

PLANNING BOARD
TOWN OF NEW WINDSOR

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In the matter of the Application of

NEXTEL OF NEW YORK, INC.

Premises: 5 Chaleffs Lane, New Windsor, New York
Section 35, Block 1, Lot 44
-----X

**MEMORANDUM IN SUPPORT OF APPLICATION BY
NEXTEL OF NEW YORK, INC.
FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR
A WIRELESS TELECOMMUNICATIONS FACILITY**

I. Introduction

Nextel of New York, Inc. ("Nextel" or "Applicant") respectfully submits this memorandum in support of its application to install a wireless telecommunications facility ("Facility") on the property ("Property") located at 5 Chaleffs Lane, New Windsor, New York. The Facility will consist of a one hundred twenty (120') foot monopole with panel antennas mounted thereon, together with a two hundred forty (240) square foot equipment shelter at the base thereof.

II. Statement of Facts

The Property is 3.06 acres in size, is known as Section 35, Block 1, Lot 44 on the Town of New Windsor Tax Map, and is located in the PI (Planned Industrial) Zoning District. Pursuant to the Zoning Code of the Town of New Windsor (hereinafter the "Zoning Code"), Article III of the Zoning Code, entitled "Use Regulations," and Section 300-28, entitled Telecommunications towers (hereinafter the "Wireless Law"), the Facility is permitted at the Property by special use permit and site plan approval from the New Windsor Planning Board.

The proposed Facility will be utilized by Nextel to provide personal wireless services to the Town of New Windsor (hereinafter the "Town"). A detailed site plan depicting the Facility, prepared by Papay Engineering and Construction, Inc., dated May 23, 2006 (the "Site Plan"), is submitted herewith.

III. Public Utility Status

Under the laws of the State of New York, Nextel qualifies as a public utility. See Cellular One v. Rosenberg, 82 N.Y.2d 364 (1993) (hereinafter referred to as "Rosenberg") and Cellular One v. Meyer, 607 N.Y.S 2d 81 (2d Dept. 1994). In Rosenberg, *supra*, the Court of Appeals (New York's highest court), held that federally licensed wireless carriers, such as Nextel, provide an essential public service, and are therefore public utilities in the State of New York. Public utilities are accorded favored treatment in zoning matters.

Nextel's status as a public utility is underscored by the fact that its services are an important part of the national telecommunications infrastructure and will be offered to all persons that require advanced digital wireless communications services, including local businesses, public safety entities, and the general public.

In addition to its status as a public utility, kindly note that Nextel is licensed by the Federal Communications Commissions (FCC). The FCC requires Nextel, as a provider of enhanced specialized mobile radio services, to complete the construction and build-out of its wireless network and fill coverage gaps in its federally licensed service area, which includes the Town of New Windsor. Nextel's specialized mobile radio system combines voice, data and text messaging, enabling it to provide mobile telephone, paging and dispatch service through a single handset. Nextel's service is, therefore, unique, and provides great flexibility to public and private users.

There is also a public need for Nextel's service, as evidenced by the granting of a license by the FCC. Such a grant constitutes a finding that the public interest will be served by Nextel's services and is consistent with the public policy of the United States "to make available so far as possible, to all people of the United States a rapid, efficient, nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication . . . [.]" 47 U.S.C. §151.

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996. The federal Telecommunications Act of 1996 is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "*rapid deployment of new telecommunications technologies* (emphasis supplied)." Reno v. ACLU, 521 U.S. 844 (1997). The federal Telecommunications Act of 1996 builds upon the federal regulatory framework for commercial mobile [radio] services which Congress established in 1993, and which was designed to "foster the growth and development of *mobile services* that, by their nature, *operate without regard to state lines* as an integral part of the *national telecommunications infrastructure*." H.R. Rep. No. 103-111, 103d Cong., 1st Sess. 260 (1993) (emphasis added).

IV. The Proposed Facility Meets the Standards for a Special Use Permit

The instant application respectfully requests special use permit approval in accordance with the specific standards set forth in Section 300-28 of the Wireless Law, the specific site development plan standards set forth in Section 300-86 of the Zoning Code, and the special permit standards set forth in Section 300-87 of the Zoning Code, as applicable to the proposed Facility.

A special permit use is permitted as of right when the applicant has demonstrated compliance with the applicable standards. See Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 N.Y.2d 238 (1972). In reviewing the proposal, the following factors are offered for consideration in accordance with the Wireless Law and Zoning Code:

A. Sections 300-28(E)-(U) of the Wireless Law:

1. Wireless Law - Shared Use Requirement:

Pursuant to the Wireless Law, the Planning Board may consider a new telecommunications tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. As required by Sections 300-28(E), (F) and (G) of the Wireless Law, attached hereto and made a part hereof as Exhibit 1 is the affidavit of Nextel's radio frequency engineer Dominick Scaramuzzino, (hereinafter the "Scaramuzzino Affidavit"). The Scaramuzzino Affidavit inventories all existing tall structures and towers within a two (2) mile distance of the proposed site, and reports that despite good-faith efforts, all existing alternate structures are not viable due to the physical and technical restraints of the structures and locations, or as in the case of the existing Central Hudson Gas & Electric utility poles and the Vails Elementary School Tower, the unwillingness of the property owner to enter into a lease agreement with Nextel.

In addition, as further set forth in the Scaramuzzino Affidavit, the available structures within the two (2) mile radius of the proposed Facility are impractical from a technical standpoint as the sites would not remedy Nextel's significant gap in reliable coverage in the vicinity of the proposed Facility. The Scaramuzzino Affidavit also demonstrates the need for the proposed Facility in order to remedy Nextel's significant gap in reliable coverage, and provides technical data regarding existing signal coverage.

Finally, pursuant to the requirements of Section 300-28(H) of the Wireless Law, attached hereto and made a part hereof as Exhibit 2 is a letter of intent

from Nextel. The letter commits Nextel to negotiate in good faith for the shared use of the proposed tower by a reasonable number of other telecommunications providers in the future. Hence, while shared usage in the vicinity of the proposed Facility is currently impracticable, by approving the Facility the Planning Board would further the Town's objective of minimizing the number of telecommunications towers in the community by encouraging shared use of the proposed Facility.

2. Wireless Law - Site Plan Review; Submission Requirements:

Pursuant to Section 300-28(I) of the Wireless Law, the submitted site plan complies with Section 300-86 of the Zoning Code, and depicts all relevant existing and proposed structures and improvements. As required, additional supporting documentation includes a complete long EAF, attached hereto and made a part hereof as Exhibit 3. In addition, the Scaramuzzino Affidavit outlines the proposed use and justification for the height of the proposed tower.

3. Lot size and setbacks:

The proposed Facility is located on a single 3.06 acre parcel with substantial setbacks, thereby sufficiently containing any feasible ice-fall or debris from tower failure, and also preserving the privacy of the adjoining properties. The monopole setback from the nearest property line is one hundred (100') feet, much greater than the required sixty (60') feet (half of the height of the proposed one hundred twenty (120') foot monopole). Additionally, all equipment and utility structures more than comply with the minimum setback requirements for the PI district in which the proposed Facility is located.

4. Visual Impact Assessment, Tower design and Screening:

A topographic map, prepared by Papay Engineering and Construction, Inc., ("Preliminary Photograph Key Map") is attached hereto and made a part hereof as Exhibit 4. The Preliminary Photograph Key Map depicts eight (8) proposed locations from which Nextel proposes to take photographs and submit pictorial representations from key viewpoints in the vicinity of the proposed Facility. Nextel respectfully requests that the Planning Board approve these proposed photograph locations and provide guidance as to any additional proposed photograph locations. Upon the Planning Board's approval of the proposed photograph locations, Nextel agrees to conduct a "balloon test" and submit a Visual Analysis. The Facility will have no significant adverse visual impacts on the surrounding area for the following reasons:

First, the proposed Facility will be camouflaged by both vegetation and design in order to minimize any aesthetic impact associated with the Facility to the maximum extent possible. Specifically, the existing vegetation surrounding the Facility location, will be supplemented by a six (6') foot high fence with green vinyl

slats and a proposed dense landscaped buffer, consisting of eighteen (18) six (6') foot evergreen trees. This proposed dense buffer has been designed to create an effective year-round visual buffer surrounding the Facility. Moreover, the proposed one hundred twenty (120') foot monopole has been is designed with a galvanized finish that minimizes its degree of visual impact, and is appreciated for its ability to visually blend with the sky. The proposed monopole is also designed to accommodate future shared users, thereby further limiting any additional visual impact necessitated by future communications towers in the vicinity.

Second, to further limit any impact, as certified in the Scaramuzzino Affidavit, the proposed tower is designed at the minimum height necessary to allow Nextel to remedy its significant gap in reliable coverage in the vicinity of the Facility and within the Town. A study dated March 10, 2006, attached hereto and made a part hereof as Exhibit 5, ("FAA Study") was performed in accordance with Federal Aviation Regulations Part 77 and the Federal Communications Commission Rules Part 17. The FAA Study found that FAA notice is not required due to the height of the Facility and that marking and lighting is not required. The FAA Study further found that the Facility will not impact flight operations at private use airports or heliports.

Third, the proposed two hundred forty (240') square foot equipment shelter is designed with an aggregate finish to blend in with the natural surroundings. Also, no retail or commercial signs will be installed on the Facility whatsoever. Thus as noted above, the Facility will be effectively screened from the surrounding area by the existing and proposed fencing and vegetation, and is designed to minimize any adverse visual and aesthetic impact associated with the proposed Facility, in the PI district in which it is located, or in an surrounding areas.

5. Access and Parking:

Adequate emergency and service assess is provided to the proposed Facility through a proposed crushed gravel access drive. Additionally, a proposed "turnaround" and parking space will provide adequate emergency and service access, and provide for the approximately once a month maintenance visits to the Facility.

6. Fencing:

Pursuant to Section 300-28(Q) of the Wireless Law, the proposed Facility will be adequately enclosed by six (6') foot high fence. The fence will be fitted with green vinyl slats to provide additional protection and screening. A twelve (12') foot wide gate will provide suitable access for emergency purposes.

7. Safety Standards

First, the proposal will comply with the FCC Guidelines regarding health and safety, as evidenced by a report ("Pinnacle Report") from RF Emissions experts Pinnacle Telecom Group, which is attached hereto and made a part hereof as Exhibit 6. The Pinnacle Report establishes that the Facility will be in complete compliance with all applicable FCC standards. In particular, the Pinnacle Report notes that any human exposure to the electromagnetic energy from the proposed Nextel antennas, even under the "worst case" conditions, will be 0.2588% of the exposure limits established by the FCC as required by the Telecommunications Act of 1996.

Second, as noted above, the Facility shall be secured by a locked six (6') foot high fence to prevent public access to, climbing upon, or other trespass on the Facility. This barrier, along with the substantial Facility setbacks noted above, will also protect the public from any falling or blowing ice and other debris.

8. Intermunicipal notification for new towers:

Pursuant to Section 300-28(T) of the Wireless Law, each municipality bordering the Town, the Orange County Planning Department, and the Orange County Emergency Communications Department were notified in writing. The notifications include the location of the proposed Facility and a general description of the project. Documentation of this notification is attached hereto and made a part hereof as Exhibit 7.

**B. Section 300-86 of the Zoning Code-Site Plan Review
Section 300-87 of the Zoning Code-Special Permits**

1. Application Filing Requirements:

It is respectfully submitted that the proposal complies with the site plan and special permit requirements set forth in Section 300-86 and Section 300-87 of the Zoning Code. The proposal takes into consideration the public health, safety and welfare, and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular, since the proposal will comply with the general objectives set forth in Section 300-86 and Section 300-87 as follows:

Fire and police protection. All proposed structures, equipment or material shall be readily accessible for fire and police protection from Route 32, via the proposed improved gravel access drive.

Harmony. The Facility will be in such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties. This is due to the proposed Facility location in the PI commercial zoning district on the 3.06 acre Property. The Property is currently utilized for predominantly commercial uses. In addition, the monopole is proposed at a the minimum necessary height of one hundred twenty (120') feet, and will comply with all other bulk and setback requirements. Furthermore, the proposed use will not generate any type of environmental pollution, including vibration, noise, light, electrical discharges, odors, smoke, dirt, refuse or irritants, on the Property or adjacent properties or streets.

Environmental considerations. It is respectfully submitted that the proposed use will not have a significant impact on the environment, for several reasons. First, the Facility complies with all required setbacks and dimensional requirements of the Zoning Ordinance. Second, all natural features of the Site will be preserved, and in fact a comprehensive landscaped buffer will be installed to further screen the Facility. Third, the Facility is unmanned and does not require water supply, waste disposal or any other public services. Moreover, drainage will not be impacted by the Facility, due to the proposed gravel access drive and gravel surfacing around the Facility, as well as the proposed soil erosion control plan, including the installation of a silt fence during construction.

Moreover, the Facility will comply with the specific design requirements for site plan and special permit approval as follows:

Traffic Access. All proposed traffic accesses are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and safe, due to the Facility's location toward the rear of the Property, which is readily accessible via a proposed gravel access drive which will connect to Route 32. In addition, the Facility layout is such that any vehicular traffic to and from the Property will not be hazardous or inconvenient to, or incongruous with, any surrounding residential district traffic nor conflict with the traffic of the neighborhood.

Circulation and Parking. Adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of

any person connected with or visiting the Facility, and the interior circulation system is adequate to provide safe accessibility into and within the Property. The Facility is unmanned and does not generate any additional traffic nor require additional off-street parking, with the exception of the maintenance visits of approximately once per month. There is ample off-street parking for Nextel's personnel to accommodate the monthly maintenance visits. Moreover, no loading areas are required nor proposed in connection with the Facility. Finally, the existing interior circulation system is adequate to provide safe access into and within the Property for such monthly maintenance visits.

Landscaping and Screening. All parking and service areas on the Property will be reasonably screened during all seasons of the year from the view of adjacent residential lots and streets, due to the existing vegetation on the Property and the extensive additional landscaping proposed by the Applicant. In addition, the general landscaping of the Property will be in harmony with that generally prevailing in the neighborhood, since the proposed landscaping will consist of evergreen species. Finally, any existing trees over eight (8) inches in diameter will be preserved in connection with the Facility.

Character and Appearance. The character and appearance of the proposed Facility will be in general harmony with the character and appearance of the surrounding neighborhood and that of the Town of New Windsor, and will not adversely affect the general welfare of the inhabitants of the Town of New Windsor, since the Facility will be effectively camouflaged by existing vegetation, proposed landscaping, and the design of the Facility to blend in with the existing vegetation and structures in the area.

In fact, the proposal will actually enhance the surrounding area by providing improved communications to residents and businesses. Thus, only a desirable change will be produced by the grant of the special use permit.

By granting the requested use variance, the Planning Board will enable the Applicant to serve the neighborhood and benefit the entire community, by offering a wireless telecommunications alternative, which is particularly well suited for responding to accidents, natural disasters, and for reporting medical emergencies and other dangers such as potential criminal activity. Wireless phones are essential for protecting public health, safety and welfare, particularly by providing mobile access to 911 services. This fact is conclusively documented by the most recent survey of the Cellular Telecommunications Industry Association ("CTIA"), a copy of which is attached hereto as Exhibit 8. Based upon information provided by police agencies, the

CTIA survey documents that more than 72.5 million wireless calls were made to 911 or other emergency services during the year 2003 – **an average of more than 198,000 calls per day**. Since most emergency calls from wireless phones are to report accidents and other emergencies, it is clear that a gap in wireless coverage deprives a community of a vital tool to report crimes, accidents, fires, medical emergencies, and other threats to public health, safety and welfare.

