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REPLY TO:

TARRYTOWN OFFICE

December 18, 2017

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

RE: Homeland Towers, LLC, New York SMSA Limited Partnership d/b/a Verizon
Wireless and New Cingular Wireless PCS LLC d/b/a AT&T, Proposed Public
Utility Personal Wireless Communication Facility
15 Rockledge Road, Nelsonville, NY

Dear Hon. Chairman Rice and
Members of the Zoning Board of Appeals:

We are the attorneys for Homeland Towers, LLC ("Homeland Towers") and New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") in connection with the above referenced matter. New Cingular Wireless PCS LLC ("AT&T") is represented by Daniel Laub, Esq., of Cuddy & Feder LLP.

We respectfully enclose seven (7) copies of a letter from Laura Mancuso of CBRE, dated December 18, 2017, regarding the Cold Spring Cemetery

If you have any questions or require additional information, please do not hesitate to call me at (914) 333-0700.

Respectfully submitted,
SNYDER & SNYDER, LLP

By: 
Robert D. Gaudioso

Enclosure
RDG:dac

cc: Planning Board (7 copies)
Ron Gainer (1 copy)
Daniel Laub, Esq.

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Laura L. Mancuso
Director, Cultural Resources

CBRE, Inc.
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December 18, 2017

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

Re: Proposed Telecommunications Facility
"NY170 – Nelsonville"
15 Rockledge Road
Nelsonville, New York
CBRE Project No.: TS60816121
FCC File No.: 0007902925

Dear Hon. Chairman Rice and
Members of the Zoning Board of Appeals:

CBRE was retained by Homeland Towers, LLC to complete the Section 106 of the National Historic Preservation Act consultation for the proposed telecommunications facility at the above referenced address.

On August 1, 2017 CBRE reviewed the New York State Historic Preservation Office's (SHPO) CRIS website to identify historic resources as defined by the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission, Executed by the Federal Communications Commission, the National Conference of State Historic Preservation Officers and the Advisory Council (NPA) on Historic Preservation* dated September 2004, which states that a historic property is:

Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the Secretary of the Interior.

CBRE identified fifteen historic properties within the Areas of Potential Effects (APE). Each project has two APEs, the APE for Direct Effects and the APE for Visual Effects. Per the NPA, the APE for Direct Effects is "limited to the area of potential ground disturbance and any property, or any portion thereof,

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that will be physically altered or destroyed by the Undertaking” and the APE for Visual Effects is “the geographic area in which the Undertaking has the potential to introduce visual elements that diminish or alter the setting, including the landscape, where the setting is a character-defining feature of a Historic Property that makes it eligible for listing on the National Register.” Per the NPA, the APE for Visual Effects for a tower of this height is ½ mile.

While the Hudson Highlands Scenic Area of Statewide Significance may be a cultural resource, it is not considered a historic property for the purposes of the Section 106 review.

As a Secretary of the Interior Qualified Architectural Historian and per the regulations set forth in the NPA, I assessed the potential effects of the proposed facility on the historic properties in the APE for Direct and Visual Effects. On August 8, 2017, Hudson Valley Cultural Resource Consultants (HVCRC) completed a site visit during which they conducted a Phase 1B Archaeological Survey and photographed the historic properties within the APE. No historic properties as defined in the NPA were identified in review of historic properties on SHPO’s CRIS website and no cultural resources of any kind were identified at the project site and the site is not a historic property as defined by the NPA; therefore, CBRE determined that no historic properties would be affected by the proposed facility within the APE for Direct Effects.

As stated above, CBRE identified fifteen historic properties within the ½ mile APE for Visual Effects. Please see the assessment on the previously submitted FCC Form 620 which concludes that the proposed facility will have No Adverse Effect on the historic properties identified within the APE for Visual Effects.

The FCC’s Section 106 process requires the applicant to provide notice to the local government and the public to invite the entities to become a consulting party in the Section 106 process. CBRE contacted the Village of Nelsonville Village Clerk and the Putnam County Historical Society & Foundry School Museum via letter on August 1, 2017 requesting comments with regards to any potential impacts on historic architectural and/or archaeological resources. No responses from either party were received. In addition, a legal notice was published in the Putnam County News and Recorder on August 9, 2017. One response was received from the public, from the Committee to Save the Cold Spring Cemetery, dated August 16, 2017. The response is included with the previously submitted FCC Form 620.

In addition, per the NPA, the applicant must consult with federally recognized Indian Tribes that have expressed interest in the geographic area for each project. Federally recognized Tribes have identified areas to the FCC that are of cultural and religious significance to the Tribe. At the beginning of a project, CBRE enters the project information into the FCC’s Tower Construction Notification System (TCNS) and a list of Tribes that have identified the area as significant are notified. Those Tribes then become a consulting party for the project and consultation takes place per their individual requests

and processes. For this project, Tribal consultation began on August 23, 2017. Consultation for the following Tribes is correct and is considered complete per Section 106 and the Tribes' specific requirements: Delaware Nation, Cayuga Nation, Narragansett Indian Tribe, Tuscarora Nation, Keweenaw Bay Indian Community, Bad River Band of Lake Superior Tribe of Chippewa Indians, Sokaogon Chippewa Community, Stockbridge-Munsee Band of Mohican Indians, Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe, Lac du Flambeau Band of Lake Superior Chippewa Indians, the Delaware Tribe of Indians of Oklahoma, and the Wyandotte Nation.

CBRE submitted the completed FCC Form 620 via E106 on August 24, 2017 and SHPO concurred with our findings on October 2, 2017. Please see the attached concurrence.

