

1 CROWN CASTLE SUBMISSIONS

2 obligated to show you the reason why
3 we are not using that existing pole
4 and we'll put that in.

5 MR. AVRUTINE: Dick, is that
6 acceptable?

7 MR. COMI: Yes. The issue --
8 the only issue here is that the
9 requirement for the -- and Rob is
10 talking about will provide the
11 information demonstrating it, that
12 need is the carrier's needs not Crown
13 Castle because Crown Castle is not
14 the service provider. So the
15 information will, and it can come
16 from Crown Castle. But it's got to
17 be Verizon information that shows why
18 they need, what they need, what their
19 coverage is now, et cetera. It's the
20 carrier's need and that's a
21 requirement of your law.

22 MR. GAUDIOSO: And we'll make a
23 good faith effort to provide coverage
24 needs from Verizon wireless. Just
25 for the record though it is our

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2 position that Crown Castle does have
3 its independent right to provide its
4 own telecommunications service. We
5 did cite to a case previously, but
6 again, we will attempt to provide
7 information from Verizon Wireless.

8 MR. DeVITA: We can continue to
9 discuss it.

10 MR. GAUDIOSO: Sure.

11 MR. DeVITA: You make your
12 submissions and we'll discuss is.

13 MR. GAUDIOSO: Sure.

14 Absolutely.

15 The next item is structural
16 certification. Again, we can show a
17 structural certification for the
18 poles. I think we've already
19 discussed that.

20 The visual impact assessment
21 again, again on page 9, it requires a
22 zone of visibility map, some very
23 specific things. I think, again,
24 because of the design here we'll show
25 you some visual renderings to start

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2 the process.

3 MR. AVRUTINE: That's good.

4 MR. GAUDIOSO: There are a
5 number of items regarding the design
6 and we are not going to come to an
7 agreement tonight. We've asked for
8 certain waivers. Mr. Comi has
9 indicated that we have to prove that
10 it's the least visually intrusive
11 design. We don't necessarily agree
12 that that's what the code requires.
13 I don't think that's a standard in
14 the code, but we'll make our
15 application on that point. If
16 there's an alternative -- there's a
17 section where it says within the
18 discretion of the Board. If the
19 Board has an alternative design, we
20 are certainly listen to the boards
21 considerations.

22 MR. DEVITA: As you know,
23 several of us have been out with
24 members of Crown Castle in the field
25 for the purpose of examining, and

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2 Mr. Comi, with the purpose of
3 examining that issue whether there
4 are better alternates.

5 MR. GAUDIOSO: And we
6 appreciate that effort and --

7 MR. DeVITA: No, no but I --
8 that's what I'm saying. I think it's
9 an ongoing thing. When everything is
10 finally submitted it's a continuing
11 examination on that issue.

12 MR. GAUDIOSO: Great.

13 MR. COMI: By the way, simply
14 because we didn't recommend the
15 waiver now does not at all mean this
16 is not going to get resolved as part
17 of it.

18 MR. GAUDIOSO: Understood.

19 MR. COMI: It was simply we
20 haven't seen application information,
21 so therefore how can I request that
22 you waive something, although there
23 are three or four that we are going
24 to get to that we do request that it
25 be granted, but there is others that

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2 we just can't until we see the
3 information.

4 MR. GAUDIOSO: We understand
5 and we do appreciate that.

6 Top of page 10 how we
7 effectively screen the base and all
8 related facilities and structures.
9 Again, you know, we are not proposing
10 a tower with a big compound at the
11 base. We did propose, and we will
12 show it on the drawings the size of
13 our equipment, how we color it and
14 that's why we made that request and
15 the Board will --obviously can defer
16 that or grant it or deny it. I
17 understand it might be worth
18 deferring it until you see the full
19 application.

20 Item number or L I'll say on
21 page 10 requires the installation of
22 utilities to be underground.
23 Obviously, if we are going on an
24 existing utility pole with existing
25 utility lines, we are requesting a

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2 waiver from that requirement.