Conclusion

By granting the requested approvals, the Planning Board will create a benefit not only to Nextel, by permitting it to comply with its mandate to provide reliable coverage, but also to the neighborhood, by providing greater efficiency to local businesses, residents and public service entities. Any potential impact on the community created by the proposal has been shown to be minimal and of no significant adverse effect.

WHEREFORE, for all of the foregoing reasons, Nextel respectfully requests that the Planning Board issue a negative declaration under the State Environmental Quality Review Act and grant the requested Special Use Permit and Site Plan approvals forthwith.

Dated: June 12, 2006
 Tarrytown, New York

Respectfully submitted,
Douglas W. Warden, Esq.
SNYDER & SNYDER, LLP
94 White Plains Road
Tarrytown, NY 10591

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PLANNING BOARD
TOWN OF NEW WINDSOR

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In the matter of the Application of

NEXTEL OF NEW YORK, INC.

Affidavit

Premises: 5 Chaleffs Lane
 New Windsor, New York
 Section 35, Block 1, Lot 44

-----X

State of New York)
) ss.:
County of Westchester)

DOMINICK SCARAMUZZINO, being duly sworn, deposes and says:

1. I am a radio frequency engineer employed by Nextel of New York, Inc. ("Nextel"). As a radio frequency engineer, I am trained to identify gaps in coverage in wireless communications systems and to assess the ability of proposed antenna sites to remedy gaps in signal coverage.

2. I respectfully submit this affidavit in support of the application by Nextel, for approval from this Honorable Board, for the installation of a new telecommunications tower ("Facility") at the property located at 5 Chaleffs Lane, New Windsor, New York ("Site"). The Facility consists of a one hundred twenty (120') foot monopole with twelve (12) small panel antennas mounted thereto, together with a two hundred forty (240) square foot equipment shelter and related equipment at the base thereof.

3. This affidavit demonstrates the need for the proposed Facility, provides data regarding signal coverage, and investigates the technical feasibility of locating on existing structures and towers, as required by Sections 300-28(E), (F) and (G) of the Town of New Windsor Zoning Code (“Zoning Code”).

Need for the Site

4. Nextel is authorized by the Federal Communications Commission (“FCC”) to build a wireless communications system that will provide coverage for the Town of New Windsor (“Town”). A copy of Nextel’s current FCC license that authorizes Nextel to provide service to the Town and sets forth the frequency spectrum to be used at the proposed Site, is attached hereto and made a part hereof as Exhibit A.

5. Nextel currently has a significant gap in reliable coverage in the Town. A gap in coverage is evidenced by the inability to adequately transmit or to receive calls, or by the interruption or disconnection of calls. The gap in coverage that exists in the Town prevents Nextel from providing reliable wireless coverage to current and future public and private users of its mobile radio communications system, including police, fire, ambulance and emergency response personnel.

6. I was able to confirm Nextel's gap in wireless service within the Town of New Windsor through computer modeling using Mobile Systems International PLANET ("PLANET") software.

7. PLANET software is a predictive modeling tool which identifies areas where sufficient coverage will exist, and where it will not. Attached hereto as Exhibit B is the PLANET map which indicates the significant gap in Nextel's coverage in the vicinity of the Site. Existing reliable coverage is shown in green.

The Proposed Site Will Remedy the Gap in Coverage
and is Proposed at the Minimum Height Necessary

8. Natural and man made features, such as large buildings, hills, trees, ridge lines and mountains, all effect the way a signal travels, and can distort or obstruct radio signals. Radio signals will either bounce off, bounce back or be absorbed by these obstructions. These constraints severely limit the suitability of sites for purposes of remedying a gap in signal coverage.

9. The Site takes into account the foregoing topographic constraints and will remedy the gap in Nextel's coverage that currently exists in the Town of New Windsor. Attached hereto as Exhibit C is a PLANET map, which indicates that the proposed facility, at a height of one hundred twenty (120') feet, will remedy Nextel's significant gap in coverage in the vicinity of the Site. Proposed reliable coverage is shown in blue.

10. A reduction in height in the Facility will result in decreased coverage from the Facility in addition to reducing the possibility of co-locating additional carriers on the Facility as is required by Section 300-28(H) of the Zoning Code. The Facility is, therefore, proposed at the minimum height necessary to provide adequate coverage in the vicinity of the Site and comply with the Zoning Code co-location requirements.

Alternative Locations

11. In accordance with Sections 300-28(E), (F) and (G) of the Zoning Code, I have performed a two (2) mile survey around the area of the proposed Site, within which Nextel currently has a significant gap in coverage. The purpose of this survey was to determine whether there are any existing tall structures above 35 feet and existing or approved towers within the two (2) mile radius, which could be utilized for the installation of the Facility. This survey discovered that there are no alternative existing tall structures within a two (2) mile radius which could be utilized for the installation of the Facility. My survey included the following locations:

12. Dean Hill Road Tower and Fern Avenue Tower: I have reviewed the feasibility of locating on both the existing 160' Crown owned Tower on Dean Hill Road to the west of I-87, and the Existing 100' lattice tower on Fern Avenue in Newburgh. Nextel, however, is already located on both of these sites and so they cannot function as feasible alternatives to the proposed Facility.

13. CHG&E Tower: Nextel also reviewed the feasibility of locating on numerous Central Hudson Gas and Electric (“CHG&E”) owned utility towers in the vicinity of the Site. CHG&E, however, has informed Nextel that CHG&E will not make its utility poles available for co-location by wireless telecommunications carriers. Attached hereto as Exhibit D is a correspondence confirming CHG&E’s refusal to allow co-location.

14. Vails Elementary School Tower: Nextel also reviewed the possibility of locating on the existing one hundred (100’) foot lattice tower at the Vails Elementary School (“Vails Elementary School Tower”) which is owned by the City of Newburgh School District. The Vails Elementary School Tower, however, does not presently have the structural capacity to accommodate the Facility and would need to be rebuilt or replaced. The City of Newburgh School District has indicated that they are unwilling to rebuild or replace the Vails Elementary School Tower in order to accommodate the Facility. Attached hereto as Exhibit E is a correspondence confirming the City of Newburgh School District’s refusal to rebuild or replace the Newburgh School District Tower.

15. Police Department Tower: Nextel further explored the possibility of locating at the one hundred twenty (120’) foot Town of New Windsor Police Department Lattice Tower (“Police Department Tower”) located on Union Avenue. Due to its location, the Police Department Tower is not a feasible alternative because it would not remedy Nextel’s significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit F, this alternative would not provide the necessary coverage along Route 94 or along Route 32 to connect the coverage from Nextel’s existing site at Dean Hill Road and Nextel’s existing site at

Fern Avenue in Newburgh or provide reliable service to the surrounding areas. Please note that Nextel has also submitted herewith a transparent overlay depicting the coverage from the proposed Facility at 5 Chaleffs Lane. This overlay may be placed directly over the coverage maps for all potential alternative locations so that coverage from the proposed Facility at 5 Chaleffs Lane may be compared with the coverage resulting from any potential alternative location.

16. Temple Hills Tower: Likewise, the one hundred twenty (120') foot lattice tower at the Temple Hills Academy ("Temple Hills Tower") located on Union Avenue is also not a feasible alternative to the proposed Site. Due to its location, the Temple Hills Tower is not a feasible alternative because it would not remedy Nextel's significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit G, this alternative would not provide the necessary coverage along Route 94 or along Route 32 to connect the coverage from Nextel's existing site at Dean Hill Road and Nextel's existing site at Fern Avenue in Newburgh, or provide reliable service to the surrounding areas.

17. Heritage Hill Cupola: The sixty-five (65') foot cupola at the Heritage Hill Junior High School ("Heritage Hill Cupola") located on Union Avenue is also not a feasible alternative to the proposed Site. Due to its location, the Heritage Hill Cupola is not a feasible alternative because it would not remedy Nextel's significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit H, this alternative would not provide the necessary coverage along Route 94 or along Route 32 to connect the coverage from Nextel's

existing site at Dean Hill Road and Nextel's existing site at Fern Avenue in Newburgh, or provide reliable service to the surrounding areas.

18. Newburgh School Tower: The one hundred twenty (120') foot City of Newburgh School lattice tower ("Newburgh School Tower") located on Clintonwood Drive is also not a feasible alternative to the proposed Site. Due to its location, the Newburgh School Tower is not a feasible alternative because it would not remedy Nextel's significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit I, this alternative would not provide the necessary coverage along Route 94 or along Route 32 to connect the coverage from Nextel's existing site at Dean Hill Road and Nextel's existing site at Fern Avenue in Newburgh, or provide reliable service to the surrounding areas.

19. San Giacomo Drive Water Tank: The forty (40') foot water tank ("Water Tank") located on San Giacomo Drive is also not a feasible alternative to the proposed Site. Due to its location, the Water Tank is not a feasible alternative because it would not remedy Nextel's significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit J, this alternative would not provide the necessary coverage along Route 94 or along Route 32 to link the coverage from Nextel's existing site at Dean Hill Road and Nextel's existing site at Fern Avenue in Newburgh, or provide reliable service to the surrounding areas.

20. Union Avenue Water Tank: Finally, the thirty (30') foot water tank ("Union Avenue Water Tank") located on Union Ave is also not a feasible alternative to the proposed Site. Due to its location the Water Tank is not a feasible alternative because it would

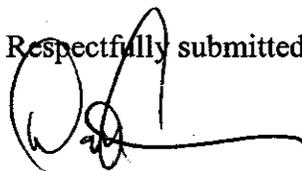
not remedy Nextel's significant gap in coverage in the vicinity of the proposed Site. Specifically, the thirty (30') foot Union Avenue Water Tank is too close to Nextel's existing site on Fern Avenue in Newburgh, is too far north of the Nextel's significant gap in coverage in the vicinity of the proposed Site, and lacks the elevation to remedy Nextel's gap in coverage.

Conclusion

21. Based on the foregoing data and analysis, it is my professional opinion that: (i) there exists a significant gap in Nextel's reliable wireless coverage in the Town; (ii) the Site is an ideal location, because its elevation and location will enable Nextel to eliminate the gap in coverage and provide reliable wireless service along Route 32 and the surrounding areas, while utilizing a commercial property in the PI and C zoning districts; and (iii) there are no feasible alternative locations alternatives over thirty (35') in height to the proposed Site.

Based on the foregoing, the requested approvals should be granted forthwith.

Respectfully submitted,



DOMINICK SCARAMUZZINO

Sworn to before me this
9th day of June, 2006

Diane Lavelle
Notary Public

DIANE LAVELLE
NOTARY PUBLIC, State Of New York
No. 01LA6027870
Qualified In Westchester County
Commission Expires July 19, 2009



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Call Sign	WPLM572	Radio Service	YC - SMR, 806-821/851-866 MHz, Auctioned
Status	Active	Auth Type	Regular
Market			
Market	BEA010 - New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	Channel Block	A
Submarket	5	Associated Frequencies (MHz)	000816.00000000-000816.50000000 000861.00000000-000861.50000000
Dates			
Grant	06/17/1998	Expiration	06/17/2008
Effective	07/27/2005	Cancellation	
Buildout Deadlines			
1st	06/17/2001	2nd	06/17/2003
Notification Dates			
1st	04/23/2001	2nd	04/23/2001

Licensee

FRN	0003293537 (View Ownership)	Type	Corporation
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Licensee

NEXTEL OF NEW YORK INC DBA NEXTEL COMMUNICATIONS 2001 EDMUND HALLEY DR RESTON, VA 20191	P:(703)433-4229 F:(703)433-4035
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Contact

NEXTEL COMMUNICATIONS INC ROBERT H MCNAMARA 2001 EDMUND HALLEY DR	P:(703)433-4229 F:(703)433-4035
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RESTON, VA 20191

Ownership and Qualifications

Radio Service Type Mobile

Regulatory Status Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

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FRN = **0003293537**
 Filing Type in **CIP**

Ownership Disclosure Filings **1-2 of 2**

Filings marked ● were filed under Auctions Form 175. All other filings were filed on Form 602.

	<u>Filer Name</u> ▲	<u>File Number</u>	<u>FRN</u>	<u>Date Filed</u>	<u>Filing Type</u>	<u>Relationship to Filer</u>	<u>Relationship Name</u>	<u>Status</u>
1	Sprint Nextel Corporation	0002456162	0003774593	01/23/2006	Proposed	FCC Reg Bus	Nextel of New York, Inc.	
2	Sprint Nextel Corporation	0002579578	0003774593	04/21/2006	Current	FCC Reg Bus	Nextel of New York, Inc.	

Ownership Disclosure Filings **1-2 of 2**

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 Washington, DC 20554

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 TTY: 1-888-TELL-FCC (1-888-835-5322)
 E-mail: fccinfo@fcc.gov



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SMR, 806-821/851-866 MHz, Auctioned License - WPLM573 - NEXTEL OF NEW YORK INC DBA NEXTEL COMMUNICATIONS

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MAIN
ADMIN
MARKET

Call Sign	WPLM573	Radio Service	YC - SMR, 806-821/851-866 MHz, Auctioned
Status	Active	Auth Type	Regular
Market			
Market	BEA010 - New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	Channel Block	B
Submarket	5	Associated Frequencies (MHz)	000816.50000000-000818.00000000 000861.50000000-000863.00000000
Dates			
Grant	06/17/1998	Expiration	06/17/2008
Effective	07/25/2002	Cancellation	
Buildout Deadlines			
1st	06/17/2001	2nd	06/17/2003
Notification Dates			
1st	04/23/2001	2nd	04/23/2001

Licensee

FRN	0003293537 (View Ownership)	Type	Corporation
-----	--	------	-------------

Licensee

NEXTEL OF NEW YORK INC DBA NEXTEL COMMUNICATIONS 2001 EDMUND HALLEY DR RESTON, VA 20191	P:(703)433-4229 F:(703)433-4035
---	------------------------------------

Contact

NEXTEL COMMUNICATIONS INC ROBERT H MCNAMARA 2001 EDMUND HALLEY DR	P:(703)433-4229 F:(703)433-4035
---	------------------------------------

RESTON, VA 20191

Ownership and Qualifications

Radio Service Type Mobile

Regulatory Status Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

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Search Criteria

FRN = **0003293537**
Filing Type in **C|P**

Ownership Disclosure Filings **1-2 of 2**

Filings marked **◆** were filed under Auctions Form 175. All other filings were filed on Form 602.

	<u>File Name</u> ▲	<u>File Number</u>	<u>FRN</u>	<u>Date Filed</u>	<u>Filing Type</u>	<u>Relationship to Filer</u>	<u>Relationship Name</u>	<u>Status</u>
1	Sprint Nextel Corporation	0002456162	0003774593	01/23/2006	Proposed	FCC Reg Bus	Nextel of New York, Inc.	
2	Sprint Nextel Corporation	0002579578	0003774593	04/21/2006	Current	FCC Reg Bus	Nextel of New York, Inc.	

Ownership Disclosure Filings **1-2 of 2**

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SMR, 806-821/851-866 MHz, Auctioned License - WPLM574 - NEXTEL OF NEW YORK INC DBA NEXTEL COMMUNICATIONS

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- MAIN
- ADMIN
- MARKET

Call Sign	WPLM574	Radio Service	YC - SMR, 806-821/851-866 MHz, Auctioned
Status	Active	Auth Type	Regular
Market			
Market	BEA010 - New York-North New Jersey-Long Island, NY-NJ-CT-PA-MA-VT	Channel Block	C
Submarket	3	Associated Frequencies (MHz)	000818.00000000-000821.00000000 000863.00000000-000866.00000000
Dates			
Grant	06/17/1998	Expiration	06/17/2008
Effective	01/12/2001	Cancellation	
Buildout Deadlines			
1st	06/17/2001	2nd	06/17/2003
Notification Dates			
1st	04/23/2001	2nd	04/23/2001

Licensee

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Search Criteria

FRN = **0003293537**
Filing Type In **CIP**

Ownership Disclosure Filings **1-2 of 2**

Filings marked ● were filed under Auctions Form 175. All other filings were filed on Form 602.

