

1 INCORPORATED VILLAGE OF LAUREL HOLLOW
2 BOARD OF TRUSTEES
3 PUBLIC HEARING
4 May 23, 2019
5 7:00 p.m.

6 Cold Spring Harbor Laboratory
7 Hawkins Conference Room
8 1 Bungtown Road
9 Cold Spring Harbor, New York 11724

10 PRESENT:

11 DANIEL DeVITA, Mayor
12 JEFFREY NEMSHIN, Deputy Mayor
13 KEVIN JUSKO, Trustee
14 JEFFREY MIRITELLO, Trustee
15 RICHARD NICKLAS, Trustee
16 MARTIN NOVICK, Trustee
17 NICHOLAS TSAFOS, Trustee (Not present)

18 ALSO PRESENT:

19 HOWARD AVRUTINE, Village Attorney
20 ELIZABETH KAYE, Clerk/Treasurer
21 NANCY POPPER, Deputy Clerk
22
23 TODD STECKLER, Esq.
24 JOSEPH MACY, ESQ.
25 RICHARD COMI, Wireless Consultant
ROBERT GAUDIOSO, Esq.

CROWN CASTLE NG EAST LLC

MARY ANNE COPPINS
OFFICIAL COURT REPORTER

1 MAYOR DeVITA: We will now turn to
2 the public hearing.

3 This is a Federal Court ordered
4 hearing on Crown Castle's application
5 for a special use permit for the
6 installation of 25 distributed antenna
7 systems, DAS nodes, with attendant
8 equipment with six to be installed on
9 preexisting utility poles and 19 on new
10 poles, some of them wood, some of the
11 stealth.

12 Tonight is the third of four
13 hearings that concern nodes within the
14 numbers N693, across from 1 Glen Lane;
15 N695, 139 Laurel Lane; N696, 40 Picardy
16 Lane; N657, 78 Cherry lane; N669, 40
17 White Oak Tree Road; N670, 40 Woodvale
18 Drive.

19 The manner in which we will proceed
20 is as follows:

21 After my opening remarks, Howard
22 Avrutine, our Village Attorney, will run
23 through preliminaries such as notices
24 and exhibits. Then the applicant, Crown
25 Castle, will make its presentation to

1 the Board. The Board will then question
2 the applicant, make comments and have
3 discussion. The applicant will have a
4 chance to speak again. Then the
5 residents and guests, and we welcome
6 you, I know there are a number of
7 Syosset residents, you're certainly
8 welcome, then the residents and guests
9 will have the opportunity to ask
10 questions or make comments.

11 If you have not already, please
12 fill out your name and address and give
13 it to either Liz or Nancy. When your
14 name is called you will have the
15 opportunity to either question or make a
16 comment.

17 What we would like to do is, so
18 everybody gets a chance to speak, is try
19 and keep comments to three minutes,
20 which is actually a long time to speak.
21 If you need more time that's fine, if
22 someone ahead just said what you were
23 going to say, you can say that person
24 just said what I wanted to say, that's
25 fine, too. The idea is to give everyone

1 a chance to speak tonight.

2 At the close of the hearing, the
3 record will be kept open for 30 days for
4 anyone who wants to submit materials or
5 something in writing.

6 15 years ago in 2004, the Board of
7 Trustees, under the Mayorship of Denise
8 DeVita, my better half, passed a
9 Wireless Telecommunications Facilities
10 Ordinance for Laurel Hollow. It was in
11 response to a changing area of law, one
12 in which the rights of municipalities
13 had been repeatedly curtailed.

14 Going back, in the 1970s and early
15 1980s, cell towers went up in localities
16 because municipalities had no
17 legislation prohibiting them. Then the
18 municipalities passed laws which simply
19 prohibited cell towers, period. Because
20 of those denials and the courts
21 upholding them the industry petitioned
22 Congress, to which, in response, passed
23 the Federal Telecommunications Act of
24 1996. U.S. Congress decided that a
25 nationwide cellular grid was something

1 that the country needed for cell service
2 and other digital types of
3 communication, such as the Internet.

4 A couple of important points of
5 that federal law that concern us:
6 First, a municipality cannot pass
7 legislation that has the outright effect
8 of prohibiting the construction and
9 placement of wireless facilities.

10 Second, one more difficult
11 provision is that the municipality may
12 not deny an application based on the
13 fear of the health effects of radio
14 frequency emissions. In sum, the law
15 does not prohibit a municipality from
16 regulating, just unreasonably
17 regulating.

18 So, Laurel Hollow's ordinance was
19 drafted to require an applicant to
20 provide as much information as possible
21 as to allow the Board to have as
22 complete a record as possible about the
23 proposed installations in order to
24 properly grant or deny an application.

25 Our ordinance is found in Chapter

1 145 of our Zoning Laws. I just wanted
2 to highlight a few points of the
3 purposes of our ordinance which requires
4 the applicant to meet a number of
5 requirements.

6 Section 36.1(d) encourages the use
7 of stealth and other innovative
8 technology to minimize the adverse
9 aesthetic and visual impact on land,
10 property and buildings.

11 Section 36.1 promotes and
12 encourages the priority of siting of
13 wireless telecommunications facilities
14 to minimize the adverse visual and
15 physical effects of wireless
16 telecommunications facilities and to
17 protect the natural features, aesthetics
18 and open space character of the Village.

19 Section 36.1(g) to minimize the
20 impact of such facilities on residential
21 properties.

22 We will see how these sections come
23 into play.

24 While the application process set
25 out in our ordinance is very detailed,

1 one overarching philosophy found in our
2 law is for our Board to ensure that,
3 quote, "The placement, construction and
4 modification of wireless
5 telecommunications equipment do not
6 threaten or endanger the health, safety
7 and welfare of the Village's residents
8 and visitors, and to protect the
9 public's welfare, environmental
10 features, aesthetic values, nature and
11 character of the community," and that we
12 will do.

13 Howard?

14 MR. AVRUTINE: Thank you, Mayor.

15 As the Mayor indicated, this is the
16 public hearing on the application of
17 Crown Castle, NG East LLC to install six
18 new wireless telecommunications nodes as
19 part of a new distributed antennae
20 system, known as D-A-S, DAS, to be
21 installed on utility poles within public
22 rights-of-way located within the Village
23 of Laurel Hollow.

24 The exhibits in connection with
25 tonight's hearing are as follows:

1 First, a copy of the legal notice
2 as prepared by the Clerk/Treasurer.

3 Next is an Affidavit of Posting
4 from Elizabeth Kaye that the legal
5 notice was posted on the bulletin board
6 in front of Village Hall on March 29,
7 2019.

8 The next exhibit is an Affidavit of
9 Publication that the legal notice was
10 published in the North Shore Leader on
11 April 3, 2019.

12 The next exhibit is a document that
13 confirms that the legal notice was
14 published to the Village's website on
15 March 26, 2019.

16 The next exhibit is a document that
17 confirms that the legal notice was sent
18 to the Village website NEWS subscribers
19 on May 17, 2019.

20 The next exhibit is an Affidavit of
21 Mailing from the applicant indicating
22 that the Notice of Public Hearing was
23 mailed to all required property owners
24 on May 10, 2019.

25 The final exhibit is notification

1 from the Nassau County Planning
2 Commission dated September 25, 2018 that
3 the subject matter of this hearing is
4 referred to the Village of Laurel Hollow
5 Board of Trustees to take action as it
6 deems appropriate.

7 As the Mayor indicated, this is the
8 third hearing out of four and concerns
9 six particular antennae node locations.
10 The way this matter is going to be
11 handled is that the record is going to
12 be cumulative. What that means is that
13 all evidence and testimony given during
14 these hearings will be considered as
15 part of the record upon which the Board
16 will render its determination with
17 respect to each particular application.
18 So if something is said at tonight's
19 hearing, it will be utilized in
20 connection with any of the other
21 hearings, and of course, that would
22 apply in the reverse as well.

23 At this time, the applicant will
24 present their case to the Board, Mr.
25 Robert Gaudioso.

1 MAYOR DeVITA: Mr. Gaudioso, I
2 apologize, I don't mean to interfere, I
3 forgot to introduce some of the other
4 people that are here.

5 First here on my right is Dick Comi
6 from the Center for Municipal Solutions.
7 Dick has been our consultant on this
8 application from the outset and has
9 prepared multiple reports.

10 Seated next to him are our two
11 Federal Court attorneys, Todd Steckler
12 from the Steckler Law Firm and next to
13 him, Joe Macy from Berkman Henoch.

14 So thank you, and I apologize, Mr.
15 Gaudioso.

16 MR. GAUDIOSO: Thank you very much,
17 Mr. Mayor and Members of the Board. My
18 name is Robert Gaudioso of the law firm
19 of Snyder & Snyder on behalf of the
20 applicant Crown Castle.

21 This is the third public hearing,
22 but I'll just briefly run through some
23 of the materials that were originally
24 submitted with the application,
25 including Crown Castle's Certificate of

1 Public Convenience and Necessity from
2 the New York State PSC.

3 MR. AVRUTINE: Hold on one second,
4 if you could. I know you sort of do
5 this quite often, but if you could
6 please try and slow down your tempo
7 because the reporter is taking it and
8 sometimes you are hard to keep up with.

9 MR. GAUDIOSO: My apologizes. I am
10 aware I am standing between us and the
11 Memorial Day weekend, I'll try to strike
12 that balance.

13 MR. AVRUTINE: Thank you.

14 MR. GAUDIOSO: Crown Castle has
15 also provided a Right-of-Way Use
16 Agreement. We submitted a map which is
17 up on a projector screen of the 25 node
18 locations. We submitted structural
19 certification reports for each of the
20 nodes. We included Crown Castle's
21 Certificate of Insurance. We also
22 included a long environmental assessment
23 form for all 25 nodes, a set of
24 drawings, plans for each of those,
25 submitted visual renderings for what

1 each proposed node locations would look
2 like. We submitted alternative sites as
3 part of the original locations that were
4 previously submitted. We submitted a
5 new pole justification report, included
6 tax maps and the surrounding property
7 owners. We submitted a noise
8 certification letter, an environmental
9 clearance letter, a radio frequency
10 justification report and also submitted
11 reports from our consultant confirming
12 that the facilities would comply with
13 FCC regulations regarding radio
14 frequency exposure.

15 Since the last public hearing and
16 based on the comments at that hearing
17 and the prior hearings we submitted
18 additional information. We submitted a
19 letter from Crown Castle detailing that
20 the meter pan is owned and installed by
21 PSG Long Island, the small size of that
22 meter pan being 19 inches long by 13
23 inches wide. We updated the visual
24 renderings to show the location of each
25 of the meter pans on the facilities and

1 that they could be painted to match the
2 pole and the equipment shroud. We
3 submitted a letter also from Crown
4 Castle confirming, again, that the noise
5 would comply with the Town Code,
6 nevertheless -- I'm sorry, the Village
7 Code, nevertheless, Crown Castle did
8 also offer as a condition of approval to
9 throttle the fan which is essentially
10 the only noise inducing component below
11 101 degrees Farenheit. Rarely does it
12 exceed that, but at a temperature below
13 that, we would throttle it down to 75
14 percent which would lower the overall
15 noise to 45 decibels at approximately 5
16 meters from the node which, again, would
17 be well below the ambient noise levels,
18 the amount of a quiet conversation.

19 We also submitted some
20 documentation responding to some under
21 grounding questions, including a
22 response. I believe there was a
23 photograph shown of a Crown Castle
24 manhole. That is not an ion containing
25 manhole which is the equipment in this

1 case. That was fiber spliced in New
2 York State, a completely different type
3 of installation.

4 We also included in the additional
5 drawing and schematic of a type of
6 stealth base for the base of the stealth
7 poles. We're also working on some other
8 designs. We recently received some
9 photographs of some light poles in and
10 around Village Hall so we will provide
11 some additional details, some other
12 stealthing options that we can come up
13 with.

14 We also came up with an alternative
15 site analysis showing that we can
16 relocate all of the nodes that were
17 requested to be relocated, other than
18 one. We proposed an alternative to the
19 alternative that was discussed out in
20 the site visit. We also updated and
21 showed the stealth poles requested at
22 all different locations, based on our
23 site visit.

24 We also submitted a letter
25 confirming that Crown Castle's

1 facilities are small wireless
2 facilities. We submitted a lane
3 appraisal report which looked at
4 potential diminution in property values,
5 based on existing Crown Castle nodes,
6 not only in this area, but in the City
7 of Rye in Westchester.

8 With that, Mr. Mayor, I'd be happy
9 to answer any questions the Board may
10 have this evening.

11 Thank you.

12 MAYOR DeVITA: Mr. Comi, would you
13 like to comment first?

14 MR. COMI: Thank you, Mayor.

15 As the Mayor mentioned, our
16 organization is the Village's wireless
17 municipal consultant. We happen to be
18 the largest one in the country. We work
19 only for the municipalities. We have no
20 relationship to Crown Castle or any of
21 the wireless carriers whatsoever or
22 anybody that works in our organization.

23 I'm going to split what I say into
24 two things this evening. I will be very
25 brief, yes, I understand the weekend is

1 coming.

2 The first one will be to make some
3 general comments overall that are
4 related to a number of the sites or a
5 number of the issues as we see them and
6 then I will take the six sites that they
7 talked to and go down through them very
8 briefly. And when I do that, if they
9 will put it up on the screen to make
10 life easier for everyone.

11 First of all, the one thing that we
12 still haven't seen that we asked for and
13 we require is the proof of need for each
14 and every one of these nodes
15 individually. We have not seen the data
16 we asked for. By the way, it was asked
17 for at the last two meetings and you
18 didn't hear Mr. Gaudioso say that he
19 provided any information in his updated
20 report because he didn't. So we still
21 believe that it is needed because the
22 system doesn't have to have all 25
23 offerings. So there may be the
24 possibility that by some moving or some
25 other issue that some of them are not

1 required; that's number one.

