City of Poughkeepsie
Zoning Board of Appeals
Meeting Agenda

Common Council Chambers

Tuesday, August 12, 2025
6:00 PM

I. ROLL CALL

II. APPROVAL OF MEETING MINUTES

1. Approval of the July 14, 2025 Meeting Minutes

III. ADJOURNED APPLICATION REVIEW / PUBLIC HEARINGS

1. 100 NORTH HAMILTON STREET: USE VARIANCE & AREA VARIANCE

2. 105 ALBANY STREET: AREA VARIANCE

3. 134 SMITH STREET: AREA VARIANCES

IV. REVIEW OF RESOLUTIONS

1. 4 BOBRICK ROAD: AREA VARIANCES

Application for area variance relative to the proposed conversion of the existing garage of the single family dwelling at 4 Bobrick Road to a playhouse, resulting in front yard parking, requiring variances Sections 19-2.1(2)(d) and 19-6.2(1)(a) of the Zoning Code to allow front yard parking. Owner: Jonna & Judon Rouse; Applicant: Carl Forestieri; Grid #6161-61-107321; Zoning District: RNA; File #2025-011

V. PUBLIC HEARINGS & DELIBERATIONS

1. 121 PARKER AVENUE: AREA VARIANCES

Application for area variances relative to the proposed installation of a telecommunications facility (cell tower), at 121 Parker Avenue, requiring variances of Sections 19-3.25(8) Table 3.25-2B(D), 19-3.25(8) Table 3.25-2B(G), 19-3.25(10)(o), 19-3.25(11)(d), 19-3.25(13)(b)(4), 19-3.25(14)(c), 19-3.25(14)(d)(1), 19-3.25(4)(d)(2), 19-4.3(5)(b), 19-4.3(5)(C), relative to such mixed use. Owner: Parker Ave Realty, LLC; Applicant: Verizon Wireless of the East LP d/b/a Verizon Wireless; Consultant: Young/Sommer, LLC; Grid #6162-55-257465; Zoning District Formerly Walkway-Gateway Mixed Use Commercial (now Walkway-Gateway); File #ZBA2024-015

2. 22 PERSHING AVENUE: USE VARIANCE

Application for use variance relative to the proposed use of the property at 22 Pershing Avenue as an automobile sales facility, requiring a variance of Section 19-5.5 of the Zoning Code, which prohibits automobile sales facilities in the MU-5 Zoning District in which the property is located. Owner: MVK Enterprises, Inc; Applicant: Frank Redl; Grid #6161-24-427984; Zoning District: MU-5; File #2025-022

VI. ADJOURNMENT

1. Meeting Adjourned to September 9th.

The City of Poughkeepsie New York

Zoning Board of Appeals Meeting Minutes

Monday, July 14, 2025 **6:00 PM** **Common Council Chambers**

I. ROLL CALL

4 Present - Chair Parker, Member Vinall, Member Klug, Member Finnerman
1 Excused - Member Phillip
1 Absent Member Patterson

Staff:
Joanna Longcore, Assistant Corporation Counsel
Judith Knauss, Deputy Zoning Administrator
Lori Garcia, Board Administrative Assistant

II. APPROVAL OF MEETING MINUTES

1. Approval of June 10, 2025 Meeting Minutes

A motion to Approve was made by Chair Parker and seconded by Member Klug.

CCM Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

III. ADJOURNED APPLICATION REVIEW / PUBLIC HEARINGS

1. 100 NORTH HAMILTON STREET: USE VARIANCE & AREA VARIANCE

A motion to Open the public hearing was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

A motion to Adjourn the public hearing was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

2. 134 SMITH DRIVE: AREA VARIANCE

A motion to Open the public hearing was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

A motion to Adjourn the public hearing was made by Chair Parker and seconded by Member Vinall.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None

Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

IV. REVIEW OF RESOLUTIONS

1. 709-719 MAIN STREET: AREA VARIANCES

Application for area variances relative to the placement of a wall sign on the west (Innis Avenue) face of the building at 709-719 Main Street, requiring variances of Section 19-6.4(8)(i)(1) which requires that the bottom of a wall sign be between 8' and 12 feet from grade to allow the bottom to be 18 feet 1½ inches from grade; Section 19-6.4(8)(i)(2) which allows a maximum height of 3 feet for wall signs to allow a 5'3" high sign; and Section 19-6.4(8)(i)(2) which allows a maximum of 60 square feet for wall signs to allow a 101.94 square foot sign. Owner: O'Reilly Auto Enterprises LLC/Jim Riggs Sr Dir Real Estate Dev; Applicant: Jim Polinsky/Signs Ink; Zoning District: MU-5; Grid #6161-25-610876; File #2025-016

A motion to Approve was made by Chair Parker and seconded by Member Vinall.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

2. 709-719 MAIN STREET: AREA VARIANCES

Application for area variances relative to the installation of a freestanding sign on the property at 709-719 Main Street, requiring variances of Section 19-6.4(8)(d)(2), which provides that the m maximum allowable height for a freestanding sign is 8', to allow 10'7", Section 19-6.4(8)(d)(2) which allows a maximum width of 6 feet, to allow a sign 9'10" wide, and Section 19-6.4(8)(d)(3) which allows no more than three colors per freestanding sign, to allow four colors. Owner: O'Reilly Auto Enterprises LLC/Jim Riggs Sr Dir Real Estate Dev; Applicant: Jim Polinsky/Signs Ink; Zoning District: MU-5; Grid #6161-25-610876; File #2025-017

A motion to Approve was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None

Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

3. 709-719 MAIN STREET: AREA VARIANCES

Application for area variances relative to the placement of a wall sign on the south (Main Street) face of the building at 709-719 Main Street, requiring a variance of Section 19-6.4(8)(i)(1) which requires that the bottom of a wall sign be between 8' and 12' from grade to allow the bottom to be 17'9" from grade; Section 19-6.4(8)(i)(2) which allows a maximum height of 3 feet for wall signs to allow a 5'3" high sign; and Section 19- 6.4(8)(i)(2) which allows a maximum of 60 square feet for wall signs to allow a 101.94 square foot sign. Owner: O'Reilly Auto Enterprises LLC/Jim Riggs Sr Dir Real Estate Dev; Applicant: Jim Polinsky/Signs Ink; Zoning District: MU-5; Grid #6161-25-610876; File #2025-018

A motion to Approve was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

V. PUBLIC HEARINGS & DELIBERATIONS

1. 121 PARKER AVENUE: AREA VARIANCES

Application for area variances relative to the proposed installation of a telecommunications facility (cell tower), at 121 Parker Avenue, requiring variances of Sections 19-3.25(8) Table 3.25-2B(D), 19-3.25(8) Table 3.25- 2B(G), 19-3.25(10)(o), 19-3.25(11)(d), 19-3.25(13)(b)(4), 19-3.25(14)(c), 19-3.25(14)(d)(1), 19-3.25(4)(d)(2), 19-4.3(5)(b), 19-4.3(5)(C), relative to such mixed use. Owner: Parker Ave Realty, LLC; Applicant: Verizon Wireless of the East LP d/b/a Verizon Wireless; Consultant: Young/Sommer, LLC; Grid #6162-55-257465; Zoning District Formerly Walkway-Gateway Mixed Use Commercial (now Walkway-Gateway); File #ZBA2024-015

Review moved to the end of the meeting. Presenting Steve

Grassl, Airo Smith Development

A motion to Adjourn application review and the public hearing was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

2. 105 ALBANY STREET: AREA VARIANCE

Application for area variances relative to the proposed construction of a four family dwelling on a lot containing a two family dwelling. The proposal includes addition of a foot of property through subdivision to increase lot width from requiring variances of Section 19-2.3(2)(a) requiring a lot area of 6000 square feet to allow a lot of 3900 square feet; Section 19-2.3(3)(c) requiring a 5 foot side yard setback to allow a 4 foot south yard setback and a 1 to 2 foot north yard setback; Section 19-2.3(3)(g) requires that accessory structures be a minimum of 5- from a property line to allow the AC units to be 4 feet from the ; and, Section 19-6.2(11)(a) requires that five off-street parking spaces be provided where none are proposed. Owner: Hudson Venture Group LLC; Applicant: Michael Annunziato; Consultant: Studio 90 Design & Planning; Zoning District: RNC; Grid #6062-59-866456; File #2025-012

Presenting: Michael Annunziato, Owner

A motion to Adjourn the public hearing was made by Chair Parker and seconded by Member Vinall.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

3. 4 BOBRICK ROAD: AREA VARIANCES

Application for area variance relative to the proposed conversion of the existing garage of the single family dwelling at 4 Bobrick Road to a playhouse, resulting in front yard

parking, requiring variances Sections 19-2.1(2)(d) and 19-6.2(1)(a) of the Zoning Code to allow front yard parking. Owner/Applicant: Carl Forestieri; Grid #6161-61-107321; Zoning District: RNA; File #2025-011

Presenting:
Carl Foristieri, Applicant
Jonna Rouse, Owner

A motion to Open the public hearing was made by Chair Parker and seconded by Member Vinall.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

Three (3) minutes per person of public comment
Ed Levine

A motion to Close the public hearing was made by Chair Parker and seconded by Member Vinall.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

A motion to Adjourn the application review was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

4. 22 PERSHING AVENUE: USE VARIANCE

Application for use variance relative to the proposed use of the property at 22 Pershing Avenue as an automobile sales facility, requiring a variance of Section 19-5.5 of the Zoning Code, which prohibits automobile sales facilities in the MU-5 Zoning District in which the property is located. Owner: MVK Enterprises, Inc; Applicant: Frank Redl; Grid #6161-24-427984; Zoning District: MU-5; File #2025-022

A motion to Adjourn hearing and review to August was made by Chair Parker and seconded by Member Klug.

Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

VI. ADJOURNMENT

1. August 12, 2025

A motion to Adjourned the meeting was made by Chair Parker and seconded by Member Klug.

CCM Minutes of July 14, 2025 - VOICE VOTE	
Yes/Aye:	Chair Parker, Member Vinall, Member Klug, Member Finnerman
No/Nay:	None
Abstain:	None
Absent:	Member Patterson, Member Phillip
Result:	**Passed**

THE CITY OF POUGHKEEPSIE
ZONING BOARD
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
4 BOBRICK ROAD
AUGUST 12, 2025
DRAFT RESOLUTION

In the matter of the appeal of Carl Forestieri regarding the property at 4 Bobrick Road, Grid #6161-61-107321, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 12th day of August 2025, at 6:00pm:

Present

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

WHEREAS, the Zoning Board of Appeals has received an application for area variances from Carl Forestieri, relative to the proposed conversion of the existing detached garage on the property at 4 Bobrick Road to a playhouse, requiring variances of Section 19-2.1(2)(d) and Section 19-6.2(1)(a) of the Zoning Code which prohibit front yard parking, to allow what is technically considered front yard parking; and,

WHEREAS, the application was submitted by Carl Forestieri, accompanied by a survey prepared by James A. Sheridan, LS, dated May 2, 2025, with supplemental materials; and,

WHEREAS, a public hearing was held on July 14, 2025; and,

WHEREAS, the project was classified as a Type 2 Action for the purposes of SEQRA requiring no further action; and,

NOW THEREFORE BE IT RESOLVED THAT the City of Poughkeepsie Zoning Board of Appeals hereby finds that a consideration of the five factors for area variances weigh in favor of the applicant and grants variances of Section 19-2.1(2)(d) and Section 19-6.2(1)(a) of the Zoning Code, as follows:

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 criteria the Board uses to make that determination are:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting area variancea;

The applicant has demonstrated that the granting of the area variances will not produce an undesirable change in the character of the neighborhood. The garage and the parking area are setback some distance from the road, at an angle and considerable slope, buffered from view by existing landscaping. Further, on a practical level, front yard parking is already taking place and

has not been a detriment to the neighborhood.
(2) whether the benefit sought by the applicant(s) can be achieved by some method, feasible for the applicant(s) to pursue, other than area variances:

It is conceivable that an actual playhouse could be constructed elsewhere on the lot, though the cost of new construction as opposed to remodeling may not make that an attractive alternative, and the shape and slope of the lot presents challenges.

(3) whether the requested area variances are substantial:

The applicant has demonstrated that the variances requested are not substantial, given the fact that the appearance of the property will not change and that the functional nature of the pavement as a parking area will also not change.

(4) whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The applicant has demonstrated that the variances, if granted, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The area of pavement will not be increased, meaning the site drainage will not be affected, and neither will the appearance of the area change. The ZBA further notes that this is considered a Type 2 Action pursuant to SEQRA and therefore not found to significantly impact the environment.

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.

While not exactly self-created, the hardship as described would appear personal to the owner. That said, there are factors related to the lot, including its narrow street frontage, irregular shape, significant slope and existing development, that might make compliance challenging. So, although the need for the variances may to some degree be self-created, the ZBA does not find that factor to be significant enough in this application to warrant denial of the variances.

The variances are granted subject to the following condition:

> Pursuant to the provisions of Section 19-5.22(2) of the Zoning Code, no home occupation of any type is permitted in an accessory structure. Additionally, pursuant to the provisions of Section 19-5.5, accessory apartments are not permitted. Therefore, the converted garage may be utilized as recreational space (“playhouse”) for the residents of the property only and not for any other purpose.

Motion:
Second:
Carried:

_____ _____

Scott Parker, Chairman Date
Zoning Board of Appeals

Subject to the FCC Shot Clock of 150 days for an Application for Other than a Small Wireless Facility Using a New Structure - 83 Fed Reg 51867 codified at 47 CFR § 1.6003(c)(1)(iv)

ZONING BOARD OF APPEALS and PLANNING BOARD
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

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

APPLICATION FOR USE AND AREA VARIANCES and STATEMENT OF INTENT

Submitted by:
Verizon Wireless
Kathy Pomponio, Manager – Network Real Estate
1275 John Street, Suite 100
West Henrietta, New York 14586
(585) 321-5435

Tectonic Engineering & Surveying Consultants, P.C.
Steven Matthews, P.E.
36 British American Blvd, Suite 101
Latham, New York 12110
(518) 783-1630

Airosmith Development
Steven Grassl, Specialist, Site Acquisition
318 West Avenue
Saratoga Springs, New York 12866
(914) 523-6495

Please direct all correspondence to:

Young/Sommer LLC
Scott P. Olson, Esq.
Executive Woods
Five Palisades Drive
Albany, New York 12205
(518) 438-9907

Dated: August 8, 2024

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: $1000.00
CODE: A2112
ID# _____
IPS# _____

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION

PROPERTY ADDRESS: 121 Parker Ave., Poughkeepsie, NY

ZONING DISTRICT: WALKWAY - Gateway district / Gateway Commercial mixed use subdistrict

OWNER INFORMATION:
Name: Parker Ave. Realty, LLC
Address: 47 Marie Ct.
Wappinger Falls, NY 12590
Phone: TBD
Email: TBD

APPLICANT INFORMATION:
Name: Verizon Wireless of the East LP d/b/a Verizon Wireless
Address: 1275 John St., Suite 100
West Henrietta, NY 14586
Phone: 585-321-5435
Email: c/o Solson@youngsommer.com

CONSULTANT INFORMATION:
Name: Young Sommer LLC (ATTN: Scott Olson)
Address: 5 Palisades Dr.
Albany, N.Y. 12205
Phone: 518-527-6813
Email: Solson@youngsommer.com

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: Scott Olson, Attorney for Applicant

Date of decision/determination/violation: July 5, 2024

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

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION
PROPERTY ADDRESS: 121 Parker Ave., Poughkeepsie, NY

USE VARIANCE REQUESTS

SECTION	PROHIBITING	TO ALLOW
19-325(4)	Cell tower facilities	Cell tower facility

VARIANCE REQUEST JUSTIFICATION

Pursuant to Section 19-8.4 (2) (c) of the Zoning Ordinance, **no use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.** In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence (The applicant must demonstrate, by competent financial evidence, that they cannot realize a reasonable financial return on their property for any of the currently permitted uses in the Zoning District. The financial statement should relate only to the subject property and not to the applicant's personal finances);

2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood (Please explain how the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?);

3) The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered and the intent of the Zoning Ordinance will not be adversely affected.

4) The alleged hardship has not been self-created (An applicant cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property in a position to know the conditions for which the applicant is seeking relief). Explain fully how the hardship is not self-created.

Responses to the above questions shall be attached to and submitted with the application. **Use as many sheets as necessary.**

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION
PROPERTY ADDRESS: 121 Parker Ave., Poughkeepsie, NY

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 Environmental Assessment Form. Please note that in some instances it may be determined that a Full EAF is required.
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant (please list):

RF Justification; Health and Safety Certification; Site Selection Analysis; and other materials attached hereto.

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.

Scott Olson
SIGNATURE OF APPLICANT

7/29/2024
DATE

Scott Olson, Attorney for Applicant

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: 121 Parker Ave

ZONING DISTRICT: Mixed Use Commercial (G-CM)

OWNER INFORMATION:

Name: Parker Ave Realty, LLC
Address: 47 Marie Ct
Wappinger Falls, NY 12590
Phone: TBD
Email: TBD

APPLICANT INFORMATION:

Name: Verizon Wireless of the East LP d/b/a Verizon Wireless
Address: 1275 John St., Suite 100
West Henrietta, NY 14586
Phone: 585-321-5435
Email: c/o solson@youngsommer.com

CONSULTANT INFORMATION:

Name: Young Sommer LLC (Attn: Scott Olson)
Address: 5 Palisades Dr.
Albany, NY 12205
Phone: 518-527-6813
Email: solson@youngsommer.com

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: Scott Olson, Attorney for Applicant

Date of decision/determination/violation: July 5, 2024

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 121 Parker Ave., Poughkeepsie, NY

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
19-3.25(8)	max front set back is 12'	Proposing 134' set back (122' variance)
19-3.26(8)	Min. front occupancy 70%	None proposed - 100% variance
19-3.25(10)(6)	Chain link fence prohibited	Chain link fence (9' tall)
19-3.25(14)(C)	landscaping required	landscaping not proposed

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: 121 Parker Ave., Poughkeepsie, NY

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):

RF Justification

Health and Safety Certification

Site Selection Analysis

Other

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.

Scott Olson — 7/25/24

SIGNATURE OF APPLICANT — DATE

Scott Olson

Print Name Attorney for Applicant

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

ZONING BOARD OF APPEALS and PLANNING BOARD
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 USE AND AREA VARIANCES

I. Introduction

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. 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

This project is part of a multi-million dollar comprehensive upgrade of the Verizon Wireless network in Dutchess County and serves as a suitable platform for future advanced

wireless services expansion at the proposed site. The proposed site/facility will resolve existing significant service gaps in Verizon Wireless' network which will be a benefit to the general public and emergency services agencies that routinely rely on wireless communications to serve the public.

The purpose of the Project (referred to internally as the "DC Youth Bureau" communications facility) is to expand Verizon Wireless services to the northern portion of the City of Poughkeepsie which is currently not adequately served. Verizon Wireless' RF Justification Report is included as **EXHIBIT 4**.

EXHIBIT 4 also contains RF propagation maps that further illustrate the significant gaps in service in the target area that this facility is designed to resolve. The RF propagation maps are based on current data concerning existing signal strength/service in the target area as well as relevant topographical data. The RF Justification Report clearly illustrates that significant gaps in service exist in the target area and that the proposed facility will resolve those gaps.

Enclosed in **EXHIBIT 5** is a Site Selection Analysis prepared by Tectonic Engineering describing the overall site selection process that was followed to identify the proposed location for the facility.

III. Description of Land Use

Verizon Wireless' communications facility will consist of the following general components: nine (9) antennas mounted at the top position of a proposed 100± ft. monopole tower; an unmanned equipment platform and related equipment; cabling connecting the antennas to the equipment platform; and associated cabling and all related ground equipment and utility services (power and telephone/fiberoptic services) **[see, Zoning Site Plans prepared by Tectonic Engineering, included herewith at EXHIBIT 6]**.

Access to the facility from Parker Ave (US RT 9G) will be provided via an existing curb cut through the existing paved parking lot. Utilities will be installed underground from an existing overhead utility pole. A nine foot (9') chain link safety fence (with three strands of barbed wire on top) will be installed to secure the tower site and protect the tower and Verizon Wireless' telecommunications equipment from unauthorized access.

The proposed communications facility will be unmanned and will be visited for routine maintenance purposes approximately 1 - 3 times per year. The project will not require water or sanitary sewer services installed. As such, the project will not have any impact on existing public water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted as a result of the proposed facility.

IV. Need For Area Variance

Section 19.3.25(4) prohibits the proposed facility in the G-cm zoning district. A use variance is, therefore, required. Additional area variances are also required.

In addition to the need for a use variance, the following area variances are required:

1. Variance from maximum allowable front yard of 12', when 134' is proposed (§19-3.25(8));

2. Variance from minimum frontage requirement of 70% when the cell tower is not proposed to be located in the front yard (§19-3.25(8));

3. Variance from prohibition of use of chain link fence and maximum height of 6' when the proposed fence is 9' (§19-3.25(10)(o)); and

4. Variance from the requirement to provide landscaping to improve the aesthetics of the area (§19-3.25(14)(c).

According to a July 5, 2024 letter from the Poughkeepsie Building Department, it has also been suggested that additional area variances are required from: (i) Section 19-3.25(14)(d)(1) concerning landscaping for parking lots greater than ½ acre; (ii) Section 19-4.3(5)(b) regarding the length of the existing parking spaces; and (iii) Section 19-4.3(5)(c) which requires lighting for parking areas. Verizon Wireless does not believe that variances from the above sections are required for this application since the requirements do not relate to Verizon Wireless' proposed improvements. It appears that these requirements apply to the underlying, existing use.

The request for variance relief is subject to the long standing public utility variance standard as discussed in *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993).

In *Rosenberg*, the New York Court of Appeals determined that cellular telephone companies are public utilities for purposes of zoning. The Court held that proposed cellular telephone installations are subject to the traditional standard afforded to public utilities, rather than the standards generally required for non-public utility uses:

> 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.

Id. 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 to such area. 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, from any portion or area in the municipality if location of the facility is determined to be necessary for the transmission of public utility services. In *Rosenberg*, 82 N.Y.2d 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).

The requirements from which Verizon Wireless seeks variances are requirements that would typically not be applied to a cell tower facility. For example, the minimum front yard occupancy of 70% and the maximum setback of 12' are two requirements that, if followed, would place the proposed cell tower facility extremely close to the right of way. This is widely known to be antithetical to proper design and placement of cell tower facilities. Most municipalities and design experts call for large tower setbacks and for them not to be located in the front yard.

While the use of smallish fences may be appropriate for certain uses, such small fences without security features such as barbed wire do not provide the necessary security needed for a cell tower facility.

[ADDRESS LANDSCAPING]

To assist the ZBA with the review of the use and area variance application, the Applicant has provided the following additional materials in support of the Application:

1. Completed Full Environmental Assessment Form in **EXHIBIT 7**;

2. Verizon Wireless has completed a balloon test to determine the visibility of the proposed tower from various locations surrounding the site. The results of the balloon test are memorialized in the Visual Resource Evaluation ("VRE") provided in **EXHIBIT 8**. Significantly, the tower will be visible from only three (3) of the twenty-seven (27) locations analyzed in the VRE;

3. Letter confirming that Verizon Wireless will permit collocation on/at this tower site in **EXHIBIT 9**;

4. RF Emissions Compliance Report dated July 26, 2024 prepared by SiteSafe, which confirms that the facility will be fully compliant with applicable FCC emissions requirements, is provided in **EXHIBIT 10**; and

5. Non-interference report dated July 30, 2024 which demonstrates that the proposed facility will not interfere with local electronic devices or other FCC-licensed frequencies is provided in **EXHIBIT 11**.

V. Conclusion

Approval of the DC Youth Bureau communications facility will enable Verizon Wireless to provide an adequate and safe level of hand-held wireless telephone service to the identified area of the City of Poughkeepsie and surrounding environs, within the confines of applicable technological and land use limitations. Such approval will also be in the public interest, in that it will allow Verizon Wireless to comply with its statutory mandate to build out its network and provide local businesses, residents and public service entities with safe and reliable wireless communications services. Based upon the foregoing, Verizon Wireless respectfully requests the City of Poughkeepsie Zoning Board of Appeals grant the requested use and area variances and the Planning Board to issue site plan approval.

Thank you for your consideration.

Respectfully submitted,

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

Scott P. Olson, Esq.
Regional Local Counsel

Dated: August 8, 2024

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.

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.

104TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { 104–458

TELECOMMUNICATIONS ACT OF 1996

JANUARY 31, 1996. Ordered to be printed

Mr. BLILEY, 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

[redacted] *tity 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.*

[redacted] *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*

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.

[redacted]

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 so engaged, shall not be required to provide equal access to common carriers for the provision of [illegible]

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

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

FCC Registration Number (FRN): 0003290673

Grant Date	Effective Date	Expiration Date	Print Date
09-11-2019	09-11-2019	06-13-2029	09-13-2019

Market Number	Channel Block	Sub-Market Designator
REA001	C	0

Market Name
Northeast

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-13-2013	06-13-2019		

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

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 PKWY, NP2NE NETWORK ENGINEERING
ALPHARETTA, GA 30022

Call Sign	File Number
KNKA580	
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	Effective Date	Expiration Date	Five Yr Build-Out Date	Print Date
12-19-2017	01-09-2020	01-22-2028		01-10-2020

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

Redacted Copy

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

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

FCC Registration Number (FRN): 0003290673

Grant Date	Effective Date	Expiration Date	Print Date
12-14-2021	12-14-2021	11-29-2036	12-14-2021

Market Number	Channel Block	Sub-Market Designator
CMA144	A	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.

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

FCC Registration Number (FRN): 0003290673

Grant Date	Effective Date	Expiration Date	Print Date
12-21-2021	12-21-2021	11-29-2036	12-21-2021

Market Number	Channel Block	Sub-Market Designator
BEA010	B	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:

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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	File Number
WRNE581	
Radio Service PM - 3.7 GHz Service	

FCC Registration Number (FRN): 0003290673

Grant Date	Effective Date	Expiration Date	Print Date
07-23-2021	07-23-2021	07-23-2036	

Market Number	Channel Block	Sub-Market Designator
PEA001	A1	0

Market Name
New York, NY

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
07-23-2029	07-23-2033		

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	File Number
WRNE582	
Radio Service PM - 3.7 GHz Service	

FCC Registration Number (FRN): 0003290673

Grant Date	Effective Date	Expiration Date	Print Date
07-23-2021	07-23-2021	07-23-2036	

Market Number	Channel Block	Sub-Market Designator
PEA001	A2	0

Market Name
New York, NY

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
07-23-2029	07-23-2033		

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:
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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	File Number
WRNE583	
Radio Service PM - 3.7 GHz Service	

FCC Registration Number (FRN): 0003290673

Grant Date	Effective Date	Expiration Date	Print Date
07-23-2021	07-23-2021	07-23-2036	

Market Number	Channel Block	Sub-Market Designator
PEA001	A3	0

Market Name
New York, NY

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
07-23-2029	07-23-2033		

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:
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Licensee Name: CELLCO PARTNERSHIP

Call Sign: WRNE583 **File Number:** **Print Date:**

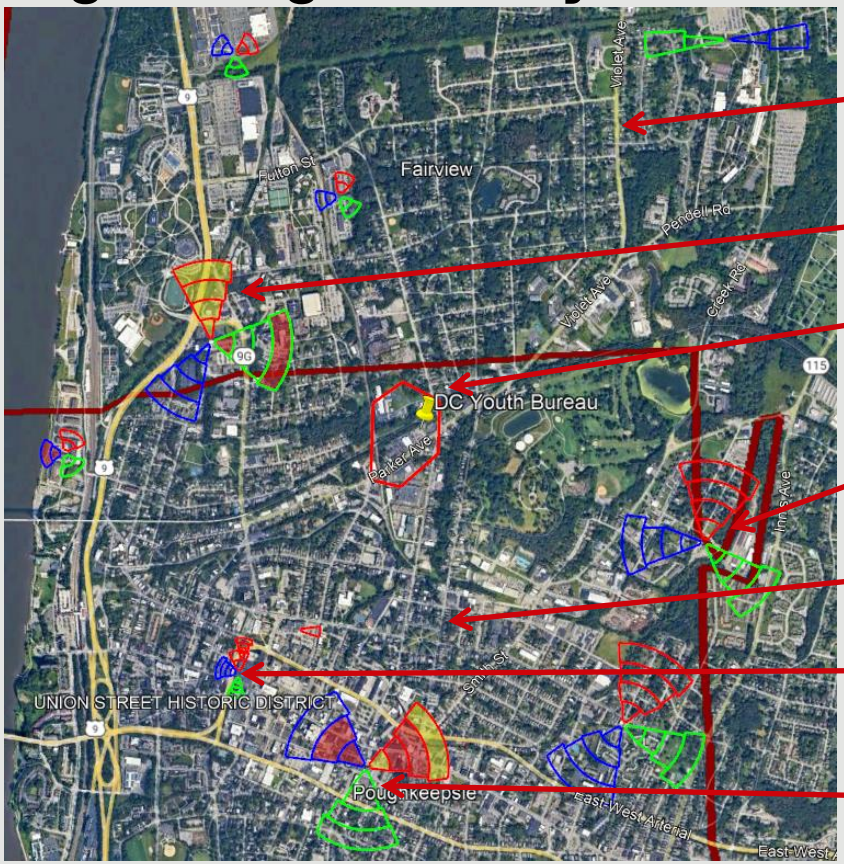
700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

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Verizon Wireless Communications Facility

Engineering Necessity Case – "DC Youth Bureau"



Town of Poughkeepsie

Existing Marist Site

Proposed "DC Youth Bureau" Site & Search Area

Existing Poughkeepsie Transfer Site

City of Poughkeepsie

Existing Mid Hudson Civic Center Site

Existing Poughkeepsie DT Site

Prepared by: Brendan Hennessy, RF Engineer III, Verizon Wireless

Project: The project is the installation and operation of a new tower co-located wireless telecommunications site in the City of Poughkeepsie (the "Project Facility").

verizon

July 30th, 2024

Introduction

The purpose of this subsequent analysis is to summarize and communicate the technical radio frequency (RF) information used in the justification of this new site.

Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility/site. All sites provide a mixture of both capacity and coverage for the benefit of the end user.

Coverage can be defined as the existence of signal of usable strength and quality in an area, including but not limited to in-vehicles or in-buildings.

The need for improved coverage is identified by RF Engineers that are responsible for developing and maintaining the network. RF Engineers utilize both theoretical and empirical data sets (propagation maps and real world coverage measurements). Historically, coverage improvements have been the primary justification of new sites.

Capacity can be defined as the amount of traffic (voice and data) a given site can process before significant performance degradation occurs.

When traffic volume exceeds the capacity limits of a site serving a given area, network reliability and user experience degrades. Ultimately this prevents customers from making/receiving calls, applications cease functioning, internet connections time out and data speeds fail. This critical condition is more important than just a simple nuisance for some users. Degradation of network reliability and user experience can affect emergency responders and to persons in a real emergency situation can literally mean life or death.

**Note that, while Verizon Wireless provides sufficient evidence to establish the existence of a coverage gap and capacity need in this case, the FCC has confirmed that federal law does not require a provider to establish the existence of a coverage/capacity gap to establish the need for a site. There are several ways by which an applicant can establish site need. See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," FCC 18-133, 85 FR 51867, at ¶ 37 (October 15, 2018) (confirming that the test for establishing an effective prohibition is whether "a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service," and this test is met "not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities") (emphasis added).*

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Project Need Overview

The project area, located in the northern portion of the City of **Poughkeepsie** is currently served by three sites. These sites are overloaded requiring capacity relief. Additionally the project area is subject to significant terrain and or foliage challenges for RF (signal) propagation. This terrain and or foliage combined with long distance prevent effective propagation of Verizon's RF signals into this area compounding the capacity issue with areas of variable coverage creating significant gaps in coverage.

The first serving site is **Marist,** located in the Town of Poughkeepsie, is approximately one half mile northwest (of the project location) situated on an existing rooftop on the Marist College campus. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

The second serving site is **Poughkeepsie Transfer,** located in the City of Poughkeepsie, is approximately three quarters of a mile east (of the project location) on an existing smoke stack off of Howard Street. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

The third serving site is **Poughkeepsie DT,** located in the City of Poughkeepsie, is approximately one mile south (of the project location) situated on an existing rooftop tower off of South Hamilton Ave. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

Available (mid band AWS) carriers at these and other area sites are not capable of effectively serving/offloading the project area due to inherent propagation losses from distance, challenging terrain and in building coverage losses negatively impacting mid band coverage and capacity offload capabilities. There are other Verizon sites in this general area but due to distance and terrain they also do not provide any significant overlapping coverage in the area in question that could allow for increased capacity and improved coverage from other sources.

The primary objectives for this project are to increase capacity and provide and or improve coverage throughout the northern portion of the City of Poughkeepsie and southern portion of the Town of Poughkeepsie, more specifically portions of Rt. 9G, Fairview Ave, Buckingham Ave, E Cedar St, Fulton St, Clark St, N Hamilton St, N Clinton St, High St, Garden St, Inwood Ave, as well as neighboring secondary roads and residential and commercial areas along and near these roads. In order to offload capacity from Marist, Poughkeepsie DT and Poughkeepsie Transfer, a new dominant server must be created. This new dominant coverage will effectively offload the existing overloaded sites/cells as well as provide improved coverage where significant gaps exist today.

Following the search for co-locatable structures to resolve the aforementioned challenges and finding none available, Verizon proposes to attach the necessary antenna(s) to a new 104' tower located at 121 Parker Ave, Poughkeepsie, NY 12601. Verizon's antennas will utilize 95' for the ACL (Antenna Center Line) with a top of antenna height of 99'. This solution is the minimum height necessary to provide the coverage and capacity improvements needed.

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Wireless LTE (Voice and Data) Growth

Wireless smart city solutions are being used to track available parking and minimize pollution and wasted time.

These same solutions are being used to track pedestrian and bike traffic to help planning and minimize accidents.

Smart, wireless connected lighting enables cities to control lighting remotely, saving energy and reducing energy costs by 20%.

4G technology is utilized to track and plan vehicle deliveries to minimize travel, maximize efficiency, and minimize carbon footprint.

4G technology is also used to monitor building power usage down to the circuit level remotely, preventing energy waste and supporting predictive maintenance on machines and equipment.

Wireless sensors placed in shipments are being used to track temperature-sensitive medications, equipment, and food. This is important for preventing the spread of food-borne diseases that kill 3,000 Americans each year.

Source: Verizon Innovation Center, February. 2018

Wireless is a critical component in schools and for today's students.

20,000 learning apps are available for iPads. 72% of iTunes top selling educational apps are designed for preschoolers and elementary students.