	<u>Filer Name</u> ▲	<u>File Number</u>	<u>FRN</u>	<u>Date Filed</u>	<u>Filing Type</u>	<u>Relationship to Filer</u>	<u>Relationship Name</u>	<u>Status</u>
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TTY: 1-888-TELL-FCC (1-888-835-5322)
E-mail: fccinfo@fcc.gov

EXISTING SITES

MAP#	SITE ID#	ADDRESS	STRUCTURE	ANTENNA HEIGHT
1	2035	Route 207 New Windsor, NY	150' Monopole	148'
2	0579	Dean Hill Road New Windsor, NY	160' Lattice Tower	128'
3	2006	Fern Avenue Newburgh, NY	100' Lattice Tower	82'
4	0575	40 Wisner Avenue Newburgh, NY	175' Smokestack	170'
5	0024	90 Grand Street Newburgh, NY	115.5' Building	113.5'
6	2003	70 Pleasant Hill Road Cornwall, NY	33' Building	37'
7	2033	37 Clove Road Blooming Grove, NY	124' Water Tank	128'
8	0568	Ridge Road Hamptonburgh, NY	206' Lattice Tower	185'
9	0577	Rt. 208 Walden, NY	180' Lattice Tower	144'
10	0574	Ridge Avenue Newburgh, NY	115' Water Tank	113'

PROPOSED SITE

EXHIBIT	SITE DESCRIPTION	ADDRESS	STRUCTURE	ANTENNA HEIGHT
C	4767	5 Chaleffs Lane New Windsor, NY	120' Monopole	120'

Note - Coverage from existing sites in the vicinity of the proposed site is depicted herein at Exhibit B

ALTERNATE SITES

EXHIBIT	SITE DESCRIPTION	ADDRESS	STRUCTURE	ANTENNA HEIGHT
D	CHG&E Utility Poles	n/a - landlord unwilling (see correspondence at Exhibit D)	n/a	n/a
E	Vails Gate School	n/a - landlord unwilling (see correspondence at Exhibit E)	n/a	n/a
F	New Windsor Police Department	Union Avenue New Windsor, NY	120' Lattice Tower	120'
G	Temple Hills Academy	Union Avenue New Windsor, NY	120' Lattice Tower	120'
H	Heritage Hill Junior High School	Union Avenue New Windsor, NY	65' Cupola	65'
I	Newburgh School	Clintonwood Drive New Windsor, NY	120' Lattice Tower	120'
J	San Giacomo Drive Water Tank	San Giacomo Drive New Windsor, NY	40' Water Tank	40'

Nextel Communications: Existing Coverage

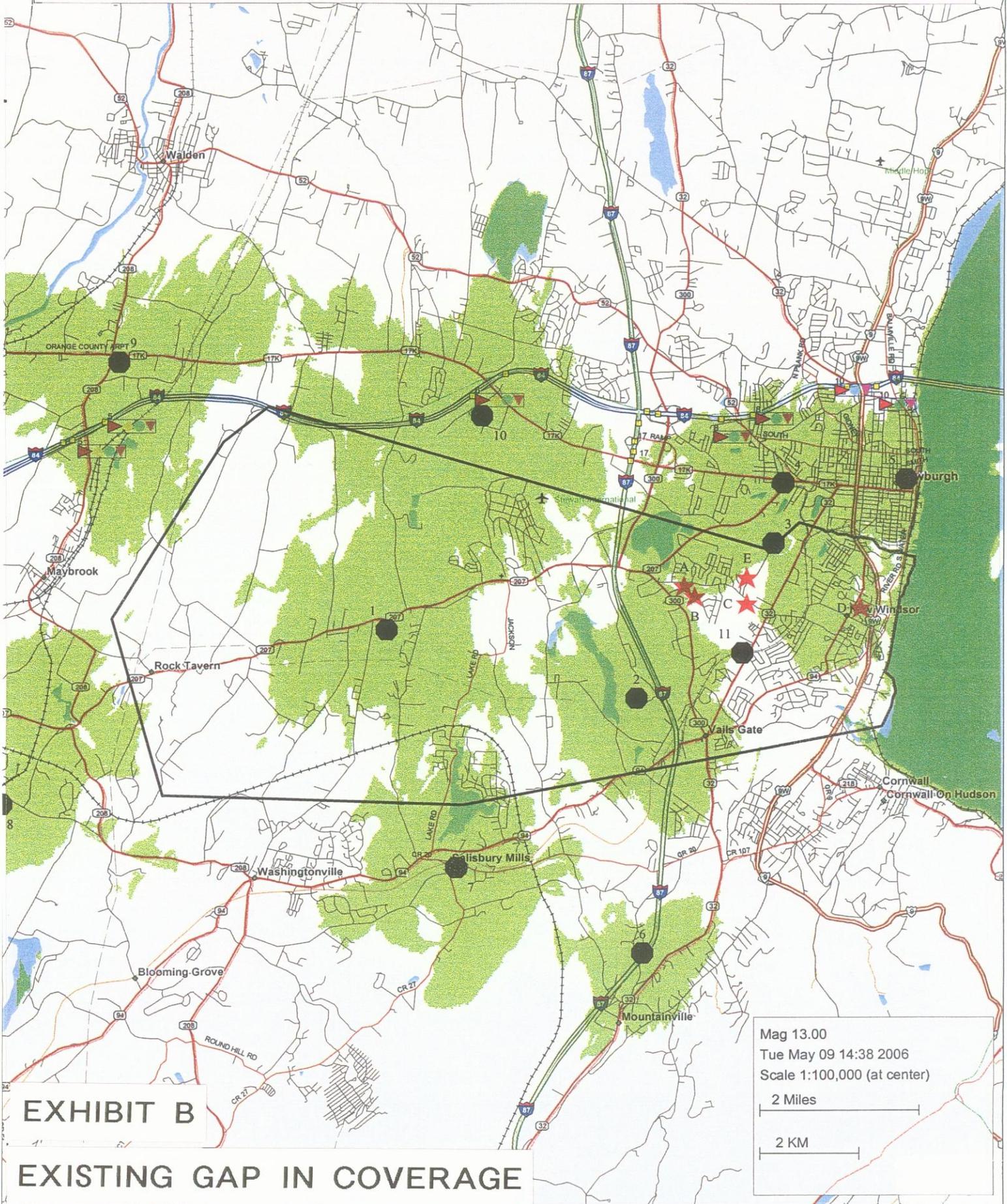


EXHIBIT B

EXISTING GAP IN COVERAGE

Mag 13.00
Tue May 09 14:38 2006
Scale 1:100,000 (at center)

2 Miles

2 KM

Nextel Communications: Existing & Proposed Coverage

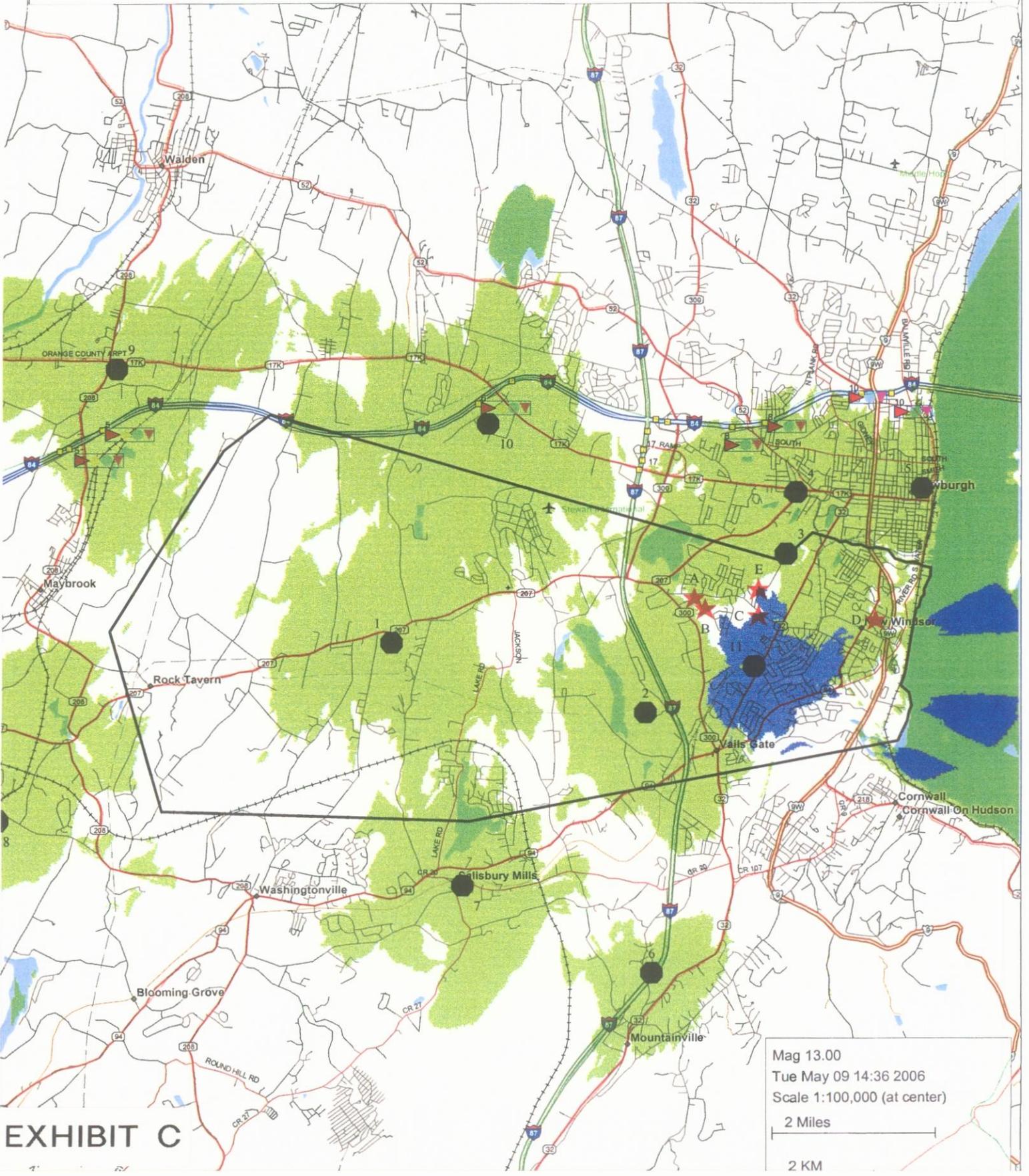


EXHIBIT C

COVERAGE FROM PROPOSED SITE AT 5 CHALEFFS LANE

Mag 13.00
Tue May 09 14:36 2006
Scale 1:100,000 (at center)
2 Miles
2 KM

HIGHPOINTE CONSULTING LLC

March 7, 2006

Central Hudson Gas & Electric
Attn: Pete Harpolis
Service Manager
610 Britain Road
New Windsor, NY 12553

Via Certified Mail

Proposal to mount antenna on CHE&G pole# 50388 in New Windsor, NY

Nextel Site #: NY2026

Mr. Harpolis:

High Pointe Consulting, LLC is a site procurement and development consultant for Nextel Communications (Nextel).

Pursuant to my conversation with "Rosa" in your office on February 28th and with you on March 3, 2006 you both stated that in New Windsor, NY "collocation of Cellular Antennas on existing CHG&E's utility poles is not a possibility."

This letter is intended to confirm your statement above that CHG&E does not make their utility poles in New Windsor available for collocation.

By accepting this letter, you hereby agree that the aforementioned is true. Please advise me in writing if you do not agree with the aforementioned.

Thank you for your time and cooperation.

Sincerely,

Joe Cicchelli

Joe Cicchelli
High Pointe Consulting LLC

(p) 845-224-4655
(f) 845-622-3524
Email: jcicchelli@highpointellc.com

HIGHPOINTE CONSULTING LLC

November 4, 2005

City of Newburgh School District
Board of Education, Annex
20 Chestnut Street
Newburgh, NY 12550
Att: Don Shiro, Head of Technology

Via Certified Mail

Proposal to lease space for a wireless communications site at the Vails Gate School, New Windsor, NY

Nextel Site #: NY 4767 New Windsor East

Dear Mr. Shiro,

Pursuant to our conversation on Friday October 28, 2005, I informed you that Nextel Communications may be interested in locating antennas on the City of Newburgh School District's tower located at Vails Gate School (Old Forge Hill Rd. Lat: 41-27-42, Long: 74-03-14). The existing tower located at the school would not be structurally suitable to accommodate Nextel's antenna's. You informed me that you are not interested in re-building and/or replacing this tower to accommodate Nextel's equipment.

This letter is confirming our conversation. By accepting this letter, you hereby agree that the aforementioned is true. Please advise me in writing if you do not agree with the aforementioned.

Sincerely,

Joe Tassone Jr.
High Pointe Consulting LLC
(p) 585.330.1919
(f) 630.214.4632
Email: jtassone@highpointellc.com