2 One of the issues that has been
3 looked out throughout and that the
4 applicant has said that they cannot do
5 is putting facilities on what is known
6 as a LIPA pole and the community and
7 others that we work in have asked why.

8 To this date, to the best of my
9 knowledge, no agreement has been shown
10 that says that they could not go on an
11 existing LIPA pole. In a number of
12 cases in the community they are saying,
13 well, we can't use that pole, we have to
14 put a new pole in, which, in some cases
15 if it's a stealth pole it may be the
16 right thing, but in other cases if that
17 existing LIPA wood pole is in a most
18 obtrusive -- least obtrusive place, you
19 may want to use it. That is a second
20 item.

21 One item they did address is we
22 brought up the issue that anything in
23 terms of attachments, electric or
24 whatever that's got to cross a road will
25 go underground and they must bore it and

1 not cut up the road and they have agreed
2 to do that.

3 You heard Mr. Gaudioso say that the
4 size of the antennas was in the
5 documentation to establish the fact that
6 it meets the small cell arrangement. We
7 disagree. The letter that was provided
8 was provided by one of their
9 individuals, a senior planner, an RF
10 person, and I only add this for clarity,
11 he is not a licensed PE. But, at the
12 same time in their application about a
13 year ago, their licensed PE did state in
14 their document that the antenna was 15
15 and-a-half inches by 84 inches which
16 exceeds the government definition of a
17 small cell which is 3 cubic feet. Also,
18 in an FCC document back in 2014, FCC
19 14-153, it states in here that Crown
20 Castle currently deploys antennas and
21 small cell networks that are
22 significantly larger than the 3 cubic
23 feet.

24 So, my interpretation of what their
25 licensed PE -- by the way, it was there

1 structural firm, and yes, they did sign
2 violations PE at every site to say
3 that's the antenna. Now you have
4 another letter by an individual who is
5 not a PE that says, oh, it's really got
6 18 antennas inside. So one was right
7 and one was wrong and I tend to go with
8 the licensed PE who puts his license on
9 the line saying what he's provided and
10 stamped is accurate.

11 They have addressed, as you've
12 heard this evening, the noise levels.
13 And, in fact, what they said to us this
14 evening, which is something else that we
15 have not heard, is that they will turn
16 down the volume, up to 101 degrees to 75
17 percent and yes, that will reduce the
18 noise level, folks. Like any fan, house
19 fan or whatever, you put it on high it
20 makes more noise than if you put it on
21 low or medium. That is true about their
22 fans also.

23 One of the issues that is extremely
24 important is the health issue. As the
25 Mayor said, the federal government, in

1 their ultimate wisdom, has come up with
2 regulations that does not allow this
3 Board to change those regulations, to
4 challenge those regulations, et cetera.
5 All they have is the ability to verify
6 that the regulations, if and when
7 something is permitted and constructed,
8 that the emissions are met. And in that
9 light, we would recommend -- by the way,
10 I'm not recommending the site, I'm
11 simply saying that if a site goes in, we
12 would recommend post-construction
13 testing, actual testing to verify the
14 emissions levels at various distances to
15 absolutely ensure that what has been
16 provided in terms of calculations, and
17 I'm not saying that they are not going
18 to meet the levels, I'm simply saying
19 the community has the right to verify it
20 and I would strongly suggest that that
21 be one of the areas in which they may
22 want to put a condition, should
23 something be granted.

24 Let me go now to the six locations
25 we are talking about.

1 MAYOR DeVITA: I have it.

2 MR. COMI: Thank you, sir.

3 I have number one here -- let me
4 get out here so I can also see -- is
5 across from Glen Lane.

6 In the information that was
7 recently provided it states that no
8 location requested, keep as originally
9 proposed. However, our comments that we
10 started and then adjusted stated that
11 the location is still near homes, and as
12 you can see the fence there is a sump
13 area. Why not put it inside the sump.
14 And their proposed picture of where they
15 are going to do it right here is not.
16 Again, looking to become less obtrusive.
17 I'm not saying it's not a ways away from
18 the home, but it could be put inside the
19 gate, it could be screened quite well by
20 some of those trees there and become
21 less visible as to what is presently
22 proposed, okay.

23 Item number two, or location number
24 two I guess I should say, 695 139
25 Laurel.

1 In this particular place they are
2 saying that, yes, they can move the
3 location where the stake is located and
4 put in a new stealth pole. Now, in
5 terms of the stealth facilities, you
6 heard them say that they come up with a
7 new design whereby the equipment goes in
8 the base, in terms of a little
9 triangular area around the outside of
10 the pole.

11 One of the things that they had
12 previously stated in their letters was
13 that Town's ordinance says ground
14 equipment can be placed underground and
15 they said whatever is on the pole is not
16 ground equipment.

17 Now, I would argue that's ground
18 equipment, the whole thing. But now
19 that they're putting it on the ground,
20 it certainly is ground equipment and
21 there is nothing that I am aware of that
22 says that equipment could not be put in
23 a vault underground. In fact, it is
24 underground in places, other places in
25 the country, not the ion they were

1 talking about but this kind of DAS
2 equipment can be put there. So, yes,
3 that is what they said they can relocate
4 to that location for number two.

5 For item number three, which is 40
6 Picardy Lane, they again in this case
7 say they can relocate it to where the
8 Village went out and looked and that
9 would make it less obtrusive, folks, in
10 that location by relocating.

11 Item number 4 is 78 Cherry Lane.

12 In terms of 78 Cherry Lane, they
13 are stating that they can install a new
14 stealth pole at the location identified,
15 see picture and type. It's in a
16 different location.

17 Our comment was at first they were
18 just going to move it to the other side
19 of the driveway. Now they're talking
20 about a stealth, a concealment pole.
21 But, again, we believe that the pole
22 could be moved further away from the
23 entrance to the driveway which is on the
24 other side of the road. Again, it may
25 not be a significant item, but it could

1 be relocated to be a little less
2 obtrusive.

3 For location number five, which is
4 40 White Oak Drive, they're saying they
5 can install a new wooden pole in a
6 position identified. Here came up the
7 question of why you need a new wooden
8 pole when there's a LIPA pole there.
9 That's the issue in this particular
10 case, why put in a second pole. The
11 industry is saying they can't use the
12 LIPA pole. But they have not documented
13 that to the best of my knowledge.

14 The sixth location, which is 40
15 Woodvale, it says they can move it to a
16 new location; however, it is
17 interesting. Their notes -- and this is
18 N670, their notes and what they provided
19 in their binder say a new wood pole.
20 That certainly is not a new wood pole
21 they've shown.

22 Again, this part of the
23 documentation of what they have provided
24 says they can move it, but it doesn't
25 agree with the other part of

1 documentation in terms of what they are
2 showing.

3 Those are my comments, thank you
4 very much.

5 Any questions from the Board at
6 this time?

7 MAYOR DeVITA: Thank you, Mr.
8 Comi.

9 MR. AVRUTINE: I have a couple of
10 things to supplement from what Mr. Comi
11 offered and I do have a question, as
12 well, regarding the LIPA pole issue.

13 The position of the applicant had
14 been throughout this process that LIPA
15 poles were not available for their use.

16 As part of the federal lawsuit, it
17 was revealed that the reason for that is
18 that it is cost prohibitive from their
19 perspective. We are in the process of
20 gaining more information from them on
21 this point, including their pole
22 attachment agreement with LIPA which we
23 are negotiating to receive a copy of.
24 So, at least, at this point in time, it
25 appears that the issue is not one where

1 the technology precludes it or some
2 other actual functionality precludes it;
3 but, rather, it appears to be an issue
4 of cost.

5 I would like also, you mentioned
6 the issue about whether the particular
7 antennas qualify as small cells and that
8 in your estimation, Mr. Comi, these
9 installations do exceed that definition.

10 Can you explain, for the benefit of
11 those in attendance, what the
12 significance of that is.

13 MR. COMI: Well, first of all, the
14 significance is that the New Report and
15 Order that just came out --

16 MR. AVRUTINE: When you say report?

17 MR. COMI: I'm sorry, let me back
18 up a step.

19 The federal government came out
20 with what they call a New Report and
21 Order 18-133 which went into effect in
22 January. That report and order
23 specifies certain pricing and a lot of
24 the things, but it defines, under the
25 report and order, a small cell as a

1 facility that has an antenna of 3 cubic
2 feet or less.

3 Obviously, if I'm correct because
4 the 14 and-a-half by 48 is about 4.6
5 cubic feet, 50 percent larger, which
6 means it does not comply with the small
7 cell report and order. So that is one
8 of the impacts of it, as well as the
9 fact that over the years a lot of the
10 legislation, not only in this report and
11 order but other things to do with
12 right-of-way had to do with talking
13 about small cells or DAS nodes. Again,
14 the way it's defined and the way it's
15 sized does not comply.

16 Let me also say that right here on
17 Long Island there is another
18 infrastructure provider that is putting
19 these up, or attempting to put them up,
20 whose antenna is less than 3 cubic feet.

21 MR. AVRUTINE: Thank you, Mr. Comi.

22 I just would like to add one other
23 item with respect to site number 670 at
24 40 Woodvale.

25 There was a submission by the

1 applicant whereby they did propose to
2 change from a wood pole to a new
3 concealment pole. That was part of the
4 previous resubmission depicting that
5 location.

6 MR. COMI: Yes, I realize that.
7 I am talking about what they submitted
8 three days ago. What they submitted
9 three days ago says wood pole.

10 MR. AVRUTINE: Maybe Mr. Gaudioso
11 can clarify.

12 MR. COMI: It's probably just a
13 typo.

14 MR. AVRUTINE: I just wanted to
15 make sure that we're clear.

16 MR. GAUDIOSO: I would like to
17 clarify a few points.

18 On 40 Woodvale, we agreed to move
19 it. We can do either the stealth or
20 wood pole, those are both alternatives.

21 On the issue of a small wireless
22 facility, I think I mentioned it the
23 last time but I'll mention it again, the
24 FCC order defines a small wireless
25 facility based on a number of factors:

1 Less than 50 feet in height, not on
2 tribal land, not FAA -- less than 28
3 cubic feet of equipment, less than 3
4 cubic feet for each antenna.

5 So what we have documented is that
6 within our antennae shroud would be used
7 as a stealth method. We have three
8 sectors of antennas with a total of 18
9 antennas. So we need the small wireless
10 facility definition.

11 What the professional engineer
12 submitted with respect to the structural
13 certifications from I believe about a
14 year ago was relating to antennae shroud
15 encloser, so there is no confusion
16 between that.

17 The small wireless facility
18 definition doesn't limit the carrier or
19 applicant. What it does is it grants a
20 benefit to the carrier or the applicant
21 in two ways:

22 Number 1, it limits the timeframe
23 for the shock clock, but we're already
24 beyond that even under the old shock
25 clock. So it limited it, a new pole

1 from 150 days down to a 90-day shock
2 clock.

3 MR. AVRUTINE: I'm sorry to
4 interrupt. The folks here don't even
5 know what a shock clock is, what that
6 reference is.

7 MR. GAUDIOSO: A shock clock is a
8 reasonable period of time for the Board
9 to act after the application is filed.
10 So the old shock clock for non-small
11 wireless facilities was 150 days for a
12 new pole, now it's been reduced to 90
13 days. For an existing pole, it's
14 reduced from 90 days to 60 days. That
15 is besides the point.

16 The other key factor is what it
17 does. It affects what a municipality,
18 in essence, the consultant can charge
19 down to \$100 per node for an existing
20 pole or \$1,000 per node to review for a
21 new pole. So that is how it affects Mr.
22 Comi with respect to his fees. So I
23 wanted to make that clear.

24 Secondly, regarding the comment we
25 didn't submit the RF data, the Code does

1 not require any specific RF data. We
2 submitted tons of RF data over a year
3 ago, including drive-test data and
4 propagation maps and different
5 affidavits from our RF engineer.

6 Regarding the issue of the LIPA
7 data, Mr. Avrutine is correct but with
8 one exception.

9 From day one, our submission noted
10 that the use of the LIPA poles was
11 economically not feasible, that was in
12 our original memo. We've stood by that.
13 I've given you some of the ballpark
14 figures. We provided a form, protective
15 order to your counsel as part of the
16 litigation. We provided that back on
17 May 3rd. Once we have that order
18 implemented we will provide that data to
19 support the difference between the cost
20 to go on a regular pole and the cost to
21 go on a LIPA pole. As indicated before,
22 the difference is staggering, it makes
23 it financially unfeasible.

24 I think I've responded to all of
25 the items, other than one which is the

1 vaulting issue. Again, the Code doesn't
2 require pole-mounted equipment, whether
3 on the base or in the middle of the
4 pole. The underground, more
5 importantly, the new FCC order makes it
6 very clear that any aesthetic, including
7 specifically vaulting or underground
8 requirements have to meet a very
9 specific test.

10 We cited to the FCC order, that's
11 threefold: It has to be reasonable, it
12 has to be no more burdensome than the
13 other constructed deployments in the
14 area, and has to be objective and
15 published in advance and we believe that
16 does not meet any of those three
17 requirements as laid out in that
18 documentation submitted.

19 Thank you.

20 MAYOR DeVITA: So now we will
21 proceed with the Board's questions.

22 With respect to the LIPA
23 financials, our attorneys are now
24 negotiating under the auspices of the
25 federal case a protective order to

1 obtain information. We have, almost at
2 every hearing, basically a new audience,
3 Mr. Gaudio. We're going to go back
4 and lay a foundation just about what the
5 application is about.

6 Number one: The question that
7 comes up, one of the most basic, is what
8 is this service that Crown Castle is
9 installing the infrastructure for to be
10 provided by Verizon and possibly other
11 providers in a colocated manner, how is
12 that going to benefit us? Cell phone
13 service, data acquisition.

14 We understand that this is 4G LTE.
15 How is this service -- what is Crown
16 Castle's basic statement about how this
17 would benefit us?

