited to the greatest extent practicable. Antennas wall-mounted on a roof mounted mechanical enclosure or similar appurtenance shall not exceed the height of the appurtenance at the point of installation.
- <u>F.</u> Design guidelines. The proposed personal wireless service facility shall meet the following applicable design guidelines:
- (1) Finish/colors. Towers or monopoles not requiring Federal Aviation Administration (FAA) painting or marking shall either have a galvanized finish or be painted gray or blue-gray above the surrounding tree line and gray, green or tannish brown below the surrounding tree line.
- (2) Illumination. No signals, lights or illumination shall be permitted on personal wireless service facilities unless required by the FAA or other federal, state or local authority.
- (3) Landscaping for towers or monopoles. For towers or monopoles, vegetative screening shall be provided to effectively screen the tower base and accessory facilities. At a minimum, screening shall consist of one row of native evergreen shrubs or evergreen trees capable of forming a continuous hedge at least five feet in height within two years of planting. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement toward meeting landscaping requirements. Additional screening may be required to screen portions of the structure from nearby residential property or important views. All landscaping shall be properly maintained to ensure good health and viability.
- (4) Visibility. All personal wireless service facilities shall be sited to have minimum adverse visual effect on residential areas, parks or major roadways.
- (5) Signage. Signage shall be prohibited on personal wireless service facilities except for signage to identify the facility which is located along the right-of-way frontage and is approved by the Architectural Review Board. Except as specifically required by a federal, state or local authority, no signage shall be permitted on equipment mounting structures or antennas.
- G. Construction and maintenance.

(1) Time limit for completion. A building permit must be obtained within six months after approval of a special permit for a personal wireless service facility, and construction of such facility must be completed within 12 months of such approval. The special permit shall automatically expire in the event that the building department has not granted such permit and construction of the facility is not completed with the periods set forth above.

#### (2) Annual inspections.

- (a) Unless otherwise preempted by federal or state law, personal wireless service facilities, including towers, monopoles and antennas, shall be inspected annually at the applicant's expense for structural integrity, and a copy of the inspection report shall be promptly transmitted to the Building Inspector. The structural inspection shall be performed by a New York State-licensed professional engineer specializing in structural engineering. The structural inspection report shall describe the structural integrity of the personal wireless service facility, maintenance issues and repairs needed or made, if any. In the event that the structural inspections indicates structural deficiencies, then the deficiencies must be remedied within the time reasonably set by the Building Inspector.
- (b) Unless otherwise preempted by federal or state law, personal wireless service facilities, including towers, monopoles and antennas, shall be inspected annually at the applicant's expense for radio emissions, and a copy of the inspection report shall be promptly transmitted to the Building Inspector. Radio emission inspection shall be performed by a New York State-licensed professional engineer specializing in electrical engineering with expertise in radio communication facilities. The radio emission inspection shall describe the power density levels of the electromagnetic energy generated from the facility, including the cumulative effects of colocated antennas. In the event that the radio emission inspection indicates that the electromagnetic energy generated from the facility are above the allowable limits stated within applicable FCC or ANSI standards or other applicable state or federal guidelines in effect at the time of the inspection, the applicant shall cease all use of the facility until such time as it proves to the satisfaction of the Building Inspector that the power density levels of the electromagnetic energy to be generated at the facility are below the applicable standards.
- (3) Abandonment. In the event that the use of any personal wireless service facility has been discontinued by all operators on such facility for a period of 180 consecutive days or more, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Inspector, who shall have the right to request documentation from the owner/operator of the facility regarding usage thereat. Upon such abandonment, the owner/operator shall remove the facility at its own expense, and failing prompt removal, the Village may remove the facility at the owner/operator's expense. All special permits, variances and approvals of any nature granted by the Village shall automatically expire as of the date of abandonment of the facility.

Additionally, the application should comply with the provisions of §110-46 governing Special Permits, which require among other provisions set forth in § 110-46:

- A. Notice and public hearing. The Planning Board shall not decide on any application for a special permit without first holding a public hearing, notice of which hearing, including the substance of the application, shall be given by publication in the official newspaper of the Village at least 15 days before the date of such hearing. In addition to such published notice, the applicant shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lies within 300 feet of the property for which approval is sought and to such other owners and by such other means of notification as the Planning Board may deem advisable.
- B. (1) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
  - (2) That, in addition to the above, in the case of any use located in or directly adjacent to either a residence district or a district in which residential uses are permitted, the location and size of such use, the nature and intensity of operations involved or those conducted in connection therewith and its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the residential uses or conflict with the normal traffic of the neighborhood.
- C. Each application for a special permit shall be accompanied by a proposed plan showing the size and location of the lot and the location of all existing and proposed buildings and facilities, including access drives, parking areas and all streets within 200 feet of the lot.

#### ZONING

The proposed Public Utility Wireless Telecommunications Facility is located in the CD Zoning District which is located "outside" of the Personal Wireless Facilities Overlay District. Proposed shall comply with all requirements set forth in the § 110-7. CD Conservation Development District; § 110-27.1. PWSF Personal Wireless Service Facilities Overlay District; § 110-45. Site Plan Approval and; §110-46. Special Permit § 110-33.1. Natural Resources Protection regulations.

#### VARIANCES REQUIRED

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

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

Proposed is a total height including a faux tree canopy of 145 feet, 65 feet more than is permitted in the CD Zoning District. Unless the applicant can demonstrate to the satisfaction of the board granting the special permit, that a greater height is necessary, the maximum permitted height is 80 feet above ground level or the minimum height necessary to provide service to locations which the applicant is not able to serve with existing facilities within and outside the Village, whichever is less. As proposed, a 65 ft. maximum height variance is required.

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

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

The proposed cell tower is located in the § 110-7. CD Conservation Development District. The maximum height permitted in the CD zoning district is 35 feet. Proposed is a Monopine with faux tree canopy totaling 145 feet, this is 110 feet higher than what is permitted in the CD Zoning District. Proposed is a setback distance of 388 feet to the closest residential home, a 1,600 feet setback to a residence is required; therefore, a 1,212 ft. setback variance is required.

Additional information regarding the distance to care-taker cottage located at the Marsh Sanctuary has not been provided, the setback variance required may increase.

3. Pursuant to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations.

"Exceptions to yard requirements. (2) Fences, hedges or walls, other than retaining walls, that are not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence, wall or hedge, other than a retaining wall, that is erected in any front yard shall not have a height in excess of four feet. With

respect to all new fence installations or replacements, the finished or formal presentation side of said fence shall face the adjacent property or street."

Proposed is an 8 ft. fence that surrounds the compound and therefore; a 1 ft. 6 in. fence variance is required.

4. Pursuant to Chapter 110. Zoning Article III. District Regulations § 110-7. CD Conservation Development District. (3):

Lot regulations for places of Tier 3 solar energy facilities. (a) Minimum lot area and site requirements: <u>25 acres parcel</u> having frontage and access on a county or state road.

The proposed Public Utility Wireless Telecommunications Facility would reduce the minimum lot area by 3,472+/- sq. feet which creates an area that is less than the required 25 acres for the installation of a Tier 3 Ground-Mounted Solar Facility. This needs to be further vetted or verified.

#### STEEP SLOPES

The applicant seeks a Steep Slopes Permit issued by the Planning Board § 110-33.1. Natural resources protection regulations.

Pursuant to Chapter 110. Zoning Article V. Supplementary Regulations § 110-33.1. Natural resources protection regulations. In addition to all other requirements of the Zoning Code, all development in the Village shall comply with the following natural resources protection regulations:

A. Steep slopes. (1) Development limitations. To protect environmentally sensitive lands, preserve the Village's natural resources, and promote the orderly development of land.

(2) Steep slopes protection regulations. (a) Purpose. For the purpose of preventing erosion, preventing storm water runoff and flooding, providing safe building sites, preventing landslides and soil instability, protecting the quantity and quality of the Village's surface and groundwater resources, protecting important scenic views and vistas, preserving areas of wildlife habitat, minimizing the area of land disturbance related to site development and protecting the Village's character and property values, it is the intent of these steep slope regulations to minimize disturbance on steep slopes and to avoid disturbance and construction activities on very steep slopes. Further, it is the intent of these steep slope regulations to minimize the development of hilltops and ridgelines. The Village Board, the Planning Board, the Zoning Board of Appeals, the Building Inspector and the Village Engineer shall take these objectives into consideration in reviewing and acting on any plans submitted pursuant to the provisions of this chapter.

- (b) Exempt and regulated activities.
- [1] Regulated activities.
- [a] It shall be unlawful to create any disturbance greater than 100 square feet in aggregate, or to cut any tree with a diameter greater than four inches when measured from 1 1/2 feet from ground level, on any steep slope, hilltop, or ridgeline, other than an exempt activity as defined herein, without a Steep Slopes Permit issued in conformance with these regulations.
- [b] In order to protect the stability of slopes and to ensure the safety of residents, construction activities on steep slopes shall be minimized and shall follow the standards for grading set forth herein.
- [c] Construction activities shall not be permitted on very steep slopes unless there is no viable alternative.
- [2] Exempt activities. The following activities shall be exempt from provisions of this chapter:
- (c) Standards for development approval. In denying, granting, or granting with modifications any application for a steep slopes permit, the Planning Board shall consider the consistency of the proposed activity with the following standards:
- [1] Disturbance and construction activities on very steep slopes shall not be permitted unless there is no viable alternative.
- [2] Disturbance of areas with steep slopes shall be in conformance with the following provisions:
- [a] The planning, design and development of buildings shall provide the maximum in structural safety and slope stability while adapting the affected site to, and taking advantage of, the best use of the natural terrain and aesthetic character.
- [b] The terracing of building sites shall be kept to an absolute minimum. The construction of retaining walls greater than six feet in height or 60 feet in length shall not be permitted unless there is no viable alternative.
- [c] Roads and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion and shall be consistent with other applicable regulations of the Village of Mt. Kisco and current engineering practices.
- [d] Replanting shall consist of vegetation intended to further slope stabilization with a preference for indigenous woody and herbaceous vegetation.

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

[f] Any regrading shall blend in with the natural contours and undulations of the land.

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

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

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

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

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

[1] Disturbance of existing vegetative ground cover shall not take place more than 15 days prior to grading and construction.

- [m] Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, must be applied to an area of disturbance within two days of establishing the final grade, and permanent stabilization must be applied within 15 days of establishing the final grade.
- [n] Soil stabilization must be applied within two days of disturbance if the final grade is not expected to be established within 21 days. In locations where construction activities have temporarily ceased, temporary soil stabilization measures must be applied within one week.
- [o] Topsoil shall be stripped from all areas of disturbance, stockpiled and stabilized in a manner to minimize erosion and sedimentation, and replaced elsewhere on the site at the time of final grading. Stockpiling shall not be permitted on slopes of greater than 10%.
- [p] No organic material or rock with a size that will not allow appropriate compaction or cover by topsoil shall be used as fill material. Fill material shall be no less granular than the soil upon which it is placed and shall drain readily.
- [q] Compaction of fill materials in fill areas shall be such to ensure support of proposed structures and stabilization for intended uses.
- [r] Structures shall be designed to fit into the hillside rather than altering the hillside to fit the structure. (Among the methods that may be employed to achieve this goal are reduced footprint design, "step-down" structures, stilt houses, minimization of grading outside the building footprint, placement of structures at minimum street setback requirements to preserve natural terrain, etc.).
- [s] Development shall be sited on the least sensitive portions of the site to preserve the natural landforms, geological features, and vegetation.
- [t] The stability of slopes and the erodibility of soils on slopes is a function of various physical soil properties and underlying bedrock conditions. Where site surveys indicate the presence of soils or underlying bedrock conditions the physical properties of which might present limitations on construction practices or high erodibility that may result in unstable slopes, the Planning Board may limit the type and extent of construction activities or disturbance to these areas as necessary to ensure public health, safety, and welfare.
- [u] Impacts from construction activities or other disturbance on bedrock outcrops and glacial erratics shall be minimized.

[v] All measures for the control of erosion and sedimentation shall be undertaken consistent with this chapter and with the Westchester County Soil and Water Conservation District's "Best Management Practices Manual for Erosion and Sediment Control," and New York State Department of Environmental Conservation "Guidelines for Urban Erosion and Sediment Control", as amended, or its equivalent satisfactory to the Planning Board, whichever requires the higher standards.

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

- (d) Permit procedures. [1] Application for permit. An application for a steep slopes permit shall be filed with the Planning Board, and shall contain the following information and such other information as required by it, except when waived by the Planning Board as not pertinent or necessary for the proposed disturbance:
- [a] Name, post office address and telephone number of the owner and applicant.
- [b] Street address and Tax Map designation of property covered by the application.
- [c] Statement of authority from owner for any agent making application.
- [d] Listing of property owners adjacent to, across streets from, and downslope within 500 feet of the property, and any additional property owners deemed appropriate by the Planning Board.
- [e] Statement of proposed work and purpose thereof.
- [f] A statement prepared by a licensed architect, registered landscape architect, or engineer, which describes:
- [i] The methods to be used in overcoming foundation and other structural problems created by slope conditions, in preserving the natural watershed and in preventing soil erosion; and

- [ii] The methods to be used to eliminate or mitigate water runoff on all adjacent properties and any other property that will be naturally affected by increased water runoff.
- [g] A statement made under the seal of a licensed professional engineer certifying that:
- [i] The proposed activity will disturb the steep slope area to the minimum extent practicable; and
- [ii] The proposed mitigation measures will prevent, to the maximum extent practicable, the adverse effect of any disturbance of the steep slope area on the environment and any neighboring properties.
- [h] Eleven copies of plans for the proposed regulated activities drawn to a scale of not less than one-inch equals 50 feet (unless otherwise specified by the Planning Board). Such plans shall be sealed and show the following:
- [i] Location of proposed construction or disturbance and its relationship to property lines, easements, buildings, roads, walls, sewage disposal systems, wells, and wetlands within 100 feet of the proposed construction or disturbance, unless a greater distance is deemed appropriate by the Planning Board.
- [ii] Estimated material quantities of excavation/fill.
- [iii] Location and size of areas of soils by soils types in the area of proposed disturbance and to a distance of 100 feet surrounding the area of disturbance.
- [iv] Existing and proposed contours (NGVD, National Geodetic Vertical Datum) at two-foot intervals in the area of proposed disturbance and to a distance of 100 feet beyond.
- [v] Slope categories for the entire project site itself showing at minimum the steep slope and very steep slope categories. Slope is to be determined from on-site topographic surveys prepared with a two-foot contour interval. The vertical rise is to be measured, on the basis of two-foot contours, in a ten-foot horizontal length. [vi] Cross sections of steep slope areas proposed to be disturbed.
- [vii] Retaining walls or like constructions, with details of construction.
- [viii] Erosion and sedimentation control plan prepared in accordance with the requirements listed above in Subsection A(2)(c)[2][k] through [o]. These plans

must be submitted under the seal of a licensed professional engineer and must show and certify the following:

- [A] All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water.
- [B] The calculated volume of water runoff from the slope(s) and from the lot in question, as unimproved.
- [C] The calculated volume of water runoff from the slope(s) and from the lot in question, as improved.
- [D] The existence, location and capacity of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain water runoff to and from the slopes(s) and the lot.
- [i] If required by the Planning Board, a detailed monitoring program, including but not necessarily limited to written status reports at specified intervals documenting activities undertaken pursuant to a permit.
- [i]\_A list of all applicable county, state or federal permits that are required for such work or improvements.
- [k] An application fee in the amount set forth in a fee schedule established by the Village Board.
- [1] Other details, including specific reports by qualified professionals on soils, geology and hydrology, and borings and/or test pits, as may be determined to be necessary by the Planning Board.
- [2] Application review. The Planning Board may hire professionals to review a steep slopes permit application at the sole expense of the applicant, as part of its powers also enumerated in § 110-45C(8) of this chapter.
- [3] Notice and public hearing. The Planning Board shall not decide on any application for a steep slopes permit without first holding a public hearing, notice of which hearing, including the substance of the application, shall be given by publication in the official newspaper of the Village at least 15 days before the date of such hearing. In addition to such published notice, the applicant shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lies within 300 feet of the property for which approval is sought and to such other owners and by such other means of notification as the Planning Board may deem advisable.

- [4] Action by the Planning Board. A determination shall be made to approve, approve with modifications and conditions, or disapprove the application within 60 days of closure of the public hearing. In approving any application, the Planning Board may impose such conditions or limitations as it determines necessary to ensure compliance with the intent, purposes and standards of this chapter.
- (e) Duration of permit. [1] Activities specified by the steep slopes permit shall be undertaken pursuant to the provisions of this chapter and any conditions of the permit and shall be completed according to any schedule set forth in the permit.
- [2] A steep slopes permit shall expire on the completion of the activities specified and shall be valid for a period of one year from the date of approval, or for the period of any other permit or approval issued by the Planning Board.
- [3] A permit may be renewed by the Planning Board for a period of up to one year.
- (f) Security. In granting a permit, the Planning Board shall require a security in an amount and with surety and conditions sufficient to ensure its compliance with the conditions and limitations set forth in the permit.
- (g) Inspection and monitoring.
- [1] The Planning Board may inspect, or cause to be inspected by its representative, activities pursuant to a permit so as to ensure satisfactory completion at the sole expense of the applicant.
- [2] The Planning Board may require that the applicant submit for approval a detailed monitoring program, including but not necessarily limited to written status reports at specified intervals documenting activities undertaken pursuant to a permit.
- [3] The Planning Board may require that the activities undertaken pursuant to a permit be supervised by an appropriate licensed professional at the sole expense of the applicant.
- (h) Violations; penalties. [1] Notice of violation. Any person found violating any provision of this chapter or the terms and conditions of any permit granted hereunder shall be served with a written notice stating the nature of the violation and providing a specific time for the satisfactory correction thereof, which time shall not be less than five days.

[2] Stop order. The foregoing notwithstanding, if, in the judgment of either the Village Engineer or the Building Inspector, there is a violation of this chapter or any permit issued hereunder, then the Village Engineer or the Building Inspector may issue a written order to cease all work creating or causing said violation and directing the applicant to appear before the Planning Board at its next meeting. Upon the issuance of such an order and its delivery to the permit holder or his agent or contractor, the permit shall be deemed to have been suspended, and it shall be unlawful and a violation of this chapter to continue the permitted activity. The official issuing such an order shall rescind the order upon compliance with the permit and the taking of such corrective action as shall be determined by the permitting authority.

[3] Administrative sanctions. [a] In addition to any penalties imposed under Chapter 1 of this Code, upon finding that an applicant or any person acting as an agent or contractor for the applicant has violated the terms of this chapter or any permit issued hereunder, the Planning Board may impose any one or more of the following sanctions for each and every such violation:

[i] Revocation of the permit.

[ii] Direction to restore the affected area within a reasonable time to its condition prior to the violation, insofar as that is possible.

[iii] Imposition of any additional conditions on the permit as may be reasonably necessary to effectuate the restoration of the affected area and/or prevent the recurrence of the violation.

[b] Any restoration directed by the Planning Board that is not completed as required may be completed by the Village at the sole cost and expense of the applicant.

B. Wetlands. (1) Development limitations. To protect environmentally sensitive lands, preserve the Village's natural resources, and promote the orderly development of land, development on parcels that contain wetlands and waterways, which parcel on the effective date of this chapter is in excess of 40,000 square feet and is in single, undivided ownership, shall be limited by deducting the following from the gross lot area of such parcels to determine the net lot area (in conjunction with § 110-33.1A(1) herein:

(a) Fifty percent of the area of all wetlands.

(b) One hundred percent of the area of all lakes, ponds, streams and other such bodies of water.

- (2) Development on parcels that contain any wetlands or waterways shall comply with Chapter 107, Wetlands and Drainage Control.
- <u>C.</u> Tree preservation. Any application for site plan or subdivision approval shall comply with Chapter <u>99</u>, Tree Preservation.

Regarding the above, it is quite evident that the application is incomplete in that the applicant has failed to provide:

1. "On-site topographic surveys prepared with a two-foot contour interval" for "the entire project site" as required by § 110-331. A(2)(d)(1)(h) so that the Planning Board can be assured that the "development shall be sited on the least sensitive portions of the site to preserve the natural landforms, geological features, and vegetation" as required by the development standards of § 110-331. A(2)(c)(2)(s). Obviously, if there are locations on the site that can be utilized so as to eliminate the need for a steep slopes permit, the Planning Board should be provided such information so as to make an informed decision. Notwithstanding the Applicant's representation that it has complied with this requirement on the signed checklist, it appears as though the applicant has only provided the Planning Board topographic mapping information for a small portion of the project site.

Chapter 99. Tree Preservation Article I. General Regulations § 99-1. Findings and intent.

The Board of Trustees hereby finds and declares that the preservation and maintenance of trees, where reasonably possible within the Village, is necessary to protect the health, safety and general welfare of the Village/Town of Mount Kisco, because trees provide necessary shade, green space and aesthetic appeal, impede soil erosion and aid water absorption, provide other environmental benefits and generally enhance the quality of life. It is the intent of the Board of Trustees, by the adoption of this chapter, to provide for:

- <u>A.</u> The protection and preservation of as many trees as possible, particularly those trees which are specimen trees and/or trees of select or rare species.
- $\underline{\mathbf{B}}$ . The reforestation and replacement of those trees which are removed due to disease or development.
- <u>C.</u> The preservation of an acceptable level of green foliage in all areas of the Village.
- <u>D.</u> Ensuring that suitable wildlife habitats are maintained and reinforced in all areas of the Village.

Article II. Tree Preservation Plans § 99-8. Applicability.

No site plan or major subdivision plat <u>shall be approved</u> unless and until a tree preservation plan for the subject property has been approved by the Planning Board. No certificate of occupancy shall be issued for any property subject to a tree preservation plan until all required planting and restoration is completed to the satisfaction of the Planning Board.

#### **COMMENTS**

- 1. Applicant should review this memo and each section referenced herein and provide a detailed response for each item.
- A listing of property owners adjacent to, across streets from, and downslope within 500 feet of the property, and any additional property owners deemed appropriate by the Planning Board is required. Plan R1 provides only a 300 ft. distance.
- 3. Location of the proposed utilities are partially underground. All utilities from the street should be located underground.
- 4. Application requires review by the Fire Chief for Fire Access and Safety Considerations. Proposed drawing <u>does not</u> include an area adequate for Fire Department access, staging of equipment and parking for additional responding personnel. Applicant shall provide an adequate fire apparatus turnaround. Access drive must demonstrate that it can support emergency service vehicles and equipment.
- 5. The Building Department defers to the Village Engineer for all storm water mitigation, run-off, drainage, basins/detention, infiltration, and all aspect of grading. As previously identified by the Village Engineer in his memorandum of September 3, 2020 storm water pollution prevention plan is required for site plan approval. SWPPP shall demonstrate compliance with all applicable the requirements of the Village Zoning Code, Article XIV Stormwater Control.

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

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

6. The Building Department Defers to the Village Planner for landscaping, tree preservation plan, and lighting requirements.

- 7. This review memo <u>does not</u> include a complete NYS Uniform Building Code Review of structural integrity of the Monopole or any of the accessory structures, equipment cabinets, generator/ fuel storage and battery storage. Applicant should demonstrate that protections will be put in place to protect the environment and property should any leakage of fuel and/or battery acid/chemical occur.
- 8. The proposed cell tower location is 388 feet to the closest residence (east) and will encroach 73 ft. into the 200 ft. buffer requirement for a Ground-Mounted Solar Facility. Setbacks dimensions to the two structures (care takers cottage) located at the Marsh Sanctuary have not been provided.
- 9. Distance to other residences within the required setback have not been provided.
- 10. Plans containing equipment should be in color.
- 11. Additional information for all equipment is needed including, but not limited to: How often generator cycles and at what decibel level.
- 12. Information (type/size) for future equipment should be provided.
- 13. The proposed cell tower project will require that an additional 33 trees greater than 4" caliper will be removed.
- 14. The plans provided only provide details for limited portions of the site, thereby eliminating the ability to ascertain whether there is an ability to site the sell tower at a location that does not require disturbance to steep or very steep slopes.

#### APPROVALS REQUIRED

- Site Plan Approval
- · Special Permit issued by the Planning Board
- Steep Slopes Permit issued by the Planning Board
- Zoning Board of Appeals (variances)
- Fire Chief approval
- Building Department approval
- A Public Hearing is Required



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

#### **MEMORANDUM**

TO:

Acting Chairman Mike Bonforte and Respected Members of the Planning Board

FROM:

Peter J. Miley, Building Inspector-

SUBJECT:

Homeland Towers, LLC

Public Utility Wireless Telecommunications Facility

180 S. Bedford Rd. Tax Parcel No: 80.44-1-1

DATE:

October 19, 2020

#### Introduction

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

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

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

#### **The Property**

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

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

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

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

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

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

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

#### Zoning

Variances required;

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

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

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

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

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

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

#### **COMMENTS**

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

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

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

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

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

#### APPROVALS REQUIRED

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



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

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TO:

Acting Chairman Mike Bonforte and Respected Members of the Planning Board

FROM:

Peter J. Miley, Building Inspector\_

SUBJECT:

Homeland Towers, LLC

Public Utility Wireless Telecommunications Facility

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November 19, 2020

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

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

#### Zoning

Variances required;

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

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

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#### APPROVALS REQUIRED

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

# Exhibit 4

LAW OFFICES OF

#### SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD

TARRYTOWN, NEW YORK 10591

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

WRITER'S E-MAIL ADDRESS

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

Village/ rown of Mount Kisco

**Zoning Board of Appeals** 

NOV 0 4 2020

RECEIVED

REPLY TO:

TARRYTOWN OFFICE

rgaudioso@snyderlaw.net

November 4, 2020

Honorable Chairman Harold Boxer and Members of the Zoning Board of Appeals Village of Mount Kisco 104 Main Street Mount Kisco, New York 10549

Re:

NEW YORK OFFICE

FAX (212) 932-2693

LESLIE J. SNYDER

DAVID L. SNYDER

(1956-2012)

ROBERT D. GAUDIOSO

(212) 749-1448

445 PARK AVENUE, 9TH FLOOR

NEW YORK, NEW YORK 10022

180 S. Bedford Road

Public Utility Wireless Telecommunications Facility

Homeland Towers, LLC

Honorable Chairman and Members of the Zoning Board of Appeals:

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

On October 6, 2020, the Applicants received an interpretation from the Village's Building Inspector that certain area variances are required for the Facility ("Building Inspector's Interpretation"). The Applicants respectfully file this application to appeal the Building Inspector's Interpretation, or in the alternative to request any necessary area variances for the Facility. The Applicants' submission is also in response to the comments received from the Village Building Inspector, Planning Board Engineer, and Planning Board's Wireless Consultant, ("Village Comments"), and also in response to certain public comments received.

In furtherance of the foregoing, enclosed please find, a check in the amount of \$750.00 representing the Zoning Board of Appeals application fee together with ten (10) copies of the following materials:

- 1. Zoning Board Application Form;
- 2. Memorandum in Support of Application;

- 3. Deed;
- 4. EAF with Visual EAF Addendum;
- 5. FCC Compliance Report;
- 6. RF Report dated August 17, 2020;
- 7. Alternate Site Analysis dated August 14, 2020;
- 8. Visual Resource Assessment dated July 29, 2020;
- 9. Supplemental Visual Resource Assessment dated September 28, 2020;
- 10. SHPO Concurrence that there are No Historic Properties in the Area of Potential Effects;
- 11. FAA Determination of No Hazard to Air Navigation;
- 12. Supplemental RF Report prepared by V-COMM L.L.C dated October 28, 2020;
- 13. Letter from Klaus Wimmer, of Homeland Towers, dated November 2, 2020, confirming that the mentioned alternative "high elevation" locations are not feasible alternative locations and are not available for the installation of the Facility;
- 14. Collocation Commitment Letter;
- 15. Memorandum of Lease;
- 16. Letter from APT, dated November 3, 2020, in response to the Village Comments and public comments;
- 17. Letter from APT, dated November 2, 2020, detailing the projects compliance with the requirements of §110-33.1(A) of the Village Code for a Steep Slope permit;
- 18. Letter from APT, dated October 29, 2020, confirming that the generator proposed will be in compliance with the Village's noise level requirements contained in the Village Code;
- 19. Fall Zone/Structural Letter from APT, dated September 16, 2020, certifying that the Facility, in the unlikely event of a collapse, would fall completely within the Property lines;

- 20. Please note that the Facility has been designed to collapse within the Property lines and there are no publicly accessible locations within close proximity to the facility. The Memorandum in Opposition from a neighboring property owner's counsel includes a letter from Dennis Rogers, dated March 28, 2013. This letter was originally submitted to the Town of Kent on behalf of an opposition group represented by Mr. Campanelli. Submitted herewith is the response from Tectonic Engineering, dated April 8, 2013, detailing the false assumptions contained in the Rogers letter;
- 21. Letter from Saratoga Associates, dated November 3, 2020, detailing the scope and methodology for the balloon test; and
- 22. Revised Zoning Drawings.

Please note that a balloon test has been scheduled for the morning of November 14, 2020 at the Property.

We thank you for your consideration, and look forward to discussing this matter with the Zoning Board of Appeals at its next available meeting. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

Bv.

Robert D. Gaudioso

RDG/djk Enclosures

Eliciosure

Homeland Towers

Verizon Wireless

Planning Board

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

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In the matter of the Application of

HOMELAND TOWERS, LLC and VERIZON WIRELESS

Premises:

180 S. Bedford Road

Mount Kisco, NY 10594

S-B-L:

80.44 - 1 - 1

-----X

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

#### I. Introduction

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

#### II. Statement of Facts

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

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

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

#### III. Public Utility Status

Under the laws of the State of New York Verizon Wireless is qualified as a public utility for zoning purposes. See Cellular One v. Rosenberg, 82 N.Y.2d 364 (1993) (hereinafter referred to as "Rosenberg"), Cellular One v. Meyer, 607 N.Y.S. 2d 81 (2nd Dept. 1994) and Sprint Spectrum, L.P. v. Town of West Seneca, (Index No. 1996/9106 Feb 25, 1997, Sup. Ct. Erie County). In Rosenberg, supra, the Court of Appeals, New York's highest court, held that federally licensed wireless carriers (such as Verizon Wireless) provide an essential public service and are public utilities in the State of New York. Public utilities should be accorded favored treatment in zoning matters. See Rosenberg.

Verizon Wireless's status as a public utility is underscored by the fact that its services are an important part of the national telecommunications infrastructure and will be offered to all persons that require advanced digital wireless communications services, including local businesses, public safety entities, and the general public.

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

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

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996 ("TCA"). The TCA is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "rapid deployment of new telecommunications technologies (emphasis supplied)." Reno v. ACLU, 521 U.S. 844, 857 (1997).

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

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

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

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

Please further note that on November 18, 2009, the FCC issued a Declaratory Ruling regarding timely review of applications for siting of wireless facilities, WT Docket NO. 08-165 (the "Shot Clock Order"). The Shot Clock Order finds that a "reasonable period of time" for a local government to act on this type of application, an application for a new tower, is presumptively 150 days. The FCC again clarified the 150 day "Shot Clock" (2018 Third Report and Order) and in the implementing regulations contained in 47 C.F.R. § 1.6003. According to the Shot Clock Order and 47 C.F.R. § 1.6003(c)(1)(iv), if the Village fails to act within 150 days of filing a complete application, the applicant may commence an action in court for "failure to act" under Section 332(c)(7)(B)(v) of the TCA.

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

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

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

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

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

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

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

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

<sup>&</sup>lt;sup>1</sup> A copy of the Village Attorney 2019 Memo has been annexed hereto for your convenience.

#### See Village Attorney 2019 Memo.

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

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

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

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

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

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

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

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

#### V. The Proposed Facility Meets the Special Use Permit Standards

7

A special use permit is permitted as of right when the applicant has demonstrated compliance with the applicable standards. See Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 N.Y.2d 238 (1972).

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

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

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

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

A

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

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

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

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

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

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

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

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

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

P

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

- B. In approving special permits, the Planning Board shall take into consideration the public health, safety and welfare and the comfort and convenience of the public in general. The Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action shall, to the extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives:
- (1) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

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

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

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

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

B

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

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

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

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

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

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

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

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

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

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

## §110-27.1

B

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

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

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

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

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

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

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

B

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

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

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

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

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

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

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

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

D

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

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

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

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

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

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

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

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

- E. Criteria for special permit applications. Applicants for special permits for establishment or construction of personal wireless service facilities shall meet all of the following criteria:
- (1) Necessity. The proposed personal wireless service facility is required to provide service to locations which the applicant is not able to serve with existing facilities which are located within and outside the Village, by colocation and otherwise.

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

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

- (a) The proposed equipment would exceed the existing and reasonably potential structural capacity of existing and approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District, considering existing and planned use for those facilities.
- (b) The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be prevented or mitigated.
- (c) Existing or approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District or in neighboring municipalities do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and the applicant has not been able, following a good-faith effort, to reach an agreement with the owners of such facilities.
- (d) Other reasons make it impracticable to place the proposed equipment on existing and approved personal wireless service facilities within the Personal Wireless Service Facilities Overlay District on existing facilities in other municipalities.
- (e) Service to the locations to which the applicant seeks to provide service cannot be provided by existing facilities within or outside the Village.

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

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

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

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

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

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

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

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

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

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

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- F. Design guidelines. The proposed personal wireless service facility shall meet the following applicable design guidelines:
- (1) Finish/colors. Towers or monopoles not requiring Federal Aviation Administration (FAA) painting or marking shall either have a galvanized finish or be painted gray or blue-gray above the surrounding treeline and gray, green or tannish brown below the surrounding treeline.

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

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

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

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

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

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

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

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

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

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

## VI. The Facility Meets the Requirements for Site Plan Approval

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

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

## A. General requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Facility will be reasonably accessible for fire protection.

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

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

- C. Procedure. The Planning Board shall approve or disapprove site plans in accordance with the following procedure:
- (1) Prior to the submission of a formal site plan application, the applicant shall request the Planning Board to conduct a conceptual review of the proposed site plan. The request for such review shall be accompanied by the fee therefor set forth in Chapter A112 of this Code. The purpose of the conceptual review shall be to discuss the proposed site plan and the procedures and requirements of this section so that the

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

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

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

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

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

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

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

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

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

The Fire Department has reviewed the project.

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

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

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

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

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

The Applicants have submitted the required fees and escrow funds.

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

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- (a) The section block and lot number of the property, taken from the latest tax records. The section block and lot is 80.44-1-1 and can be found on Sheet T-1 of the Site Plan.
- (b) The name and address of the owner of record and applicant if not the same. The Property Owner is Skull Island Partners LLC, and the Applicants are Homeland Towers, LLP and Verizon Wireless. This information is listed on Sheet T-1 of the Site Plan.
- (c) The name and address of the person, firm or organization preparing the plan. The Site Plan has been prepared by Scott M. Chasse P.E. of APT Engineering with offices located at 567 Vauxhall Street Extension-Suite 311, Waterford, CT 06385.
- (d) The date, North arrow and graphic scale.

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

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

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

- (f) A vicinity map identifying the location of the site in context to the surrounding area. Sheets R-1 and SP-1 of the Site Plan include such a Map.
- (g) The location, names and existing widths of adjacent streets and curblines.

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

- (h) The locations and owners of all adjoining lands, as shown on the latest tax records. The locations and owners of all adjoining lands are displayed on Sheet R-1 of the Site Plan.
- (i) The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjacent to the property.

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

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

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

(k) Existing zoning district boundaries.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (4) Proposed development.
- (a) The location of proposed buildings or structural improvements.

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

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

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

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

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

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

No freestanding signs are proposed.

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

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

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

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

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

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

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

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

- (i) A quantitative summary of proposed site plan features, to include the gross lot area, net lot area, site development coverage, building coverage and building square footages. This information is detailed on Sheet SP-1 of the Site Plan.
- (j) Any contemplated public improvements on adjoining properties.

There are no contemplated public improvements on adjoining properties.

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

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

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

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

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

This project is not being proposed in stages.

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

The Applicants have submitted the Site Plan Application Checklist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Conclusion

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

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

Dated: November 3, 2020 Tarrytown, New York

Respectfully submitted,

/s/ Robert D. Gaudioso
Robert D. Gaudioso, Esq.
SNYDER & SNYDER, LLP
94 White Plains Road
Tarrytown, NY 10591

Village Attorney 2019 Memo



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May 20, 2019

Mayor Gina Picinich Board of Trustees Village/Town of Mount Kisco 104 Main Street Mount Kisco, New York 10549

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

Re: Crown Castle Cell Tower Replacement

1 Mountain Road

Section 69.56, Block 4, Lot 6 & 7

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

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

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

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

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

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

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

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

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

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

- "a New York State-licensed professional engineer specializing in electrical engineering with expertise in radio communication facilities establishes to the satisfaction of the approving agency all of the following:
  - (1) That the personal wireless service facility is needed to provide coverage to an area of the Village that currently has inadequate coverage and is of the minimum height and aesthetic intrusion necessary to provide that coverage;
  - (2) That coverage cannot be provided by a personal wireless service facility located within the Personal Wireless Service Facilities Overlay District;

- (3) That all reasonable measures in siting the personal wireless service facility within the Personal Wireless Service Facilities Overlay District have been exhausted; and
- (4) That technical and space limitations prevent location or colocation in the Personal Wireless Service Facilities Overlay District.

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

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

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

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

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

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

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

Sincerely,

Whitney Singleton
Whitney Singleton

## Exhibit 5

## **PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 15th day of December 2020 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Homeland Towers, LLC and Verizon Wireless c/o Snyder & Snyder, LLP 94 White Plains Road, Tarrytown, NY 10591, from the decision of Peter J. Miley, Building Inspector, dated October 6, 2020 including an interpretation of the zoning code that the proposed wireless telecommunications facility at the Property identified as 180 S. Bedford Road, Mount Kisco, NY 10594 and described on the Village Tax Map as Section 80.44 Block 1 Lot 1 requires certain variances. The Property is located on the South side of South Bedford Road in a Conservation Development Zoning District. In the alternative to the Applicants' Appeal of the Building Inspector's Interpretation, application is also being made to obtain a variance from §110-27.1(E)(4) for having a setback of less than 1,600 feet from all residential dwellings where 197 feet is proposed and a variance of 1,403 feet is requested, and relief from height requirement of §110-27.1(E)(3) Code of the Village/Town of Mount Kisco setting a maximum height of 80 feet where 145 feet is proposed and a variance of 65 feet is requested. The area variances are only requested in the alternative to the Applicants' Appeal of the Building Inspector's interpretation that such variance relief is required.

Harold Boxer, Chair Zoning Board of Appeals Village/Town of Mount Kisco LAW OFFICES OF

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

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

Re: 180 S. Bedford Road

Public Utility Wireless Telecommunications Facility

Homeland Towers, LLC & Verizon Wireless

Honorable Chairman Spector and Chairman McGuirk and Members of the Zoning Board of Appeals and Planning Board:

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

In response to the February 27, 2023 memo from Michael Musso, as well as the comments of the various members of the public and the Zoning Board of Appeals and the Planning Board, the Applicants respectfully submit the following information and materials and consent to the implementation of the mitigation measures contained therein as conditions of approval by both the Zoning Board of Appeals and Planning Board.

1) Report from Matt Weibel, Registered Arborist from SavATree, dated April 7, 2023. This report confirms that the large pine trees between the Facility and 2 Sarles Street shall be preserved and provides recommendations for the landscaping plan that have been incorporated.

- 2) Report from Matt Allen, Registered Landscape Architect from Saratoga Associates, dated March 16, 2023, confirming that the proposed faux bark will have no additional visual mitigation benefit. In any event, the Applicants consent to a condition of approval requiring the faux bark as detailed on the Site Plans.
- 3) Response letter from Scott Chasse, New York State Licensed Professional Engineer from APT Engineering, dated April 12, 2023, confirming that all of the requested on-site mitigation measures have been incorporated.
- 4) Revised Site Plan from APT engineering incorporating all of the requested on-site mitigation measures.
- 5) Specification sheets of the proposed antenna socks; and
- 6) Sample tree branch density chart. Please note that the final manufacturer's tree branch specification plan will be provided as a condition preceding the Building Permit issuance, as the final plan must be based on the final approved design.

As detailed above and in the attached materials, the Applicants have incorporated every requested on-site mitigation measure as a condition of Zoning Board of Appeals and Planning Board approval.

The Site Plan has been re-engineered to reduce the limits of disturbance and proposed removal of existing trees, and to ensure preservation of the large pine trees between the Facility and 2 Sarles Street. In particular the following revisions have been made to the Site Plan:

- The limit of disturbance has been reduced from  $37,000\pm$  sq. ft to  $35,000\pm$  sq. ft.
- The number of trees proposed to be removed has been reduced from 50 to 43. Of the trees to be removed, four (4) are already dead and ten (10) are in such poor health that they must be removed. See report from Matt Weibel of SavATree dated April 7, 2023.
- The tower has been relocated approximately fourteen (14) feet to the south.
- The proposed fencing has been increased in height from six (6) feet to ten (10) feet subject to approval.
- The tower design has been revised to propose faux bark on the pole, and the branches have been lowered to 55 feet AGL.
- Driveway entrance surface and drainage will be repaired, although unrelated to the project. An access gate has been added.
- All lighting shall be dark sky compliant.

- The proposed parking area uphill of the new driveway has been removed. All other turnoffs requested by the Fire Department and the pool areas have been retained. One turnoff was adjusted to preserve more trees.
- An approximate two (2)-foot high berm has been added in the area east of the proposed Facility along the existing driveway and an extensive landscaping plan has been added, including 36 new on-site trees and 40 new on-site shrubs. A lattice fence and additional landscaping have been added to the west of the Facility. The landscaping plan has been prepared by a Registered Landscape Architect following a re-surveying of the trees and recommendations from a Registered Arborist.
- All of the recommended note changes requested by Mr. Musso on the Property have been added to the Site Plan.

With respect to the proposed off-site mitigation measures, the Applicants cannot perform work on adjoining properties for obvious liability reasons. Nevertheless, as previously represented, Homeland Towers will consent to a condition of approval to establish an off-site fund for use by the owners of the properties at 2 Sarles Street and the Marsh Sanctuary. Based on good-faith estimates of the proposed off-site mitigation recommendations, Homeland Towers will offer \$32,520.00 for a fund for 2 Sarles Street and \$6,280.00 for a fund for the Marsh Sanctuary. The funds shall be deposited prior to the issuance of a Building Permit and shall be maintained and distributed by the Village upon proof from the property owners of actual expenses related to the proposed mitigation efforts, provided such property owners waive any potential challenges to the Village approvals of the Facility. In the event any such funds are not distributed by the Village within one year of the issuance of a certificate of completion for the Facility, the Village shall return the balance to Homeland Towers.

We thank you for your consideration and look forward to finalizing this matter prior to the April 27<sup>th</sup> shot clock expiration. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

Robert D. Gaudioso

Enclosures RDG/dac

cc: Applicants

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\PB and ZBA Letter 4-13-23 (Responsive Submission to HDR).rtf





# HOMELAND TOWERS MT. KISCO TREE ASSESSMENT

For

## KLAUS WIMMER

REGIONAL MANAGER

Prepared by

## Matt Weibel Registered Consulting Arborist #534



April 7, 2023

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## CONTENTS

SAVAYREE Consulting Group

Why did SavATree perform the assessment at 180 South Bedford Road?	1
How did SavATree perform the assessment?	1
What did Savatree find?	2
What does Savatree recommend?	4
Appendix A: Photos	5







## WHY DID SAVATREE PERFORM THE ASSESSMENT AT 180 SOUTH BEDFORD ROAD?

Homeland Towers is planning to install a cell tower at the lower section of the property at 180 South Bedford Road in Mt. Kisco, NY. There was some concern about the impacts of this project on the mature evergreen (white pine and Norway spruce) trees in the area as these trees will provide screening for adjacent property owners. There is one large white pine (#135 on site survey) in close proximity to the limits of excavation for the tower.

My assignment was to visit the site and:

- Perform an assessment of all of the mature pine trees near the limits of disturbance;
- Perform an air spade assessment to determine if Tree 135 can remain during construction, and;
- Comment on the proposed new berm installation and landscaping plan.

SavATree performed the onsite assessments on March 17, 2023.

### **HOW DID SAVATREE PERFORM THE ASSESSMENT?**

Since my site visit on March 17, 2023, I have had multiple conversations and meeting with Homeland Towers, the civil engineer Bob Burns of APT Engineering and the landscape architect Jeff Goller of Saratoga Associates. I have thoroughly reviewed the proposed mitigation report from the Village's consultant Michael Musso. I have also reviewed the engineering plan ("Site Plan") prepared by APT Engineering including the Landscaping Plan prepared by Saratoga Associates and assisted in modifications to those plans to improve the overall mitigation efforts.

I specifically reviewed and concur with the proposed tree removal and tree preservation plan shown on the Site Plan. In particular I have confirmed that the large evergreen trees located between the tower and 2 Sarles Street that are numbered 154, 155, 204 and 208 will be preserved based on the re-engineering to the access drive and proposed tree protection details. I have also confirmed which existing trees are dead as shown on the Site Plan. I have also confirmed which trees are proposed to be removed as shown on the Site Plan including the pine tree to the west that must be removed as detailed below. Finally I have reviewed and concur with the final Landscaping Plan.

Regarding Tree 135 to the west of the proposed facility, SavATree used an air spade to excavate the soil at specific locations to determine the number and size of roots present. An air spade is a tool that uses super-sonic air to remove soil without damaging the structural roots of a tree. This allowed SavATree to view which roots would be impacted by excavation and opine on whether the loss of these roots would impact tree health and stability.

While this work was done, I performed an ANSI A300 level 2 visual assessment of 66 trees in or near the limits of disturbance. The trees in this area had been located and tagged by Lawson





savatree.com/consultina

Surveying and Mapping prior to my assessment. A level 2 assessment is a ground-based, 360-degree visual assessment of exposed roots, trunk, limbs, and visible foliage. It includes sounding of the lower trunk with a mallet to test for internal decay and probing open defects to determine extent of decay. I confirmed species and diameter at breast height for each tree as well and this information has been incorporated into the site plan.

#### WHAT DID SAVATREE FIND?

#### AIR SPADE ASSESSMENT

Tree 135 is a 33-inch diameter at breast height (dbh; diameter measured 4.5 feet above grade) eastern white pine. Excavation for installation of the cell tower platform is required within 16 feet from the base of the tree, well within its critical root zone. We began the assessment by excavating a trench 16 feet from the tree to a depth of two feet. At this distance, only one root in excess of 1-inch in diameter was located (see Photos 1 and 2 in Appendix A at the end of this report). This root was pruned.

Next, we excavated a trench six feet from the base of the tree. The original plan from Homeland Towers included a retaining wall at this distance. Here, we found one very large root in excess of 5-inches in diameter. Pruning this root would likely have drastic impacts on both the structural integrity and health of the tree and was not done.

The air spade was used to trace this large root away from the tree to determine the location where it became small enough that it could be safely pruned. At 12 feet from the of the tree, the diameter of this root dropped below 2-inches and it was pruned. This location is also 4 feet from Tree 135 and 19 feet from the stick that marked the center of the cell tower. I placed a stick with orange ribbon in the ground at this location (see Photos 3 and 4).

Finally, there was another large buttress root that came off the base of the tree in the general direction of the cell tower. We traced this root and found large subterranean rocks approximately 7 feet from the base of the tree. At this location, the root dove deep into the ground and could not be followed. We excavated the opposite side of the rocks and did not find the root. It is likely that it turned away from the area that will be excavated.

Based on these findings, I marked a line in the field with sticks tied with orange ribbon approximately 10-12 feet from the base of the tree (see Photo 5). Even with the relocation of the tower as proposed on the Site Plan, excavation and grade changes cannot be limited to occur outside of these necessary areas. Therefore, this tree must be removed.





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#### TREE ASSESSMENT

I performed an ANSI A300 level 2 assessment of 66 trees in or near the limits of disturbance for this project. Four of these trees are dead (143, 152, 220, and 231) and another 10 are in such poor condition that removal is recommended (140, 141, 142, 167, 208, 212, 214, 226, 229, and 234).

Of greatest concern was the mature white pine trees along the driveway that can provide some screening for adjacent property owners (see Photos 6-7). The mature trees are generally in fair to good health. As pine trees grow, they naturally shed their lower limbs that become shaded out and can no longer support themselves with photosynthesis. For this reason, the lower 50 feet of these trees are devoid of alive branches/foliage. Eastern white pines are among the tallest trees in New York; the tallest white pine is approximately 140 feet tall. The tallest trees at this site are currently 100-110 feet tall.

There is large woody debris piled under trees to the west of the access drive (see Photo 8). This area was significantly impacted by a nor'easter storm many years ago. The trunks and limbs from these trees were piled in this location. Homeland Towers plans to remove this debris. Care must be taken when this work is performed to not damage the existing trees that will remain. All machinery should remain on the driveway or cleared access route and not impact the critical root zone of any trees. It may be best to leave some debris onsite if it cannot be removed without damaging the bark, trunk, or roots of trees.

## BERM INSTALLATION AND NEW PLANTING

In order to provide additional screening for adjacent residents, Homeland Tower will install new plantings along the existing driveway near where the tower will be installed (see Photo 9). There is ample height clearance for new evergreen trees, however, there are a few issues that should be considered:

- Pine and spruce trees grow fairly wide and the driveway needs to be clear from branches to allow for fire/emergency access.
- Installing the berm and trees farther from the road may impact the roots the mature pine trees that are to be preserved. The berm will add soil over existing grade; this may impact the amount of water and oxygen that reaches the established root systems.
- Therefore, the berm should be installed as close to the existing driveway as possible while keeping the driveway clear. Narrower evergreen trees (balsam fir and red cedar) have been specifically selected as detailed in the Landscaping Plan to provide the correct species for this area.
- This area is heavily populated with deer, so deer-resistant trees and shrubs have been proposed by the Landscaping Plan. Given the species that have been proposed there is no





recommended maintenance plan that is required other than watering as necessary and pruning to maintain clearance along the driveway.

- Care needs to be taken when installing the berm. If high-quality topsoil is just placed over the existing soil, drainage issues will occur. When soils of different textures are layered, water will move quickly through the topsoil then rest over the native soil. The root balls of the installed trees then struggle to establish due to excessive soil moisture.
  - The top layer of soil should be de-compacted and a layer of berm soil incorporated in so that the soil textures do not have an abrupt change. This can be done by hand or with an air spade.
  - The Landscape Plan specified that tree height will be no more than 8 feet at planting. Bigger trees are more difficult to establish and have lower survivability rates in the first years after planting. Therefore, I do not recommend planting 12 foot trees in this area, particularly given the existing light conditions.

## WHAT DOES SAVATREE RECOMMEND?

All dead and poor condition trees should be removed prior to construction. Any woody debris that cannot be safely removed without damaging the large pine trees should remain in place. A tree protection fence has been shown on the Site Plan to be installed along the limits of disturbance in order to protection all trees that will remain onsite.

Prior to installing the berm along the road, the existing soil should be de-compacted and new soil incorporated into the top 4-6 inches. These trees will be pruned to maintain clearance from the driveway and maintain a shape that allows their lower canopy to obtain sunlight and maximize screening.

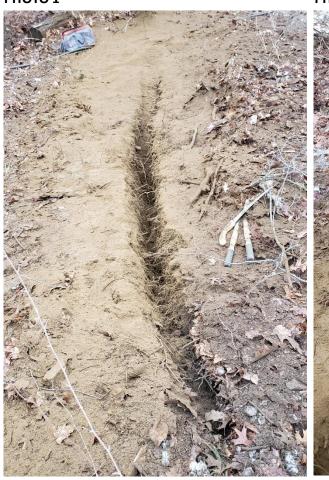
Trees should not be planted on the 2:1 slopes. Rather the proposed evergreen bushes proposed in the Landscaping Plan will provide screening and greater soil stabilization.





#### **APPENDIX A: PHOTOS**

#### PHOTO 1 PHOTO 2





Photos 1 and 2 were taken March 17, 2023 and show the first trench that was excavated with the air spade approximately 16 feet from the base of Tree 135. There was only one root larger than 1-inch in diameter (indicated by yellow arrow). This root was pruned.







Photos showing the excavated trench at six feet from the base of the tree (red arrow) and tracing of the large root to where it was safely pruned (yellow arrow; stick with orange flagging).





SAVAYREE. Consulting Group



Photo showing the marked limits of where excavation can occur (yellow line). If excavation or grade change is needed between the tree and this line, the tree should be removed.











Photos taken 3/17/23 showing the mature white pine trees along the existing driveway. The yellow arrow indicates the approximate location of the proposed tower. These trees will be preserved.





#### **PHOTO 8**

SAVAYREE.

Consulting Group



Photo showing the woody debris piled under trees to the west of access drive. There is a wound on the trunk of Tree 149 (yellow arrow) that was likely caused when this debris was initially piled. Care must be taken not to damage existing trees if (when) this debris is removed.





SAVAYREE. Consulting Group



Homeland Towers is planning to install a berm with evergreen plantings along the bend in the driveway.

## SARATOGA ASSOCIATES

Landscape Architects, Architects, Engineers, and Planners, P.C.

March 16, 2023

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

Re: Visual Assessment

**Proposed Wireless Telecommunications Facility** 

180 South Bedford Road

Dear Honorable Chairman and Planning Board Members:

Saratoga Associates is writing on behalf of Homeland Towers regarding a proposed telecommunications tower and associated equipment at the above referenced address. Saratoga Associates has been retained to address potential visual impacts associated with this project. The potential visibility of this proposed Facility is the subject of a Visual Resource Assessment dated December 27, 2020.

The Facility involves the construction of a 140-foot-tall (top of pole) stealth monopine style telecommunications tower with five-foot topping branches bringing the total height to approximately 145 feet above finished grade. The Facility is located approximately 180 feet south of South Bedford Road (NY Rte. 172) and approximately 500 feet west of Sarles Street. As currently proposed the monopole portion of the tower will be painted in a matte brown finish to minimized visual contrast with the surrounding woodland landscape.

In a letter dated February 27, 2023 the Village of Mount Kisco Planning Board Town consultant HDR recommended a "faux bark" texture (brown, matte finish) be applied to the monopole presumably to make the tower appear somewhat textured and more compatible with the stems of the surrounding trees. In this letter HDR attached a photograph labeled "Site in Keen Valley, NY" illustrating a similar faux bark texture applied to telecommunications tower.

It is our opinion such surface treatment provides no additional visual mitigation benefit and is unnecessary. As is plainly seem seen in the HDR's example photograph the texture of the faux bark treatment is not readily distinguishable from even the close viewing distance depicted in the photo. In this photo the faux bark texture becomes increasingly muted with distance and quickly

## SARATOGA ASSOCIATES

Village of Mount Kisco Planning Board March 16, 2023 Page 2 of 6

blends into a simple monochromatic brown color. This resulting coloration is broken up by the shading of the cylindrical monopole and the shadow cast of the surrounding natural trees. The three-dimensional texture of the faux bark offers little additional benefit in camouflaging the monopole beyond what is provided by the brown color of the surface treatment alone.

This visual result is effectively the same as would be achieved by painting the tower a matte brown color as is currently proposed by the applicant. In the woodland setting of the project site the shading of the cylindrical monopole and the shadow cast of the surrounding natural trees will appear similar in visual character to the condition illustrated in the HDR photo without addition of a faux bark texture.

Importantly, the long-term durability of a faux bark treatment is unclear. Such treatment is likely to fade or discolor over time altering the effectiveness of the intended mitigation. If due to fading or discoloration the faux bark should need to be replaced this would require the facility being placed offline significant construction taking place at the site. A simple paint treatment, while equally effective in mitigating visual contrast, can be quickly and easily reapplied if necessary as part of routine tower maintenance.

It is worth noting that the applicant has already agreed to lower the height of the stealth pine branching closer to the ground and increasing the height of the wooden fence surrounding the compound. These design modifications serve to reduce the extent of the monopole visible above the fence and below the stealth branches; the area where a faux bark treatment would conceivably provide benefit.

It is our opinion that a faux bark surface treatment offers no additional visual mitigation benefit beyond painting the tower in a matte brown finish as currently proposed.

Thank you for your attention to this matter.

Matthew W. Allen, RLA
Principal
SARATOGA ASSOCIATES
Landscape Architects, Architects, Engineers, and Planners, P





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

April 12, 2023

RE: Homeland Towers Site Name: Mt. Kisco NY172

180 S. Bedford Road Mt. Kisco, NY 10594 Response to Comments

Honorable Chairman and Members of the Board:

This letter is to accompany the revised Zoning Drawings for the above referenced project. The proposed fenced compound has been revised to attempt to reduce the limits of disturbance and proposed removal of existing trees, and to ensure preservation of the large pine trees between the facility and 2 Sarles Street. A summary of the major revisions is as follows:

- The limit of disturbance has been reduced from  $37,000\pm$  sf to  $35,000\pm$  sf.
- The number of trees that are being removed has been reduced from 50 to 43. Of these trees to be removed 4 are already dead and 10 are in such poor health they must be removed. See report from Matt Weibel of SavATree dated April 7, 2023.
- The tower has been relocated approximately 14' to the south.
- The proposed fencing has been increased in height from 6' to 10'.
- The tower design has been revised to propose faux bark on the pole and the branches have been lowered to 55' AGL.
- Driveway entrance surface and drainage is being repaired.
- The proposed parking area uphill of the new driveway has been removed.
- An approximate 2' high berm has been added in the area east of the proposed facility along the existing driveway and an extensive landscaping plan has been added, including 36 new on-site trees and 40 new on-site shrubs.

Please see the below responses to the comments (in red) from the Michael P. Musso, P.E. comment letter dated February 27, 2023:

#### **On-Site Mitigation Options:**

- The applicant should verify the number of trees being removed (within the compound / compound access area, and along access road), and reduce, if possible, based on even slight re-configuring of the final tower location and compound size / orientation and adjustment of grading, underground utility trenching, and drainage measures (some noted to be temporary for construction).
  - Homeland Towers had the existing trees re-surveyed and this tree survey has been incorporated into the Site Plan. We have reconfirgured the access drive, relocated the tower, and reduced the compound to preserve more trees including the large pine trees between the facility and 2 Sarles Street. The number of existing trees has been recomputed and is shown on the revised Drawing set (43 trees to be removed).
- It is recommended that additional trees be shown as preserved on this and other Site Plan Drawings, including the "key" ones located on the eastern side of the proposed tower / compound location that were noted during the site walks, and along the west side of the proposed compound (see blue arrows in above image).
  - Based on the reconfiguration of the access drive, the tower and the compound, the key trees on the east side of the compound have been preserved. Additional Landscaping has been proposed on the revised drawings (see Drawing L1).

- Per Chapter 99 of the Village Code, a Tree Preservation Plan should be submitted as a new sheet in the Homeland Site Plan Drawing set.
  - A Tree Preservation Plan has been prepared and is included in the revised Drawing set (Drawings L1 and L2).
- Design criteria of branch density, taper of branches, and maximum feasible extension of branching downward toward the base of the monopole should be implemented. The density of branches shall be at a minimum of three branches per foot. The Site Plan Drawings now show branching extending from 5 ft above the top of the monopole (145 ft above grade level [agl]) down to 70 ft agl; it is recommended that the design extend the branching further downward to 55 ft agl. A note addressing the branch density of (3) branches per foot has been added to the Drawing A-1 & A-2. The Tower elevations have been revised to extend the monopine branches from 70' AGL to 55' AGL (Drawing A-1 & A-2).
- Monopole texture / color. Faux bark (brown, matte finish) shall be applied to the monopole exterior from grade level to the top of the monopole (entire structure).
   The Drawings have been revised to specify a faux bark finish to the proposed monopine (see Drawings A-1 and A-2).
- Antenna covers ("socks") are proposed and shown in the photosimulations. The antenna covers shall conform to the colors of the stealth tree branching. All visible portions of tower-mounted equipment (cabling, RRH units, distribution box and over-voltage protectors) shall be painted brown (matte finish) as possible to match the monopole color/texture. A note regarding the proposed antenna socks has been added to Drawings A-1 and A-2. All other items with the exception of the RRH's will be painted to match the proposed tower.
- It is recommended that the compound fence height be increased to 10 ft on all four sides, and that the fencing be treated as a darker wood (or painted a dark brown to facilitate blending with surrounding tree cover). The equipment cabinet canopies and ice bridge (visible on the photosimulations) should be treated as a dark brown to match the compound fencing color, as an increase in fencing height will not shield the equipment within from all perspectives.

  The proposed fence height has been increased to 10' (provided the ZBA issues a variance or an interpretation that such variance is not required) and the fence will be stained dark (see Detail 3 on Drawing C-4). The proposed metal ice bridges and equipment canopies are to be painted dark brown (see Drawings C-1 and C-6).
- To mitigate views from the Marsh Sanctuary property (amphitheater, grave marker, current and anticipated public use spaces, trail connection, Naturalist's cottage [residence]), a lattice fence (treated wood, dark brown; 8 ft in height) is recommended along a portion of the western property line (west of the compound). This lattice fencing may be "staggered" and installed in sections to run between existing trees.
  6' high lattice fencing (stained dark brown) has been added outside of western side of the compound to assist in screening views from the Marsh Sanctuary (see Drawings SP-2, SP-3, SP-4 and C-8).
- The Site Plan Drawings show 7 new plantings (evergreen; 8 ft tall at planting). It is noted that downed trees exist in this area and are assumed to be removed during construction (this should be verified by the applicant). In addition to these proposed plantings, a soil berm is recommended in this area (west side of access road; 4 ft height with berm base grade roughly at that of the existing access road in the area) so that these proposed plantings can be planted within the berm and raised from current proposed height to better shield the compound and lower portions of the monopole from the 2 Sarles Street property.
  - An approximately 2' high berm has been added in the area adjacent to the existing driveway where the proposed 7 new evergreens are being proposed (see Drawing SP-4). A 4-foot berm is not recommended by the arborist.
- Recent discussions with the Building Inspector and a Fire Department representative clarified that the two 15 ft x 15 ft pool areas should be retained on the south side of the equipment compound, considering the "one project" assumption. Two fire extinguishers should be added to the compound plan.

  The two 15'x15' temporary pool areas are shown on Drawing CP-1. (2) fire extinguishers have been added to the drawings (see Drawings C-1 and C-6).
- The applicant shall verify design and location of all temporary and permanent grading and stormwater control measures
  along with trenching plans so that tree preservation can be increased and maximized to the extent possible. The applicant
  should also confirm that the proposed measures on the current Site Plan Drawings are not related to handling stormwater
  from the solar project. It is requested that Drawings SP-3, SP-4, C-5 (check need for precast storm manhole and

underground infiltration system), and C-8 (is this Drawing necessary for the Homeland project?) be reviewed in detail for the "one project" assumption. Considering the limits of disturbance and gravel surfaces proposed for the Homeland project, it appears feasible to reduce the sizing of (or eliminate) some of these elements which would benefit the establishment of mitigation measures presented in the memo.

The proposed design has been updated to include only the measures (grading and stormwater) for the telecommunications facility to reduce overall potential disturbance.

• Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: <a href="Outdoor Lighting Basics">Outdoor Lighting Basics</a> | International Dark-Sky Association). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project. Notes have been added to Drawings C-3 and C-6 addressing the individual carrier equipment area lighting being proposed. All lighting shall be dark sky compliant. No tower lighting is required.

#### **Access Road**

- Repair of access road pavement and culvert at intersection of S. Bedford Road. It is understood that the entrance to the
  access road from S. Bedford Road will require repair and upkeep. The applicant should confirm its plans to address this
  on-going issue at the site.
  - The proposed driveway entrance is to be repaired (see Drawing SP-3) and the drainage structures and associated piping in that area are to be replaced (see Drawing SP-4).
- Tree Plantings within "first curve" of access road. The applicant shall confirm if a subset of these plantings can remain for the Homeland cell site project. The below image notes 6 7 new trees in this area (both sides of access road) that can add to the visual mitigation of the proposed cell site from the 2 Sarles Street property.
  - Proposed trees plantings (part of the telecommunication facility project) have been added to the "first curve" of the existing access drive (see Drawing L1).
- The Site Plan Drawings indicate that these trees were established conditionally for the solar project in which case they should be shown in red on the revised Site Plan Drawings. The "Limits of Disturbance" in this area (black dashed line in above image) should also be confirmed for the Homeland project; if LOD is specific to the solar project, it should be shown in red print/text on the revised Drawings.
  - All elements of the proposed design that are associated with the Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set. These items are wholly unrelated to and independent from the proposed facility.
- By-Passes. A recent discussion with the Building Inspector and a representative from the Fire Department has confirmed that the first three vehicle by-passes (paved areas off existing access road) proposed along the access road (see below image) should be retained, even for the "one project" assumption. Drawing FD-1 was reviewed, and the by- pass lanes allow water tank and fire truck access in the event of an emergency response. However, the by-pass located uphill from the compound area on can be eliminated from the Site Plan Drawings.
  - The proposed bypass/parking area that was previously shown uphill from the proposed driveway entrance has been eliminated.
- Installation of a new steel security gate near the bottom of the access drive, with combination (or other type of) lock that meets Village requirements. The access used for the Village-owned Mountain Avenue property should be considered. Provide back-up battery for lock. Applicant representatives, property owner, and all appropriate Village, County, and State staff (police, fire as appropriate or required) would have access to the site via this gate.
  - A new steel gate has been proposed at the driveway to the property entrance (see Drawings SP-3 and C-8).

#### Attachment A

Tree Preservation Plan (NEW SHEET) –

• Add note referencing Chapter 99 of Village Code.

A Tree Preservation Plan containing a note referencing Chapter 99 of the Village Code has been added to the Drawing set (Drawings L1 and L2).

- Import details from EC-2. Evaluate preservation of additional existing trees per mitigation memo. Add notes describing tree protection details.
  - The proposed details and notes in regard to tree protection have been added to Drawing L2.
- Add construction sequencing (site prep, grading; foundation work; tower installation) and equipment / means and methods to be used for each phase. Note placement of crane and concrete truck at access road and confirm reach and procedures to protect key trees from damage during use of equipment.
  - Construction sequencing notes have been added to Drawing L2.
- Add note on bond / warranty to be furnished and commitment to maintain all on-site tree preservation and on-site plantings for the life of the facility. Homeland Towers shall maintain all landscaping for as long as the telecommunication site is on the property. Required maintenance shall include watering and replacement of on-site dead and/or dying landscaping.
  - A bond/warranty note has been added to Drawing L2.
- Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted at any part of the Homeland lease during construction and over the life of the facility.
  - A grass/weed control note has been added to Drawing L2.
- Add note Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species.
  - A tree removal schedule note has been added to Drawing L2.
- Reconfigurations of the tower / compound location or configuration based on comments on the mitigation memo should be updated on all Site Plan Drawings, as appropriate.
  - The tower/compound location has been revised on the Drawing set.

#### DWG SP-1:

- Add the following notes:
  - o This set of plans has been prepared for the purposes of municipal review and approval. This set of plans shall not be utilized as construction documents until all conditions of approval have been satisfied and each of the drawings has been revised to indicate "issued for construction."
    - A note has been added to Drawing SP-1.
  - o The contractor is responsible to protect, repair and/or replace any damaged structures, utilities, off-site properties, or landscaped area.
    - A note has been added to Drawing SP-1.
- Change solar farm to red font. Review zoning table to confirm that only the Homeland project is included. Change all solar-related notes and labels to red text. Review Limits of Disturbance at northern portion of property and access road, and adjust to red font if unrelated to the cell site project.
  - All elements of the proposed design that are associated with the proposed Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set.
- Add new lattice fencing (on-site) west of compound area as noted in mitigation memo. Stockade fencing has been added outside of western side of the compound to assist in screening views from the Marsh Sanctuary (see Drawings SP-2, SP-3, SP-4 and C-8).
- Add note Boulders / rocks with maximum dimension > 18" generated during tower and compound construction will be salvaged for use in mitigation at off-site properties. Rocks/boulders to be staged as directed by the Village. For liability reasons, the applicants are unable to provide rocks to off-site properties.
- Review mitigation memo for access road recommendation (repair of road and culvert at S. Bedford Road entrance; security gate addition; new vegetation; etc.) and add notes to SP-1.
  - The proposed driveway entrance is to be repaired (see Drawing SP-3) and the drainage structures and piping in that area are to be replaced (see Drawing SP-4). A new steel gate has been proposed at the driveway to the property entrance (see Drawings SP-3 and C-8). Notes addressing the comments in the mitigation memo have been added to Drawing SP-1.
- REMOVE uphill by-pass parking area per Mitigation memo (show as red font with red "X" through this feature). The uphill by-pass/parking area has been removed from the Drawing set.

#### DWG SP-2, SP-3, SP-4:

- Follow above notes for SP-1, as drawing scales allow.
   The comments and notes to be added have been addressed on the appropriate drawings.
- Revised Notes at bottom left (show solar project values in red; adjust # trees; LOD; cut/fill as needed)
   All elements of the proposed design that are associated with the proposed Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set.
- See mitigation memo for comments and recommendations on tree preservation (compound area), new plantings, onsite berm east of proposed tower, stormwater and grading elements. Update notes and features as needed. See other items within this Response to Comment letter for the appropriate response to this comment.
- Note downed trees east of proposed compound area; clarify removal and new berm installation per mitigation memo.
  - A note addressing the removal of the existing downed trees east of the proposed compound area has been added to Drawings SP-1, SP-2 and SP-3.
- It is requested that Drawings SP-3, SP-4, C-5 (check need for precast storm manhole and underground infiltration system), and C-8 (is this Drawing necessary for the Homeland project?) be reviewed in detail for the "one project" assumption. Considering the limits of disturbance and gravel surfaces proposed for the Homeland project, it appears feasible to reduce the sizing of (or eliminate) some of these elements which would benefit the establishment of mitigation measures presented in the memo.
  - In the attempt to reduce the limit of disturbance in the area of the proposed bypass pull-offs the surface of those areas has been revised to gravel in order to reduce the impervious surface and therefore eliminate the need for the proposed drainage system shown in these areas previously.

#### DWG CP-1:

- Include note for generators, to the affect: generators are to be tested / cycled (e.g., typically 1 time per month, on a weekday during business hours, for a run period not to exceed 20 minutes).

  A note regarding the scheduling of the generator testing/cycling has been added to Drawings CP-1, C-1 and C-6.
- Include note for compound lighting, to the affect: Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: Outdoor Lighting Basics International Dark-Sky Association). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project.
  - Notes have been added to Drawings C-3 and C-6 addressing the individual carrier equipment area lighting.
- Add location of fire extinguishers to canopy / equipment cabinet areas.
   (2) fire extinguishers have been added to the drawings (see Drawings C-1 and C-6).

#### DWGs A-1 and A-2 (stealth tree elevation views):

- Import notes from On-Site Mitigation Concept #2 (Monopole Design) from the mitigation memo (tree branch density and taper; antenna covers; textures / faux bark; colors and finishes). Evaluate downward extension of branching per mitigation memo.
  - The notes from On-Site Mitigation Concept #2 have been added to Drawings A-1 and A-2.
- Import notes form On-Site Mitigation Concept #3 (Compound Design) from the mitigation memo (compound fencing height and colors).
  - The proposed fencing has been revised to increase the height to 10' and notes have been added to the drawings addressing the fence color (see Drawing C-4).
- Add spec or sample cut sheet for artificial tree branching (e.g., vender photo)
  A specification/sample cut sheet for the tree branching has been submitted under a separate cover.
- Add note The equipment cabinet canopies and ice bridge shall be treated as a dark brown to match the compound fencing color
  - The drawings have been revised to specify that the proposed equipment canopies and ice bridges are to be painted dark brown (see Drawings C-1 and C-6).

DWG EC-1 (notes for SWPPP, sediment & erosion control; construction sequence; maintenance):

- Review for notes that may be applicable to the solar project; change to red text.
   The notes on Drawing have been reviewed and it has been determined that there were no notes referencing the proposed Solar project.
- Review Construction Sequence notes with comments provided above for new Tree Preservation Plan sheet. The proposed Construction Sequence notes have been revised as appropriate.

#### DWG C-1:

Copy above generator notes to this sheet.
 A note regarding the proposed generator testing/cycling have been added to Detail 8 on Drawing C-1 and Detail 4 on Drawing C-6.

#### DWG C-2:

- Add spec or sample cut sheet for antenna covers ("socks").

  A specification/sample cut sheet for the proposed antenna socks has been submitted under a separate cover.
- Import notes from On-Site Mitigation Concept #2 (Monopole Design) from the mitigation memo (colors of visible equipment; antenna covers; etc.).

Notes regarding the proposed monopine design have been added to Drawings A-1 and A-2.

#### DWG C-3:

• Include note for compound lighting, to the affect: Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: Outdoor Lighting Basics International Dark-Sky Association). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project.

A note in regard to the proposed light fixtures has been added to Drawing C-3.

#### DWG C-4:

- Import notes from On-Site Mitigation Concept #3 (Compound Design) from the mitigation memo (compound fencing height and colors).
  - The proposed fencing has been revised to increase the height to 10' and notes have been added to the drawings addressing the fence color (see Drawing C-4).
- Add detail for secondary (western) on-site lattice fence per mitigation memo. A detail for the proposed screening fence has been added to Drawing C-8.

#### DWG C-5 and C-8:

- Evaluate need for storm manhole and underground infiltration system. Update sheet as possible.

  The proposed stormwater design has been revised to reflect the new layout in order to to reduce the proposed limits of disturbance the bypass pull-offs have been revised to a gravel surface and therefore eliminating the need for the proposed storm manhole and infiltration systems in those areas.
- Confirm if C-8 is still required with the "one project" assumption.

  Drawing C-8 has been revised to incorporate the details for the proposed telecommunication facility only.

#### DWG SS-1:

• Modify per mitigation memo (change solar project notes, LOD, etc. to red font).

All elements of the proposed design that are associated with the Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set.

DWG LS-1: Modify per mitigation memo (change solar project notes, LOD, etc. to red font). Add or confirm the following notes for new plantings

All elements of the proposed design that are associated with the Solar project have been shown in red on the revised Drawings SP-1 and SP-2.

• All landscaping shall be planted according to sound horticultural practice and in conformance with the American standard for nursery stock, current edition. All plant materials used shall be true to name and size in conformity with the current edition of the American standard of nursery stock and shall be typical of their species or variety. All plants shall have normal, well-developed branches and vigorous root systems. They shall be sound, healthy, vigorous, free from defects, disfiguring knots, abrasions of the bark, sun scald injuries, plant diseases, insect eggs, borers, and all other forms of infection. All plants shall be nursery grown. All plant material shall be tagged at the nursery source and approved by the project landscape architect prior to planting.

A note has been added to Drawing L2.

• All plant material shall bear the same relation to finished grade as it bore to existing grade at the nursery. All plant material shall be planted so that the top of the rootball is no higher or lower than the existing/finished grade dependent upon soil conditions.

A note has been added to Drawing L2.

• In the event that planting discrepancies or material omissions occur in the plant materials list, the landscaping plan shall govern. The use and planting of bare root material shall be prohibited.

A note has been added to Drawing L2.

• Plants shall only be installed when the soil is frost free.

A note has been added to Drawing L2.

• The depth of plant pits shall be increased by 12" through the addition of loose aggregate (3/4" to 1 1/2" diameter) wherever poor drainage occurs.

A note has been added to Drawing L2.

• Plants planted in rows shall be matched specimens and be uniform in size and form.

A note has been added to Drawing L2.

• Planting backfill mixture shall consist of one part topsoil, one-part native soil and one-part peat moss. Note that planting mixture may change based upon soil conditions.

A note has been added to Drawing L2.

• All plant material shall be given a minimum of 5 gallons of water at the time of installation and shall be watered at intervals during establishment to ensure adaptation to the site. Prior to the installation of the plant material, the contractor shall fill each planting pit with water and allow it to fully percolate into the ground prior to placement of the plant. The contractor shall notify either the township or project landscape architect of any percolation problems prior to installation.

A note has been added to Drawing L2.

• Preferred planting time periods are from September 1 to November 30 or March 20 to May 31. No planting shall be executed during abnormally hot weather nor when the ground is frozen. Mound mulch 6 inches high to form saucer final grade

A note has been added to Drawing L2.

• The contractor shall remove all damaged branches and nursery tags at the time of installation.

A note has been added to Drawing L-1.

• Slow release fertilizer tablets or packets of 20-10-5 composition shall be added to all planting pits at the following ratios: 1 per shrub, 2 per evergreen trees up to 2" in caliper and 3 for evergreen trees above 2" in caliper.

A note has been added to Drawing L2.

• All grouped shrubs shall be mulched together to form one continuous planting bed.

A note has been added to Drawing L2.

• Contractor to be responsible for seeding areas being disturbed by construction. Seed mixture to be in accordance with soil conservation district's standards.

A note has been added to Drawing L2.

• Stakes shall be white or red cedar, oak, or locust treated with acceptable wood preservative.

A note has been added to Drawing L2.

- Remove all plastic material synthetic burlap and string or containers to be removed at the time of planting. A note has been added to Drawing L2.
- Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted at any part of the Homeland lease during construction and over the life of the facility.

A note has been added to Drawing L2.

• Add note on bond / warranty to be furnished and commitment to maintain all on-site tree preservation and on-site plantings for the life of the facility. Homeland Towers shall maintain all landscaping for as long as the telecommunication site is on the property. Required maintenance shall include watering and replacement of on-site dead and/or dying landscaping.

A note has been added to Drawing L2.

• Add note - Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species.

A note has been added to Drawing L2.

Should you have any questions, please do not hesitate to call me at (860) 663-1697.

Sincerely,

**APT Engineering** 

Scott M. Chasse, P.E.

Principal

LAW OFFICES OF

#### SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD

TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

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

April 6, 2023

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

> REPLY TO: TARRYTOWN OFFICE

DAVID L. SNYDER

NEW YORK OFFICE

FAX (212) 932-2693

LESLIE J. SNYDER ROBERT D. GAUDIOSO

DOUGLAS W. WARDEN

(212) 749-1448

445 PARK AVENUE, 9TH FLOOR

NEW YORK, NEW YORK 10022

Honorable Chairman Wayne Spector and Members of the Zoning Board of Appeals Village of Mount Kisco 104 Main Street Mount Kisco, New York 10549 RECEIVED

APR 1 0 2023

Zoning Board of Appeals Village/Town of Mount Kisco

Re:

180 S. Bedford Road

Homeland Towers, LLC & Verizon Wireless

Honorable Chairman Spector and Members of the Zoning Board of Appeals:

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

Enclosed please find the following documents:

- 1. Affidavit of Mailing; and
- Affidavit of Publication.

