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September 25, 2024

VIA FEDERAL EXPRESS

Zoning Board of Appeals and Planning Board
Town of Lansing
29 Auburn Road
Ithaca, NY 14882
Attn: John Zepko, Director of Planning and Code Enforcement
jzepko@lansingtown.com

RE: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon "Reach Run" site)

Dear Mr. Zepko and Members of the Zoning Board of Appeals and Planning Board:

Bell Atlantic Mobile Systems LLC d/b/a Verizon ("Verizon") is a public utility and wireless telecommunications licensee of the Federal Communications Commission ("FCC"). To remedy service inadequacies in and around the Town of Lansing, Verizon proposes to construct and operate a wireless telecommunications facility (the "Project") on property located near 1767 East Shore Drive in the Town of Lansing, New York (the Town) (Tax Parcel No. 37.1-6-9) (the "Site").

The Site consists of an 100' x 100' parcel leased from Community Rec Center Inc. (the "Landowner"). The Project consists of a 145' monopole tower (with an additional 4' lightning rod) together with antennae, equipment, and other improvements, all as shown on the enclosed site plan prepared by Costich Engineering D.P.C. (the "Site Plan").

The Site is located in an R-2 (Residential Moderate Density) zone. Pursuant to the Zoning Code of the Town of Lansing (the "Zoning Code") wireless telecommunication facilities are not permitted in the R-2 zone (See Zoning Code § 119-3(C)). Finally, the Project will require site plan approval from the Planning Board (Zoning Code § 119-3(A)).

Accordingly, please accept this letter and the following exhibits and enclosures as Verizon application for a use variance from the Zoning Board of Appeals and special use permit and site plan approval from the Planning Board:

- Exhibit A: Project description;
- Exhibit B: Applicable legal standards;
- Exhibit C: Proof of compliance with the Town’s Communications Towers Law as set forth in § 119-1 et seq.;
- Exhibit D: Proof of compliance with the Town’s requirements for site plan approval as set forth in §§ 270-27(F)-(H) of the Zoning Code;
- Exhibit E: Proof of compliance with the Town’s requirements for special use permits as set forth in § 270-36 et seq. of the Zoning Code;
- Exhibit F: Radio frequency search ring justification;
- Exhibit G: Site selection analysis (including search ring);
- Exhibit H: Long environmental assessment form (“EAF”) with visual EAF addendum;
- Exhibit I: Proof of the Landowner’s consent to this application;
- Exhibit J: Verizon’s co-location policy;
- Exhibit K: Copy of Verizon’s FCC licenses;
- Exhibit L: Proof of compliance with applicable federal regulations regarding NIER emissions and non-interference;
- Exhibit M: Tower removal letter (with removal estimate);
- Exhibit N: Structural capacity letter;
- Exhibit O: 11" x 17" copy of the Site Plan;
- Exhibit P: Proof of intermunicipal notification;
- Exhibit Q: Tower maintenance letter; and
- Exhibit R: Proof of notice to FAA.
- One (1) original and ten (10) copies of this application booklet;
 - Two (2) copies of the Site Plan; and
 - Three checks payable to the Town in the amounts of \$1,500.00, \$175.00, and \$500.00 for the required cell tower, use variance and site plan application fees.

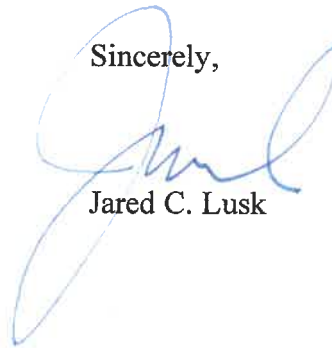
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Because the Site is located within 500' of a State or County resource (NYS Route 34), the Project must be referred to Tompkins County Planning ("**County Planning**"), as required under New York General Municipal Law § 239-m. An additional copy of the application has been enclosed for that purpose. Please refer this application to County Planning as soon as possible.

We respectfully request that this application be placed on the agenda for the next available Zoning Board of Appeals and Planning Board meetings following County Planning review. Please do not hesitate to contact me if you have any questions or if you require any additional information.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared C. Lusk", is written over the typed name.

Jared C. Lusk

JCL/mkv
Enclosures
cc: Brett Morgan

EXHIBIT A
PROJECT DESCRIPTION

Bell Atlantic Mobile Systems, LLC d/b/a Verizon ("**Verizon**") is a public utility, and federally licensed wireless telecommunications provider. It currently has service inadequacies in the Town of Lansing (the "**Town**"). To remedy these service inadequacies, Verizon is proposing to construct and operate a new wireless telecommunications facility (the "**Project**") near 1767 East Shore Drive on property owned by Community Rec Center Inc. and identified as Tax Parcel No. 37.1-6-9 (the "**Project Site**"). Verizon makes this application for a use variance from the Zoning Board of Appeals, as well as a special use permit and site plan approval from the Planning Board to permit the Project to provide adequate and reliable wireless telecommunications service to emergency services, businesses and individuals in and around the Town.

The Project consists of the construction and operation of a 145' monopole tower (with additional 4' lightning rod), exterior equipment cabinets and other associated improvements, all as shown on the enclosed site plan prepared by Costich Engineering D.P.C.

Essentially, wireless telecommunication devices operate by transmitting a very low power radio signal between the wireless telecommunication devices and an antenna mounted on a tower, pole, building or other structure. The antenna feeds the signal to electronic apparatus located near the antenna (the "**Base Station**"), where it is connected to traditional telephone systems, and is then routed anywhere in the world. The antennas and Base Station are known as a "cell site."

Because of the low power, a cell site is capable of transmitting to and from wireless telecommunication devices only within a limited geographic area. This limited geographic area is called a "cell." A cell site must be located within a prescribed area in order to provide coverage for the entire cell.

Wireless telecommunications technology requires that cells overlap somewhat in order to provide uninterrupted service. When the wireless telephone user moves into a new cell, the transmission is automatically transferred to the cell site in the new cell. If there is no cell site in the new cell, there is no wireless telecommunications service.

Because each cell site must be placed in such a manner as to provide service within a particular cell, and so as to provide overlapping (but not duplicate) coverage with the existing or planned cells around it, there is limited flexibility as to where a cell site can be placed. Wireless telecommunications providers conduct a thorough engineering study, including using an elaborate computer program known as a "propagation study." A propagation study shows, based on cell boundaries, topography and other factors, where a cell site needs to be located in order to provide wireless telecommunications coverage in a particular cell. The wireless telecommunication companies and RF engineers identify technologically feasible locations for the cell site.

In this case, the proposed site was identified by Verizon as being an appropriate site to remedy the service deficiencies. The Project Site was located within that area and was available to Verizon to meet the technological requirements.

As set forth in this application, Verizon meets the legal standards necessary for the requested approval. Moreover, the Project will not pollute, will not create noise or vibration, will not create any significant increase in traffic, will not create any environmental problems, will not increase population density, and will not create any demand on governmental facilities. Thus, the Project will not create any detriment to adjoining properties or change the character of the neighborhood. Instead, the Project will enhance governmental facilities and promote the public welfare by providing a modern, more efficient system of communications for police, fire and other emergency services, as well as provide modern wireless telecommunication service to business, industry and individuals in and around the Reach Run cell.

EXHIBIT B

APPLICABLE LEGAL STANDARDS

In Cellular Tel. Co. v. Rosenberg, 82 N.Y.2d 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 Cell One’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 Cellular One, 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 Cellular One sustained its burden of proving the requisite public necessity. Cellular One 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 Dobbs Ferry area.

Rosenberg, 82 N.Y.2d at 372-74 (citing Consolidated Edison Co. v. Hoffman, 43 N.Y.2d 598 (1978)).

This special treatment of a public utility stems from the essential nature of its service, and because 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 N.Y.2d 364 (1993); Payne v. Taylor, 178 A.D.2d 979 (4th Dep’t 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 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 A.D. 551 (2d Dep’t 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 is currently suffering from a lack of reliable wireless telecommunications coverage in and around the “Reach Run” cell area within the Town of Lansing. The Project is needed to remedy this service problem and to provide adequate and reliable wireless telecommunications service coverage to this area. Therefore, Verizon satisfies the requisite showing of need for the facility under applicable New York law.

EXHIBIT C

PROOF OF COMPLIANCE WITH THE TOWN'S COMMUNICATIONS TOWERS LAW § 119-1 ET SEQ. OF THE ZONING LAW

As demonstrated below, the Project complies with the Town's Communications Towers Law (§ 119-1 et seq.). The Town's requirements are outlined in bold italicized type, followed by Verizon's response, where appropriate, in regular type.

§ 119-1. Legislative intent; purposes; effect.

- A. The Town of Lansing recognizes the increased demand for wireless communications and transmitting facilities and the need for the services they provide. Often these facilities require the construction of towers and related telecommunications facilities. The intent of this chapter is to protect the Town's interest in siting such towers and related infrastructure in a manner consistent with sound land use planning by minimizing visual effects through careful design, siting, and vegetative screening. The Town seeks to avoid potential damage to adjacent properties from tower failure or falling debris through engineering and the careful siting of towers, while also maximizing use of any new or existing tower and encouraging the use of existing buildings and structures to reduce the number of towers needed, while also allowing wireless service providers to meet their technological and service objectives for the benefit of the public.***

No response necessary.

- B. The purpose of this chapter is to allow for telecommunications installations in accordance with applicable state and federal law. While acknowledging the demand for wireless communications, the Town recognizes that the small-scale residential and commercial districts, agricultural landscapes, and Cayuga Lake waterfront are primary community resources. The erection of towers of unusual height or bulk within the Town in some locations may threaten the historic integrity, damage the aesthetic value, and reduce residents' opportunities to enjoy these resources.***

Verizon's proposed Project will not damage the historic integrity, aesthetic value or resident's opportunity to enjoy the area. The Project is a tower of modest height placed adjacent to another community use.

- C. The intent of this chapter is to regulate the construction and siting of communications towers in compliance with the Telecommunications Act of 1996 (TCA) to achieve the following: protection of the health, safety and general welfare of the residents of the Town of Lansing; to protect the aesthetic characteristics and historic features of the Town of Lansing; and to ensure that communications towers planned for locations within the Town of Lansing are sited and constructed in a manner consistent with sound land use planning, the Town's Comprehensive Plan, and other adopted goals of the Town of Lansing. As well, tower heights are particularly problematic from a public health and safety perspective in the Town of Lansing given the hilly terrain and the presence of an international airport.***

No response necessary.

- D.** *This chapter supersedes, repeals, and replaces the Town of Lansing Cellular Tower Ordinance, commonly known as “Appendix II to the Lansing Land Use Ordinance,”¹ together and along with each other local law or ordinance which, by its purpose, is intended to regulate cellular or communications towers and facilities. In the event any other law or regulation may affect any telecommunications facility, then such law or regulation shall apply together with this chapter, and any conflict shall be resolved by applying the most restrictive, non-preempted, enforceable standard or requirement.*

No response necessary.

§ 119-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — *An accessory facility or structure serving or being used in conjunction with any telecommunications facilities or tower and located on the same lot as the telecommunications facility or tower. Non-exclusive examples of such structures include utility or transmission equipment, base stations, antennae, wires, utility appurtenances and connections, anchors, security fencing, storage sheds or cabinets.*

ANTENNA — *A system of electrical conductors that transmit or receive radio frequency and other wireless signals. Such signals shall include, but not be limited to, radio, television, cellular, paging, personal communication services, and microwave communications.*

COLOCATION, COLLOCATE, COLOCATE, COLLOCATED (ALSO KNOWN AS “CO-LOCATION” OR “COLLOCATION”) — *Telecommunications facilities which utilize existing towers, buildings, or other structures for placement of antenna(s) and which do not require the construction of a new tower.*

DAS — *Distributed antenna system(s).*

FAA — *The Federal Aviation Administration.*

FCC — *The Federal Communications Commission.*

NIER — *Non-ionizing electromagnetic radiation.*

OTARD — *The “Over the Air Reception Devices” rules and regulations of the FCC.*

PCS — *Personal communications services.*

PERSON — *Any individual, landowner, lessor, licensee, easement holder, trust, corporation, LLC, partnership, or other entity.*

PLANNING BOARD — *The Planning Board of the Town of Lansing.*

¹ Editor’s Note: The Land Use Ordinance is codified as Ch. 270, Zoning.

RFI — Radio frequency interference.

SEORA — The New York State Environmental Quality Review Act, generally codified at Environmental Conservation Law Article 8, and including the regulations pertaining thereto at 6 NYCRR Part 617, each as now exist or as hereafter amended or re-codified.

SITE PLAN or SITE PLAN REVIEW - Site planning and reviews of site plans per the requirements of Chapter 270, Zoning, of the Code of the Town of Lansing and Article 16 of Town Law, as enhanced by this chapter.

SPECIAL USE — A use which is deemed allowable within a given zoning district, but which is potentially incompatible with other allowed or existing uses and, therefore, is subject to special standards and conditions of use and the approval of the Planning Board.

SPECIAL USE PERMIT - A form of land use permitting outlined in Chapter 270, Zoning, of the Code of the Town of Lansing and in Town Law Article 16, as enhanced by this chapter, but with the proviso that the Planning Board be and hereby is empowered to review, approve, or issue special use permits for all telecommunications facilities as set forth in and by this chapter, and any requirements of any local laws or ordinance of the Town requiring otherwise are hereby expressly superseded.

TCA — The federal Telecommunications Act of 1996, as now exists and as hereafter amended, supplemented, or re-codified. This includes all aspects of the TCA, including the codification of its provisions within Title 47 of the United States Code.

TELECOMMUNICATIONS FACILITIES — Towers, antennae, and accessory structures used in connection with the provision of cellular telephone service, DAS, WAN, personal communications services (PCS), paging services, radio and television broadcast services, Internet and data processing, SMS, and similar broadcast and communication services.

TOWER — A structure not intended for human habitation upon which antennae are designed to be located or arrayed. It includes, without limit, freestanding towers, latticework towers, guyed towers, monopoles, and other similar structures which may employ camouflage technology.

TOWN — The Town of Lansing, in Tompkins County, New York.

TOWN BOARD — The Town Board of the Town of Lansing.

No response necessary.

§ 119-3. Rules, review standards, and approvals required; special permitting; site planning; documentation required.

- A. No telecommunications facilities shall hereafter be used, erected, modified, or reconstructed except after the granting of a special use permit and site planning approval by the Lansing Planning Board and in conformity with Chapter 270, Zoning, of the Code of the Town of Lansing and the provisions of this chapter. To the extent any other law or zoning requirement requires, or purports to require, that special***

permitting for telecommunications facilities requires approval or issuance thereof by the Town Board, such provisions are expressly hereby superseded and such power be and hereby is vested in the Planning Board.

Since the Site is located in the R-2 zoning district, Verizon seeks a use variance from the ZBA and site plan approval from the Planning Board.

- B. *No existing structure shall be modified to serve as a telecommunications or telecommunications-related tower unless in conformity with this chapter.***

Not applicable.