Nextel Communications: Existing & Proposed Coverage

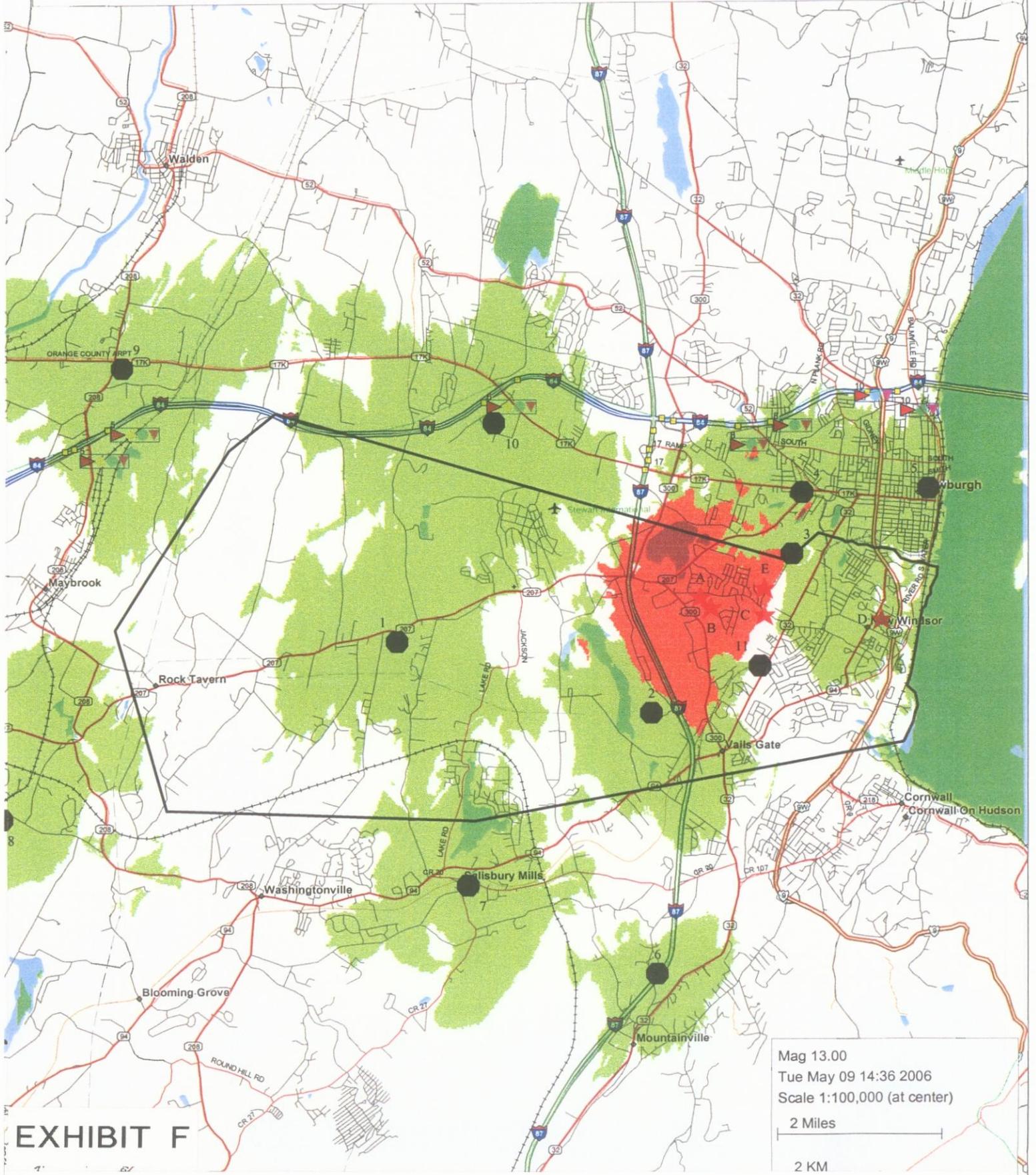


EXHIBIT F

COVERAGE FROM NEW WINDSOR POLICE DEPARTMENT

Nextel Communications: Existing & Proposed Coverage

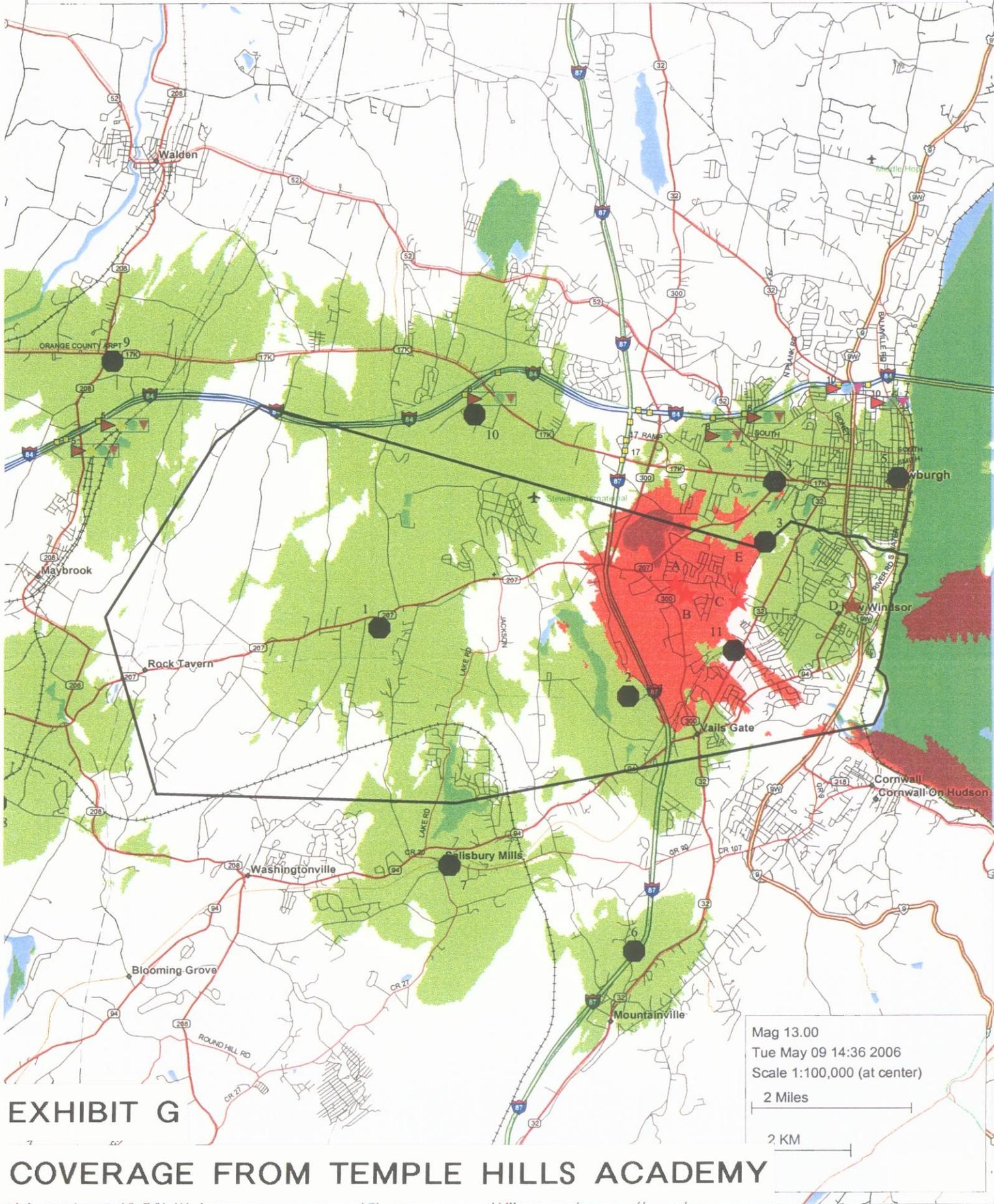


EXHIBIT G

COVERAGE FROM TEMPLE HILLS ACADEMY

Nextel Communications: Existing & Proposed Coverage

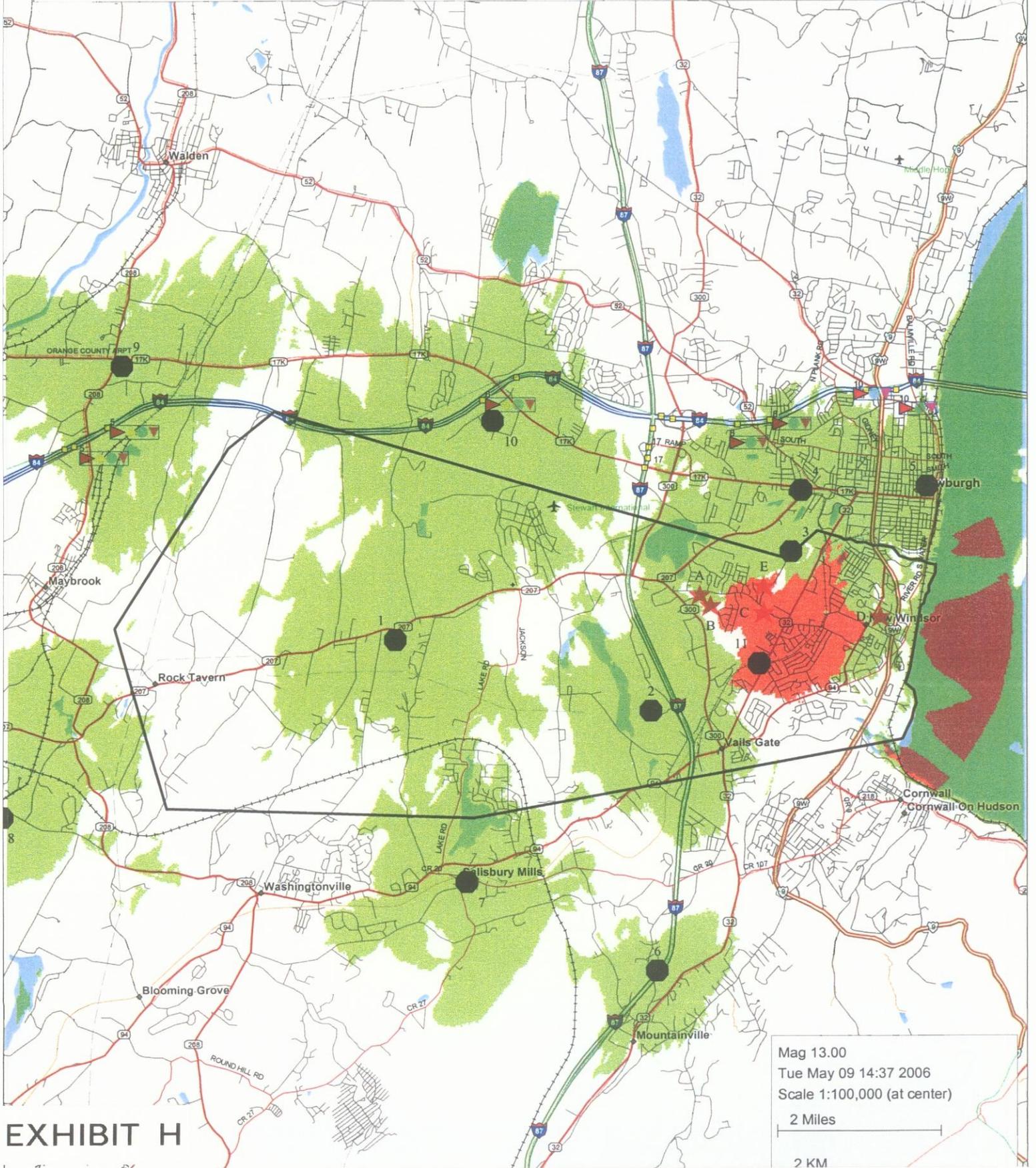


EXHIBIT H

COVERAGE FROM HERITAGE HILL JUNIOR HIGH SCHOOL

Nextel Communications: Existing & Proposed Coverage

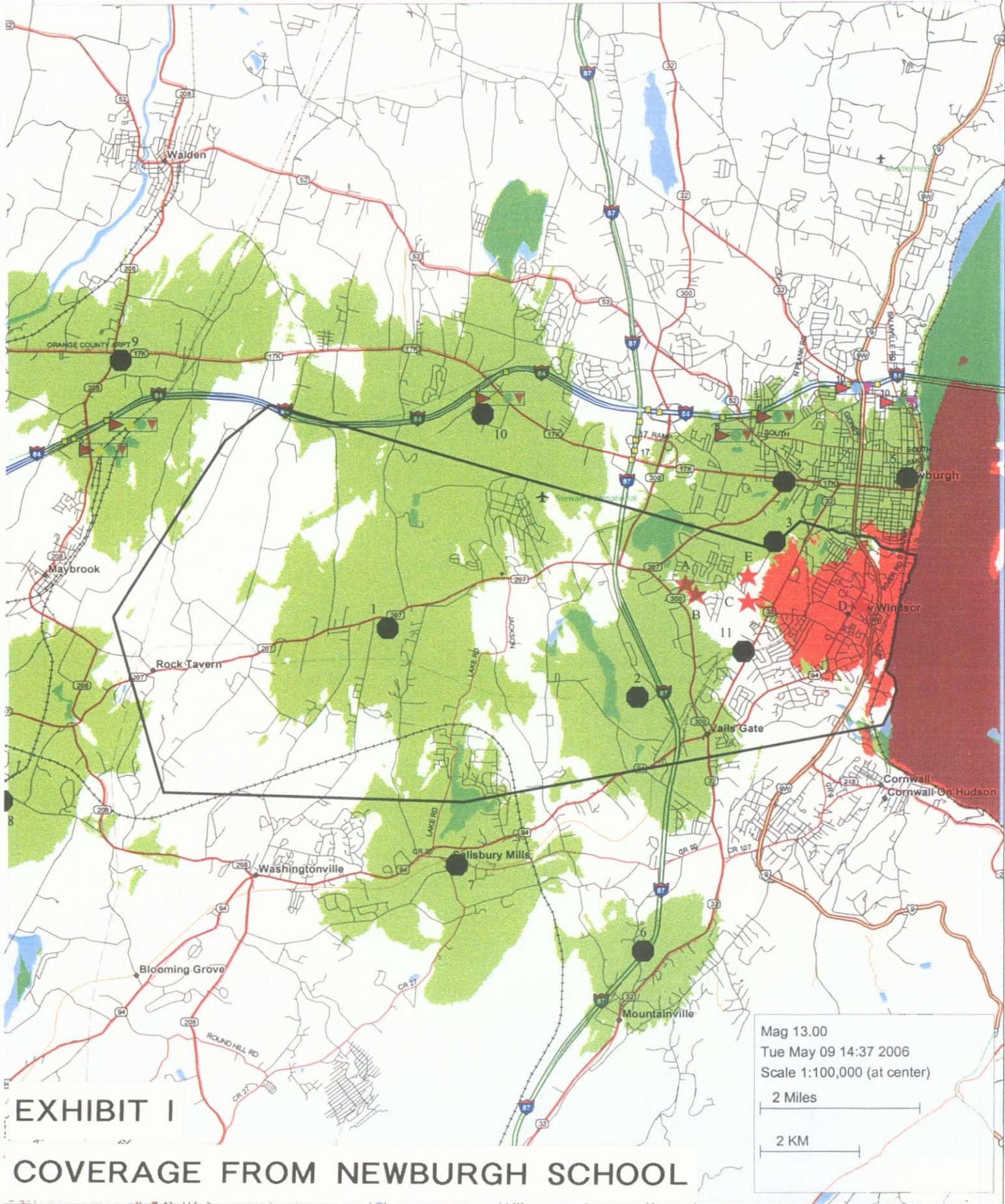


EXHIBIT I

COVERAGE FROM NEWBURGH SCHOOL

Nextel Communications: Existing & Proposed Coverage

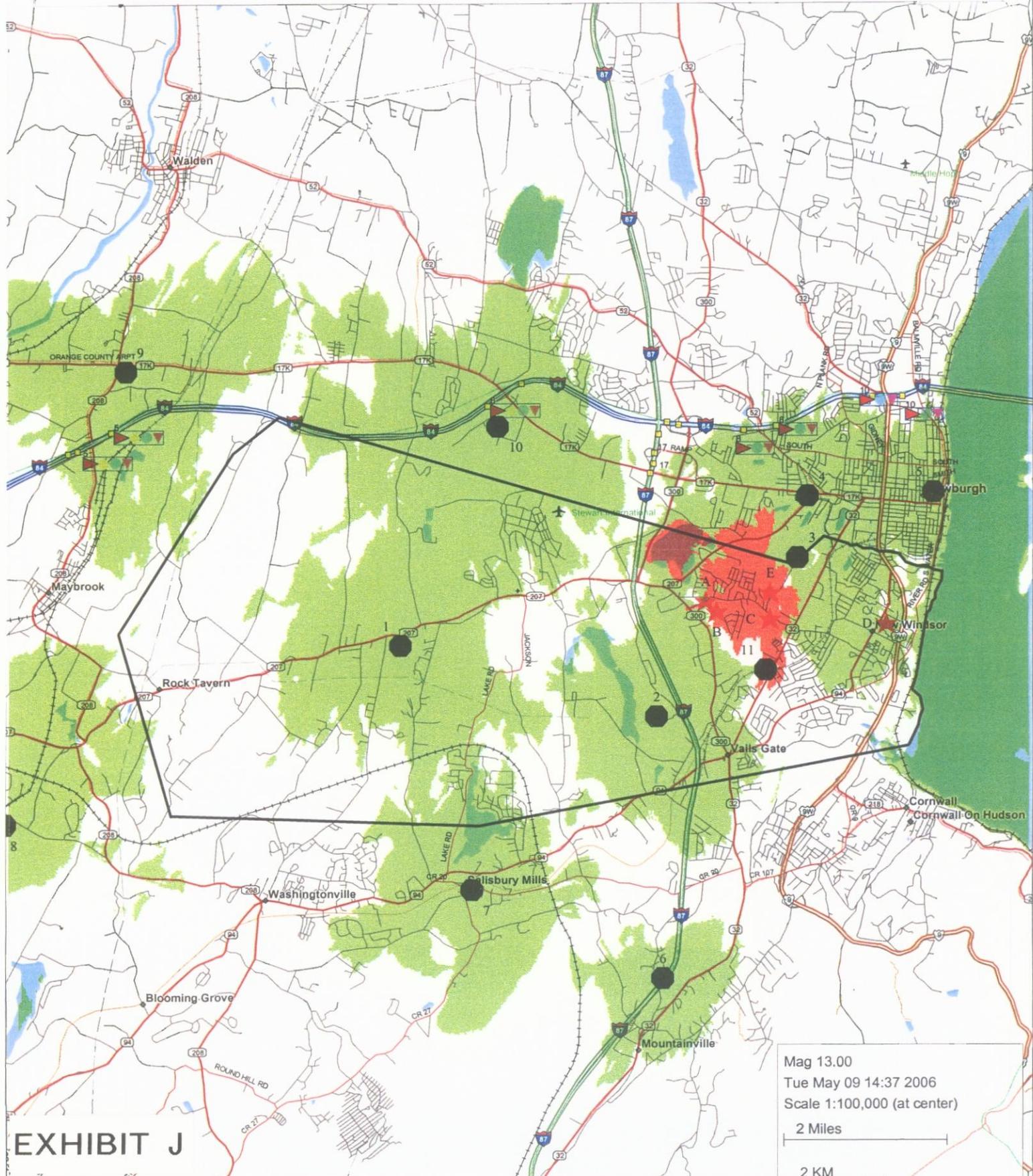


EXHIBIT J

COVERAGE FROM SAN GIACOMO DRIVE WATER TANK



Sprint Nextel Corp.
1 International Blvd., Suite 800
Mahwah, NJ 07495-0019
Office: 201-684-4158 Fax: 201-684-4195
Cell: 201-684-4158

