

PB# 03-29

**Cellular One
(SP)**

29-1-27.51

PB #03-29 CELLULAR ONE SITE PLAN
TOLEMAN RD (existing tower) (CHAZEN)

TOWN OF NEW WINDSOR
PLANNING BOARD

APPROVED COPY

DATE: 11-25-03

CELLULAR ONE SITE PLAN (03-29)

Ms. Eva Billeci and Mr. Kevin Brennan appeared before the board for this proposal.

MR. PETRO: Proposed telecommunication equipment on existing tower with accessory building. This is something that we approved maybe a year or two ago and you're going to add on to it?

MS. BILLECI: Actually, it's an existing tower that's probably about 30 years old. My name is Eva Billeci with Chazen Engineering representing Cellular One. The Site is actually at the corner of Toleman Road and Route 207, but it's the southwest corner of the intersection, it's the tall guy wire tower up on the hill.

MR. PETRO: Not the new one?

MS. BILLECI: No.

MR. LANDER: This is on Lester Clark's property.

MS. BILLECI: It's WGNV.

MR. KARNAVEZOS: It's up on the hill, if you make a left onto Toleman, it's on your right-hand side.

MS. BILLECI: It's an existing facility, WGNV owns this facility and operates from it. Currently, Cellular One is proposing to co-locate on this guy wire tower, they're proposing to place antennas at an elevation of approximately 173 feet above ground level and they're also proposing to place an accessory building 12 x 20 at the base of the tower to power the antennas.

MR. PETRO: How big is the building?

MS. BILLECI: 12 x 20, there's an existing building on

the facility that's about 288 square feet and Cellular One is proposing, this is a separate structure.

MR. LANDER: Is there a generator being housed?

MR. BRENNAN: They have a generator in the current building and they've said they'd allow us to connect to this generator so we'd have no need for a generator.

MR. LANDER: Going to use the same access road?

MS. BILLECI: Yes, we're going to improve the access road.

MR. LANDER: Is it gravel now?

MR. BRENNAN: Probably 20 years ago.

MR. LANDER: How many times do you have somebody going in there?

MS. BILLECI: Once a month, right?

MR. BRENNAN: With the new technology, we monitor from the central office and unless there's a reason to go there, we probably go there once every three months, that's not to say our men don't go by and check but it's all alarmed, we monitor from our central office.

MR. PETRO: Gentlemen, I want to make everybody aware that the applicant is here for the referral to the zoning board so we're not going to do a full blown review of this as far as the site plan is concerned but they're going there because there's two or three problems, evidently, it's not in the proper zone, although you're increasing more than 30 percent.

MR. EDSALL: The problem is and it took some investigation, I talked to Mike and the Town attorney, after we met at the workshop, the zone across the

street permits the communication towers, unfortunately, the zone line goes down on that road so it's R-1 on the other side, the tower that's there is a conforming use because it's a radio or television tower which is different than a telecommunications tower in this zoning ordinance so that tower's allowed but it's non-conforming because the lot is not big enough, they're not allowed by use, the other lot is allowed by use, but it's not a big enough lot as currently exists, we're sending it over for an interpretation or variance, so whatever the zoning board may interpret that that since it's an existing tower, your co-location doesn't create a new use because it may be there already, I don't know but the ZBA is going to have to deal with whether or not it's allowable or not and if you need a variance, see what you need and give it to you.

MR. BRENNAN: You realize I want to clarify that it's just not a radio tower, you're aware of that?

MR. EDSALL: On that existing tower?

MR. BRENNAN: Yes, that tower has been for years the FAA tower, it monitors Stewart, there's information for the fire department, emergency service on that, it's not just a radio tower.

MR. EDSALL: Well, that this is in that same classification that's permitted it says public utilities and all different communications but it specifically doesn't have this cell tower telecommunications.

MR. ARGENIO: Mark, the code speaks to different types of towers, is that because of height?

MR. EDSALL: No, it just, what happened was the code when it was originally written cell phones didn't exist, so it didn't mention them. When they added cell

phone towers into the code, they called it a different thing and created different requirements.

MR. BRENNAN: The other part of the code says you should go to existing facilities.

MR. EDSALL: Exactly, and the bottom line is the code tries to tell these type users to co-locate, don't put up all new towers, they're doing what we ask, but on the other hand, the zone line runs down the middle of the road and messes it all up.

MS. BILLECI: We assumed it's a minimal action because it's a small building and antenna's on the existing tower so we're hoping to have a simple process.

MR. LANDER: It is, except you're in the wrong zone.

MR. PETRO: Let me ask you this, wouldn't you rather just take it down? I guess we'll go to the ZBA, that refers us there and they meet the alternate weeks. Correct?

MR. LANDER: We'll refer you to them, I guess. Make a motion.

MR. BRENNAN: The tower that's there now that just recently has been approved, that's why we couldn't understand why that was built because it's too low, the tower barely sees over the, it's only 140 or 150 foot tower, doesn't even see over the hill with that existing so it really didn't make any sense to--that tower was built from what we understand from talking to Nextel, they built that tower, the company that built that tower did not want to co-locate on anyone else's tower, so they built it on their own but we have always done what the municipalities ask us to co-locate and if that tower across the street would work for us, we would definitely go there and perform but the tower is built too low, the power next to it is.

MS. BILLECI: We get 150 feet higher just from topo and the available space on the tower.

MS. BILLECI: Can I get a copy of the comments?

MR. LANDER: We're going to make that motion and that will send you to the ZBA, we're going to make it denial, not a denial, we're going to--

MR. PETRO: Okay, motion for final approval?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Cellular One of New Windsor. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	NO
MR. LANDER	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you are fortunate and receive those variances, you can once again appear before this board for further site plan review, you can do that. At that time, you need to put all the variances granted on the plans so we can understand what was going on there, make sure everything's put down a hundred percent so we can read it.

MS. BILLECI: Okay, thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CELLULAR ONE NEW WINDSOR
(PROPOSED CO-LOCATION ON EXISTING TOWER)
PROJECT LOCATION: OFF TOLEMAN RD.
SECTION 29 – BLOCK 1 – LOT 27.51
PROJECT NUMBER: 03-29
DATE: 8 OCTOBER 2003
DESCRIPTION: THE APPLICATION PROPOSES THE PLACEMENT OF
TELECOMMUNICATIONS ANTENNAS ON AN EXISTING WGNV
RADIO TOWER OFF TOLEMAN ROAD.

1. The property is located in the R-1 zoning district of the Town. The telecommunications use is not permitted in the zone; however, the application does not involve a new telecommunications tower, but rather co-location on an existing radio tower. To make the issue more confusing, it appears that the existing lot is non-conforming "bulk-wise". The proposed new building is also greater than the 30% threshold referenced in 48-24 B (3).

I have verified with the Building Inspector and Town Attorney the disposition relative to Section 48-21M, Telecommunications Towers, of the Town Zoning Code, and Section 48-24 B(3). It is our recommendation that the applicant be referred to the Zoning Board of Appeals for an interpretation and/or variance, as the ZBA may deem appropriate.

2. I have reviewed the plan and have the following initial comments, which should be addressed prior to the applicants return to the Planning Board:
 - The plan should include information regarding the access driveway and parking, also relative to emergency access, as is required by Code Sections 48-21M (9), (15) and (16).
 - The plan should include some indication regarding topography, as is required by Code Section 48-21M (9).

REGIONAL OFFICES

• 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
• 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

- The application/plan should address lot size issues (relative to ice-fall or failure), as per Code Section 48-21M (10).
- The plan should provide fencing in accordance with Code Section 48-21M (17). As currently proposed, the new elements are not fenced. The height of any existing fences should be verified.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW03-29-08Oct03.doc

PUBLIC HEARINGS:

CELLULAR ONE SITE PLAN (03-29)

Neil Alexander, Esq., Ms. Eva Billeci and Mr. Kevin Brennan appeared before the board for this proposal.

MR. PETRO: Cellular One site plan on Toleman Road represented by Chazen. Proposed telecommunication equipment on existing tower with accessory building. You've gone to the zoning board, is that correct?

MR. ALEXANDER: That's correct.

MR. PETRO: Reason for going to the zoning board and you have it on the plan. Go ahead.

MR. ALEXANDER: Good evening, my name is Neil Alexander, I'm with the law firm of Cuddy & Feder LLP. Also with me tonight is Eva Billeci with Chazen Engineering and Kevin Brennan from Cellular One. To answer your question first is we obtained a use variance with regard to the development of a wireless facility on this property in a residential zone.

MR. PETRO: Just briefly, this tower already exists, it's there and you're just adding to it all?

MR. ALEXANDER: Exactly.

MR. PETRO: You're going up how much further?

MR. ALEXANDER: We're not increasing it, it's a 224 foot tower. We're looking to put six antennas approximately at the 173 foot mark. The antennas are roughly 48 inches by eight inches by six and a half inches, they'll be mounted on a triangular platform. Just to show you on the plan I think it's in the other plans, what's up there right now I think this does a nice job, since there are a lot of different antennas

up there and guy wires, this is the installation that Cellular One's looking to put, that gives a perspective of the scale, and what we believe to be a minimal visual impact, given the existing structure that's there at grade, there's already a 300 square foot L-shaped building. What we're looking to do is put in our own pre-fabricated 12 x 20 foot, excuse me, 12 x 20 foot equipment shelter. The way we would configure it we'd use it as an outside wall to the existing structure and create the most minimal amount of need for additional fencing. We'd also fence in per the recommendations of staff the entrance to our equipment shelter so it would become effectively a fully enclosed compound area. And the existing road as you all may be aware is not in the greatest repair so we're proposing to put down Item 4, oil and shale grading improvements were not possible rather because of the fact that we only have a 15 foot wide entrance point.

MR. PETRO: Stay within the easement, correct?

MR. ALEXANDER: Exactly, that's the problem.

MR. SCHLESINGER: What type of equipment is in the shed?

MR. ALEXANDER: It's a computer and electrical equipment cabinets, the facility's completely unmanned, no sewage, no waste water equipment, cabinets have alarms built in so if something goes wrong, it sends a signal, maintenance technician would come out. Assuming no emergency situation, maintenance technicians will come out quarterly and it's generally an hour to two hour visit. That's about it.

MR. SCHLESINGER: Tower is supported by support wires and everything?

MR. ALEXANDER: It has existing support wires, we provided a structural report. There will be an

additional need to bolster those support wires. We also did provide recently Chazen provided you one of their co-consultants, a tower failure, the way these guy wire structures work, they basically implode, they don't fall out, an upside turning event doesn't occur because of the guy wiring, I think it was Mid State Consultants.

MS. BILLECI: Tower Craft Engineering.

MR. ALEXANDER: Basically provided you that the fall zone is 60 feet.

MR. PETRO: We have all the documentation from Tower Craft Engineering, PC verifying what the gentleman is saying about the falling. I think couple of the members had asked for some information on if the tower should fall where it would and how it would fall, basically falls in on itself?

MR. BRENNAN: Yes.

MR. ALEXANDER: Exactly.

MR. PETRO: Okay, this is a public hearing.

MR. BRENNAN: Can we have, excuse me, we want to make one correction, it's 9 antennas, three each sector, not two each sector so I'd like the record to note on our application it's 9.

MR. PETRO: On the 28th day of October, 2003, 20 addressed envelopes containing the notices were mailed out. If anyone is here who'd like to speak for or against the application be recognized by the Chair, come forward, state your name and address and your concern. Is there anyone here who'd like to speak?

MR. PACELLA: Yeah, I live at--Carl Pacella, I live at 5 Vance Lane, which is behind it, Vance is here and

Toleman's here, but the tower's right in my back yard. My one questions with the regular phone line, not the cordless, but the regular one, I'm already getting interference, the radio station coming through the regular phone line. Am I going to get any interference from this stuff?

MR. BRENNAN: Absolutely not.

MR. PETRO: His problem has nothing to do with your apparatus.

MR. BRENNAN: Our signal is broadcast in the old UHF frequency at the 850 megahertz frequency and I don't--where are you getting the interference?

MR. PACELLA: Regular phone line, not the cordless but the regular one.

MR. BRENNAN: No, he would not have any interference with us because the two have absolutely nothing to do with each other.

MR. PETRO: You're saying it's not possible?

MR. BRENNAN: We verify if he ever had a problem, we would bring an engineer out there and verify that it's not us, we would--

MR. PACELLA: I have only been there two years.

MR. BRENNAN: If it's existing now, it would not be us because we're not there turned on so we'll turn it on and turn it off and prove to the gentleman or anyone else that we're not the ones creating the interference. That's not to say that the FM tower might be creating some problem but I'm not an engineer to handle that part of it. I doubt it.

MR. PACELLA: I guess that's the only thing I had,

really, it's not going to affect, it's not like regular electricity power line so it's not going to do anything to us, right?

MR. ARGENIO: That's what they're telling us.

MR. PETRO: Okay.

MR. SCHLESINGER: You'll know down the road.

MR. PETRO: Thank you. Any other comments? Motion to close the public hearing.

MR. ARGENIO: I'll make it.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Cellular One proposed co-location on existing tower on Toleman Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'll reopen the application back to the board members for any further review. Mark, you have number 3 here, you want to go over that real briefly?

MR. EDSALL: Three was basically just confirming that we've got a decision from the Zoning Board on file, Andy and Mike can confirm since they were at the meeting that they received their use variance. I also

understand that it was determined that it was not a special permit, obviously, because they have received the use variance, so the record should probably be clear that this was not a mandated public hearing, it was just a site plan public hearing, not one related to a special permit.

MR. ALEXANDER: Right, we had asked for the public hearing ahead before the decision so last thing we want to do is preclude the public from having an opportunity to speak.

