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November 27, 2018

Re: Crown Castle Application

Dear Neighbor:

As you are aware, Crown Castle has submitted an application to install 25 cellular antennas (called "nodes") along with related equipment on 19 new and 6 existing utility poles on rights-of-way (along roadways) located within our Village in a compressed area south of Route 25A. After numerous errors in the documents and materials submitted by Crown Castle were discovered by the Village consultant and by Village residents, our Board of Trustees postponed the five public hearings that were scheduled. Once the errors were finally corrected (after multiple resubmissions which failed to correct the problems), the Board proposed a new hearing schedule. Unfortunately, Crown Castle refused to agree to the new hearing schedule established by our Board, and refused to extend the federally mandated "shot clock" (time periods within which certain actions must take place) despite the fact that the errors that caused the postponements lie at Crown Castle's doorstep.

A little background is necessary. Crown Castle had approached this Village about installing cellular equipment back in 2009 and again in 2015. However, they never followed through and in fact still owed the Village several thousand dollars for application fees and consultant reimbursements that they never paid (ultimately these sums were paid in full). In 2016 and 2017, Crown Castle approached us again. They wanted to proceed under Laurel Hollow's Wireless Telecommunications Facilities ordinance. Despite what you may have heard, the Federal government has not completely preempted a local municipality's ability to regulate wireless facilities. As you can imagine, issues that concern us such as aesthetics, use of "stealth" technology, and even safety verification are within the Village's area of inquiry and regulation.

After several pre-application meetings as directed by our ordinance, we were able to discern the scope of the yet-to-be filed application. Certainly, no promises or decisions were made. They were told that in the event they were going to file an application, they contact our Village Attorney first to arrange for a review of the materials before they were filed. Crown Castle neither called nor contacted him in any way. Instead, on the Wednesday afternoon before the Thanksgiving weekend 2017, a Crown representative showed up at the Village Hall and attempted a filing. Our alert Deputy Clerk alerted our Village Attorney who, after learning of the faulty application they attempted to file unilaterally, rejected it. The next time they actually filed the application was December 29, 2017, the Friday before the New Year's Eve weekend.

Our consultant examined the application and submitted an extensive analysis. The analysis included requests for additional information. However, Crown Castle never submitted fully

responsive answers to our legitimate questions. For example, we wanted to know why Crown refused to utilize existing LIPA/PSEG utility poles, other than because existing equipment on those poles would preclude such installation from a technical perspective. Their response was simply that LIPA/PSEG poles were "unavailable." We hoped that public hearings would provide a fuller and better explanation regarding this and numerous other issues. Consequently, we scheduled hearings to begin on September 25th and proceed on various dates through December 4th. However, prior to the first hearing, a number of errors and discrepancies in the documents and materials submitted by Crown Castle began to emerge. For example, the addresses marked on several of Crown's submissions indicating where nodes would be placed were wrong or the addresses were correct but several of the computer simulations showed the wrong house. We told Crown we could not proceed to hearing under the circumstances and we cancelled the first hearing.

Crown resubmitted their documents and materials and again there were errors. They resubmitted and yet again there were errors. As a result, the Board was forced to cancel the hearings through October 30th when finally Crown agreed to work directly with the Village's consultant to correct their errors in the documents and materials. When this was finally accomplished, it was already too close to the November 28th hearing date so we were forced to cancel it as well. At the Board of Trustees November 12th meeting, we set a new hearing schedule, which would maintain the previously scheduled December 5th hearing and which then set 4 new hearing dates from January through mid-March.

Crown would not agree. Despite the fact that all previous cancellations were due to their own mistakes, and that the new schedule was similar to the time frame of the originally scheduled hearings, they refused. In addition, they refused to extend the "shot clock," the expiration of which, they would argue, frees them from all local control. As a result, we were forced to cancel the December 5th hearing as well.

We have sought from the beginning to treat this applicant—as we do all applicants—with respect and fairness. We have followed our ordinance and given Crown every opportunity to demonstrate fairness on their own part. I, for one, have not seen it.

We have offered Crown the opportunity to extend the shot clock and participate in the new hearings scheduled by the Board starting in January, but to date have not heard back. We will keep you informed of further developments as they occur.

Thank you for your concern.

Respectfully yours,

Dan DeVita

Daniel F. DeVita
Mayor, Laurel Hollow