- C. *New towers are and shall only be permitted in a RA, B2, or IR zoning districts upon the issuance of a special use permit and the granting of site plan approval by the Planning Board. Telecommunications facilities and towers are not permitted in R1, R2, R3, L1, and B1 zoned areas per Chapter 270, Zoning, of the Code of the Town of Lansing. These requirements are specifically intended to regulate tower placement and not to preclude or regulate wireless and cellular services in the Town.***

Since the Site is located in the R-2 zoning district, Verizon seeks a use variance from the ZBA and site plan approval from the Planning Board.

- D. *Not more than one communication tower shall be permitted on any parcel of land.***

See Exhibit O; the Project so complies.

- E. *Telecommunications facilities under the exclusive control or ownership of a municipal corporation are exempt from Subsection F of this section, immediately below.***

Not applicable.

- F. *In reviewing any applications for any allowed or new telecommunications facilities or tower(s), the Planning Board shall, at a minimum, require that the following application materials and information be submitted for review and, if appropriate, approved, and that the following review and approval standards and criteria be met:***

- (1) *Site location. A proposed location shall receive approval from the Planning Board following satisfaction of the following requirements:***

- (a) *Documentation of the need for the use of the site proposed, including an analysis demonstrating that proposed location is necessary to meet the needs of the applicant's telecommunications system and to provide adequate service and coverage to the intended area. For new towers, it shall also be shown that there is not a technologically feasible and available location on an existing tower or existing high structure or municipal or government-owned structure or property.***

See Exhibit F.

- (b) *“Before” and “after” propagation studies prepared by a qualified radio frequency engineer (signed and sealed by a professional engineer registered in the State of New York) demonstrating existing signal coverage and contrasting such signal coverage against the signal coverage resulting from the proposed telecommunications facilities, together with a “search ring” map overlaid upon an appropriate background map demonstrating the area within which the tower or telecommunications facilities need to be located in order to provide proper signal strength and coverage to the target cell.*

See Exhibit F.

- (c) *Analyses and studies by NYS certified structural engineers showing adequate design and construction parameters for any proposed telecommunications facilities, including calculations and a demonstration that the strength and capacity of the same and all towers are designed to exceed the loading expected and calculated for such telecommunications facility or tower at such location and elevation, including static loading, wind loading, and snow loading.*

See Exhibit N.

- (d) *The applicant shall explain why it selected the proposed site, discuss the availability or lack of availability of a suitable structure within the search ring which would have allowed for co-located antennae and to what extent the applicant explored locating the proposed tower in a more intensive use district. Verification of and delivery of copies of correspondence with other telecommunications companies concerning co-location is a part of this requirement.*

See Exhibit F and Exhibit G. Since there are no existing towers within or in the vicinity of the search ring, there were no existing tower companies with which to correspond.

(2) *Location preference.*

- (a) *Preference shall be given for facilities located in higher-use districts or in higher-intensity-of-use zones (or areas within a given zoning district or area), with the classifications of areas and zones immediately below being arranged from most-preferred applications and locations (top of list) to least-preferred locations (bottom of list), as follows:*

[1] *Small-site locations on existing structures that are not highly visible tall structures.*

See Exhibit F and Exhibit G; small site/cells are not a viable option for this Project.

[2] *Small-site locations on existing tall structures.*

See Exhibit F; small site/cells are not a viable option for this Project.

[3] *Co-location on existing towers or upon property with an existing tower.*

See Exhibit F and Exhibit G; there are no opportunities for co-location in the area.

[4] *Siting upon highly visible tall structures.*

See Exhibit F and Exhibit G; there are no tall structures of sufficient height in the vicinity of the search area to permit co-location.

[5] *Siting upon tall structures.*

See Exhibit F and Exhibit G; there are no tall structures of sufficient height in the vicinity of the search area to permit co-location.

[6] *Siting within industrial areas and districts (IR zones).*

See Exhibit F and Exhibit G; there are no industrial areas or districts in the vicinity of the search area.

[7] *Siting within commercial or business areas and districts not in the Town center area (B2 zones).*

See Exhibit F and Exhibit G. There are no commercial business areas or districts in the search area (although the Project is located adjacent to an existing ice rink).

[8] *Siting in New York State recognized agricultural districts.*

See Exhibit F and Exhibit G. There are no recognized agricultural districts in the search area.

[9] *Siting in agricultural zones or areas (RA zones).*

See Exhibit F and Exhibit G. There are no recognized agricultural districts in the search area.

[10] *Siting in mixed-use residential districts (R3 zones).*

See Exhibit F and Exhibit G. There are no mixed-use residential districts (R3 zones) in the search area.

[11] *Siting in the Town center area properties (B1 zone and mapped surrounding areas).*

See Exhibit F and Exhibit G. There are no Town center area properties (B1 zone and mapped surrounding areas) in the search area.

[12] *Siting in moderate-density residential districts (R2 zones).*

The Project is located in the R2 zone (again, next to an operating ice rink).

[13] *Siting in low-density residential districts (R1 zones).*

The Project is located in the R2 zone (again, next to an operating ice rink).

- (b) *The applicant shall provide an explanation as to how this provision was considered and applied in selecting a site and why a lower-preferred site was selected over a higher-preferred site (if a lower-preferred site was selected). "Small-site" refers, generally, to multiple antennae configurations and arrays that avoid the need for a large tower, such as certain DAS systems or the utilization of telephone pole-mounted antennae.***

See Exhibit F and Exhibit G.

- (3) *Site plan and special permit applications. All site plans shall require the seal of a New York State licensed professional engineer, and all facilities shall meet applicable NYS code requirements, including the applicable safety and other requirements of the NFPA, ANSI, IEEE, and related national code agencies. A fully completed special permit application and site plan prepared to scale in sufficient detail and accuracy shall be provided, and such site plan and related application shall show, at a minimum:***

- (a) *The exact location of the proposed tower, together with any guy wires and anchors, if applicable, and a side elevation of the tower showing the proposed antenna locations or arrays.***

See Exhibit O (Sheet VA100).

- (b) *The maximum height of the proposed tower.***

See Exhibit O (Sheet CA200).

- (c) *A detail of tower type (monopole, guyed, latticed, freestanding, or other) including any appendages, and further including design parameters and mapping for all subsurface improvements.***

See Exhibit O (Sheet CA200).

- (d) *The location, type, and intensity of any lighting on the property, together with a description of all FAA or other lighting requirements, including verification of such description and disclosure by an appropriate qualified engineer, or from the FAA or other authority having jurisdiction, and including a reference to the statute, regulations, or design manuals (or similar authoritative source of such requirements) that shows what lighting requirements are required for the particular telecommunications facilities and towers.*

See Exhibit O (Sheet CA200). No tower lighting is proposed.

- (e) *Property boundaries and names of adjacent landowners.*

See Exhibit O (Sheet VA100).

- (f) *Proof of the landowner's consent if the applicant does not own the property and a map or other document delineating the scope of any lease or easement allowing or relating to the siting of any improvements or facilities, together with a depiction and description of the access provided to the site.*

See Exhibit I.

- (g) *The location of all other structures on the property and all structures on any adjacent property within 1,000 feet of the property lines, together with the distance from those structures to any proposed tower.*

See Exhibit I.

- (h) *The location, nature and extent of any proposed fencing, landscaping, and screening, together with final grading plans for all facilities and roads, and further including planting plans, access roads, parking areas, and all proposed buildings or structures and their appurtenances.*

See Exhibit O.

- (i) *The location and nature of proposed utility easements and access road, if applicable, including a depiction and description of any aboveground utilities and mapping for all underground utilities, the location, size, and operational parameters of any on-site generators, and the source of any power supplied to the site.*

See Exhibit O (Sheet CA100).

- (j) *A grid or map of all of the applicant's existing telecommunications facilities and related site areas in the Town, or otherwise located within 50 miles of the proposed tower or telecommunications facilities, together with mapping of all other telecommunications facilities within 50 miles of the proposed site that specifically notes whether any such other*

telecommunications facilities are towers, and which further describes the height of such towers.

The locations of Verizon's adjacent tower location are included in Exhibit F. Since the towers outside of the coverage area are not relevant to the needs and design of the Project, Verizon respectfully requests a waiver of the 50-mile map requirement as permitted in § 270-27A of the Code.

(k) All information regarding the tower and antenna prepared by the manufacturer of the tower or antenna or the applicant, including, but not limited to, the following:

[1] The make and model of the tower to be erected.

Verizon will provide this information following receipt of the zoning approvals, once it completes the required geotechnical analysis necessary to design the tower foundation and it completes its tower procurement process. The geotechnical analysis cannot occur until the Board(s) approve the final location of the tower.

[2] The manufacturer's design data for installation instructions and construction plans.

Verizon will provide this information following receipt of the zoning approvals, once it completes the required geotechnical analysis necessary to design the tower foundation and it completes its tower procurement process. The geotechnical analysis cannot occur until the Board(s) approve the final location of the tower.

[3] The applicant's proposed tower maintenance and inspection procedures and records system.

See Exhibit Q.

[4] Identification of any anti-climb device(s) to be installed.

See Exhibit O. (Sheet CA501). The tower will be surrounded by an 8' fence and will not have climbing pegs within reach of the ground.

[5] Confirmation that the antennae to be mounted on the tower will be operated only at FCC-designated frequencies and power levels.

See Exhibit L.

[6] The design parameters of such tower and antennae, including static, wind, and snow loading capability, together with data

describing the excess capacity and dimensional capabilities capable of supporting future co-location.

See Exhibit N.

- (1) *All proposed signage, provided that no tower or telecommunications facilities shall contain any advertising signs or advertising devices except signage identifying a health or general welfare message and the owner(s) name and contact information, both being solely intended for identification and the protection of the general public.*

See Exhibit O; no signage is proposed.

- (m) *Certification by a licensed New York State structural engineer confirming the structural integrity of the tower design.*

See Exhibit N; the actual tower/foundation design will be finalized post-zoning approval and provided to the Town with the building permit.

- (4) *Height. The Planning Board shall approve the height of each proposed tower and no tower shall exceed 200 feet tall as measured from the average elevation of surrounding terrain (and no build-up of a base or foundation shall increase such allowed height) to the highest point of the tower or its antennae, extensions, or other devices extending above the structure of the tower. In reviewing such issue, the Planning Board shall consider the minimum height necessary for the applicant's needs. If additional height is requested, the burden shall be upon the applicant to demonstrate that a waiver of this 200-foot limit is required or needed based upon applicable engineering, the need to meet any co-location requirements of this chapter, or to achieve required coverage. However, nothing herein shall require an approval merely because the telecommunications or coverage needs of the applicant are less expensively achieved by one single taller tower as opposed to multiple smaller towers or the installation of telecommunications facilities in other elevated locations. In approving or rejecting such request for any additional height, the Planning Board may take into consideration any other factor it deems reasonable, including lighting requirements and location in relation to known hazards, such as the airport.*

See Exhibit F and Exhibit O; Verizon is proposing a 145' tower (plus 4' lightning rod).

- (5) *Co-location. The applicant must examine the feasibility of designing a proposed tower to accommodate future demand for additional facilities and applicants are encouraged (and where allowed, required) to allow co-location upon their towers and provide their towers for use by other providers and carriers at a reasonable fair market value cost or rate. All towers shall, unless impractical or not possible due to engineering or other considerations, be designed for and allow at least two future co-locators to emplace telecommunications facilities and antennae upon the proposed tower, and thus*

all engineering and load capacity data shall delineate the present and future design loading capabilities of the tower design chosen, including static, wind, and snow loads. An applicant shall also be required to present an adequate report inventorying existing towers and telecommunications facilities within a reasonable distance of the proposed site and outline opportunities for co-location with such existing facilities and other preexisting structures as an alternative to new construction. If no such existing facilities or preexisting structures are viable, then the reasons therefor shall be delineated, explained, and clearly stated. The applicant shall be further required to submit a report demonstrating good faith efforts to secure co-location with or upon existing towers, as well as to document the capacity for future co-location for the proposed tower. Written requests for and responses relating to co-location shall be provided to the Town. One or more of these requirements may be waived by the Planning Board if the applicant demonstrates that co-location or future shared usage or co-location upon a proposed telecommunications facility or tower is not feasible and an unnecessary burden, based upon:

- (a) *The number of FCC licenses foreseeably available for the area.*

See Exhibit F and Exhibit G; there is no opportunity for co-location.

- (b) *The number of existing and potential licensees or co-locators without tower spaces or sites.*

See Exhibit F and Exhibit G; there is no opportunity for co-location.

- (c) *Available spaces on existing and approved towers.*

See Exhibit F and Exhibit G; there is no opportunity for co-location.

- (d) *Potential adverse visual impacts of a tower designed for co-location.*

See Exhibit F and Exhibit G; there is no opportunity for co-location.

- (e) *Co-location would exceed the structural capacity of such existing tower and there is no reasonable manner by which the structural capacity of the existing tower may be improved.*

See Exhibit F and Exhibit G; there is no opportunity for co-location.

- (f) *Co-location would cause unavoidable radio frequency interference with other equipment or signals.*

See Exhibit F and Exhibit G; there is no opportunity for co-location.

- (g) *The existing tower or telecommunications facility owner refused to allow co-location despite reasonable and diligent application, and the co-location refusal is not an implied refusal due to a claim of a non-market-based, unfair, or steep price, or facility improvement or study*

costs as may be necessary to ensure safe co-location, or similar fiscal factors.

See Exhibit F and Exhibit G; there is no opportunity for co-location.

- (6) *Fall zones. The applicant must demonstrate a safe fall zone around the tower showing no impacts upon structures or dwellings and adequate setbacks from public highways. The radius of such fall zone must be at least equal to the highest point of the tower and its telecommunications facilities, as measured from the lowest ground-level grade within such height radius, plus 40 feet. If the tower or telecommunications facility is to be attached to an existing structure, then this fall zone requirement may be waived if, upon a case-by-case analysis, it is adequately demonstrated that the waiver of this requirement will not endanger the life, health, safety, or property of any person. Any conditions that are reasonable with respect to the waiver or non-application of these fall zone radii requirements shall be permissible.*

See Exhibit O (Sheet VA101); the tower meets the required 195' fall zone.

- (7) *Setbacks, yardage. All telecommunications facilities shall comply with all setback, frontage, minimum lot size, yardage, and bulk requirements of the underlying zone in which situate. In the event more than one zone's regulations may apply, the more restrictive requirements shall be applied upon a standard-by-standard basis. These standards apply to all major structures of any telecommunications facilities, as well as their supporting parts and appurtenances, such as guy wires, anchors, and accessory structures. In order to safeguard the general public and adjacent properties, all towers shall be set back from all adjacent property lines a sufficient distance to contain on site substantially all ice fall or debris from any tower failures.*

See Exhibit O (Sheet VA101); the Project so complies.

- (8) *Subdivision. No subdivision for the purposes of the present or future siting or emplacement of any telecommunications facilities or tower shall be reviewed as, or classified as, an exempt subdivision under Chapter 235, Subdivision of Land, of the Code of the Town of Lansing (as now exists or as hereafter amended). In the event any subdivision application is submitted or any approval sought for any present, proposed, or future telecommunications facilities, then each and all such lots shall meet minimum lot sizes for the applicable district and all lots upon which any telecommunications facilities are proposed, or upon which such telecommunications facilities shall be sited, shall be sufficiently sized and shaped as to incorporate the entire fall zone within and upon such single lot. In the event this single-lot requirement is impossible to meet, then maximum compliance with this requirement shall be sought and any area of the fall zone not located upon such lot shall be subject to an express easement in a form as approved by the Town.*

Subdivision is not proposed.

