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Minutes of
CROWN CASTLE SUBMISSIONS
1-2017 through 26-2017
June 21, 2017
7:30 P.M.
at
Village Hall
1492 Laurel Hollow Road
Laurel Hollow, New York 11791
-----X

BOARD OF TRUSTEES:

Mayor Daniel F. DeVita
Howard Avrutine, Village Attorney
Trustee Jeffrey Miritello
Trustee Nick Tsafos
Trustee Martin Novick
Trustee Kevin Jusko
Trustee Richard Nicklas
Trustee Jeffrey Nemshin
Karen Navin, Clerk/Treasurer

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A P P E A R A N C E S :

SNYDER & SNYDER, LLP
Attorneys for Crown Castle
94 White Plains Road
Tarrytown, New York 10591
BY: ROBERT D. GAUDIOSO, ESQ.

ALSO PRESENT:

Richard A. Comi, Village Consultant
Joseph Klem, Crown Castle

* * *

1 CROWN CASTLE SUBMISSIONS

2 MR. DeVITA: The next item on
3 the agenda is Crown Castle
4 submissions and Mr. Gaudioso
5 representing Crown Castle is here.

6 Just for the record, there is a
7 court stenographer. We welcome you.
8 That is someone who was brought by
9 Mr. Gaudioso. They are not here for
10 a public hearing and they are not
11 paid for by the Village. I just want
12 to put that out there --

13 MR. GAUDIOSO: Correct.

14 MR. DeVITA: -- so in case the
15 residents --

16 MR. GAUDIOSO: And we'll be
17 happy to share the transcript.

18 MR. DeVITA: So we are here on
19 pre-application waiver requests by
20 Crown Castle. Let me just state at
21 the outset that here is Mr. Gaudioso
22 and also here is Dick Comi who is our
23 consultant, and I know there is...

24 MR. KLEM: Mr. Joseph Klem from
25 Crown Castle.

1 CROWN CASTLE SUBMISSIONS

2 MR. DeVita: So we know
3 Mr. Comi's request was sent only two
4 weeks ago. So in all fairness, that
5 wasn't enough time to send him your
6 responses for additional information.
7 So we'll give you as much time as you
8 want after tonight if you want to do
9 that to submit additional information
10 with respect to particular requests
11 and we are going to go through them.
12 And as you know, it's a lengthy
13 process. We'll do the best we can.
14 As you can see, we haven't
15 accomplished any of our agenda, but
16 if for some reason we need to go on
17 beyond tonight, we will go on with an
18 agreement of the Board schedule a
19 special meeting before our next July
20 meeting because we know you want to
21 get through this and that way we
22 won't tie up a regular meeting also
23 and give you more time.

24 MR. GAUDIOSO: Thank you.

25 MR. DeVITA: So we'll try and

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2 move through the stuff and have a
3 constructive decision about things
4 tonight.

5 MR. GAUDIOSO: Great. Thank
6 you.

7 MR. AVRUTINE: So there was a
8 document that Mr. Gaudioso submitted
9 whereby he made various requests for
10 waivers of requirements set forth in
11 the Village's code chapter regarding
12 cellular installations and so the
13 requests were reviewed by Mr. Comi
14 and Mr. Comi made recommendations as
15 to -- with respect to each request
16 for a waiver and what I did was I
17 provided to each of the trustees
18 copies of the requests which included
19 Mr. Comi's recommendations.

20 So I guess at this point I'll
21 ask you Bob whether you want to go
22 through it? Do you want to present
23 it?

24 MR. GAUDIOSO: Yeah. I don't
25 think we need to belabor it, but I

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2 think there are a couple that are
3 worth discussing and then the Board
4 can make the decision. We can file
5 our application to move on and I do
6 appreciate the courtesy, Mr. Mayor.
7 So I'll try and be as brief as
8 possible, if I speak to quickly --

9 MR. AVRUTINE: You're going to
10 go one by one?

11 MR. GAUDIOSO: I'll go one by
12 one. I think some of them will be
13 repetitive since they are the same
14 issue and the Board will make a
15 decision and we'll go from there.

