

**City of Poughkeepsie
Zoning Board of Appeals
Meeting Agenda**

Common Council Chambers
Tuesday, November 12, 2024
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of October 8, 2024 meeting minutes

III. ADJOURNED APPLICATIONS / PUBLIC HEARINGS

1. 654 MAIN STREET: AREA VARIANCE
2. "8" SOUTH CLINTON STREET: AREA VARIANCE
3. 178 MILL STREET: AREA VARIANCE

IV. SEQRA AGENCY DETERMINATION

1. The Planning Board has declared intent to be lead agency for the following applications:
 - **121 PARKER AVENUE** – Installation of a cell tower and accessory equipment.
 - **306-316 MAIN STREET** – Construction of a 6-story mixed use building including 120 dwelling units and ground floor commercial use.
 - **31-39 MARKET STREET** – Conversion of existing office buildings to mixed use, with ground floor commercial and 49 dwelling units on the upper floors, including addition of 2 stories on the 39 Market Street

structure.

- **41-57 CANNON STREET** – Construction of a 6-story mixed-use building including 120 dwelling units and ground floor commercial space."

V. PUBLIC HEARINGS & DELIBERATIONS

1. 104 WINNIKEE AVENUE – AREA VARIANCE

Application for Area Variance relative to placement of a fence closer than ten (10) feet to a wall containing legal windows, requiring a variance of Section 19-4.14(4)(a) of the Zoning Ordinance; Owner/Applicant: Samuel Matthews & Sandra Richardson; Grid: # 6162-80-402029; District: R-4 Medium-High Density; File #: ZBA2024-016

VI. ZONING INTERPRETATION

1. 121 PARKER AVENUE – INTERPRETATION

Request for Interpretation as to whether or not Sections 19-3.25(14)(d)(1), 19-4.3(5)(b) and 19-4.3(5)(c) of the Zoning Ordinance are applicable to the proposed installation of a communications facility, including a monopole tower, ground-mounted equipment platform and associated improvements, on the property at 121 Parker Avenue. Application for Use Variance of Section 19-3.25(4) to allow a cell tower facility, and Application for Area Variances relative to Sections 19-3.25(8), 19-3.25(10)(o) and 19-3.25(14)(c) relative to set-back, frontage occupancy, fencing and landscaping, relative to the proposed communications facility installation. Owner: Parker Avenue Realty, LLC; Applicant: Verizon Wireless of the East L.P.; Consultant: Scott Olson, Young Sommer LLC; Zoning District: G-CM; Grid #6162-55-257465

VII. BOARD BUSINESS

1. APPROVE 2025 MEETING DATES

VIII. ADJOURNMENT

1. Meeting adjourned to December 10, 2024

Minutes
Motion:
Second:
Carried:



City of Poughkeepsie, New York
Zoning Board of Appeals
Meeting Minutes
Tuesday, October 8, 2024, 6:30 PM
DRAFT

Present

Jessical Vinall
Thomas Klug
James Patterson
Justin Phillips
Sam Finnerman: 6:07pm

Excused

Scott Parker

Staff

Rebecca Valk, Corporation Counsel
Tyler Maegerle, Jr. City Planner

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

Approval of August 13, 2024 Minutes
Motion: Justin Phillips
Second: Thomas Klug
Carried: 4:0:0

III. ADJOURNED APPLICATIONS & PUBLIC HEARINGS

1. 654 MAIN STREET: AREA VARIANCE

APPLICANT ADJOURNED TO THE NOVEMBER 12, 2024 MEETING

Hearing adjourned to the November 12, 2024 meeting
Motion: Thomas Klug
Second: Justin Phillips
Carried: 4:0:0

IV. PUBLIC HEARINGS & DELIBERATIONS

1. "8" SOUTH CLINTON STREET: AREA VARIANCE

Revised application for area variance relative to the proposed mixed use development at "8" South Clinton Street, requiring a variance of Section 19-3.17(4)(b), requiring 16,400 square feet of lot area to allow a lot area of 6,770 square feet. While Section 194.3(11) requires 29 off-street parking spaces, 7 off-street parking spaces are proposed and a parking waiver from the Planning Board for the balance is being requested. Owner: South Clinton Equities, LLC;

Applicant/Consultant: Jason Lichwick Architecture PLLC; Zoning District: C-2;
Grid #6161-22-239997; File #2024-011

Presenting: Jason Lichwick, Jason Lichwick Architecture PLLC

Jessica Vinall opened the public hearing

Speaker: Marta Knapp

Motion was made to adjourn to November 12, 2024, meeting

Motion: James Patterson

Second: Sam Finnerman

Carried: 5:0:0

2. **121 PARKER AVENUE- INTERPRETATION/NUSE/AREA VARIANCE Request for Interpretation** as to whether or not Sections 19-3.25(14)(d)(1), 19-4.3(5)(b) and 19-4.3(5)(c) of the Zoning Ordinance are applicable to the proposed installation of a communications facility, including a monopole tower, ground-mounted equipment platform and associated improvements, on the property at 121 Parker Avenue. Application for Use Variance of Section 19-3.25(4) to allow a cell tower facility, and Application for Area Variances relative to Sections 19-3.25(8), 19-3.25(10)(0) and 19- 3.25(14)(c) relative to set-back, frontage occupancy, fencing and landscaping, relative to the proposed communications facility installation. Owner: Parker Avenue Realty, LLC; Applicant: Verizon Wireless of the East L.P.; Consultant: Scott Olson, Young Sommer LLC; Zoning District: G- CM; Grid #6162-55-257465

Presenting: Scott Olson, Young Sommer
Steve Grassl, Verizon Wireless

Motion was made to open the public hearing

Motion: Jessica Vinall

Second: Thomas Klug

Carried: 5:0:0

Speakers: Marta Knapp
Laurie Sadow

Motion was made to adjourn to November 12, 2024, meeting

Motion: Thomas Klug

Second: Justin Philips

Carried: 5:0:0

3. **178 MILL STREET: AREA VARIANCE**

Application for Area Variance relative to the construction of a new entry to the existing three-family dwelling at 178 Mill Street, requiring a variance of Section

19-3.15(4) (f) of the Zoning Ordinance, which requires a front yard set-back on 20 feet to allow no front yard set-back. Owner: 333 Mansion Street LLC; Applicant: Ariel Rodriguez/JAC Builders LLC; Zoning District: R-4; Grid #6062-76-917213; File #: ZBA2024-017

Presenting: Ariel Rodriguez, JAC Builders

Motion was made to open the public hearing

Motion: Jessica Vinall

Second: Thomas Klug

Carried: 5:0:0

Presenting: Cheryl Miller

Jessica Vinall adjourned the public hearing to the November 12, 2024, meeting

V. ADJOURNMENT

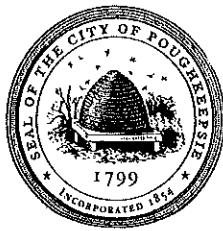
MEETING ADJOURNED TO NOVEMBER 12, 2024

Motion: Thomas Klug

Second: James Patterson

Carried: 5:0:0

For more details regarding the meeting, please visit the [Meeting Webcast](#) or the [Agendas and Minutes](#) page on the [City of Poughkeepsie](#) website.



**THE CITY OF POUGHKEEPSIE
NEW YORK
PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4055 Fax: (845) 451-4006**

FEE: \$350.00
CODE: A2112
ID# _____
IPS# _____

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 104 Winnikee ave

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: Sandra Richardson / Samuel Matthews

Address: 12 Keating Place Hartsdale NY 10530

Phone: 3476612418

Email: sandrarichardson05@gmail.com

APPLICANT INFORMATION:

Name: Sandra Richardson

Address: 12 Keating Place Hartsdale NY 10530

Phone: 3476612418

Email: sandrarichardson05@gmail.com

CONSULTANT INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

SUBJECT OF APPEAL

This application relative to the above referenced property constitutes an appeal from the decision, determination or violation of an official of the City of Poughkeepsie.

Name and title of agent: Joseph Obrien, Deputy Zoning Admin

Date of decision/determination/violation: July 15,2024

Please note that a copy of the communication must be attached with this application.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 104 Winnikee Ave

AREA VARIANCE REQUESTS

All sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief.

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-4,14(3)(a)	Fencing nearer than 10 ft	3.75 ft to Building

VARIANCE REQUEST JUSTIFICATION

Pursuant to Section 19-8.4 (2) (d) of the Zoning Ordinance, the Zoning Board of Appeals, in making its determination, shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such granting.

Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required by law to give sound reasons, based on the criteria set forth in this application, for granting any such relief. **Please note that it is therefore incumbent upon the applicant to demonstrate to the Board that the criteria for the granting of the variance(s) are satisfied.**

Responses to the following questions shall be attached to and submitted with the application.

- 1) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? If not, please explain why.
- 2) Can the benefit sought be achieved by some other method feasibly for the applicant to pursue, other than an area variance? Identify what alternatives to the variance, if any, have been explored (for example, alternative designs, purchasing of contiguous properties, etc.). Why is the variance necessary?
- 3) Is/are the requested area variance(s) substantial? Explain why they are not substantial.
- 4) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? Why not?
- 5) Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property? Explain.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: _____

LIST OF REQUIRED ATTACHMENTS

1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short EAF
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant (please list):

SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT, IF NOT THE OWNER OF THE PROPERTY, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.

Sandra Richardson
SIGNATURE OF APPLICANT

07/25/24
DATE

Sandra Richardson
Print Name

Variance Question

1 No the fence that is being installed is white and has clean lines and the aesthetic of the fence gives the neighborhood a more homely feel and bring value to the other adjoining Property.

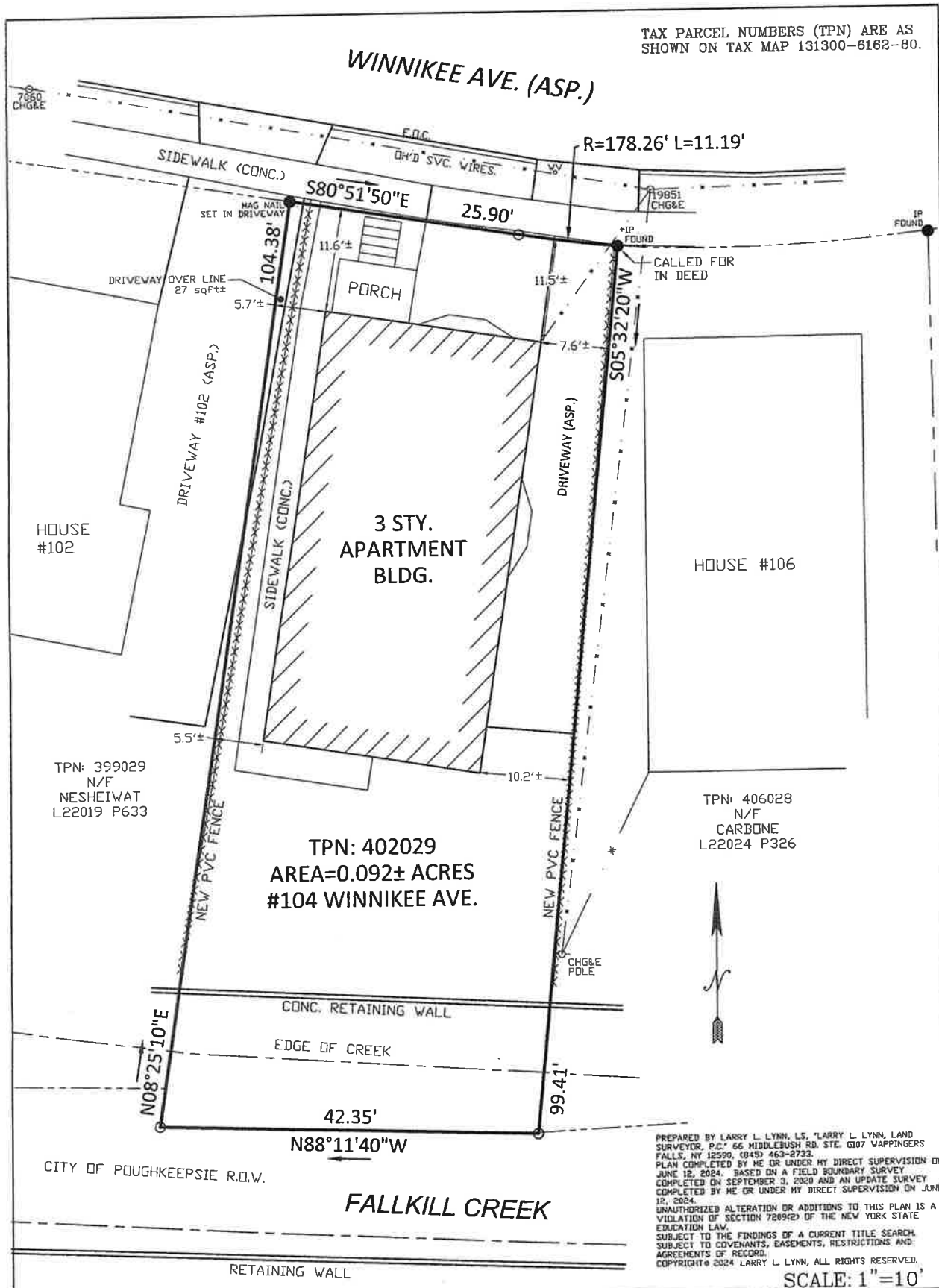
2. The variance is necessary because the fence that is being installed helps to keep drug addicts from coming onto the property to do drugs and they use it as a place to sleep and defecate. I have children living in the house and they are never allowed to go in the backyard to play or hangout because of needles, garbage and other strange belongings that are not safe and I need a safe environment for them.