600+ school districts replaced text books with tablets in classrooms.

77% of parents think tablets are beneficial to kids.

74% of school administrators feel digital content increases student engagement.

70% of teens use cellphones to help with homework.

Source: CTIA's Infographics Today's Wireless Family, October, 2017



The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017 .[1]



Of American homes are wireless only.[2]



In North America, the average household has 13 connected devices with smartphones outnumbering tablets 6 to 1.[3]

1. Ericsson Mobility Report, November 2017
2. CDC's 2018 Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-July, 2018
3. IHS Market Connected Device Market Monitor: Q1 2016 , June 7, 2016

A wireless network is like a highway system…



…US, mobile data traffic was 1.3 Exabytes per month in 2016, the equivalent of 334 million DVDs each month or 3,687 million text messages each second **according to** Cisco VNI Mobile Forecast Highlights, 2016-2021,Feb 2017

Wireless facilities and property values.

Cell service in and around the home has emerged as a critical factor in home-buying decisions.



National studies demonstrate that most home buyers value good cell service over many other factors including the proximity of schools when purchasing a home.

75% More than 75% of prospective home buyers said a good cellular connection was important to them.[1]

83% The same study showed that 83% of Millennials (those born between 1982 and 2004) said cell service was the most important fact in purchasing a home.

90% 90% of U.S. households use wireless service. Citizens need access to 911 and reverse 911 and wireless may be their only connection.[2]

1. RootMetrics/Money, The Surprising Thing Home Buyers Care About More than Schools, June 2, 2015
2. CTIA, June 2015



With over 80% of 9-1-1 calls now coming from cell phones…[1]

240 million 911 calls are made annually. In many areas, 80% or more are from wireless devices. [1]

1. National Emergency Number Association, Enhancing 9-1-1 Operations With Automated Abandoned Callback & Location Accuracy (Motorola Solutions) (August 23, 2018)

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Explanation of Wireless Capacity



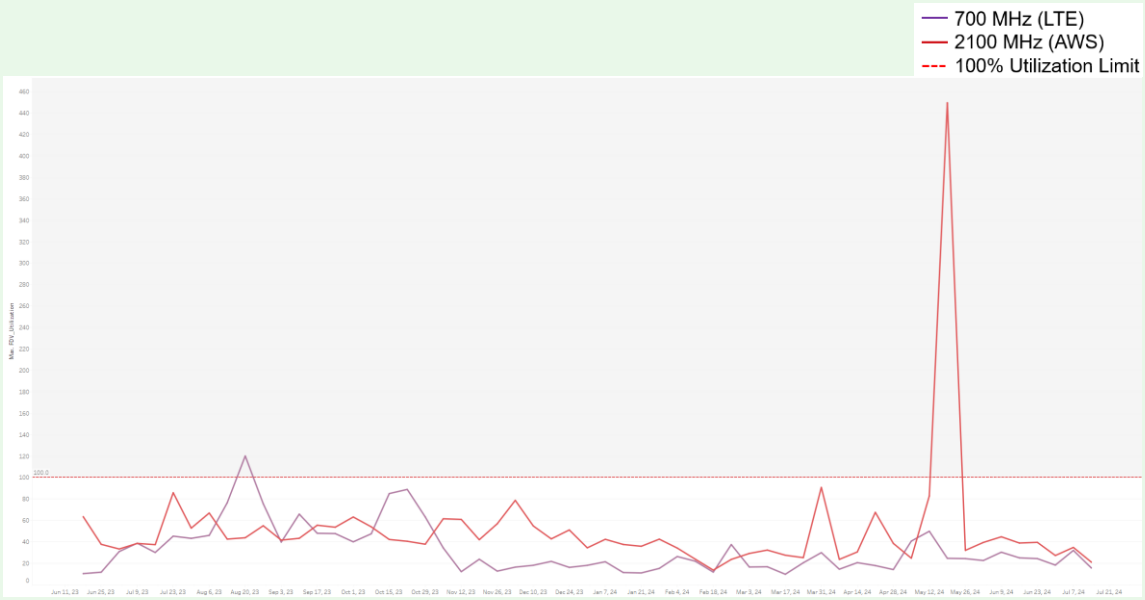
Capacity in this analysis is evaluated with up to three metrics further explained below. These metrics assist in determining actual usage for a given site as well as are used to project when a site is expected to run out of capacity (i.e. reach a point of exhaustion where it can no longer process the volume of voice and data requested by local wireless devices, thus no longer providing adequate service).

- Forward Data Volume ("**FDV**"), is a measurement of usage (data throughput) on a particular site over a given period of time.
- Average Schedule Eligible User ("**ASEU**"), is a measurement of the loading of the control channels and systems of a given site.
- Average Active Connections ("**AvgAC**") is a measurement of the number of devices actively connected to a site in any given time slot.

Verizon Wireless uses proprietary algorithms developed by a task force of engineers and computer programmers to monitor each site in the network and accurately project and identify when sites will approach their capacity limits. Using a rolling two-year window for projected exhaustion dates allows enough time, in most cases, to develop and activate a new site. It is critical that these capacity approaching sectors are identified early and the process gets started and completed in time for new solutions (sites) to be on air before network issues impact the customers.

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Capacity Utilization
FDV (Marist Beta)



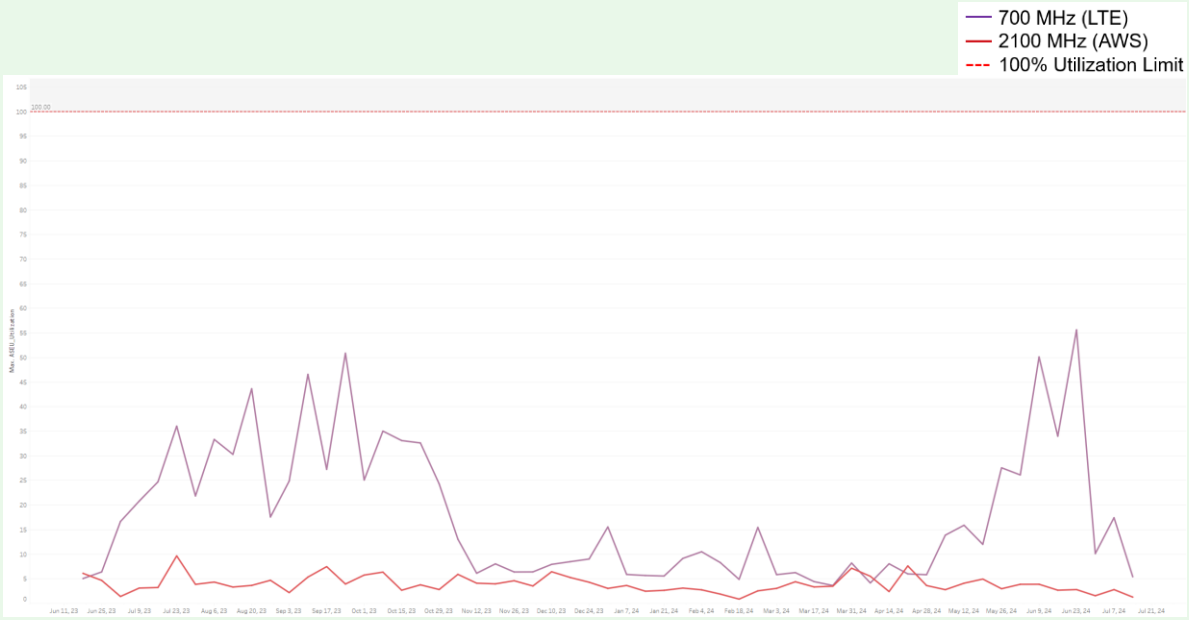
Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Marist** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Marist** sector shown above periodically exceeds its capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). In order to provide adequate and reliable service to **DC Youth Bureau** and the surrounding project area, network densification is required.

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Capacity Utilization
ASEU (Marist Beta)



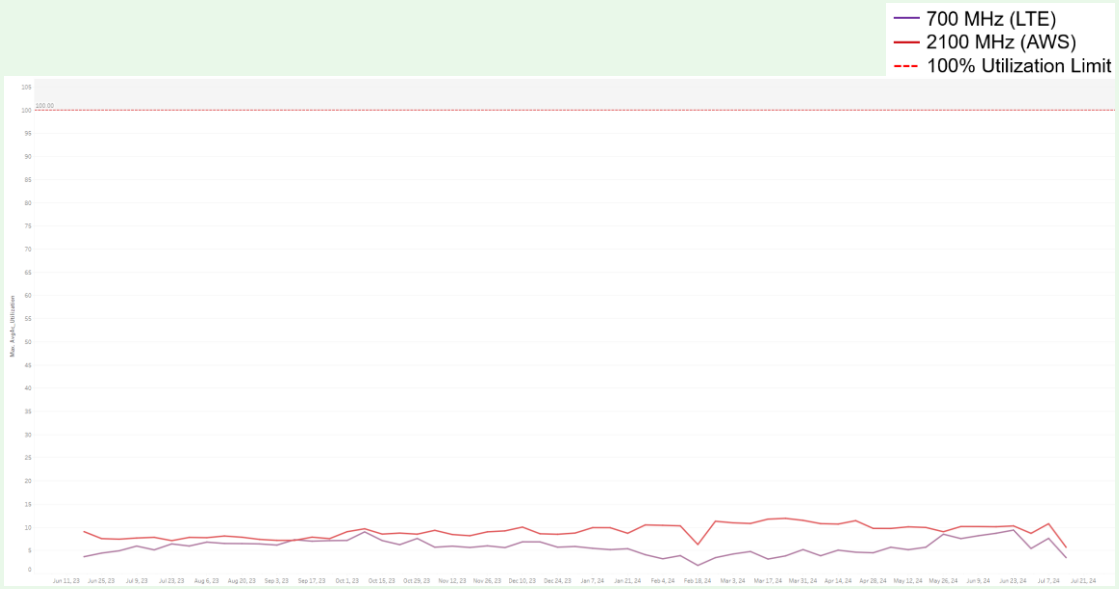
Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Marist** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Marist** sector shown above is operating normally for this metric. **ASEU** is one of three capacity metrics used in this document.

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Capacity Utilization
AvgAC (Marist Beta)



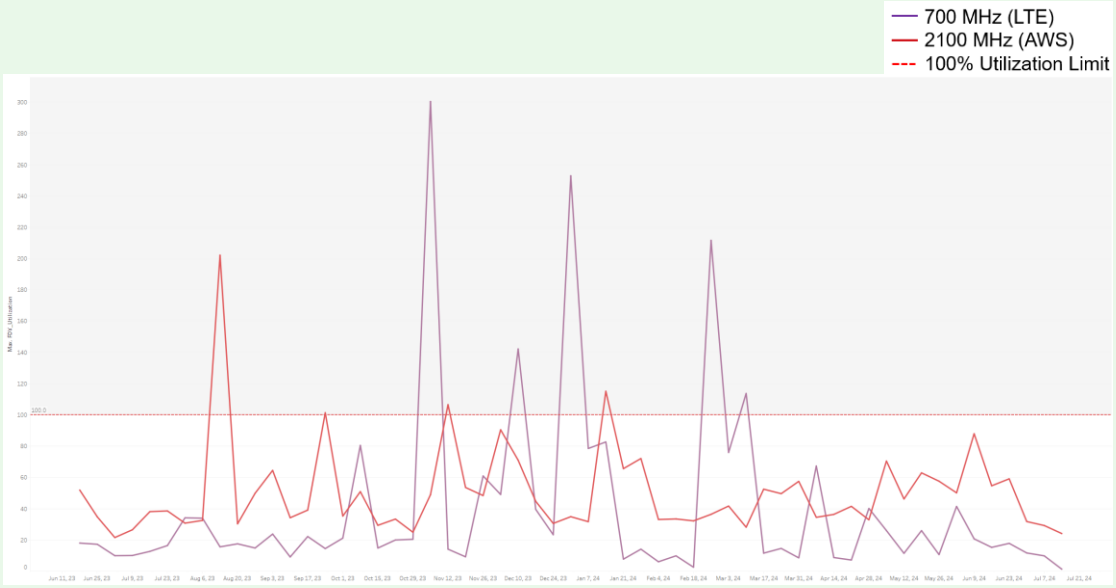
Summary: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Marist** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Marist** sector shown above is operating normally for this metric. **AvgAC** is one of three capacity metrics used in this document.

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Capacity Utilization
FDV (Poughkeepsie Transfer Gamma)



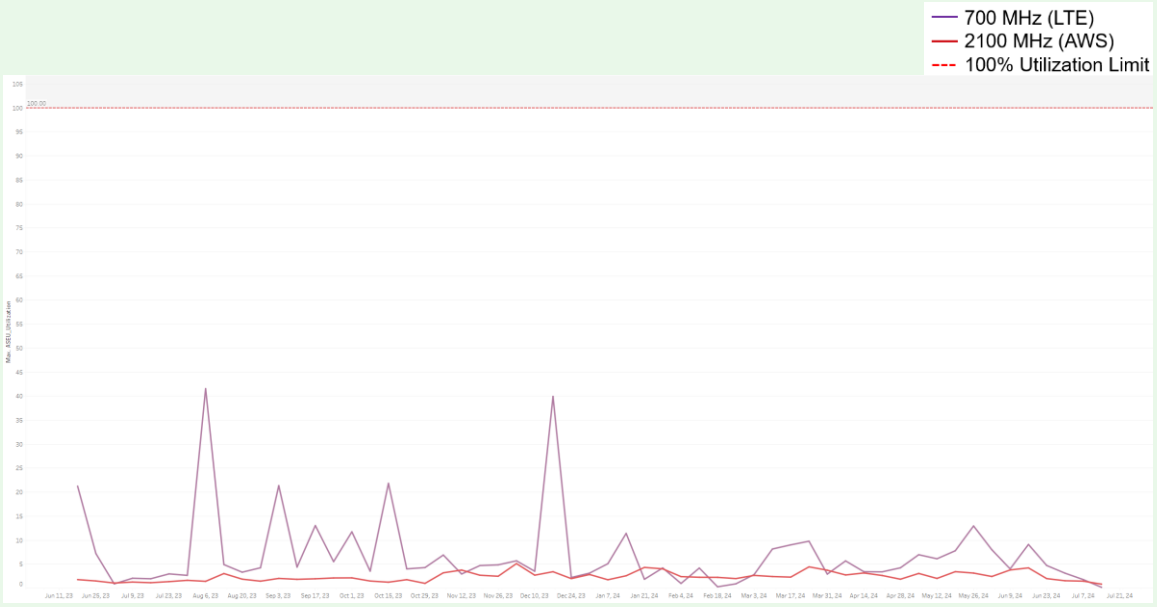
Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Gamma** sector of the **Poughkeepsie Transfer** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Poughkeepsie Transfer** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). In order to provide adequate and reliable service to **DC Youth Bureau** and the surrounding project area, network densification is required.

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Capacity Utilization
ASEU (Poughkeepsie Transfer Gamma)



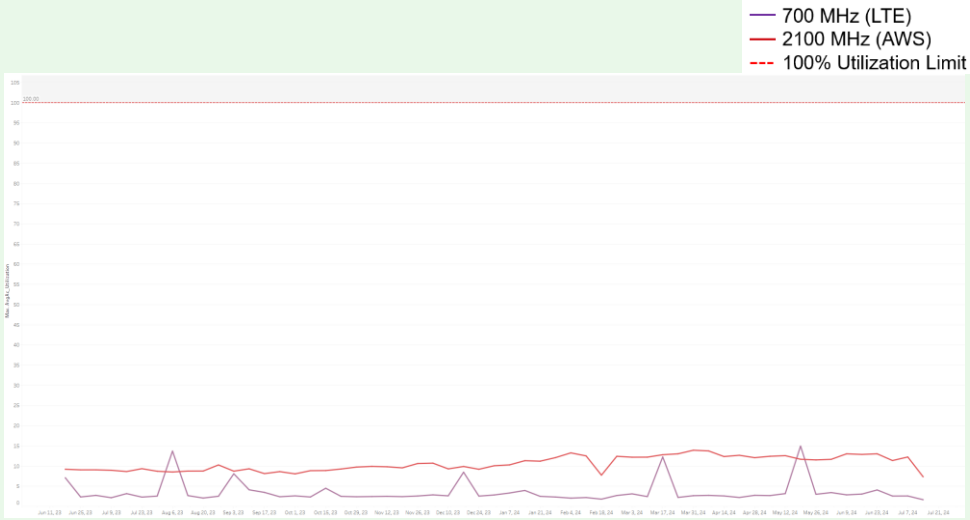
Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Gamma** sector of the **Poughkeepsie Transfer** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Poughkeepsie Transfer** sector shown above is operating normally for this metric. **ASEU** is one of three capacity metrics used in this document.

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Capacity Utilization
AvgAC (Poughkeepsie Transfer Gamma)



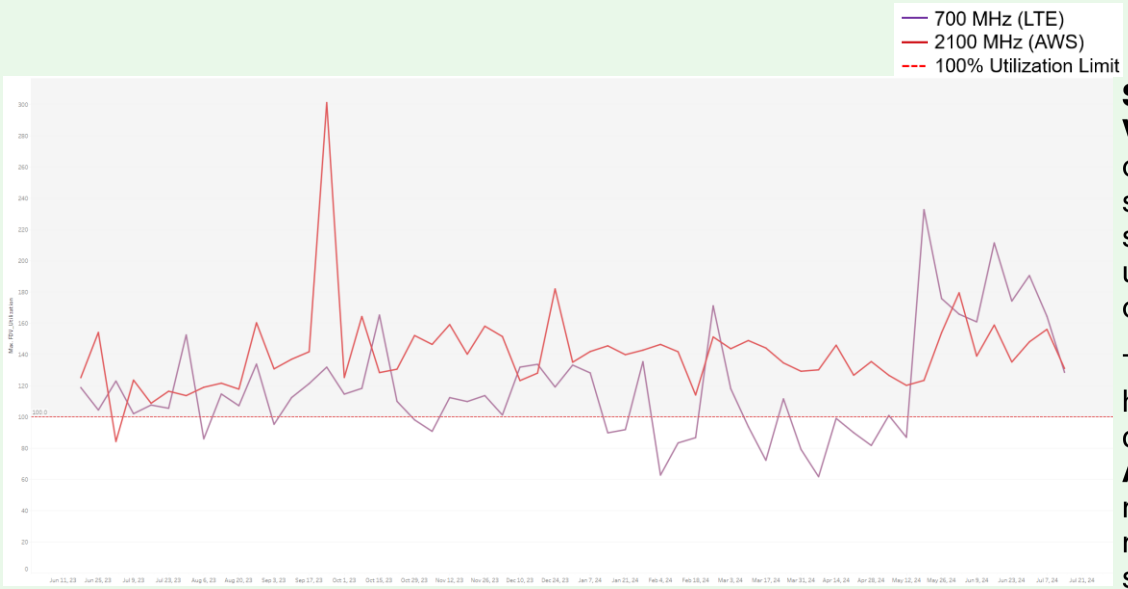
Summary: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Gamma** sector of the **Poughkeepsie Transfer** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Poughkeepsie Transfer** sector shown above is operating normally for this metric. **AvgAC** is one of three capacity metrics used in this document.

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Capacity Utilization
FDV (Poughkeepsie DT Alpha)



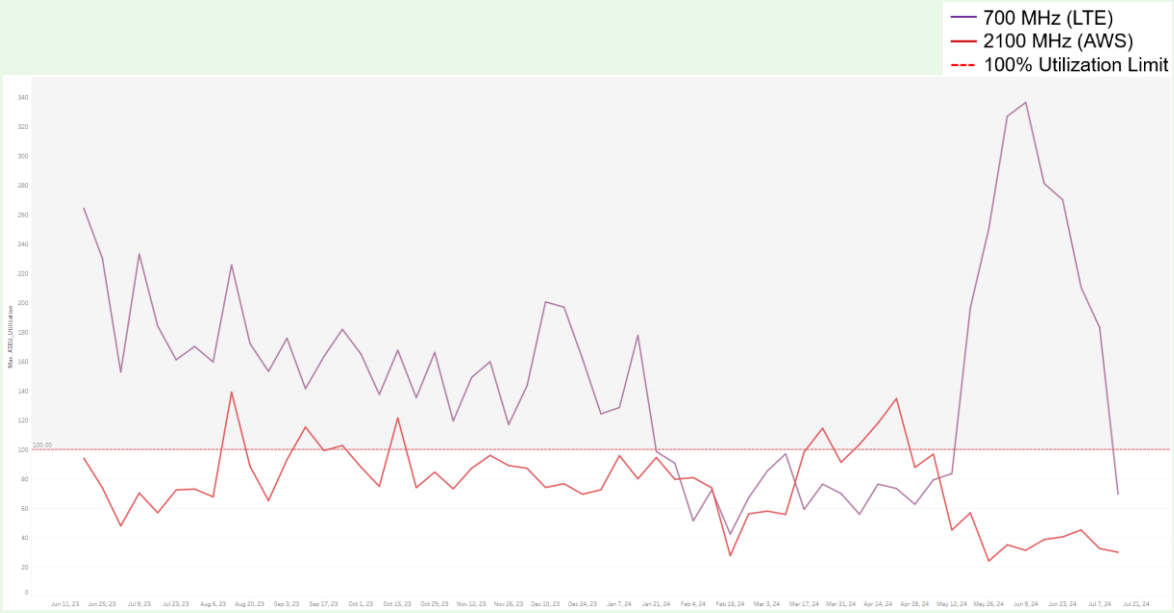
Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Alpha** sector of the **Poughkeepsie DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Poughkeepsie DT** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). In order to provide adequate and reliable service to **DC Youth Bureau** and the surrounding project area, network densification is required.

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Capacity Utilization
ASEU (Poughkeepsie DT Alpha)



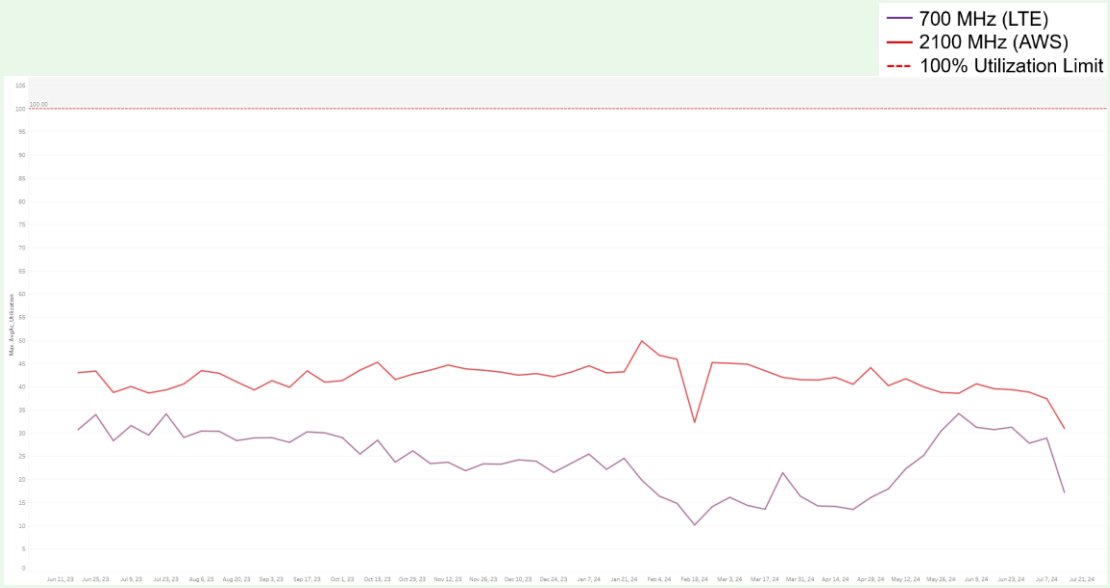
Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Alpha** sector of the **Poughkeepsie DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Poughkeepsie DT** sector cannot support the traffic demand throughout the extent of the dense geographic area it covers. **Poughkeepsie DT** is overloaded, as shown by the purple and dark red actual use lines exceeding the red dashed exhaustion threshold. In order to provide adequate and reliable service to **DC Youth Bureau** and the surrounding project area, network densification is required.

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Capacity Utilization
AvgAC (Poughkeepsie DT Alpha)



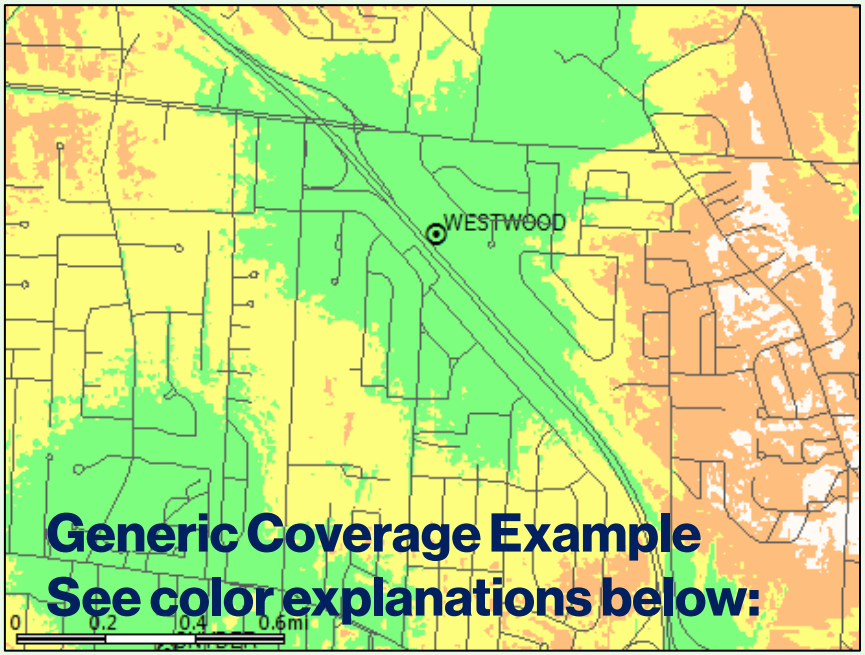
Summary: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Alpha** sector of the **Poughkeepsie DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Poughkeepsie DT** sector shown above is operating normally for this metric. **AvgAC** is one of three capacity metrics used in this document.

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Explanation of Wireless Coverage



Generic Coverage Example
See color explanations below:

Coverage is best shown via coverage maps. RF engineers use computer simulation tools that take into account terrain, vegetation, building types, and site specifics to model the RF environment. This model is used to simulate the real world network and assist engineers to evaluate the impact of a proposed site (along with industry experience and other tools).

Many Verizon Wireless sites provide 4G LTE at 700 MHz and 850MHz. As capacity requirements increase, higher frequency (and bandwidth) PCS (1900 MHz) and AWS (2100 MHz) carriers are added. In some mountaintop or long distance situations the mid band (higher frequency) AWS and PCS carriers are not fully effective due to excessive distance (path loss) from the user population.

Coverage provided by a given site is affected by the frequencies used. Lower frequencies propagate further distances, and are less attenuated by clutter than higher frequencies. To provide similar coverage levels at higher frequencies, a denser network of sites is required (network densification).

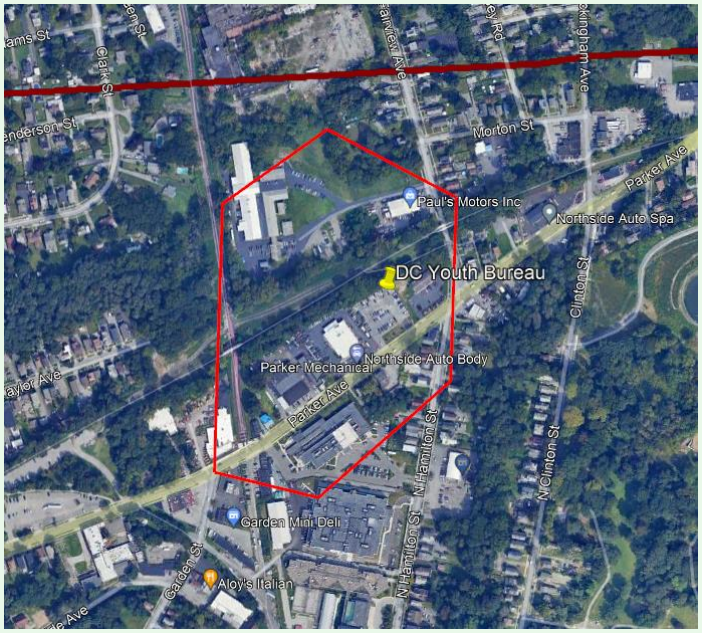
Note the affect of clutter on the predicted coverage footprint above

**Dark Green >/= -75dBm RSRP, typically serves dense urban areas as well as areas of substantial construction (colleges, hospitals, dense multi family etc.)
Green >/= -85dBm RSRP, typically serves suburban single family residential and light commercial buildings
Yellow >/= -95dBm RSRP, typically serves most rural/suburban-residential and in car applications
Orange >/= -105dBm RSRP, rural highway coverage, subject to variable conditions including fading and seasonality gaps
White = <-105dBm RSRP, variable to no reliable coverage gap area

More detailed, site-specific coverage slides are later in the presentation
*Signal strength requirements vary as dictated by specific market conditions
** Not displayed in example map, layer not used in all site justifications

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Explanation of DC Youth Bureau Search Area



DC Youth Bureau Search Area

A **Search Area** is the geographical area within which a new site is targeted to solve a coverage or capacity deficiency. Three of the factors taken into consideration when defining a search area are topography, user density, and the existing network.

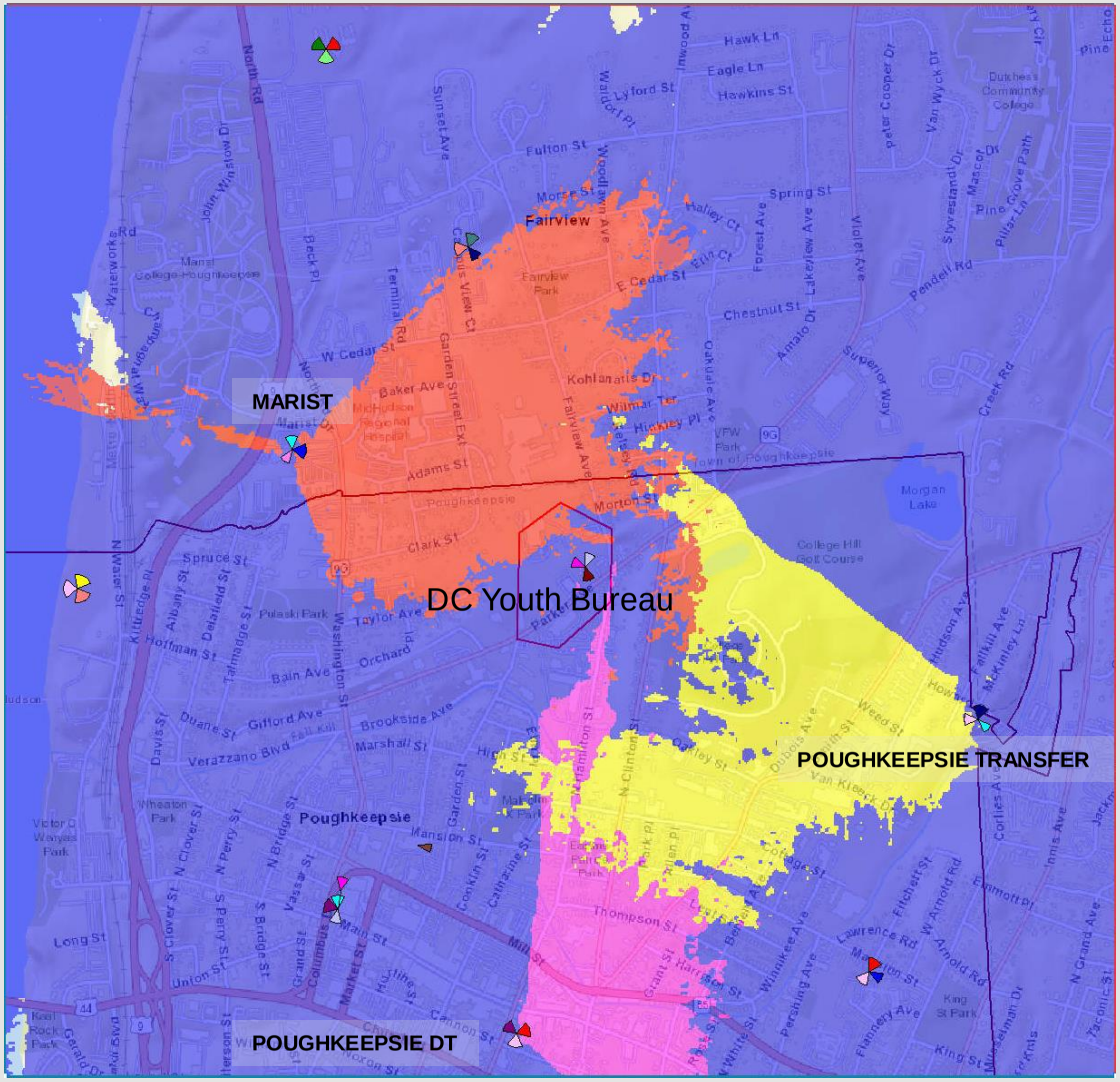
- **Topography** must be considered to minimize the obstacles between the proposed site and the target coverage area. For example, a site at the bottom of a ridge will not be able to cover the other side from a certain height.
- In general, the farther from a site the **User Population** is, the weaker the RF conditions are and the worse their experience is likely to be. These distant users also have an increased impact on the serving site's capacity. In the case of a multi sector site, centralized proximity is essential to allow users to be evenly distributed and allow efficient utilization of the site's resources.
- The existing **Network Conditions** also guide the design of a new site. Sites placed too close together create interference due to overlap and are an inefficient use of resources. Sites that are too tall or not properly integrated with existing sites cause interference and degrade service for existing users.
- Existing co-locatable structures inside the search area as well as within a reasonable distance of the search area are submitted by site acquisition and reviewed by RF Engineering. If possible, RF will make use of existing or nearby structures before proposing to build new towers.

To resolve the coverage and capacity deficiencies previously detailed, Verizon Wireless is seeking to add one new cell facility within this area to improve wireless service capacity and coverage. By providing a new dominant signal area and offloading weak and distant traffic from **Marist, Poughkeepsie Transfer and Poughkeepsie DT** with the proposed site, adequate and reliable service will be restored. The new **DC Youth Bureau** site will provide dominant and dedicated signal to the identified portions of the Town and City of **Poughkeepsie.** This helps to improve not only the **DC Youth Bureau** project area but will also result with significant improvements to the above mentioned overloaded sites ultimately improving community wide areas in and around the **DC Youth Bureau** project area.