16 MR. AVRUTINE: Okay.

17 MR. GAUDIOSO: So the first one
18 is on the first page and what, as you
19 mentioned, what we did is we
20 regurgitated the code for
21 convenience, we put our comments, our
22 request for the waiver that Mr. Comi
23 gave what his position was.

24 The first item is the code
25 requires that the landowner sign the

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2 application. We've asked for a
3 right-of-way use agreement or for in
4 the alternative for the Board to
5 either sign the application or issue
6 some type of document along those
7 lines. So that is our request. I
8 don't think it's more complicated
9 than that.

10 MR. AVRUTINE: Okay.

11 As we discussed during our pre
12 application conference call, the
13 Village is not inclined to negotiate
14 a right-of-way agreement prior to the
15 application. So since that -- since
16 that state of fact prevails, what I
17 will recommend to the Board tonight
18 is that it pass a resolution
19 essentially consenting to Crown
20 Castle making the application and
21 that that consent is limited solely
22 to authorizing the submission and
23 processing of the application.
24 Obviously, it's not going to rise to
25 the level of a right-of-way

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2 agreement, that will be done later,
3 but this will allow the application
4 to move forward. That was our
5 resolution for the Board to adopt
6 this evening.

7 MR. DeVITA: Have you enclosed
8 a copy of what you --

9 MR. GAUDIOSO: It's in the
10 Board purview. We've made our
11 request and I'm sure whatever
12 resolution the Board passes we
13 believe that's good enough to allow
14 us to move forward so we'll move
15 forward.

16 MR. AVRUTINE: We believe it
17 is.

18 MR. GAUDIOSO: We do stand by
19 our request though for the
20 right-of-way use agreement in advance
21 of the special use permit processing
22 and we understand your position.

23 MR. AVRUTINE: Okay.

24 MR. GAUDIOSO: The next one is
25 pretty straight forward.

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2 MR. AVRUTINE: Actually, since
3 we'll go item by item why don't we
4 adopt the resolution now. So do we
5 have a copy of the resolution?

6 MS. NAVIN: Do you want me to
7 make a copy now?

8 MR. TSAFOS: So if a telephone
9 pole is on the right-of-way, right --

10 MR. AVRUTINE: Yes.

11 MR. TSAFOS: -- and Crown
12 Castle gets to pick whatever
13 telephone pole to put it on?

14 MR. JUSKO: Or new ones.

15 MR. AVRUTINE: The ordinance is
16 a combination of new poles and
17 similar installations on existing
18 poles. I believe it was ten new
19 poles would be --

20 MR. GAUDIOSO: Nine new poles.
21 I'm sorry. Nine existing poles,
22 seventeen new poles.

23 MR. TSAFOS: So if a resident
24 has a telephone pole on their
25 property and for some reason that

1 CROWN CASTLE SUBMISSIONS
2 telephone pole doesn't meet the needs
3 of Crown Castle, that resident is
4 going to have another, a second pole
5 on their property?

6 MR. AVRUTINE: It's not on
7 their property.

8 MR. TSAFOS: On the ease on the
9 right-of-way.

10 MR. JUSKO: In front of their
11 house.

12 MR. TSAFOS: In front of their
13 house. So somebody is going to have
14 two telephone poles in front of their
15 house?

16 MR. AVRUTINE: Well, I think --
17 you know what --

18 MR. DeVITA: Let's not jump
19 ahead.

20 MR. AVRUTINE: Because that
21 can, that is -- Mr. Comi I'm sure
22 will have some input on that as well.
23 That will be the subject of the
24 actual consideration of the
25 application. Crown is going to make

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2 a proposal and if the Village says
3 well, we don't like this location for
4 a pole or we think you should use the
5 exiting pole or whatever, all of that
6 will be part of the application
7 process.

