



December 27, 2017

Honorable Chairman William Rice and  
Members of the Zoning Board  
Village of Nelsonville  
258 Main Street  
Nelsonville, NY 10516

RE: Fourth Supplement to Area analysis of feasibility of alternate existing structure sites or collocation opportunities Homeland Towers, LLC, New York SMSA Limited Partnership d/b/a Verizon Wireless and New Cingular Wireless PCS LLC ("AT&T")  
15 Rockledge Road, Nelsonville, NY

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

On November 22, 2017, I contacted Alan Potts to determine if the Masonic Lodge #236 would be interested in leasing space at its property located at 18 Secor Street (APN 38.17-1-9.1). I was informed on November 28, 2017 by Mr. Potts that "having spoken with several members and officers, the general consensus is that they are not interested for a variety of reasons." Please see email attached hereto as Exhibit "A".

I have been provided with a Statement in Opposition to the Homeland Towers Application for 15 Rockledge Road, Nelsonville, NY submitted to the Village of Nelsonville Zoning Board of Appeals by the Philipstown Cell Solutions Group dated November 28, 2017. On page 127 of the Statement labelled Exhibit J several inaccurate statements are made for which I offer clarification.

It is asserted that lot 38.1-2 (actually 38-1-2) is a "Large Lot that (is) furthest away from .... homes." This lot is owned by the City of New York and is part of the Aqueduct system. Please note that it is highly unlikely that the City would permit a tower on aqueduct property. Nevertheless, although it is a large lot this assertion is misleading as it is actually a long narrow lot that is only 286ft at its widest point but only 186ft in width for the majority of the lot. It is also inaccurate to state that this lot is furthest from homes. The Putnam County GIS system clearly shows based on its measuring tools that there are residential structures within close proximity to this lot. These homes include 73 Gate House road at 5ft from property line, 35 Gate House Road at approximately 83 ft from property line, and 26 Wendall Way at 42 ft from the property line.



# HOMELAND TOWERS

The satellite image below shows the boundaries of the lot. The circles indicate the 300ft setback to residences.





The following satellite image is an enlarged image of the widest part of the lot. For a 110ft tower the side yard setback is 137.5 ft. I approximated this distance using blue lines below. As you can see assuming a 110ft tower at this location, in order to comply with setback Homeland Towers would need to construct the tower foundation above the Aqueduct system in the approximately 10 ft area shown with a red circle below. Please note that this site has not been reviewed from an RF engineering standpoint and thus 110 feet is a best case scenario. Likewise Homeland Towers does not recommend placing a tower foundation in such close proximity to an aqueduct due to concerns of damaging the aqueduct. Accordingly, we do not believe that this location is a feasible alternative and it is not a less intrusive alternative. If the Zoning Board disagrees please let us know immediately.



It is also asserted that lot 38.1-3-1 was never contacted. It is my understanding that this property is managed by the Open Space Institute (“OSI”). During the course of discussions with Mayor O’Neil, I was informed that the Village had contacted OSI to determine if lands they manage within the Village or surrounding area could be made available for the purpose of leasing space to erect a telecommunications facility and that OSI determined that they would not entertain a lease proposal for legal reasons. Accordingly, the OSI properties are not available alternatives.

Lastly, there is a list of 11 lots that are indicated to be over 2 acres in size and it is asserted that these lots were not considered. This is a false statement. On the same page as this assertion the author of the Statement inserts a map image of an “Exhibit B”, which I created and made a part of my original area analysis dated June 28 2017. The lots listed are within the either the green area indicated as a “nature Preserve” or yellow shaded portions of that map image which indicated that they were “precluded from consideration based on the Village Code”. This means that they were considered as potential site locations but determined to not be viable alternatives since they did not meet provisions of the Village Code, unlike the proposed site which meets each and every bulk requirement of the Village Code related to telecommunications facilities.



## HOMELAND TOWERS

It is important to note that part of the consideration process is an analysis of whether utilization of a lot will meet setback requirements within the Village Code. This includes monopole setbacks from property lines and a 300ft setback from residential structures. **All lots in the Village were considered.**