3. No it is not substantial

4. No it will not , it matches similar fences in the neighborhood.

5. Because of the open access to the property drugs addict find the property has a safe haven and there is no other alternative but to install a fence as a deterrent to eliminate this problem and that is the only logical idea I could have implemented to combat addicts from trespassing.

TAX PARCEL NUMBERS (TPN) ARE AS SHOWN ON TAX MAP 131300-6162-80.



TPN: 399029
N/F
NESHEIWAT
L22019 P633

TPN: 402029
AREA=0.092± ACRES
#104 WINNIKEE AVE.

TPN: 406029
N/F
CARBONE
L22024 P326

PREPARED BY LARRY L. LYNN, L.S., "LARRY L. LYNN, LAND SURVEYOR, P.E." 66 MIDDLEBUSH RD. STE. 6107 WAPPINGERS FALLS, NY 12590. (845) 463-2733.
PLAN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON JUNE 12, 2024. BASED ON A FIELD BOUNDARY SURVEY COMPLETED ON SEPTEMBER 3, 2020 AND AN UPDATE SURVEY COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON JUNE 12, 2024.
UNAUTHORIZED ALTERATION OR ADDITIONS TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.
SUBJECT TO THE FINDINGS OF A CURRENT TITLE SEARCH, SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS AND AGREEMENTS OF RECORD.
COPYRIGHT © 2024 LARRY L. LYNN, ALL RIGHTS RESERVED.

SCALE: 1"=10'

--- I HEREBY CERTIFY TO ---

SAMUEL L. MATTHEWS
&
SANDRA RICHARDSON



THIS SURVEY IS ACCURATE
AND CORRECT BY:

LARRY L. LYNN, L.S.

WAPPINGERS FALLS, NY
N.Y.S.P.L.S. No. 050531

ALL CERTIFICATIONS HEREON ARE VALID FOR THIS MAP AND COPIES THERE OF ONLY IF SAID MAP OR COPIES BEAR THE IMPRESSED SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HEREON. THE CERTIFICATIONS HEREIN ARE NOT TRANSFERABLE.

SURVEY FOR/TO
**SAMUEL MATTHEWS
SANDRA RICHARDSON**
CITY OF POUGHKEEPSIE
COUNTY OF DUTCHESS
STATE OF NEW YORK
JUNE 12, 2024



40-22

LLL

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

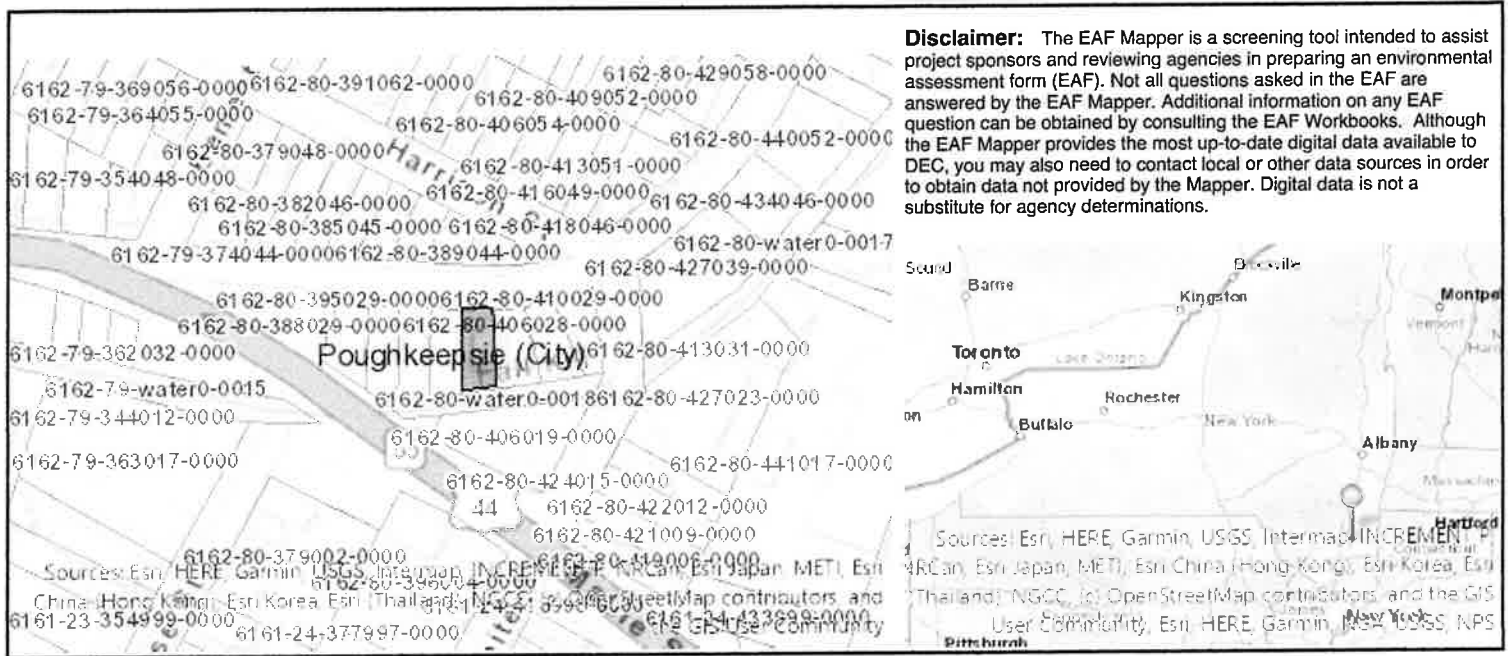
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Sandra Richardson			
Name of Action or Project: 104 Winnikee Ave. Fence			
Project Location (describe, and attach a location map): 104 Winnikee Ave. City of Poughkeepsie, NY			
Brief Description of Proposed Action: Install fencing along property lines.			
Name of Applicant or Sponsor: Sandra Richardson		Telephone: 347-661-2418 E-Mail: sandrarichardson05@gmail.com;	
Address: 12 Keating Place			
City/PO: Hartsdale		State: NY	Zip Code: 10530
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Poughkeepsie		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.092 acres	
b. Total acreage to be physically disturbed?		0.002 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.092 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		☐	☒	☐
b. Consistent with the adopted comprehensive plan?		☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		☒	☐	
b. Are public transportation services available at or near the site of the proposed action?		☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		☒	☐	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ _____		☒	☐	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ _____		☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>SANDRA RICHARDSON</u> Date: <u>7/23/24</u> Signature: <u>[Signature]</u> Title: <u>OWNER</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE



104 WINNIKEE AVENUE





Phone: (845) 451-4007 Fax: (845) 451-4006

July 15th, 2024

Sandra Richardson
104 Winnikee Avenue
Poughkeepsie NY 12601

RE: 104 Winnikee Avenue
ID: 496090
Application # BP-24-0862

To whom it may concern,

The Building Department has received your application # BP-24-0862 for the legalization of fencing installed without a building permit on the property of the existing Three-family dwelling located at 104 Winnikee Avenue. Please be advised that the property at 104 Winnikee Avenue is located in an area of the City zoned Medium High-Density Residence District (R-4).

Please note that per Section 19-4.14(3)(a), no fence shall be permitted nearer than 10 feet to any wall or an adjoining building that contains legal windows. The fence has been installed closer than 10', specifically the western fence ranges from 3.75'-5' from the wall of 104 Winnikee Ave, while the eastern fence ranges from 7.6'-10.2' from the wall of 104 Winnikee Ave and ranges from 3.75'-8.75' from the wall of 106 Winnikee Ave.

Therefore, your application is hereby denied. You may appeal the terms of this denial to the Zoning Board of Appeals within thirty (60) days of the date of denial.

If you have any questions, you can reach me at 845-451-4273

Very truly yours,
Joseph O'Brien
Deputy Zoning Administrator



**CITY OF POUGHKEEPSIE
DEVELOPMENT DEPARTMENT
104 WINNIKEE AVENUE RESOLUTION
NOVEMBER 12, 2024**

In the matter of the appeal of Samuel Matthews & Sandra Richardson, regarding the property at 104 Winnikee Avenue, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 12th day of November 2024, at 6:00pm:

Present:

Scott Parker, Chair
Jessica Vinall, Vice Chair
Thomas Klug
Sam Finnerman
Justin Phillips
James Patterson

WHEREAS, the Zoning Board of Appeals has received an application for an area variance relative to placement of a fence closer than ten (10) feet to a wall containing legal windows, requiring a variance of Section 19-4.14(4)(a) of the Zoning Ordinance; and,

WHEREAS, this application has been classified as a Type 2 Action for the purposes of SEQRA, requiring no further environmental review; and,

WHEREAS, the action is more fully detailed on a survey dated June 12, 2024, prepared by Larry L. Lynn, L.S., and supplemental documentation; and,

WHEREAS, a public hearing on the application was held on November 12, 2024; and,

NOW THEREFORE BE IT RESOLVED THAT THE ZONING BOARD OF APPEALS MAKES THE FOLLOWING FINDINGS:

In making its determination on an area variance application, this Board must take into consideration the benefit to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board considers the following criteria in making this determination:

The variance will not necessarily produce an undesirable change in the character of the neighborhood. The question would be whether it would be a detriment to the directly adjoining properties;

The applicant could conceivably design a gate and fence system that would not require variances. It is only the area between the dwellings where the fence setback is at issue;

The variance might be considered substantial if considered by percentages, particularly the west side setback, which is approximately 50 percent. However, the east side set-back is compliant for a portion of the fence run, requiring a maximum variance of 25 percent at one small point of its run.

The variance would not necessarily have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The difficulty in meeting the requirements of the zoning ordinance would appear self-created, as the applicant applied for a building permit to install the fence only after the fence was actually installed.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance requested for 104 Winnikee Avenue, File #2024-016, as outlined above.

Motion:

Second:

Carried:

Scott Parker

Chair

Date: 11/12/24

CASE #:

FEE: \$350.00
CODE: A2112
ID#

APPLICATION TO THE ZONING BOARD OF APPEALS
CITY OF POUGHKEEPSIE, NEW YORK

REQUEST FOR INTERPRETATION
(TYPE, OR PRINT IN DARK INK)

- I. PROPERTY: 121 Parker Ave., Poughkeepsie, NY
ZONING DISTRICT: Mixed Commercial (G-CM)
- II. PROPERTY OWNERSHIP
Name of Owner: Parker Avenue Realty, LLC
Address: 47 Marie Ct.
Wappinger Falls, NY 12590
- III. APPLICANT INFORMATION
Name of Applicant: Verizon Wireless of the East L.P. d/b/a Verizon Wireless
Address: 1275 John St., Suite 100
West Henrietta, NY 14586
Phone#: 585-321-5435
Email: cl@solson@young.commer.com
(If the applicant is not the owner, proof that the owner consents to the application must be provided.)
- IV. SUBJECT OF APPEAL
Pursuant to the provisions of Section 19-8.4 of the Zoning Ordinance, this application, relative to the above-referenced property, constitutes an appeal from the decision of the Zoning Administrator, or other City of Poughkeepsie Agent (Name and Title of agent: Joseph O'Brien, Deputy Zoning Administrator)
A copy of this decision, dated July 5, 2024, must be attached.
- V. APPEAL REQUEST
This appeal takes the form of a request for (check one):
- 1) ☒ The meaning of a portion of the text of the Zoning Ordinance, or any condition or requirements specified or made under the provisions of said Ordinance, and whether or not the appellant has complied therewith; or,
 - 2) ☐ The exact location of a district boundary shown on the zoning map; or,
 - 3) ☐ Approval for a change from one legal nonconforming use to another nonconforming use.

VI. RATIONALE FOR REQUEST (Attach additional sheets as necessary):

SEE attached Statement of Intent.

VII. LIST OF REQUIRED ATTACHMENTS

1. Electronic version of all submission materials
2. Site or plot plan (8) copies
3. Other attachments deemed pertinent by applicant (please list):

See Statement of Intent attached.

VIII. SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN ABOVE IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT, IF NOT THE OWNER, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.

Scott Olson, Attorney for Applicant

Signature of Applicant

DATE: *9/11/24*

Subject to the 150-day FCC Shot Clock Timeframe Set Forth in 47 CFR § 1.6003(c)(1)(iv)

**ZONING BOARD OF APPEALS
of the CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK**

In the Matter of the Application of

VERIZON WIRELESS OF THE EAST LP
d/b/a Verizon Wireless

Premises: Lands n/f of Parker Avenue Realty, LLC
121 Parker Avenue
City of Poughkeepsie, Dutchess County, New York
Grid #: 131300-6162-55-257465

**STATEMENT OF INTENT and
APPLICATION FOR INTERPRETATION**

I. Introduction

This application for interpretation is provided in response to the September 4, 2024 letter of Rebecca A. Valk, Esq. and is a supplement to the previously submitted Use and Area Variance applications submitted in August 2024.