8 MR. TSAFOS: Got it, okay.

9 MR. AVRUTINE: This is --
10 before the Board tonight is --

11 MR. TSAFOS: Got it.

12 MR. AVRUTINE: -- the code is
13 very comprehensive in terms of what
14 it requires in connection with an
15 application and Mr. Gaudioso and his
16 team are making requests to waive
17 various of those items essentially
18 claiming that they are not necessary
19 or they are --

20 MR. DeVITA: Irrelevant.

21 MR. TSAFOS: I follow. Got it.

22 MR. AVRUTINE: So we'll get to
23 all of that.

24 MR. NOVICK: So we are supposed
25 to vote on this?

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2 MR. AVRUTINE: Yes.

3 MR. GAUDIOSO: And just if I
4 can kill some dead air, I agree with
5 counsel. One of reasons we are
6 making the waiver is that the code
7 was really designed around the idea
8 of a brand new cellular telephone
9 tower and what we're doing is we're
10 installing antennas in a utility box,
11 in a box, an equipment box on either
12 an existing or a proposed utility
13 pole. That's why a lot of our waiver
14 requests are based on the fact that
15 maybe the code provision was directed
16 originally at the time of adoption
17 before this new technology was
18 considered.

19 MR. DeVITA: Okay. We have to
20 vote.

21 MR. AVRUTINE: We have the
22 resolution that is before the Board.

23 MR. NICKLAS: I vote.

24 MS. NAVIN: Moved by Trustee
25 Nicklas.

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MR. TSAFOS: (Raises hand.)

MS. NAVIN: Seconded by Trustee
Tsafos.

Trustee Jusko?

MR. JUSKO: Yes.

MS. NAVIN: Trustee Nicklas?

MR. NICKLAS: Yes.

MS. NAVIN: Trustee Novick?

MR. NOVICK: (Raises hand.)

MS. NAVIN: Trustee Tsafos?

MR. TSAFOS: (Raises hand.)

MS. NAVIN: Trustee Miritello?

MR. MIRITELLO: (Raises hand.)

MS. NAVIN: Trustee Nemshin?

MR. NEMSHIN: (Raises hand.)

MS. NAVIN: Mayor DeVita?

MR. DeVITA: I.

MR. AVRUTINE: Next item?

MR. GAUDIOSO: Thank you.

The second item was that the
code requires that an applicant be
licensed by the FCC. Crown Castle
actually is a public service
commission holder of a certificate of

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2 public convenience and necessity and
3 that under New York State law and
4 Federal law allows Crown Castle the
5 right-of-way pursuant to the
6 Village's consent. We requested a
7 waiver of that. I believe Mr. Comi
8 requested that we provide our
9 client's FCC license which is Verizon
10 Wireless, and we have no objection to
11 that.

12 MR. DeVITA: Okay, good. That
13 easy.

14 MR. AVRUTINE: That is
15 sufficient, right Mr. Comi?

16 MR. COMI: Yes, it is.

17 MR. GAUDIOSO: The next item
18 was that there was a 180-day
19 limitation on having the facility
20 operational. Again, because we
21 wanted to include all of our
22 variances, we asked -- all of our
23 request waivers, I apologize, you
24 know, if there was an approval and
25 someone brought litigation and we

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2 wouldn't be able to comply with that
3 180-day limit we just simply
4 requested a waiver. I believe
5 Mr. Comi's response was if at the
6 time there is something outside of
7 our control that it would be
8 considered at that time and we have
9 no objection to that.