18 MR. GAUDIOSO: Crown Castle has a
19 certificate from the State to be able to
20 provide telecommunications within the
21 right-of-way. They provide
22 telecommunications service by building
23 DAS networks. As part of a DAS network
24 they build four colocations specifically
25 as required by your Code.

1 The initial carrier in this case
2 would be Verizon Wireless. Verizon
3 Wireless would provide personal wireless
4 services, including, exactly as you
5 mentioned 4G, LTE service with both
6 phone calls and broadband data
7 commingled in one facility. So it would
8 improve all phone call service, it would
9 improve your wireless usage on your
10 laptop or smart phone or any other
11 mobile device you may have.

12 MAYOR DeVITA: Because questions
13 come up a number of different times,
14 different ways. Mr. Comi was asking for
15 information about certain bands of
16 broadcast that were not provided. And I
17 think Crown Castle is providing
18 information on certain bands, but not
19 others. Can you explain that?

20 MR. GAUDIOSO: We have shown the
21 need for Verizon service at both the 700
22 megahertz band and the 2100 megahertz
23 band. The FCC order is very clear that
24 carriers are permitted to densify their
25 networks, that a prohibition of service

1 would be a material inhibition of
2 service. We believe we've provided all
3 the data that establishes that the
4 criteria -- we believe that we've
5 provided even more data than what is
6 required by your Code.

7 MAYOR DeVITA: So the question has
8 come up before, Crown Castle's
9 application for this service is that it
10 will provide 4G service. This is not
11 for 5G, correct?

12 MR. GAUDIOSO: Correct.

13 MAYOR DeVITA: My question is --
14 everyone is being bombarded by
15 everything on TV, every newspaper about
16 5G is coming.

17 Are you, in essence, asking for a
18 system that by the time this is
19 completed and installed this would be
20 outdated?

21 MR. GAUDIOSO: No.

22 MAYOR DeVITA: 5G, you're finished
23 installing it and all of a sudden you or
24 another carrier-installer is now looking
25 for a 5G system.

1 MR. GAUDIOSO: That is not correct.

2 So, as we have seen, since original
3 cellular service, now we call 1G,
4 there's always been a revolution of
5 technology. The technology is basically
6 overlaid on the existing infrastructure,
7 and we would expect the same thing with
8 whatever technology is coming in the
9 future.

10 The reality is that LTE technology
11 will remain in place for a long period
12 of time. We would expect that 5G and 4G
13 LTE would overlap for a significant
14 period of time, if not for the entire
15 duration of both.

16 MAYOR DeVITA: Actually, the last
17 time one of our audience members asked
18 that in the infrastructure you are
19 proposing, is it capable of handling 5G?

20 MR. GAUDIOSO: You would have to
21 define for me what 5G means, that is
22 really -- each market --

23 MAYOR DeVITA: Doesn't the industry
24 define it yet?

25 MR. GAUDIOSO: No. Part of the

1 process we know is that it would be a
2 much faster service and we know that
3 there would be much lower latency
4 periods. We suspect we would probably
5 use different frequency bands, different
6 technologies. But until that comes to
7 fruition and an application made for 5G
8 service, I can't tell you for sure that
9 these facilities would be used for 5G
10 service. The expectation is they would
11 be capable of handling 5G service. That
12 is not what the application is for. The
13 application is for remedying a need for
14 Verizon's 4G service.

15 MAYOR DeVITA: So, one of the
16 issues that comes up is, and Mr. Comi
17 mentioned it, is the emission issue.
18 So the federal government has set
19 certain standards for radio frequency
20 emissions, which is what we're talking
21 about here.

22 You submitted reports, basically
23 the three different heights of poles,
24 the wood pole with the antennae on top,
25 the side-mounted pole -- side-mounted

1 antennae and stealth pole antennae and
2 reports for each of those in terms of
3 compliance.

4 Do you want to summarize what that
5 is so we can ask questions about that?

6 MR. GAUDIOSO: Sure. What the FCC
7 has put out is Bulletin OET 65, it's
8 laid out technology in determining
9 whether a wireless facility complies
10 with the FCC radio frequency exposure
11 guidelines.

12 We basically have three different
13 height poles. The height is 43 feet for
14 the center line of the antennae and that
15 maximum power under the FCC formula, the
16 RF exposure would be approximately 1.5
17 percent of the allowable 100 percent
18 limit. So actually, a wooden pole top
19 is actually the amount that is the
20 lowest in comparison to the applicable
21 standard. The stealth pole, by way of
22 comparison because it's lower in height
23 would amount to approximately 2.8
24 percent of the allowable FCC standard.

25 In any case, the facility would be

1 in compliance with the FCC radio
2 frequency exposure guidelines.

3 MAYOR DeVITA: You talked before,
4 assuming these things were put in place
5 our Code allows us to have some type of
6 enforcement mechanism for compliance and
7 I assume, in terms of compliance and
8 measuring, actual testing of compliance
9 of these facilities. I assume that
10 Crown Castle would not oppose that type
11 of testing to ensure compliance.
12 I assume there would have to be some
13 type of compliance if and when they
14 would be installed.

15 MR. GAUDIOSO: That is not correct.
16 I'm not going to opine on a potential
17 condition until I actually saw the
18 condition of approval. We don't believe
19 the actual testing is required,
20 permitted under the federal law, but we
21 would be happy to see what the condition
22 would be and see if it was something we
23 can accommodate.

24 MAYOR DeVITA: Just the issue about
25 whether the antennae is on top of the

1 small cell facility.

2 So I understand it, I read in
3 submissions, so Crown Castle's argument
4 is the top cannister is really broken
5 down into three sections with six
6 antennas in each section. And Crown's
7 position is that each section of the
8 cannister is a separate small cell
9 facility and, therefore, shouldn't add
10 up the three together and come up with
11 this total cubic feet.

12 Is that basically?

13 MR. GAUDIOSO: Close.

14 The definition includes a number of
15 factors, one of which is each antennae
16 shall be no more than 3 cubic feet. So
17 we have a stealth cannister in the three
18 sections. So not each section is not in
19 and of itself a small wireless facility,
20 it's that each antennae is less than 3
21 cubic feet; therefore, the entire
22 facility meets the definition of a small
23 wireless facility.

24 MR. AVRUTINE: You mean each of the
25 18 antennas?

1 MR. GAUDIOSO: Each of the 18
2 antennas.

3 MAYOR DeVITA: It's each of the
4 six, you're talking saying each of --

5 MR. GAUDIOSO: So what we showed
6 was even if you went by sectors, we have
7 three different sectors. Then we have
8 six antennas per sector. So no matter
9 how you splice it, no pun intended, you
10 would have less than 3 cubic feet for
11 each antennae, which is how the
12 definition of a small wireless facility
13 reads.

14 TRUSTEE MIRITELLO: So they all
15 have different functions, each antennae.

16 MR. GAUDIOSO: So, in essence, the
17 antennas operate at different
18 frequencies, they operate and receive
19 and transmit modes so they have some
20 different features and some overlapping
21 features.

22 What typically happens, and you
23 will see this on a cell tower, you will
24 see the tower and then you will see
25 three sectors, usually about a 10 or

1 12-foot triangle on top, then you will
2 see three or four antennas on each
3 triangle. So if you didn't have that
4 triangle, sometimes they'll put one
5 antennae flush mount on the pole for
6 three different sectors. So if we did
7 that, we would have three different
8 antennas which would be clearly less
9 than 3 cubic feet.

10 What we've done is we've come up
11 with an alternative technology, which is
12 exactly what your Code requires and
13 preferences, and we come up with it
14 inside a stealth radon cover to conceal
15 everything.

16 MAYOR DeVITA: Talking about your
17 RF emission reports. Are they based on
18 frequency emissions for the total of 18
19 antennas or for one individual antenna?

20 MR. GAUDIOSO: For the entire
21 facility.

22 MAYOR DeVITA: So we're talking 18
23 antennas.

24 MR. GAUDIOSO: So the number of
25 antennas isn't what dictates radio

1 frequency exposure. A couple of terms
2 to make sure we're talking about the
3 same thing. The standard is not an
4 emission standard. An emission standard
5 is something that comes out of
6 something. Exposure is something where
7 a human can potentially be exposed to
8 something. These are exposure
9 standards, not emission standards. That
10 is important to understand. It's all
11 based on distance where a person can
12 normally be.

13 MAYOR DeVITA: So exposure in this
14 case is based on --

15 MR. GAUDIOSO: Is based on --

16 MAYOR DeVITA: Is based on --

17 MR. GAUDIOSO: -- the way the
18 formula works, and I'm simplifying it,
19 but it's in the report. The way the
20 formula works is you look at frequency
21 bands, that has an impact. It looks at
22 power that goes in because that has an
23 impact and it looks at the way the
24 antennae propagates a signal, that has
25 an impact. The way you could propagate

1 a signal is you could propagate the
2 signal right now and would be in one
3 location, or in a wider location. So
4 the formula you take into account is
5 those are different parameters and
6 produces a final result of what the
7 exposure would be. Then that is
8 compared to what the allowable exposure
9 is.

10 MR. AVRUTINE: Just to clarify, Mr.
11 Gaudioso, the information that you
12 provide in that regard is based upon a
13 mathematical computation because,
14 obviously, there is nothing to test. So
15 that goes to the issue of what the Mayor
16 has raised and the Board members have
17 raised about the verification aspect of
18 this at such time as the facility is
19 installed to ensure that the math is
20 proven out to be accurate, essentially.

21 MR. GAUDIOSO: I think the FCC has
22 sole jurisdiction over that, but unless
23 and until there is an approval with the
24 condition, there's really nothing for me
25 to oppose at this point.

1 MAYOR DeVITA: Let me ask about
2 aesthetics.

3 A couple of hearings ago we
4 produced this picture and we discussed
5 this at the hearings that PSEG wanted to
6 get into the act and they're metering
7 all the preexisting ones in other
8 communities, other preexisting Crown
9 Castle installations, so, this is what
10 they are coming out looking like. You
11 did at the last hearing say you would
12 try and find out information about how
13 PSEG needs to work together to improve
14 this appearance.

15 A couple of things. So, these are
16 -- the reason what I did was -- here,
17 you will see there are two pictures for
18 each node. They look the same. But,
19 for instance, this you have, this was
20 the original submission for this line,
21 this is 40 Picardy Lane and it has the
22 box. It doesn't show the PSEG
23 attachments, the meters. And your new
24 submission is -- maybe a tough one to
25 tell, but you pictured it with the box

1 but colored on the same, instead of that
2 gray, correct me if I'm wrong, this
3 is --

4 MR. GAUDIOSO: Correct.

5 MAYOR DeVITA: You have presented
6 it as a brown-colored meter box attached
7 to a Crown Castle facility box.

8 MR. GAUDIOSO: Correct. We
9 confirmed in the letter that we
10 submitted that it could be located on
11 the 9:00 or the 3:00 location on the
12 pole so it will be on the side which I
13 think would be more out of the way. We
14 confirmed that we would work with PSEG
15 to minimize the wiring which I think was
16 a concern the last time. We also
17 confirmed it could be pointed to match
18 the pole and/or the box. So we showed
19 what the rendering there was, what it
20 would look like based on the side and
21 specification we also submitted as well.

22 MAYOR DeVITA: This brought up
23 another issue which counsel raised.

24 PSEG has the right to come into our
25 communities and slap meter boxes in a

1 right-of-way. In any event, that is for
2 another day.

3 But the other thing was with
4 respect to PSEG, as part of your
5 submission you indicated -- this, I
6 believe, was part of your submission, to
7 show the stealth poles you're working on
8 to put the PSEG meters in the shroud at
9 the bottom; is that right?

10 MR. GAUDIOSO: Correct.

11 MAYOR DeVITA: The thought was, the
12 thought occurred to me is there any
13 reason you can't -- instead of having
14 boxes even for the wood poles, use the
15 shroud pole which hides everything at
16 the bottom, instead of having a 4-foot
17 box and the meter on the wood pole.

18 So instead of having this, instead
19 of having the box, everything in your
20 line of sight --

21 MR. GAUDIOSO: The clamshell rather
22 than the box, we can certainly look at
23 that. That's the first I've heard that
24 suggestion so that's certainly something
25 we can look at.

1 MAYOR DeVITA: By the way, just so
2 people understand, we're asking
3 questions and talking now about moving
4 poles and that is because part of your
5 requirement is to see if there are
6 better aesthetics of putting these
7 things and where can they go and what
8 they look like. It doesn't mean we are
9 approving them. But part of our duty is
10 to look into them to see what other
11 options there are, again, all the
12 different segments of our ordinance that
13 require us to investigate the aesthetics
14 of these things.

15 Do you want -- I'm not going to get
16 into the vault. We talked about that.
17 We're understand your position.

18 But there was a submission in your
19 latest submission, May 14th letter from
20 Edward Champion, and on the second page
21 of the letter it states:

22 As previously detailed, Crown
23 Castle agreed to place utilities
24 underground for proposed stealth
25 facilities and overhead where there are

1 wood poles and existing aboveground
2 utilities.

3 It seems to be at odds with what
4 you were saying before.

5 Am I misreading that?

6 MR. GAUDIOSO: No. The utilities,
7 the way your Code reads there is
8 ground-mounted equipment. If you have a
9 separate stand-alone ground-mounted
10 equipment, just like a transformer
11 box -- and we submitted photographs
12 throughout the Village showing that
13 these are permitted above ground. But
14 in your wireless Code, you have a
15 provision that if there is
16 ground-mounted equipment, that it may be
17 required to be vaulted.

18 Then there is -- and we are not
19 ground-mounted equipment. Number 1;
20 we're putting on a pole or the base of a
21 pole, that is number 1. Number 2, we
22 submitted and a letter regarding FCC
23 requirements. Number 3, with respect to
24 utilities which are the electric and
25 fiber that go to the facilities, we have

1 agreed to go underground to the stealth
2 poles, even though I think there is a
3 strong argument to be made under the FCC
4 order that because you are not requiring
5 that of any of the other infrastructure
6 deployments in the right-of-way, that is
7 not required.