VERIZON WIRELESS OF THE EAST LP d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the construction of an unmanned public utility/personal wireless service facility (a "communications facility") on a portion of lands n/f owned by Parker Avenue Realty, LLC and located at 121 Parker Avenue in the City of Poughkeepsie, County of Dutchess, State of New York (the "premises").

Verizon Wireless is considered a public utility for purposes of zoning under New York decisional law (*Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364 (1993)) [EXHIBIT 1], and a provider of "personal wireless services" under the federal Telecommunications Act of 1996 (the "TCA") [EXHIBIT 2]. Verizon Wireless' equipment will be in operation twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year. Copies of the applicable Verizon Wireless FCC licenses are included herewith [EXHIBIT 3].

The proposed communications facility consists of a 100± ft. monopole tower (104± ft. when including a 4± ft. lightning rod), a ground mounted equipment platform and all associated antennas, improvements and access/utilities, all of which will be located within a secure 50' by 50' fenced communications compound. Details of the proposal are set forth on the plans attached in EXHIBIT 4. The project is located in the Walkway-Gateway district, Gateway commercial mixed use subdistrict ("G-CM") zoning district. According to §19-3.25(4) of the Poughkeepsie Code, communications facilities are not permitted in the G-CM zoning district. A use variance is, therefore, required.

II. Purpose of DC Youth Bureau Communications Facility

The purpose of the new facility and the description of the use proposed are described in detail in the above-referenced application for Use and Area Variances, which are herein incorporated by reference.

III. Need For Interpretation

By letter dated July 5, 2024, Deputy Zoning Administrator, Joseph D. O'Brien, identified several area variances purportedly required in connection with the proposed installation and operation of the telecommunications facility. Verizon Wireless applied for several variances identified in Mr. O'Brien's July 5, 2024 letter (i.e., maximum allowable front setback, minimum frontage occupancy, fences and landscaping).

As to the remaining items identified in Mr. O'Brien's letter (i.e., those for which variances were not sought), Verizon Wireless, in its Statement of Intent (page 3), confirmed that those items should not be applicable to the proposed telecommunications facility. Specifically, Verizon Wireless' Statement of Intent provided that the additional variances identified in Mr. O'Brien's letter (i.e., §19-3.25(14)(d)(1); §19-4.3(5)(b); and §19-4.3(5)(c)) are not related to Verizon Wireless' proposal, which is limited to the installation and operation of a telecommunications facility, and which does not involve installation of a commercial parking lot.

Section 19-3.25(14)(d)(1) involves landscaping requirements for proposed parking lots greater than 0.5 acres. Verizon Wireless' proposal, however, does not involve the development of a parking lot. This provision of the Code, therefore, does not apply. The proposed telecommunications facility will include space for 2-3 vehicles that will visit the facility approximately 2-3 times per year for inspection and maintenance purposes.

Section 19-4.3(5)(b) includes dimensional requirements for existing parking spaces. As mentioned above, the proposed telecommunications facility does not require or propose any formal parking spaces due to the fact that the proposed use is an unmanned communications facility. This provision does not apply to the project.

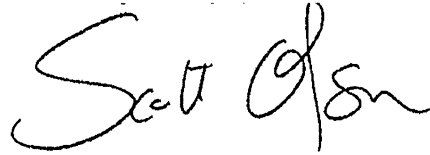
Section 19-4.3(5)(c) addresses lighting requirements for parking lots, which, again, are not proposed for this facility. This provision does not apply to the project.

Because the three (3) sections discussed above clearly relate to existing parking lots and have nothing to do with the proposed use, variances from such requirements are clearly not required. We, therefore, request the ZBA render an interpretation that §19-3.25(14)(d)(1); §19-4.3(5)(b); and §19-4.3(5)(c) do not apply to the proposed communications facility. In the event that the ZBA disagrees, we, alternatively, request the ZBA issue variances from the referenced requirements.

Thank you for your consideration.

Respectfully submitted,

VERIZON WIRELESS OF THE EAST LP
d/b/a Verizon Wireless

A handwritten signature in black ink, reading "Scott Olson". The signature is written in a cursive, flowing style.

Scott P. Olson, Esq.
Regional Local Counsel

Dated: September 17, 2024

EXHIBIT 1

**DOCUMENTATION OF PUBLIC UTILITY STATUS
and
OVERVIEW OF ROSENBERG DECISION**

In *Cellular Tel. Co. v Rosenberg*, 82 NY2d 364 [1993], the New York Court of Appeals determined that cellular telephone companies are public utilities. The Court held that proposed cellular telephone installations are to be reviewed by zoning boards pursuant to the traditional standard afforded to public utilities, rather than the standards generally required for the necessary approvals:

It has long been held that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities. There can be no question of [the carrier's] need to erect the cell site to eliminate service gaps in its cellular telephone service area. The proposed cell site will also improve the transmission and reception of existing service. Application of our holding in *Matter of Consolidated Edison* to sitings of cellular telephone companies, such as [the applicant], permits those companies to construct structures necessary for their operation which are prohibited because of existing zoning laws and to provide the desired services to the surrounding community. . . . Moreover, the record supports the conclusion that [the applicant] sustained its burden of proving the requisite public necessity. [The applicant] established that the erection of the cell site would enable it to remedy gaps in its service area that currently prevent it from providing adequate service to its customers in the . . . area.

Rosenberg, 82 NY2d at 372-74 (citing *Consolidated Edison Co. v Hoffman*, 43 NY2d 598 [(1978)]).

This special treatment of a public utility stems from the essential nature of its service, and the fact that a public utility transmitting facility must be located in a particular area in order to provide service. For instance, water towers, electric switching stations, water pumping stations and telephone poles must be in particular locations (including within residential districts) in order to provide the utility to a specific area:

[Public] utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

Anderson, *New York Zoning Law Practice*, 3d ed., p. 411 (1984) (hereafter “Anderson”). See also, *Cellular Tel. Co. v Rosenberg*, 82 NY2d 364 [1993]; *Payne v Taylor*, 178 AD2d 979 [4th Dept 1991].

Accordingly, the law in New York is that a municipality may not prohibit facilities, including towers, necessary for the transmission of a public utility. In *Rosenberg*, 82 NY2d at 371, the court found that "the construction of an antenna tower... to facilitate the supply of cellular telephone service is a 'public utility building' within the meaning of a zoning ordinance." See also *Long Island Lighting Co. v Griffin*, 272 AD 551 [2d Dept 1947] (a municipal corporation may not prohibit the expansion of a public utility where such expansion is necessary to the maintenance of essential services).

In the present case, Verizon Wireless does not have reliable service capacity in the City. The communications facility proposed is necessary to remedy this service problem and to provide adequate and reliable wireless telecommunications service coverage to this area. Therefore, Verizon Wireless satisfies the requisite showing of need for the facility under applicable New York law.

EXHIBIT 2

**DOCUMENTATION OF PERSONAL WIRELESS SERVICE FACILITY STATUS
and
FEDERAL TELECOMMUNICATIONS ACT OF 1996**

In addition to being considered a public utility under New York decisional law, Verizon Wireless is classified as a provider of “personal wireless services” under the federal Telecommunications Act of 1996 (the “TCA”).

As stated in the long title of the Act, the goal of the TCA is to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” *Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996)*.

The TCA mandates a process designed to achieve competitive telecommunications markets. In keeping with the central goals of the TCA, the authors specify in Section 253(a) that “[n]o State or local statute or regulation...may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” *TCA Section 253(a), emphasis added*.

Section 332(c) of the TCA preserves the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction and modification of personal wireless service facilities, subject to several important limitations:

- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services” (*TCA §332(c)(7)(B)(i)(I)*);
- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services” (*TCA §332(c)(7)(B)(i)(II)*);
- Applications must be processed within a reasonable period of time, and any decision to deny a request for placement of personal wireless service facilities must be in writing and supported by substantial evidence contained in a written record (*TCA §§332(c)(7)(B)(ii) and (iii)*); and
- regulations based upon the perceived environmental effects of radio frequency emissions are prohibited, so long as the proposed personal wireless service facility complies with FCC regulations concerning such emissions (*TCA §332(c)(7)(B)(iv)*).

A reference copy of the Telecommunications Act of 1996 is included herewith.

TELECOMMUNICATIONS ACT OF 1996

JANUARY 31, 1996. Ordered to be printed

Mr. BAILEY, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 652]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 652), to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) *SHORT TITLE.*—This Act may be cited as the “Telecommunications Act of 1996”.

(b) *REFERENCES.*—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title; references.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

22-327

Federal Communications Commission
Library

~~The owner shall provide written notification of such siting to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such pole, duct, conduit, or right-of-way accessible.~~

~~(4) An entity that obtains an attachment to a pole, conduit, or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity (including the owner of each pole, duct, conduit, or right-of-way).~~

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—

“(A) GENERAL AUTHORITY.—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) LIMITATIONS.—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

“(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

"(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

"(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

"(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v))."

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

~~SEC. 708. MOBILE SERVICES DIRECT ACCESS TO BROADCASTERS.~~

RIERS.

Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

"(8) MOBILE SERVICES ACCESS.—A person engaged in the provision of commercial mobile services, insofar as such person is engaged, shall not be required to provide equal access to common carriers for the provision of commercial mobile services."

portionate share of the costs incurred by the owner in making such conduit or right-of-way accessible.

Conference agreement

The conference agreement adopts the Senate provision with modifications. The conference agreement amends section 224 of the Communications Act by adding new subsection (e)(1) to allow parties to negotiate the rates, terms, and conditions for attaching to poles, ducts, conduits, and rights-of-way owned or controlled by utilities. New subsection 224(e)(2) establishes a new rate formula charged to telecommunications carriers for the non-useable space of each pole. Such rate shall be based upon the number of attaching entities. The conferees also agree to three additional provisions from the House amendment. First, subsection (g) requires utilities that engage in the provision of telecommunications services or cable services to impute to its costs of providing such service an equal amount to the pole attachment rate for which such company would be liable under section 224. Second, new subsection 224(h) requires utilities to provide written notification to attaching entities of any plans to modify or alter its poles, ducts, conduit, or rights-of-way. New subsection 224(h) also requires any attaching entity that takes advantage of such opportunity to modify its own attachments shall bear a proportionate share of the costs of such alterations. Third, new subsection 224(i) prevents a utility from imposing the cost of rearrangements to other attaching entities if done solely for the benefit of the utility.

SECTION 704—FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS

Senate bill

No provision.

House amendment

Section 108 of the House amendment required the Commission to issue regulations within 180 days of enactment for siting of CMS. A negotiated rulemaking committee comprised of State and local governments, public safety agencies and the affected industries were to have attempted to develop a uniform policy to propose to the Commission for the siting of wireless tower sites.

The House amendment also required the Commission to complete its pending Radio Frequency (RF) emission exposure standards within 180 days of enactment. The siting of facilities could not be denied on the basis of RF emission levels for facilities that were in compliance with the Commission standard.

The House amendment also required that to the greatest extent possible the Federal government make available to use of Federal property, rights-of-way, easements and any other physical instruments in the siting of wireless telecommunications facilities.

Conference agreement

The conference agreement creates a new section 704 which prevents Commission preemption of local and State land use decisions and preserves the authority of State and local governments over

zoning and land use matters except in the limited circumstances set forth in the conference agreement. The conference agreement also provides a mechanism for judicial relief from zoning decisions that fail to comply with the provisions of this section. It is the intent of the conferees that other than under section 332(c)(7)(B)(iv) of the Communications Act of 1934 as amended by this Act and section 704 of the Telecommunications Act of 1996 the courts shall have exclusive jurisdiction over all other disputes arising under this section. Any pending Commission rulemaking concerning the preemption of local zoning authority over the placement, construction or modification of CMS facilities should be terminated.

When utilizing the term “functionally equivalent services” the conferees are referring only to personal wireless services as defined in this section that directly compete against one another. The intent of the conferees is to ensure that a State or local government does not in making a decision regarding the placement, construction and modification of facilities of personal wireless services described in this section unreasonably favor one competitor over another. The conferees also intend that the phrase “unreasonably discriminate among providers of functionally equivalent services” will provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements even if those facilities provide functionally equivalent services. For example, the conferees do not intend that if a State or local government grants a permit in a commercial district, it must also grant a permit for a competitor’s 50-foot tower in a residential district.

Actions taken by State or local governments shall not prohibit or have the effect of prohibiting the placement, construction or modification of personal wireless services. It is the intent of this section that bans or policies that have the effect of banning personal wireless services or facilities not be allowed and that decisions be made on a case-by-case basis.

Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances. It is not the intent of this provision to give preferential treatment to the personal wireless service industry in the processing of requests, or to subject their requests to any but the generally applicable time frames for zoning decision.

The phrase “substantial evidence contained in a written record” is the traditional standard used for judicial review of agency actions.

The conferees intend section 332(c)(7)(B)(iv) to prevent a State or local government or its instrumentalities from basing the regulation of the placement, construction or modification of CMS facilities directly or indirectly on the environmental effects of radio frequency emissions if those facilities comply with the Commission’s regulations adopted pursuant to section 704(b) concerning such emissions.