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Existing 700MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.



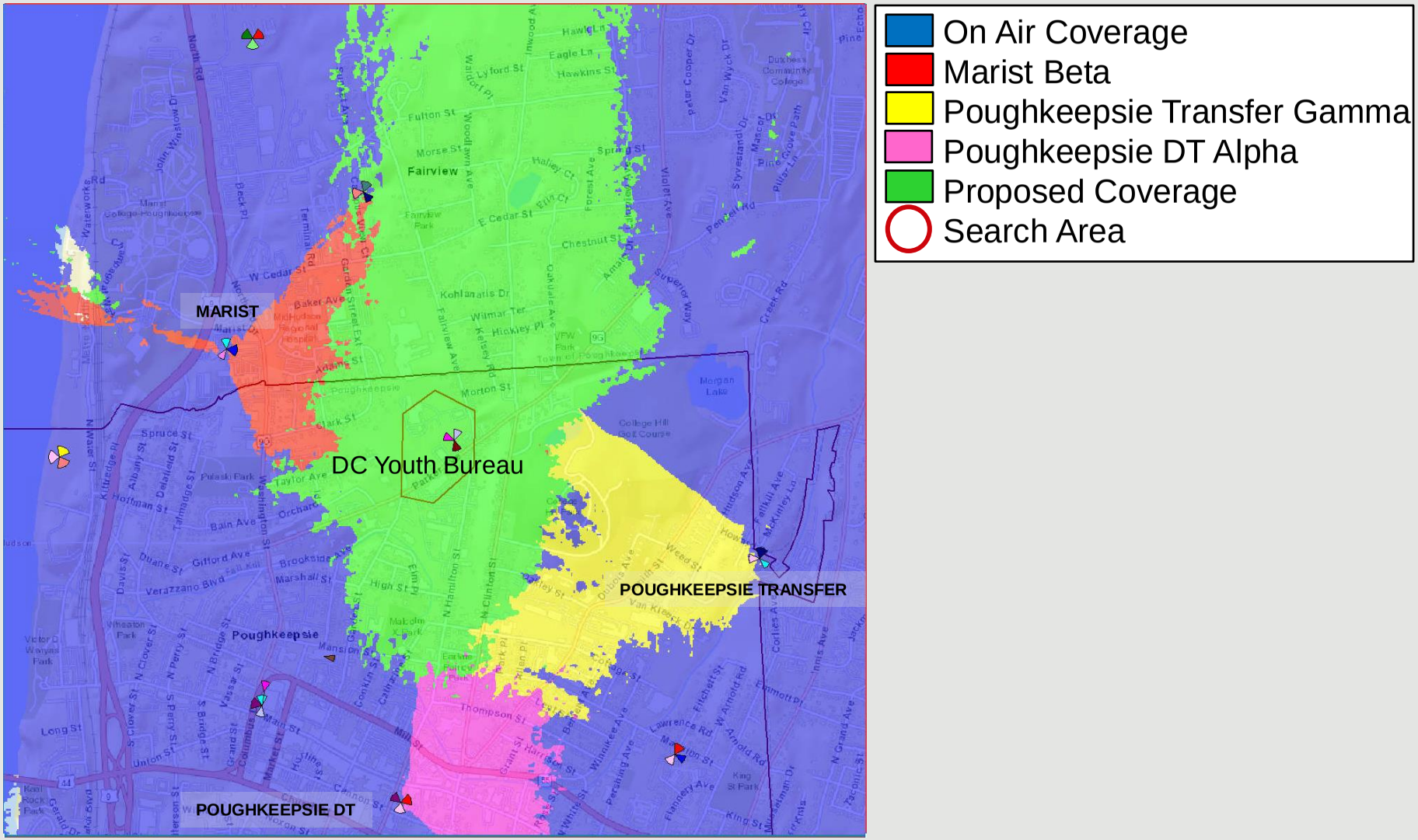
On Air Coverage
Marist Beta
Poughkeepsie Transfer Gamma
Poughkeepsie DT Alpha
Search Area

The map above represents coverage from existing sites, with the sites in need of capacity offload detailed in the legend above. Blue coverage is from other on air (Low Band) sites.

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Proposed 700MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.

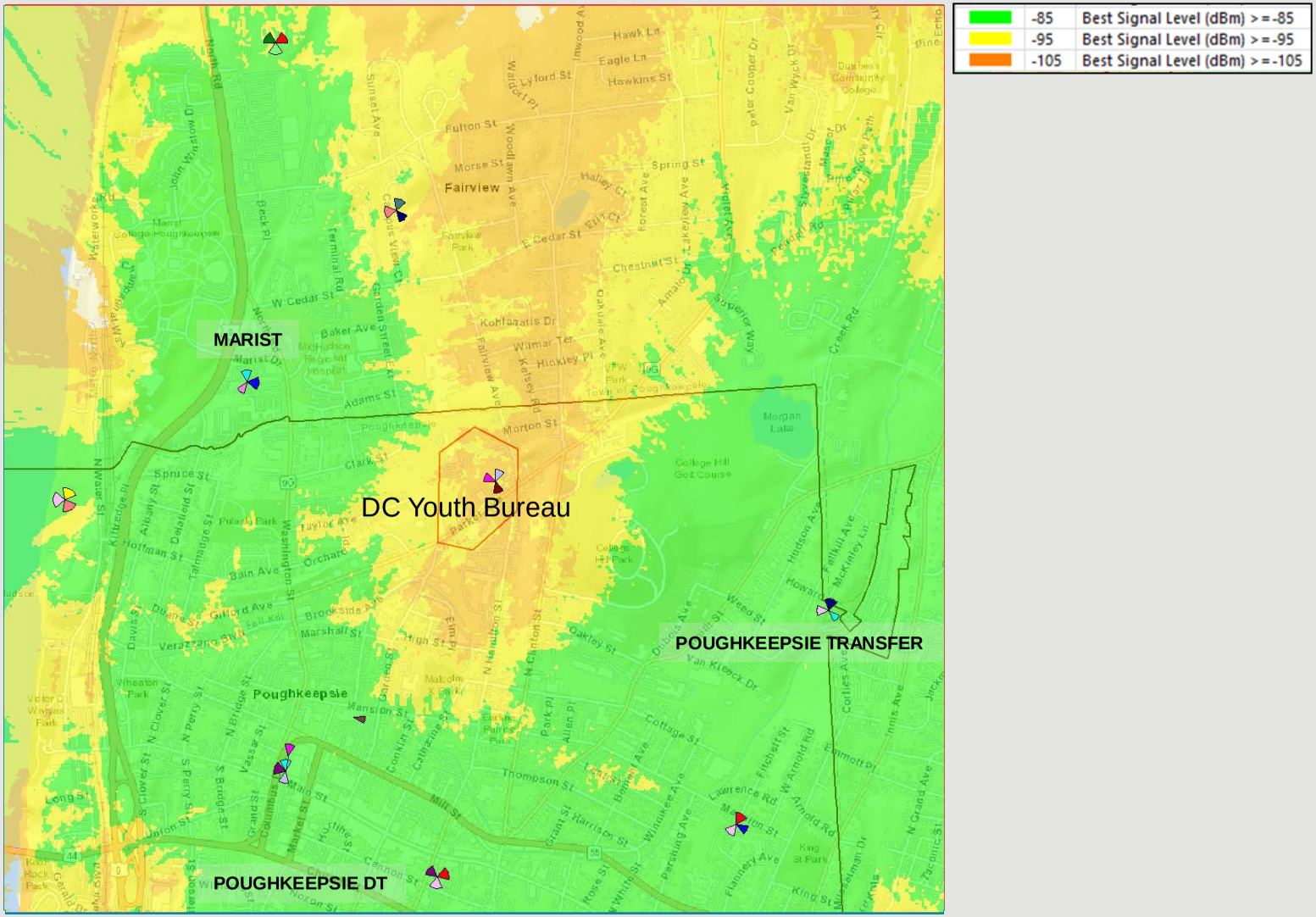


The map above adds the footprint of the proposed **DC Youth Bureau** site in green. The green best server footprint provides improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the existing overloaded sectors identified in the image above.

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Existing 700MHz Coverage (signal strength)

This coverage map shows how weak the RF conditions are in portions of the Town and City of **Poughkeepsie** and surrounding area.
Refer to slide 15 for further explanation of these color thresholds

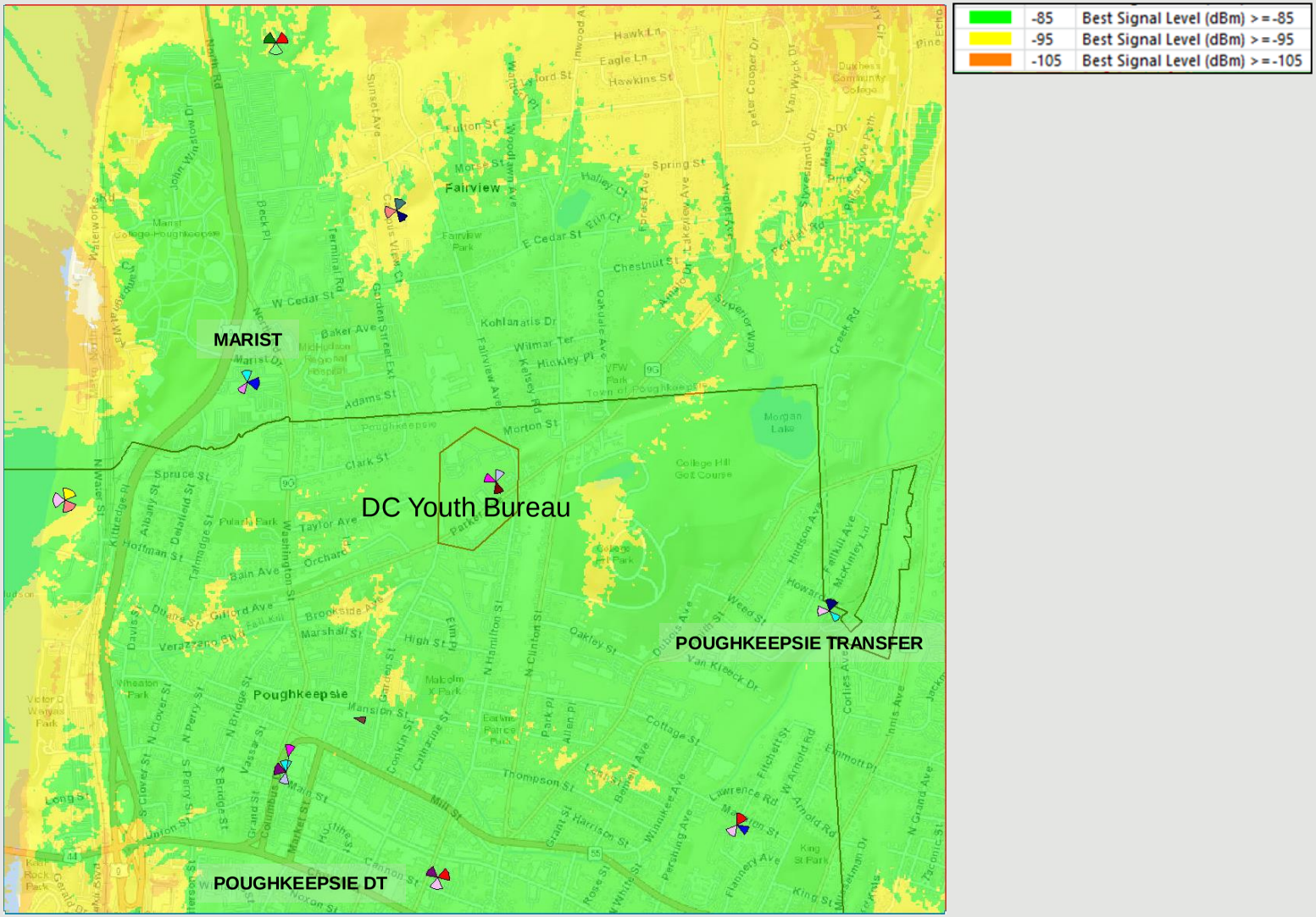


The map above represents existing low band signal strength coverage from existing sites.

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Proposed 700MHz Coverage (signal strength)

This coverage map shows how improved the RF conditions will be in portions of the Town and City of **Poughkeepsie** and surrounding area.
Refer to slide 15 for further explanation of these color thresholds

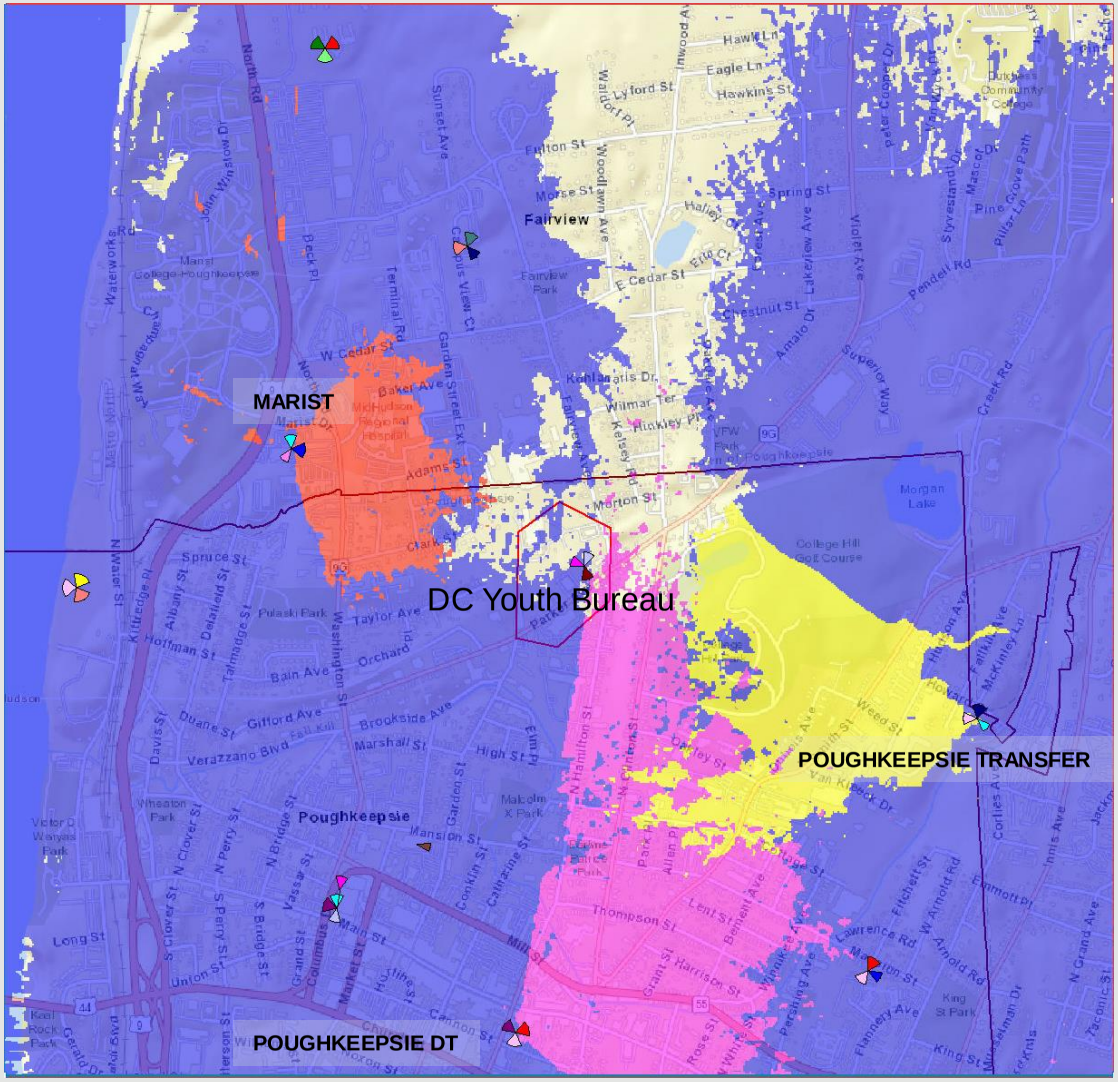


The map above adds low band of the **DC Youth Bureau** site to the existing signal strength. The significantly improved signal strength corresponds to improved coverage and capacity throughout the identified significant gap areas. This will help to resolve the coverage and capacity issues impacting portions of the Town and City of Poughkeepsie.

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Existing 2100MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.



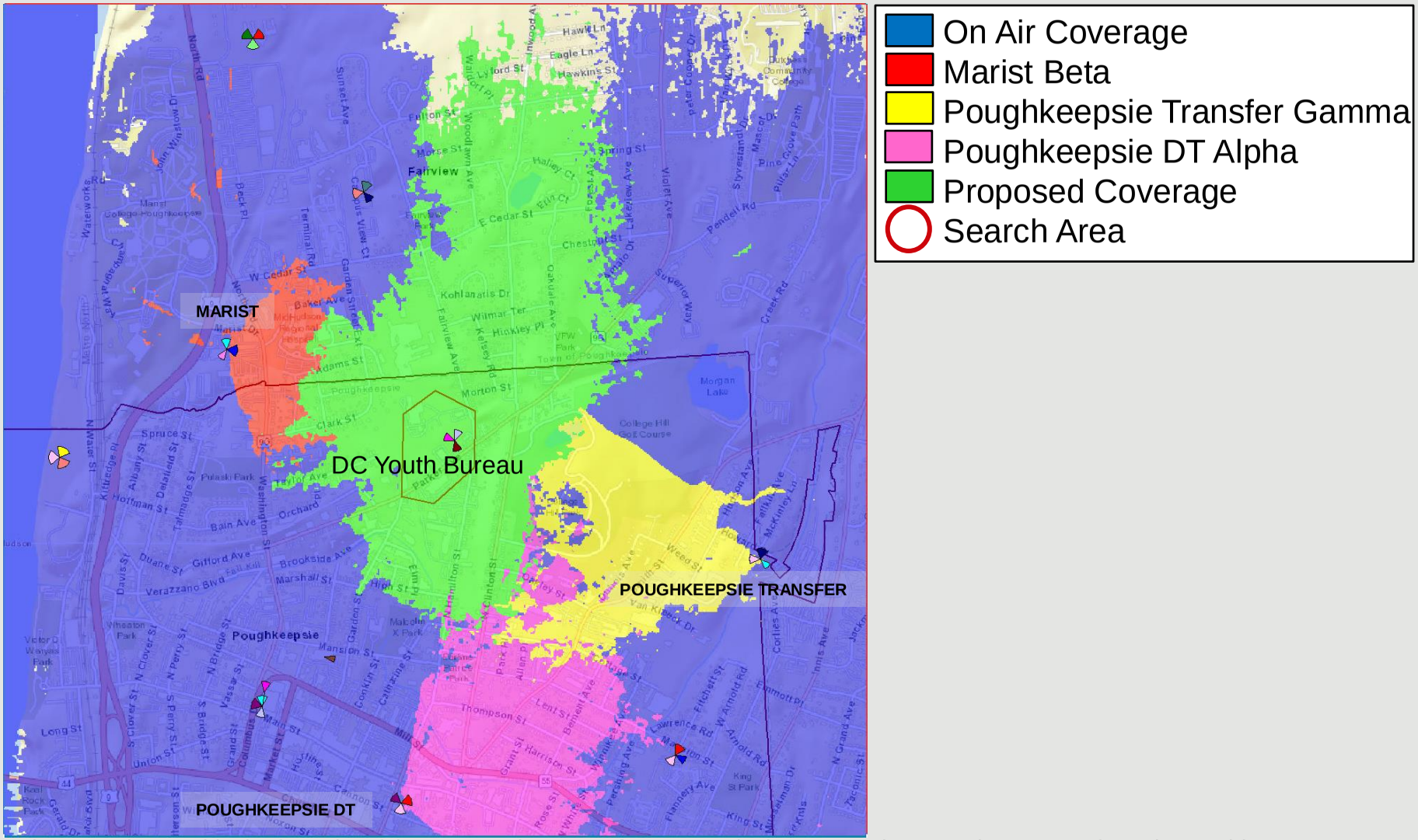
- On Air Coverage
- Marist Beta
- Poughkeepsie Transfer Gamma
- Poughkeepsie DT Alpha
- Search Area

The map above represents coverage from existing sites, with the sites in need of capacity offload detailed in the legend above. Blue coverage is from other on air (Mid Band) sites.

verizon

Proposed 2100MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.

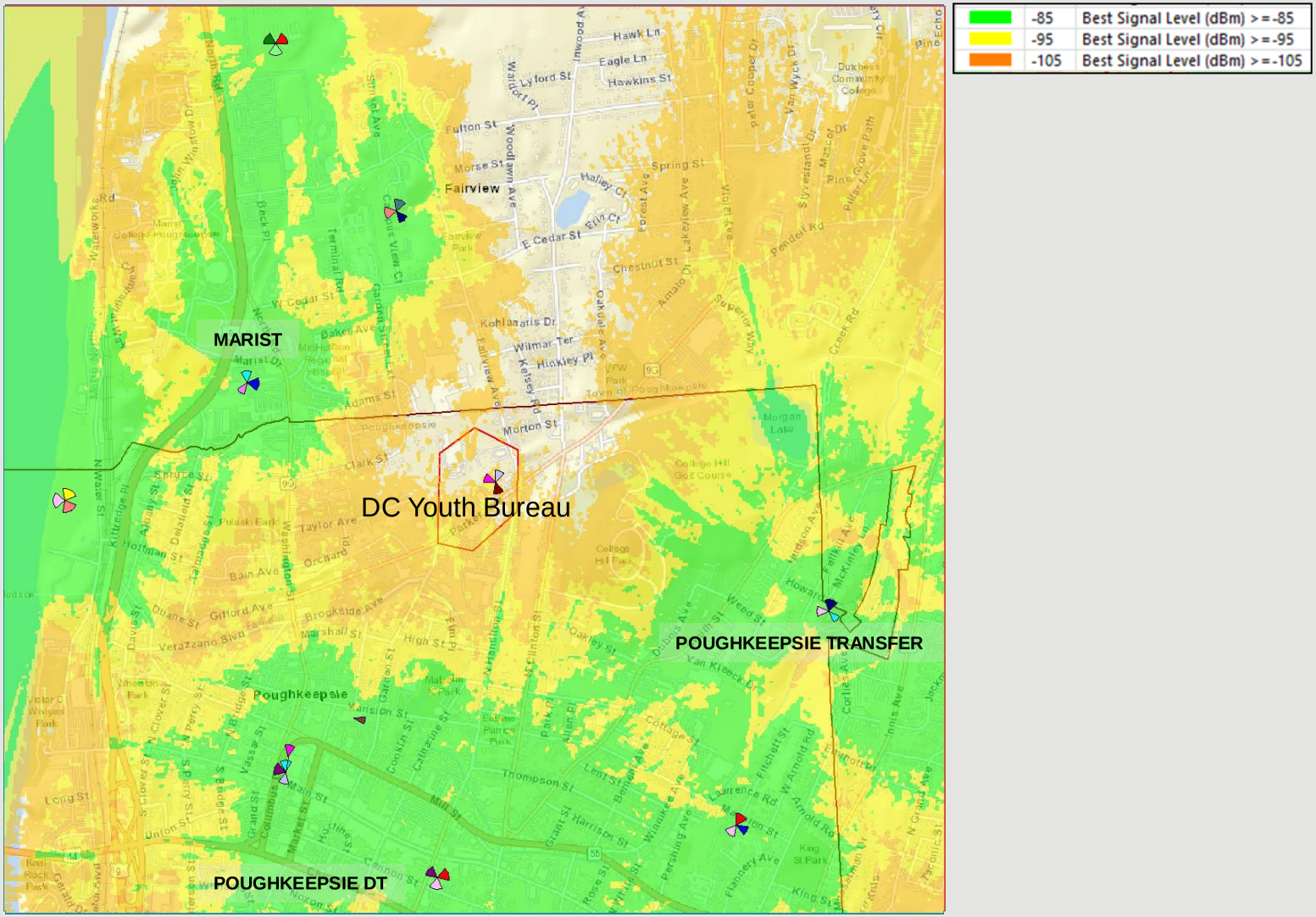


The map above adds the footprint of the proposed **DC Youth Bureau** site in green. The green best server footprint provides improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the existing overloaded sectors identified in the image above.

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Existing 2100MHz Coverage (signal strength)

This coverage map shows how weak the RF conditions are in portions of the Town and City of **Poughkeepsie** and surrounding area.
Refer to slide 15 for further explanation of these color thresholds

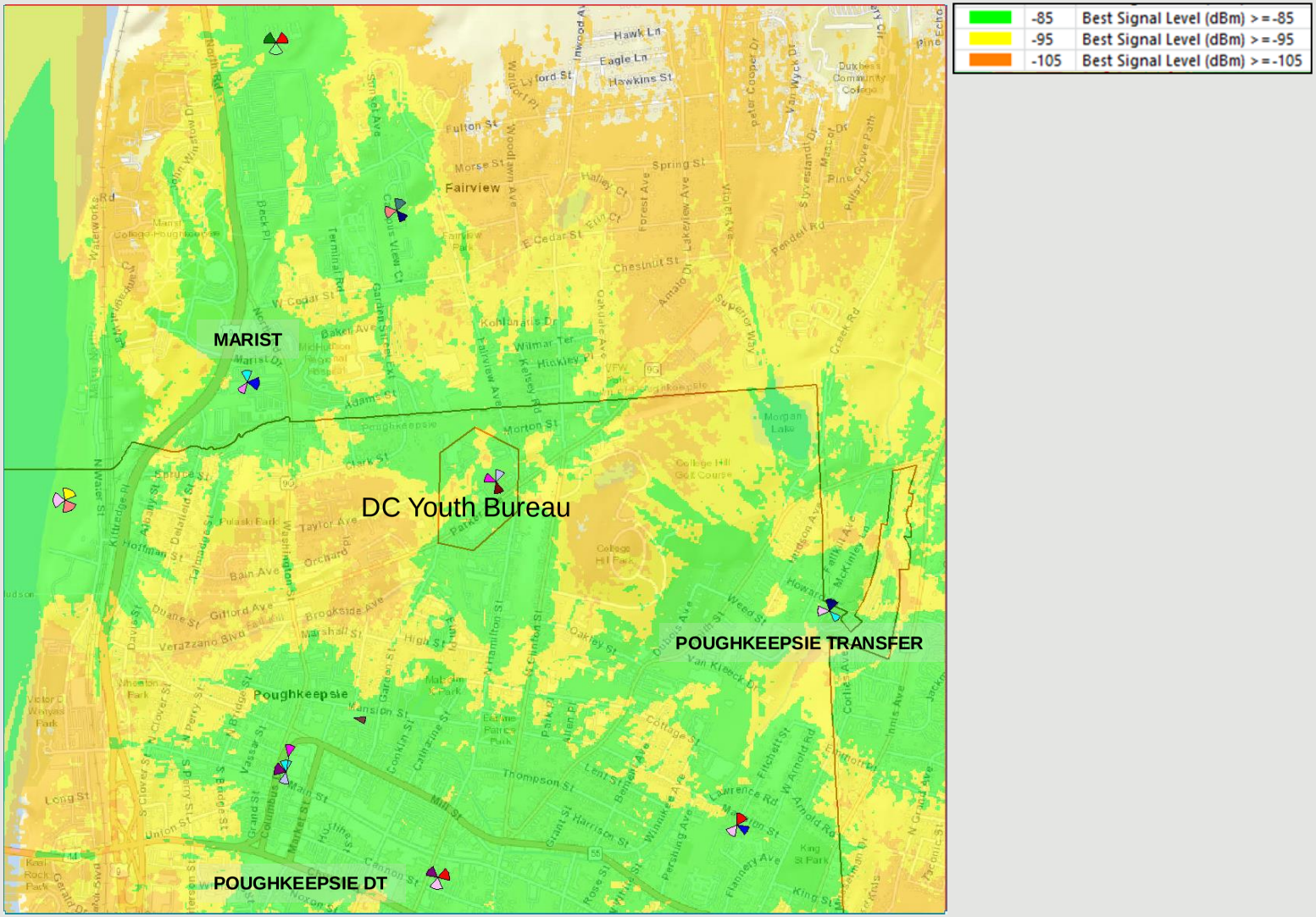


The map above represents mid band coverage from existing sites. This 2100MHz signal is very weak throughout the project area. Additional mid band network densification is required to resolve these conditions.

verizon

Proposed 2100MHz Coverage (signal strength)

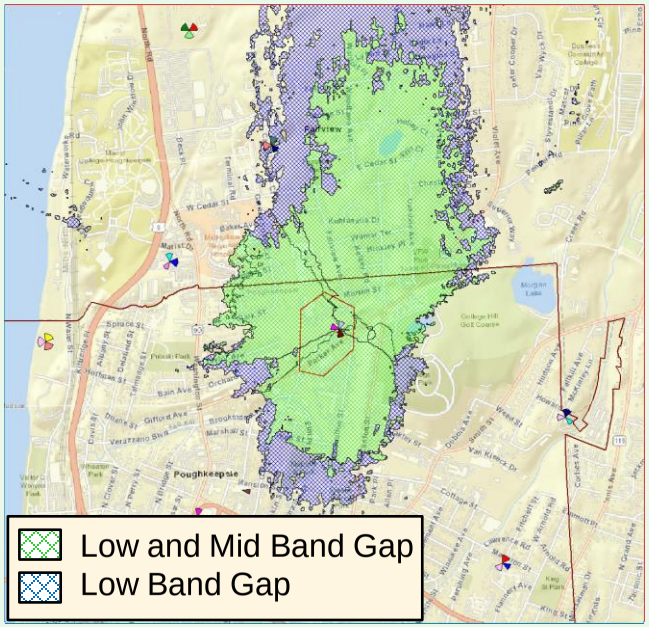
This coverage map shows how improved the RF conditions will be in portions of the Town and City of **Poughkeepsie** and surrounding area.
Refer to slide 15 for further explanation of these color thresholds



The map above adds mid band of the **DC Youth Bureau** site to the existing signal strength. The significantly improved signal strength corresponds to improved coverage and capacity throughout the identified significant gap areas. This will help to resolve the coverage and capacity issues impacting portions of the Town and City of Poughkeepsie.

verizon

RF Justification Summary



The proposed site resolves the substantial and significant gaps in coverage and capacity impacting the Town and City of Poughkeepsie. These gaps are shown above: The green shaded area represent the gaps in coverage and capacity that the proposed **DC Youth Bureau** site with 95' ACL will resolve.

The network was analyzed to determine whether there is sufficient **RF coverage and capacity** in the **Town and City of Poughkeepsie**. It was determined that there are significant gaps in adequate LTE service for Verizon Wireless in the representative 700 and 2100MHz frequency bands. In addition to the coverage deficiencies, Verizon Wireless' network does not have sufficient capacity (low band or mid band) to handle the existing and projected LTE voice and data traffic in the area near and neighboring the proposed facilities ("targeted service improvement area"). Based on the need for additional coverage and capacity while considering the topography and specific area requiring service, any further addition of capacity to distant existing sites does not remedy Verizon's significant gap in reliable service. Therefore, the proposed facilities are also needed to provide "**capacity relief**" to the existing nearby Verizon Wireless sites, allowing the proposed facilities and those neighboring sites to adequately serve the existing and projected capacity demand in this area.

With the existing network configuration there are significant gaps in service which restricts Verizon Wireless customers from originating, maintaining or receiving reliable calls and network access. It is our expert opinion that the proposed site will satisfy the coverage and capacity needs of Verizon Wireless and its subscribers in these portions of the **Town and City of Poughkeepsie** and this project area. The proposed location depicted herein satisfies the identified service gaps and is proposed at the minimum height necessary for adequate and reliable service.

Brendan Hennessy

Brendan Hennessy
Engineer III – RF Design
Verizon Wireless

verizon

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

DC Youth Bureau Site

121 Parker Avenue
Poughkeepsie, New York

SITE SELECTION ANALYSIS
JULY 24, 2024

Verizon Wireless
1275 John Street, Suite #100
West Henrietta, New York 14586

4238332.v2

SITE SELECTION ANALYSIS

Verizon Wireless proposes to install and operate a new wireless telecommunications facility, including a new tower structure, which would include associated antennas, equipment platform and related appurtenances at 121 Parker Avenue, in the City of Poughkeepsie, Dutchess County, New York. The property, which is located in the City's's Walkway-Gateway District (W-G) and the G-CM: Mixed Use & Commercial Zoning Subdistrict, is approximately 1 acre. The property is owned by **Parker Avenue Realty LLC** and is a vacant commercial lot that is currently being used as a parking lot for the Northside Autobody Shop next door.

1. NEED FOR FACILITY

(a) Problem

The process of identifying a technologically appropriate location, as well as the need for this communications facility are as provided in the Engineering Necessity Case prepared by Verizon Wireless' Rafio Frequency ("RF") Engineer. As indicated in that report, when a Verizon Wireless RF Engineer identifies coverage gaps in the system or sites that have or will reach data capacity exhaustion, they issue a "search area." A search area is a geographical area located within the inadequately serviced area, and it is designed such that if a wireless telecommunications facility is located within the search area, and at an appropriate height, it will likely provide the required coverage. For the most part, locations outside of the search area will fail to provide adequate service to the cell. Due to technological constraints, there is limited flexibility as to where a new facility can be located, and still function properly. The goal of the search area is to define the permissible location for placement of a cell site that will provide adequate service in the subject cell, and also work properly as part of the overall network.

(b) Solution

A search area was developed based on the problems identified in the Engineering Necessity Case, a copy of which is attached to the application . As discussed in the RF materials, the proposed facility will provide much needed capacity relief to surrounding network sites which cannot properly serve the project area due to excessive customer / network demand. The capacity relief to be provided, in the form of mid band frequency densification, will have the added benefit of also increasing and improving wireless coverage to the area. Specifically, areas along Parker Ave, Buckingham Ave, Clinton St, Fairview Ave, Hamilton St, Clark St, Henderson St, as well as businesses and residences along these roadways will see a large improvement in service. The capacity offload provided by this project will also benefit the areas currently served by the existing, overloaded sites in the Verizon network, resulting in a large area of improved service.

2. SEARCH RING ANALYSIS

(a) Geography & Topography

The DC Youth Bureau ring is located in a relatively flat commercial area with the highest terrain located slightly southeast of the search ring's center. There is a hill that goes up to roughly 375' AMSL which is 0.3 miles to the southeast of 121 Parker Avenue.

(b) Land Use

The Search Ring is made up of predominately commercial, industrial and residential areas. **Attachment 1** is an overlay of the Search Ring and the tax map on an aerial photograph of the area.