(9) ***Aesthetics. Telecommunications facilities shall be located and their visual effects minimized through careful design and buffering via vegetative screening to the maximum extent which is practical and feasible to help ensure compatibility with surrounding land uses. The following provisions shall serve as guidelines or examples for the Planning Board in considering to how to screen towers:***

(a) ***Native plants and vegetation consistent with surrounding flora is recommended.***

See Exhibit O (Sheet CA100); the tower compound is surrounded by existing vegetation/trees on the west and south and an existing parking lot to the east.

(b) ***To screen the base of the tower and accessory structures, a row of deciduous trees or other plants capable of forming a continuous hedge at 10 feet in height within two years of planting located within 25 feet of the tower base and accessory structures shall be recommended, together with other landscaping or buffering as the Planning Board shall reasonably require.***

Given the nature of the adjacent building and the existing landscaping, Verizon has not proposed additional landscaping but is willing to discuss same with the Town.

(c) ***Within 50 feet of the property boundaries, at least one row of evergreen trees, shrubs or other landscaping or buffering as the Planning Board shall reasonably require, at least four feet high when planted and spaced not more than 20 feet apart for trees, and a lesser and species-specific appropriate amount for shrubs or hedges.***

Given the nature of the adjacent building and the existing landscaping, Verizon has not proposed additional landscaping but is willing to discuss same with the Town.

(d) ***All trees, plantings, and landscaping shall be maintained and replaced if needed.***

Verizon will so comply to the extent applicable.

(e) ***Existing on-site vegetation shall be preserved to the maximum extent possible.***

See Exhibit O (Sheet CA100); the Project so complies.

(f) ***The Planning Board may require that the tower be designed and sited so as to avoid, if possible, application of FAA lighting and painting requirements, it being generally understood that towers should not be***

artificially lighted except as required by the FAA, or when public safety so requires.

See Exhibit O (Sheet CA200); no tower lighting is proposed.

- (g) *The tower shall be of a nonreflective galvanized finish or painted matte grey unless otherwise required by the FAA, and accessory structures should maximize use of building materials, colors, and textures designed to blend with the natural surroundings, including by the use of camouflaging, where appropriate.*

See Exhibit O (Sheet CA200); the tower will have galvanized finish.

- (h) *All towers and accessory structures shall be sited to have the least adverse visual effect on the environment, and having towers camouflaged as to shape, appearance, or coloration is encouraged.*

Verizon has sited the tower in a manner that limits its overall visibility to the extent practicable.

- (i) *All communication cable and utilities, including water, gas, electric, telephony, fiber optic and data lines, and sewer leading to and away from any telecommunications facilities or tower shall be installed underground.*

See Exhibit O (Sheet CA100); the Project so complies.

- (10) *NIER. Certification that the NIER levels at the proposed site are within threshold levels adopted by the FCC.*

See Exhibit L.

- (11) *RFI and general compliance. Certification that the proposed antenna(s) will not cause interference with existing communication devices, or existing radio, television, or telephone reception, and that the tower and attachments meet all state and federal structural requirements for loads, wind, ice, fall down specifications, etc.*

See Exhibit L.

- (12) *FCC licensure. Applicant shall provide a copy of the applicant's FCC license and verification in a form reasonably required by the Town that the applicant has utility status from New York State and the Public Service Commission.*

See Exhibit K.

- (13) *FCC compliance assurances. Verification that the proposed facility will comply with all applicable FCC rules and regulations, and the Town shall impose conditions on the applicant that: the communications antennas be operated*

only at FCC designated frequencies and power levels [and Environmental Protection Agency (EPA) technical exposure limits]; the applicant and owner submit evidence upon approval, and periodically thereafter (but not less than triennially and at the same time as reports are due under § 119-9 hereof), demonstrating that the proposed use is in compliance with such standards. These requirements shall be enforced to the extent permissible under FCC rules, including those affecting cellular and PCS towers based on the environmental effects of radio-frequency emissions.

See Exhibit M; Verizon will comply with all applicable federal regulations.

(14) *Visual EAF. The applicant shall submit a visual environmental assessment form (visual EAF) and a landscaping plan addressing other standards listed within this chapter, paying particular attention to visibility from key viewpoints within and outside of the municipality as identified in the visual EAF. The applicant will also be required to undertake a visual impact assessment which shall include:*

(a) *A description of how the facilities can be blended with the viewshed, including any plans for camouflage, including, but not limited to, simulating the appearance of a tree or other structure depending on the particular context of the proposed location.*

See Exhibit H; Verizon will complete a balloon fly visual analysis after consultation with the Town.

(b) *A zone of visibility map shall be provided in order to determine locations where the tower may be seen.*

Verizon will complete a balloon fly visual analysis after consultation with the Town.

(c) *Pictorial representations of “before and after” views from key viewpoints both inside and outside the Town, including, but not limited to, public highways, local parks, identified important viewsheds or historic properties and sites, other vistas known to be important to the community, and from any other location where the site is visible to a large number of visitors or residents. The Planning Board may determine appropriate key sites at a pre-submission conference with the applicant or upon and after receipt of an application.*

Verizon will complete a balloon fly visual analysis after consultation with the Town.

(d) *Assessment of the visual impact of the tower base, guy wires, accessory buildings, and accessory structures from abutting properties and streets, and on viewsheds known to be important to the community.*

See Exhibit O.

- (e) *The Planning Board is permitted to waive any requirements of this Subsection F(14) which are inapplicable as a result of the applicant proposing a shared use or co-location upon an existing tower or structure.*

Not applicable.

- (15) *Intermunicipal notification. In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that existing telecommunications facilities or a tower in a neighboring municipality be considered for shared use or co-location, the Town shall require that the applicant provide an intermunicipal notification (and proof of delivery thereof) to all neighboring municipalities, whether villages, towns, or counties, together with a general description of the project, a disclosure of the tower height, and all information pertaining to the tower's (or the telecommunications facilities') capacity for future co-location.*

See Exhibit P.

- (16) *Traffic, access and safety.*

- (a) *Access standards may be imposed or required to ensure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Construction of pervious roadways (crushed stone, gravel, etc.) is preferred and shall be permitted notwithstanding underlying zoning district regulations which may provide otherwise. Road construction shall, at all times, minimize ground disturbance and vegetation cutting, and road grades shall closely follow natural contours to ensure minimal visual disturbance and reduce potential soil erosion.*

See Exhibit O; Verizon will utilize the existing parking lot for access.

- (b) *All towers and guy anchors, if applicable, shall be enclosed by a climb-proof fence not less than eight feet in height and otherwise sufficiently secured to prevent and protect telecommunications facilities from trespassing or vandalism. All security measures and devices shall be identified, including motion sensing lights, camera systems, lock boxes, and emergency notification systems.*

See Exhibit O (Sheet CA501); the Project so complies.

- (17) *Agricultural data statement and notice of intent. If required, an agricultural data statement shall be submitted, and if the tower or telecommunications facilities are located within, contiguous to, or within a specified distance of an agricultural district mapped by Tompkins County and recognized by the State of New York, Department of Agriculture and Markets, then the applicant shall also be required to file a notice of intent and to supply the Town with all documents, communications, and information submitted, together with any*

replies received from New York State or the Department of Agriculture and Markets.

Not applicable.

- (18) *Emergency response plan and removal. The applicant shall submit any required emergency response plan, if requested by the Planning Board. Additionally, the applicant shall be required to identify the manner in or by which the obligation to remove the tower or telecommunications facilities will be securitized, whether by letter of credit, bonding, escrow deposit or otherwise. Any such proposed form of security shall be subject to review and approval by the Town Board, and in all cases the applicant shall provide detailed calculations supporting the amount of removal costs to be secured, taking into account a reasonable rate of inflation over the proposed useful life of the project. Such calculations shall be sealed by an engineer licensed in New York State. In no case may any removal or related performance bond be issued upon, in conjunction with, or as secured or underwritten upon a direct or indirect indemnity agreement supplied by the applicant or the present or future owner of such tower of telecommunications facility, or any lessor or user thereof. Additional requirements for bonding and removal obligations appear elsewhere in this chapter.*

Verizon will be happy to discuss what is meant by an emergency response plan. See Exhibit M regarding the removal bond. A removal cost estimate is provided.

- (19) *Indemnity agreement. The form of the proposed indemnity and hold harmless agreement shall be submitted for approval and the same shall be approved by the Town Board as to form and content.*

Respectfully, Verizon will not agree to this requirement as such a request is not authorized under applicable law.

Requiring Verizon to both indemnify and name the Town as an additional insured (the “**Indemnification/Insurance Requirement**”) is both beyond the lawful authority of the Town to impose and/or is otherwise unenforceable.

As summarized below, the Indemnification/Insurance Requirement is not legally valid because a right to indemnification requires a contractual relationship and there is no valid contractual relationship between Verizon and the Town of Lansing. Further, the Indemnification/Insurance Requirement is not a valid exercise of the Town’s zoning authority because Indemnification/Insurance Requirement is not reasonably related to the proposed wireless telecommunications facility, and is not uniformly required for other zoning approvals, including for other public utilities.

(1) Invalid Contract

The Indemnification/Insurance Requirement requires Verizon to provide a “written statement” agreeing to indemnify the Town, the Planning Board and/or

the Zoning Board of Appeals. The right to indemnification arises from a contract. *Putvin v. Buffalo Elec. Co.*, 5 N.Y.2d 447, 454 (1959); *McDermott v. City of New York*, 428 N.Y.S.2d 643, 646 (1980). This is reflected in the language of N.Y. GEN. OBLIG. LAW §5-322.1 (McKinney 2009), which describes an indemnification agreement as “a covenant, promise, agreement or understanding in, or in connection with ... a contract ... purporting to indemnify.” Here there is no contractual relationship between the Town and Verizon; therefore, there can be no indemnification.

Moreover, even if there was a contractual relationship, a contract required by the Town Code would be invalid because there is insufficient consideration for indemnification. See RESTATEMENT (SECOND) OF CONTRACTS §17 (1981). Here, the only consideration for a contract of indemnity would be that the Town approval of Verizon’s application for the zoning approvals necessary to construct the Project. This is plainly insufficient. See e.g. N.Y. ST. COMP., 1969 No. 69-813 (a town cannot enter an agreement with an applicant for a special permit whereby the applicant agrees to waive a reduction of assessment in consideration of the issuance of the special permit).

(2) Invalid Town Code Requirement

The Indemnification/Insurance Requirement is also an unlawful abuse of the Town’s zoning authority.

Regarding Indemnification/Insurance Requirement, the Town may not require the agreement of the applicant to protect the Town against loss due to future proceedings stemming from a zoning approval. See 1984 N.Y. OP. ATT’Y GEN. (Inf.) 80 (a town cannot condition approval of special use permits, variances, subdivisions and similar zoning approvals on the applicant’s agreement to reimburse the town for its legal expenses, including attorneys’ fees, costs, and disbursements in the event that an Article 78 proceeding is brought by neighbors or other interested parties attacking the town’s determination). Such a requirement is an invalid exercise of a town’s legislative authority given that a town’s power to “attach conditions to its approval of a zoning application ... is limited [to conditions that are] reasonable and ... relate only to the proposed use of the property.” *Id.* Requiring Verizon to indemnify the Town does not meet this test and is “too indefinite and uncertain as to be deemed reasonable” See 1984 N.Y. OP. ATT’Y GEN. (Inf.) 80; *Peckham Industries, Inc. v. Ross*, 306 N.Y.S.2d 1006, 1009 (1970). The Town may not impose a condition to protect itself from legal expenses resulting from the grant of zoning approvals. Unreasonable or improper requirements such as the one in question are subject to annulment and as such, are unenforceable. *Voetsch v. Craven*, 48 A.D.3d 585, 586 (2008).

Furthermore, unless the Town imposes the Indemnification/Insurance Requirement on other applicants for zoning and/or land use approvals (and in particular other public utilities), it would appear that the Indemnification/Insurance Requirement is arbitrary and capricious because it imposed only on wireless telecommunications providers.

For the reasons set forth above, the Indemnification/Insurance Requirement is both unlawful and unenforceable.

- (20) ***Other. Within the scope of FCC rules and the TCA, the Planning Board shall have the authority to require appropriate camouflaging and to impose such other reasonable conditions and restrictions as are directly related or incidental to the proposed telecommunications facilities special use permit or site plan, or to general public health, safety, or welfare issues implicated by such permit, plan, or application.***

No response necessary.

§ 119-4. Modifications of existing towers and facilities.

- A. ***Modifications to existing telecommunications facilities are permitted and shall require a special use permit upon application to the Planning Board.***

Not applicable.

- B. ***The review shall be nondiscretionary and ministerial and the Planning Board shall issue such special use permit if the applicant meets the following criteria:***

- (1) ***The proposed modification involves the co-location of new transmission equipment, or the removal or replacement of transmission equipment.***

Not applicable.

- (2) ***The proposed modification does not substantially change the physical dimensions of any tower or base station, and does not exceed the 200 feet height restrictions set forth in this chapter, or such greater height limit as may have been set for the tower or communications facility in question based upon the standards contained in this chapter.***

Not applicable.

- (3) ***An applicant intending to co-locate with an existing tower shall be required to document written permission from an existing tower owner to co-locate.***

Not applicable.

- (4) ***The Planning Board shall have the authority to: require disclosure of such matters as may be important to public safety or the structural integrity and capacity of the telecommunications facilities upon which co-location is proposed; impose only such reasonable conditions as are directly related to and incidental to the proposed modification; but in both such and in all other cases, due regard for and compliance with the rules for an "Eligible Facilities Request," as set forth in the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to.***

Not applicable.

§ 119-5. General review standards.

In reviewing any application hereunder, the Town may apply site plan and special permitting rules and standards as set forth in New York State law and the laws and ordinances of the Town, and the Town shall also adhere to the requirements of the TCA, including, at a minimum, the following requirements:

- A. *The Town shall not unreasonably discriminate between providers of equivalent or near equivalent services.***

No response necessary.

- B. *The Town shall not prohibit or “effectively prohibit” the provision of the service.***

No response necessary.

- C. *The Town shall act on all requests within a reasonable time, taking into account the nature and scope of the request, including in accord with applicable FCC “shot clock” rules.***

No response necessary.

- D. *All denials must be in writing and based upon substantial evidence, fairly applied.***

No response necessary.

- E. *The Town may not regulate radio frequencies or address potential health effects of radio emissions, but may require verification of and compliance with FCC and EPA rules and license, permit, or spectrum allocation rules or conditions.***

No response necessary.

- F. *All co-location rules pertaining to approvals for an “Eligible Facilities Request” as set forth in the Middle Class Tax Relief and Job Creation Act of 2012 shall be adhered to by the Town.***

No response necessary.

§ 119-6. Removal of obsolete and unused telecommunications facilities.