The limitations on the role and powers of the Commission under this subparagraph relate to local land use regulations and are not intended to limit or affect the Commission's general authority over radio telecommunications, including the authority to regulate the construction, modification and operation of radio facilities.

The conferees intend that the court to which a party appeals a decision under section 332(c)(7)(B)(v) may be the Federal district court in which the facilities are located or a State court of competent jurisdiction, at the option of the party making the appeal, and that the courts act expeditiously in deciding such cases. The term "final action" of that new subparagraph means final administrative action at the State or local government level so that a party can commence action under the subparagraph rather than waiting for the exhaustion of any independent State court remedy otherwise required.

With respect to the availability of Federal property for the use of wireless telecommunications infrastructure sites under section 704(c), the conferees generally adopt the House provisions, but substitute the President or his designee for the Commission.

It should be noted that the provisions relating to telecommunications facilities are not limited to commercial mobile radio licensees, but also will include other Commission licensed wireless common carriers such as point to point microwave in the extremely high frequency portion of the electromagnetic spectrum which rely on line of sight for transmitting communication services.

~~SECTION 705 MOBILE SERVICE DIRECT ACCESS TO LONG-DISTANCE CARRIERS~~

Senate bill

Subsection (b) of section 221 of the Senate bill, as passed, states that notwithstanding the MFJ or any other consent decree, no CMS provider will be required by court order or otherwise to provide long distance equal access. The Commission may only order equal access if a CMS provider is subject to the interconnection obligations of section 251 and if the Commission finds that such a requirement is in the public interest. CMS providers shall ensure that its subscribers can obtain unblocked access to the interexchange carrier of their choice through the use of interexchange carrier identification codes, except that the unblocking requirement shall not apply to mobile satellite services unless the Commission finds it is in the public interest.

House amendment

Under section 109 of the House amendment, the Commission shall require providers of two-way switched voice CMS to allow their subscribers to access the telephone toll services provider of their choice through the use of carrier identification codes. The Commission rules will supersede the equal access, balloting and prescription requirements imposed by the MFJ and the AT&T-McCaw consent decree. The Commission may exempt carriers or classes of carriers from the requirements of this section if it is consistent with the public interest, convenience, and necessity, and the

EXHIBIT 3

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
CELLCO PARTNERSHIP
5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
ALPHARETTA, GA 30022

Call Sign WQJQ689	File Number 0008587211
Radio Service WU - 700 MHz Upper Band (Block C)	

FCC Registration Number (FRN): 0003290673

Grant Date 09-11-2019	Effective Date 09-11-2019	Expiration Date 06-13-2029	Print Date 09-13-2019
Market Number REA001	Channel Block C	Sub-Market Designator 0	
Market Name Northeast			
1st Build-out Date 06-13-2013	2nd Build-out Date 06-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

This authorization is conditioned upon compliance with section 27.16 of the Commission's rules

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: CELLCO PARTNERSHIP

Call Sign: WQJQ689

File Number: 0008587211

Print Date: 09-13-2019

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status
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REFERENCE COPY

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**Federal Communications Commission
Wireless Telecommunications Bureau**

RADIO STATION AUTHORIZATION

LICENSEE: VERIZON WIRELESS OF THE EAST LP

ATTN: REGULATORY
VERIZON WIRELESS OF THE EAST LP
5055 NORTH POINT PK WY, NP2NE NETWORK ENGINEERING
ALPHARETTA, GA 30022

Call Sign KNKA580	File Number
Radio Service CL - Cellular	
Market Numer CMA144	Channel Block B
Sub-Market Designator 0	

FCC Registration Number (FRN): 0007609324

Market Name Orange County, NY

Grant Date 12-19-2017	Effective Date 01-09-2020	Expiration Date 01-22-2028	Five Yr Build-Out Date	Print Date 01-10-2020
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Site Information:

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
1	41-12-35.0 N	074-21-09.0 W	442.9	70.7	1003029

Address: WARWICK BRADY ROAD

City: WARWICK **County:** ORANGE **State:** NY **Construction Deadline:**

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	313.500	264.400	247.600	294.300	238.400	133.000	253.100	356.100
Transmitting ERP (watts)	0.200	0.200	0.200	0.200	0.200	2.710	20.110	8.700

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	315.600	266.500	249.800	296.500	240.600	135.100	255.200	358.200
Transmitting ERP (watts)	20.110	8.700	0.200	0.200	0.200	0.200	0.200	2.710

Antenna: 4

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	315.600	266.500	249.800	296.500	240.600	135.100	255.200	358.200
Transmitting ERP (watts)	0.200	0.200	0.330	0.460	52.890	37.600	0.570	0.200

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Licensee Name: VERIZON WIRELESS OF THE EAST LP

Call Sign: KNKA580

File Number:

Print Date: 01-10-2020

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
1	41-12-35.0 N	074-21-09.0 W	442.9	70.7	1003029

Address: WARWICK BRADY ROAD

City: WARWICK County: ORANGE State: NY Construction Deadline:

Antenna: 5

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	315.600	266.500	249.800	296.500	240.600	135.100	255.200	358.200
Transmitting ERP (watts)	0.200	0.450	11.730	18.090	1.550	0.200	0.200	0.200

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
2	41-25-36.3 N	074-34-52.6 W	381.3	58.5	

Address: FINCHVILLE - 0.5 MILE FROM THE INTERSECTION OF GUYMARD TURNPIKE AND MOUNTAIN ROA

City: FINCHVILLE County: ORANGE State: NY Construction Deadline:

Antenna: 4

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	145.900	219.500	227.500	263.500	189.100	243.000	176.700	52.500
Transmitting ERP (watts)	48.980	100.000	43.650	6.920	0.950	0.220	1.100	8.510

Antenna: 5

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	145.900	219.500	227.500	263.500	189.100	243.000	176.700	52.500
Transmitting ERP (watts)	0.200	1.260	12.880	61.660	95.500	32.360	4.470	0.620

Antenna: 6

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	145.900	219.500	227.500	263.500	189.100	243.000	176.700	52.500
Transmitting ERP (watts)	17.380	2.290	0.210	0.200	2.240	22.910	83.180	75.860

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
3	41-22-03.3 N	074-40-55.6 W	137.2	40.0	

Address: (Port Jervis site) 160 EAST MAIN ST.

City: PORT JERVIS County: ORANGE State: NY Construction Deadline:

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	-218.200	-76.200	-105.700	-94.600	-216.300	-45.200	-191.400	-96.900
Transmitting ERP (watts)	162.690	437.890	100.310	2.460	0.890	0.890	0.890	8.740

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	-218.200	-76.200	-105.700	-94.600	-216.300	-45.200	-191.400	-96.900
Transmitting ERP (watts)	0.960	0.960	2.160	35.100	38.800	2.320	0.960	0.960

Licensee Name: VERIZON WIRELESS OF THE EAST LP

Call Sign: KNKA580

File Number:

Print Date: 01-10-2020

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
3	41-22-03.3 N	074-40-55.6 W	137.2	40.0	

Address: (Port Jervis site) 160 EAST MAIN ST.

City: PORT JERVIS County: ORANGE State: NY Construction Deadline:

Antenna: 4

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	-218.200	-76.200	-105.700	-94.600	-216.300	-45.200	-191.400	-96.900
Transmitting ERP (watts)	7.130	0.980	0.980	0.980	0.980	0.980	32.460	241.190

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
4	41-33-04.8 N	074-05-01.0 W	196.3	47.5	1014196

Address: OFF VALLEY VIEW DRIVE

City: Newburgh County: ORANGE State: NY Construction Deadline:

Antenna: 4

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	68.300	95.800	164.400	145.900	123.900	104.800	113.800	116.300
Transmitting ERP (watts)	0.200	3.090	31.620	14.790	0.270	0.200	0.200	0.200

Antenna: 5

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	68.300	95.800	164.400	145.900	123.900	104.800	113.800	116.300
Transmitting ERP (watts)	0.200	0.200	0.200	0.200	9.550	34.670	5.620	0.200

Antenna: 6

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	68.300	95.800	164.400	145.900	123.900	104.800	113.800	116.300
Transmitting ERP (watts)	85.110	23.440	3.160	0.280	0.200	1.410	17.380	72.440

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
5	41-23-22.3 N	073-58-50.5 W	301.5	43.0	

Address: ATOP SKI SLOPE, 0.8 MILE NE OF THE INT. OF ROUTES 9W AND 293

City: WEST POINT County: ORANGE State: NY Construction Deadline:

Antenna: 4

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	306.700	148.900	183.200	234.300	267.000	63.800	54.400	214.100
Transmitting ERP (watts)	2.690	22.390	66.070	47.860	9.120	0.710	0.200	0.410

Antenna: 5

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	306.700	148.900	183.200	234.300	267.000	63.800	54.400	214.100
Transmitting ERP (watts)	0.590	0.200	1.230	7.240	51.290	95.500	40.740	5.010

Licensee Name: VERIZON WIRELESS OF THE EAST LP

Call Sign: KNKA580

File Number:

Print Date: 01-10-2020

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
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5 41-23-22.3 N 073-58-50.5 W 301.5 43.0

Address: ATOP SKI SLOPE, 0.8 MILE NE OF THE INT. OF ROUTES 9W AND 293

City: WEST POINT County: ORANGE State: NY Construction Deadline:

Antenna: 6

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	306.700	148.900	183.200	234.300	267.000	63.800	54.400	214.100
Transmitting ERP (watts)	83.180	22.910	2.140	0.230	0.210	1.820	15.850	74.130

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
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6 41-18-12.3 N 074-06-51.5 W 432.8 27.7

Address: Arden House Road

City: Woodbury County: ORANGE State: NY Construction Deadline:

Antenna: 4

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	225.700	204.000	315.400	275.600	135.500	217.200	239.900	260.800
Transmitting ERP (watts)	40.240	79.460	36.390	2.570	0.200	0.200	0.200	3.310

Antenna: 5

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	225.700	204.000	315.400	275.600	135.500	217.200	239.900	260.800
Transmitting ERP (watts)	0.200	0.200	0.200	3.310	40.240	79.460	36.390	2.570

Antenna: 6

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	225.700	204.000	315.400	275.600	135.500	217.200	239.900	260.800
Transmitting ERP (watts)	25.120	0.740	0.200	0.200	0.200	0.830	30.200	100.000

Control Points:

Control Pt. No. 1

Address: 500 West Dove Road

City: Southlake County: TARRANT State: TX Telephone Number: (800)264-6620

Waivers/Conditions:

Special Condition for AU/name change (6/4/2016): Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

CELLCO PARTNERSHIP
 5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
 ALPHARETTA, GA 30022

Call Sign WQGA801	File Number 0009761479
Radio Service AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

Grant Date 12-14-2021	Effective Date 12-14-2021	Expiration Date 11-29-2036	Print Date 12-14-2021
Market Number CMA144	Channel Block A	Sub-Market Designator 0	
Market Name Orange County, NY			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

Licensee Name: CELLCO PARTNERSHIP

Call Sign: WQGA801

File Number: 0009761479

Print Date: 12-14-2021

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status
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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

CELLCO PARTNERSHIP
 5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
 ALPHARETTA, GA 30022

Call Sign WQGA906	File Number 0009773259
Radio Service AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

Grant Date 12-21-2021	Effective Date 12-21-2021	Expiration Date 11-29-2036	Print Date 12-21-2021
Market Number BEA010	Channel Block B	Sub-Market Designator 15	
Market Name New York-No. New Jer.-Long Isl			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Licensee Name: CELLCO PARTNERSHIP

Call Sign: WQGA906

File Number: 0009773259

Print Date: 12-21-2021

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status
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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
 CELLCO PARTNERSHIP
 5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
 ALPHARETTA, GA 30022

Call Sign WRNE581	File Number
Radio Service PM - 3.7 GHz Service	

FCC Registration Number (FRN): 0003290673

Grant Date 07-23-2021	Effective Date 07-23-2021	Expiration Date 07-23-2036	Print Date
Market Number PEA001	Channel Block A1		Sub-Market Designator 0
Market Name New York, NY			
1st Build-out Date 07-23-2029	2nd Build-out Date 07-23-2033	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

Operation for this combination license grants both interim and final rights for this PEA and is not impacted by the relocation process pursuant to 47 CFR ? 27.1412(g).

License is conditioned on compliance with all applicable FCC rules and regulations, including licensee making payments required by 47 C.F.R. §§ 27.1401- 27.1424 as described in FCC 20-22. See FCC 20-22, paras. 178-331.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Licensee Name: CELLCO PARTNERSHIP

Call Sign: WRNE581

File Number:

Print Date:

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status
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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
 CELLCO PARTNERSHIP
 5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
 ALPHARETTA, GA 30022

Call Sign WRNE582	File Number
Radio Service PM - 3.7 GHz Service	

FCC Registration Number (FRN): 0003290673

Grant Date 07-23-2021	Effective Date 07-23-2021	Expiration Date 07-23-2036	Print Date
Market Number PEA001	Channel Block A2	Sub-Market Designator 0	
Market Name New York, NY			
1st Build-out Date 07-23-2029	2nd Build-out Date 07-23-2033	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

Operation for this combination license grants both interim and final rights for this PEA and is not impacted by the relocation process pursuant to 47 CFR ? 27.1412(g).