3. ZONING CONSIDERATIONS

(a) Collocation

Verizon Wireless routinely seeks to install its antennas and equipment on existing communications towers or other tall structures ("collocation"). Local communities universally favor collocations because they can minimize the number of wireless telecommunications towers in an area and many municipalities even provide for a streamlined application review process. Collocation is often listed as the highest sitting priority in a local municipality's Zoning Law. In addition to the streamlined zoning application process, collocation is preferred by wireless providers because it is generally a less expensive and more efficient option, compared to installation of a new tower facility.

(b) New Structure on Municipally-owned Property

As its next priority, Verizon Wireless generally seeks to locate wireless telecommunication facilities on municipally-owned property. These locations are often preferred by municipalities as the second preference behind collocation as it allows municipalities to benefit from a rental stream for the leased premises.

(c) New Structure on Privately-owned Property

When it is not feasible to collocate on an existing tower or tall structure, and there are no feasible municipally-owned properties in the area, Verizon Wireless must find a privately-owned site which is appropriate for and can accommodate a new communications structure. In doing so, the Site Acquisition Specialist attempts to identify properties in the search area large enough to accommodate the facility and which also meet any required area requirements such as set back and fall zone. In addition, other characteristics such as existing compatible land use and existing mature vegetation that can screen the facility are considered. Access, land use, constructability, the presence of wetlands, floodplains and other contributing factors are also examined.

4. ZONING ANALYSIS

Our Primary Candidate at 121 Parker Avenue is located within the City's Gateway-Walkway District (G-W) and the G-CM: Mixed Use & Commercial Zoning Subdistrict. The entire search area is located within the Gateway-Walkway district but it extends into the Office Manufacturing (G-OM), Mixed-Use Residential (G-RM) and Central Medium Density Residential (R-3A) subdistricts. Accdording to the City of Poughkeepsie Code, only roof – mounted and utility pole – mounted wireless telecommunications antennas are permitted with the G-CM subdistrict. Attachment 4 is an overlay of the search area and zoning map. New tower facilities, such as that proposed are not allowed in any of the zoning districts within the search area. Such facilities, assuming they are deemed "public utility installations" are specifically permitted in the C-2A, C-3, I-1 and I-2 zoning districts. As a result and as confirmed by the Poughkeepsie Building Department, a use variance for the proposed facility at the chosen property will be required..

5. CANDIDATE/ALTERNATIVES ANALYSIS

Five (5) parcels were identified as being potential candidates for a new communications facility. These parcels are identified on **Attachment 3**. A summary of each of these properties located within the vicinity of search area is detailed below.

(a) Dutchess County – 108 Parker Avenue (Tax Parcel ID# 1313000-6162-54-236411-0000)

Candidate A is the Dutchess County Law Enforcement Center. A recently renovated building housing the Sherriff's Department and associated county offices. There is a self-support tower on the property that may have been suitable for collocation. The Sherrif initially expressed some interest in working with Verizon Wireless. However, after several conversations about Verizon's proposal, the County decided they did not want to allow collocation on the existing tower. This candidate was, therefore, deemed not to be viable.

(b) Parker Avenue Realty LLC – 121 Parker Avenue (Tax Parcel ID# 6162-55-257465-000) Primary Candidate

This parcel, located at 121 Parker Ave, is a vacant commercial property large enough to accommodate the telecommunications compound but not enough to meet appropriate setback requirements so an area variance will be needed. Also, this property is located in the City of Poughkeepsie's W-G / G-CM Zoning District, which does not permit the proposed facility. Therefore a use variance is required as well.

(c) Darin Page – 27 High Street (Tax Parcel ID# 6162-62-192294-0000)

This parcel has a 3-story building with county offices. Unfortunately, Verizon Wireless' RF Engineer previously determined that the 3-story building was too low to provide the required service to the surrounding area.

(d) Dutchess County Lot – 150 N Hamilton St (Tax Parcel ID# 6162-62238330-0000)

Candidate D is a 7.64 acre property adjacent to the railroad tracks. It contains several county offices as well as the Dutchess County Jail. This property was brought to Verizon's attention when it was determined that collocation at the Dutchess County Law Enforcement Center was not feasible. Commissioner Robert Balkind said that they would be open to working with Verizon... Unfortunately, at just under 40', the building would not have the height necessary to meet RF objectives. Once it was determined that this property would not work, Verizon began negotiations with their Primary Candidate at 121 Parker Avenue.

(e) Schatz Land Company – 10 Fairview Ave (Tax Parcel ID# 6162-46-214505-000)

This parcel is an industrial property bounded by railroad tracks to the west and residential properties to the east. During its initial canvassing of the area, representatives of Verizon Wireless attempted to contact the owner of the property via telephone calls and letters of interest. The owner, however, never responded to Verizon Wireless' inquiries so Verizon Wireless moved on to other potential candidates.

6. CONCLUSION

Based on existing parcel sizes, zoning, landlord interest and land use, five (5) parcels or locations were identified for consideration. For the reasons mentioned in the Candidate Analysis above it was determined that the most appropriate candidate was 121 Parker Avenue.

Prepared by:

Steve Grassl

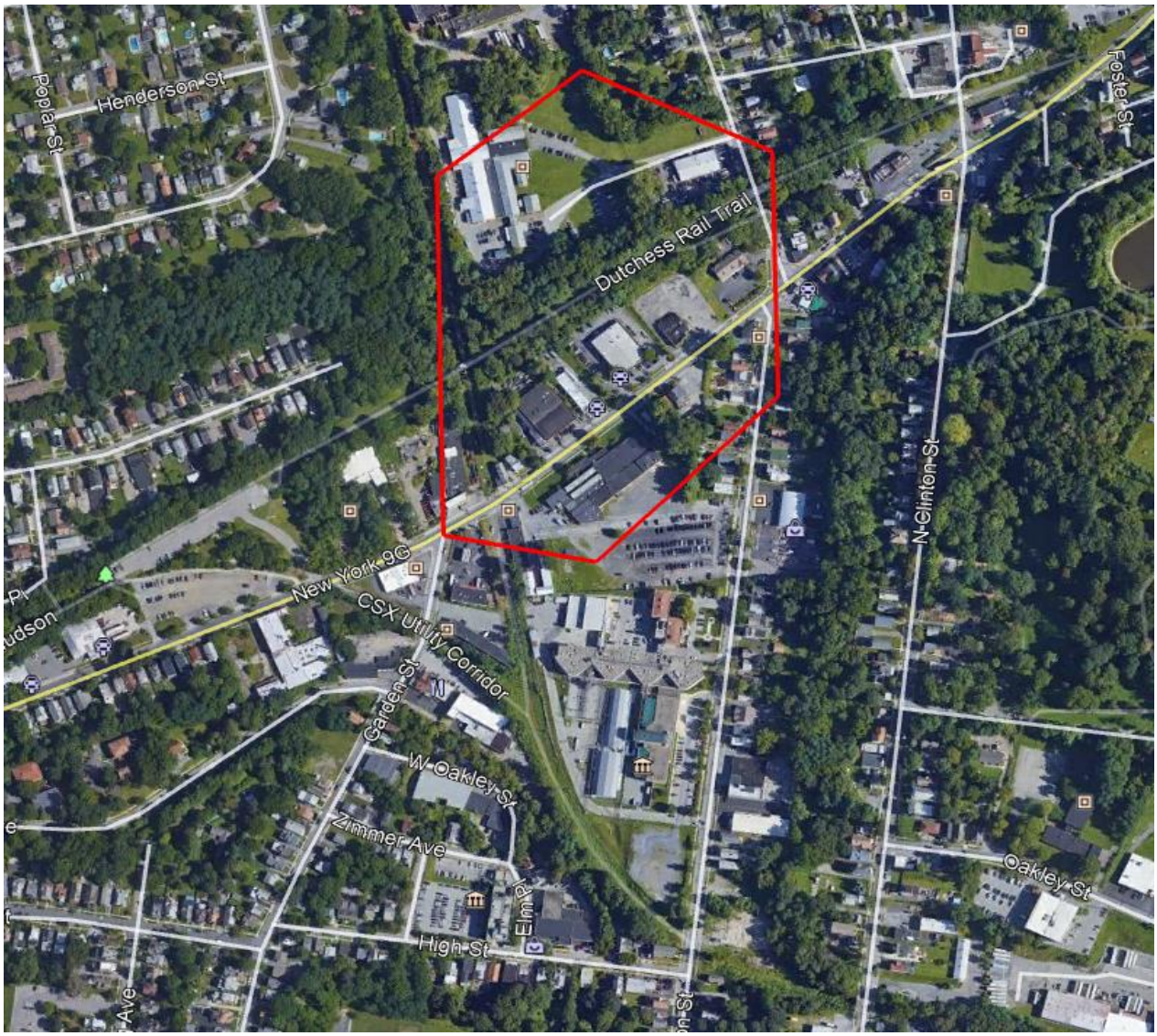
Steven Grassl
Airosmith Development
Consultant to Verizon Wireless

Brendan Hennessy

Brendan Hennessy
Radio Frequency (RF) Design Engineer
Verizon Wireless

ATTACHMENT 1

VERIZON WIRELESS
DC YOUTH BUREAU SEARCH AREA



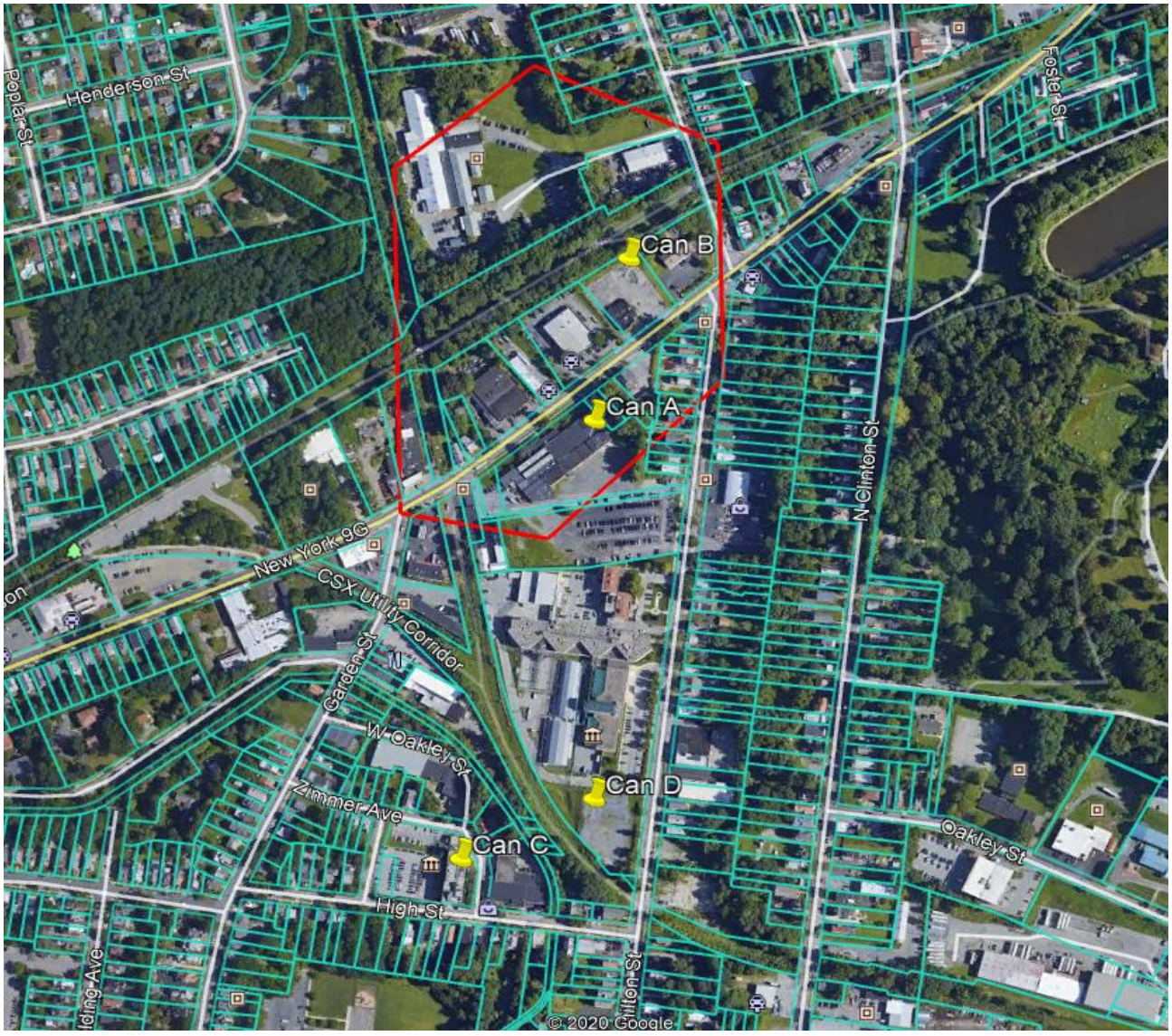
ATTACHMENT 2

VERIZON WIRELESS
OVERLAY – , TAX MAP, AERIAL



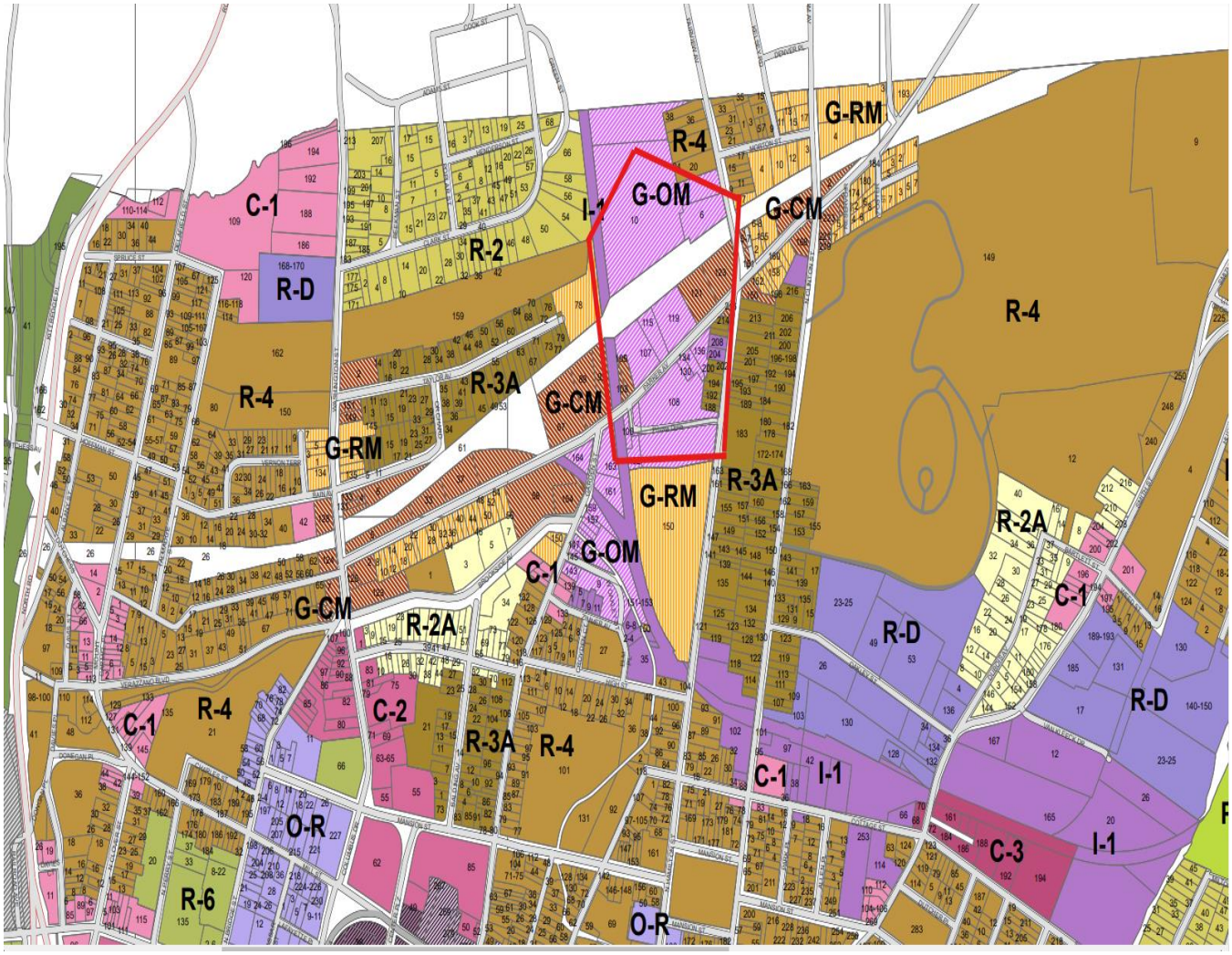
ATTACHMENT 3

VERIZON WIRELESS
PARCELS IDENTIFIED & INVESTIGATED



ATTACHMENT 4

VERIZON WIRELESS
OVERLAY – SEARCH AREA, ZONING MAP



Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Verizon Wireless of the East LP, d/b/a Verizon Wireless - Unmanned Wireless Communications Facility - "DC Youth Bureau"		
Project Location (describe, and attach a general location map): 121 Parker Ave, City of Poughkeepsie, Dutchess County, New York 12601		
Brief Description of Proposed Action (include purpose or need): Verizon Wireless of the East LP, d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes the installation of an unmanned wireless communications facility located on the existing property. Said property being located on Parker Ave 0.03 miles Southwest of Hamilton St. Access to the proposed facility will originate from existing driveway/parking lot of property on Parker Ave. In general, the installation will consist of the following: a 100' tall monopole (104' including 4' lightning rod), nine (9) antennas and related equipment to be mounted to the tower at a center-line heights of 95' and 97.8', cellular and utility equipment at grade in a proposed 50'x50' fenced compound. The project also includes the installation of power and fiber utilities to service the facility.		
Name of Applicant/Sponsor: Verizon Wireless of the East LP, d/b/a Verizon Wireless	Telephone: (585) 321-5435 E-Mail: kathy.pomponio@verizonwireless.com	
Address: 1275 John Street, Suite 100		
City/PO: West Henrietta	State: NY	Zip Code: 14586
Project Contact (if not same as sponsor; give name and title/role): Young/Sommer LLC, attn: Scott Olson	Telephone: (518) 438-9907 E-Mail: solson@youngsommer.com	
Address: Executive Woods, Five Palisades Drive		
City/PO: Albany	State: New York	Zip Code: 12205
Property Owner (if not same as sponsor): Parker Ave Reality, LLC	Telephone: E-Mail:	
Address: 47 Marie Ct		
City/PO: Wappingers Falls	State: NY	Zip Code: 12590

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No		
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan approval/Special use permit	TBD
c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No	Zoning Board of Appeals - Use Variance/area variance	TBD
d. Other local agencies ☑Yes ☐No	Building department - Zoning Review Request, Building Permit	TBD
e. County agencies ☐Yes ☑No		
f. Regional agencies ☐Yes ☑No		
g. State agencies ☐Yes ☑No		
h. Federal agencies ☐Yes ☑No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes ☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
G-CM (Mixed Use Commercial)

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? (131300) Poughkeepsie City School District

b. What police or other public protection forces serve the project site?
Dutchess County Sheriff, City of Poughkeepsie Police Department,

c. Which fire protection and emergency medical services serve the project site?
Poughkeepsie Fire Department, Fairview Fire District, City of Poughkeepsie Fire Department

d. What parks serve the project site?
College Hill Park, Morgan Lake Park, Mansion Square Park, Malcolm X Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Unmanned telecommunications facility

b. a. Total acreage of the site of the proposed action? 0.881 acres
b. Total acreage to be physically disturbed? 0.08 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.057 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
_____
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 2 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☑ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

i. Total number of structures 1 (tower)

ii. Dimensions (in feet) of largest proposed structure: 104' height; 5' width; and _____ length

iii. Approximate extent of building space to be heated or cooled: 0 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

N/A

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

Construction equipment

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

Backup generator

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

Minimal increase in electrical power usage as necessary to operate the facility.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

Local utility

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8am-5pm
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: 24 hours
- Saturday: 24 hours
- Sunday: 24 hours
- Holidays: 24 hours

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

During construction, noise associated with the operation of construction equipment, once construction of the proposed facility is complete, the on-site generator will be the only contributing factor to noise levels.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

One (1) switch operated LED light fixture attached to the h-frame at grade, designed to illuminate the area in and around the Verizon equipment only.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☑ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☑ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.72	0.72	0.00
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.16	0.16	0.00
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☑ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☑ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

N/A

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑ Yes ☐ No

If yes, provide DEC ID number(s): B00036, B00020, C314131, 3144074

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

B00036 - Standard Gage and Coal storage site, B00020 - complete, C314131 - complete, 3144074 - complete

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 7+ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: DxB 100 %

d. What is the average depth to the water table on the project site? Average: 7+ feet

e. Drainage status of project site soils:
☑ Well Drained: 100.0 % of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:

Rabbits	Squirrels	Skunks
Chipmunks	Oppossums	Foxes
Birds	Raccoons	Deer

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☑ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. 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? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: College Hill Park, Morgan Lake Park, Mansion Square Park, Malcolm X Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State Recreation, Designated Greenway Trails

iii. Distance between project and resource: 5 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

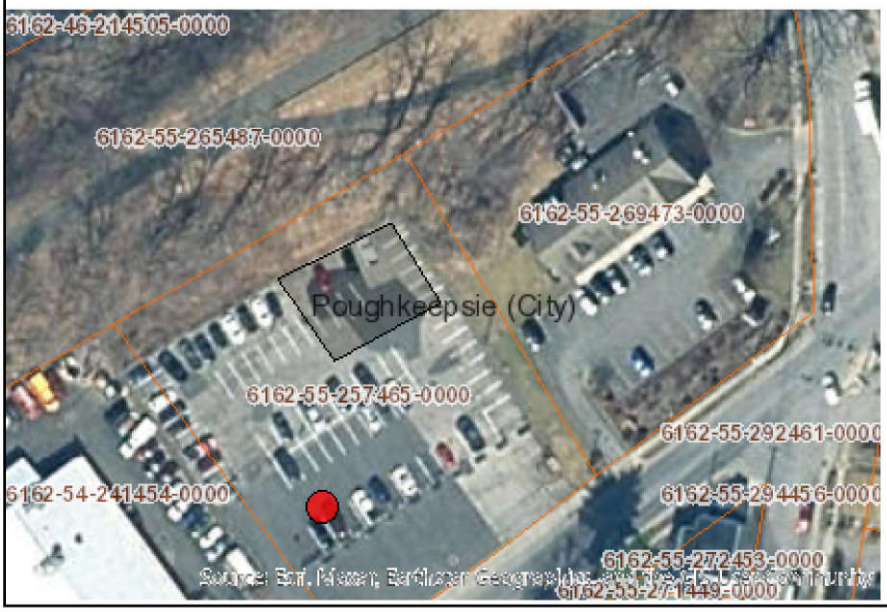
G. Verification

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

Applicant/Sponsor Name Steven Matthews, agent on behalf of applicant Date 7/30/24

Signature Steven Matthews Title Director of Engineering

PRINT FORM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	B00036, B00020, C314131, 314074
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____ _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☐ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☐NO ☐YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☐NO ☐YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) ☐NO ☐YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐NO ☐YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____ _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐NO ☐YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) ☐ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) ☐ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☐ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____ _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☐ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☐ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☐ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☐ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☐ NO ☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☐ NO ☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

_____

_____

_____

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

_____

_____

_____

_____

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:	
Name of Lead Agency:	
Name of Responsible Officer in Lead Agency:	
Title of Responsible Officer:	
Signature of Responsible Officer in Lead Agency:	Date:
Signature of Preparer (if different from Responsible Officer)	Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

VISUAL RESOURCE EVALUATION

PROPOSED 100' TALL
TELECOMMUNICATIONS STRUCTURE
SITE NAME: DC YOUTH BUREAU

121 Parker Ave
City of Poughkeepsie,
Dutchess County
New York, 12601

Submitted by:

verizon

1275 John Street, Suite 100
West Henrietta, NY 14586

Prepared by:

Tectonic

36 British American Blvd., Suite 101
Latham, New York 12110
518-783-1630
845-567-8703 FAX

July 30, 2024

VISUAL RESOURCE EVALUATION

Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C., was contracted by Verizon Wireless to conduct a "Visual Resource Evaluation" to determine which areas within the City of Poughkeepsie will contain views of the proposed 100-foot-tall wireless telecommunications structure.

Setting:

The proposed site is located 3/4th of a mile southeast of Marist College on Parker Ave in the Town of Poughkeepsie, Dutchess County, New York. The surrounding land use is a mix residential and commercial use properties with some wooded park areas. The predominant forest species are mixed deciduous and coniferous, with an estimated height of 40 to 60 feet. The field study for this visual resource evaluation was conducted during the summer season with 100% leaf on conditions.

Methodology:

On Wednesday July 17, 2024, Tectonic conducted a field investigation for the purpose of evaluating the viewshed associated with the proposed installation of the 100-foot tower. Conditions were partly cloudy with a temperature of approximately 80°, and with wind speeds of approximately 6-8 mph. The study area consisted of a 2-mile radius from the project site.

The methodology utilized during this field investigation is referred to as a "balloon test." The height of the proposed structure was simulated by floating a 4' diameter, helium-filled weather balloon at 100-feet above ground level (AGL). The balloons provided reference points for height as well as location and also provides a known dimension that later aids in the production of photo simulations.

Prior to the field study, Tectonic assessed the potential visibility in the study area by creating desktop viewshed maps using ESRI ArcGIS Desktop 10.8 in conjunction with a USGS 7.5 Minute Series Topographic Quadrangles Map and aerial base maps and street maps. A viewshed map was created delineating areas where visibility would be blocked by topography and areas where visibility would be blocked by vegetation.

Tectonic drove the study area to confirm the potential visibility of the structure. During the "in field" review the participants reviewed and documented those areas from which views of the structure may be "visible" and those which are blocked by topography and vegetation. The resulting data from this analysis was reviewed and referenced on the "Photo Log" and "Viewshed Map" attached. The colors on the map delineate which areas have a line of sight to the structure. The viewshed analysis resulted in the discovery the proposed structure will be visible from clear and elevated areas southeast and northwest up to a quarter mile away on Parker Ave, Garden Ave and High St.

Photographs were taken from various vantage points within the study area to document the actual view towards the proposed structure, as well as the general character of the viewshed. Each photograph attached includes a brief description of the location and orientation from which it was taken, and the photo number corresponds to the key number on the photo log map.

Process:

Photographs of the weather balloon from the viewpoints noted were taken with a Nikon D5300 Digital 24-megapixel camera using a 55mm focal length lens to mimic the view as observed from the human eye.

In order to analyze the potential visual impacts of the proposed structure, Tectonic took photographs of the balloon from locations within the search area for the purpose of preparing simulations of the proposed structure. Photographs for which there is a corresponding simulated view (#20, #21, & #27) of the proposed structure were produced by first photographing an existing similar type structure, then photographing the view towards the proposed site where the marker balloon was set to a height of 100-feet AGL. The digital images of the balloon and similar structure was then merged and scaled with digital image editing software. With this process, the structure is scaled to the correct height and width by scaling the similar type of structure using measurements from the marker balloon. The similar type of structure used has an antenna array that spans eight feet (8'). By measuring the balloon width of 4', one can determine the proper width of the antenna array by multiplying the balloon width by a factor of 2. The composite is printed out to a PDF file, producing the final image.

We note that the simulations provided are artistic renderings of views from chosen locations and should not be interpreted to be the actual view of the tower following construction. While we utilize best efforts to simulate the view of the proposed tower from a particular location, some variance between simulations, manufacturer products and final installed towers is to be expected.

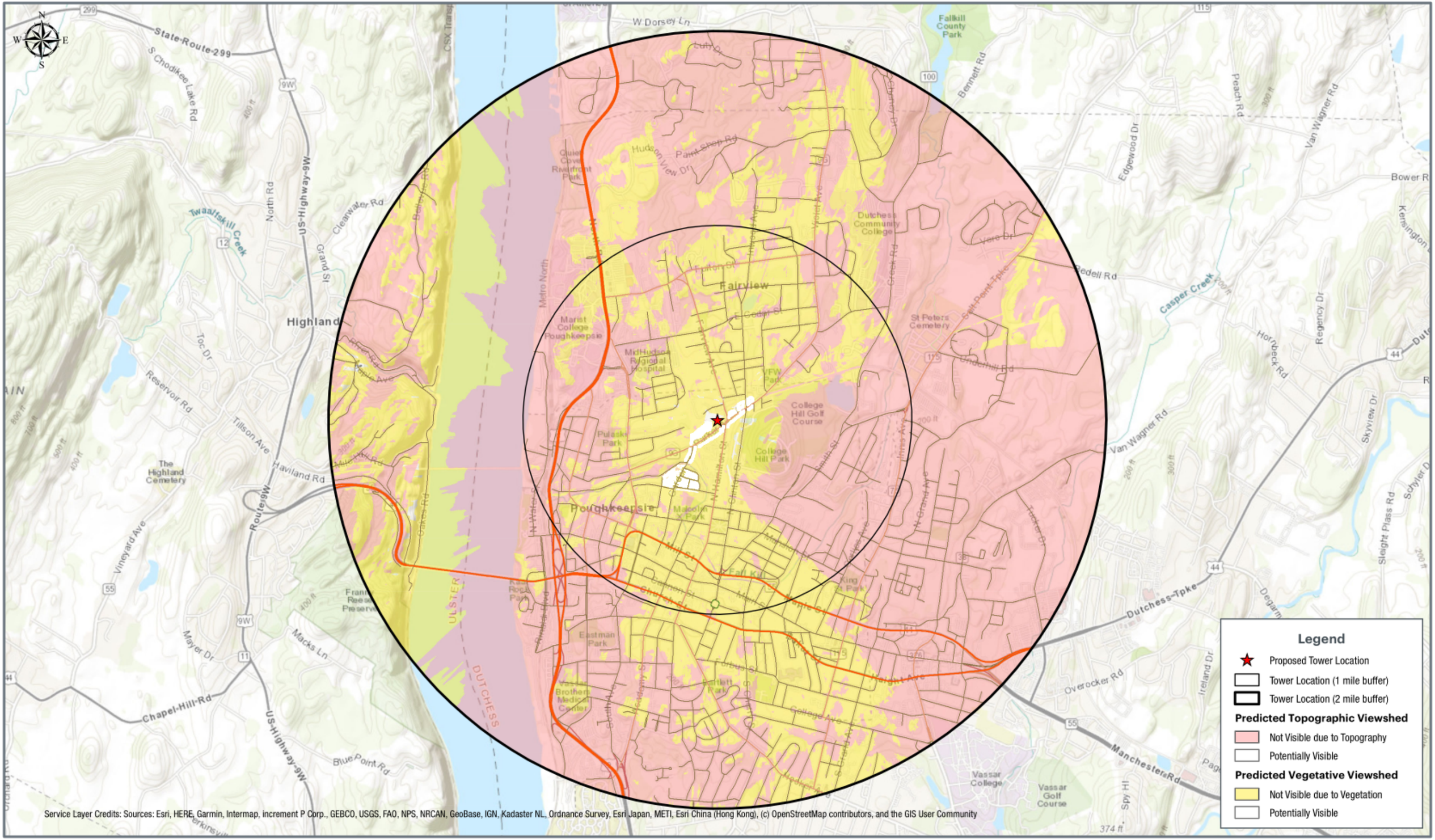
Conclusion:

The Viewshed Analysis Map presents a conservative delineation of the viewshed within the study area along public roadways. The photo slides have been prepared per the methodology described above and provide a general depiction of the appearance of the structure from the photographed viewpoints.

Sincerely,
TECTONIC ENGINEERING CONSULTANTS, GEOLOGISTS & LAND SURVEYORS, D.P.C.