3 MR. AVRUTINE: Just as a note,
4 the Mayor had mentioned this to me,
5 there are sections where you are
6 making --

7 MR. DeVITA: Yeah, it doesn't
8 look like you have poles going --
9 like the Cedar Field that's all
10 underground wiring. But at least one
11 of the maps you submitted previously
12 didn't look like there were any
13 poles. I think you stopped going up
14 Elizabeth. Do you remember?
15 Elizabeth Drive there is on a
16 previous map you submitted. We were
17 out there. That I believe was the
18 last one before you get to the area
19 where everything is underground. I
20 don't --

21 MR. GAUDIOSO: So are you
22 suggesting in an area where we're
23 proposing a new pole and there is
24 underground wires --

25 MR. DeVITA: I don't think --

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2 MR. GAUDIOSO: That any of the
3 wires should be underground.

4 MR. DeVITA: What I'm saying is
5 double-check. I don't think you are
6 proposing new poles in an area where
7 everything is underground.

8 MR. GAUDIOSO: Okay.

9 MR. DeVITA: What I'm trying to
10 say is I don't think it's going to be
11 an issue but if you are then it's
12 something we need to discuss.

13 MR. NICKLAS: I thought there
14 was some poles --

15 MR. KLEM: There is one on
16 Wildwood Drive.

17 MR. DeVITA: That's private.

18 MR. NOVICK: That's my street.

19 MR. DeVITA: That's private.

20 MR. TSAFOS: Now, you have
21 problems.

22 MR. DeVITA: If you look right
23 here -- if you look up Elizabeth, you
24 see in the upper right quadrant --

25 MR. KLEM: And that's where the

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2 pole lines ended --

3 MR. DeVITA: Correct.

4 MR. KLEM: -- and then we've
5 proposed a pole about 100 feet down
6 the line from that pole toward the
7 area north on Elizabeth where the
8 utilities do go underground.9 MR. DeVITA: Okay. But the
10 whole northeast where your key is you
11 are not proposing anything there.
12 That is all underground now.

13 MR. KLEM: Yes.

14 MR. DeVITA: So I'm just saying
15 I don't think there is much of an
16 issue. I think it's one pole.17 MR. COMI: There is a
18 requirement in the code that
19 facilities to any new structure be
20 done underground. So let's say in a
21 number of these the proposal for a
22 new pole was across the road from an
23 existing pole or others, okay, the
24 code would say to get to that pole
25 from this side of the street to the

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2 other, you go underground, under the
3 road to the pole so there are no
4 overhead, additional overhead wires.

5 MR. DeVITA: I think there are
6 a couple like that.

7 MR. COMI: Yes, there are.
8 That's what the code says.

9 MR. DeVITA: Well, anyway,
10 that's something that you will
11 propose.

12 MR. GAUDIOSO: I think -- yeah.
13 I think as I said before I'll defer
14 you to counsel and eventually you'll
15 make a decision. As I said before, a
16 lot of these things are we want by
17 the letter of the code to bring it to
18 your attention so we filed something
19 so Mr. Comi wasn't in the position to
20 say, well the letter of the code says
21 you have to show the landscaping on
22 the plan but we've agreed to show
23 pictures. There may be issues like
24 the utilities where we make our
25 proposal and you just defer making a

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2 decision on the waiver request at
3 this time and we go through the
4 process.

5 MR. AVRUTINE: Yeah.

6 MR. GAUDIOSO: So there may be
7 some where you decide to defer and I
8 leave it to your discretion on that.

9 MR. AVRUTINE: Yes.

10 MR. GAUDIOSO: And this might
11 be one of them.

12 MR. DeVITA: Yes, this might be
13 one of them.

14 MR. GAUDIOSO: I'm on page 11,
15 top. Again, this is one where we'll
16 make our application. We will show
17 our application as our facility is.
18 This might be one that you defer
19 until you review it.

20 The next one, Item O, there is
21 a requirement for an access road and
22 turn around. Obviously, we are in
23 the public right-of-way. Mr. Comi
24 has recommended that be granted, that
25 waiver be granted.

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2 MR. DeVITA: Yeah. We adopt
3 that.

4 MR. GAUDIOSO: Page 12, Item T
5 is a requirement, again, I think it
6 goes back to the tower requirement
7 for five additional carriers. We
8 don't have any problem building it
9 for co-location. We would normally
10 guarantee two carriers for this type
11 of installation but more than that
12 would have to be very speculative and
13 the only way we can account for that
14 would be to propose bigger equipment.
15 So we would rather propose what we
16 are proposing, tell you how many we
17 think it will hold. It will hold at
18 least Verizon, maybe it will hold one
19 other. And if there was ever a need
20 to expand it in the future, we would
21 agree to expand it with the Village's
22 permission. So I don't think that's
23 a big deal. You don't want to
24 propose something with a level of
25 five because number one it would be

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2 speculative and it would be much,
3 much larger.