10 MR. DeVITA: Just so you know,
11 Mr. Gaudio, as you saw in our
12 building department we get requests
13 all the time --

14 MR. GAUDIOSO: Sure.

15 MR. DeVITA: -- and we
16 routinely approve them unless there
17 is something outrageous.

18 MR. GAUDIOSO: Absolutely.

19 MR. DeVITA: So I don't think
20 that's a problem.

21 MR. GAUDIOSO: That's great.

22 The next one, again on page 3,
23 the code requires the postal address
24 and tax map designation of the
25 property. We are not technically on

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2 a property. We are in the
3 right-of-way. So what we did is,
4 again, because of the specific term
5 of the code, we asked for a waiver of
6 that. I believe what Mr. Comi
7 recommended is that we provide the
8 postal address of the adjacent
9 property. I don't think we have any
10 objection to doing that.

11 MR. AVRUTINE: I think we also
12 need to qualify because there may be,
13 depending upon the particular
14 location that's contemplated that it
15 maybe may be straddling two
16 properties or --

17 MR. GAUDIOSO: Agreed.

18 MR. AVRUTINE: Clearly from the
19 Village's perspective you have a
20 proposed a new pole for argument's
21 sake --

22 MR. GAUDIOSO: Sure.

23 MR. AVRUTINE: -- you have one
24 property on that side of the
25 right-of-way and one on the other

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2 side and then maybe it's close to the
3 property line for two other homes.
4 It's imperative for this Board to
5 make sure that we know the homes that
6 are most impacted by the particular
7 installation --

8 MR. GAUDIOSO: Sure.

9 MR. AVRUTINE: -- so that those
10 residents are aware of everything and
11 that they are notified properly and
12 that the Board has a full and
13 complete understanding of which
14 properties are impacted.

15 MR. GAUDIOSO: And that's make
16 perfect sense.

17 MR. DeVITA: Mr. Comi, do you
18 agree with that?

19 MR. COMI: Well --

20 MR. AVRUTINE: I just wanted to
21 clarify that it wasn't just the
22 property that it was adjacent to. It
23 could be more than one.

24 MR. GAUDIOSO: What we've done
25 in the past, and Joe is our expert in

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this, with any of the GIF stuff,
we've shown on either a tax map -- we
work with the assessor, we can take
the tax map, you know, a radius of
each of the surrounding properties
and put a dot where the pole is or
where it's proposed to be and be able
to show you something like that on a
map, that way you would have that
immediate vicinity and there would be
a good diagram to be able to point to
if that makes sense.

MR. AVRUTINE: Acceptable,
Mr. Comi?

MR. COMI: Yes.

MR. GAUDIOSO: The next item is
the zoning depict, again, in which
the property is situated. Typically
the right-of-way is not technically
zoned but if you wanted to know what
the zoning of that area was, we have
no objection to showing it on the
map.

MR. DeVITA: Yeah, there's one

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2 zoning district anyway. The whole
3 south side is residential.

4 MR. GAUDIOSO: And again,
5 you'll see most of my comments are
6 that. I didn't want to put an
7 application in, get comments that we
8 didn't meet the letter of the law and
9 this is very helpful in order to show
10 you that. We are looking to be
11 reasonable on trying to provide this
12 information.

13 MR. DeVITA: Okay.

14 MR. GAUDIOSO: Item No. 6 is
15 very -- on page 4 is very similar.
16 It requires the size of the property
17 both stated in square feet and lot
18 line dimensions and a diagram showing
19 the location of all the lot lines.

20 Again, a right-of-way generally
21 is a long strip. It could run for
22 miles and miles and miles. Again, we
23 would have no objection to providing
24 that tax map showing the adjacent and
25 surrounding properties and be able to

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2 pinpoint the location if that makes
3 sense.

4 MR. DeVITA: I think that's
5 fine.

6 MR. AVRUTINE: Yeah, it does.

7 MR. GAUDIOSO: Thank you.

8 The location of the nearest
9 residential structure, Mr. Comi -- we
10 had requested a waiver of that.
11 Mr. Comi requested that we delineate
12 it. Again, we don't have any
13 objection to that as long as it's
14 based on something that's reasonable.
15 We can either do an aerial photograph
16 or we could do the tax map that shows
17 where the residential structure is
18 located and try to tail it off. I
19 don't think we have a problem with
20 that.