License is conditioned on compliance with all applicable FCC rules and regulations, including licensee making payments required by 47 C.F.R. §§ 27.1401- 27.1424 as described in FCC 20-22. See FCC 20-22, paras. 178-331.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Licensee Name: CELLCO PARTNERSHIP

Call Sign: WRNE582

File Number:

Print Date:

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status
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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
 CELLCO PARTNERSHIP
 5055 NORTH POINT PKWY, NP2NE NETWORK ENGINEERING
 ALPHARETTA, GA 30022

Call Sign WRNE583	File Number
Radio Service PM - 3.7 GHz Service	

FCC Registration Number (FRN): 0003290673

Grant Date 07-23-2021	Effective Date 07-23-2021	Expiration Date 07-23-2036	Print Date
Market Number PEA001	Channel Block A3	Sub-Market Designator 0	
Market Name New York, NY			
1st Build-out Date 07-23-2029	2nd Build-out Date 07-23-2033	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

Operation for this combination license grants both interim and final rights for this PEA and is not impacted by the relocation process pursuant to 47 CFR ? 27.1412(g).

License is conditioned on compliance with all applicable FCC rules and regulations, including licensee making payments required by 47 C.F.R. §§ 27.1401- 27.1424 as described in FCC 20-22. See FCC 20-22, paras. 178-331.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Licensee Name: CELLCO PARTNERSHIP

Call Sign: WRNE583

File Number:

Print Date:

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status
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EXHIBIT 4

FUZE ID#: 17099955
MDG#: 5000350891



DIRECTIONS TO SITE:

FROM NORTH GREENBUSH, HEAD EAST ON JORDAN RD 0.3 MI.
TURN RIGHT ONTO US-4 S/N GREENBUSH RD 1.5 MI.
TURN RIGHT ONTO NY-43 W 1.1 MI. USE THE RIGHT 2 LANES TO
MERGE ONTO I-90 W VIA THE RAMP TO ALBANY. 2.2 LANES TO
I-90 W 1.2 MI. TAKE EXH 5A TO MERGE ONTO I-787 TOWARD
ALBANY. 0.4 MI. USE THE RIGHT 2 LANES TO TAKE EXIT 1 TO MERGE
ONTO I-87 S. TOLL ROAD 67.1 MI. TAKE EXIT 18 TO MERGE ONTO
NY-299 E TOWARD POUGHKEEPSIE. TOLL ROAD 0.9 MI.
MERGE ONTO NY-299 E 5.1 MI. USE THE RIGHT 2 LANES TO TURN
RIGHT ONTO RTE 9W S 2.3 MI. USE THE RIGHT LANE TO TAKE THE
RAMP TO MID HUDSON BRIDGE/POUGHKEEPSIE. 0.4 MI. CONTINUE ONTO
US-44 E TOLL ROAD 2.4 MI. TURN LEFT ONTO S HAMILTON ST 1.0 MI.
SHARP LEFT ONTO PARKER AVE 190 FT TURN RIGHT. DESTINATION
WILL BE ON THE RIGHT

PROJECT SUMMARY

PROJECT DESCRIPTION

THE PROPOSED WORK CONSISTS OF INSTALLING CELLULAR ANTENNAS AND RELATED EQUIPMENT ON A PROPOSED MONOPOLE AND THE INSTALLATION OF EQUIPMENT AT GRADE WITHIN A PROPOSED FENCED COMPOUND.

SHEET INDEX

THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL ITEMS OF CONCERN HAVE BEEN ADDRESSED AND EACH OF THE DRAWINGS HAS BEEN REVISED AND ISSUED "FOR CONSTRUCTION".

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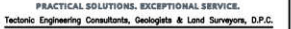
UNDERGROUND FACILITIES
PROTECTIVE ORGANIZATION
CALL US TOLL FREE 811 OR 1-800-962-7962

NY industrial code rule 753 requires no less than two working days notice, but not more than ten days notice.

UDIGNY — NEW YORK

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED FOR 22"x34" FULL SIZE AND 11"x17" HALF SIZE. OTHER SIZED VERSIONS ARE NOT PRINTED TO THE SCALE SHOWN. CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



Project Contact Info
36 British American Blvd. Phone: (518) 783-1630
Suite 101 (800) 829-6531
Latham, NY 12110 www.tectonicengineering.com

WORK ORDER NUMBER

11860.077

DRAWN BY

MQ

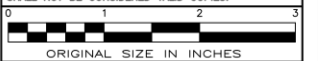
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UNAUTHORIZED ALTERATION OR ADDITIONS TO A PLAN BEARING THE SEAL OF A LICENSED ENGINEER OR LAND SURVEYOR IS A VIOLATION OF SECTION 7209 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

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SITE INFORMATION

DC YOUTH BUREAU
FUZE ID#: 17099955
MDG#: 5000350891

SITE ADDRESS

121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE

TITLE SHEET

SHEET NUMBER

T-1



APPROXIMATE



1 ADJOINERS PLAN
SCALE: 1" = 200' (11x17 SIZE)
1" = 100' (22x34 SIZE)

	SBL	OWNER	ADDRESS
1	131300-6162-5 5-257465-0000	Parker Avenue Realty LLC	47 Marie Ct Wappingers Falls, NY 12590
2	131300-6162-5 4-241454-0000	Parker Avenue Realty LLC	47 Marie Ct Wappingers Falls, NY 12590
3	131300-6162-5 5-257435-0000	DNH Valley LLC	28 Sherwood Hts Wappingers Falls, NY 12590
4	131300-6162-5 5-268446-0000	Lory Properties Corp	PO Box 235 Stormville, NY 12582
5	131300-6162-5 5-271449-0000	214 N Hamilton LLC	214 N Hamilton St Poughkeepsie, NY 12601
6	131300-6162-5 5-272453-0000	Soto, Robert	19 Vervalen Dr Poughkeepsie, NY 12603
7	131300-6162-5 5-269473-0000	Parker Avenue Realty LLC	47 Marie Ct Wappingers Falls, NY 12590
8	131300-6162-5 5-265487-0000	County of Dutchess	22 Market St Poughkeepsie, NY 12601

2 ADJOINERS LIST
SCALE: NTS

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**UDIG-NY**

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PROTECTIVE ORGANIZATION

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working days notice, but not more than ten days notice.

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verizon

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Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C.
Project Contact Info: 36 British American Blvd., Suite 101, Latham, NY 12110
Phone: (518) 783-1630
(800) 828-6531
www.tectoniceengineering.com

WORK ORDER NUMBER
11860.077

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MQ

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1	7/30/24	FOR ZONING

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0 1 2 3
ORIGINAL SIZE IN INCHES

SITE INFORMATION

DC YOUTH BUREAU
FUZE ID#: 17099955
MDG#: 5000350891

SITE ADDRESS

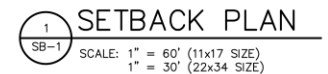
121 PARKER AVE
CITY OF Poughkeepsie
DUTCHESS COUNTY
NY 12601

SHEET TITLE

ADJOINERS PLAN

SHEET NUMBER

AD-1



BULK REQUIREMENTS			
CITY OF POUGHKEEPSIE			
ZONING DISTRICT: C-CM (MIXED USE COMMERCIAL)			
	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
MINIMUM YARDS (TOWER)			
FRONT:	TBD	—	162 FT
SIDE:	TBD	—	33 FT
REAR:	TBD	—	50 FT
MINIMUM YARDS (COMPOUND)			
FRONT:	TBD	—	134 FT
SIDE:	TBD	—	6 FT
REAR:	TBD	—	25 FT
MAXIMUM TOWER HEIGHT:	PER RF REQUIREMENTS	—	104 FT



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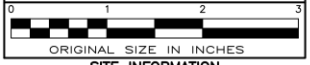
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MDG#: 5000350891

SITE ADDRESS
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE
SETBACK PLAN

SHEET NUMBER
SB-1

Before You Dig, Drill Or Blast!

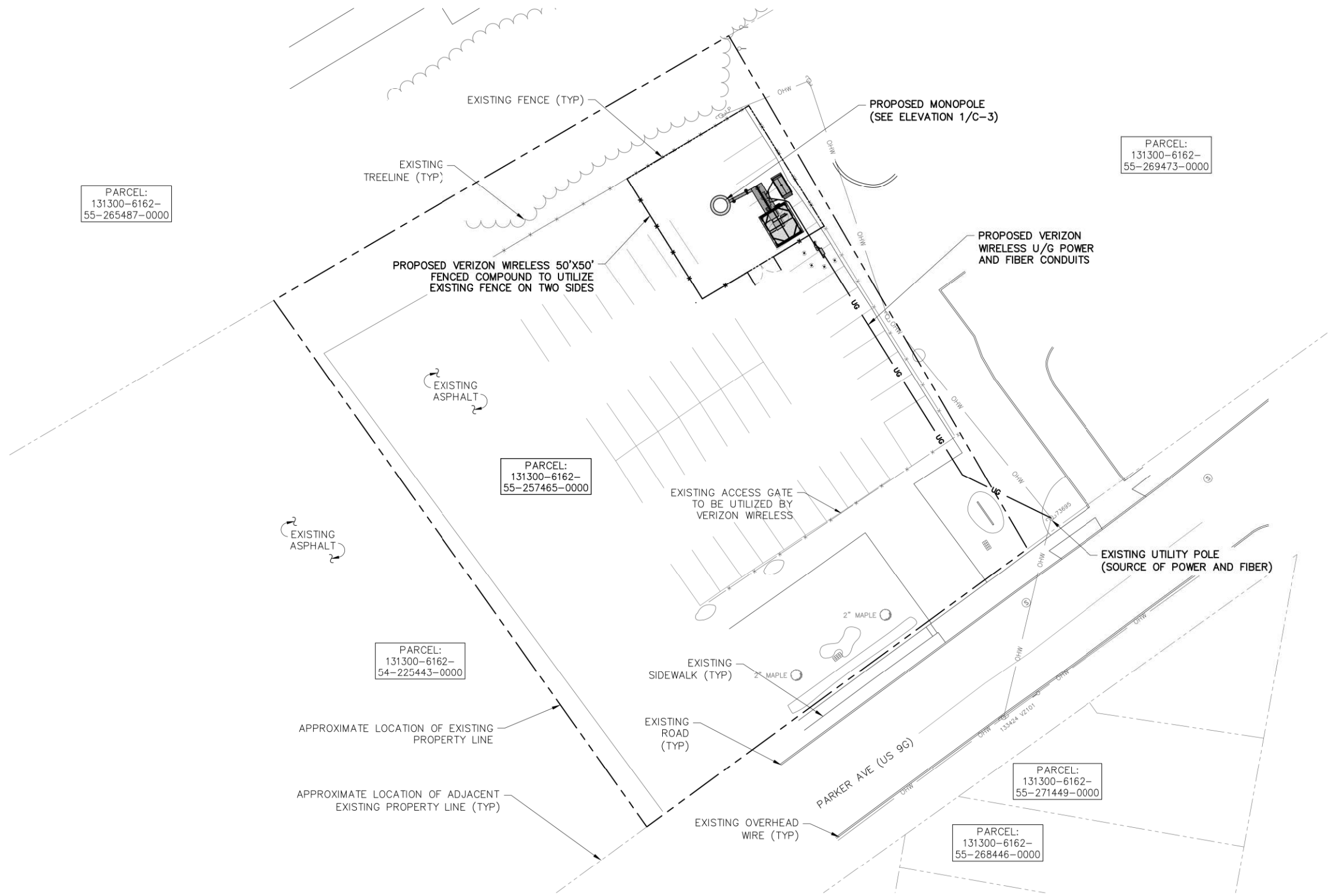
 **UDIG-NY**

UNDERGROUND FACILITIES
PROTECTIVE ORGANIZATION

CALL US TOLL FREE 811 OR 1-800-962-7962

NY industrial code rule 753 requires no less than two working days notice, but not more than ten days notice.