8 But Crown Castle has agreed, with
9 respect to its utility lines servicing
10 the nodes, the stealth poles, that we
11 would go underground or the areas where
12 there is an above ground wood utility
13 pole, we've asked for permission to go
14 above ground saying the other utilities
15 are currently above ground, to the
16 existing utility poles in the area.

17 MAYOR DeVITA: This doesn't really
18 -- under the section vaulting equipment
19 really has to do with the attachment of
20 the wires and we did talk about this.
21 We knew they are already here or coming
22 and Crown has agreed they would missile.

23 MR. GAUDIOSO: Whatever the
24 specification is that the Village has.

25 MAYOR DeVITA: This is saying not

1 referring to acceptance of a vaulting of
2 the other Crown -- for instance, the
3 boxes.

4 MR. GAUDIOSO: The term utilities
5 in this letter is referring to the
6 utilities that are servicing the pole,
7 not at the ancillary equipment on the
8 pole.

9 MAYOR DeVITA: Let's go back to the
10 fan operation again.

11 Explain to the audience how this
12 came up and I would ask you to summarize
13 it. So, the question was, there is a
14 fan, a cooling fan in these ground boxes
15 and I see falls in the shroud for the
16 stealth poles and it does make some
17 noise. Our ordinance requires basically
18 an ambient noise requirement which is
19 normal noises, that kind of thing. We
20 want more specificity about when these
21 fans would activate. And Mr. Gaudioso
22 in the past indicated they would be
23 temperature sensitive because the warmer
24 they got, that's when the fans would
25 come on and stay on or go off, whatever.

1 So the way this submission was,
2 basically May 14th or May 15th I think
3 it was, I'm just going to read this one
4 sentence, and maybe Mr. Gaudioso you can
5 explain it. It clearly is -- and I'm
6 not going to browbeat you over this --
7 but it clearly is an accommodation that
8 Crown is offering.

9 It says: In an effort to
10 accommodate concerns of the Village
11 Board and to minimize noise, Crown
12 Castle is willing to agree as a
13 condition of approval to set a maximum
14 fan speed of 75 percent of maximum flow
15 for ambient temperatures below -- forget
16 celsius, 101 Farenheit. This will lower
17 the noise below 45 decibels, 5 meters
18 away, the equivalent of a quiet
19 conversation. If the temperature goes
20 above 101 degrees Farenheit, rare if
21 ever -- well, not in the last few years
22 -- the fans will go to the full 100
23 percent speed.

24 Could you kind of summarize what,
25 exactly, that means in every day

1 experience. Last time we had someone
2 here who said if you stand outside in
3 your yard we wouldn't hear a car for an
4 hour.

5 So how would this relate to that in
6 terms of when it would go on?

7 MR. GAUDIOSO: We showed in the
8 original report last year that a car at
9 5 miles-an-hour would be approximately
10 50 decibels at 15 meters away and a
11 truck at the same speed would be about
12 74 decibels. As you increase the speed
13 of a car or a truck, the car goes at 20
14 miles-per-hour up to 57 decibels and a
15 truck goes up to about 75 decibels.

16 What we also showed is that at the
17 same distance the fan, at maximum
18 operation, would be well below that. It
19 would be approximately 34 decibels, so
20 it would be below the ambient amount of
21 noise, and that is at 15 meters.

22 What we said was that the fan, we
23 showed the exact numbers, but when the
24 fan is not at maximum power it goes up
25 depending on the temperature. But we

1 would lower the fan below 101 degrees
2 Fahrenheit to a 75 percent output which
3 at 5 meters, which is very close, it
4 would be all the way down to 45 decibels
5 which is a quiet conversation. If it's
6 above 101, quite frankly, if we don't
7 put the fans on the system it will
8 overheat, the service will go out. That
9 affects emergency service units.

10 You asked a question before about
11 service. One of the things I think I
12 overlooked is many emergency response
13 providers use Verizon or other carrier's
14 service, and that's just the reality.
15 So we believe that at that type of
16 temperature that's generally during the
17 day, that's generally when other air
18 conditioning units are on at residences,
19 so we believe that's a reasonable
20 accommodation above and beyond what the
21 Code requires to go down to 45 decibels
22 at 5 meters.

23 TRUSTEE NICKLAS: Equal to what?

24 MR. GAUDIOSO: A quiet
25 conversation.

1 MAYOR DeVITA: A couple of things.

2 In your submissions, you indicated
3 one address that you had to move because
4 it's too close to another node, this is
5 not one of these nodes tonight. Just so
6 you know, we have construction work on
7 Cold Spring Road. We haven't had a
8 chance to get out there, we're hoping to
9 next week.

10 MR. GAUDIOSO: If you want us to
11 join you we can send somebody to join
12 you. We've offered an alternative spot.
13 I think we couldn't go to the north, we
14 can go to the south, we'd be happy to do
15 that. But every other location and
16 every other design change we've agreed
17 to.

18 MAYOR DeVITA: So, just on the
19 submissions about relocation there were
20 just two comments. One was for node
21 677, of which I'm trying to remember the
22 address. It's 8 Woodvale, it's the next
23 hearing. But I think we had also asked
24 about screening, but we can talk about
25 that at the next hearing.

1 Then with respect to node 701,
2 which is really on Stillwell, but I
3 think the address is for 3 Picardy, so
4 it says no relocation requested. I'm
5 not going to get into the whole thing.
6 Across the street is the town property,
7 Stillwell Woods.

8 So we had suggested that and know
9 your position. You mentioned that. And
10 in going over the transcript, you
11 mentioned about needing a State
12 Legislative Act because it's parkland.
13 My experience has been that it is
14 necessary for State land.

15 A perfect example up here is when
16 they built the Cold Spring Harbor
17 Library. That was State parkland and
18 they got a legislative act to change it
19 and to donate the land so they could
20 build the Cold Spring Harbor Library.
21 But this is town land, I don't think
22 that is required.

23 MR. GAUDIOSO: If it's parkland,
24 there is no distinction.

25 MAYOR DeVITA: I'm not sure how

1 they characterize it.

2 MR. GAUDIOSO: If it's used, if
3 it's dedicated, if it's deeded, even if
4 it's just used as parkland, it requires
5 state legislation. But I think the
6 bigger issue we indicated was the Oyster
7 Bay situation.

8 MAYOR DeVITA: I understand, I
9 don't want to get into all of that
10 again. I just wanted to know,
11 obviously, we did request -- I
12 understand Crown Castle's position about
13 it.

14 By the way, for this noise
15 reduction information, would that be
16 applicable to the shroud on the stealth
17 pole, as well?

18 MR. GAUDIOSO: We can address the
19 fan and the stealth pole, as well.

20 MAYOR DeVITA: Just so the audience
21 knows, word has been out that this
22 application is ongoing, it's been a
23 long-term process. We have been out
24 many times for each of the node
25 positions throughout the Village, this

1 south part of the Village, the 25, many
2 times.

3 Some of us, actually, Rich and I
4 recently went Monday to visit the ones
5 that are the subject of tonight again,
6 and Crown has been amenable to change
7 the locations.

8 It's funny, you go out there now,
9 we were out there maybe two months ago
10 and there were no leaves. And you
11 think, well, if you put it here, the
12 leaves will cover it. If you go out now
13 and it's different, it is or isn't
14 covered. So I have some other
15 suggestions that may have already been
16 -- even though these poles may have
17 already been moved or accommodated by
18 Crown, I mention them, nevertheless.

19 I just want to go back. By the
20 way, we might as well just get to this
21 stuff, Kevin will probably mention it.

22 Trustee Jusko had taken this
23 picture of Bryant Park in New York of
24 Crown Castle, what we thought was a
25 facility underneath. We thought maybe

1 that it was vaulted and Crown submitted
2 this. You can explain that, Mr.
3 Gaudioso. Somebody went to Bryant Park
4 and opened --

5 MR. GAUDIOSO: Yes. It's a fiber
6 splice, it's not the ion, not an ion
7 that would be in the shroud. That is an
8 electronic piece of equipment that we
9 have to keep cool and vent and exhaust.
10 It's just completely an apples to
11 oranges comparison to what we are
12 proposing here.

13 So in this case, with a fiber
14 splice we're able to put it underground;
15 with an ion for a DAS node, we're unable
16 to. That's what we submitted in the
17 report.

18 MAYOR DeVITA: So this is --
19 originally, it was across the street and
20 Crown did agree to move it to the sump.
21 And our only thought was now we see out
22 there, it's hard from this picture, but
23 those in the neighborhood know, so right
24 across the -- really, across the street
25 from here there is a -- I apologize, I

1 don't know the resident's name, but it's
2 kind of a corner slanted house --
3 Donovan. One thing I said the objective
4 standard is you have so much frontage
5 these things should not go in front of
6 someone's house.

7 So, the thought was really when you
8 -- even with trees out from their house
9 across the street looking at it, the
10 thought was we had -- Rich and I were
11 out there. If you moved it 30 feet or
12 so to the right and placed it not in the
13 sump in the -- closer into the bushes so
14 it's virtually invisible.

15 MR. GAUDIOSO: So we don't have
16 permission to go into the sump. We're
17 happy to push it up against the bushes
18 if you think there is a spot within 30
19 feet that would be amenable to the
20 Village, I think we can accommodate
21 that.

22 MAYOR DeVITA: Node 695, 139
23 Laurel Lane.

24 So, we were out there. Again,
25 there is a stealth pole, I believe,

1 under consideration. Our initial
2 assessment was there's a pole 6 that
3 could be used. We don't -- those poles
4 are not --

5 MR. GAUDIOSO: We agreed to use a
6 stealth pole.

7 MAYOR DeVITA: So we thought that
8 there was an area further southeast
9 where there are trees where this could
10 be placed.

11 AUDIENCE MEMBER: This is the top
12 of the hill, crest.

13 MAYOR DeVITA: Up and down, and you
14 don't want to go -- are the Flints
15 here?

16 Their house is right down this way
17 and there's actually construction that
18 is the Salinger's old house and are they
19 here? People who lived right to the
20 right here, the Bakers. Anyway, their
21 house is right here. But just here is a
22 very wooded area across the street, not
23 in front of anyone's house, across the
24 street there, also. We suggest just to
25 move it further south about 30 feet.

1 MR. GAUDIOSO: I think we did agree
2 to move that one.

3 MAYOR DeVITA: But, at least from
4 this picture --

5 MR. GAUDIOSO: This is an older
6 picture. So in our site notes which we
7 submitted recently, we agreed to move
8 this one to the location.

9 MAYOR DeVITA: This is pole 6 -- I
10 can't tell if it's a LIPA pole or a
11 Verizon pole. It seems to be the
12 perfect pole. But in any event, we can
13 discuss that, if it's turns out to be a
14 LIPA pole. But the thought was if it
15 was a stealth pole it can be buried in
16 the wooded area there.

17 MR. GAUDIOSO: We will see the
18 photo, we agreed to that. That was 695,
19 you said, correct?

20 MAYOR DeVITA: Yes.

21 MR. GAUDIOSO: We agreed to
22 relocate it down where the stake was,
23 actually showed a photograph of that in
24 our site notes and move the location.

25 MAYOR DeVITA: 40 Picardy, these

1 are the recently submitted ones.

2 MR. GAUDIOSO: These are the
3 original locations. I take that back,
4 these are the amended locations. After
5 your consultant had made a
6 recommendation, we made changes. Then
7 we did update these with the LIPA meter
8 pans. And then we submitted the sight
9 notes where we agreed to relocate and
10 change the design based on our --

11 MAYOR DeVITA: Correct. As I said
12 before, I recognize that. The only
13 difference is it's a different season,
14 you see things differently, especially
15 with the trees out. There may be places
16 with better coverage.

17 So this 40 Picardy house across the
18 street, I thought if this could be moved
19 down or deeper. This is where the
20 leaves barely come out.

21 MR. GAUDIOSO: We've agreed to move
22 it one down, I believe to the left.

23 MAYOR DeVITA: In terms of -- the
24 stakes are still out there. I assume --
25 I think the stakes are there, so this

1 one is indicating a further southern
2 position in the wooded area.

3 MR. GAUDIOSO: Correct. I think we
4 agreed to that.

5 TRUSTEE NICKLAS: So the stakes are
6 the newest, the latest.

7 MR. GAUDIOSO: When we were out --
8 Trustee Jusko, I believe was, and
9 Trustee Nemshin and Mayor DeVita -- I
10 believe we moved some of the stakes, but
11 I don't remember whether we had
12 agreement on the relocation. So...

13 MAYOR DeVITA: I recognize that.

14 MR. GAUDIOSO: We took photographs
15 of that.

16 MAYOR DeVITA: Correct. What Rich
17 is saying now is it's a different
18 season, maybe a few feet can make a big
19 difference.

20 MR. GAUDIOSO: If it's matter of a
21 few feet, as long as there's not some
22 type of obstruction, we're willing to
23 accommodate that request. I think we
24 just need something back detailing
25 where, exactly, you want it so we can

1 take a look at it.

2 MAYOR DeVITA: The next one is 78
3 Cherry. This one had been a -- Crown
4 has agreed to move. Rich and I were out
5 there and it's a tough area. It's
6 really -- we couldn't agree as to where
7 it should go because it's an area of
8 Cherry that is very open, there is not a
9 lot of foliage.

10 MR. GAUDIOSO: This one we agreed,
11 it's a stealth pole, we agreed to
12 relocate it.

13 MAYOR DeVITA: Actually, further
14 right now, there is a bend around,
15 because actually where it is right here,
16 it's at the end of someone's driveway.
17 They're probably here. And the thought
18 was, my thought was moving to the right
19 seemed to be around the bend there. But
20 Rich had the idea we put a pole there.
21 Maybe it would be better if there was
22 another pole, move the pole on the left.

