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REPLY TO:
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August 3, 2011

By Electronic Mail

Honorable Leo A. Wiegman
and Members of the Village Board
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, New York 10520

RE: **Special Permit Approval Renewal**
Nextel of New York, Inc.
Personal Wireless Services Facility
1 Van Wyck Street, Croton-on-Hudson, New York

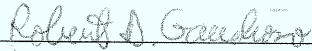
Dear Hon. Mayor Wiegman and
Members of the Village Board:

We are the attorneys for Nextel of New York, Inc. ("Nextel"), in connection with Nextel's previously approved wireless communications facility ("Existing Facility") which is co-located at the above-referenced site. The Existing Facility received special permit approval ("Special Permit") from this Honorable Board on September 5, 2006. A copy of the Village Board's Approval Resolution ("Approval Resolution") is enclosed herewith for your convenience. Please allow this correspondence to confirm that there have been no changes in the technology for the provision of Personal Wireless Services Facilities such that the necessity for the Special Permit at the time of its approval has been eliminated or modified. Therefore, pursuant to the requirements of Section 206-5(N) of the Village of Croton on Hudson Village Code and Condition 1 of the Approval Resolution, we respectfully request that the Special Permit be renewed.

Please note that on Tuesday, August 2, 2011 we were informed by Assistant Village Manager, Janine King, that the fee for the renewal of a cell tower special permit is \$2,500.00. We are processing this fee request and will submit the amount as soon as possible. In the meantime, we respectfully request that this matter be placed on the August 8, 2011 Village Board agenda for renewal.

If you have any questions or require additional documentation, please do not hesitate to call me at (914) 333-0700.

Very respectfully submitted,
SNYDER & SNYDER, LLP

By: 
Robert D. Gaudioso, Esq.

RDG/dac

cc: Nextel of New York, Inc.

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Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501

Mayor
Dr. Gregory J. Schmidt

Trustees
Thomas P. Brennan
Ann H. Gallelli
Charles A. Kane
Leo A.W. Wiegman

Manager
Richard F. Herbek

Treasurer
Abraham J. Zambrano

Clerk
Margaret Keesler

Engineer
Daniel F. O'Connor, P.E.

September 6, 2006

Robert D. Gaudioso
Snyder & Snyder, LLP
94 White Plains Road
Tarrytown, NY 10591

Dear Mr. Gaudioso:

At the September 5, 2006 Regular Village Board Meeting, the Village Board of Trustees approved Nextel's special permit application for the proposed collocation of a personal wireless services facility at 1 Van Wyck Street. The attached resolution will serve as your special permit. The special permit imposes certain conditions that Nextel must comply with. These conditions as stated in the resolution are:

1. As required in the Telecommunications Chapter of the Village Code the special permit must be renewed every 5 years
2. As required in the Telecommunications Chapter of the Village Code the applicant must post a bond in an amount to be determined by the Village Engineer to cover the costs of removing and disposing of the tower, antenna and associated facilities. In the event that a tower is not removed within 90 days of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property, the bond or both.
3. As recommended by the Planning Board:
 - a. That, Nextel shall have its antennas and mounting brackets hand painted to match the brick building using Stealth Painters LLC or an equivalent company. An individual brick and mortar pattern shall be used. Such painting shall be consistent with the Stealth Painters LLC samples provided to the Village and be completed to the reasonable satisfaction of the Village Engineer prior to the issuance of a Certificate of Completion. Nextel shall maintain such painting for the life of the facility in good condition and re-paint the antennas as necessary or as required in the reasonable opinion of the Village Board.

- b. That, the Nextel facility shall at all times during the life of the facility comply with the applicable FCC regulations pertaining to radio frequency emissions, including such regulations as applicable to cumulative radio frequency emissions. Any necessary mitigation measures to ensure compliance shall follow FCC requirements, procedures and protocols.
- c. That, Nextel obtains a building permit from the Village Engineer prior to any work being performed. That the Village Engineer recommends that LynStaar Engineering be retained to assist the Village Engineer with the review of the electrical plans with LynStaar being paid from the escrow account.
- d. That, a fire/smoke detector connected to the building's fire alarm system be installed in the Nextel equipment room by the Village's fire alarm company with the cost of the installation being paid by Nextel.
- e. That, in the case of a power outage Nextel is proposing to provide an exterior mounted generator plug for use with a portable generator which would power their equipment. Any power supplied by the Village's future generator shall not be deemed a permanent connection to the generator as the Village's power needs may increase in the future and sufficient emergency generator power may not be available to serve Nextel's emergency power needs.
- f. That, Nextel is advised that the Village may switch to the Statewide Wireless Network system in the future and that the Nextel system must be operated to prohibit interference, including implementation of the FCC rebanding plan, to current and future Village wireless systems.