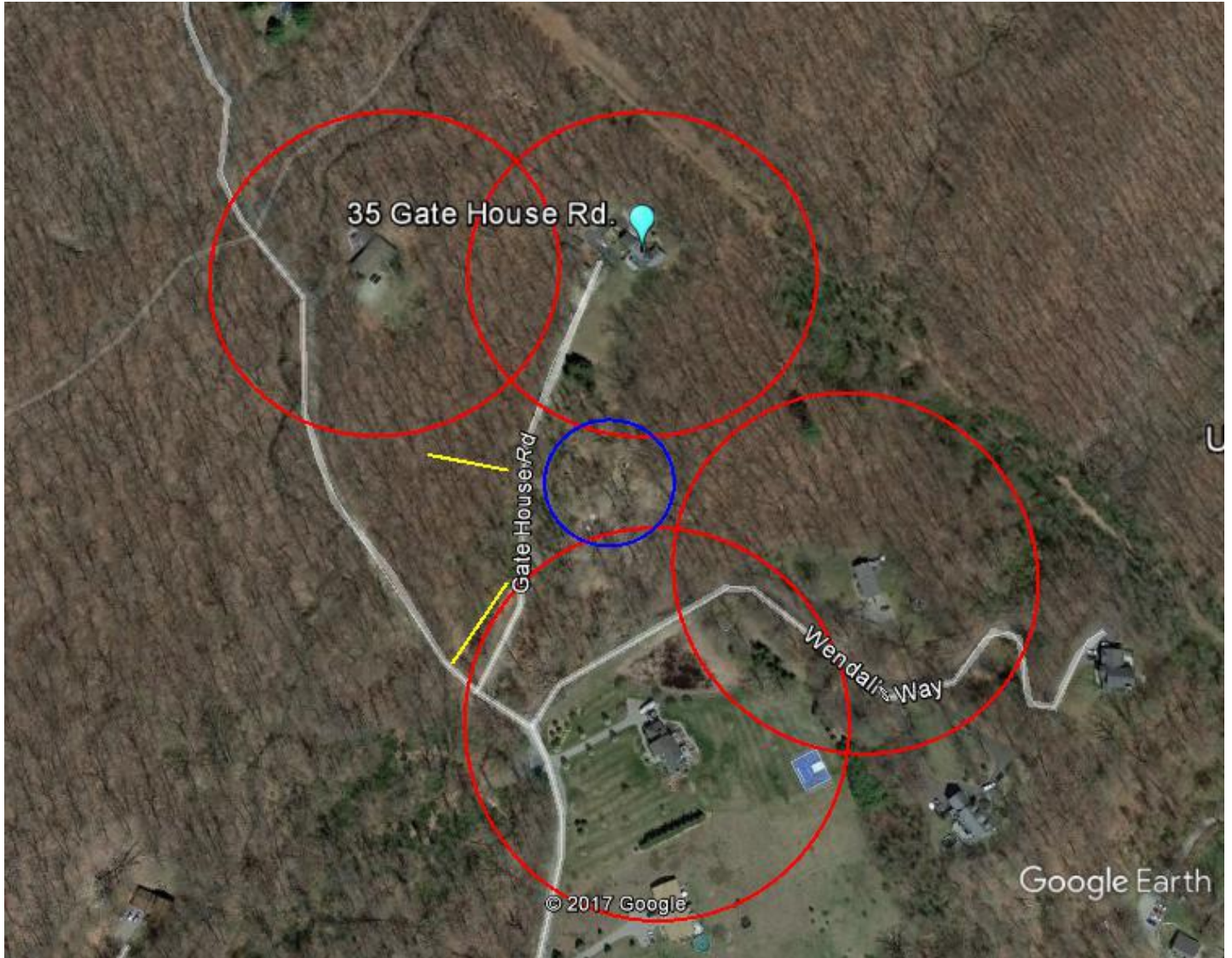
The first two listed lots are discussed above as lots 38-1-2 and 38.1-3-1. The remaining lots and the reason they are not viable alternatives are listed below:

1. 37-1-2 Lot with existing residential structure. No location found that would meet setback requirements.
2. 37-1-1.2 Lot with existing residential structure. No location found that would meet setback requirements.
3. 37-1-1.3 Lot with existing residential structure. No location found that would meet setback requirements.
4. 37-1-1.4 Lot with existing residential structure. No location found that would meet setback requirements.
5. 37-1-1.5 Lot with existing residential structure. No location found that would meet setback requirements.
6. 38.13-1-1 Lot with existing residential structure. No location found that would meet setback requirements.
7. 38.13-1-4 Lot with existing residential structure. Setback requirements limit siting options. Please see map and discussion below.
8. 38.18-1-12 No location found that would meet setback requirements.
9. 49.6-1-13 Lot with existing residential structure. No location found that would meet setback requirements.

Parcel 38.13-1-4 which is identified above as lot 7 is commonly known as 35 Gate House Road. Unlike the proposed site off Rockledge Road this lot is improved with an existing residential dwelling. The satellite image below identifies the house and indicates the 300ft residence setback required by Village Code with red circles and the front and side yard setbacks with yellow lines. There is a small area on this property shown with a blue circle that would appear to meet the setback requirements. As you can see the site would need to be located along an existing driveway directly in front of the existing residence on the site.



HOMELAND TOWERS





## HOMELAND TOWERS

Since this property is already developed with an existing structure and access road and the area identified above with a blue circle is already cleared of many trees the vegetative buffer between a site at this location and the nearest homes is far less than the proposed site which is undeveloped. The photo below shows the location identified above in the foreground with the nearest homes clearly visible in the background. A site at this location will not be less intrusive than the proposed site at 15 Rockledge Road.



Moreover, I have personally called this property and visited this property and have not received any response from the property owner. In the event the property owner is interested in leasing space and the Zoning Board believes this site is less intrusive, please let us know immediately.



HOMELAND TOWERS

Based on the foregoing and my prior reports, and the fact that the proposed site meets all of the Village Code requirements related to telecommunications towers, there are no alternative sites available that are less intrusive and that are able remedy Verizon Wireless and AT&T's significant gaps in service.

Respectfully submitted,

*Vincent L Xavier*

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HOMELAND TOWERS

## EXHIBIT A

**From:** Alan Potts <sirpotts@gmail.com>  
**Sent:** Tuesday, November 28, 2017 4:49 PM  
**To:** Vince Xavier  
**Subject:** Re: Homeland towers Lease Inquiry NY170 Nelsonville

Mr. Xavier,

I am very sorry for the delay in responding to your query but it was Thanksgiving weekend and I didn't think it would be a good time to poll the members regarding a cell tower. Having spoken with several members and officers, the general consensus is that they are not interested for a variety of reasons. Responses included concerns over local pushback for a tower about 800 feet from the Secor site, too much revenue may affect the 501 c3 status, and the likelihood of finding tenants for the 2 apartments above the lodge if a cell tower was there. In general, the responses were not favorable to the notion.

Many thanks for considering the site and I hope you can find something that meets your needs.

Regards,

Alan W Potts