- A. *The applicant shall agree, in writing, to remove all telecommunications facilities (including tower or antennas) and restore the site to its original condition, and shall incur all expenses therefor, if the facility becomes obsolete or ceases to be used for its intended purpose for 120 days. Removal of such obsolete or unused facilities and restoration of the site to its original condition shall take place within 30 days of receipt of written notice from the Town. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused or obsolete facilities upon any person subsequently securing rights to co-locate on the tower or in relation***

to any telecommunications facility (including the land or lot upon which any of the foregoing are situated).

See Exhibit N.

- B.** *As security for the performance of the requirements set forth above, the applicant shall, upon the granting of approval under this chapter and prior to the installation of any telecommunications facilities, execute and file with the Town Clerk a bond or other form of security or undertaking which shall be approved as to form, manner of execution, and sufficiency for surety by the Town Board and Town Engineer. Any bond or guaranty shall be provided by or placed with a solvent surety corporation duly licensed in the State of New York. Such bond or undertaking shall be conditioned upon the faithful performance of the provisions of this chapter, and in the event of default the bond or undertaking shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or undertaking shall remain in full force and effect until the removal of all telecommunications facilities, including the tower, antennas, and accessory structures, and all site restoration has been completed. The value of the bond shall be equal to 125% of the cost of demolition and restoration of the site, as determined by the Town Engineer, and no such decommissioning or removal bond shall be secured by an indemnity agreement with the applicant or any party affiliated with the applicant.*

See Exhibit M; Verizon will so comply.

- C.** *At least once every three years after any approval or permit is issued by the Town and concurrently with the certification or report required by § 119-9 in this chapter, the applicant or then future owner or operator of the telecommunications facility shall provide updated certified cost estimates for removal of all telecommunications facilities and all site restoration, and if the resulting 125% cost requirement shows that the existing security or bond is monetarily insufficient, then the owner shall update such bond or undertaking, or see to its replacement or supplementation in an amount to equal such updated 125% cost number.*

Verizon will so comply.

§ 119-7. Emergency service co-location.

All essential emergency services will be given access to obtain necessary space or service on the tower at no cost (other than installation and maintenance). This provision shall be enforceable only to the maximum extent permitted by applicable law and in all cases this provision shall be presumed valid and the burden of proof shall be to establish the contrary by clear and convincing evidence.

Verizon routinely provides space on its towers for emergency communications equipment to the extent such equipment does not interfere with Verizon equipment.

§ 119-8. Reimbursement for expenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]

Each application shall include application fees, engineering review fees and legal fees in the amount as set by resolution of the Town Board from time to time or as outlined in (or updated by) the Town's fee schedules.² The Town may also retain such technical consultants as it deems necessary to provide assistance in the review of the site location alternative analyses, the environmental review of the project, and any engineering reviews pertaining to building permits or structural designs, structural integrity, and the feasibility of any modifications or the carrying capacity of any tower for co-location of any antennas or other appurtenances. The applicant shall bear the reasonable costs associated with such consultations, which costs shall be assessed as an additional application fee. In no case shall the total fees and charges payable by an applicant be more than 5% of the total project cost as determined for building permit fee assessment purposes, but SEQRA costs shall not count towards such 5% limit and shall be separately assessable pursuant to the statutes and regulations of SEQRA.

Verizon will so comply to the extent authorized by law.

§ 119-9. Triennial reporting required.

The applicant or its successors or assigns shall file with the Town on the second day of January of the third year following approval of the telecommunications facility, and upon every third anniversary thereafter, a written report certifying that the applicant or its successors or assigns are complying with maintenance and inspection procedures; recordkeeping systems, and that the subject telecommunications facility is not a hazard or a threatened hazard to the health and safety of the public. Such report and conclusions must be provided and sealed by a New York State licensed professional engineer. Any unsafe condition revealed by such report shall be immediately remedied. If no report is provided and such failure to provide a report continues unabated for any three-hundred-sixty-day period, then such fact shall be and be deemed an abandonment of the telecommunications facilities in question, and the Town may require the dismantling and removal of such telecommunications facilities, including under the terms of any removal or related bonds. Further, any failure to provide such written report within 30 days of request therefor by the Town is and shall be deemed and construed as a violation of this chapter.

Verizon will so comply to the extent such provisions are enforceable under applicable law.

§ 119-10. Exemptions.

The following types of telecommunications facilities are not subject to the provisions of this chapter:

- A. Satellite dishes and antennas, and similar devices, used solely for on-site residential household television and radio reception and involving a structure with a size or height not exceeding the minimum exemptions listed in OTARD rules.*

Not applicable.

² Editor's Note: Fee schedules are on file in the Town office.

B. *Satellite antennas measuring two meters or less in diameter and located in commercial districts.*

Not applicable.

C. *Radio antennas and related apparatus for noncommercial personal use regulated by the FCC for licensed amateur radio operation, so long as:*

(1) *Facilities and antennae are within exemption or preemption as-of-right use levels promulgated by the FCC;*

Not applicable.

(2) *Facilities and antennae meet any requirements of applicable building codes; and*

Not applicable.

(3) *No such facility or antennae are located more than 200 feet above ground level.*

Not applicable.

D. *Lawful or approved uses existing prior to the effective date of this chapter; however, no telecommunications facility shall be modified unless in conformity with this chapter, and no nonconforming use may be expanded except in accord with Chapter 270, Zoning, of the Code of the Town of Lansing and applicable law.*

Not applicable.

E. *Telecommunications facilities may be repaired and maintained without restrictions.*

No response necessary.

§ 119-11. *Environmental review requirements.*

A Full “Long Form” Environmental Assessment Form (FEAF) shall be completed and submitted with all applications under this chapter, pursuant to the provisions of the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617. All applications for siting any tower or ground station shall be and be deemed Type I Actions. If the environmental review of the FEAF indicates that the proposed activity may produce actual or potential moderate or significant environmental impacts or consequences, then the Town Board shall require that a Draft Environmental Impact Statement be submitted by the applicant. Notwithstanding the foregoing, if a co-location or related application meets the standards for qualifying as an “Eligible Facilities Request,” as set forth in the Middle Class Tax Relief and Job Creation Act of 2012, then the matter may be classified as a Type I, Unlisted, or Type II Action, per the requirements of SEQRA and its implementing regulations.

See Exhibit H.

§ 119-12. *Penalties for offenses.*

- A. *The Town's Code Enforcement Officer is authorized to investigate any noncompliance (or complaints of such violation of noncompliance) with the requirements of this chapter, to issue appearance tickets for any violation of this chapter or any permit or approval requirements or conditions, to recommend the commencement of civil enforcement or related proceedings to the Town Board, and to order, in writing, the remedying of any condition or activity found to exist in, on, or about any telecommunications facility, tower, building, structure, or premises in violation of this chapter. Upon finding that any such violation exists, the Code Enforcement Officer may issue a compliance order, which compliance order shall comply with the requirements of Executive Law § 382 and served accordingly. The person so served shall come into compliance with this chapter within the specified period of time as set forth in the compliance order, and any failure to do so shall be a violation of this chapter. Any failure to comply with the terms and requirements of this chapter, or the requirements and conditions of any permit or approval issued hereunder, is hereby also declared to be a violation of this chapter. All violations of this chapter are hereby declared to be illegal and subject to civil penalties and criminal sanctions as herein set forth.*

No response necessary.

- B. *All provisions of New York law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this chapter, and each such misdemeanor shall be an unclassified misdemeanor. The following civil penalties and criminal fines and sanctions shall apply violations of this chapter:*

- (1) *First violation. Any person that violates any of the provisions of this chapter shall be: i) guilty of an unclassified misdemeanor and subject to a fine of not more than \$1,500, or ii) subject to a civil penalty of not more than \$2,500 to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.*

No response necessary.

- (2) *Second violation. Any violation that is found to have occurred within two years of any prior civil or criminal determination of any other violation of this chapter shall be deemed a second violation. Any person that commits or permits any second violation shall be: i) guilty of an unclassified misdemeanor and subject to a fine of not more than \$2,500, or ii) subject to a civil penalty of not more than \$5,000 to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.*

No response necessary.

- (3) *Third and subsequent violations. Any violation that is found to have occurred within two years of any prior civil or criminal determination of any second violation of this chapter shall be deemed a third or subsequent violation, as applicable. Any person who commits or permits a third or subsequent violation shall be: i) guilty of an unclassified misdemeanor and subject to a fine not more than \$5,000 and a period of incarceration not to exceed 60 days, or ii) subject to a civil penalty of not more than \$10,000 to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.*

No response necessary.

- C. *An action or proceeding may be instituted in the name of the Town in any court of competent jurisdiction to prevent, restrain, enjoin, correct, enforce, or abate any violation of, or nonconformance with any provision or requirement of this chapter or the terms and conditions set forth in any permit or approval issued hereunder. In any such proceeding the Town shall not be required to: i) prove the lack of an adequate remedy at law; or ii) post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction. No such action or proceeding shall be commenced without the appropriate authorization from the Town Board.*

No response necessary.

- D. *For purposes of this chapter, the Justice Court of the Town is hereby vested and imbued with jurisdiction to: i) issue administrative or other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York; and ii) hear and adjudicate allegations relating to the criminal or civil violation of this chapter and to thereafter, if appropriate, impose any fine, penalty, or sanction. All criminal matters arising under this chapter shall be and be deemed unclassified misdemeanors, including for purposes of jurisdiction.*

No response necessary.

- E. *No remedy or penalty specified in this chapter shall be the exclusive remedy available to the Town to address any violation of, or noncompliance with, the requirements of this chapter. The rights and remedies of the Town are independent of each other and cumulative. The grant of any right or remedy in this chapter is in addition to, and not in limitation of or substitution for, any other right or remedy of the Town, whether sounding in law, equity, or admiralty. Further, the election by the Town of any one right or remedy does not forestall or prevent the simultaneous or future election of any other right or remedy.*

No response necessary.

§ 119-13. Indemnification.

To the maximum extent permitted by law, the applicant shall execute an agreement indemnifying and holding the Town harmless from any and all liabilities, claims of personal injury, or property damage arising out of or in any way related to the installation and operation of the tower and its accessory structures and facilities. Further, the Town, and its officers and agents shall not be liable or responsible for any injuries to persons or damages to property due to the Town's actions, or failures to act, under or pursuant to this chapter unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town or its officers and agents. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

As discussed on pgs. 17-19 above, the Indemnification/Insurance Requirement is not legally valid because a right to indemnification requires a contractual relationship and there is no valid contractual relationship between Verizon and the Town of Lansing. Further, the Indemnification/Insurance Requirement is not a valid exercise of the Town's zoning authority because Indemnification/Insurance Requirement is not reasonably related to the proposed wireless telecommunications facility, and is not uniformly required for other zoning approvals, including for other public utilities.

§ 119-14. Construction. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

All nouns and pronouns shall be construed in the singular, plural, masculine, feminine, or neutered context when the provisions hereof so demand or admit. Words shall have their defined meanings and all words shall have standard meanings as applied within the context of the clause in which such terms appear. Subject headings are for convenience and shall not be construed or applied to limit or restrict the subject matter and terms appearing under such subject heading. Whenever any reference is made to any section of law or regulations, such reference shall be interpreted to include such law or regulation as later amended, renumbered, or re-codified, and a mere typographical citation error shall not be given effect.

No response necessary.

§ 119-15. Savings.

In the event any existing or hereafter adopted federal or state law restricts the ability of the Town to review or regulate any telecommunications facility or tower, then the provisions hereof shall be read in harmony with such restrictions or limitations and applied to the maximum extent permitted under applicable law or in the face of preemption by a superior sovereign.

No response necessary.

EXHIBIT D

PROOF OF COMPLIANCE WITH THE TOWN OF LANSING REQUIREMENTS FOR SITE PLAN APPROVAL AS SET FORTH IN § 270-27(F)-(H) OF THE ZONING CODE

As discussed in Exhibit B, the legal standard applicable to Verizon is the standard afforded to public utilities, rather than the standard to be generally applied. As demonstrated below, the Project also complies with the Town requirements for site plan approval. The applicable Town requirements are outlined in bold italicized type, followed by Verizon's response in regular type.

F. Site plan review submittals.

(1) Submission of application materials.

(a) Applicants must submit a complete site plan review application, including all applicable materials as described in the site plan review checklist, which may be obtained from the Department of Planning and Code Enforcement, as well as the following:

[1] Evidence of site control or owner's authorization.

See Exhibit I.

[2] Statement of intent that describes the project. If the development is to be staged, a general indication of how the staging is to proceed; any project that requires more than 36 months to construct shall be staged. Whether or not the development is to be staged, the preliminary plan shall show the intended total project.

See Exhibit A; once construction is started, the Project shall take approximately 3-6 months to construct.

[3] A statement as to proposed sources of water supply and method of sewage disposal to include a statement as to who will own the water and sewer systems, a conceptual layout of each system, whether necessary districts are formed or are in process, the receiving sewage treatment plant, the lines, dimensions, and purpose of all utility easements, including properly placed fire hydrants and preliminary design of bridges and culverts.

Not applicable.

[4] A site plan, drawn to a scale no smaller than one inch equals 30 feet, on one or more sheets, stamped by a New York State licensed architect, landscape architect, engineer, or surveyor.

See Exhibit P.

- (b) *An environmental assessment form as required by SEQRA.*

See Exhibit I.

- (c) *Additional application materials may be required by the Board. Depending on the scope and complexity of the project, the Board has the discretion to require applicants to engage the services of licensed design professionals and other experts such as architects, landscape architects, engineers, ecologists, or surveyors.*

No response required.

- G. *Application procedure for site plan review for certain farm operations. The applicant for site plan review and approval shall submit the following:*

- (1) *Application form and fee.*

The required forms and application fees were submitted on time.

- (2) *Name and address of the applicant and any professional advisors.*

See Exhibit O.

- (3) *Evidence of site control or owner's authorization.*

See Exhibit I.

- (4) *Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways depicting:*

- (a) *Existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.*

See Exhibit O (Sheet CA100).

- (b) *The proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.*

See Exhibit O (Sheet CA100).

- (c) *The proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.*

See Exhibit O (Sheet CA100).

- (d) *Any proposed building, structure, or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.*

See Exhibit O (Sheet CA200).

- (5) *Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures, and/or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.*

Not applicable.

- (6) *If any new structures are going to be located within 100 feet of a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.*

See Exhibit O (Sheets VA100-VA101).

H. *Project review criteria. In reviewing an application for approval of a site plan, the Planning Board will be guided by the existing characteristics and conditions of the site and its surroundings, by particular design objectives of the applicant, by the quality and distinctiveness of the proposal, by avoidance or mitigation of any negative impacts, in accordance with Article VIII: Site Development Standards. Unless waived or otherwise modified by Planning Board resolution as specified below, each site plan for a proposed land use activity shall conform to the general standards listed in this Subsection H, as applicable, and to any other requirements specifically related to a particular site as may be identified and described in writing by the Planning Board.*

- (1) *Stormwater drainage. Adequacy of stormwater and drainage facilities, and a stormwater drainage plan shall be provided. Natural drainageways shall be used to the fullest practicable extent. The amount of stormwater draining onto or across adjacent properties shall not be increased. Any activity disturbing more than one acre of land shall be required to obtain an SPDES Stormwater Phase II Construction Permit from the New York State Department of Environmental Conservation.*

See Exhibit O (Sheet CA120); the Project so complies.