Steven M. Matthews, PE
Managing Director - Engineering



Tectonic

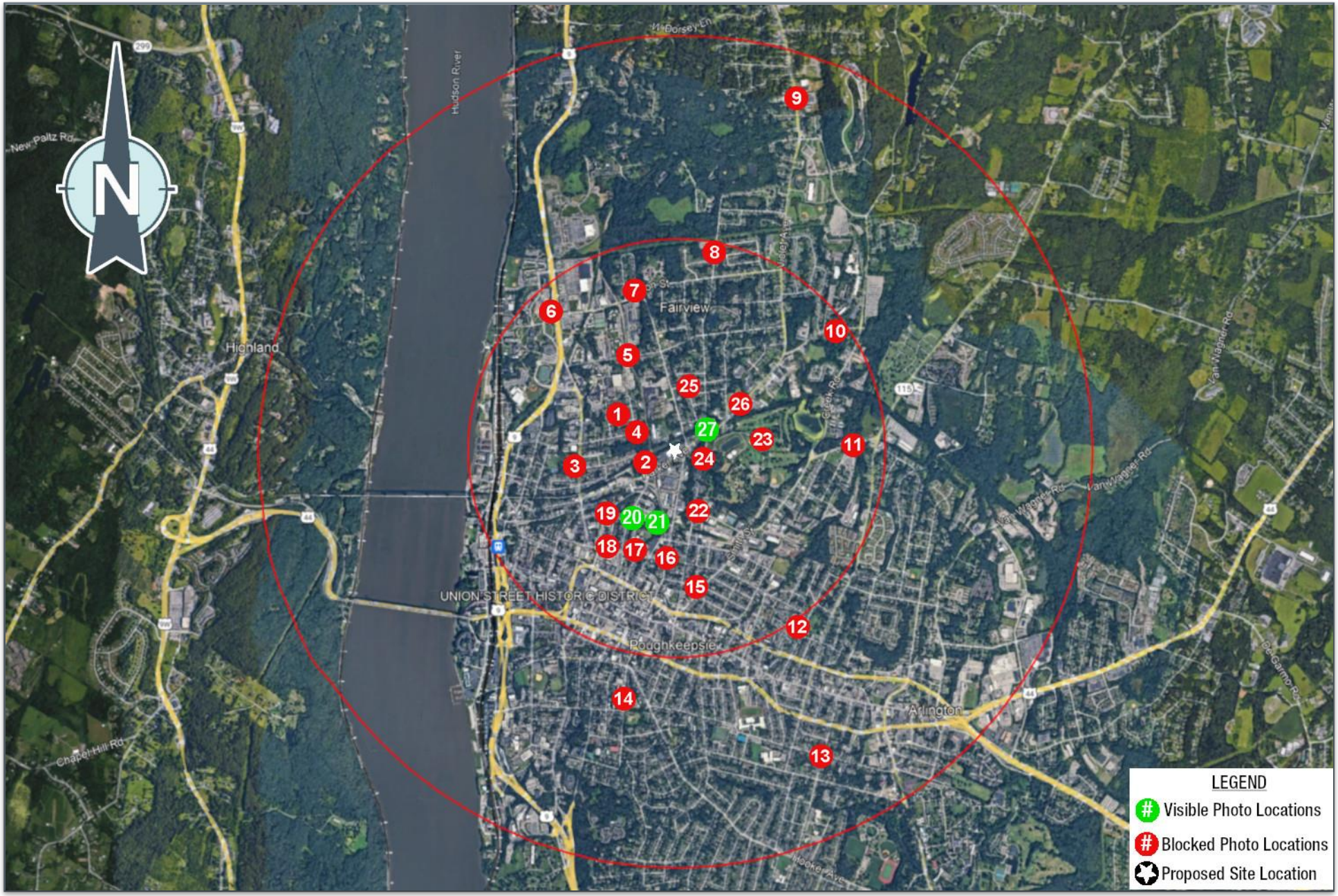
100ft Tower
25ft High Density Development
60ft Mixed Forests & 20ft Woody Wetlands

DC Youth Bureau
121 Parker Avenue
Poughkeepsie, New York 12601

0 0.25 0.5 1 Miles

Field Verified Viewshed Map

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

DC YOUTH BUREAU
121 PARKER AVE
POUGHKEEPSIE, NEW YORK

PHOTO LOG
11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from #58 Parker Ave.
The proposed monopole will not be visible from this location.
Distance from the photographic location to the proposed site is 0.23 miles±

P-1

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from #18 Orchard Pl (NYS Parks, Recreation & Historic Preservation)
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.36 miles±

P-2

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking East from the parking lot of the Pulaski Park Pool.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.52 miles±

P-3

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from #57 Clark St.
The proposed monopole will not be visible from this location.
Distance from the photographic location to the proposed site is 0.23 miles±

P-4

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from the intersection of Garden St Ext & Cedar St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is .50 miles±

P-5

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from the Kieren Gate at Marist College.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.80 miles±

P-6

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking South from the intersection of Fulton St & Fairview Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.78 miles±

P-7

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest from the intersection of Inwood Ave & Lyford Ln.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.93 miles±

P-8

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest from the intersection of School St and Violet Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.70 miles±

P-9

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest from the intersection of Pendell Rd & Styvestandt Dr.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.88 miles±

P-10

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking West from the intersection of Fishkill Ave & Salt Point Turnpike.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.84 miles±

P-11

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from King St Park.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.12 miles±

P-12

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the intersection of Fulton Ave &S Grand St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.62 miles±

P-13

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking North from the intersection of Barclay St and S Hamilton St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.18 miles±

P-14

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the intersection of Thompson St & Smith St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.67 miles±

P-15

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking North from the intersection of Mansion St & N Hamilton St (Mansion St Park).
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.55 miles±

P-16

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking North from Mansion St (the south side of Malcom X Park).
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.54 miles±

P-17

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the intersection of Mansion St & Balding Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.58 miles±

P-18

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the intersection of Marshall St & Balding Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.45 miles±

P-19

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the intersection of Marshall St & Garden St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.42 miles±

P-20

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the intersection of Marshall St & Garden St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.42 miles±

P-20

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the intersection of High St & Croydon Ct.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.38 miles±

P-21

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the intersection of High St & Croydon Ct.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.38 miles±

S-21

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the intersection of Oakley St & N Clinton St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.32 miles±

P-22

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the highest point in College Hill Park.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.33 miles±

P-23

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking West from the north entrance to College Hill Park.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.13 miles±

P-24

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest the intersection of Hinkley Pl & Kelsey St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.26 miles±

P-25

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest from 1 Violet Ave (VFW Post 170).
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0..34 miles±

P-26

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest the intersection of Parker Ave & Reservoir St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.20 miles±

P-27

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest the intersection of Parker Ave & Reservoir St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.20 miles±

S-27

11860.077

verizon

1275 John Street, Suite 100
West Henrietta, New York 14586

July 31, 2024

City of Poughkeepsie
62 Civic Center Plaza, 2nd Floor
Poughkeepsie, NY 12601

RE: Verizon Wireless of the East LP d/b/a Verizon Wireless
Application for 121 Parker Avenue

Ladies and Gentlemen:

With respect to the above application, Verizon Wireless of the East LP d/b/a Verizon Wireless ("Verizon Wireless") agrees to construct a public utility / personal wireless service facility that is designed with capacity for collocation (shared use) by up to three (3) additional wireless providers having panel antenna arrays comparable to those of Verizon Wireless. Should the public utility / personal wireless service facility be approved and constructed, Verizon Wireless, as the facility owner, will negotiate in good faith with other licensed wireless service providers for future shared use of the subject structure. All future collocations shall be subject to the involved parties reaching agreement on reasonable terms and conditions, in accordance with all then-applicable agreements, customs and procedures in the wireless industry, and there being adequate structural capacity and space to accommodate such collocation.

The applicant's proposed wireless telecommunications facility shall be maintained in a safe manner and in compliance with all conditions of the site plan and special use permit without exception, unless specifically granted relief by the Board, in writing, as well as all applicable local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations.

The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York State.

Verizon Wireless (or the then-current tower owner) agrees to remove the telecommunications tower and all related facilities (footings and foundations excluded) if the communications facility becomes obsolete or ceases to be used for its intended purpose by all existing collocators for a period exceeding twelve (12) consecutive months. In such event, Verizon Wireless (or the then-current tower owner) will remove the tower and all communications facility equipment, and the land shall be restored to its previous condition within six (6) months.

Thank you for considering our application.

Writer's Direct Number:
Tel: 518-321-5435

Very truly yours,

Kathy Pomponio

Kathy Pomponio
Principal Engineer – Real Estate/Regulatory

475 Sentry Parkway W, Suite 200, Blue Bell, PA 19422

703.276.1100 phone

info@sitesafe.com ● www.sitesafe.com

RF EMISSIONS COMPLIANCE REPORT

Verizon Wireless

Verizon Wireless Site ID:	17099955-442761
Verizon Wireless Site Name:	DC Youth Bureau
Verizon Wireless Site Address:	121 Parker Avenue Poughkeepsie, NY 12601
Verizon Wireless Assessment Purpose:	MCR
Report generated date:	2024/07/26

Report Status:

Verizon Wireless is Compliant



Engineering Statement in Re: Electromagnetic Energy Analysis

My signature on the cover of this document indicates:

That I am registered as a Professional Engineer in the jurisdiction indicated; and That I have extensive professional experience in the wireless communications engineering industry; and

That I am providing professional engineering services on behalf of QualTek Engineering, P.C., and am an employee of QualTek Wireless, LLC, sister company to Site Safe, LLC (both under the parent company QualTek); and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission ("the FCC" and "the FCC Rules" both in general and specifically as they apply to the FCC's Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields; and

That the technical information serving as the basis for this report was supplied by Verizon Wireless (see attached Site Summary and Carrier documents and that's installation involves communications equipment, antennas and associated technical equipment at a location referred to as "DC Youth Bureau" ("the site"); and

Verizon Wireless proposes to operate at the site with transmit antennas listed in the Equipment Installed at this Site section and with a maximum effective radiated power as specified by Verizon Wireless and shown on the worksheet; and

That this analysis has been performed with the assumption that the ground immediately surrounding the tower is primarily flat or falling; and

That at this time, the FCC requires that certain licensees address specific levels of radio frequency energy to which workers or members of the public might possibly be exposed (at §1.1307(b of the FCC Rules; and

That such consideration of possible exposure of humans to radio frequency energy must utilize the standards set by the FCC, which is the federal agency having jurisdiction over communications facilities; and

That the FCC rules define two tiers of permissible exposure guidelines: 1 "uncontrolled environments," which defines situations in which persons may not be aware of (the "general public", or may not be able to control their exposure to a transmission facility; and 2 "controlled environments," which defines situations in which persons are aware of their potential for exposure (industry personnel; and

That this statement specifically addresses the uncontrolled environment (which is more conservative than the controlled environment and the limit set forth in the FCC rules for operations such as Verizon Wireless' as shown on the attached antenna worksheet; and

That when applying the uncontrolled environment standards, the predicted Maximum Power Density at six feet above ground level from the proposed Verizon Wireless operation is no more than 0.43% of the maximum permissible exposure limits in any accessible area on the ground; and

That it is understood per FCC Guidelines in OET65 Appendix A, that regardless of the existent radio frequency environment, only those licenses whose contributions exceed 5% of the exposure limit pertinent to their operation(s bear any responsibility for bringing any non-compliant area(s into compliance; and

That when applying the uncontrolled environment standards, the cumulative predicted energy density from the proposed operation is no more than 0.43% of the maximum permissible exposure in any accessible area up to six feet above the ground; and

That the calculations provided in this report are based on data provided by the client and antenna pattern data supplied by the antenna manufacturer, in accordance with FCC guidelines listed in OET 65. Horizontal and vertical antenna patterns are combined for modeling purposes to accurately reflect the energy six feet above ground level where on-axis energy refers to maximum energy six feet above the ground along the azimuth of the antenna and where area energy refers to the maximum energy anywhere six feet above the ground regardless of the antenna azimuth, accounting for cumulative energy from multiple antennas for the carrier(s) and frequency range(s) indicated; and

That the Occupational Safety and Health Administration has policies in place which address worker safety in and around communications sites, thus individual companies will be responsible for their employees' training regarding Radio Frequency Safety.

In summary, it is stated here that the proposed operation at the site would not result in exposure of the Public to excessive levels of radio-frequency energy as defined in the FCC Rules and Regulations, specifically 47 CFR 1.1307 and that Verizon Wireless' proposed operation is completely compliant.

Finally, it is stated that access to the tower should be restricted to communication industry professionals, and approved contractor personnel trained in radio-frequency safety; and that the instant analysis addresses exposure levels at six feet above ground level and does not address exposure levels on the tower, or in the immediate proximity of the antennas.

If you have any questions or comments in regard to this report, please do not hesitate to contact Sitesafe's Customer Support Department at (703) 276-1100.

Emissions on Ground level

Environmental Slice values (% of FCC OET 65 General Public limit)	
This is a list of the Environmental Slices that were specified and the value it measured	
Composite Contribution	0.43%
Verizon Wireless Contribution	0.43%

Equipment Installed at this Site

Report Ref	Owner	Type/Make/Model	h (ft)	Az (°)	System/ Frequency	Power (Watts)
1	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	20	LTE 700	80
1	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	20	LTE 850	40
1	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	20	5G 850	40
1	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	20	LTE 1900	160
1	VZW (Proposed)	COMMSCOPE NHHSS-45C-R2BT4	95	20	CBRS 3550	20
2	VZW (Proposed)	SAMSUNG SON_MT6413-77A_UEbeam_32port_8_2 05.17.23 VZW	97.8	20	C-Band 3700	320
3	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	20	LTE 700	80
3	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	20	LTE 850	40
3	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	20	5G 850	40
3	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	20	LTE 2100	160
4	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	165	LTE 700	80
4	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	165	LTE 850	40
4	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	165	5G 850	40
4	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	165	LTE 1900	160
4	VZW (Proposed)	COMMSCOPE NHHSS-45C-R2BT4	95	165	CBRS 3550	20
5	VZW (Proposed)	SAMSUNG SON_MT6413-77A_UEbeam_32port_8_2 05.17.23 VZW	97.8	165	C-Band 3700	320
6	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	165	LTE 700	80
6	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	165	LTE 850	40
6	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	165	5G 850	40
6	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	165	LTE 2100	160
7	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	290	LTE 700	80
7	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	290	LTE 850	40

Report Ref	Owner	Type/Make/Model	h (ft)	Az (°)	System/ Frequency	Power (Watts)
7	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	290	5G 850	40
7	VZW (Proposed)	COMMSCOPE SON_NHHSS-45C-R2BT4	95	290	LTE 1900	160
7	VZW (Proposed)	COMMSCOPE NHHSS-45C-R2BT4	95	290	CBRS 3550	20
8	VZW (Proposed)	SAMSUNG SON_MT6413-77A_UEbeam_32port_8_2 05.17.23 VZW	97.8	290	C-Band 3700	320
9	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	290	LTE 700	80
9	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	290	LTE 850	40
9	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	290	5G 850	40
9	VZW (Proposed)	COMMSCOPE SON_NHH-45C-R2B	95	290	LTE 2100	160

NOTE: For Verizon Wireless, appropriate Duty Cycle per FDD(100%)/TDD(80%) and Maximum Total Power Output based on inputs

7/30/2024

To: Honorable members of the board
Transmitted via email to sgrassl@airosmithdevelopment.com
RE: Verizon Macro Site Located at: 121 Parker Ave, Poughkeepsie, NY 12601

Honorable members of the board,

This is in response to your inquiry to Verizon concerning interference to your existing telecommunications devices and services related to Verizon's proposed facilities at 121 Parker Ave, Poughkeepsie, NY 12601. Verizon provides Commercial Mobile Radio Services (CMRS) under licenses granted by the Federal Communication Commission (FCC). Pursuant to these licenses, Verizon is authorized to operate its CMRS network in many geographic areas throughout the nation, including the above noted location.

The FCC exclusively regulates all technical aspects of Verizon operations and network and preempts all state and local regulation of radiofrequency transmissions. The FCC rules protect co-channel and adjacent licensees against harmful interference.

The above noted proposed Verizon facility is compliant with all applicable FCC requirements. The points below cover Verizon's practices pertinent to complying with the FCC requirements:

1. Verizon locates its transmitting antenna(s) in order to maximize vertical and horizontal separation from other operator's systems to minimize interference potential.
2. All equipment at the proposed facility is designed and certified to operate within the frequencies licensed to Verizon by the FCC, and to operate in a manner approved by the FCC.
3. The power levels generated by the facility's radios and corresponding effective radiated power (ERP) from the transmitting antenna(s) are within the limitations specified by Part 22 (for cellular), Part 24 (for PCS), Part 27 (for 700 MHz, AWS or C-Band), Part 96 (for CBRS), Part 30 (UMFUS/mmWave) or Part 101 (for microwave) of the Commission's Rules.

Verizon is committed to providing state of the art wireless services that benefit your community.
In the unlikely event that interference does occur, Verizon agrees to fully cooperate with the entity experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by the Verizon installation.

Please contact your local Verizon resource below if you have additional site-specific questions.

Contact Name	Contact Email	Contact Phone
Brendan Hennessy	Brendan.hennessy@verizonwireless.com	518-764-2449

Sincerely,

Shawn Flynn
Manager-RF System Design
Verizon

Young / Sommer LLC

ATTORNEYS AT LAW

Main Office (for all mail): 500 Federal Street, 5th floor, Troy, New York 12180
Albany Office: 41 State Street, Ste 604-12, Albany, New York 12207

Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com
Writer's Telephone Extension: 258
solson@youngsommer.com

June 27, 2025

Via E-Mail

Lori Garcia
Board Administrative Assistant
Planning & Zoning
City of Poughkeepsie
62 Civic Center Plaza, 2nd Floor
Poughkeepsie, NY 12601

RE: Application of Verizon Wireless of the East LP d/b/a Verizon Wireless – 121 Parker Ave, Tax Map Parcel No.: 6162-55-257465

Dear Ms. Garcia:

Enclosed please find seven (7) sets of revised site plans for the referenced application. The plans have been revised to include additional landscaping to three of the four edges of the property. Specifically, additional landscaping is proposed to be in the front island and along the eastern and rear property lines. We concluded that it was not feasible to provide landscaping along the western portion of the property since that area is currently a parking area with an existing solid fence that currently screens this portion of the property. Please note that some of the landscaping along the eastern side of the property encroaches slightly on the adjoining property, which is under common ownership as the referenced property owner. The owner of the adjoining property and Verizon Wireless have agreed to enter into a landscaping easement to allow for the placement of landscaping on the adjoining property. The draft easement has been agreed upon by the parties and will be executed once the revised plans are approved by the city.

Please kindly place us on the July 10, 2025 Zoning Board of Appeals agenda for further discussion and, I believe, continued public hearing. Please also advise if new notices for the continued hearing will be required. Thank you.

Very truly yours,
YOUNG SOMMER, LLC

By: _____
Scott Olson

Enclosures

VISUAL RESOURCE EVALUATION

PROPOSED 100' TALL TELECOMMUNICATIONS STRUCTURE

121 Parker Ave
City of Poughkeepsie,
Dutchess County
New York, 12601

Submitted by:

verizon

1275 John Street, Suite 100
West Henrietta, NY 14586

Prepared by:

Tectonic

36 British American Blvd., Suite 101
Latham, New York 12110
518-783-1630
845-567-8703 FAX

Original - July 30, 2024
Revised - December 2, 2024

VISUAL RESOURCE EVALUATION

Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C., was contracted by Verizon Wireless to conduct a "Visual Resource Evaluation" to determine which areas within the City of Poughkeepsie will contain views of the proposed 100-foot-tall wireless telecommunications structure.

Setting:

The proposed site is located 3/4th of a mile southeast of Marist College on Parker Ave in the City of Poughkeepsie, Dutchess County, New York. The surrounding land use is a mix residential and commercial use properties with some wooded park areas. The predominant forest species are mixed deciduous and coniferous, with an estimated height of 40 to 60 feet.

Methodology:

On Wednesday July 17, 2024, Tectonic conducted a field investigation for the purpose of evaluating the viewshed associated with the proposed installation of the 100-foot tower. Conditions were partly cloudy with a temperature of approximately 80°, and with wind speeds of approximately 6-8 mph. The study area consisted of a 2-mile radius from the project site. The field study for this visual resource evaluation was conducted during the summer season with 100% leaf on conditions.

On Monday November 18, 2024, Tectonic conducted another field investigation for the purpose of evaluating visibility of the proposed installation of the 100-foot tower along the Empire State Trail, Walkway Over the Hudson inside the 2 mile viewshed. The conditions were clear with a temperature of approximately 40°, and with wind speeds of approximately 7-10 mph. The field study for this visual resource evaluation was conducted during the late fall season with leaf off on conditions.

The methodology utilized during this field investigation is referred to as a "balloon test." The height of the proposed structure was simulated by floating a 4' diameter, helium-filled weather balloon at 100-feet above ground level (AGL). The balloons provided reference points for height as well as location and also provides a known dimension that later aids in the production of photo simulations.

Prior to the field study, Tectonic assessed the potential visibility in the study area by creating desktop viewshed maps using ESRI ArcGIS Desktop 10.8 in conjunction with a USGS 7.5 Minute Series Topographic Quadrangles Map and aerial base maps and street maps. A viewshed map was created delineating areas where visibility would be blocked by topography and areas where visibility would be blocked by vegetation.

Tectonic drove and walked the study area to confirm the potential visibility of the structure. During the "in field" review the participants reviewed and documented those areas from which views of the structure may be "visible" and those which are blocked by topography and vegetation. The resulting data from this analysis was reviewed and referenced on the "Photo Log" and "Viewshed Map" attached. The colors on the map delineate which areas have a line of sight to the structure.

The first viewshed analysis resulted in the discovery the proposed structure will be visible from clear and elevated areas southeast and northwest up to a quarter mile away on Parker Ave, Garden Ave and High St.

The 2nd analysis revealed that the proposed structure will be visible on the trail from clear points starting from the west starting where the Walkway Over the Hudson crosses over US-9, 0.87 miles away. The proposed structure will be visible from the east starting where the trail crosses under NY-9G (Parker Ave) a quarter of a mile away. The proposed structure will also be visible from points on the Poughkeepsie Urban Rail Trail from the Parker Ave entrance to a quarter mile north.

Photographs were taken from various vantage points within the study area to document the actual view towards the proposed structure, as well as the general character of the viewshed. Each photograph attached includes a brief description of the location and orientation from which it was taken, and the photo number corresponds to the key number on the photo log map.

Process:

Photographs of the weather balloon from the viewpoints noted were taken with a Nikon D5300 Digital 24-megapixel camera using a 55mm focal length lens to mimic the view as observed from the human eye.

In order to analyze the potential visual impacts of the proposed structure, Tectonic took photographs of the balloon from locations within the search area for the purpose of preparing simulations of the proposed structure. Photographs for which there is a corresponding simulated view (#20, #21, #27, #30, #31, #34, #35, #36 & #37) of the proposed structure were produced by first photographing an existing similar type structure, then photographing the view towards the proposed site where the marker balloon was set to a height of 100-feet AGL. The digital images of the balloon and similar structure was then merged and scaled with digital image editing software. With this process, the structure is scaled to the correct height and width by scaling the similar type of structure using measurements from the marker balloon. The similar type of structure used has an antenna array that spans eight feet (8'). By measuring the balloon width of 4', one can determine the proper width of the antenna array by multiplying the balloon width by a factor of 2. The composite is printed out to a PDF file, producing the final image.

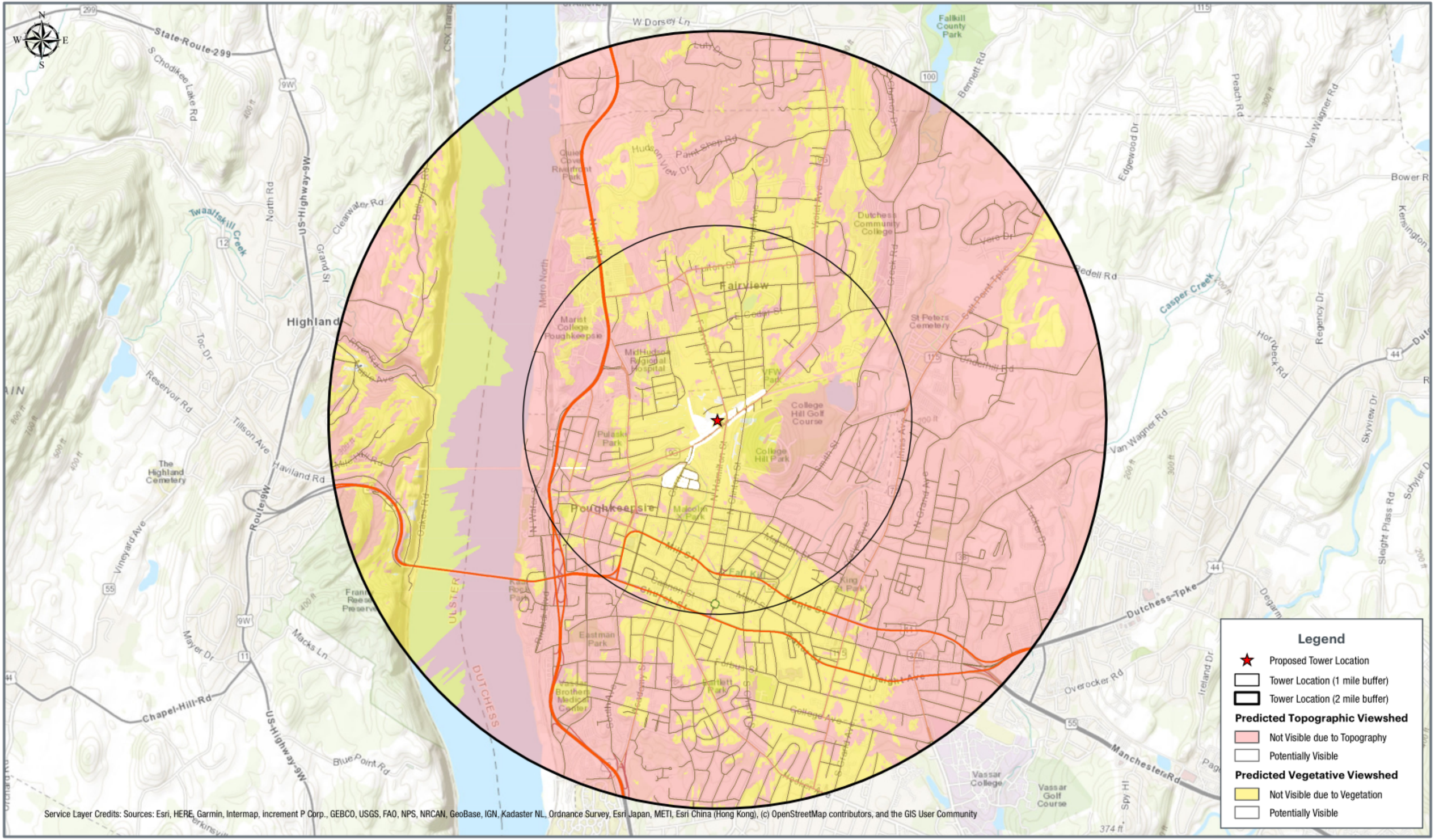
We note that the simulations provided are artistic renderings of views from chosen locations and should not be interpreted to be the actual view of the tower following construction. While we utilize best efforts to simulate the view of the proposed tower from a particular location, some variance between simulations, manufacturer products and final installed towers is to be expected.

Conclusion:

The Viewshed Analysis Map presents a conservative delineation of the viewshed within the study area along public roadways. The photo slides have been prepared per the methodology described above and provide a general depiction of the appearance of the structure from the photographed viewpoints.

Sincerely,
TECTONIC ENGINEERING CONSULTANTS, GEOLOGISTS & LAND SURVEYORS, D.P.C.

Steven M. Matthews, PE
Managing Director - Engineering



Tectonic

100ft Tower
25ft High Density Development
60ft Mixed Forests & 20ft Woody Wetlands

121 Parker Avenue
Poughkeepsie, New York 12601

0 0.25 0.5 1 Miles

Field Veified Viewshed Map

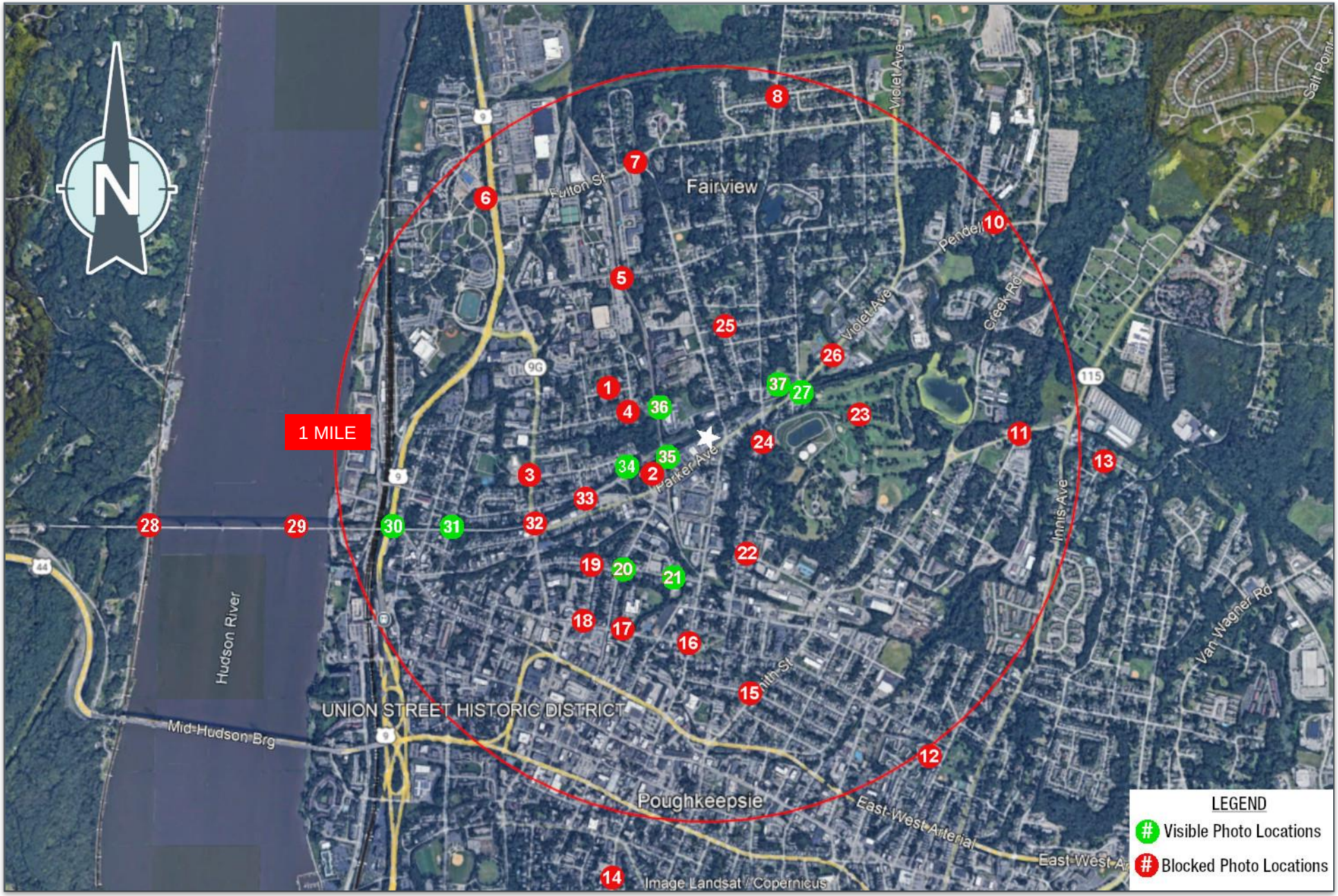
11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

121 PARKER AVE
POUGHKEEPSIE, NEW YORK

PHOTO LOG
11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

121 PARKER AVE
POUGHKEEPSIE, NEW YORK

PHOTO LOG
11860.077



Tectonic

Looking Southeast from #58 Parker Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.23 miles±

P-1

11860.077



Tectonic

PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from #18 Orchard Pl (NYS Parks, Recreation & Historic Preservation)
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.36 miles±

P-2

11860.077



Tectonic

Looking East from the parking lot of the Pulaski Park Pool.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.52 miles±

P-3

11860.077



Tectonic

Looking Southeast from #57 Clark St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.23 miles±

P-4

11860.077



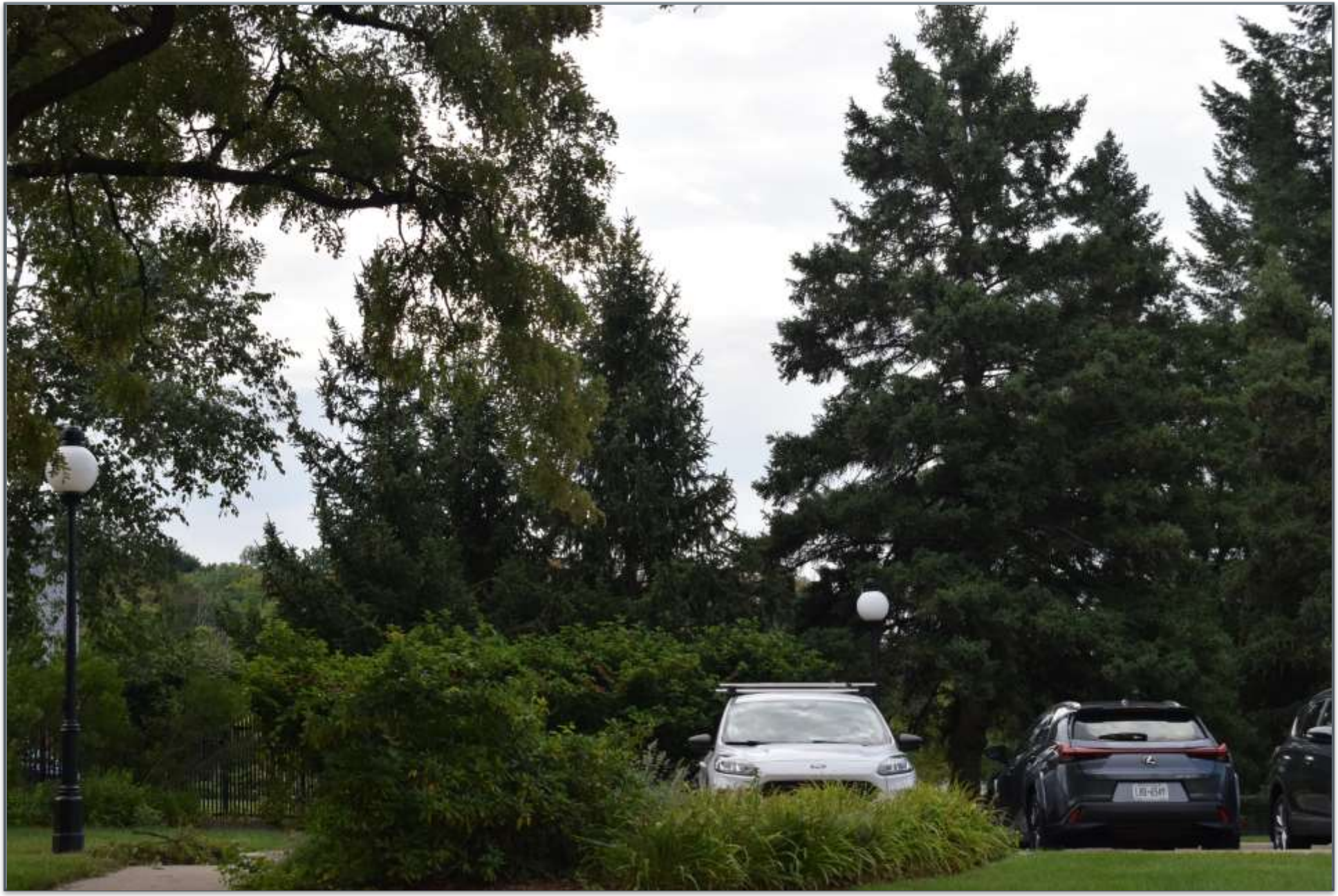
Tectonic

Looking Southeast from the intersection of Garden St Ext & Cedar St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is .50 miles±

P-5

11860.077



Tectonic

Looking Southeast from the Kieren Gate at Marist College.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.80 miles±

P-6

11860.077



Tectonic

Looking South from the intersection of Fulton St & Fairview Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.78 miles±

P-7

11860.077



Tectonic

Looking Southwest from the intersection of Inwood Ave & Lyford Ln.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.93 miles±

P-8

11860.077



Tectonic

PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest from the intersection of School St and Violet Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.70 miles±

P-9

11860.077



Tectonic

Looking Southwest from the intersection of Pendell Rd & Styvestandt Dr.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.88 miles±

P-10

11860.077



Tectonic

Looking West from the intersection of Fishkill Ave & Salt Point Turnpike.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.84 miles±

P-11

11860.077



Tectonic

Looking Northwest from King St Park.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.12 miles±

P-12

11860.077



Tectonic

Looking Northwest from the intersection of Fulton Ave &S Grand St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.62 miles±

P-13

11860.077



Tectonic

PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking North from the intersection of Barclay St and S Hamilton St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.18 miles±

P-14

11860.077



Tectonic

Looking Northwest from the intersection of Thompson St & Smith St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.67 miles±

P-15

11860.077



Tectonic

Looking North from the intersection of Mansion St & N Hamilton St (Mansion St Park).
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.55 miles±

P-16

11860.077



Tectonic

Looking North from Mansion St (the south side of Malcom X Park).
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.54 miles±