MR. EDSALL: As far as my comments go, they have answered all the issues relative to the structural integrity of the tower. They'll need to get a building permit when they make the modifications to the guy wires, they have submitted information on that, it's on our file but Mike will need a copy with the permit which is normal procedure. The road is fine. I've gong over that with the applicant and as they said, they are doing everything they can do, the idea of putting oil and chip is that may improve the tracks to get up the steep hill rather than just have loose gravel.

MR. PETRO: I just asked Myra also as far as lead agency is concerned, I would have thought that we would have taken lead agency. She informs me that we did not, the public is here because you requested a public hearing.

MR. ALEXANDER: Right, I think if I may speak to SEQRA just quickly, the zoning board did an uncoordinated review relative to the request for interpretation and use variance, we provided them with a short form EAF to make that determination, we have provided your board with the full EAF so if you want to, and a short, too.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Cellular One of New Windsor proposed co-location on existing tower on Toleman Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We've already had a public hearing so at this time, I'd entertain a motion for negative dec.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the Cellular One of New Windsor application. Any further comments from anybody? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We've seen this a number of times, you have

the necessary variances and they're put on the plan as Mark has requested. I don't think we have anything else to go over.

MR. EDSALL: Add the condition that they submit the normal bond estimate for the site improvements.

MR. PETRO: So noted. Is there anything else from any of the board members. If not, I'll entertain a motion for final approval.

MR. ARGENIO: Make a motion for final approval subject to the bond estimate that Mark just mentioned.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval subject to the bond estimate for Cellular One of New Windsor on Toleman Road. We have Highway approval on 10/2/2003 and fire approval on 10/5/2003. Is there any further comments from anybody? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Thank you.

MR. ALEXANDER: Thank you very much for your time.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CELLULAR ONE NEW WINDSOR
(PROPOSED CO-LOCATION ON EXISTING TOWER)

PROJECT LOCATION: OFF TOLEMAN RD.
SECTION 29 – BLOCK 1 – LOT 27.51

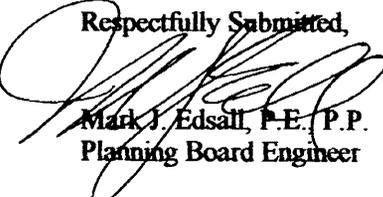
PROJECT NUMBER: 03-29

DATE: 12 NOVEMBER 2003

DESCRIPTION: THE APPLICATION PROPOSES THE PLACEMENT OF TELECOMMUNICATIONS ANTENNAS ON AN EXISTING WGNY RADIO TOWER OFF TOLEMAN ROAD. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 8 OCTOBER 2003 PLANNING BOARD MEETING, AND IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.

1. The property is located in the R-1 zoning district of the Town. The telecommunications use is not permitted in the zone; however, the application does not involve a new telecommunications tower, but rather co-location on an existing radio tower. The matter was referred to the Zoning Board of Appeals for an interpretation and/or variance.
2. My only technical comment regarding the application was with regard to the access driveway and grades, and tower design. The applicant is limited to work within an existing easement, which limits any substantial grading. The plan now proposed a refinishing of the access drive, and construction of a gravel drive at the tower site. I believe this is a reasonable upgrade of the existing site. With regard to the tower, we have received a structural analysis and information regarding the collapse zone. I believe the matters have been adequately addressed.
3. We need to make sure the appropriate action of the ZBA is on file, verify determinations regarding public hearings, and SEQRA is completed before any approval actions are considered. A site bond estimate should also be a condition of approval.

Respectfully Submitted,


Mark J. Edsall, P.E., P.P.
Planning Board Engineer

NW03-29-08Oct03.doc

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• 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/02/2003

PAGE:

LISTING OF PLANNING BOARD **ACTIONS**

STAGE:

STATUS [Open, Wit
A [Disap, Ap

FOR PROJECT NUMBER: 3-29

NAME: CELLULAR ONE NEW WINDSOR PA2003-1036

APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
11/25/2003	PLANS STAMPED	APPROVED
10/08/2003	P.B. APPEARANCE	REFER TO ZBA
09/03/2003	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 3-29

File Date:09/30/2003

SEC-BLK-LOT:29-1-27-51

Project Name:CELLULAR ONE NEW WINDSOR PA2003-1036

Type:3

Owner's Name:SUNSET CREST REALTY CORP.

Phone:(845) 561-2131

Address:681 LITTLE BRITAIN ROAD - NEW WINDSOR, NY

Applicant's Name:CELLULAR ONE C/O KEVIN BRENNAN

Phone:(845) 483-8114

Address:1351 RT. 55 - LAGRANGEVILLE, NY 12540

Preparer's Name:HAZEN ENGINEERING

Phone:(845) 454-3980

Address:21 FOX STREET - POUGHKEEPSIE, NY 12601

Proxy/Attny's Name:N/A

Phone:

Address:

Notify:EVA BILLECI (HAZEN)

Phone:(845) 454-3980

Location:TOLEMAN ROAD (EAST SIDE)

Acreage	Zoned	Prop-Class	Stage	Status
1.000	R-1	0		A
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
12/02/2003	WASH			

Appl for:CO-LOCATION OF TELECOMMUNICATIONS ANTENNAS ON AN EXISTING
TOWER (NOT INCREASING THE HEIGHT) AND PLACEMENT OF A
12' X 20' UNMANNED EG. BUILDING

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1089-2003

11/25/2003

Brennan, Constance

Received \$ 100.00 for Planning Board Fees, on 11/25/2003. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

PB# 03-29
approval fee

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/25/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 3-29

NAME: CELLULAR ONE NEW WINDSOR PA2003-1036
APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/20/2003	2% OF 8,846.00 INSP FEE	CHG	176.92		
11/24/2003	REC. CK. #3206	PAID		176.92	
		TOTAL:	176.92	176.92	0.00



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/25/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 3-29

NAME: CELLULAR ONE NEW WINDSOR PA2003-1036

APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/30/2003	REC. CK #25018	PAID		750.00	
10/08/2003	P.B. ATTY. FEE	CHG	35.00		
10/08/2003	P.B. MINUTES	CHG	22.50		
11/12/2003	P.B. ATTY. FEE	CHG	35.00		
11/12/2003	P.B. MINUTES	CHG	36.00		
11/20/2003	P.B. ENGINEER	CHG	636.50		
11/24/2003	REC. CK. #3207	PAID		15.00	
		TOTAL:	765.00	765.00	0.00



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/25/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 3-29

NAME: CELLULAR ONE NEW WINDSOR PA2003-1036

APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/20/2003	SITE PLAN APPROVAL	CHG	100.00		
11/24/2003	REC. CK. #3205	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

AS OF: 11/19/2003

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 3- 29

FOR WORK DONE PRIOR TO: 11/19/2003

										-----DOLLARS-----		
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
.....												
3-29	239689	09/03/03	TIME	NJE	WS CELL ONE	95.00	0.40	38.00				
3-29	245001	10/07/03	TIME	NJE	MC CELL ONE S/P	95.00	0.50	47.50				
3-29	244204	10/08/03	TIME	NJE	MM Cell One Dis>2BA	95.00	0.10	9.50				
3-29	246459	10/15/03	TIME	NJE	WS CELL ONE S/P	95.00	0.40	38.00				
3-29	246472	10/15/03	TIME	NJE	MC CELL ONE ZBA REF	95.00	0.40	38.00				
3-29	246474	10/16/03	TIME	NJE	MC EMC/MM RE CELL ONE	95.00	0.30	28.50				
3-29	247258	10/20/03	TIME	NJE	MC CROTTY RE CELL 1 APP	95.00	0.50	47.50				
3-29	247269	10/20/03	TIME	NJE	MC N ALEXANDER RE CELL1	95.00	0.20	19.00				
3-29	247270	10/21/03	TIME	NJE	MC MM RE CELL 1 ISSUES	95.00	0.30	28.50				
3-29	247271	10/21/03	TIME	NJE	PM MTGWT/ATTY RE CELL 1	95.00	1.50	142.50				
3-29	247279	10/21/03	TIME	NJE	MC CELL 1 NOTICES W/MM	95.00	0.30	28.50				
3-29	248291	10/29/03	TIME	NJE	WS CELL ONE	95.00	0.40	38.00				
3-29	248298	10/29/03	TIME	NJE	MC EMC/MM RE CELL ONE	95.00	0.30	28.50				
3-29	249879	11/10/03	TIME	NJE	MC CELL ONE S/P	95.00	0.50	47.50				
3-29	249425	11/12/03	TIME	NJE	MM Cell One APPD	95.00	0.10	9.50				
3-29	249866	11/19/03	TIME	NJE	MC Cost Est & Memo	95.00	0.50	47.50				
								=====	=====	=====	=====	
TASK TOTAL								636.50	0.00	0.00	636.50	
.....												
								=====	=====	=====	=====	
GRAND TOTAL								636.50	0.00	0.00	636.50	

Canevari Construction Inc.

PO Box 872

Warwick, NY 10990

Phone (845) 986- 3000 FAX (845) 987- 2200

03-29

November 12, 2003

Att MYRA

Cellular One
13551 Rt. 55
LaGrangeville, NY 12540
Attention: Kevin Brennan
RE: Site improvement list for New Windsor Job

EXISTING DRIVEWAY: Install level course of gravel and Item #4 on existing 250 linear feet, 10 feet wide driveway. Resurface area with oil and chip, as per plans

Labor & Material: \$ 5,546.00

PROPOSED DRIVEWAY AND TURN AROUND: Install level course of gravel and Item #4 in proposed gravel driveway and turnaround area. Driveway to be 10 feet wide up to turnaround as per plans.

Labor & Material: 2,500.00

FOUNDATION: Excavate and install 12'X 20' slab foundation using 4,000 PSI concrete and #4 BAR. * See SP2 Detail 4 as per plans.

Labor & Material: ~~6,800.00~~

ELECTRICAL: Changing overhead service from last pole to underground service in the facility, as per plans.

Labor & Material: ~~4,000.00~~

FENCING: Install 12' fence with gate, as per plans.

Labor & Material: 1,000.00

~~TOTAL: \$19,846.00~~

RECEIVED
TOWN OF NEW WINDSOR
NOV 17 2003
ENGINEER & PLANNING

site bond \$ 8,846.00

20% 176.92

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/12/2003

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 3-29

NAME: CELLULAR ONE NEW WINDSOR PA2003-1036

APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	09/30/2003	MUNICIPAL HIGHWAY	10/02/2003	APPROVED
ORIG	09/30/2003	MUNICIPAL WATER	/ /	
ORIG	09/30/2003	MUNICIPAL SEWER	/ /	
ORIG	09/30/2003	MUNICIPAL FIRE	10/06/2003	APPROVED
ORIG	09/30/2003	NYS DOT	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/12/2003

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 3-29

NAME: CELLULAR ONE NEW WINDSOR PA2003-1036

APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/08/2003	P.B. APPEARANCE	REFER TO ZBA
09/03/2003	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/12/2003

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 3-29

NAME: CELLULAR ONE NEW WINDSOR PA2003-1036

APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/30/2003	EAF SUBMITTED	09/30/2003	WITH APPLIC
ORIG	09/30/2003	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/30/2003	LEAD AGENCY DECLARED	/ /	
ORIG	09/30/2003	DECLARATION (POS/NEG)	/ /	
ORIG	09/30/2003	SCHEDULE PUBLIC HEARING	/ /	
ORIG	09/30/2003	PUBLIC HEARING HELD	/ /	
ORIG	09/30/2003	WAIVE PUBLIC HEARING	/ /	
ORIG	09/30/2003	PRELIMINARY APPROVAL	/ /	
ORIG	09/30/2003		/ /	



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

October 27, 2003

Chazen Engineering
21 Fox Street
Poughkeepsie, NY 12601
Attn: Suzanne Cossa

Re: 29-1-27.51

Dear Ms. Cossa:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/lrd

CC: Myra Mason, ZBA

29-1-26.11 & 29-1-92
Rock Tavern Village LP
400 BaMar Drive
Stony Point, NY 10980

29-1-30
Peter & Lisa Lawrence
3 Vance Road
Rock Tavern, NY 12575

29-1-27.1
David & Mildred Perez
539 Toleman Road
Rock Tavern, NY 12575

29-1-31
Gary & Lynn Boyce
1555 Little Britain Road
Rock Tavern, NY 12575

29-1-27.2
Jay & Diane Oldham
551 Toleman Road
Rock Tavern, NY 12575

29-1-62
William & Phyllis Eich
538 Toleman Road
Rock Tavern, NY 12575

29-1-27.3
George & Iga Gottlieb
561 Toleman Road
Rock Tavern, NY 12575

29-1-63
Ronald & Deborah Eaton
530 Toleman Road
Rock Tavern, NY 12575

29-1-27.41
Raymond Czumak
18 Schofield Lane
Cornwall, NY 12518

29-1-64
Scott & Ann Miller
141 Bruynswick Road
New Paltz, NY 12561

29-1-57.52
Mary Czumak
18 Schofield Lane
Cornwall, NY 12518

29-1-91
Stowaway Self Storage VII, LLC
580 Toleman Road
Rock Tavern, NY 12575

29-1-28.1
Unitarian Society of Orange County
9 Vance Road
Rock Tavern, NY 12575

52-1-15.1
Craig & Carrie Callahan
527 Toleman Road
Rock Tavern, NY 12575

29-1-28.21
Joseph & Lucy Feola
11 Vance Road
Rock Tavern, NY 12575

52-1-58.1
Lonnie & Lawrence Richardson
521 Toleman Road
Rock Tavern, NY 12575

29-1-28.22
Joseph & Florinda Sabella
PO Box 27
Rock Tavern, NY 12575

52-1-58.2
Gerald & Debra Lorraine
515 Toleman Road
Rock Tavern, NY 12575

29-1-29
Carl & Kristi Pacella
5 Vance Road
Rock Tavern, NY 12575

52-1-58.3
Patricia Naf
C/o Elaine Dominquez
229 Conklintown Road
Goshen, NY 10924

★ LEGAL NOTICE ★

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on NOVEMBER 12, 2003 at 7:30 P.M. on the approval of the proposed

Site Plan/Special Permit for CELLULAR ONE TELECOMMUNICATIONS FACILITY CO-LOCATION ON TALL STRUCTURE IN R-1 ZONE

Located at 535 TOLEMAN ROAD - NEW WINDSOR, NY

(Tax Map #Section 29, Block 1, Lot 27.51) . Map of the proposed project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: OCTOBER 27, 2003

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

CHAZEN ENGINEERING & LAND SURVEYING, P.C.