4 MR. AVRUTINE: I think this is
5 one of those instances where the
6 waiver issue should be deferred until
7 further into the application process.

8 MR. GAUDIOSO: Page 13. Again,
9 this is what we were just talking
10 about. There is a requirement that
11 we negotiate in good faith. Again,
12 we don't have any problem with that
13 as long as it's structural or
14 technologically feasible. Obviously,
15 Crown is what's known as a neutral
16 host provider, the more co-location
17 the better it is for us. We don't
18 object to that, we just don't want to
19 propose equipment much, much large
20 than we actually need.

21 I'm flipping to page 14. There
22 is a requirement for a balloon test
23 to show the height of the tower.
24 Again, I think this is relevant to a
25 tower. We requested a waiver.

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2 Mr. Comi has recommended that it be
3 granted.

4 MR. DeVITA: We waive that.

5 MR. GAUDIOSO: The bottom of
6 page 14, there is a requirement that
7 we proof that we will not feed FAA
8 lighting and marking. We've asked
9 for a waiver. Mr. Comi has
10 recommended that be granted.

11 MR. DeVITA: We waive it.

12 MR. GAUDIOSO: Page 16, we've
13 -- we will posit that we are at the
14 highest property. Mr. Comi has
15 suggested that that will require some
16 additional review from the process
17 and, again, I think that's just a
18 matter of a deferment at this point.

19 MR. DeVITA: Yeah, absolutely.

20 MR. GAUDIOSO: Item number A or
21 page 17, there's a requirement of a
22 two-mile radius from any proposed new
23 site. Since we are again, you know,
24 within the right-of-way we think the
25 two miles is a bit excessive. What

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2 we typically do is provide the
3 existing sites surrounding the area
4 that we need coverage. It may or may
5 not be two miles. It will probably
6 be less in this area and we would
7 just do it on a good faith
8 engineering basis rather than
9 directly at two miles. We think the
10 surrounding sites are less than two
11 miles. But we would provide the next
12 surrounding sites to show where the
13 exiting coverage would be propagated.

14 MR. AVRUTINE: This will be
15 another instance where we defer the
16 decision until later.

17 MR. GAUDIOSO: Yes. I think
18 once you see our maps, I think that's
19 fine.

20 MR. AVRUTINE: Great.

21 MR. GAUDIOSO: Page 18,
22 documentation justifying the height
23 and the employment of stealth design.
24 Again, I think we will provide our
25 application materials and we've asked

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2 for the waiver just to get the place
3 hold before we go further.

4 On page 18 what the code says,
5 it says, "All wireless
6 telecommunications facilities should
7 employ stealth design technology as
8 determined by the Board." We'll make
9 our application. What I would ask if
10 there is something that you want
11 because it's determined by the Board
12 we'd ask that you tell us what you
13 want as opposed to you don't like
14 what we proposed.

15 Item No. 19 the facility shall
16 be galvanized. Again, we are
17 proposing wood utility poles so
18 that's why we had asked for a waiver
19 on that.

20 MR. DeVITA: Let me just ask
21 you. The boxes are metal.

22 MR. GAUDIOSO: Yes, we paint
23 them. We do paint them. They are
24 painted in the factory and they are
25 painted with a special paint so they

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2 don't rust. We take very good care
3 of them. But the pole itself because
4 it's wooden poles we requested a
5 waiver.

6 There is a code requirement
7 that we -- on the bottom of page 19
8 that we fence the facility.
9 Obviously, we are in the right-of-way
10 so we've asked for no fence.

11 Page 21. Again, this is the
12 same issue as before the effective
13 screening at the base with
14 landscaping. We'll provide you
15 photographs and show you the existing
16 landscaping.

17 Page 22. This is the
18 information about the escrow fees.
19 We have provided the escrow fee.
20 We've asked for certain documentation
21 and I think that speaks for itself.

22 Page 23. The notice
23 requirement is 1,500 feet. We've
24 asked for a waiver from that and at
25 the time of the public hearing, we

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2 would ask the Board to consider a
3 reduction in that instance.