P-17

11860.077



Tectonic

Looking Northeast from the intersection of Mansion St & Balding Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.58 miles±

P-18

11860.077



Tectonic

Looking Northeast from the intersection of Marshall St & Balding Ave.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.45 miles±

P-19

11860.077



Tectonic

Looking Northeast from the intersection of Marshall St & Garden St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.42 miles±

P-20

11860.077



Tectonic

Looking Northeast from the intersection of Marshall St & Garden St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.42 miles±

S-20

11860.077



Tectonic

Looking Northeast from the intersection of High St & Croydon Ct.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.38 miles±

P-21

11860.077



Tectonic

Looking Northeast from the intersection of High St & Croydon Ct.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.38 miles±

S-21

11860.077



Tectonic

Looking Northwest from the intersection of Oakley St & N Clinton St.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.32 miles±

P-22

11860.077



Tectonic

Looking Northwest from the highest point in College Hill Park.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.33 miles±

P-23

11860.077



Tectonic

Looking West from the north entrance to College Hill Park.
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.13 miles±

P-24

11860.077



Tectonic

PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southwest the intersection of Hinkley Pl & Kelsey St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.26 miles±

P-25

11860.077



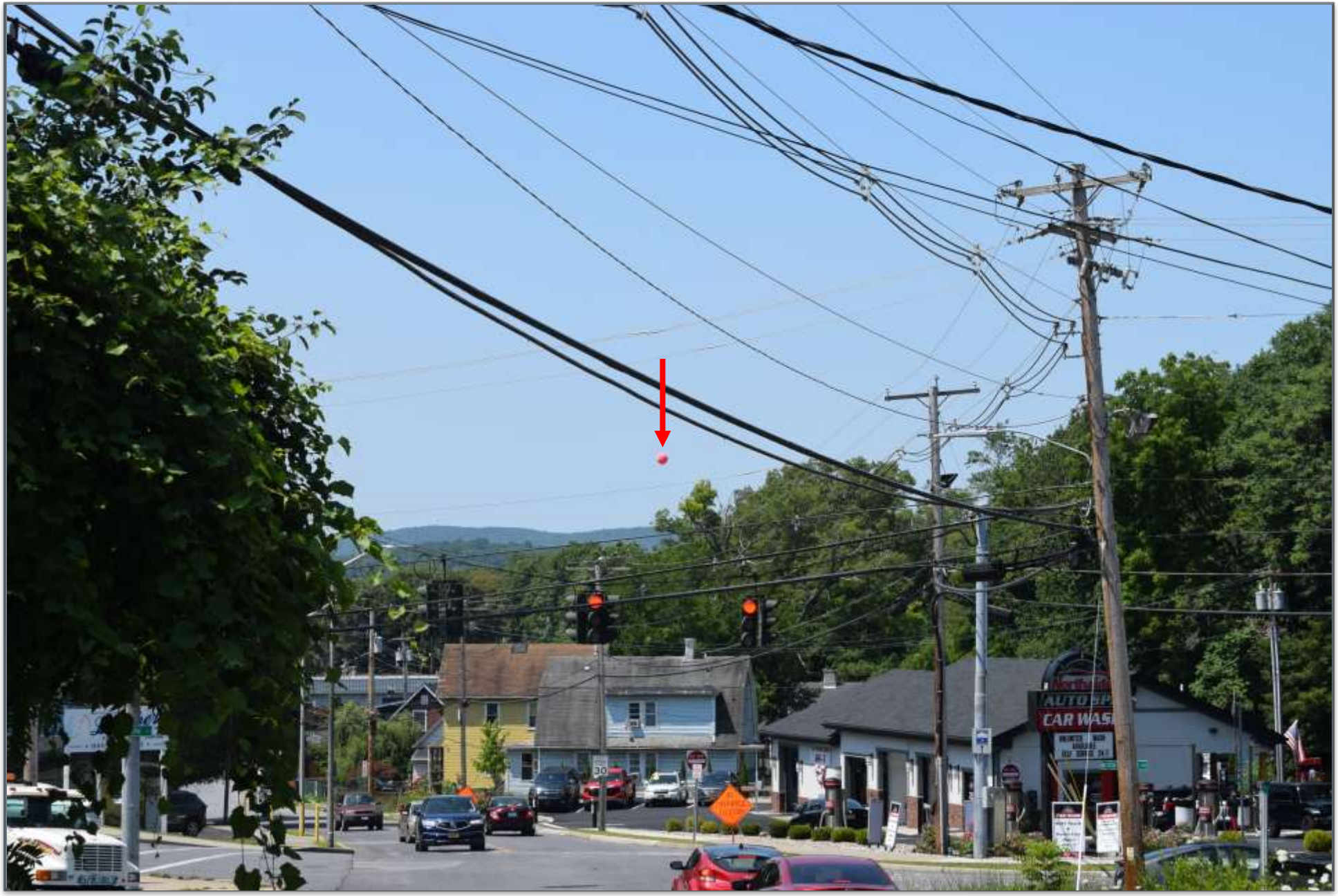
Tectonic

Looking Southwest from 1 Violet Ave (VFW Post 170).
The proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0..34 miles±

P-26

11860.077



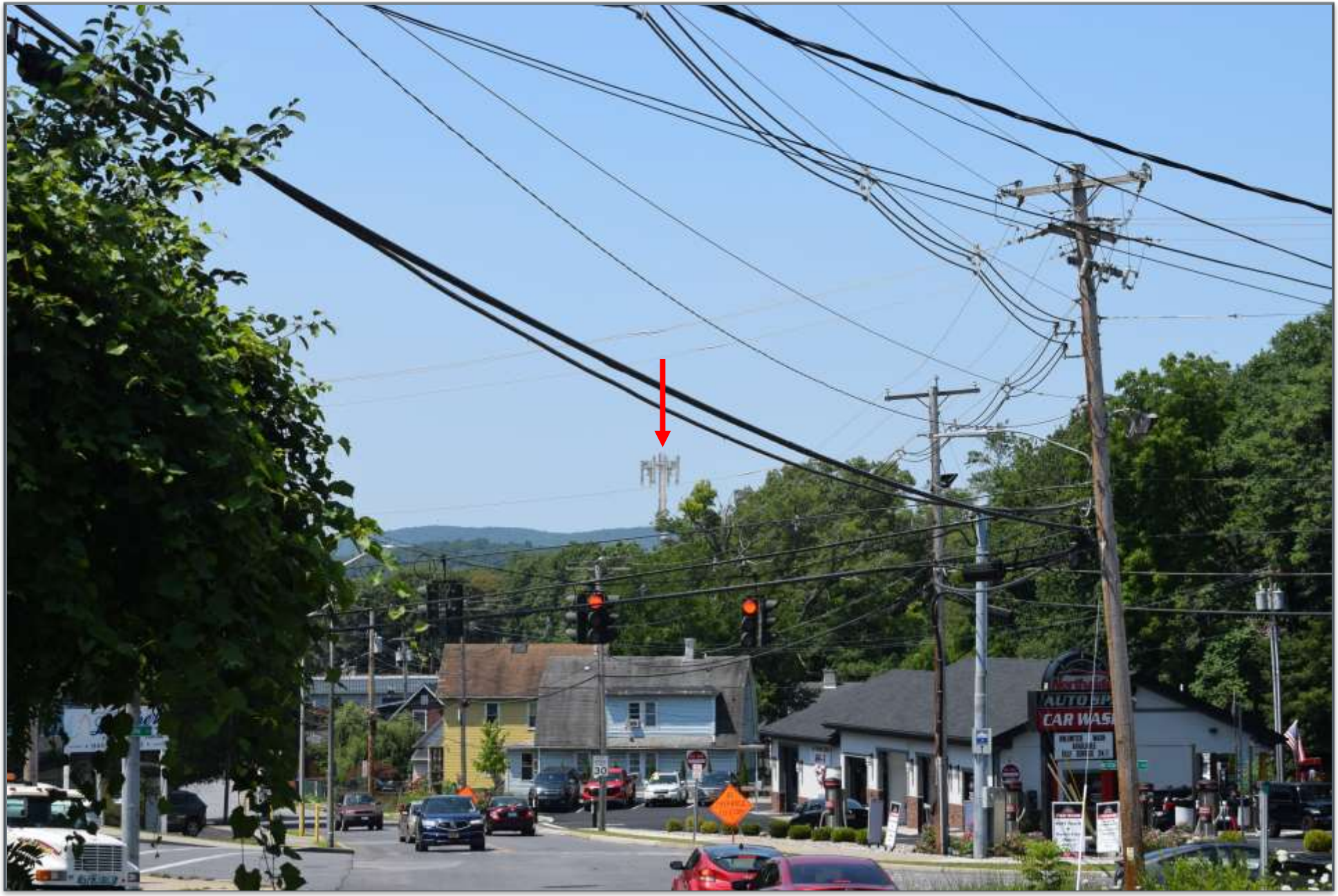
Tectonic

Looking Southwest the intersection of Parker Ave & Reservoir St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.20 miles±

P-27

11860.077



Tectonic

Looking Southwest the intersection of Parker Ave & Reservoir St.
The proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.20 miles±

S-27

11860.077



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking West from the Walkway Over The Hudson at Oakes Rd.
Proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.50 miles±

P-28

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (middle of the bridge marker).
Proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 1.14 miles±

P-29

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (over Dutchess Ave & Albany St).
Proposed monopole will be partially visible from this location.

Distance from the photographic location to the proposed site is 0.85 miles±

P-30

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (over Dutchess Ave & Albany St).
Proposed monopole will be partially visible from this location.

Distance from the photographic location to the proposed site is 0.85 miles±

S-30

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (over Talmadge St).
Proposed monopole will be partially visible from this location.

Distance from the photographic location to the proposed site is 0.70 miles±

P-31

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (over Talmadge St).
Proposed monopole will be partially visible from this location.

Distance from the photographic location to the proposed site is 0.70 miles±

S-31

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (East Gate Plaza).
Proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.50 miles±

P-32

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (Public Rest Area).
Proposed monopole will not be visible from this location.

Distance from the photographic location to the proposed site is 0.36 miles±

P-33

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (William R. Steinhaus monument). Proposed monopole will be partially visible from this location.

Distance from the photographic location to the proposed site is 1120' ±

P-34

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northwest from the Walkway Over The Hudson (William R. Steinhaus monument). Proposed monopole will be partially visible from this location.

Distance from the photographic location to the proposed site is 1120' ±

S-34

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from the Poughkeepsie Urban Rail Trail.
Proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 875' ±

P-35

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from the Poughkeepsie Urban Rail Trail.
Proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 875' ±

S-35

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the Poughkeepsie Urban Rail Trail.
Proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 770' ±

P-36

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Northeast from the Poughkeepsie Urban Rail Trail.
Proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 770' ±

S-36

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from the Poughkeepsie Rail Trail.
Proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.26 miles ±

P-37

11860.027



Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

Looking Southeast from the Poughkeepsie Rail Trail.
Proposed monopole will be visible from this location.

Distance from the photographic location to the proposed site is 0.26 miles ±

S-37

11860.027

Dutchess County Department of Planning and Development

Fax Info Only		
	To	Date #pgs
	Co./Dept.	From
	Fax #	Phone #

239 Planning/Zoning Referral - Exemption Communities

Please Fill in this section

Municipality: **City of Poughkeepsie**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Numbers(s): **2574650000**

Project Name: **Verizon Wireless Use and Area Variances**

Applicant: **Verizon Wireless**

Address of Property: **121 Parker Ave, Poughkeepsie, NY 12601**

**Exempt Actions:*
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezonings involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☑ Use Variances for all non-residential uses
- ☑ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☑ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☑ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **10/8/2024**

Entered By: **Knauss, Judith**

These actions are only exempt in municipalities that signed an intermunicipal agreemment with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- ☐ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Withdrawn
- ☐ Incomplete - municipality must resubmit to County
- ☐ Exempt from 239 Review
- ☐ None

Comments Attached:

- ☐ Local Concern with Comments
- ☑ Conditional
- ☐ Denial
- ☐ Incomplete with Comments- municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **9/26/2024**	Notes:	☐ Major Project
Date Received: **9/26/2024**		
Date Requested: **10/8/2024**		Referral #: **ZR24-340**
Date Required: **10/25/2024**	☐ Also mailed hard copy	Reviewer:
Date Transmitted: **10/25/2024**		

SUE SERINO
COUNTY EXECUTIVE

EOIN WRAFTER, AICP
COMMISSIONER

DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

October 25, 2024

To: Zoning Board, City of Poughkeepsie
Re: ZR24-340, Verizon Wireless Use and Area Variances
Lot: 885821, 825 Main Street

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION
The applicant is seeking a use variance along with four area variances for setbacks, chain link fencing and landscaping for a 100-foot telecommunications tower and a 50' x 50' equipment area.

COMMENTS
As noted by the applicant in their initial presentation to the ZBA, the standard for wireless facilities is that there be a demonstrated need, and that the facility be a minimal intrusion to the community. For the reasons described below, we are concerned that this exact site is more than a minimal intrusion to the community, and we encourage the carrier to spend additional time evaluating alternative locations.

This property sits in the heart of the Walkway-Gateway district. The zoning code states that "the purpose of the Walkway-Gateway (W-G) District is to revitalize this mixed industrial and residential area of the City so that it becomes a vibrant and attractive walkable mixed-use neighborhood where people will want to live, shop and invest." The code prioritizes activity and vibrancy in this area, describing a future of commercial storefronts, upper-story apartments, and public amenities geared towards residents and the many visitors to the Walkway Over the Hudson and connected trails. While such a vision is inherently slow to develop, in recent years the neighborhood has made progress with the construction of the Northside Line, the opening of the law enforcement center, the in-progress headquarters for Scenic Hudson at Northside Junction, and the potential redevelopment of the former Schatz Federal Bearing factory site. Additional redevelopment in line with the city's vision is very much a possibility in the future. This site may just be a parking lot now, but it is a key parcel in the future revitalization of this area in line with the city's adopted plans and codes.

To that end, our concern is not with the height of the tower, but that the development of a tower on this parcel will impact its potential future redevelopment and the redevelopment of the corridor more broadly. We believe that additional efforts should be undertaken to find a location that will better limit the installation's impact on the City's development goals. Either the Zoning or Planning Board could consider bringing in an outside RF engineer to assist with such a reevaluation.

Additional comments:

- The provided visual assessment includes a selection of locations that are generally several blocks away from the project. We suggest that the visual analysis should include depictions of the site from Parker Avenue and the adjacent rail trail.
- Should the use variance be approved, we find the area variances to be a matter of local concern, though we suggest that a more attractive cladding could be added to the chain link fencing for this highly visible location.

(ZR24-340, cont.)

RECOMMENDATION
For the reasons stated above, we recommend the Board **condition the requested use variance** for a cell tower on this parcel on a re-examination of potential sites, potentially including the broadening of the search area if at all feasible.

> **Voting and Reporting Requirements**: If the Board acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Board and that it notify us of the reasons for its decision.

Eoin Wrafter, AICP
Commissioner
By



Dylan Tuttle, Senior Planner

CC: City of Poughkeepsie Planning Board

VERIZON WIRELESS OF THE EAST LP,
d/b/a

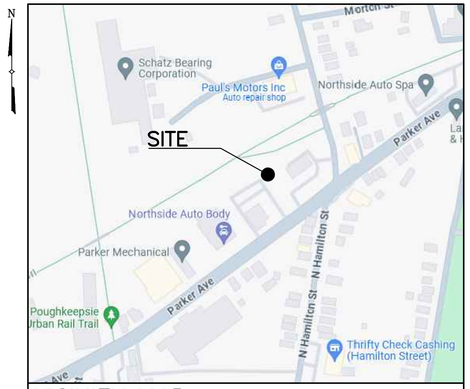
verizon

SITE NAME:
121 PARKER AVE

FUZE ID#: 17099955
MDG#: 5000350891



VICINITY MAP (TAX MAP)



VICINITY MAP

DIRECTIONS

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 ALBANY0.2 MI. MERGE ONTO I-90 W 1.2 MI. TAKE EXIT 6A TO MERGE ONTO I-787 S TOWARD ALBANY 3.4 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

SITE ADDRESS:	121 PARKER AVE POUGHKEEPSIE, NY 12601
MUNICIPALITY:	TOWN OF POUGHKEEPSIE
COUNTY:	DUTCHESS
TAX MAP NUMBER:	131300-6162-55-257465-0000
ZONING DISTRICT:	G-CM (MIXED USE COMMERCIAL)
STRUCTURE COORDINATES:	41.714019° -73.920667°
GROUND ELEVATION:	172.8'± AMSL
PROPERTY OWNER:	PARKER AVE REALTY, LLC 47 MARIE CT WAPPINGERS FALLS, NY 12590
APPLICANT:	VERIZON WIRELESS 1275 JOHN STREET, SUITE 100 WEST HENRIETTA, NY 14586
CONTACT PERSON:	KATHY POMPONIO
CONTACT PHONE:	(585) 321-5435

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.

SHT. NO.	DESCRIPTION	REV NO	REVISION DATE
T-1	TITLE SHEET	4	8/4/25
AD-1	ADJOINERS PLAN	4	8/4/25
SB-1	SETBACK PLAN	4	8/4/25
C-1	OVERALL SITE PLAN	4	8/4/25
C-2	SITE DETAIL PLAN	4	8/4/25
C-3	ELEVATION & ORIENTATION PLAN	4	8/4/25
C-4A	SITE DETAILS	4	8/4/25
C-4B	SITE DETAILS	4	8/4/25
C-4C	SITE DETAILS	4	8/4/25
C-5	EQUIPMENT ELEVATIONS	4	8/4/25

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".

SITE PLAN DESIGN NOTES:

1. THE APPLICANT HAS SUFFICIENT CAPITAL TO FUND THE DEVELOPMENT AND CONSTRUCTION OF THIS PROJECT.
2. THERE ARE NO EASEMENTS, RIGHTS-OF-WAY, SETBACKS, RESERVATIONS AND REARS FOR PUBLIC USE, EXISTING COVENANTS, OR DEED RESTRICTIONS RECORDED FOR THIS PARCEL OR IMMEDIATELY ADJACENT TO THIS PARCEL.
3. THERE ARE NO SCENIC OR AESTHETIC RESOURCES THAT ARE VISIBLE FROM THIS PARCEL. THE POUGHKEEPSIE URBAN RAIL TRAIL, EMPIRE STATE TRAIL, AND WALKWAY OVER THE HUDSON ARE IN CLOSE PROXIMITY TO THIS PARCEL.
4. THERE ARE NO WATERCOURSES, MARSHES, ROCK OUTCROPS, OR ISOLATED TREES WITHIN THE PROPOSED FACILITY PROJECT LOCATION. WOODED AREA AT THE NORTH END OF THE PARCEL AND CURBS, SIDEWALKS AND STREETS ARE SHOWN THROUGHOUT THIS PLAN SET.
5. THE SITE IS NOT WITHIN NOR IMMEDIATELY ADJACENT TO A FLOOD PLAIN.
6. THERE ARE NO FIRE ALARM SYSTEMS OR KNOX BOXES PROPOSED FOR THIS PROJECT.
7. PRIOR TO START OF CONSTRUCTION OR EXCAVATION, TREES TO BE RETAINED SHALL BE PROTECTED BY SILT FENCE, SNOW FENCE, CONSTRUCTION FENCE, OR EQUAL, PLACED AT THE DRIP LINE OR SEVERAL FEET BEYOND. HOWEVER, NO FENCE SHALL CROSS PUBLIC SIDEWALKS AND NO STORAGE OR STOCKPILING OF CONSTRUCTION MATERIALS, DEBRIS OR EQUIPMENT SHALL OCCUR WITHIN FENCED AREA.
8. STORMWATER MEASURES TO ADDRESS RUNOFF QUANTITY OR QUALITY ARE NOT APPLICABLE FOR THIS PROJECT AND THEREFORE NOT INCLUDED. THIS IS NOT APPLICABLE SINCE THE EXISTING PROJECT AREA WAS DEVELOPED AND CONSTRUCTED IN COMPLIANCE WITH CURRENT STORMWATER REGULATIONS. SINCE THE EXISTING CONDITIONS AT THE PROJECT AREA ARE IMPERVIOUS (ASPHALT PARKING AREA) AND WILL BE CHANGED TO PERVIOUS (SAWCUT AND REMOVE ASPHALT AND REPLACE WITH LOOSE CRUSHED STONE) THE RATE OF STORMWATER RUNOFF FOR THE PARCEL WILL BE DECREASED RENDERING STORMWATER IMPROVEMENTS MOOT.

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

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.

verizon
1275 JOHN STREET, SUITE 100
WEST HENRIETTA, NY 14586

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.
Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C.
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

NO.	DATE	ISSUE
0	6/14/24	FOR COMMENT
1	7/30/24	FOR ZONING
2	12/3/24	PER CITY COMMENTS
3	6/4/25	ADD LANDSCAPING
4	8/4/25	REVISE FENCING

RELEASED BY:
DATE:

STATE OF NEW YORK
STEVEN M. MATTHEWS
087507
LICENSED PROFESSIONAL ENGINEER

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.

COPIES OF THIS DOCUMENT WITHOUT A FACSIMILE OF THE SIGNATURE AND AN ORIGINAL EMBOSSED SEAL OR ORIGINAL STAMP IN BLUE OR RED INK OF THE PROFESSIONAL ENGINEER OR LAND SURVEYOR SHALL NOT BE CONSIDERED VALID COPIES.

0 1 2 3
ORIGINAL SIZE IN INCHES

SITE INFORMATION
121 PARKER AVE
FUZE ID#: 17099955
MDG#: 5000350891

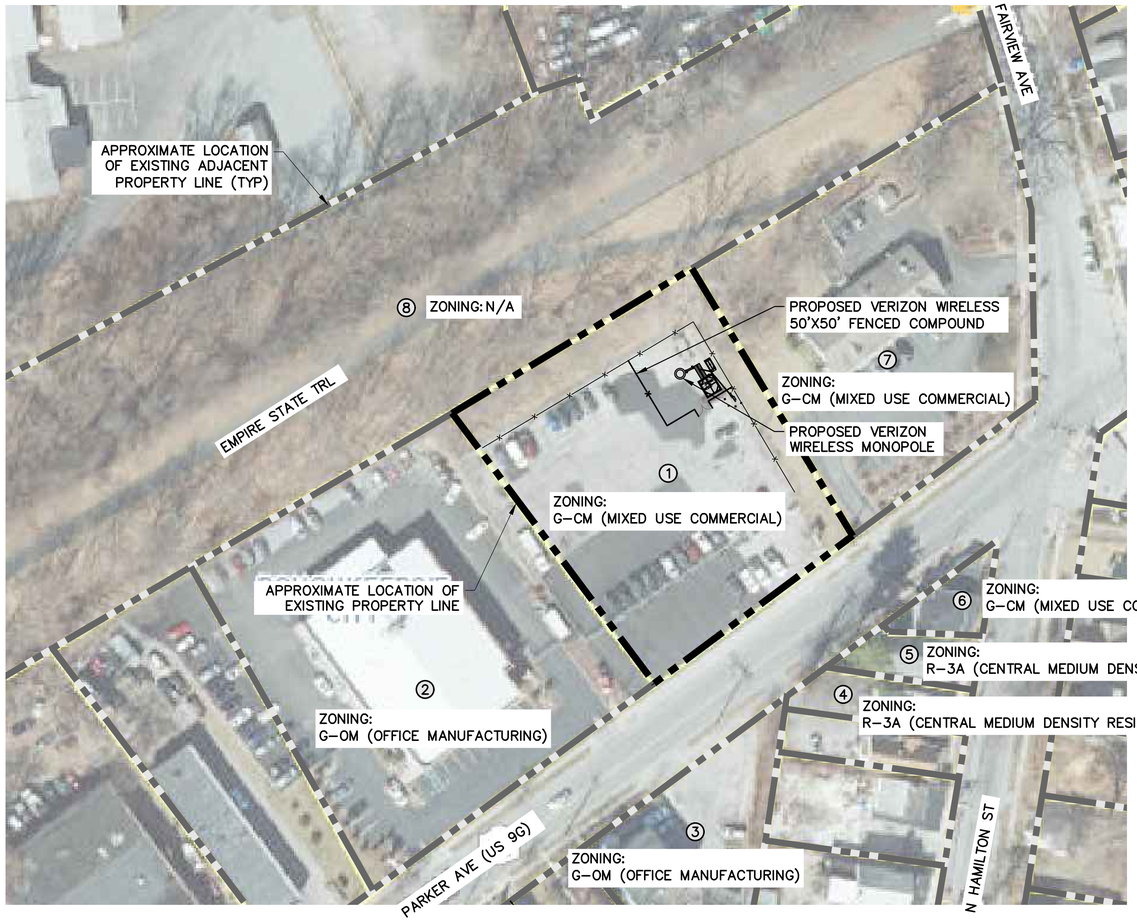
SITE ADDRESS
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

N

APPROXIMATE



1 / AD-1 ADJOINERS PLAN

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

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

2 / AD-1 ADJOINERS LIST

SCALE: NTS

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UDIG·NY

UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION

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

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1275 JOHN STREET, SUITE 100
WEST HENRIETTA, NY 14586

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.
Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C.
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

NO.	DATE	ISSUE
0	6/14/24	FOR COMMENT
1	7/30/24	FOR ZONING
2	12/3/24	PER CITY COMMENTS
3	6/4/25	ADD LANDSCAPING
4	8/4/25	REVISE FENCING

RELEASED BY

DATE

STATE OF NEW YORK · STEVEN M. MATTSON · LICENSED PROFESSIONAL ENGINEER · 087507

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0 1 2 3
ORIGINAL SIZE IN INCHES

SITE INFORMATION

121 PARKER AVE
FUZE ID#: 17099955
MDG#: 5000350891

SITE ADDRESS

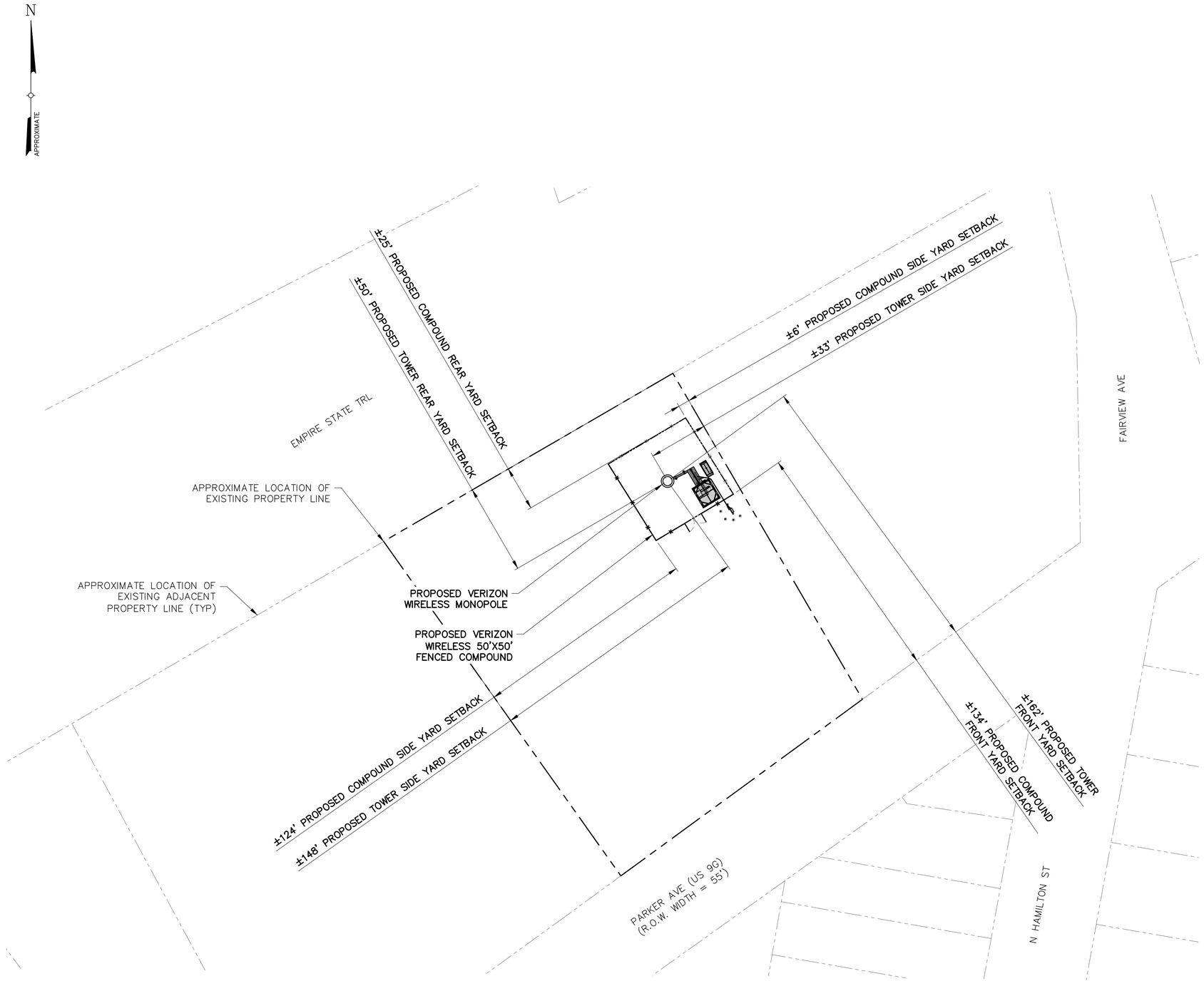
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE

ADJOINERS PLAN

SHEET NUMBER

AD-1



1 SB-1 SETBACK PLAN

SCALE: 1" = 60' (11x17 SIZE)
1" = 30' (22x34 SIZE)

BULK REQUIREMENTS

CITY OF POUGHKEEPSIE
ZONING DISTRICT: G-CM (MIXED USE COMMERCIAL)

	REQUIRED	EXISTING	PROPOSED
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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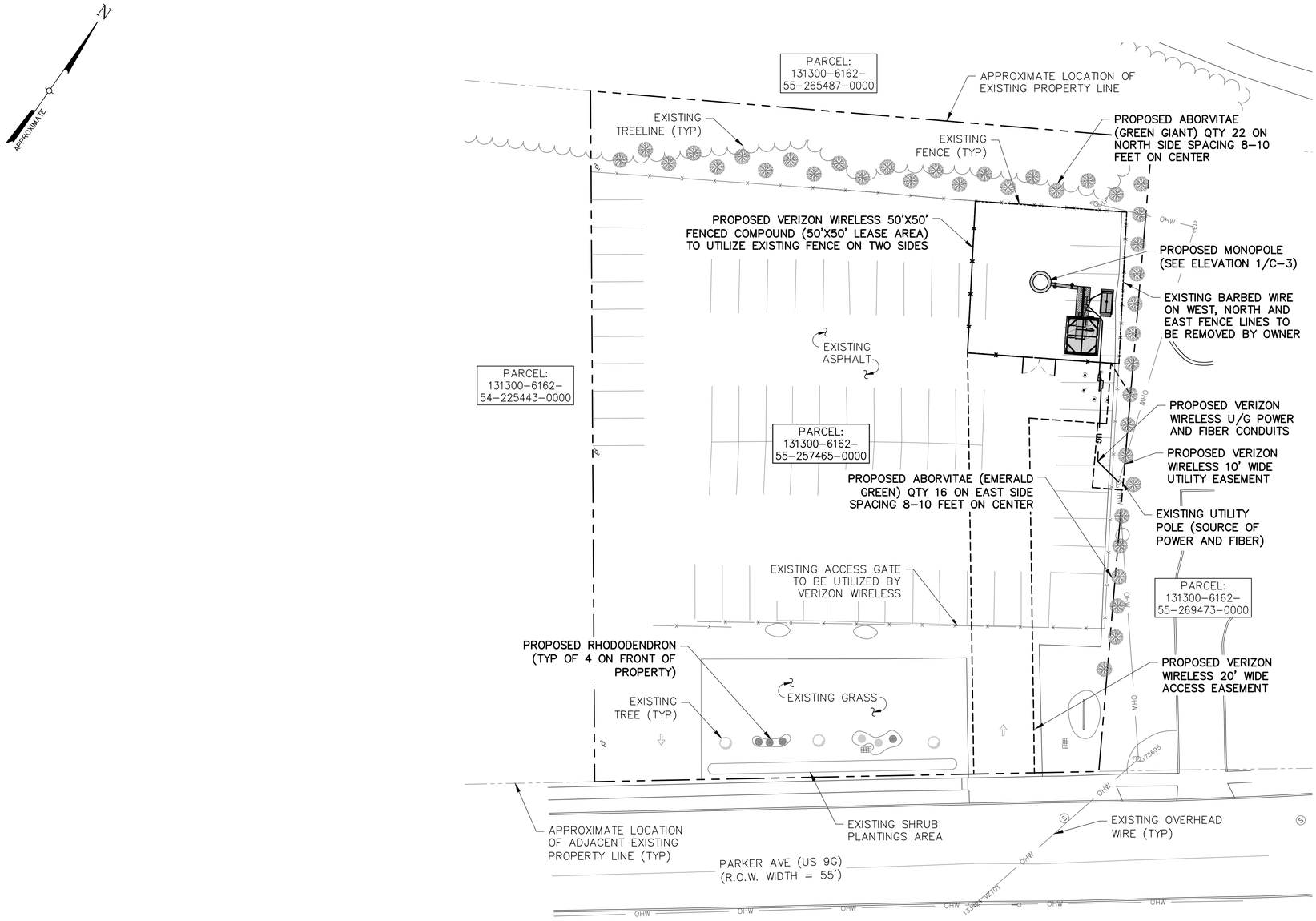
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CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE
SETBACK PLAN

SHEET NUMBER
SB-1



1 C-1 PROPOSED SITE PLAN

SCALE: 1" = 40' (11x17 SIZE)
1" = 20' (22x34 SIZE)

PLANTING SCHEDULE		
SPECIES	PLANTING TIME	QTY
ARBORVITAE 'EMERALD GREEN'	EARLY SPRING (APRIL – EARLY MAY) & EARLY FALL (LATE AUGUST – SEPTEMBER)	16
ARBORVITAE 'GREEN GIANT'	EARLY SPRING (APRIL – EARLY MAY) & EARLY FALL (LATE AUGUST – SEPTEMBER)	22
RHODODENDRONS (SMALL SHRUB VARIETIES)	EARLY SPRING (MID-APRIL – MID-MAY) & EARLY FALL (SEPTEMBER – MID-OCTOBER)	4

SITE PLAN DESIGN NOTES:

1. THE APPLICANT HAS SUFFICIENT CAPITAL TO FUND THE DEVELOPMENT AND CONSTRUCTION OF THIS PROJECT.
2. THERE ARE NO EASEMENTS, RIGHTS-OF-WAY, SETBACKS, RESERVATIONS AND REARS FOR PUBLIC USE, EXISTING COVENANTS, OR DEED RESTRICTIONS RECORDED FOR THIS PARCEL OR IMMEDIATELY ADJACENT TO THIS PARCEL.
3. THERE ARE NO SCENIC OR AESTHETIC RESOURCES THAT ARE VISIBLE FROM THIS PARCEL. THE POUGHKEEPSIE URBAN RAIL TRAIL, EMPIRE STATE TRAIL, AND WALKWAY OVER THE HUDSON ARE IN CLOSE PROXIMITY TO THIS PARCEL.
4. THERE ARE NO WATERCOURSES, MARSHES, ROCK OUTCROPS, OR ISOLATED TREES WITHIN THE PROPOSED FACILITY PROJECT LOCATION. WOODED AREA AT THE NORTH END OF THE PARCEL AND CURBS, SIDEWALKS AND STREETS ARE SHOWN THROUGHOUT THIS PLAN SET.
5. THE SITE IS NOT WITHIN NOR IMMEDIATELY ADJACENT TO A FLOOD PLAIN.
6. THERE ARE NO FIRE ALARM SYSTEMS OR KNOX BOXES PROPOSED FOR THIS PROJECT.
7. PRIOR TO START OF CONSTRUCTION OR EXCAVATION, TREES TO BE RETAINED SHALL BE PROTECTED BY SILT FENCE, SNOW FENCE, CONSTRUCTION FENCE, OR EQUAL, PLACED AT THE DRIP LINE OR SEVERAL FEET BEYOND. HOWEVER, NO FENCE SHALL CROSS PUBLIC SIDEWALKS AND NO STORAGE OR STOCKPILING OF CONSTRUCTION MATERIALS, DEBRIS OR EQUIPMENT SHALL OCCUR WITHIN FENCED AREA.
8. STORMWATER MEASURES TO ADDRESS RUNOFF QUANTITY OR QUALITY ARE NOT APPLICABLE FOR THIS PROJECT AND THEREFORE NOT INCLUDED. THIS IS NOT APPLICABLE SINCE THE EXISTING PROJECT AREA WAS DEVELOPED AND CONSTRUCTED IN COMPLIANCE WITH CURRENT STORMWATER REGULATIONS. SINCE THE EXISTING CONDITIONS AT THE PROJECT AREA ARE IMPERVIOUS (ASPHALT PARKING AREA) AND WILL BE CHANGED TO PERVIOUS (SAWCUT AND REMOVE ASPHALT AND REPLACE WITH LOOSE CRUSHED STONE) THE RATE OF STORMWATER RUNOFF FOR THE PARCEL WILL BE DECREASED RENDERING STORMWATER IMPROVEMENTS MOOT.