23 Rich?

24 TRUSTEE NICKLAS: Next to the left
25 a little bit closer to the --

1 MR. GAUDIOSO: We can't be right on
2 top of the hydrant.

3 TRUSTEE NICKLAS: What is the
4 distance?

5 MR. GAUDIOSO: Depends on where the
6 water line is. That's why we have to
7 use that distance.

8 MAYOR DeVITA: Let me ask you a
9 question. I know we have Syosset Cherry
10 Hill residents here.

11 So going back to the bridge. The
12 Cherry Lane nodes. This, I believe, is
13 the one we're talking about.

14 Now, presently, in the Oyster Bay
15 Syosset part of Cherry Lane there are
16 two antennae node facilities that have
17 been installed.

18 Have they be been turned on?

19 MR. GAUDIOSO: I would have to know
20 the exact location.

21 MAYOR DeVITA: There are only two
22 on Cherry Lane.

23 MR. GAUDIOSO: I'm not familiar
24 with them.

25 MAYOR DeVITA: Do you know?

1 AUDIENCE MEMBER: Can I show you?

2 MAYOR DeVITA: Do you know if
3 they're turned on?

4 AUDIENCE MEMBER: You can't tell
5 from looking at them.

6 MAYOR DeVITA: We have seen them.

7 I guess my question is at the
8 beginning of all of this, we talked
9 about this, establishing a grid for
10 service.

11 MR. GAUDIOSO: Right.

12 MAYOR DeVITA: Are those facilities
13 that are installed, whether or not they
14 are on, is that part of the same grid
15 that Crown Castle is establishing?

16 MR. GAUDIOSO: Unless I know
17 exactly what you're talking about, I
18 don't want to speculate. I would have
19 to look into it.

20 MAYOR DeVITA: I would have to
21 think they are because that's close.

22 MR. GAUDIOSO: I don't know. I
23 don't know if they're Crown facilities.
24 I don't know if they are on air, if
25 they're the subject of litigation that

1 your counsel and your consultant are
2 aware of in Oyster Bay. So, unless I
3 saw exactly where it was and the address
4 was I don't speculate.

5 MAYOR DeVITA: 40 White Oak.

6 Rich and I out were out there, it's
7 also a very tough one. And we agreed to
8 move it, put in the stake. We thought
9 if it was hidden by trees it is not in
10 direct view of someone's front yard.
11 The thought was if it was moved down to
12 the wooded area here where it was not
13 across from anyone's house, and how far
14 50, 100 feet, so we make that
15 suggestion.

16 MR. GAUDIOSO: Again, I think
17 that's where we agreed to move it.

18 MAYOR DeVITA: No, this is after
19 the, after the --

20 MR. GAUDIOSO: This is new?

21 MAYOR DeVITA: Yes, I understand.

22 MR. GAUDIOSO: What I suggest is
23 that you provide us with a detailed map
24 showing the location that you prefer,
25 then we could have the engineers confirm

1 it.

2 MAYOR DeVITA: Okay, fair enough.

3 Okay, there seems to be a very easy
4 solution to this one, it's 40 Woodvale.
5 Up the hill right around here there is a
6 cul-de-sac but it's very wooded and
7 there is a -- right before someone's
8 property begins, there is a wooded
9 section where the pole -- actually, the
10 pole that is there ends the - it's a
11 utility line. That may be a LIPA pole.
12 But the thought was to move this pole,
13 the cell pole to that area. I thought
14 we discussed that once before.

15 Anyway, again, we'll provide you
16 with a more determinate location.

17 MR. GAUDIOSO: Right.

18 MAYOR DeVITA: Jeff?

19 TRUSTEE NEMSHIN: Hi, Mr. Gaudioso,
20 how are you.

21 MR. GAUDIOSO: Good evening, thank
22 you.

23 TRUSTEE NEMSHIN: I know some of
24 the questions that I asked before I'll
25 probably repeat some of them. I have

1 some new ones just for the benefit of
2 the audience and the residents for this
3 new node that we are looking at for this
4 hearing.

5 One of the newer questions was you
6 talk about the RF emissions from these
7 nodes and you said there's 1.5 percent
8 for the wood pole at a certain height;
9 is that accurate?

10 MR. GAUDIOSO: Correct.

11 TRUSTEE NEMSHIN: 2.8 percent for
12 the stealth pole?

13 MR. GAUDIOSO: Correct.

14 TRUSTEE NEMSHIN: That's the
15 emissions based on standing a certain
16 distance away.

17 MR. GAUDIOSO: The exposure.

18 TRUSTEE NEMSHIN: Those
19 calculations come from an analysis and a
20 lab, essentially, or a calculation based
21 on what is in there?

22 They're not actually checked on
23 site at other installations that you
24 have; is that correct?

25 MR. GAUDIOSO: We have checked

1 other installations with the FCC which
2 has sole jurisdiction to regulate radio
3 frequency exposure and has said the way
4 to determine whether a facility would be
5 in compliance is to follow formulas set
6 forth in its Bulletin OET 65. And the
7 report that we did is based on these
8 formulas, which are in those reports,
9 with all the relative data and then
10 those are the conclusions.

11 TRUSTEE NICKLAS: Then the exposure
12 is at what distance?

13 MR. GAUDIOSO: So that is at the
14 maximum highest level distance, and
15 shown in the report is different
16 distances. You can see that other
17 distances are less than that, but that
18 amount, that is the highest amount at
19 any location.

20 TRUSTEE NICKLAS: 2.5 percent?

21 MR. GAUDIOSO: 1.5 and a 2.8.

22 TRUSTEE NICKLAS: If this is by
23 someone's house, how far is that
24 exposure?

25 MR. GAUDIOSO: So it's going to

1 generally be -- so, it will be less than
2 what this number is. This number is
3 based on worst case distance. Worst
4 case distance is not necessarily
5 directly under the pole, because up on
6 the pole it's propagating and is still
7 less than --

8 TRUSTEE NEMSHIN: Those
9 calculations, 1.5 or 2.8 percent, that
10 is based on one single carrier in that
11 unit?

12 MR. GAUDIOSO: That's based on the
13 proposed installation with Verizon
14 Wireless.

15 TRUSTEE NEMSHIN: How many more
16 carriers could be added to those boxes?

17 MR. GAUDIOSO: At least one,
18 possibly two, depending on the
19 technology.

20 TRUSTEE NEMSHIN: So would the
21 calculations of the RF be three times
22 this 1.5 and 2.8, or would it be higher?

23 MR. GAUDIOSO: It would be higher.

24 TRUSTEE NEMSHIN: And what they
25 should provide --

1 MR. GAUDIOSO: We don't know what
2 the other carriers would use.

3 TRUSTEE NEMSHIN: Do different
4 carriers have different emissions,
5 different equipment?

6 MR. GAUDIOSO: Absolutely.

7 MAYOR DeVITA: So the audience
8 understands, this colocation means, our
9 ordinance provides -- generally,
10 telecommunications ordinances will
11 provide colocation which encourages
12 carriers to use the same structure so
13 that you wouldn't have AT&T coming in
14 tomorrow and say we want to put up a new
15 pole, or Sprint coming in the day after,
16 we want to put in new poles. The idea
17 is to encourage as many carriers as
18 possible to share facilities.

19 TRUSTEE NEMSHIN: So let's talk
20 about the fans. You talked about, and
21 they agreed to after the first two
22 hearings, they came back and said we'll
23 lower the speed of the fans which will
24 produce less noise into the environment.
25 That happens, I guess, when they set the

1 equipment.

2 How often is the equipment
3 serviced? If it's working nobody comes
4 to check it?

5 MR. GAUDIOSO: It's remotely
6 monitored.

7 TRUSTEE NEMSHIN: The fans, as
8 well?

9 MR. GAUDIOSO: I don't know if the
10 fans are specifically remotely
11 monitored, but if the system overheats,
12 that is generally a fan issue.

13 TRUSTEE NEMSHIN: I would be
14 curious to know if it is an annual
15 checkup where they come in say, okay,
16 the fans should be at 75 percent, now
17 it's at 100 percent.

18 Is that something they would do,
19 commit to?

20 MR. GAUDIOSO: I believe this is a
21 preset speed on the fan that it's set,
22 preset. There's nothing to change,
23 anything like that, it's preset when
24 they install it.

25 TRUSTEE NEMSHIN: That same

1 question applies to checking the RF
2 during the term of the life of the unit.

3 MR. GAUDIOSO: The facility,
4 because they're operated on FCC
5 frequencies by FCC regulation, they have
6 to be in compliance with the FCC
7 regulations.

8 TRUSTEE NEMSHIN: Does the FCC come
9 in there and verify?

10 MR. GAUDIOSO: If someone would
11 make a complaint, the FCC would come and
12 verify it.

13 TRUSTEE NEMSHIN: How would someone
14 know?

15 MR. GAUDIOSO: You would have to
16 make -- you would have to leave that to
17 the FCC to come and verify. The Town or
18 the Village or any other municipality
19 simply would not have the jurisdiction.
20 The FCC has sole jurisdiction of that.

21 TRUSTEE NEMSHIN: To check that,
22 even over you guys?

23 MR. GAUDIOSO: Correct, over any
24 facility that is providing licensed
25 services.

1 TRUSTEE NEMSHIN: Have you known
2 any situation where a neighborhood or a
3 neighbor or a person called the FCC and
4 said I want you to check the RF on this
5 unit in front of my house.

6 MR. GAUDIOSO: I've heard of
7 complaints and I've heard of where the
8 FCC has come out and I've heard
9 everything was fine. I could not tell
10 you chapter and verse it's been so long.

11 I think I mentioned at the least
12 meeting there was a situation in
13 Huntington where Crown Castle
14 voluntarily performed a test and the
15 facility was well within compliance.

16 TRUSTEE NEMSHIN: When and if this
17 application gets approved, how long is
18 the installation process, putting nodes
19 up? How long does it take to put one
20 node up? How long does the whole
21 process take? Are you going to be --

22 MR. GAUDIOSO: It depends on the
23 design. So with the stealth poles we
24 have to put in a foundation, so that's a
25 little bit more difficult. Usually,

1 it's a couple day process for a node.
2 It's usually done a new node at a time.

3 TRUSTEE NEMSHIN: When they come in
4 they typically get it all done quickly
5 and get out?

6 MR. GAUDIOSO: Yes, absolutely.

7 TRUSTEE NEMSHIN: Would they be
8 agreeable to a set timeframe to complete
9 the job, obviously, within reason of --

10 MR. GAUDIOSO: It would have to be
11 reasonable. Again, I don't know of any
12 other utilities that has a set timeframe
13 to do the work, it also depends on
14 the --

15 TRUSTEE NEMSHIN: Once the job is
16 halfway done, left alone.

17 MR. GAUDIOSO: It is not in our
18 best interest, obviously, because we
19 want to get the service up and running.
20 It also depends on weather and having
21 equipment on hand. It is not like
22 building a shopping center where it's a
23 12-month process. This is a couple of
24 days, if not, a couple-hour process in
25 most cases.

1 TRUSTEE NEMSHIN: For each node?

2 MR. GAUDIOSO: Correct.

3 TRUSTEE NEMSHIN: What kind of
4 equipment, is it heavy equipment?

5 MR. GAUDIOSO: It depends on the
6 type. Usually you come in with a bucket
7 truck and that's how they install it
8 with a bucket truck. But, again, to put
9 in a foundation for the stealth pole
10 they have -- that's a little bit more
11 complicated.

12 TRUSTEE NEMSHIN: Thank you.

13 So this whole concept of it's
14 bigger than -- I'm not sure what Dick
15 Comi explained to me. It's done to meet
16 the requirement of the node, the size
17 requirement.

18 Can these antennas be out in the
19 open or do they have to be in a box,
20 just curious.

21 MR. GAUDIOSO: You have seen --

22 TRUSTEE NEMSHIN: Or is the box
23 part of --

24 MR. GAUDIOSO: The cannister is the
25 stealthing that stealths everything

1 together, that's the benefit of it. If
2 you see some older facilities, even by
3 some Crown competitors, you will see two
4 big paneled antennas strapped to a
5 utility pole. That's the older style.

6 TRUSTEE NEMSHIN: They are
7 enclosing them to hide them?

8 MR. GAUDIOSO: Correct.

9 TRUSTEE NEMSHIN: I asked you once
10 before whether Crown would commit to, if
11 these units were to go in, if you would
12 commit to update the technology; in
13 other words, if what you have at the
14 node is X cubic feet, then let's say a
15 year or two they come out with the same
16 thing but much smaller, would you commit
17 to reducing the size of the --

18 MR. GAUDIOSO: This is way too
19 speculative for me to make any type of
20 commitment on something like that.

21 MAYOR DeVITA: The right-of-way
22 agreement you indicated you can agree to
23 put newer technologies after a certain
24 legacy period, correct?

25 MR. GAUDIOSO: I'm not 100 percent

1 following. The reality is that
2 telecommunications equipment is
3 constantly evolving and sometimes it
4 gets bigger, sometimes it gets smaller.
5 This is our proposal right now. I can't
6 commit to something so speculative.

7 TRUSTEE NEMSHIN: One more
8 question.

9 The LIPA meter, I know you
10 explained. I guess this was since the
11 last hearing you got some additional
12 feedback from LIPA as far as
13 incorporating those electric meters,
14 blending them in more into the
15 installation. So for the wood pole
16 installations, it would still be
17 basically on the side of the box now
18 painted brown, as opposed to what we had
19 in the past. Your box was brown, their
20 stuff was gray, all can sort of be
21 blended up.

22 MR. GAUDIOSO: Cleaned up.

23 TRUSTEE NEMSHIN: And for the
24 stealth installation, those LIPA meters
25 would be actually inside?

1 MR. GAUDIOSO: We're trying to
2 obtain the ability to do both with LIPA
3 and internally. If we can, we're happy
4 to do that. If not, we show in the
5 renderings what it would look like, that
6 small 9 by 13-inch meter just above the
7 base of the equipment.