- (2) *Erosion control. Developments on soils which may erode, or on slopes greater than 10%, shall include a sediment and erosion control plan designed to minimize erosion during construction and after construction has been completed and consideration, where feasible, of:*

- (a) *Avoiding construction upon or disturbances of hydric soils;*

See Exhibit O (Sheet CA120); the Project so complies.

- (b) *Avoiding impervious surfaces in favor of pervious surfaces;*

See Exhibit O (Sheet CA120); the Project so complies.

- (c) ***Using bioengineering techniques rather than traditional construction methods to manage water and stormwater on site;***

See Exhibit O (Sheet CA120); the Project so complies.

- (d) ***Avoiding the crossing of streams and ditches with roads and driveways; and***

See Exhibit O (Sheet CA120); the Project so complies.

- (e) ***Establishing buffers along streams and other watercourses.***

See Exhibit O (Sheet CA120); the Project so complies.

- (3) ***Off-street parking. Location (reverse frontage preferred), arrangement, appearance and sufficiency of off-street parking and loading. Parking areas, if any, shall be adequate in terms of area, safe access thereto and surface water drainage.***

See Exhibit O (Sheet CA100); adequate parking is provided.

- (4) ***Water and sewer facilities. Adequacy of water supply and sewage and waste disposal facilities, and the type and design of any water supply and sewage disposal system, shall be approved by appropriate jurisdictions. Calculations of the existing and estimated increased loads on the system may be required. When the proposed source of water is groundwater, consideration of well and pump tests, the amount of any water proposed to be used, the proposed sequestration of any amount of water, and water or hydro-geological studies to determine the impact of the proposed withdrawal of groundwater on surface waters, surface water flows, aquifers, aquifer capacity and recharge rates, and existing users of the same supply of water, are appropriate matters for review in the discretion of the Planning Board where issues concerning groundwater quality and quantity have been documented.***

Not applicable.

- (5) ***Driveways, pedestrians, and traffic. Safe and convenient pedestrian and bicycle access and circulation, including provision for bicycle parking facilities and sidewalks along public thoroughfares, unless applicant demonstrates that a sidewalk is not feasible due to site constraints. Adequacy and arrangement with vehicular and nonvehicular traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian safety and convenience, including the adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls, as well as adequacy of fire lanes and other emergency zones. Access and egress driveways shall be clearly defined and no more than 35 feet wide unless otherwise permitted by the NYS DOT, Tompkins***

County, or the Town of Lansing. Analysis of the project's impact on parking and traffic may be required, including sight lines at curb cuts.

Not applicable.

- (6) *Site lighting. All lighting to be used on a building or site shall be installed in accord with any Town lighting requirements and in a manner as will prevent glare on adjacent properties and roads. Wherever practical, luminaires shall provide for glare-free, downward directed, and shielded lighting as promotes the dark-sky standards of the International Dark-Sky Association ("IDA"), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the "Outdoor Lighting Ordinance and Community Standards" Information Sheet No. 172 and the IDA "Outdoor Lighting Code Handbook." Excessive lighting for promotional or commercial visibility purposes shall be discouraged.*

See Exhibit O (Sheet CA500); a single 25W timer operated work light is proposed to provide lighting for technicians working in low light conditions.

- (7) *Off-site impacts. Potential off-site impacts such as noise, odor, excess or heavy vehicle traffic, and vibration shall be identified and proposed measures to mitigate adverse impacts on adjacent property and the surrounding neighborhood shall be submitted.*

Not applicable.

- (8) *General improvement plan. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs. Sign size and location shall comply with Chapter 210, Signs, of the Code of the Town of Lansing.*

See Exhibit O (Sheet CA100).

- (9) *Trees and shrubs. Adequacy, type and arrangement of trees, shrubs and other landscaping, including, where practical, a focus upon the maximum retention of existing vegetation and considerations of visual and noise-deterring buffers between the proposed use and adjoining uses or properties.*

See Exhibit O (Sheet CA100).

- (10) *Roads and walks. Roads, pedestrian walks, and open space for play areas and informal recreation shall be designed as integral parts of an overall site design, be properly related to existing and proposed buildings, roads and pedestrian ways, and be appropriately landscaped.*

Not applicable.

- (11) *Other regulations. All other applicable state, county and local laws, ordinances and regulations shall be complied with. These include, but are not limited to, Zoning, Signs, Subdivision Regulations, Stormwater Management, Code Enforcement Local Law, and the State Environmental Quality Review Act.*

To our knowledge, the Project complies with all applicable laws.

- (12) ***Impacts on unique or critical resources. Impacts upon agricultural resources, unique natural areas, critical environmental areas, wetlands, flood hazard zones, other unique topological, cultural, historical, and archeological areas, including scenic resources identified in the Lansing Natural Resources Inventory and Scenic Resources Inventory, and general consistency with the Town's Comprehensive Plan.***

The Project will provide much-needed wireless telecommunications service to the area from a location that will minimize overall impact to the extent practicable.

- (13) ***Public services. Consideration of any needed or desirable public services and public service impacts, including upon the availability of fire hydrants, and emergency medical services, streetlighting, schools and educational services, and public transportation services and plans.***

The Project will enhance communications capability for public service agencies.

- (14) ***Handicap accessibility of buildings, pathways, and parking in accordance with ADA standards.***

Not applicable.

- (15) ***For new construction of multiple-unit dwellings, commercial, industrial, and retail and service uses, adequate and appropriately located facilities for the storage and collection of solid waste and recyclable materials shall be required. Developers of new commercial and mixed-occupancy buildings must design a waste management system that can support the needs of any allowable use in the building, including those uses that could result in maximum garbage generation. Screening of these facilities, as well as other actions relating to the appearance of the facilities, may be required in accordance with Article VIII: Site Development Standards.***

Not applicable.

- (16) ***Shielding or reduction of noise from mechanical equipment and other sources to the extent reasonably practicable.***

The only noise created at the Site will be the proposed generator (that will only be in use once per week for an hour and when the power supply is interrupted).

- (17) ***Screening or architectural integration of a building's or structure's exterior mechanical equipment.***

Not applicable.

- (18) ***Additional information. The Planning Board may consult with any other Town board, commission, department, agency and/or official it deems advisable. It***

may also engage the services of engineers, planners, or other professionals to aid in the review process. All costs incurred by the Board for such professional services shall be reimbursed to the Town by the applicant.

No response necessary.

EXHIBIT E

PROOF OF COMPLIANCE WITH THE TOWN OF LANSING REQUIREMENTS FOR SPECIAL USE PERMITS AS SET FORTH IN § 270-36 OF THE ZONING CODE

As discussed in Exhibit B, the legal standard applicable to Verizon is the standard afforded to public utilities, rather than the standard to be generally applied. As demonstrated below, the Project also complies with the Town requirements for special use permits. The applicable Town requirements are outlined in bold italicized type, followed by Verizon's response in regular type.

§ 270-36. Special use permits (SP).

A. General requirements. Authorization for any special use permit shall be obtained from the Town Board, or such other agency as may be specified in this chapter. Such authorization shall be conditioned on provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate possible detrimental effects on land value and upon adjacent property. To this end, before a special use permit is authorized, the Town Board shall determine, after a duly advertised public hearing, whether the following general requirements will be complied with, as well as any other applicable requirements for certain specific land uses or activities as may be set forth in § 270-36B of this chapter. To authorize a special permit, the Town Board must find:

(1) That the proposed land use or activity is to be located, constructed, and operated so that the public health, safety and general welfare will be protected.

See Exhibit F, Exhibit G and Exhibit O. The Project is located where necessary to deliver reliable wireless telecommunications service to the area.

(2) That the existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.

Reliable wireless telecommunications service in the area will enhance the value of surrounding properties.

(3) That adequate landscaping and screening is to be provided.

See Exhibit O; given the surrounding landscaping, adequate landscaping has been provided.

(4) That adequate off-street parking and loading is provided and the ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.

See Exhibit O (Sheet CA100); adequate off street parking is provided.

- (5) *That the proposed land use or activity will not result in excessive erosion and will not increase the volume or velocity of surface water runoff onto abutting properties.*

See Exhibit O; the Project so complies.

- (6) *That any proposed water and/or sewage disposal system is determined by appropriate jurisdictional authority to be adequate.*

Not applicable.

- (7) *That vibration, glare, odor, heat or noise anticipated from the proposed use can be mitigated.*

The Project will not create material levels of vibration, glare, odor, heat or noise.

B. *Specific requirements. In addition to the general requirements for a special use permit, as set forth in § 270-36A above, the specific requirements for certain land uses or activities, as set forth in this § 270-36B (and its subsections) shall also be complied with.*

- (1) *Site plan review required. The application for any use which requires a special use permit, and for which site plan review is required as specified in Schedule I,³ shall be referred by the Code Enforcement Officer to the Planning Board for review in accordance with the provisions of § 270-27 of this chapter. A special use permit for such use shall not be authorized by the Town Board until a recommendation from the Planning Board has been made. If such Planning Board recommendation has not been made within 30 calendar days from the date of referral of the application, the Town Board may act without such recommendation.*

Not applicable.

- (2) *Kennel; animal boarding. Permitted when:*

- (a) *Such facility is designed so that outdoor pens and exercise runs, if any, are located at least 100 feet from any property line.*

Not applicable.

- (b) *Such facility is designed and operated so that it does not produce noise or odors that disturb adjoining property.*

Not applicable.

- (3) *Veterinary hospital. Permitted when:*

³ Editor's Note: Schedule I is included as an attachment to this chapter.

- (a) *The facility is completely enclosed and there are no open or outdoor boarding or exercise facilities.*

Not applicable.

- (b) *There is no outdoor storage of refuse, feed or other materials and no on-site incineration of refuse.*

Not applicable.

- (c) *Such facility is designed and operated so that it does not produce noise or odors that disturb adjoining property.*

Not applicable.

- (4) *Sexually oriented business; establishment. Permitted when such facility is in compliance with existing local ordinance on adult entertainment which is incorporated herein by reference.⁴*

Not applicable.

- (5) *Communication tower for the commercial reception or transmission of electronic signals. Permitted when such activity or facility is in compliance with Chapter 119, Communications Towers, of the Code of the Town of Lansing. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]*

See Exhibit D.

C. Procedure for special use permit.

- (1) *Application. Application for a special use permit shall be made to the Code Enforcement Officer, who shall refer it to the Planning Board for consideration. The Planning Board shall, within 30 days after receipt of a completed application and all information requested of applicant, make recommendations thereupon and refer the matter to the Town Board for final decision.*

See Exhibit D.

- (2) *Materials to be submitted. An application for a special use permit shall be accompanied by any written and graphic material which the applicant feels will best support and illustrate the request. Additional information might be requested by the Planning Board and/or Town Board in reaching its determination. Information to be submitted for site plan review is specified in § 270-27E(2) of this chapter.*

⁴ Editor's Note: Said Adult Entertainment Ordinance is included as an attachment to this chapter.

No response necessary.

- (3) ***Public hearing and decision. The Town Board shall conduct a duly advertised public hearing within 62 days from the day an application is received. The Town Board shall decide upon the application within 62 days after the hearing has been closed unless the time for decision is extended by mutual consent.***

Not applicable.

- (4) ***Referral to County Planning Department. If applicable, the application shall be referred to the Tompkins County Planning Department in accordance with §§ 239-l, 239-m and 239-n of the General Municipal Law.***

The Application will require referral to Tompkins County Planning pursuant to GML § 239-m.

- (5) ***Notice to adjacent municipalities. Before taking action on certain site plan applications, the Planning Board shall provide notice to adjacent municipalities, as applicable, pursuant to General Municipal Law § 239-nn. [Added 7-15-2020 by L.L. No. 2-2020]***

See Exhibit P.

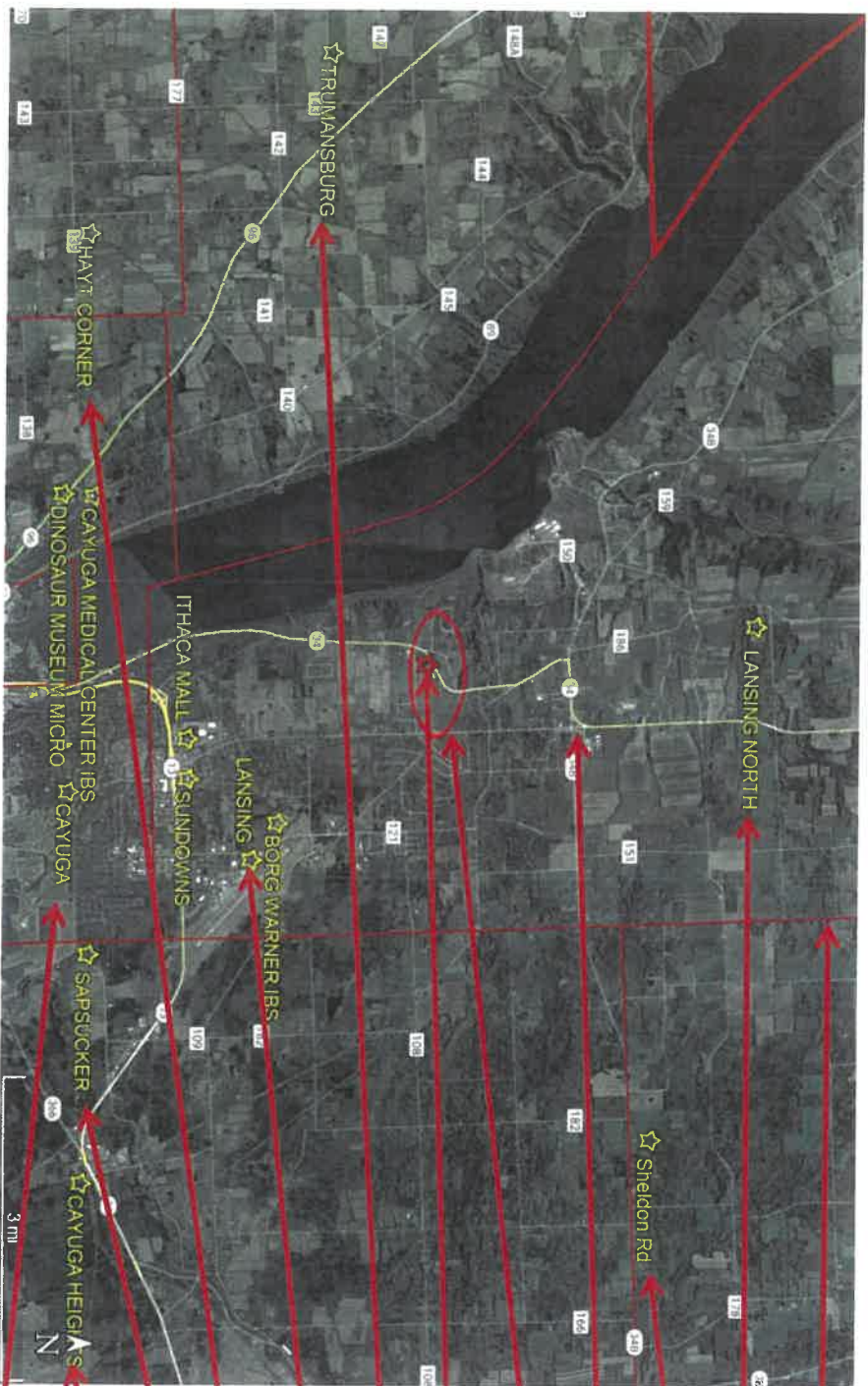
- (6) ***SEQRA. The authorized board shall comply with the provisions of SEQRA. Time periods specified in other sections of this Article VI shall be adjusted as necessary to accommodate SEQRA requirements.***

See Exhibit H.