We look forward to discussing this matter at the public hearing on April 18, 2023. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

1 Willest

Robert D. Gaudiosc

Enclosures RDG/djk

cc: Applicants

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\March 2023 Public Notice\Proof of Notice Letter 04.06.2023.rtf

#### AFFIDAVIT OF MAILING

State of New York	)	
	)	SS
County of Westchester	)	

Erica Atzl being duly sworn, deposes and says that she is over twenty-one years of age and works at 94 White Plains Road, Tarrytown, in the State of New York; that she is a paralegal at Snyder & Snyder, LLP, the attorney for Homeland Towers, LLC and Verizon Wireless regarding their application for the installation of a public utility wireless telecommunications facility at 180 South Bedford Road, Village of Mount Kisco, New York. On April 5, 2023 she served notice, a copy of which is attached hereto, upon the following named persons at the addresses set forth, as shown on the attached list, by mailing true copies of the same, enclosed and properly sealed in postpaid envelopes, which she entrusted to the exclusive care and custody of the United States Postal Service within the State of New York.

Erica Atzl

Sworn to and subscribed before me this (all day of April 2023

NOTARY PUBLIC

David James Kenny
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02KE6343903
Qualified in Westchester County
Commission Expires June 20, 2026

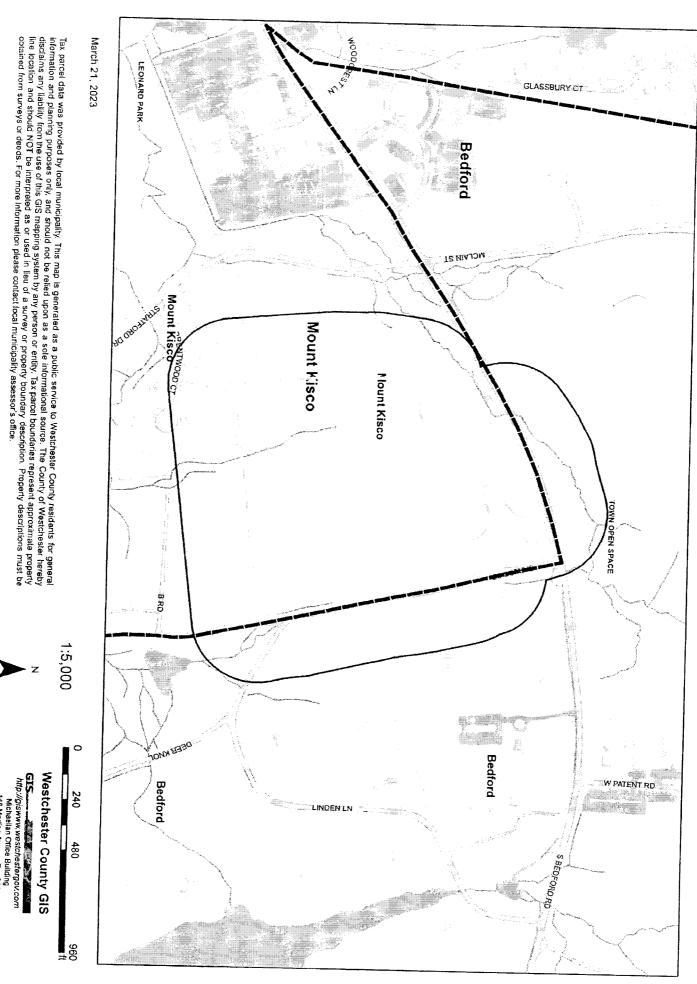
24

#### **PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 18th day of April 2023 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Application of Homeland Towers, LLC and Verizon Wireless c/o Snyder & Snyder, LLP 94 White Plains Road, Tarrytown, NY 10591, for its proposed wireless telecommunications facility at the Property identified as 180 S. Bedford Road, Mount Kisco, NY 10594 and described on the Village Tax Map as Section 80.44 Block 1 Lot 1 requires certain variances. The Property is located on the South side of South Bedford Road in a Conservation Development Zoning District. Application being made to obtain variances from §110-27.1(E)(5) for: (1) having a personal wireless service facility within 500 foot of a residential dwelling with the tower being approximately 295 feet from the naturalists cottage at the Marsh Sanctuary and approximately 390 feet from the residential dwelling at 2 Sarles Street and variances of approximately 205 feet and 110 feet, respectively; and (2) a setback of less than 1,130 feet from all property lines where the tower is approximately 171' to northerly property line, approximately 103' to easterly property line, approximately 1,094' to southerly property line and approximately 147' to westerly property line is proposed and variances of approximately up to 959', 1,027', 36' and 983' respectively are requested. A variance is also requested for relief from maximum fence height requirement of §110-31(F)(2) Code of the Village/Town of Mount Kisco setting a maximum fence height of 61/2 feet where up to 10 feet is proposed and a variance of up to 31/2 is requested, all as subject to Planning Board's required mitigation. Any other necessary variances are also requested and in the alternative an appeal that no variances are required or that the variances required had previously been applied for.

Wayne Spector, Chair Zoning Board of Appeals Village/Town of Mount Kisco

# 180 S Bedford Rd. ID: 80.44-1-1 (Mount Kisco)



http://giswww.westchestergov.com Westchester County GIS

White Plains, New York 10601 148 Martine Avenue Rm 214 Michaellan Office Building Coppola George 5 Brentwood Ct Mount Kisco, NY 10549

7 Brentwood Ct Mount Kisco, NY 10549

Tarnok, Maryann M

Skull Island Partners LLC 180 S Bedford Rd Mount Kisco, NY 10549

Marsh Sanctuary Inc 71 Sarles St Mount Kisco, NY 10549 Wildlife Preserve Inc 1001 S Bevenwyck Rd Parsippany, NJ 07054 Pietrobono Anna C 2 Sarles St Mount Kisco, NY 10549

Paccetti Frank 9 Brentwood Ct Mount Kisco, NY 10549 Mt. Kisco Chase HOA Inc Attn: Heritage Management Svcs PO Box 265 Somers, NY 10589 Garewal, Karan 6 Brentwood Ct Mount Kisco, NY 10549

Inserra, Michael J 1001 Wootenhill Ct Greensboro, GA 30642 Planning Board Village/Town of Mount Kisco 104 Main Street Mount Kisco, NY 10549

Mayor Gina D. Picinich Village/Town of Mount Kisco 104 Main Street Mount Kisco, NY 10549

Village Board of Trustees Village/Town of Mount Kisco 104 Main Street Mount Kisco, NY 10549 Town Clerk Lisbeth "Boo" Fumagalli Town of Bedford 321 Bedford Road Bedford Hills, NY 10507

Building Inspector Peter J. Miley Village/Town of Mount Kisco Village Hall (1st Floor) 104 Main Street Mount Kisco, NY 10549

POSTAL SERVICE ® Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office <sup>14</sup>	Affix Stamp Here Postmark with Date of Receipt.	Certificate of Mailing — Firm	ing — Firm
Snyder & Snyder, LLP 94 White Plains Road Tarrytown, NY 10591					
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PS Form **3665**, January 2017 (Page Total ) PSN 7530-17-000-5549

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TOTAL NO.	Postmaster, per (name of receiving employee)	Add	Planning Board Village/Town of Mount Kisco/ 104 Main Street Mount Kisco, NY 10549	Mayor Gina D. Picinich Village/Town of Mount Kisco 104 Main Street	Mount Kisco, NY 10549  Village Board of Trustees  Village/Town of Mount Kisco	Mount Kisco, NY 10549 Town Clerk Lisbeth "Boo" Fum	Town of Bedford 321 Bedford Road Bedford Hills, NY 10507	Building Inspector Peter J. Miley Village/Town of Mount Kisco Village Hall (1st Floor) 104 Main Street Mount Kisco, NY 10549
_	Tarrytown, NY 10591	USPS® Tracking Number Firm-specific Identifier		2.	3.	4.	5.	6. PS Form <b>3665</b> , January 2017 (Page of 1) psik 7530.



# AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin County of Brown, ss.:

before me, the undersi	igned, a Notary Public i lly known to me or prov	in and for said State, personally appeared red to me on the basis of satisfactory evidence to
be the individual(s) whose name(s) is (are) subscribed to the w same in his/her/their capacity(ies), and that by his/her/their sig	vithin instrument and ac	knowledged to me that he/she/they executed the
of which the individual(s) acted, executed, the instrument.		
Coberts being duly sweet		
being duly sworr	i says that ne/she is the	principal clerk of THE JOURNAL NEWS, a
newspaper published in the County of Westchester and the Sta	te of New York, and the	e notice of which the annexed is a printed copy,
was published in the newspaper area(s) on the editions dated b	elow:	
Zone:	Edition Dates:	
Westchester	04/03/2023	
D. Roberts		
Signature		
Sworn to before me this 6 day of April 2022		
Sworn to before me, this 6 day of April, 2023  Sworn to before me, this 6 day of April, 2023	w	
Notary Public. State of Wisconsin. County of Brown		KATHLEEN ALLEN Notary Public
1-7-	6	State of Wisconsin
My commission expires		
Legend:		

#### WESTCHESTER:

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

#### ROCKLAND

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

Ad Number: 0005649449

Ad Number: 0005649449 Run Dates: 04/03/2023

#### **FUBLIC NOTICE**

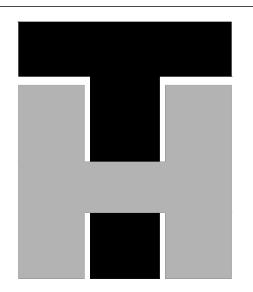
PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 18th day of April 2023 at the Minicipal Building, Mount Kisco, New York will hold a Public Hearing on the 18th day of April 2023 at the Minicipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Application of Horseland Towers, LIC and Veriton Wireless co Styder & Snyder, 11th 94 White Plains Road, Tarrytown, NY 10591, for its proposed wireless telecommunications locities at the Property Identified as 180.5, Bedford Road, Mount Kisco, NY 10594 and described on the Village Bax May as Section 80.44 Block 1. Lot 1 requires certain variances. The Property is Tocated on the South side of South Bedford Road in a Contentwation Development Zooing District, Application, being maske to obtain variances irom §110-27.1(E/S) for: (1) having a personal wireless service facility within 500 foot of a residential dwelling at 2 Sarles Street and variances of approximately 705 feet and 10 feet, respectively; and (2) a setback of less than 1,130 feet from all property lines where the tower is approximately 107 to exaterly property line, approximately 107. To exaterly property line

Wayne Spector, Chair Zoning Board of Appeals Village/Town of Mount Kisco 0005649449

State of New York )		RECEIVED
) ss: County of Westchester)	AFFIDAVIT OF POSTING	APR 1 1 2022
Gilmar Palacios Chin, being duly sworn, says that conspicuously fastened up and posted in seven publ Mount Kisco, County of Westchester, a printed not copy, to Wit:	lic places, in the Village/Town	n of
Municipal Building – 104 Main Street	<u>X</u>	
Public Library 100 Main Street	X	
Fox Center	X	
Justice Court – Green Street 40 Green Street	X	
Mt. Kisco Ambulance Corp 310 Lexington Ave	X	
Carpenter Avenue Community House 200 Carpenter Avenue	X	
Leonard Park Multi Purpose Bldg	X	
	Gilmar Palacios Chin	
Sworn to before me this day of Notary Public NOTARY PUBLIC-STATE OF NEW YORK	2023	

NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified in Putnam County
My Commission Expires 10-20-2026



HOMELAND TOWERS, LLC

# WIRELESS TELECOMMUNICATIONS FACILITY

# **MOUNT KISCO** 180 S. BEDFORD RD. MT. KISCO, NY 10594

# DRAWING INDEX

T-1 TITLE SHEET & INDEX

1 OF 2 ABUTTERS PLAN

2 OF 2 PARTIAL EXISTING CONDITIONS SURVEY

R-1 500' RADIUS MAP & PROPERTY OWNERS

TR-1 500' TOWER RADIUS MAP

**SP-1 SITE PLAN** 

SP-2 PARTIAL SITE PLAN

SP-3 PARTIAL SITE PLAN

SP-4 GRADING & DRAINAGE PLAN

**CP-1 COMPOUND PLAN** 

A-1 - A-3 ELEVATIONS & ALTERNATE MONOPOLE ELEVATIONS

EC-1 - EC-2 EROSION CONTROL NOTES & DETAILS

C-1 - C-3 VERIZON EQUIPMENT, ANTENNA & LIGHTING PLANS & DETAILS

C-4 - C-5 SITE DETAILS

C-6 - C-7 AT&T EQUIPMENT & ANTENNA PLANS & DETAILS

C-8 SITE DETAILS

SS-1 STEEP SLOPE PLAN

FD-1 FIRE TRUCK TURNING PLAN

L1 LANDSCAPING & TREE MITIGATION PLAN

L2 LANDSCAPING & TREE MITIGATION NOTES & DETAILS

POWER PROVIDER:

CONEDISON: (800) 752-6633

TELCO PROVIDER: VERIZON (914) 890-0200 (800) 962-7962

**GOVERNING CODES:** 2020 NEW YORK STATE UNIFORM FIRE PREVENTION & BUILDING CODE NATIONAL ELECTRIC CODE TIA-222-H

PROJECT DESCRIPTION: RAWLAND SITE W/ GROUND EQUIPMENT

COMPOUND W/ NEW 140'± AGL MONOPINE.

PROPERTY DEVELOPER: HOMELAND TOWERS, LLC

(203) 297-6345

ENGINEER CONTACT: ROBERT C. BURNS (860) 552-2036

> LATITUDE: 41° 11' 58.66"N LONGITUDE: 73° 42' 48.55"W

# SITE INFORMATION

PROJECT LOCATION: 180 S. BEDFORD RD.

MT. KISCO, NY 10594

WITHIN 1,470± SF TELECOMMUNICATIONS

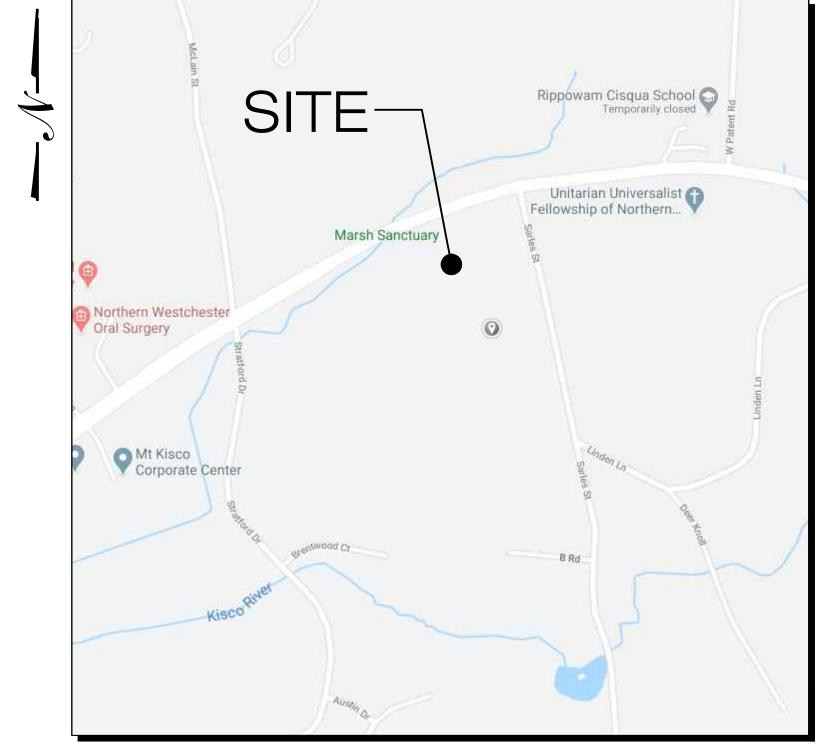
9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

DEVELOPER CONTACT: KLAUS WIMMER

ELEVATION: 426'± AMSL SECTION: 80.44 BLOCK: 1

> LOT: 1 ZONE: CD -CONSERVATION DEVELOPMENT DISTRICT



**LOCATION MAP** 

OWNER:

(203) 297-6345

SKULL ISLAND PARTNERS LLC HOMELAND TOWERS, LLC 9 HARMONY STREET C/O DAVID SELDIN 1571 OCEANVIEW DRIVE 2ND FLOOR TIERRA VERDE, FL 33715-2538 DANBURY, CT 06810 KLAUS WIMMER

APPLICANTS:

VERIZON 4 CENTEROCK RD. WEST NYACK, NY 10994 HOMELAND PROJECT ATTORNEY: SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD TARRYTOWN, NY 10591 (914) 333-0700

DIG SAFELY NEW YORK:





4 CENTEROCK ROAD WEST NYACK, NY 10994



**340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 31 WATERFORD, CT 06385 PH: (860)-663-169 VWW.ALLPOINTSTECH.COM FAX: (860)-663-093

#### NO DATE REVISION 0 | 08/13/20 | FOR REVIEW: RCB

1 | 08/14/20 | CLIENT REVS: RCB

2 | 11/03/20 | TOWN COMMENTS: RCB

5 | 03/19/21 | TOWN COMMENTS: RCB

8 07/14/21 TOWN COMMENTS: RCB

9 | 04/12/23 | TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E.

**COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET

**EXTENSION - SUITE 311** WATERFORD, CT 06385 **DEVELOPER: HOMELAND TOWERS, LLC** ADDRESS: 9 HARMONY STREET

DANBURY, CT 06810

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209 (2) FOR ANY PERSON, UNLESS **ACTING UNDER THE DIRECTION OF A** LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC **DESCRIPTION OF THE ALTERATION.** 

## HOMELAND TOWERS **MOUNT KISCO**

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

**APT FILING NUMBER: NY283830** 

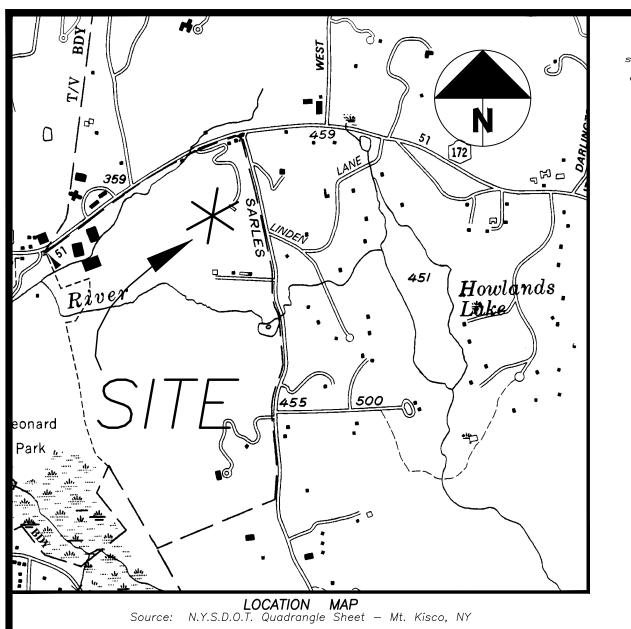
CHECKED BY: RCB

SHEET TITLE:

TITLE SHEET & INDEX







"Copies from the original of this survey map not marked with an original of the land surveyor's inked seal or embossed seal shall not be considered to be a valid true copy."

> Alterations not conforming to section 7209, subdivision 2, of the State Education Law, are prohibited.



## -SURVEY NOTES-

1. NO TITLE REPORT WAS REFERENCED FOR THIS SURVEY.

2. AREA -25.0 ± ACRES

3. SUBJECT TO THE RIGHTS OF THE PUBLIC OVER SOUTH BEDFORD RD.

4. BASIS OF BEARINGS - TRUE NORTH @ 74° 30' WEST LONGITUDE.

5. UNDERGROUND FEATURES, FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN LOCATED FROM AVAILABLE RECORDS, FIELD LOCATIONS OF ASSOCIATED ABOVE GROUND STRUCTURES, ANY MARKINGS PROVIDED BY THE CLIENT THEREFORE, THESE LOCATIONS MUST BE CONSIDER APPROXIMATE. THERE MAY BE OTHER UNDERGROUND FEATURES, FACILITIES, STRUCTURES AND UTILITIES, THE LOCATION OR EXISTENCE OF WHICH IS NOT PRESENTLY KNOWN. LOCATION OF UNDERGROUND FEATURES, FACILITIES AND STRUCTURES ARE NOT CERTIFIED.

6. IN THE EVENT THAT THERE IS A DISCREPANCY BETWEEN THE CONTENTS OF THE SIGNED AND SEALED HARDCOPY DRAWING AND THE CORRESPONDING DIGITAL DRAWING FILE, THE HARDCOPY WITH AN ORIGINAL STAMP AND SIGNATURE SHALL BE THE CONTROLLING DOCUMENT. BE SURE TO COMPARE THE TWO DOCUMENTS BEFORE USING THE DIGITAL FILE.

7. THIS DRAWING HAS BEEN PREPARED FOR A 24"X36" FORMAT. DO NOT SCALE THIS DRAWING IF PLOTTED ON ANY OTHER FORMAT.

8. VERTICAL DATUM: NAVD88.9. CONTOUR INTERVAL: 1 FOOT.

# LEGEND

⊗ Evidence Found, Labled

Boundary Line

80.44-1-1

County Tax Map Parcel I.D. Number

County Tax Parcel Line



S 12°15'27" E 24.00'

S 30°16'07" E 50.77'

S 14°01'17" E 186.00'

1. FIELD SURVEY DATE: AUGUST 6, 2020

2. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83)

3. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM

OF 1988 (NAVD88)

4. OWNER: SKULL ISLAND PARTNERS, LLC 263 13TH AVE. SOUTH SUITE 340 ST. PETERSBURG, FL. 33701

5. SITE NUMBER: NY172

6. SITE ADDRESS: 180 S. BEDFORD RD. MT. KISCO, NY 10594

7. APPLICANT: HOMELAND TOWERS

8. JURISDICTION: VILLAGE OF MT. KISCO

WESTCHESTER COUNTY, NY9. TAX ID: 80.44-1-1

10. DEED REFERENCE: CONTROL NO. 531553080

11. ZONING DISTRICT: CD CONSERVATION DEVELOPMENT DISTRICT

12. THE HORIZONTAL DATUM AND VERTICAL DATUM WERE DERIVED FROM A DUAL FREQUENCY GPS SURVEY.

13. ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREON WAS DETERMINED FROM SURFACE EVIDENCE AND PLANS OF RECORD. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF ALL SITE WORK. CALL DIGSAFELY NEW YORK 1-800-962-7962 A MINIMUM OF 72 HOURS PRIOR TO PLANNED

14. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE PROPOSED IMPROVEMENTS ON THIS PROPERTY ARE LOCATED IN AN AREA DESIGNATED AS ZONE X (UNSHADED), AREA OF MINIMAL FLOODING. COMMUNITY PANEL NO. 36119 C 0154 F EFFECTIVE DATE: SEPTEMBER 28, 2007.

15. FIELD SURVEY BY EDM TOTAL STATION.

ACTIVITY.

16. THIS IS NOT A BOUNDARY SURVEY.
METES AND BOUNDS SHOWN HEREON ARE COMPILED FROM THE
SUBJECT REFERENCED SITE PLAN. DIRECTIONS HAVE BEEN ROTATED
INTO MAP DATUM (NAD 83) BASED ON FOUND EVIDENCE AS NOTED.
NO BOUNDARY SURVEY WAS PERFORMED.

17. ALL PROPERTY LINES SHOWN ARE FROM DEEDS, PLANS OF RECORD AND WESTCHESTER COUNTY, NY GIS DATABASE AND ARE APPROXIMATE ONLY.

18. ABUTTING PROPERTY LINES AND STREET LINES ARE TAKEN FROM THE REFERENCE PLANS AND THE WESTCHESTER COUNTY, NY GIS DATABASE AND ARE APPROXIMATE ONLY.

Abutters Plan Premises of

# Skull Island Partners, LLC

Control No. 531553080

Village of Mount Kisco, County of Westchester State of New York

### 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000 | 1000

71 SARLES ST.

MT. KISCO, NY 10549

N 72°22'23" E 51.32'

✓ S 17°37'37" E 61.79'

D=40°43'36"

80.44-1-2

ANNA C. PIETROBONO CONTROL NO. 473530477

2 SARLES ST.

MT. KISCO, NY 10549

N 71°16'13" E 26.36'

N 75°29'13" E 101.03'

EXISTING ACCESS DRIVE

N 78°29'14" E 60.96'

N 55°49'53" E 97.37'

N 61°25'53" E 101.36'

80.51-2-1

N/F

WILDLIFE PRESERVE INC.

DEED 7578~309

114 S. BEDFORD RD.

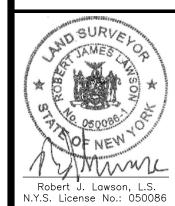
MT. KISCO, NY 10549

100 200 300 SCALE 1"=100' A STATE OF THE PARTY OF THE PAR

MAPPING

SURVE

LAWSON



**DATE:** August 6, 2020 **W.O. No.:** 6969

SCALE: 1 inch = 100 feet

DRAWN BY: J.D.J.

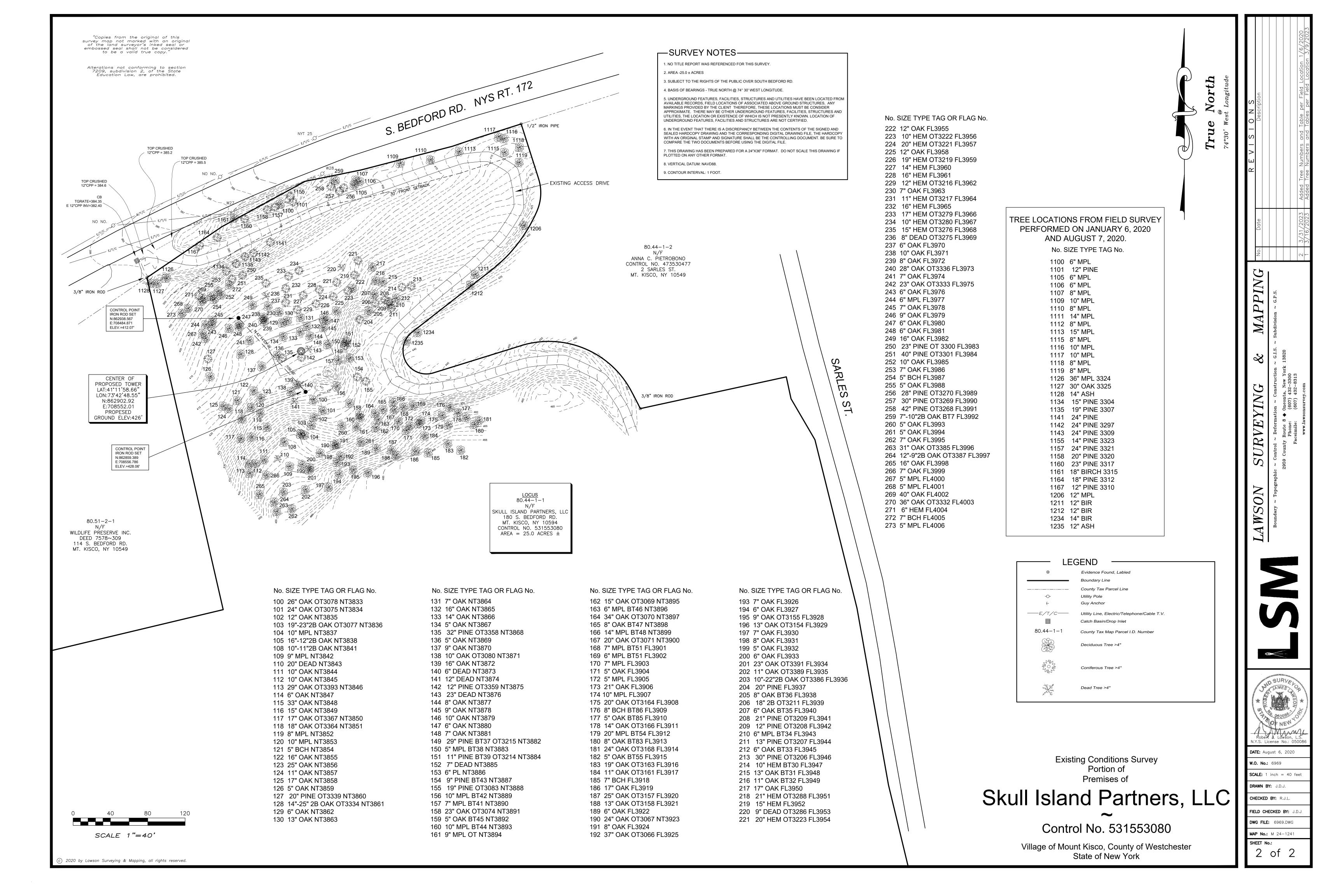
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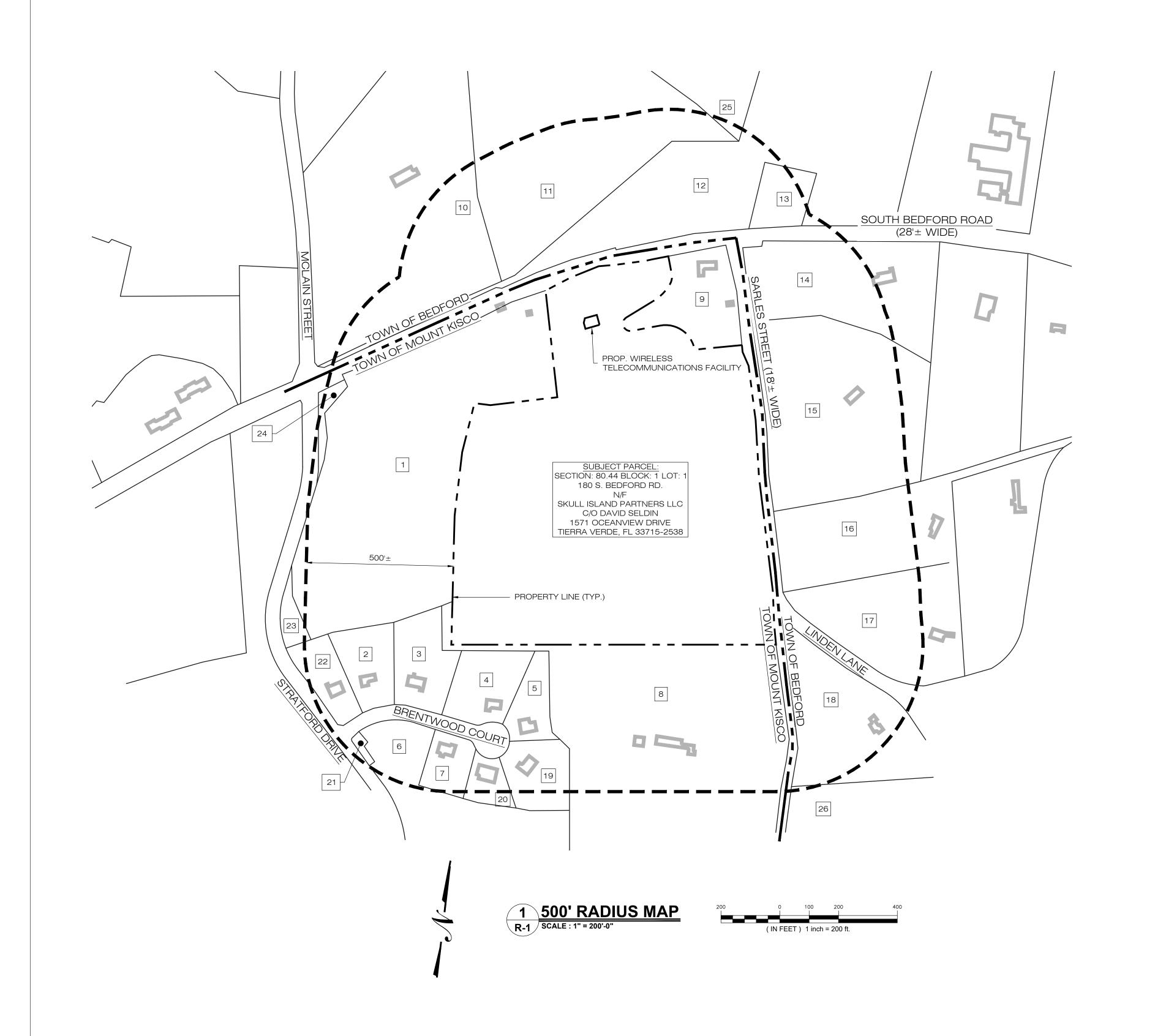
FIELD CHECKED BY: J.D.J

DWG FILE: 6969.DWG

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rk 1 c





# VILLAGE OF MOUNT KISCO WESTCHESTER COUNTY 500' RADIUS PROPERTY OWNERS

MAP ID	SECTION	BLOCK	LOT	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS
1	80.51	2	1	114 S. BEDFORD RD, MOUNT KISCO, NY 10549	WILDLIFE PRESERVE INC.	71 SARLES ST, MOUNT KISCO, NY 10549
2	80.51	2	3	3 BRENTWOOD CT, MOUNT KISCO, NY 10549	MICHAEL J. INSERRA & MADLYN INSERRA	3 BRENTWOOD CT, MOUNT KISCO, NY 10549
3	80.51	2	4	5 BRENTWOOD CT, MOUNT KISCO, NY 10549	GEORGE COPPOLA & ELLEN MOLLOY	5 BRENTWOOD CT, MOUNT KISCO, NY 10549
4	80.51	2	5	7 BRENTWOOD CT, MOUNT KISCO, NY 10549	MARYANN M. TARNOK	7 BRENTWOOD CT, MOUNT KISCO, NY 10549
5	80.51	2	6	9 BRENTWOOD CT, MOUNT KISCO, NY 10549	FRANK PACCETTI & BARBARA PACCETTI	9 BRENTWOOD CT, MOUNT KISCO, NY 10549
6	80.59	1	1.17	STRATFORD DR, MOUNT KISCO, NY 10549	MT. KISCO CHASE HOA INC	P.O. BOX 265, SOMERS, NY 10589
7	80.51	2	9	6 BRENTWOOD CT, MOUNT KISCO, NY 10549	KARAN GAREWAL & PRATIBHA GAREWAL	6 BRENTWOOD CT, MOUNT KISCO, NY 10549
8	80.60	1	2	71 SARLES ST, MOUNT KISCO, NY 10549	MARSH SANCTUARY INC	71 SARLES ST, MOUNT KISCO, NY 10549
9	80.44	1	2	2 SARLES ST, MOUNT KISCO, NY 10549	ANNA C. PIETROBONO & JOHN G. PIETROBONO	2 SARLES ST, MOUNT KISCO, NY 10549
19	80.51	2	7	10 BRENTWOOD CT, MOUNT KISCO, NY 10549	DAVID M. SCHWARTZ & HOLLY Y. SCHWARTZ	10 BRENTWOOD CT, MOUNT KISCO, NY 10549
20	80.51	2	8	8 BRENTWOOD CT, MOUNT KISCO, NY 10549	GERARD ROMSKI & BETH ROMSKI	8 BRENTWOOD CT, MOUNT KISCO, NY 10549
21	N/A	N/A	N/A	N/A	N/A	N/A
22	80.51	2	2	1 BRENTWOOD CT, MOUNT KISCO, NY 10549	ELIZABETH JACOBS	1 BRENTWOOD CT, MOUNT KISCO, NY 10549
23	N/A	N/A	N/A	N/A	N/A	N/A
24	N/A	N/A	N/A	N/A	N/A	N/A

# TOWN OF BEDFORD WESTCHESTER COUNTY 500' RADIUS PROPERTY OWNERS

MAP ID SECTION BLOCK LOT PROPERTY ADDRESS OWNER NAME

MAP ID	SECTION	BLOCK	LOT	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS
10	82.12	2	2	35 TUCKER RD, MOUNT	MICHAEL & CARLA BIRD	35 TUCKER RD, BEDFORD
10	02.12	2		KISCO, NY 10549	WICHAEL & CARLA BIRD	CORNERS, NY 10549
11	82.12	2	1	25 TUCKER RD, MOUNT	MARCI STEARNS & STEVEN	25 TUCKER RD, BEDFORD
11	02.12	2	1	KISCO, NY 10549	MCCORMICK	CORNERS, NY 10549
12	83.05	1	6	OPEN SPACE	TOWN OF BEDFORD	321 BEDFORD RD,
12	65.05	1	0	OPEN SPACE	TOWN OF BEDFORD	BEDFORD HILLS, NY 10507
13	83.90	1	1	201 SOUTH BEDFORD RD,	REALIS DEVELOPMENT LLC	356 MANVILLE RD,
13	65.50	1		MOUNT KISCO, NY 10549	REALIS DEVELOPIVIENT LLC	PLEASANTVILLE, NY 10570
14	83.90	1	19	220 SOUTH BEDFORD RD,	CHABAD OF BEDFORD INC	133 RAILROAD AVE,
14	65.90	1	19	MOUNT KISCO, NY 10549	CHABAD OF BEDFORD INC	BEDFORD HILLS, NY 10507
15	83.90	1	18	22 SARLES ST, MOUNT	ABDELOUAHAB EL BOUHALI &	P.O. BOX 667, BEDFORD
13	65.90	1	10	KISCO, NY 10549	NANCY EL BOUHALI	HILLS, NY 10507
16	83.90	1	16	43 LINDEN LN, MOUNT	LAWRENCE LEE & DAISY LEE	43 LINDEN LN, BEDFORD,
10	65.90	1	10	KISCO, NY 10549	LAWKENCE LEE & DAIST LEE	CORNERS, NY 10549
17	83.90	1	15	69 LINDEN LN, MOUNT	ROSEMARIE A MAIORANO &	69 LINDEN LN, BEDFORD
1/	65.90	1	15	KISCO, NY 10549	VALERI HEDGES	CORNERS, NY 10549
18	83.13	1	1	72 LINDEN LN, MOUNT	IHOR ANDREW CZERNYK &	108 SECOND AVE, NEW
10	65.15	1	1	KISCO, NY 10549	NATALIA M CZERNYK	YORK, NY 10003
25	83.05	1	4	NI/A	N1/A	NI/A
25	83.05	1	4	N/A	N/A	N/A
26	02 12	02.42	2 12 1 17	21 DEER KNL, BEDFORD	EDWARD FEINBERG & HARRIET	701 D. BEDFORD RD,
26	83.13	1	17	CORNERS, NY 10549	FEINBERG	BEDFORD HILLS, NY 10549





4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

	PERI	MITTING DOCUMENTS
NO	DATE	REVISION
0	08/13/20	FOR REVIEW: RCB
1	08/14/20	CLIENT REVS: RCB
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7	07/13/21	TOWN COMMENTS: RCB
8	07/14/21	TOWN COMMENTS: RCB

9 04/12/23 TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** 

WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR DANBURY, CT 06810

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

## HOMELAND TOWERS **MOUNT KISCO**

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

APT FILING NUMBER: NY283830

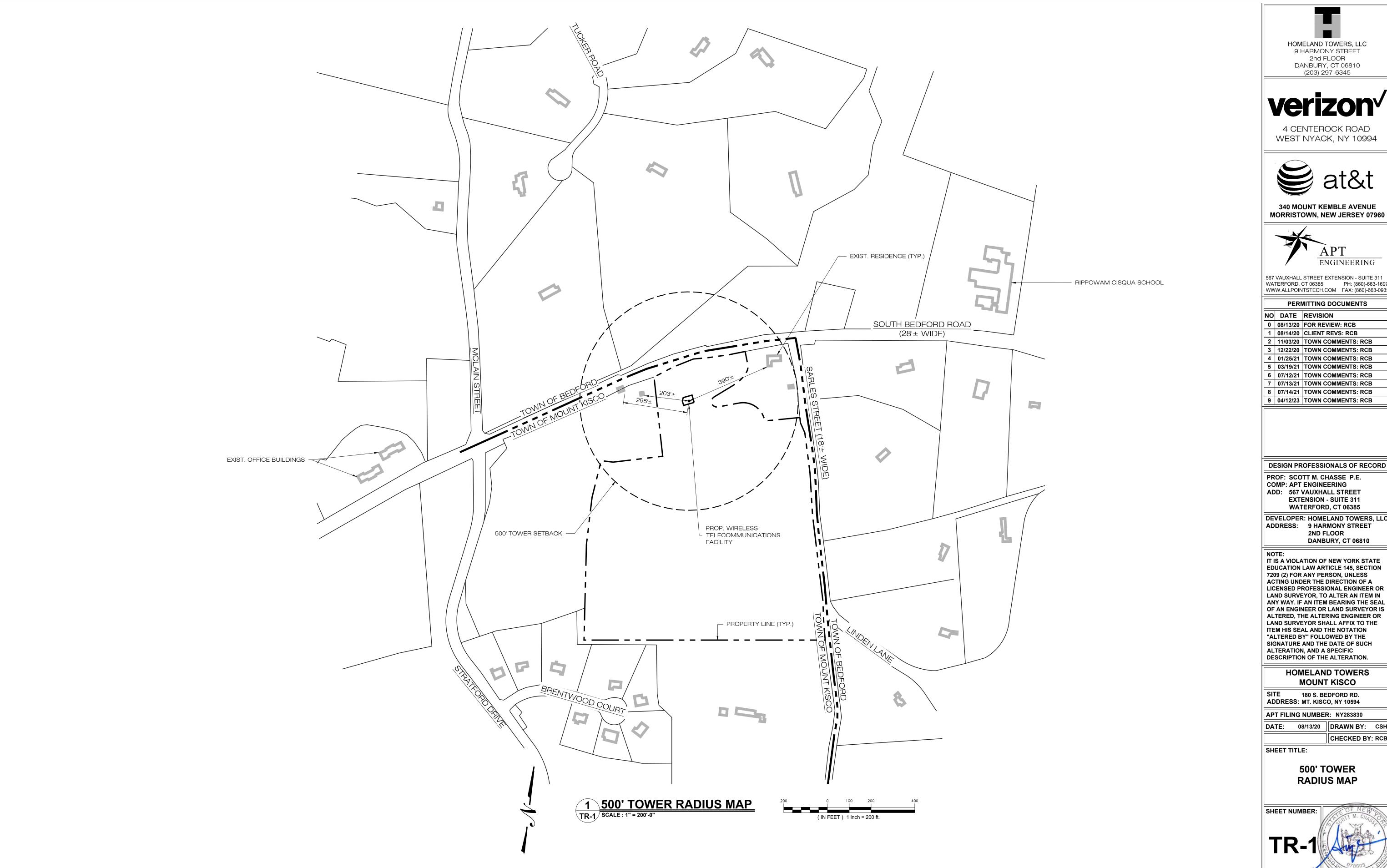
| DATE: 08/13/20 | DRAWN BY: CSH CHECKED BY: RCB

SHEET TITLE:

500' RADIUS MAP & PROPERTY OWNERS

SHEET NUMBER:









4 CENTEROCK ROAD WEST NYACK, NY 10994



**340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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DEVELOPER: HOMELAND TOWERS, LLC
ADDRESS: 9 HARMONY STREET
2ND FLOOR
DANBURY, CT 06810

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# **HOMELAND TOWERS**

**MOUNT KISCO** 

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

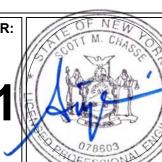
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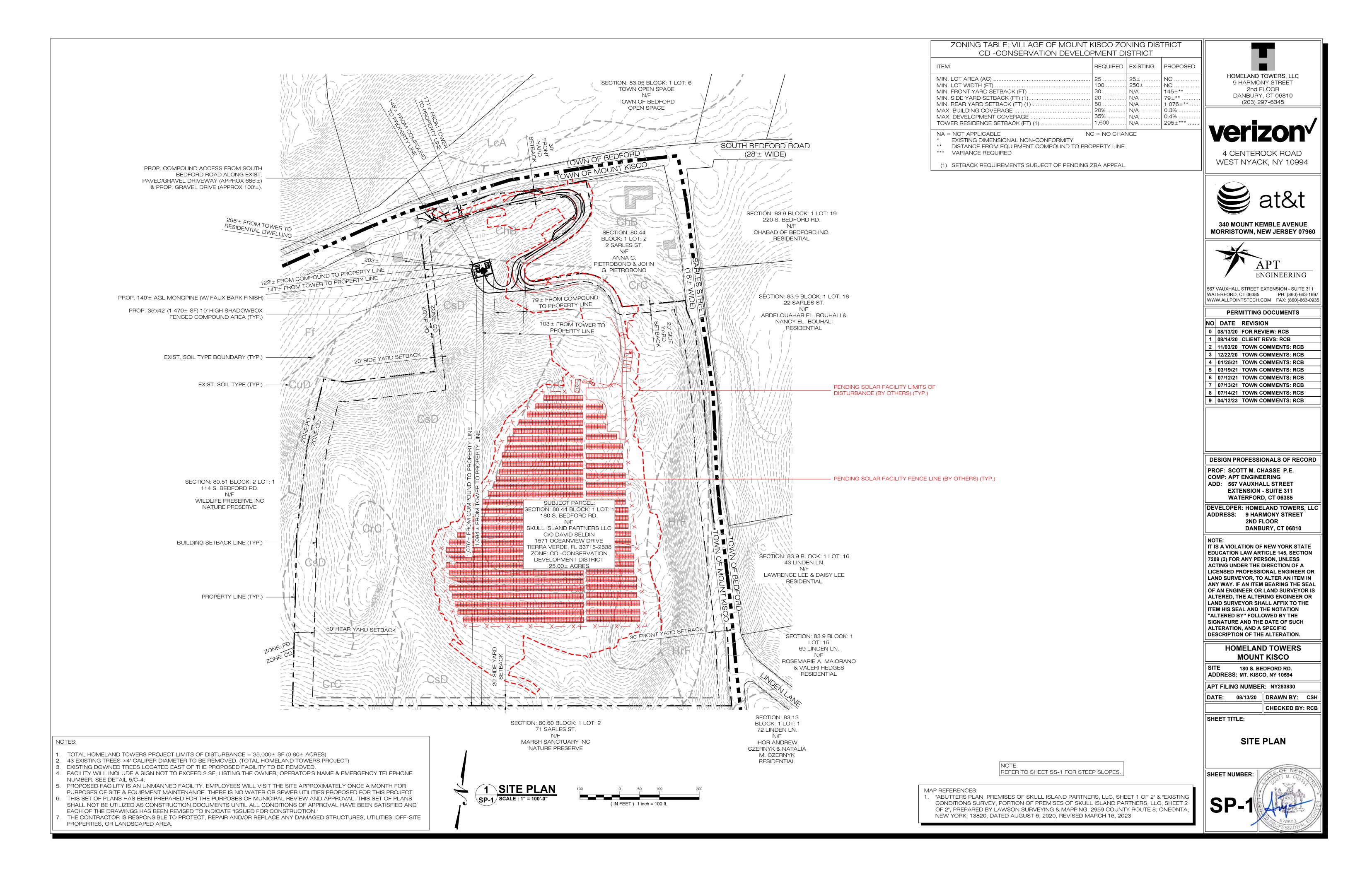
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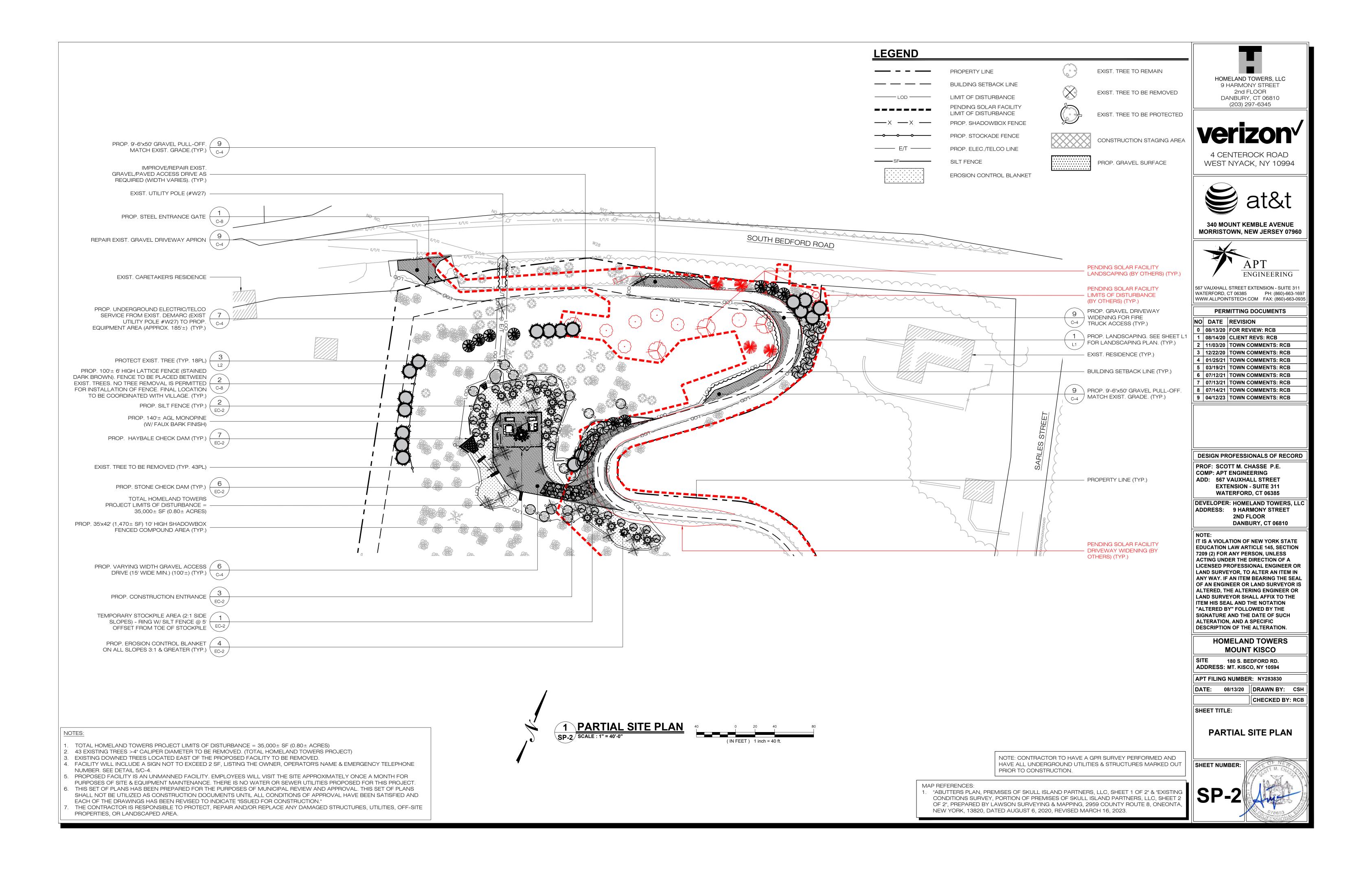
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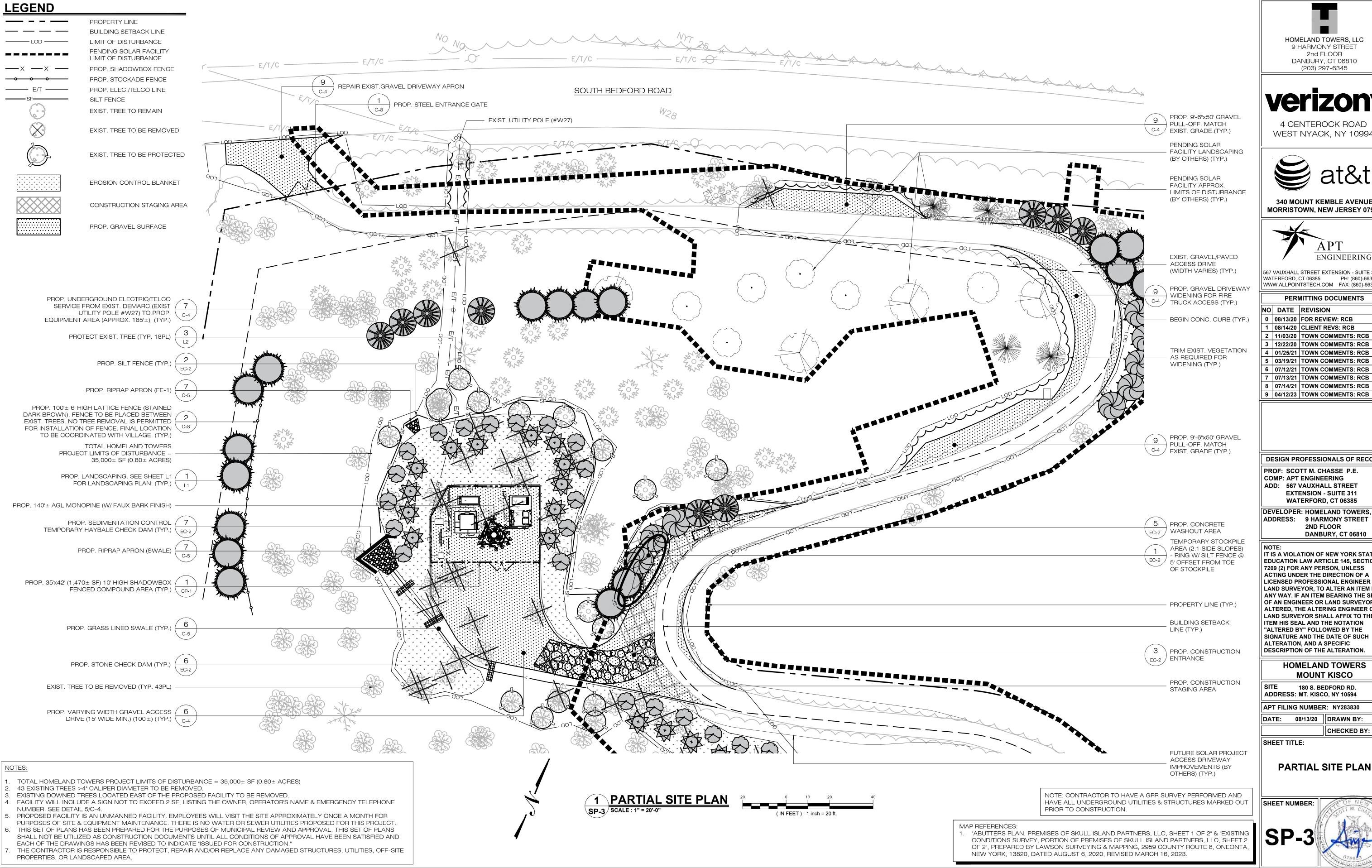
500' TOWER **RADIUS MAP** 

SHEET NUMBER:













4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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DESIGN PROFESSIONALS OF RECORD PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

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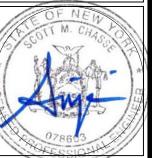
#### HOMELAND TOWERS **MOUNT KISCO**

180 S. BEDFORD RD.

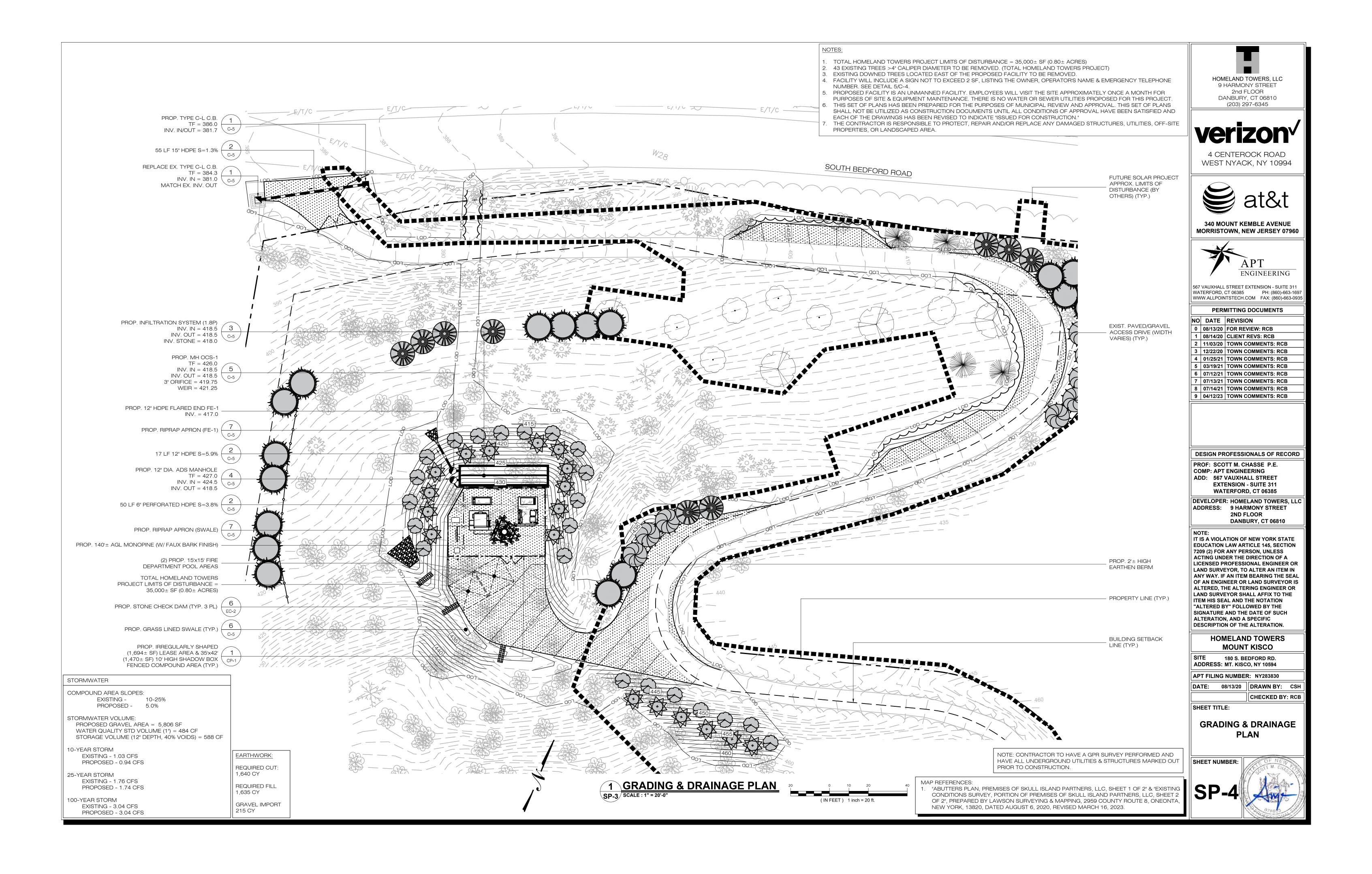
ADDRESS: MT. KISCO, NY 10594

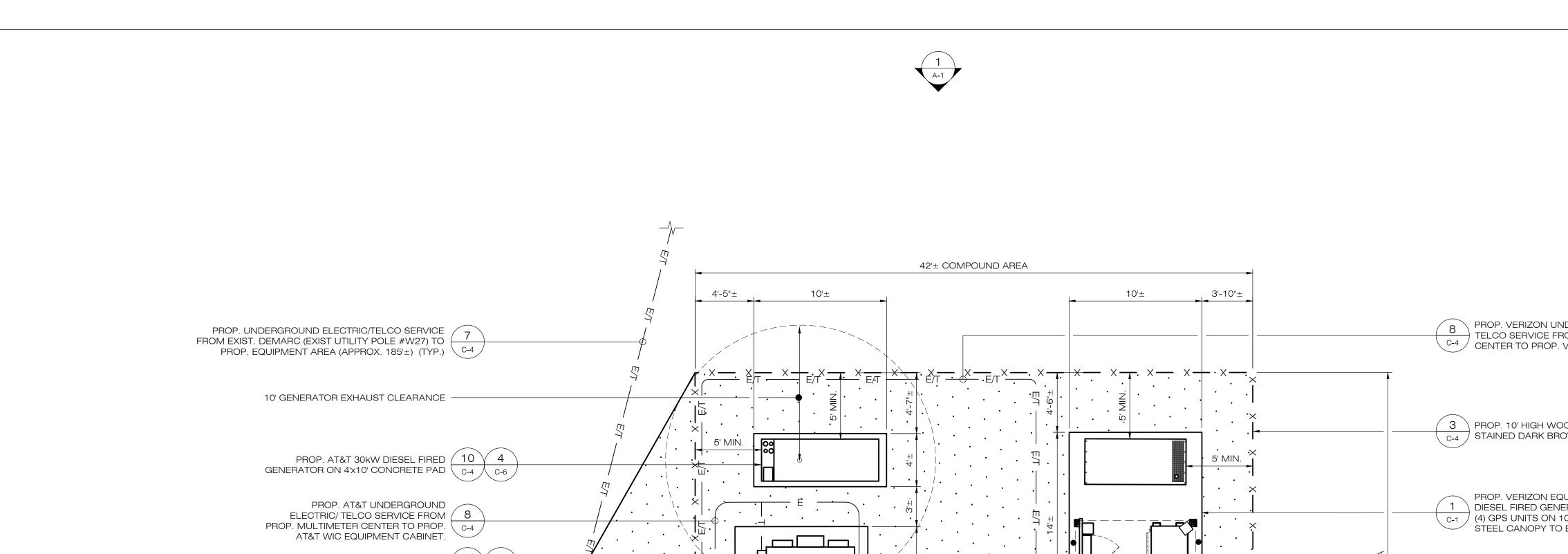
DATE: 08/13/20 DRAWN BY: CSH

PARTIAL SITE PLAN



CHECKED BY: RCB





GENERATOR NOTE:

GENERATORS ARE TO BE TESTED/CYCLED 1 TIME PER WEEK, ON A WEEKDAY DURING BUSINESS HOURS, FOR A RUN PERIOD NOT TO EXCEED 20 MINUTES.



WATERFORD, CT 06385 DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

**DESIGN PROFESSIONALS OF RECORD** 

**EXTENSION - SUITE 311** 

PROF: SCOTT M. CHASSE P.E.

ADD: 567 VAUXHALL STREET

COMP: APT ENGINEERING

HOMELAND TOWERS, LLC 9 HARMONY STREET 2nd FLOOR DANBURY, CT 06810 (203) 297-6345

4 CENTEROCK ROAD WEST NYACK, NY 10994

340 MOUNT KEMBLE AVENUE

**MORRISTOWN, NEW JERSEY 07960** 

567 VAUXHALL STREET EXTENSION - SUITE 311

WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

PERMITTING DOCUMENTS

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6 07/12/21 TOWN COMMENTS: RCB | 7 | 07/13/21 | TOWN COMMENTS: RCB

8 07/14/21 TOWN COMMENTS: RCB

9 04/12/23 TOWN COMMENTS: RCB

ENGINEERING

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

### **HOMELAND TOWERS MOUNT KISCO**

SITE 180 S. BEDFORD RD.

ADDRESS: MT. KISCO, NY 10594

APT FILING NUMBER: NY283830

DATE: 08/13/20 DRAWN BY: CSH

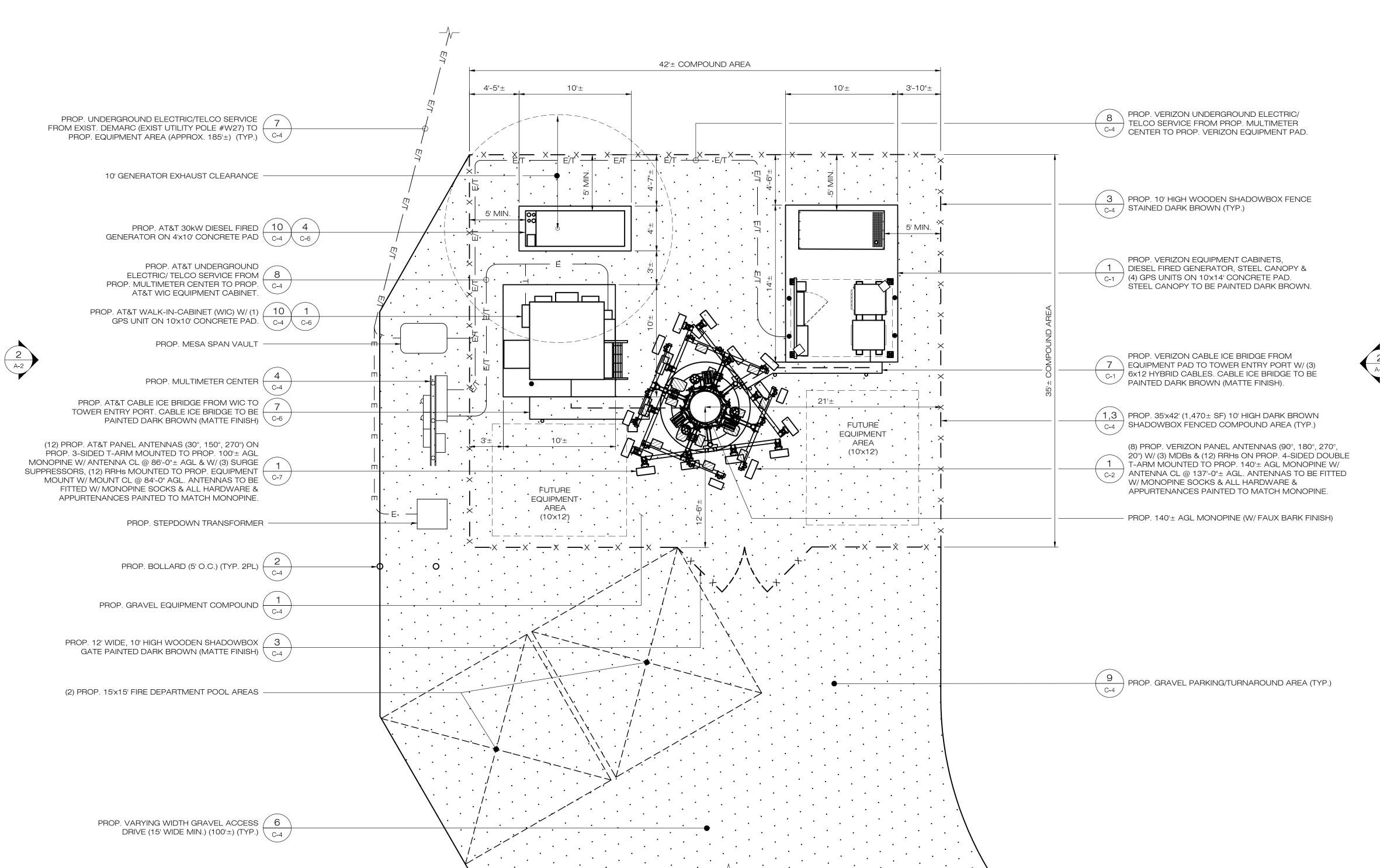
SHEET TITLE:

COMPOUND PLAN

SHEET NUMBER:

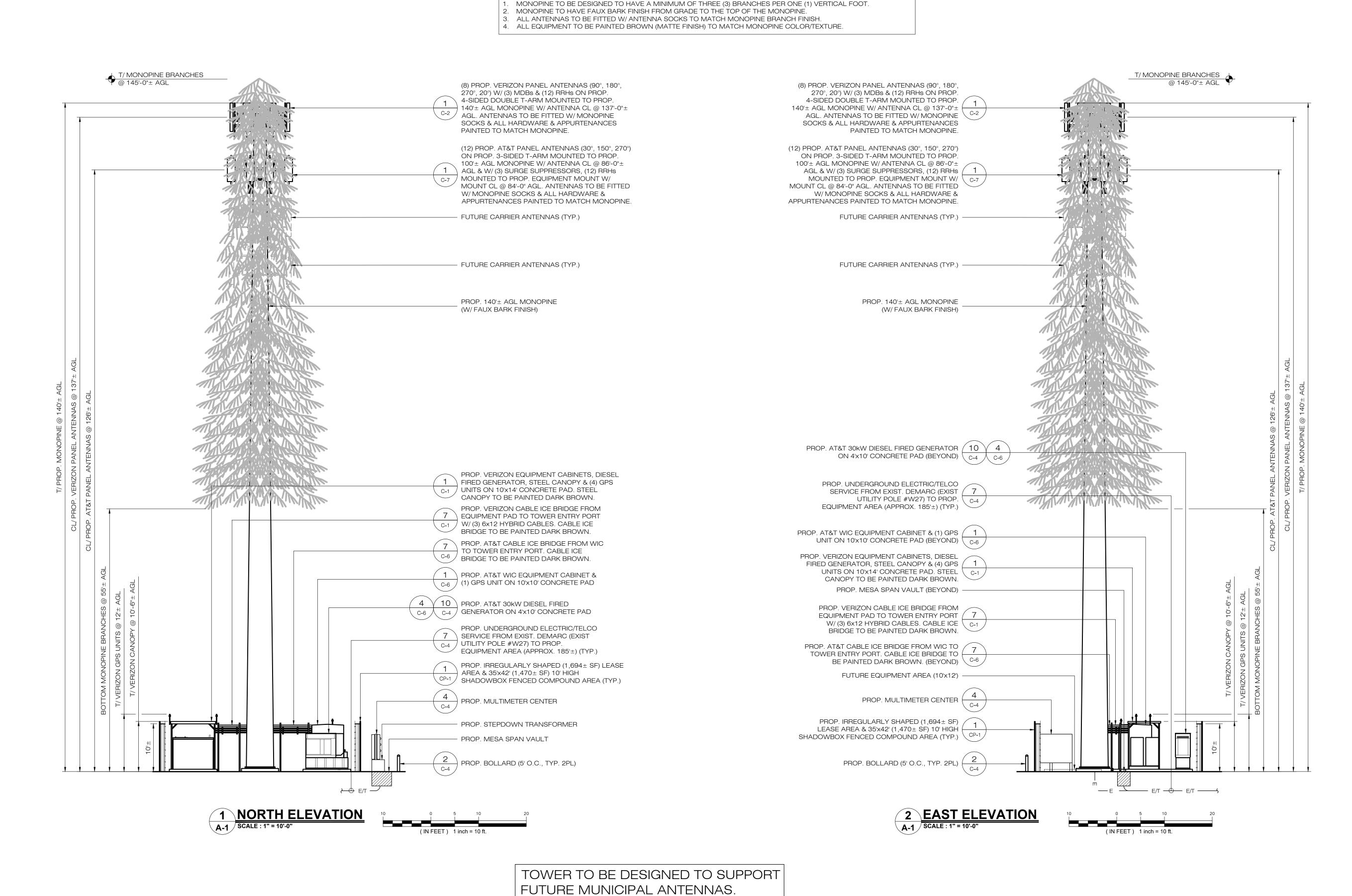


CHECKED BY: RCB



1 COMPOUND PLAN

(IN FEET) 1 inch = 5 ft.