Capital District Office
Phone: (518) 235-8050

Orange County Office
Phone: (845) 547-1133

21 Fox Street, Poughkeepsie, New York 12601
Phone: (845) 454-3980 Fax: (845) 454-4026
Email: pougk@chazen.com
Web: www.chazencorporate.com

North Country Office
Phone: (518) 812-0513

November 6, 2003

Chairman James Petro and
Members of the Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

Chairman Lawrence Torley and
Members of the Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

Re: Cellular One New Windsor Proposed Co-Location on Existing Tower
535 Toleman Road; Section 29, Block 1, Lot 27.51
MHE Engineer Project Number: 03-29
TCC Job # 10883.00

Dear Chairman Petro:

The Applicant, Cellular One, appeared before your Board on October 8, 2003, at which time the Town Engineer, Mark Edsall, provided his comments to our application in his October 8, 2003 letter and the Planning Board provided their comments verbally. In addition, the applicant was referred to the Zoning Board of Appeals for an interpretation and /or variance, as the ZBA may deem appropriate.

The Applicant appeared before the ZBA on October 27, 2003 to solicit comments and was scheduled to appear again before the ZBA for a Public Hearing on November 10, 2003. The Applicant is also scheduled to appear again before the Planning Board for a Public Hearing on November 12, 2003. This letter will serve as our written response to comments received from the Town Engineer, Planning Board, and the ZBA.

Town Engineer, MHE, Comments dated October 8, 2003:

1. Comment - The plan should include information regarding the access driveway and parking, also relative to emergency access, as is required by code Sections 48-21 M (9), (15) and (16).

Chazen Engineering & Land Surveying Co., P.C.
Landscape Associates, Inc.

THE
Chazen
COMPANIES

Chazen Environmental Services, Inc.
Landscape Associates, Inc.

Mr. James Petzo, Chairman
Mr. Lawrence Torley, Chairman
November 6, 2003
Page 2

Response – As shown on the plans prepared by The Chazen Companies (TCC) entitled Cellular One WGNV Co-Location dated 9/10/03, last revised 10/30/03 (submitted on 10/31/03), the access driveway and parking area has been shown on Detail 1/SP1 on Sheet SP1. Per discussions with the Town Engineer during the Workshop meeting held on October 29, 2003, the Applicant has agreed to improve the existing driveway by installing a leveling course of gravel (NYSDOT sub-base course type 4) and then resurfacing with oil and chip. In addition, the Applicant will install gravel leading from the top of the driveway to the facility, and will install a parking space / turnaround area. Outside of the proposed gravel area is plenty of cleared space for additional parking, if necessary; however, a Cellular One technician will only visit this site approximately once each quarter. As discussed during the Workshop, access to the subject parcel is over a 15' wide tax parcel identified as Section 29, Block 1, Lot 27.52. No alterations to the grade of the driveway are proposed as the driveway is existing, and any corresponding grading would need to be limited to this 15' right of way, which is, therefore, not feasible.

2. *Comment - The plan should include some indication regarding topography, as is required by Code Section 48-21M(9).*

Response – Per discussions with the Town Engineer during the October 15 and 29, 2003 Workshops, the Applicant, because no other survey information was available, agreed to show 20' contour survey information as obtained from the Orange County Water Authority, dated 1997. This has been shown on detail 1/SP1 on Sheet SP1.

Comment - The application/plan should address lot size issues (relative to ice-fall or failure), as per Code Section 48-21 M (10).

Response – As indicated in the attached letter from Towerkraft Engineering, P.C. stamped by a New York State Licensed P.E., dated November 6, 2003, any potential failure would be limited to the area immediately surrounding the tower. Ice-fall, and therefore also failure, is not an issue as adjacent parcels are, at a minimum, more than 70' away.

1. *Comment - The plan should provide fencing in accordance with Code Section 48-21 M (17). As currently proposed, the new elements are not fenced. The height of any existing fences should be verified.*

Response – Although the proposed Cellular One building is an unmanned, locked, building that has an alarm and is monitored remotely, the Applicant

Mr. James Petru, Chairman
Mr. Lawrence Topley, Chairman
November 6, 2003
Page 3

has agreed to fence in access to the building as shown on detail 1/SP2. The revised layout shows the proposed Cellular One cable bridge / ice bridge over the roof of the existing WGNV building to the existing tower that is currently enclosed within a fenced area. The height of the existing fence surrounding this area has been identified on the plans as 6' high as shown on detail 1/SP2 on Sheet SP2. The height of the proposed fence is also 6' high as detailed on the plans.

Planning Board comments from October 8, 2003 Planning Board Meeting:

1. *Comment – why co-locate on the radio tower and not the existing Nextel telecommunications tower across the street?*

Response – As documented in the Radio Frequency Plots prepared by Cellular One Radio Frequency (RF) Engineer, Dan Hubbard, submitted on October 20, 2003 to the Zoning Board of Appeals, the radio tower, based on topography and the available lease height on the tower, provides for better RF coverage than the Nextel monopole. Please note that the available lease height on the radio tower is 173' above ground level (agl) while the available lease height on the monopole is only 130' agl. Also note that the base ground elevation of the radio tower is approximately 560' above mean sea level (amsl), while the monopole ground elevation is only approximately 460' amsl. Therefore, Cellular One gains approximately 143' in height by co-locating on the radio tower versus the Nextel monopole (as illustrated on the attached line of sight diagram), and ultimately achieves greater RF coverage.

2. *Comment – Does the 3' separation between the proposed building and the existing building meet applicable building and fire codes?*

Response – Both the existing and the proposed buildings are non combustibile. Through discussions with the Town Engineer at the October 29, 2003 Workshop, and his discussions with the Building Inspector, the Applicant has agreed to shift the proposed building so that it maintains 6' of separation from the existing building. The new layout is shown on detail 1/SP2 on Sheet SP2.

ZBA comments from October 27, 2003 ZBA Meeting:

1. *Comment – Please provide detail regarding how the retrofit recommended in the structural analysis will be completed.*

Mr. James Fetro, Chairman
Mr. Lawrence Terley, Chairman
November 6, 2003
Page 4

Response TCC prepared a Tower Structural Analysis dated September 8, 2003 that was provided to the Planning Board on September 12, 2003 and the ZBA on October 20, 2003. This analysis indicates that retrofit of the existing tower structure is necessary to increase its capacity to adequately support the proposed Cellular One telecommunications equipment. The Structural Analysis recommends replacing the guy cables and provides a table of the cable sizes required. Cellular One's contractor, MidState Communications has provided a letter, attached, dated November 4, 2003, which details the means and methods to replacement of the guy wires as recommended in the Tower Structural Analysis prepared by TCC.

2. *Comment – why not co-locate on the existing Nextel tower?*

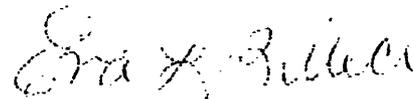
Response – see Planning Board Response #1 above.

3. *Comment – If the tower were to tip over, would it fall on adjacent properties and how far away is the nearest residence?*

Response – Please see Town Engineer Comment #3 above. In addition, per our discussions during the Board meeting, we have reviewed aerial mapping and determined the nearest house is approximately 170' +/- away.

If you have any questions or comments, please feel free to contact me. We look forward to meeting with you at the November 10th and 12th Public Hearings.

Sincerely,



Eva L. Billeci
Client Manager

elb

cc:

Mark J. Edsall, P.E., P.P
Michael Babcock- Building Inspector
Kelly Libolt, AICP- Chazen
Kevin Brennan, PM- Cellular One
Neil J. Alexander, Esq.- Cuddy & Feder, LLP

TOWERKRAFT ENGINEERING, P.C.

DESIGN AND ANALYSIS OF COMMUNICATION STRUCTURES

Nov 06, 2003

Ms. Suzanne Cozza
The Chazen Companies
21 Fox Street
Poughkeepsie, NY 12601

Subject: Fall Radius - 220' Guyed Tower
Site: New Windsor, NY
Towerkraft Eng No. 4677

Dear Ms. Cozza:

I am writing this letter in reference to your request for our opinion of the fall radius of the 220' guyed tower located at New Windsor, NY. You have performed a structural stress analysis on this tower and state that after the prescribed modifications have been performed it will meet the requirements of ANSI/TIA/E1A 222-F (222-F) for Orange County, NY. 222-F is the nationally recognized design standard for steel communications structures and is intended to set the minimum criteria for the design/analysis of these structures. 222-F has a long history of reliability. I am a member of the committee that publishes this standard and it's core philosophy is that its first and foremost priority is to safeguard and maintain the health and welfare of the public.

It is rare to encounter a failure of a guyed type communication tower. Statistically almost all failures occur in concurrence with natural disasters or human error. If in any unlikely event a localized failure were to occur the tower would most likely implode, collapsing on itself due to the vertical forces applied to the tower by the guy wires. Historical information on failed guy towers indicates the approximate average distance of debris (fall radius) from the base of the tower is 30% of the tower height which would be approximately 66ft for this tower. I have personally investigated two separate guyed tower failures and have on file photographs showing that in both cases the fall radius was approximately 25%.

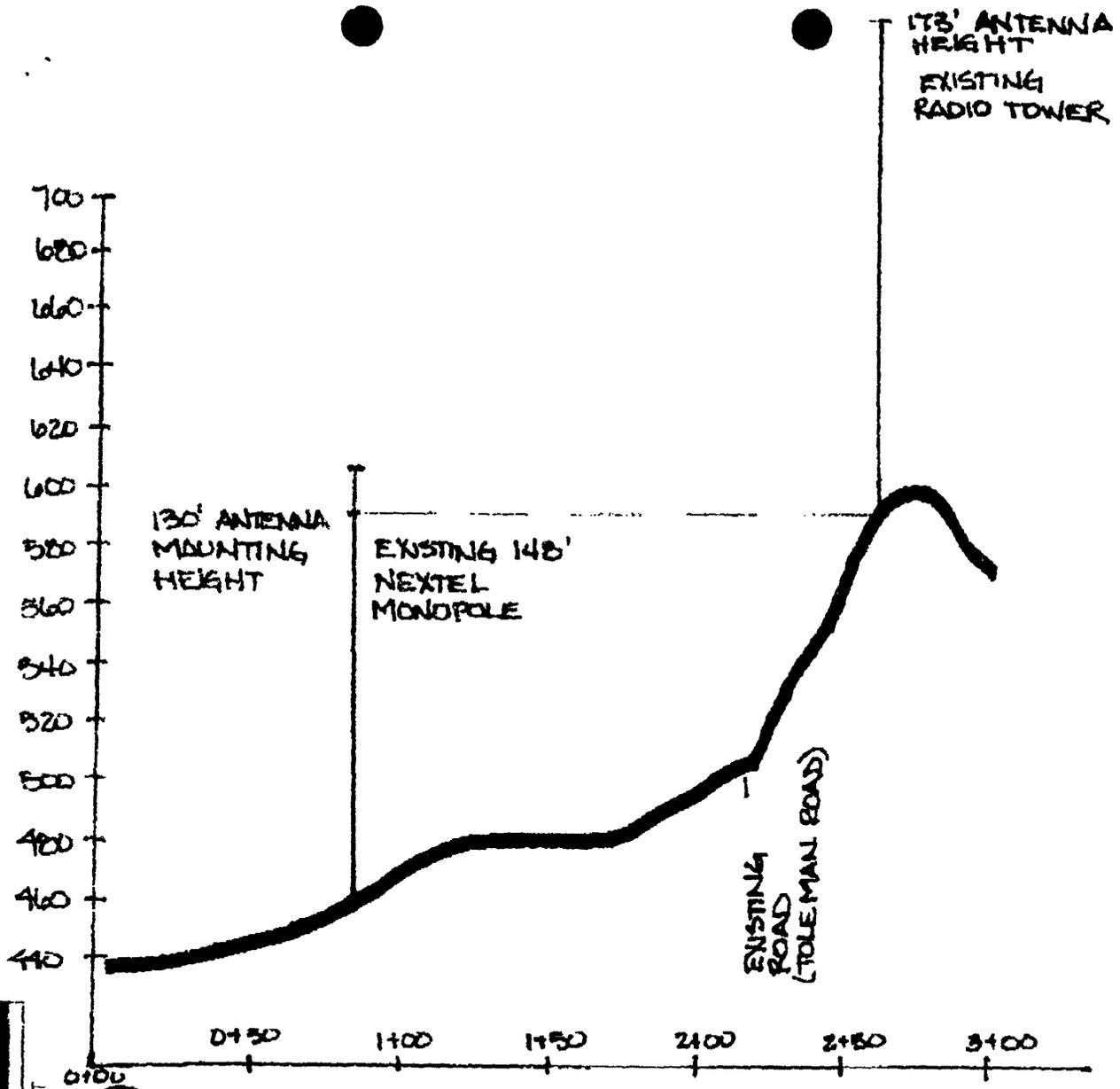
Thank you for this opportunity to work with you and if you should have any questions do not hesitate to contact me.