- D. Expiration. Special use permits shall expire within 12 months from the date of issuance if the proposed land use activity has not been substantially implemented, as determined by the Town Board. One or more twelve-month extensions may be granted by the Town Board if the Board finds there has been no change in the relevant conditions and circumstances.***

No response necessary.

Verizon Wireless Communications Facility Engineering Necessity Case – “Reach Run”



- Town Boundary
- Existing Lansing North Site
- Existing Sheldon Rd Site
- Route 34
- Search Area
- Project Location
- Existing Trumansburg Site
- Existing Lansing Site
- Existing Hayt Corner Site
- Existing Sapsucker Site
- Existing Cayuga Heights Site
- Existing Cayuga Site

Prepared by: Wasif Sharif, RF Engineer, Verizon Wireless

Project: The project is the installation and operation of a new tower co-located wireless telecommunications site in the Town of Lansing (the “Project Facility”).



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).*

Project Need Overview

The project area, located in the southern portion of the Town of Lansing is currently served by multiple sites. 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 coverage issue with areas of variable coverage creating significant gaps in coverage, both in signal level and signal quality.

The first serving site is **Sheldon Rd**, located in the Town of Groton, is approximately five and quarter miles northeast(of the project location) situated on an existing tower located off Route 34Br. 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 **Lansing**, located in the Town of Lansing, is approximately two and half miles southeast (of the project location) situated on an existing tower off Warren Rd. 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 **Hayt Corner**, located in the Town of Enfield, is approximately five and quarter miles southwest (of the project location) situated on an existing tower off Van Dorn Road North. 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 Mid Band LTE) 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 southern portion of the Town of Lansing, the eastern portion of the Town of Ulysses, specifically Rt 34, Rt 108, Rt 122, N Triphammer Rd, E Shore Cir, Waterwagon Rd, Reach Run Rd, Drake Rd, Teeter Rd, Waterview Heights, Eastlake Rd, Smugglers Path, Asbury Rd/Dr, Horvath Dr., Atwater Rd, Sun Path Rd, Blackchin Blvd, Autumn Ridge Dr., Hillcrest Rd, Forest Acres Dr., Sky Acres Dr., Bean Hill Ln, Stormy View Dr., Triphammer Terrace, Placid Terrace, Aspen Way, Grandview Dr., as well as neighboring residential and commercial areas along and near these roads.

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 145' tower located at **1767 East Shore Drive, Lansing, NY 14882**. Verizon's antennas will utilize 140' for the ACL (Antenna Center Line) with a top of antenna height of 144'. This solution is the minimum height necessary to provide the coverage and capacity improvements needed.

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%.

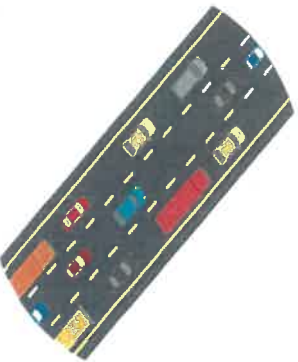
4G technology is utilized to track and plan vehicle deliveries to minimize travel, maximize efficiency, and minimize carbon footprint.

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

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 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

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.



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



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



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 FCC's 2018 Wireless Subsidy: Early Release of Estimates From the National Health Interview Survey, January-July, 2018

³ IMS Market Connected Device Market Monitor, Q1 2016, June 7, 2016



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 Acknowledgment Calls & Location Accuracy, Motorola Solutions, August 23, 2018

Explanation of Wireless Capacity

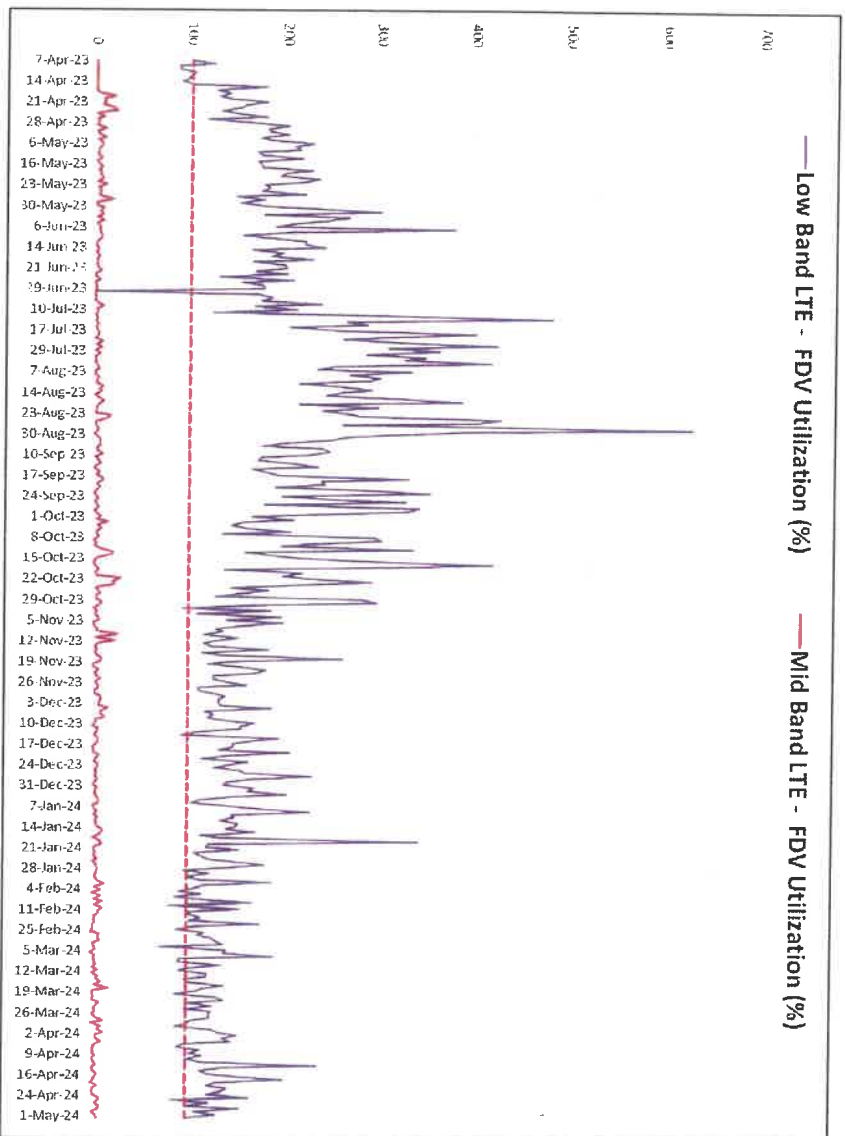


- **Capacity** in this analysis is evaluated with up to three metrics further explained below. These metrics assist Verizon traffic planning and RF Engineers in determining actual usage for a given site as well as can be used to project when a site is expected to run out of capacity (i.e. reach a point 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). Unfortunately capacity exhaustion has already occurred which presents an urgent need to deliver the capacity relief necessary in an effort to provide adequate and reliable coverage to this project area.
- 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 traffic planning engineers 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 site development process is started and completed in time for new solutions (sites) to be on air before network issues impact the customers. As mentioned previously, actual utilization for the last year indicates several KPI's have already exceeded 100% utilization creating a more urgent need in this project area.

Note: Of the following 15 capacity utilization slides, only one neighboring (to be offloaded) site is required to forecast a single KPI as reaching 100% utilization in order to justify capacity need for the proposed network densification. In this case all five neighboring sites already have two of the three KPI's historically experiencing overloaded conditions. Historical blocking creates a more urgent need than forecasted blocking. Furthermore the third KPI (Avg AC) for each site when understood and viewed together with the context of the first two KPI's (FDV and ASEU) validate the strategy that network densification is required to solve the substantial and significant gaps in coverage that are causing these overloaded conditions.

Capacity Utilization FDV (Sheldon Rd Gamma)

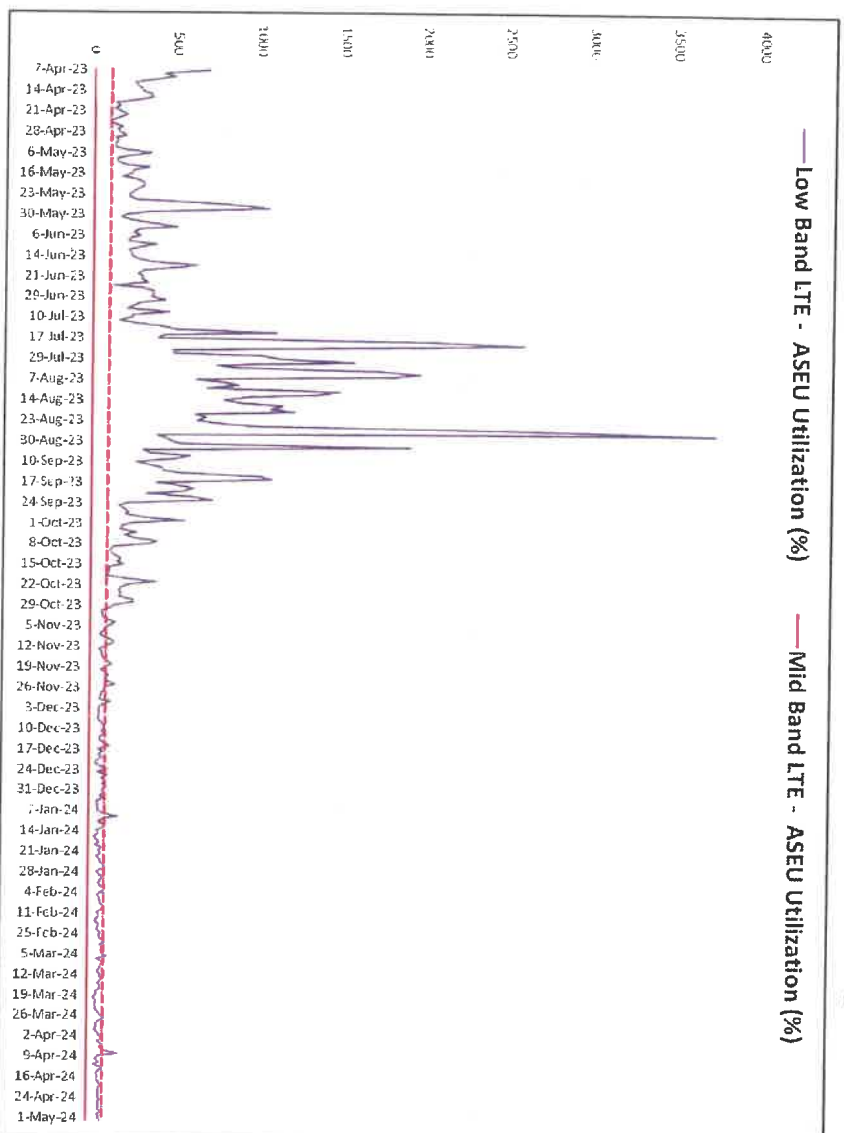


Summary: This graph shows FDV (Forward Data Volume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Gamma** sector of the **Sheldon Rd** 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 **Sheldon Rd** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple line exceeding the max utilization threshold (red dashed line) frequently. This graph also reveals the inability of the AWS carrier (dark red line) to provide the necessary capacity offload for the low band carrier due to differences in RF propagation characteristics. The solution is network densification.

Capacity Utilization ASEU (Sheldon Rd Gamma)

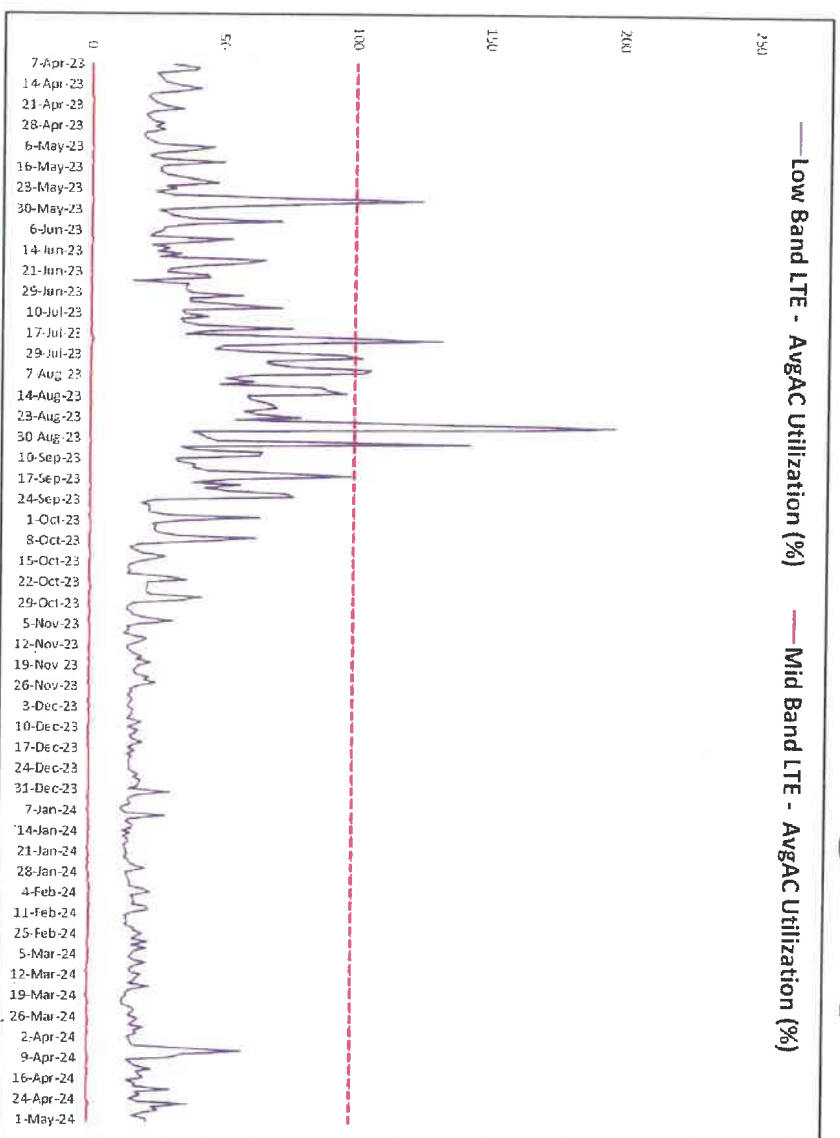


Summary: This graph shows ASEU (Average Schedule Eligible User). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Gamma** sector of the **Sheldon Rd** 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 **Sheldon Rd** sector shown above has exceeded its capability of supporting **ASEU** requirements as shown by the purple line exceeding the max utilization threshold (red dashed line). **ASEU** is one of up to three metrics used in this presentation to evaluate capacity capability in this area. This graph also reveals the inability of the AWS carrier (dark red line) to provide the necessary capacity offload for the low band carrier due to differences in RF propagation characteristics. The solution is network densification.