21 MR. AVRUTINE: I think that
22 that makes sense. And I think that
23 to the extent that maybe you can
24 speak directly to Mr. Comi on that
25 and come up with something that works

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2 on both sides since he is going to be
3 our primary consultant.

4 MR. GAUDIOSO: Maybe we can do
5 one sample item and run it passed the
6 two you of --

7 MR. AVRUTINE: That's perfect.

8 MR. GAUDIOSO: -- and if it
9 looks good, we can go from there.

10 MR. AVRUTINE: That's perfect.

11 MR. GAUDIOSO: The next one on
12 page 5 is the size and height of all
13 structures on the property. Again,
14 that could be every telephone pole
15 for miles. I believe we requested a
16 waiver of that. Mr. Comi suggested
17 the height of any structure that
18 we'll attach to or any new structure
19 and we would be agreeable to that.

20 MR. AVRUTINE: That's great.

21 MR. GAUDIOSO: The next item is
22 the type, locations, dimensions of
23 all proposed and exiting landscaping
24 and fencing. Because we are in the
25 right-of-way we requested a waiver

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2 from that. Mr. Comi suggested that
3 this not be granted. Again, we are
4 not going to propose initially any so
5 we'll state that in our application.
6 I think Mr. Comi's comment suggested
7 that if there is something in the
8 area that would provide good
9 screening that we should document
10 that. What my suggestion would be is
11 that we provide a photograph, and
12 we'll talk about this a little later,
13 and a rendering. I think you've seen
14 some of these where we use computer
15 enhancement to show what the facility
16 would look like that would include a
17 photograph of the existing shrubbery,
18 landscaping in the areas and if that
19 would satisfy that requirement we
20 would be happy to do that on each one
21 of those.

22 MR. AVRUTINE: I would say
23 this. For filing purposes, yes, it
24 would satisfy the requirement. But
25 it's not going to be a waiver of the

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2 Village's right to ask for something
3 more --

4 MR. GAUDIOSO: Understood.

5 MR. AVRUTINE: -- as part of
6 the process including stealth
7 technology which can come later in
8 terms of labor requests but we just
9 want to make sure. We want to get
10 the application process going as do
11 you --

12 MR. GAUDIOSO: Sure.

13 MR. AVRUTINE: -- and we want
14 to make sure that we have a complete
15 application. At the same time that
16 we're considering requests for
17 waivers, we don't want to grant a
18 waiver that may be interpreted as
19 broader than it's intended to be.

20 MR. GAUDIOSO: So I think in
21 that context, we agree with you.

22 MR. AVRUTINE: Fine.

23 MR. GAUDIOSO: Flipping to
24 page 6, certification that the
25 proposed antennas will not cause

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2 interference with other
3 telecommunications devices. We've
4 asked for a waiver of that. The law
5 is very clear that it's preempted.
6 Mr. Comi has asked for some
7 additional language and we'll stand
8 by our waiver request based on that.

9 MR. AVRUTINE: Again, I mean do
10 you not typically, as part of your
11 applications, provide the data that
12 you have that shows that you meet FCC
13 requirements?

14 MR. GAUDIOSO: So we propagate
15 within FCC frequencies and if there
16 is some reason that there would be
17 interference with another entity that
18 has an FCC license as well, that
19 means that something is going wrong
20 and it could be very well be the
21 other entity that is causing the
22 problem and the FCC has the sole
23 jurisdiction to be able to sort that
24 out. So we would not provide a
25 certification that we will sort it

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2 out beyond what's required by the
3 FCC. So to the extent that you would
4 want something for us to say that we
5 would comply with the FCC
6 requirements, we have no objection to
7 that.

8 MR. DeVITA: We are not asking
9 for different frequency levels or --
10 we understand that. Dick, do you
11 have any input?