Sincerely,

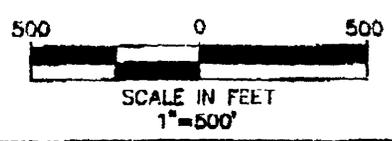
ALVIN KRAFT, P.E
TOWERKRAFT ENGINEERING
NEW YORK P.E. #071367



11-6-03



1
CS1
CROSS SECTION
SCALE: AS SHOWN



ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS PLAN OR ANY PORTION THEREOF IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER, SURVEYOR, OR ARCHITECT.
COPYRIGHT CHAZEN ENGINEERING & LAND SURVEYING CO., P.C., ALL RIGHTS RESERVED.

THE Chazen COMPANIES
Engineers/Surveyors
Planners
Environmental Scientists

Dutchess County Office:
PO Box 3679 Poughkeepsie, NY 12503
Phone: (845) 434-3683

Orange County Office:
293 Route 17K Newburgh, NY 12550

Capital District Office:
20 Cortey Avenue Troy, NY 12182

North Country Office:
113 Gen Street Glens Falls NY 12803

New England Office:
88 Ledy Street Hingham, MA 02043

CELLULAR ONE

CROSS SECTION

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

Date	11/05/03
Scale	AS SHOWN
Drawn	SLB
Checked	EB
Project	10381.00
SHEET	1 OF 1

MID-STATE Communications & Electronics, Inc.

November 4, 2003

Dobson Cellular
Attention: Kevin Brennan
341 Route 55
LaGrangeville, NY 12540

RE: New Windsor Re-Guy.

Mid-State Communications & Electronics, Inc. hereby submits the following narrative as an illustration of our practices while performing guy wire replacements.

Mid-State C&E Procedure:

- Install temporary guy wires on the tower next to the existing guys on each leg.
- Attach an anchor guy to the anchor head with the use of a steel choker.
- Using a cable-grip, bring the temporary guy up to the same amount of tension as the existing guy.
- Relieve tension off of the existing guy with the turnbuckle, remove from the anchor guy, and remove guy from tower.
- Install the new guy wire to the anchor head, and verify tension with a tension-meter.
- Using a transit, shoot the face and leg to verify tower is plumb with the new guy attached.
- Remove the temporary guy wire, and repeat procedure for all three guy wires being replaced.
- Once all guys are replaced, re-shoot the tower to verify tower is still plumb.

Mid-State C&E performs the above procedures while maintaining the structural integrity of the tower, and meeting EIA 222F specifications at all times.

Mid-State C&E, Inc. appreciates the opportunity to provide Dobson Cellular with the above outline. Should you have any questions, you may contact me at (315) 736-3061 ext. 206. Thank you.

Sincerely,

Scott M. Musacchio
Director of Engineering/Operations
Senior Vice President
DobsonCellularGuyReplacementOutline

15 CLEAR ROAD, ORISKANY, NEW YORK 13424
OFFICE (315) 736-3061 • FAX (315) 736-8250

E-Mail: midstate@midstatecomm.com
Website: www.midstatecomm.com

WIRELESS COMMUNICATIONS SYSTEMS

CHAZEN ENGINEERING & LAND SURVEYING Co., P.C.

Capital District Office
Phone: (518) 235-8050

Orange County Office
Phone: (845) 567-1133

21 Fox Street, Poughkeepsie, New York 12601
Phone: (845) 454-3980 Fax: (845) 454-4026
Email: poughkeepsie@chazencompanies.com
Web: www.chazencompanies.com

North Country Office
Phone: (518) 812-0513

October 14, 2003

Mark Edsall, P.E., P.P
McGoey, Hauser and Edsall
Consulting Engineers P.C.
33 Airport Center Drive, Suite 202
New Windsor, New York 12550

Sent Via Fax:
(845) 567-3232
(845) 563-4693

Re: *Cellular One New Windsor Proposed Co-Location on Existing Tower
535 Toleman Road; Section 29, Block 1, Lot 27.51
MHE Engineer Project Number: 03-29
TCC Job # 10383.00*

Dear Mr. Edsall:

In accordance with the Town of New Windsor Town Code Section 48-21(M)(4), last revised 3-15-03, on August 15, 2003, Cellular One submitted a shared use application to the Town of New Windsor Building Inspector (Building Permit No. PA2003-1036) requesting approval for co-location of six antennas and associated equipment on the existing WGNV radio transmission tower located at 535 Toleman Road. The existing structure is an approximately 224 foot tall guy wired tower, which currently supports existing radio transmission and emergency communications equipment. The site is situated in the R-1 Zoning District. According to the Town of New Windsor Town Code, "Public Utility, radio and television transmission antennas and rights of way" are permitted by Special Permit in the R-1 Zone. Under Sections 48-21-(M)(1), (3) and (4) of the Town Code, entitled Telecommunications towers, shared use of existing tall structures and existing or approved towers shall be permitted, and are preferred to the construction of new towers.

RECEIVED
TOWN OF NEW WINDSOR
OCT 16 2003
ENGINEER & PLANNING

Based on our discussions with the Town of New Windsor in response to our Building Permit Application, the Applicant was advised to appear before the Town in the form of a Planning Board work-session on September 3, 2003. Based on the discussion at the work-session, Cellular One was scheduled to appear before the Town of New Windsor Planning Board on October 8, 2003, such that the Planning Board could make a decision under Section 48-21-(M)(4)(b) whether the application required a Special Permit and whether a Public Hearing was required.

At the October 8, 2003 Planning Board meeting, the Applicant was provided with correspondence dated October 8, 2003 from you, which recommended that the Applicant appear before the Town of New Windsor Zoning Board of Appeals (ZBA) for an interpretation and/or variance. According to your letter,

“the property is located in the R-1 Zoning District of the Town. The telecommunications use is not permitted in the zone; however, the application does not involve a new telecommunications tower, but rather co-location on an existing radio tower. To make the issue more confusing, it appears that the existing lot is non-conforming “bulk-wise”. The proposed new building is also greater than the 30% threshold referenced in 48-24(B)(3).”

Our review of the Zoning Code and Wireless Law differs from your analysis. In short, it is our understanding that this application is clearly a permitted use, which requires, at most, Special Permit Approval from the Town of New Windsor Planning Board.

Premise:

1. According to Section 48-21(M)(1), the purpose of the Telecommunications Section of the Code is to, among other items, “minimize the total number of telecommunications towers in a community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment and appropriate landscaping.”
2. It is our understanding that the tower at 535 Toleman Road is permitted in the R-1 Zoning District. According to the Town of New Windsor Town Code, “Public Utility, radio and television transmission antennas and rights of way” are permitted by Special Permit in the R-1 Zone. Further, the tower was constructed prior to the Town of New Windsor Telecommunication Law, which was adopted on 4-7-99.

3. According to Section 48-21(M)(3)(b), Applicants proposing to co-locate on a previously approved telecommunications tower do not require a Special permit but are subject to Site Plan review by the Planning Board.
4. According to 48-21(M)(4) at all times, shared use of existing tall structures and **existing or approved** towers shall be preferred to the construction of new towers.
5. According to 48-21-(M)(4)(b) if an applicant proposes to co-locate on an **existing tall structure, if modifications are deemed insignificant by the Planning Board, the Board shall grant a Special Permit without further review under this section.**
6. Although the current structure does not meet the current bulk requirements for a tower, **under Section 48-21-(M)(4)(c), the Planning Board has the authority to waive or modify the setback or lot area requirements in the event that they are not deemed necessary for the safety or other valid planning purposes for the site.**

In accordance with the requirements of the Town of New Windsor Town Code, the applicant has researched all existing or approved towers within a 2 mile radius of the needed service area and determined that, even though other existing tall structures exist, co-location on the WGNY tower is the only existing tall structure that will provide the needed service.

In view of the materials submitted so far, the applicant believes its shared use application is complete and satisfactory, and entitled to a Special Permit. It is also Cellular One's position that no interpretation of the Zoning Code or Wireless Law is required nor is approval for an expansion of a non-conforming use required as the Planning Board has the authority to approve "as is" the existing lot dimensions.

We respectfully request that the interpretation by the ZBA be waived and we return to the regularly scheduled Planning Board Meeting on September 22, 2003. However, if you feel the interpretation is still required, we respectfully request to be placed on the next scheduled ZBA Meeting of October 27, 2003.

Cellular One and its consultants look forward to meeting with you on October 15, 2003, and to expeditiously developing its wireless infrastructure in the Town of New Windsor in accordance with the Telecommunications Act of 1996.

Sincerely,

A handwritten signature in black ink, appearing to read "Eva L. Billeci", with a long horizontal flourish extending to the right.

Eva L. Billeci
Client Manager

KEL/elb

cc: Chairman James Petro and Members of the Planning Board
Andrew Krieger, Esq.- ZBA Attorney
Michael Babcock- Building Inspector
Kelly Libolt, AICP- Chazen
Kevin Brennan, PM- Cellular One
Neil J. Alexander, Esq.- Cuddy & Feder

**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.

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 reasonable 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.

Proposed Cellular One Wireless Facility
Name of Action

Town of New Windsor Planning Board
Name of Lead Agency

Mr. James Petro
Print or Type Name of Responsible Officer in Lead Agency

Planning Board Chairman
Title of Responsible Officer

Date

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 <i>Proposed Cellular One Wireless Facility</i>		
LOCATION OF ACTION <i>535 Toleman Road</i>		
NAME OF APPLICANT/SPONSOR <i>Cellular One</i>		BUSINESS TELEPHONE <i>(845) 483-8114</i>
ADDRESS <i>1531 Route 55</i>		
CITY/PO <i>LaGrange</i>	STATE <i>NY</i>	ZIP CODE <i>12540</i>
NAME OF OWNER (if different) <i>Sunset Crest Realty Corp./ WGNV C/O Robert Maines</i>		BUSINESS TELEPHONE <i>(845) 561-2131</i>
ADDRESS <i>PO Box 2307</i>		
CITY/PO <i>Newburgh</i>	STATE <i>NY</i>	ZIP CODE <i>12550</i>
DESCRIPTION OF ACTION <i>The Applicant is proposing to install 9 panel antennas on an existing radio tower at approximately 173 (+/-) feet above ground level (agl) and place an associated unmanned 12' x 20' equipment building at the base thereof.</i>		

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 Rural (non-farm)
 Forest Agricultural Other (Radio Tower and Telecommunications Tower)

2. Total acreage of project area: 0.074 (+/-) acres¹

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-Agricultural)	_____ 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 fill)	_____ acres	_____ acres
Roads, buildings and other impervious surfaces	<u>0.000 (+/-)</u> acres	<u>0.005 (+/-)</u> acres
Other (Gravel and dirt driveways)	<u>0.074 (+/-)</u> acres	<u>0.069 (+/-)</u> acres

3. What is predominant soil type(s) on project site: (MdB)
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? 0 (+/-) acres (see 1 NYCRR 370).

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

- a. What is depth to bedrock? > 60 feet-inches³

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 cubic yards.
3. Will disturbed areas be reclaimed? Yes No
 a. If Yes, for what intended purpose is site being reclaimed? Use on site.
 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? 0.000 (+/-) acres.
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed from site? Yes No
6. If single-phase project, anticipated period of construction: 1 months.
7. If multi-phased: N.A. months
 a. Total number of phases anticipated: _____ (number).
 b. Anticipated date of commencement of phase one: _____ month, _____ year.
 c. Approximate completion date of final phase: _____ month, _____ year.
 d. Is phase one functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No¹⁶
9. Number of jobs generated - during construction: 3; after project is complete: 0.
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 No¹⁷
 a. If Yes, indicate type of waste (sewage, industrial, etc.) and amount: _____
 Name of water body into which effluent will be discharged: _____
13. Is subsurface liquid waste disposal involved? Yes No
14. Will surface area of an existing body of water increase or decrease by proposal? Yes No
 If Yes, explain: _____
15. Is project or any portion of project located in a 100-year floodplain? Yes No¹⁸
16. Will 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: _____
 d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? Yes No
 If Yes, explain: _____
17. Will 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 and 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): Electricity for the equipment building (200 amp service)
22. If water supply is from wells, indicate pumping capacity: N.A. gallons/minute
23. Total anticipated water usage per day: N.A. gallons/day¹⁷
24. Does project involve Local, State or Federal funding? Yes No
 If Yes, explain: _____

25. Approvals Required:
- | | |
|-------------------------------------|---|
| 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 |
| 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other Regional Agencies | <input checked="" type="checkbox"/> Yes <input 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 |

Type	Submittal
<u>Site Plan/Special Permit</u>	_____
<u>Building Permit</u>	_____
<u>GML 239M</u>	_____
_____	_____
_____	_____

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan Other
- What is the zoning classification(s) of the site? Rural Residential (R1)
- What is the maximum potential development of the site if developed as permitted by the present zoning?
N.A.
- What is the proposed zoning of the site? N.A.
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N.A.
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land uses and zoning classifications within one-quarter mile?
Zoning: R1, AP & OLI Land Use: Rural Residential, Airport, and Office and Light Industry
- Is the proposed action compatible with adjoining/surrounding land uses within a quarter mile? Yes¹⁹ No
- If the proposed action is a subdivision of land, how many lots are proposed? N.A.
What is the minimum lot size proposed? _____
- Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
- Will 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
- Will proposed action result in the generation of traffic significantly above present levels? Yes No

D. INFORMATION 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 here is true to the best of my knowledge.

Applicant/Sponsor Name: Cellular One Date: October 16, 2003
 Signature: Eva L. Billeci (Agent for Applicant) Title: Project manager
(Eva L. Billeci, Chazen Companies)