UDIGNY — NEW YORK



1
C-1
OVERALL SITE PLAN
SCALE: 1" = 40' (11x17 SIZE)
1" = 20' (22x34 SIZE)

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ORIGINAL SIZE IN INCHES

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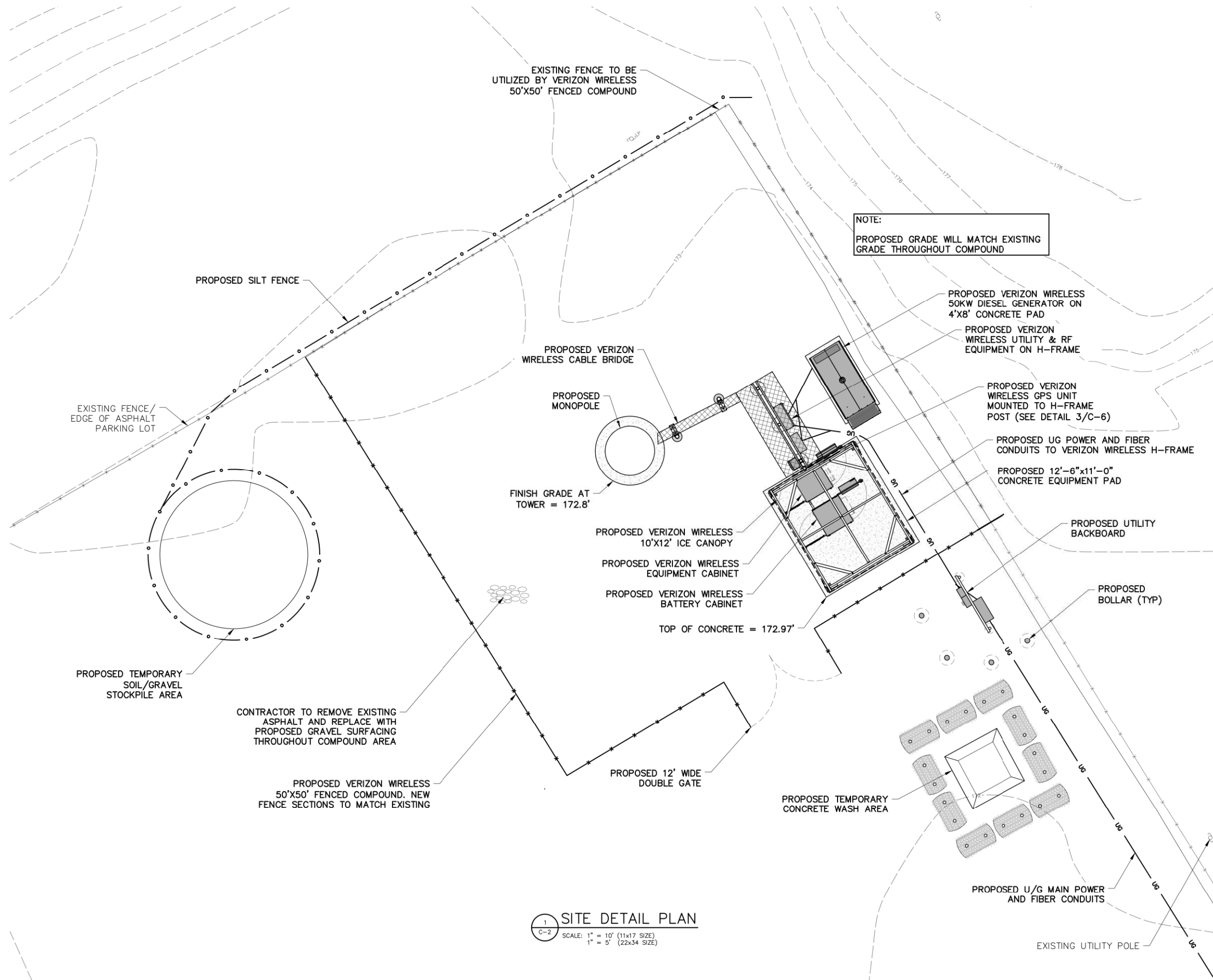
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

C-1



1 SITE DETAIL PLAN
C-2
SCALE: 1" = 10' (11x17 SIZE)
1" = 5' (22x34 SIZE)



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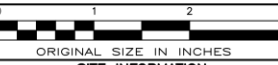
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SITE INFORMATION
DC YOUTH BUREAU
FUZE ID#: 17099955
MDG#: 5000350891

SITE ADDRESS
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE
SITE DETAIL PLAN

SHEET NUMBER
C-2



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SITE INFORMATION

YOUTH BUREAU
ZE ID#: 17099955
G#: 5000350891

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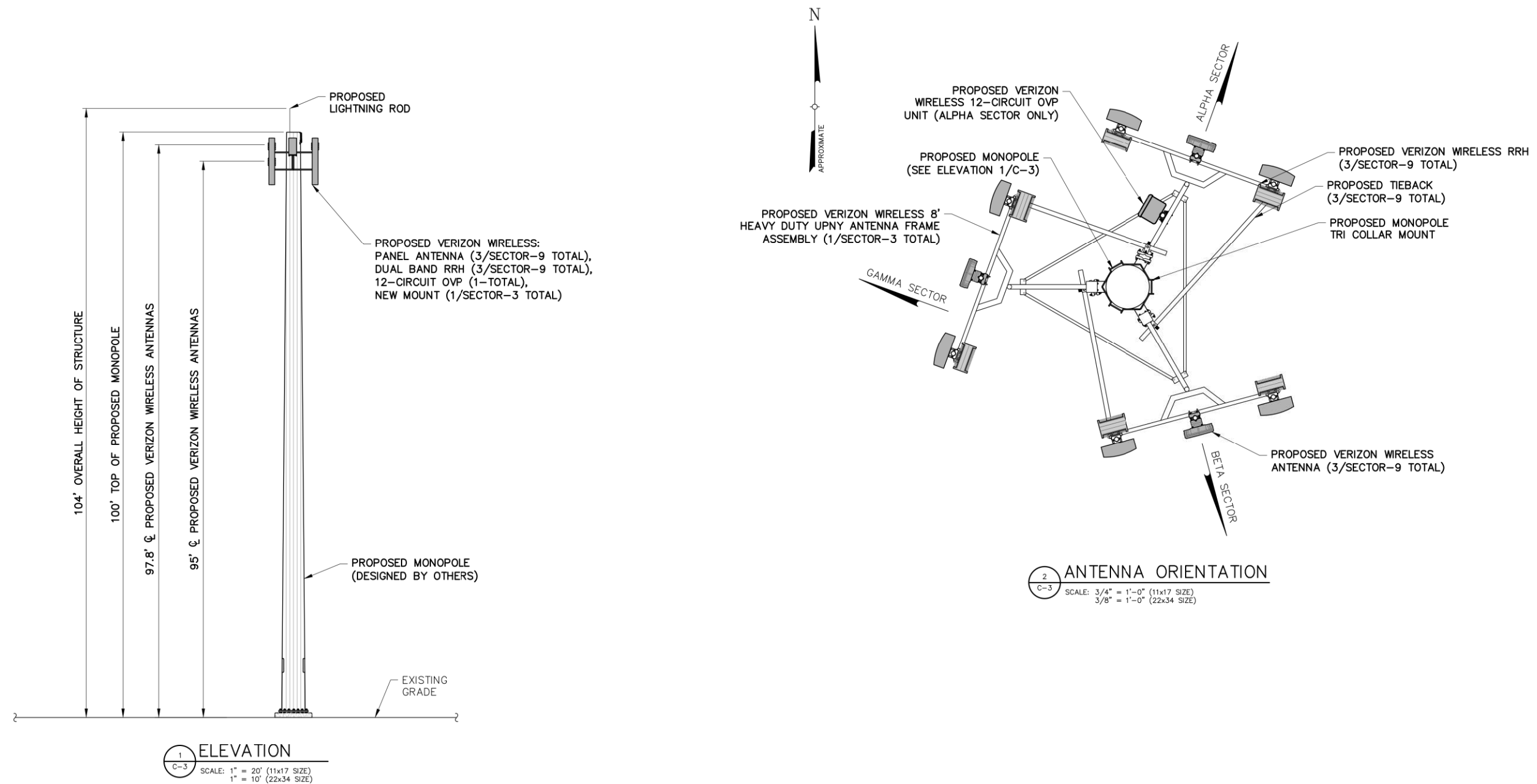
1 PARKER AVE
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TCHESSE COUNTY
12601

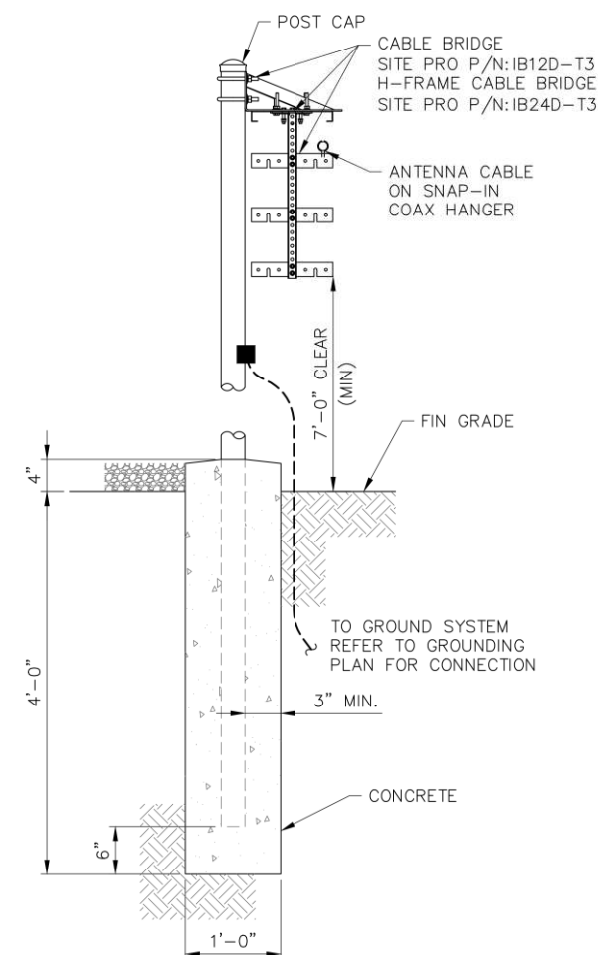
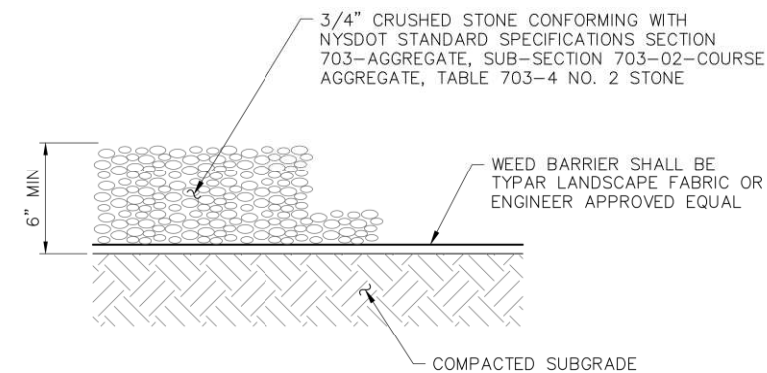
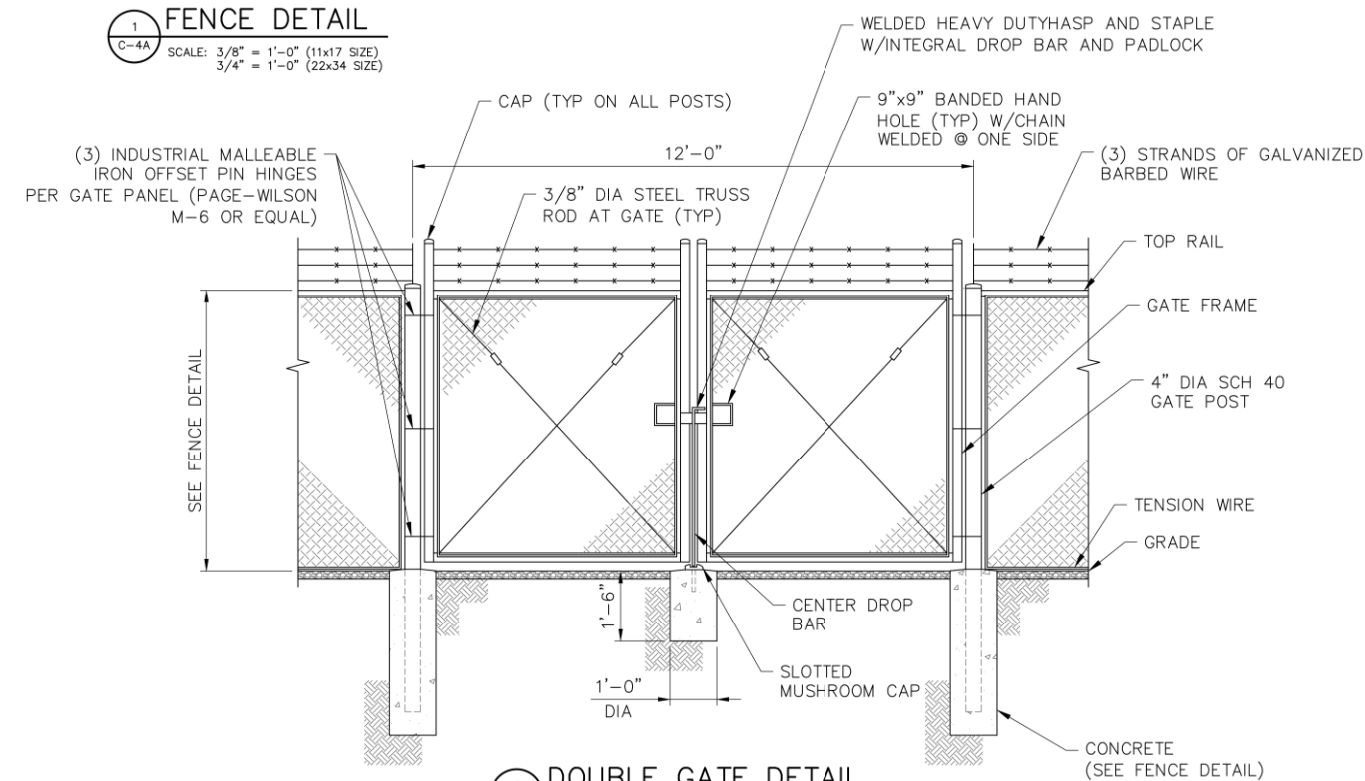
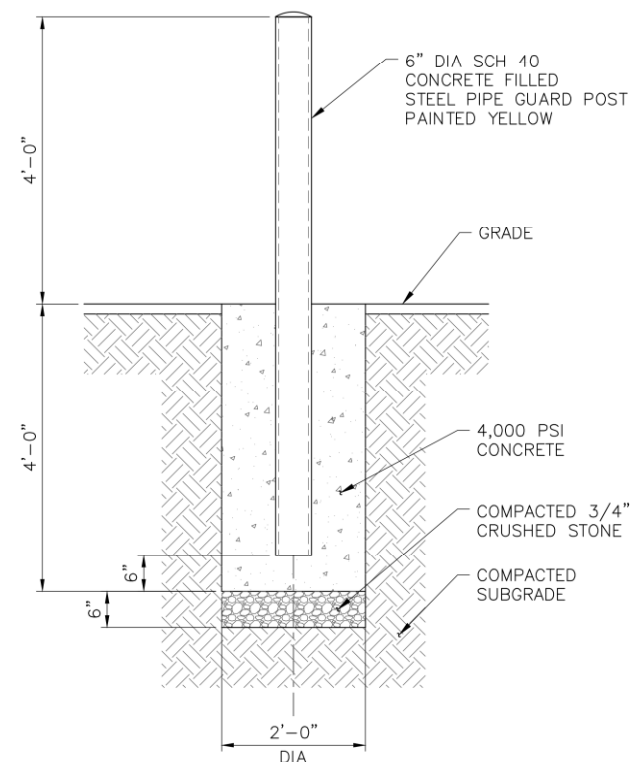
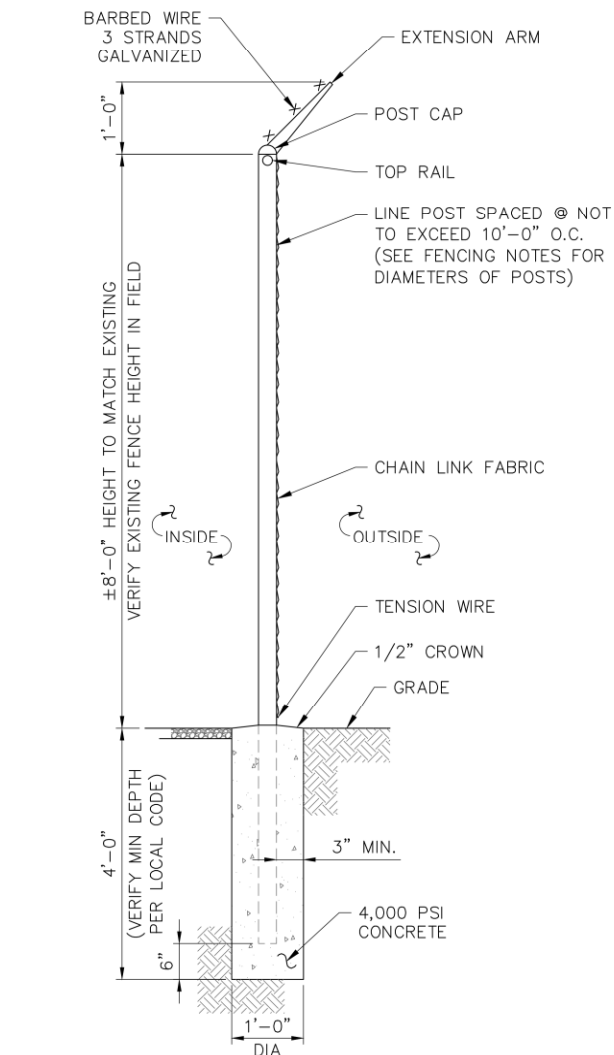
SHEET TITLE