Please note that no work can begin at 1 Van Wyck Street until the required building permit has been obtained by the applicant and the bond has been posted.

Sincerely,



Richard F. Herbek
Village Manager

cc: Daniel F. O'Connor, Village Engineer
Chris Kehoe, Planning Board Chair
Marc Anderson, High Pointe Consulting, LLC

On motion of TRUSTEE Wiegman, seconded by TRUSTEE Kane, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, Nextel of New York, Inc. has applied for a special permit to construct a personal wireless services facility at One Van Wyck Street; and

WHEREAS, this matter has been referred to the Planning Board for its recommendation and review; and

WHEREAS, on May 15, 2006, the Village Board of Trustees declared itself lead agency for the purpose of conducting a coordinated environmental review of the proposed installation of the personal wireless services facility at One Van Wyck Street; and

WHEREAS, a Public Hearing was held on September 5, 2006; and

WHEREAS, on September 5, 2006 the Village Board adopted a Negative Declaration with respect to this application,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby issue a Special Permit to Nextel of New York, Inc. for the collocation of a personal wireless facility at 1 Van Wyck Street with the following conditions:

1. As required in the Telecommunications Chapter of the Village Code the special permit must be renewed every 5 years
2. As required in the Telecommunications Chapter of the Village Code the applicant must post a bond in an amount to be determined by the Village Engineer to cover the costs of removing and disposing of the tower, antenna and associated facilities. In the event that a tower is not removed within 90 days of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property, the bond or both.
3. As recommended by the Planning Board:
 - a. That, Nextel shall have its antennas and mounting brackets hand painted to match the brick building using Stealth Painters LLC or an equivalent company. An individual brick and mortar pattern shall be used. Such painting shall be consistent with the Stealth Painters LLC samples provided to the Village and be completed to the reasonable satisfaction of the Village Engineer prior to the issuance of a Certificate of Completion. Nextel shall maintain such painting for the life of the facility in good condition and re-paint

the antennas as necessary or as required in the reasonable opinion of the Village Board.

- b. That, the Nextel facility shall at all times during the life of the facility comply with the applicable FCC regulations pertaining to radio frequency emissions, including such regulations as applicable to cumulative radio frequency emissions. Any necessary mitigation measures to ensure compliance shall follow FCC requirements, procedures and protocols.
- c. That, Nextel obtains a building permit from the Village Engineer prior to any work being performed. That the Village Engineer recommends that LynStaar Engineering be retained to assist the Village Engineer with the review of the electrical plans with LynStaar being paid from the escrow account.
- d. That, a fire/smoke detector connected to the building's fire alarm system be installed in the Nextel equipment room by the Village's fire alarm company with the cost of the installation being paid by Nextel.
- e. That, in the case of a power outage Nextel is proposing to provide an exterior mounted generator plug for use with a portable generator which would power their equipment. Any power supplied by the Village's future generator shall not be deemed a permanent connection to the generator as the Village's power needs may increase in the future and sufficient emergency generator power may not be available to serve Nextel's emergency power needs.
- f. That, Nextel is advised that the Village may switch to the Statewide Wireless Network system in the future and that the Nextel system must be operated to prohibit interference, including implementation of the FCC rebanding plan, to current and future Village wireless systems.

September 5, 2006

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Kane, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, Nextel of New York, Inc. has applied for a special permit to construct a personal wireless services facility at One Van Wyck Street; and

WHEREAS, this matter has been referred to the Planning Board for its recommendation and review; and

WHEREAS, on May 15, 2006, the Village Board of Trustees declared itself lead agency for the purpose of conducting a coordinated environmental review of the proposed installation of the personal wireless services facility at One Van Wyck Street; and

WHEREAS, Frederick P. Clark Associates, the consultant hired for this review by the Planning Board, has prepared Part 2 of the Environmental Assessment Form; and

WHEREAS, the Village Board of Trustees has now received a favorable recommendation from the Planning Board regarding this application,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby determine, based on the Environmental Assessment Form submitted to and reviewed by the Board, that this is an unlisted action,

AND BE IT FURTHER RESOLVED: that based upon the Environmental Assessment Form, the Village Board of Trustees hereby adopts the attached Negative Declaration with respect to this matter.

September 5, 2006