4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960



| 567 VAUXHALL STREET EXTENSION - SUITE 311 | WATERFORD, CT 06385 PH: (860)-663-1697 | WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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PROF: SCOTT M. CHASSE P.E.
COMP: APT ENGINEERING
ADD: 567 VAUXHALL STREET
EXTENSION - SUITE 311
WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC
ADDRESS: 9 HARMONY STREET
2ND FLOOR

DANBURY, CT 06810

NOTE

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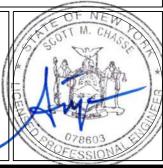
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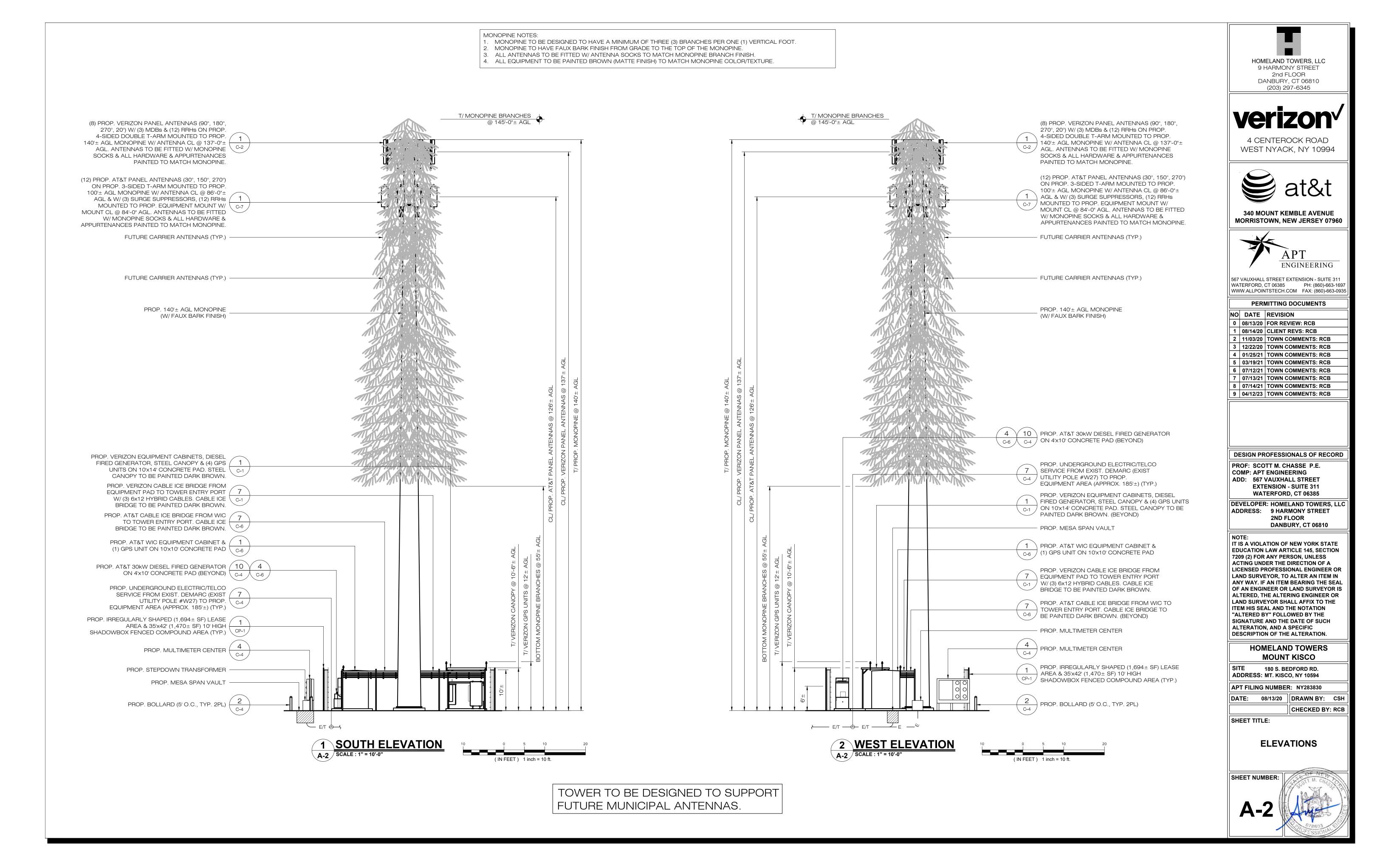
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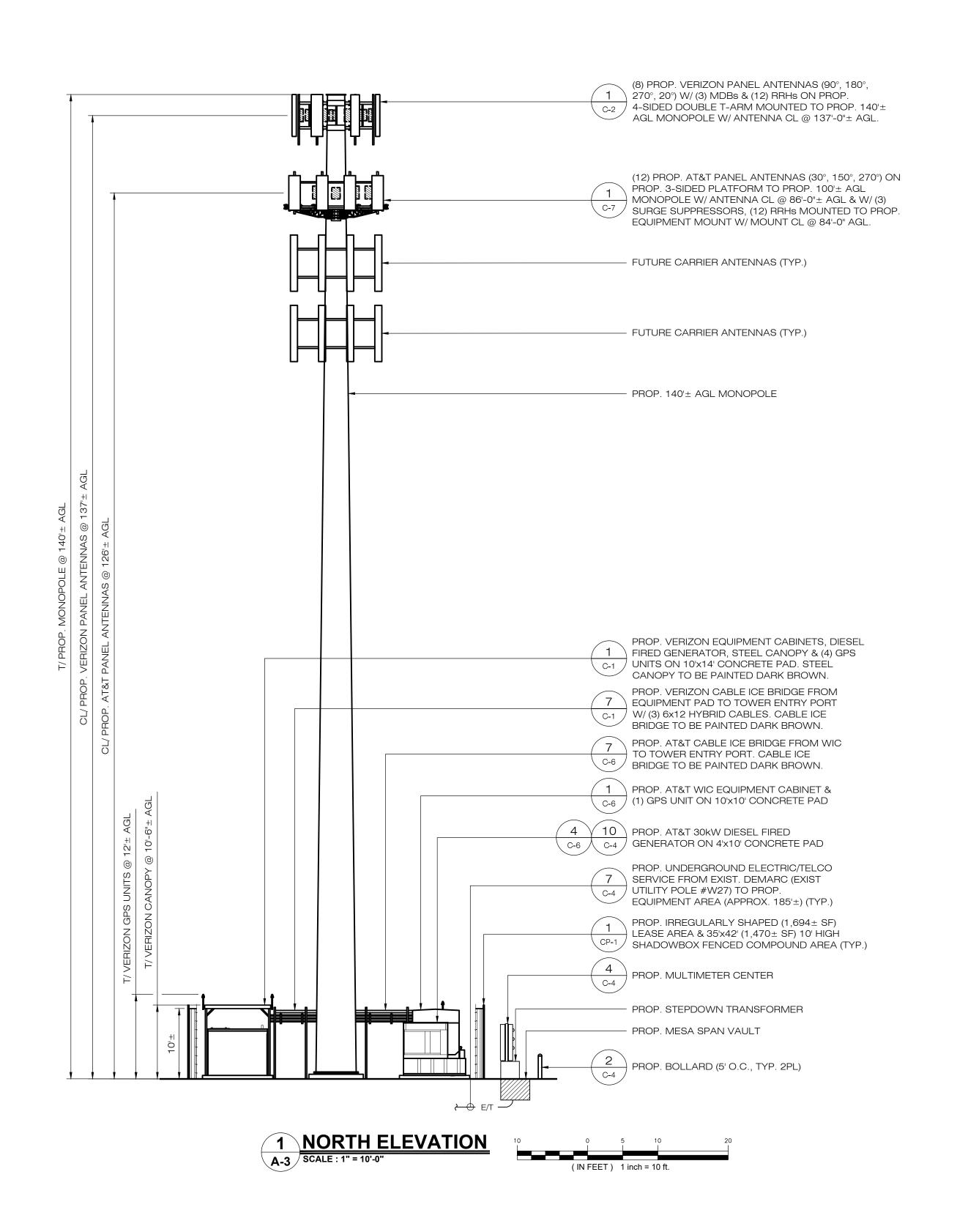
**ELEVATIONS** 

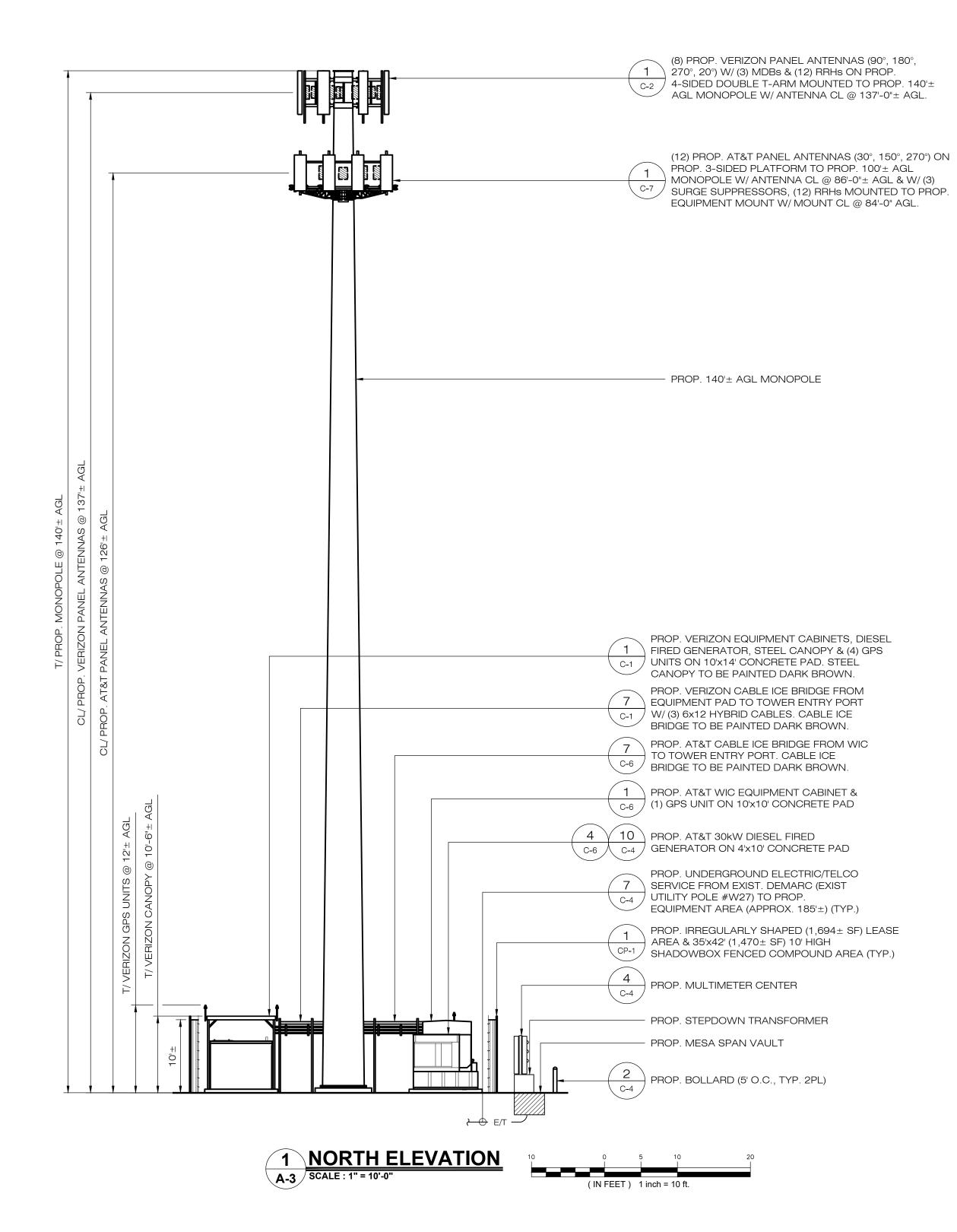
SHEET NUMBER:

**A-**1













4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR DANBURY, CT 06810

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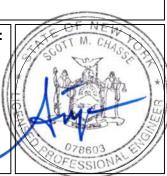
| DATE: 08/13/20 | DRAWN BY: CSH CHECKED BY: RCB

SHEET TITLE:

**ALTERNATE** MONOPOLE

**ELEVATIONS** 

SHEET NUMBER:



# STORMWATER POLLUTION PREVENTION PLAN

STORMWATER POLLUTION PREVENTION PLAN

- THE CONTRACTOR SHALL CONSTRUCT ALL SEDIMENT AND EROSION CONTROLS IN ACCORDANCE WITH THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (BLUE BOOK), LATEST EDITION. IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL KEEP A COPY OF THE CURRENT GUIDELINES ON-SITE FOR REFERENCE DURING CONSTRUCTION. ALL SEDIMENTATION AND EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CLEARING AND GRUBBING AND
- THE CONTRACTOR WILL COMPLY WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY PERMIT NO. GP-0-20-001.
- THESE DRAWINGS ARE ONLY INTENDED TO DESCRIBE THE SEDIMENT AND EROSION CONTROL MEASURES FOR THIS SITE. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE EROSION & SEDIMENT CONTROL PLAN ARE SHOWN IN A GENERAL SIZE AND LOCATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE CONFIGURED AND CONSTRUCTED IN A MANNER THAT WILL MINIMIZE EROSION OF SOILS AND PREVENT THE TRANSPORT OF SEDIMENTS AND OTHER POLLUTANTS TO STORM DRAINAGE SYSTEMS AND/OR WATERCOURSES. ACTUAL SITE CONDITIONS OR SEASONAL AND CLIMATIC CONDITIONS MAY WARRANT ADDITIONAL CONTROLS OR CONFIGURATIONS WHEN DIRECTED BY THE ENGINEER. SEE SEDIMENT AND EROSION CONTROL DETAILS AND SUGGESTED CONSTRUCTION SEQUENCE FOR MORE INFORMATION. REFER TO SITE PLAN FOR GENERAL INFORMATION AND OTHER CONTRACT PLANS FOR APPROPRIATE INFORMATION.
- THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING THE SEDIMENT AND EROSION CONTROL PLAN. THIS RESPONSIBILITY INCLUDES THE PROPER INSTALLATION AND MAINTENANCE OF CONTROL MEASURES, INFORMING ALL PARTIES ENGAGED WITH CONSTRUCTION ON THE SITE OF THE REQUIREMENTS AND OBJECTIVES OF THIS PLAN, INFORMING THE GOVERNING AUTHORITY OR INLAND WETLANDS AGENCY OF ANY TRANSFER OF THIS RESPONSIBILITY, AND FOR CONVEYING A COPY OF THE SEDIMENT & EROSION CONTROL PLAN IF THE TITLE TO THE LAND IS TRANSFERRED.
- 5.  $\,$  A BOND MAY BE REQUIRED TO BE POSTED WITH THE GOVERNING AUTHORITY FOR THE EROSION CONTROL INSTALLATION AND MAINTENANCE.
- THE CONTRACTOR SHALL APPLY THE MINIMUM EROSION & SEDIMENT CONTROL MEASURES SHOWN ON THE PLAN IN CONJUNCTION WITH CONSTRUCTION SEQUENCING, SUCH THAT ALL ACTIVE WORK ZONES ARE PROTECTED. ADDITIONAL AND/OR ALTERNATIVE SEDIMENT AND EROSION CONTROL MEASURES MAY BE INSTALLED DURING THE CONSTRUCTION PERIOD IF FOUND NECESSARY BY THE CONTRACTOR, OWNER, SITE ENGINEER, MUNICIPAL OFFICIALS, OR ANY GOVERNING AGENCY. THE CONTRACTOR SHALL CONTACT THE OWNER AND APPROPRIATE GOVERNING AGENCIES FOR APPROVAL IF ALTERNATIVE CONTROLS OTHER THAN THOSE SHOWN ON THE PLANS ARE PROPOSED BY THE CONTRACTOR
- THE CONTRACTOR SHALL TAKE EXTREME CARE DURING CONSTRUCTION SO AS NOT TO DISTURB UNPROTECTED WETLAND AREAS OR SEDIMENTATION AND EROSION CONTROL MEASURES. THE CONTRACTOR SHALL INSPECT ALL SEDIMENT AND EROSION CONTROLS WEEKLY AND WITHIN 24 HOURS OF A STORM WITH A RAINFALL AMOUNT OF 0.2 INCHES OR GREATER TO VERIFY THAT THE CONTROLS ARE OPERATING PROPERLY AND MAKE REPAIRS WHERE NECESSARY
- THE CONTRACTOR SHALL KEEP A SUPPLY OF EROSION CONTROL MATERIAL (HAY BALES, SILT FENCE, JUTE MESH, ETC.) ON-SITE FOR PERIODIC MAINTENANCE AND EMERGENCY REPAIRS
- ALL FILL MATERIAL PLACED ADJACENT TO ANY WETLAND AREA SHALL BE GOOD QUALITY, WITH LESS THAN 5% FINES PASSING THROUGH A #200 SIEVE (BANK RUN), SHALL BE PLACED IN MAXIMUM ONE FOOT LIFTS, AND SHALL BE COMPACTED TO 95% MAX. DRY DENSITY MODIFIED PROCTOR OR AS SPECIFIED IN THE CONTRACT SPECIFICATIONS.
- ). PROTECT EXISTING TREES THAT ARE TO BE SAVED BY FENCING AT THE DRIP LINE, OR AS DETAILED, WITH SNOW FENCE, ORANGE SAFETY FENCE, OR EQUIVALENT FENCING. ANY LIMB TRIMMING SHOULD BE DONE AFTER CONSULTATION WITH AN ARBORIST AND BEFORE CONSTRUCTION BEGINS IN THAT AREA; FENCING SHALL BE MAINTAINED AND REPAIRED DURING CONSTRUCTION.
- . ANTI-TRACKING PADS SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR CONSTRUCTION ACTIVITY AND SHALL BE MAINTAINED THROUGHOUT THE DURATION OF ALL CONSTRUCTION. THE LOCATION OF THE TRACKING PADS MAY CHANGE AS VARIOUS PHASES OF CONSTRUCTION ARE COMPLETED.
- 12. ALL CONSTRUCTION SHALL BE CONTAINED WITHIN THE LIMIT OF DISTURBANCE, WHICH SHALL BE MARKED WITH SILT FENCE, SAFETY FENCE, HAY BALES, RIBBONS, OR OTHER MEANS PRIOR TO CLEARING. CONSTRUCTION ACTIVITY SHALL REMAIN ON THE UPHILL SIDE OF THE SEDIMENT BARRIER UNLESS WORK IS SPECIFICALLY CALLED FOR ON THE DOWNHILL SIDE OF THE BARRIER. STAKED HAY BALES OR SILT FENCES SHALL ALSO BE INSTALLED AT THE DOWNHILL SIDES OF BUILDING EXCAVATIONS. DEWATERING PUMP DISCHARGES. AND MATERIAL STOCKPILES.
- 13. WASHOUT OF APPLICATORS, CONTAINERS, VEHICLES AND EQUIPMENT FOR CONCRETE SHALL BE CONDUCTED IN A DESIGNATED WASHOUT AREA. NO SURFACE DISCHARGE OF WASHOUT WASTEWATERS FROM THE AREA WILL BE ALLOWED. ALL CONCRETE WASHWATER WILL BE DIRECTED INTO A CONTAINER OR PIT SUCH THAT NO OVERFLOWS CAN OCCUR. WASHOUT SHALL BE CONDUCTED IN AN ENTIRELY SELF-CONTAINED SYSTEM AND WILL BE CLEARLY DESIGNED AND FLAGGED OR SIGNED WHERE NECESSARY. THE WASHOUT AREA SHALL BE LOCATED OUTSIDE OF ANY BUFFERS AND AT LEAST 50 FEET FROM ANY STREAM, WETLAND OR OTHER SENSITIVE WATER OR NATURAL RESOURCES AS DETERMINED OR DESIGNATED BY THE ENGINEER.
- 4. INSTALL TEMPORARY DIVERSION DITCHES, PLUNGE POOLS, TEMPORARY SEDIMENT TRAPS/BASINS, AND DEWATERING PITS AS SHOWN AND AS NECESSARY DURING VARIOUS PHASES OF CONSTRUCTION TO CONTROL RUNOFF UNTIL UPHILL AREAS ARE STABILIZED. LOCATION OF TEMPORARY SEDIMENT TRAPS/BASINS WILL REQUIRE REVIEW AND APPROVAL BY THE ENGINEER AND GOVERNING OFFICIAL. DEWATERING SETTLING TRAPS SHALL BE USED IF GROUND WATER IS ENCOUNTERED. NO RUNOFF SHALL BE ALLOWED TO EXIT THE SITE PRIOR TO TREATMENT FOR SEDIMENT REMOVAL.
- 15. AS GENERAL GRADING OPERATIONS PROGRESS, THE TEMPORARY DIVERSION DITCHES SHALL BE RAISED OR LOWERED AND RELOCATED, AS CUT AND FILL SLOPES DICTATE, TO DIVERT SURFACE RUNOFF TO THE SEDIMENT TRAPS/BASINS
- 16. TEMPORARY SEDIMENT TRAPS SHALL PROVIDE 134 CUBIC YARDS OF SEDIMENT STORAGE PER DISTURBED ACRE CONTRIBUTING TO THE TRAP/BASIN. PROVIDE TRAP/BASIN VOLUMES FOR ALL DISTURBANCE ON SITE.
- 7. PERIODICALLY CHECK ACCUMULATED SEDIMENT LEVELS IN SEDIMENT TRAPS/BASINS DURING CONSTRUCTION AND CLEAN ACCUMULATED SILT WHEN NECESSARY OR WHEN ONE FOOT OF SEDIMENT HAS ACCUMULATED. CLEAN ACCUMULATED SEDIMENT FROM CATCH BASIN SUMPS AS NECESSARY. REMOVE ACCUMULATED SEDIMENT FROM BEHIND HAY BALES AND SILT FENCE. EXCAVATED MATERIAL FROM TEMPORARY SEDIMENT TRAPS/BASINS MUST BE STOCKPILED ON UPHILL SIDE OF SILT FENCE.
- 18. TOPSOIL SHALL BE STRIPPED AND STOCKPILED FOR USE IN FINAL LANDSCAPING. ALL EARTH STOCKPILES SHALL HAVE HAY BALES OR SILT FENCE AROUND THE LIMIT OF PILE. PILES SHALL BE TEMPORARILY SEEDED IF PILE IS TO REMAIN IN PLACE AND UNDISTURBED FOR MORE THAN
- 19. NO CUT OR FILL SLOPES SHALL EXCEED 3:1 EXCEPT WHERE STABILIZED BY ROCK FACED EMBANKMENTS OR EROSION CONTROL BLANKETS. JUTE MESH AND VEGETATION. ALL SLOPES SHALL BE SEEDED, AND THE ROAD SHOULDER AND BANKS WILL BE STABILIZED IMMEDIATELY UPON COMPLETION OF FINAL GRADING UNTIL TURF IS ESTABLISHED.
- 20. DIRECT ALL DEWATERING PUMP DISCHARGE TO A SEDIMENT CONTROL DEVICE SUCH AS TEMPORARY SEDIMENT TRAPS OR GRASS FILTERS WITHIN THE APPROVED LIMIT OF DISTURBANCE. DISCHARGE TO STORM DRAINS OR SURFACE WATERS FROM SEDIMENT CONTROLS SHALL BE CLEAR AND APPROVED BY THE ENGINEER
- 21. BLOCK THE OPEN UPSTREAM ENDS OF DETENTION BASIN/SEDIMENT TRAP OUTLET CONTROL ORIFICES UNTIL SITE IS STABILIZED AND BLOCK END OF STORM DRAINS IN EXPOSED TRENCHES WITH BOARDS AND SANDBAGS AT THE END OF EACH WORKING DAY WHEN RAIN IS EXPECTED.
- 22. THE CONTRACTOR SHALL MAINTAIN A CLEAN CONSTRUCTION SITE AND SHALL NOT ALLOW THE ACCUMULATION OF RUBBISH OR CONSTRUCTION DEBRIS ON THE SITE, PROPER SANITARY DEVICES SHALL BE MAINTAINED ON-SITE AT ALL TIMES. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO AVOID THE SPILLAGE OF FUEL OR OTHER POLLUTANTS ON THE CONSTRUCTION SITE AND SHALL ADHERE TO ALL APPLICABLE POLICIES AND REGULATIONS RELATED TO SPILL PREVENTION AND RESPONSE/CONTAINMENT.
- 23. MINIMIZE LAND DISTURBANCES. SEED AND MULCH DISTURBED AREAS WITH TEMPORARY MIX AS SOON AS PRACTICABLE (2 WEEK MAXIMUM UNSTABILIZED PERIOD) USING PERENNIAL RYEGRASS AT 40 LBS PER ACRE. MULCH ALL CUT AND FILL SLOPES AND SWALES WITH LOOSE HAY AT A RATE OF 2 TONS PER ACRE. IF NECESSARY, REPLACE LOOSE HAY ON SLOPES WITH EROSION CONTROL BLANKETS OR JUTE CLOTH. MODERATELY GRADED AREAS, ISLANDS, AND TEMPORARY CONSTRUCTION STAGING AREAS MAY BE HYDROSEEDED WITH TACKIFIER.
- 24. SWEEP AFFECTED PORTIONS OF OFF SITE ROADS ONE OR MORE TIMES A DAY (OR LESS FREQUENTLY IF TRACKING IS NOT A PROBLEM) DURING CONSTRUCTION. FOR DUST CONTROL, PERIODICALLY MOISTEN EXPOSED SOIL SURFACES WITH WATER ON UNPAVED TRAVELWAYS TO KEEP THE TRAVELWAYS DAMP. CALCIUM CHLORIDE MAY ALSO BE APPLIED TO ACCESS ROADS. DUMP TRUCK LOADS EXITING THE SITE SHALL BE
- 25. TURF ESTABLISHMENT SHALL BE PERFORMED OVER ALL DISTURBED SOIL, UNLESS THE AREA IS UNDER ACTIVE CONSTRUCTION, IT IS COVERED IN STONE OR SCHEDULED FOR PAVING WITHIN 30 DAYS. TEMPORARY SEEDING OR NON-LIVING SOIL PROTECTION OF ALL EXPOSED SOILS AND SLOPES SHALL BE INITIATED WITHIN THE FIRST 7 DAYS OF SUSPENDING WORK IN AREAS TO BE LEFT LONGER THAN 30 DAYS.
- 26. IF CONSTRUCTION ACTIVITIES ARE COMPLETE OR HAVE BEEN TEMPORARILY HALTED FOR 7 DAYS, STABILIZATION ACTIVITIES WILL BE IMPLEMENTED WITHIN 3 DAYS.
- 27. TWO WEEKS BEFORE THE FALL SEEDING SEASON BEGINS (AUGUST 15 TO OCTOBER 15), THE CONTRACTOR SHALL SCHEDULE A MEETING WITH TOWN STAFF TO DISCUSS STABILIZING THE SITE FOR WINTER MONTHS. MEASURES SUCH AS MULCHING AND/OR SEEDING MAY BE REQUIRED.
- 28. MAINTAIN ALL PERMANENT AND TEMPORARY SEDIMENT CONTROL DEVICES IN EFFECTIVE CONDITION THROUGHOUT THE CONSTRUCTION PERIOD. UPON COMPLETION OF WORK REMOVE ALL TEMPORARY SEDIMENT CONTROLS ONCE THE SITE IS FULLY STABILIZED AND APPROVAL HAS BEEN RECEIVED FROM THE TOWN AND/OR ENGINEER.
- A. NYSDEC PERMANENT CONSTRUCTION AREA PLANTING MIXTURE #1 FROM THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (BLUE BOOK), LATEST EDITION
- 30. POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES ARE NOT REQUIRED FOR THIS PROJECT SINCE THE PROJECT LIMITS OF DISTURBANCE IS UNDER 1 ACRE.
- 31. THE OWNER OR OPERATOR SHALL ENSURE THERE IS A TRAINED CONTRACTOR INSPECT ALL EROSION CONTROL MEASURES IN
- CONFORMANCE WITH PART IV SECTION B OF THE GENERAL PERMIT.
- 32. THE OWNER OR OPERATOR IS NOT REQUIRED TO HAVE A QUALIFIED INSPECTOR CONDUCT SITE INSPECTIONS BECAUSE THE PROJECT LIMITS OF DISTURBANCE IS UNDER 1 ACRE PER PART IV SECTION C SUBSECTION 1d OF THE GENERAL PERMIT.
- 33. ONLY PHYSICAL MEANS TO CONTROL GRASS, WEEDS OR NUISANCE VEGETATION SHALL BE USED. THE USE OF HERBICIDES, PESTICIDES OR OTHER CHEMICAL MEANS TO CONTROL VEGETATION IS PROHIBITED AT ANY TIME.

### SEDIMENT & EROSION CONTROL NARRATIVE

- THE PROJECT INCLUDES THE INSTALLATION OF A 140'± AGL MONOPINE WITH ASSOCIATED GROUND MOUNTED EQUIPMENT. ALL DISTURBED AREAS ARE TO BE SEEDED AND STABILIZED PRIOR TO THE INSTALLATION OF THE PROPOSED EQUIPMENT. THE PROPOSED PROJECT INVOLVES THE FOLLOWING CONSTRUCTION:
- A. CONSTRUCTION OF 140'± AGL MONOPINE. C. CONSTRUCTION OF 35'x42' (1,470± SF) FENCED EQUIPMENT COMPOUND W/ GRAVEL SURFACE TREATMENT AND ASSOCIATED
- D. CONSTRUCTION OF 100'± 15' WIDE GRAVEL ACCESS DRIVE. E. CONSTRUCTION OF 10'x14' (140± SF) CONCRETE EQUIPMENT PAD, 10'x10' (100± SF) & 4'x10' (140± SF) CONCRETE PAD. F. THE STABILIZATION OF PERVIOUS DISTURBED AREAS WITH PERMANENT GRASS TREATMENTS.
- 2. FOR THIS PROJECT, THERE ARE APPROXIMATELY 35,000± SF (0.80± AC.) OF THE SITE BEING DISTURBED.
- 3. A GEOTECHNICAL ENGINEERING REPORT IS TO BE COMPLETED FOR THIS PROJECT AND WILL BE AVAILABLE UNDER SEPARATE
- 4. IT IS ANTICIPATED THAT CONSTRUCTION WILL BE COMPLETED IN APPROXIMATELY 16 WEEKS.
- REFER TO THE CONSTRUCTION SEQUENCING AND EROSION AND SEDIMENTATION NOTES FOR INFORMATION REGARDING SEQUENCING OF MAJOR OPERATIONS IN THE ON-SITE CONSTRUCTION PHASES.
- EROSION AND SEDIMENTATION MEASURES ARE BASED UPON ENGINEERING PRACTICE, JUDGEMENT AND THE APPLICABLE SECTIONS OF THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (BLUE BOOK), LATEST **FDITION**
- DETAILS FOR THE TYPICAL EROSION AND SEDIMENTATION MEASURES ARE SHOWN ON PLAN SHEET EC-2 OR PROVIDED AS SEPARATE SUPPORT DOCUMENTATION FOR REVIEW IN THIS PLAN.
- 8. CONSERVATION PRACTICES TO BE USED DURING CONSTRUCTION AREA:
- A STAGED CONSTRUCTION: B. MINIMIZE THE DISTURBED AREAS DURING CONSTRUCTION;
- C. STABILIZE DISTURBED AREAS AS SOON AS POSSIBLE WITH TEMPORARY OR PERMANENT MEASURES;
- D. MINIMIZE IMPERVIOUS AREAS; E. UTILIZE APPROPRIATE CONSTRUCTION EROSION AND SEDIMENTATION MEASURES.

### SUGGESTED CONSTRUCTION SEQUENCE

THE FOLLOWING SUGGESTED SEQUENCE OF CONSTRUCTION ACTIVITIES IS PROJECTED BASED UPON ENGINEERING JUDGEMENT AND BEST MANAGEMENT PRACTICES. THE CONTRACTOR MAY ELECT TO ALTER THE SEQUENCING TO BEST MEET THE CONSTRUCTION SCHEDULE, THE EXISTING SITE ACTIVITIES AND WEATHER CONDITIONS. CONTRACTOR TO HIRE SURVEYOR FOR PROJECT STAKEOUT AS NEEDED THROUGHOUT CONSTRUCTION ACTIVITIES.

- 1. CONTACT THE OWNER TO SCHEDULE A PRE-CONSTRUCTION MEETING. PHYSICALLY FLAG THE TREES TO BE REMOVED IN THE FIELD AS NECESSARY TO FACILITATE THE PRE-CONSTRUCTION MEETING.
- 2. CONDUCT A PRE-CONSTRUCTION MEETING TO DISCUSS THE PROPOSED WORK AND EROSION AND SEDIMENTATION CONTROL MEASURES. THE MEETING SHOULD BE ATTENDED BY THE OWNER, THE OWNER REPRESENTATIVE(S), THE GENERAL CONTRACTOR, DESIGNATED SUB-CONTRACTORS AND THE PERSON, OR PERSONS, RESPONSIBLE FOR THE IMPLEMENTATION, OPERATION, MONITORING AND MAINTENANCE OF THE EROSION AND SEDIMENTATION MEASURES. THE CONSTRUCTION PROCEDURES FOR THE ENTIRE PROJECT SHALL BE REVIEWED AT THIS MEETING.
- 3. NOTIFY THE OWNER AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO COMMENCEMENT OF ANY DEMOLITION, CONSTRUCTION OR REGULATED ACTIVITY ON THIS PROJECT. NOTIFY DIG SAFELY NEW YORK AY (800) 962-7962.
- 4. CLEAR AND GRUB AS REQUIRED, TO INSTALL THE PERIMETER EROSION AND SEDIMENTATION CONTROL MEASURES AND, IF APPLICABLE, TREE PROTECTION.
- 5. INSTALL CONSTRUCTION ENTRANCE.
- PERFORM THE REMAINING CLEARING AND GRUBBING AS NECESSARY. REMOVE CUT WOOD AND STUMPS. CHIP BRUSH AND STOCKPILE FOR FUTURE USE OR REMOVE OFF-SITE. REMOVE AND DISPOSE OF DEMOLITION DEBRIS OFF-SITE.
- 7. TEMPORARILY SEED DISTURBED AREAS NOT UNDER CONSTRUCTION FOR THIRTY (30) DAYS OR MORE
- 8. EXCAVATE AND GRADE NEW ACCESS DRIVE.
- 9. EXCAVATE AND ROUGH GRADE EQUIPMENT COMPOUND.
- 10. EXCAVATE FOR TOWER FOUNDATION & EQUIPMENT PADS.
- 11. FINALIZE ACCESS ROAD GRADES.
- 12. PREPARE SUBGRADE AND INSTALL FORMS, STEEL REINFORCING, & CONCRETE FOR TOWER FOUNDATION & EQUIPMENT PADS.
- 13. INSTALL BURIED GROUND RINGS, GROUND RODS, GROUND LEADS, UTILITY CONDUITS & UTILITY EQUIPMENT.
- 14. BACKFILL TOWER FOUNDATION.
- 15. ERECT TOWER.
- 16. INSTALL TELECOMMUNICATIONS EQUIPMENT ON TOWER & COMPOUND.
- 17. INSTALL COMPOUND GRAVEL SURFACES.
- 18. FINALIZE GRADES. INSTALL GRAVEL SURFACES.
- 19. INSTALL FENCING.
- 20. CONNECT GROUNDING LEADS & LIGHTNING PROTECTION
- 21. FINAL GRADE AROUND COMPOUND.
- 22. LOAM & SEED DISTURBED AREAS OUTSIDE COMPOUND, AS REQUIRED.
- 23. INSTALL ACCESS DRAINAGE AT EXISTING DRIVEWAY ENTRANCE. PAVE DRIVEWAY ENTRANCE
- 24. TEST ALL NEW EQUIPMENT.
- 25. AFTER THE SITE IS STABILIZED AND WITH THE APPROVAL OF THE OWNER, REMOVE PERIMETER EROSION AND SEDIMENTATION CONTROLS.
- 26. PERFORM FINAL PROJECT CLEANUP.

THE ESTIMATED TIME FOR THE COMPLETION OF THE WORK IS APPROXIMATELY TWELVE (16) WEEKS. THE EXACT PROCESS MAY VARY DEPENDING ON THE CONTRACTOR'S & SUBCONTRACTOR'S AVAILABILITY TO COMPLETE WORK & WEATHER DELAYS.

E&S MEASURE INSPECTION SCHEDULE CONSTRUCTION ENTRANCE HAY BALES WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" SILT FENCE SILT SACKS WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" TOPSOIL/BORROW STOCKPILES DAILY WATER BARS DAILY TEMPORARY DIVERSION DITCHES DAILY & WITHIN 24 HOURS OF RAINFALL > 0.2" TEMPORARY SEDIMENT TRAPS/BASINS WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" TEMPORARY SOIL PROTECTION WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2"

CONSTRUCTION OPERATION AND MAINTENANCE PLAN - BY CONTRACTOR

MAINTENANCE REQUIRED

PLACE ADDITIONAL STONE, EXTEND THE LENGTH OR REMOVE AND REPLACE THE STONE. CLEAN PAVED SURFACES OF TRACKED SEDIMENT.

REPAIR/REPLACE WHEN FAILURE, OR OBSERVED DETERIORATION, IS OBSERVED. REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE BALE.

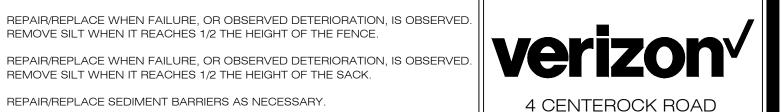
REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE FENCE. REPAIR/REPLACE WHEN FAILURE, OR OBSERVED DETERIORATION, IS OBSERVED

REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE SACK. REPAIR/REPLACE SEDIMENT BARRIERS AS NECESSARY.

REPAIR/RESHAPE AS NECESSARY. REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE WATER BAR.

REPAIR/RESHAPE AS NECESSARY. REVIEW CONDITIONS IF REPETITIVE FAILURES OCCUR REMOVE SEDIMENT WHEN IT REACHES 1/2 OF THE MINIMUM REQUIRED WET

STORAGE VOLUME. REPAIR ERODED OR BARE AREAS IMMEDIATELY. RESEED AND MULCH. HOMELAND TOWERS, LLC 9 HARMONY STREET 2nd FLOOR DANBURY, CT 06810 (203) 297-6345



WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-093

PERMITTING DOCUMENTS

### NO DATE REVISION 0 08/13/20 FOR REVIEW: RCB 1 | 08/14/20 | CLIENT REVS: RCB

- 2 11/03/20 TOWN COMMENTS: RCB
- 3 | 12/22/20 | TOWN COMMENTS: RCB 4 | 01/25/21 | TOWN COMMENTS: RCB
- 5 03/19/21 TOWN COMMENTS: RCB 6 | 07/12/21 | TOWN COMMENTS: RCB
- 7 | 07/13/21 | TOWN COMMENTS: RCB
- 8 | 07/14/21 | TOWN COMMENTS: RCB
- 9 | 04/12/23 | TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** 

**DEVELOPER: HOMELAND TOWERS, LLC** ADDRESS: 9 HARMONY STREET 2ND FLOOR

DANBURY, CT 06810

WATERFORD, CT 06385

IT IS A VIOLATION OF NEW YORK STATE **EDUCATION LAW ARTICLE 145, SECTION** 7209 (2) FOR ANY PERSON. UNLESS **ACTING UNDER THE DIRECTION OF A** LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC **DESCRIPTION OF THE ALTERATION.** 

### HOMELAND TOWERS MOUNT KISCO

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

**APT FILING NUMBER: NY283830** 

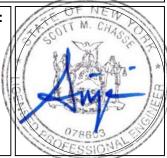
SHEET TITLE:

**EROSION CONTROL** 

NOTES

DATE: 08/13/20 | DRAWN BY: CSH

**SHEET NUMBER:** 



CHECKED BY: RCB

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITY, THE OWNER OR OPERATOR MUST IDENTIFY THE CONTRACTOR(S) AND SUBCONTRACTOR(S) THAT WILL BE RESPONSIBLE FOR INSTALLING, CONSTRUCTING, REPAIRING, REPLACING, INSPECTING AND MAINTAINING THE EROSION AND SEDIMENT CONTROL PRACTICES INCLUDED IN THE SWPPP; AND THE CONTRACTOR(S) AND SUBCONTRACTOR(S) THAT WILL BE RESPONSIBLE FOR CONSTRUCTING THE POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES INCLUDED IN THE SWPPP. THE OWNER OR OPERATOR SHALL HAVE EACH OF THE CONTRACTORS AND SUBCONTRACTORS IDENTIFY AT LEAST ONE PERSON FROM THEIR COMPANY THAT WILL BE RESPONSIBLE FOR IMPLEMENTATION OF THE SWPPP. THIS PERSON SHALL BE KNOWN AS THE TRAINED CONTRACTOR. THE OWNER OR OPERATOR SHALL ENSURE THAT AT LEAST ONE TRAINED CONTRACTOR IS ON SITE ON A DAILY BASIS WHEN SOIL DISTURBANCE ACTIVITIES ARE BEING PERFORMED.

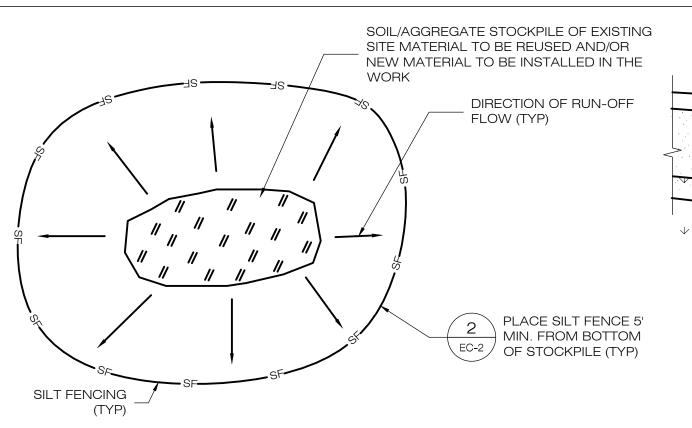
THE OWNER OR OPERATOR SHALL HAVE EACH OF THE CONTRACTORS AND SUBCONTRACTORS IDENTIFIED ABOVE SIGN A COPY OF THE FOLLOWING CERTIFICATION STATEMENT BELOW BEFORE THEY COMMENCE ANY CONSTRUCTION ACTIVITY:

"I HEREBY CERTIFY UNDER PENALTY OF LAW THAT I UNDERSTAND AND AGREE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE SWPPP AND AGREE TO IMPLEMENT ANY CORRECTIVE ACTIONS IDENTIFIED BY THE QUALIFIED INSPECTOR DURING A SITE INSPECTION. I ALSO UNDERSTAND THAT THE OWNER OR OPERATOR MUST COMPLY WITH THE TERMS AND CONDITIONS OF THE MOST CURRENT VERSION OF THE NEW YORK STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM ("SPDES") GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES AND THAT IT IS UNLAWFUL FOR ANY PERSON TO CAUSE OR CONTRIBUTE TO A VIOLATION OF WATER QUALITY STANDARDS. FURTHERMORE, I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, THAT I DO NOT BELIEVE TO BE TRUE, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS"

SIGNATURE

PRINTED NAME

ALL CONTRACTORS AND SUB-CONTRACTORS SHALL SIGN THE ABOVE STATEMENT AND THEY WILL BE STORED ON-SITE.



1. ALL EXISTING EXCAVATED MATERIAL THAT IS NOT TO BE REUSED IN THE WORK IS TO BE IMMEDIATELY REMOVED FROM THE SITE AND PROPERLY DISPOSED OF.

2. SOIL/AGGREGATE STOCKPILE SITES TO BE WHERE SHOWN ON THE DRAWINGS AND ARE NOT PERMITTED ON SLOPES GREATER THAN 10%.

3. RESTORE STOCKPILE SITES TO PRE-EXISTING PROJECT CONDITION AND RESEED AS REQUIRED.

4. STOCKPILE HEIGHTS MUST NOT EXCEED 35'. STOCKPILE SLOPES MUST BE 2:1 OR FLATTER.

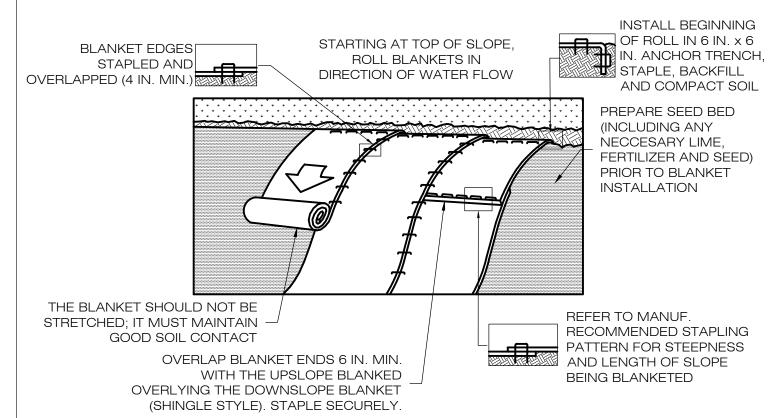
5. ANY SOIL IN STOCKPILES IN EXCESS OF SEVEN (7) DAYS SHALL BE SEEDED AND MULCHED OR COVERED.

# 1 TEMPORARY STOCKPILE DETAIL EC-2 SCALE : N.T.S.

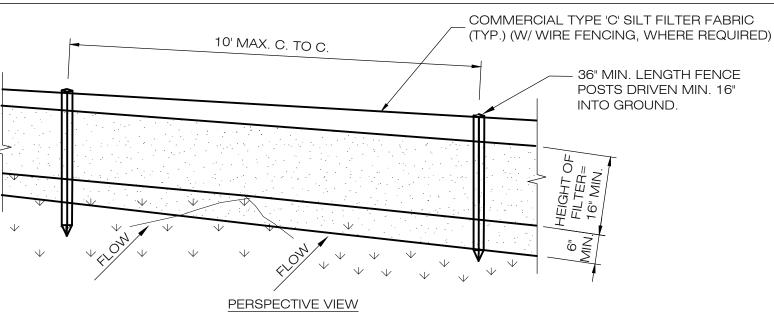
PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECPS) INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.

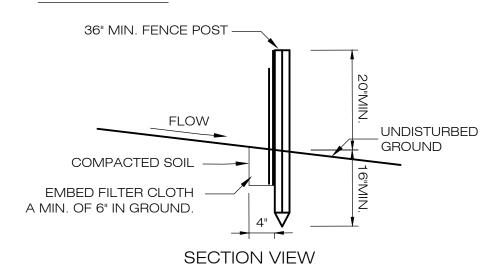
- 2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECPS IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF RECPS EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECPS WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO THE COMPACTED SOIL AND FOLD THE REMAINING 12" PORTION OF RECPS BACK OVER THE SEED AND COMPACTED SOIL. SECURE RECPS OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE RECPS.
- ROLL THE RECPS DOWN HORIZONTALLY ACROSS THE SLOPE. RECPS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECPS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE.
- THE EDGES OF PARALLEL RECPS MUST BE STAPLED WITH APPROXIMATELY 2" 5" OVERLAP DEPENDING ON THE RECPS TYPE.
- 5. CONSECUTIVE RECPS SPLICED DOWN THE SLOPE MUST BE END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE RECPS WIDTH.

- PROVIDE ANCHOR TRENCH AT TOE OF SLOPE IN SIMILAR FASHION AS AT TOP OF SLOPE.
- 2. SLOPE SURFACE SHALL BE FREE OF ROCKS, CLODS, STICKS, AND GRASS. 3. BLANKET SHALL HAVE GOOD CONTINUOUS CONTACT WITH UNDERLYING SOIL THROUGHOUT ENTIRE LENGTH. LAY BLANKET LOOSELY AND STAKE OR STAPLE TO MAINTAIN DIRECT
- CONTACT WITH SOIL. DO NOT STRETCH BLANKET. 4. THE BLANKET SHALL BE STAPLED IN ACCORDANCE WITH THE MANUFACTURER'S
- RECOMMENDATIONS. 5. BLANKETED AREAS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT UNTIL PERENNIAL VEGETATION IS ESTABLISHED TO A MINIMUM UNIFORM 70% COVERAGE THROUGHOUT THE BLANKETED AREA. DAMAGED OR DISPLACED BLANKETS SHALL BE RESTORED OR REPLACED WITHIN 4 CALENDAR DAYS.



**4 EROSION CONTROL BLANKET STEEP SLOPES** EC-2 SCALE : N.T.S.

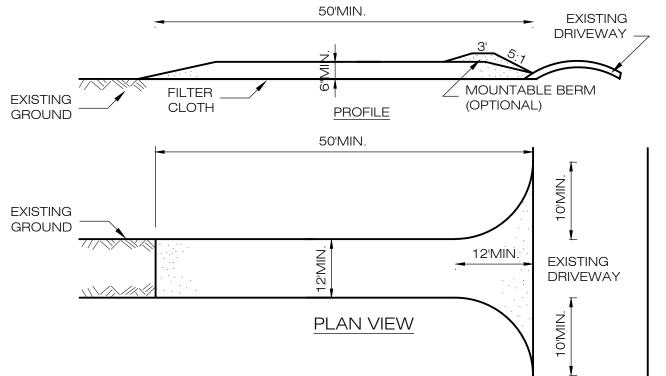




CONSTRUCTION SPECIFICATIONS 1. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.

- 2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
- 3. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
- 4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

# GEOTEXTILE SILT FENCE DETAIL

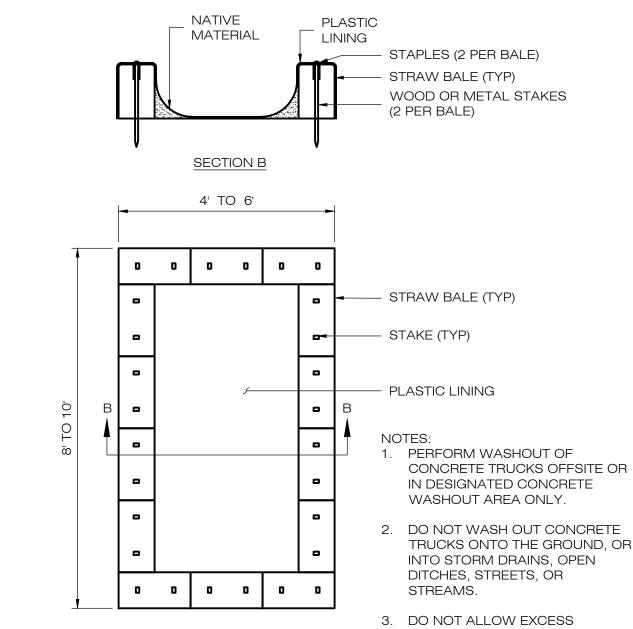


2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).

1. STONE SIZE - USE 1-4 INCH STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.

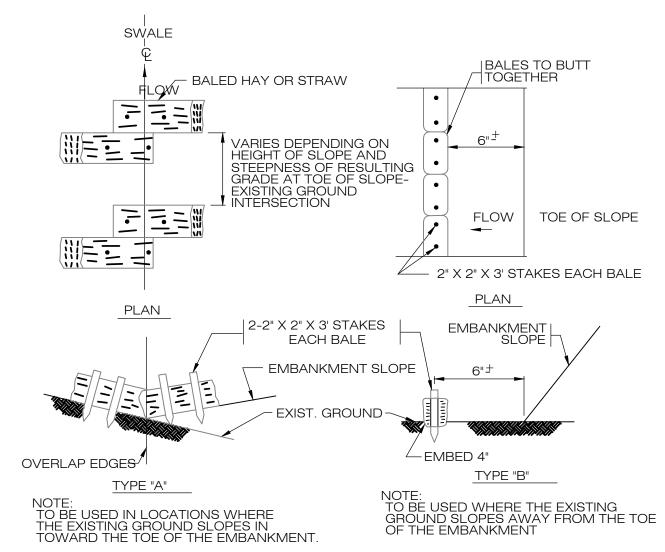
- 3. THICKNESS NOT LESS THAN SIX (6) INCHES.
- 4. WIDTH TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO
- 5. GEOTEXTILE WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- 6. SURFACE WATER ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ACCESS SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- 7. MAINTENANCE THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- 8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- 9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

# 3 CONSTRUCTION ENTRANCE DETAIL EC-2 SCALE: N.T.S.

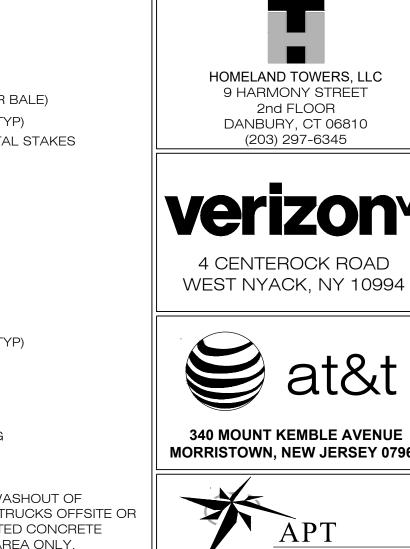


**CONCRETE WASHOUT DETAIL** EC-2 SCALE : N.T.S.

PLAN VIEW



HAYBALE CHECK DAM **7 SEDIMENTATION CONTROL BARRIER** EC-2 SCALE : N.T.S.



CONCRETE TO BE DUMPED

CONCRETE WASHOUT AREA.

340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 

**ENGINEERING** 

HOMELAND TOWERS, LLC

9 HARMONY STREET

2nd FLOOR

DANBURY, CT 06810

(203) 297-6345

TRUCKS ONTO THE GROUND, OR | 567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-093

PERMITTING DOCUMENTS NO DATE REVISION 0 | 08/13/20 | FOR REVIEW: RCB ONSITE, EXCEPT IN DESIGNATED 1 | 08/14/20 | CLIENT REVS: RCB

> 2 | 11/03/20 | TOWN COMMENTS: RCB 3 | 12/22/20 | TOWN COMMENTS: RCB 4 | 01/25/21 | TOWN COMMENTS: RCB 5 | 03/19/21 | TOWN COMMENTS: RCB

> 6 | 07/12/21 | TOWN COMMENTS: RCB 7 | 07/13/21 | TOWN COMMENTS: RCB 8 07/14/21 TOWN COMMENTS: RCB

9 | 04/12/23 | TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR

DANBURY, CT 06810

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> **HOMELAND TOWERS MOUNT KISCO**

SITE 180 S. BEDFORD RD.

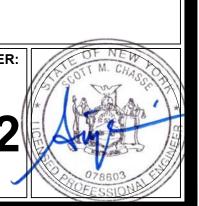
ADDRESS: MT. KISCO, NY 10594 **APT FILING NUMBER: NY283830** 

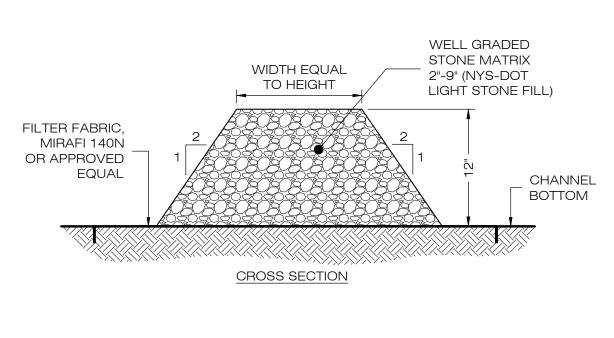
DATE: 08/13/20 DRAWN BY: CSH CHECKED BY: RCB

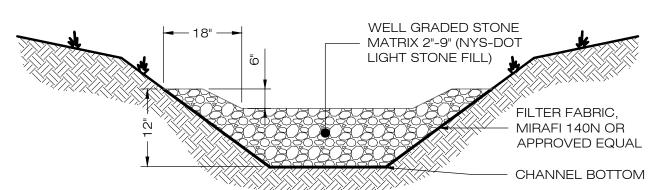
SHEET TITLE:

**EROSION CONTROL DETAILS** 

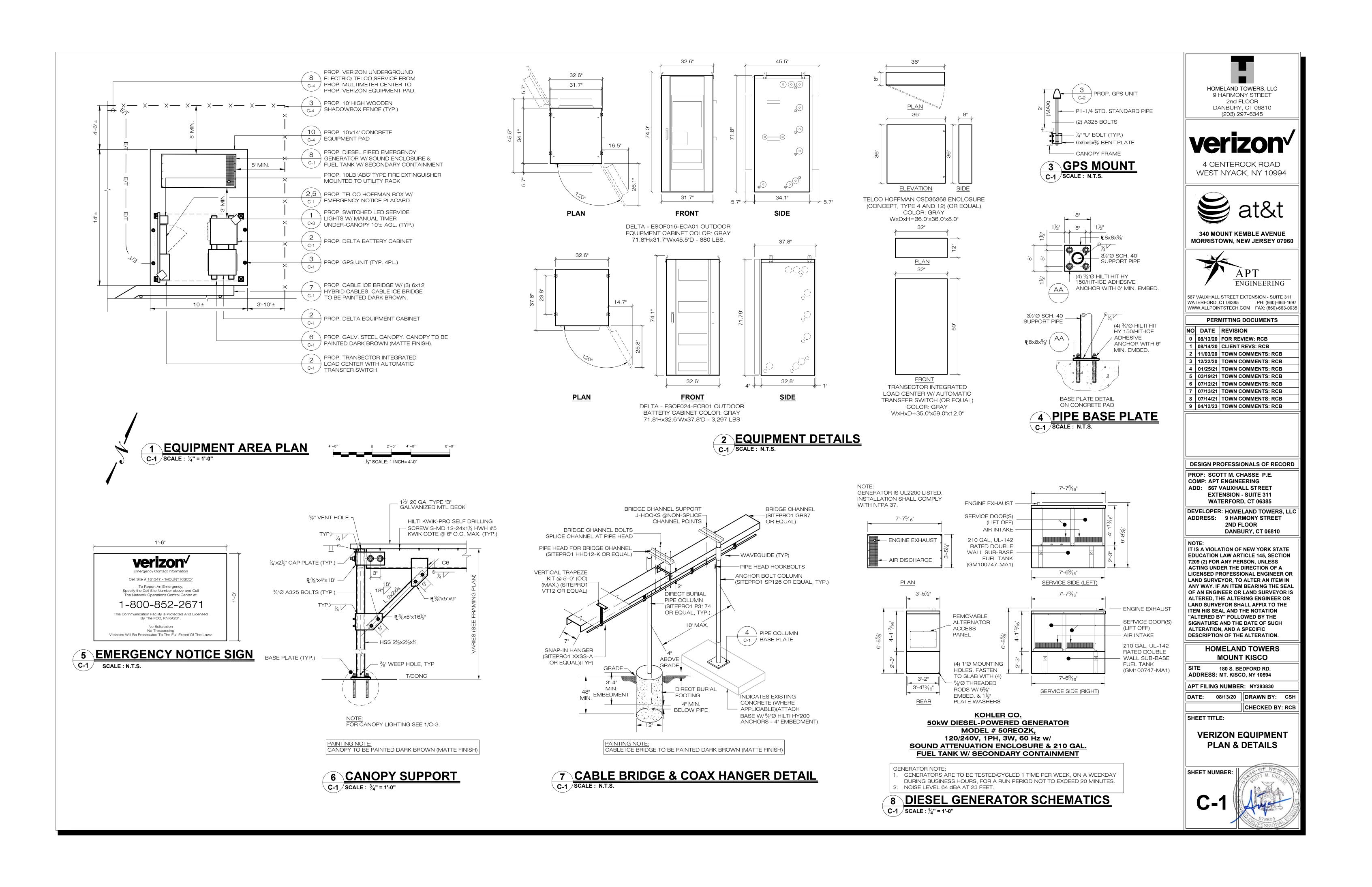
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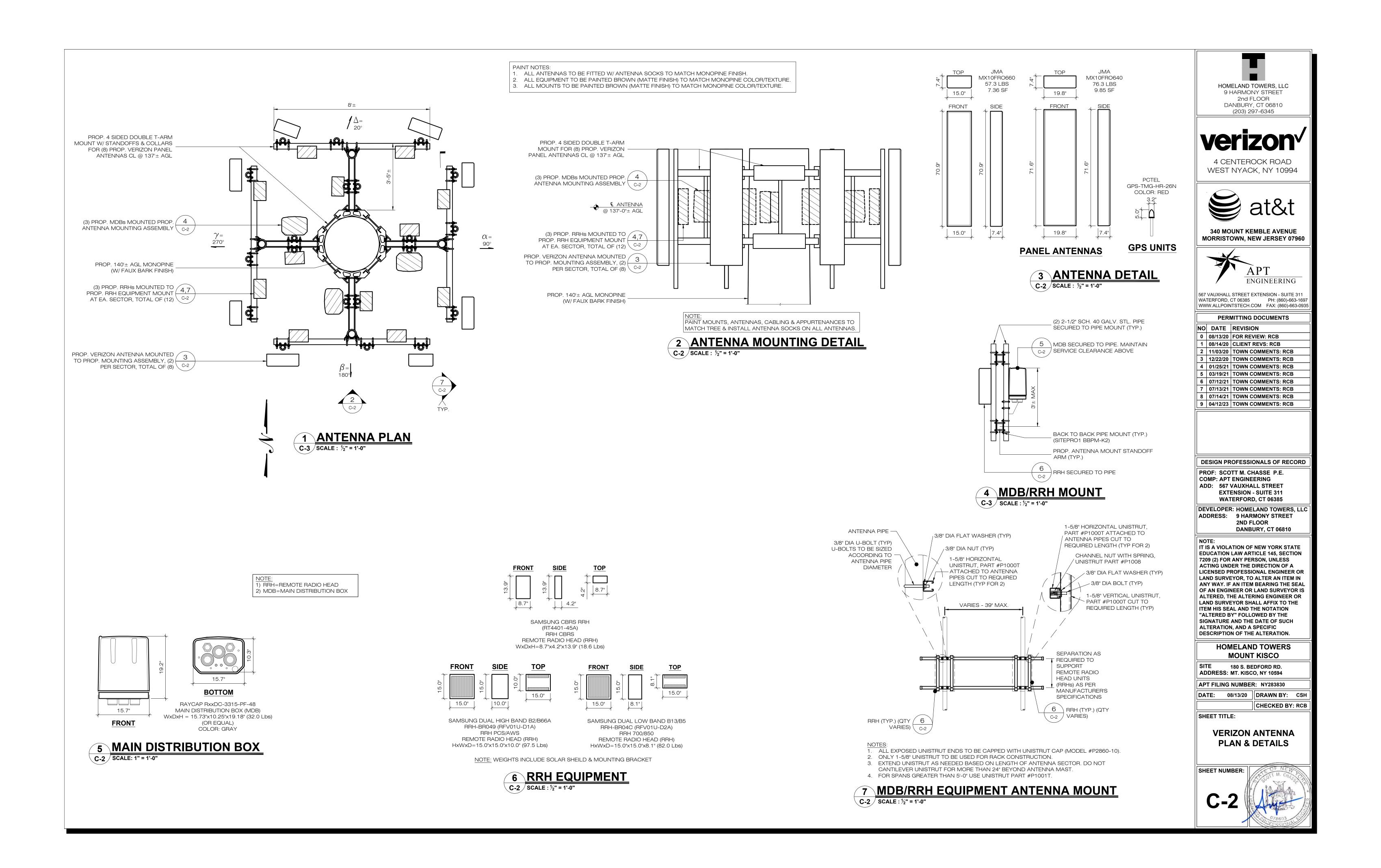


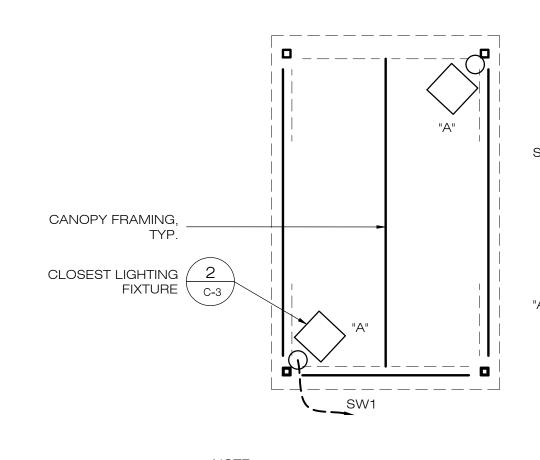




6 STONE CHECK DAM EC-2 SCALE : N.T.S.







1. 15A. 120V, 500W SINGLE POLE 4 HOUR MANUAL TIMER: LEVITON MANUFACTURING CO., INC. MODEL #LTB-1LZ 2. OUTLET BOX: RAB LIGHTING INC.

MODEL #B3B WEATHERPROOF COVER: RAB LIGHTING INC. MODEL #TCB

FIXTURES (2 TOTAL): FULL CUTOFF, RAB LIGHTING INC. MODEL #WPLEDFC52NW.

1. LIGHTING TO BE MOUNTED BELOW CANOPY. BOTTOM OF LIGHT FIXTURE AT APPROXIMATELY 9'± AGL.

**CANOPY LIGHTING** 

0 fc 0 fc

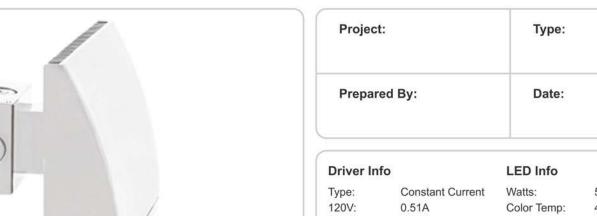
**3 LIGHTING SPILL PLAN** 

C-3 SCALE : 1" = 15'

Need help? Tech help line: (888) RAB-1000 Email: sales@rablighting.com Website: www.rablighting.com Copyright © 2018 RAB Lighting Inc. All Rights Reserved Note: Specifications are subject to change at any time without notice 0 fc 0.1 fc 0.1 fc 0 fc 0 fc 0.1 fc 0.3 fc 0.3 fc 0.2 fc 0.1 fc 0 fc 0.1 fc 0.5 fc 1.5 fc 1.5 fc 0.8 fc 0.2 fc PROP. VERIZON EQUIPMENT CABINETS, DIESEL FIRED GENERATOR, STEEL CANOPY & (4) GPS UNITS ON 10'x14' CONCRETE PAD PROP. VERIZON CABLE ICE BRIDGE FROM EQUIPMENT PAD TO TOWER ENTRY PORT PROP. 140'± AGL MONOPINE (W/ FAUX BARK FINISH) PROP. 10' WOODEN SHADOWBOX FENCE (TYP.) PROPERTY LINE (TYP.) PAVED/GRAVEL ACCESS DRIVE (WIDTH VARIES) (TYP.)

fc = FOOT CANDLES

WPLEDFC52NW RAB Outdoor



277V: 0.24A Input Watts: 56W Efficiency: 93% LED 52W Wallpacks. 3 cutoff options. Patent Pending thermal management system. 100,000 hour L70 lifespan. 5-year, no-compromise warranty. Color: White Weight: 17.6 lbs

Color Consistency:

fixture-to-fixture color

Color Uniformity:

Housing:

Mounting:

Cutoff:

Full cutoff (0°)

ease of installation and wiring.

than 200K in CCT over a 5 year period

Precision die cast aluminum housing, lens frame

Color Stability:

**Technical Specifications** 

This product is listed by Design Lights Consortium

(DLC) as an ultra-efficient premium product that

qualifies for the highest tier of rebates from DLC

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires and LED components have been

Constant Current, 720mA, Class 2, 100 - 277V, 50 - 60

100,000-hour LED lifespan based on IES LM-80

Two (2) multi-chip, high-output, long-life LEDs

tested by an independent laboratory in accordance

Listings

**UL Listing:** 

**DLC Listed:** 

Member Utilities.

Electrical

Power Factor:

THD:

Suitable for wet locations

DLC Product Code: PXZ2LS6K

with IESNA LM-79 and LM-80.

6.19% at 120V, 7.09% at 277V

99.2% at 120V, 97.3% at 277V

Hz, 100 - 277VAC .8 Amps.

Surge Protection:

**LED Characteristics** 

results and TM-21 calculations

Lifespan:

LEDs:

52W Color Temp: 4000K (Neutral) 208V: 0.33A Color Accuracy: 72 CRI 240V: 0.29A L70 Lifespan: 100,000 7,256 Lumens: Efficacy: 130 LPW

Reflector: 3-step MacAdam Ellipse binning to achieve consistent

Specular vacuum-metallized polycarbonate Gaskets:

High temperature silicone LED color temperature is warrantied to shift no more Tempered glass

RAB's range of CCT (Correlated Color Temperature) Formulated for high-durability and long lasting color follows the guidelines of the American National Standard for Specifications for the Chromaticity of Green Technology: Solid State Lighting (SSL) Products, ANSI C78.377-

Mercury and UV-free. RoHS compliant components. Construction Ambient Temperature: Warranty:

Suitable For use in 40°C (104°F) RAB warrants that our LED products will be free from defects in materials and workmanship for a period of **Cold Weather Starting:** five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver Minimum starting temperature is -40°C (-40°F) performance and fixture finish. RAB's warranty is subject to all terms and conditions found at

pending patent in TW.

The WPLED design is protected by patents in the U.S. Pat D653,377, Canada Pat. 142252, China Pat. Die-cast aluminum wall bracket with (5) 1/2" conduit ZL201130356930.8, and Mexico Pat. 36921 and openings with plugs. Two-piece bracket with tether for

Replacement: Die-cast aluminum with wiring access plate

Replaces 250W HID

Page 1 of 2

2 LIGHTING CUTSHEETS
C-3 SCALE: NONE

WPLEDFC52NW RAB Outdoor

**Technical Specifications (continued)** 

**BUG Rating: Buy American Act Compliance:** RAB values USA manufacturing! Upon request, RAB B1 U0 G1

may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

**Dimensions** 

**Features** 

High performance LED light engine Maintains 70% of initial lumens at 100,000 hours Weatherproof high temperature silicone gaskets

Superior heat sinking with die cast aluminum housing and external fins Replaces 250W MH

/LC = Lightcloud

Traditional wallpack look from the front

3 cutoff options

5-Year, No-Compromise Warranty

**Ordering Matrix** 

Family	Cutoff	Wattage	Color Temp	Finish	<b>Driver Options</b>	Options	Other Options
WPLED	FC	52	N	W	^	Λ	٨
	Blank = Standard (15 degrees)	<b>52</b> = 52W	Blank = 5000K (Cool)	Blank = Bronze	Blank = 120-277V /480 = 480V	Blank = No Option /PCS = 120V Swivel Photocell	Blank = Standard USA = BAA
	C = Cutoff (7.5 degrees) FC = Full Cutoff (0 degrees)	<b>80</b> = 80W	<b>N</b> = 4000K (Neutral) <b>Y</b> = 3000K (Warm)	W = White	/BL = Bi-Level /D10 = 0-10V	/PCS2 = 277V Swivel Photocell	Compliant
					Dimming	/PCS4 = 480V Swivel Photocell	

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Page 2 of 2

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HOMELAND TOWERS, LLC 9 HARMONY STREET 2nd FLOOR

DANBURY, CT 06810

(203) 297-6345

4 CENTEROCK ROAD

WEST NYACK, NY 10994

340 MOUNT KEMBLE AVENUE

**MORRISTOWN, NEW JERSEY 07960** 

567 VAUXHALL STREET EXTENSION - SUITE 311

WATERFORD, CT 06385 PH: (860)-663-1697

WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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**DESIGN PROFESSIONALS OF RECORD** 

**EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC

DANBURY, CT 06810

ADDRESS: 9 HARMONY STREET

PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET

**ENGINEERING** 

**HOMELAND TOWERS MOUNT KISCO** 

SITE 180 S. BEDFORD RD.

ADDRESS: MT. KISCO, NY 10594

APT FILING NUMBER: NY283830

││DATE: 08/13/20 ││DRAWN BY: CSH

SHEET TITLE:

**VERIZON EQUIPMENT LIGHTING PLAN &** 

**DETAILS** 

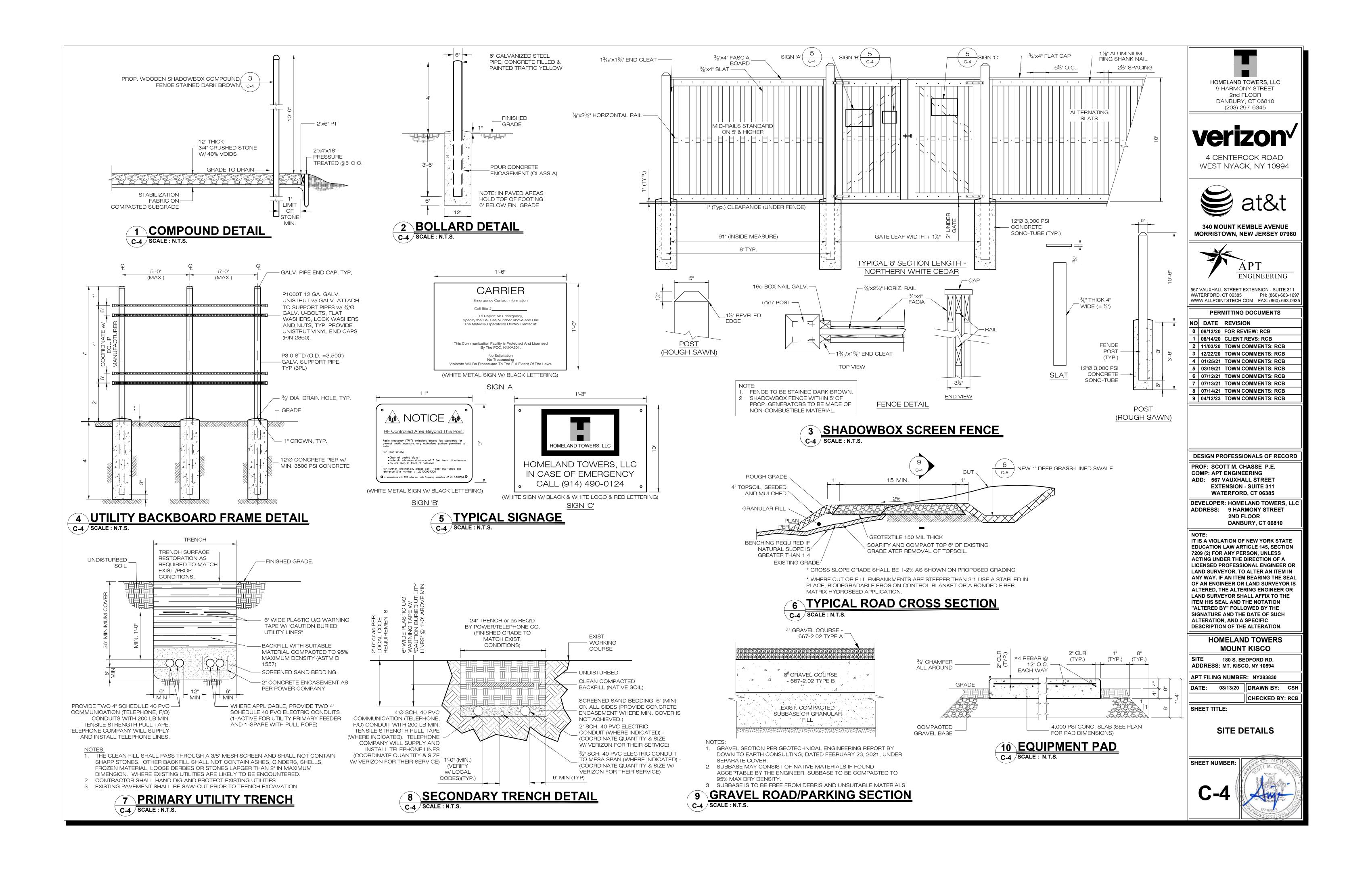
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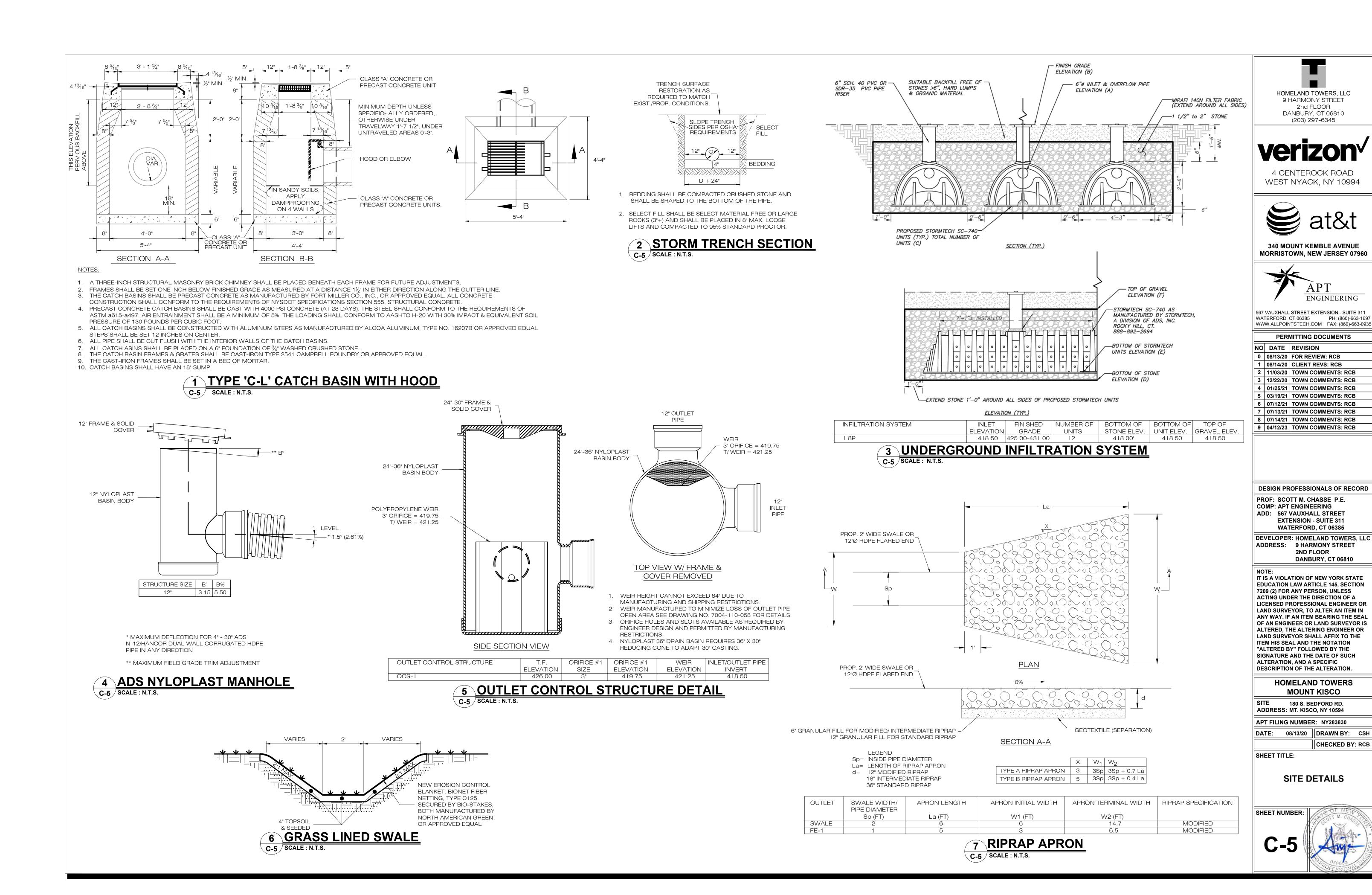


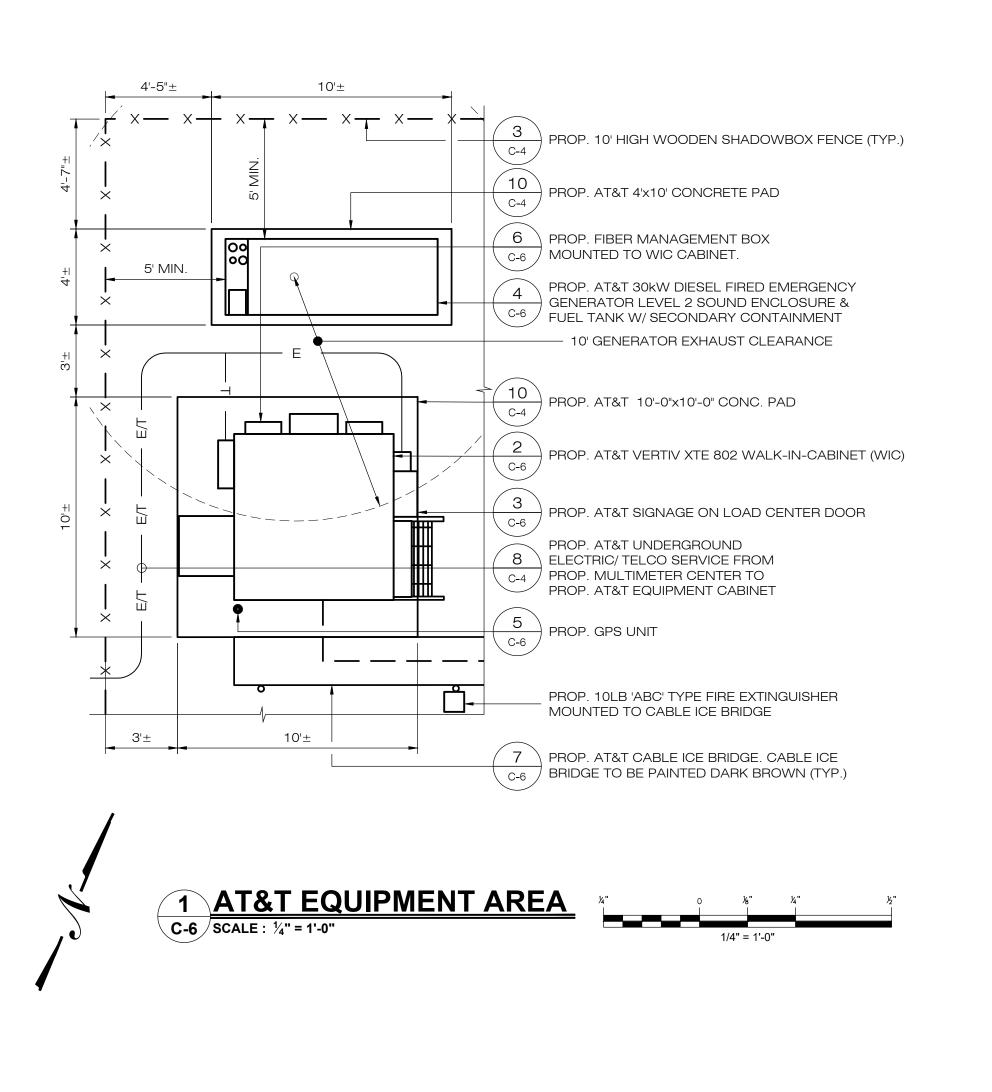
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LIGHTING NOTES:

TWO 52-WATT SWITCH/TIMER CONTROLLED LIGHT FIXTURES ARE PROPOSED AT THE GROUND-BASED EQUIPMENT COMPOUND FOR NIGHTTIME VISITS (THE LIGHTS ARE ONLY USED WHEN NEEDED BY A SERVICE TECHNICIAN). THIS LIGHTING SHALL BE SPECIFIED TO COMPLY WITH GUIDANCE FROM INTERNATIONAL DARK SKY ASSOCIATION (IDA: OUTDOOR LIGHTING BASICS | INTERNATIONAL DARK-SKY ASSOCIATION). MOTION DETECTION LIGHTING SHALL NOT BE INSTALLED. NO TOWER LIGHTING IS REQUIRED OR PROPOSED FOR THE PROJECT.









3 TYPICAL SIGNAGE C-6 SCALE : N.T.S.

AT&T

NOTICE MAN

RF Controlled Area Beyond This Point

Radio frequency ("RF") emissions exceed fcc standards for general public exposure, only authorized workers permitted to enter.

• Obey all posted signs • maintain minimum dustance of 7 feet from all antennas. • do not stop in front of antennas.

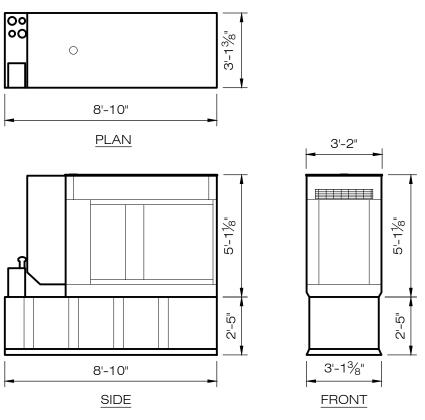
For further information, please call 1-888-563-9835 and reference Site Number: 20130924306

O In accordance with FCC rules on radio frequency emissions 47 cfr 1.1307(b). O

(WHITE METAL SIGN W/ BLACK LETTERING)

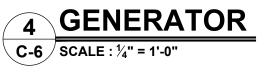
RF NOTICE SIGN

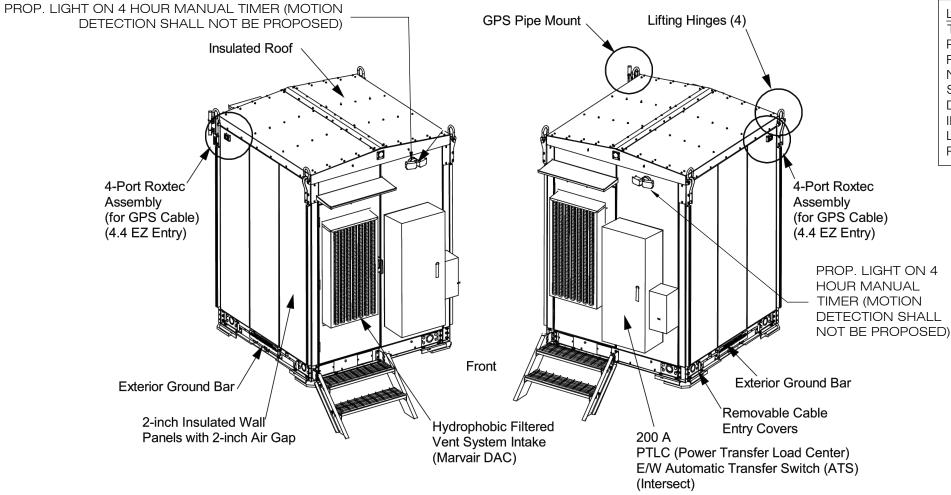
For your safety:

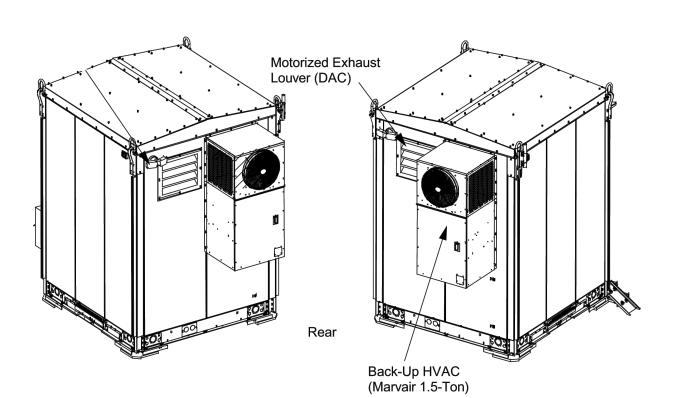


**GENERAC POWER SYSTEMS 30kW DIESEL FIRED GENERATOR** MODEL #SD030 W/ LEVEL 2 SOUND ENCLOSURE & 190 GAL. TANK W/ SECONDARY CONTAINMENT

GENERATOR NOTE: GENERATORS ARE TO BE TESTED/CYCLED 1 TIME PER WEEK, ON A WEEKDAY DURING BUSINESS HOURS, FOR A RUN PERIOD NOT TO EXCEED 20 MINUTES. 2. NOISE LEVEL 68 dBA AT 23 FEET.