EVALUATION & IMPLEMENTATION PLAN

SHEET NUMBER

C-3





1275 JOHN STREET, SUITE 100
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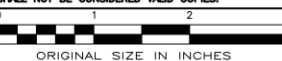
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MDG#: 5000350891

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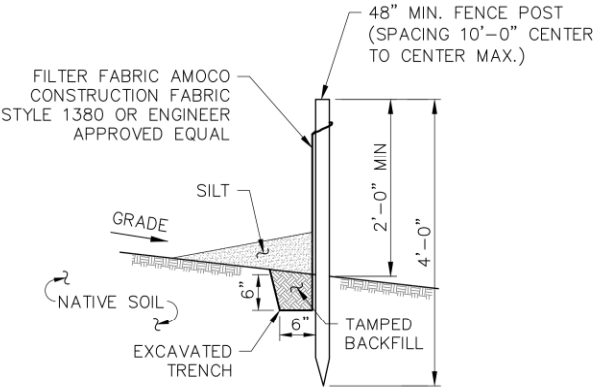
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE

SITE DETAILS

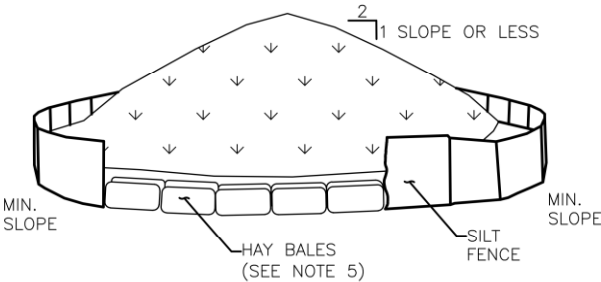
SHEET NUMBER

C-4A



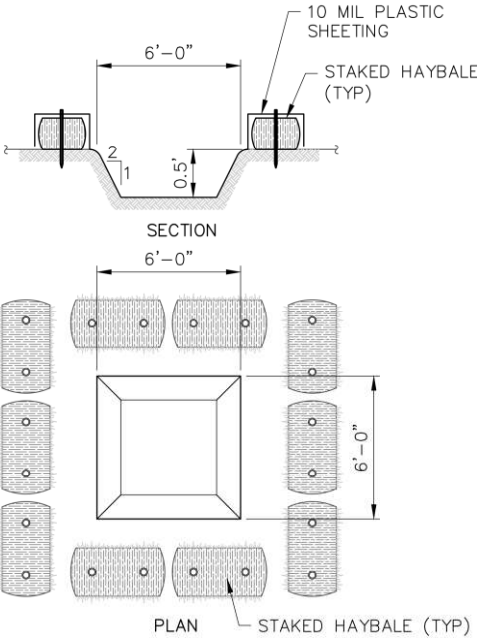
- NOTES:
1. SILT FENCE SHALL BE MAINTAINED IN PLACE DURING CONSTRUCTION AND SOIL STABILIZATION PERIOD.
 2. CONTRACTOR SHALL CONSTRUCT SILT FENCE IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS.
 3. EXCAVATE TRENCH 6" WIDE X 6" DEEP. BURY BOTTOM 12" OF FABRIC AND TAMP IN PLACE.
 4. WHEN FENCE IS NO LONGER NEEDED, THE ACCUMULATED SILT, ALL THE POSTS AND FABRIC SHALL BE REMOVED AND TRENCH BACK FILLED WITH TOPSOIL AND SEEDED.

1
C-4B
SILT FENCE DETAIL
SCALE: NTS



- NOTES:
1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
 2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1V:2H.
 3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH SILT FENCING, THEN STABILIZED WITH VEGETATION OR COVERED.
 4. SEE SPECIFICATIONS FOR INSTALLATION OF SILT FENCE.
 5. HAYBALES TO BE USED WHERE STOCKPILES ARE LOCATED ON PAVED AREAS.