12 MR. COMI: Yes. The only thing
13 relevant -- I'm sorry. For the Board
14 members that don't know me, I'm Dick
15 Comi. I'm the consultant for the
16 Village on this issue.

17 On the interference issue, all
18 we are asking for is the issue that
19 God forbid should there be some
20 interference that they work with the
21 Village to correct the interference.
22 Because if you say you are going to
23 refer it to the FCC folks, you are
24 going to have the interference for
25 years, and you are going to have some

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2 really -- so we have language, and
3 I'm more than happy to provide it to
4 Mr. Gaudio. It's a paragraph. It
5 doesn't ask for any new standards or
6 anything like that. It just
7 basically says you have done the
8 testing, which you have, there
9 shouldn't be interference but if
10 there is, you'll work to correct it.
11 That's all we're asking.

12 MR. DeVITA: Could I just ask,
13 what kind of interference are we
14 talking about?

15 MR. COMI: Well, over the years
16 there has been a slight amount of
17 interference by various carriers
18 because of sidebands and with other
19 equipment that's out there and things
20 like this where they literally create
21 problems. Should there be any of
22 that? No. But again, all we do, and
23 we've done this elsewhere in a lot of
24 cases, is said should something
25 occur, let's not just say we are

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2 going to refer it to the FCC who will
3 take forever -- you may have a
4 business for instance that's
5 operating some kind of frequency band
6 and a third sideband of what they're
7 doing provides some kind of
8 interference between the two and it
9 needs to be resolved. That
10 resolution could be as simple as
11 moving one pole down or something or
12 it could be that that business is not
13 operating the way they should be in
14 the band they're operating. What you
15 don't want to do is simply refer that
16 to the FCC and that's all we are
17 asking. What I will do is provide
18 Mr. Gaudioso with simply a paragraph
19 that he can just to his liking and
20 put it as part of the application.

21 MR. AVRUTINE: Do you have a
22 problem with that?

23 MR. COMI: Put something in the
24 application.

25 MR. GAUDIOSO: We'll put

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2 something in the application.

3 MR. COMI: That's what I think.

4 MR. GAUDIOSO: I don't know if
5 you'll be --

6 MR. COMI: No --

7 MR. GAUDIOSO: But we'll put --

8 MR. COMI: -- and we managed to
9 resolve this issue.

10 MR. DEVITA: Would you agreed
11 to at least to look at this issue
12 with Mr. Comi and make a good faith
13 effort to see if you can come up with
14 something.

15 MR. COMI: I think we will. I
16 think we've managed to do that in the
17 past.

18 MR. GAUDIOSO: On the bottom of
19 page 6, I think we already covered
20 this, we'll provide the FCC license
21 for our client.

22 MR. AVRUTINE: Great.

23 MR. GAUDIOSO: Bottom of page 6
24 going to page 7, we are proposing for
25 the 19 new poles just to drop a

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2 utility pole in the ground. It
3 doesn't have a foundation. There is
4 a requirement here which, again, I
5 think was intended for a big, giant
6 steel tower for a geological study, a
7 subsurface investigation plan,
8 basically a foundation plan. Our
9 initial filing will not include that
10 because there is no foundation
11 proposed. I understand Mr. Comi's
12 comment is that the final design has
13 not been selected and if one were to
14 require a foundation design, we would
15 be happy to provide it at that time.

16 MR. AVRUTINE: I think clearly
17 what the Village is interested here
18 is how you propose to install it and,
19 you know -- again, do they just -- if
20 it's a new pole, you are just going
21 to dig a hole, stick it in, and fill
22 it with dirt or is it more than that?