Nancy E. Haner
Manager - New Sites
CT-Hudson Valley-LI
Site Development - NE Region

Hon. Chairman James Petro, Jr.
and Members of the Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Application by Nextel of New York, Inc.
to construct a Public Utility Wireless Telecommunications Facility
at Chaleffs Lane, New Windsor, NY

Dear Hon. Chairman and Members of the Board:

As owner of the above referenced proposed facility ("Tower") and as required under §320-28(H) of the Town of New Windsor Code, Nextel of New York, Inc. ("Nextel") hereby agrees as follows:

Nextel, as owner of the proposed Tower, and its successors in interest, shall negotiate in good faith for shared use of the Tower by a reasonable number other telecommunications providers in the future. Specifically, Nextel and its successors in interest agree to:

1. Respond within 90 days to a request for information from a potential shared-use applicant;
2. Negotiate in good faith concerning future requests for shared use of the Tower by other providers of communications; and
3. Allow shared use of the Tower if another provider of communications agrees in writing to pay reasonable charges, provided such shared use is technically, structurally and financially feasible. The charges may include, for instance, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity and depreciation, and all of the costs of adapting the tower or equipment to accommodate shared use without causing electromagnetic interference.

Very truly yours,
NEXTEL OF NEW YORK, INC.

By: Nancy E. Haner
Name:
Title: Manager CT-Hudson Valley-LI

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Nextel Proposed Communications Facility

Name of Action

Town of New Windsor Planning Board

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Nextel Proposed Communications Facility

Location of Action (include Street Address, Municipality and County)

5 Chaleffs Lane, New Windsor, NY (Orange)

Name of Applicant/Sponsor Nextel of New York, Inc.

Address One North Broadway

City / PO White Plains State NY Zip Code 10601

Business Telephone 914-421-2800

Name of Owner (if different) George Chaleff

Address 5 Chaleffs Lane

City / PO New Windsor State NY Zip Code 12553

Business Telephone 845-562-8418

Description of Action:

Erection of a 120' communications monopole with Nextel antennas and installation of wireless communications equipment shelter and related improvements.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 0.134 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0.134</u> acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	<u>0.077</u> acres
Other (Indicate type) <u>Communications Equipment Compound</u>	_____ acres	<u>0.057</u> acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage: Well drained _____% of site Moderately well drained 100 % of site.
 Poorly drained _____% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock 10' ± (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100 % 10- 15% _____ % 15% or greater _____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 6 + (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

New York Natural Heritage Program (NYS DEC);
U. S. Fish & Wildlife Service - NY Field Office

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

Wetland area.

b. Size (in acres):

Less than 1/10th acre.

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 0.134 acres.
- b. Project acreage to be developed: 0.134 acres initially; 0.134 acres ultimately.
- c. Project acreage to remain undeveloped: N/A acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing N/A; proposed 1
- g. Maximum vehicular trips generated per hour: 1 Monthly (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure: 120' height; 4'(bot.) width; 2'(top) length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
-
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.134 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 1.5 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated N/A (number)

b. Anticipated date of commencement phase 1: N/A month N/A year, (including demolition)

c. Approximate completion date of final phase: N/A month N/A year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 6/1; after project is complete

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount N/A

b. Name of water body into which effluent will be discharged N/A

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____; location N/A

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

120/240 Volt, 200 Amp Electric Service - Approximately 45 Kilowatts

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Site Plan</u>	_____
			<u>Special Use Permit</u>	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
Per Army Corps of Engineers Nationwide Permit # 39; NO Pre-Construction Notification (PCN) is required.			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|--|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

'PI' Zone - Planned Industrial

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

Special Use Permit Required

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Industrial, Commercial and Residential

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Nextel of New York, Inc. Date 5/24/06

Signature  Peter E. Papay, P.E.

Title Principal - Papay Engineering & Construction, Inc.

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

- Construction or expansion of a sanitary landfill. Yes No
- Construction in a designated floodway. Yes No
- Other impacts: Yes No

Construction of a 120' monopole and related equipment and antennas.

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

- Specific land forms: Yes No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body. Yes No
- Dredging more than 100 cubic yards of material from channel of a protected stream. Yes No
- Extension of utility distribution facilities through a protected water body. Yes No
- Construction in a designated freshwater or tidal wetland. Yes No
- Other impacts: Yes No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. Yes No
- Construction of a body of water that exceeds 10 acres of surface area. Yes No
- Other impacts: Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

• Other impacts:

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

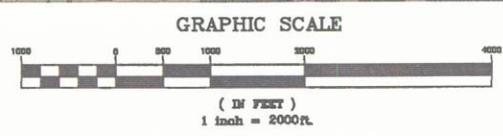
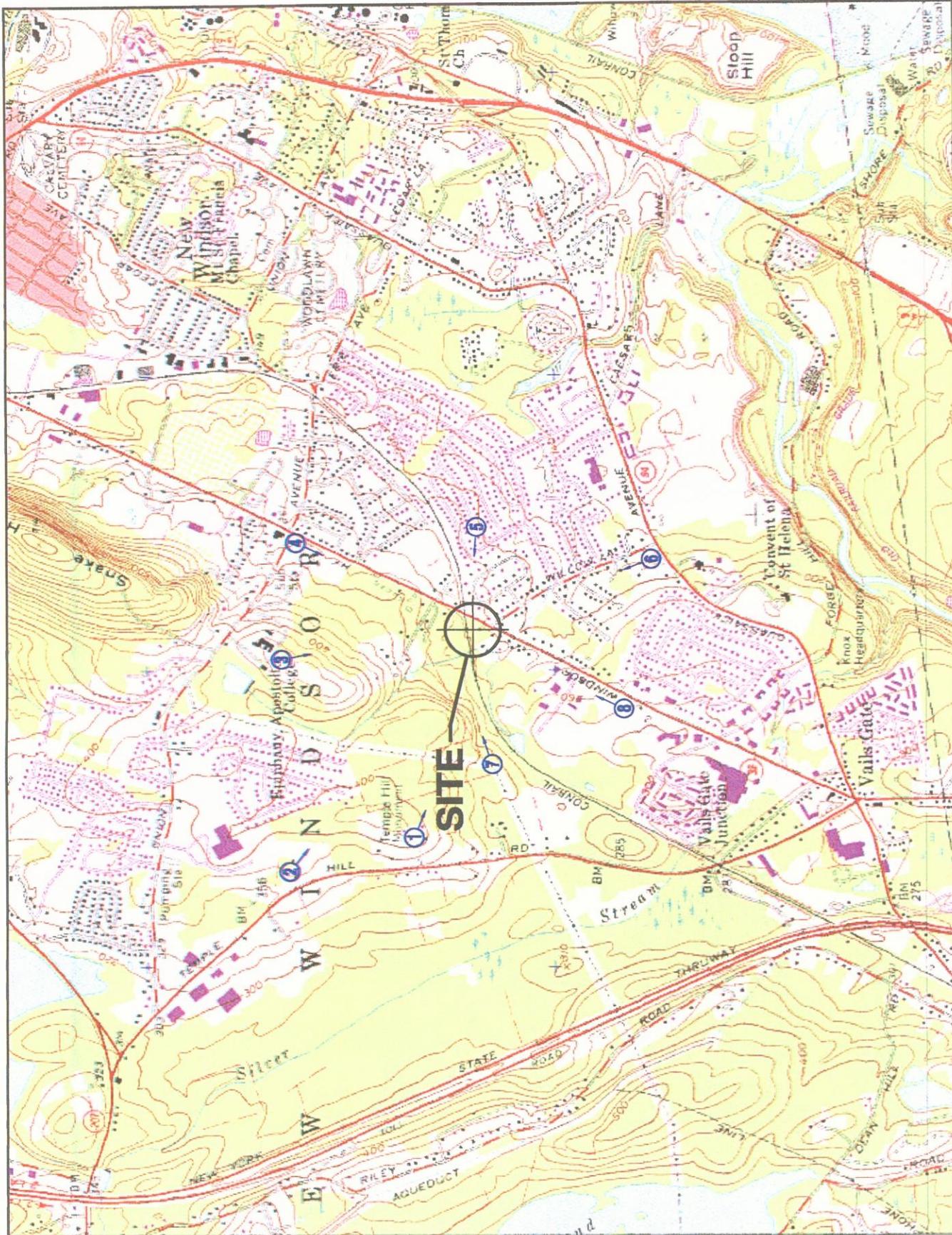
Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.



PROPOSED PHOTO LOCATION

PRELIMINARY PHOTOGRAPH KEY MAP - 05/09/06	PKM-1
	PROPERTY LOCATION: NEW WINDSOR EAST NY-4767 5 CHALLEFFS LANE NEW WINDSOR, NY
TITLE:	PAPPY, E. ENGINEERING & CONSTRUCTION, INC. 100 HILLTOP ROAD, RAMSEY, NJ 07446 PHONE: 201-934-1228 FAX: 201-934-1181 NJ CERTIFICATE OF AUTHORIZATION NO. 246027932800



IMPACT

The study site is located 14,944' or 2.45 NM Southeast from the approach end of runway 34 at Stewart International Airport. The study site is located 19,656' or 3.23 NM Southeast from the airport reference point (ARP) of this public use instrumented airport. The proposed structure **would not** affect VFR flight operations at this airport.

Private use airports or heliports do not meet FAR 77 criteria and the FAA would not consider them in its study of the proposed structure. In the interest of flight safety SBA considers private use airports in every study. SBA found no evidence of private use airports, which affect this study site.

FAA Notice (FAR 77.13 (a) (1)): The proposed 125' AGL structure **would not exceed** the FAA 200' AGL surface. FAA notice of proposed construction **is not** required.

FAR 77.13 (a) (2): The 125' AGL/352' AMSL structure **would not exceed** the FAA 100:1 surface or fail the FCC slope test. FAA notice of proposed construction **is not** required. **Note:** the proposed structure height is 85' lower than the runway 34 elevation of 437' AMSL.

Obstructions Standards of FAR 77.23 (Ref: FAR 77.23 (a) (1), (2), (3), (4), (5)): The proposed 125' AGL structure **would not exceed** any obstruction standards.

AM Broadcast Station Impact: SBA found no evidence of AM Broadcast Stations that would impact the study site. AM station Proof-of-Performance is not required.

03/10/06

Study Site Name: New Windsor

Conclusion/Recommendations:

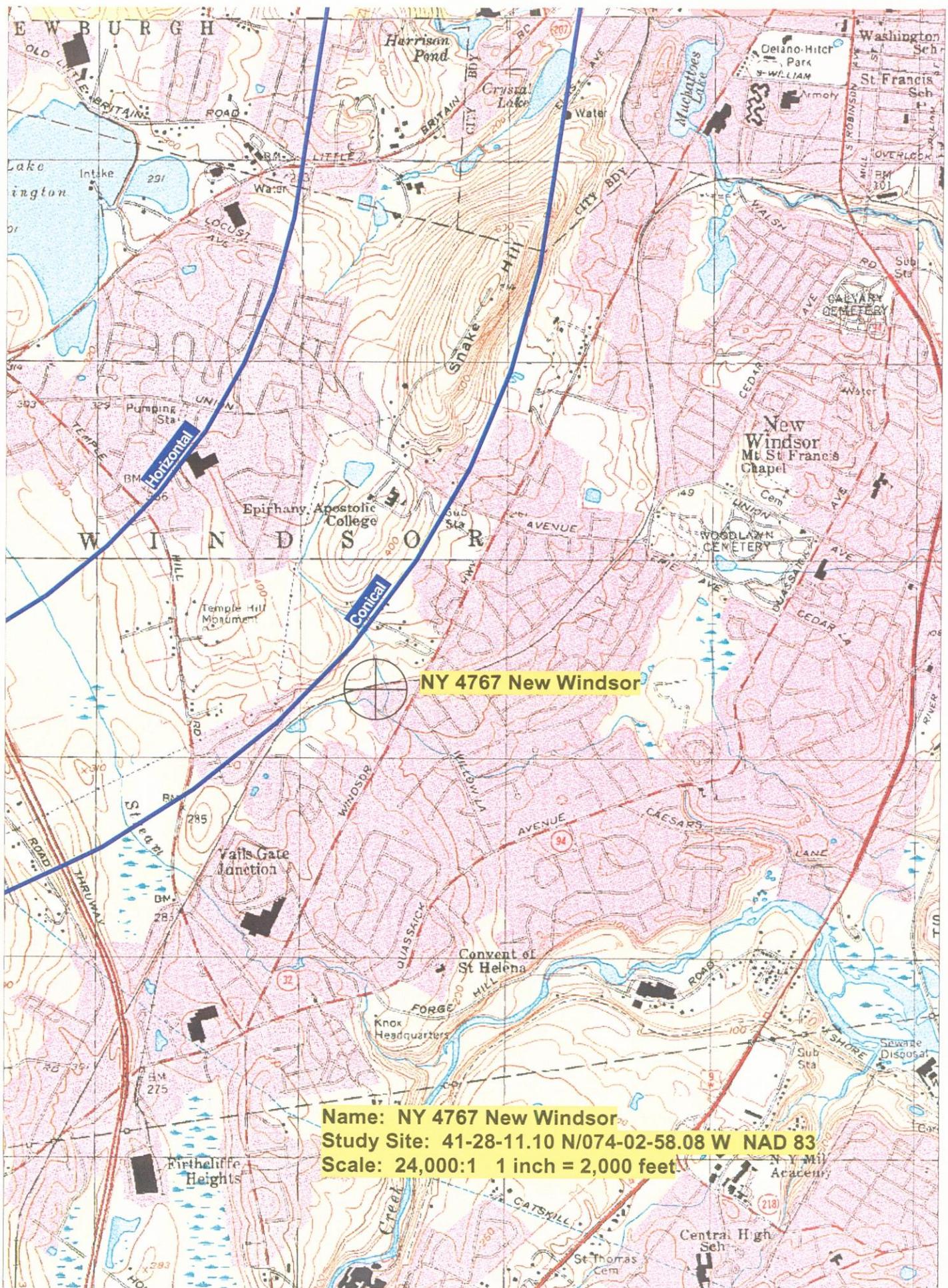
The proposed 125' AGL/352' AMSL structure would not be considered an obstruction to air navigation by the FAA. FAA notice of proposed construction **is not** required. If filed, the FAA would likely approve such a proposal without an extended study.