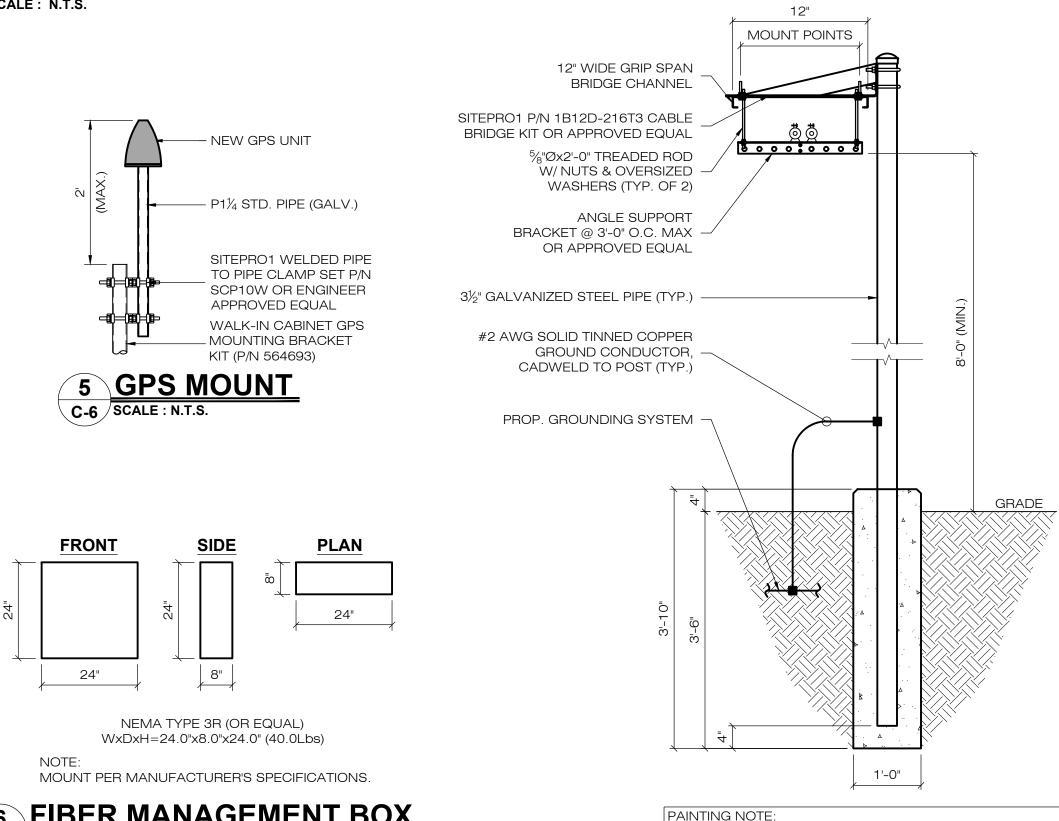






2 VERTIV XTE 802 WALK-IN-CABINET (WIC)

C-6 SCALE: N.T.S.



CABLE ICE BRIDGE TO BE PAINTED DARK BROWN (MATTE FINISH) 7 CABLE BRIDGE DETAIL
C-6 SCALE: N.T.S.

TWO 52-WATT SWITCH/TIMER CONTROLLED LIGHT FIXTURES ARE PROPOSED AT THE GROUND-BASED EQUIPMENT COMPOUND FOR NIGHTTIME VISITS (THE LIGHTS ARE ONLY USED WHEN NEEDED BY A SERVICE TECHNICIAN). THIS LIGHTING SHALL BE SPECIFIED TO COMPLY WITH GUIDANCE FROM INTERNATIONAL DARK SKY ASSOCIATION (IDA: OUTDOOR LIGHTING BASICS | INTERNATIONAL DARK-SKY ASSOCIATION). MOTION DETECTION LIGHTING SHALL NOT BE INSTALLED. NO TOWER LIGHTING IS REQUIRED OR PROPOSED FOR THE PROJECT.



HOMELAND TOWERS, LLC 9 HARMONY STREET 2nd FLOOR DANBURY, CT 06810 (203) 297-6345



4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



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**DESIGN PROFESSIONALS OF RECORD** 

PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR

DANBURY, CT 06810

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SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

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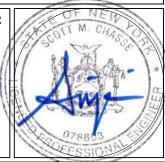
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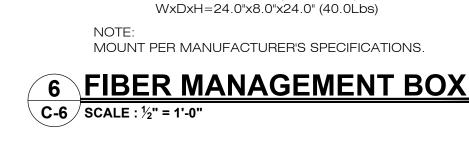
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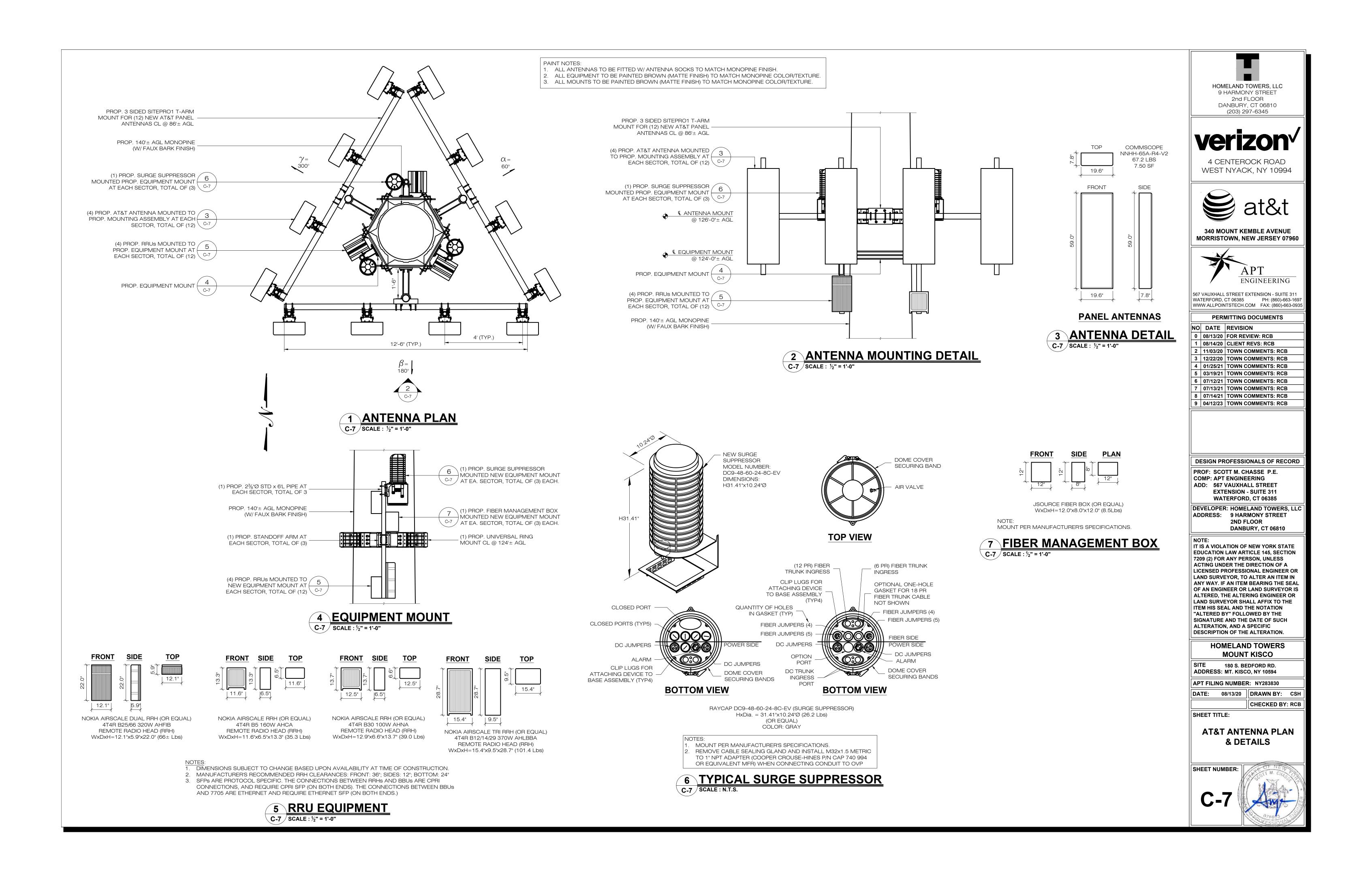
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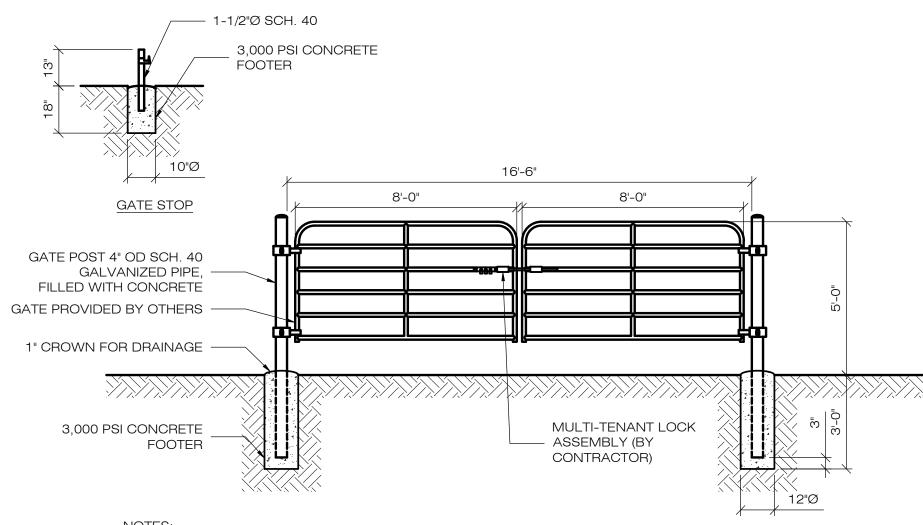
AT&T EQUIPMENT **PLAN & DETAILS** 

SHEET NUMBER:







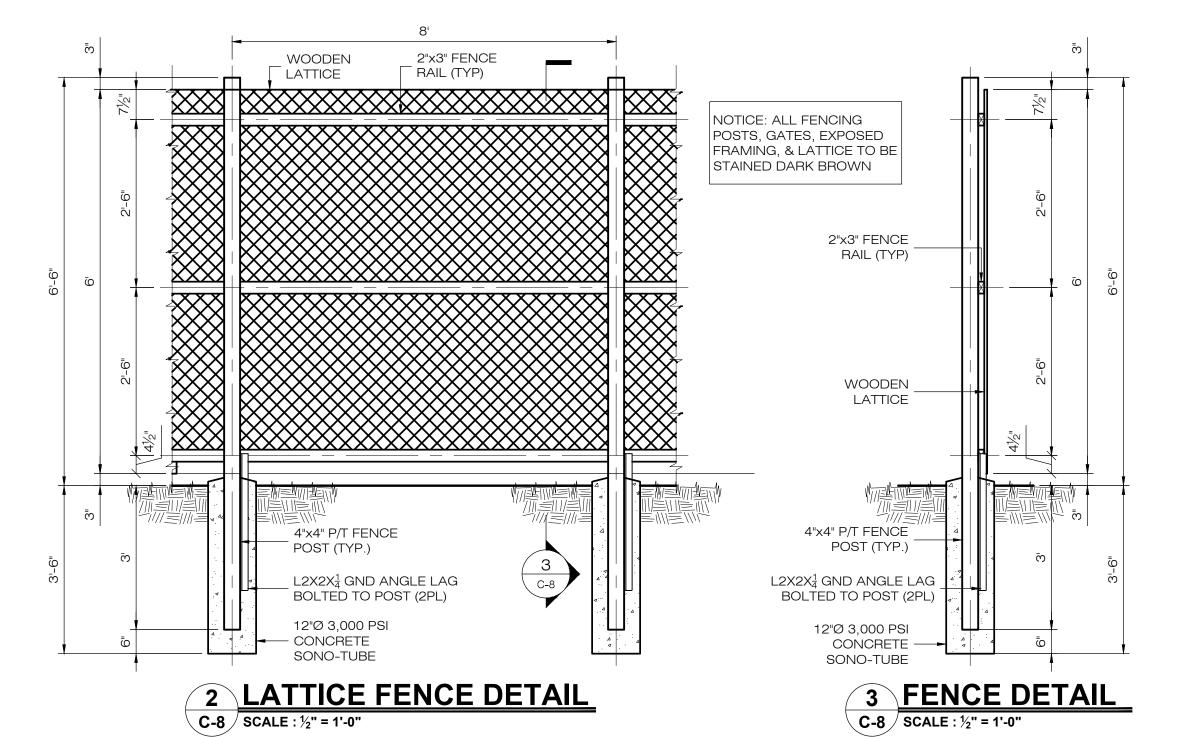


1. PANELS TO BE 4'X8' GALVANIZED TUBULAR STEEL 2" OD X 16GAUGE HIGH TENSILE WELDED STEEL. HEAVY DUTY MOUNT HARDWARE TO BE WELDED TO THE SUPPORT POSTS.

- 2. 4" OD X 8' LONG SCH. 40 STEEL INSTALLED 36" BELOW EXISTING GRADE CONCRETE TO 1" ABOVE EXISTING GRADE AT POST BASE AND TAPER. FILL POST COMPLETELY WITH CONCRETE CAP.
- 3. CONTRACTOR TO INSTALL HOMELAND TOWERS SIGNAGE TO THE NEWLY INSTALLED ACCESS GATE. SIGNAGE TO BE INSTALLED USING GALVANIZED METAL SCREWS IN 4 PLACES. NO PLASTIC WIRE TIES SHALL BE USED. SEE DETAIL 5/C-4 FOR TYPICAL SIGNAGE.
- 4. STYMIE SECURITY LOCK: STANDARD GALVANIZED 2" LOCK SYSTEM WELDED TO GATE CROSS SUPPORTS 4-2" SLEEVES WITH SLOTTED HASPS.

1 ENTRANCE GATE DETAIL

SCALE: N.T.S.





4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

# PERMITTING DOCUMENTS NO DATE REVISION

- 0 08/13/20 FOR REVIEW: RCB
- 1 | 08/14/20 | CLIENT REVS: RCB 2 11/03/20 TOWN COMMENTS: RCB
- 3 | 12/22/20 | TOWN COMMENTS: RCB
- 4 01/25/21 TOWN COMMENTS: RCB
- 5 03/19/21 TOWN COMMENTS: RCB
- 6 07/12/21 TOWN COMMENTS: RCB
- 7 07/13/21 TOWN COMMENTS: RCB
- 8 07/14/21 TOWN COMMENTS: RCB
- 9 04/12/23 TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** 

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR

DANBURY, CT 06810

WATERFORD, CT 06385

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

## HOMELAND TOWERS

**MOUNT KISCO** 

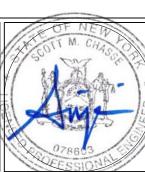
SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

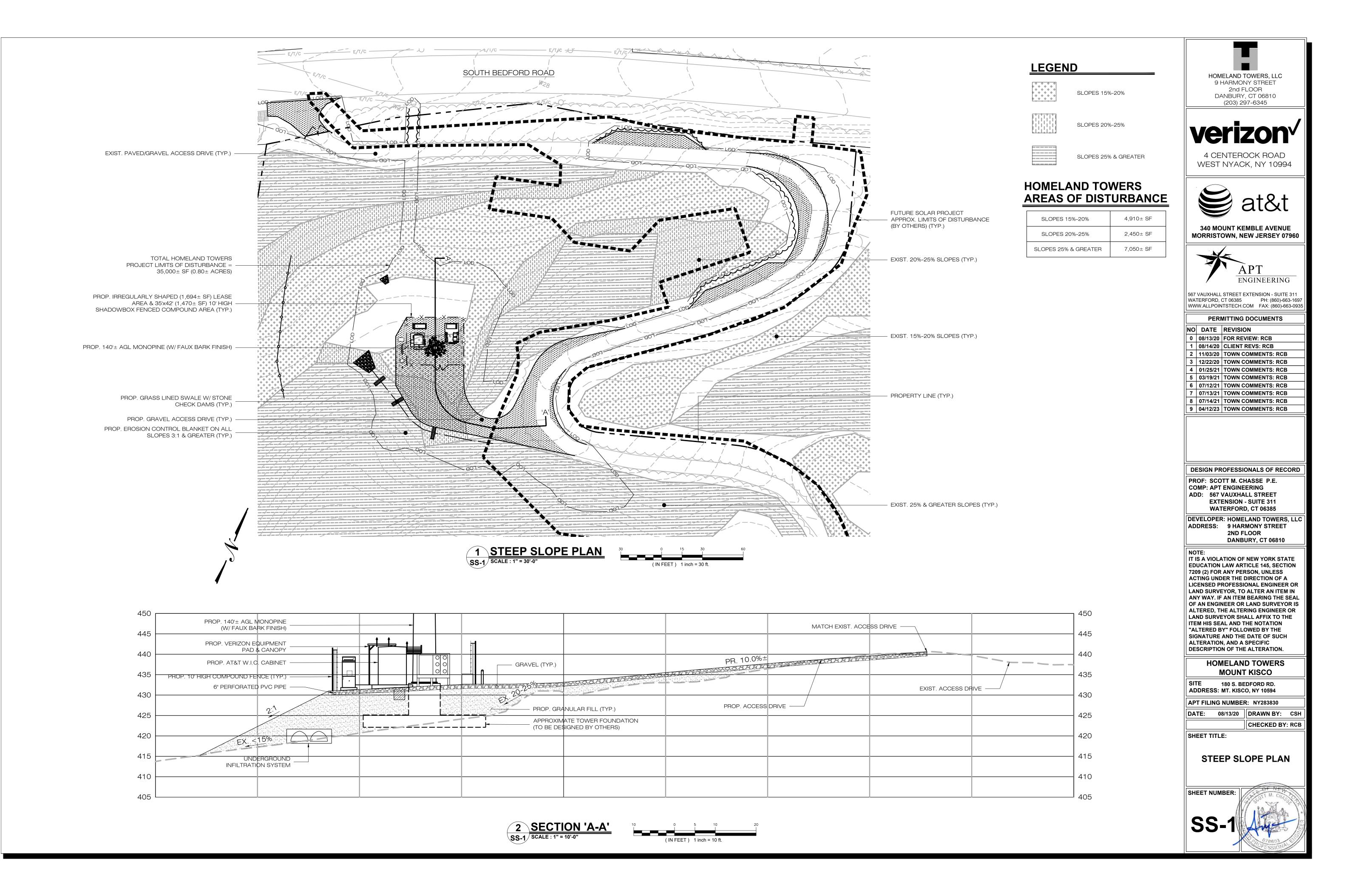
APT FILING NUMBER: NY283830 || DATE: 08/13/20 || DRAWN BY: CSH

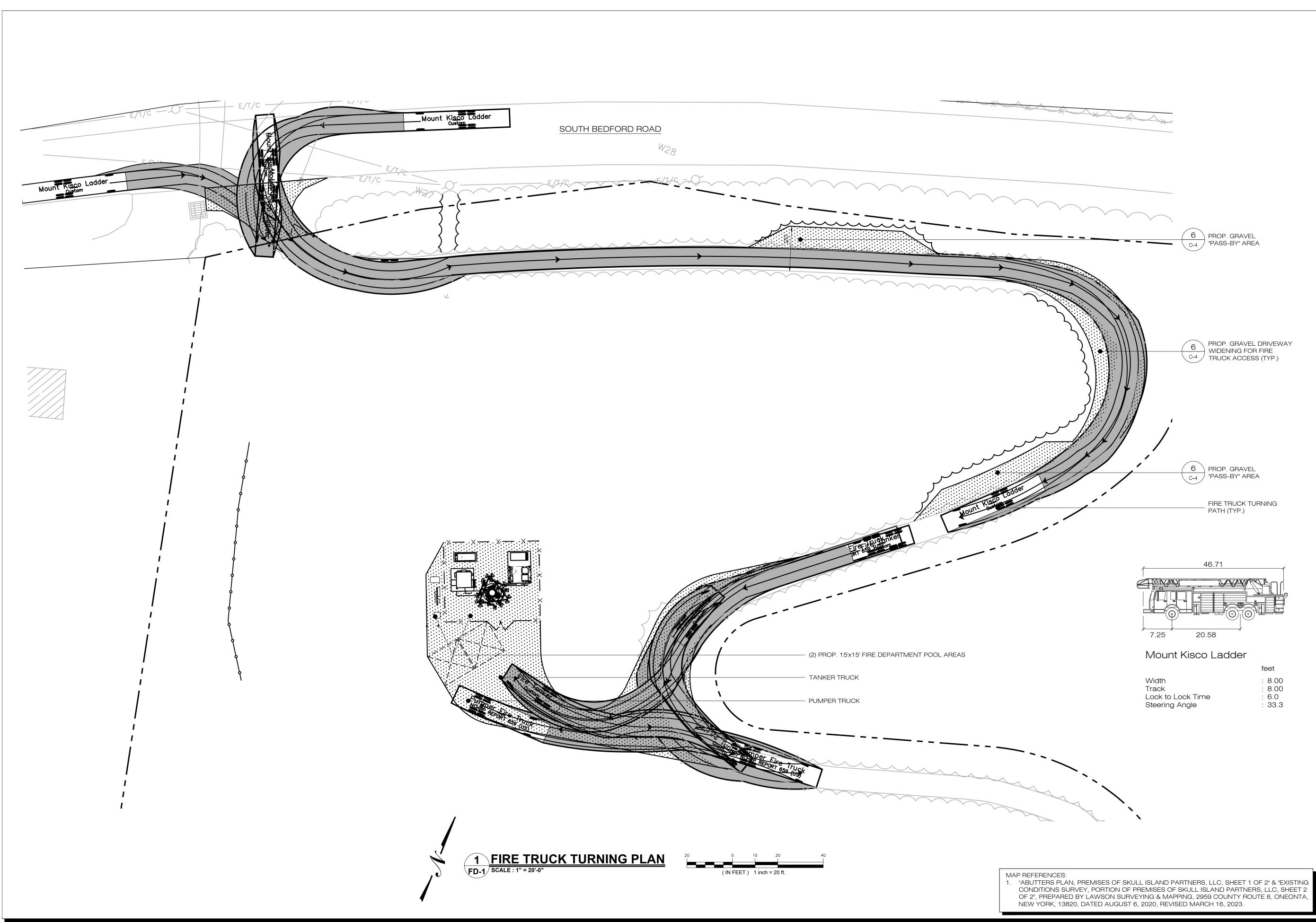
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SITE DETAILS

SHEET NUMBER:











4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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ADD: 567 VAUXHALL STREET
EXTENSION - SUITE 311

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ADDRESS: 9 HARMONY STREET
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# HOMELAND TOWERS MOUNT KISCO

# SITE 180 S. BEDFORD RD.

ADDRESS: MT. KISCO, NY 10594

APT FILING NUMBER: NY283830

DATE: 08/13/20 DRAWN BY: CSH

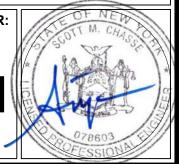
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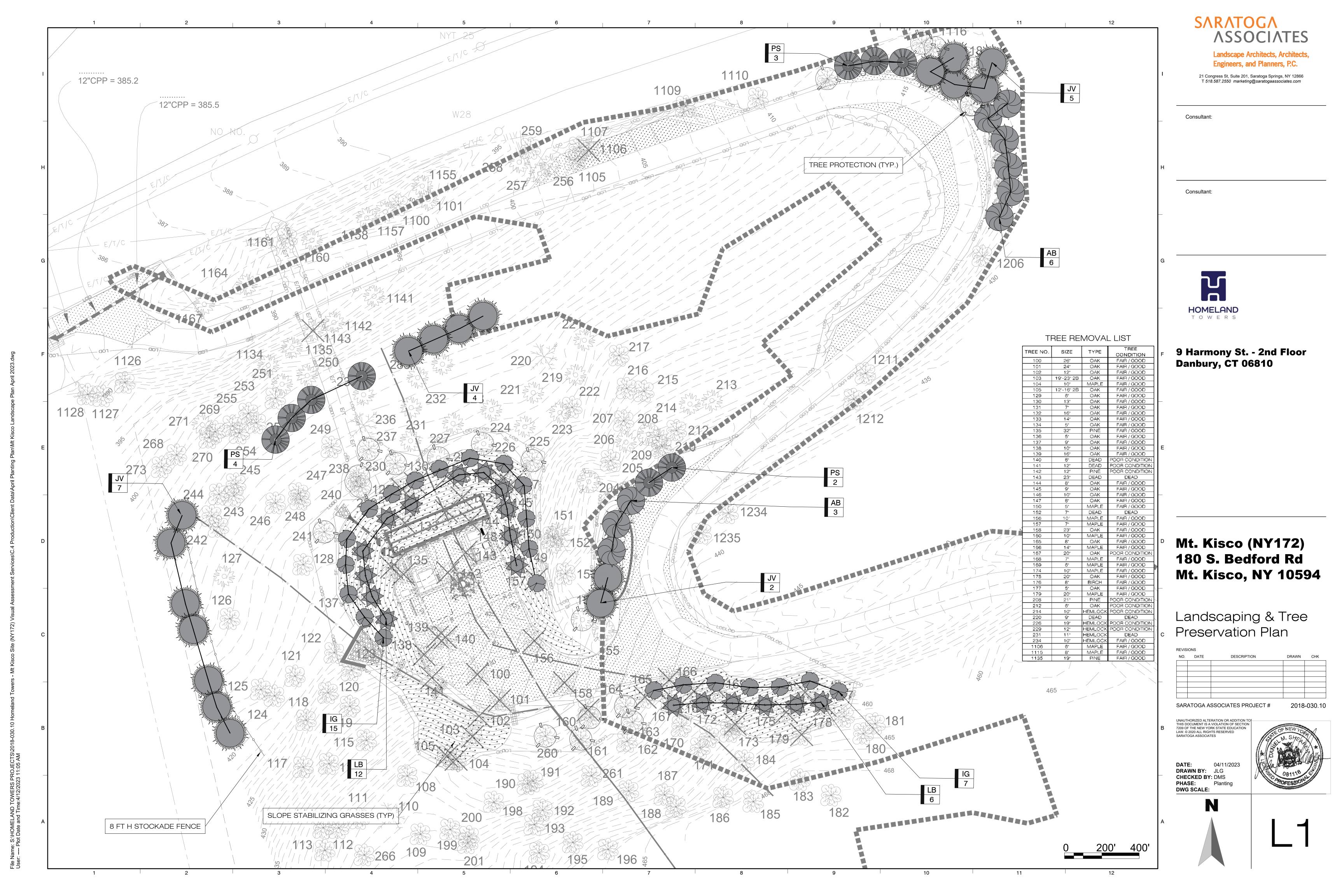
SHEET TITLE:

FIRE TRUCK
TURNING PLAN

SHEET NUMBER:

FD-1





,	001122	<b></b>				T
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
EVERGREE	INS					
AB	9	Abies balsamea	Balsam Fir	8 FT	B&B	12 FT O.C.
JV	18	Juniperus virginiana	Eastern Red Cedar	8 FT	B&B	12 FT O.C.
PS	9	Pinus strobus	Eastern White Pine	8 FT	B&B	12 FT O.C.
SHRUBS						
LB	18	Lindera benzoin	Spicebush	3 GAL	CONT	SEE PLAN
IG	22	llex glabra	Inkberry	3 GAL	CONT	SEE PLAN
<b>Y Y Y Y</b>	7648 SF	Ernst Grass Mix 181	1.5 LBS / 1000 SF			
+ + +	6 FT H x 1	06 LFT Lattice Fencing S	Stained Brown to Match Existing Ti	ree Bark		

LANDSCAPING NOTES 1. THE LANDSCAPE MITIGATION PLAN SHALL CONFORM TO CHAPTER 99 OF THE VILLAGE OF MOUNT KISCO CODE.

2. ALL LANDSCAPING SHALL BE PLANTED ACCORDING TO SOUND HORTICULTURAL PRACTICE AND IN CONFORMANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK, CURRENT EDITION. ALL PLANT MATERIALS USED SHALL BE TRUE TO NAME AND SIZE IN CONFORMITY WITH THE CURRENT EDITION OF THE AMERICAN STANDARD OF NURSERY STOCK AND SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY. ALL PLANTS SHALL HAVE NORMAL, WELL-DEVELOPED BRANCHES AND VIGOROUS ROOT SYSTEMS. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, FREE FROM DEFECTS, DISFIGURING KNOTS, ABRASIONS OF THE BARK, SUN SCALD INJURIES, PLANT DISEASES, INSECT EGGS, BORERS, AND ALL OTHER FORMS OF INFECTION. ALL PLANTS SHALL BE NURSERY GROWN. ALL PLANT MATERIAL SHALL BE TAGGED AT THE NURSERY SOURCE AND APPROVED BY THE PROJECT LANDSCAPE ARCHITECT PRIOR TO PLANTING.

3. ALL PLANT MATERIAL SHALL BEAR THE SAME RELATION TO FINISHED GRADE AS IT BORE TO EXISTING GRADE AT THE NURSERY. ALL PLANT MATERIAL SHALL BE PLANTED SO THAT THE TOP OF THE ROOTBALL IS 1" HIGHER THAN THE EXISTING/FINISHED GRADE DEPENDENT UPON SOIL CONDITIONS.

4. IN THE EVENT THAT PLANTING DISCREPANCIES OR MATERIAL OMISSIONS OCCUR IN THE PLANT MATERIALS LIST. THE LANDSCAPING PLAN SHALL GOVERN. THE USE AND PLANTING OF BARE ROOT MATERIAL SHALL BE PROHIBITED.

5. PLANTS SHALL ONLY BE INSTALLED WHEN THE SOIL IS FROST FREE.

6. THE DEPTH OF PLANT PITS SHALL BE INCREASED BY 12" THROUGH THE ADDITION OF LOOSE AGGREGATE (3/4" TO 1 1/2" DIAMETER) WHEREVER POOR DRAINAGE OCCURS.

7. PLANTS PLANTED IN ROWS SHALL BE MATCHED SPECIMENS AND BE UNIFORM IN SIZE AND FORM.

8. PLANTING BACKFILL MIXTURE SHALL CONSIST OF ONE PART TOPSOIL, ONE PART NATIVE SOIL AND ONE PART PEAT MOSS. NOTE THAT PLANTING MIXTURE MAY CHANGE BASED UPON SOIL CONDITIONS.

9. ALL PLANT MATERIAL SHALL BE GIVEN A MINIMUM OF 5 GALLONS OF WATER AT THE TIME OF INSTALLATION AND SHALL BE WATERED AT INTERVALS DURING ESTABLISHMENT TO ENSURE ADAPTATION TO THE SITE. PRIOR TO THE INSTALLATION OF THE PLANT MATERIAL, THE CONTRACTOR SHALL FILL EACH PLANTING PIT WITH WATER AND ALLOW IT TO FULLY PERCOLATE INTO THE GROUND PRIOR TO PLACEMENT OF THE PLANT. THE CONTRACTOR SHALL NOTIFY EITHER THE TOWNSHIP OR PROJECT LANDSCAPE ARCHITECT OF ANY PERCOLATION PROBLEMS PRIOR TO INSTALLATION.

10. PREFERRED PLANTING TIME PERIODS ARE FROM SEPTEMBER 1 TO NOVEMBER 30 OR MARCH 20 TO MAY 31. NO PLANTING SHALL BE EXECUTED DURING ABNORMALLY HOT WEATHER NOR WHEN THE GROUND IS FROZEN. MOUND MULCH 6 INCHES HIGH TO FORM SAUCER FINAL GRADE

11. THE CONTRACTOR SHALL REMOVE ALL DAMAGED BRANCHES AND NURSERY TAGS AT THE TIME OF INSTALLATION. 12. SLOW RELEASE FERTILIZER TABLETS OR PACKETS OF 20-10-5 COMPOSITION SHALL BE ADDED TO ALL PLANTING

PITS AT THE FOLLOWING RATIOS: 1 PER SHRUB, 2 PER EVERGREEN TREES UP TO 2" IN CALIPER AND 3 FOR EVERGREEN TREES ABOVE 2" IN CALIPER.

13. ALL GROUPED SHRUBS SHALL BE MULCHED TOGETHER TO FORM ONE CONTINUOUS PLANTING BED.

14. CONTRACTOR TO BE RESPONSIBLE FOR SEEDING AREAS BEING DISTURBED BY CONSTRUCTION. SEED MIXTURE TO BE IN ACCORDANCE WITH SOIL CONSERVATION DISTRICT'S STANDARDS.

15. STAKES SHALL BE WHITE OR RED CEDAR, OAK, OR LOCUST TREATED WITH ACCEPTABLE WOOD PRESERVATIVE.

16. REMOVE ALL PLASTIC MATERIAL SYNTHETIC BURLAP AND STRING OR CONTAINERS TO BE REMOVED AT THE TIME OF PLANTING.

17. ONLY PHYSICAL MEANS TO CONTROL GRASS, WEEDS, OR NUISANCE VEGETATION SHALL BE USED. THE USE OF HERBICIDES, PESTICIDES, OR OTHER CHEMICAL MEANS TO CONTROL VEGETATION SHALL NOT BE PERMITTED AT ANY PART OF THE HOMELAND LEASE DURING CONSTRUCTION AND OVER THE LIFE OF THE FACILITY.

18. LANDSCAPING BOND / WARRANTY TO BE FURNISHED AND COMMITMENT TO MAINTAIN ALL ON-SITE TREE PRESERVATION AND ON-SITE PLANTINGS FOR THE LIFE OF THE FACILITY. HOMELAND TOWERS SHALL MAINTAIN ALL LANDSCAPING FOR AS LONG AS THE TELECOMMUNICATION SITE IS ON THE PROPERTY. REQUIRED MAINTENANCE SHALL INCLUDE WATERING AND REPLACEMENT OF ON-SITE DEAD AND/OR DYING LANDSCAPING. (SUBJECT TO STANDARD SURETY PRACTICES FOR TREE PRESERVATION)

19. TREE REMOVAL ASSOCIATED WITH CONSTRUCTION WILL NEED TO OCCUR BETWEEN NOVEMBER 1 AND MARCH 31 TO COMPLY WITH NYSDEC GUIDANCE FOR BAT SPECIES.

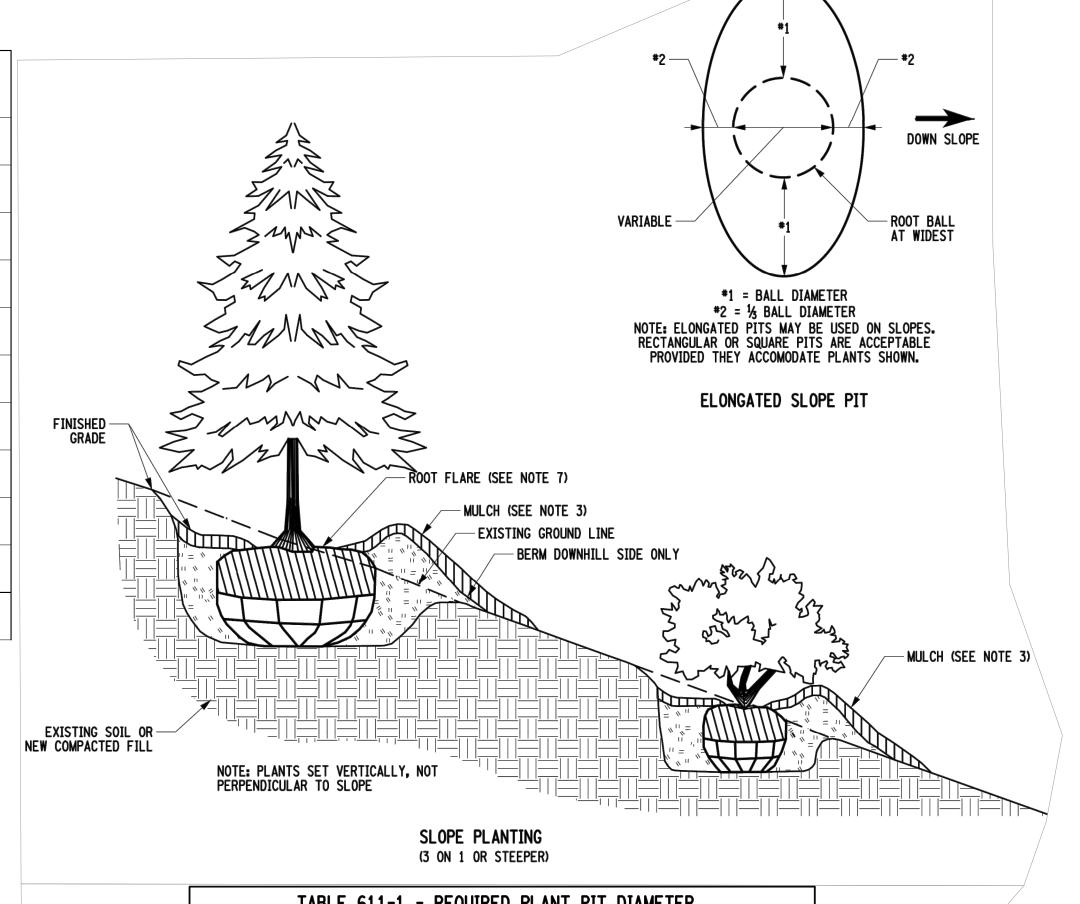
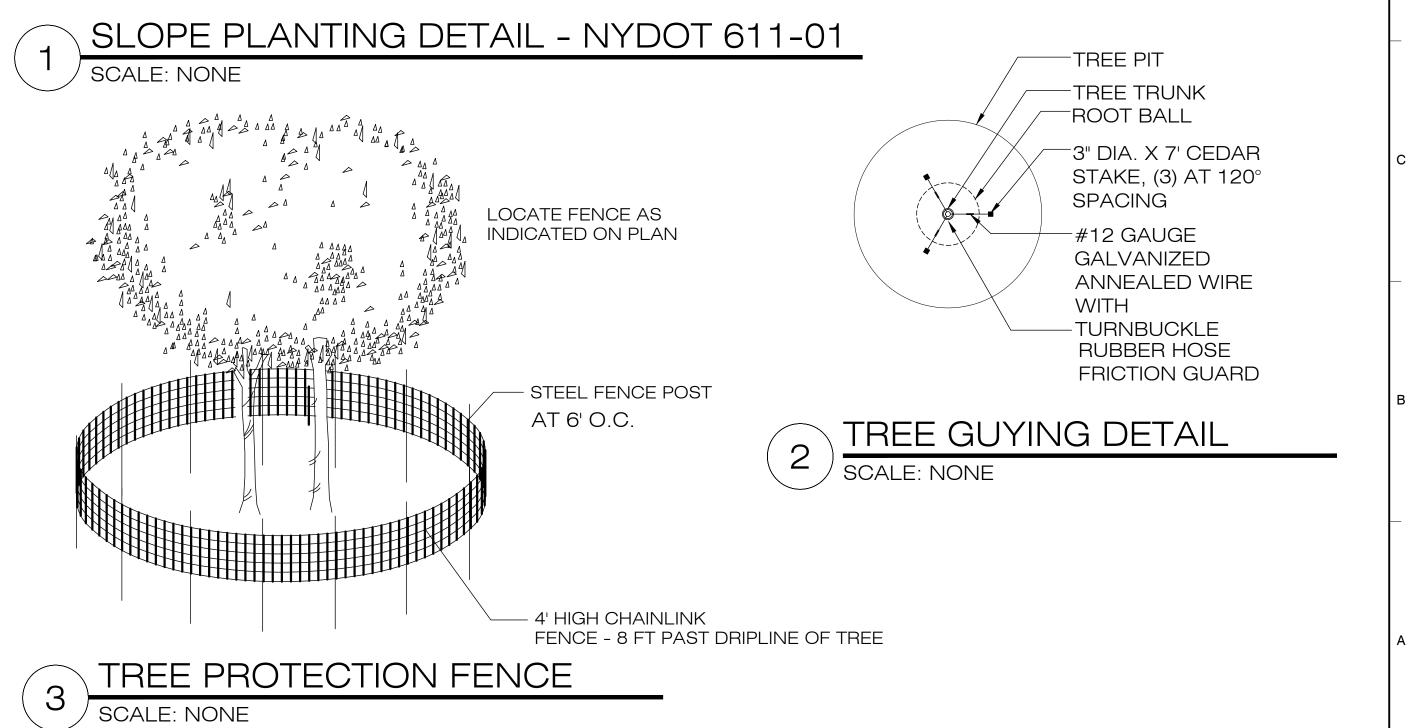


TABLE 611-1 - REQUIRED PLANT PIT DIAMETER					
ROOT SPREAD / ROOT BALL DIAMETER	PLANT PIT DIAMETER				
UNDER 2'-0"	3X THE ROOT SPREAD OR ROOT BALL DIAMETER				
FROM 2'-0" TO 4'-0"	2.5X THE ROOT SPREAD OR ROOT BALL DIAMETER				
OVER 4'-0"	2X THE ROOT SPREAD OR ROOT BALL DIAMETER				

- 1. PLANTING BALL ON B&B MATERIAL, BURLAP AND WIRE BASKET OR OTHER CONTAINER SHALL BE REMOVED
- 2. HEIGHT OF PLANTING SAUCER SHALL BE 3".
- . MULCH SHALL BE A MAXIMUM OF 3" DEEP AND TAPERED DOWN TO LEAVE THE ROOT FLARE EXPOSED. WHEN PLANTING ON SLOPES. DOWNHILL SIDE MUST BE STABILIZED APPROPRIATELY OR SEEDING ON DOWNHILL SIDE MAY BE SPECIFIED.
- 5. ALL TAGS. LABELS. ETC. SHALL BE REMOVED FROM THE PLANTS
- THIS DETAIL SHOWS ONE ABOVE GROUND TREE SUPPORT METHOD. ANY OTHER METHOD MUST USE COMMERCIALLY AVAILABLE PRODUCTS INSTALLED PER THE MANUFACTURER'S SPECIFICATIONS.
- 7. THE ROOT FLARE SHALL BE VISIBLE AND LEVEL WITH SURROUNDING SOIL.



Landscape Architects. Architects Engineers, and Planners, P.C.

21 Congress St, Suite 201, Saratoga Springs, NY 12866 T 518.587.2550 marketing@saratogaassociates.com

Consultant:

Consultant:



9 Harmony St. - 2nd Floor Danbury, CT 06810

# Mt. Kisco (NY172) 180 S. Bedford Rd Mt. Kisco, NY 10594

Landscaping & Tree Preservation Details and Notes

OGA ASS	OCIATES PROJECT #	2018	-030.10
	OGA ASS	OGA ASSOCIATES PROJECT #	OGA ASSOCIATES PROJECT # 2018

LAW. © 2020 ALL RIGHTS RESERVED

DATE: 04/11/2023 DRAWN BY: JLG CHECKED BY: DMS PHASE: Planting **DWG SCALE:** 



# CELL TREES, INC. ANTENNA COVERS



We supply aftermarket antenna covers for Pine's, Palm's, and Broadleaf's. Our Pine and Broadleaf covers are available in three colors each.



Our standard covers are 24" wide, and are available up to 48". Lengths are 6" longer than your antenna length.

Palm covers are available in 24" widths only.

Please send RFQ to: einar@celltreesinc.com or use order form.



### **STYLE 3818**

HIGH PERFORMANCE 18-oz. FABRIC Typical Properties

### STANDARD

Base Fabric Type	Polyester
Base Fabric Weight (nominal)	5.0 oz/yd <sup>2</sup>
Finished Coated Weight	18 oz/yd <sup>2</sup>
ASTM D751	+2/-1 oz/yd <sup>2</sup>
Tongue Tear	8" x 10" sample @ 12"/minute
ASTM D751	80/80 lb <sub>f</sub>
Grab Tensile ASTM D751	375/350 lb <sub>f</sub>
Strip Tensile ASTM D751 Procedure B	300/275 lb <sub>f</sub> /in
Adhesion ASTM D751 RF Weld	10 lb <sub>f</sub> /in minimum
Hydrostatic Resistance ASTM D751 Procedure A	500 psi
Low Temperature ASTM D2136	1/8 in mandrel, 4 hr LTC: Pass @ -40° F LTA: Pass @ -67° F
Flame Resistance FMVSS 302	Pass 4 in/min
Roll Specifics	Width up to 75 in. Length 110 yd.
l	

Unless stated otherwise, values presented above represent the minimum expected measurements at the time of manufacture. We believe this information is the best currently available on the subject. We offer it as a suggestion in any appropriate experimentation you may care to undertake. It is subject to revision as additional knowledge and experience are gained. We make no guarantee of results and assume no obligation or liability whatsoever in connection with this information.

\*Issued November 2006\*



### Material Safety Data Sheet

SHELTER-RITE® VINYL COATED FABRIC

**Issue Date:** 3/1/99 **Supersedes:** 1/15/97

**SECTION 1. PRODUCT & COMPANY INFORMATION** 

Trade Name: SHELTER-RITE® VINYL COATED FABRIC

Chemical Name, Synonyms: PVC COATED FABRIC EMERGENCY PHONE NUMBERS:

Manufacturer: SEAMAN CORPORATION

 SEAMAN CORPORATION
 DAY: 330-262-1111

 1000 Venture Blvd.
 NIGHT (CHEMTREC): 800-424-9300

Wooster, OH 44691 USA INFORMATION: 330-262-1111

SECTION 2. INGREDIENTS

<u>Component</u> TLV (Units)

NYLON OR POLYESTER FABRIC N.A.

PROPRIETARY COMPOUND CONTAINING PVC, PHTHALATE PLASTICIZERS, N.A.

STABILIZERS, PIGMENTS, ESO, FLAME RETARDANTS, LUBRICANTS, CaCO3

(TRADE SECRET PER CFR 1910.1200(i))

SECTION 3. PHYSICAL DATA

**Boiling Point:** N.A. Specific Gravity: 1.2-1.3 Vapor Pressure % Volatile (Vol.): < 0.2% N.A. Color and Odor: Vapor Density: Vinyl Odor N.A. Solubility in Water Insoluble Physical State: Solid Sheet

SECTION 4. FIRE AND EXPLOSION HAZARD DATA

Flash Point: N.A. Flammable Limits: N.A.

EXTINGUISHING MEDIA: Water fog, foam or dry chemical; C02 may not have enough cooling to prevent re-ignition

FIRE PROTECTIVE EQUIPMENT: Positive pressure self-contained breathing apparatus and full protective

clothing to fight fires.

UNUSUAL FIRE AND EXPLOSION HAZARDS: None Known

SECTION 5. REACTIVITY DATA

STABILITY - CONDITIONS TO AVOID: Combustible if exposed to flame

INCOMPATIBILITY - MATERIALS TO AVOID: None

HAZARDOUS DECOMPOSITION PRODUCTS: CO, CO2, HCL, Trace Aromatics

HAZARDOUS POLYMERIZATION: Will Not Occur

**Issue Date:** 3/1/99

### SECTION 6. HEALTH HAZARD DATA

ACUTE TOXICITY

Oral Ingestion: Not normally a route of exposure

Eye Contact: Eye irritation is possible due to processing vapors when film is heated sufficiently

to cause mass melting of the polymer, such as during heat welding

Skin Contact: Skin irritation is possible due to processing vapors when film is heated sufficiently

to cause mass melting of the polymer, such as during heat welding

Inhalation: Respiratory irritation is possible due to processing vapors when film is heated

sufficiently to cause mass melting of the polymer, such as during heat welding

First Aid Procedures: Wash thoroughly with soap and water. Remove to fresh air if respiratory irritation

occurs. If irritation persists, call a physician.

Chronic Toxicity: No chronic effects due to exposure are known.

### SECTION 7. SPILL OR LEAK PROCEDURES

Steps To Be Taken In Case Of Spill: Dispose in approved landfill

Disposal Method: Bury or incinerate in accordance with Federal, State and Local Codes.

Not defined as hazardous by current provisions of RCRA

### **SECTION 8. SPECIAL PROTECTION INFORMATION**

Ventilation: Local exhaust, especially if irritation occurs

Respiration Protection: Not normally necessary

Protective Clothing: Wear gloves when handling hot material

Eye Protection: Not normally necessary

Other Protective Equipment: Not normally necessary

### SECTION 9. SPECIAL PRECAUTIONS OR OTHER COMMENTS

Precautions To Be Taken In Handling and Storage:

In operations such as heat welding or thermoforming involving heat sufficient to cause melting of the polymer, irritating fumes may be evolved. Adequate ventilation should be

provided.

Other Precautions: Avoid inhalation of processing fumes

THE INFORMATION HEREIN IS GIVEN IN GOOD FAITH BUT NO WARRANTY, EXPRESS OR IMPLIED IS MADE

Document: MSDSDOCVINYL.DOC Page 2 of 2

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2'-6"

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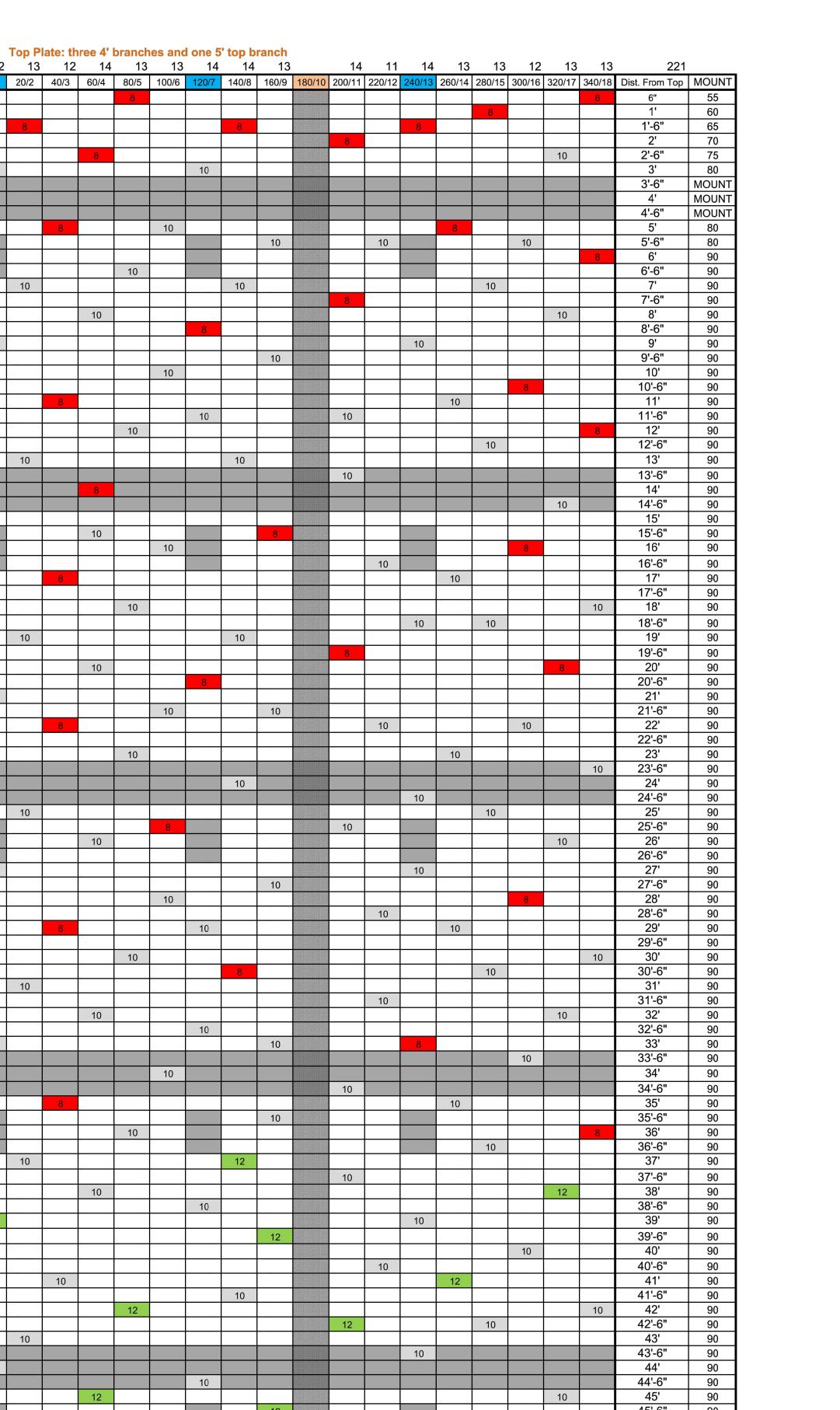
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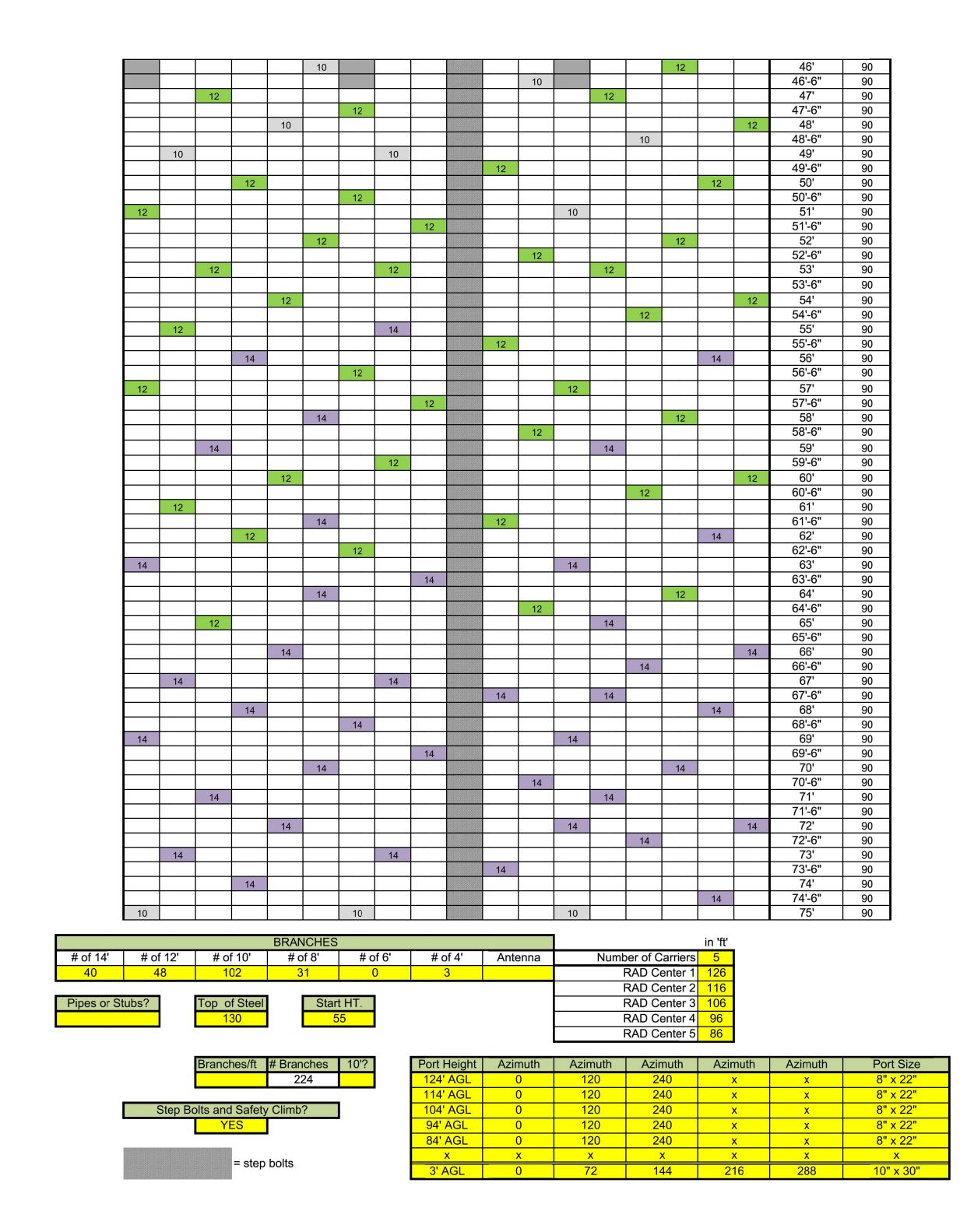
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# Warning: It is a violation of the law of the State of New York for any person, unless acting under the direction of a licensed professional engineer to alter an item in AMOUFL 1 SOUTH EUCLID AVENUE TUSCON, AZ 85713 (520) 294-3900 www.larsoncamo.com

bennett&pless 8

47 Perimeter Center East, Suite 500 Atlanta, Georgia 30346 Tel 678 990 8700 Fax 678 990 8701

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DATE: 8/22/2018 REVIEWED: PG DRAWN: JC

DATE

REVISIONS

**DESCRIPTION** 

**All Rights Reserved B & P Job Number 18311.030** 

**TABLE** DISTRIBUTION BRANCH

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SEE LARSON SPECIFICATIONS FOR

TABLE CLARIFICATION.

## **BFJ Planning**

PLANNING

URBAN DESIGN

ENVIRONMENTAL ANALYSIS

REAL ESTATE CONSULTING

TRANSPORTATION PLANNING

May 4, 2023

Members of the Planning Board Village/Town of Mount Kisco 104 Main Street Mount Kisco, New York 10549

Re: Homeland Towers LLC and Verizon Wireless
Proposed Installation of a Communication Tower
180 South Bedford Road, Village of Mount Kisco
Full EAF Parts 2 and 3 – Determination of Significance

Dear Members of the Board:

Following up on our February 9, 2023 letter outlining the State Environmental Quality Review Act (SEQR) process for the proposed Homeland Towers 'stealth tree' monopole to be located at 180 South Bedford Road, attached for your review and consideration are the Full Environmental Assessment Form (EAF), Parts 2 and 3 and the Full EAF Part 3 Supplement.

The **Full EAF Part 2** is designed to help the lead agency (Village/Town Planning Board) inventory all potential resources that could be affected by a proposed project or action. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

The Full EAF 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. The attached Full EAF Part 3 Supplement provides Provide the reason(s) why the impact categories identified in the Full EAF Part 2 may, or will not, result in a significant adverse environmental impact.

The next steps include the following:

- Close of the Public Hearing
- 2. Full EAF Part 2
- Review of the Part 3 EAF and Determination of Significance

Each of the above actions are described in more detail below:

FRANK S. FISH FAICP
GEORGES JACQUEMART PE, AICP, PP
SUSAN FAVATE, AICP
SARAH YACKEL, AICP
BUCKHURST FISH
& JACQUEMART, INC.
115 FIFTH AVENUE
NEW YORK, NY 10003
T. 212.353.7474
F. 212.353.7494
STAMFORD, CT 06901
T. 203.251.7470

## **BFJ Planning**

PLANNING
URBAN DESIGN
ENVIRONMENTAL ANALYSIS
REAL ESTATE CONSULTING
TRANSPORTATION PLANNING

### 1. Close the Public Hearing

Now that the Board and public have had time to review HDR's mitigation options memo dated February 27, 2023 and the applicant has had time to incorporate such mitigation options into their plans submitted on April 13, April 25, and May 1, 2023, the Planning Board is now in a position to close the public hearing.

### 2. Full EAF Part 2

The draft Full EAF Part 2 is attached for your consideration. The Full EAF Part 2 identifies potentially moderate to large impacts to aesthetic and community character. The mitigation options presented in HDR's February 27, 2023 memo have been incorporated into the proposed project.

### 3. Full EAF Part 3 – Determination of Significance

The EAF Part 3 is a determination of significance in terms of the proposed action. There are three options for the Board:

### I. Negative Declaration

This finding means that there are no significant adverse impacts to the action.

### II. Conditional Negative Declaration

This is a finding that there are no significant adverse impacts if certain actions are to take to reduce or eliminate such impacts.

### III. Positive Declaration

This is a finding that there may be one or more significant adverse impacts. If this finding is made, then a full environmental impact statement (EAS) would be necessary. An EIS requirement would add approximately 10-12 months to the approvals process.

The attached draft Full EAF Part 3 and Part 3 Supplement supports a Negative Declaration and the completion of the SEQR process based on the incorporation of all of the mitigation options into the proposed project presented in the February 27, 2023 mitigation options memo.

No final action may be taken on the application until the Planning Board makes a determination of significance. In the case of a negative declaration, the SEQR process

# **BFJ Planning**

PLANNING
URBAN DESIGN
ENVIRONMENTAL ANALYSIS
REAL ESTATE CONSULTING
TRANSPORTATION PLANNING

would end. In the case of a positive declaration, it would not end until completion of the full EIS and the adoption of environmental findings.

I hope to be able to attend the May 9, 2023 meeting should there be questions on the SEQR process. My colleague and head of BFJ's environmental group, Sarah Yackel, AICP, Principal will also be available to attend to discuss any questions or concerns you may have.

Sincerely,

Frank S. Fish, FAICP

Principal

Sarah K. Yackel, AICP

Swah K. Yackel

Principal

# Full Environmental Assessment Form Part 2 - Identification of Potential Project Impacts

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 Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)  If "Yes", answer questions a - j. If "No", move on to Section 2.	□NC	) -	YES
	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		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	Bli		
h. Other impacts:			

2. Impact on Geological Features			
The proposed action may result in the modification or destruction of, or inhib access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.	it □ NO		YES
If Tes , unswer 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		
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.  Specific feature:	E3c		
c. Other impacts:			
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)  If "Yes", answer questions a - l. If "No", move on to Section 4.	□NC		YES
	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		
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		
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a		
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		
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h		
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c		
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d		
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		
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h		
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h		
k. The proposed action may require the construction of new, or expansion of existing,	D1a, D2d		

wastewater treatment facilities.

l. Other impacts:			
<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 aquife (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  If "Yes", answer questions a - h. If "No", move on to Section 5.	□ NC er.	) 🗆	YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c		
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		
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c		
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l		
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		
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l		
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		
h. Other impacts:			
5. Impact on Flooding  The proposed action may result in development on lands subject to flooding.  (See Part 1. E.2)  If "Yes", answer questions a - g. If "No", move on to Section 6.	□ NC	) 🗆	YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i		
b. The proposed action may result in development within a 100 year floodplain.	E2j		
c. The proposed action may result in development within a 500 year floodplain.	E2k		
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e		
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k		
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e		

g. Other impacts:			
		<u> </u>	
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)  If "Yes", answer questions a - f. If "No", move on to Section 7.	□ NO		YES
J. J	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
<ul> <li>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: <ol> <li>i. More than 1000 tons/year of carbon dioxide (CO<sub>2</sub>)</li> <li>ii. More than 3.5 tons/year of nitrous oxide (N<sub>2</sub>O)</li> <li>iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)</li> <li>iv. More than .045 tons/year of sulfur hexafluoride (SF<sub>6</sub>)</li> <li>v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions</li> <li>vi. 43 tons/year or more of methane</li> </ol> </li> </ul>	D2g D2g D2g D2g D2g D2g		
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		
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		
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g		
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s		
f. Other impacts:			
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7. Impact on Plants and Animals  The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. If "Yes", answer questions a - j. If "No", move on to Section 8.	mq.)	□NO	□ 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		
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		
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		
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		

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		
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.  Source:	E2n		
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		
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		
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q		
j. Other impacts:			
8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a	nd b.)	□ NO	☐ YES
1 0	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a	Relevant Part I	No, or small impact	Moderate to large impact may
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i> a. The proposed action may impact soil classified within soil group 1 through 4 of the	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact agricultural resources. (See Part 1. E.3.a. a <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i> a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.  b. The proposed action may sever, cross or otherwise limit access to agricultural land	Relevant Part I Question(s)  E2c, E3b	No, or small impact may occur	Moderate to large impact may occur
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9. Impact on Aesthetic Resources  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.)  If "Yes", answer questions a - g. If "No", go to Section 10.	□ NO □ YES		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		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b		
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		
<ul><li>d. The situation or activity in which viewers are engaged while viewing the proposed action is:</li><li>i. Routine travel by residents, including travel to and from work</li><li>ii. Recreational or tourism based activities</li></ul>	E3h E2q, E1c		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h		
f. There are similar projects visible within the following distance of the proposed project:  0-1/2 mile  ½ -3 mile  3-5 mile  5+ mile	D1a, E1a, D1f, D1g		
g. Other impacts:			
10. Impact on Historic and Archeological Resources  The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  If "Yes", answer questions a - e. If "No", go to Section 11.	□ No	0 🗆	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 the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e		
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		
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		

d. Other impacts:			
If any of the above (a-d) are answered "Moderate to large impact may e. occur", continue with the following questions to help support conclusions in Part 3:			
<ol> <li>The proposed action may result in the destruction or alteration of all or part of the site or property.</li> </ol>	E3e, E3g, E3f		
<ol> <li>The proposed action may result in the alteration of the property's setting or integrity.</li> </ol>	E3e, E3f, E3g, E1a, E1b		
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		
11. Impact on Open Space and Recreation  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.	□ No	О 🗆	YES
	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		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c		
e. Other impacts:			
<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)  If "Yes", answer questions a - c. If "No", go to Section 13.	□ N0	O 🗆	YES
If test, answer questions at evily the , go to seemen to.	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		
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		
c. Other impacts:			

13. Impact on Transportation  The proposed action may result in a change to existing transportation systems (See Part 1. D.2.j)	s. 🗆 No	O 🗖	YES
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		
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j		
c. The proposed action will degrade existing transit access.	D2j		
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j		
e. The proposed action may alter the present pattern of movement of people or goods.	D2j		
f. Other impacts:			
	1	I.	I.
<b>14. Impact on Energy</b> 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		
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		
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k		
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g		
e. Other Impacts:			
15. Impact on Noise, Odor, and Light  The proposed action may result in an increase in noise, odors, or outdoor ligh  (See Part 1. D.2.m., n., and o.)  If "Yes", answer questions a - f. If "No", go to Section 16.	ting. $\square$ NC	) 🗆	YES
J. 27 1.10 1, 60 10 20 10 10 10 10 10 10 10 10 10 10 10 10 10	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		
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		

c. The proposed action may result in routine odors for more than one hour per day.

D2o

d. The proposed action may result in light shining onto adjoining properties.	D2n	
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	
f. Other impacts:		

### 16. Impact on Human Health The proposed action may have an impact on human health from exposure $\square$ NO $\square$ YES 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. Relevant Moderate No,or Part I small to large **Ouestion(s)** impact impact may may cccur occur a. The proposed action is located within 1500 feet of a school, hospital, licensed day E1d П П care center, group home, nursing home or retirement community. Elg, Elh b. The site of the proposed action is currently undergoing remediation. Elg, Elh П c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. Elg, Elh d. The site of the action is subject to an institutional control limiting the use of the П property (e.g., easement or deed restriction). e. The proposed action may affect institutional control measures that were put in place Elg, Elh П to ensure that the site remains protective of the environment and human health. D2t 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. g. The proposed action involves construction or modification of a solid waste D2q, E1f П management facility. D2q, E1f h. The proposed action may result in the unearthing of solid or hazardous waste. П D2r, D2s i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. j. The proposed action may result in excavation or other disturbance within 2000 feet of E1f, E1g a site used for the disposal of solid or hazardous waste. E1h E1f, E1g k. The proposed action may result in the migration of explosive gases from a landfill П П site to adjacent off site structures. D2s, E1f, 1. The proposed action may result in the release of contaminated leachate from the D2r project site. m. Other impacts:

17. Consistency with Community Plans  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.	□NO	☐ YES	
ij Tes , answer questions a n. ij Tio , go to section 10.	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		
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		
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3		
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2		
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, Elb		
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		
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a		
h. Other:			
<u> </u>			
19. Consistency with Community Character			
18. Consistency with Community Character  The proposed project is inconsistent with the existing community character.  (See Part 1. C.2, C.3, D.2, E.3)	□ NO	)	/ES
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3)	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3)	Relevant Part I Question(s)	No, or small impact	Moderate to large impact may
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.  a. The proposed action may replace or eliminate existing facilities, structures, or areas	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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.  a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.  b. The proposed action may create a demand for additional community services (e.g.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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.  a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.  b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)  c. The proposed action may displace affordable or low-income housing in an area where	Relevant Part I Question(s)  E3e, E3f, E3g  C4  C2, C3, D1f	No, or small impact may occur	Moderate to large impact may occur
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.  a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.  b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)  c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.  d. The proposed action may interfere with the use or enjoyment of officially recognized	Relevant Part I Question(s)  E3e, E3f, E3g  C4  C2, C3, D1f D1g, E1a	No, or small impact may occur	Moderate to large impact may occur
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.  a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.  b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)  c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.  d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.  e. The proposed action is inconsistent with the predominant architectural scale and	Relevant Part I Question(s)  E3e, E3f, E3g  C4  C2, C3, D1f D1g, E1a  C2, E3	No, or small impact may occur	Moderate to large impact may occur

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		
					FEAF 2019	

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 617.7(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) Surah K. Yaeful 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.nv.gov/enb/enb.html						

# Homeland Towers LLC and Verizon Wireless Proposed Installation of a Communications Tower 180 South Bedford Road, Village of Mount Kisco, NY Full Environmental Assessment Form - Part 3 Supplement

### 1.0 INTRODUCTION

Pursuant to the New York State Environmental Quality Review Act (SEQR), the proposed action discussed in this Full Environmental Assessment Form (EAF) Part 3 Supplement is:

- Special Permit approval from the Planning Board pursuant to Town/Village Code Section 110-27.1(H) for the construction of a 140 foot 'stealth tree' monopole (the "Proposed Project") to be located at 180 South Bedford Road in the Village of Mount Kisco (the "Project Site") by Homeland Towers LLC and Verizon Wireless (the "Applicant");
- 2) Site Plan approval for the Proposed Project from the Planning Board pursuant to Town/Village Code Section 110-45(A);
- 3) A Steep Slope Permit for the Proposed Project from the Planning Board pursuant to Town/Village Code Section 110-33.1; and
- 4) Area variances, including a potential area variance for fence height, from the Town/Village Zoning Board of Appeals ("ZBA").

### 2.0 ANALYSIS

Part 3 of a Full EAF provides the reasons in support of the determination of significance. The Town/Village of Mount Kisco Planning Board, as the SEQRA Lead Agency, must complete Part 3 for every question in the Full EAF Part 2 (see attached) where the impact has been identified as potentially moderate to large. Part 2 of the Full EAF identified two impact categories where potentially moderate or large environmental impacts could occur as a result of adoption of the proposed action described above, as follows:

- 1. Impact on Aesthetic Resources 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"

2. Consistency with Community Character – The proposed action is inconsistent with the predominant architectural scale and character. Proposed action is inconsistent with the character of the existing natural landscape.

The following discussion outlines why none of the moderate to large impacts identified above will result in any unaddressed potentially significant adverse environmental impacts. First, with respect to the evaluation of aesthetic resources, the New York State Department of Environmental Conservation's Division of Environmental Permits policy on "Assessing and Mitigating Visual and Aesthetic Impacts (DEP-00-2)"1 includes a list of 16 types of aesthetic resources to be considered in the evaluation of impacts to aesthetic resources. It is important to note, that none of the 16 resources presented are private views of individual property owners; views typically regulated under SEQR are from public lands or from designated historic resources. Neither of the two adjacent off-site properties are included in DEC's list of 16 regulated aesthetic resources.

Further, in a February 27, 2023 letter to the Planning Board, Town/Village Consultant, HDR outlined a series of mitigation options to address potential aesthetic and community character impacts associated with the proposed construction of a 140-foot "stealth tree" monopole to be located at 180 South Bedford Road (see Appendix A).

The mitigation options presented in the February 27, 2023 letter were based on review and analysis of application materials (including the 7-14-2021 ["current"] Drawing set and Visual Assessment reports dated December 27, 2020; December 28, 2020; and March 19, 2021); site walks conducted with the Planning Board and ZBA on January 16 and January 31, respectively; discussions at Board meetings of December 13, 2022, January 24, 2023, and February 14, 2023 (Planning Board) and January 31, 2023 (ZBA); information provided by representatives of two off-site properties, located immediately east (2 Sarles Street) and west (Marsh Sanctuary) of the proposed facility; feedback from the Building Inspector and a representative of the Fire Department; HDR's experience on similar tower projects in the region; and recognized "best practices" for mitigation and stealthing approaches, including those described in the New York State Department of State's Planning and Design Manual for the Review of Applications for Wireless Telecommunication Facilities (March 2001) and information from stealth technology venders. The mitigation options were broken down into three categories: 1) On-Site; 2) Access Road; and 3) Off-Site.

In response to the suggested mitigation options, the Applicant, in its latest submissions dated April 13, 2023, April 25, 2023 and May 1, 2023 revised their plans and project submissions to incorporate the On-Site and Access Road measures into the project plans as part of the Proposed Project. Revisions have been made to the Proposed Project to incorporate these measures to adequately address impacts associated with aesthetic resources and community character. Further, the Applicant has indicated that they intend to provide the Off-Site measures as outlined in the February 27, 2023 memo. With these measures incorporated into the Proposed Project, the potential for impacts to

<sup>&</sup>lt;sup>1</sup> https://www.dec.ny.gov/docs/permits\_ej\_operations\_pdf/visualpolicydep002.pdf

aesthetics and community character will be minimized as the proposed measures were developed based on reviews of guidance and available best practices; approaches used on other, similar projects; site visits with the Boards and property owners; discussions and public comments submitted during Planning Board meetings; and detailed analysis of application materials.

Further, by letter dated May 4, 2023 (see Appendix B), the Village's consulting engineer, HDR verified that the On-Site, Access Road, and Off-Site improvements, as presented in the Applicant's revised plans and submissions address aesthetic and community character impacts in accordance with the recommendations in the February 27, 2023 HDR memo.

### Appendix A

HDR Mitigation Options Memo February 27, 2023



February 27, 2023

Village of Mount Kisco Planning Board 104 Main Street Mount Kisco, NY 10549

Robert D. Gaudioso, Esq. Snyder & Snyder, LLP 94 White Plains Road Tarrytown, NY 10591

Klaus Wimmer Homeland Towers, LLC 9 Harmony Street, 2nd Floor Danbury, CT 06810

Re: Homeland Towers LLC and Verizon Wireless
Proposed Installation of a Communications Tower
180 South Bedford Road
Mitigation Options

Dear Members of the Planning Board, Mr. Gaudioso and Mr. Wimmer:

This memorandum was developed by HDR to present mitigation options for the proposed wireless telecommunications facility located at 180 South Bedford Road. Application materials have been prepared and submitted by Snyder & Snyder, LLP, on behalf of the applicants, Homeland Towers LLC (Homeland) and Verizon Wireless (Verizon). The application is for the construction of a 140-foot 'stealth tree' monopole at the above-referenced location (the site) in a CD – Conservation Development zoning district in the Village of Mount Kisco. The facility is proposed on a portion of the approximately 25-acre property, located off the south side of Route 172 (S. Bedford Road), west of Sarles Street, and east of the Marsh Sanctuary property. Verizon has documented a need to supplement its network's capacity and coverage to provide enhanced and reliable wireless services to the site area, particularly along the Route 172 corridor. AT&T has also expressed interest in co-locating below the Verizon array, should the proposed facility be approved.

The mitigation options presented below are based on review and analysis of application materials (including the 7-14-2021 ["current"] Drawing set and Visual Assessment reports dated December 27, 2020; December 28, 2020; and March 19, 2021); site walks conducted with the Planning Board and ZBA on January 16 and January 31, respectively; discussions at Board meetings of December 13, 2022, January 24, 2023, and February 14, 2023 (Planning Board) and January 31, 2023 (ZBA); information provided by representatives of two off-site properties, located immediately east (2 Sarles Street) and west (Marsh Sanctuary) of the proposed facility; feedback from the Building Inspector and a representative of the Fire Department; HDR's experience on similar tower projects in the region; and recognized "best practices" for mitigation and stealthing

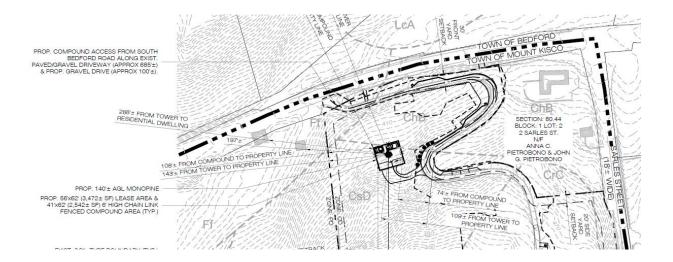


approaches, including those described in the NYS Department of State's *Planning and Design Manual for the Review of Applications for Wireless Telecommunication Facilities* (March 2001) and information from stealth technology venders.

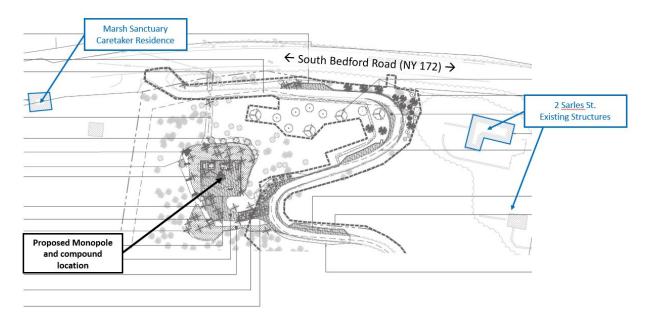
The mitigation options are divided into three categories:

- 1. **On-Site** Within the 180 S. Bedford Road property limits, specifically around the proposed tower location. Specific updates on the Site Plan Drawings are included below for On-Site features.
- 2. **Access Road** The gravel driveway starting at the 180 S. Bedford Road entrance to the property and leading up to the proposed Homeland compound area. Specific updates to the Site Plan Drawings are included below for Access Road features.
- 3. **Off-site** Two (2) properties in close proximity to the proposed cell site: 2 Sarles Street (residential property located immediately east of the access road and proposed facility), and the Marsh Sanctuary (residential dwelling, amphitheater, and trails located immediately west of the proposed cell site).