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

X:\10300-10400\10339\Reports\EAF Part 1 reformatted 101503.doc

Endnotes

- ¹ The reference to 0.074 (+/-) acres refers to the lease portion and access drive of the 1 (+/-) acre parcel and the 10' wide access drive over the 15' Right of Way.
- ² According to the *Orange County Soil Survey Users Guide*, USDA Soil and Water Conservation Service, 1981, the site primarily contains the Mardin Grvelly Silt Loam (MdB). The MdB soil series is a moderately well drained, gently sloping soil.
- ³ According to the *Orange County Soil Survey Users Guide*, USDA Soil and Water Conservation Service, 1981, the site primarily contains the Mardin Grvelly Silt Loam (MdB). The Mdb soil series has a depth to bedrock of > 60 inches.
- ⁴ According to *The National Register of Historic Places, Orange County, New York*, Orange County Department of Planning, 1990, and a review of the National/State Register Listings in Orange County received 6/29/2000 from the Office of Parks, Recreation, and Historic Preservation.
- ⁵ According to data from the U.S. Department of Interior.
- ⁶ According to the *Orange County Soil Survey Users Guide*, USDA Soil and Water Conservation Service, 1981, the site primarily contains the Mardin Grvelly Silt Loam (MdB). The Mdb soil series has a depth to water table of 1.5 – 2.0. feet
- ⁷ According to the New York State Department of Environmental Conservation Division of Water Technical and Operational Guidance, Series (2.1.3), Primary and Principle Aquifer Determinations, Table 1, 1990, and the *Atlas of Eleven Selected Aquifers in New York*, U.S. Geological Survey in cooperation with the NYS Department of Health, 1982.
- ⁸ The site is currently developed.
- ⁹ According to NYCRR Title 6, Chapter 10, Article 10, Part 862, Section 862.6, Item 239, and the *New York State Department of Environmental Conservation Stream Map, Maybrook Quadrangle*, the proposed site does not contain nor is contiguous to a NYS classified stream.
- ¹⁰ According to the New York State Department of Environmental Conservation *New York State Freshwater Wetlands Map, Maybrook Quadrangle*, the project area does not contain nor is contiguous to a State designated wetland. According to the *National Wetlands Inventory Map, Maybrook Quadrangle*, the project area does not contain nor is contiguous to a Federally designated wetland.
- ¹¹ According to the map entitled *Orange County, New York*, Orange County Real Property, the site is not located within an Agricultural District.

Endnotes

- ¹² According to the *Critical Environmental Area Designation*, Orange County Environmental Management Council, March 3, 1997, and *Critical Environmental Areas* document received from the NYSDEC on July 13, 2000, last updated June 3, 1999.
- ¹³ According to the report *Inactive Hazardous Waste Disposal Sites in New York State: Region 3*, prepared by the New York State Department of Environmental Conservation, Division of Solid and Hazardous Waste, April 2001.
- ¹⁴ A Cellular One technician will visit the site approximately once every three months for monitoring purposes. No additional traffic is anticipated as a result of the proposed project.
- ¹⁵ This figure represents the linear road frontage of 15 (+/-) ft along Toleman Road.
- ¹⁶ Blasting is not expected to be required. However, if necessary, blasting will be performed in compliance with all State and Local Requirements.
- ¹⁷ The proposed equipment building will be unmanned and will not require water or the disposal of liquid or solid waste.
- ¹⁸ According to the National Flood Insurance Program *Flood Insurance Rate Map, Town of New Windsor, New York, Community Panel No. 3606 28 0005 B*, the project site is not located within a 100-year floodplain.
- ¹⁹ Properties in the surrounding area are serviced by other public utilities, including Nextel Communications.

Appendix B State Environmental Quality Review Visual EAF Addendum

Cellular One, Town of New Windsor, New York

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

VISIBILITY

	Distance Between Project and Resource (in Miles)				
1. Would the project be visible from:	0-1/4	1/4-1/2	1/2-3	3-5	5+
• A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site or structure listed on the National or State Registers of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The State Forest Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Wildlife Refuges and state game refuges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Natural Landmarks and other outstanding natural features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Park Service lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Rivers designated as National or State Wild, Scenic or Recreational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site, area, lake, reservoir or highway designated as scenic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Municipal park, or designated open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• County road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Local road?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the visibility of the project seasonal? (i.e. screened by summer foliage, but visible during other seasons)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					



DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	Within	
	*1/4 mile	1 mile
Essentially undeveloped	<input type="checkbox"/>	<input type="checkbox"/>
Forested	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Suburban residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Urban	<input type="checkbox"/>	<input type="checkbox"/>
River, Lake, Pond	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>	<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Flat	<input type="checkbox"/>	<input type="checkbox"/>
Hilly	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: Add attachments as needed.

5. Are there visually similar projects within:

- *1/2 mile Yes No (Nextel Monopole- Toleman Road)
 - *3 miles Yes No (water tank with cellular antennas, Stewart Airport)
 - *3 1/2 miles Yes No (Monopole, Coldenham)
 - * 4 miles Yes No (Cellular lattice tower, Deans Hill Road)
- * Distances from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is: 5,175*(Average Annual Daily Travelers).

NOTE: When user data is unavailable or unknown, use best estimate.

* As referenced from NYS Department of Transportation 2002 Traffic Volume Report for Route 207 in Orange County.

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	FREQUENCY			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____				



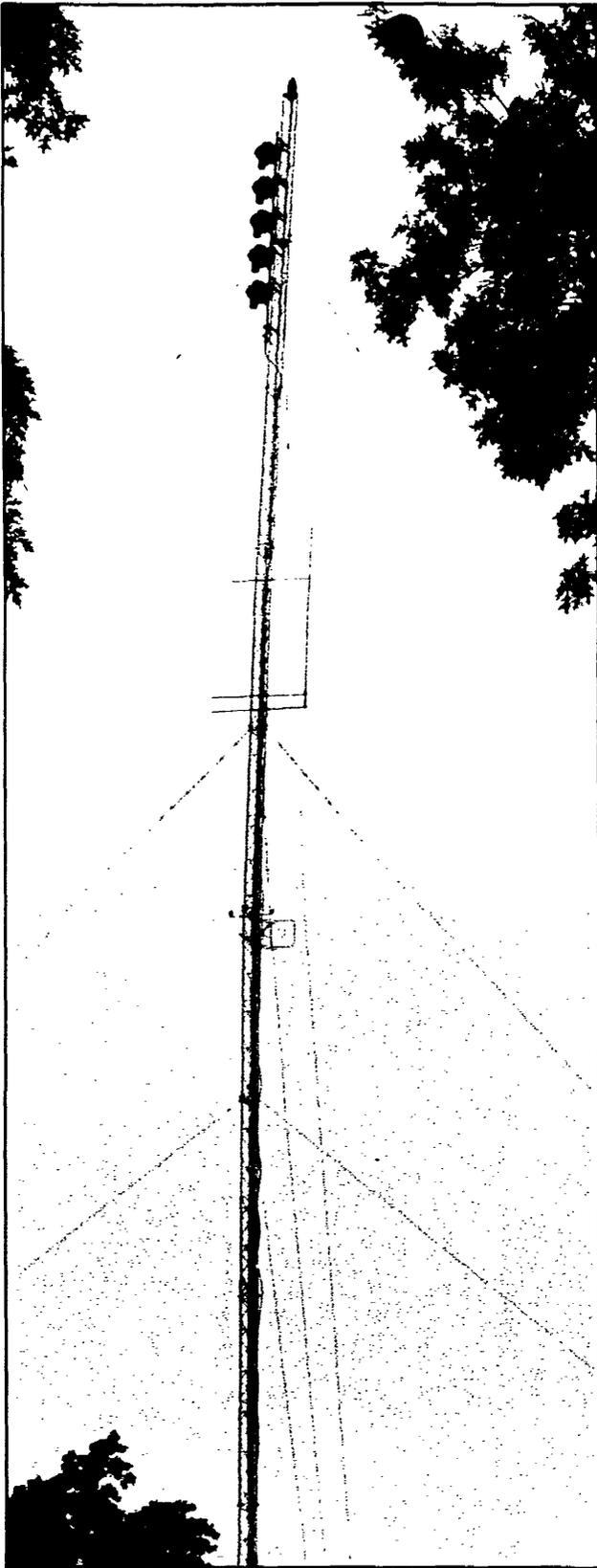


Figure 1
Existing view as seen from Figure 1.

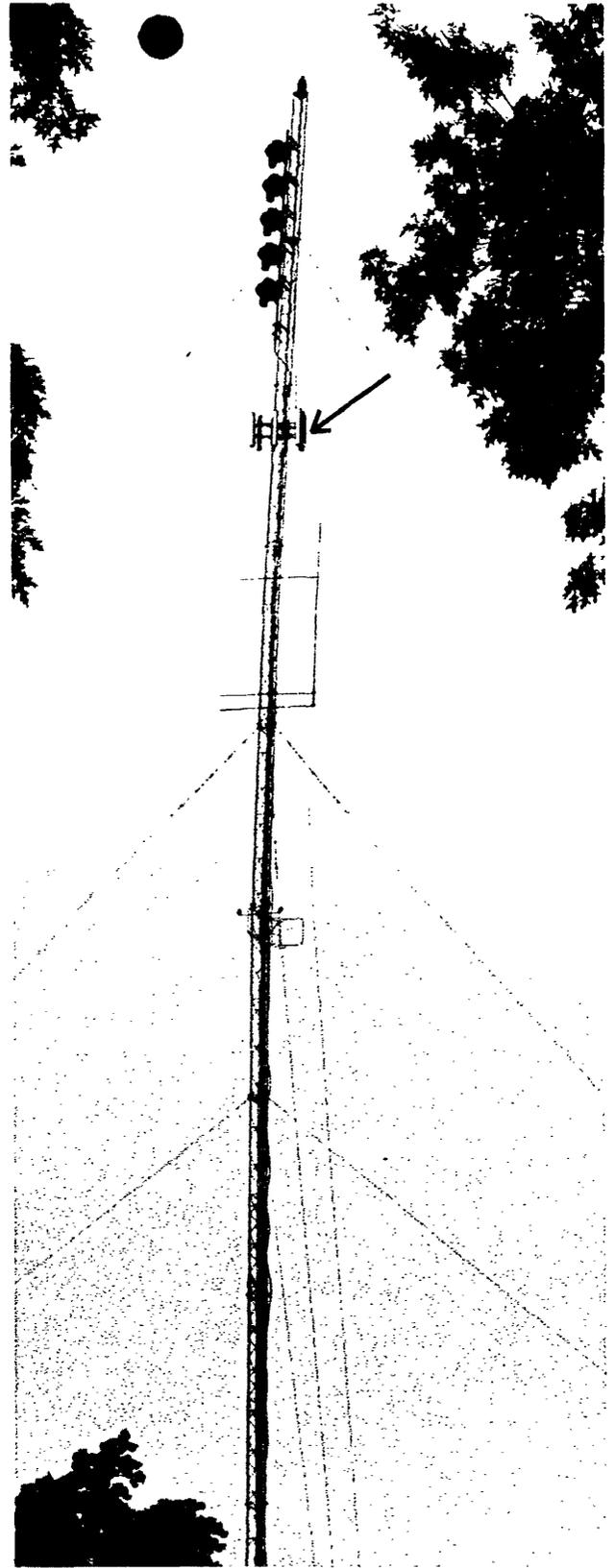


Figure 1a
View of proposed 9 panel antennas
superimposed onto the photograph of Figure 1.

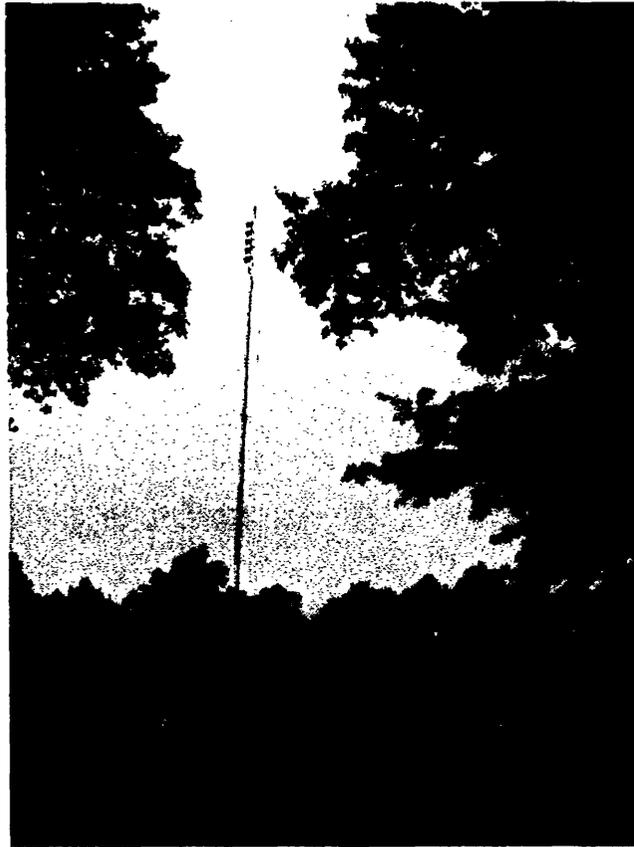


Figure 2

Existing view as seen from Figure 2.