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CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

C-1

N

APPROXIMATE

EXISTING FENCE TO BE UTILIZED BY VERIZON WIRELESS 50'X50' FENCED COMPOUND

PROPOSED LANDSCAPING (TYP) (SEE SHEET C-1)

EXISTING BARBED WIRE ON WEST, NORTH AND EAST FENCE LINES TO BE REMOVED BY OWNER

NOTE:

PROPOSED GRADE WILL MATCH EXISTING GRADE THROUGHOUT COMPOUND

PROPOSED SILT FENCE

PROPOSED VERIZON WIRELESS 50KW DIESEL GENERATOR ON 4'X8' CONCRETE PAD

PROPOSED VERIZON WIRELESS UTILITY & RF EQUIPMENT ON H-FRAME

PROPOSED VERIZON WIRELESS CABLE BRIDGE

PROPOSED MONOPOLE

EXISTING FENCE/ EDGE OF ASPHALT PARKING LOT

PROPOSED VERIZON WIRELESS GPS UNIT MOUNTED TO H-FRAME POST (SEE DETAIL 3/C-6)

PROPOSED UG POWER AND FIBER CONDUITS TO VERIZON WIRELESS H-FRAME

PROPOSED 12'-6"x11'-0" CONCRETE EQUIPMENT PAD

FINISH GRADE AT TOWER = 172.8'

PROPOSED VERIZON WIRELESS 10'X12' ICE CANOPY

PROPOSED VERIZON WIRELESS EQUIPMENT CABINET

PROPOSED VERIZON WIRELESS BATTERY CABINET

TOP OF CONCRETE = 172.97'

PROPOSED UTILITY BACKBOARD

PROPOSED BOLLAR (TYP)

PROPOSED TEMPORARY SOIL/GRAVEL STOCKPILE AREA

CONTRACTOR TO REMOVE EXISTING ASPHALT AND REPLACE WITH PROPOSED GRAVEL SURFACING THROUGHOUT COMPOUND AREA

PROPOSED VERIZON WIRELESS 50'X50' FENCED COMPOUND. NEW FENCE SECTIONS TO MATCH EXISTING

PROPOSED 12' WIDE DOUBLE GATE

PROPOSED TEMPORARY CONCRETE WASH AREA

PROPOSED U/G MAIN POWER AND FIBER CONDUITS

EXISTING UTILITY POLE (SOURCE OF POWER AND FIBER)

1 C-2 SITE DETAIL PLAN

SCALE: 1" = 10' (11x17 SIZE)
1" = 5' (22x34 SIZE)

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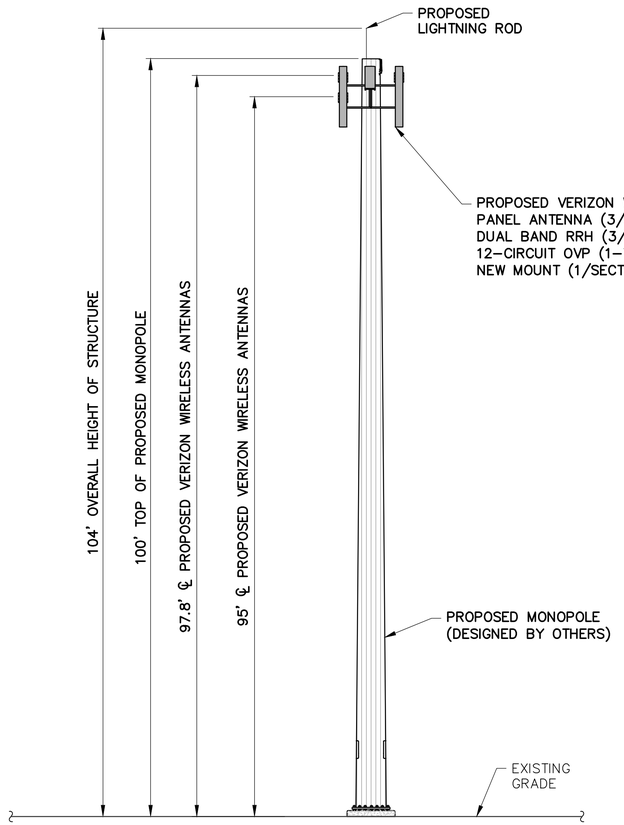
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SHEET TITLE

SITE DETAIL PLAN

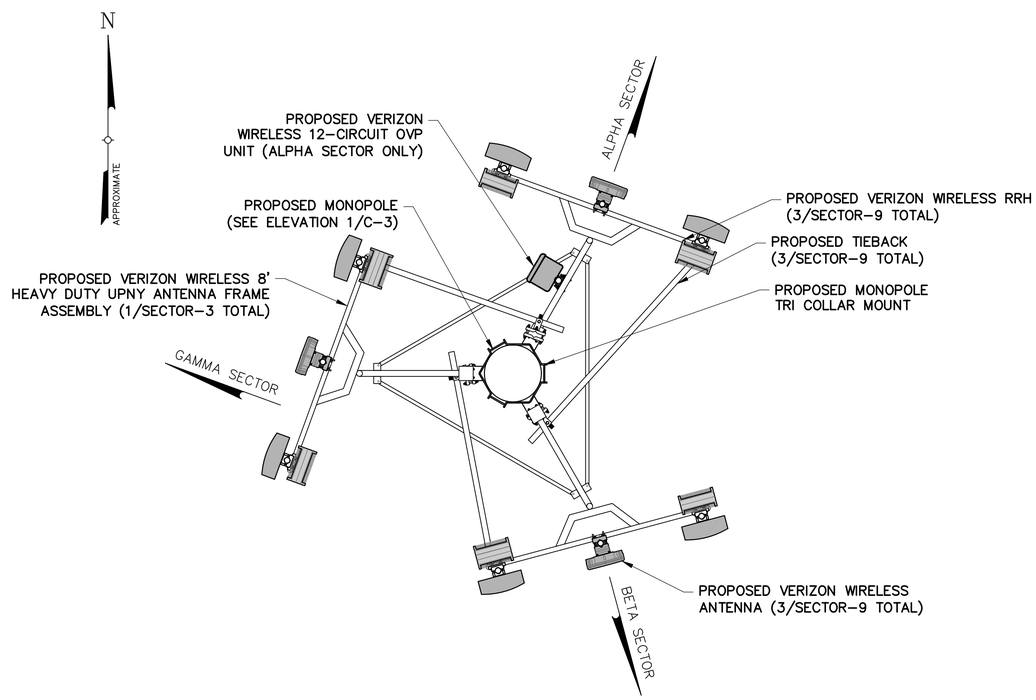
SHEET NUMBER

C-2



1 C-3 ELEVATION

SCALE: 1" = 20' (11x17 SIZE)
1" = 10' (22x34 SIZE)



2 C-3 ANTENNA ORIENTATION

SCALE: 3/4" = 1'-0" (11x17 SIZE)
3/8" = 1'-0" (22x34 SIZE)

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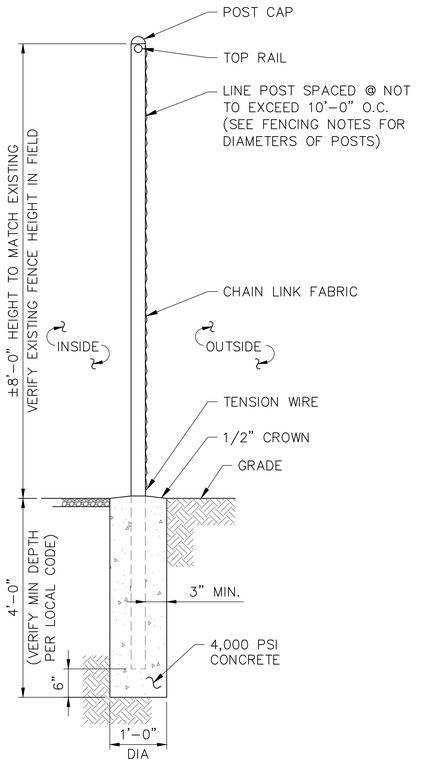
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SHEET TITLE

ELEVATION &
ORIENTATION PLAN

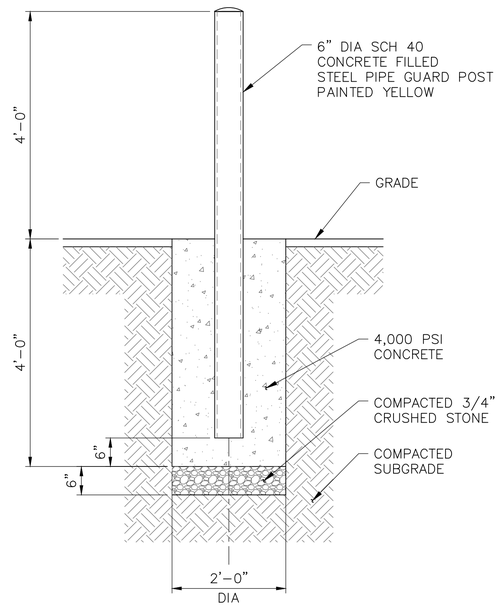
SHEET NUMBER

C-3



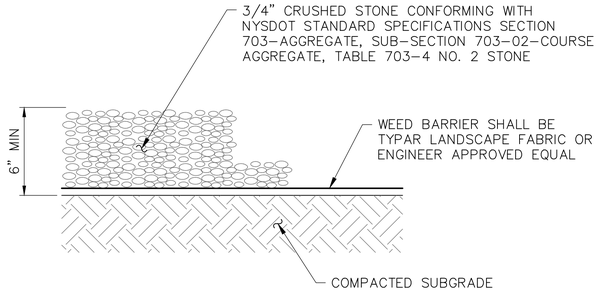
1 C-4A **FENCE DETAIL**

SCALE: 3/8" = 1'-0" (11x17 SIZE)
3/4" = 1'-0" (22x34 SIZE)



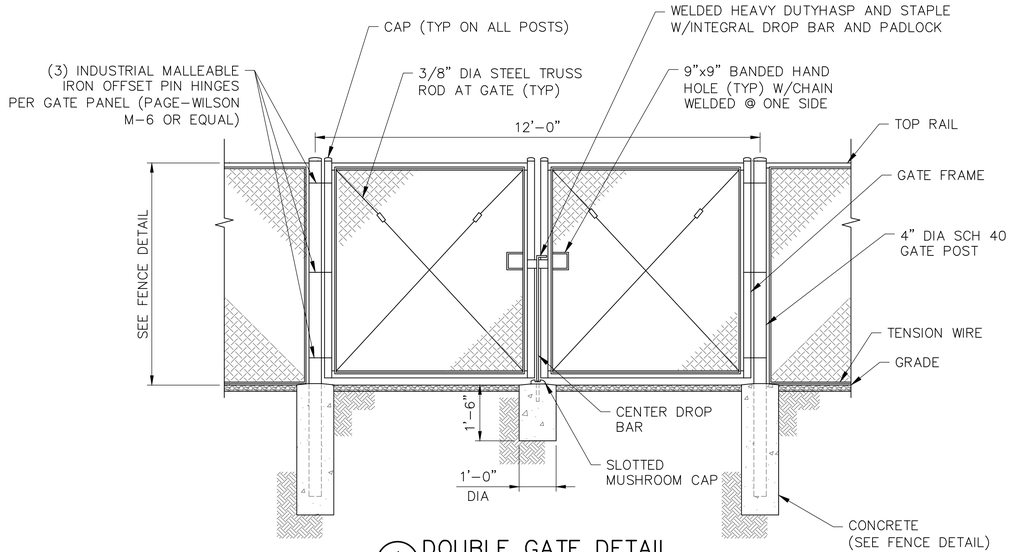
2 C-4A **BOLLARD DETAIL**

SCALE: 3/8" = 1'-0" (11x17 SIZE)
3/4" = 1'-0" (22x34 SIZE)



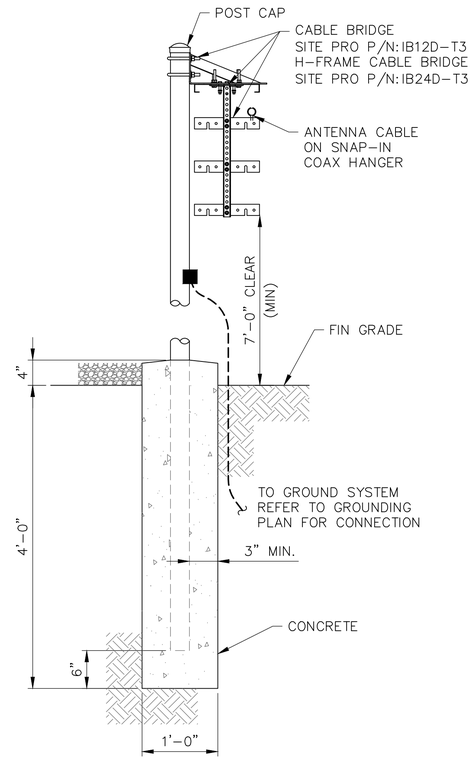
3 C-4A **GRAVEL SURFACING TREATMENT**

SCALE: 1/2" = 1'-0" (11x17 SIZE)
1 1/2" = 1'-0" (22x34 SIZE)



4 C-4A **DOUBLE GATE DETAIL**

SCALE: 1/4" = 1'-0" (11x17 SIZE)
1/2" = 1'-0" (22x34 SIZE)



5 C-4A **CABLE BRIDGE**

SCALE: 1/2" = 1'-0" (11x17 SIZE)
1" = 1'-0" (22x34 SIZE)

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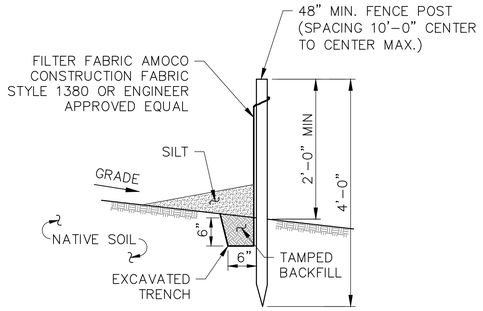
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SHEET TITLE
SITE DETAILS

SHEET NUMBER
C-4A

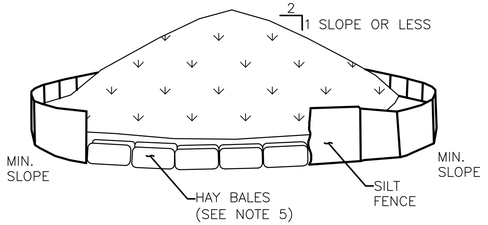


NOTES:

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

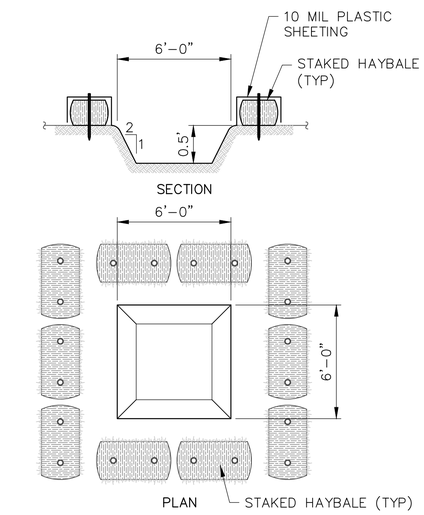


NOTES:

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.

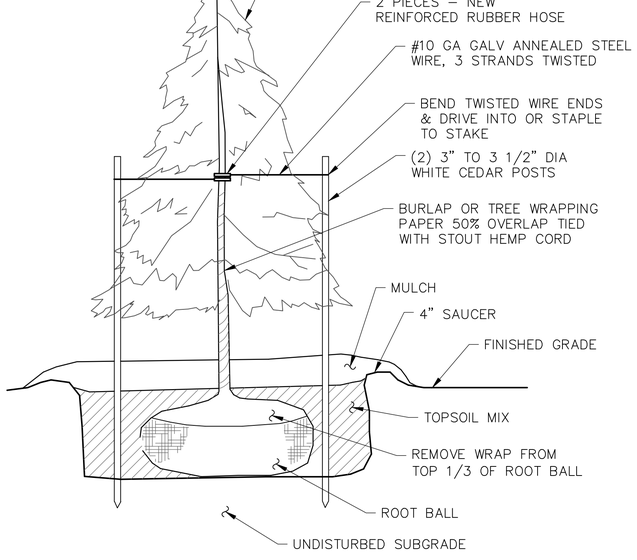
2 C-4B TEMPORARY SOIL STOCKPILE DETAIL

SCALE: NTS



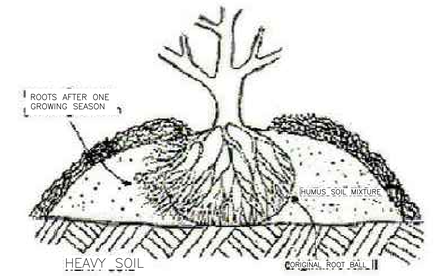
3 C-4B TEMPORARY CONCRETE WASH

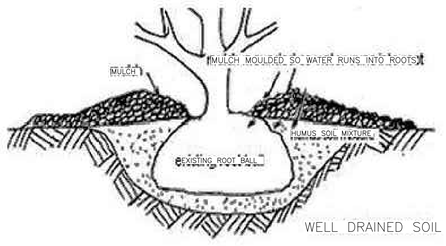
SCALE: NTS



ELEVATION

NOTE:
FOR TREES 2'-5' HIGH, USE 2 STAKES, 1/2 HT. OF TREE + 1-1/2'.
FOR TREES 6'-9' HIGH, USE 2 STAKES, 1/2 HT. OF TREE + 2'.





RHODODENDRON PLANTING

4 C-4B TREE/SHRUB PLANTING DETAILS

SCALE: NTS

verizon

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RELEASED BY | DATE

STATE OF NEW YORK
STEPHEN M. MATTHEWS
087507
LICENSED PROFESSIONAL ENGINEER

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0 1 2 3
ORIGINAL SIZE IN INCHES

SITE INFORMATION

121 PARKER AVE
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

Lumecon | DETROIT SERIES

LDS - LFC
LED Wall Pack



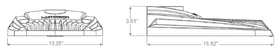
Catalog Number:	
Project:	
Comments:	
Prepared By:	Date:

Description

The LDS-LFC large full cutoff is the first of its kind in Lumecon's LED Detroit Series. Combining a sleek fixture design with energy efficient performance allows this fixture to be used for building facades, general security, storage areas, tunnel and entry door applications replacing existing fixtures up to 400W HID one-for-one.

Dimensions & Weights

Model	Width	Length	Height	Weight
LDS-LFC	13.25"	15.52;	3.61"	13 lbs



Technical Specifications

Input Voltage: 120-277V or 347-480V.

Housing: Die-cast aluminum housing with 60% gloss polyester powder coat finishes for maximum durability. The base aluminum material is prepared using an environmentally-friendly non-chrome 2-step surface cleaning and passivation process. The process results in a more durable conversion layer than traditional chromate conversion coatings and allows maximum adhesion of the powder coating to the aluminum substrate. Housing features an integrated heat sink and driver compartment built into the fixture design.

Mounting: Wall mount bracket standard.

Split Circuit: Optional

Effective Projected Area (EPA): 0.83 ft²

Color Temperature: 2200K, 2700K, 3000K, 4000K (standard), 5000K.

LED Lifetime: All LED's are rated for a minimum of 100,000 hours of continuous operation at ambient temperatures from -40°F/-40°C to 95°F/35°C.

Color Rendering Index (CRI): Minimum of 80 or higher. CRI 90+ available upon request. CRI 90+ not available in 2200K.

Dimming: 0-10V standard dimming capability.

Custom Optics: Lumecon meticulously engineered premium acrylic optical lenses to maximize the distribution and uniformity of light while minimizing cost. Our arrays distribute light at least 21% further and with 29% more uniformity than leading competitors. Lumecon custom lenses create a uniform, well-lit environment that mitigates illuminance "hot spots" and use less wattage than typical LED area lights.

Surge Protection: Thermally protected 40kV varistor type surge suppressor is included and meets ANSI C136.2-2015: Extreme Level. Also meets IEC61643-11 Class II / EN61643-11 Type 2, and US Dept of Energy MSSLC Model Spec for surge protection. The device is wired in series with the luminaire input power in order to interrupt power to the luminaire when consumed, protecting the LED power supply and circuit boards from additional electrical surges.

Lumecon ETD™ System: The enhanced thermal dissipation system engines are thermally bonded to provide maximum thermal dissipation to the exterior of the fixture to ensure long life. To protect the light engine panel from moisture and corrosion, the LED light engine panel is uniformly coated with a UV stabilized acrylic polymer resin that meets MIL and ASTM dielectric standards, UL, and IPC standards for flammability, moisture resistance and thermal shock.

Certification Data: ETL Listed to UL 1598, UL 8750 for Wet Locations. "Full compliance and test documentation is available for TM-21, LM-79, LM-80, ETL Listing to UL1598 and UL 8750. Salt Fog tested for 3,000 hours per ASTM B117-16 / ASTM D610-08. Ingress Protection: IP66 per ANSI/IEC 60529-2004. Passed 3G vibration @ 100K cycles, per ANSI C136.31-2018.

DesignLights Consortium® (DLC) Qualified Product: Unless noted, not all versions of this product may be DLC® qualified. For a complete list of Lumecon DLC® Qualified Products visit: www.designlights.org.

Manufacturing Origin: US Manufactured and Assembled.

Buy American: Meets Buy American requirements within the ARRA.

Warranty: 10 Year L70 performance based warranty. For full warranty terms, please visit our website: www.lumecon.com

Ubiquiti® Wireless Controls: Ubiquiya Ubicell Wireless Node allows for advanced light control via Ubivu Control Platform. All nodes are self-provisioning on power-up and are global Carrier LTE compatible with no Gateways or Concentrators required. Single SKU 120v to 480v operation, 22 Satellite Global GPS and Celestial Clock, Simultaneous Metering for Line and Load, High Accuracy Tilt and Vibration sensor, 10 second Last Gasp and Nonvolatile Memory, OTA Updates and a 10 year warranty. Ask your local Lumecon Representative for more information.

Dimulator Photo-Control: Maximize the cost-saving benefits of your outdoor LED light fixtures with the stand-alone Dimming solution. All Dimulators (except for CD and DIM 3 versions) have three selectable dimming levels (30%,50%, 70%) with three different start times (10:00 pm, Midnight, or 2:00 am), which are selectable through the ten position selector switch located on the bottom of the base. All dimming schedules will return to full brightness at 5:00 am. The stand-alone unit is made to work with the ANSI C136.41 receptacle and will provide dimming of LED fixtures.

Email: sales@Lumecon.com Website: www.lumecon.com Phone: 248-477-5009
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Note: Specifications and photometric data are subject to change at any time without notice.
Please see www.lumecon.com for current specifications and documentation.

Lumecon | DETROIT SERIES

LDS - LFC
LED Wall Pack

Ordering Information

LDS-LFC – Options / Ordering Example: LDS-LFC-110-DB-T5-1-50-WM

Wattage	Color	Distribution	Voltage	Color Temperature	Mounting Methods
30 - 30 Watts	DB - Dark Bronze	T2 - Type II	1 - 120v-277v	22 - 2200K [4]	WM - Wall Mount Bracket [4]
45 - 45 Watts	WH - White	T3 - Type III	2 - 347v-480v	27 - 2700K [4]	
60 - 60 Watts	BK - Black	T4 - Type IV		30 - 3000K [4]	
80 - 80 Watts	GR - Gray	T5 - Type V		40 - 4000K	
110 - 110 Watts	CC - Custom	NR - Narrow		50 - 5000K	
125 - 125 Watts	AF - Automotive Finish				
160 - 160 Watts					

Options & Accessories

R - Receptacle Only

RS - Receptacle Only with Shorting Cap

7P - Seven-pin Twist Lock Photocell Receptacle Only [1]

PC1 - 120v-277v Button Eye Photocell [2]

PC2 - 347v 480v Button Eye Photocell [2]

OC1 - On/Off [3]

OC2 - Dim/High [3,4]

OC3 - On/Off w/Photocell [3,4]

OC4 - Dim/High w/Photocell [3,4]

UBI - Ubicquia Wireless Controls [5]

BB - Battery Back-Up (only available on the 30W - 80W models and on 120/277v models)

SC - Split Circuit [6,7,8]

CWMB - Cosmetic Wall Mount Bracket

DIM4 - 105-305 VAC, 50/60 Hz with 10 position field adjustable selector switch

DIM4-HV - High Voltage 312-530 VAC, 50/60 Hz with 10 position field adjustable selector switch

DIM4-CD - Constant all-night Dimming

DIM4-CD-HV - Constant all-night Dimming, 315-530 VAC 50/60Hz

DIM4-CUL - 120 VAC. 50/60 Hz, cUL certified version with gray cover

DIM4-ALC - Adaptive Lighting Control with 2% per year incremental increase to compensate for aging fixture

DIM3-XX - Factory set dimming schedule (10 position selector switch not available)

BSS - Bird Spikes (Field Installed)

Accessories ordered as a separate line item:

33-00112 - External Glare Shield

33-00120 - Full Glare Snoot

Notes:
1. For units with 7P the mounting must be restricted to +/-45° from horizontal aim per ANSI C136.10-2010. If more than a 45° Tilt, use PC1 or PC2
2. Cannot be combined with Occupancy Sensor. Use OC3 or OC4 when Occupancy Sensor and Photocell are needed and aiming greater than 45° from horizontal.
3. Must note on PO Mounting Height for proper lens application
4. See Occupancy Sensor Default Settings Table
5. UBI requires the 7P option be selected: OC1 or OC2 are optional
6. Split circuit is only available for 30W, 45W, 60W, and 80W models.
7. Split circuit is not compatible with Occupancy sensing our photo-eye control.
8. Split Circuit and Battery Back-up cannot both fit in the same housing. Battery Back-Up will require external. Battery Backup will only control one of the circuits.
9. 3000K or warmer, and fixed mounts must be ordered for IDA certification compliance.

If OCC Sensor Option is selected, mounting height specifications need to be clarified:

☐ Mounting height between 0' - 10'
☐ Mounting height between 10' - 20'
☐ Mounting height over 20' +

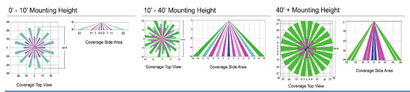
If Mounting height and parameter settings not specified when ordered. Default mounting height is 10-40' less and preset factory settings.

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Lumecon | DETROIT SERIES

LDS - LFC
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OCC Sensor Patterns



Occupancy Sensor Default Settings - Option OC2

Option	Dimmed State (Unoccupied)	High Level (When occupied)	Photocell Operation (OC4 Option Only*)	Dwell Time (Occupancy time delay)	Ramp-up Time (From unoccupied to occupied)	Ramp-up Time (From occupied to unoccupied)
OC2 and OC4	Approx. 20% Output	100% Output	Enabled @ 1.5 FC*	5 Minutes	Disabled	Disabled

*Note: OC2 and OC4 settings including photocell set point, high/low dim rates, and occupancy sensor time delay are all configurable by using the Wattstopper® App. If any other settings are desired to be set at the factory, please note these changes on Purchase Order.

Mounting Method Dimensions



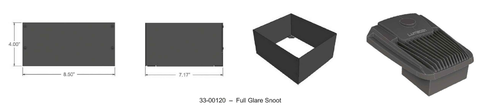
LDS-LFC Wall Mount Bracket

LDS-FC Optional Cosmetic Wall Mount Bracket

External Glare Shield and Full Glare Snoot Dimensions



33-00112 – External Glare Shield

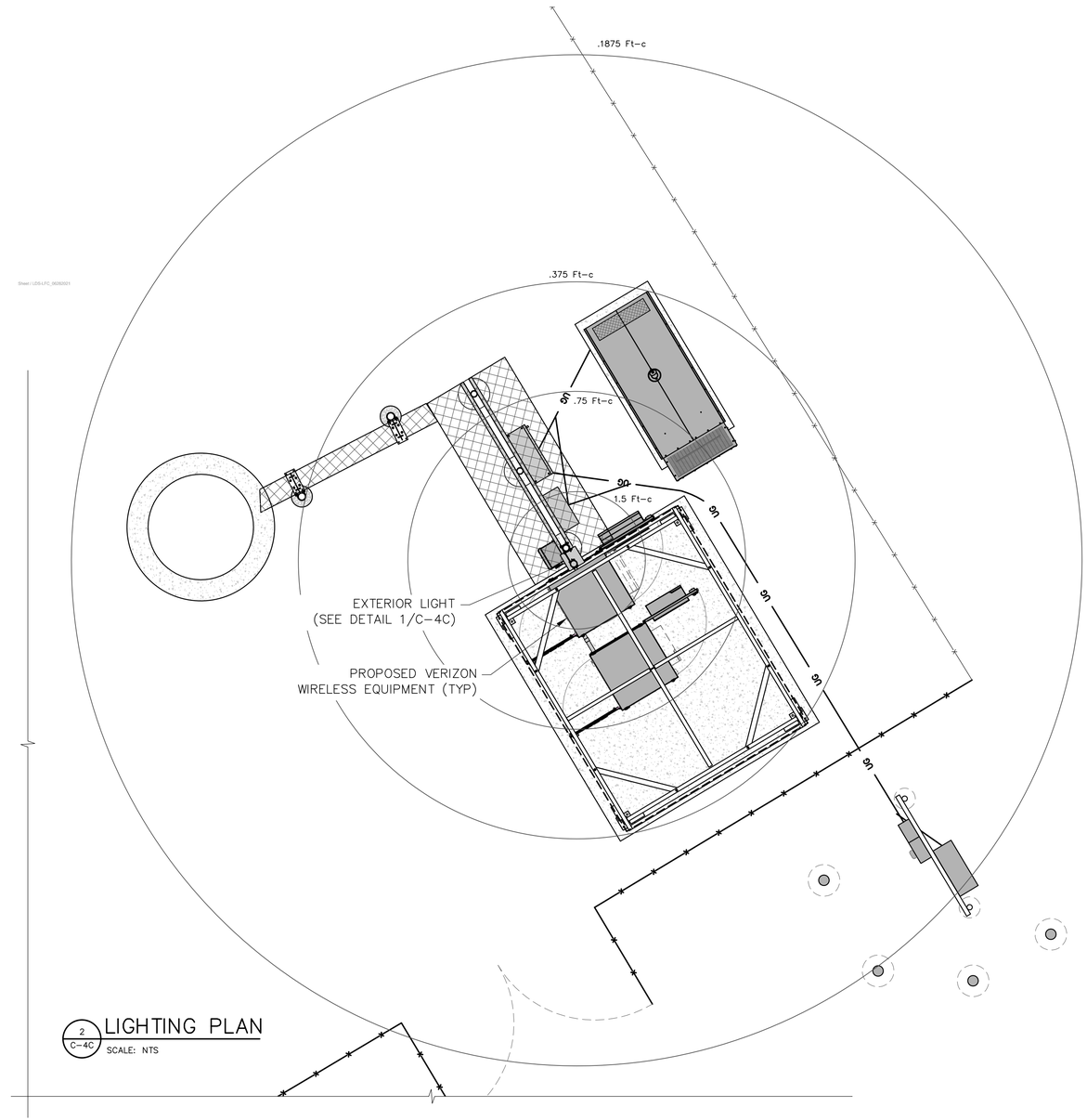


33-00120 – Full Glare Snoot

Email: sales@Lumecon.com Website: www.lumecon.com Phone: 248-477-5009
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Please see www.lumecon.com for current specifications and documentation.