A layout of these areas is depicted on the images below.







The analyses and suggested mitigation options included in this memorandum are based on the assumption that the SCS Sarles solar project is not viable at the subject property (i.e., "one project" – the proposed cell site – is considered herein). As such, updates to the current Homeland Site Plan Drawings (dated 7-14-2021) are recommended to focus on the proposed wireless telecommunications facility. Attachment A includes a summary listing of requested Drawing updates, including depiction of all notes, features, and details associated with the SCS Solar project changed to red print on all updated sheets.

The mitigation options presented in this memo should be considered by the Planning Board for its continued SEQRA review and development of the Part 2 EAF for the Homeland project and may be included as conditions in a future Planning Board Resolution. Alternate on-site locations (e.g., upgradient former tennis court area) or alternate off-site locations for the cell site are not assessed in this memorandum.

### 1. ON-SITE MITIGATION OPTIONS

The below bullet list includes mitigations for the proposed 'stealth tree' tower and compound area - and other measures for the subject property in areas surrounding the tower /compound - to mitigate aesthetic impacts at the site, at the two off-site properties noted above, and other off-site locations. Comments on Site Plan Drawing updates are noted in the below bullets and included in Attachment A. It is understood that the applicant will revise/update the Site Plan Drawings to incorporate the On-Site mitigation measures and provide a narrative response to each proposed measure (agreement, partial agreement, or other comment).

A stealth tree monopole with equipment compound at the base is proposed. It is understood that final tower design, colors, textures, and other aesthetic aspects of all proposed equipment including but not limited to the tower type, pole / tower color and texture, ground-based equipment compound and fencing, and landscaping are subject to Planning Board review and approval.



CONCEPT #1: Monopole / Compound location and Tree Preservation - The importance
of Tree Preservation in mitigating potential visual impacts of the proposed cell site has
been discussed at recent Board meetings and site visits and presented in the application
materials (including the photosimulations). DWG SP-3 notes 50 trees (> 4 ft diameter)
being removed, many in the proposed compound area, and protection of 6 trees in the
compound area.

The applicant should verify the number of trees being removed (within the compound / compound access area, and along access road), and reduce if possible, based on even slight re-configuring of the final tower location and compound size / orientation and adjustment of grading, underground utility trenching, and drainage measures (some noted to be temporary for construction).

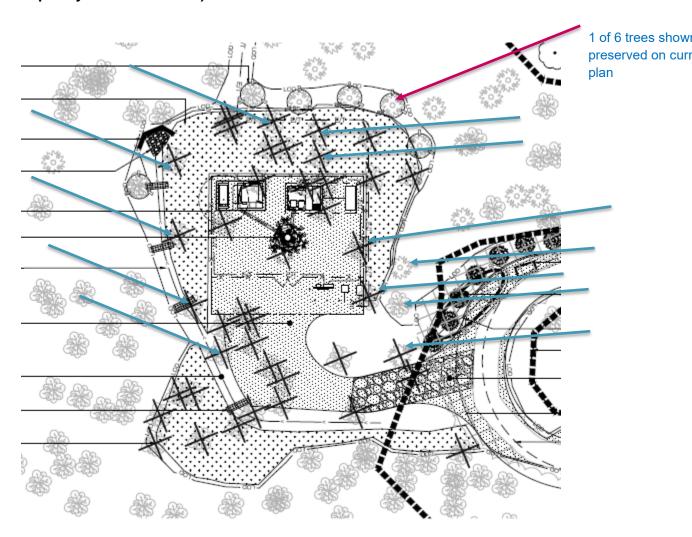


Image from DWG SP-3 (7-14-2021 Drawing set). Blue arrows indicate trees which can possibly be saved and for which tree protection should be added.



It is recommended that additional trees be shown as preserved on this and other Site Plan Drawings, including the "key" ones located on the eastern side of the proposed tower / compound location that were noted during the site walks, and along the west side of the proposed compound (see blue arrows in above image). Simulation showing "key" trees on the eastern side of the tower is included below:



Simulation from 2 Sarles Street property, looking westward at the proposed tower. Note clearing under current plan to the left and right of proposed monopole in above images. Additional trees should be noted as "protected" on the updated Drawings, as feasible, including the existing taller coniferous trees that are shown in front of the monopole from this viewpoint.

Simulations showing the tower / compound area from the west (Marsh Sanctuary property) are included below:







VP06 - Brookside Amphitheater

Distance: 350 ft



Simulations and balloon test photos from Marsh Sanctuary property, looking eastward at the proposed tower and compound area. Note proposed clearing under current plan; it is unclear if the key trees to be preserved as noted above (opposite side of the monopole) are shown from this Marsh Sanctuary viewpoints. Additional trees should be noted as "protected" on the updated Drawings, as feasible, including the four that are west of the compound area.

Per Chapter 99 of the Village Code, a Tree Preservation Plan should be submitted as a new sheet in the Homeland Site Plan Drawing set. This plan should specify the salvage and preservation of trees as noted above and include specific measures and procedures to be implemented during construction (grading practices and equipment to be used; delineation of



trees to be saved in the field and setting up a buffer and protection measures; crane and concrete truck operations and reach from access drive). Details for tree preservation during construction are currently shown on Drawing EC-2. These and other notes/details (i.e., using bright orange construction fencing and flagging to demarcate trees to be prtected; using vehicle mats to protect tree roots) can be imported to the new Tree Preservation Plan sheet. A bond / warranty and commitment to maintain all on-site tree preservation and on-site plantings for the life of the facility – if approved and constructed - shall be included as a note on the Tree Preservation Plan.

Construction: If the monopole is approved, an updated construction schedule should be provided by the applicant at the Building Permit stage of the project. A detailed description of site preparation / clearing activities, sequencing of work, tree preservation / ecological considerations, construction staging areas (if changed from those shown on the Drawings based on final structural and foundation designs), soil/material stockpiles, soil erosion / sediment controls, and proposed construction equipment (e.g., crane, concrete pump, smaller mechanical equipment needed) should be submitted to the Village Building Department, including the final Drawing set reviewed for this application and any other details requested. The document *Recommended Best Practices for Communication Tower Design, Siting, and Construction, Operation, Maintenance, and Decommissioning* (USFWS, 2018) should be followed as applicable. Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted at any part of the Homeland lease during construction and over the life of the facility. A note to this affect should be added to the Site Plan Drawings (e.g., Tree Preservation Plan sheet).

Attachment A provides additional notes for the new Tree Preservation Plan drawing, along with construction-related notes that are recommended. Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species. A note should be added to the updated Site Plan Drawing(s) with respect to this. It is understood that a penalty fee or other requirements may be imparted by the Village if the "key" trees described above are not preserved (this can be noted in a future Planning Board Resolution for the project).

- CONCEPT #2: Monopole Design In reviewing the photosimulations and other application submittals, the following best practices are identified for the stealth tree monopole. The applicant should confirm these items and refer to Attachment A for additional notes / items to be added to the Site Plan Drawings with regard to the monopole structure and stealth tree elements.
  - The 140 ft stealth tree monopole shall be designed to conform with the photosimulations that have been submitted and reviewed for this application. Design criteria of branch density, taper of branches, and maximum feasible extension of branching downward toward the base of the monopole should be implemented. The density of branches shall be at a minimum of three branches per foot. The Site Plan Drawings now show branching extending from 5 ft above the top of the monopole (145 ft above grade level [agl]) down to 70 ft agl; it is recommended that the design extend the branching further downward to 55 ft agl. Acknowledging structural design limitations associated with co-location and



increased loading of artificial branching, the applicant should confirm what is possible for the downward extension of branching.

 Monopole texture / color. Faux bark (brown, matte finish) shall be applied to the monopole exterior from grade level to the top of the monopole (entire structure).
 Photos of this application are shown below:



Site in Keene Valley, NY



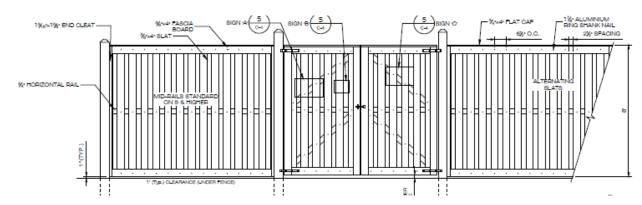


Valmont/Larson (vender of stealth technology)

O Antenna covers ("socks") are proposed and shown in the photosimulations. The antenna covers shall conform to the colors of the stealth tree branching. All visible portions of tower-mounted equipment (cabling, RRH units, distribution box and over-voltage protectors) shall be painted brown (matte finish) as possible to match the monopole color/texture.

### • CONCEPT #3: Compound Design -

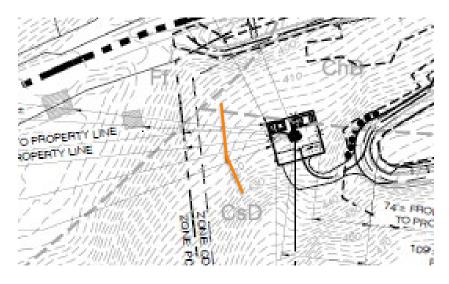
 FENCING. The applicant has proposed an 8-foot-tall northern cedar Shadowbox style fence to encompass the tower and ground-based equipment compound. No barbed or razor wire is proposed. An image from current Site Plan Drawing C -4 is included below.





It is recommended that the compound fence height be increased to 10 ft on all four sides, and that the fencing be treated as a darker wood (or painted a dark brown to facilitate blending with surrounding tree cover). The equipment cabinet canopies and ice bridge (visible on the photosimulations) should be treated as a dark brown to match the compound fencing color, as an increase in fencing height will not shield the equipment within from all perspectives.

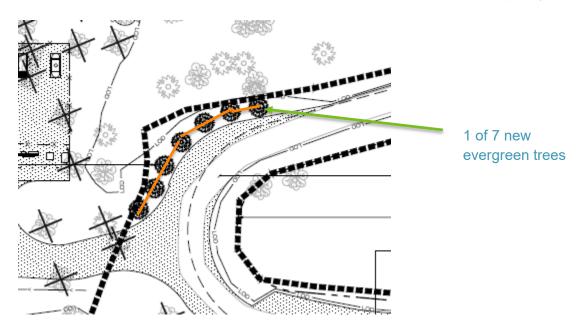
To mitigate views from the Marsh Sanctuary property (amphitheater, grave marker, current and anticipated public use spaces, trail connection, Naturalist's cottage [residence]), a lattice fence (treated wood, dark brown; 8 ft in height) is recommended along a portion of the western property line (west of the compound). This lattice fencing may be "staggered" and installed in sections to run between existing trees. No tree removal should be associated with this lattice fence line (concept included in below image).



Orange line provides lattice tower recommendation (western portion of property). Approx 80-ft length

PLANTINGS AND BERM (east of compound along access road) – The Site Plan Drawings show 7 new plantings (evergreen; 8 ft tall at planting). It is noted that downed trees exist in this area and are assumed to be removed during construction (this should be verified by the applicant). In addition to these proposed plantings, a soil berm is recommended in this area (west side of access road; 4 ft height with berm base grade roughly at that of the existing access road in the area) so that these proposed plantings can be planted within the berm and raised from current proposed height to better shield the compound and lower portions of the monopole from the 2 Sarles Street property. The below is an excerpt from DWG LS-1:





Orange line indicates area of downed trees and recommended soil berm on which new evergreen trees can be installed. The number and species of the 7 trees appears reasonable to work with below-listed Off-Site Mitigation options described later in this memo.

- O GENERATORS two emergency back-up generators are shown on the Site Plan Drawings (sheets CP-1, C-1, and the elevation views). Verizon proposes a 50-kW propane generator with 500-gallon tank, and AT&T (interested co-locator) proposed a 30-kW diesel generator with intrinsic fuel storage. A future Planning Board resolution may prescribe the frequency and times that the generators are to be tested / cycled (e.g., typically 1 time per month, on a weekday during business hours, for a run period not to exceed 20 minutes). HDR notes that the generators are not run on a daily or continuous basis when back-up power is not needed.
- o FIRE PROTECTION. Recent discussions with the Building Inspector and a Fire Department representative clarified that the two 15 ft x 15 ft pool areas should be retained on the south side of the equipment compound, considering the "one project" assumption.

Two fire extinguishers should be added to the compound plan.

O GRADING AND STORMWATER MANAGEMENT. As noted above under CONCEPT #1: Monopole / Compound location and Tree Preservation, the applicant shall verify design and location of all temporary and permanent grading and stormwater control measures along with trenching plans so that tree preservation can be increased and maximized to the extent possible. The applicant should also confirm that the proposed measures on the current Site Plan Drawings are not related to handling stormwater from the solar project. It is requested that Drawings SP-3, SP-4, C-5 (check need for precast storm manhole and



underground infiltration system), and C-8 (is this Drawing necessary for the Homeland project?) be reviewed in detail for the "one project" assumption. Considering the limits of disturbance and gravel surfaces proposed for the Homeland project, it appears feasible to reduce the sizing of (or eliminate) some of these elements which would benefit the establishment of mitigation measures presented in the memo. It is noted that the Planning Board Engineer will need to review any proposed modifications to grading and stormwater measures.

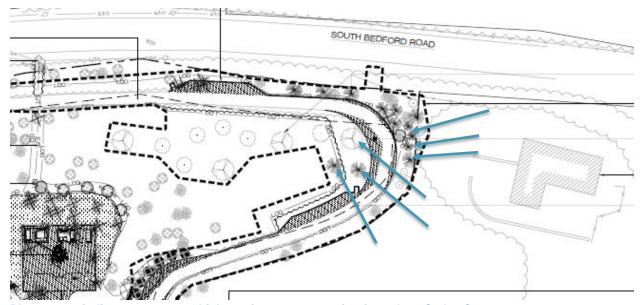
EQUIPMENT COMPOUND LIGHTING. Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: <u>Outdoor Lighting Basics | International Dark-Sky Association</u>). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project.

### 2. ACCESS ROAD

The below bullet list includes measures for the access road to mitigate aesthetic impacts at the site and the 2 Sarles Street off-site property. Comments on Site Plan Drawing updates are noted in the below bullets and included in Attachment A. It is understood that the applicant will revise/update the Site Plan Drawings to incorporate the Access Road mitigation measures and provide a narrative response to each proposed measure (agreement, partial agreement, or other comment).

- Repair of access road pavement and culvert at intersection of S. Bedford Road. It is understood that the entrance to the access road from S. Bedford Road will require repair and upkeep. The applicant should confirm its plans to address this on-going issue at the site.
- Tree Plantings within "first curve" of access road. The applicant shall confirm if a subset of these plantings can remain for the Homeland cell site project. The below image notes 6 7 new trees in this area (both sides of access road) that can add to the visual mitigation of the proposed cell site from the 2 Sarles Street property.



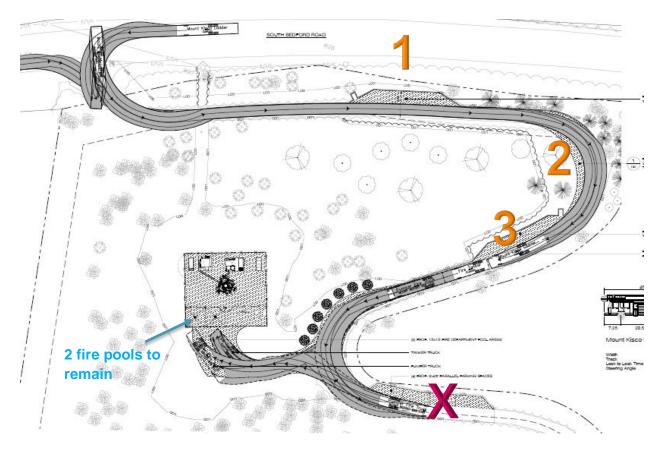


Blue arrows indicate new trees which can increase screening from the 2 Sarles Street property

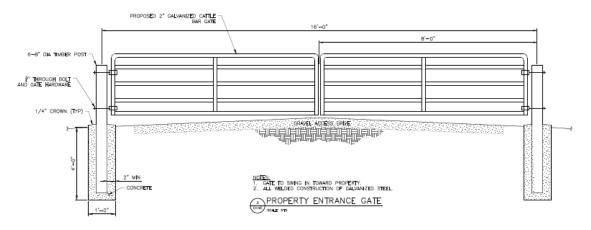
The Site Plan Drawings indicate that these trees were established conditionally for the solar project in which case they should be shown in red on the revised Site Plan Drawings. The "Limits of Disturbance" in this area (black dashed line in above image) should also be confirmed for the Homeland project; if LOD is specific to the solar project, it should be shown in red print/text on the revised Drawings.

• By-Passes. A recent discussion with the Building Inspector and a representative from the Fire Department has confirmed that the first three vehicle by-passes (paved areas off existing access road) proposed along the access road (see below image) should be retained, even for the "one project" assumption. Drawing FD-1 was reviewed, and the by-pass lanes allow water tank and fire truck access in the event of an emergency response. However, the by-pass located uphill from the compound area on can be eliminated from the Site Plan Drawings (show as red print with bolded red "X" through this feature).





• Installation of a new steel security gate near the bottom of the access drive, with combination (or other type of) lock that meets Village requirements. The access used for the Village-owned Mountain Avenue property should be considered. Provide back-up battery for lock. Applicant representatives, property owner, and all appropriate Village, County, and State staff (police, fire as appropriate or required) would have access to the site via this gate. The below image shows a concept from another tower project.





### 3. OFF-SITE MITIGATION

HDR has identified potential off-site mitigation measures based on the above-referenced site walks, map reviews of the site and adjacent areas, reviews of photosimulations and other application materials, and with feedback from representatives of 2 Sarles Street and the Marsh Sanctuary. As these two properties are not directly subject to the Site Plan for the proposed cell site, no updates to the Site Plan Drawings are recommended at this time for these properties. Rather, the below-listed off-site mitigation measures should be discussed and considered by the Planning Board during its continued SEQRA review and may be included as conditions in a future Resolution for the tower project.

HDR notes that establishment of off-site mitigation measures are not common or typically applied as part of proposed cell tower projects. For this project, HDR feels off-site mitigations are a warranted consideration when considering potential visual impacts to the two adjacent properties. Potential Off-Site Mitigation measures are identified below to provide screening of or breaks in directs views towards the tower/compound. Two (2) off-site properties are considered.

### 2 Sarles Street

- o KEY VIEWPOINTS AND ACTIVITIES:
  - Residential Dwelling and associated uses



Upper portion of 2 Sarles Street property looking west towards tower area and bend in access road.

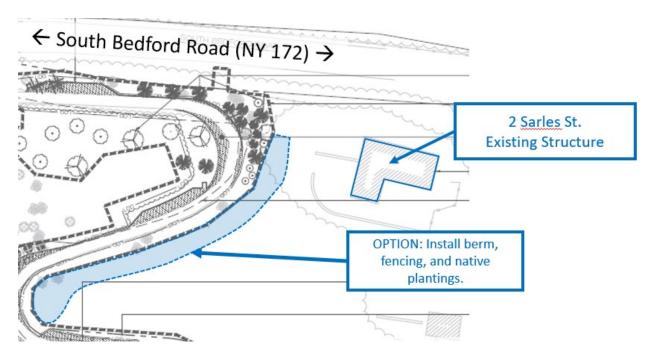


View from 2 Sarles Street, looking westward from between bends in access road.

### o <u>Mitigation Options</u>:

- Protection of trees on 2 Sarles Street property during construction. [It is again noted that Tree Preservation described above under the On-Site Mitigation is a key element to shielding the proposed tower from views at the 2 Sarles Street property.]
- o Fencing and Earthen Berm with Plantings -
  - Along eastern side of access road, roughly as shown in below image (+/- 350 l.f.) to break views from dwelling structure and landscaped / utilized portions of the property. It is noted that topography greatly differs from the southern parts of the property (high points) and the northern/eastern low-lying areas closer to the on-site structures. All portions of the property are utilized by the owner.





- Fencing along portions of the eastern edge of access road.
   Brown/pressure treated composite wood. Height can vary from 6 ft 8 ft.
   Similar style to compound fencing.
- Berm along portions of the eastern edge of access road, on the "inside" (or 2 Sarles Street property side) of the fencing. Taper in height (3 ft 4 ft) and width (5 ft to 8 ft wide) to allow mix of plantings (shrubs) and deciduous and/or coniferous trees on top. Roughly 325-350 linear ft for extent along access road where fencing / berms may be placed. Example berm image with plantings shown below:



1 International Boulevard, 10th Floor, Suite 1000, Mahwah, NJ 07495-0027 (201) 335-9300



- Plantings suggested 10-15 new deciduous and coniferous trees and shrubs (mix) to be planted on new berm. Height at planting, species of trees, and locations; mulching; and other details will be finalized during the Building Permit process outlined at the end of this memo (see Off-Site Mitigation Administrative Framework presented below).
- o Faux Shed. Approx. dimensions of 8 ft long x 4 ft wide x 8 ft tall at roof apex, placed inside of berm at location to be prescribed by property owner in the future. Property owner notes that such structure will help divert views away from the tower area. An existing shed structure exists on the 2 Sarles Street property as depicted in the below photo (residential dwelling in background).



 Boulders / rocks with maximum dimension > 18" will likely be generated during tower and compound construction. Such boulders / rocks may be salvaged for use in mitigation at this property. Attachment A includes addition of a note in the updated Site Plan Drawings that describe this action.

### Marsh Sanctuary

- O KEY VIEWPOINTS AND ACTIVITIES:
  - Residential Dwelling (Naturalist's cottage)
  - Local historic significance and community use of property (amphitheater; event space; trail link; grave marker)







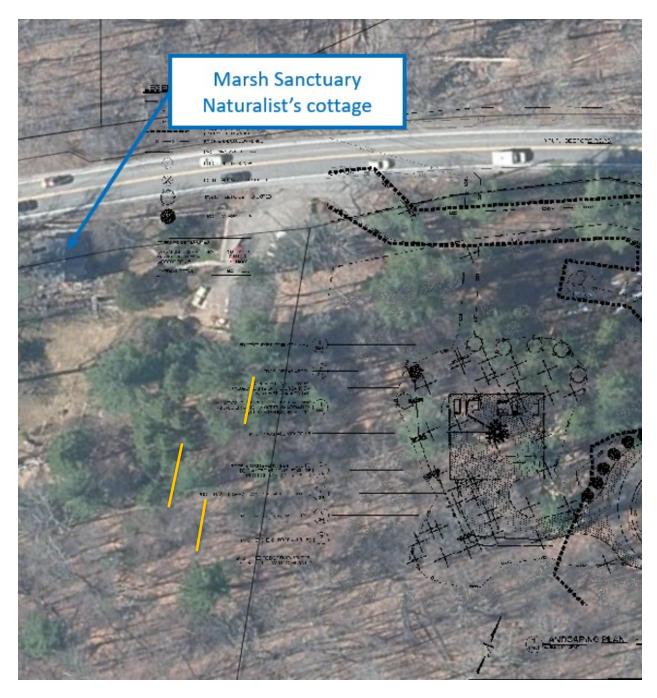


Views from amphitheater area, looking eastward towards tower

### Mitigation Options:

- Lattice fencing west of the proposed tower / compound and additional tree preservation opportunities are noted above under On-Site Mitigations.
- Plantings suggested approx. 10-12 new deciduous and coniferous trees and shrubs (mix) to be planted on the eastern portion of the Marsh Sanctuary property (e.g., between amphitheater area and existing treeline; along trail connection). Height at planting, species of trees, and locations; mulching; and other details will be finalized during the Building Permit process outlined at the end of this memo (see Off-Site Mitigation Administrative Framework presented below).
- Decorative Fencing on Marsh Sanctuary property. Staggered heights of 4 ft to 8 ft; wood, faux stone, or other type; with suggested placement along east side of trail connection but at location(s) to be prescribed by property owner. Placement of Decorative Fencing and new plantings can consider above photos from amphitheater area and trail connection (it is suggested based on site reconnaissance that approximate 100-125 linear ft of staggered Decorative Fencing on the Marsh Sanctuary property can be strategically installed to break direct views of the tower/compound area and work with new plantings).



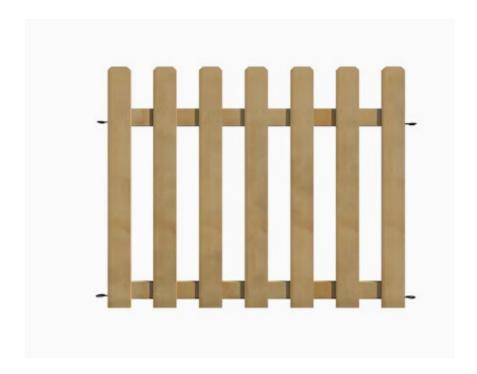


Proposed tower/compound area shown as faded black (right side of above image). Yellow lines depict conceptual Decorative Fencing locations (west of property boundary).





SimTek (vender) faux stone fencing (durable; weather resistant)



**Example wood Decorative Fencing** 

 Boulders / rocks with maximum dimension > 18" will likely be generated during tower and compound construction. Such boulders / rocks may be salvaged for



use in mitigation at this property. Attachment A includes addition of a note in the updated Site Plan Drawings that describe this action.

It is important to note that potential visual impacts associated with the proposed project differ between the 2 Sarles Street property (located east of the proposed cell site; open/direct views of tower from residential dwelling and numerous points on the landscaped property; situated adjacent to access road; some views of tower base and compound area) and the Marsh Sanctuary property (located west and "downhill" of the proposed cell site; fewer direct views of upper portion of tower and more existing trees between viewpoints on this property and the proposed tower/compound area).

Based on discussions with applicant representatives and another municipality, off-site mitigation measures may be "funded" by the applicant (e.g., escrow fund) should it receive all necessary Village approvals from the Boards and a Building Permit. Such funds will be set aside to utilize only at the two adjacent off-site properties discussed above. The Planning Board should further review this concept with the applicant, and a condition in a future Planning Board Resolution should be considered for Off-Site Mitigation concepts. They should also be considered for the Planning Board's continued SEQRA review for the Homeland application.

A conceptual framework for administering off-site mitigations is provided below. HDR recommends that the process be refined by the Village during the Building Permit Phase of the project (should the Homeland application obtain the necessary approvals). To allow the Village and the two adjacent off-site property owners to best gauge the types, quantities, and placement of mitigation measures, it is suggested that final scoping for actual implementation of off-site measures be established in 'real time' after construction of the tower and compound are initiated and for a period of 9 months after the monopole is fully constructed and a Certificate of Occupancy is issued. This period would allow for observations during different seasons and times of year.

### Off-Site Mitigation Administrative Framework

- Process to be finalized with Village during Building Permit phase. Details on property owner's ability to "pull" funds from escrow or submit reimbursement claims (or a combination of both); verifying items which can / cannot be reimbursed; window for reimbursement claims; and other logistics of the process will need to be worked out.
- PROPERTY OWNER SUBMITTALS:
  - Submittal Period runs from start of construction after Building Permit is issued through 9 months after the monopole is fully constructed.
  - Off-Site Mitigation Forms to be submitted by the two adjacent property owners, listing specific items from the off-site measure list in this memo, or proposing other.
    - Form to be developed by the Village Building Department.
    - Before / after photographs from the property.



- <u>Capital Costs</u> to be developed by each property owner with Village guidance for the following:
  - Listing of off-site mitigation materials such as trees (type/species, diameter at breast height (dbh), and height at planting), other plantings, soils/topsoil/mulch, landscape mats, fencing, stone, etc.
  - Quantities of each item (# trees/ plantings; cy of soils/topsoil/mulch/stone; linear ft of fencing or berm; etc.)
  - Unit or lump sum prices received for materials, delivery, and installation of the mitigation items. Quotes and warranty information to be provided by property owners.
- > Applicant and Building Department to review property owner submittals.
- ➤ It is suggested that maintenance costs associated with the mitigation measures (e.g., watering or future modifications or re-locations of measures) will not be included in the final "fund" determinations for each off-site property, and that property owners will be able to take on the longer-term maintenance.
- ➤ The Village should consider waiving the need for any approvals (e.g., set-back variances) for the implementation of off-site measures that have been reviewed in concept by the Planning Board (i.e., measures presented in this memo) and that are specific to mitigating visual impacts of the cell site.
- Proof of purchase (receipts) for installed off-site measures should be submitted to the Village Building Department for tracking purposes.

Please do not hesitate to contact me with any questions or comments on the above mitigation options.

Sincerely,

Henningson, Durham & Richardson

Architecture and Engineering, P.C.

in association with HDR Engineering Inc.

Muhael P. Mypo, P.E.

Michael P. Musso, P.E.

Senior Project Manager

cc: Peter Miley

Whitney Singleton

Anthony Oliveri

Frank Fish



### ATTACHMENT A

**General** – The current Site Plan Drawings (dated 7-14-2021; 26 sheets) should be updated by Homeland to incorporate comments and recommendations provided in the mitigation memo. All notes, features, and details associated with the SCS Solar project should be changed to **red text/ print** on the updated Drawings to facilitate the Planning Board's review of the proposed wireless telecommunications facility.

### Tree Preservation Plan (NEW SHEET) -

- Add note referencing Chapter 99 of Village Code.
- Import details from EC-2. Evaluate preservation of additional existing trees per mitigation memo. Add notes describing tree protection details.
- Add construction sequencing (site prep, grading; foundation work; tower installation) and equipment / means and methods to be used for each phase. Note placement of crane and concrete truck at access road and confirm reach and procedures to protect key trees from damage during use of equipment.
- Add note on bond / warranty to be furnished and commitment to maintain all on-site tree
  preservation and on-site plantings for the life of the facility. Homeland Towers shall maintain all
  landscaping for as long as the telecommunication site is on the property. Required maintenance
  shall include watering and replacement of on-site dead and/or dying landscaping.
- Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted at any part of the Homeland lease during construction and over the life of the facility.
- Add note Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species.
- Reconfigurations of the tower / compound location or configuration based on comments on the mitigation memo should be updated on all Site Plan Drawings, as appropriate.

### DWG SP-1:

- Add the following notes:
  - This set of plans has been prepared for the purposes of municipal review and approval. This set of plans shall not be utilized as construction documents until all conditions of approval have been satisfied and each of the drawings has been revised to indicate "issued for construction."
  - The contractor is responsible to protect, repair and/or replace any damaged structures, utilities, off-site properties, or landscaped area.
- Change solar farm to red font. Review zoning table to confirm that only the Homeland project is included. Change all solar-related notes and labels to red text. Review Limits of Disturbance at northern portion of property and access road, and adjust to red font if unrelated to the cell site project.
- Add new lattice fencing (on-site) west of compound area as noted in mitigation memo.



- Add note Boulders / rocks with maximum dimension > 18" generated during tower and compound
  construction will be salvaged for use in mitigation at off-site properties. Rocks/boulders to be staged
  as directed by the Village.
- Review mitigation memo for access road recommendation (repair of road and culvert at S. Bedford Road entrance; security gate addition; new vegetation; etc.) and add notes to SP-1.
- REMOVE uphill by-pass parking area per Mitigation memo (show as red font with red "X" through this feature).

### DWG SP-2, SP-3, SP-4:

- Follow above notes for SP-1, as drawing scales allow.
- Revised Notes at bottom left (show solar project values in red; adjust # trees; LOD; cut/fill as needed)
- See mitigation memo for comments and recommendations on tree preservation (compound area), new plantings, on-site berm east of proposed tower, stormwater and grading elements. Update notes and features as needed.
- Note downed trees east of proposed compound area; clarify removal and new berm installation per mitigation memo.
- It is requested that Drawings SP-3, SP-4, C-5 (check need for precast storm manhole and underground infiltration system), and C-8 (is this Drawing necessary for the Homeland project?) be reviewed in detail for the "one project" assumption. Considering the limits of disturbance and gravel surfaces proposed for the Homeland project, it appears feasible to reduce the sizing of (or eliminate) some of these elements which would benefit the establishment of mitigation measures presented in the memo.

### DWG CP-1:

- Include note for generators, to the affect: generators are to be tested / cycled (e.g., typically 1 time per month, on a weekday during business hours, for a run period not to exceed 20 minutes).
- Include note for compound lighting, to the affect: Two 52-watt switch/timer controlled light fixtures
  are proposed at the ground-based equipment compound for nighttime visits (the lights are only
  used when needed by a service technician). This lighting can be specified to comply with
  guidance from the International Dark Sky Association (IDA: Outdoor Lighting Basics |
  International Dark-Sky Association). Motion detection lighting shall not be installed. No tower
  lighting is required or proposed for the project.
- Add location of fire extinguishers to canopy / equipment cabinet areas.

### DWGs A-1 and A-2 (stealth tree elevation views):

- Import notes from On-Site Mitigation Concept #2 (Monopole Design) from the mitigation memo (tree branch density and taper; antenna covers; textures / faux bark; colors and finishes). Evaluate downward extension of branching per mitigation memo.
- Import notes form On-Site Mitigation Concept #3 (Compound Design) from the mitigation memo (compound fencing height and colors).
- Add spec or sample cut sheet for artificial tree branching (e.g., vender photo)
- Add note The equipment cabinet canopies and ice bridge shall be treated as a dark brown to match the compound fencing color

### DWG EC-1 (notes for SWPPP, sediment & erosion control; construction sequence; maintenance):



- Review for notes that may be applicable to the solar project; change to red text.
- Review Construction Sequence notes with comments provided above for new Tree Preservation Plan sheet.

### DWG C-1:

Copy above generator notes to this sheet.

### DWG C-2:

- Add spec or sample cut sheet for antenna covers ("socks").
- Import notes from On-Site Mitigation Concept #2 (Monopole Design) from the mitigation memo (colors of visible equipment; antenna covers; etc.).

### **DWG C-3:**

• Include note for compound lighting, to the affect: Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: Outdoor Lighting Basics | International Dark-Sky Association). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project.

### DWG C-4:

- Import notes form On-Site Mitigation Concept #3 (Compound Design) from the mitigation memo (compound fencing – height and colors).
- Add detail for secondary (western) on-site lattice fence per mitigation memo.

### DWG C-5 and C-8:

- Evaluate need for storm manhole and underground infiltration system. Update sheet as possible.
- Confirm if C-8 is still required with the "one project" assumption.

### DWG SS-1:

Modify per mitigation memo (change solar project notes, LOD, etc. to red font).

**DWG LS-1:** Modify per mitigation memo (change solar project notes, LOD, etc. to red font). Add or confirm the following notes for new plantings

• All landscaping shall be planted according to sound horticultural practice and in conformance with the American standard for nursery stock, current edition. All plant materials used shall be true to name and size in conformity with the current edition of the American standard of nursery stock and shall be typical of their species or variety. All plants shall have normal, well-developed branches and vigorous root systems. They shall be sound, healthy, vigorous, free from defects, disfiguring knots, abrasions of the bark, sun scald injuries, plant diseases, insect eggs, borers, and all other forms of infection. All plants shall be nursery grown. All plant material shall be tagged at the nursery source and approved by the project landscape architect prior to planting.



- All plant material shall bear the same relation to finished grade as it bore to existing grade at the
  nursery. All plant material shall be planted so that the top of the rootball is no higher or lower than
  the existing/finished grade dependent upon soil conditions.
- In the event that planting discrepancies or material omissions occur in the plant materials list, the landscaping plan shall govern. The use and planting of bare root material shall be prohibited.
- Plants shall only be installed when the soil is frost free.
- The depth of plant pits shall be increased by 12" through the addition of loose aggregate (3/4" to 1 1/2" diameter) wherever poor drainage occurs.
- Plants planted in rows shall be matched specimens and be uniform in size and form.
- Planting backfill mixture shall consist of one part topsoil, one part native soil and one part peat moss. Note that planting mixture may change based upon soil conditions.
- All plant material shall be given a minimum of 5 gallons of water at the time of installation and shall
  be watered at intervals during establishment to ensure adaptation to the site. Prior to the installation
  of the plant material, the contractor shall fill each planting pit with water and allow it to fully percolate
  into the ground prior to placement of the plant. The contractor shall notify either the township or
  project landscape architect of any percolation problems prior to installation.
- Preferred planting time periods are from September 1 to November 30 or March 20 to May 31. No
  planting shall be executed during abnormally hot weather nor when the ground is frozen. Mound
  mulch 6 inches high to form saucer final grade
- The contractor shall remove all damaged branches and nursery tags at the time of installation.
- Slow release fertilizer tablets or packets of 20-10-5 composition shall be added to all planting pits at the following ratios: 1 per shrub, 2 per evergreen trees up to 2" in caliper and 3 for evergreen trees above 2" in caliper.
- All grouped shrubs shall be mulched together to form one continuous planting bed.
- Contractor to be responsible for seeding areas being disturbed by construction. Seed mixture to be
  in accordance with soil conservation district's standards.
- Stakes shall be white or red cedar, oak, or locust treated with acceptable wood preservative.
- Remove all plastic material synthetic burlap and string or containers to be removed at the time of planting.
- Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted at any part of the Homeland lease during construction and over the life of the facility.
- Add note on bond / warranty to be furnished and commitment to maintain all on-site tree
  preservation and on-site plantings for the life of the facility. Homeland Towers shall maintain all



landscaping for as long as the telecommunication site is on the property. Required maintenance shall include watering and replacement of on-site dead and/or dying landscaping.

 Add note - Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species.

## Appendix B HDR Mitigation Options Memo #2 May 4, 2023



May 4, 2023

Village of Mount Kisco Planning Board 104 Main Street Mount Kisco, NY 10549

Robert D. Gaudioso, Esq. Snyder & Snyder, LLP 94 White Plains Road Tarrytown, NY 10591

Klaus Wimmer Homeland Towers, LLC 9 Harmony Street, 2nd Floor Danbury, CT 06810

Re: Homeland Towers LLC and Verizon Wireless
Proposed Installation of a Communications Tower
180 South Bedford Road
Mitigation Options / Memo #2

Dear Members of the Planning Board, Mr. Gaudioso and Mr. Wimmer:

This memorandum was developed by HDR to review the applicant's responses-to-comments (RTCs) from HDR's February 27, 2023 mitigation memo which presented options to address visual and other impacts associated with the proposed wireless telecommunications facility located at 180 S. Bedford Road. The application is for the construction of a 140-foot 'stealth tree' monopole at the above-referenced location (the site) in a CD – Conservation Development zoning district in the Village. The facility is proposed on a portion of the approximately 25-acre property, located off the south side of Route 172 (S. Bedford Road), west of Sarles Street, and east of the Marsh Sanctuary property. Verizon has documented a need to supplement its network's capacity and coverage to provide enhanced and reliable wireless services to the site area, particularly along the Route 172 corridor. AT&T has also expressed interest in co-locating below the Verizon array, should the proposed facility be approved.

Supplemental application materials prepared in response to the February 2023 HDR memo, discussions at Planning Board meetings, and the Planning Board Engineer's comments (dated April 20, 2023) have been submitted by Snyder & Snyder, LLP, on behalf of the applicants. These filings include:

- April 13, 2023 filings (main response to mitigation memo):
  - o Cover letter, prepared by Snyder & Snyder, presenting and summarizing the responses to comments (3 pp.).



- Letter from SavaTree Consulting Group; from Matt Weibel, registered consulting arborist #534 (dated April 7, 2023; 12 pp.). The letter describes tree preservation assessment of large "key" existing fur trees (white pine and Norway spruce) between the proposed tower/compound and 2 Sarles Street and includes recommendations for the revised Landscape Plan including the new berm and plantings along the access road (east of the proposed compound). Trees # 154, 155, 204, and 208 on the updated tree survey will be preserved based on modifications made to the compound and tree preservation details. Condition surveys of trees designated for removal (43) are also included in the SavaTree letter, as are recommendations for removing the woody debris piles east of the proposed compound area.
- Letter from Saratoga Associates (dated March 16, 2023; 2 pp.) opining on the value of faux bark for the monopole. The applicant is willing to include faux bark for the monopole surface as a condition of approval; HDR recommends this treatment for the monopole structure.
- Letter from APT Engineering (dated April 12, 2023; 8 pp.) providing a summary of the Site Plan Drawing updates that have been made in the 4-12-2023 set, and specific responses-to-comments on HDR's February 2023 memo. HDR has spotchecked these responses and the Drawing set updates, and all comments have been satisfactorily addressed. It is noted that the potential to salvage rocks / boulders from construction for use in mitigations (on-site and off-site) is not an acceptable proposition for the applicant due to liability reasons.
- o Drawing Set (APT, updated 4-12-2023; 27 sheets).
- Specification sheets for stealth branching and antenna covers (4 pp.).
- Example tree branch density chart (1 p.).
- April 25 and May 1, 2023 filings
  - o Cover letter (Snyder & Snyder; 2 pp.), dated April 25, 2023.
  - Letter from Ecological Solutions, LLC pertaining to potential vernal pool (dated April 22, 2023; 3 pp.). Letter attests that no vernal pool was identified in the project area
  - Revised Landscaping & Tree Preservation Plan (sheet L-1). This sheet replaces same included in the 4-12-2023 Drawing set, and provides a correction on the number of trees being removed.
  - Cover letter (Snyder & Snyder, 2 pp.), dated May 1, 2023.
  - Engineer's Estimate for Off-Site mitigation measure costs (On Air Engineering, LLC), dated May 1, 2023.
  - Letter from APT Engineering (dated May 1, 2023; 2 pp.) providing responses to the Planning Board Engineer's April 20, 2023 memo.

#### **ON-SITE AREAS AND ACCESS ROAD**

The attached table provides an inventory of mitigation recommendations as responded to in the above-noted filings for the On-Site and Access Road areas. Notes in red text in the attached table represent HDR's spot checks of the supplemental submittals. **Based on this review, the filings** 



# are responsive and comply with the measures recommended in HDR's February 27, 2023 mitigation memo.

Summary of the key mitigations that have been added:

- Tree Preservation the tower compound and tower itself have been slightly reconfigured to work with and attempt to maximize tree preservation. Existing trees have been re-surveyed, and it appears that the key trees identified will be preserved, including the large pine trees towards the 2 Sarles Street property. The number of trees to be removed has decreased from 50 to 43.
- Reduction in overall limit of disturbance (LOD).
- New berm along access road east of proposed tower and compound, with new plantings (mix species based on the applicant's arborist recommendations).
- o Addition of new trees (36) and shrubs (40) around the compound area.
- Addition of faux bark on the monopole structure, and extension of stealth tree branching further downward to 55 ft above grade level (agl), vs. 70 ft agl.
- o Increase compound fencing height to 10 ft (*variance pending*), and paint dark brown. Canopy and ice bridge within the compound will also be painted dark brown.
- Upgrade of the access road entrance off Route 172 (gravel apron; culvert replacement), and installation of a new security gate along the first portion of the access road.
- Turn-offs along the access road are now proposed to be of gravel surface (vs. asphalt) which better conforms with existing conditions. The last (uphill, past the proposed compound) turn-off has been eliminated. The first turn-off was reconfigured to salvage addition trees (that provide screening from vehicle traffic flowing westward along Route 172). Additional plantings are also proposed (added) for the "first curve" area of the access road.
- Landscaping and Tree Preservation sheets, which include:
  - o Re-survey of the trees in the area (sheet 2 of survey in the Drawing set)
  - Notes and details for new plantings and tree preservation "On-Site" and along Access Road (sheets L-1 and L-2)
    - 9 Balsam Fir (8 ft at planting per arborist recommendation)
    - 18 Eastern Red Cedar (8 ft at planting)
    - 9 Eastern White Pine (8 ft at planting)
    - 40 shrubs (Spicebush and Inkberry)
  - Species and number / locations of new trees and shrubs proposed On-Site and along the Access Road, including near the Marsh Sanctuary and 2 Sarles Street properties, and depicted. (L-1)
- Installation of lattice fencing in the On-Site area west of the tower (towards Marsh Sanctuary property). 106 ft length / 6 ft height.

The Building Inspector requested review of the revised Landscaping & Tree Preservation Plan (sheet L-1) and Landscaping & Tree Preservation Details and Notes (sheet L-2). These sheets were submitted in the April 13, 2023 filings; a further revision to sheet L-1 was included in the April 25, 2023 submittal (an error in the tree preservation/removal schedule was noted and corrected). The new sheet L-1 now depicts the 43 (vs. 50) trees to be removed. The information and notes contained on these updated sheets (L-1 and L-2) appropriately address HDR's comments and recommendations. From the Drawing-specific comments in Attachment A of the February 27, 2023 HDR memo, the following items were confirmed to be included on the revised sheets - as relevant to the Tree Preservation and Landscape Plans (HDR's review of applicant responses are included in blue text below):



- Add note referencing Chapter 99 of Village Code. NOTE ADDED TO L-2 that the mitigations will conform to Chapter 99 requirements.
- Import details from EC-2. Evaluate preservation of additional existing trees per mitigation memo. Add notes describing tree protection details. TREE PROTECTION DETAILS ADDED TO L-2
- Add construction sequencing (site prep, grading; foundation work; tower installation) and equipment / means and methods to be used for each phase. Note placement of crane and concrete truck at access road and confirm reach and procedures to protect key trees from damage during use of equipment. SEQUENCING INCLUDED ON SHEET EC-1
- Add note on bond / warranty to be furnished and commitment to maintain all on-site tree
  preservation and on-site plantings for the life of the facility. Homeland Towers shall maintain
  all landscaping for as long as the telecommunication site is on the property. Required
  maintenance shall include watering and replacement of on-site dead and/or dying landscaping.
  ADDED TO L-2
- Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use
  of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted
  at any part of the Homeland lease during construction and over the life of the facility. NOTE
  ADDED TO L-2
- Add note Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species. NOTE ADDED TO L-2
- All landscaping shall be planted according to sound horticultural practice and in conformance with the American standard for nursery stock, current edition. All plant materials used shall be true to name and size in conformity with the current edition of the American standard of nursery stock and shall be typical of their species or variety. All plants shall have normal, well-developed branches and vigorous root systems. They shall be sound, healthy, vigorous, free from defects, disfiguring knots, abrasions of the bark, sun scald injuries, plant diseases, insect eggs, borers, and all other forms of infection. All plants shall be nursery grown. All plant material shall be tagged at the nursery source and approved by the project landscape architect prior to planting. ADDED TO L-2

#### The below notes included in HDR's February 2023 memo were also added to L-2:

- All plant material shall bear the same relation to finished grade as it bore to existing grade at the nursery. All plant material shall be planted so that the top of the rootball is no higher or lower than the existing/finished grade dependent upon soil conditions.
- o In the event that planting discrepancies or material omissions occur in the plant materials list, the landscaping plan shall govern. The use and planting of bare root material shall be prohibited.
- o Plants shall only be installed when the soil is frost free.
- The depth of plant pits shall be increased by 12" through the addition of loose aggregate (3/4" to 1 1/2" diameter) wherever poor drainage occurs.
- Plants planted in rows shall be matched specimens and be uniform in size and form.
- Planting backfill mixture shall consist of one part topsoil, one part native soil and one part peat moss. Note that planting mixture may change based upon soil conditions.



- All plant material shall be given a minimum of 5 gallons of water at the time of installation and shall be watered at intervals during establishment to ensure adaptation to the site. Prior to the installation of the plant material, the contractor shall fill each planting pit with water and allow it to fully percolate into the ground prior to placement of the plant. The contractor shall notify either the township or project landscape architect of any percolation problems prior to installation.
- Preferred planting time periods are from September 1 to November 30 or March 20 to May 31.
   No planting shall be executed during abnormally hot weather nor when the ground is frozen.
   Mound mulch 6 inches high to form saucer final grade
- o The contractor shall remove all damaged branches and nursery tags at the time of installation.
- Slow release fertilizer tablets or packets of 20-10-5 composition shall be added to all planting pits at the following ratios: 1 per shrub, 2 per evergreen trees up to 2" in caliper and 3 for evergreen trees above 2" in caliper.
- o All grouped shrubs shall be mulched together to form one continuous planting bed.
- Contractor to be responsible for seeding areas being disturbed by construction. Seed mixture to be in accordance with soil conservation district's standards.
- o Stakes shall be white or red cedar, oak, or locust treated with acceptable wood preservative.
- Remove all plastic material synthetic burlap and string or containers to be removed at the time of planting.

The Village may consider plantings to off-set the trees that need to be removed for the project (as applicable to code provisions), which can be included in a future Planning Board Resolution.

#### **OFF-SITE**

For the two off-site properties, the following has been committed to by the applicant:

- 2 Sarles Street:
  - o Berm along access road
  - o Fencing along berm
  - New Trees and Shrubs
  - o Shed
  - The measures included for this property correlate with those identified in the February 27, 2023 HDR memo
  - Funds of \$32,720 are proposed, which will be reviewed further (confirmation of installation costs; fence and coniferous tree cost review)
- Marsh Sanctuary:
  - New Trees and Shrubs
  - Staggered fencing along property line
  - The measures included for this property correlate with those identified in the February 27, 2023 HDR memo
  - Funds of \$6,280 are proposed, which will be reviewed further (confirmation of installation costs; staggered fence and coniferous tree cost review)



An engineer's estimate for the off-site measures was submitted by the applicant with the May 1, 2023 filings:

2 Sarles Street:	Unit Cost	<u>Total</u>
Berm 3-4 ft. H, 5-8 ft. W, 350 ft. L	\$17,920	\$17,920
Northern cedar shadowbox fence, 6 ft. H x 150 Ft. L	\$6,725	\$6,725
(5) Deciduous tree, 8 ft.	\$425	\$2,150
(5) Coniferous tree, 6 ft.	\$425	\$2,150
(5) Shrubs	\$95	\$475
Faux Shed, 8 ft. H, 4 ft. W, 8 ft. L	\$3,350	\$3,350
TOTAL for 2 Sarles St.		\$32,720
TOTAL for 2 Sarles St.  March Sanctuary:	<u>Unit Cost</u>	<b>\$32,720</b> Total
	Unit Cost \$425	
March Sanctuary:		Total
March Sanctuary: (4) Deciduous tree, 8 ft.	\$425	Total \$1,700
March Sanctuary: (4) Deciduous tree, 8 ft. (4) Coniferous tree, 6 ft.	\$425 \$425	Total \$1,700 \$1,700

Final off-site funding will be included in a future Planning Board Resolution. It is not anticipated that any new category of off-site improvements will be added. The applicant notes that the off-site funding is conditionally proposed should the requested approvals be issued by the Village and challenges to such approvals are not made by the subject off-site property owners. A proposed process to administer funds for the off-site properties was included in the February 2023 HDR memo and can be discussed further during the Building Permit phase of the project.

As noted above, the measures committed to by the applicant to address aesthetic impacts at the two off-site properties are in accordance with the recommendations in the February 27, 2023 HDR memo. Those recommendations were developed based on reviews of guidance and available best practices; approaches used on other, similar projects; site visits with the Boards and property owners; discussions and public comments submitted during Planning Board meetings; and detailed analysis of application materials.

#### **NEXT STEPS**

As per the testimony I provided at the April 25, 2023 Planning Board meeting, HDR feels the application is complete, in terms of the Village's Wireless Code requirements, technical responses to comments and questions that have been provided over time, and – importantly – the commitments the applicant has made to address aesthetic impacts (described above in this



memo). It is appropriate for the Planning Board to consider closing of the public hearing at this time, and to work through the SEQRA EAF Parts 2 and 3 which are being prepared by BFJ Planning. A SEQRA determination will dictate the next actions for the applicant and the Boards, including ZBA's review of variance requests and preparation of a Resolution by the Planning Board for Site Plan and Special Use Permit.

Should the Planning Board authorize development of an approval Resolution, HDR will assist with the numerous conditions that will be pertinent for this project. Several conditions should be included based on best practices for stealth tree monopoles (colors / textures; antenna covers; taper, density, and extent of branching; periodic maintenance and upkeep needs); project-specific discussions from meetings and site walks; construction means/methods and other Building Permit phase items (work sequencing, site preparation, foundation and compound area work, monopole construction; equipment used; tree preservation measures; as-built submittal needs); constructing and maintaining the design and mitigation measures committed to; landscaping and access road maintenance; periodic monitoring and reporting 'post-operation' (structural; RF emissions), and other Village code requirements; co-location and facility modification processes; and administrations for the off-site mitigation measures. Several notes and details to correspond with the Resolution would be added to the final Site Plan Drawings, and final off-site funding will be established. The Planning Board Engineer has also noted items which can be refined during the Resolution development or included on the final Site Plan Drawings.

Please do not hesitate to contact me with any questions or comments on the above mitigation options.

Sincerely,

Henningson, Durham & Richardson

Architecture and Engineering, P.C.

in association with HDR Engineering Inc.

Muhael P. Mypo, P.E.

Michael P. Musso, P.E.

Senior Project Manager

cc: Peter Miley

Whitney Singleton

Anthony Oliveri

Frank Fish, Sarah Yackel

#### **HDR's Mitigation Recommendations**

#### Applicant's Mitigation Responses (from APT Engineering Letter dated 4/12/23)

#### Concept #1: Monopole / Compound Location and Tree Preservation

Applicant should verify the number of trees being removed (within the compound/compound access area, and along access road, and reduce if trenching, and drainage measures, and should reduce number of trees being removed

Homeland Towers had the existing trees re-surveyed and this tree survey has been incorporated into the Site Plan. We have reconfigured the access drive, relocated the possible, based on even slight re-configuring of the final tower location and tower [approximately 14 ft to the south], and reduced the compound to preserve more compound size/orientation and adjustment of grading, underground utility trees including the large pine trees between the facility and 2 Sarles Street. The number of existing trees has been recomputed [reduced from 50 trees] and is shown on the revised Drawing set (43 trees to be removed).

It is recommended that additional trees be shown as preserved on this and walks, and along the west side of the proposed compound Per Chapter 99 of Village Code, a Tree Preservation Plan should be submitted as a new sheet in the Homeland Site Plan Drawing set

other Site Plan Drawings, including "key" ones located on the eastern side Based on the reconfiguration of the access drive, the tower and the compound, the key of the proposed tower/compound location that were noted during the site trees on the east side of the compound have been preserved. Additional Landscaping has been proposed on the revised drawings (see Drawing L1). A Tree Preservation Plan dated April 11, 2023 was prepared by Saratoga Associates (Landscape Architects) and included as Drawing sets L1 and L2

#### Concept #2: Monopole Design

Design criteria of branch density, taper of branches, and maximum feasible extension of branching downward toward the base of the monopole should be implemented. The density of branches shall be at a minimum of three branches per foot. The Site Plan Drawings now show branching extending from 5 ft above the top of the monopole (145 ft above grade level [agl]) further downward to 55 ft agl.

A note addressing the branch density of (3) branches per foot has been added to the down to 70 ft agl; it is recommended that the design extend the branching Drawing A-1 & A-2. The Tower elevations have been revised to extend the monopine branches from 70' AGL to 55' AGL (Drawing A-1 & A-2).

Monopole texture / color. Faux bark (brown, matte finish) shall be applied to the monopole exterior from grade level to the top of the monopole (entire structure).

The Drawings have been revised to specify a faux bark finish to the proposed monopine (see Drawings A-1 and A-2).

Antenna covers ("socks") are proposed and shown in the photosimulations.

The antenna covers shall conform to the colors of the stealth tree

(matte finish) as possible to match the monopole color/texture.

branching. All visible portions of tower-mounted equipment (cabling, RRH A note regarding the proposed antenna socks has been added to Drawings A-1 and A-2. units, distribution box and over-voltage protectors) shall be painted brown. All other items with the exception of the RRH's will be painted to match the proposed

#### Concept #3: Compound Design

It is recommended that the compound fence height be increased to 10 ft on all four sides, and that the fencing be treated as a darker wood (or painted a dark brown to facilitate blending with surrounding tree cover).

The equipment cabinet canopies and ice bridge (visible on the photosimulations) should be treated as a dark brown to match the equipment within from all perspectives.

The proposed fence height has been increased to 10' (provided the ZBA issues a variance or an interpretation that such variance is not required) and the fence will be stained dark compound fencing color, as an increase in fencing height will not shield the (see Detail 3 on Drawing C-4). The proposed metal ice bridges and equipment canopies are to be painted dark brown (see Drawings C-1 and C-6).

To mitigate views from the Marsh Sanctuary property (amphitheater, grave marker, current and anticipated public use spaces, trail connection, Naturalist's cottage [residence]), a lattice fence (treated wood, dark brown;

(west of the compound). This lattice fencing may be "staggered" and installed in sections to run between existing trees.

The Site Plan Drawings show 7 new plantings (evergreen; 8 ft tall at planting). It is noted that downed trees exist in this area and are assumed to be removed during construction (this should be verified by the applicant). In addition to these proposed plantings, a soil berm is recommended in this area (west side of access road; 4 ft height with berm base grade roughly at that of the existing access road in the area) so that An approximately 2' high berm has been added in the area adjacent to the existing of the monopole from the 2 Sarles Street property.

8 ft in height) is recommended along a portion of the western property line 6' high lattice fencing (stained dark brown) has been added outside of western side of the compound to assist in screening views from the Marsh Sanctuary (see Drawings SP-2, SP-3. SP-4 and C-8).

these proposed plantings can be planted within the berm and raised from driveway where the proposed 7 new evergreens are being proposed (see Drawing SP-4). A current proposed height to better shield the compound and lower portions 4-foot berm is not recommended by the arborist. An extensive landscaping plan has been added to the Drawings that includes 36 new onsite trees and 40 new onsite shrubs.

#### **HDR REVIEW NOTES**

Tree Removal List on L1 initially counted 50+ trees slated for removal. Revised L1 has 43 trees.

Sheet LI has been further updated

CONFIRMED

CONFIRMED

CONFIRMED. RRH units cannot be painted, but should be available in muted grey.

Agreement to increase compound fence height. Variance pending.

CONFIRMED

CONFIRMED

Recent discussions with the Building Inspector and a Fire Department representative clarified that the two 15 ft x 15 ft pool areas should be retained on the south side of the equipment compound, considering the "one project" assumption. Two fire extinguishers should be added to the compound plan.

The applicant shall verify design and location of all temporary and permanent grading and stormwater control measures along with trenching plans so that tree preservation can be increased and maximized to the extent possible. The applicant should also confirm that the proposed measures on the current Site Plan Drawings are not related to handling stormwater from the solar project. It is requested that Drawings SP-3, SP-4, C-5 (check need for precast storm manhole and underground infiltration system), and C-8 (is this Drawing necessary for the Homeland project?) be reviewed in detail for the "one project" assumption. Considering the limits of disturbance and gravel surfaces proposed for the Homeland project, it appears feasible to reduce the sizing of (or eliminate) some of these presented in the memo.

Tree removal needs to be performed between November 1 - March 31 to Tree removal will occur between November 1 - March 31 to comply with NYSDEC comply with NYSDEC guidance for bat species

Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to detection lighting shall not be installed. No tower lighting is required or proposed for the project.

An updated construction schedule should be provided at the Building Permit stage of the project

A detailed description of site preparation/clearing activities, sequencing of work, tree preservation/ecological considerations, construction staging areas, soil/material stockpiles, soil erosion/sediment controls, proposed construction equipment should be included in the final Drawing set

The two 15'x15' temporary pool areas are shown on Drawing CP-1. (2) fire extinguishers have been added to the drawings (see Drawings C-1 and C-6).

elements which would benefit the establishment of mitigation measures The proposed design has been updated to include only the measures (grading and stormwater) for the telecommunications facility to reduce overall potential disturbance.

guidance for bat species as documented in the Tree Preservation Plan in Drawing set L2

comply with guidance from the International Dark Sky Association. Motion Notes have been added to Drawings C-3 and C-6 addressing the individual carrier equipment area lighting being proposed. All lighting shall be dark sky compliant. No tower lighting is required.

Construction sequencing notes have been UPDATED on EC-1

CONFIRMED

Prior solar projevct items changed to red font

NOTE ADDED

**NOTES ADDED** 

#### Access Road

HDR's Mitigation Recommendations	Applicant's Mitigation Responses (from APT Engineering Letter dated 4/12/23)	HDR REVIEW NOTES
HDR recommends the applicant repair access road pavement and culvert at intersection of S. Bedford Road and that the applicant confirms plans to repair and upkeep this intersection.  HDR has requested the applicant confirm if 6-7 tree plantings at the "first curve" planned to be installed as part of the solar project can remain on the plans	The proposed driveway entrance is to be repaired (see Drawings SP-3) and the drainage structures and associated piping in that area are to be replaced (see Drawing SP-4).	CONFIRMED
The Site Plan Drawings indicate that these trees were established conditionally for the solar project in which case they should be shown in red on the revised Site Plan Drawings. The "Limits of Disturbance" in this area should also be confirmed for the Homeland project; if LOD is specific to the solar project, it should be shown in red print/text on the revised Drawings HDR requests the vehicle by-pass located uphill from the compound area be eliminated from the Drawings	All elements of the proposed design that are associated with the Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set. These items are wholly unrelated to and independent from the proposed facility.	LOD REDUCED TO 0.8 acres (+/-) CONFIRMED
HDR requests a new steel security gate complete with a combination lock be installed near the bottom of the access drive, at the Village-owned Mountain Avenue property as a consideration for this gate location	A new steel gate has been proposed at the driveway to the property entrance (See Drawings SP-3 and C-8).	CONFIRMED

LAW OFFICES OF

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April 25, 2023

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DAVID L. SNYDER (1956-2012)

> Honorable Chairman Spector and Members of the Zoning Board of Appeals Village of Mount Kisco 104 Main Street Mount Kisco, New York 10549

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

Re: 180 S. Bedford Road

Public Utility Wireless Telecommunications Facility

Homeland Towers, LLC & Verizon Wireless

Honorable Chairman Spector and Chairman McGuirk and Members of the Zoning Board of Appeals and Planning Board:

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

The Applicants respectfully submit the following information and materials and consent to the implementation of the mitigation measures contained therein as conditions of approval by both the Zoning Board of Appeals and Planning Board.

- 1) Vernal pool letter from Michael Nowicki of Ecological Solutions, LLC, dated April 22, 2023; and
- 2) Revised Landscaping Plan Sheet L-1.

We thank you for your consideration. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

Robert D. Gaudioso

**Enclosures** RDG/cae

cc: Applicants
Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\PB & ZBA Filing 04.25.2023\PB and ZBA Letter 04.25.2023.rtf

121 Leon Stocker Drive Stratton, VT 05360 Phone (203) 910-4716 ecolsol@aol.com

April 22, 2023

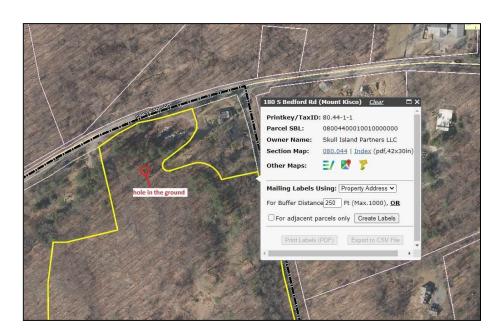
Klaus Wimmer Homeland Towers, LLC 9 Harmony Street, 2nd Floor Danbury, CT 06810

> Re: Potential Vernal Pool 180 South Bedford Road Town of Bedford, Westchester County, New York

#### Dear Klaus:

Ecological Solutions, LLC completed a site assessment on April 21, 2023 as requested to determine if a vernal pool is located on this site. A vernal pool is a temporary body of water that often appears in the spring ("vernal" means relating to spring) and dries up by mid to late summer. These ephemeral wetlands source their water from precipitation (rain and snowmelt) and stormwater runoff, but they are more than just puddles. Typically amphibians will use a vernal pool for breeding purposes.

I did not identify any vernal pool/s on the project site. A small excavated area or hole was dug and soil piled adjacent to the area and seems to be a test pit for some activity and does not function as a vernal pool since there was no standing water or breeding amphibians found.



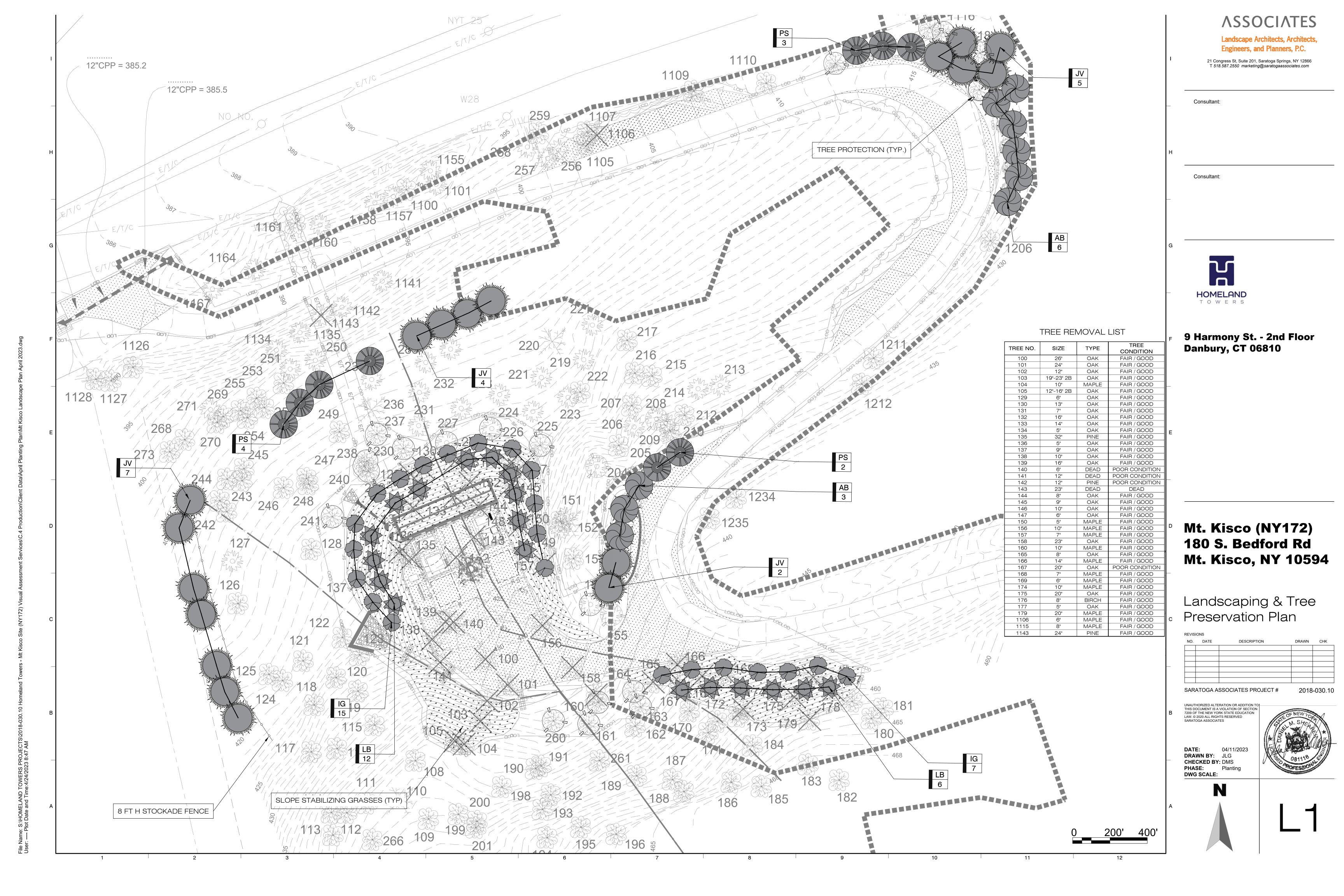
If you need any additional information, please contact me.

Sincerely,

ECOLOGICAL SOLUTIONS, LLC

Michael Nowicki

Biologist



LAW OFFICES OF

#### SNYDER & SNYDER, LLP

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April 13, 2023

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> Honorable Chairman Spector and Members of the Zoning Board of Appeals Village of Mount Kisco 104 Main Street Mount Kisco, New York 10549

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

Re: 180 S. Bedford Road

Public Utility Wireless Telecommunications Facility

Homeland Towers, LLC & Verizon Wireless

Honorable Chairman Spector and Chairman McGuirk and Members of the Zoning Board of Appeals and Planning Board:

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

In response to the February 27, 2023 memo from Michael Musso, as well as the comments of the various members of the public and the Zoning Board of Appeals and the Planning Board, the Applicants respectfully submit the following information and materials and consent to the implementation of the mitigation measures contained therein as conditions of approval by both the Zoning Board of Appeals and Planning Board.

1) Report from Matt Weibel, Registered Arborist from SavATree, dated April 7, 2023. This report confirms that the large pine trees between the Facility and 2 Sarles Street shall be preserved and provides recommendations for the landscaping plan that have been incorporated.

- 2) Report from Matt Allen, Registered Landscape Architect from Saratoga Associates, dated March 16, 2023, confirming that the proposed faux bark will have no additional visual mitigation benefit. In any event, the Applicants consent to a condition of approval requiring the faux bark as detailed on the Site Plans.
- 3) Response letter from Scott Chasse, New York State Licensed Professional Engineer from APT Engineering, dated April 12, 2023, confirming that all of the requested on-site mitigation measures have been incorporated.
- 4) Revised Site Plan from APT engineering incorporating all of the requested on-site mitigation measures.
- 5) Specification sheets of the proposed antenna socks; and
- 6) Sample tree branch density chart. Please note that the final manufacturer's tree branch specification plan will be provided as a condition preceding the Building Permit issuance, as the final plan must be based on the final approved design.

As detailed above and in the attached materials, the Applicants have incorporated every requested on-site mitigation measure as a condition of Zoning Board of Appeals and Planning Board approval.

The Site Plan has been re-engineered to reduce the limits of disturbance and proposed removal of existing trees, and to ensure preservation of the large pine trees between the Facility and 2 Sarles Street. In particular the following revisions have been made to the Site Plan:

- The limit of disturbance has been reduced from  $37,000\pm$  sq. ft to  $35,000\pm$  sq. ft.
- The number of trees proposed to be removed has been reduced from 50 to 43. Of the trees to be removed, four (4) are already dead and ten (10) are in such poor health that they must be removed. See report from Matt Weibel of SavATree dated April 7, 2023.
- The tower has been relocated approximately fourteen (14) feet to the south.
- The proposed fencing has been increased in height from six (6) feet to ten (10) feet subject to approval.
- The tower design has been revised to propose faux bark on the pole, and the branches have been lowered to 55 feet AGL.
- Driveway entrance surface and drainage will be repaired, although unrelated to the project. An access gate has been added.
- All lighting shall be dark sky compliant.

- The proposed parking area uphill of the new driveway has been removed. All other turnoffs requested by the Fire Department and the pool areas have been retained. One turnoff was adjusted to preserve more trees.
- An approximate two (2)-foot high berm has been added in the area east of the proposed Facility along the existing driveway and an extensive landscaping plan has been added, including 36 new on-site trees and 40 new on-site shrubs. A lattice fence and additional landscaping have been added to the west of the Facility. The landscaping plan has been prepared by a Registered Landscape Architect following a re-surveying of the trees and recommendations from a Registered Arborist.
- All of the recommended note changes requested by Mr. Musso on the Property have been added to the Site Plan.

With respect to the proposed off-site mitigation measures, the Applicants cannot perform work on adjoining properties for obvious liability reasons. Nevertheless, as previously represented, Homeland Towers will consent to a condition of approval to establish an off-site fund for use by the owners of the properties at 2 Sarles Street and the Marsh Sanctuary. Based on good-faith estimates of the proposed off-site mitigation recommendations, Homeland Towers will offer \$32,520.00 for a fund for 2 Sarles Street and \$6,280.00 for a fund for the Marsh Sanctuary. The funds shall be deposited prior to the issuance of a Building Permit and shall be maintained and distributed by the Village upon proof from the property owners of actual expenses related to the proposed mitigation efforts, provided such property owners waive any potential challenges to the Village approvals of the Facility. In the event any such funds are not distributed by the Village within one year of the issuance of a certificate of completion for the Facility, the Village shall return the balance to Homeland Towers.

We thank you for your consideration and look forward to finalizing this matter prior to the April 27<sup>th</sup> shot clock expiration. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

Robert D. Gaudioso

Enclosures RDG/dac

cc: Applicants

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\PB and ZBA Letter 4-13-23 (Responsive Submission to HDR).rtf





# HOMELAND TOWERS MT. KISCO TREE ASSESSMENT

For

# KLAUS WIMMER

REGIONAL MANAGER

Prepared by

# Matt Weibel Registered Consulting Arborist #534



April 7, 2023

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## CONTENTS

SAVAYREE © Consulting Group

Why did SavATree perform the assessment at 180 South Bedford Road?	1
How did SavATree perform the assessment?	1
What did Savatree find?	2
What does Savatree recommend?	4
vinat ages savad et recommend.	
Appendix A: Photos	5







#### WHY DID SAVATREE PERFORM THE ASSESSMENT AT 180 SOUTH BEDFORD ROAD?

Homeland Towers is planning to install a cell tower at the lower section of the property at 180 South Bedford Road in Mt. Kisco, NY. There was some concern about the impacts of this project on the mature evergreen (white pine and Norway spruce) trees in the area as these trees will provide screening for adjacent property owners. There is one large white pine (#135 on site survey) in close proximity to the limits of excavation for the tower.

My assignment was to visit the site and:

- Perform an assessment of all of the mature pine trees near the limits of disturbance;
- Perform an air spade assessment to determine if Tree 135 can remain during construction, and;
- Comment on the proposed new berm installation and landscaping plan.

SavATree performed the onsite assessments on March 17, 2023.

#### **HOW DID SAVATREE PERFORM THE ASSESSMENT?**

Since my site visit on March 17, 2023, I have had multiple conversations and meeting with Homeland Towers, the civil engineer Bob Burns of APT Engineering and the landscape architect Jeff Goller of Saratoga Associates. I have thoroughly reviewed the proposed mitigation report from the Village's consultant Michael Musso. I have also reviewed the engineering plan ("Site Plan") prepared by APT Engineering including the Landscaping Plan prepared by Saratoga Associates and assisted in modifications to those plans to improve the overall mitigation efforts.

I specifically reviewed and concur with the proposed tree removal and tree preservation plan shown on the Site Plan. In particular I have confirmed that the large evergreen trees located between the tower and 2 Sarles Street that are numbered 154, 155, 204 and 208 will be preserved based on the re-engineering to the access drive and proposed tree protection details. I have also confirmed which existing trees are dead as shown on the Site Plan. I have also confirmed which trees are proposed to be removed as shown on the Site Plan including the pine tree to the west that must be removed as detailed below. Finally I have reviewed and concur with the final Landscaping Plan.

Regarding Tree 135 to the west of the proposed facility, SavATree used an air spade to excavate the soil at specific locations to determine the number and size of roots present. An air spade is a tool that uses super-sonic air to remove soil without damaging the structural roots of a tree. This allowed SavATree to view which roots would be impacted by excavation and opine on whether the loss of these roots would impact tree health and stability.

While this work was done, I performed an ANSI A300 level 2 visual assessment of 66 trees in or near the limits of disturbance. The trees in this area had been located and tagged by Lawson





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Surveying and Mapping prior to my assessment. A level 2 assessment is a ground-based, 360-degree visual assessment of exposed roots, trunk, limbs, and visible foliage. It includes sounding of the lower trunk with a mallet to test for internal decay and probing open defects to determine extent of decay. I confirmed species and diameter at breast height for each tree as well and this information has been incorporated into the site plan.

#### WHAT DID SAVATREE FIND?

#### AIR SPADE ASSESSMENT

Tree 135 is a 33-inch diameter at breast height (dbh; diameter measured 4.5 feet above grade) eastern white pine. Excavation for installation of the cell tower platform is required within 16 feet from the base of the tree, well within its critical root zone. We began the assessment by excavating a trench 16 feet from the tree to a depth of two feet. At this distance, only one root in excess of 1-inch in diameter was located (see Photos 1 and 2 in Appendix A at the end of this report). This root was pruned.

Next, we excavated a trench six feet from the base of the tree. The original plan from Homeland Towers included a retaining wall at this distance. Here, we found one very large root in excess of 5-inches in diameter. Pruning this root would likely have drastic impacts on both the structural integrity and health of the tree and was not done.

The air spade was used to trace this large root away from the tree to determine the location where it became small enough that it could be safely pruned. At 12 feet from the of the tree, the diameter of this root dropped below 2-inches and it was pruned. This location is also 4 feet from Tree 135 and 19 feet from the stick that marked the center of the cell tower. I placed a stick with orange ribbon in the ground at this location (see Photos 3 and 4).

Finally, there was another large buttress root that came off the base of the tree in the general direction of the cell tower. We traced this root and found large subterranean rocks approximately 7 feet from the base of the tree. At this location, the root dove deep into the ground and could not be followed. We excavated the opposite side of the rocks and did not find the root. It is likely that it turned away from the area that will be excavated.

Based on these findings, I marked a line in the field with sticks tied with orange ribbon approximately 10-12 feet from the base of the tree (see Photo 5). Even with the relocation of the tower as proposed on the Site Plan, excavation and grade changes cannot be limited to occur outside of these necessary areas. Therefore, this tree must be removed.





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#### TREE ASSESSMENT

I performed an ANSI A300 level 2 assessment of 66 trees in or near the limits of disturbance for this project. Four of these trees are dead (143, 152, 220, and 231) and another 10 are in such poor condition that removal is recommended (140, 141, 142, 167, 208, 212, 214, 226, 229, and 234).

Of greatest concern was the mature white pine trees along the driveway that can provide some screening for adjacent property owners (see Photos 6-7). The mature trees are generally in fair to good health. As pine trees grow, they naturally shed their lower limbs that become shaded out and can no longer support themselves with photosynthesis. For this reason, the lower 50 feet of these trees are devoid of alive branches/foliage. Eastern white pines are among the tallest trees in New York; the tallest white pine is approximately 140 feet tall. The tallest trees at this site are currently 100-110 feet tall.

There is large woody debris piled under trees to the west of the access drive (see Photo 8). This area was significantly impacted by a nor'easter storm many years ago. The trunks and limbs from these trees were piled in this location. Homeland Towers plans to remove this debris. Care must be taken when this work is performed to not damage the existing trees that will remain. All machinery should remain on the driveway or cleared access route and not impact the critical root zone of any trees. It may be best to leave some debris onsite if it cannot be removed without damaging the bark, trunk, or roots of trees.

#### BERM INSTALLATION AND NEW PLANTING

In order to provide additional screening for adjacent residents, Homeland Tower will install new plantings along the existing driveway near where the tower will be installed (see Photo 9). There is ample height clearance for new evergreen trees, however, there are a few issues that should be considered:

- Pine and spruce trees grow fairly wide and the driveway needs to be clear from branches to allow for fire/emergency access.
- Installing the berm and trees farther from the road may impact the roots the mature pine trees that are to be preserved. The berm will add soil over existing grade; this may impact the amount of water and oxygen that reaches the established root systems.
- Therefore, the berm should be installed as close to the existing driveway as possible while keeping the driveway clear. Narrower evergreen trees (balsam fir and red cedar) have been specifically selected as detailed in the Landscaping Plan to provide the correct species for this area.
- This area is heavily populated with deer, so deer-resistant trees and shrubs have been proposed by the Landscaping Plan. Given the species that have been proposed there is no





recommended maintenance plan that is required other than watering as necessary and pruning to maintain clearance along the driveway.