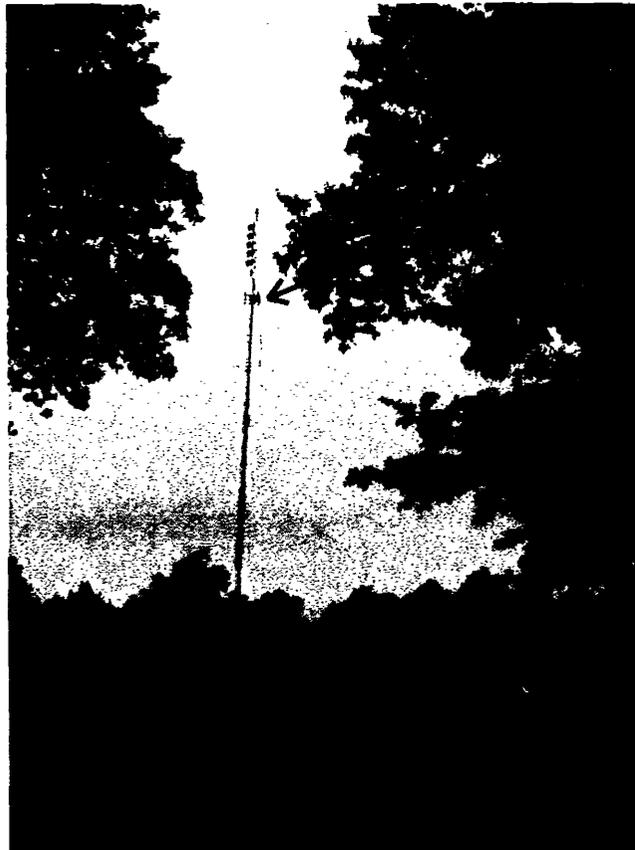


Figure 2a

View of proposed 9 panel antennas superimposed onto the photograph from Figure 2.

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#944-2003**

10/02/2003

Chazen Engineering & Land #03-29

Received \$ 100.00 for Planning Board Fees, on 10/02/2003. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/02/2003

PAGE: 1

LISTING OF PLANNING BOARD **FEE**
ESCROW

FOR PROJECT NUMBER: 3-29
NAME: CELLULAR ONE NEW WINDSOR PA2003-1036
APPLICANT: CELLULAR ONE C/O KEVIN BRENNAN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/30/2003	REC. CK #25018	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

J Peri
10/6/03

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

P.B.# 03-29 Application fee

CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

21 FOX ST. (845) 454-3080
POUGHKEEPSIE, NY 12601

M & T BANK
BUFFALO, NY

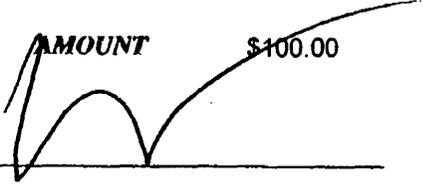
50-7083/2213 7

25002

CHECK DATE September 11, 2003

PAY One Hundred and 00/100 Dollars

TO TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR NY 12553

AMOUNT \$100.00


SECURITY FEATURES INCLUDED. DETAILS ON BACK.

AUTHORIZED SIGNATURE

⑆025002⑆ ⑆221370632⑆ ⑆1000000013483⑆

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

P.B.# 03-29 Escrow

CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

21 FOX ST. (845) 454-3080
POUGHKEEPSIE, NY 12601

M & T BANK
BUFFALO, NY

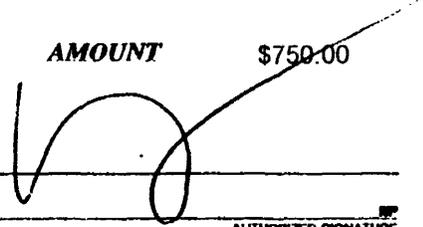
50-7083/2213 7

25018

CHECK DATE September 18, 2003

PAY Seven Hundred Fifty and 00/100 Dollars

TO TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR NY 12553

AMOUNT \$750.00


SECURITY FEATURES INCLUDED. DETAILS ON BACK.

AUTHORIZED SIGNATURE

⑆025018⑆ ⑆221370632⑆ ⑆1000000013483⑆

03-29



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

Regional Office
507 Broad Street
Millford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

(TOWN) VILLAGE OF: New Windsor P/B APP. NO.: 03-29
WORK SESSION DATE: 15 OCT 03 PROJECT: NEW OLD X
REAPPEARANCE AT W/S REQUESTED: NO RESUB. REQ'D: Yes
PROJECT NAME: Cell Site
REPRESENTATIVES PRESENT: Eva + Neil Alexander +

MUNICIPAL REPS PRESENT: BLDG INSP. _____
ENGINEER X FIRE INSP. _____
P/B CHMN _____ PLANNER _____
OTHER MUT

ITEMS DISCUSSED:
- Exit Tower - colocation -
 -> special permit
- need to deal w/ grades/drain
- Should we not new tower
- they think no need to go to ZBA
 - want us to recon r. der
 - also do ZBA referral; it in
 Cone
 - Need mtg w/ Crotty + MB

STND CHECKLIST: PROJECT TYPE
DRAINAGE _____ SITE PLAN ?
DUMPSTER _____ SPEC PERMIT
SCREENING _____ L L CHG.
LIGHTING _____ SUBDIVISION
(Streetlights) _____ OTHER
LANDSCAPING _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT STATUS: MAYBE
ZBA Referral: _____
Ready For Meeting Y ? N
Recommended Mtg Date ?



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 03 29

WORK SESSION DATE: 29 Oct 2003 PROJECT: NEW OLD
* held in lieu of 11-5-03 w/s

REAPPEARANCE AT W/S REQUESTED: NO RESUB. REQ'D: new plans

PROJECT NAME: Cell One

REPRESENTATIVES PRESENT: Eva Bilkeci

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. _____
ENGINEER PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:
P/H P/s 11/12

STND CHECKLIST: PROJECT TYPE
DRAINAGE _____ SITE PLAN
DUMPSTER _____ SPEC PERMIT
SCREENING _____ L L CHG.
LIGHTING _____ SUBDIVISION
(Streetlights)
LANDSCAPING _____ OTHER
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

29-1-27.52 is 15' wide strip.
- leveling course 1 in 4 + DST
- shade where to be done.
- letter confirming collapse of tower - how it drops.
- detail of tower modif.

PROJECT STATUS:
ZBA Referral: _____ Y _____ N
Ready For Meeting _____ Y _____ N
Recommended Mtg Date _____

- 6' clear

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Town Planning Board
FROM: Frank Malloy, Asst. Fire Inspector
SUBJECT: Cellular One-Tower
DATE: October 6, 2003

Planning Board Reference Number: PB-03-29
Date Received: FPS-03-46
Fire Prevention Reference Number: FPS-03-46

**A review of the above referenced Site Plan was conducted on
October 6, 2003.**

The plans are acceptable.

Plans Dated: September 30, 2003



**Frank Malloy
Asst. Fire Inspector**

FM/dh



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

P.B. FILE #03-29

DATE RECEIVED: 09-30-03

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 10-06-03 TO BE ON AGENDA FOR THE 10-08-03 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

CELLULAR ONE - TOWER

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

Notes: _____

Signature: Henry J. Hunt 10-2-03
Reviewed by date

ENGINEERS & ENVIRONMENTAL PROFESSIONALS
JAMES M. FARR, P.E. (NY & PA)

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor **P/B APP. NO.:** 03¹⁻³-29

WORK SESSION DATE: 3 Sept 03 **PROJECT:** NEW X OLD

REAPPEARANCE AT W/S REQUESTED: Not now **RESUB. REQ'D:** Fall App

PROJECT NAME: Cell One

REPRESENTATIVES PRESENT: Eva Belleci

MUNICIPAL REPS PRESENT: BLDG INSP. X FIRE INSP. John
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

- Spec Part needed?
48-21 M - cell tower
48-24 (3)
will they need variance? Plat Mike.
short EAF.
plan & elev view w/ out antenna
Request 24 Agenda.

STND CHECKLIST: **PROJECT TYPE**

DRAINAGE _____ SITE PLAN _____
DUMPSTER _____ SPEC PERMIT _____
SCREENING _____ L L CHG. _____
LIGHTING _____ SUBDIVISION _____
(Streetlights) LANDSCAPING _____ OTHER _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT STATUS:
ZBA Referral: MAYBE N

Ready For Meeting Y N

Recommended Mtg Date 9/24

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan Special Permit _____

Tax Map Designation: Sec. 29 Block 1 Lot 27.51

BUILDING DEPARTMENT REFERRAL NUMBER PA2003 - 1036

1. Name of Project Cellular One New Windsor

2. Owner of Record Sunset Crest Realty Corp. Phone (845) 561-2131

Site Address - 535 Toleman Road, New Windsor, NY 12553

Address: 681 Little Briain Road, New Windsor, Ny 12553
(Owner) (Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Cellular One c/o Kevin Brennan Phone (845) 483-8114

Address: 1351 Route 55, LaGrangeville, NY 12540
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Eva Billeci of Chazen Phone (845) 454-3980

Address: 21 Fox Street, Poughkeepsie, NY 12601
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney N/A Phone N/A

Address N/A
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

Eva Billeci (Name) (845) 454-3980 (Phone) (845) 454-4026 (fax)

7. Project Location: On the West side of Toleman Road
(Direction) (Street)

8. Project Data: Acreage 1 acre Zone R1 School Dist. Washingtonville

03-29

PAGE 1 OF 2

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

RECEIVED
TOWN OF NEW WINDSOR
SEP 20 2003
ENGINEER & PLANNING

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No x

*This information can be verified in the Assessor's Office.

*If you answer yes to question 9, please complete the attached Agricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Co-location of telecommunications antennas on an existing tower (not increasing the height) and placement of a 12' x 20' unmanned eg. building

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no _____

12. Has a Special Permit previously been granted for this property? yes _____ no x

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

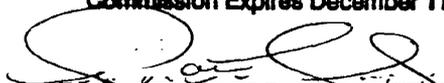
COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

17 DAY OF 9 2003

PATRICIA SICOLA
Notary Public, State of New York
Reg. # 01S15053046
Qualified in Orange County
Commission Expires December 11, 2005


NOTARY PUBLIC


(OWNER'S SIGNATURE)

(AGENT'S SIGNATURE)

Eva L. Billeci
Please Print Agent's Name as Signed
For Cellular One

TOWN USE ONLY:
TOWN OF NEW BRUNSWICK
SEP 20 2003
DATE APPLICATION RECEIVED

03-29
APPLICATION NUMBER

TOWN OF NEW WINDSOR PLANNING BOARD

SITE PLAN CHECKLIST

ITEM

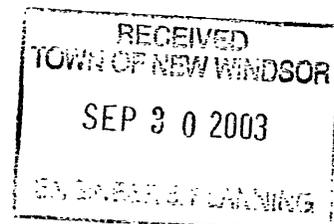
- 1. X Site Plan Title
- 2. X Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



- 3. X Applicant's Name(s)
- 4. X Applicant's Address
- 5. X Site Plan Preparer's Name
- 6. X Site Plan Preparer's Address
- 7. X Drawing Date
- 8. X Revision Dates
- 9. X Area Map Inset and Site Designation
- 10. X Properties within 500' of site
- 11. X Property Owners (Item #10)
- 12. X Plot Plan
- 13. X Scale (1" = 50' or lesser)
- 14. TBD Metes and Bounds
- 15. X Zoning Designation
- 16. X North Arrow
- 17. X Abutting Property Owners
- 18. X Existing Building Locations
- 19. X Existing Paved Areas
- 20. TBD Existing Vegetation
- 21. X Existing Access & Egress

03-29

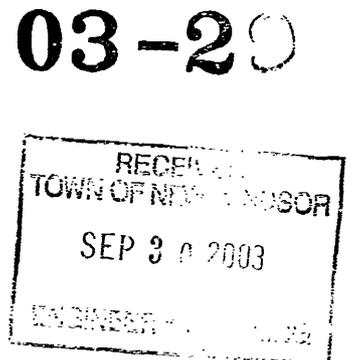


TBD - To Be Determined
NA - Not Applicable

PROPOSED IMPROVEMENTS

- 22. NA Landscaping
- 23. NA Exterior Lighting
- 24. NA Screening
- 25. NA Access & Egress
- 26. NA Parking Areas
- 27. NA Loading Areas
- 28. NA Paving Details (Items 25 - 27)
- 29. NA Curbing Locations
- 30. NA Curbing through section
- 31. NA Catch Basin Locations
- 32. NA Catch Basin Through Section
- 33. NA Storm Drainage
- 34. NA Refuse Storage
- 35. NA Other Outdoor Storage
- 36. NA Water Supply
- 37. NA Sanitary Disposal System
- 38. NA Fire Hydrants
- 39. X Building Locations
- 40. TBD Building Setbacks
- 41. X Front Building Elevations
- 42. NA Divisions of Occupancy
- 43. NA Sign Details
- 44. TBD Bulk Table Inset
- 45. X Property Area (Nearest 100 sq. ft.)
- 46. X Building Coverage (sq. ft.)
- 47. X Building Coverage (% of total area)
- 48. NA Pavement Coverage (sq. ft.)
- 49. NA Pavement Coverage (% of total area)
- 50. NA Open Space (sq. ft.)
- 51. NA Open Space (% of total area)
- 52. NA No. of parking spaces proposed
- 53. NA No. of parking spaces required

* TBD- To Be Determined
- NA - Not Applicable



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. NA Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

55. NA A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: [Signature] 9/12/03
Licensed Professional Date

[Signature]
⌘ ⌘ ⌘ ⌘ ⌘ ⌘

PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

SEP 29 2003
ENGINEER [Signature]

03-29

**AGENT/OWNER PROXY STATEMENT
(for professional representation)**

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Sunsetcrest Realty Corp. /WGNY
c/o Mr. Robert Maines, deposes and says that he resides
(OWNER)

at WGNY, 661 Little Britain Road, New Windsor, NY 12553 in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. Block Lot)
designation number (Sec. 29 Block 1 Lot 27.51) which is the premises described in
the foregoing application and that he designates:

Cellular One c/o Mr. Kevin Brennan, 1351 Route 55, LaGrangeville, NY 12540
(Agent Name & Address)

The Chazen Companies, 21 Fox Street, Poughkeepsie, NY 12601
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

** VP OPERATIONS
Owner's Signature (MUST BE NOTARIZED)

17 DAY OF 9 2003
PATRICIA SICOLA
Notary Public, State of New York
Reg. # 01SI5053048
Qualified in Orange County
Commission Expires December 11, 2005

Kevin Brennan
Agent's Signature (If Applicable) (Applicant)

[Signature]
NOTARY PUBLIC

Eve R. Biller
Professional Representative's Signature
(Engineer for Applicant)

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

03-29

TOWN OF NEW WINDSOR
SEP 30 2003
ENGINEER & PLANNING

REC'D BY
"XX"

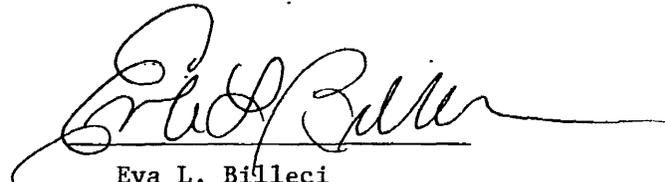
ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

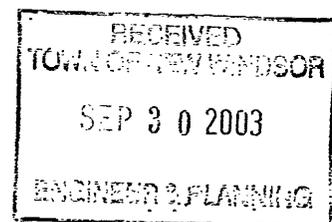
IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

Not in a flood zone



Eva L. Billeci
(For Cellular One)

03-29



PROJECT I.D. NUMBER:
10381.00

617.20
Appendix C

State Environmental Quality Review

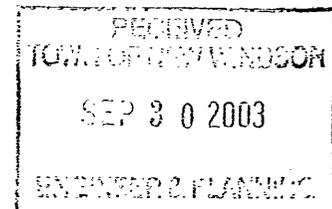
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>Cellular One</i>	2. PROJECT NAME <i>Cellular One New Windsor</i>
3. PROJECT LOCATION: <i>Municipality 565 Toleman Road, New Windsor County Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>565 Toleman Road, Southwest of the intersection of Toleman Road and Route 207</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Adding telecommunications antennas to existing tower (not increasing the height of the tower) and placement of a 12 x 20 unmanned equipment building at the base of the tower.</i>	
7. AMOUNT OF LAND AFFECTED: Initially: <u> .005(+/-) </u> acres Ultimately: <u> .005(+/-) </u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly. <i>Existing non-conforming use as a telecommunications facility.</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other: _____ Describe: <i>Houses, Storage Facility & Telecommunications Facility near by.</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE, OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency name and permit/approval. <i>Site Plan Approval from the Town of New Windsor Planing Board</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency name and permit/approval. <i>Existing non-conforming use as telecommunications facility</i>	
12. AS A RESULT OF THE PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u><i>Eva Billeci for Cellular One</i></u> Date: <u><i>September 9, 2003</i></u>	
Signature: <u><i>Eva Billeci</i></u>	

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

OVER
1



03-29

PART II – ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superceded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1 – C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

_____ 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)

_____ Date

2

03-29

RECEIVED
10/11/03
SEP 30 2003
ENGINEER 2. F. JAMES

Included Real Property

General Description of Property and Improvements

The subject property is located in the Town of New Windsor, County of Orange, State of New York. The property is part of a five lot subdivision of approximately one acre in size. Access to the parcel is from Toleman Road over a right-of-way approximately 180 feet from the road. The land is generally level and improved with a transmission tower for radio purposes. No community services are available to the site.

Legal Description

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the division line between the land now or formerly of Illger (reputed owner) on the south and the lands of Czumak (reputed owner) on the north, said point being North 61° 54' 20" West 179.52 feet from a point on the westerly line of the existing Toleman Road; thence, from said point of beginning and along the first mentioned division line, North 61° 54' 20" West 208.00 feet to a point on the division line between the lands now or formerly of the Church of Our Father (reputed owner) on the north-west and the parcel herein described on the southeast; thence, along the last mentioned division line; North 27° 43' 40" East 208.00 feet to a point; thence, through the lands of Czumak (reputed owner) the following courses: South 61° 54' 20" East 208.00 feet; South 27° 43' 40" West 208.00 feet to the place of beginning, containing 0.99 acres, more or less.

TOGETHER with a 15-foot right of way, running in a northwesterly direction from the aforementioned westerly line of Toleman Road and along the aforementioned division line between the lands now or formerly of Ilger (reputed owner) on the south and the lands of Czumak (reputed owner) on the north, for the purpose of ingress and egress and being better described as follows: BEGINNING at a point on the aforementioned westerly line of the existing Toleman Road, said point being on the division line between the lands now or formerly of Ilger (reputed owner) on the south and the lands of Czumak (reputed owner) on the north; thence from said point of beginning and along the last mentioned division line, North 61° 54' West 179.52 feet to a point; thence through the lands of Czumak (reputed owner) the following courses: North 27° 43' 40" East 15.0 feet, South 61° 54' 20" East 177.49 feet to a point on the aforementioned westerly line of the existing Toleman Road; thence along the last mentioned line, South 20° 00' 00" West 15.15 feet to the place of beginning, containing 0.06 acres, more or less.

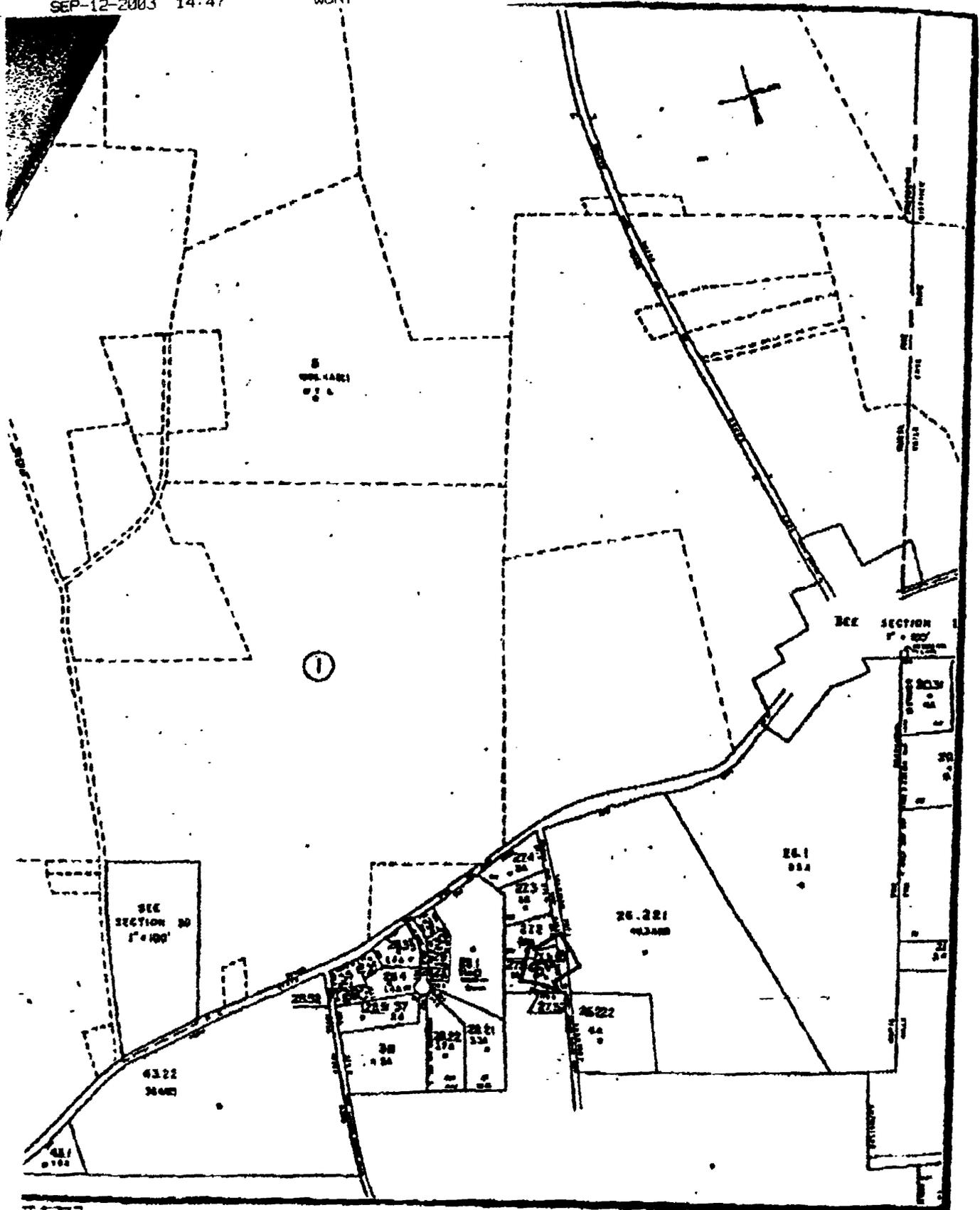
BEING a portion of the same premises conveyed by Frank Czumak to Frank Czumak and Mary Czumak by deed dated November 25, 1959, and recorded in the Orange County Clerk's Office on November 27, 1959 in Liber 1531 of Deeds at page 108, the said Frank Czumak having died a resident of the County of Orange on the 19th day of January 1972, leaving him surviving his spouse, Mary Czumak, the grantor herein.

SEP-12-2003 14:47

WGNY

8455612138

P.04/04



Subject Property

TOWN OF NEW BRUNSWICK
#3009 2.004/004
CHAZEN COMPANIES

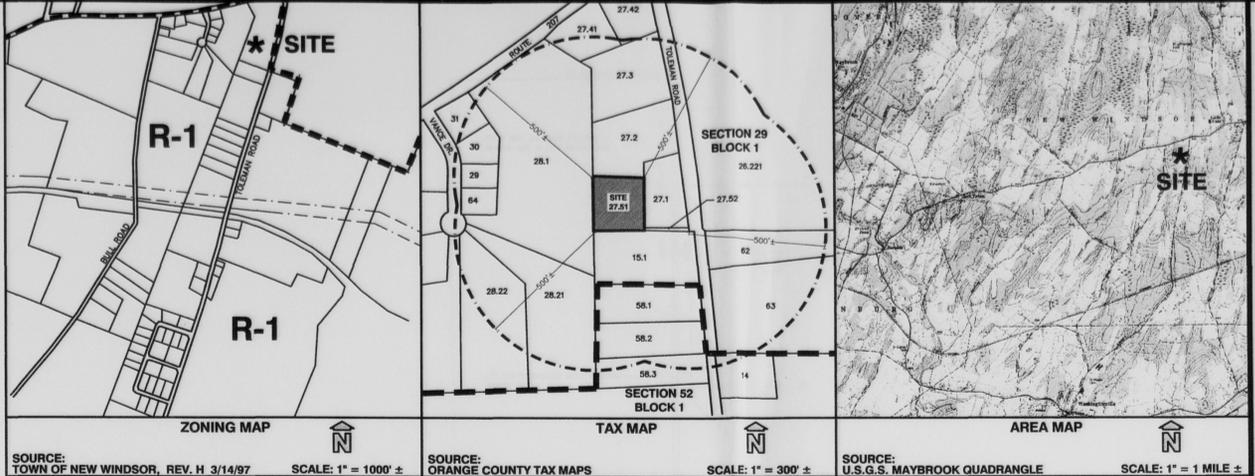
SEP.16.2003 12:31 845 654 4026

- LEGEND:**
- NO PHYSICAL BOUNDS
 - - - ADJACENT PROPERTY LINE
 - x - x - EXISTING CHAINLINK FENCE
 - - - EXISTING CONTOUR
 - - - EXISTING DRIVEWAY AND/OR CLEARED AREA
 - [Hatched Box] EXISTING BUILDING
 - [Solid Box] PROPOSED BUILDING
 - [Dotted Box] PROPOSED GRAVEL W/OIL & CHIP
 - [Cross-hatched Box] PROPOSED GRAVEL
 - x - x - PROPOSED CHAINLINK FENCE

ADJOINER LIST

PROJECT TAX # AND OWNER:
29-1-27.51
SUNSET CREST REALTY CORPORATION/WGNY
C/O ROBERT MAINES

TAX ID #	OWNER
29-1-63	JOSEPH DIMICELI
29-1-62	PHYLLIS & WILLIAM EICH
29-1-26.221	ROCK TAVERN VILLAGE
29-1-27.3	GEORGE GOTTILIB
29-1-27.2	JAY & DIANE OLDHAM
29-1-27.1	MILDRED & DAVID PEREZ
29-1-27.52	MARY CZUMAK
29-1-28.1	UNITARIAN SOCIETY OF O.C.
29-1-28.21	ELAINE & STEVEN OVSAK
29-1-30	GREGG WELLS
29-1-29	STEPHAN & PATRICIA NEYBOLD
29-1-64	SCOTT & ANN MILLER
29-1-28.22	FLORINDA & JOSEPH SABELLA
52-1-15.1	CHARLES HAUSER
52-1-58.1	LAWRENCE RICHARDSON
52-1-58.2	GERALD & DEBRA LORRAINE
52-1-58.3	PATRICIA NAF C/O DOMINGUEZ
52-1-14	FRIEDA NETZ C/O CZARNECKI
29-1-31	WALTER & JOSEPHINE DZIEREK
29-1-27.41	RAYMOND CZUMAK
29-1-27.42	RAYMOND CZUMAK



rev.	date	description
1	11/13/03	PER TOWN ENGINEER COMMENTS
2	10/30/03	PER TOWN ENGINEER AND CELLULAR ONE'S COMMENTS
3	11/13/03	PER PB COMMENTS FOR FINAL

CHAZEN ENGINEERING LAND SURVEYING CO., P.C.