- **FAA notice is not required. Maximum no notice height is 200' AGL/427' AMSL.**
- **Marking and Lighting is not required. Maximum no marking and lighting height is 200' AGL/427' AMSL.**
- **Extended study is not required.**
- **The proposed structure would not be considered a hazard to IFR flight operations.**
- **The proposed structure is not within AM Broadcast Station interference radius. AM station Proof-of-Performance is not required.**
- **Proposed structure would not impact flight operations at private use airports or heliports.**

For questions or concerns contact Clint Papenfuss at (561) 226-9481.

Clinton T. Papenfuss
SBA Airspace Analyst

03/10/06
Study Site Name: New Windsor



Name: NY 4767 New Windsor
Study Site: 41-28-11.10 N/074-02-58.08 W NAD 83
Scale: 24,000:1 1 inch = 2,000 feet

Clinton T. Papenfuss
SBA Network Services, Inc.
5900 Broken Sound Parkway NW
Boca Raton, Florida 33487
(800) 487-7483
E-mail: cpapenfuss@sbsite.com

SUMMARY

Over 23 years experience as a Terminal Instrument Procedures Specialist (TERPS), Obstruction Evaluation Specialist and Air Traffic Controller. Expertly conducted obstacle evaluations to ensure the safety of national airspace. Represented clients to the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).

PROFESSIONAL EXPERIENCE

SBA Network Services, Inc
Boca Raton, Florida. Airspace Analyst

2001-Present

- Expertly conducted over 3,500 obstacle evaluations with 100% of the studies submitted to the FAA, issued Determination of No Hazard findings.
- Represented clients' interests to the FAA on several different occasions when the FAA issued Determination of Presumed Hazard. On all occasions the FAA reversed their decision and issued Determinations of No Hazard for the petitioned sites.
- Represented SBA's interests as a member of Personal Communications Industry Association (PCIA). Helped to draft changes to the FAA and FCC to streamline the approval process currently in use by these federal agencies.

AIRSPACE SAFETY ANALYSIS CORPORATION (ASAC),
Atlanta, Georgia. Airspace Specialist

1998-2001

- Expertly conducted over 1,200 obstacle evaluations per year in 1999, 2000, was on course to exceed 1,200 in 2001, with an average of 7 to 10 studies per workday.
- Single point of contact for three (3) of the largest tower construction/management companies in the country. Expertly represented these valuable customers to the FAA with a 100% approval rate on FAA filings.
- Recognized by ASAC management as the top producer in the Obstacle Evaluation department.

- Selected as primary troubleshooter for problem obstacle evaluations and search areas.
- Selected by senior management at ASAC to re-evaluate the work process to improve production and overall billings.

UNITED STATES AIR FORCE
Air Traffic Controller/TERPS Specialist

1978-1998

- TERPS expertise shared worldwide, assigned temporary duty to Germany to assist with Air Force Terminal Instrument Procedures Program in Europe. Reviewed instrument procedures into Eastern European airports for use by Department of Defense.
- Managed the Air Force Material Commands best TERPS program; received zero write-up during October 1997 Command inspection; team chief lauded the programs management as the best he had seen.
- Air Traffic Control, Chief Controller responsible for \$3 million facility. Successfully managed 31 air traffic controllers and over 55,000 annual aircraft operations.
- Air Traffic Control, Watch Supervisor; responsible for air traffic control operations during tour of duty.
- Completely overhauled the TERPS program at two different Air Force bases. Programs were substandard. Instituted program modifications, which resulted in outstanding inspection results.

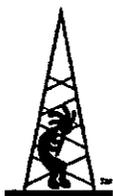
EDUCATION/TRAINING

USAF NCO Academy, Norton AFB, California.

Terminal Instrument Procedures School, Keesler AFB, Mississippi.

USAF NCO Leadership School, Elmendorf AFB, Alaska

Air Traffic Control School, Keesler AFB, Mississippi.



PINNACLE TELECOM GROUP

Consulting and Engineering Services

**ANTENNA SITE FCC RF COMPLIANCE
ASSESSMENT AND REPORT**

PREPARED FOR

NEXTEL COMMUNICATIONS

**SITE NY-4767
5 CHALEFS LANE
NEW WINDSOR, NY**

MAY 24, 2006

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INTRODUCTION AND SUMMARY

At the request of Nextel Communications, Pinnacle Telecom Group has prepared this independent expert assessment of potential radiofrequency (RF) exposure and compliance with related FCC limits for a proposed wireless base station antenna operation involving a new monopole to be erected at 5 Chalefs Lane in New Windsor, NY. Nextel refers to the prospective antenna site by the code "NY-4767".

Nextel is licensed by the Federal Communications Commission (FCC) to provide wireless communications services transmitting in both the 851 MHz and 935 MHz frequency bands. The FCC requires all wireless system operators to perform an RF compliance assessment whenever antenna operations are added or modified, applying the Maximum Permissible Exposure (MPE) limit in the FCC's regulations, considering the effects of all antennas at the site, and ensuring compliance with the limit in areas of general public access. In this case, according to site drawings supplied by Nextel, there are no other existing or specifically planned antennas to be included in this assessment of compliance with the FCC MPE limit and associated regulations. Note that those FCC regulations require that any future antenna collocator assess and assure continuing compliance based on the RF effects of all proposed and then-existing antennas at the site.

This compliance assessment employs a mathematical analysis of potential RF exposure levels at ground level around the site that will result from the combined RF effects of the proposed Nextel antennas. The analyses employ standard FCC formulas for predicting the effects of the antennas in a very conservative manner – indeed, intentionally and significantly overstating the results versus the RF levels that will actually occur. This is done so there can be great confidence in conclusions that antenna operations satisfy the FCC's requirements.

The results of a compliance assessment such as this can most clearly be explained by describing the calculated RF levels as a simple percentage of the FCC MPE limit. If the reference for that limit is 100 percent, then calculated

results lower than 100 percent indicate compliance. We can (and will) also describe the results via an equivalent "times-below-the-limit" factor.

The results of the compliance assessment in this case are as follows:

- The calculated maximum RF level from the proposed antenna operation is only 0.2588 percent (i.e., less than $3/10^{\text{th}}$ s of one percent) of the FCC limit for acceptable continuous exposure of the general population; in other words, even with a methodology designed to significantly overstate the RF effects of the antennas, the worst-case calculated exposure level in this case is still more than 386 times below the FCC limit.
- The results of the analyses demonstrate that the RF levels from the proposed antenna operation will clearly satisfy the applicable criteria for controlling potential human exposure to RF fields, and will be in full compliance with the FCC regulations and limits concerning RF safety. Moreover, because of the conservative methodology and assumptions applied in the calculations, RF levels actually caused by the antennas will be even less significant than the calculations here indicate.

The remainder of this report provides the following:

- technical data on the proposed Nextel antenna operation;
- a description of the applicable FCC mathematical model for determining RF compliance, and application of the relevant data to that model; and
- analysis of the results, and a compliance conclusion for the antenna site.

Four Appendices are included with this report. Appendix A provides background on the FCC limits for RF exposure. Appendix B provides a list of key FCC references on RF exposure and site compliance. Appendix C provides a copy of the FCC's official position on the potential exposure from cellular and PCS transmitters, to wit, that it is insignificantly low and has no effect on the human health environment. Finally, Appendix D provides background on the qualifications of the expert certifying RF compliance for this site.

ANTENNA AND TRANSMISSION DATA

Relevant data for the proposed antenna operation is provided in the table below. Note that the identified antenna model is capable of transmission in both the 851 MHz and 935 MHz bands.

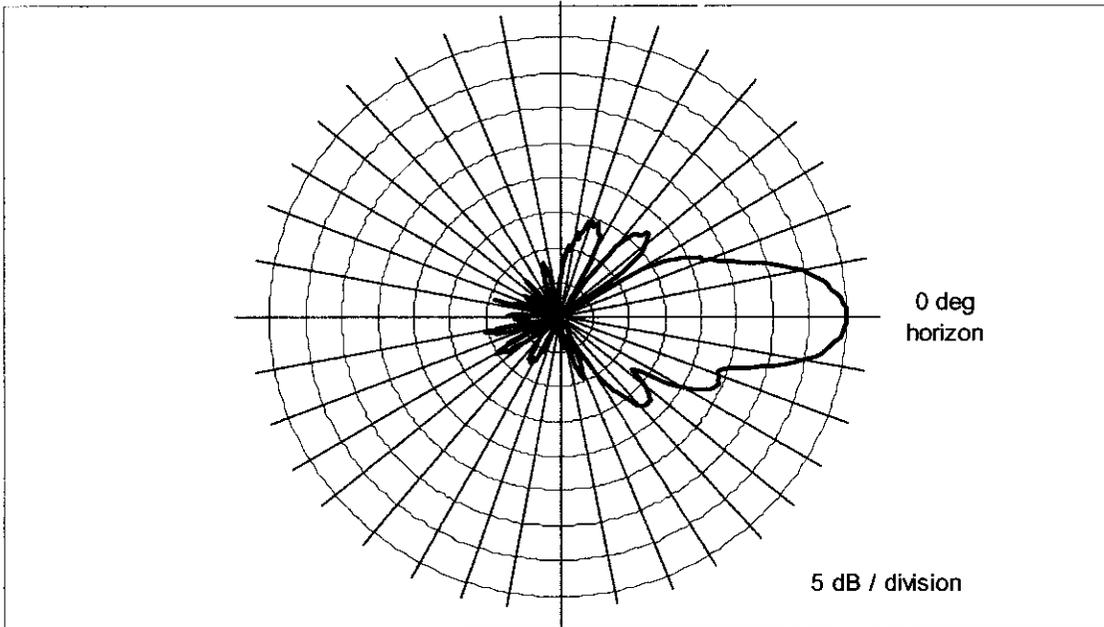
Technical Data - 851MHz and 935 MHz	
Service Coverage Type	Sectorized – 3 sectors, with identical compliance-related parameters in each band
Antenna Height AGL	120 ft.
Antenna Manufacturer / Type	EMS Wireless / Directional Panel
Antenna Model (Max. Gain)	FV65-13-XXXBL2 (13.5 dBd / 15.6 dBi)
RF Channels per Sector	20 (max. in each band; see note below)
Max. ERP / RF Channel	100 watts (see note below)

Note that Nextel's network in each of the 851 and 935 MHz frequency bands employs a maximum of 100 watts of effective radiated power (ERP) per RF channel – the figure we will conservatively apply in the compliance calculations. Actual power used in this case will be significantly lower. (ERP is a function of transmitter power, line loss, and maximum antenna gain. The per-channel power delivered to the antennas in this case is less than five watts.) In addition, we will perform the compliance analysis assuming as many as 20 RF channels per antenna sector, which is the maximum capability of the network equipment in each band, subject to an overall technical limit of 36 channels in each band. Nextel's actual channel configuration – typically a maximum of 12 channels in each sector in each band – will be less impacting in terms of overall radiated power and the related RF levels.

The area below the antennas, at ground level, is of interest in terms of potential exposure of the general public, so the antenna's vertical-plane emission characteristic is used in the calculations, as it is a key determinant of the relative amount of RF emissions in the downward direction. The diagram on the next page shows the vertical-plane emission pattern of the antenna model proposed here by Nextel. Note that in these types of antenna radiation pattern diagrams, the antenna is effectively pointed at the three o'clock position, and the relative

antenna pattern is described using a decibel scale. Note that the use of a decibel scale to describe the relative pattern at different angles actually serves to significantly understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB the relative RF energy emitted at the corresponding downward angle is 1/100th of the maximum that occurs in the main beam (at 0 degrees); at 30 dB, the energy is only 1/1000th of the maximum.

EMS Wireless FV65-13-XXXBL2 - Vertical-plane Emission Pattern



TECHNICAL ANALYSES

FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65"; see list of references in Appendix B) provides guidelines for computational models and their application to calculating potential exposure levels at various points around wireless transmitting antennas. The computational models are intentionally very conservative, and significantly overestimate the potential exposure levels, and additional assumptions can be incorporated to make the calculations even more conservative. Thus, if the calculations demonstrate the MPE limits are still not

exceeded even under extreme worst-case assumptions, there can be great confidence that the compliance requirement is satisfied.

RF levels at around an antenna facility have a direct relationship to input power to the antenna (which we will assume is constant and at its maximum), effective antenna gain in the direction of interest, and an assumed ground reflection factor (assumed to be a conservative 100 percent). The levels are inversely proportional to the square of the distance from the antenna. Thus, in order to be conservative, calculations will be performed from the bottom of the antennas and at street level will assume a human height of 6 feet, 6 inches – conservatively minimizing the distance to the RF source.

Note that the FCC recognizes that with sectorized antenna coverage, the radiated power of interest is the maximum per individual antenna sector. The exposure contributions of same-system sectors pointing in other directions are insignificantly low, due to the directionality of the antennas.

The FCC's formula for ground-level RF exposure calculations is as follows:

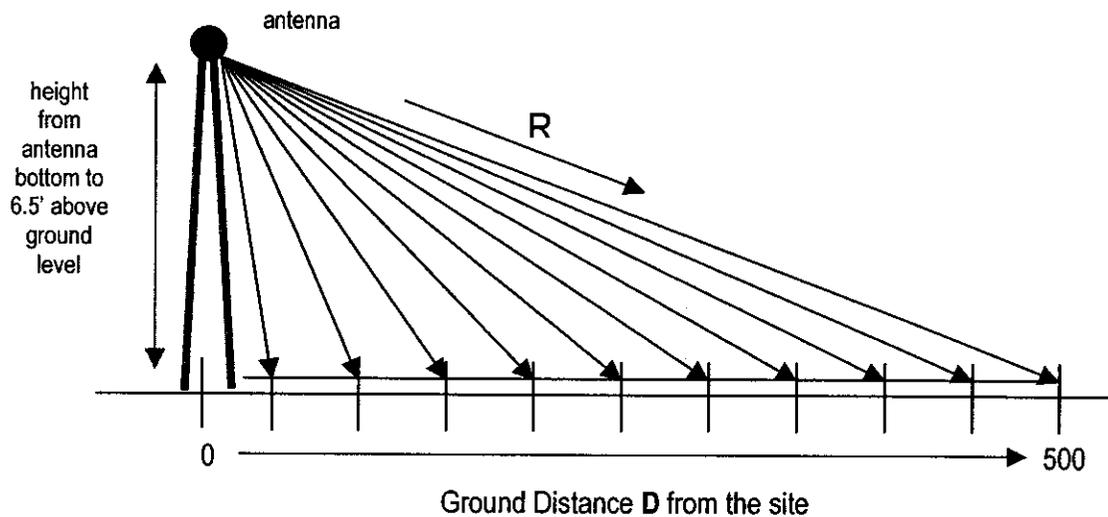
$$\text{MPE}\% = (100 * \text{ERP}_{\text{ch}} * 1.64 * N * 10^{(\text{Vdisc}/10)} * 4) / (\text{MPE} * 4\pi * R^2)$$

where

MPE%	=	RF level, expressed as a percentage of the FCC limit for acceptable continuous exposure of the general public
100	=	factor to convert raw result to percentage form
ERP _{ch}	=	maximum effective radiated power per RF channel, expressed in milliwatts, and a function of transmitter power, line loss, and maximum antenna gain referenced to a unity-gain dipole
1.64	=	factor to convert dipole reference in ERP to an isotropic (absolute) reference
N	=	maximum number of RF channels per sector
10 ^(Vdisc/10)	=	numeric equivalent of the relative antenna discrimination in the downward direction of interest

- 4 = the factor to account for a 100-percent-efficient energy reflection from the ground, and the squared relationship between RF field strength and power density ($2^2 = 4$)
- MPE = FCC general population MPE limit
- R = straight-line distance from the RF source to the point of interest, centimeters (1 foot = 30.48 centimeters)

The MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters) off the ground, representing the FCC-recommended figure for human standing height. See the illustrative diagram below.