- Care needs to be taken when installing the berm. If high-quality topsoil is just placed over the existing soil, drainage issues will occur. When soils of different textures are layered, water will move quickly through the topsoil then rest over the native soil. The root balls of the installed trees then struggle to establish due to excessive soil moisture.
  - The top layer of soil should be de-compacted and a layer of berm soil incorporated in so that the soil textures do not have an abrupt change. This can be done by hand or with an air spade.
  - The Landscape Plan specified that tree height will be no more than 8 feet at planting. Bigger trees are more difficult to establish and have lower survivability rates in the first years after planting. Therefore, I do not recommend planting 12 foot trees in this area, particularly given the existing light conditions.

#### WHAT DOES SAVATREE RECOMMEND?

All dead and poor condition trees should be removed prior to construction. Any woody debris that cannot be safely removed without damaging the large pine trees should remain in place. A tree protection fence has been shown on the Site Plan to be installed along the limits of disturbance in order to protection all trees that will remain onsite.

Prior to installing the berm along the road, the existing soil should be de-compacted and new soil incorporated into the top 4-6 inches. These trees will be pruned to maintain clearance from the driveway and maintain a shape that allows their lower canopy to obtain sunlight and maximize screening.

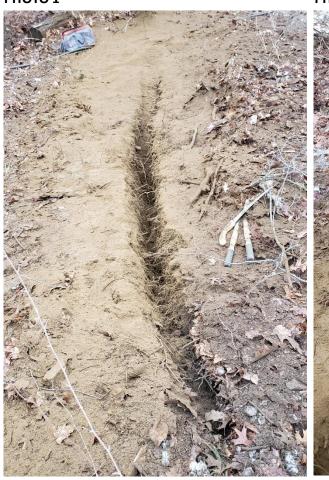
Trees should not be planted on the 2:1 slopes. Rather the proposed evergreen bushes proposed in the Landscaping Plan will provide screening and greater soil stabilization.





### **APPENDIX A: PHOTOS**

#### PHOTO 1 PHOTO 2





Photos 1 and 2 were taken March 17, 2023 and show the first trench that was excavated with the air spade approximately 16 feet from the base of Tree 135. There was only one root larger than 1-inch in diameter (indicated by yellow arrow). This root was pruned.







Photos showing the excavated trench at six feet from the base of the tree (red arrow) and tracing of the large root to where it was safely pruned (yellow arrow; stick with orange flagging).





SAVAYREE. Consulting Group



Photo showing the marked limits of where excavation can occur (yellow line). If excavation or grade change is needed between the tree and this line, the tree should be removed.











Photos taken 3/17/23 showing the mature white pine trees along the existing driveway. The yellow arrow indicates the approximate location of the proposed tower. These trees will be preserved.





#### **PHOTO 8**

SAVAYREE.

Consulting Group



Photo showing the woody debris piled under trees to the west of access drive. There is a wound on the trunk of Tree 149 (yellow arrow) that was likely caused when this debris was initially piled. Care must be taken not to damage existing trees if (when) this debris is removed.





SAVAYREE. Consulting Group



Homeland Towers is planning to install a berm with evergreen plantings along the bend in the driveway.

# SARATOGA ASSOCIATES

Landscape Architects, Architects, Engineers, and Planners, P.C.

March 16, 2023

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

Re: Visual Assessment

**Proposed Wireless Telecommunications Facility** 

180 South Bedford Road

Dear Honorable Chairman and Planning Board Members:

Saratoga Associates is writing on behalf of Homeland Towers regarding a proposed telecommunications tower and associated equipment at the above referenced address. Saratoga Associates has been retained to address potential visual impacts associated with this project. The potential visibility of this proposed Facility is the subject of a Visual Resource Assessment dated December 27, 2020.

The Facility involves the construction of a 140-foot-tall (top of pole) stealth monopine style telecommunications tower with five-foot topping branches bringing the total height to approximately 145 feet above finished grade. The Facility is located approximately 180 feet south of South Bedford Road (NY Rte. 172) and approximately 500 feet west of Sarles Street. As currently proposed the monopole portion of the tower will be painted in a matte brown finish to minimized visual contrast with the surrounding woodland landscape.

In a letter dated February 27, 2023 the Village of Mount Kisco Planning Board Town consultant HDR recommended a "faux bark" texture (brown, matte finish) be applied to the monopole presumably to make the tower appear somewhat textured and more compatible with the stems of the surrounding trees. In this letter HDR attached a photograph labeled "Site in Keen Valley, NY" illustrating a similar faux bark texture applied to telecommunications tower.

It is our opinion such surface treatment provides no additional visual mitigation benefit and is unnecessary. As is plainly seem seen in the HDR's example photograph the texture of the faux bark treatment is not readily distinguishable from even the close viewing distance depicted in the photo. In this photo the faux bark texture becomes increasingly muted with distance and quickly

## SARATOGA ASSOCIATES

Village of Mount Kisco Planning Board March 16, 2023 Page 2 of 6

blends into a simple monochromatic brown color. This resulting coloration is broken up by the shading of the cylindrical monopole and the shadow cast of the surrounding natural trees. The three-dimensional texture of the faux bark offers little additional benefit in camouflaging the monopole beyond what is provided by the brown color of the surface treatment alone.

This visual result is effectively the same as would be achieved by painting the tower a matte brown color as is currently proposed by the applicant. In the woodland setting of the project site the shading of the cylindrical monopole and the shadow cast of the surrounding natural trees will appear similar in visual character to the condition illustrated in the HDR photo without addition of a faux bark texture.

Importantly, the long-term durability of a faux bark treatment is unclear. Such treatment is likely to fade or discolor over time altering the effectiveness of the intended mitigation. If due to fading or discoloration the faux bark should need to be replaced this would require the facility being placed offline significant construction taking place at the site. A simple paint treatment, while equally effective in mitigating visual contrast, can be quickly and easily reapplied if necessary as part of routine tower maintenance.

It is worth noting that the applicant has already agreed to lower the height of the stealth pine branching closer to the ground and increasing the height of the wooden fence surrounding the compound. These design modifications serve to reduce the extent of the monopole visible above the fence and below the stealth branches; the area where a faux bark treatment would conceivably provide benefit.

It is our opinion that a faux bark surface treatment offers no additional visual mitigation benefit beyond painting the tower in a matte brown finish as currently proposed.

Thank you for your attention to this matter.

Matthew W. Allen, RLA
Principal
SARATOGA ASSOCIATES
Landscape Architects, Architects, Engineers, and Planners, P





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

April 12, 2023

RE: Homeland Towers Site Name: Mt. Kisco NY172

180 S. Bedford Road Mt. Kisco, NY 10594 Response to Comments

Honorable Chairman and Members of the Board:

This letter is to accompany the revised Zoning Drawings for the above referenced project. The proposed fenced compound has been revised to attempt to reduce the limits of disturbance and proposed removal of existing trees, and to ensure preservation of the large pine trees between the facility and 2 Sarles Street. A summary of the major revisions is as follows:

- The limit of disturbance has been reduced from  $37,000\pm$  sf to  $35,000\pm$  sf.
- The number of trees that are being removed has been reduced from 50 to 43. Of these trees to be removed 4 are already dead and 10 are in such poor health they must be removed. See report from Matt Weibel of SavATree dated April 7, 2023.
- The tower has been relocated approximately 14' to the south.
- The proposed fencing has been increased in height from 6' to 10'.
- The tower design has been revised to propose faux bark on the pole and the branches have been lowered to 55' AGL.
- Driveway entrance surface and drainage is being repaired.
- The proposed parking area uphill of the new driveway has been removed.
- An approximate 2' high berm has been added in the area east of the proposed facility along the existing driveway and an extensive landscaping plan has been added, including 36 new on-site trees and 40 new on-site shrubs.

Please see the below responses to the comments (in red) from the Michael P. Musso, P.E. comment letter dated February 27, 2023:

#### **On-Site Mitigation Options:**

- The applicant should verify the number of trees being removed (within the compound / compound access area, and along access road), and reduce, if possible, based on even slight re-configuring of the final tower location and compound size / orientation and adjustment of grading, underground utility trenching, and drainage measures (some noted to be temporary for construction).
  - Homeland Towers had the existing trees re-surveyed and this tree survey has been incorporated into the Site Plan. We have reconfirgured the access drive, relocated the tower, and reduced the compound to preserve more trees including the large pine trees between the facility and 2 Sarles Street. The number of existing trees has been recomputed and is shown on the revised Drawing set (43 trees to be removed).
- It is recommended that additional trees be shown as preserved on this and other Site Plan Drawings, including the "key" ones located on the eastern side of the proposed tower / compound location that were noted during the site walks, and along the west side of the proposed compound (see blue arrows in above image).
  - Based on the reconfiguration of the access drive, the tower and the compound, the key trees on the east side of the compound have been preserved. Additional Landscaping has been proposed on the revised drawings (see Drawing L1).

- Per Chapter 99 of the Village Code, a Tree Preservation Plan should be submitted as a new sheet in the Homeland Site Plan Drawing set.
  - A Tree Preservation Plan has been prepared and is included in the revised Drawing set (Drawings L1 and L2).
- Design criteria of branch density, taper of branches, and maximum feasible extension of branching downward toward the base of the monopole should be implemented. The density of branches shall be at a minimum of three branches per foot. The Site Plan Drawings now show branching extending from 5 ft above the top of the monopole (145 ft above grade level [agl]) down to 70 ft agl; it is recommended that the design extend the branching further downward to 55 ft agl. A note addressing the branch density of (3) branches per foot has been added to the Drawing A-1 & A-2. The Tower elevations have been revised to extend the monopine branches from 70' AGL to 55' AGL (Drawing A-1 & A-2).
- Monopole texture / color. Faux bark (brown, matte finish) shall be applied to the monopole exterior from grade level to the top of the monopole (entire structure).
   The Drawings have been revised to specify a faux bark finish to the proposed monopine (see Drawings A-1 and A-2).
- Antenna covers ("socks") are proposed and shown in the photosimulations. The antenna covers shall conform to the colors of the stealth tree branching. All visible portions of tower-mounted equipment (cabling, RRH units, distribution box and over-voltage protectors) shall be painted brown (matte finish) as possible to match the monopole color/texture. A note regarding the proposed antenna socks has been added to Drawings A-1 and A-2. All other items with the exception of the RRH's will be painted to match the proposed tower.
- It is recommended that the compound fence height be increased to 10 ft on all four sides, and that the fencing be treated as a darker wood (or painted a dark brown to facilitate blending with surrounding tree cover). The equipment cabinet canopies and ice bridge (visible on the photosimulations) should be treated as a dark brown to match the compound fencing color, as an increase in fencing height will not shield the equipment within from all perspectives.

  The proposed fence height has been increased to 10' (provided the ZBA issues a variance or an interpretation that such variance is not required) and the fence will be stained dark (see Detail 3 on Drawing C-4). The proposed metal ice bridges and equipment canopies are to be painted dark brown (see Drawings C-1 and C-6).
- To mitigate views from the Marsh Sanctuary property (amphitheater, grave marker, current and anticipated public use spaces, trail connection, Naturalist's cottage [residence]), a lattice fence (treated wood, dark brown; 8 ft in height) is recommended along a portion of the western property line (west of the compound). This lattice fencing may be "staggered" and installed in sections to run between existing trees.
  6' high lattice fencing (stained dark brown) has been added outside of western side of the compound to assist in screening views from the Marsh Sanctuary (see Drawings SP-2, SP-3, SP-4 and C-8).
- The Site Plan Drawings show 7 new plantings (evergreen; 8 ft tall at planting). It is noted that downed trees exist in this area and are assumed to be removed during construction (this should be verified by the applicant). In addition to these proposed plantings, a soil berm is recommended in this area (west side of access road; 4 ft height with berm base grade roughly at that of the existing access road in the area) so that these proposed plantings can be planted within the berm and raised from current proposed height to better shield the compound and lower portions of the monopole from the 2 Sarles Street property.

  An approximately 2' high berm has been added in the area adjacent to the existing driveway where the proposed 7 new
  - An approximately 2' high berm has been added in the area adjacent to the existing driveway where the proposed 7 new evergreens are being proposed (see Drawing SP-4). A 4-foot berm is not recommended by the arborist.
- Recent discussions with the Building Inspector and a Fire Department representative clarified that the two 15 ft x 15 ft pool areas should be retained on the south side of the equipment compound, considering the "one project" assumption. Two fire extinguishers should be added to the compound plan.

  The two 15'x15' temporary pool areas are shown on Drawing CP-1. (2) fire extinguishers have been added to the drawings (see Drawings C-1 and C-6).
- The applicant shall verify design and location of all temporary and permanent grading and stormwater control measures along with trenching plans so that tree preservation can be increased and maximized to the extent possible. The applicant should also confirm that the proposed measures on the current Site Plan Drawings are not related to handling stormwater from the solar project. It is requested that Drawings SP-3, SP-4, C-5 (check need for precast storm manhole and

underground infiltration system), and C-8 (is this Drawing necessary for the Homeland project?) be reviewed in detail for the "one project" assumption. Considering the limits of disturbance and gravel surfaces proposed for the Homeland project, it appears feasible to reduce the sizing of (or eliminate) some of these elements which would benefit the establishment of mitigation measures presented in the memo.

The proposed design has been updated to include only the measures (grading and stormwater) for the telecommunications facility to reduce overall potential disturbance.

• Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: <a href="Outdoor Lighting Basics">Outdoor Lighting Basics</a> | International Dark-Sky Association). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project. Notes have been added to Drawings C-3 and C-6 addressing the individual carrier equipment area lighting being proposed. All lighting shall be dark sky compliant. No tower lighting is required.

#### **Access Road**

- Repair of access road pavement and culvert at intersection of S. Bedford Road. It is understood that the entrance to the
  access road from S. Bedford Road will require repair and upkeep. The applicant should confirm its plans to address this
  on-going issue at the site.
  - The proposed driveway entrance is to be repaired (see Drawing SP-3) and the drainage structures and associated piping in that area are to be replaced (see Drawing SP-4).
- Tree Plantings within "first curve" of access road. The applicant shall confirm if a subset of these plantings can remain for the Homeland cell site project. The below image notes 6 7 new trees in this area (both sides of access road) that can add to the visual mitigation of the proposed cell site from the 2 Sarles Street property.

  Proposed trees plantings (part of the telecommunication facility project) have been added to the "first curve" of the
  - Proposed trees plantings (part of the telecommunication facility project) have been added to the "first curve" of the existing access drive (see Drawing L1).
- The Site Plan Drawings indicate that these trees were established conditionally for the solar project in which case they should be shown in red on the revised Site Plan Drawings. The "Limits of Disturbance" in this area (black dashed line in above image) should also be confirmed for the Homeland project; if LOD is specific to the solar project, it should be shown in red print/text on the revised Drawings.
  - All elements of the proposed design that are associated with the Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set. These items are wholly unrelated to and independent from the proposed facility.
- By-Passes. A recent discussion with the Building Inspector and a representative from the Fire Department has confirmed that the first three vehicle by-passes (paved areas off existing access road) proposed along the access road (see below image) should be retained, even for the "one project" assumption. Drawing FD-1 was reviewed, and the by- pass lanes allow water tank and fire truck access in the event of an emergency response. However, the by-pass located uphill from the compound area on can be eliminated from the Site Plan Drawings.
  - The proposed bypass/parking area that was previously shown uphill from the proposed driveway entrance has been eliminated.
- Installation of a new steel security gate near the bottom of the access drive, with combination (or other type of) lock that meets Village requirements. The access used for the Village-owned Mountain Avenue property should be considered. Provide back-up battery for lock. Applicant representatives, property owner, and all appropriate Village, County, and State staff (police, fire as appropriate or required) would have access to the site via this gate.
  - A new steel gate has been proposed at the driveway to the property entrance (see Drawings SP-3 and C-8).

#### Attachment A

Tree Preservation Plan (NEW SHEET) -

• Add note referencing Chapter 99 of Village Code.

A Tree Preservation Plan containing a note referencing Chapter 99 of the Village Code has been added to the Drawing set (Drawings L1 and L2).

- Import details from EC-2. Evaluate preservation of additional existing trees per mitigation memo. Add notes describing tree protection details.
  - The proposed details and notes in regard to tree protection have been added to Drawing L2.
- Add construction sequencing (site prep, grading; foundation work; tower installation) and equipment / means and methods to be used for each phase. Note placement of crane and concrete truck at access road and confirm reach and procedures to protect key trees from damage during use of equipment.
  - Construction sequencing notes have been added to Drawing L2.
- Add note on bond / warranty to be furnished and commitment to maintain all on-site tree preservation and on-site plantings for the life of the facility. Homeland Towers shall maintain all landscaping for as long as the telecommunication site is on the property. Required maintenance shall include watering and replacement of on-site dead and/or dying landscaping.
  - A bond/warranty note has been added to Drawing L2.
- Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted at any part of the Homeland lease during construction and over the life of the facility.
  - A grass/weed control note has been added to Drawing L2.
- Add note Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species.
  - A tree removal schedule note has been added to Drawing L2.
- Reconfigurations of the tower / compound location or configuration based on comments on the mitigation memo should be updated on all Site Plan Drawings, as appropriate.
  - The tower/compound location has been revised on the Drawing set.

#### DWG SP-1:

- Add the following notes:
  - o This set of plans has been prepared for the purposes of municipal review and approval. This set of plans shall not be utilized as construction documents until all conditions of approval have been satisfied and each of the drawings has been revised to indicate "issued for construction."
    - A note has been added to Drawing SP-1.
  - o The contractor is responsible to protect, repair and/or replace any damaged structures, utilities, off-site properties, or landscaped area.
    - A note has been added to Drawing SP-1.
- Change solar farm to red font. Review zoning table to confirm that only the Homeland project is included. Change all solar-related notes and labels to red text. Review Limits of Disturbance at northern portion of property and access road, and adjust to red font if unrelated to the cell site project.
  - All elements of the proposed design that are associated with the proposed Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set.
- Add new lattice fencing (on-site) west of compound area as noted in mitigation memo. Stockade fencing has been added outside of western side of the compound to assist in screening views from the Marsh Sanctuary (see Drawings SP-2, SP-3, SP-4 and C-8).
- Add note Boulders / rocks with maximum dimension > 18" generated during tower and compound construction will be salvaged for use in mitigation at off-site properties. Rocks/boulders to be staged as directed by the Village. For liability reasons, the applicants are unable to provide rocks to off-site properties.
- Review mitigation memo for access road recommendation (repair of road and culvert at S. Bedford Road entrance; security gate addition; new vegetation; etc.) and add notes to SP-1.
  - The proposed driveway entrance is to be repaired (see Drawing SP-3) and the drainage structures and piping in that area are to be replaced (see Drawing SP-4). A new steel gate has been proposed at the driveway to the property entrance (see Drawings SP-3 and C-8). Notes addressing the comments in the mitigation memo have been added to Drawing SP-1.
- REMOVE uphill by-pass parking area per Mitigation memo (show as red font with red "X" through this feature). The uphill by-pass/parking area has been removed from the Drawing set.

#### DWG SP-2, SP-3, SP-4:

- Follow above notes for SP-1, as drawing scales allow.
   The comments and notes to be added have been addressed on the appropriate drawings.
- Revised Notes at bottom left (show solar project values in red; adjust # trees; LOD; cut/fill as needed)
   All elements of the proposed design that are associated with the proposed Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set.
- See mitigation memo for comments and recommendations on tree preservation (compound area), new plantings, onsite berm east of proposed tower, stormwater and grading elements. Update notes and features as needed. See other items within this Response to Comment letter for the appropriate response to this comment.
- Note downed trees east of proposed compound area; clarify removal and new berm installation per mitigation memo.
  - A note addressing the removal of the existing downed trees east of the proposed compound area has been added to Drawings SP-1, SP-2 and SP-3.
- It is requested that Drawings SP-3, SP-4, C-5 (check need for precast storm manhole and underground infiltration system), and C-8 (is this Drawing necessary for the Homeland project?) be reviewed in detail for the "one project" assumption. Considering the limits of disturbance and gravel surfaces proposed for the Homeland project, it appears feasible to reduce the sizing of (or eliminate) some of these elements which would benefit the establishment of mitigation measures presented in the memo.
  - In the attempt to reduce the limit of disturbance in the area of the proposed bypass pull-offs the surface of those areas has been revised to gravel in order to reduce the impervious surface and therefore eliminate the need for the proposed drainage system shown in these areas previously.

#### DWG CP-1:

- Include note for generators, to the affect: generators are to be tested / cycled (e.g., typically 1 time per month, on a weekday during business hours, for a run period not to exceed 20 minutes).

  A note regarding the scheduling of the generator testing/cycling has been added to Drawings CP-1, C-1 and C-6.
- Include note for compound lighting, to the affect: Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: Outdoor Lighting Basics International Dark-Sky Association). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project.
  - Notes have been added to Drawings C-3 and C-6 addressing the individual carrier equipment area lighting.
- Add location of fire extinguishers to canopy / equipment cabinet areas.
   (2) fire extinguishers have been added to the drawings (see Drawings C-1 and C-6).

#### DWGs A-1 and A-2 (stealth tree elevation views):

- Import notes from On-Site Mitigation Concept #2 (Monopole Design) from the mitigation memo (tree branch density and taper; antenna covers; textures / faux bark; colors and finishes). Evaluate downward extension of branching per mitigation memo.
  - The notes from On-Site Mitigation Concept #2 have been added to Drawings A-1 and A-2.
- Import notes form On-Site Mitigation Concept #3 (Compound Design) from the mitigation memo (compound fencing height and colors).
  - The proposed fencing has been revised to increase the height to 10' and notes have been added to the drawings addressing the fence color (see Drawing C-4).
- Add spec or sample cut sheet for artificial tree branching (e.g., vender photo)
  A specification/sample cut sheet for the tree branching has been submitted under a separate cover.
- Add note The equipment cabinet canopies and ice bridge shall be treated as a dark brown to match the compound fencing color
  - The drawings have been revised to specify that the proposed equipment canopies and ice bridges are to be painted dark brown (see Drawings C-1 and C-6).

DWG EC-1 (notes for SWPPP, sediment & erosion control; construction sequence; maintenance):

- Review for notes that may be applicable to the solar project; change to red text.
   The notes on Drawing have been reviewed and it has been determined that there were no notes referencing the proposed Solar project.
- Review Construction Sequence notes with comments provided above for new Tree Preservation Plan sheet. The proposed Construction Sequence notes have been revised as appropriate.

#### DWG C-1:

Copy above generator notes to this sheet.
 A note regarding the proposed generator testing/cycling have been added to Detail 8 on Drawing C-1 and Detail 4 on Drawing C-6.

#### DWG C-2:

- Add spec or sample cut sheet for antenna covers ("socks").

  A specification/sample cut sheet for the proposed antenna socks has been submitted under a separate cover.
- Import notes from On-Site Mitigation Concept #2 (Monopole Design) from the mitigation memo (colors of visible equipment; antenna covers; etc.).

Notes regarding the proposed monopine design have been added to Drawings A-1 and A-2.

#### DWG C-3:

• Include note for compound lighting, to the affect: Two 52-watt switch/timer controlled light fixtures are proposed at the ground-based equipment compound for nighttime visits (the lights are only used when needed by a service technician). This lighting can be specified to comply with guidance from the International Dark Sky Association (IDA: Outdoor Lighting Basics International Dark-Sky Association). Motion detection lighting shall not be installed. No tower lighting is required or proposed for the project.

A note in regard to the proposed light fixtures has been added to Drawing C-3.

#### DWG C-4:

- Import notes from On-Site Mitigation Concept #3 (Compound Design) from the mitigation memo (compound fencing height and colors).
  - The proposed fencing has been revised to increase the height to 10' and notes have been added to the drawings addressing the fence color (see Drawing C-4).
- Add detail for secondary (western) on-site lattice fence per mitigation memo. A detail for the proposed screening fence has been added to Drawing C-8.

#### DWG C-5 and C-8:

- Evaluate need for storm manhole and underground infiltration system. Update sheet as possible.

  The proposed stormwater design has been revised to reflect the new layout in order to to reduce the proposed limits of disturbance the bypass pull-offs have been revised to a gravel surface and therefore eliminating the need for the proposed storm manhole and infiltration systems in those areas.
- Confirm if C-8 is still required with the "one project" assumption.

  Drawing C-8 has been revised to incorporate the details for the proposed telecommunication facility only.

#### DWG SS-1:

• Modify per mitigation memo (change solar project notes, LOD, etc. to red font).

All elements of the proposed design that are associated with the Solar project have been shown in red on Drawings SP-1 and SP-2 on the revised Drawing set.

DWG LS-1: Modify per mitigation memo (change solar project notes, LOD, etc. to red font). Add or confirm the following notes for new plantings

All elements of the proposed design that are associated with the Solar project have been shown in red on the revised Drawings SP-1 and SP-2.

• All landscaping shall be planted according to sound horticultural practice and in conformance with the American standard for nursery stock, current edition. All plant materials used shall be true to name and size in conformity with the current edition of the American standard of nursery stock and shall be typical of their species or variety. All plants shall have normal, well-developed branches and vigorous root systems. They shall be sound, healthy, vigorous, free from defects, disfiguring knots, abrasions of the bark, sun scald injuries, plant diseases, insect eggs, borers, and all other forms of infection. All plants shall be nursery grown. All plant material shall be tagged at the nursery source and approved by the project landscape architect prior to planting.

A note has been added to Drawing L2.

• All plant material shall bear the same relation to finished grade as it bore to existing grade at the nursery. All plant material shall be planted so that the top of the rootball is no higher or lower than the existing/finished grade dependent upon soil conditions.

A note has been added to Drawing L2.

• In the event that planting discrepancies or material omissions occur in the plant materials list, the landscaping plan shall govern. The use and planting of bare root material shall be prohibited.

A note has been added to Drawing L2.

• Plants shall only be installed when the soil is frost free.

A note has been added to Drawing L2.

• The depth of plant pits shall be increased by 12" through the addition of loose aggregate (3/4" to 1 1/2" diameter) wherever poor drainage occurs.

A note has been added to Drawing L2.

• Plants planted in rows shall be matched specimens and be uniform in size and form.

A note has been added to Drawing L2.

• Planting backfill mixture shall consist of one part topsoil, one-part native soil and one-part peat moss. Note that planting mixture may change based upon soil conditions.

A note has been added to Drawing L2.

• All plant material shall be given a minimum of 5 gallons of water at the time of installation and shall be watered at intervals during establishment to ensure adaptation to the site. Prior to the installation of the plant material, the contractor shall fill each planting pit with water and allow it to fully percolate into the ground prior to placement of the plant. The contractor shall notify either the township or project landscape architect of any percolation problems prior to installation.

A note has been added to Drawing L2.

• Preferred planting time periods are from September 1 to November 30 or March 20 to May 31. No planting shall be executed during abnormally hot weather nor when the ground is frozen. Mound mulch 6 inches high to form saucer final grade

A note has been added to Drawing L2.

• The contractor shall remove all damaged branches and nursery tags at the time of installation.

A note has been added to Drawing L-1.

• Slow release fertilizer tablets or packets of 20-10-5 composition shall be added to all planting pits at the following ratios: 1 per shrub, 2 per evergreen trees up to 2" in caliper and 3 for evergreen trees above 2" in caliper.

A note has been added to Drawing L2.

• All grouped shrubs shall be mulched together to form one continuous planting bed. A note has been added to Drawing L2.

• Contractor to be responsible for seeding areas being disturbed by construction. Seed mixture to be in accordance with soil conservation district's standards.

A note has been added to Drawing L2.

• Stakes shall be white or red cedar, oak, or locust treated with acceptable wood preservative.

A note has been added to Drawing L2.

- Remove all plastic material synthetic burlap and string or containers to be removed at the time of planting. A note has been added to Drawing L2.
- Only physical means to control grass, weeds, or nuisance vegetation shall be used. The use of herbicides, pesticides, or other chemical means to control vegetation shall not be permitted at any part of the Homeland lease during construction and over the life of the facility.

A note has been added to Drawing L2.

• Add note on bond / warranty to be furnished and commitment to maintain all on-site tree preservation and on-site plantings for the life of the facility. Homeland Towers shall maintain all landscaping for as long as the telecommunication site is on the property. Required maintenance shall include watering and replacement of on-site dead and/or dying landscaping.

A note has been added to Drawing L2.

• Add note - Tree removal associated with construction will need to occur between November 1 and March 31 to comply with the NYSDEC guidance for bat species.

A note has been added to Drawing L2.

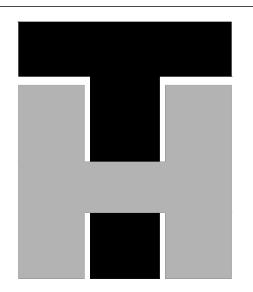
Should you have any questions, please do not hesitate to call me at (860) 663-1697.

Sincerely,

**APT Engineering** 

Scott M. Chasse, P.E.

Principal



HOMELAND TOWERS, LLC

# WIRELESS TELECOMMUNICATIONS FACILITY

# **MOUNT KISCO** 180 S. BEDFORD RD. MT. KISCO, NY 10594

### DRAWING INDEX

T-1 TITLE SHEET & INDEX

1 OF 2 ABUTTERS PLAN

2 OF 2 PARTIAL EXISTING CONDITIONS SURVEY

R-1 500' RADIUS MAP & PROPERTY OWNERS

TR-1 500' TOWER RADIUS MAP

**SP-1 SITE PLAN** 

SP-2 PARTIAL SITE PLAN

SP-3 PARTIAL SITE PLAN

SP-4 GRADING & DRAINAGE PLAN

**CP-1 COMPOUND PLAN** 

A-1 - A-3 ELEVATIONS & ALTERNATE MONOPOLE ELEVATIONS

EC-1 - EC-2 EROSION CONTROL NOTES & DETAILS

C-1 - C-3 VERIZON EQUIPMENT, ANTENNA & LIGHTING PLANS & DETAILS

C-4 - C-5 SITE DETAILS

C-6 - C-7 AT&T EQUIPMENT & ANTENNA PLANS & DETAILS

C-8 SITE DETAILS

SS-1 STEEP SLOPE PLAN

FD-1 FIRE TRUCK TURNING PLAN

L1 LANDSCAPING & TREE MITIGATION PLAN

L2 LANDSCAPING & TREE MITIGATION NOTES & DETAILS

POWER PROVIDER:

CONEDISON: (800) 752-6633

TELCO PROVIDER: VERIZON (914) 890-0200 (800) 962-7962

**GOVERNING CODES:** 2020 NEW YORK STATE UNIFORM FIRE PREVENTION & BUILDING CODE NATIONAL ELECTRIC CODE

PROJECT DESCRIPTION: RAWLAND SITE W/ GROUND EQUIPMENT

COMPOUND W/ NEW 140'± AGL MONOPINE.

PROPERTY DEVELOPER: HOMELAND TOWERS, LLC

(203) 297-6345

ENGINEER CONTACT: ROBERT C. BURNS (860) 552-2036

> LATITUDE: 41° 11' 58.66"N LONGITUDE: 73° 42' 48.55"W

SECTION: 80.44 BLOCK: 1

# SITE INFORMATION

PROJECT LOCATION: 180 S. BEDFORD RD.

MT. KISCO, NY 10594

WITHIN 1,470± SF TELECOMMUNICATIONS

9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

DEVELOPER CONTACT: KLAUS WIMMER

ELEVATION: 426'± AMSL

LOT: 1 ZONE: CD -CONSERVATION DEVELOPMENT DISTRICT



**LOCATION MAP** 

OWNER:

(203) 297-6345

SKULL ISLAND PARTNERS LLC HOMELAND TOWERS, LLC 9 HARMONY STREET C/O DAVID SELDIN 1571 OCEANVIEW DRIVE 2ND FLOOR TIERRA VERDE, FL 33715-2538 DANBURY, CT 06810 KLAUS WIMMER

APPLICANTS:

VERIZON 4 CENTEROCK RD. WEST NYACK, NY 10994 HOMELAND PROJECT ATTORNEY: SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD TARRYTOWN, NY 10591 (914) 333-0700

DIG SAFELY NEW YORK:

TIA-222-H

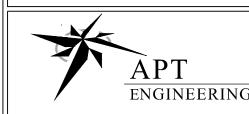








**340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 31 WATERFORD, CT 06385 PH: (860)-663-169 VWW.ALLPOINTSTECH.COM FAX: (860)-663-093

#### NO DATE REVISION 0 | 08/13/20 | FOR REVIEW: RCB

1 | 08/14/20 | CLIENT REVS: RCB

2 | 11/03/20 | TOWN COMMENTS: RCB

5 | 03/19/21 | TOWN COMMENTS: RCB

8 07/14/21 TOWN COMMENTS: RCB

9 | 04/12/23 | TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** 

WATERFORD, CT 06385 **DEVELOPER: HOMELAND TOWERS, LLC** ADDRESS: 9 HARMONY STREET

DANBURY, CT 06810

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#### **HOMELAND TOWERS MOUNT KISCO**

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

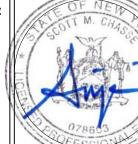
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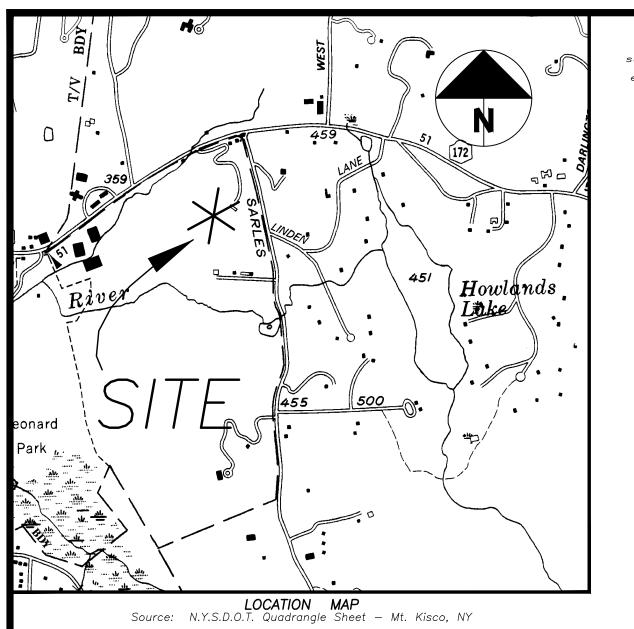
CHECKED BY: RCB

SHEET TITLE:

TITLE SHEET & INDEX







"Copies from the original of this survey map not marked with an original of the land surveyor's inked seal or embossed seal shall not be considered to be a valid true copy."

Alterations not conforming to section 7209, subdivision 2, of the State Education Law, are prohibited.



#### -SURVEY NOTES-

1. NO TITLE REPORT WAS REFERENCED FOR THIS SURVEY.

2. AREA -25.0 ± ACRES

3. SUBJECT TO THE RIGHTS OF THE PUBLIC OVER SOUTH BEDFORD RD.

4. BASIS OF BEARINGS - TRUE NORTH @ 74° 30' WEST LONGITUDE.

5. UNDERGROUND FEATURES, FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN LOCATED FROM AVAILABLE RECORDS, FIELD LOCATIONS OF ASSOCIATED ABOVE GROUND STRUCTURES, ANY MARKINGS PROVIDED BY THE CLIENT THEREFORE, THESE LOCATIONS MUST BE CONSIDER APPROXIMATE. THERE MAY BE OTHER UNDERGROUND FEATURES, FACILITIES, STRUCTURES AND UTILITIES, THE LOCATION OR EXISTENCE OF WHICH IS NOT PRESENTLY KNOWN. LOCATION OF UNDERGROUND FEATURES, FACILITIES AND STRUCTURES ARE NOT CERTIFIED.

6. IN THE EVENT THAT THERE IS A DISCREPANCY BETWEEN THE CONTENTS OF THE SIGNED AND SEALED HARDCOPY DRAWING AND THE CORRESPONDING DIGITAL DRAWING FILE, THE HARDCOPY WITH AN ORIGINAL STAMP AND SIGNATURE SHALL BE THE CONTROLLING DOCUMENT. BE SURE TO COMPARE THE TWO DOCUMENTS BEFORE USING THE DIGITAL FILE.

7. THIS DRAWING HAS BEEN PREPARED FOR A 24"X36" FORMAT. DO NOT SCALE THIS DRAWING IF PLOTTED ON ANY OTHER FORMAT.

8. VERTICAL DATUM: NAVD88.9. CONTOUR INTERVAL: 1 FOOT.

LEGEND

Evidence Found, Labled

Poundant Line

--- — County Tax Parcel Line

80.44-1-1

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County Tax Map Parcel I.D. Number

# SITE SPECIFIC NOTES:

1. FIELD SURVEY DATE: AUGUST 6, 2020

2. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF

1983 (NAD83)

3. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

4. OWNER: SKULL ISLAND PARTNERS, LLC

263 13TH AVE. SOUTH SUITE 340 ST. PETERSBURG, FL. 33701

5. SITE NUMBER: NY172

6. SITE ADDRESS: 180 S. BEDFORD RD. MT. KISCO, NY 10594

7. APPLICANT: HOMELAND TOWERS

8. JURISDICTION: VILLAGE OF MT. KISCO WESTCHESTER COUNTY, NY

9. TAX ID: 80.44-1-1

10. DEED REFERENCE: CONTROL NO. 531553080

11. ZONING DISTRICT: CD CONSERVATION DEVELOPMENT DISTRICT

12. THE HORIZONTAL DATUM AND VERTICAL DATUM WERE DERIVED FROM A DUAL FREQUENCY GPS SURVEY.

13. ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREON WAS DETERMINED FROM SURFACE EVIDENCE AND PLANS OF RECORD. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF ALL SITE WORK. CALL DIGSAFELY NEW YORK 1-800-962-7962 A MINIMUM OF 72 HOURS PRIOR TO PLANNED ACTIVITY.

14. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE PROPOSED IMPROVEMENTS ON THIS PROPERTY ARE LOCATED IN AN AREA DESIGNATED AS ZONE X (UNSHADED), AREA OF MINIMAL FLOODING. COMMUNITY PANEL NO. 36119 C 0154 F EFFECTIVE DATE: SEPTEMBER 28, 2007.

15. FIELD SURVEY BY EDM TOTAL STATION.

16. THIS IS NOT A BOUNDARY SURVEY.
METES AND BOUNDS SHOWN HEREON ARE COMPILED FROM THE
SUBJECT REFERENCED SITE PLAN. DIRECTIONS HAVE BEEN ROTATED
INTO MAP DATUM (NAD 83) BASED ON FOUND EVIDENCE AS NOTED.
NO BOUNDARY SURVEY WAS PERFORMED.

17. ALL PROPERTY LINES SHOWN ARE FROM DEEDS, PLANS OF RECORD AND WESTCHESTER COUNTY, NY GIS DATABASE AND ARE APPROXIMATE ONLY.

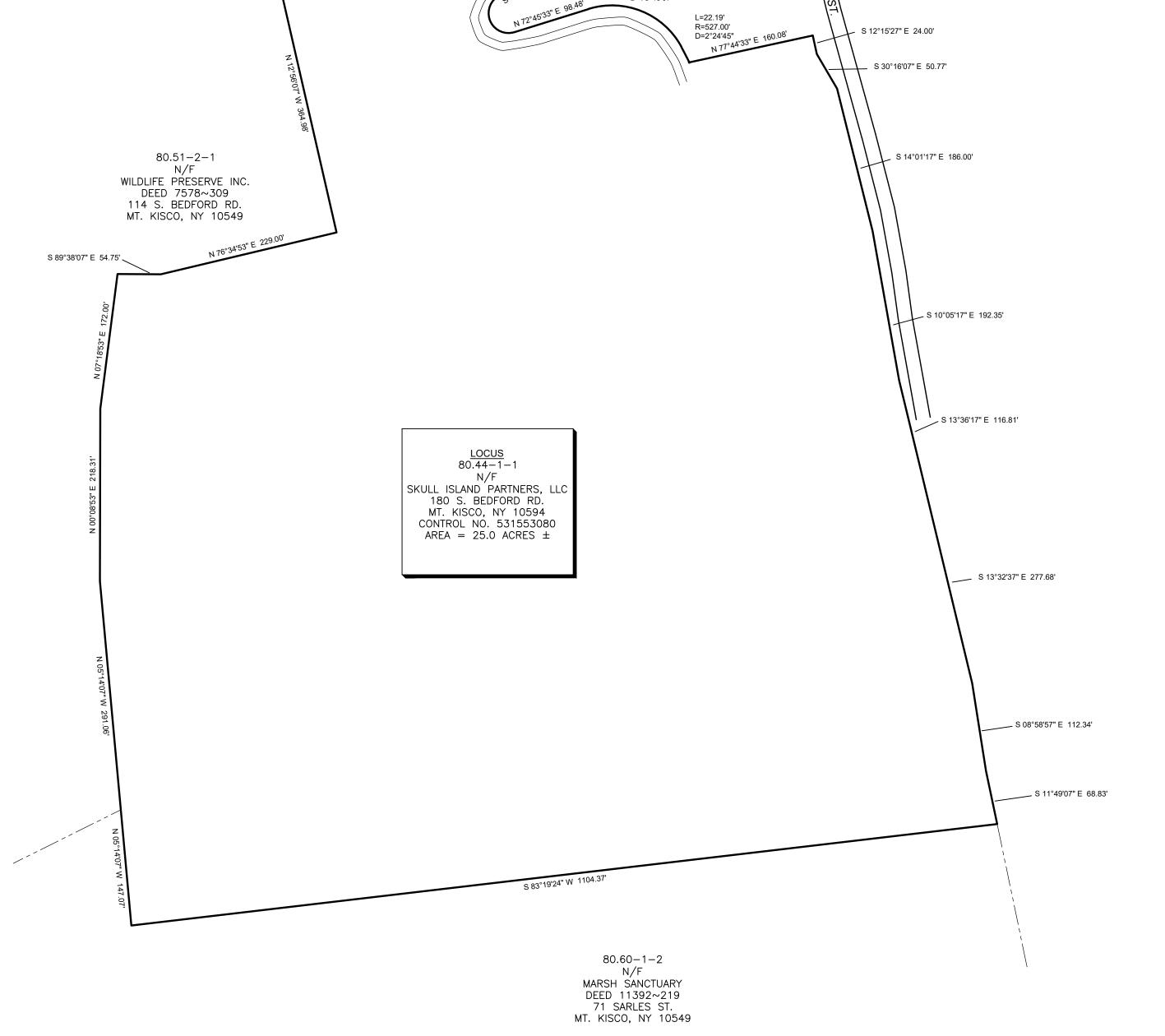
18. ABUTTING PROPERTY LINES AND STREET LINES ARE TAKEN FROM THE REFERENCE PLANS AND THE WESTCHESTER COUNTY, NY GIS DATABASE AND ARE APPROXIMATE ONLY.

Abutters Plan Premises of

# Skull Island Partners, LLC

Control No. 531553080

Village of Mount Kisco, County of Westchester State of New York



N 72°22'23" E 51.32'

R=25.00' D=159°14'11"/ ✓ S 17°37'37" E 61.79'

D=40°43'36"

R=100.00'

80.44-1-2

ANNA C. PIETROBONO CONTROL NO. 473530477

2 SARLES ST.

MT. KISCO, NY 10549

N 71°16'13" E 26.36'

N 75°29'13" E 101.03'

EXISTING ACCESS DRIVE

N 78°29'14" E 60.96'

N 55°49'53" E 97.37'

N 61°25'53" E 101.36'

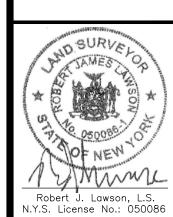
100 200 300

SCALE 1"=100'

MAPPING

SURVE

LAWSON



**DATE:** August 6, 2020 **W.O. No.:** 6969

SCALE: 1 inch = 100 feet

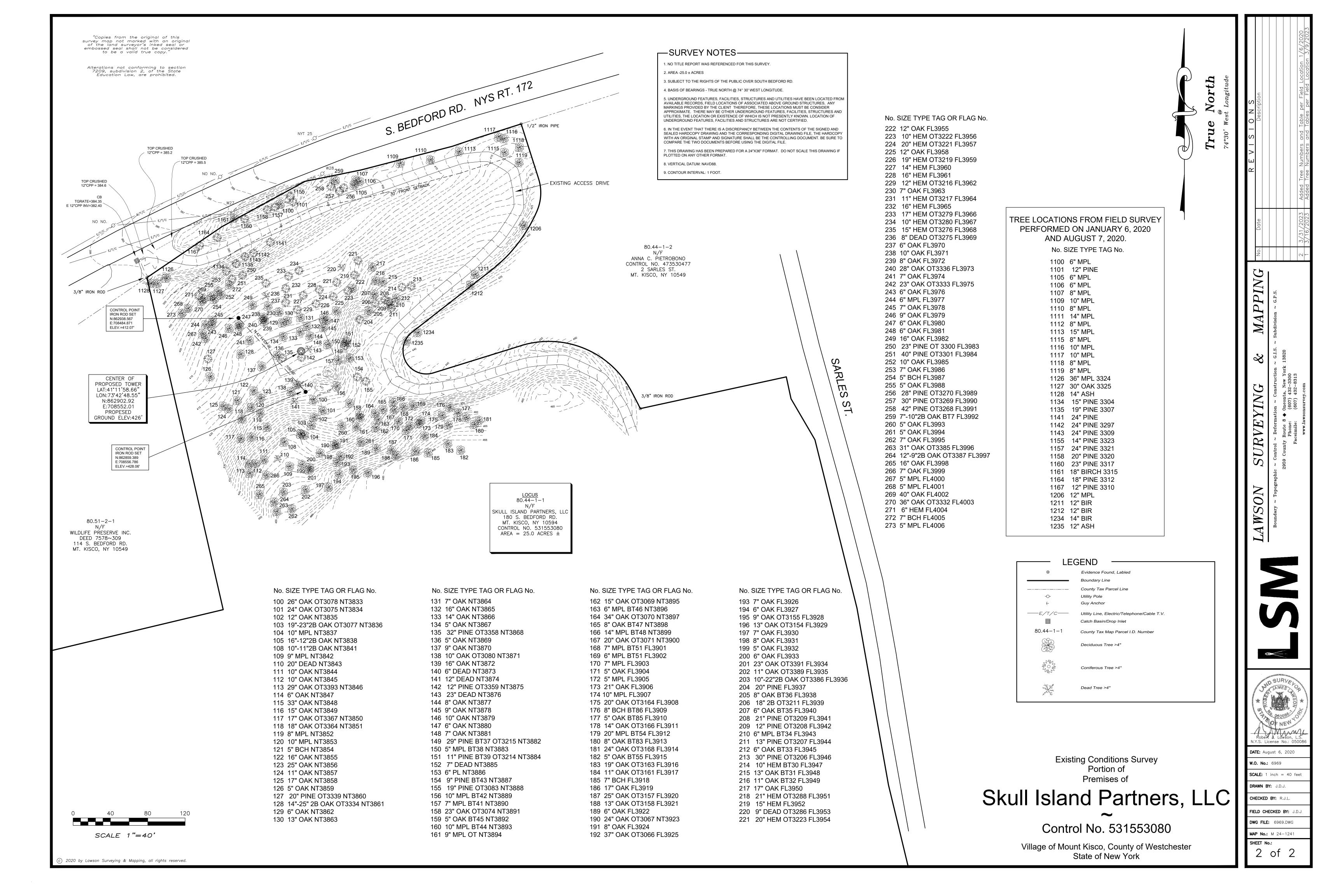
DRAWN BY: J.D.J.

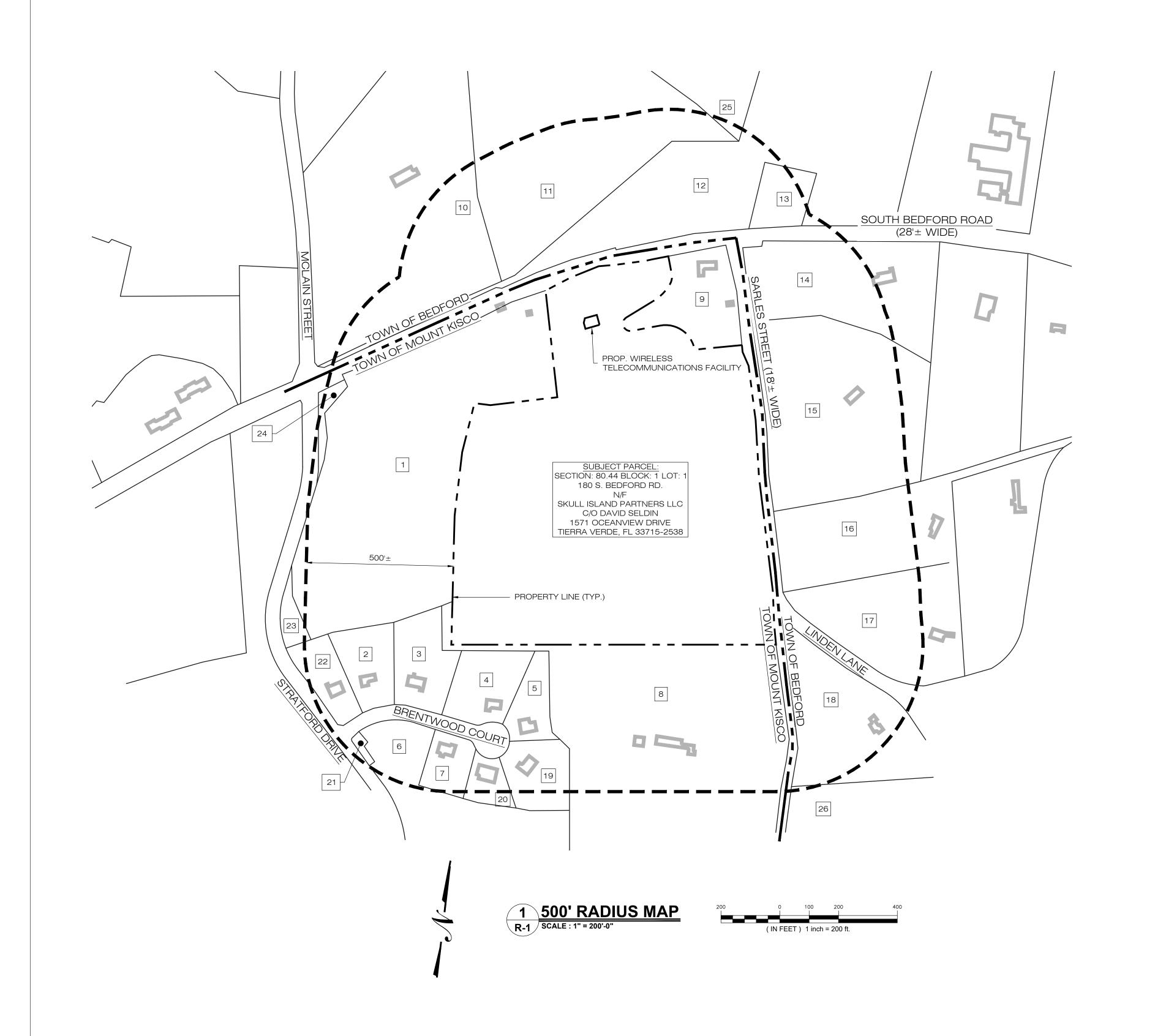
CHECKED BY: R.J.L.

FIELD CHECKED BY: J.D.J

DWG FILE: 6969.DWG

1 of 2





# VILLAGE OF MOUNT KISCO WESTCHESTER COUNTY 500' RADIUS PROPERTY OWNERS

MAP ID	SECTION	BLOCK	LOT	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS
1	80.51	2	1	114 S. BEDFORD RD, MOUNT KISCO, NY 10549	WILDLIFE PRESERVE INC.	71 SARLES ST, MOUNT KISCO, NY 10549
2	80.51	2	3	3 BRENTWOOD CT, MOUNT KISCO, NY 10549	MICHAEL J. INSERRA & MADLYN INSERRA	3 BRENTWOOD CT, MOUNT KISCO, NY 10549
3	80.51	2	4	5 BRENTWOOD CT, MOUNT KISCO, NY 10549	GEORGE COPPOLA & ELLEN MOLLOY	5 BRENTWOOD CT, MOUNT KISCO, NY 10549
4	80.51	2	5	7 BRENTWOOD CT, MOUNT KISCO, NY 10549	MARYANN M. TARNOK	7 BRENTWOOD CT, MOUNT KISCO, NY 10549
5	80.51	2	6	9 BRENTWOOD CT, MOUNT KISCO, NY 10549	FRANK PACCETTI & BARBARA PACCETTI	9 BRENTWOOD CT, MOUNT KISCO, NY 10549
6	80.59	1	1.17	STRATFORD DR, MOUNT KISCO, NY 10549	MT. KISCO CHASE HOA INC	P.O. BOX 265, SOMERS, NY 10589
7	80.51	2	9	6 BRENTWOOD CT, MOUNT KISCO, NY 10549	KARAN GAREWAL & PRATIBHA GAREWAL	6 BRENTWOOD CT, MOUNT KISCO, NY 10549
8	80.60	1	2	71 SARLES ST, MOUNT KISCO, NY 10549	MARSH SANCTUARY INC	71 SARLES ST, MOUNT KISCO, NY 10549
9	80.44	1	2	2 SARLES ST, MOUNT KISCO, NY 10549	ANNA C. PIETROBONO & JOHN G. PIETROBONO	2 SARLES ST, MOUNT KISCO, NY 10549
19	80.51	2	7	10 BRENTWOOD CT, MOUNT KISCO, NY 10549	DAVID M. SCHWARTZ & HOLLY Y. SCHWARTZ	10 BRENTWOOD CT, MOUNT KISCO, NY 10549
20	80.51	2	8	8 BRENTWOOD CT, MOUNT KISCO, NY 10549	GERARD ROMSKI & BETH ROMSKI	8 BRENTWOOD CT, MOUNT KISCO, NY 10549
21	N/A	N/A	N/A	N/A	N/A	N/A
22	80.51	2	2	1 BRENTWOOD CT, MOUNT KISCO, NY 10549	ELIZABETH JACOBS	1 BRENTWOOD CT, MOUNT KISCO, NY 10549
23	N/A	N/A	N/A	N/A	N/A	N/A
24	N/A	N/A	N/A	N/A	N/A	N/A

### TOWN OF BEDFORD WESTCHESTER COUNTY 500' RADIUS PROPERTY OWNERS

MAP ID SECTION BLOCK LOT PROPERTY ADDRESS OWNER NAME

MAP ID	SECTION	BLOCK	LOT	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS
10	82.12	2	2	35 TUCKER RD, MOUNT	MICHAEL & CARLA BIRD	35 TUCKER RD, BEDFORD
10	02.12	2		KISCO, NY 10549	WICHAEL & CARLA BIRD	CORNERS, NY 10549
11	82.12	2	1	25 TUCKER RD, MOUNT	MARCI STEARNS & STEVEN	25 TUCKER RD, BEDFORD
11	02.12	2	1	KISCO, NY 10549	MCCORMICK	CORNERS, NY 10549
12	83.05	1	6	OPEN SPACE	TOWN OF BEDFORD	321 BEDFORD RD,
12	65.05	1	0	OF EN SPACE	TOWN OF BEDFORD	BEDFORD HILLS, NY 10507
13	83.90	1	1	201 SOUTH BEDFORD RD,	REALIS DEVELOPMENT LLC	356 MANVILLE RD,
13	65.50	1	1	MOUNT KISCO, NY 10549	REALIS DEVELOPIVIENT LLC	PLEASANTVILLE, NY 10570
14	83.90	1	19	220 SOUTH BEDFORD RD,	CHABAD OF BEDFORD INC	133 RAILROAD AVE,
14	65.90	1	19	MOUNT KISCO, NY 10549	CHABAD OF BEDFORD INC	BEDFORD HILLS, NY 10507
15	83.90	1	18	22 SARLES ST, MOUNT	ABDELOUAHAB EL BOUHALI &	P.O. BOX 667, BEDFORD
13	65.90	1	10	KISCO, NY 10549	NANCY EL BOUHALI	HILLS, NY 10507
16	83.90	1	16	43 LINDEN LN, MOUNT	LAWRENCE LEE & DAISY LEE	43 LINDEN LN, BEDFORD,
10	65.90	1	10	KISCO, NY 10549	LAWKENCE LEE & DAIST LEE	CORNERS, NY 10549
17	83.90	1	15	69 LINDEN LN, MOUNT	ROSEMARIE A MAIORANO &	69 LINDEN LN, BEDFORD
1/	65.90	1	15	KISCO, NY 10549	VALERI HEDGES	CORNERS, NY 10549
18	83.13	1	1	72 LINDEN LN, MOUNT	IHOR ANDREW CZERNYK &	108 SECOND AVE, NEW
10	03.13	1	1	KISCO, NY 10549	NATALIA M CZERNYK	YORK, NY 10003
25	83.05	1	4	NI/A	N1/A	NI/A
25	83.05	1	4	N/A	N/A	N/A
26	02 12	1	17	21 DEER KNL, BEDFORD	EDWARD FEINBERG & HARRIET	701 D. BEDFORD RD,
26	83.13	1	17	CORNERS, NY 10549	FEINBERG	BEDFORD HILLS, NY 10549





4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

	PERMITTING DOCUMENTS					
NO	NO DATE REVISION					
0	08/13/20	FOR REVIEW: RCB				
1	08/14/20	CLIENT REVS: RCB				
2	11/03/20	TOWN COMMENTS: RCB				
3	12/22/20	TOWN COMMENTS: RCB				
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7	07/13/21	TOWN COMMENTS: RCB				
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9 04/12/23 TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** 

WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR DANBURY, CT 06810

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

#### HOMELAND TOWERS **MOUNT KISCO**

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

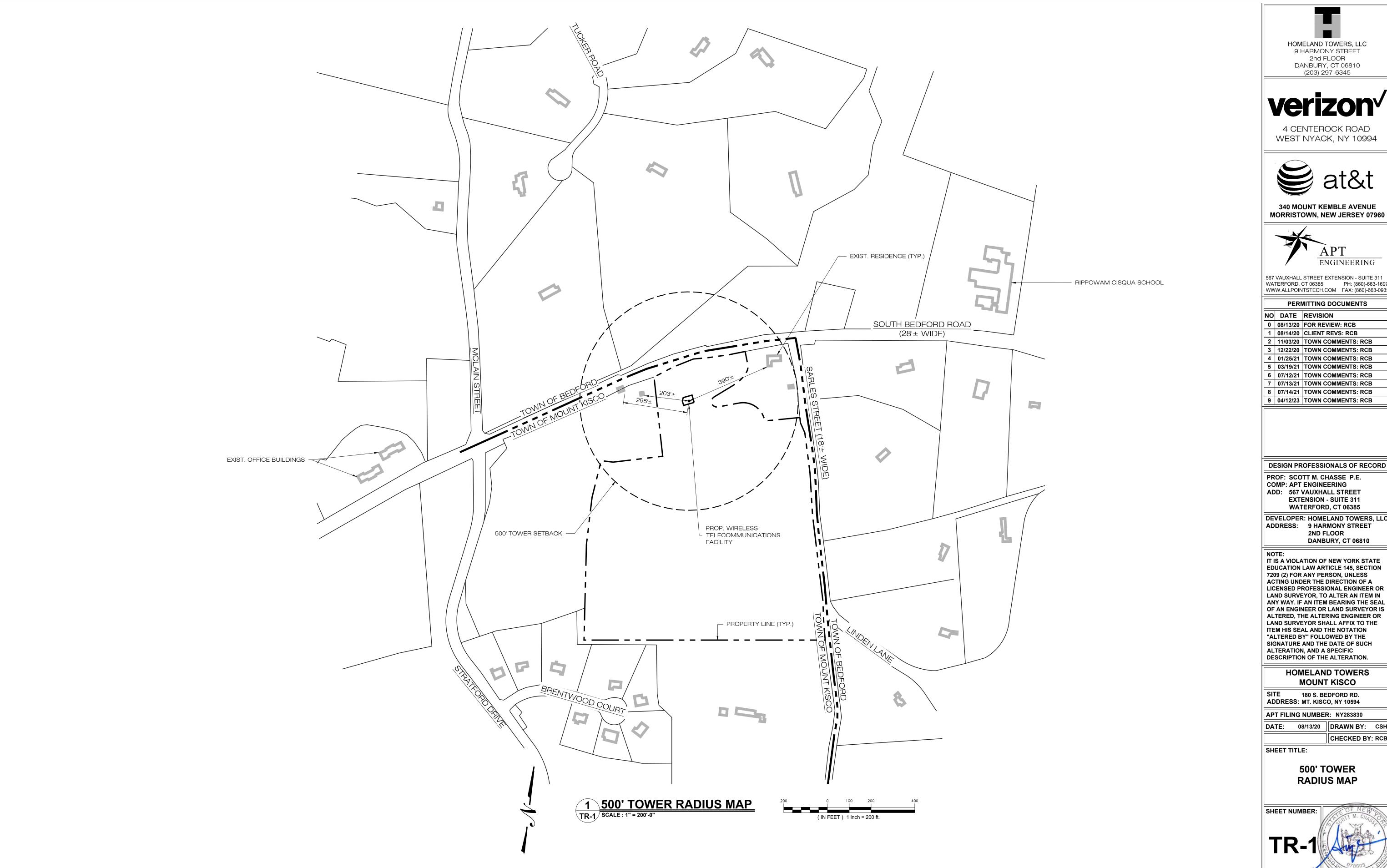
APT FILING NUMBER: NY283830

| DATE: 08/13/20 | DRAWN BY: CSH CHECKED BY: RCB

SHEET TITLE:

500' RADIUS MAP & PROPERTY OWNERS











**340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC
ADDRESS: 9 HARMONY STREET
2ND FLOOR
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### **HOMELAND TOWERS**

**MOUNT KISCO** 

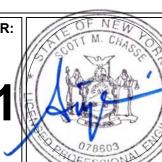
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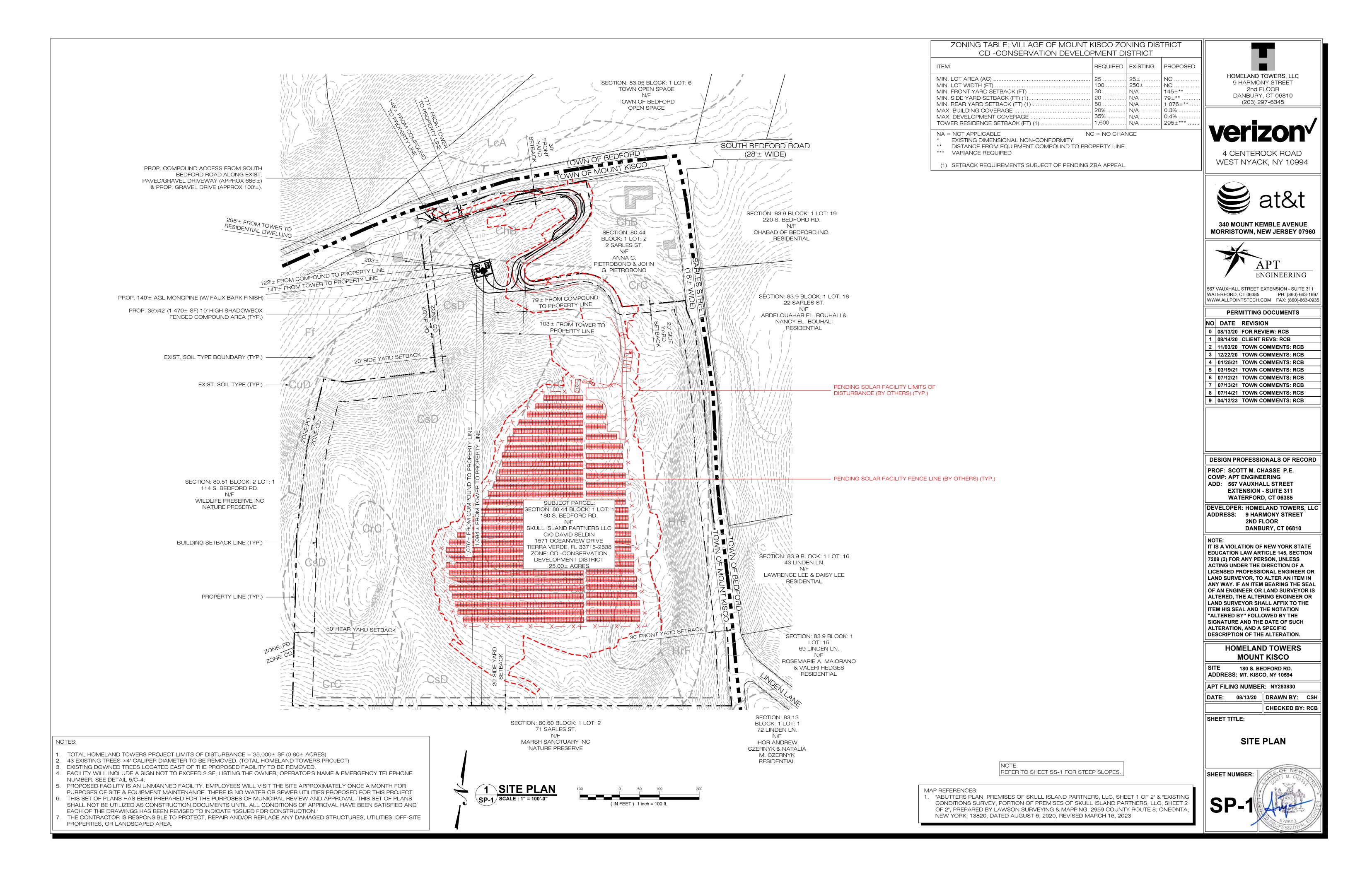
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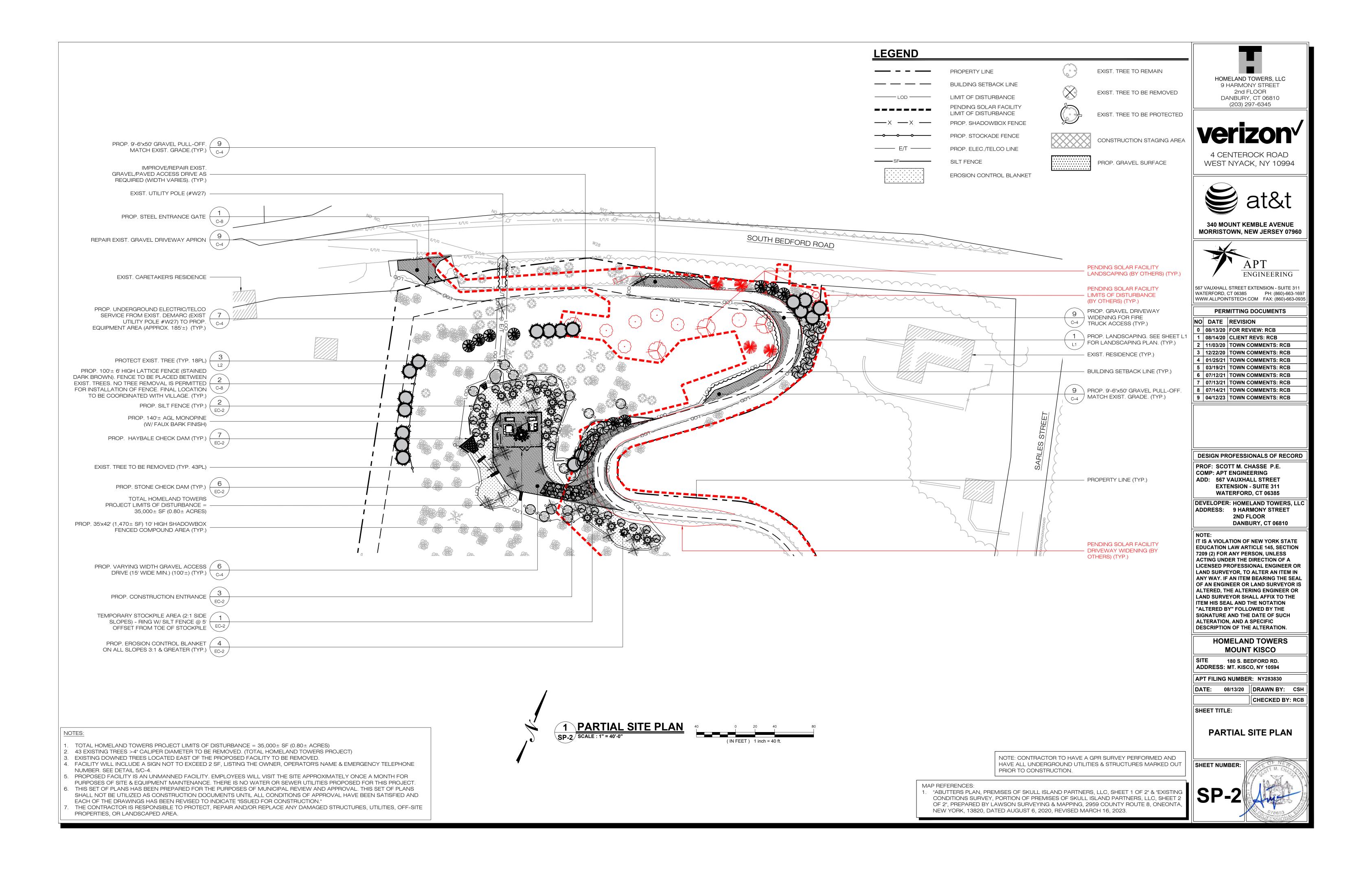
| DATE: 08/13/20 | DRAWN BY: CSH

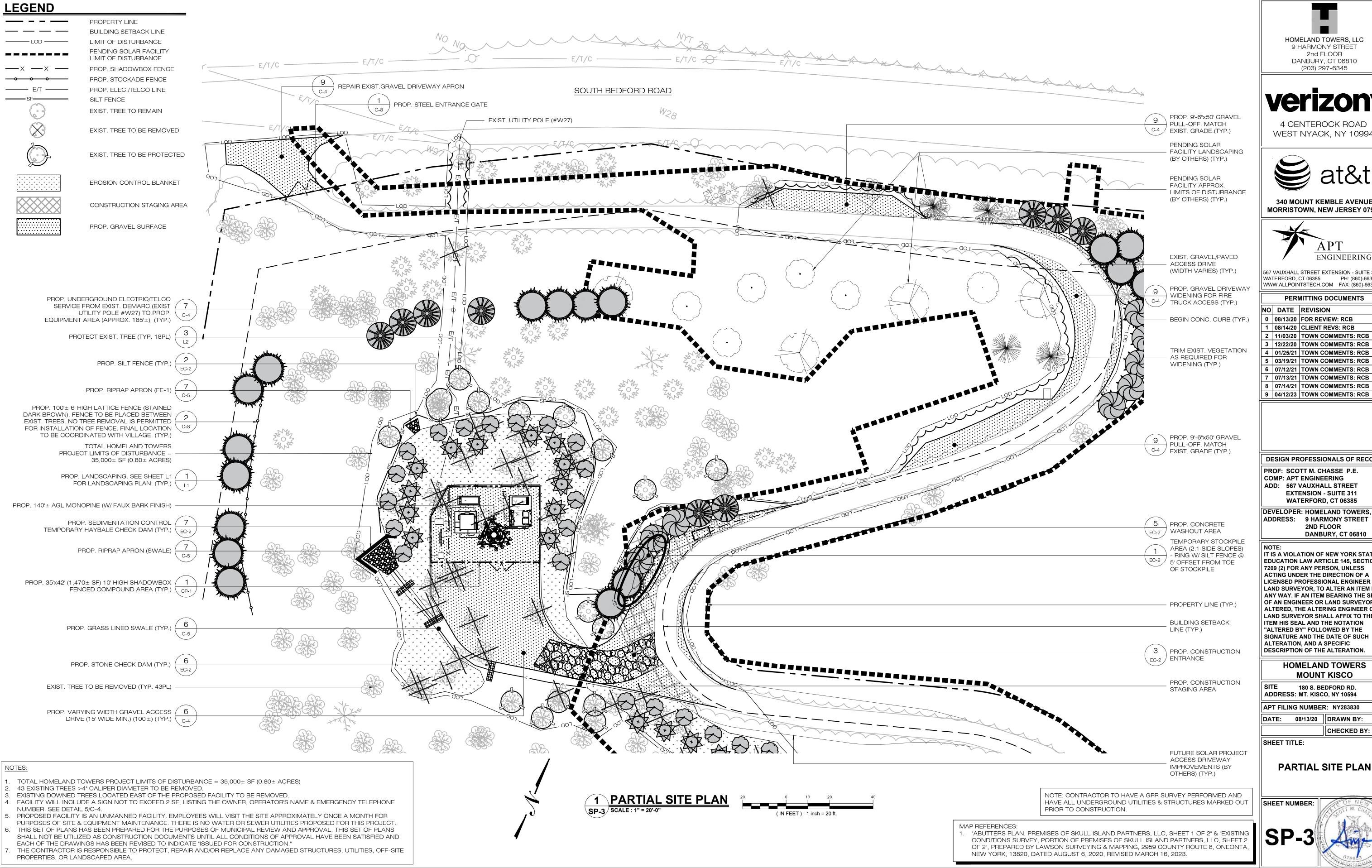
CHECKED BY: RCB

500' TOWER **RADIUS MAP** 















340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



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$\overline{}$							

DESIGN PROFESSIONALS OF RECORD PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

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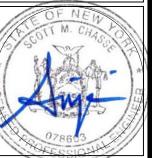
#### **HOMELAND TOWERS MOUNT KISCO**

180 S. BEDFORD RD.

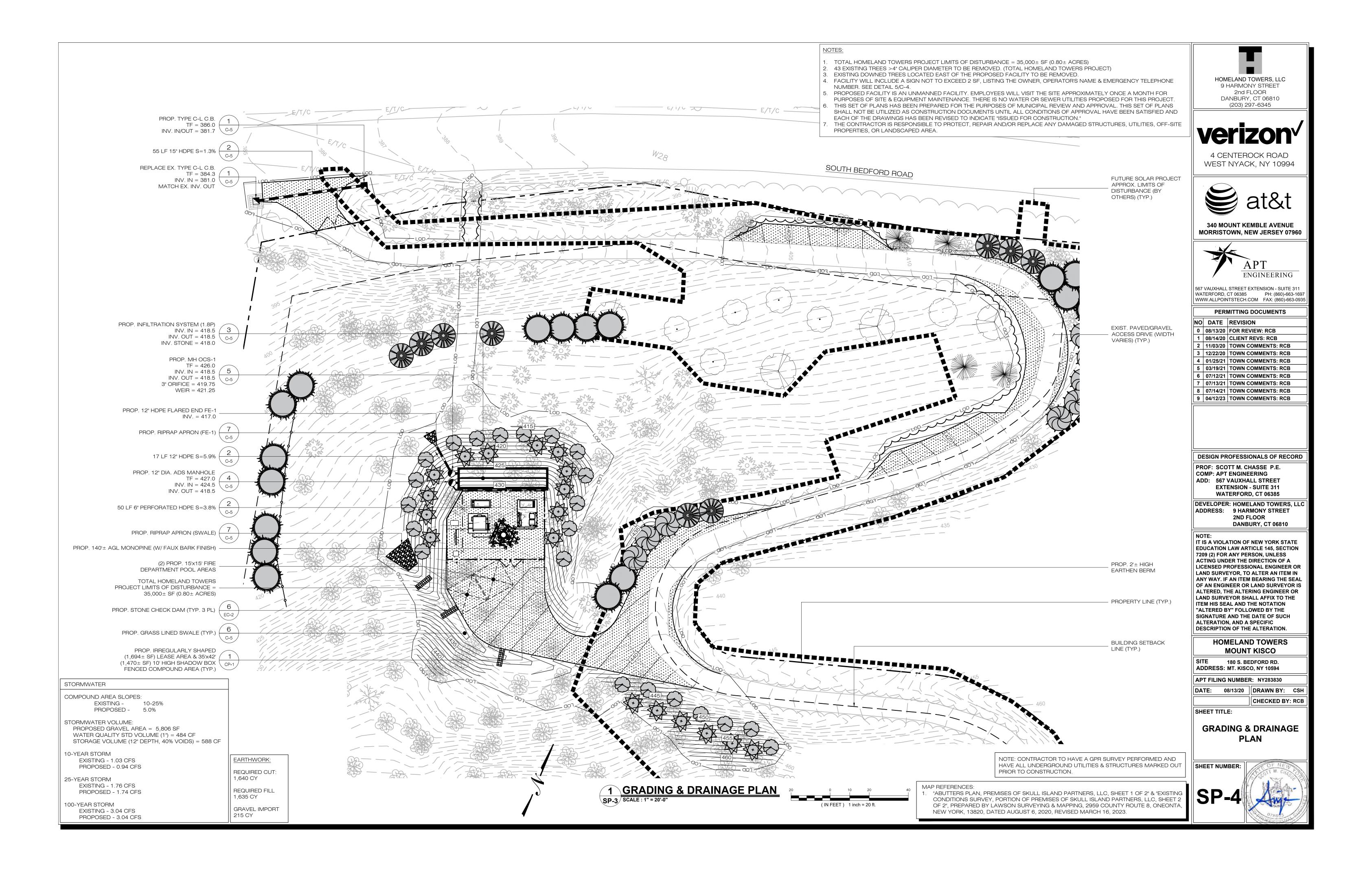
ADDRESS: MT. KISCO, NY 10594

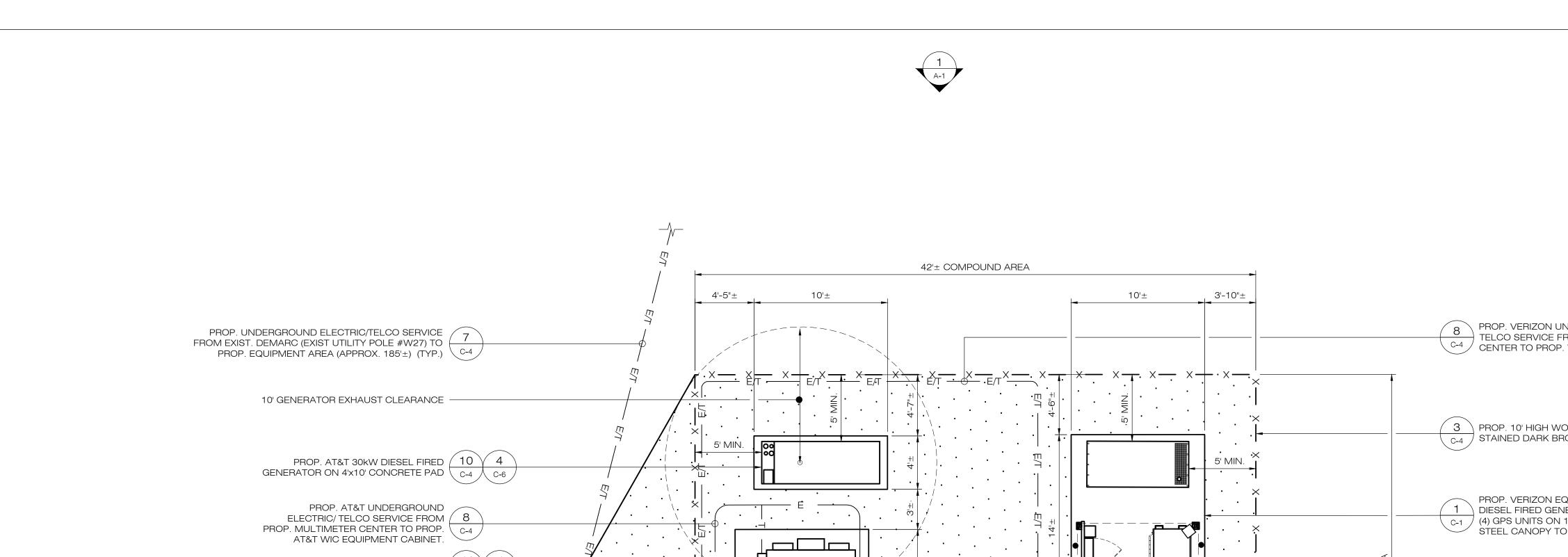
DATE: 08/13/20 DRAWN BY: CSH

PARTIAL SITE PLAN



CHECKED BY: RCB





GENERATOR NOTE:

GENERATORS ARE TO BE TESTED/CYCLED 1 TIME PER WEEK, ON A WEEKDAY DURING BUSINESS HOURS, FOR A RUN PERIOD NOT TO EXCEED 20 MINUTES.



