

ZONING BOARD OF APPEALS
VILLAGE OF NELSONVILLE
258 Main Street
Nelsonville, New York 10516
845-265-2400

NOTICE OF DECISION

June 12, 2018

Case No. 0317

Hearing Dates: 11/15/17; 11/28/17; 1/10/18; 2/27/18; 4/4/18; 5/30/18

Decision Date: 5/30/18

To: Homeland Towers, LLC
9 Harmony Street, 2nd Floor
Danbury, CT 06810

with a copy to:

Snyder & Snyder, LLP
94 White Plains Road
Tarrytown, NY 10591

New York SMSA Limited Partnership
One Verizon Way, Mail Stop 4AW100
Basking Ridge, NJ 07920

with a copy to:

Snyder & Snyder, LLP
94 White Plains Road
Tarrytown, NY 10591

New Cingular Wireless PCS LLC
575 Morosco Drive, 13-F West Tower
Atlanta, GA 30324

with a copy to

Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

REQUEST: Special Use Permit to construct a wireless telecommunications facility

LOCATION: 15 Rockledge Road, Nelsonville, NY
Tax Map Sheet 49.6, Block 1, Parcel 7

DECISION: For the reasons set forth in the attached transcript of the May 30, 2018 hearing of the Village of Nelsonville Zoning Board of Appeals, including, but not limited to: (i) the failure to comply with the Village Zoning Code requiring that the proposed installation be minimized to a level of insignificance; (ii) the negative aesthetic impact of the proposed installation in an area of scenic and historic significance; (iii) the failure to demonstrate a significant gap in cellular call coverage in the Village of Nelsonville; and (iv) the failure to locate the proposed tower where the visual impact is least detrimental, and based on the extensive written and oral record concerning the application, the request was decided as follows:¹

| | |
|------------------------------|---------|
| Vote: William Rice, Chairman | Approve |
| Peggy Clements | Deny |
| Chris Keeley | Deny |
| Judy Meyer | Deny |
| Steve Merando | Approve |

The application is thus denied (3-2).

Very truly yours,

Mindy Jesek
Village Clerk/Treasurer

¹Inasmuch as the application to construct a wireless telecommunications facility was denied, applicants further applications for a variance from Section 7736 of the New York State Village Law with regard to street frontage and for site plan approval were constructively denied, since each of the additional applications was dependent upon the approval of the special use permit.