4 Page 24. This is the timing
5 issue again where there has to be a
6 certificate of completion. We've
7 asked for a waiver as we've discussed
8 before that could be addressed as an
9 extension if and when it could ever
10 happen.

11 MR. DeVITA: Correct.

12 MR. GAUDIOSO: Thank you.

13 Page 27. There is a
14 requirement for a performance bond.
15 We've asked for a waiver from that.

16 Page 28. There is a
17 requirement for an indemnity as well
18 as page 29 for insurance
19 certificates. We've asked for
20 waivers of those because we would
21 expect those would be part of the
22 right-of-way use agreement so we've
23 asked for a waiver. And, again, I
24 think that could be deferred for a
25 later the time.

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2 MR. AVRUTINE: I think you
3 missed one.

4 MR. GAUDIOSO: You're right. I
5 did miss one.

6 A radiofrequency exposure
7 report, we'll certainly provide that.

8 MR. AVRUTINE: Also, the fees
9 you'll provide it?

10 MR. GAUDIOSO: The fees. I
11 think we've already submitted the
12 fees.

13 MR. AVRUTINE: You did?

14 MR. GAUDIOSO: We've asked --
15 we've had some prior correspondence.
16 We'll standby our prior letters. I
17 don't think there is any need to
18 belabor that.

19 MR. AVRUTINE: Okay.

20 MR. GAUDIOSO: And I believe
21 that was it. Everything else was not
22 really relevant at this stage.

23 MR. DeVITA: It's up to you, I
24 extend the offer if you want to
25 submit anything else in writing.

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2 MR. GAUDIOSO: I appreciate
3 that. I think with what we've
4 discussed tonight, you know, we will
5 proceed based on our discussions. I
6 will defer to your counsel whether
7 you want to try and summarize this or
8 defer.

9 MR. AVRUTINE: I think we can
10 make one resolution regarding the
11 requests because in light of the
12 presentation by Mr. Gaudioso and the
13 input from the Board, we are going to
14 proceed with the application process.
15 There is going to be very few formal
16 waivers granted tonight. So the vast
17 majority of the waivers are going to
18 be deferred so they will not be
19 considered tonight and that way we
20 can grant the specific ones that
21 we've already talked about.

22 MR. DeVITA: I was going to say
23 for a shortcut, you know, you could
24 say all right, do the attorneys want
25 to memorialize this in writing? I

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2 have a suggestion. You are going to
3 have a record if you want too refer
4 to that. If you -- I'm just trying
5 to shorten and save people work. If
6 you want to use that because that's
7 got everything in there.

8 MR. AVRUTINE: It does.

9 MR. GAUDIOSO: I have no
10 objection.

11 MR. DeVITA: And you've
12 mentioned at the beginning that you
13 would provide us with a copy. That
14 way we both have a record of what's
15 happened.

16 MR. GAUDIOSO: That's why we
17 did it. We thought it would be
18 easier.

19 MR. DeVITA: Because instead of
20 you having to have write a memo and
21 him having to correct it and write a
22 memo, it just seems a little more
23 efficient.

24 MR. GAUDIOSO: I concur with
25 that statement.

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2 Thank you very much for your
3 time this evening.

4 MR. DeVITA: What's next?

5 MR. GAUDIOSO: We'll file our
6 materials.

7 MR. DeVITA: Okay.

8 MR. AVRUTINE: When do you
9 expect to submit them?

10 MR. GAUDIOSO: I don't want to
11 say exactly but we need a little
12 time. We have some materials we need
13 to put together and we'll do it as
14 quickly as possible.

15 Okay. Thank you. I appreciate
16 the courtesy of you moving us up
17 tonight. We'll have a copy of the
18 transcript and I'll provide it to
19 Mr. Avrutine. I appreciate the
20 courtesy.

21 (Whereupon, at 9:30 P.M., the
22 above matter concluded.)

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CROWN CASTLE SUBMISSIONS
C E R T I F I C A T E

STATE OF NEW YORK)
): SS.:
COUNTY OF NASSAU)

I, MARNI VARUGHESE, a Notary Public
for and within the State of New York, do
hereby certify:

That the above is a correct
transcription of my stenographic notes.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 5th day of July 2017.

Marni Varughese

MARNI VARUGHESE

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