It is generally understood that the farther away one is from an antenna, the lower the RF level. That is indeed the case when straight-line distance is the only factor controlling RF level; however, at distances fairly close to the site, the MPE% calculations reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antennas. Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site. As the distance approaches 500 feet and beyond,

though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled, and as a result the RF levels generally decrease with increasing distance.

According to the FCC, in order to assess compliance for a multi-band antenna operation, at each distance point along the ground an MPE% calculation is made for each frequency band, and compliance is determined by comparing the sum of the individual results with 100 percent, which serves as the reference point for the FCC limit. We refer to the sum of the individual results as "total MPE%", and any calculated total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represent non-compliance and a need to take action to mitigate the RF levels. Results below 100 percent indicate compliance with the federal regulations on controlling exposure.

The following conservative methodology and assumptions are incorporated into the MPE% calculations:

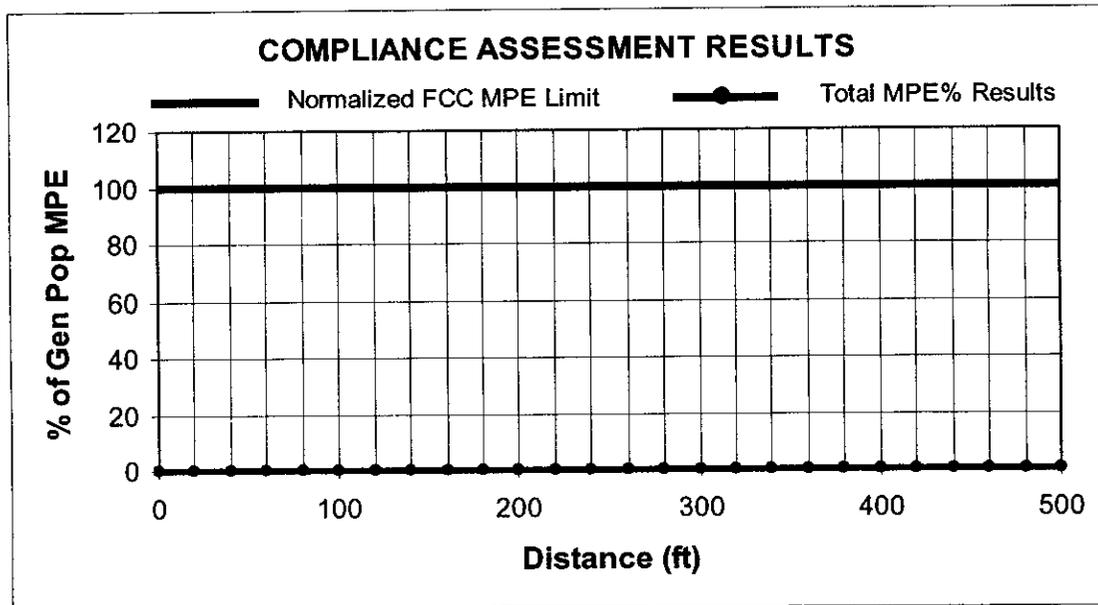
1. The antennas are assumed to be operating continuously at maximum power.
2. The directional antennas are hypothetically assumed to be pointed directly overhead any and all points of interest at ground level, ignoring the effects of antenna discrimination in the horizontal plane.
3. The power-attenuation effects of shadowing or other obstructions to the line-of-sight path from the antenna to the point of interest are ignored.
4. The calculations intentionally minimize the distance factor (R) by assuming a 6'6" human and performing the calculations from the bottom (rather than the centerline) of the antenna.
5. The potential RF exposure at ground level is assumed to be 100-percent enhanced (increased) via a "perfect" field reflection from the ground itself.

The table on the next page provides the results of calculations for Nextel in each of its frequency bands, and with the last column listing the "total MPE%" effects. The worst-case (maximum) result is highlighted in bold.

Ground Distance (ft)	851 MHz MPE%	935 MHz MPE%	Total MPE%
0	0.0016	0.0015	0.0031
20	0.0044	0.0040	0.0085
40	0.0084	0.0077	0.0161
60	0.0043	0.0040	0.0083
80	0.0222	0.0202	0.0425
100	0.0479	0.0436	0.0915
120	0.0373	0.0340	0.0713
140	0.0172	0.0156	0.0328
160	0.0132	0.0120	0.0251
180	0.0337	0.0307	0.0643
200	0.0615	0.0560	0.1175
220	0.0732	0.0666	0.1398
240	0.0713	0.0649	0.1361
260	0.0653	0.0594	0.1247
280	0.0549	0.0500	0.1049
300	0.0465	0.0423	0.0888
320	0.0387	0.0352	0.0739
340	0.0389	0.0354	0.0744
360	0.0422	0.0384	0.0806
380	0.0492	0.0448	0.0940
400	0.0677	0.0616	0.1294
420	0.0874	0.0795	0.1669
440	0.0801	0.0729	0.1529
460	0.1064	0.0968	0.2033
480	0.1355	0.1233	0.2588
500	0.1254	0.1141	0.2395

As indicated, the worst-case overall result is only 0.2588 percent of the FCC MPE limit.

A graph of these calculation results, presented on the next page, provides an even clearer visual illustration of the relative insignificance of the potential exposure levels. The line representing calculation results does not visibly rise above the graph's baseline, and shows a clear, consistent margin to the FCC compliance limit.



COMPLIANCE CONCLUSION

The FCC MPE limit has been constructed in such a manner that continuous human exposure to RF levels up to and including 100 percent of the MPE limit is considered acceptable and completely safe.

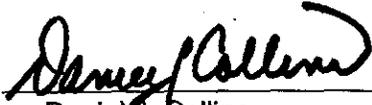
The conservative calculations indicate that the maximum RF effect at ground level at any distance from the subject site will be only 0.2588 percent (that is, less than 3/10^{ths} of one percent) of the FCC MPE limit. In other words, the worst-case calculated effect is still more than 386 times below the FCC limit – and thus quite comfortably in compliance with the limit for safe continuous exposure of the general population.

Therefore, the results of the calculations demonstrate that the RF emissions from the proposed Nextel antenna operation at the site will be in comfortable compliance with the FCC regulations. Moreover, because of the conservative methodology and assumptions in the calculations, RF levels actually caused by the antennas will be even less significant than the calculated results here indicate.

CERTIFICATION

It is the policy of Pinnacle Telecom Group that all FCC RF compliance assessments are reviewed, approved, and signed by the firm's Chief Technical Officer, who certifies as follows:

1. To the best of my knowledge, the statements and information disclosed in this report are true, complete and accurate.
2. The analysis of site RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.
3. The results of the analysis indicate that the subject antenna site is in full compliance with the FCC regulations concerning RF exposure.



Daniel J. Collins
Chief Technical Officer

5/24/06

Date

Appendix A: The FCC RF Exposure Limits

FCC Rules and Regulations

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

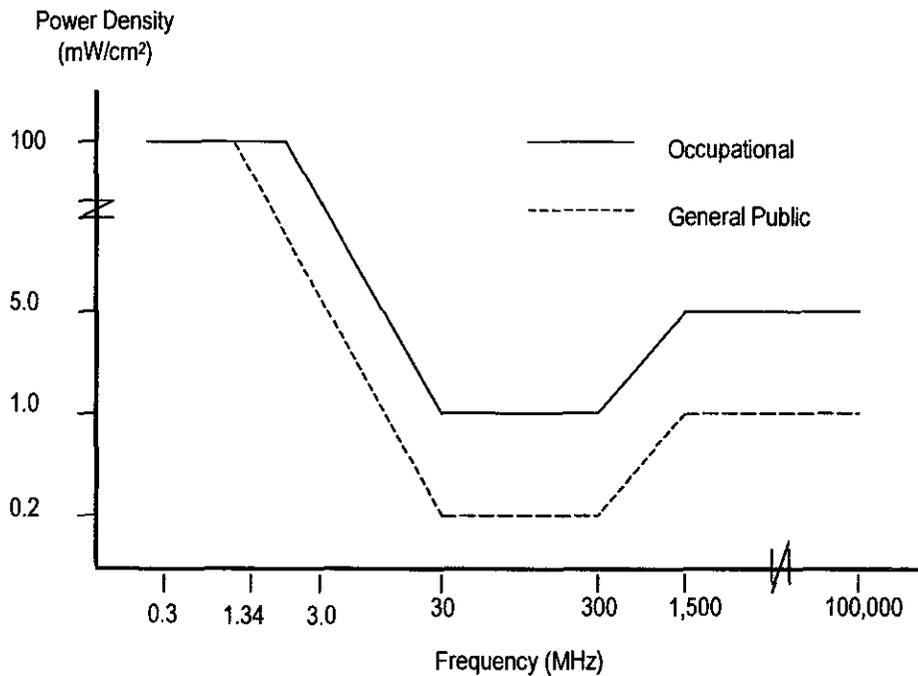
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for two tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm²). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm² reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3 - 1.34	100	100
1.34 - 3.0	100	180 / F ²
3.0 - 30	900 / F ²	180 / F ²
30 - 300	1.0	0.2
300 - 1,500	F / 300	F / 1500
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's RF exposure limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.

The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

Appendix B: FCC REFERENCES

47 CFR, FCC Rules and Regulations, Part 1 (Practice and Procedure), Section 1.1310 (Radiofrequency radiation exposure limits).

47 CFR, FCC Rules and Regulations, Part 22 (Public Mobile Services).

47 CFR, FCC Rules and Regulations, Part 24 (Personal Communications Services).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192), Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62), and Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

FCC Report and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released August 1, 1996.

FCC Office of Engineering and Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", Edition 97-01, August 1997.

FCC Office of Engineering and Technology (OET) Bulletin 56, "Questions and Answers About Biological Effects and Potential Hazards of RF Radiation", edition 4, August 1999.

Appendix C: FCC Position on Cellular and PCS Transmitters

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF ENGINEERING & TECHNOLOGY
WASHINGTON, D.C. 20554

January 1998

INFORMATION ON HUMAN EXPOSURE TO RADIOFREQUENCY FIELDS
FROM CELLULAR AND PCS RADIO TRANSMITTERS

(1) Cellular and PCS base stations

Radio frequencies constitute part of the overall electromagnetic spectrum. Cellular communications systems use frequencies in the 800-900 megahertz (MHz) portion of the radiofrequency (RF) spectrum (frequencies formerly used for UHF-TV broadcasting), and transmitters in the Personal Communications Service (PCS) use frequencies in the range of 1850-1990 MHz. Primary antennas for cellular and PCS transmissions are usually located on towers, water tanks and other elevated structures including rooftops and the sides of buildings. The combination of antennas and associated electronic equipment is referred to as a cellular or PCS base station" or "cell site." Typical heights for base station towers or structures are 50-200 feet. A typical cellular base station may utilize several "omni-directional" antennas that look like poles or whips, 10 to 15 feet in length. PCS (and also many cellular) base stations use a number of "sector" antennas that look like rectangular panels. The dimensions of a sector antenna are typically 1 foot by 4 feet. Antennas are usually arranged in three groups of three with one antenna in each group used to transmit signals to mobile units (car phones or hand-held phones). The other two antennas in each group are used to receive signals from mobile units.

The Federal Communications Commission (FCC) authorizes cellular and PCS carriers in various service areas around the country. At a cell site, the total RF power that could be transmitted from each transmitting antenna at a cell site depends on the number of radio channels (transmitters) that have been authorized and the power of each transmitter. Typically, for a cellular base station, a maximum of 21 channels per sector (depending on the system) could be used. Thus, for a typical cell site utilizing sector antennas, each of the three transmitting antennas could be connected to up to 21 transmitters for a total of 63 transmitters per site. When omni-directional antennas are used, up to 96 transmitters could be implemented at a cell site, but this would be very unusual. While a typical base station could have as many as 63 transmitters, not all of the transmitters would be expected to operate simultaneously thus reducing overall emission levels. For the case of PCS base stations, fewer transmitters are normally required due to the relatively greater number of base stations.

Although the FCC permits an **effective radiated power** (ERP) of up to 500 watts per channel (depending on the tower height), the majority of cellular base stations in urban and suburban areas operate at an ERP of 100 watts per channel or less. An ERP of 100 watts corresponds to an **actual** radiated power of 5-10 watts, depending on the type of antenna used (ERP is not equivalent to the power that is radiated but is a measure of the directional

characteristics of the antenna). As the capacity of a system is expanded by dividing cells, i.e., adding additional base stations, lower ERPs are normally used. In urban areas, an ERP of 10 watts per channel (corresponding to a radiated power of 0.5 - 1 watt) or less is commonly used. For PCS base stations, even lower radiated power levels are normally used. The signal from a cellular or PCS base station antenna is essentially directed toward the horizon in a relatively narrow beam in the vertical plane. For example, the radiation pattern for an omni-directional antenna might be compared to a thin doughnut or pancake centered around the antenna while the pattern for a sector antenna is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter decreases rapidly (according to an inverse square law) as one moves away from the antenna. Consequently, normal ground-level exposure is much less than exposures that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS installations have shown that ground-level power densities are well below limits recommended by RF/microwave safety standards.

In 1996, the FCC adopted updated guidelines for evaluating human exposure to radiofrequency (RF) fields from fixed transmitting antennas such as those used for cellular radio and PCS base stations.¹ The new guidelines for cellular and PCS base stations are identical to those recommended by the National Council on Radiation Protection and Measurements (NCRP).² These guidelines are also similar to the 1992 guidelines recommended by the American National Standards Institute and the Institute of Electrical and Electronics Engineers (ANSI/IEEE C95.1-1992).³ The FCC adopted guidelines for hand-held RF devices, such as cellular and PCS phones, that are the same as those recommended by the ANSI/IEEE and NCRP guidelines (see later discussion).

¹ FCC *Report and Order* in ET Docket 93-62, 61 Federal Register 41006 (August 7, 1996); 11 FCC Record 15123 (1997). See also, FCC *Second Memorandum Opinion and Order*, ET Docket 93-62, 62 Federal Register 47960 (September 12, 1997), 12 FCC Record 13494 (1997). For more information on these documents contact the FCC's toll-free number: 1-888-CALL FCC (1-888-225-5322). They may also be viewed and downloaded at the FCC's Office of Engineering and Technology World Wide Web Site under the "RF Safety" heading at the following address: www.fcc.gov/oet/rfsafety. The FCC's RF exposure guidelines are based on recommendations made to the FCC by U.S. federal safety and health agencies such as the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA).

² The NCRP is a non-profit corporation chartered by congress to develop information and recommendations concerning radiation protection.

³ The American National Standards Institute is a non-profit, privately-funded, membership organization that coordinates development of voluntary national standards in the United States. The IEEE is a non-profit technical and professional engineering society.