Capacity Utilization AvgAC (Sheldon Rd Gamma)

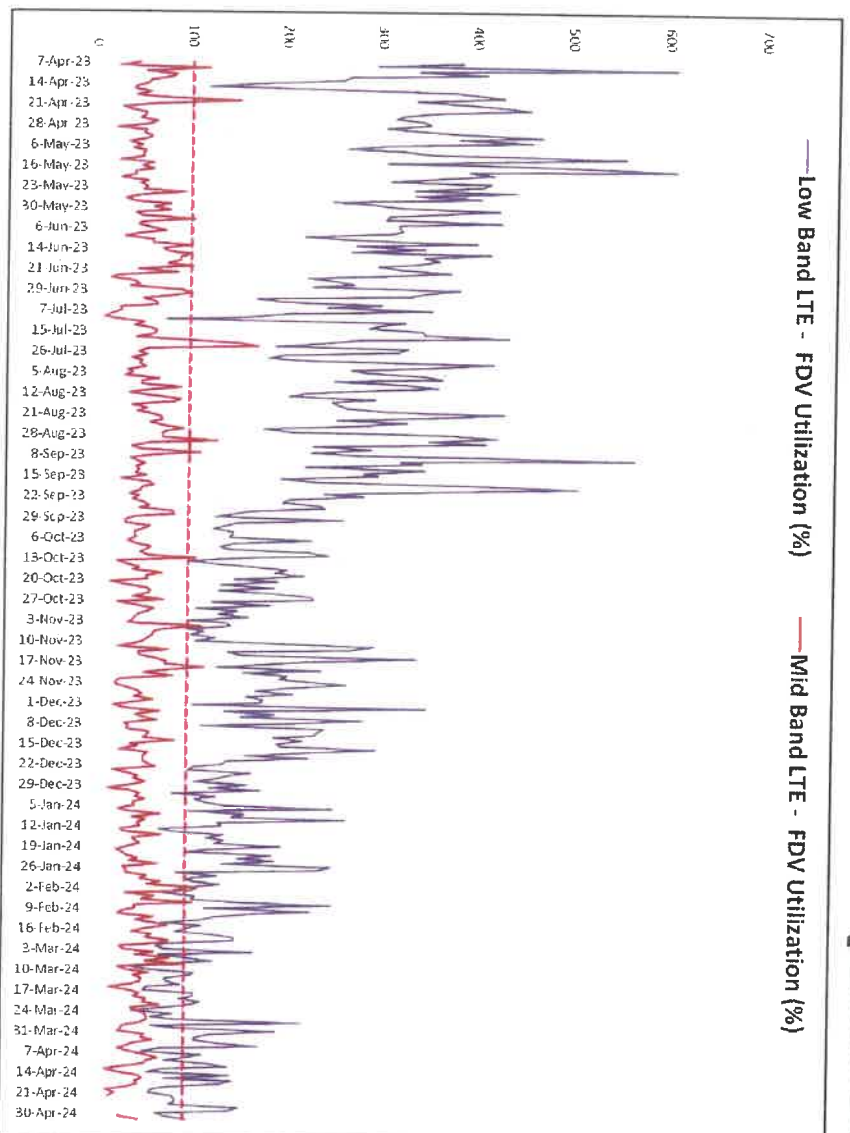


Summary: This graph shows AvgAC (Average Active Connections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and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

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Gamma** sector of the **Sheldon Rd** 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 **Sheldon Rd** sector is showing spare capacity in regards to this statistic. **AvgAC** is one of three capacity KPI's used to determine capacity capability in this document.

Capacity Utilization FDV (Lansing Alpha)

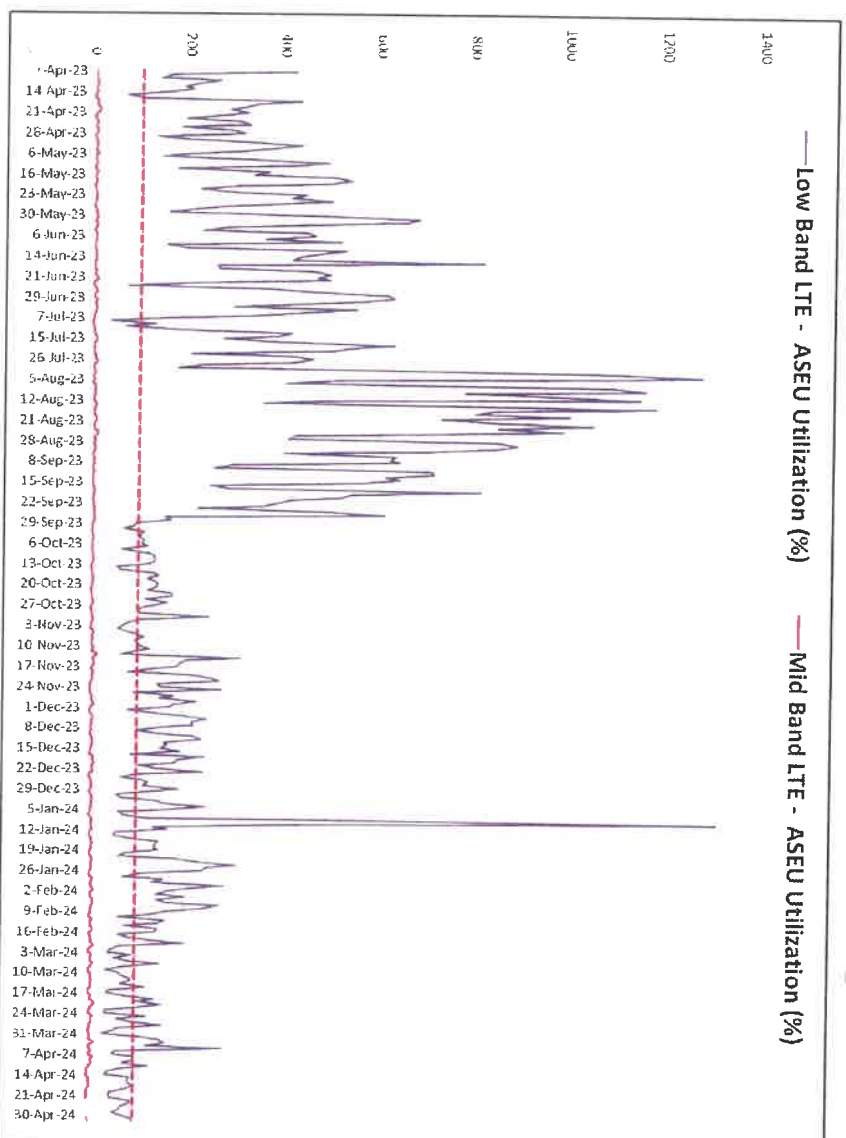


Summary: This graph shows FDV (Forward Data Volume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Alpha** sector of the **Lansing** 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 **Lansing** 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 **Lansing** and the surrounding project area, network densification is required.

Capacity Utilization ASEU (Lansing Alpha)

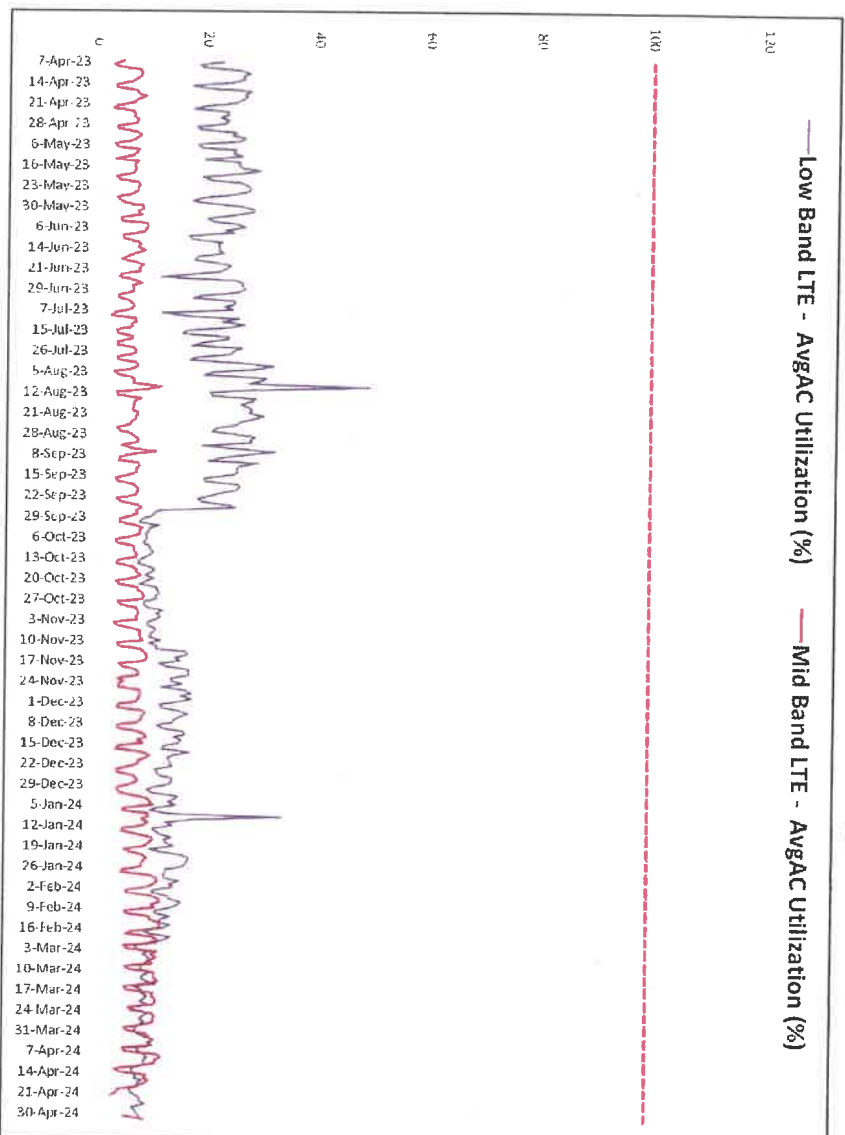


Summary: This graph shows ASEU (Average Schedule Eligible User). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Alpha** sector of the **Lansing** 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 **Lansing** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **Lansing** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. This graph also reveals the inability of the AWS carrier (dark red line) to provide the necessary capacity offload for the low band carrier due to differences in RF propagation characteristics. In order to provide adequate and reliable service to **Lansing** and the surrounding project area, network densification is required.

Capacity Utilization AvgAC (Lansing Alpha)

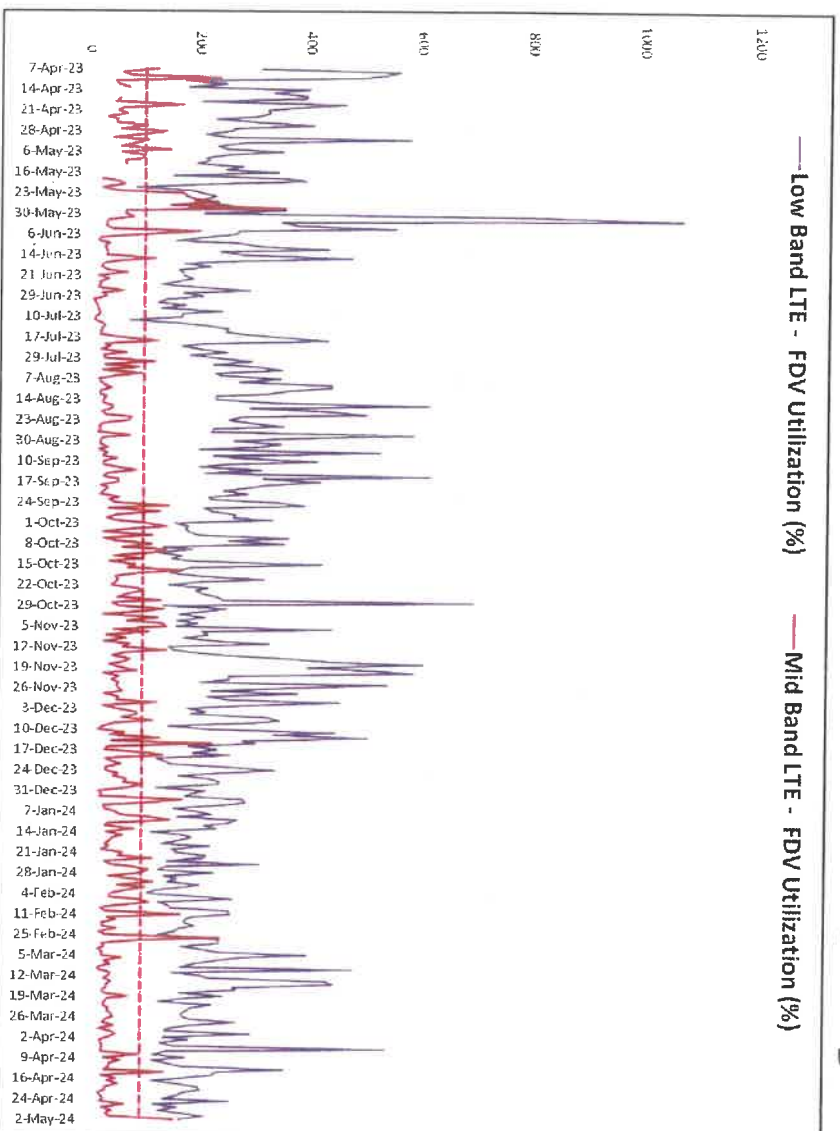


Summary: This graph shows AvgAC (Average Active Connections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and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

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Alpha** sector of the **Lansing** 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 **Lansing** sector is showing spare capacity in regards to this statistic. **AvgAC** is one of three capacity KPI's used to determine capacity capability in this document.