23 MR. GAUDIOSO: No, just like
24 the utility companies do it. That's
25 pretty much the extent of it.

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2 MR. AVRUTINE: Then I guess if
3 that is all that's planned, it's just
4 simply articulating so that the
5 Village can plan whether --

6 MR. GAUDIOSO: And that's fine.
7 We can certainly do that.

8 MR. AVRUTINE: Whatever the
9 mode of installation is going to be I
10 think we need to know what it is.

11 MR. GAUDIOSO: I think that's
12 fair.

13 MR. DeVITA: I think later on
14 you have something in here about an
15 engineer certifying it.

16 MR. COMI: Well, it's a
17 structural design. Just like any
18 telephone poles, they have rules of
19 how many feet they are supposed to
20 bury it and so on. They will provide
21 us on the new pole with the height of
22 the pole, how much below ground and
23 what will be going on it. It's a
24 basic structural design. It's not
25 anything significant, but when you

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2 ask for a waiver request before you
3 see that, we're not suggesting at
4 this time that it be granted.

5 MR. JUSKO: This might not be
6 part of this questioning, but you put
7 the pole in and obviously you are
8 going to check for utilities, yes? I
9 mean typically homeowners' have
10 sprinkler systems. Do you get what
11 I'm saying?

12 MR. GAUDIOSO: Well, we are in
13 the right-of-way, so therefore the
14 sprinkler system should not be in the
15 right-of-way.

16 MR. DeVITA: Talk to the road
17 pavers.

18 MR. AVRUTINE: The problem is
19 there are no sidewalks and in many
20 places no curbs either so they don't
21 know where their property lines are.

22 MR. GAUDIOSO: I'll confer with
23 the client. I'm not sure if we've
24 ever run into that situation, but --

25 MR. TSAFOS: You will.

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2 MR. DeVITA: You may want to
3 suggest, Mr. Gaudioso even with our
4 pavers that when they are doing a
5 whole road, they have to peel back
6 the sprinkler systems from one house
7 after another. You are doing these
8 spot poles I don't think it's a big
9 deal but it's something the keep in
10 mind.

11 MR. GAUDIOSO: We can certainly
12 check for it. I can tell you our
13 crews have dealt with being hosed
14 down before. So we'll leave it at
15 that. We can certainly look at that
16 on a case by case basis.

17 On page 7 in the middle there
18 is a requirement. Again, I think
19 that this really, you know, reflected
20 the idea that your code allows
21 75-foot towers. We are close to
22 30 feet below that at the most. This
23 is a 1,500 foot radius map from the
24 property line again. So No. 1, we
25 don't have a property line. We do

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2 have a node location that we can
3 certainly do a radius from that node
4 location but I would submit that
5 1,500 feet is a bit excessive in this
6 case.

7 MR. AVRUTINE: I'm not even
8 sure we're going to need that type of
9 map. I think the GIF that we talked
10 about before as long as all of the
11 adjoining and adjacent properties are
12 identified. In this instance a
13 radius map certainly of this
14 magnitude would be excessive and it's
15 not necessary. What we are looking
16 for is a way to notify impacted
17 people and they be given --

18 Dick you wanted to ask
19 something?

20 MR. COMI: Well, the only
21 question is how many -- if the pole
22 is going to go in front of the home
23 that's here (indicating), do you want
24 to notify one home on either side,
25 two homes on either side? Obviously

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2 you don't -- I agree totally 1,500
3 feet is excessive. That's meant for
4 a tower and that's why it's there.
5 But in essence if the pole is right
6 in front of this guy's home whether
7 it's a new one or it's going on it,
8 how many -- and we can either do it
9 by footage or by properties adjacent
10 to it and I guess that's a decision
11 -- you know. Obviously 1,500 feet is
12 way too far.

13 MR. AVRUTINE: Right.

14 MR. COMI: Way too far. You
15 will be doing the whole Village.

16 MR. GAUDIOSO: No. I think
17 Mr. Comi is right. So what we would
18 suggest is the home that we are in
19 front of, the home to the left and
20 the home to the right, the home
21 across the street, and the home to
22 the left and to the right unless it's
23 a giant piece of property and let's
24 say something, let's pick a number
25 that's reasonable, maybe 300 feet, if

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2 it's beyond 300 feet. So at least
3 those six or 300 feet.