8 TRUSTEE NEMSHIN: So that would
9 also be on the outside of the -- really,
10 you have the stealth thing.

11 MR. GAUDIOSO: The meter is on the
12 back side.

13 TRUSTEE NEMSHIN: Okay, thank you.

14 MAYOR DeVITA: Rich?

15 TRUSTEE NICKLAS: As a Board, we
16 are trying the best we can to mitigate
17 the aesthetic impact on the residents.
18 I appreciate the fact you seem to be
19 willing to work with us on that.

20 The thing -- and it's nothing that
21 we can control as a Board that was
22 stated to us that the emission thing is
23 that we're not going to have any right
24 to deny the application based on
25 emissions. But I know, and we have not

1 heard from these folks yet, but at all
2 the other meetings this has been a big
3 concern of people.

4 You can tell from the question I
5 asked, I'm trying to get a handle on it
6 and, frankly, I'm confused. You know,
7 you can give me numbers and exposure and
8 that type of thing, but I don't know
9 what impact that has and maybe there is
10 some way you can bring it back down.

11 How do you compare this thing which
12 is up against our head every day?

13 MR. GAUDIOSO: So, I appreciate
14 your comment. And I think a lot of
15 people struggle with it because it's
16 something we don't see and something we
17 don't normally do. That is the exact
18 reason why Congress preempted the issue
19 because it wanted an expert agency to
20 handle the issue and that's why they
21 preempted it.

22 But some of the information that we
23 have talked about in the past is they've
24 been compared to the emission WIFI
25 routers or baby monitors. Everything

1 gives off RF, whether it's the lights or
2 whether it's your body.

3 When we've done the tests inside
4 the homes, it is not the microwave, the
5 oven. The refrigerator has a large
6 motor that creates the radio frequency
7 exposure. So, that is what we've seen.
8 That has been the experience. Those are
9 the anecdotal comparisons I'm trying to
10 put in context for you.

11 But at the end of the day, the FCC
12 has set a limit that's the law of the
13 land. Not only are we below that limit,
14 we're literally 50 times below that
15 limit. So that's the best I can offer.

16 MAYOR DeVITA: I don't mean to
17 interrupt you but just so the public
18 knows, outside of the context of the
19 lawsuit and the hearings, I have had
20 discussion, and I sent a letter around
21 to our residents, that Congressman
22 Suozzi has been active in this and kind
23 of --

24 (Applause.)

25 We don't need that, please, hold

1 your comments.

2 That any change has got to come
3 from the federal level. We have the
4 second most powerful Senator in the
5 country from New York, and we have
6 another Senator -- is he running for
7 president? I don't know what he's
8 doing. Those are the people you should
9 be writing with respect to these health
10 issues.

11 I will say this, the federal
12 standard is from essentially 1997, and
13 Congressman Suozzi, with respect to the
14 RF emissions, has asked the FCC to do
15 updated studies about it. There have
16 been all types of impending scientific
17 studies, many inconclusive. There is an
18 infamous toxicology report. I have read
19 that, the opposition, the reply, and
20 there is quite a debate about that. It
21 has to do with tumors developed in mice.
22 One thing at the end of that report they
23 say is tell your kids don't sleep with
24 the phone under their pillow and don't
25 have young men walk around with that

1 phone in their front pants. I'm not
2 kidding, that it what the report says.

3 So, the point is, what Rich is
4 trying to say and what I tried to say at
5 the beginning, for instance, and you
6 have three, four lawyers here involved
7 with the Board. If we were to issue a
8 decision that said we don't want these
9 nodes because we are afraid of health
10 concerns the Federal Judge in this case
11 would say oh, that is your decision?
12 Judgment for Crown Castle. You can put
13 these things wherever and however you
14 want.

15 Am I right, gentlemen?

16 MR. MACY: Yes.

17 MAYOR DeVITA: The other thing is
18 we have been asked and it might have
19 been by people who have been here
20 before, you know, the community is
21 against this.

22 So here we go. We even -- and
23 someone even recommended the last time a
24 referendum.

25 First of all, the Board has a

1 responsibility as fiduciaries to do
2 what's best for the Village, and I can't
3 tell you how seriously we take that and
4 how hard we work. If we were to have a
5 referendum and the Village votes, I
6 don't care 51 percent, 75 percent, okay,
7 against it. We issue a decision saying
8 Crown Castle's application is denied
9 because the public doesn't want it.
10 Guess what? The Federal Judge said, oh,
11 is that your decision? Judgment for
12 Crown Castle, you put these wherever and
13 however you want.

14 Our job is, under the facts as
15 submitted, which are thousands of pages
16 of documents, hundreds of pages of what
17 will be here in transcripts, the law as
18 promulgated by federal government, the
19 FCC, local ordinance, those are things
20 we have to consider in the end. And
21 part of your comments we are going to
22 hear them and we love to hear them.
23 That's fine.

24 We know there are going to be
25 health concerns raised and we are happy

1 to hear all of that. We just want you
2 to understand what the limitations are
3 with respect to what we can do, how we
4 can incorporate that into our decision.
5 That's why we asked about our RF
6 emissions compliance testing, which, if
7 and when if these things were to be
8 approved, we would have to make it more
9 detailed so they would understand it.
10 Of course, that would be part of any
11 type of condition of approval. Again,
12 that is not saying we are.

13 So we are aware of the law. We are
14 aware of what our obligations are. We
15 are aware of what is in the best
16 interest of the community and I think
17 that is kind of what Rich's question is
18 getting at. And I'm sorry for that long
19 interruption.

20 TRUSTEE NICKLAS: That's all right,
21 you did a good job.

22 A quick question. These are being
23 installed, 25 down the southern part of
24 the Village. How big an area is that
25 going to help? Is the cell phone

1 improvement going to be in the house
2 across the street, two blocks away
3 or what?

4 MR. GAUDIOSO: So that whole
5 southern area, we submitted a map
6 showing exactly where it would be
7 improved and I think the whole area
8 where the 25 nodes are will be coming.

9 TRUSTEE NICKLAS: Right outside
10 that node.

11 MR. GAUDIOSO: Nodes, unlike a
12 large 150-foot tower, they don't cover a
13 small area. They cover -- they don't
14 cover a large area, I'm sorry. They
15 cover a small area because of the
16 height, because of the low amount of
17 power and light design, that's
18 technology.

19 TRUSTEE NICKLAS: But all our
20 residents over there are going to be
21 helped.

22 MR. GAUDIOSO: Correct.

23 MAYOR DeVITA: Kevin?

24 TRUSTEE JUSKO: I have one
25 follow-up question.

1 Most of the times you've addressed
2 in the last two meetings, I asked many
3 questions and they have been addressed.
4 One that has not yet been addressed was
5 the question of LIPA, of your equipment
6 mounted on the LIPA pole, Rogues Path in
7 Huntington.

8 Have you had a chance to look into
9 that?

10 MR. GAUDIOSO: We have. Once we
11 have the protective order in place we
12 can respond to that, as well.

13 TRUSTEE JUSKO: The protective
14 order -- my understanding was that it
15 has to do with the cost.

16 MR. GAUDIOSO: Correct.

17 TRUSTEE JUSKO: Okay, thank you.

18 MR. GAUDIOSO: That is not the
19 same. There are differences between
20 that particular node and the applicant
21 and this particular project. We will
22 detail that once we have the protective
23 order.

24 TRUSTEE MIRITELLO: Nothing.

25 Really most of my questions have been

1 answered, except for one to you and can
2 I ask a question to the audience?

3 MAYOR DeVITA: You did the last
4 time, you did a survey.

5 TRUSTEE MIRITELLO: I'll do that
6 one first.

7 Everyone sitting in the audience,
8 what do you like, which do you prefer,
9 the stealth poles, which are these, or
10 the telephone pole which would blend,
11 you think would blend in more.

12 AUDIENCE MEMBER: Telephone poles.
13 Stealth poles don't --

14 TRUSTEE MIRITELLO: Stealth pole,
15 wood pole. Hands up for wood pole?

16 MAYOR DeVITA: Stealth poles,
17 these are not final designs. We
18 submitted other recommendations, things
19 that look like a light pole, whatever,
20 so this is just a first representation.
21 And I believe Crown Castle is trying to
22 basically make it look like a utility
23 pole or a tree of some type.

24 MR. GAUDIOSO: Not a tree, but
25 something more photographic that was

1 presented.

2 MAYOR DeVITA: I'm sorry, Jeff.

3 TRUSTEE MIRITELLO: The second
4 question, the RF emissions.

5 Are there little gadgets that can
6 test these that a layman can use?

7 MR. GAUDIOSO: So there are meters.
8 It's very important that the meter be
9 the appropriate meter. They are not
10 cheap, they should be calibrated
11 properly. They should be set by a
12 person who knows how to use them. If
13 someone wants to use something that they
14 find on the Internet, I'll caution you
15 that it might not be a proper reading.

16 TRUSTEE MIRITELLO: Would Crown
17 ever consider making one available to us
18 so that we can kind of monitor, maybe
19 teach one of our people how to use it
20 and maybe we might feel better if we can
21 self-monitor these ourselves on an
22 ongoing basis.

23 MR. GAUDIOSO: I've never heard of
24 such a thing. I can certainly take it
25 back to my client. I think it's an

1 preempted issue, again, the issue of
2 radio frequency compliance and
3 monitoring, so that would be my initial
4 inclination.

5 TRUSTEE MIRITELLO: I think it
6 would be -- if we could set up a little
7 bit to have something like that
8 available to us, not a toy, something
9 that might work.

10 Other than that, that is all my
11 questions.

12 MAYOR DeVITA: Marty?

13 TRUSTEE NOVICK: Mr. Gaudioso, if
14 we were able to lease another; in other
15 words, if another carrier comes in,
16 AT&T, or Sprint, what would the pole
17 look like? In other words, would they
18 have to have their own antennae, their
19 own equipment?

20 With what we are seeing now
21 proposed by Crown Castle, what would it
22 look like with two more carriers using
23 that pole?

24 MR. GAUDIOSO: Again, that depends
25 on what the carrier wanted but what our

1 experience is with this size antenna and
2 with this size box there would be no
3 outward change in the appearance to add
4 another carrier. We believe that that
5 would be likely for a third carrier, but
6 it would depend on exactly how much
7 equipment they wanted.

8 But from what our experience is
9 today in other jurisdictions, having two
10 carriers with this design, we're able to
11 accommodate the second carrier with no
12 change to that antennae for this box.

13 TRUSTEE NOVICK: It would be
14 financially and economically a plus with
15 you guys, your client, if they could
16 lease space since you own the antennae
17 or the node.

18 MR. GAUDIOSO: Correct.

19 TRUSTEE NOVICK: See, the more
20 tenants you have, the more profitable
21 the deal.

22 MR. GAUDIOSO: And that's the
23 benefit of a mutual host
24 telecommunications provider, such as
25 Crown Castle. They're not building

1 infrastructure only for themselves, as
2 maybe one carrier would.

3 TRUSTEE NOVICK: I understand.

4 MR. GAUDIOSO: They're complying
5 with your Code.

6 TRUSTEE NOVICK: I'm going to defer
7 to the people. It's now getting late
8 and they've been so nice sitting here, I
9 know it's got to be tough.

10 MAYOR DeVITA: Anything else, Mr.
11 Gaudioso, before I go to the audience?

12 MR. GAUDIOSO: No. Thank you for
13 your time.

14 MAYOR DeVITA: Nancy or Liz, do you
15 have a list?

16 I'm sorry, one of our attorneys,
17 Todd Steckler, would like to make
18 comments.

19 MR. STECKLER: I would just like to
20 address the Board on four things that
21 came up here.

22 The first involves Mr. Gaudioso's
23 first statement concerning the
24 Certificate of Public Convenience
25 Necessity, CPCN, does permit them to be

1 a telecommunications provider. If I was
2 a retailer of long distance
3 telecommunications service, I'd want the
4 CPCN. It has nothing to do with the
5 installation of infrastructure anywhere
6 in the state. In fact, the State Public
7 Commission said wireless company
8 providers do not need a CPCN, so you
9 should be aware of that.

10 The second is the right-of-way.

11 As I said, the CPCN does not
12 provide any rights to be in the
13 right-of-way. That right is granted
14 under the Transportation Corporation Law
15 in the State of New York and based on
16 the standards set in there, Crown Castle
17 does not meet the standards to be a
18 transportation corporation.

19 With respect to the antennas, as
20 the Board will recall in looking at the
21 original submissions, the schematic
22 drawings that were submitted by Crown
23 Castle identified the antennae as a
24 single omni-directional antennae,
25 singular, not plural. So their

1 submission to this Board, prior to what
2 was requested at the beginning of this
3 month, identified the antennae as a
4 single antennae, omni-directional.

5 Finally, with respect to vaulting,
6 we became aware that in certain places
7 in this country Crown Castle has vaulted
8 their equipment, either consensually
9 with the municipality involved or with
10 the municipality requiring that down the
11 road. As an example, in Palo Alto they
12 recently allowed them to be above
13 ground, the equipment. They found they
14 did not think that the
15 telecommunications providers, Crown
16 Castle-Verizon, were being honest with
17 the Board in their ability to put them
18 underground and required them to be
19 underground.

20 We investigated that issue and we
21 believe there is nothing to prevent
22 vaulting in these particular instances.

23 MAYOR DeVITA: Thank you.

24 Do you have any response, Mr.
25 Gaudioso?

1 MR. GAUDIOSO: I do.

2 We do have a CPCN. Wireless
3 providers do not require a CPCN to come
4 in and provide telecommunications
5 service. Crown Castle is a wire-line
6 provider, it's laid out in the CPCN.
7 They provide telecommunications service
8 and they provide personal wireless
9 service facilities that then Verizon
10 Wireless provides the wireless service.