Only after we received the attached concurrence with our No Adverse Effect on Historic Properties determination, New York SHPO determined that the Cold Spring Rural Cemetery is eligible for listing on the National Register of Historic Place apparently in response from pressure from the Village Mayor. As the Cemetery was not considered a historic property as defined by the NPA when we submitted our report, we did not assess the effects of the facility on the Cemetery. However, subsequently, we have and also determined that while that facility will be partially visible from the Cemetery, it will not adversely affect the characteristics that make the Cemetery eligible for the National Register.

CBRE received a letter dated November 22, 2017 from John A. Bonafide, Director, Technical Preservation Services Bureau of the NY SHPO regarding the proposed facility stating that SHPO has determined the Cold Spring Rural Cemetery eligible for listing on the National Register of Historic Places.

In light of the fact that SHPO has now determined that the Cold Spring Rural Cemetery is eligible for listing on the National Register, CBRE has completed an evaluation of the potential effects of the proposed facility on the Cemetery. The proposed telecommunications facility will be located in a densely forested area to the east of the Cold Spring Rural Cemetery. The facility was designed to be as visibly unobtrusive as possible on the surrounding historic properties. The overall tower height is the lowest height possible to retain the required coverage and the tower was designed as a monopine to blend in with the surrounding forestation. These design elements were carefully taken into account at the start of the project. Moreover, the tower meets all of the local village height and setback requirements, including the setbacks to the cemetery property line.

CBRE has reviewed the determination of eligibility on SHPO's CRIS website which states the Cemetery is eligible under Criterion C in the areas of Landscape Design and Funerary Art and that the Cemetery has a high degree of integrity of setting, design, craftsmanship, feeling and association. The determination of eligibility also states the Cemetery is a "representative example of a "romantic

landscape" cemetery reflecting the shift in attitude towards death and nature that had developed as part of the rural cemetery movement."

The Cemetery is a planned, designed, rural cemetery, and the installation of a telecommunications facility on an adjacent property will not affect the Cemetery's integrity of design or the craftsmanship/workmanship of the Cemetery or its funerary art. Per the National Park Service's National Register Bulletin *Guidelines for Evaluating and Documentation Historic Aids to Navigation to the National Register of Historic Places* (the Bulletin), the integrity of association is "the direct link between a property and the event or person for which the property is significant." Per the Bulletin, the Cemetery is eligible as a rural cemetery and the installation of a telecommunications facility on an adjacent parcel will have no effect on the association of the Cemetery as a nineteenth century rural cemetery.

Integrity of feeling is "the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time." The Bulletin further explains that integrity of feeling "results from the presence of physical features that, taken together, convey the property's historic character." Based upon this description in the Bulletin, the integrity of feeling for the Cold Spring Cemetery results from the various features of the Cemetery itself, such as the Gatehouse, the landscape design and the monuments, having been preserved to the extent that the historic Cemetery still conveys a similar aesthetic or historic sense of a past period of time as when it was originally constructed. Thus, the addition of this telecommunications facility with the monopine design well buffered by distance and woods on an adjacent parcel will not disrupt the fact that the Cemetery will continue to strongly evoke the characteristics of a historic, rural, designed cemetery. Therefore, the proposed telecommunications facility will not adversely affect the Cemetery's integrity of feeling.

The addition of a telecommunications facility on an adjacent parcel may have some limited effect on the integrity of setting of the Cemetery; however, that affect will not be adverse, and certainly not substantially or significantly adverse. As twenty-first century individuals, we are used to and expect to see modern intrusions in landscapes. While the facility will be visible from within parts of the Cemetery, it will be within the viewshed of only a small portion of the large Cemetery property. Thus, much of the Cemetery's setting will be unaffected by the proposed telecommunications facility. In locations where the facility will be visible, the effect on the Cemetery's setting will not be adverse due to the proposed stealth pine tree design, which will minimize the salience of the tower and the fact that only the limited upper portion of the stealth pole will be visible. Therefore, in summary, it is my professional opinion that the proposed facility will not have a substantial or significant adverse effect on the Cold Spring Rural Cemetery.

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Should you have any questions, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Mancuso". The signature is fluid and cursive, with the first name "Laura" and last name "Mancuso" clearly distinguishable.

Laura L. Mancuso
Director, Cultural Resources

From: towernotifyinfo@fcc.gov
To: White Plains Cultural Resources
Subject: Section 106 Notification of SHPO/THPO Concurrence- Email ID #2534015
Date: Monday, October 02, 2017 2:46:08 PM

This is to notify you that the Lead SHPO/THPO has concurred with the following filing:

Date of Action: 10/02/2017

Direct Effect: No Historic Properties in Area of Potential Effects (APE)

Visual Effect: No Adverse Effect on Historic Properties in APE

Comment Text: Reviewed by Philip Perazio, NYSHPO.

File Number: 0007902925

TCNS Number: 157432

Purpose: New Tower Submission Packet

Notification Date: 7AM EST 08/24/2017

Applicant: Homeland Towers, LLC

Consultant: CBRE Telecom Advisory Services

Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No

Site Name: NY170 - Nelsonville

Site Address: 15 Rockledge Road

Detailed Description of Project: NY170 Nelsonville proposed construction of a new telecommunications stealth monopole (monopine) and compound

Site Coordinates: 41-25-20.1 N, 73-56-27.6 W

City: Nelsonville

County: PUTNAM

State: NY

Lead SHPO/THPO: New York State Historic Preservation Office

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.