4
C-4B
TEMPORARY SOIL STOCKPILE DETAIL
SCALE: NTS



5
C-4B
TEMPORARY CONCRETE WASH
SCALE: NTS

verizon

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ORIGINAL SIZE IN INCHES

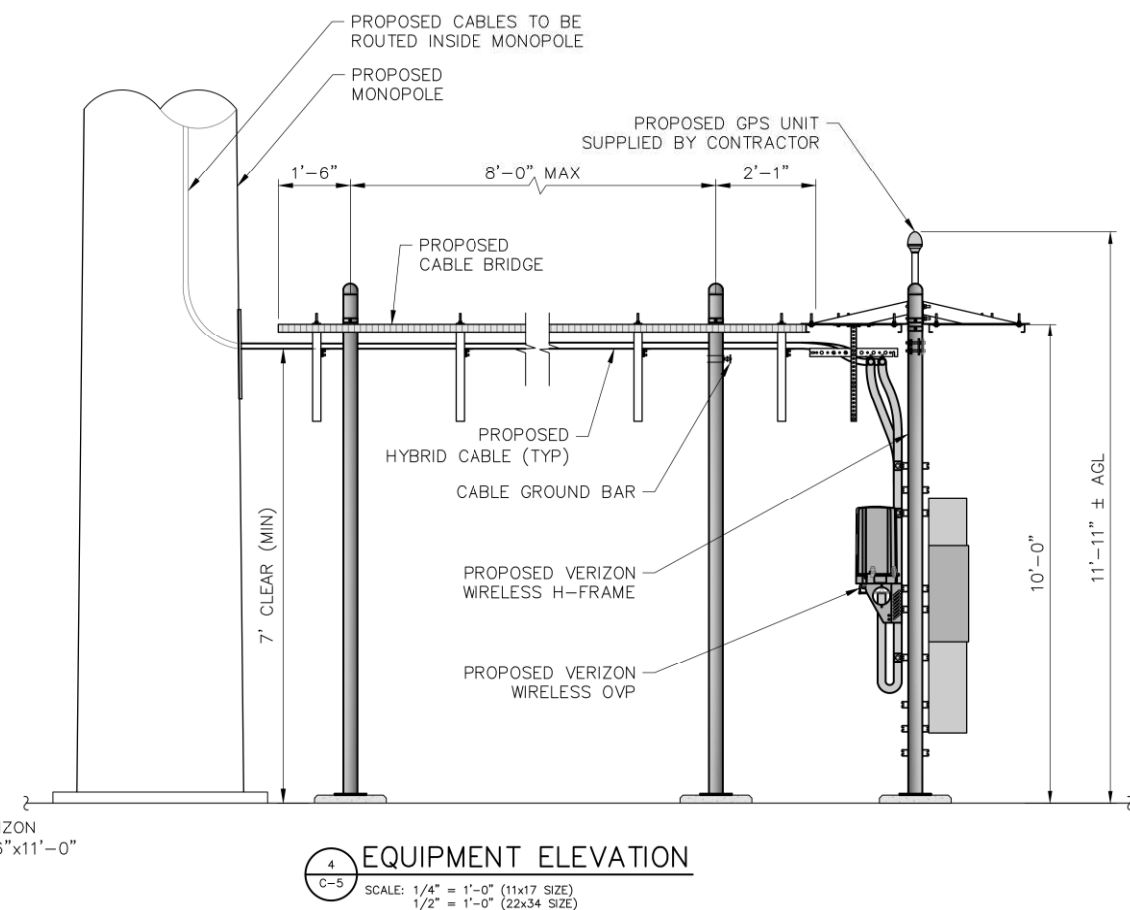
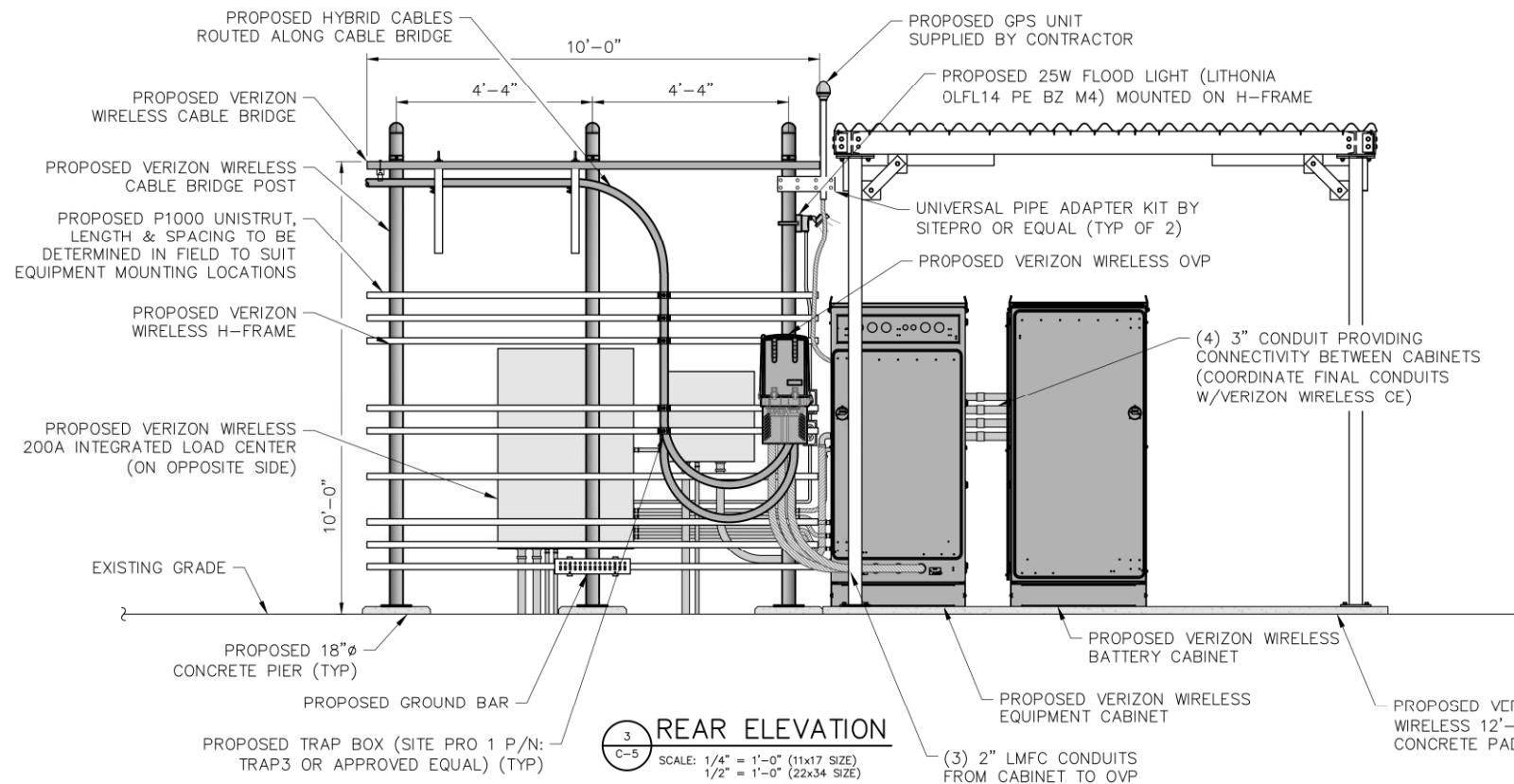
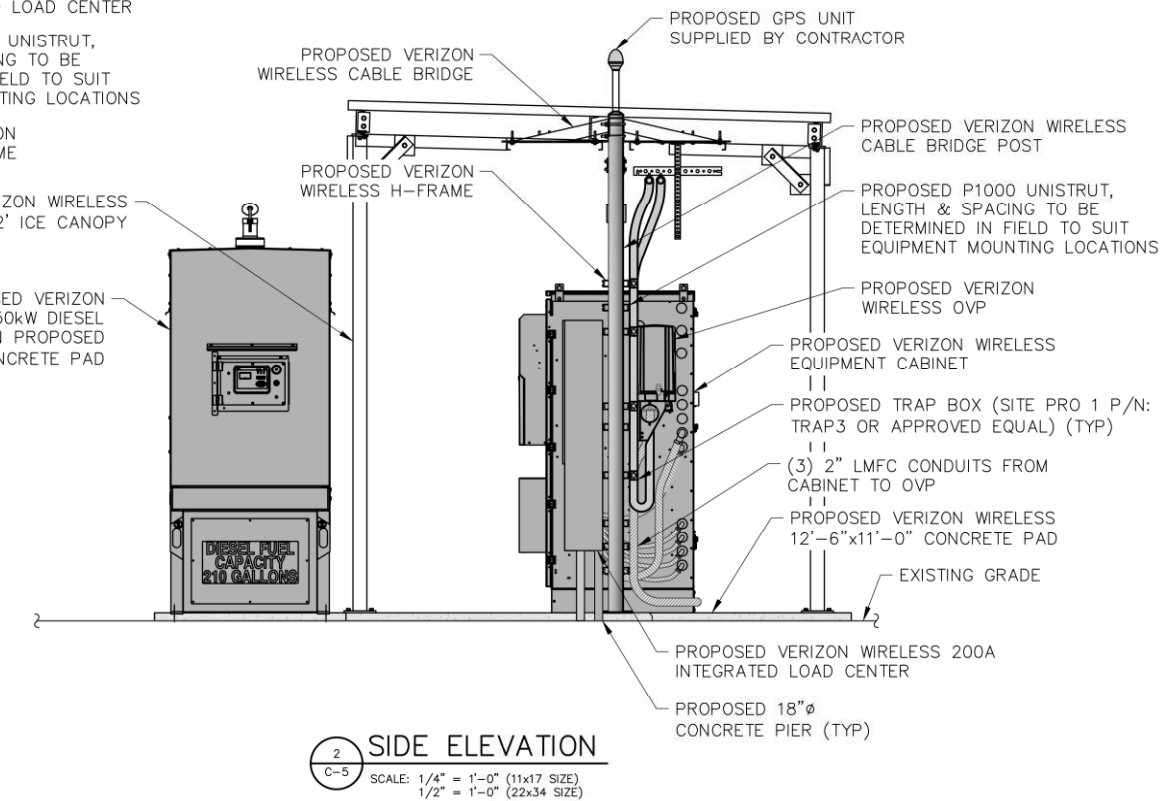
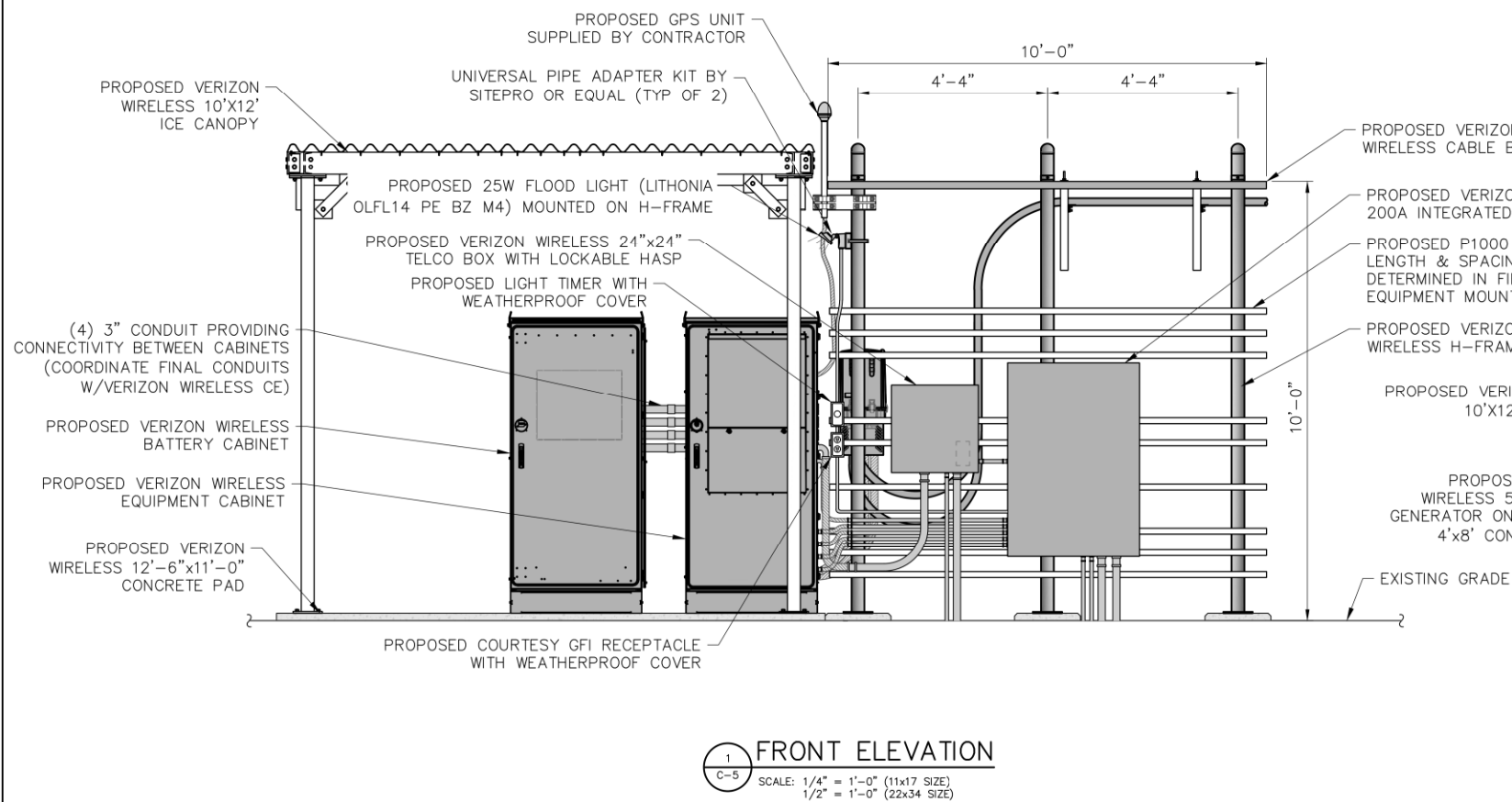
SITE INFORMATION
DC YOUTH BUREAU
FUZE ID#: 17099955
MDG#: 5000350891

SITE ADDRESS
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE
SITE DETAILS

SHEET NUMBER

C-4B



verizon

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 MDG#: 5000350891

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121 PARKER AVE
 CITY OF POUGHKEEPSIE
 DUTCHESS COUNTY
 NY 12601

SHEET TITLE

EQUIPMENT ELEVATIONS

SHEET NUMBER

C-5



**CITY OF POUGHKEEPSIE
DEVELOPMENT DEPARTMENT
104 WINNIKEE AVENUE RESOLUTION
NOVEMBER 12, 2024**

In the matter of the appeal of Verizon Wireless of the East L.P. d/b/a Verizon Wireless, regarding the property at 121 Parker Avenue, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 12th day of November 2024, at 6:00pm:

Present:

Scott Parker, Chair
Jessica Vinall, Vice Chair
Thomas Klug
Sam Finnerman
Justin Phillips
James Patterson

WHEREAS, the applicant filed a zoning review request relative to the proposed installation of a communications facility, including a monopole tower, ground-mounted equipment platform and associated improvements, on the property at 121 Parker Avenue; and,

WHEREAS, by letter dated July 5, 2024, Deputy Zoning Administrator Joseph O'Brien determined that the proposal was subject to various criteria of the Zoning Ordinance, including Sections 19-3.25(14)(d)(1), 19-4.3(5)(b) and 19-4.3(5)(c) relative to off-street parking lots; and,

WHEREAS, the Zoning Board of Appeals has received a request for interpretation filed by Scott Olson, attorney for Verizon Wireless as noted above, as to whether the Deputy Zoning Administrator has correctly applied the criteria of Sections 19-3.25(14)(d)(1), 19-4.3(5)(b) and 19-4.3(5)(c) of the Zoning Ordinance to the proposed installation communications facility; and,

WHEREAS, this application has been classified as a Type 2 Action for the purposes of SEQRA, requiring no further environmental review; and,

WHEREAS, the request was accompanied by supporting documentation; and,

WHEREAS, a public hearing on the application was held on November 12, 2024; and,

NOW THEREFORE BE IT RESOLVED, as follows:

The property in question is located within the Walkway-Gateway Mixed Use Commercial (G-CM) District. The proposed use (of a communications facility, including a monopole tower, ground-mounted equipment platform and associated improvements) is not permitted in the G-CM and use variance application has been filed. An area variance application relative to other lot and bulk regulations has also been filed. These applications are separate and distinct from this request for interpretation, and neither is under consideration as part of this determination.

The applicant asserts that as Sections 19-3.25(14)(d)(1), 19-4.3(5)(b) and 19-4.3(5)(c) relate to the development of property for parking lots, they do not apply to the instant proposal, which is for development of a communications facility.

The Zoning Board of Appeals finds that:

- 1) The existing use of the property as an off-street parking lot was approved by the Planning Board on May 18, 2021;
- 2) The proposed communications facility is not a replacement of that use but is, in fact, an addition to that use, resulting in a mixed-use property; and,
- 3) As a mixed use property, the site is subject to all criteria of the Zoning Ordinance for both uses.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals upholds the determination of the Deputy Zoning Administrator.

Motion:

Second:

Scott Parker, Chair
Jessica Vinall, Vice Chair
Sam Finnerman
Thomas Klug
James Patterson
Justin Phillips

Carried:

Scott Parker
Chair
Date: 11/12/24



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
MEETING DATES 2025***

City Hall – Common Council Chambers at 6:00 P.M.

The agenda will be posted on the city's website one (1) week prior to the scheduled meeting.
Applications to be considered must be submitted four (4) weeks prior to the scheduled meeting.

TUESDAY, JANUARY 14

TUESDAY, FEBRUARY 11

TUESDAY, MARCH 11

TUESDAY, APRIL 8

TUESDAY, MAY 13

TUESDAY, JUNE 10

TUESDAY, JULY 8

TUESDAY, AUGUST 12

TUESDAY, SEPTEMBER 9

TUESDAY, OCTOBER 14

MONDAY, NOVEMBER 10

TUESDAY, DECEMBER 9

Motion to approve the 2025 Zoning Board of Appeals meeting schedule

Motion:

Second:

Carried:

*Meeting dates may change as necessary. Updates to dates and times can be found on the [Agenda & Minutes](#) page of the website.