In the case of cellular base station transmitters, at a frequency of 869 MHz (the lowest frequency used), the FCC's RF exposure guidelines recommend a maximum permissible exposure level of the general public (or exposure in "uncontrolled" environments) of about 580 microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$), as averaged over any thirty-minute period. This limit is many times greater than RF levels typical found near the base of typical cellular towers or in the vicinity of other, lower-powered cellular base station transmitters. For example, measurement data obtained from various sources have consistently indicated that "worst-case" ground-level power densities near typical cellular towers are on the order of $1 \mu\text{W}/\text{cm}^2$ or less (usually significantly less). Calculations corresponding to a "worst-case" situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that in order to be exposed to levels near the FCC's limits for cellular frequencies, an individual would essentially have to remain in the main transmitting beam (at the height of the antenna) and within a few feet from the antenna. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of these guidelines from cellular base station transmitters.

For PCS base station transmitters, the same type of analysis holds, except that at the PCS transmitting frequencies (1850-1990 MHz) the FCC's exposure limits for the public are $1000 \mu\text{W}/\text{cm}^2$. Therefore, there would typically be an even greater margin of safety between actual public exposure levels and the recognized safety limit.

When cellular and PCS antennas are mounted at rooftop locations it is possible that RF levels greater than $1 \mu\text{W}/\text{cm}^2$ could be present on the rooftop itself. This might become an issue if the rooftop were accessible to maintenance personnel or others. However, exposures approaching or exceeding the safety guidelines are only likely to be encountered very close to and directly in front of the antennas. Even if RF levels were to be higher than desirable on a rooftop, appropriate restrictions could be placed on access. Factoring in the time-averaging aspects of safety standards could also be used to reduce potential exposure. The fact that rooftop cellular and PCS antennas usually operate at lower power levels than antennas on freestanding towers makes excessive exposure conditions on rooftops even less likely. This reason and the significant signal attenuation of a building's roof also minimizes any chance for harmful exposure of persons living or working within the building itself.

(2) Mobile (vehicle-mounted) antennas

Vehicle-mounted antennas used for cellular communications normally operate at a power level of 3 watts or less. These cellular antennas are typically mounted on the roof, on the trunk, or on the rear window of a car or truck. Studies have shown that in order to be exposed to RF levels that approach the safety guidelines it would be necessary to remain very close to a vehicle-mounted cellular antenna. For example, a study done for AT&T Bell Laboratories by the University of Washington documented typical and "worst-case" exposure levels and specific absorption rates (SAR) for vehicle occupants and persons standing close to vehicle-mounted cellular antennas. Worst-case exposure conditions were considered when an individual was at the closest possible distance from the antenna. Several configurations were tested using adult and child "phantom" models.

The results of this study showed that the highest exposure ($1900 \mu\text{W}/\text{cm}^2$) occurred with a female model at a distance of 9.7 cm (3.8 inches) from one of the antennas operating at a power level of 3 watts. Although this level is nominally in excess of the FCC's exposure limits for power density at this frequency, analysis of the data indicated that the antenna

would have to be driven to 7 W of power before the limit for *specific absorption rate* (SAR) allowed by the FCC guidelines would be exceeded. The intermittent nature of transmission and the improbability that a person would remain so close to the antenna for any length of time further reduces the potential for excessive exposure.

The University of Washington study also indicated that vehicle occupants are effectively shielded by the metal body. Motorola, Inc., in comments filed with the FCC, has expressed the opinion that proper installation of a vehicle-mounted antenna to maximize the shielding effect is an effective way of limiting exposure. Motorola and other companies have recommended antenna installation either in the center of the roof or the center of the trunk. In response to concerns expressed over the commonly-used rear-window mounted cellular antennas, Motorola has recommended a minimum separation distance of 30-60 cm (1 -2 feet) to minimize exposure to vehicle occupants resulting from antenna mismatch for this type of antenna installation.

In summary, from data gathered to date, it appears that properly installed, vehicle-mounted, personal wireless transceivers using up to 3 watts of power would result in maximum exposure levels in or near the vehicle that are well below the FCC's safety limits. This assumes that the transmitting antenna is at least 15 cm (about 6 inches) or more from vehicle occupants. Time-averaging of exposure (either a 6 or 30minute period is specified) will usually result in still lower values when compared with safety guidelines.

(3) Hand-held cellular telephones and PCS devices

A question that often arises is whether there may be potential health risks due to the RF emissions from hand-held cellular telephones and PCS devices. The FCC's exposure guidelines, and the ANSI/IEEE and NCRP guidelines upon which they are based, specify limits for human exposure to RF emissions from hand-held RF devices in terms of *specific absorption rate* (SAR). For exposure of the general public, e.g., exposure of the user of a cellular or PCS phone, the SAR limit is an absorption threshold of 1.6 watts/kg (W/kg), as measured over any one gram of tissue.

Measurements and computational analysis of SAR in models of the human head and other studies of SAR distribution using hand-held cellular and PCS phones have shown that, in general, the 1.6 W/kg limit is unlikely to be exceeded under normal conditions of use. Before FCC approval can be granted for marketing of a cellular or PCS phone, compliance with the 1.6 W/kg limit must be demonstrated. Also, testing of hand-held phones is normally done under conditions of maximum power usage. In reality, normal power usage is less and is dependent on distance of the user from the base station transmitter.

In recent years publicity, speculation and concern over claims of possible health effects due to RF fields from hand-held wireless telephones prompted industry-sponsored groups, such as Wireless Technology Research, L.L.C. (WTR) and Motorola, Inc., to initiate research programs aimed at investigating whether there is any risk to users of these devices. Past studies carried out at frequencies both higher and lower than those used for cellular and PCS phones have led expert organizations to conclude that typical RF exposures from these devices are safe. However, the Federal Government is monitoring the results of the ongoing industry-sponsored research through an inter-agency working group led by the EPA and the FDA's Center for Devices and Radiological Health.

In a 1993 "Talk Paper," the FDA stated that it did not have enough information at that time to rule out the possibility of risk, but if such a risk exists "it is probably small." The FDA concluded that there is no proof that cellular telephones can be harmful, but if individuals remain concerned several precautionary actions could be taken. These included limiting conversations on hand-held cellular telephones to those that are essential and making greater use of telephones with vehicle-mounted antennas where there is a greater separation distance between the user and the radiating structure.



NOTE: For more information on these and other RF-related topics, you may call the FCC's toll-free number: 1-888-CALL FCC (1-888-225-5322) or contact the FCC's RF Safety Program, in the Office of Engineering and Technology, at (202) 418-2464. Information is also available at the FCC's Office of Engineering and Technology World Wide Web Site under the "RF Safety" heading at the following address: www.fcc.gov/oet/rfsafety.

Appendix D: EXPERT QUALIFICATIONS

Daniel J. Collins, Chief Technical Officer, Pinnacle Telecom Group, LLC

Synopsis:	<ul style="list-style-type: none"> • 34 years of experience in all aspects of wireless system engineering, related regulation, and RF exposure • Has performed or led RF exposure compliance assessments on more than 10,000 antenna sites since the new FCC rules went into effect in 1997 • Has provided testimony as an RF compliance expert more than 1,000 times since 1997 • Accepted as an expert in New Jersey, New York, Pennsylvania, Connecticut and more than 40 other states, as well as by the FCC
Education:	<ul style="list-style-type: none"> • B.E.E., City College of New York (Sch. Of Eng.), 1971 • M.B.A., 1982, Fairleigh Dickinson University, 1982 • Bronx High School of Science, 1966
Current Responsibilities:	<ul style="list-style-type: none"> • Leads all PTG staff work involving RF safety and FCC compliance, microwave and satellite system engineering, and consulting on wireless technology and regulation
Prior Experience:	<ul style="list-style-type: none"> • Edwards & Kelcey, VP – RF Engineering and Chief Information Technology Officer, 1996-99 • Bellcore, Executive Director – Regulation and Public Policy, 1983-96 • AT&T (Corp. HQ), Director – Spectrum Management Policy and Practice, 1977-83 • AT&T Long Lines, Group Supervisor – Microwave Radio System Design, 1972-77
Specific RF Safety / Compliance Experience:	<ul style="list-style-type: none"> • Involved in RF exposure matters since 1972 • Have had lead corporate responsibility for RF safety and compliance at AT&T, Bellcore, Edwards & Kelcey, and PTG • While at AT&T, helped develop the mathematical models later adopted by the FCC for predicting RF exposure • Have been relied on for compliance by all major wireless carriers, as well as by the federal government, several state and local governments, equipment manufacturers, system integrators, and other consulting / engineering firms
Other Background:	<ul style="list-style-type: none"> • Author, <i>Microwave System Engineering</i> (AT&T, 1974) • Co-author and executive editor, <i>A Guide to New Technologies and Services</i> (Bellcore, 1993) • National Spectrum Managers Association (NSMA) – former three-term elected President and Chairman of the Board of Directors; was founding member, twice-elected Vice President and long-time member of the Board, and was named an NSMA Fellow in 1991 • Listed in <i>Who's Who in the Media and Communication</i> and <i>International Who's Who in Information Technology</i> • Published more than 35 articles in industry magazines

RECEIPT
71622998466000112361
FROM:
Snyder & Snyder
RE: Nextel - 4767

SEND TO:
Town Board
Town of Blooming Grove
P.O. 358
Blooming Grove NY 10914

FEES:
Postage 0.39
Certified Fee 2.40
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Restricted
Receipt 1.85

TOTAL \$ 4.64
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RECEIPT
71622998466000112347
FROM:
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Town Board
Town of Newburgh
1496 Route 300
Newburgh NY 12550

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Town of Hamptonburgh
18 Bull Road
Hamptonburgh NY 10916

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Town Board
Town of Fishkill
807 Route 92
Fishkill NY 12524

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RECEIPT
71622998466000112453
FROM:
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RE: Nextel - 4767

SEND TO:
Orange County Planning Dept
124 Main Street
Goshen NY 10924

FEES:
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RECEIPT
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SEND TO:
City Council
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Municipal Plaza, Suite 1
Beacon NY 12508

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DAVID L. SNYDER*
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ROBERT D. GAUDIOSO

WRITER'S E-MAIL ADDRESS
DWarden@snyderlaw.net

REPLY TO:

Westchester office

FREDERICK W. TURNER, COUNSEL

May 26, 2006

*ADMITTED NY, NJ AND DC

Town Board
Town of Hamptonburgh
18 Bull Road
Hamptonburgh, NY 10916

Re: Application to Town of New Windsor
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Very respectfully submitted,
SNYDER & SNYDER, LLP

By: 
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DWW:bto

cc: Town of New Windsor Planning Board

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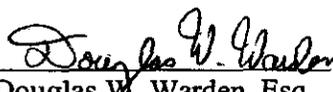
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Box 358
Blooming Grove, New York 10914

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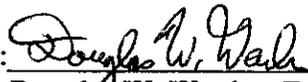
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May 26, 2006

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Town Board
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183 Main Street
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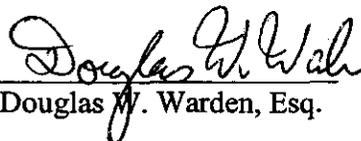
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ROBERT D. GAUDIOSO

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Westchester office

FREDERICK W. TURNER, COUNSEL

May 26, 2006

*ADMITTED NY, NJ AND DC

Town Board
Town of Montgomery
110 Bracken Road
Montgomery, New York 12549

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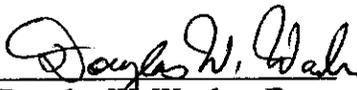
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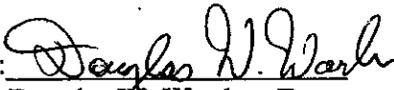
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Westchester office

FREDERICK W. TURNER, COUNSEL

May 26, 2006

* ADMITTED NY, NJ AND DC

Town Board
Town of Fishkill
807 Route 52
Fishkill, New York 12524

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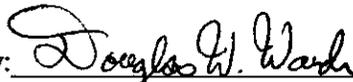
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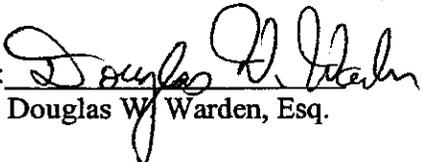
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DAVID L. SNYDER*
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FREDERICK W. TURNER, COUNSEL

*ADMITTED NY, NJ AND DC

REPLY TO:

Westchester office

May 26, 2006

Director
Orange County Emergency Services
Orange County Government Center
255 Main Street
Goshen, New York 10924

Re: Application to Town of New Windsor
by Nextel of New York, Inc.
to install a wireless telecommunications facility
at 5 Chaleffs Lane, New Windsor, NY

Dear Madame or Sir:

Pursuant to the requirements of the Town of New Windsor's Zoning Code regarding telecommunications towers, I am writing to inform this body that Nextel of New York, Inc. is filing an application for a wireless telecommunications facility ("Facility") with the Town of New Windsor.

Please note that the Facility will be located at the 5 Chaleffs Lane, New Windsor, New York, and will consist of a 120 foot monopole with antennas, together with a related 240 square foot equipment shelter at the base thereof. The Facility will be designed to support the antennas of three (3) additional federally licensed wireless carriers, in order to minimize the overall number of towers in the Town of New Windsor and the surrounding area.

If you should have any questions, please do not hesitate to contact my office.

Very respectfully submitted,
SNYDER & SNYDER, LLP

By: 
Douglas W. Warden, Esq.

DWW:bto

cc: Town of New Windsor Planning Board

LAW OFFICES OF
SNYDER & SNYDER, LLP
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REPLY TO:

Westchester office

FREDERICK W. TURNER, COUNSEL

May 26, 2006

*ADMITTED NY, NJ AND DC

Orange County Planning Department
124 Main Street
Goshen, NY 10924

Re: Application to Town of New Windsor
by Nextel of New York, Inc.
to install a wireless telecommunications facility
at 5 Chaleffs Lane, New Windsor, NY

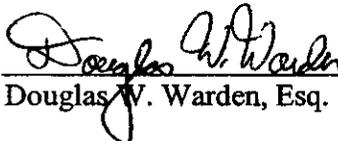
Dear Orange County Planning Department:

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Very respectfully submitted,
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By: 
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DWW:bto

cc: Town of New Windsor Planning Board



CTIA is the international association for the wireless telecommunications industry, dedicated to *expanding the wireless frontier.*

March 02, 2005

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Year	Ending Subscribers	U.S. 9-1-1 Annually	U.S. 9-1-1 Monthly	U.S. 9-1-1 - Daily
1985	340,213	193,333	16,111	530
1986	681,825	649,659	54,138	1,780
1987	1,230,855	1,202,336	100,195	3,294
1988	2,069,441	2,382,855	198,571	6,528
1989	3,508,944	4,311,497	359,291	11,812
1990	5,283,055	5,914,653	492,888	16,205
1991	7,557,148	8,007,586	667,299	21,939
1992	11,032,753	12,641,470	1,053,456	34,634
1993	16,009,461	15,491,344	1,290,945	42,442
1994	24,134,421	17,910,620	1,492,552	49,070
1995	33,785,661	20,059,894	1,671,658	54,959
1996	44,042,992	21,659,967	1,804,997	59,180
1997	55,312,293	30,517,327	2,543,110	83,609
1998	69,209,321	35,805,405	2,942,910	98,097
1999	86,047,003	43,298,856	3,608,238	118,627
2000	109,478,031	51,104,214	4,188,870	139,629
2001	128,374,512	56,879,775	4,739,981	155,835
2002	140,766,842	64,330,447	5,360,871	176,248
2003	158,721,981	72,535,945	6,044,662	198,729

Sources: CTIA, California Highway Patrol, New York State Police, and other state officials and wireless carriers.

Press Release