11 So what Mr. Steckler said was
12 correct, but it was inapplicable to the
13 situation here.

14 Secondly, regarding the vaulting,
15 again, I don't know what goes on in Palo
16 Alto. I know that there's not the snow
17 and ice that there is in the northeast,
18 that's a big difference from here. We
19 detailed very specifically, both under
20 the FCC order which just became
21 effective in January and the Village
22 Code, why vaulting is not required, in
23 addition to the fact that vaulting is
24 not required on any of the
25 infrastructure providers within the

1 Village.

2 Thank you.

3 MAYOR DeVITA: Thank you.

4 When your name is called, please
5 step up to the microphone and say your
6 name and address because it's being
7 taken down.

8 Marsha Held?

9 MS. HELD: Thank you.

10 I have not seen --

11 MR. AVRUTINE: Please give your
12 name and address for the record.

13 MS. HELD: Marsha Held, 94 Cherry
14 Lane.

15 I guess, as a homeowner, I listened
16 and honestly, I'm not interested in
17 this. I think of, personally, I think
18 it's a visual eyesore, visually. I
19 think of the noise. I love living in
20 Laurel Hollow, it's peaceful. You go
21 outside your house. I ask myself as a
22 homeowner does the Village need this at
23 this time.

24 Now, legally, I'm interested in
25 what the conditions are for denying

1 Crown Castle. And shouldn't we -- also,
2 I know they probably aren't the only
3 ones who made the application. Aren't
4 there other vendors, if we are going in
5 this direction we want to hear from,
6 other than Crown Castle?

7 Also, when I listen -- I live on
8 Cherry Lane so, of course, I have a
9 vested interest. I hear that we have
10 two of these nodes in the Syosset part.
11 Why would we then add one on 78 Cherry
12 Lane. How is the grid determined? And,
13 also, why is the north, the northern
14 part of the Village not part of this?
15 Is it just the southern part of the
16 Village, and if so, for what reason.

17 MAYOR DeVITA: I'll try and answer
18 that backwards, but my opinion is with
19 respect to why only this part of
20 Village, I think it's my opinion, and
21 Mr. Gaudioso told us numerous times that
22 he has no information from his client
23 what the plans are for the future, but I
24 think this is phase one. I mean,
25 really, it covers, this grid is only 40

1 percent of the Village. There is still
2 a good part south of 25A that is not
3 covered and all of north of 25A is not
4 covered.

5 Any business model, when we were --
6 last year when we got our Triple A bond
7 rating from S&P Global they cited one of
8 the reasons, one of the standards is
9 your ability to repay. The cited to us
10 Laurel Hollow being the eighth
11 wealthiest community in the country. So
12 I can't imagine these companies don't
13 see us as a profit-making center. My
14 opinion, this is the first step and I
15 think there will be more.

16 Just so you know, it wasn't brought
17 out, that all of these nodes because
18 they don't have an infinite distance of
19 travel. Dick, maybe you can explain why
20 you need a significant number of nodes
21 for this system to work, the short
22 length of travel for these signals.

23 MR. COMI: Yes. Compared to a
24 tower, an antennae is on a tower, this
25 is much less power and below the tree

1 level. So, with that in mind, it goes a
2 much less distance from each node so
3 they have to determine where they need
4 to put the adjacent ones in the network
5 so that they are completely covering the
6 area as they stated. In other words,
7 the entire area within the circumference
8 of the 25 nodes will be covered with the
9 service they are talking about.

10 TRUSTEE MIRITELLO: Can I ask a
11 question?

12 MAYOR DeVITA: Go ahead.

13 TRUSTEE MIRITELLO: Why would they
14 put more than they need?

15 MR. COMI: Why would they put more
16 than they need?

17 We have run into, over the years in
18 a lot of places, the industry putting in
19 what it wants, rather than what it
20 needs, put the best instead of reliable.
21 And, yes, you can say I'm playing
22 semantics, but those semantic words, the
23 reliable, is what is required, not the
24 best service. So sometimes the industry
25 will put in things that it wants that it

1 doesn't really need.

2 You heard me tonight. The first
3 thing I said is I am not convinced
4 because I haven't seen what I would like
5 to see in the way of information that
6 they need all of these. I'm not saying
7 that they don't need any of them. I am
8 just saying maybe they can do with 20,
9 but I don't know yet.

10 Why would they do it? Because once
11 they put in the first ones, the
12 additional expense when they have got to
13 go through this Board and the hearings
14 and everything else is not significant
15 to put in the others. And if they get,
16 which they do, paid rent on a per-node
17 basis, eventually each one of these is a
18 money maker, so they put them in.

19 MS. HELD: I would just like to
20 ask, other than Jeff I know, are any of
21 these proposed nodes on any of your
22 streets?

23 TRUSTEE MIRITELLO: Yes.

24 MS. HELD: Personally, I asked
25 myself sitting here, do we need this at

1 this time? And I would like to ask Dan
2 about what are the grounds for denying
3 Crown Castle? I would like to be clear
4 about that.

5 Thank you.

6 MAYOR DeVITA: At this point, maybe
7 Howard can answer that.

8 Basically, our Code has a laundry
9 list of requirements that they would
10 have to meet. Aesthetics is a big one.
11 We do not have to grant all 25. We can
12 deny some, basically be on aesthetics or
13 some comparable reasoning. We can't say
14 no, because of health concerns.

15 Joe?

16 MR. MACY: Can we consult?

17 MR. AVRUTINE: I think I know where
18 you're headed with this.

19 I think, unfortunately, due to
20 litigation that questions are not
21 appropriate for this hearing and to be
22 answered in this context.

23 Unfortunately, though, I can say
24 this, whether the community or this
25 Board feels that they don't need it is

1 probably not a legal basis upon which
2 you can deny something like this.

3 The law is clear, and I think as
4 Dan said during his opening statement
5 and comments that the federal
6 government, in its wisdom if you want to
7 call it that, has determined that the
8 country, as a whole, and the economy
9 needs this type of service to flourish.

10 Everyone has read about the
11 competition with other countries, with
12 China, to get to the next level. So
13 that is a public policy set by the
14 government to achieve that. And in
15 their judgment they've removed, really,
16 the ability of local jurisdictions such
17 as Laurel Hollow to limit the carriers
18 and their people that they work with
19 such as Crown Castle to propose and
20 install these antennas.

21 So it is not something that this
22 Village can do just because it does not
23 like what it hears. The law is very
24 clear as to what the Village can
25 regulate and is very clear as to what it

1 can't. And that is the work that this
2 Board is so diligently doing in terms of
3 these hearings in terms of this entire
4 process.

5 MAYOR DeVITA: One other thing I
6 want to make clear, Marsha, because I
7 had a conversation with a resident once
8 and I got the impression that -- and I
9 know you're not saying this but just so
10 you understand when you say why do we
11 need this, just so you understand, we
12 did not invite Crown Castle into this
13 Village. By the same token, we cannot
14 stop them from making an application.
15 So, when I was talking to other
16 residents I was quite surprised because
17 that is certainly not something we did.
18 But they are here. This is the
19 application process and we have to go
20 through it.

21 Thank you.

22 Stephanie Perry?

23 MS. PERRY: Stephanie Perry, 428
24 Harbor Road, house G.

25 I understand that we are not able

1 to make -- based on the concern of the
2 4G and emissions, but it seems that when
3 asked about -- not from your part but
4 from the attorney representing Crown
5 Castle, that going from the 4G to a 5G,
6 from my understanding, and I might need
7 clarification, that once the 4G is in
8 place, then the 5G can get switched.

9 MAYOR DeVITA: That's a good point.
10 That came up at the last hearing. The
11 attorneys tell us no, there would have
12 to be a new application process. And we
13 know, at least from reading, and, again,
14 depending on when 5G is -- and the stuff
15 I read is that the emissions are greater
16 than 4G. In any event, we don't concern
17 ourselves with that. But it just can't
18 come in a way that it's done when we
19 wake up and they swap 4G to 5G. They
20 have to go through the whole process.

21 MS. PERRY: The other thing about
22 more than visual components, actually
23 the sound. I walk through all these
24 neighborhoods 10 miles a day, so I know
25 them all very well. And when we're

1 talking about 5 meters away from a pole,
2 that is actually like if you're walking
3 next to the curb, you're much closer
4 than that and you're actually walking,
5 having a conversation. These are
6 neighborhoods. We live in a quiet,
7 peaceful place. Right now if you go
8 outside, your children are outside.
9 Children are on bicycles, people are
10 walking their dogs. People are working
11 outside in their community. That sound
12 that it is, they are all right there.
13 5 meters is much further than just
14 walking next to the curb.

15 To me, that as far as quiet
16 conversation from 5 meters away you're
17 not walking in the middle of the road.
18 We really do use our neighborhood in
19 this way that if you walk around, we are
20 using this space as a community and that
21 sound does affect the way that you and I
22 live in the community and that is the
23 part of it that is concerning.

24 MAYOR DeVITA: Thank you very much.

25 Debbie Persampire?

1 AUDIENCE MEMBER: She had to go
2 home, I put my name in to read.

3 MAYOR DeVITA: Just tell me your
4 name.

5 MS. B: Susan B.

6 MAYOR DeVITA: Susan, come on up.

7 MS. B: Susan B, 58 Soundview
8 Drive, Huntington Bay.

9 The reason I am here is that I am a
10 representative of Citizens for 5G
11 Awareness.

12 First of all, I would like to thank
13 you and commend you all because our
14 Village of Huntington Bay is also being
15 sued. And none of the Huntington Town
16 Board or the Huntington Bay Trustees
17 have been anywhere near how thorough and
18 how responsive you have been to your
19 community.

20 Tom Suozzi wrote the letter that
21 you referred to because we as a group
22 have brought this to his attention
23 because no one is aware of the rollout
24 of these antennas in our communities.
25 The residents are not aware. And we

1 just found out that Huntington put them
2 up.

3 I want to read this that our little
4 founder, I call her founder, Debbie,
5 wrote.

6 You tell us that small cells only
7 emit 2 percent of FCC limits for
8 microwave radiation. Our United States
9 limits are not protective of health.
10 They were set by industry for industry
11 based on studies from the 80s and have
12 not been updated for over 20 years,
13 despite recommendations to do so from
14 the AAP and GAO. Many other countries'
15 limits are 100 times lower than ours
16 here in the U.S., Italy, Switzerland
17 China, Poland, Lithuania, France and
18 others. In fact, 2 percent of our
19 limits, which you say these small cells
20 emit, is equal to 2 times the amount of
21 radiation these other countries allow,
22 and that's without colocation.

23 I'm going to submit this, it's just
24 a little chart.

25 MAYOR DeVITA: Howard, do you want

1 to -- Liz, can you hand to that Howard?

2 MR. AVRUTINE: Before you continue,
3 let me just mark this.

4 It's a document that has at the
5 top: Outdoor pulse RF Radiation
6 Exposure Limits. We will call that
7 Resident's Exhibit Number 1.

8 Thank you.

9 MS. B: Thank you, sir.

10 Our group has a something that was
11 contributed to us which does measure
12 about 2 percent inside our homes, the
13 homes of those of us who have already
14 been forced to have these small cells
15 outside our children's bedroom windows.
16 On the ground standing within 50 feet of
17 some of these small cells we are
18 measuring 6 percent of the U.S. limits,
19 equal to six times the amount allowable
20 in Italy, Switzerland, Poland and
21 France. This is on our front lawns, on
22 the street where our children play and
23 our backyards. I remember a time that
24 it was safe to let your kids play
25 outside. Even our beaches, schools and

1 parks have these, there is no break from
2 it.

3 Why are we so readily exposing our
4 children to this. There are no studies
5 proving children are safe when exposed
6 to long term radiation at these levels
7 and there are thousands of studies
8 showing adverse biological effects at
9 magnitudes lower than the FCC
10 guidelines.

11 I would like to submit to you a
12 list of these thousands of studies.

13 Thank you.

14 MR. AVRUTINE: Before you continue,
15 let me mark this.

16 This is a multipage -- I'm not
17 going to count them -- a multipage
18 document with the title on the first
19 page that states the science, it will be
20 marked as Resident's Exhibit Number 2.

21 MAYOR DeVITA: The 5G community is
22 not a resident, Howard.

23 MR. AVRUTINE: I'm sorry.

24 MAYOR DeVITA: Community.

25 MR. AVRUTINE: I will change the

1 other one. I am just marking it for
2 identification purposes.

3 MS. B: Thank you.

4 Might I say that the FCC is a
5 captive agency run entirely by telecom
6 people, okay.

7 MAYOR DeVITA: Please wrap it up,
8 Susan.

9 MS. B: I will.

10 Having small cell antennas placed
11 every five to 10 homes really changes
12 the feel of the neighborhood. It looks
13 terrible. No one wants to see these as
14 they drive down the street or look out
15 their windows. The stealth pole is even
16 more intrusive than these. Property
17 values will decline. Research indicates
18 that over 90 percent of home buyers and
19 renters are less interested in
20 properties near cell towers.

21 Documentation of a price drop up to 20
22 percent is found in multiple surveys.
23 The U.S. Department of Housing and Urban
24 Development considers cell towers as
25 hazardous and nuisances. The National

1 Association of Realtors did many studies
2 on the impact of cell phone towers on
3 house prices and revealed that proximity
4 to cell phone towers negatively affects
5 house values.

6 I have some surveys here.

7 MAYOR DeVITA: You can hand those
8 up to Liz.

9 Do you want to take them from
10 Susan? Hand them to our clerk.

11 MS. B: Thank you so much, thank
12 you for everything, all you're doing.

13 MAYOR DeVITA: Thank you very much,
14 thank you.

15 Ingrid Wright?

16 MS. WRIGHT: Ingrid Wright, 103
17 Cherry Lane.

18 First, I want to thank you, Dan,
19 and all the Trustees for all the hard
20 work that you give. Thank you all for
21 your diligence.

22 One thing I want to comment on and
23 this was brought up and it has to do
24 with, and was already mentioned, there
25 are already two existing poles on our

1 street that are in very close proximity
2 to the pole being proposed.

3 I noticed the attorney for Crown
4 Castle said, well, I don't know, but I
5 wanted to be sure we are doing due
6 diligence.