Orange County Office:
200 County Office
200 County Office
200 County Office
Phone: (845) 812-0813

Delaware County Office:
21 Fox Street
21 Fox Street
21 Fox Street
Phone: (845) 454-3880

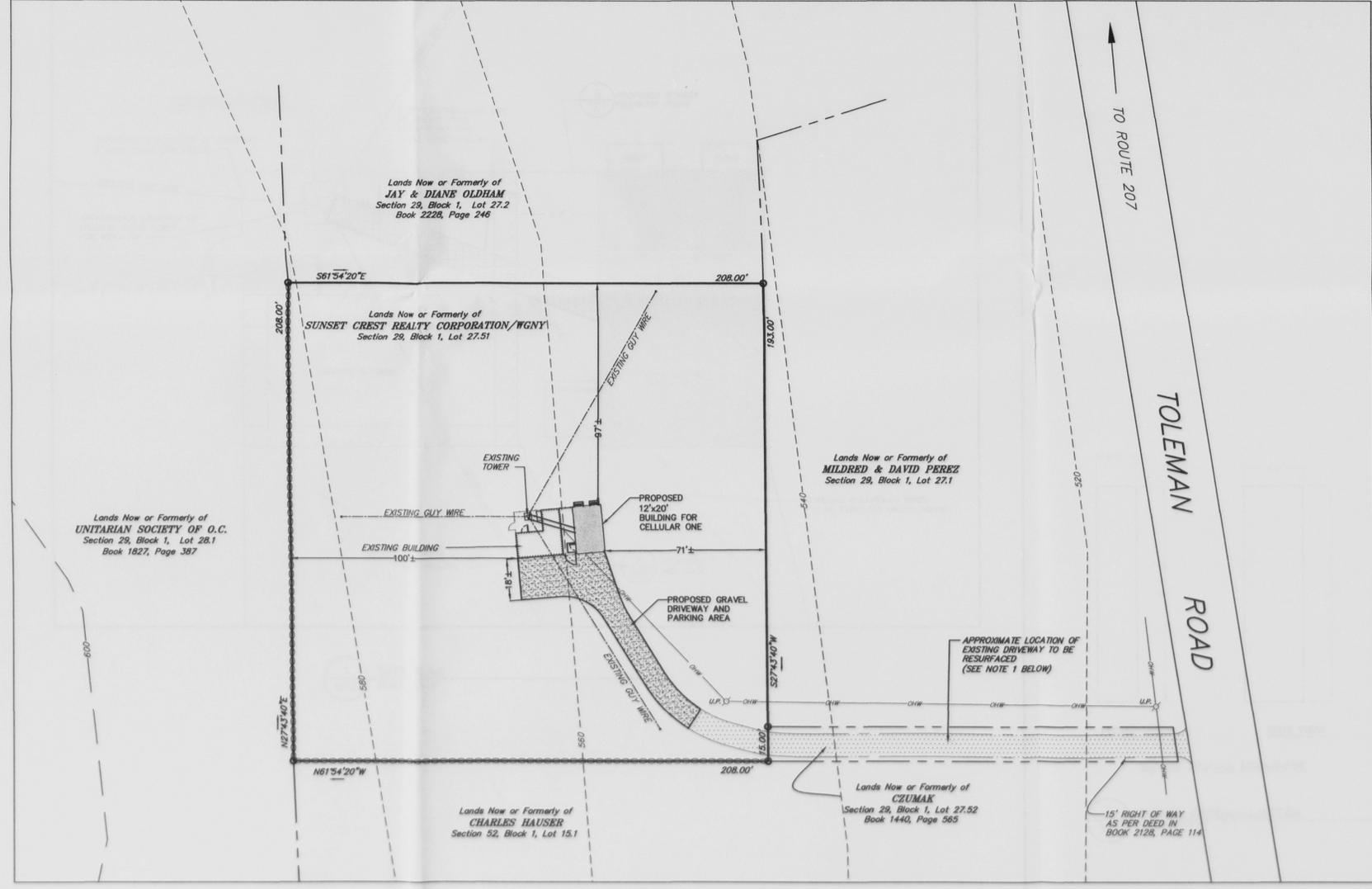


ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF CHAZEN ENGINEERING LAND SURVEYING CO., P.C. IS STRICTLY PROHIBITED. ANY ALTERATION BY A P.E. MUST BE INDICATED AND BEAR THE APPROPRIATE SEAL, SIGNATURE AND DATE OF ALTERATION.

CELLULAR ONE
**OVERALL SITE PLAN
NEW WINDSOR
WGNY CO-LOCATION
TOLEMAN ROAD**

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn	M.C.	checked	
date	9/10/03	scale	1"=30'
project no.	10381		
sheet no.	SP1		



TAX PARCEL NUMBER:
SECTION 52, BLOCK 1, LOT 27.51

ZONING DESIGNATION:
R1-RURAL RESIDENTIAL

PROPERTY AND TOWER OWNER:
SUNSET CREST REALTY CORP.
C/O WGNY, BOB MAINES
691 LITTLE BRITAIN ROAD
NEW WINDSOR, NY 12553

APPLICANT:
CELLULAR ONE
1351 ROUTE 55
CELLULAR ONE SITE NAME: NEW WINDSOR

APPROXIMATE U.S.G.S. COORDINATES:
LATITUDE: 41° 28' 22.2" N
LONGITUDE: 74° 08' 22.62" W

SITE ADDRESS:
535 TOLEMAN ROAD
NEW WINDSOR, NY

DIRECTIONS:
TAKE I-84 WEST TO EXIT 7S. FOLLOW RT. 300 AND TAKE A RIGHT ON RT. 207. FOLLOW RT. 207 AND TAKE A LEFT ON TOLEMAN ROAD. TURN RIGHT INTO DRIVEWAY.

PROPERTY AREA:
1.00 ACRES ±

EXISTING BUILDING COVERAGE:
280 SQ. FT.

PROPOSED BUILDING COVERAGE:
240 SQ. FT.

- SURVEY NOTES:**
1. BASE MAP AND BOUNDARY INFORMATION TAKEN FROM A PLAN ENTITLED "CERTIFICATION SURVEY LANDS OF STEREO NEWBURGH, INC." PREPARED BY VINCENT J. DOCE L.S. AND DATED MAY 20, 1986.
 2. EXISTING CONTOURS WERE TAKEN FROM 20' CONTOUR INTERVAL TOPOGRAPHY FROM THE ORANGE COUNTY WATER AUTHORITY DATA SET, DATED 1997.
 3. EXISTING ABOVE GROUND FEATURES TAKEN FROM A SITE VISIT CONDUCTED ON 8/7/03 AND NOT BASED ON AN ACCURATE FIELD SURVEY.

DRAWING INDEX

SHEET #	SHEET NAME
SP1	OVERALL SITE PLAN
SP2	SITE PLAN & DETAILS
SD1	DETAILS

RECEIVED
TOWN OF NEW WINDSOR
NOV 17 2003
ENGINEER A PLANNING

**TOWN OF NEW WINDSOR
PLANNING BOARD APPROVAL**

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

NOV 25 2003

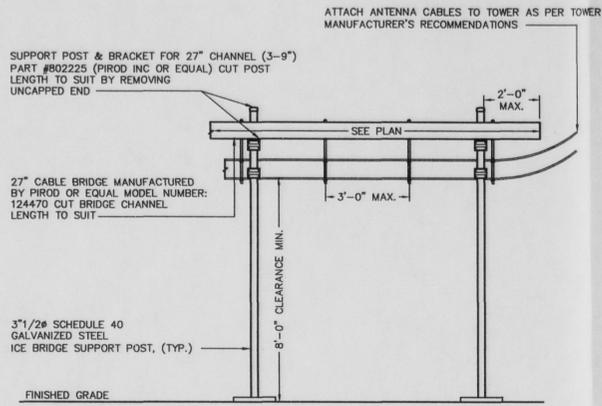
By: [Signature]
[Title]

1 OVERALL SITE PLAN
SCALE: 1"=30'

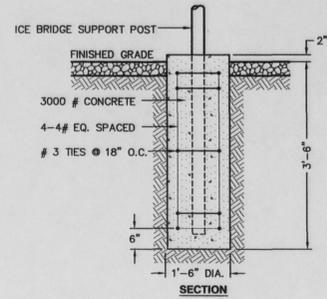
- NOTES:**
1. CONTRACTOR TO INSTALL A LEVELING COURSE OF GRAVEL (NYS DOT SUBBASE COURSE TYPE 4), AND THEN RESURFACE WITH OIL AND CHIP.
 2. CONTRACTOR CANNOT GRADE OUTSIDE OF THE 15' WIDE RIGHT OF WAY DURING DRIVEWAY RESURFACING.
 3. USE VARIANCE GRANTED BY THE ZBA ON 11/10/03 TO ALLOW THE FACILITY TO OPERATE AS A WIRELESS TELECOMMUNICATIONS FACILITY.



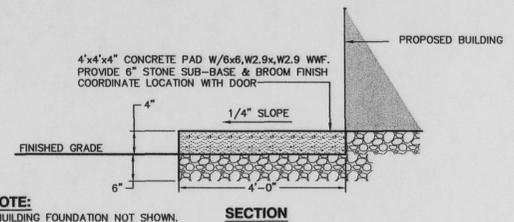
ZONING DRAWINGS - NOT FOR CONSTRUCTION



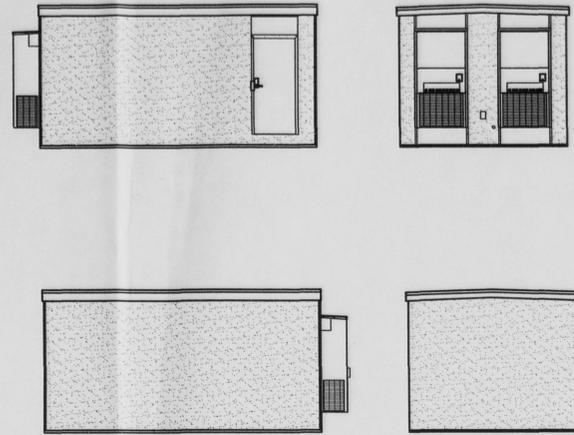
1
SD1
TYPICAL ICE BRIDGE SECTIONAL ELEVATION DETAIL
SCALE: N.T.S.



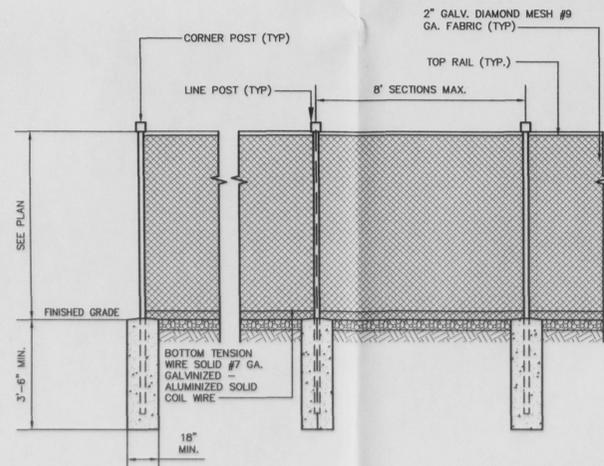
2
SD1
TYPICAL ICE BRIDGE CONCRETE POST FOUNDATION DETAIL
SCALE: N.T.S.



3
SD1
CONCRETE DOOR SILL DETAIL
SCALE: N.T.S.

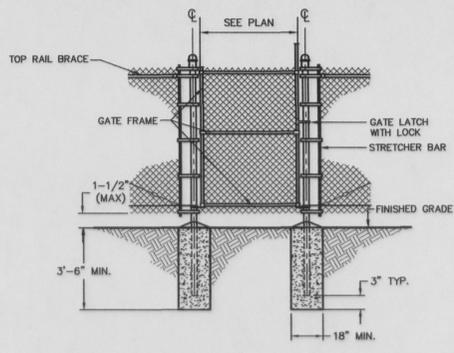


4
SD1
BUILDING ELEVATIONS TYPICAL 12'x20' EQUIPMENT SHELTER
SCALE: N.T.S.



FRAME WORK SCHEDULE		
LINE POST O.D.	END / CORNER POST O.D.	TOP RAIL & BRACE RAIL
2"	2"	1 5/8"
2" 1/2	3"	1 5/8"
3"	4"	2"

5
SD1
CHAIN LINK FENCE ELEVATION, TYP.
SCALE: N.T.S.



GATE POST SCHEDULE	
GATE LEAF SIZE	POST O.D.
UP TO 12'	3"
12' TO 20'	4"

6
SD1
WIRE SWING GATE, SINGLE
SCALE: N.T.S.

NOTE:
GATES ARE TO SWING OUTWARD, MAINTAINING 4" OF CLEARANCE FROM FINISHED GRADE.

REV.	DATE	BY	DESCRIPTION
1	10/19/03		PER TOWN ENGINEER COMMENTS
2	10/29/03		PER TOWN ENGINEER AND CELLULAR ONE'S COMMENTS
3	11/13/03		NO CHANGE FOR FINAL

CHAZEN ENGINEERING LAND SURVEYING CO., P.C.
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CELLULAR ONE
DETAILS
NEW WINDSOR
WGNV CO-LOCATION
TOLEMAN ROAD
 TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

TOWN OF NEW WINDSOR PLANNING BOARD APPROVAL

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

NOV 25 2003

By: [Signature]
 Title: [Title]

drawn	M.C.	checked
date	9/10/03	scale AS SHOWN
project no.	10381	
sheet no.	SD1	

ZONING DRAWINGS - NOT FOR CONSTRUCTION