4 MR. DeVITA: We're on the south
5 side. I don't think that there's --
6 everything is two-acre plots on the
7 south side. I don't think there is
8 any bigger.

9 MR. GAUDIOSO: So does that
10 make sense then? To the left and to
11 the right, across the street, and to
12 the left and to the right across the
13 street.

14 MR. DeVITA: Yeah.

15 MR. GAUDIOSO: Thank you.

16 MR. NEMSHIN: Three
17 hundred feet is one property line.

18 MR. GAUDIOSO: That's what I'm
19 saying. That's why I think it's
20 better that we do the left and right
21 -- the one we're in front of, the
22 left and right and the one across the
23 street and to the left and right.

24 I'm on the bottom of page 7,
25 top of page 8. We don't have a

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2 problem, and we agree we need to
3 provide an environmental assessment
4 form. This requires a visual EAF
5 form. It's a two-page form. Quite
6 frankly, it's not really used anymore
7 since the DEC changed its form. It
8 doesn't really provide any additional
9 information. We would even be
10 willing, which I think is actually
11 more relevant, to do the long
12 environmental assessment form for all
13 the nodes rather than the short form
14 because I think it will give you more
15 relevant information. The VEAF just
16 -- it's just simply really a waste of
17 resource.

18 MR. AVRUTINE: You are going to
19 be giving us the sims the photos.

20 MR. GAUDIOSO: So we would do
21 the photo sims and we would do the
22 long EAF.

23 MR. AVRUTINE: That's okay with
24 me.

25 MR. GAUDIOSO: Thank you.

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2 So there are a number of items
3 regarding basically the design of the
4 facility and what we've proposed is
5 the antenna on the pole and the box
6 on the pole. We'll submit it. If
7 the Board has comments back, we'll
8 have that discussion. I think that
9 is ultimately the way the process
10 will go. One of the requirements is
11 that we show that we can't go on
12 existing telecommunications
13 facilities. I think that is easy
14 enough for us to show from an
15 engineering standpoint. We don't
16 have any objection to that. The
17 words in the language -- the words in
18 the code that I'm concerned about
19 are, "or the use of alternative
20 buildings or structures."

21 We believe we are on the
22 highest property under the code which
23 is on page 15 being on village-owned
24 property. The second highest
25 property is in the right-of-way. So

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2 either way, I think we are at the
3 highest location. We can certainly
4 submit a report showing where the
5 exiting wireless facilities are and
6 show why we need these facilities. I
7 don't have any objection to that.
8 What we -- I don't think we would
9 start to try and show you is that we
10 couldn't go on someone's residential
11 home, okay? So we are not going to
12 say we can go on the person's home
13 because we are at a higher location
14 of being in the right-of-way on
15 village property. If once we submit
16 this and you say, Rob, you missed the
17 eight-story commercial building
18 that's next door, we are certainly
19 happy to have that discussion. I'm
20 fairly confident there's not an
21 eight-story commercial building next
22 door. Even if there were, it
23 wouldn't be higher priority under
24 your code. So we'll make a good
25 faith effort to respond to this code

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2 requirement regarding co-locations
3 and exiting structures.

4 MR. DeVITA: So the only
5 question is because when you're
6 referring to page 8 the F subsection.

7 MR. GAUDIOSO: Yeah.

8 MR. DeVITA: It says,
9 "Application shall" -- in part it
10 says, "Applicant shall be required to
11 submit a written report demonstrating
12 its meaningful efforts to secure
13 shared use of exiting wireless
14 telecommunications facilities or use
15 of alternatives buildings or other
16 structures within or adjoining the
17 village."

18 Would that also include
19 preexisting poles --

20 MR. GAUDIOSO: Yes.

21 MR. DeVITA: -- whether they
22 are PSEG or Verizon poles or whoever?

23 MR. GAUDIOSO: So if we're
24 proposing a new pole and there is a
25 pole right next to it, I think we are