7 It's easy to draw a barrier around
8 the Village and say let's put it here,
9 but obviously, it is all part of the
10 bigger puzzle. If you can avoid putting
11 them in a location because the proximity
12 is in another jurisdiction, we think
13 about the greater space and not just our
14 Village. So that's my first point.

15 The second one is my husband,
16 believe it or not, the pole closest to
17 our home is actually on the next hearing
18 which we can't be at that one because we
19 have a high school event to be at.

20 One thing I wanted to mention is
21 looking at state areas, if there's a way
22 it can be pushed closer by the sump,
23 water basin, anyplace to mitigate the
24 location, if you can be thoughtful about
25 that. We can't be at the next one, but

1 I know Jeff walks his dog and he knows
2 where it is, if you would just be
3 mindful of that, we would certainly
4 appreciate it.

5 MAYOR DeVITA: Absolutely. I am
6 sure many of us will be out there again.

7 MS. WRIGHT: Feel free to ring the
8 doorbell.

9 Thank you, again.

10 MAYOR DeVITA: Thank you very much.

11 Anne Mayer?

12 MS. MAYER: Anne Mayer, 10 Harbor
13 Circle, Centerport.

14 The last time I was here I told you
15 I am an electrical engineer and a safety
16 engineer for 21 years for Underwriter's
17 Laboratory.

18 MAYOR DeVITA: You're also part of
19 the 5G.

20 MS. MAYER: Citizens for 5G,
21 because I care about the Town of
22 Huntington and the women and the
23 children and the men, as a matter of
24 fact.

25 Let me just tell you something

1 else. As a daughter of the American
2 Revolution our forefathers would be
3 rolling around their graves hearing you
4 say, well, the federal government says
5 this. Who is the federal government?
6 We are the federal government. We, the
7 people, and the people -- we are old
8 enough to have been taught how to think
9 and be critical thinkers and not just
10 lay down and take this, because it is
11 dangerous.

12 I can tell you, they haven't done
13 the safety testing on the 4G, 5g and 6G.
14 They have done it on the 2G and 3G. It
15 is not an infamous study. There is
16 nothing infamous about it except that
17 it's bad for the industry, unhealthy and
18 dangerous and they just sort of wash
19 that away.

20 There is a website it's called the
21 whistleout.com if you want to see the
22 coverage in your area. You've got 4G,
23 you've got 3G.

24 These poles, to answer what you
25 said, sir, I don't remember your name,

1 the poles only have to be as close
2 together as they are putting them in
3 your neighborhood for 5G because you've
4 got 3G and you've got 4G. They're
5 getting ready and are just laying the
6 ground work to roll in the 5G.

7 Also, the stealth pole tower in
8 Centerport was denied, yahoo, and we're
9 really happy about that for a number of
10 reasons. One of the reasons was they
11 did not prove that there were
12 significant gaps in the coverage.

13 As a gentleman said during that
14 hearing, either there's false
15 advertising when they say there's
16 coverage here, they're either lying or
17 there's coverage and they've got other
18 reasons, as I said, for the 5G to bring
19 these poles in. That's the only reason.
20 You don't need these poles close
21 together for 3G and 4G.

22 The property value issue has been
23 spoken to.

24 But do you guys have an expert
25 witness to come in here and testify

1 about property values?

2 MAYOR DeVITA: We're having a
3 report prepared.

4 MS. MAYER: And if the property
5 values come down 20 percent, whose --

6 MAYOR DeVITA: First of all, I
7 don't want to debate with you. But just
8 so you understand, the attempt to
9 measure property devaluation with
10 respect to these devices is almost --
11 how would you put it, Joe?

12 MR. MACY: It's extremely
13 difficult. There are any number of
14 factors that influence it. We are
15 looking at it. Crown has provided a
16 report to us in which they contend there
17 is no effect on the property valuation
18 as a result of this. We are having an
19 appraiser look at that and provide us
20 with a critique so the Board can
21 consider that as part of their -- in
22 consideration of the application.

23 MS. MAYER: There was a gentleman
24 at the Huntington Zoning Board meeting
25 that sold his house in Centerport 15

1 years ago because the first antennae
2 they were proposing to put in there. He
3 sold it at a loss and I would say he's
4 an expert witness and --

5 MAYOR DeVITA: Can I just mention
6 two things on that point? I don't mean
7 to interrupt your presentation. I know
8 you have more to say, but it's very
9 interesting. Not every Village or every
10 Mayor has the same position or thought
11 about that. Number 1, in Old Westbury,
12 Mayor Pete, he basically invited them
13 into his community and they set up
14 nodes. Number 2, another Mayor on the
15 North Shore thinks that it will increase
16 the value of their homes because younger
17 people are moving in and looking to have
18 all the wonderful things -- I'm just
19 telling you, Anne.

20 MS. MAYER: I know about the
21 health.

22 MAYOR DeVITA: I'm not saying
23 that's our position. But it's funny, it
24 is not 100 percent.

25 MS. MAYER: I think if you try to

1 make that argument everyone will laugh,
2 I'm just telling you.

3 I have to commend you for what
4 you're doing with your LED lighting.
5 Let me explain something to you that
6 most people don't know. LED lighting,
7 right, you save all this energy. But
8 guess what? Wireless technology, all
9 the nodes, you're concerned about
10 climate change, what's happening. It's
11 10 times more electricity for a
12 wire-to-wire than for them to bring the
13 fiber optics to their home. You're
14 going to all this trouble to save all
15 that electricity and then they're
16 stealing it from you, from us. Also,
17 the power plants in the Midwest are
18 going to have to be polluting to make
19 the energy that is going to drive 5G.
20 Nobody talks about that, it's bad for
21 climate change. And we shouldn't be
22 using 100 percent renewable energy,
23 which is what New York State is aiming
24 for, it also wastes 10 times more energy
25 on wireless.

1 The stealth, just the name of it is
2 deceptive. You mentioned about moving
3 the stealth away from the driveway. Be
4 careful where you move these things
5 because if it's further away from the
6 person's home, they're safer.

7 Aesthetics, I understand, like you
8 want it to look nice, but you're going
9 to be putting that particular neighbor
10 in more danger moving it closer to their
11 home.

12 MAYOR DeVITA: We're not doing that
13 to anybody. We're moving it away. We
14 don't want it in front of people's
15 homes.

16 Why not wrap it up.

17 MS. MAYER: I am going to wrap it
18 up.

19 Then he talked about the FCC expert
20 as the experts. They're not experts.
21 It's a revolving door industry, just
22 like every other federal agency which is
23 really sad where our country has gone
24 to.

25 By the way, the health expert that

1 Crown Castle had come to Debbie's house,
2 and he actually -- the testimony that he
3 gave that we have more RF emissions in
4 our home is a lie. When you have one of
5 these small cell towers outside of your
6 home, their expert, Crown Castle's
7 expert went to Debbie's home and
8 measured more in her -- from inside her
9 home from that small cell than what you
10 would have from your refrigerator and
11 other devices in your home. And they
12 are cumulative. The more of them you
13 have in your home, like the Alexa and
14 the Internet and bringing in the smart
15 this and that, the more exposure you
16 have and the more you are putting your
17 family at risk.

18 MAYOR DeVITA: Thank you very much.

19 Anybody else?

20 Yes, go ahead. Say your name and
21 address.

22 MR. ROMANO: Salvatore Romano, 67
23 Cherry Lane.

24 In regards to the tower for 78
25 Cherry Lane, you are proposing moving it

1 around the bend which is, in essence,
2 bringing it closer to my home.

3 MAYOR DeVITA: You are right
4 across?

5 MR. ROMANO: I am just around that
6 bend, and right around that bend is a
7 family with two young children. So,
8 again, aesthetically pleasing, you want
9 to move it away from the driveway.
10 There is -- where are you proposing to
11 move it towards? There are two on
12 Cherry Lane, one in front of 51 and one
13 further down.

14 MAYOR DeVITA: I'm glad you
15 mentioned that, and I hope you heard,
16 too. We can't even really figure out --
17 we had differences of opinion here. No
18 one is saying -- I'm glad you mentioned
19 that.

20 MR. ROMANO: Again, as you said, I
21 know you're trying to keep it being
22 aesthetically pleasing, but keep in mind
23 there's two on Cherry Lane out of your
24 jurisdiction.

25 MAYOR DeVITA: What's your address

1 again?

2 MR. ROMANO: I'm at 67. There is
3 one at 51 and I believe there is one at
4 31, 37. So moving it around that curb
5 will bring it closer to me and my
6 neighbor.

7 TRUSTEE NICKLAS: You're right by
8 the fire hydrant.

9 MR. ROMANO: Right by the fire
10 hydrant there is a cul-de-sac. You can
11 see my home in the picture.

12 MAYOR DeVITA: The Syosset
13 cul-de-sac is this house.

14 MR. ROMANO: One other question I
15 had.

16 Is there any federal requirement
17 for testing after the installation?
18 Like water has to be tested annually.

19 MAYOR DeVITA: That came up and I
20 don't want to misstate. Mr. Gaudioso,
21 correct me if I'm wrong, but I believe
22 he states that the FCC doesn't require
23 it. Our Code does require it. So to
24 the extent that there is a decision one
25 way or another, our position is we can

1 require it, actual testing.

2 MR. ROMANO: Obviously, you can't
3 deny them. They're looking to come into
4 the community. I'm sure there's an
5 opportunity to agree on certain
6 conditions.

7 One of the conditions should be
8 that if there are any changes to
9 something that is approved it has to be
10 brought in front of the committee again?

11 MAYOR DeVITA: Yes, in other words,
12 swapping out the appearance.

13 MR. ROMANO: Any change. It's
14 approved on the basis that this criteria
15 today it is approved, it's installed,
16 any changes they have to revisit.

17 MR. AVRUTINE: That would be what
18 the Village would require.

19 MR. ROMANO: Okay, thank, you.

20 MAYOR DeVITA: Thank you.

21 At this point, there being no
22 further comments -- oh, yes, Chris
23 Melito.

24 MR. MELITO: Chris Melito, 40 White
25 Oak Tree Road.

1 My question is has a coverage study
2 of theirs been done with the existing
3 service? And then we have heard 25
4 cells are not necessary for the
5 requested coverage areas.

6 Is Crown Castle requesting these
7 nodes for the purpose of upgrading to 5G
8 where more cells are needed? Currently,
9 4G you don't need them to be as close.
10 Are they asking for 25 nodes with the
11 intent of ramping up?

12 MAYOR DeVITA: Dick, you have an
13 answer to the coverage issue, do you
14 want to address that?

15 MR. COMI: I can address that by
16 saying, as I said, I don't have the
17 information yet that demonstrates the
18 proof of the need for 25 of them. I
19 requested the studies in terms of what
20 you have now. We requested drive test
21 data that was not provided and we
22 requested it for all of the four
23 frequency bands to show what service you
24 have at the present time. That would
25 demonstrate the issue of what coverage

1 they have now, and we can make a much
2 better determination on what and how
3 many of the nodes are actually needed.
4 I don't have that information. I hate
5 to be the one not being able to give you
6 an answer.

7 MAYOR DeVITA: You are saying you
8 can't.

9 MR. COMI: I can't make that
10 determination without that information.

11 MAYOR DeVITA: Okay. Do you have
12 any other questions?

13 MR. MELITO: I think it's
14 interesting.

15 I have no other questions.

16 MR. GAUDIOSO: And we have
17 submitted that data, that drive test
18 data. It's in the record.

19 MAYOR DeVITA: I understand. I
20 think there is a difference of all
21 opinions as to what information has to
22 be submitted with respect to what bands.

23 MR. COMI: The service band issue
24 they submitted to date on 700 and 19 --
25 2100, the 4G LTE, the two data bands.

1 We've requested the information on the
2 four bands that Verizon is authorized,
3 which is the cellular and the PCS that
4 shows what kind of service you have
5 right now.

6 By the way, you can operate data in
7 those bands, it's just not as robust as
8 the data that you can put in the 700 and
9 21. That is the information we've asked
10 for, that's what we have not gotten.

11 MAYOR DeVITA: And Crown Castle's
12 position is they are not required to
13 submit that.

14 MR. COMI: That's because the only
15 thing they're providing in the nodes is
16 the 700 and 21. They're not putting in
17 new service in the 850 and the 1900.
18 They're only putting in the two bands
19 and, therefore, they say all we have to
20 do is prove that we have a gap in those
21 two bands. There is nothing that I'm
22 aware of in any federal regulation that
23 says a service provider must have
24 ubiquitous coverage in all of the bands.
25 If they have coverage in the cellular

1 band in your community they have
2 coverage, they don't have a gap.

3 MR. GAUDIOSO: The new FCC order
4 just completely changed that issue. So
5 with all due respect, the new
6 order supercedes --

7 MAYOR DeVITA: Is that the January?

8 MR. GAUDIOSO: The order, that was
9 from September of 2018 that was
10 effective in January.

11 MAYOR DeVITA: Thank you.

12 At this time, I will make a motion
13 to close the public hearing and keep the
14 record open for 30 days for other
15 written submissions and comments and
16 reserve decision.

17 TRUSTEE MIRITELLO: Second.

18 MAYOR DeVITA: I will poll the
19 Board.

20 Trustee Jusko?

21 TRUSTEE JUSKO: Aye.

22 MAYOR DeVITA: Trustee Nicklas?

23 TRUSTEE NICKLAS: Aye.

24 MAYOR DeVITA: Trustee Nemshin?

25 TRUSTEE NEMSHIN: Aye.

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MAYOR DeVITA: Trustee Miritello?

TRUSTEE MIRITELLO: Aye.

MAYOR DeVITA: Trustee Novick?

TRUSTEE NOVICK: Aye.

MAYOR DeVITA: Thank you very much,
everyone.

* * * * *

C E R T I F I C A T I O N :

I, Mary Anne Coppins, Court
Reporter, hereby certify that the above
transcript is a true and accurate copy
of the minutes taken by myself
stenographically in the within matter.

Mary Anne Coppins
Court Reporter

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