WATERFORD, CT 06385 DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

**DESIGN PROFESSIONALS OF RECORD** 

**EXTENSION - SUITE 311** 

PROF: SCOTT M. CHASSE P.E.

ADD: 567 VAUXHALL STREET

COMP: APT ENGINEERING

HOMELAND TOWERS, LLC 9 HARMONY STREET 2nd FLOOR DANBURY, CT 06810 (203) 297-6345

4 CENTEROCK ROAD WEST NYACK, NY 10994

340 MOUNT KEMBLE AVENUE

**MORRISTOWN, NEW JERSEY 07960** 

567 VAUXHALL STREET EXTENSION - SUITE 311

WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

PERMITTING DOCUMENTS

NO DATE REVISION

0 08/13/20 FOR REVIEW: RCB

1 08/14/20 CLIENT REVS: RCB 2 11/03/20 TOWN COMMENTS: RCB

3 | 12/22/20 | TOWN COMMENTS: RCB

4 01/25/21 TOWN COMMENTS: RCB 5 | 03/19/21 | TOWN COMMENTS: RCB

6 07/12/21 TOWN COMMENTS: RCB | 7 | 07/13/21 | TOWN COMMENTS: RCB

8 07/14/21 TOWN COMMENTS: RCB

9 04/12/23 TOWN COMMENTS: RCB

ENGINEERING

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

#### **HOMELAND TOWERS MOUNT KISCO**

SITE 180 S. BEDFORD RD.

ADDRESS: MT. KISCO, NY 10594

APT FILING NUMBER: NY283830

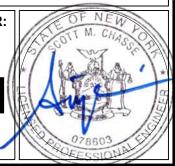
DATE: 08/13/20 DRAWN BY: CSH

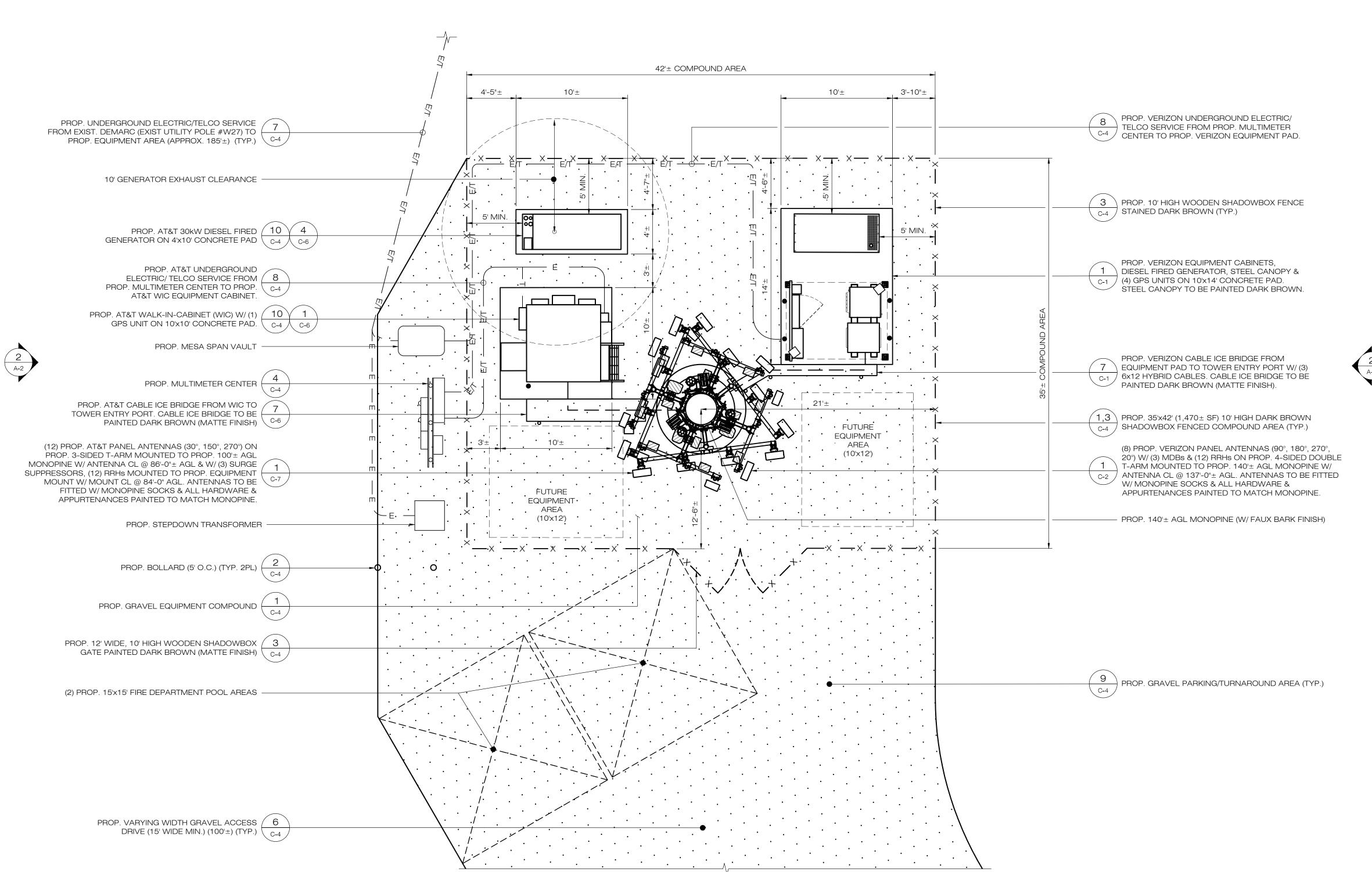
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SHEET TITLE:

COMPOUND PLAN

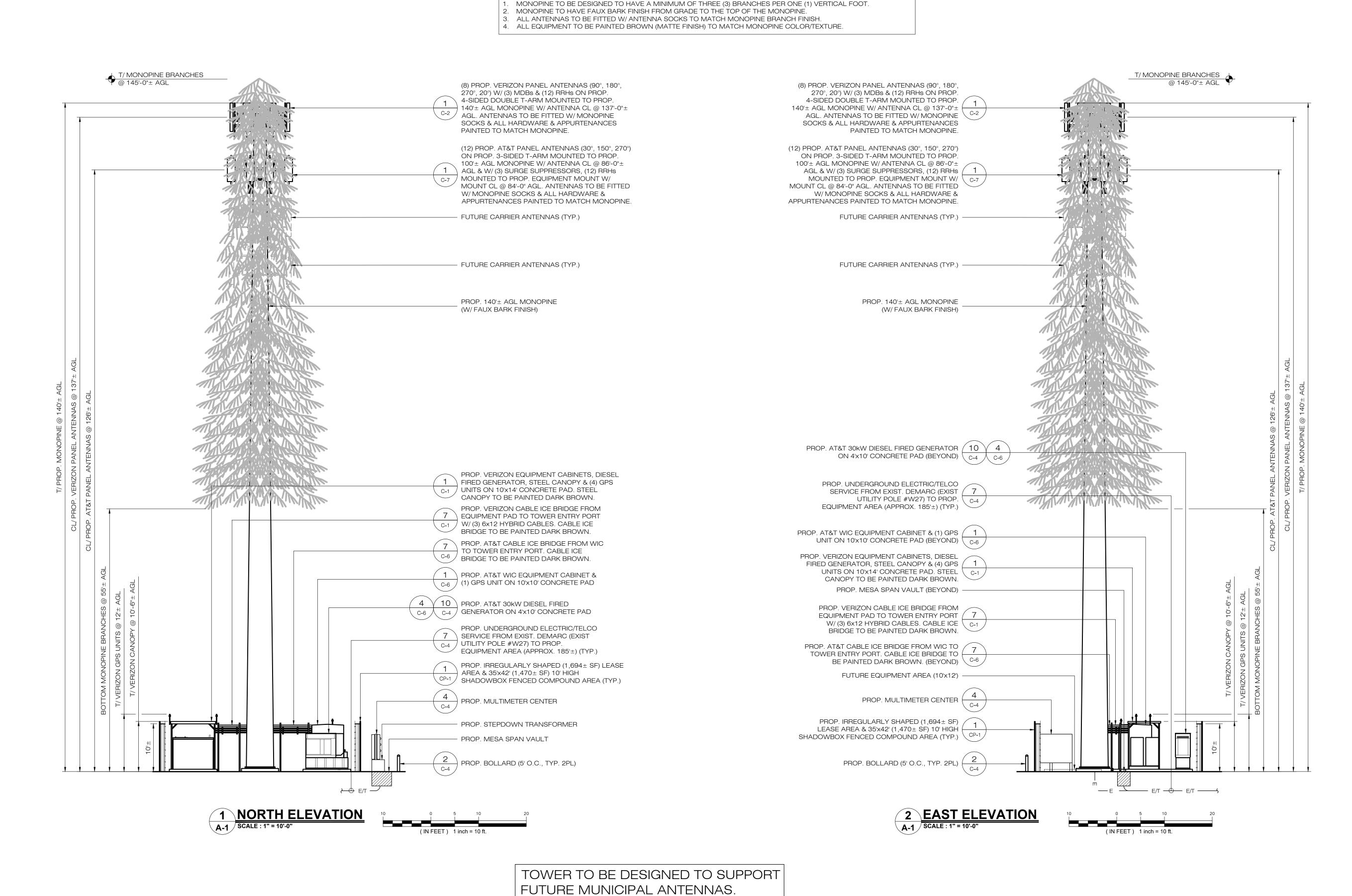
SHEET NUMBER:





1 COMPOUND PLAN

(IN FEET) 1 inch = 5 ft.









340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960



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PROF: SCOTT M. CHASSE P.E.
COMP: APT ENGINEERING
ADD: 567 VAUXHALL STREET
EXTENSION - SUITE 311
WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC
ADDRESS: 9 HARMONY STREET
2ND FLOOR

DANBURY, CT 06810

NOTE

NOTE:
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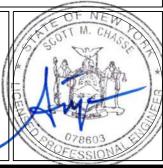
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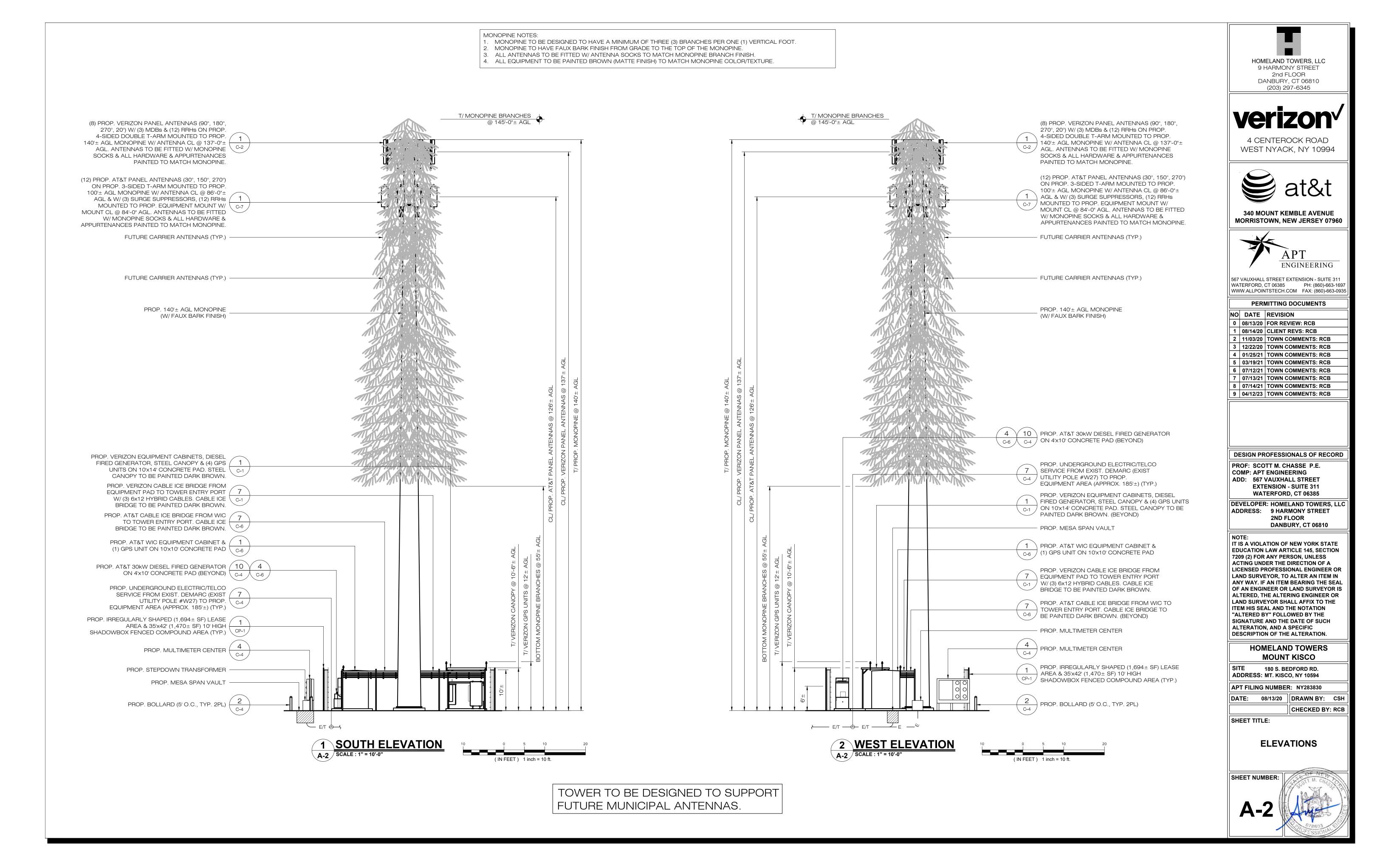
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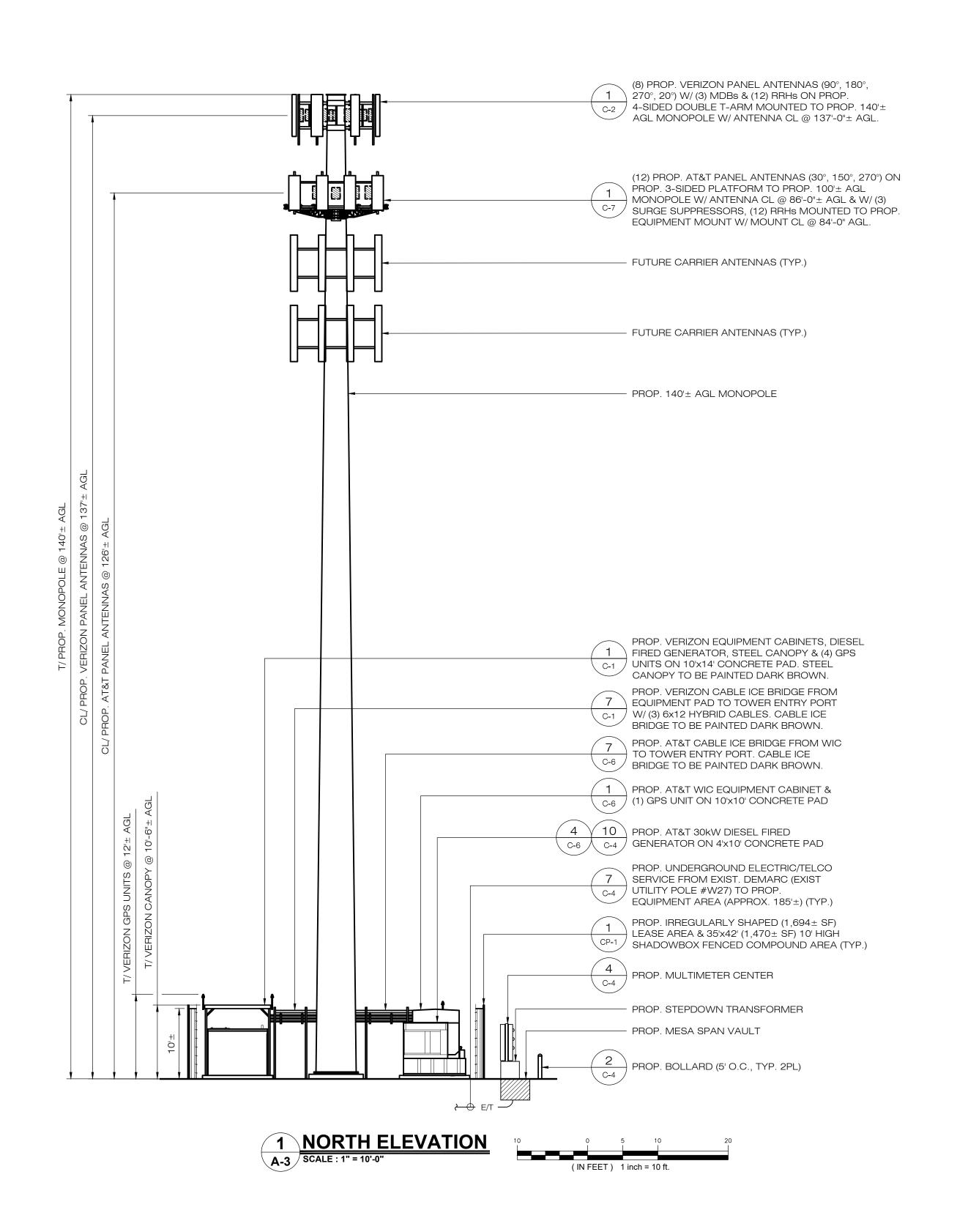
**ELEVATIONS** 

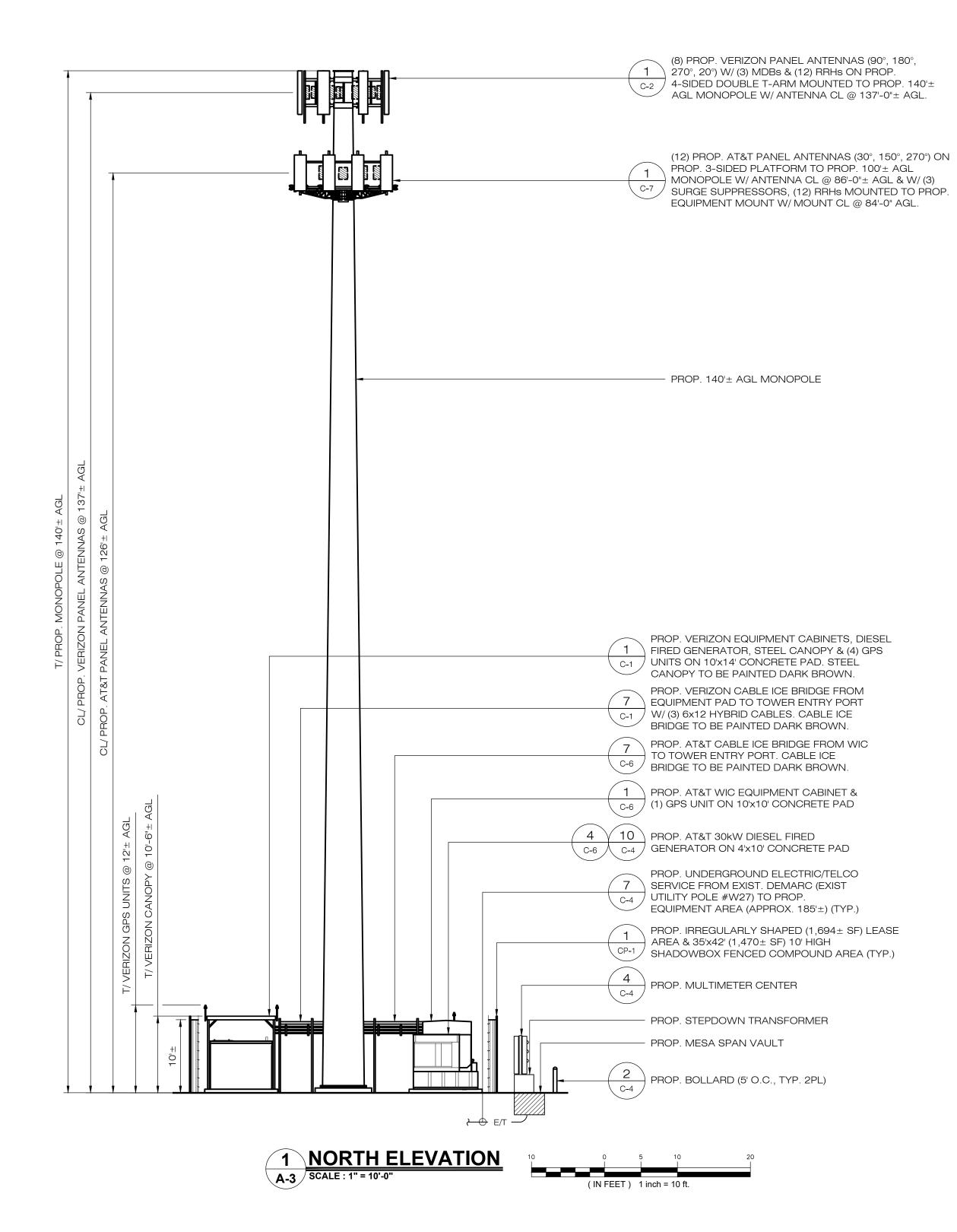
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340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



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**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR DANBURY, CT 06810

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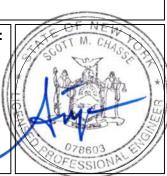
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| DATE: 08/13/20 | DRAWN BY: CSH CHECKED BY: RCB

SHEET TITLE:

**ALTERNATE** MONOPOLE

**ELEVATIONS** 



### STORMWATER POLLUTION PREVENTION PLAN

STORMWATER POLLUTION PREVENTION PLAN

- I. THE CONTRACTOR SHALL CONSTRUCT ALL SEDIMENT AND EROSION CONTROLS IN ACCORDANCE WITH THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (BLUE BOOK), LATEST EDITION, IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL KEEP A COPY OF THE CURRENT GUIDELINES ON-SITE FOR REFERENCE DURING CONSTRUCTION. ALL SEDIMENTATION AND EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CLEARING AND GRUBBING AND DEMOLITION OPERATIONS.
- 2. THE CONTRACTOR WILL COMPLY WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY PERMIT NO. GP-0-20-001.
- 3. THESE DRAWINGS ARE ONLY INTENDED TO DESCRIBE THE SEDIMENT AND EROSION CONTROL MEASURES FOR THIS SITE. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THE EROSION & SEDIMENT CONTROL PLAN ARE SHOWN IN A GENERAL SIZE AND LOCATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL EROSION CONTROL MEASURES ARE CONFIGURED AND CONSTRUCTED IN A MANNER THAT WILL MINIMIZE EROSION OF SOILS AND PREVENT THE TRANSPORT OF SEDIMENTS AND OTHER POLLUTANTS TO STORM DRAINAGE SYSTEMS AND/OR WATERCOURSES. ACTUAL SITE CONDITIONS OR SEASONAL AND CLIMATIC CONDITIONS MAY WARRANT ADDITIONAL CONTROLS OR CONFIGURATIONS WHEN DIRECTED BY THE ENGINEER. SEE SEDIMENT AND EROSION CONTROL DETAILS AND SUGGESTED CONSTRUCTION SEQUENCE FOR MORE INFORMATION. REFER TO SITE PLAN FOR GENERAL INFORMATION AND OTHER CONTRACT PLANS FOR APPROPRIATE INFORMATION.
- 4. THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING THE SEDIMENT AND EROSION CONTROL PLAN. THIS RESPONSIBILITY INCLUDES THE PROPER INSTALLATION AND MAINTENANCE OF CONTROL MEASURES, INFORMING ALL PARTIES ENGAGED WITH CONSTRUCTION ON THE SITE OF THE REQUIREMENTS AND OBJECTIVES OF THIS PLAN, INFORMING THE GOVERNING AUTHORITY OR INLAND WETLANDS AGENCY OF ANY TRANSFER OF THIS RESPONSIBILITY, AND FOR CONVEYING A COPY OF THE SEDIMENT & EROSION CONTROL PLAN IF THE TITLE TO THE LAND IS TRANSFERRED.
- 5. A BOND MAY BE REQUIRED TO BE POSTED WITH THE GOVERNING AUTHORITY FOR THE EROSION CONTROL INSTALLATION AND MAINTENANCE.
- 6. THE CONTRACTOR SHALL APPLY THE MINIMUM EROSION & SEDIMENT CONTROL MEASURES SHOWN ON THE PLAN IN CONJUNCTION WITH CONSTRUCTION SEQUENCING, SUCH THAT ALL ACTIVE WORK ZONES ARE PROTECTED. ADDITIONAL AND/OR ALTERNATIVE SEDIMENT AND EROSION CONTROL MEASURES MAY BE INSTALLED DURING THE CONSTRUCTION PERIOD IF FOUND NECESSARY BY THE CONTRACTOR, OWNER, SITE ENGINEER, MUNICIPAL OFFICIALS, OR ANY GOVERNING AGENCY. THE CONTRACTOR SHALL CONTACT THE OWNER AND APPROPRIATE GOVERNING AGENCIES FOR APPROVAL IF ALTERNATIVE CONTROLS OTHER THAN THOSE SHOWN ON THE PLANS ARE PROPOSED BY THE CONTRACTOR
- 7. THE CONTRACTOR SHALL TAKE EXTREME CARE DURING CONSTRUCTION SO AS NOT TO DISTURB UNPROTECTED WETLAND AREAS OR SEDIMENTATION AND EROSION CONTROL MEASURES. THE CONTRACTOR SHALL INSPECT ALL SEDIMENT AND EROSION CONTROLS WEEKLY AND WITHIN 24 HOURS OF A STORM WITH A RAINFALL AMOUNT OF 0.2 INCHES OR GREATER TO VERIFY THAT THE CONTROLS ARE OPERATING PROPERLY AND MAKE REPAIRS WHERE NECESSARY.
- 8. THE CONTRACTOR SHALL KEEP A SUPPLY OF EROSION CONTROL MATERIAL (HAY BALES, SILT FENCE, JUTE MESH, ETC.) ON-SITE FOR PERIODIC MAINTENANCE AND EMERGENCY REPAIRS.
- 9. ALL FILL MATERIAL PLACED ADJACENT TO ANY WETLAND AREA SHALL BE GOOD QUALITY, WITH LESS THAN 5% FINES PASSING THROUGH A #200 SIEVE (BANK RUN), SHALL BE PLACED IN MAXIMUM ONE FOOT LIFTS, AND SHALL BE COMPACTED TO 95% MAX. DRY DENSITY MODIFIED PROCTOR OR AS SPECIFIED IN THE CONTRACT SPECIFICATIONS.
- 10. PROTECT EXISTING TREES THAT ARE TO BE SAVED BY FENCING AT THE DRIP LINE, OR AS DETAILED, WITH SNOW FENCE, ORANGE SAFETY FENCE, OR EQUIVALENT FENCING. ANY LIMB TRIMMING SHOULD BE DONE AFTER CONSULTATION WITH AN ARBORIST AND BEFORE CONSTRUCTION BEGINS IN THAT AREA; FENCING SHALL BE MAINTAINED AND REPAIRED DURING CONSTRUCTION.
- 11. ANTI-TRACKING PADS SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR CONSTRUCTION ACTIVITY AND SHALL BE MAINTAINED THROUGHOUT THE DURATION OF ALL CONSTRUCTION. THE LOCATION OF THE TRACKING PADS MAY CHANGE AS VARIOUS PHASES OF CONSTRUCTION ARE COMPLETED.
- 12. ALL CONSTRUCTION SHALL BE CONTAINED WITHIN THE LIMIT OF DISTURBANCE, WHICH SHALL BE MARKED WITH SILT FENCE, SAFETY FENCE, HAY BALES, RIBBONS, OR OTHER MEANS PRIOR TO CLEARING. CONSTRUCTION ACTIVITY SHALL REMAIN ON THE UPHILL SIDE OF THE SEDIMENT BARRIER UNLESS WORK IS SPECIFICALLY CALLED FOR ON THE DOWNHILL SIDE OF THE BARRIER. STAKED HAY BALES OR SILT FENCES SHALL ALSO BE INSTALLED AT THE DOWNHILL SIDES OF BUILDING EXCAVATIONS. DEWATERING PUMP DISCHARGES, AND MATERIAL STOCKPILES.
- 13. WASHOUT OF APPLICATORS, CONTAINERS, VEHICLES AND EQUIPMENT FOR CONCRETE SHALL BE CONDUCTED IN A DESIGNATED WASHOUT AREA. NO SURFACE DISCHARGE OF WASHOUT WASTEWATERS FROM THE AREA WILL BE ALLOWED. ALL CONCRETE WASHWATER WILL BE DIRECTED INTO A CONTAINER OR PIT SUCH THAT NO OVERFLOWS CAN OCCUR. WASHOUT SHALL BE CONDUCTED IN AN ENTIRELY SELF-CONTAINED SYSTEM AND WILL BE CLEARLY DESIGNED AND FLAGGED OR SIGNED WHERE NECESSARY. THE WASHOUT AREA SHALL BE LOCATED OUTSIDE OF ANY BUFFERS AND AT LEAST 50 FEET FROM ANY STREAM, WETLAND OR OTHER SENSITIVE WATER OR NATURAL RESOURCES AS DETERMINED OR DESIGNATED BY THE ENGINEER.
- 14. INSTALL TEMPORARY DIVERSION DITCHES, PLUNGE POOLS, TEMPORARY SEDIMENT TRAPS/BASINS, AND DEWATERING PITS AS SHOWN AND AS NECESSARY DURING VARIOUS PHASES OF CONSTRUCTION TO CONTROL RUNOFF UNTIL UPHILL AREAS ARE STABILIZED. LOCATION OF TEMPORARY SEDIMENT TRAPS/BASINS WILL REQUIRE REVIEW AND APPROVAL BY THE ENGINEER AND GOVERNING OFFICIAL. DEWATERING SETTLING TRAPS SHALL BE USED IF GROUND WATER IS ENCOUNTERED. NO RUNOFF SHALL BE ALLOWED TO EXIT THE SITE PRIOR TO TREATMENT FOR SEDIMENT REMOVAL.
- 15. AS GENERAL GRADING OPERATIONS PROGRESS, THE TEMPORARY DIVERSION DITCHES SHALL BE RAISED OR LOWERED AND RELOCATED, AS CUT AND FILL SLOPES DICTATE, TO DIVERT SURFACE RUNOFF TO THE SEDIMENT TRAPS/BASINS.
- 16. TEMPORARY SEDIMENT TRAPS SHALL PROVIDE 134 CUBIC YARDS OF SEDIMENT STORAGE PER DISTURBED ACRE CONTRIBUTING TO THE TRAP/BASIN. PROVIDE TRAP/BASIN VOLUMES FOR ALL DISTURBANCE ON SITE.
- 17. PERIODICALLY CHECK ACCUMULATED SEDIMENT LEVELS IN SEDIMENT TRAPS/BASINS DURING CONSTRUCTION AND CLEAN ACCUMULATED SILT WHEN NECESSARY OR WHEN ONE FOOT OF SEDIMENT HAS ACCUMULATED. CLEAN ACCUMULATED SEDIMENT FROM CATCH BASIN SUMPS AS NECESSARY. REMOVE ACCUMULATED SEDIMENT FROM BEHIND HAY BALES AND SILT FENCE. EXCAVATED MATERIAL FROM TEMPORARY SEDIMENT TRAPS/BASINS MUST BE STOCKPILED ON UPHILL SIDE OF SILT FENCE.
- 18. TOPSOIL SHALL BE STRIPPED AND STOCKPILED FOR USE IN FINAL LANDSCAPING. ALL EARTH STOCKPILES SHALL HAVE HAY BALES OR SILT FENCE AROUND THE LIMIT OF PILE. PILES SHALL BE TEMPORARILY SEEDED IF PILE IS TO REMAIN IN PLACE AND UNDISTURBED FOR MORE THAN 30 DAYS.
- 19. NO CUT OR FILL SLOPES SHALL EXCEED 3:1 EXCEPT WHERE STABILIZED BY ROCK FACED EMBANKMENTS OR EROSION CONTROL BLANKETS, JUTE MESH AND VEGETATION. ALL SLOPES SHALL BE SEEDED, AND THE ROAD SHOULDER AND BANKS WILL BE STABILIZED IMMEDIATELY UPON COMPLETION OF FINAL GRADING UNTIL TURF IS ESTABLISHED.
- 20. DIRECT ALL DEWATERING PUMP DISCHARGE TO A SEDIMENT CONTROL DEVICE SUCH AS TEMPORARY SEDIMENT TRAPS OR GRASS FILTERS WITHIN THE APPROVED LIMIT OF DISTURBANCE. DISCHARGE TO STORM DRAINS OR SURFACE WATERS FROM SEDIMENT CONTROLS SHALL BE CLEAR AND APPROVED BY THE ENGINEER.
- 21. BLOCK THE OPEN UPSTREAM ENDS OF DETENTION BASIN/SEDIMENT TRAP OUTLET CONTROL ORIFICES UNTIL SITE IS STABILIZED AND BLOCK END OF STORM DRAINS IN EXPOSED TRENCHES WITH BOARDS AND SANDBAGS AT THE END OF EACH WORKING DAY WHEN RAIN IS EXPECTED.
- 22. THE CONTRACTOR SHALL MAINTAIN A CLEAN CONSTRUCTION SITE AND SHALL NOT ALLOW THE ACCUMULATION OF RUBBISH OR CONSTRUCTION DEBRIS ON THE SITE. PROPER SANITARY DEVICES SHALL BE MAINTAINED ON-SITE AT ALL TIMES. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO AVOID THE SPILLAGE OF FUEL OR OTHER POLLUTANTS ON THE CONSTRUCTION SITE AND SHALL ADHERE TO ALL APPLICABLE POLICIES AND REGULATIONS RELATED TO SPILL PREVENTION AND RESPONSE/CONTAINMENT.
- 23. MINIMIZE LAND DISTURBANCES. SEED AND MULCH DISTURBED AREAS WITH TEMPORARY MIX AS SOON AS PRACTICABLE (2 WEEK MAXIMUM UNSTABILIZED PERIOD) USING PERENNIAL RYEGRASS AT 40 LBS PER ACRE. MULCH ALL CUT AND FILL SLOPES AND SWALES WITH LOOSE HAY AT A RATE OF 2 TONS PER ACRE. IF NECESSARY, REPLACE LOOSE HAY ON SLOPES WITH EROSION CONTROL BLANKETS OR JUTE CLOTH. MODERATELY GRADED AREAS, ISLANDS, AND TEMPORARY CONSTRUCTION STAGING AREAS MAY BE HYDROSEEDED WITH TACKIFIER.
- 24. SWEEP AFFECTED PORTIONS OF OFF SITE ROADS ONE OR MORE TIMES A DAY (OR LESS FREQUENTLY IF TRACKING IS NOT A PROBLEM) DURING CONSTRUCTION. FOR DUST CONTROL, PERIODICALLY MOISTEN EXPOSED SOIL SURFACES WITH WATER ON UNPAVED TRAVELWAYS TO KEEP THE TRAVELWAYS DAMP. CALCIUM CHLORIDE MAY ALSO BE APPLIED TO ACCESS ROADS. DUMP TRUCK LOADS EXITING THE SITE SHALL BE COVERED.
- 25. TURF ESTABLISHMENT SHALL BE PERFORMED OVER ALL DISTURBED SOIL, UNLESS THE AREA IS UNDER ACTIVE CONSTRUCTION, IT IS COVERED IN STONE OR SCHEDULED FOR PAVING WITHIN 30 DAYS. TEMPORARY SEEDING OR NON-LIVING SOIL PROTECTION OF ALL EXPOSED SOILS AND SLOPES SHALL BE INITIATED WITHIN THE FIRST 7 DAYS OF SUSPENDING WORK IN AREAS TO BE LEFT LONGER THAN 30 DAYS.
- 26. IF CONSTRUCTION ACTIVITIES ARE COMPLETE OR HAVE BEEN TEMPORARILY HALTED FOR 7 DAYS, STABILIZATION ACTIVITIES WILL BE IMPLEMENTED WITHIN 3 DAYS.
- 27. TWO WEEKS BEFORE THE FALL SEEDING SEASON BEGINS (AUGUST 15 TO OCTOBER 15), THE CONTRACTOR SHALL SCHEDULE A MEETING WITH TOWN STAFF TO DISCUSS STABILIZING THE SITE FOR WINTER MONTHS. MEASURES SUCH AS MULCHING AND/OR SEEDING MAY BE REQUIRED.
- 28. MAINTAIN ALL PERMANENT AND TEMPORARY SEDIMENT CONTROL DEVICES IN EFFECTIVE CONDITION THROUGHOUT THE CONSTRUCTION PERIOD. UPON COMPLETION OF WORK REMOVE ALL TEMPORARY SEDIMENT CONTROLS ONCE THE SITE IS FULLY STABILIZED AND APPROVAL HAS BEEN RECEIVED FROM THE TOWN AND/OR ENGINEER.
- A. NYSDEC PERMANENT CONSTRUCTION AREA PLANTING MIXTURE #1 FROM THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (BLUE BOOK), LATEST EDITION.
- 30. POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES ARE NOT REQUIRED FOR THIS PROJECT SINCE THE PROJECT LIMITS OF DISTURBANCE IS UNDER 1 ACRE.
- 31. THE OWNER OR OPERATOR SHALL ENSURE THERE IS A TRAINED CONTRACTOR INSPECT ALL EROSION CONTROL MEASURES IN
- CONFORMANCE WITH PART IV SECTION B OF THE GENERAL PERMIT.

  32. THE OWNER OR OPERATOR IS NOT REQUIRED TO HAVE A QUALIFIED INSPECTOR CONDUCT SITE INSPECTIONS BECAUSE THE PROJECT LIMITS
- OF DISTURBANCE IS UNDER 1 ACRE PER PART IV SECTION C SUBSECTION 1d OF THE GENERAL PERMIT.
- 33. ONLY PHYSICAL MEANS TO CONTROL GRASS, WEEDS OR NUISANCE VEGETATION SHALL BE USED. THE USE OF HERBICIDES, PESTICIDES OR OTHER CHEMICAL MEANS TO CONTROL VEGETATION IS PROHIBITED AT ANY TIME.

#### SEDIMENT & EROSION CONTROL NARRATIVE

- . THE PROJECT INCLUDES THE INSTALLATION OF A 140'± AGL MONOPINE WITH ASSOCIATED GROUND MOUNTED EQUIPMENT. ALL DISTURBED AREAS ARE TO BE SEEDED AND STABILIZED PRIOR TO THE INSTALLATION OF THE PROPOSED EQUIPMENT.

  THE PROPOSED PROJECT INVOLVES THE FOLLOWING CONSTRUCTION:
- A. CONSTRUCTION OF 140'± AGL MONOPINE.
   C. CONSTRUCTION OF 35'x42' (1,470± SF) FENCED EQUIPMENT COMPOUND W/ GRAVEL SURFACE TREATMENT AND ASSOCIATED UTILITIES.
- D. CONSTRUCTION OF 100'± 15' WIDE GRAVEL ACCESS DRIVE.
  E. CONSTRUCTION OF 10'x14' (140± SF) CONCRETE EQUIPMENT PAD, 10'x10' (100± SF) & 4'x10' (140± SF) CONCRETE PAD.
  F. THE STABILIZATION OF PERVIOUS DISTURBED AREAS WITH PERMANENT GRASS TREATMENTS.
- 2. FOR THIS PROJECT, THERE ARE APPROXIMATELY 35,000± SF (0.80± AC.) OF THE SITE BEING DISTURBED.
- 3. A GEOTECHNICAL ENGINEERING REPORT IS TO BE COMPLETED FOR THIS PROJECT AND WILL BE AVAILABLE UNDER SEPARATE
- 4. IT IS ANTICIPATED THAT CONSTRUCTION WILL BE COMPLETED IN APPROXIMATELY 16 WEEKS.
- 5. REFER TO THE CONSTRUCTION SEQUENCING AND EROSION AND SEDIMENTATION NOTES FOR INFORMATION REGARDING SEQUENCING OF MAJOR OPERATIONS IN THE ON-SITE CONSTRUCTION PHASES.
- 6. EROSION AND SEDIMENTATION MEASURES ARE BASED UPON ENGINEERING PRACTICE, JUDGEMENT AND THE APPLICABLE SECTIONS OF THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL (BLUE BOOK), LATEST EDITION.
- 7. DETAILS FOR THE TYPICAL EROSION AND SEDIMENTATION MEASURES ARE SHOWN ON PLAN SHEET EC-2 OR PROVIDED AS SEPARATE SUPPORT DOCUMENTATION FOR REVIEW IN THIS PLAN.
- 8. CONSERVATION PRACTICES TO BE USED DURING CONSTRUCTION AREA:
- A. STAGED CONSTRUCTION;
   B. MINIMIZE THE DISTURBED AREAS DURING CONSTRUCTION;
- C. STABILIZE DISTURBED AREAS AS SOON AS POSSIBLE WITH TEMPORARY OR PERMANENT MEASURES;
- D. MINIMIZE IMPERVIOUS AREAS;
  E. UTILIZE APPROPRIATE CONSTRUCTION EROSION AND SEDIMENTATION MEASURES.

#### SUGGESTED CONSTRUCTION SEQUENCE

THE FOLLOWING SUGGESTED SEQUENCE OF CONSTRUCTION ACTIVITIES IS PROJECTED BASED UPON ENGINEERING JUDGEMENT AND BEST MANAGEMENT PRACTICES. THE CONTRACTOR MAY ELECT TO ALTER THE SEQUENCING TO BEST MEET THE CONSTRUCTION SCHEDULE, THE EXISTING SITE ACTIVITIES AND WEATHER CONDITIONS. CONTRACTOR TO HIRE SURVEYOR FOR PROJECT STAKEOUT AS NEEDED THROUGHOUT CONSTRUCTION ACTIVITIES.

- 1. CONTACT THE OWNER TO SCHEDULE A PRE-CONSTRUCTION MEETING. PHYSICALLY FLAG THE TREES TO BE REMOVED IN THE FIELD AS NECESSARY TO FACILITATE THE PRE-CONSTRUCTION MEETING.
- 2. CONDUCT A PRE-CONSTRUCTION MEETING TO DISCUSS THE PROPOSED WORK AND EROSION AND SEDIMENTATION CONTROL MEASURES. THE MEETING SHOULD BE ATTENDED BY THE OWNER, THE OWNER REPRESENTATIVE(S), THE GENERAL CONTRACTOR, DESIGNATED SUB-CONTRACTORS AND THE PERSON, OR PERSONS, RESPONSIBLE FOR THE IMPLEMENTATION, OPERATION, MONITORING AND MAINTENANCE OF THE EROSION AND SEDIMENTATION MEASURES. THE CONSTRUCTION PROCEDURES FOR THE ENTIRE PROJECT SHALL BE REVIEWED AT THIS MEETING.
- 3. NOTIFY THE OWNER AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO COMMENCEMENT OF ANY DEMOLITION, CONSTRUCTION OR REGULATED ACTIVITY ON THIS PROJECT. NOTIFY DIG SAFELY NEW YORK AY (800) 962-7962.
- 4. CLEAR AND GRUB AS REQUIRED, TO INSTALL THE PERIMETER EROSION AND SEDIMENTATION CONTROL MEASURES AND, IF APPLICABLE, TREE PROTECTION.
- 5. INSTALL CONSTRUCTION ENTRANCE.
- PERFORM THE REMAINING CLEARING AND GRUBBING AS NECESSARY. REMOVE CUT WOOD AND STUMPS. CHIP BRUSH AND STOCKPILE FOR FUTURE USE OR REMOVE OFF-SITE. REMOVE AND DISPOSE OF DEMOLITION DEBRIS OFF-SITE.
- 7. TEMPORARILY SEED DISTURBED AREAS NOT UNDER CONSTRUCTION FOR THIRTY (30) DAYS OR MORE
- 8. EXCAVATE AND GRADE NEW ACCESS DRIVE.
- 9. EXCAVATE AND ROUGH GRADE EQUIPMENT COMPOUND.
- 10. EXCAVATE FOR TOWER FOUNDATION & EQUIPMENT PADS.
- 11. FINALIZE ACCESS ROAD GRADES.
- 12. PREPARE SUBGRADE AND INSTALL FORMS, STEEL REINFORCING, & CONCRETE FOR TOWER FOUNDATION & EQUIPMENT PADS.
- 13. INSTALL BURIED GROUND RINGS, GROUND RODS, GROUND LEADS, UTILITY CONDUITS & UTILITY EQUIPMENT.
- 14. BACKFILL TOWER FOUNDATION.
- 15. ERECT TOWER.
- 16. INSTALL TELECOMMUNICATIONS EQUIPMENT ON TOWER & COMPOUND.
- 17. INSTALL COMPOUND GRAVEL SURFACES.
- 18. FINALIZE GRADES. INSTALL GRAVEL SURFACES.
- 19. INSTALL FENCING.
- 20. CONNECT GROUNDING LEADS & LIGHTNING PROTECTION
- 21. FINAL GRADE AROUND COMPOUND.
- 22. LOAM & SEED DISTURBED AREAS OUTSIDE COMPOUND, AS REQUIRED.
- 23. INSTALL ACCESS DRAINAGE AT EXISTING DRIVEWAY ENTRANCE. PAVE DRIVEWAY ENTRANCE
- 24. TEST ALL NEW EQUIPMENT.
- 25. AFTER THE SITE IS STABILIZED AND WITH THE APPROVAL OF THE OWNER, REMOVE PERIMETER EROSION AND SEDIMENTATION CONTROLS.
- 26. PERFORM FINAL PROJECT CLEANUP.
- THE ESTIMATED TIME FOR THE COMPLETION OF THE WORK IS APPROXIMATELY TWELVE (16) WEEKS. THE EXACT PROCESS MAY VARY DEPENDING ON THE CONTRACTOR'S & SUBCONTRACTOR'S AVAILABILITY TO COMPLETE WORK & WEATHER DELAYS.

CONSTRUCTION OPERATION AND MAINTENANCE PLAN - BY CONTRACTOR E&S MEASURE INSPECTION SCHEDULE CONSTRUCTION ENTRANCE HAY BALES WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" SILT FENCE SILT SACKS WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" TOPSOIL/BORROW STOCKPILES DAILY WATER BARS DAILY TEMPORARY DIVERSION DITCHES DAILY & WITHIN 24 HOURS OF RAINFALL > 0.2" TEMPORARY SEDIMENT TRAPS/BASINS WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2" TEMPORARY SOIL PROTECTION WEEKLY & WITHIN 24 HOURS OF RAINFALL > 0.2"

MAINTENANCE REQUIRED

PLACE ADDITIONAL STONE,
THE STONE. CLEAN PAVED

REPAIR/REPLACE WHEN FAI
REMOVE SILT WHEN IT REA

STORAGE VOLUME.

PLACE ADDITIONAL STONE, EXTEND THE LENGTH OR REMOVE AND REPLACE THE STONE. CLEAN PAVED SURFACES OF TRACKED SEDIMENT.

REPAIR/REPLACE WHEN FAILURE, OR OBSERVED DETERIORATION, IS OBSERVED. REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE BALE.

REPAIR/REPLACE WHEN FAILURE, OR OBSERVED DETERIORATION, IS OBSERVED. REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE FENCE.

REPAIR/REPLACE WHEN FAILURE, OR OBSERVED DETERIORATION, IS OBSERVED REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE SACK.

REPAIR/REPLACE SEDIMENT BARRIERS AS NECESSARY.

REPAIR/RESHAPE AS NECESSARY. REMOVE SILT WHEN IT REACHES 1/2 THE HEIGHT OF THE WATER BAR.

REPAIR/RESHAPE AS NECESSARY. REVIEW CONDITIONS IF REPETITIVE FAILURES

OCCUR.

REMOVE SEDIMENT WHEN IT REACHES 1/2 OF THE MINIMUM REQUIRED WET

REPAIR ERODED OR BARE AREAS IMMEDIATELY. RESEED AND MULCH.

HOMELAND TOWERS, LLC
9 HARMONY STREET
2nd FLOOR
DANBURY, CT 06810
(203) 297-6345



WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960



567 VAUXHALL STREET EXTENSION - SUITE 311
WATERFORD, CT 06385 PH: (860)-663-1697
WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

	PERMITTING DOCUMENTS						
NO	DATE	REVISION					
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PROF: SCOTT M. CHASSE P.E.
COMP: APT ENGINEERING
ADD: 567 VAUXHALL STREET
EXTENSION - SUITE 311

DEVELOPER: HOMELAND TOWERS, LLC
ADDRESS: 9 HARMONY STREET
2ND FLOOR

DANBURY, CT 06810

WATERFORD, CT 06385

NOTE

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# HOMELAND TOWERS MOUNT KISCO

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

APT FILING NUMBER: NY283830

SHEET TITLE:

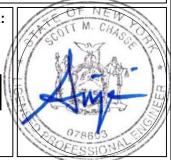
EROSION CONTROL

NOTES

DATE: 08/13/20 | DRAWN BY: CSH

SHEET NUMBER:

EC-1



CHECKED BY: RCB

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITY, THE OWNER OR OPERATOR MUST IDENTIFY THE CONTRACTOR(S) AND SUBCONTRACTOR(S) THAT WILL BE RESPONSIBLE FOR INSTALLING, CONSTRUCTING, REPAIRING, REPLACING, INSPECTING AND MAINTAINING THE EROSION AND SEDIMENT CONTROL PRACTICES INCLUDED IN THE SWPPP; AND THE CONTRACTOR(S) AND SUBCONTRACTOR(S) THAT WILL BE RESPONSIBLE FOR CONSTRUCTING THE POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES INCLUDED IN THE SWPPP. THE OWNER OR OPERATOR SHALL HAVE EACH OF THE CONTRACTORS AND SUBCONTRACTORS IDENTIFY AT LEAST ONE PERSON FROM THEIR COMPANY THAT WILL BE RESPONSIBLE FOR IMPLEMENTATION OF THE SWPPP. THIS PERSON SHALL BE KNOWN AS THE TRAINED CONTRACTOR. THE OWNER OR OPERATOR SHALL ENSURE THAT AT LEAST ONE TRAINED CONTRACTOR IS ON SITE ON A DAILY BASIS WHEN SOIL DISTURBANCE ACTIVITIES ARE BEING PERFORMED.

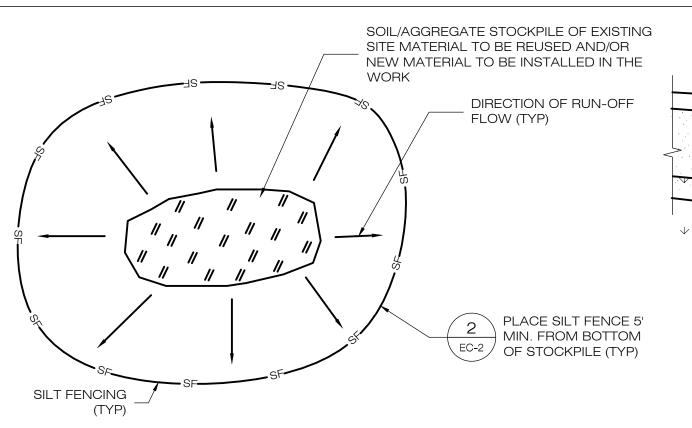
THE OWNER OR OPERATOR SHALL HAVE EACH OF THE CONTRACTORS AND SUBCONTRACTORS IDENTIFIED ABOVE SIGN A COPY OF THE FOLLOWING CERTIFICATION STATEMENT BELOW BEFORE THEY COMMENCE ANY CONSTRUCTION ACTIVITY:

"I HEREBY CERTIFY UNDER PENALTY OF LAW THAT I UNDERSTAND AND AGREE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE SWPPP AND AGREE TO IMPLEMENT ANY CORRECTIVE ACTIONS IDENTIFIED BY THE QUALIFIED INSPECTOR DURING A SITE INSPECTION. I ALSO UNDERSTAND THAT THE OWNER OR OPERATOR MUST COMPLY WITH THE TERMS AND CONDITIONS OF THE MOST CURRENT VERSION OF THE NEW YORK STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM ("SPDES") GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES AND THAT IT IS UNLAWFUL FOR ANY PERSON TO CAUSE OR CONTRIBUTE TO A VIOLATION OF WATER QUALITY STANDARDS. FURTHERMORE, I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, THAT I DO NOT BELIEVE TO BE TRUE, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS"

SIGNATURE	DATE	

PRINTED NAME

ALL CONTRACTORS AND SUB-CONTRACTORS SHALL SIGN THE ABOVE STATEMENT AND THEY WILL BE STORED ON-SITE.



1. ALL EXISTING EXCAVATED MATERIAL THAT IS NOT TO BE REUSED IN THE WORK IS TO BE IMMEDIATELY REMOVED FROM THE SITE AND PROPERLY DISPOSED OF.

2. SOIL/AGGREGATE STOCKPILE SITES TO BE WHERE SHOWN ON THE DRAWINGS AND ARE NOT PERMITTED ON SLOPES GREATER THAN 10%.

3. RESTORE STOCKPILE SITES TO PRE-EXISTING PROJECT CONDITION AND RESEED AS REQUIRED.

4. STOCKPILE HEIGHTS MUST NOT EXCEED 35'. STOCKPILE SLOPES MUST BE 2:1 OR FLATTER.

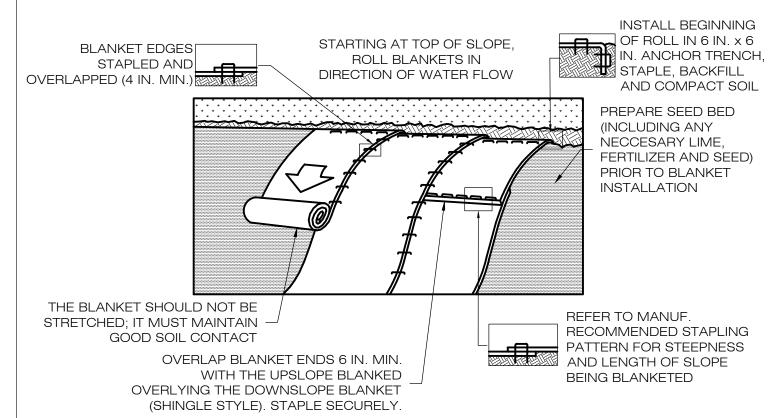
5. ANY SOIL IN STOCKPILES IN EXCESS OF SEVEN (7) DAYS SHALL BE SEEDED AND MULCHED OR COVERED.

### 1 TEMPORARY STOCKPILE DETAIL EC-2 SCALE : N.T.S.

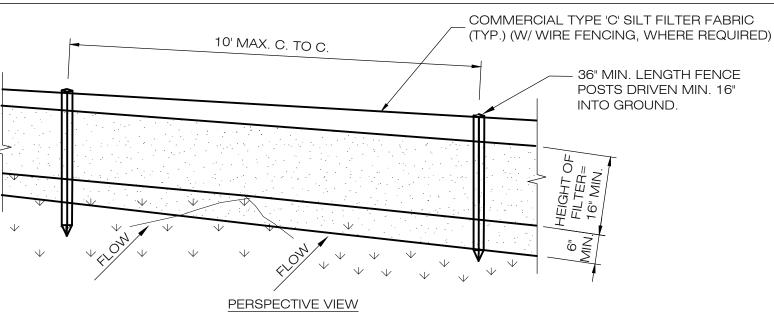
PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECPS) INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.

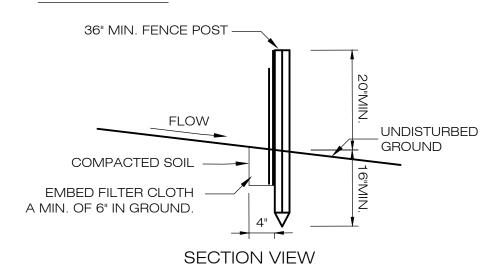
- 2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECPS IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF RECPS EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECPS WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO THE COMPACTED SOIL AND FOLD THE REMAINING 12" PORTION OF RECPS BACK OVER THE SEED AND COMPACTED SOIL. SECURE RECPS OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE RECPS.
- ROLL THE RECPS DOWN HORIZONTALLY ACROSS THE SLOPE. RECPS WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECPS MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE.
- 4. THE EDGES OF PARALLEL RECPS MUST BE STAPLED WITH APPROXIMATELY 2" 5" OVERLAP DEPENDING ON THE RECPS TYPE.
- 5. CONSECUTIVE RECPS SPLICED DOWN THE SLOPE MUST BE END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE RECPS WIDTH.

- PROVIDE ANCHOR TRENCH AT TOE OF SLOPE IN SIMILAR FASHION AS AT TOP OF SLOPE.
- 2. SLOPE SURFACE SHALL BE FREE OF ROCKS, CLODS, STICKS, AND GRASS. 3. BLANKET SHALL HAVE GOOD CONTINUOUS CONTACT WITH UNDERLYING SOIL THROUGHOUT ENTIRE LENGTH. LAY BLANKET LOOSELY AND STAKE OR STAPLE TO MAINTAIN DIRECT
- CONTACT WITH SOIL. DO NOT STRETCH BLANKET. 4. THE BLANKET SHALL BE STAPLED IN ACCORDANCE WITH THE MANUFACTURER'S
- RECOMMENDATIONS. 5. BLANKETED AREAS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT UNTIL PERENNIAL VEGETATION IS ESTABLISHED TO A MINIMUM UNIFORM 70% COVERAGE THROUGHOUT THE BLANKETED AREA. DAMAGED OR DISPLACED BLANKETS SHALL BE RESTORED OR REPLACED WITHIN 4 CALENDAR DAYS.



**4 EROSION CONTROL BLANKET STEEP SLOPES** EC-2 SCALE : N.T.S.

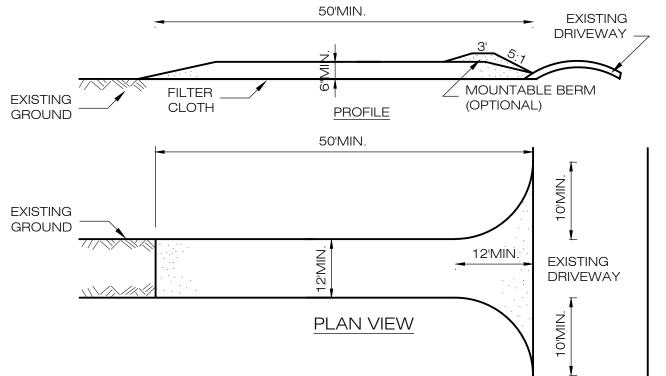




CONSTRUCTION SPECIFICATIONS 1. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.

- 2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
- 3. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
- 4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

# GEOTEXTILE SILT FENCE DETAIL

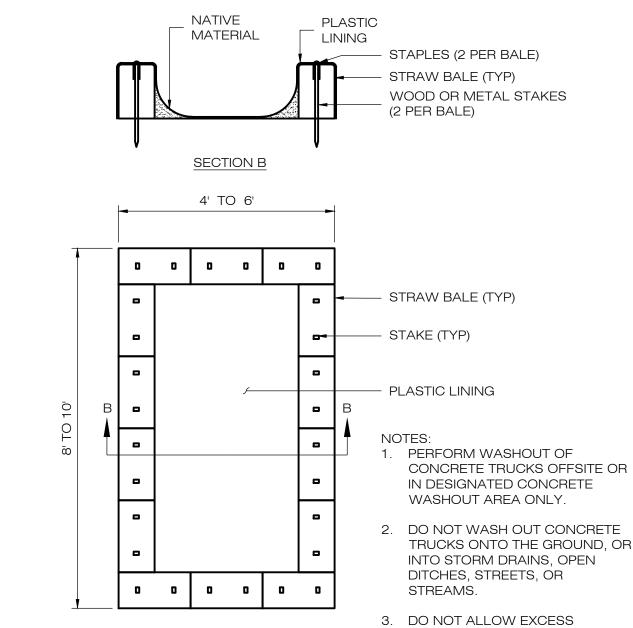


2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).

1. STONE SIZE - USE 1-4 INCH STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.

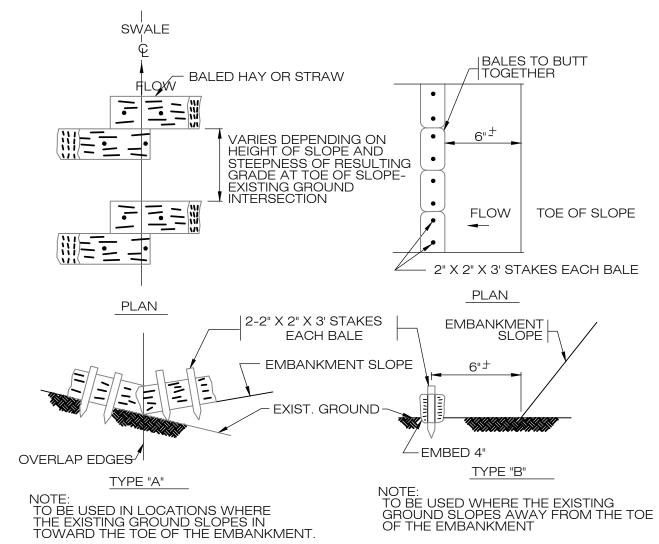
- 3. THICKNESS NOT LESS THAN SIX (6) INCHES.
- 4. WIDTH TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO
- 5. GEOTEXTILE WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- 6. SURFACE WATER ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ACCESS SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- 7. MAINTENANCE THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
- 8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- 9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

# 3 CONSTRUCTION ENTRANCE DETAIL EC-2 SCALE: N.T.S.



**CONCRETE WASHOUT DETAIL** EC-2 SCALE : N.T.S.

PLAN VIEW



HAYBALE CHECK DAM **7 SEDIMENTATION CONTROL BARRIER** EC-2 SCALE : N.T.S.











TRUCKS ONTO THE GROUND, OR | 567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

		PERI	MITTING DOCUMENTS
DO NOT ALLOW EXCESS CONCRETE TO BE DUMPED	NO	DATE	REVISION
ONSITE, EXCEPT IN DESIGNATED	0	08/13/20	FOR REVIEW: RCB
CONCRETE WASHOUT AREA.	1	08/14/20	CLIENT REVS: RCB
	2	11/03/20	TOWN COMMENTS: RCB

3 | 12/22/20 | TOWN COMMENTS: RCB 4 01/25/21 TOWN COMMENTS: RCB 5 | 03/19/21 | TOWN COMMENTS: RCB

6 | 07/12/21 | TOWN COMMENTS: RCB 7 | 07/13/21 | TOWN COMMENTS: RCB 8 07/14/21 TOWN COMMENTS: RCB

9 | 04/12/23 | TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. **COMP: APT ENGINEERING** ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** 

WATERFORD, CT 06385 DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET

2ND FLOOR DANBURY, CT 06810

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#### **HOMELAND TOWERS MOUNT KISCO**

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

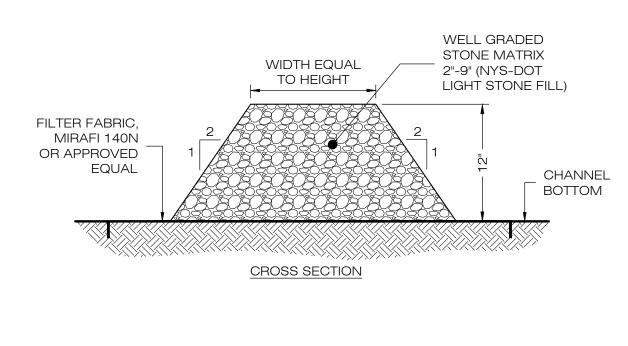
**APT FILING NUMBER: NY283830** 

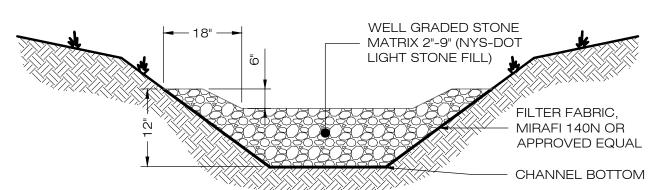
DATE: 08/13/20 DRAWN BY: CSH CHECKED BY: RCB

SHEET TITLE:

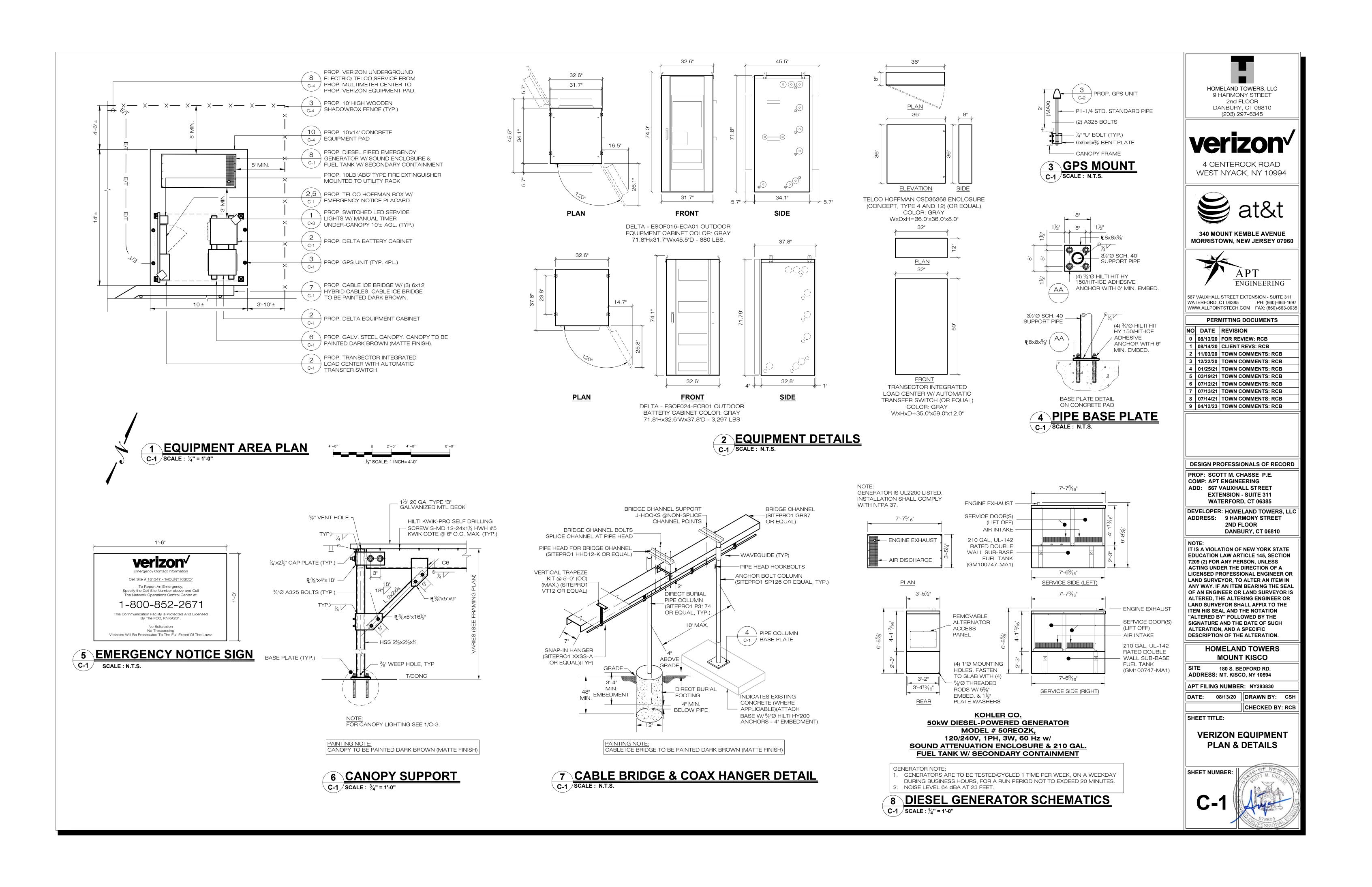
**EROSION CONTROL DETAILS** 

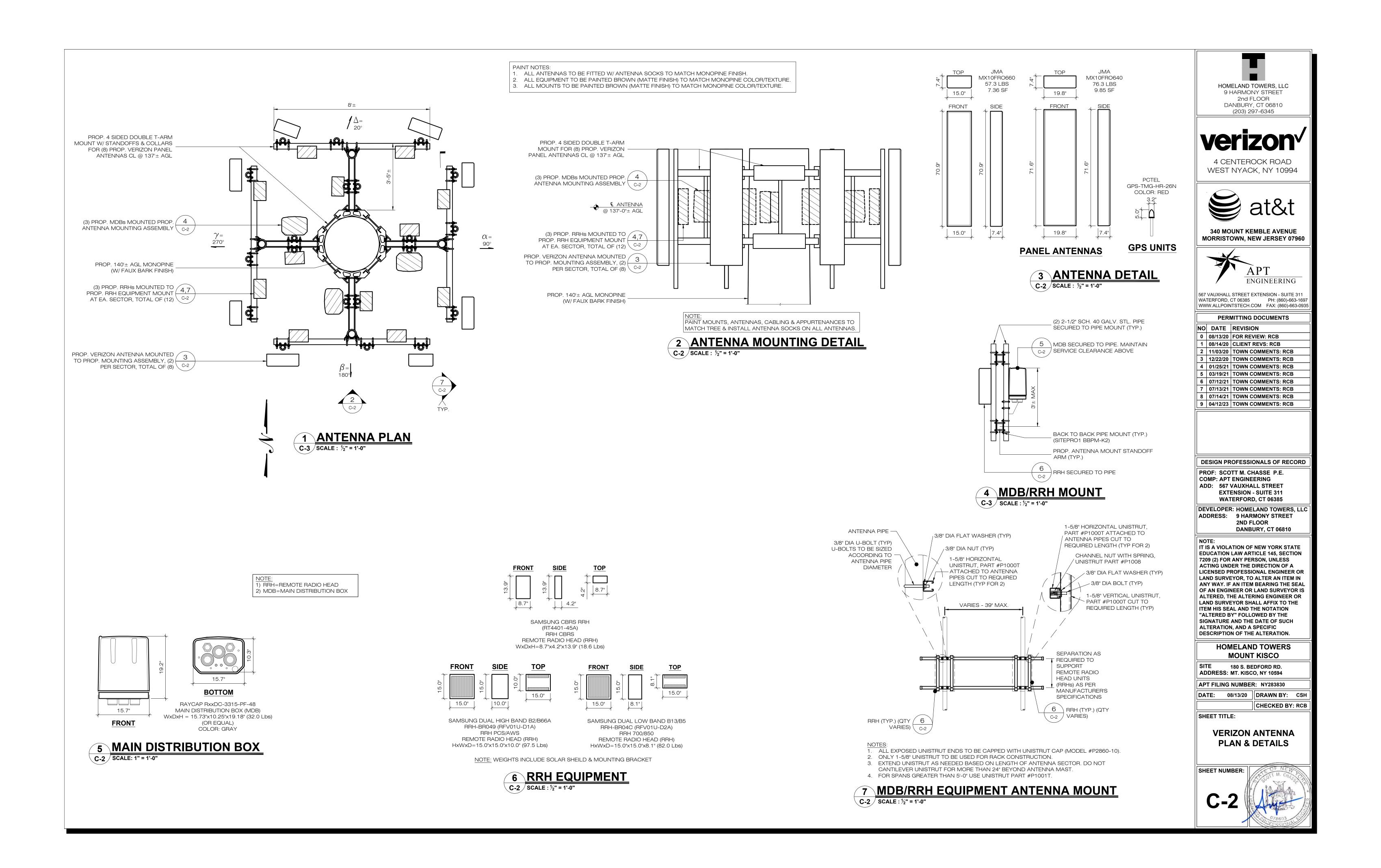
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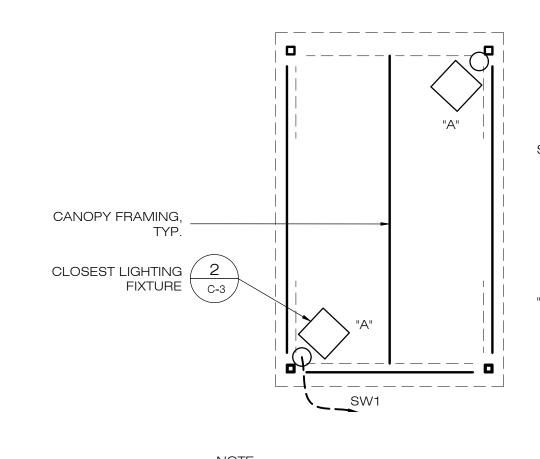




6 STONE CHECK DAM EC-2 SCALE : N.T.S.







1. 15A. 120V, 500W SINGLE POLE 4 HOUR MANUAL TIMER: LEVITON

Color: White

This product is listed by Design Lights Consortium

(DLC) as an ultra-efficient premium product that

qualifies for the highest tier of rebates from DLC

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires and LED components have been

Constant Current, 720mA, Class 2, 100 - 277V, 50 - 60

100,000-hour LED lifespan based on IES LM-80

Two (2) multi-chip, high-output, long-life LEDs

tested by an independent laboratory in accordance

**Technical Specifications** 

Listings

**UL Listing:** 

**DLC Listed:** 

Member Utilities.

Electrical

Power Factor:

THD:

Suitable for wet locations

DLC Product Code: PXZ2LS6K

with IESNA LM-79 and LM-80.

6.19% at 120V, 7.09% at 277V

99.2% at 120V, 97.3% at 277V

Hz, 100 - 277VAC .8 Amps.

Surge Protection:

**LED Characteristics** 

results and TM-21 calculations

Lifespan:

LEDs:

MANUFACTURING CO., INC. MODEL #LTB-1LZ 2. OUTLET BOX: RAB LIGHTING INC. MODEL #B3B WEATHERPROOF COVER: RAB LIGHTING INC. MODEL #TCB

FIXTURES (2 TOTAL): FULL CUTOFF, RAB LIGHTING INC. MODEL #WPLEDFC52NW.

1. LIGHTING TO BE MOUNTED BELOW CANOPY. BOTTOM OF LIGHT FIXTURE AT APPROXIMATELY 9'± AGL.

3 LIGHTING SPILL PLAN

C-3 SCALE : 1" = 15'

# **CANOPY LIGHTING**

0 fc 0 fc Need help? Tech help line: (888) RAB-1000 Email: sales@rablighting.com Website: www.rablighting.com Copyright © 2018 RAB Lighting Inc. All Rights Reserved Note: Specifications are subject to change at any time without notice 0 fc 0.1 fc 0.1 fc 0 fc 0 fc 0.1 fc 0.3 fc 0.3 fc 0.2 fc 0.1 fc 0 fc 0.1 fc 0.5 fc 1.5 fc 1.5 fc 0.8 fc 0.2 fc PROP. VERIZON EQUIPMENT CABINETS, DIESEL FIRED GENERATOR, STEEL CANOPY & (4) GPS UNITS ON 10'x14' CONCRETE PAD PROP. VERIZON CABLE ICE BRIDGE FROM EQUIPMENT PAD TO TOWER ENTRY PORT PROP. 140'± AGL MONOPINE (W/ FAUX BARK FINISH) PROP. 10' WOODEN SHADOWBOX FENCE (TYP.) PROPERTY LINE (TYP.) PAVED/GRAVEL ACCESS DRIVE (WIDTH VARIES) (TYP.)

fc = FOOT CANDLES

WPLEDFC52NW RAB Outdoor Project: Type:

Color Consistency:

fixture-to-fixture color

Color Uniformity:

Construction

Housing:

Mounting:

Cutoff:

Full cutoff (0°)

Ambient Temperature:

**Cold Weather Starting:** 

ease of installation and wiring.

Suitable For use in 40°C (104°F)

than 200K in CCT over a 5 year period

follows the guidelines of the American National

Minimum starting temperature is -40°C (-40°F)

Precision die cast aluminum housing, lens frame

Die-cast aluminum wall bracket with (5) 1/2" conduit

openings with plugs. Two-piece bracket with tether for

Color Stability:

Prepared By: Date: LED Info **Driver Info** 

52W 120V: 0.51A Color Temp: 4000K (Neutral) 208V: 0.33A Color Accuracy: 72 CRI 240V: 0.29A L70 Lifespan: 100,000 277V: 0.24A 7,256 Lumens: Input Watts: 56W Efficacy: 130 LPW Efficiency: 93% LED 52W Wallpacks. 3 cutoff options. Patent Pending thermal management system. 100,000 hour L70 lifespan. 5-year, no-compromise warranty. Weight: 17.6 lbs

> Reflector: 3-step MacAdam Ellipse binning to achieve consistent

Specular vacuum-metallized polycarbonate Gaskets:

High temperature silicone LED color temperature is warrantied to shift no more Tempered glass

RAB's range of CCT (Correlated Color Temperature) Formulated for high-durability and long lasting color Standard for Specifications for the Chromaticity of Green Technology: Solid State Lighting (SSL) Products, ANSI C78.377-

Mercury and UV-free. RoHS compliant components.