1 C-4C LIGHT DETAILS
SCALE: NTS

NOTE:
CONTRACTOR SHALL INSTALL 60W BLACK TYPE IV 3000K FIXTURE. (MAX KELVIN RATING ALLOWED = 3000K)



2 C-4C LIGHTING PLAN
SCALE: NTS

verizon

1275 JOHN STREET, SUITE 100
WEST HENRIETTA, NY 14586

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.
Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C.
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	DRAWN BY
11860.077	MQ

NO.	DATE	ISSUE
0	6/14/24	FOR COMMENT
1	7/30/24	FOR ZONING
2	12/3/24	PER CITY COMMENTS
3	6/4/25	ADD LANDSCAPING
4	8/4/25	REVISE FENCING

RELEASED BY | DATE



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0 1 2 3
ORIGINAL SIZE IN INCHES

SITE INFORMATION

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FUZE ID#: 17099955
MDG#: 5000350891

SITE ADDRESS

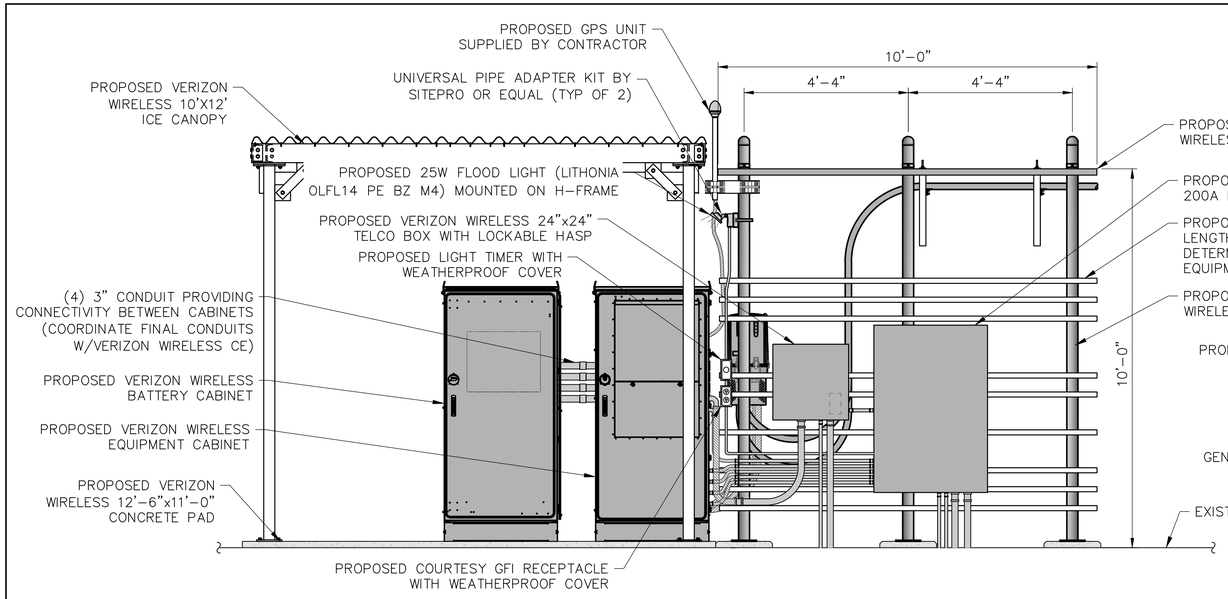
121 PARKER AVE
CITY OF POUGHKEEPSIE
DUTCHESS COUNTY
NY 12601

SHEET TITLE

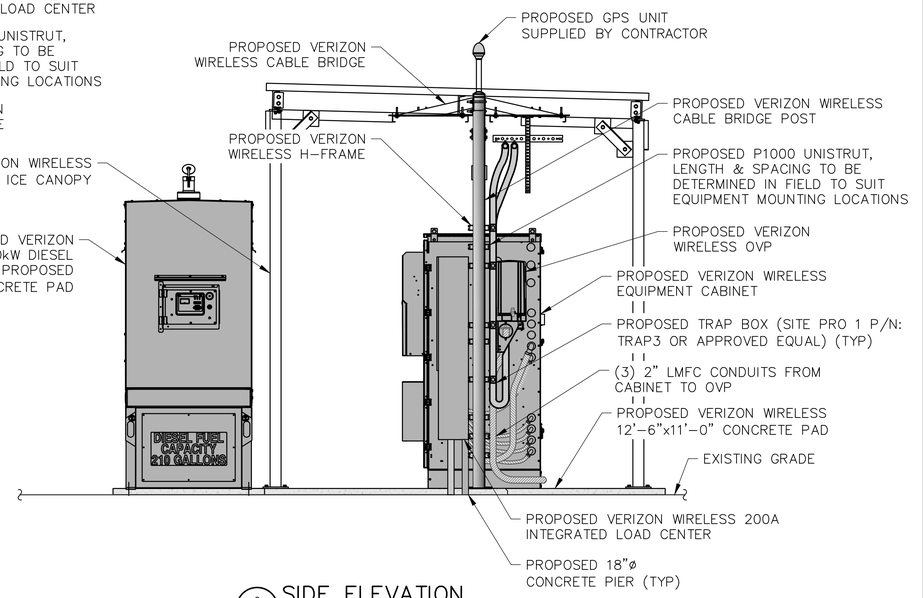
SITE DETAILS

SHEET NUMBER

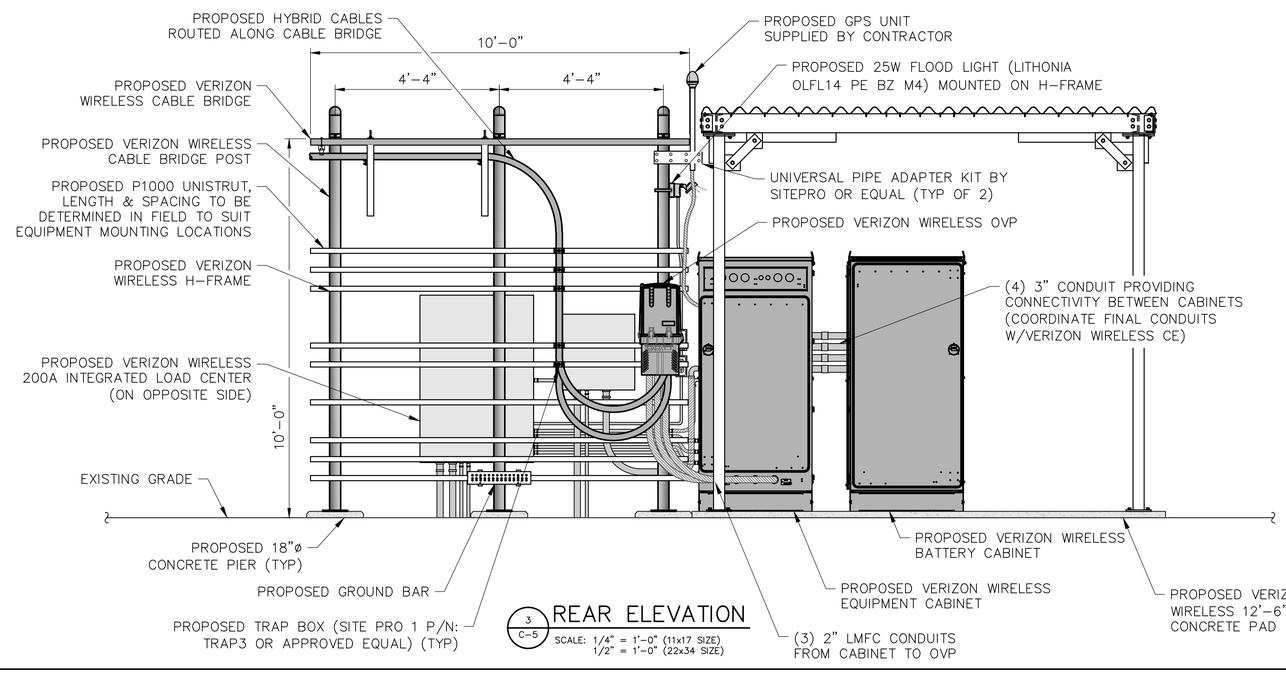
C-4C



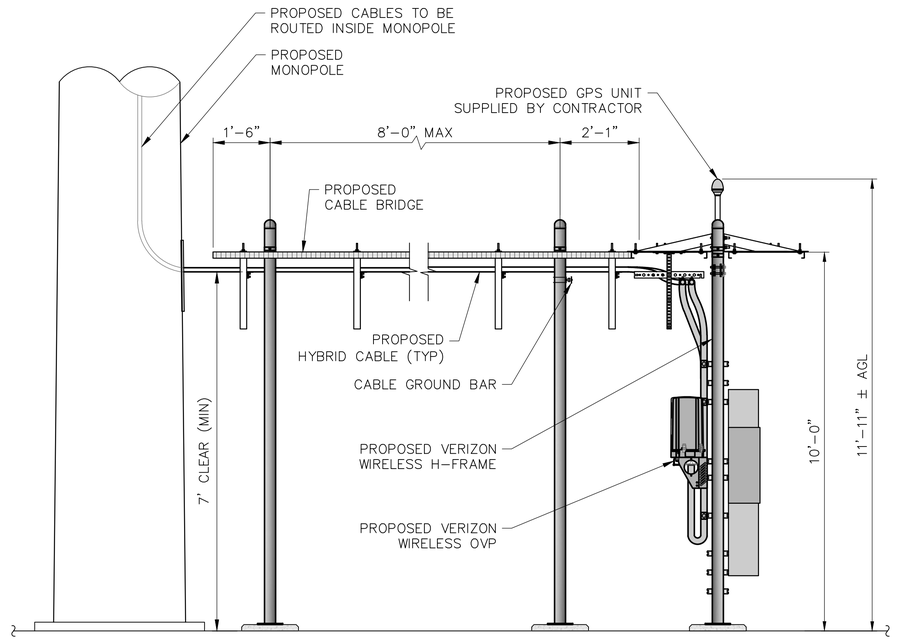
1 C-5 **FRONT ELEVATION**
SCALE: 1/4" = 1'-0" (11x17 SIZE)
1/2" = 1'-0" (22x34 SIZE)



2 C-5 **SIDE ELEVATION**
SCALE: 1/4" = 1'-0" (11x17 SIZE)
1/2" = 1'-0" (22x34 SIZE)



3 C-5 **REAR ELEVATION**
SCALE: 1/4" = 1'-0" (11x17 SIZE)
1/2" = 1'-0" (22x34 SIZE)



4 C-5 **EQUIPMENT ELEVATION**
SCALE: 1/4" = 1'-0" (11x17 SIZE)
1/2" = 1'-0" (22x34 SIZE)

verizon
1275 JOHN STREET, SUITE 100
WEST HENRIETTA, NY 14586

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.
Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C.
Project Contact Info
36 British American Blvd. Phone: (518) 783-1630
Suite 101 (800) 829-6531
Latham, NY 12110 www.tectonicengineering.com

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NO.	DATE	ISSUE
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RELEASED BY | DATE

STATE OF NEW YORK STEVEN M. MATTHEWS LICENSED PROFESSIONAL ENGINEER 087507

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

SHEET TITLE
EQUIPMENT ELEVATIONS

SHEET NUMBER
C-5

THE CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4263 Fax: (845) 451-4006

FEE: $1000.00
CODE: A2112
ID# ZBA2025-022
IPS#_____

USE VARIANCE APPLICATION

RECEIVED
JUN 10 2025
By_____

PROPERTY ADDRESS 22 Pershing Avenue

ZONING DISTRICT: MU-5

OWNER INFORMATION:
Name: MVK Enterprises, Inc.
Address: 1158 Salt Point Turnpike, Pleasant Valley, New York 12569
Phone: 845-242-2070 Email: frank@redlh.com

PAID
JUN 10 2025

APPLICANT INFORMATION:
Name: Frank Redl
Address: 31 Quaker Hill Road, PO Box 636, Pleasant Valley, New York 12569
Phone: 845-674-5009 Email: frank@redlh.com

CONSULTANT INFORMATION:
Name: n/a
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: Frank Redl, Project Manager

Date of decision/determination/violation: 12/24/2024, 4/14/25 and 5/28/2025 attached

A copy of the communication must be attached with this application.

USE VARIANCE APPLICATION

PROPERTY ADDRESS: 22 Pershing Avenue

USE VARIANCE REQUESTS

SECTION	PROHIBITING	TO ALLOW
19-5.5	Used auto sales and repair	Used auto sales and repair

VARIANCE REQUEST JUSTIFICATION

Pursuant to Section 19-10(11)(b) of the Zoning Ordinance, **no use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.** In order to prove such unnecessary hardship, the applicant shall demonstrate the following to the Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:

Responses to the questions below shall be on a separate page attached to and submitted with the application. Use as many sheets as necessary.

1. The applicant cannot realize a reasonable return, for all uses permitted by Zoning, demonstrated by competent financial evidence. Financial evidence should not be construed to be personal to the applicant;

2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood . Please explain how the alleged hardship is unique to the property in question. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?;

3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered.

4. The alleged hardship has not been self-created An applicant cannot claim "unnecessary hardship" if that hardship was created by the applicant. Explain fully how the hardship is not self-created.

USE VARIANCE APPLICATION

PROPERTY ADDRESS: 22 Pershing Avenue

LIST OF REQUIRED ATTACHMENTS

1. Letter or communication which resulted in application to the ZBA.
2. Site, Survey or Plot Plan. This must be signed and labeled.
3. Color photos of site conditions.
4. Complete Short Environmental Assessment Form. Please note that in some instances it may be determined that a Full EAF is required.
5. Electronic file submission of the plot plan and color photos (see attached submission guidelines)
6. Other attachments deemed pertinent by the applicant (please list):
   Attached Narrative

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.

June 9, 2025

SIGNATURE OF APPLICANT
Frank Redl

POUGHKEEPSIE, NY 12601
Phone: (845) 451-4007 Fax: (845) 451-4006

Building Inspector

December 24th, 2024

Devanand Jaikarran

Re: 22 Pershing Avenue
ID: 382120
Zoning Review Request PD-2024-126

Dear Applicant,

The Development Department is in receipt of your zoning review request relating to the property at 22 Pershing Avenue and the proposed change of use from a carpet cleaning facility to a motor vehicle repair facility.

This property is located within the Mixed Use 5 (MU5) which does not permit motor vehicle repair facilities per code **Section 19-5.5** of the Zoning Ordinance.

Therefore, a Use Variance will be required to establish the proposed use from the Zoning Board of Appeals along with a Special Use permit granted by the Planning Board. As a plot plan was not provided, Area Variances cannot be determined at this time, if identified, would also require approval from the Zoning Board of Appeals.

Due to the lack of a plot plan, a comprehensive review cannot be completed at this time. If provided, such a plan shall be drawn to scale, dated, and identify the property and the person responsible for such drawing. This department would be happy to provide an initial review of any preliminary plans.

After all Area Variances if found to be required and the Use variance are granted by the Zoning Board of Appeals and the Special Use permit granted by the Planning Board, you would then need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department.

If you have any questions or comments, please feel free to contact me, info is listed below, thanks.

Joseph D. O'Brien
Deputy Zoning Administrator
Office - 845-451-4273
jobrien@cityofpoughkeepsie.com

BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4007 Fax: (845) 451-4006

Eric Philipp
Building Inspector

4/14/25

DJM Construction
103 East Dorsey Lane
Poughkeepsie, NY 12601
MVK Enterprises Inc
1158 Salt Point Tpke
Pleasant Valley, NY 12567
Edward DeGroff

RE: 22 Pershing Ave
ID: 382120
Application # BP-25-0700

To Whom it May Concern:

A review of the building permit application # BP-25-0700 found it to be deficient to complete the review process and issue the permit. Below is/are the deficiencies found:

-An approved site plan by the planning board is needed before this permit can be issued.

Please submit the required additional information as listed above so that the review process can be completed. The intended work shall not commence until the application has been approved and a permit has been issued. Your application will be kept on file for a period of 30 days, failure to submit the required documentation in the specified time frame shall cause the application to expire.

If you have any questions you may contact me at 845-451-4273 or jobrien@cityofpoughkeepsie.com

Outlook

Re: 22 Pershing Avenue

From CHARLES KANE <kanemotors@aol.com>
Date Wed 5/28/2025 6:02 PM
To Frank Redl <frank@redlh.com>

Ok
Sent from my iPhone

> On May 28, 2025, at 5:16 PM, Frank Redl <frank@redlh.com> wrote:
>
> Charlie, just got this. I'll review in the morning and we will talk.
>
> Get Outlook for iOS
>
> **From:** Judith Knauss <JKnauss@cityofpoughkeepsie.com>
> **Sent:** Wednesday, May 28, 2025 4:10:04 PM
> **To:** Frank Redl <frank@redlh.com>; assistant@z3consultants.com <assistant@z3consultants.com>
> **Cc:** Joseph O'Brien <jobrien@cityofpoughkeepsie.com>; Tyler Maegerle <tmaegerle@cityofpoughkeepsie.com>; Richard Distel <rdistel@cityofpoughkeepsie.com>; Eric Philipp <EPhilipp@cityofpoughkeepsie.com>; Rebecca A. Valk <RValk@cityofpoughkeepsie.com>; Lori Garcia <LGarcia@cityofpoughkeepsie.com>
> **Subject:** 22 Pershing Avenue
>
> The Development Department is in receipt of a request for interpretation to the Zoning Board of Appeals relative to the use of the property at 22 Pershing Avenue as a motor vehicle sales facility. Please be advised that the materials submitted have been reviewed, and some issues have been noted to exist that we are providing you with the opportunity to address prior to circulation of the application to the Board, in order to avoid confusion and unnecessary delay. Essentially:
>
> - The application itself indicates that the appeal is for approval for a change from one legal nonconforming use to another. However, the application appears to adopt the position that this is not a change from one nonconforming use to another,

but the continuation of a previously approved use which, if legal, would have become legally nonconforming on 11/22/24;

- It appears that the application is actual for clarification of "The meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter and whether or not the appellant has complied therewith." If this is the case, a revised application should be submitted, and include references to the sections being challenged. In order to assist in that effort, we offer the following information:
  - A Certificate of Occupancy was issued on March 17, 1999, for the use of the property as a Carpet Cleaning Facility;
  - No other Certificates of Occupancy for any other uses have subsequently been issued;
  - While the Planning Board did approve a site plan for the use of the property as a used car lot on September 12, 2013, but no building permit for the actual change of use was ever issued, and no Certificate of Occupancy authorizing the new use was ever issued. That
    - Section 19-6.1(3)(a), in effect at the time of approval, states that "The approval of a site plan by the Planning Board shall be valid for a period of one year from the date thereof for purposes of obtaining a zoning and building permit. Failure to obtain such a permit within the time period shall cause the approval to become null and void;"
    - Section 19-7.2, in effect at the time of approval, stated that "No building in any district shall be erected, reconstructed or restored or structurally altered or used, without a building permit;"
    - Section 19-7.3, in effect at the time of approval, stated that No existing building or land, whether vacant or occupied, shall be converted to a different land use without first securing a change of use permit;" and,
    - Section 19-7.4, in effect at the time of approval, stated that "The occupancy and use of a building erected, reconstructed, restored, altered or moved or any change in use of an existing building shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Zoning Administrator," and "A certificate of occupancy is required for, and shall be deemed to authorize, both initial occupancy and the continued occupancy and use of the building or land to which it applies."
    - There is also a record of other uses being operated from this location between 2013 and 2025, including a "hair store" and an auto body and auto repair facility. Such uses compromised the Planning Board approval, and any other subsequent approvals.

For your information, the section numbers cited above are from the 1979 Zoning Ordinance, which was in effect at the time of the site plan approval of the project until November 21, 2024. These regulations continue in the new Ordinance, adopted on November 22, 2024, with different section numbers, as follows:

- Section 19-6.1(3)(a) is now Section 19-8.1(3)(a)
- Section 19-7.2 is now Section 19-9.2
- Section 19-7.3 is now Section 19-9.3
- Section 19-7.4 is now Section 19-9.4

Please feel free to contact us if you have any questions in this regard.

Very truly yours,
Judith Knauss
Deputy Zoning Administrator

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

Name of Action or Project:
Use Variance Application

Project Location (describe, and attach a location map):
22 Pershing Avenue, City of POughkeepsie, County of Dutches and State of New York

Brief Description of Proposed Action:
Applicant seeks Use Variance to permit Site to be utilized for used car sales and related auto repairs.

Name of Applicant or Sponsor:	Telephone: 845-242-2070
MVK Enterprises, Inc	E-Mail: frank@redlh.com

Address:
1158 Salt Point Turnpike

City/PO:	State:	Zip Code:
Pleasant Valley	New York	12569

	NO	YES
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.	☑	☐
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 ZBA, Building Permits	☐	☑

3. a. Total acreage of the site of the proposed action? 0.48 acres
   b. Total acreage to be physically disturbed? 0.00 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.48 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?	☐	☑	☐

	NO	YES
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?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
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?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☐	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☐

	NO	YES
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?	☐	☑
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?	☑	☐

	NO	YES
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?	☐	☑
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

	NO	YES
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?	☑	☐
16. Is the project site located in the 100-year flood plan?	☐	☑
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:		
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:		
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:		
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:		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

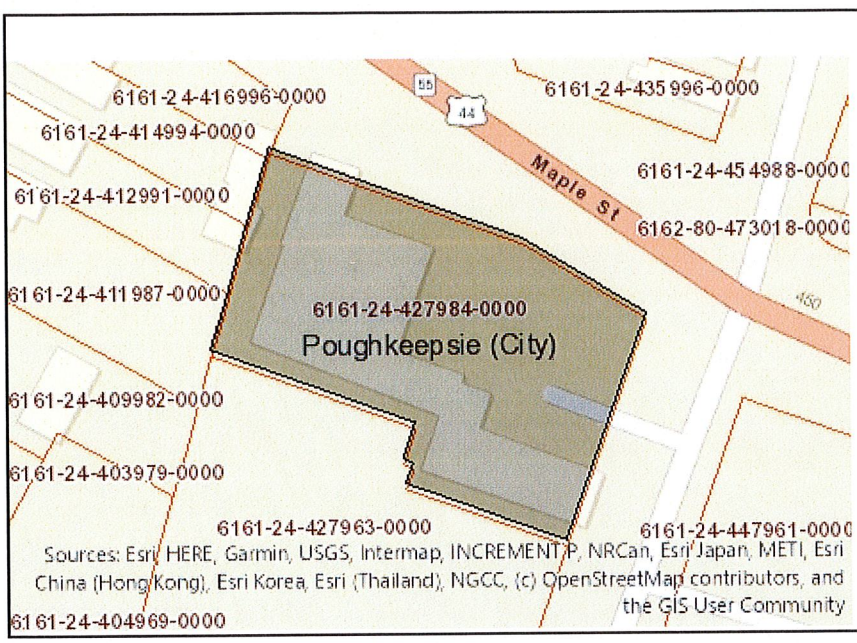
Applicant/sponsor/name: Frank Redl Date: June 9, 2025

Signature: Title: Project Manager

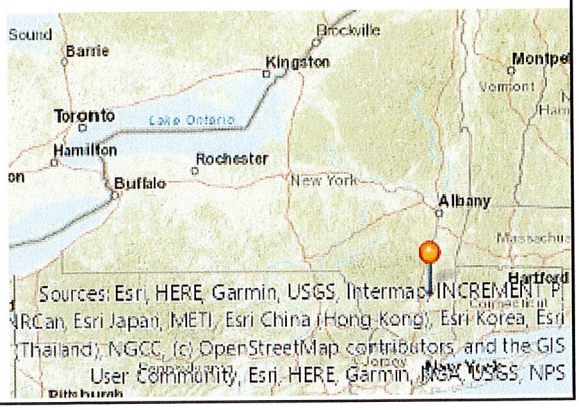
PRINT FORM

EAF Mapper Summary Report

Wednesday, June 4, 2025 10:41 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



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]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the 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



FULL INSURANCE
HH&M CONSTRUCTION LLC
12 ROOSEVELT AVENUE
POUGHKEEPSIE NY 12601
Constructionllc21@outlook.com

Customer;
Charlie Kane

Company Number: 8453034724
Owner company: Hector Arevalo

Adrees's job;
22 Pershing Ave Poughkeepsie, 12601

DESCRIPTION WORK

Regarding 22 Pershing due Poughkeepsie N.Y.

I am Hector Arevalo from HH&M CONTRUCTION. I personally have inspected this building located at the above address, to find to convert this formally used car and automotive facility to accommodate all the permitted uses under the mu-5 zoning law would exceed $300,000 and would not be cost effective for the current owner.

This is an old building with many garages and showrooms and feel its best use would be to leave the structure as is and continue to utilize it as it was for the past decade.

mentioning that this was just an evaluation on behalf of our company for Mr. Charlie Kane

CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
USE VARIANCE APPLICATION

REVISED

NARRATIVE

in support of Use Variance

Owner: MVK Enterprises, Inc.
Authorized Representative/Applicant:
Frank Redl, Project Manager

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Criteria Analysis……...……7

Exhibits:

Exhibit A (Site Plan)
Exhibit B (Aerial Photo)
Exhibit C (2020 Violation Letter)
Exhibit D (Application for CO 2020)
Exhibit E (Broker letters)

BACKGROUND

Redl Redl Estate. LLC purchased 22 Pershing Avenue (this "Site") on July 9, 2013. At the time, there was a CO for this Site for a Carpet Cleaning Facility. The Site was zoned C-3. Shortly thereafter, Redl Real Estate made an application to the City of Poughkeepsie Planning Board ("PB") for site plan approval and a special permit in order to conduct a used car lot, sales of used cars and signage. Such uses were permitted under the C-3 zoning regulations. On September 17, 2013, the PB granted site plan and special permit approvals for the change in use from a carpet cleaning facility to a used car lot. Final site plans were submitted, signed and are filed with the City. A building permit was issued for signage. A copy of the final site plan is annexed hereto as Exhibit "A". Attached hereto as Exhibit "B" is an aerial photo of the Site showing the use as car sales and photos of the site as it exists today.

Admittedly, the Redl Real Estate's tenant of the Site failed to follow through at the time to obtain the requisite Building Permit and CO to complete the authorization process which was a condition of final site plan approval. Nevertheless, since the 2013 approvals by the PB, the site has openly, notoriously and consistently been sued as a used car lot until such time until MVK Enterprises, Inc. purchased the Site. From 2013 to 2024, the City Building Department made inspections of the Site and issued violations in 2020. A copy of such violation notice is annexed hereto as Exhibit "C". Such violations were remedied but it is interesting to note that the City Building Department never issued a Cease-and-Desist Order or any other notice to shut down the used car sales thereby permitting the Site to be used for car sales. Once the violations were remedied, an Application for a CO (Exhibit "D") was submitted to the City Building Department; however, for some unknown reason, a CO was not issued although duly applied for. Had the Building Department issued the CO, this application would not have been necessary.

In 2024, the City Charter was amended to change the zoning for the Site from C-3 to MU-5. This change in zoning prohibits the Site to be used as a used car sales and service lot. As a result, this application is necessary in order for the Owner to use the site as it has been so used from 2013.

MVK Enterprises, Inc. (MVK) purchased this Site on January 8, 2025. At the time of purchase, MVK knew that there were a few building violations but was not aware that the prior site plan may have been invalid. Prior to and at purchase, MVK relied upon the broker's representations that the site was still zoned Commercial.

VARIANCE CRITERIA

In order to obtain a Use Variance, an applicant must show and demonstrate that the applicable zoning regulations and restrictions have caused unnecessary hardship.

City Charter Section 19-8.4(2)(c) provides that Use Variances are permitted where an application is made and approved by the ZBA provided that certain criteria are met to the satisfaction of the ZBA.

The criteria to be reviewed and considered by the ZBA are:

1. *The applicant cannot realize a reasonable return, for all uses permitted by Zoning, demonstrated by competent financial evidence. Financial evidence should not be construed to be personal to the applicant.*
2. *The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. Please explain how the alleged hardship is unique to the property in question. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?*
3. *The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered.*
4. *The alleged hardship has not been self-created. Explain fully how the hardship is not self-created.*

This criteria analysis requires the ZBA to balance the benefit to the Applicant in granting the variance against the potential detriment to the surrounding properties and to the public health, safety and general welfare.

The Court of Appeals has held that a zoning board of appeals performs a "quasi-judicial" function when it considers applications for variances, and, as such, should act according to its own precedent. Knight v. Amelkin, 68 NY2d 975 (1986). Thus, where a local zoning board is considering an application that is substantially similar to a prior application that had been previously determined, the zoning board is required to provide a rational explanation for reaching a different result.

CRITERIA ANALYSIS

1. The applicant cannot realize a reasonable return, for all uses permitted by Zoning, demonstrated by competent financial evidence. Financial evidence should not be construed to be personal to the applicant.

MVK is in the business of used car sales and has numerous locations throughout the Hudson Valley. MVK purchased this Site for the sole purpose of being able to conduct used car sales and related auto repairs. The site is designed for used car sales and related repairs. It is ready to go as it stands now. Renovation of the building and site to one of the new permitted uses in the MU-5 zone would be cost prohibitive and run into the 6 digits.

Attached as Exhibit "E" are two letters from area brokers attesting that this Site is best utilized for used car sales and related repairs.

2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. Please explain how the alleged hardship is unique to the property in question. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?

The immediate area or neighborhood is commercial and residential. This Site is unique in that it has always been used for commercial purposes yet the change in zoning only permits uses that are inconsistent with the neighborhood. The granting of a Use Variance would not materially change the character of the neighborhood. For the site to be considered unique, it is required "that the hardship condition be not so generally applicable throughout the district as to require the conclusion that if all parcels similarly situated were granted variances the zoning of the district would be materially changed." *Citizen's United to*

Protect Our Neighborhood-Hillcrest v. Town of Ramapo, 2023 N.Y. Slip Op. 31194 at Page 40. Thus, the Site in question is unique.

The existing building is approximately 8,000 SF and its configuration is not conducive to residential purposes, schools, public parking garage, pharmacy, medical outpatient offices, bar or cannabis dispensaries, restaurants, museums or radio/TV recording studios without great renovation, cost and expense.

The highest and best use of the site is to continue used car sales and related auto repairs. The requested variance is not substantial or unusual when considered in the context of the surrounding area and the prior uses of the Site.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered.

Immediately to the south of the Site, Mobile Life built a new facility to cater to its ambulance work. This parcel is now being used for auto repair. Across Pershing Avenue to the west is the Salvation Army building. The rest of the surrounding area is residential; so, should the Use Variance be granted, the essential character of the neighborhood will be not changed.

4. The alleged hardship has not been self-created. Explain fully how the hardship is not self-created.

MVK purchased this Site along with the prior 'baggage' of some building violations but was not aware that the continued and intended use of the site would prohibit car sales and related repairs. At no time did any of MVK's acts or omissions create the prior violations of the Site.

When MVK purchased the site, it reasonably relied upon the listing of the real estate broker which represented that the site was zoned Commercial permitting auto sales. Therefore, the hardship was not self-created.

Dutchess County Department of Planning and Development

Fax Info Only		
To	Date	#pgs
Co./Dept.	From	
Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Please Fill in this section

Municipality: **City of Poughkeepsie**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Numbers(s): **4279840000**

Project Name: **22 Pershing Avenue Automobile Sales Use Variance**

Applicant: **Frank Redl**

Address of Property: **92 Garden St, Poughkeepsie, NY 12601**

**Exempt Actions:*
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezonings involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☑ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☑ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **7/8/2025**

Entered By: **Knauss, Judith**

These actions are only exempt in municipalities that signed an intermunicipal agreemment with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- ☐ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Withdrawn
- ☐ Incomplete - municipality must resubmit to County
- ☐ Exempt from 239 Review
- ☐ None

Comments Attached:

- ☐ Local Concern with Comments
- ☐ Conditional
- ☑ Denial
- ☐ Incomplete with Comments- municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **6/24/2025**	Notes:	☐ Major Project
Date Received: **6/24/2025**		Referral #: **ZR25-177**
Date Requested: **7/8/2025**		
Date Required: **7/24/2025**	☐ Also mailed hard copy	Reviewer:
Date Transmitted: **7/14/2025**		

SUE SERINO
COUNTY EXECUTIVE

EOIN WRAFTER, AICP
COMMISSIONER

DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

July 14, 2025

To: Zoning Board of Appeals, City of Poughkeepsie
Re: ZR25-177, 22 Pershing Ave Auto Sales Use Variance
Lot: 427984

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The applicant is seeking a use variance to permit auto sales and service in a zone where that is not permitted. The property has been a used car dealership for over a decade and opened during a time when the use was legal, but a certificate of occupancy for the use was never acquired and cannot now be issued.

COMMENTS

This is an unfortunate situation in which the failure to obtain a required approval has led to an application for a use variance, which has a very high threshold for approval. While sympathetic to the history, we must evaluate this application solely on its ability to pass the tests for use variance approval. Quoting from the NYS Department of State Zoning Board of Appeals handbook, "The rules laid down in the statutes and in the applicable cases are requirements. They must be used by zoning boards of appeals in reviewing applications for use variances. Furthermore, the board must find that each of the elements of the test has been met by the applicant."[1]

The applicant states that the 4-part use variance test "requires the ZBA to balance the benefit to the Applicant in granting the variance against the potential detriment to the surrounding properties and to the public health, safety and general welfare" (narrative pg. 5). This is incorrect. The balancing principle applies to area variances, while for a use variance the applicant must unequivocally meet all four test criteria. Those criteria are:

1. Inability to otherwise realize a reasonable return
2. Uniqueness of the property
3. Adherence to neighborhood character
4. Self-creation of the hardship

For the first test, the applicant has not provided the full required financial analysis. Per state law and court precedent the applicant must prove, with competent financial evidence, that they cannot make a reasonable return on each and every use permitted under the zoning. In this case the justification simply states, without documentation, that renovation would be cost prohibitive, and provides similarly vague letters of support from real estate brokers. We find that this is not sufficient to justify the use variance.

For the second test, the applicant has not demonstrated that the site is unique. The argument in the provided narrative is difficult to follow, but centers on the existing use of the property and the nature of the existing building. Neither of those is unique to the neighborhood, a point the applicant makes clear through references to their perspective that the new zoning is unsuitable for the area. Many of the applicant's points in the narrative

[1] https://dos.ny.gov/system/files/documents/2024/09/zoning-board-of-appeals.pdf, pg. 16

are more akin to an argument for rezoning the neighborhood, and do not establish uniqueness for the purposes of a use variance.

For the third test, there is a case that the variance would not alter the neighborhood, particularly given that the use is existing. This is an unusual circumstance given that the zoning at question is new and has a goal of encouraging an evolution of the neighborhood away from highway commercial/light industrial uses.

For the fourth test, the applicant's failure to verify proper permitting before purchasing the property would appear to constitute self-creation of the hardship. It is the responsibility of the purchaser to ensure that the business they are acquiring is operating legally.

RECOMMENDATION
For the reasons stated above, we recommend the Board **deny** the requested use variance.

> **Voting and Reporting Requirements**: If the Board acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Board and that it notify us of the reasons for its decision.

Eoin Wrafter, AICP
Commissioner
By



Dylan Tuttle, Senior Planner