Warranty: RAB warrants that our LED products will be free from

defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at

The WPLED design is protected by patents in the U.S. Pat D653,377, Canada Pat. 142252, China Pat. ZL201130356930.8, and Mexico Pat. 36921 and

pending patent in TW. Replacement:

Die-cast aluminum with wiring access plate

Replaces 250W HID

Page 1 of 2

WPLEDFC52NW RAB Outdoor

**Technical Specifications (continued)** 

**BUG Rating: Buy American Act Compliance:** 

RAB values USA manufacturing! Upon request, RAB B1 U0 G1 may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

**Dimensions** 

**Features** 

High performance LED light engine Maintains 70% of initial lumens at 100,000 hours

Weatherproof high temperature silicone gaskets

Superior heat sinking with die cast aluminum housing and external fins

Replaces 250W MH

3 cutoff options

Traditional wallpack look from the front

5-Year, No-Compromise Warranty

/LC = Lightcloud

**Ordering Matrix** 

Family	Cutoff	Wattage	Color Temp	Finish	<b>Driver Options</b>	Options	Other Options
WPLED	FC	52	N	W	^	۸	^
	Blank = Standard (15 degrees)  C = Cutoff (7.5 degrees)  FC = Full Cutoff (0 degrees)	<b>52</b> = 52W <b>80</b> = 80W	Blank = 5000K (Cool) N = 4000K (Neutral) Y = 3000K (Warm)	Blank = Bronze W = White	Blank = 120-277V /480 = 480V /BL = Bi-Level /D10 = 0-10V Dimming	Blank = No Option  /PCS = 120V Swivel Photocell  /PCS2 = 277V Swivel Photocell  /PCS4 = 480V Swivel Photocell	Blank = Standard USA = BAA Compliant

Need help? Tech help line: (888) RAB-1000 Email: sales@rablighting.com Website: www.rablighting.com

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LIGHTING NOTES:

TWO 52-WATT SWITCH/TIMER CONTROLLED LIGHT FIXTURES ARE PROPOSED AT THE GROUND-BASED EQUIPMENT COMPOUND FOR NIGHTTIME VISITS (THE LIGHTS

ARE ONLY USED WHEN NEEDED BY A SERVICE TECHNICIAN). THIS LIGHTING SHALL

BE SPECIFIED TO COMPLY WITH GUIDANCE FROM INTERNATIONAL DARK SKY ASSOCIATION (IDA: OUTDOOR LIGHTING BASICS | INTERNATIONAL DARK-SKY ASSOCIATION). MOTION DETECTION LIGHTING SHALL NOT BE INSTALLED. NO

TOWER LIGHTING IS REQUIRED OR PROPOSED FOR THE PROJECT.

Page 2 of 2

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HOMELAND TOWERS, LLC 9 HARMONY STREET 2nd FLOOR

DANBURY, CT 06810

(203) 297-6345

4 CENTEROCK ROAD

WEST NYACK, NY 10994

340 MOUNT KEMBLE AVENUE

**MORRISTOWN, NEW JERSEY 07960** 

567 VAUXHALL STREET EXTENSION - SUITE 311

WATERFORD, CT 06385 PH: (860)-663-1697

WWW.ALLPOINTSTECH.COM FAX: (860)-663-093

PERMITTING DOCUMENTS

NO DATE REVISION

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**DESIGN PROFESSIONALS OF RECORD** 

**EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC

DANBURY, CT 06810

ADDRESS: 9 HARMONY STREET

PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET

**ENGINEERING** 

**HOMELAND TOWERS MOUNT KISCO** 

SITE 180 S. BEDFORD RD.

ALTERATION, AND A SPECIFIC

**DESCRIPTION OF THE ALTERATION.** 

ADDRESS: MT. KISCO, NY 10594

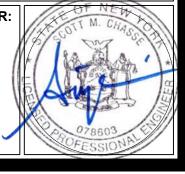
APT FILING NUMBER: NY283830

││DATE: 08/13/20 ││DRAWN BY: CSH CHECKED BY: RCB

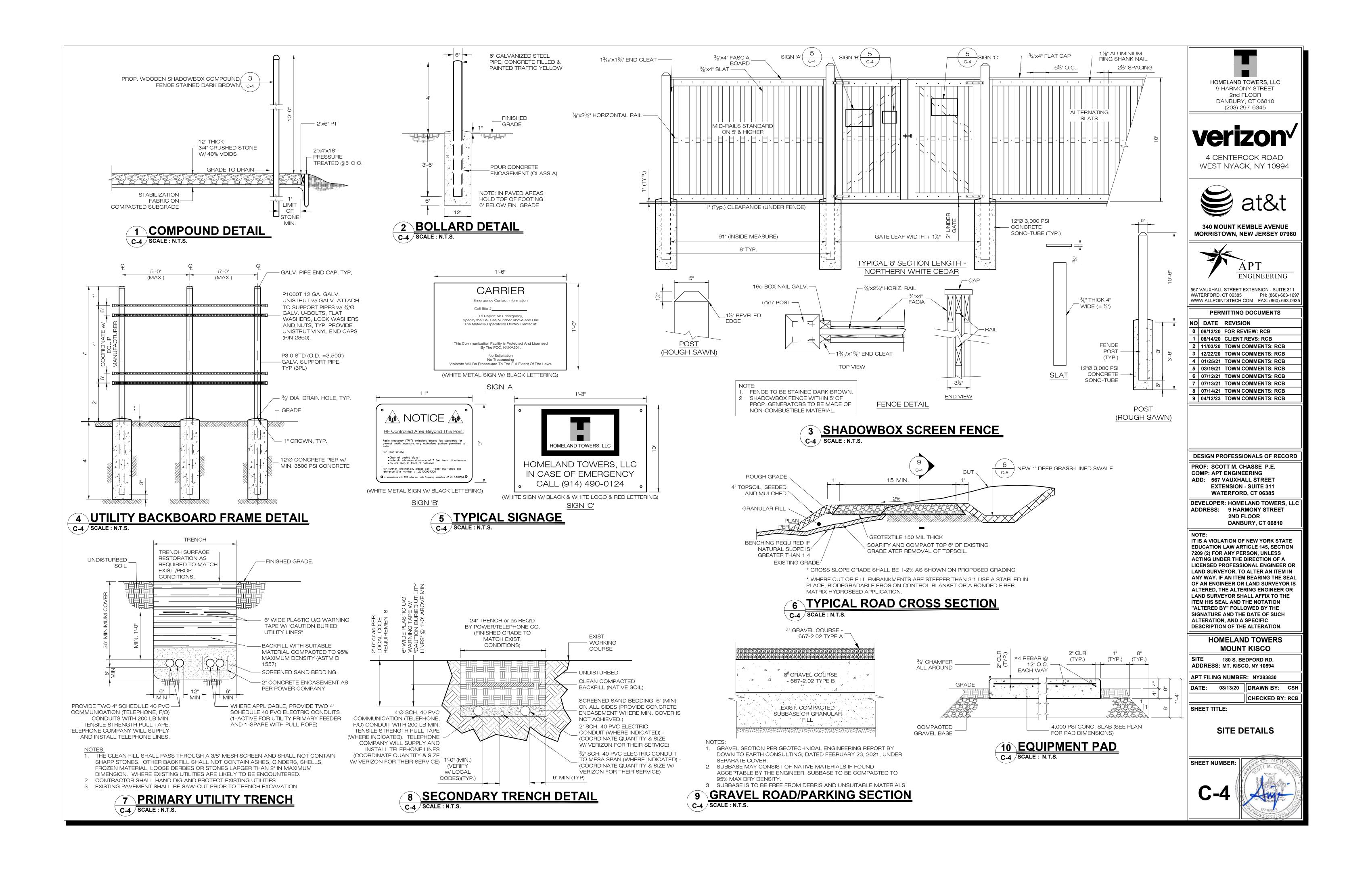
SHEET TITLE:

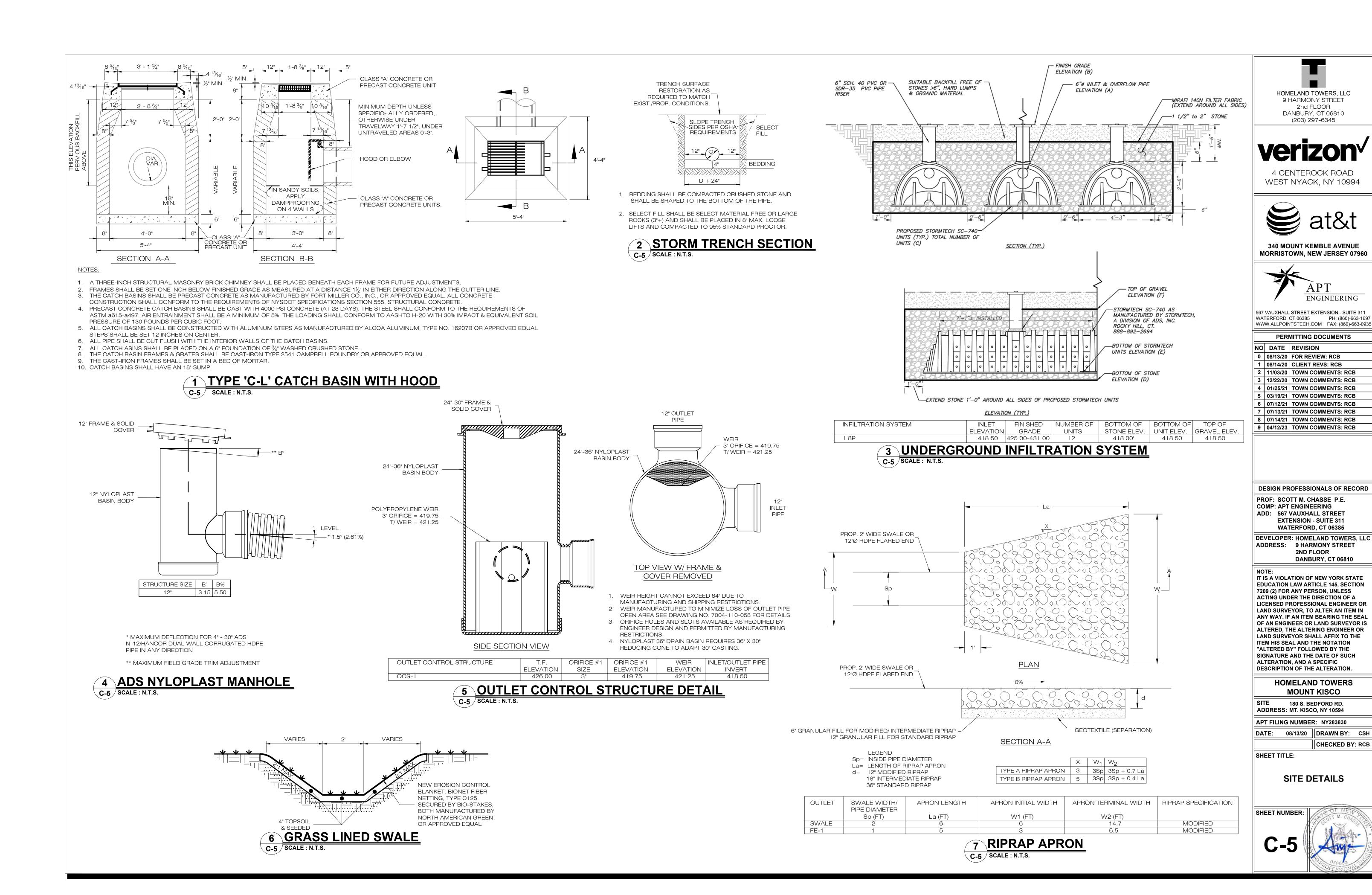
**VERIZON EQUIPMENT LIGHTING PLAN & DETAILS** 

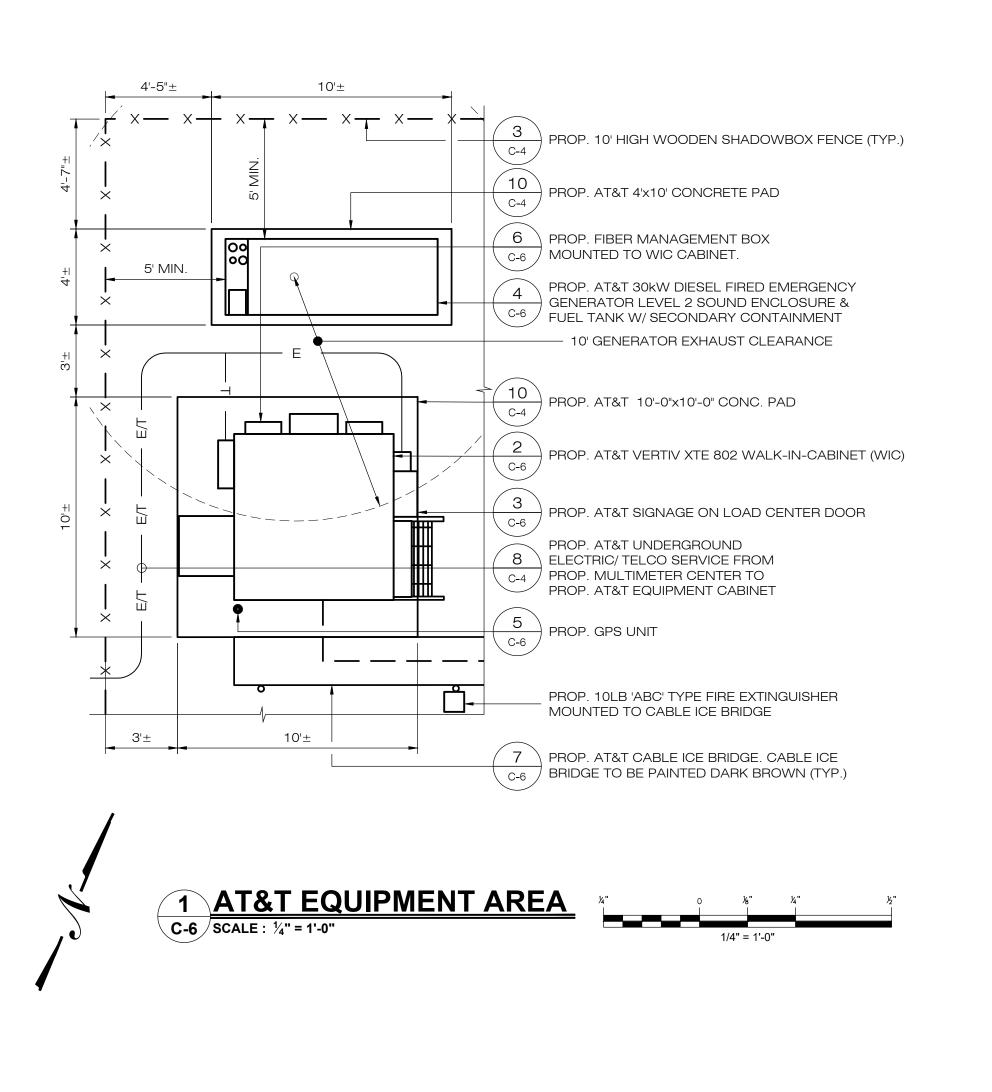
SHEET NUMBER:



2 LIGHTING CUTSHEETS
C-3 SCALE: NONE









3 TYPICAL SIGNAGE C-6 SCALE : N.T.S.

AT&T

NOTICE MAN

RF Controlled Area Beyond This Point

Radio frequency ("RF") emissions exceed fcc standards for general public exposure, only authorized workers permitted to enter.

• Obey all posted signs • maintain minimum dustance of 7 feet from all antennas. • do not stop in front of antennas.

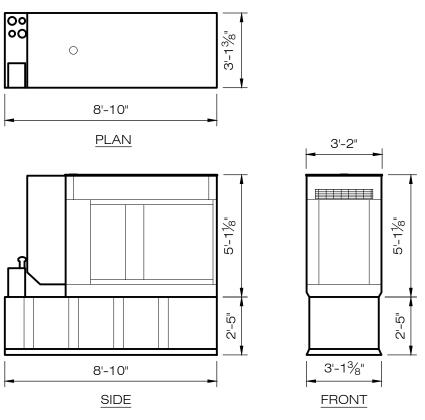
For further information, please call 1-888-563-9835 and reference Site Number: 20130924306

O In accordance with FCC rules on radio frequency emissions 47 cfr 1.1307(b). O

(WHITE METAL SIGN W/ BLACK LETTERING)

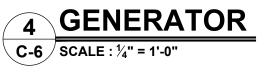
RF NOTICE SIGN

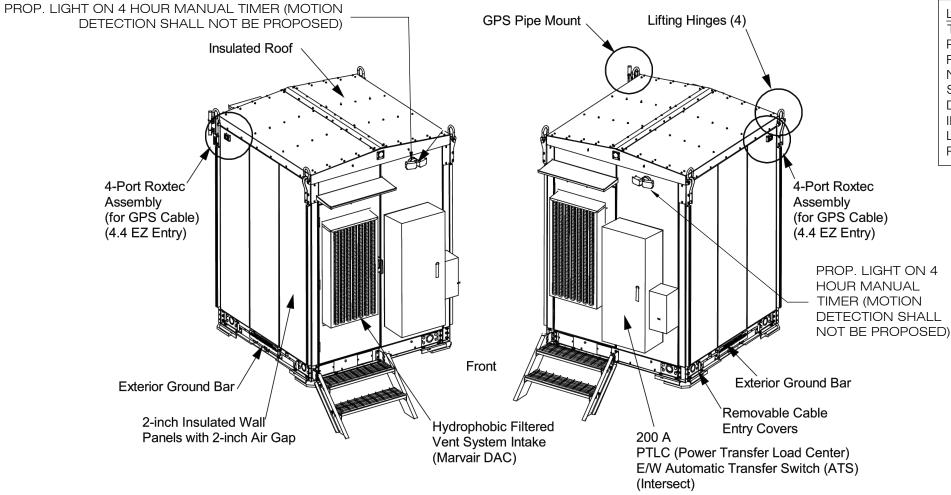
For your safety:

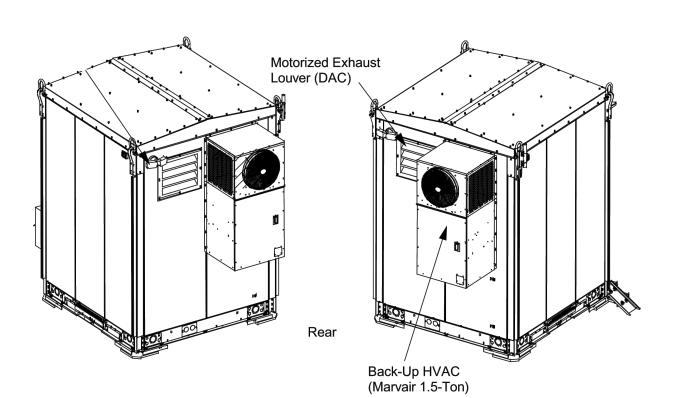


**GENERAC POWER SYSTEMS 30kW DIESEL FIRED GENERATOR** MODEL #SD030 W/ LEVEL 2 SOUND ENCLOSURE & 190 GAL. TANK W/ SECONDARY CONTAINMENT

GENERATOR NOTE: GENERATORS ARE TO BE TESTED/CYCLED 1 TIME PER WEEK, ON A WEEKDAY DURING BUSINESS HOURS, FOR A RUN PERIOD NOT TO EXCEED 20 MINUTES. 2. NOISE LEVEL 68 dBA AT 23 FEET.

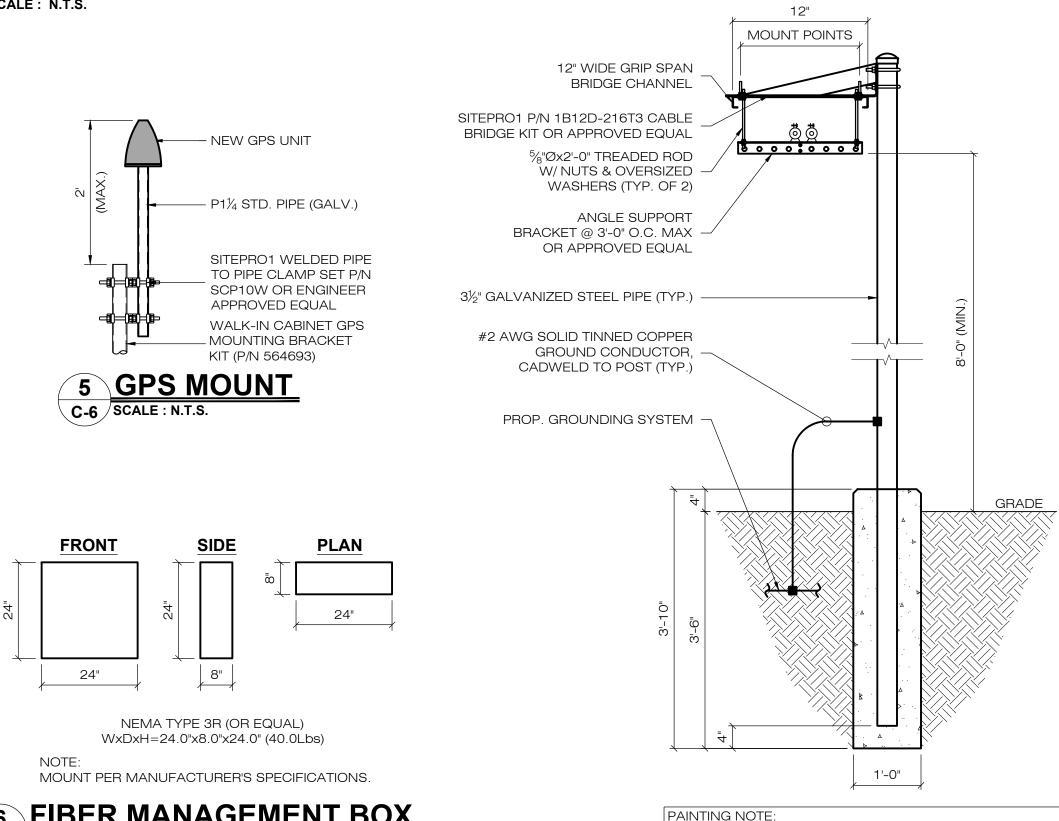






2 VERTIV XTE 802 WALK-IN-CABINET (WIC)

C-6 SCALE: N.T.S.



CABLE ICE BRIDGE TO BE PAINTED DARK BROWN (MATTE FINISH) 7 CABLE BRIDGE DETAIL
C-6 SCALE: N.T.S.

TWO 52-WATT SWITCH/TIMER CONTROLLED LIGHT FIXTURES ARE PROPOSED AT THE GROUND-BASED EQUIPMENT COMPOUND FOR NIGHTTIME VISITS (THE LIGHTS ARE ONLY USED WHEN NEEDED BY A SERVICE TECHNICIAN). THIS LIGHTING SHALL BE SPECIFIED TO COMPLY WITH GUIDANCE FROM INTERNATIONAL DARK SKY ASSOCIATION (IDA: OUTDOOR LIGHTING BASICS | INTERNATIONAL DARK-SKY ASSOCIATION). MOTION DETECTION LIGHTING SHALL NOT BE INSTALLED. NO TOWER LIGHTING IS REQUIRED OR PROPOSED FOR THE PROJECT.



HOMELAND TOWERS, LLC 9 HARMONY STREET 2nd FLOOR DANBURY, CT 06810 (203) 297-6345



4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

PERMITTING DOCUMENTS

# NO DATE REVISION

0 08/13/20 FOR REVIEW: RCB 1 | 08/14/20 | CLIENT REVS: RCB

2 11/03/20 TOWN COMMENTS: RCB

3 | 12/22/20 | TOWN COMMENTS: RCB 4 | 01/25/21 | TOWN COMMENTS: RCB

5 03/19/21 TOWN COMMENTS: RCB 6 | 07/12/21 | TOWN COMMENTS: RCB

7 07/13/21 TOWN COMMENTS: RCB

8 07/14/21 TOWN COMMENTS: RCB

9 | 04/12/23 | TOWN COMMENTS: RCB

**DESIGN PROFESSIONALS OF RECORD** 

PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** WATERFORD, CT 06385

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR

DANBURY, CT 06810

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

#### **HOMELAND TOWERS MOUNT KISCO**

SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

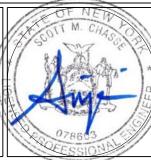
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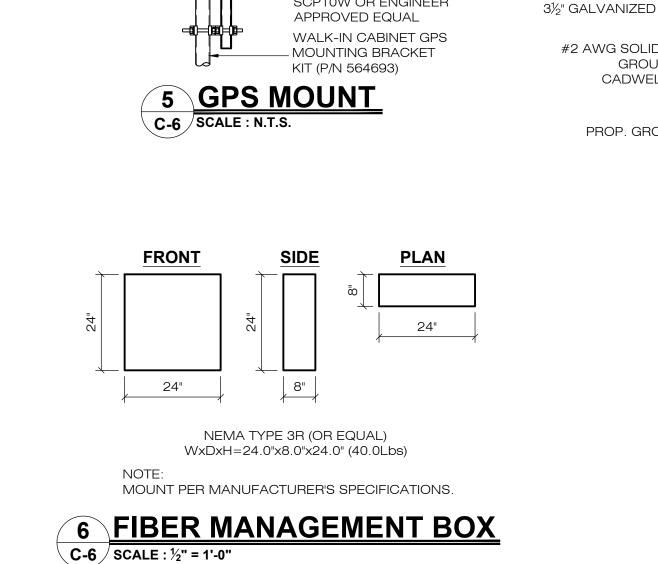
DATE: 08/13/20 DRAWN BY: CSH

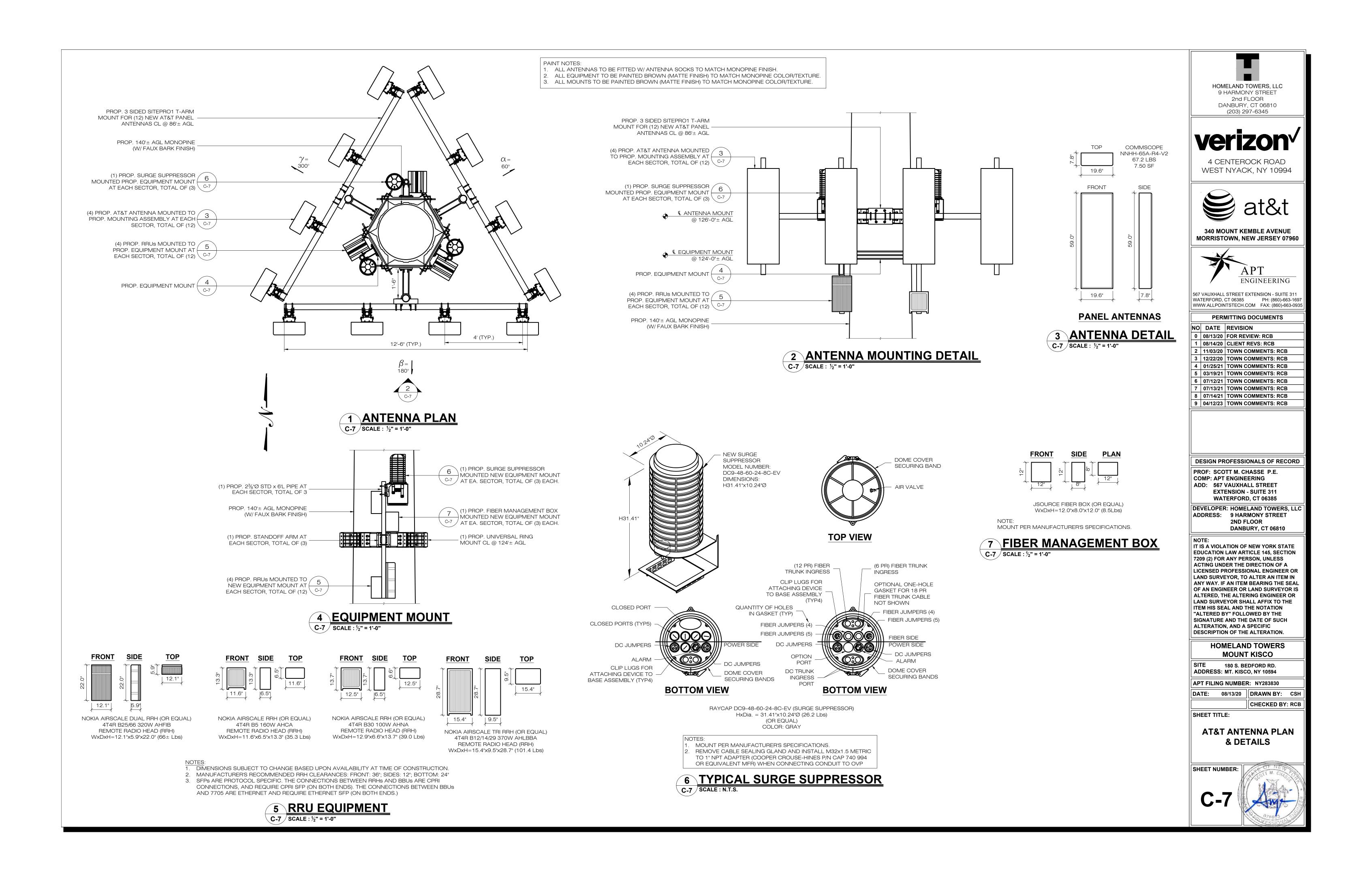
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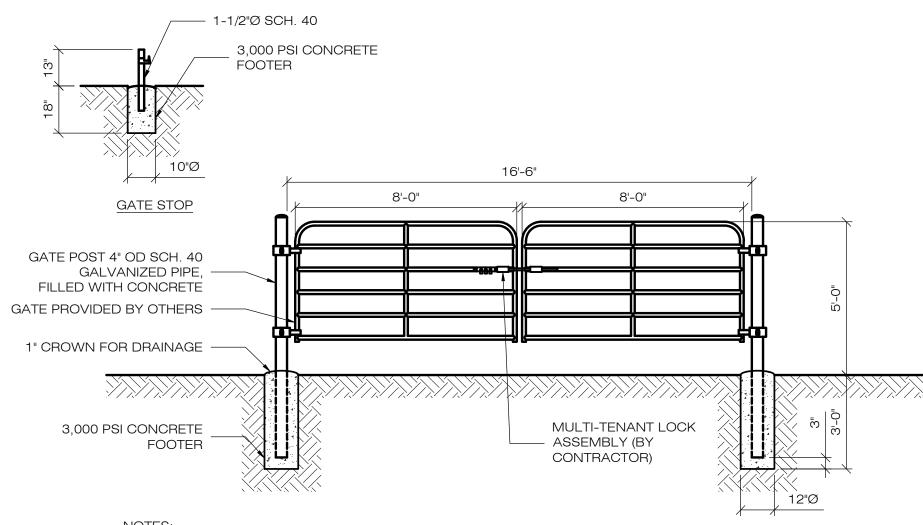
SHEET TITLE:

AT&T EQUIPMENT **PLAN & DETAILS** 







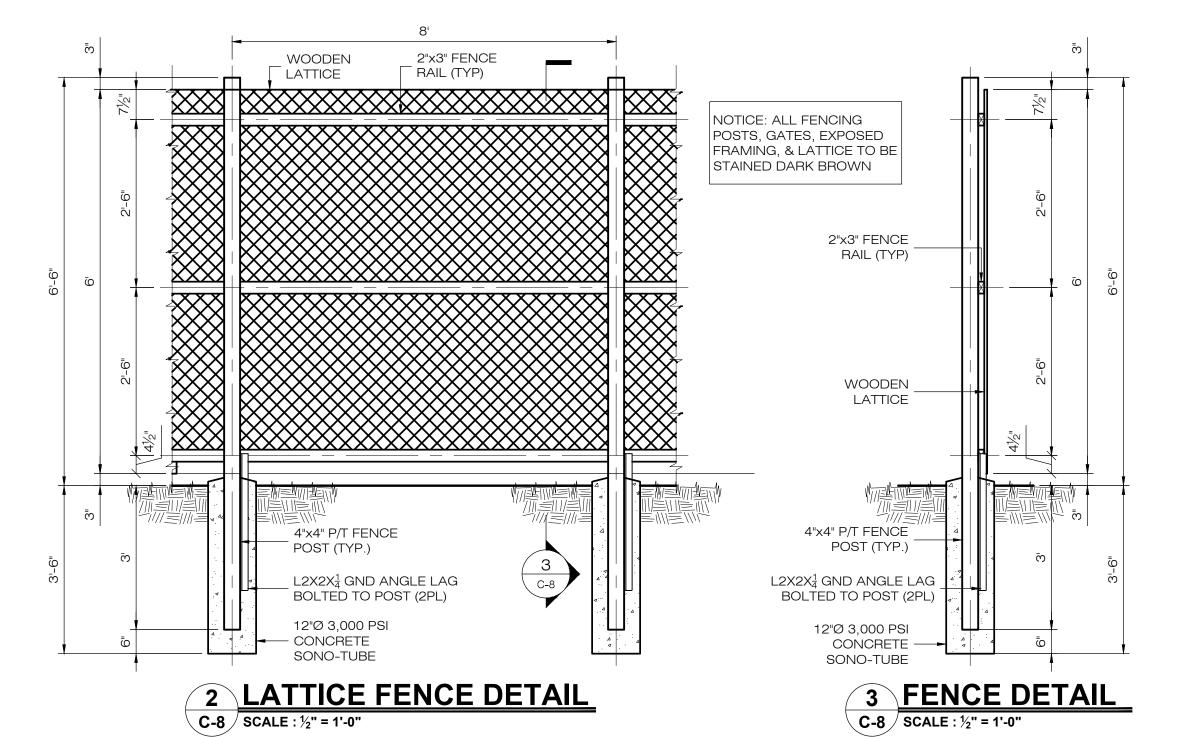


1. PANELS TO BE 4'X8' GALVANIZED TUBULAR STEEL 2" OD X 16GAUGE HIGH TENSILE WELDED STEEL. HEAVY DUTY MOUNT HARDWARE TO BE WELDED TO THE SUPPORT POSTS.

- 2. 4" OD X 8' LONG SCH. 40 STEEL INSTALLED 36" BELOW EXISTING GRADE CONCRETE TO 1" ABOVE EXISTING GRADE AT POST BASE AND TAPER. FILL POST COMPLETELY WITH CONCRETE CAP.
- 3. CONTRACTOR TO INSTALL HOMELAND TOWERS SIGNAGE TO THE NEWLY INSTALLED ACCESS GATE. SIGNAGE TO BE INSTALLED USING GALVANIZED METAL SCREWS IN 4 PLACES. NO PLASTIC WIRE TIES SHALL BE USED. SEE DETAIL 5/C-4 FOR TYPICAL SIGNAGE.
- 4. STYMIE SECURITY LOCK: STANDARD GALVANIZED 2" LOCK SYSTEM WELDED TO GATE CROSS SUPPORTS 4-2" SLEEVES WITH SLOTTED HASPS.

1 ENTRANCE GATE DETAIL

SCALE: N.T.S.





4 CENTEROCK ROAD WEST NYACK, NY 10994



340 MOUNT KEMBLE AVENUE **MORRISTOWN, NEW JERSEY 07960** 



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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**DESIGN PROFESSIONALS OF RECORD** PROF: SCOTT M. CHASSE P.E. COMP: APT ENGINEERING ADD: 567 VAUXHALL STREET **EXTENSION - SUITE 311** 

DEVELOPER: HOMELAND TOWERS, LLC ADDRESS: 9 HARMONY STREET 2ND FLOOR

DANBURY, CT 06810

WATERFORD, CT 06385

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### HOMELAND TOWERS

**MOUNT KISCO** 

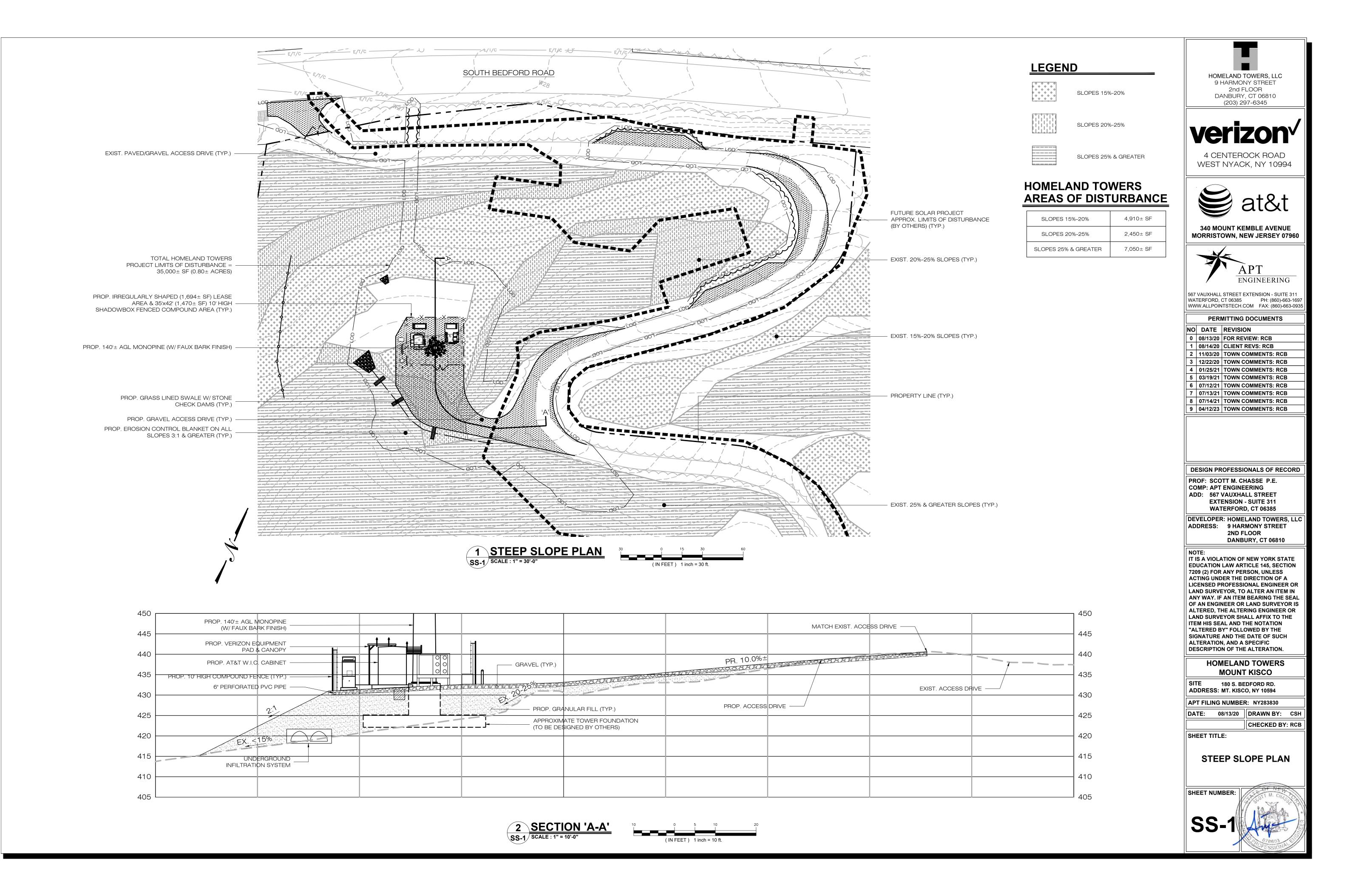
SITE 180 S. BEDFORD RD. ADDRESS: MT. KISCO, NY 10594

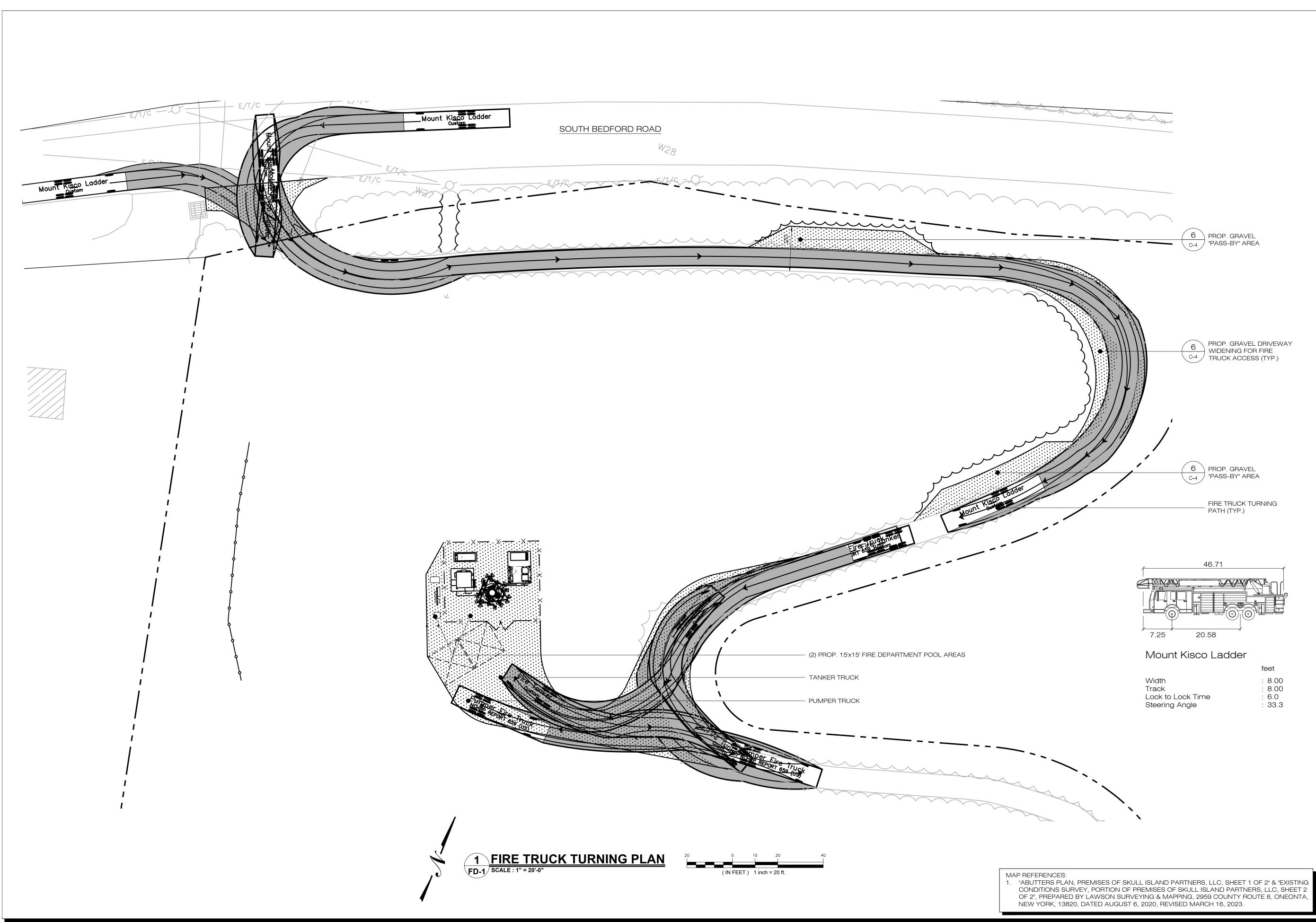
APT FILING NUMBER: NY283830 || DATE: 08/13/20 || DRAWN BY: CSH

CHECKED BY: RCB SHEET TITLE:

SITE DETAILS













340 MOUNT KEMBLE AVENUE MORRISTOWN, NEW JERSEY 07960



567 VAUXHALL STREET EXTENSION - SUITE 311 WATERFORD, CT 06385 PH: (860)-663-1697 WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

PERMITTING DOCUMENTS

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PROF: SCOTT M. CHASSE P.E.
COMP: APT ENGINEERING
ADD: 567 VAUXHALL STREET
EXTENSION - SUITE 311

DEVELOPER: HOMELAND TOWERS, LLC
ADDRESS: 9 HARMONY STREET
2ND FLOOR
DANBURY, CT 06810

WATERFORD, CT 06385

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# HOMELAND TOWERS MOUNT KISCO

### SITE 180 S. BEDFORD RD.

ADDRESS: MT. KISCO, NY 10594

APT FILING NUMBER: NY283830

DATE: 08/13/20 DRAWN BY: CSH

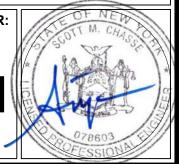
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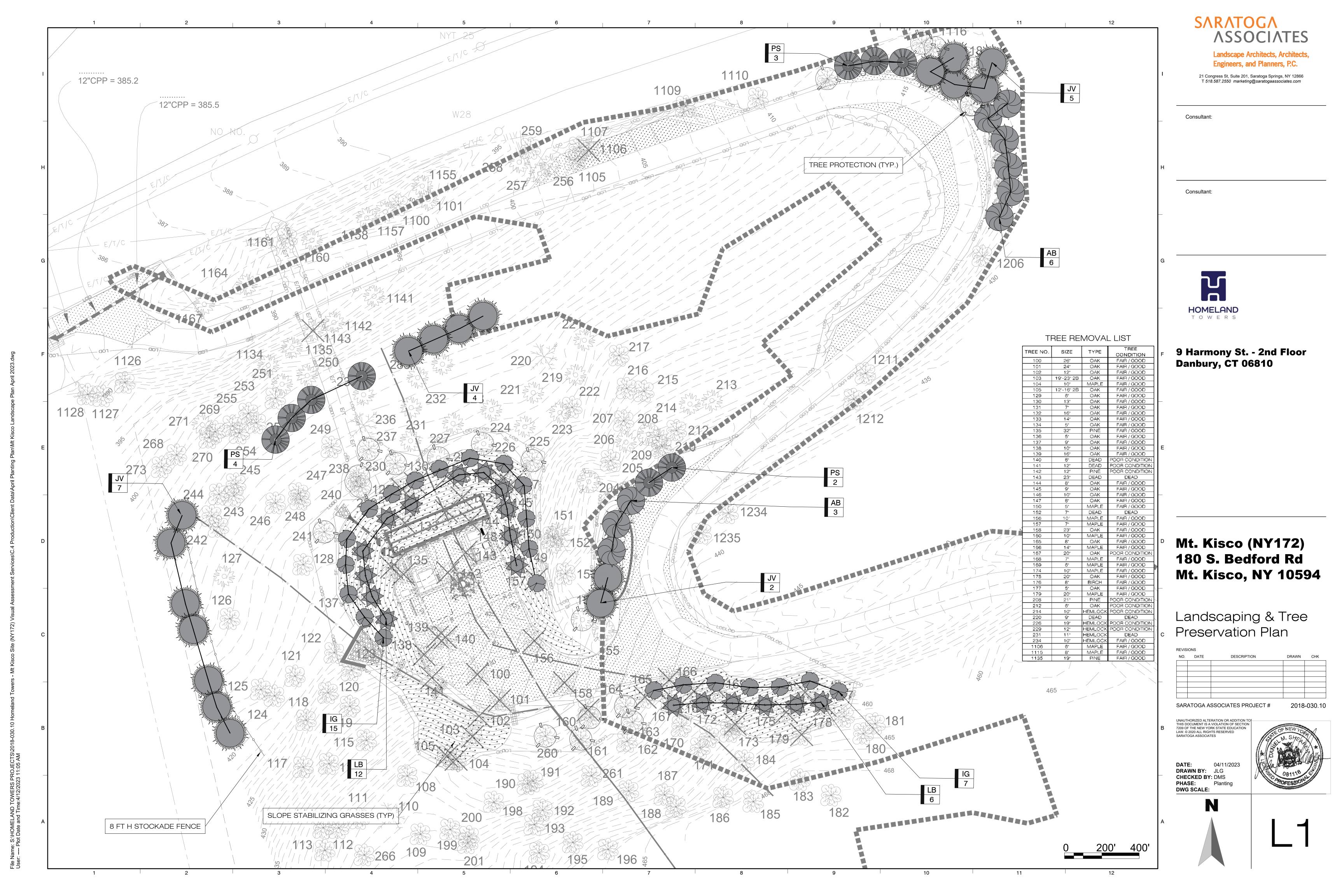
SHEET TITLE:

FIRE TRUCK
TURNING PLAN

SHEET NUMBER:

FD-1





,	001122	<b></b>				T
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
EVERGREE	INS					
AB	9	Abies balsamea	Balsam Fir	8 FT	B&B	12 FT O.C.
JV	18	Juniperus virginiana	Eastern Red Cedar	8 FT	B&B	12 FT O.C.
PS	9	Pinus strobus	Eastern White Pine	8 FT	B&B	12 FT O.C.
SHRUBS						
LB	18	Lindera benzoin	Spicebush	3 GAL	CONT	SEE PLAN
IG	22	llex glabra	Inkberry	3 GAL	CONT	SEE PLAN
<b>Y Y Y Y</b>	7648 SF	Ernst Grass Mix 181	1.5 LBS / 1000 SF			
+ + +	6 FT H x 1	06 LFT Lattice Fencing S	Stained Brown to Match Existing Ti	ree Bark		

LANDSCAPING NOTES 1. THE LANDSCAPE MITIGATION PLAN SHALL CONFORM TO CHAPTER 99 OF THE VILLAGE OF MOUNT KISCO CODE.

2. ALL LANDSCAPING SHALL BE PLANTED ACCORDING TO SOUND HORTICULTURAL PRACTICE AND IN CONFORMANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK, CURRENT EDITION. ALL PLANT MATERIALS USED SHALL BE TRUE TO NAME AND SIZE IN CONFORMITY WITH THE CURRENT EDITION OF THE AMERICAN STANDARD OF NURSERY STOCK AND SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY. ALL PLANTS SHALL HAVE NORMAL, WELL-DEVELOPED BRANCHES AND VIGOROUS ROOT SYSTEMS. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, FREE FROM DEFECTS, DISFIGURING KNOTS, ABRASIONS OF THE BARK, SUN SCALD INJURIES, PLANT DISEASES, INSECT EGGS, BORERS, AND ALL OTHER FORMS OF INFECTION. ALL PLANTS SHALL BE NURSERY GROWN. ALL PLANT MATERIAL SHALL BE TAGGED AT THE NURSERY SOURCE AND APPROVED BY THE PROJECT LANDSCAPE ARCHITECT PRIOR TO PLANTING.

3. ALL PLANT MATERIAL SHALL BEAR THE SAME RELATION TO FINISHED GRADE AS IT BORE TO EXISTING GRADE AT THE NURSERY. ALL PLANT MATERIAL SHALL BE PLANTED SO THAT THE TOP OF THE ROOTBALL IS 1" HIGHER THAN THE EXISTING/FINISHED GRADE DEPENDENT UPON SOIL CONDITIONS.

4. IN THE EVENT THAT PLANTING DISCREPANCIES OR MATERIAL OMISSIONS OCCUR IN THE PLANT MATERIALS LIST. THE LANDSCAPING PLAN SHALL GOVERN. THE USE AND PLANTING OF BARE ROOT MATERIAL SHALL BE PROHIBITED.

5. PLANTS SHALL ONLY BE INSTALLED WHEN THE SOIL IS FROST FREE.

6. THE DEPTH OF PLANT PITS SHALL BE INCREASED BY 12" THROUGH THE ADDITION OF LOOSE AGGREGATE (3/4" TO 1 1/2" DIAMETER) WHEREVER POOR DRAINAGE OCCURS.

7. PLANTS PLANTED IN ROWS SHALL BE MATCHED SPECIMENS AND BE UNIFORM IN SIZE AND FORM.

8. PLANTING BACKFILL MIXTURE SHALL CONSIST OF ONE PART TOPSOIL, ONE PART NATIVE SOIL AND ONE PART PEAT MOSS. NOTE THAT PLANTING MIXTURE MAY CHANGE BASED UPON SOIL CONDITIONS.

9. ALL PLANT MATERIAL SHALL BE GIVEN A MINIMUM OF 5 GALLONS OF WATER AT THE TIME OF INSTALLATION AND SHALL BE WATERED AT INTERVALS DURING ESTABLISHMENT TO ENSURE ADAPTATION TO THE SITE. PRIOR TO THE INSTALLATION OF THE PLANT MATERIAL, THE CONTRACTOR SHALL FILL EACH PLANTING PIT WITH WATER AND ALLOW IT TO FULLY PERCOLATE INTO THE GROUND PRIOR TO PLACEMENT OF THE PLANT. THE CONTRACTOR SHALL NOTIFY EITHER THE TOWNSHIP OR PROJECT LANDSCAPE ARCHITECT OF ANY PERCOLATION PROBLEMS PRIOR TO INSTALLATION.

10. PREFERRED PLANTING TIME PERIODS ARE FROM SEPTEMBER 1 TO NOVEMBER 30 OR MARCH 20 TO MAY 31. NO PLANTING SHALL BE EXECUTED DURING ABNORMALLY HOT WEATHER NOR WHEN THE GROUND IS FROZEN. MOUND MULCH 6 INCHES HIGH TO FORM SAUCER FINAL GRADE

11. THE CONTRACTOR SHALL REMOVE ALL DAMAGED BRANCHES AND NURSERY TAGS AT THE TIME OF INSTALLATION. 12. SLOW RELEASE FERTILIZER TABLETS OR PACKETS OF 20-10-5 COMPOSITION SHALL BE ADDED TO ALL PLANTING

PITS AT THE FOLLOWING RATIOS: 1 PER SHRUB, 2 PER EVERGREEN TREES UP TO 2" IN CALIPER AND 3 FOR EVERGREEN TREES ABOVE 2" IN CALIPER.

13. ALL GROUPED SHRUBS SHALL BE MULCHED TOGETHER TO FORM ONE CONTINUOUS PLANTING BED.

14. CONTRACTOR TO BE RESPONSIBLE FOR SEEDING AREAS BEING DISTURBED BY CONSTRUCTION. SEED MIXTURE TO BE IN ACCORDANCE WITH SOIL CONSERVATION DISTRICT'S STANDARDS.

15. STAKES SHALL BE WHITE OR RED CEDAR, OAK, OR LOCUST TREATED WITH ACCEPTABLE WOOD PRESERVATIVE.

16. REMOVE ALL PLASTIC MATERIAL SYNTHETIC BURLAP AND STRING OR CONTAINERS TO BE REMOVED AT THE TIME OF PLANTING.

17. ONLY PHYSICAL MEANS TO CONTROL GRASS, WEEDS, OR NUISANCE VEGETATION SHALL BE USED. THE USE OF HERBICIDES, PESTICIDES, OR OTHER CHEMICAL MEANS TO CONTROL VEGETATION SHALL NOT BE PERMITTED AT ANY PART OF THE HOMELAND LEASE DURING CONSTRUCTION AND OVER THE LIFE OF THE FACILITY.

18. LANDSCAPING BOND / WARRANTY TO BE FURNISHED AND COMMITMENT TO MAINTAIN ALL ON-SITE TREE PRESERVATION AND ON-SITE PLANTINGS FOR THE LIFE OF THE FACILITY. HOMELAND TOWERS SHALL MAINTAIN ALL LANDSCAPING FOR AS LONG AS THE TELECOMMUNICATION SITE IS ON THE PROPERTY. REQUIRED MAINTENANCE SHALL INCLUDE WATERING AND REPLACEMENT OF ON-SITE DEAD AND/OR DYING LANDSCAPING. (SUBJECT TO STANDARD SURETY PRACTICES FOR TREE PRESERVATION)

19. TREE REMOVAL ASSOCIATED WITH CONSTRUCTION WILL NEED TO OCCUR BETWEEN NOVEMBER 1 AND MARCH 31 TO COMPLY WITH NYSDEC GUIDANCE FOR BAT SPECIES.

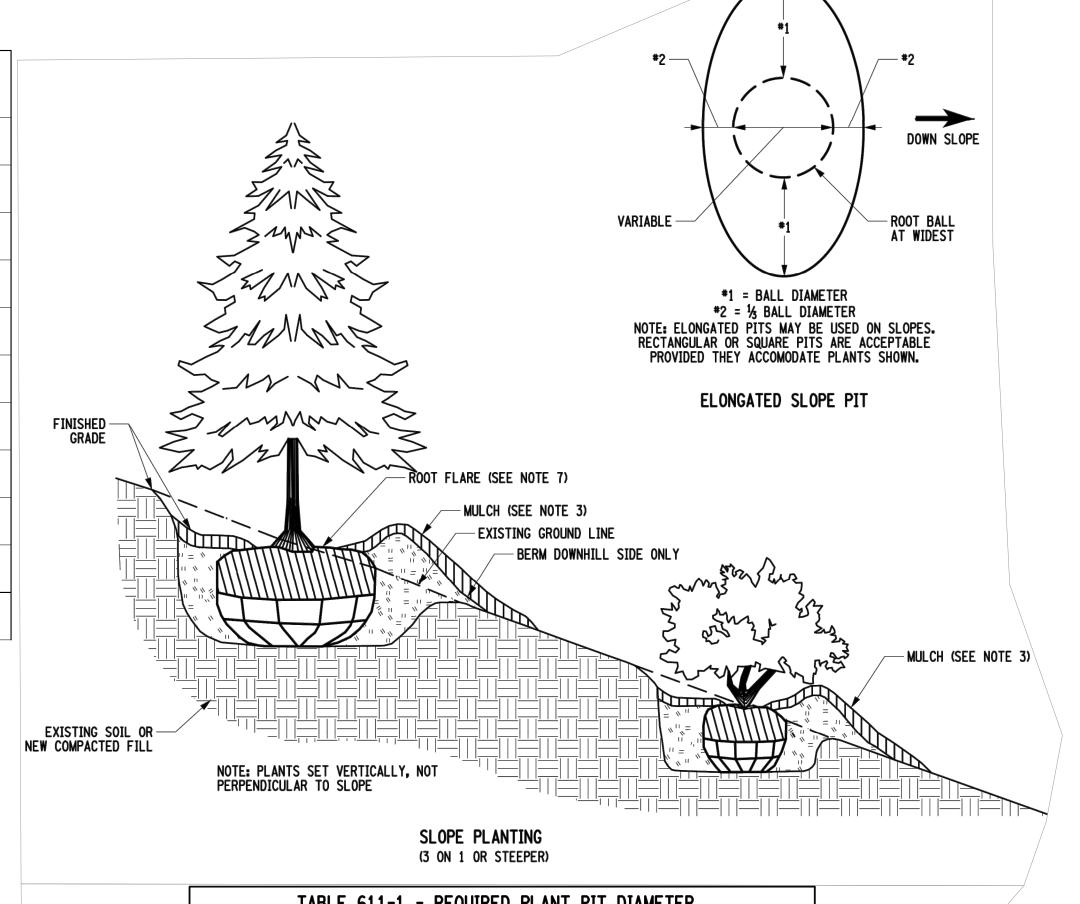
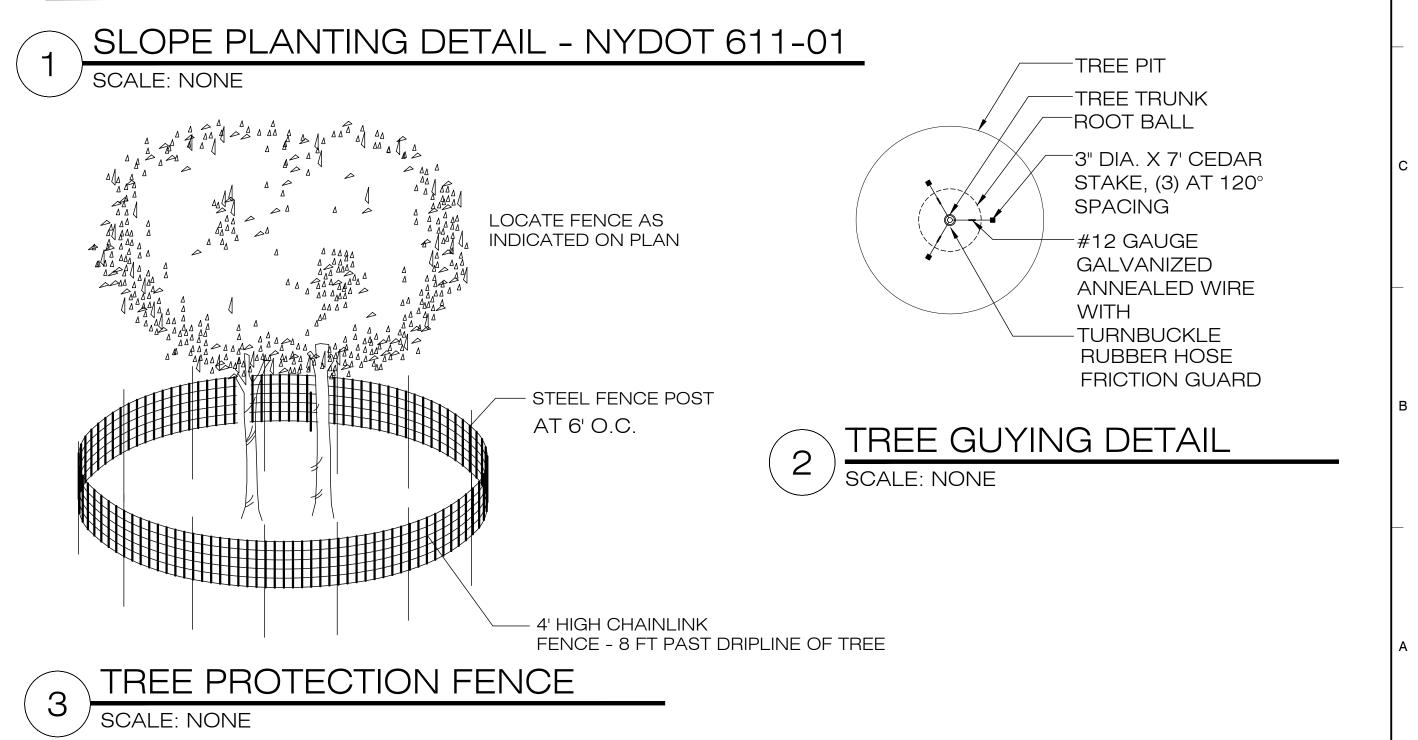


TABLE 611-1 - REQUIRED PLANT PIT DIAMETER						
ROOT SPREAD / ROOT BALL DIAMETER	PLANT PIT DIAMETER					
UNDER 2'-0"	3X THE ROOT SPREAD OR ROOT BALL DIAMETER					
FROM 2'-0" TO 4'-0"	2.5X THE ROOT SPREAD OR ROOT BALL DIAMETER					
OVER 4'-0"	2X THE ROOT SPREAD OR ROOT BALL DIAMETER					

- 1. PLANTING BALL ON B&B MATERIAL, BURLAP AND WIRE BASKET OR OTHER CONTAINER SHALL BE REMOVED
- 2. HEIGHT OF PLANTING SAUCER SHALL BE 3".
- . MULCH SHALL BE A MAXIMUM OF 3" DEEP AND TAPERED DOWN TO LEAVE THE ROOT FLARE EXPOSED. WHEN PLANTING ON SLOPES. DOWNHILL SIDE MUST BE STABILIZED APPROPRIATELY OR SEEDING ON DOWNHILL SIDE MAY BE SPECIFIED.
- 5. ALL TAGS, LABELS, ETC. SHALL BE REMOVED FROM THE PLANTS
- THIS DETAIL SHOWS ONE ABOVE GROUND TREE SUPPORT METHOD. ANY OTHER METHOD MUST USE COMMERCIALLY AVAILABLE PRODUCTS INSTALLED PER THE MANUFACTURER'S SPECIFICATIONS.
- 7. THE ROOT FLARE SHALL BE VISIBLE AND LEVEL WITH SURROUNDING SOIL.



SARATOGA **ASSOCIATES** 

> Landscape Architects. Architects Engineers, and Planners, P.C.

21 Congress St, Suite 201, Saratoga Springs, NY 12866 T 518.587.2550 marketing@saratogaassociates.com

Consultant:

Consultant:



9 Harmony St. - 2nd Floor Danbury, CT 06810

# Mt. Kisco (NY172) 180 S. Bedford Rd Mt. Kisco, NY 10594

Landscaping & Tree Preservation Details and Notes

NO.	DATE	DESCRIPTION	DRAWN	CHK
SARA	ATOGA A	SSOCIATES PROJECT#	2018	-030.10
		RATION OR ADDITION TO		
		VIOLATION OF SECTION RK STATE EDUCATION	ENEW	
AM (A)	2020 ALL DICE	ITO DECEDI/ED	OF THE YOU	XX.//

SARATOGA ASSOCIATES

DATE: 04/11/2023 DRAWN BY: JLG CHECKED BY: DMS PHASE: Planting **DWG SCALE:** 



# CELL TREES, INC. ANTENNA COVERS



We supply aftermarket antenna covers for Pine's, Palm's, and Broadleaf's. Our Pine and Broadleaf covers are available in three colors each.



Our standard covers are 24" wide, and are available up to 48". Lengths are 6" longer than your antenna length.

Palm covers are available in 24" widths only.

Please send RFQ to: einar@celltreesinc.com or use order form.



#### **STYLE 3818**

HIGH PERFORMANCE 18-oz. FABRIC Typical Properties

#### STANDARD

Base Fabric Type Base Fabric Weight (nominal)	Polyester
	5.0 oz/yd <sup>2</sup>
Finished Coated Weight	18 oz/yd <sup>2</sup>
ASTM D751	+2/-1 oz/yd <sup>2</sup>
Tongue Tear	8" x 10" sample @ 12"/minute
ASTM D751	80/80 lb <sub>f</sub>
Grab Tensile ASTM D751	375/350 lb <sub>f</sub>
Strip Tensile ASTM D751 Procedure B	300/275 lb <sub>f</sub> /in
Adhesion ASTM D751 RF Weld	10 lb <sub>f</sub> /in minimum
Hydrostatic Resistance ASTM D751 Procedure A	500 psi
Low Temperature	1/8 in mandrel, 4 hr
ASTM D2136	LTC: Pass @ -40° F LTA: Pass @ -67° F
Flame Resistance FMVSS 302	Pass 4 in/min
Roll Specifics	Width up to 75 in. Length 110 yd.

Unless stated otherwise, values presented above represent the minimum expected measurements at the time of manufacture. We believe this information is the best currently available on the subject. We offer it as a suggestion in any appropriate experimentation you may care to undertake. It is subject to revision as additional knowledge and experience are gained. We make no guarantee of results and assume no obligation or liability whatsoever in connection with this information.

\*\*Issued November 2006\*\*



#### Material Safety Data Sheet

SHELTER-RITE® VINYL COATED FABRIC

**Issue Date:** 3/1/99 **Supersedes:** 1/15/97

**SECTION 1. PRODUCT & COMPANY INFORMATION** 

Trade Name: SHELTER-RITE® VINYL COATED FABRIC

Chemical Name, Synonyms: PVC COATED FABRIC EMERGENCY PHONE NUMBERS:

Manufacturer: SEAMAN CORPORATION

 SEAMAN CORPORATION
 DAY: 330-262-1111

 1000 Venture Blvd.
 NIGHT (CHEMTREC): 800-424-9300

Wooster, OH 44691 USA INFORMATION: 330-262-1111

SECTION 2. INGREDIENTS

<u>Component</u> TLV (Units)

NYLON OR POLYESTER FABRIC N.A.

PROPRIETARY COMPOUND CONTAINING PVC, PHTHALATE PLASTICIZERS, N.A.

STABILIZERS, PIGMENTS, ESO, FLAME RETARDANTS, LUBRICANTS, CaCO3

(TRADE SECRET PER CFR 1910.1200(i))

SECTION 3. PHYSICAL DATA

**Boiling Point:** N.A. Specific Gravity: 1.2-1.3 Vapor Pressure % Volatile (Vol.): < 0.2% N.A. Color and Odor: Vapor Density: Vinyl Odor N.A. Solubility in Water Insoluble Physical State: Solid Sheet

SECTION 4. FIRE AND EXPLOSION HAZARD DATA

Flash Point: N.A. Flammable Limits: N.A.

EXTINGUISHING MEDIA: Water fog, foam or dry chemical; C02 may not have enough cooling to prevent re-ignition

FIRE PROTECTIVE EQUIPMENT: Positive pressure self-contained breathing apparatus and full protective

clothing to fight fires.

UNUSUAL FIRE AND EXPLOSION HAZARDS: None Known

SECTION 5. REACTIVITY DATA

STABILITY - CONDITIONS TO AVOID: Combustible if exposed to flame

INCOMPATIBILITY - MATERIALS TO AVOID: None

HAZARDOUS DECOMPOSITION PRODUCTS: CO, CO2, HCL, Trace Aromatics

HAZARDOUS POLYMERIZATION: Will Not Occur

**Issue Date:** 3/1/99

#### SECTION 6. HEALTH HAZARD DATA

ACUTE TOXICITY

Oral Ingestion: Not normally a route of exposure

Eye Contact: Eye irritation is possible due to processing vapors when film is heated sufficiently

to cause mass melting of the polymer, such as during heat welding

Skin Contact: Skin irritation is possible due to processing vapors when film is heated sufficiently

to cause mass melting of the polymer, such as during heat welding

Inhalation: Respiratory irritation is possible due to processing vapors when film is heated

sufficiently to cause mass melting of the polymer, such as during heat welding

First Aid Procedures: Wash thoroughly with soap and water. Remove to fresh air if respiratory irritation

occurs. If irritation persists, call a physician.

Chronic Toxicity: No chronic effects due to exposure are known.

#### SECTION 7. SPILL OR LEAK PROCEDURES

Steps To Be Taken In Case Of Spill: Dispose in approved landfill

Disposal Method: Bury or incinerate in accordance with Federal, State and Local Codes.

Not defined as hazardous by current provisions of RCRA

#### **SECTION 8. SPECIAL PROTECTION INFORMATION**

Ventilation: Local exhaust, especially if irritation occurs

Respiration Protection: Not normally necessary

Protective Clothing: Wear gloves when handling hot material

Eye Protection: Not normally necessary

Other Protective Equipment: Not normally necessary

#### SECTION 9. SPECIAL PRECAUTIONS OR OTHER COMMENTS

Precautions To Be Taken In Handling and Storage:

In operations such as heat welding or thermoforming involving heat sufficient to cause melting of the polymer, irritating fumes may be evolved. Adequate ventilation should be

provided.

Other Precautions: Avoid inhalation of processing fumes

THE INFORMATION HEREIN IS GIVEN IN GOOD FAITH BUT NO WARRANTY, EXPRESS OR IMPLIED IS MADE

Document: MSDSDOCVINYL.DOC Page 2 of 2

1'-6"

2'-6"

3'-6"

4'

5'-6"

6'

6'-6"

7'-6"

8'-6"

9'

9'-6"

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10'-6"

11'

11'-6"

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12'-6"

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13'-6"

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41'-6"

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42'-6"

43' 43'-6"

44'

44'-6"

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14 11 14 13 13 12 13 13

10

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Top Plate: three 4' branches and one 5' top branch

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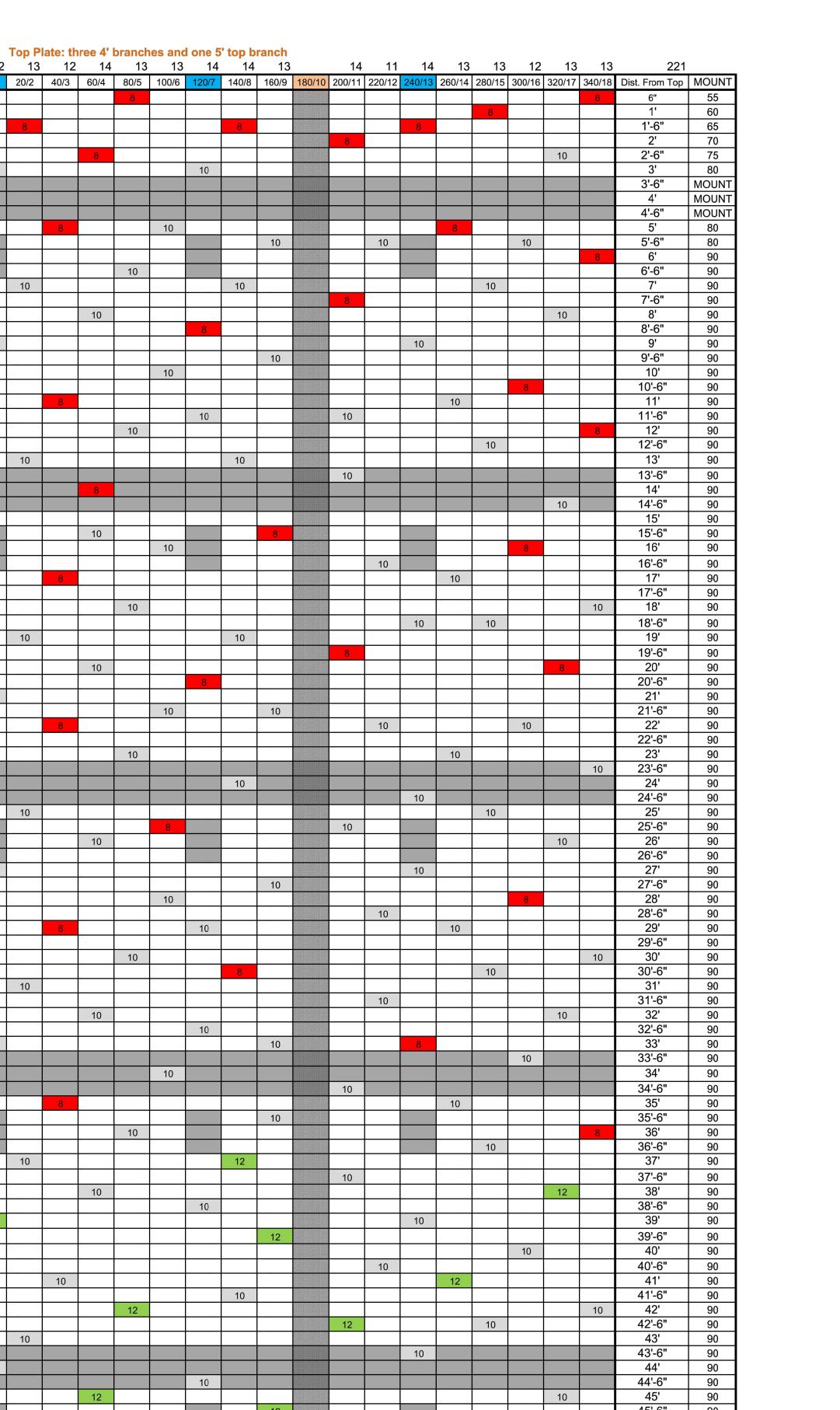
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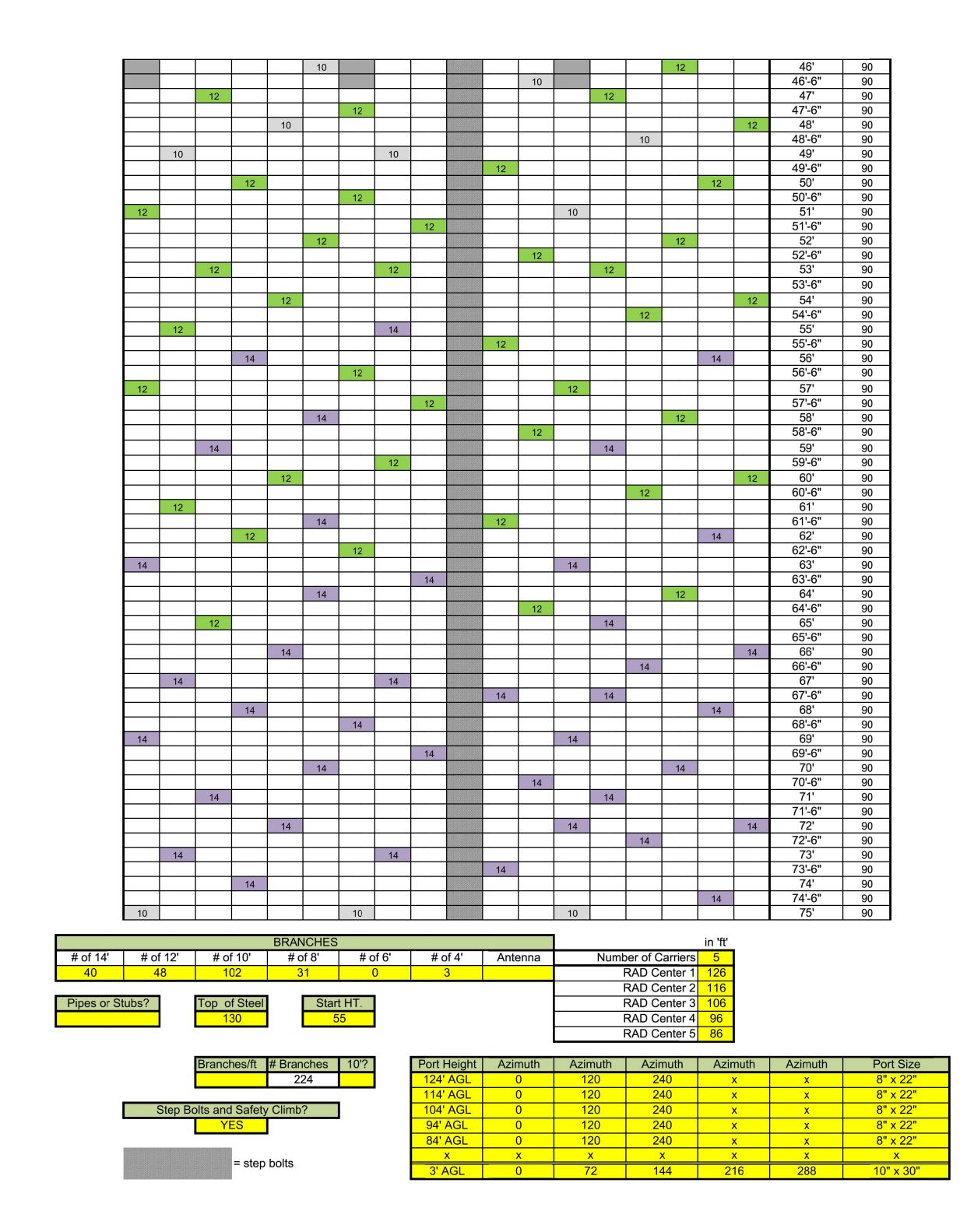
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12 13 12 14 13 13 14 14 13





# Warning: It is a violation of the law of the State of New York for any person, unless acting under the direction of a licensed professional engineer to alter an item in AMOUFL 1 SOUTH EUCLID AVENUE TUSCON, AZ 85713 (520) 294-3900 www.larsoncamo.com

bennett&pless 8

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REVISIONS

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