Capacity Utilization FDV (Hayt Corner Alpha)

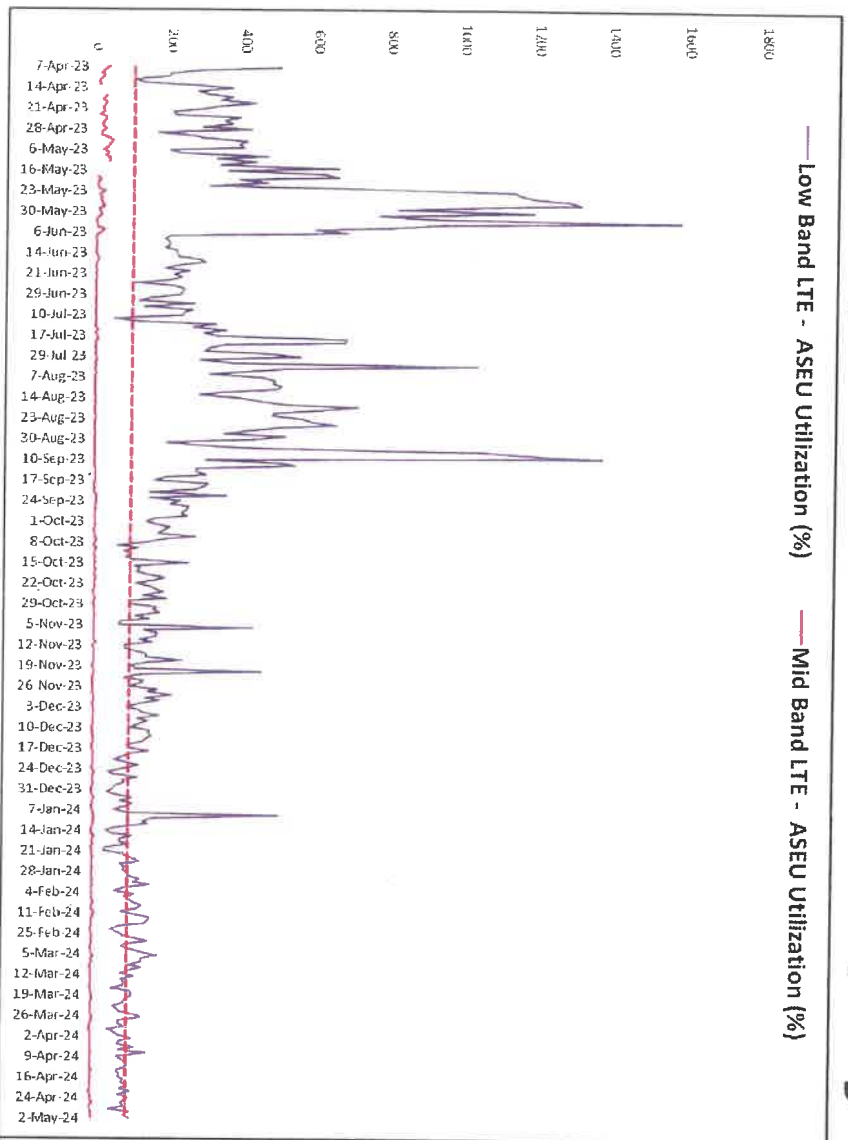


Summary: This graph shows FDV (Forward Data Volume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Alpha** sector of the **Hayt Corner** 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 **Hayt Corner** 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 **Hayt Corner** and the surrounding project area, network densification is required.

Capacity Utilization ASEU (Hayt Corner Alpha)

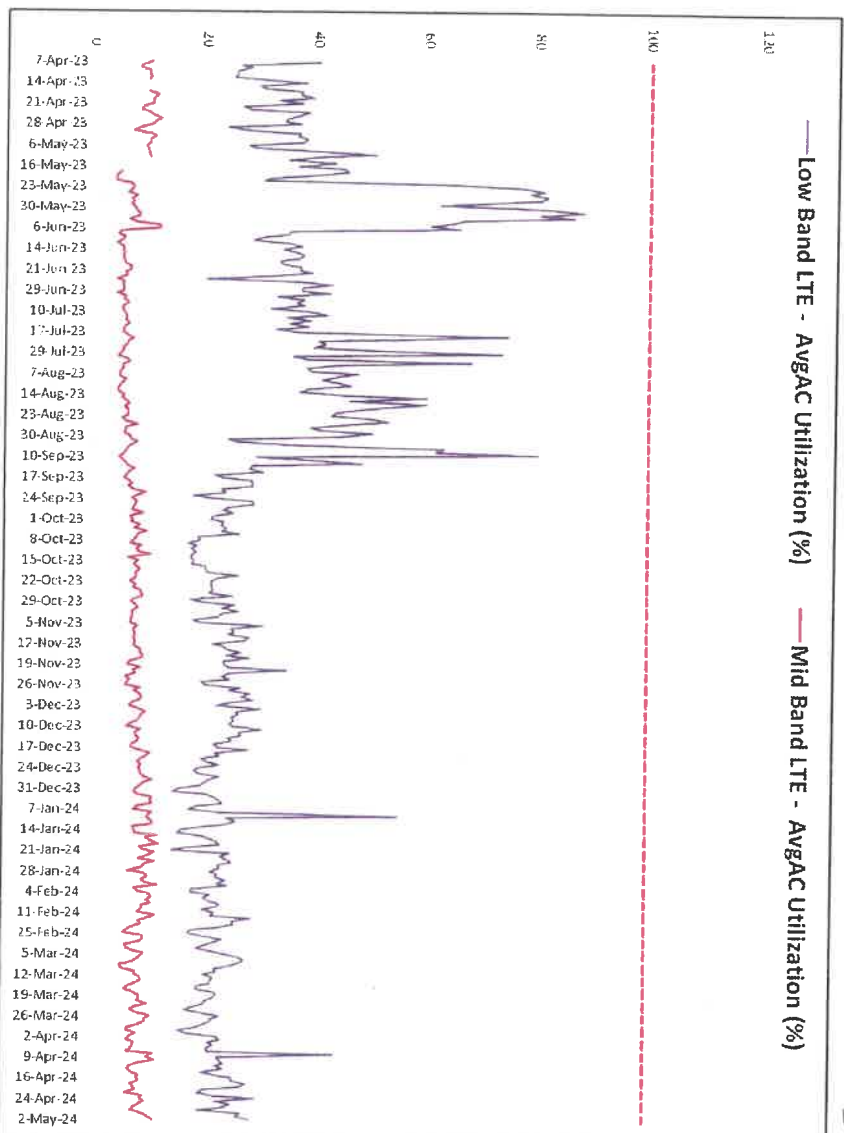


Summary: This graph shows ASEU (Average Schedule Eligible User). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Alpha** sector of the **Hayt Corner** 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 **Hayt Corner** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **Hayt Corner** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. This graph also reveals the inability of the AWS carrier (dark red line) to provide the necessary capacity offload for the low band carrier due to differences in RF propagation characteristics. In order to provide adequate and reliable service to **Hayt Corner** and the surrounding project area, network densification is required.

Capacity Utilization AvgAC (Hayt Corner Alpha)

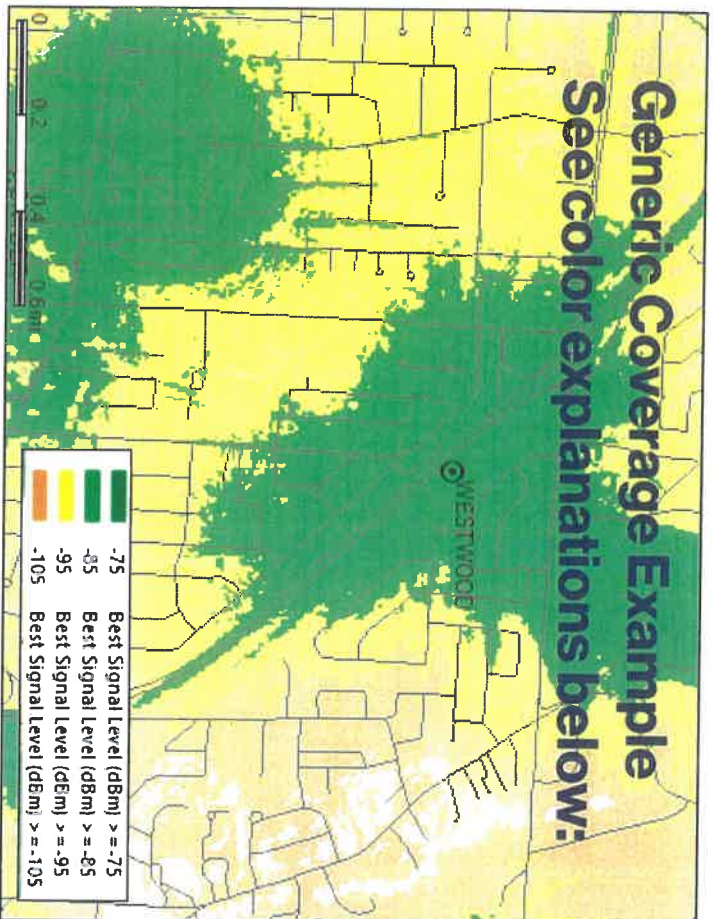


Summary: This graph shows AvgAC (Average Active Connections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and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

The purple line represents the daily max busy hour Low Band LTE utilization and the dark red line is daily max busy hour Mid Band LTE utilization on the **Alpha** sector of the **Hayt Corner** 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 **Hayt Corner** sector is showing spare capacity in regards to this statistic. **AvgAC** is one of three capacity KPI's used to determine capacity capability in this document.

Explanation of Wireless Coverage



Note the affect of clutter on the predicted coverage footprint above

- Dark Green** ≥ -75 dBm RSRP, typically serves dense urban areas as well as areas of substantial construction (colleges, hospitals, dense multi family etc.)
- Green** ≥ -85 dBm RSRP, typically serves suburban single family residential and light commercial buildings
- Yellow** ≥ -95 dBm RSRP, typically serves most rural/suburban-residential and in car applications
- Orange** ≥ -105 dBm RSRP, rural highway coverage, subject to variable conditions including fading and seasonality gaps
- White** < -105 dBm 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*



Coverage is best conveyed via coverage maps. RF engineers use computer simulation tools (in this case Verizon uses Forsk Atoll) which takes into account terrain, vegetation, building types, and other site/network specifics to model the RF environment. This prop model is used to simulate the real world network and assist RF Engineers to evaluate the impact of a proposed site (along with industry experience and other tools). Network design, performance evaluation and development needs have become far too complex for drive test data and dropped call records which for a long time now have been antiquated and simply not effective in visually communicating gaps in coverage or capacity capability for 4 and 5G networks.

Tompkins County, NY Verizon Wireless sites provide customers service using several FCC licensed frequencies including 700 and 850MHz. To resolve capacity congestion for these coverage layers higher frequency (and bandwidth) PCS (1900 MHz), Mid Band LTE (2100 MHz) and C-Band (3700MHz) mid band carriers are added however due to differences in propagation characteristics, many gaps in coverage and capacity still remain requiring network densification to resolve. In some mountaintop or long distance situations the mid band (higher frequency) Mid Band LTE, PCS and C-Band carriers are either not or not fully effective due to excessive distance (path loss). This is because the site is located too far from the user population to provide adequate and reliable service. Although exclusively regulated by the FCC and subject to market adjustment as needed, it is worth noting that all of the propagation slides in this RF justification are generated using the max power (320w) LB, MB and C-Band Samsung radio capabilities.

Signal strength throughout a given site's coverage area is subject to the limitations of the frequencies used. Lower frequencies with narrower bandwidth propagate further distance, and are less attenuated by clutter than higher frequencies with wider bandwidth. Unfortunately due to relatively narrow spectrum available these low bands can become quickly overloaded especially where similar signal strength from mid band carriers are not available. Similar coverage levels from mid band carriers are needed to resolve capacity issues (including the ability to make and receive voice calls). In order to provide similar coverage levels using the higher capacity/higher frequencies, a denser network of sites is required (network densification). Modern 4 and 5G networks are designed and intended to combine or use more than one frequency band at a time. This is called carrier aggregation which is not effective when the mid band signal is too weak or nonexistent. This means that site justification including ACL requirements must be derived from mid band capabilities. It is critical to understand the relationship between low band capacity and mid band coverage especially when reviewing the need for new suburban and rural morphology sites.

Explanation of Reach Run Search Area



Reach Run Search Area

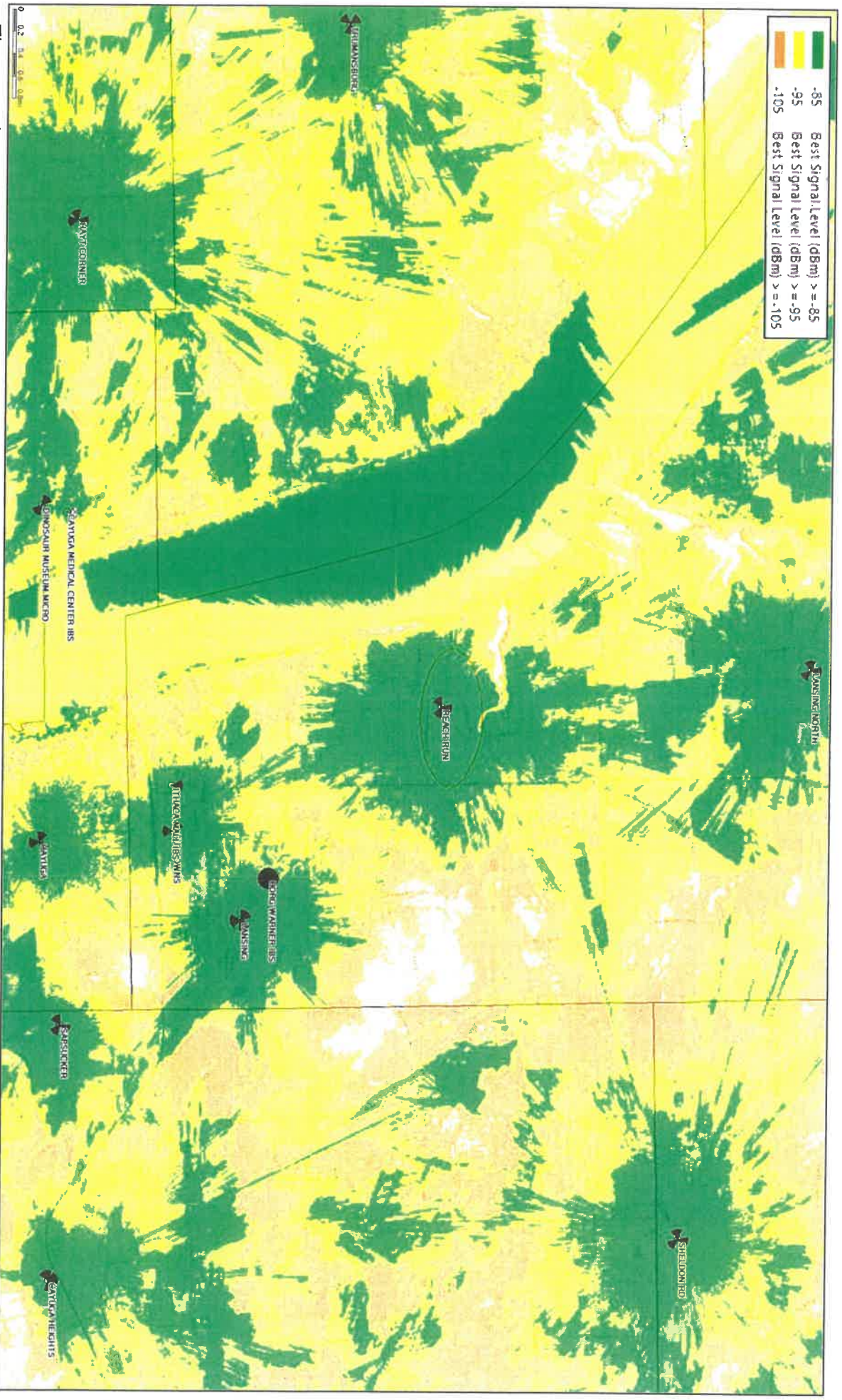
To resolve the coverage and capacity deficiencies previously detailed, Verizon Wireless is seeking to add one new cell facility within this area to improve wireless service capacity and coverage. By providing a new dominant signal area and offloading weak and distant traffic from **Sheldon Rd, Lansing,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

Proposed Low Band (700/850MHz) Coverage (signal strength)

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

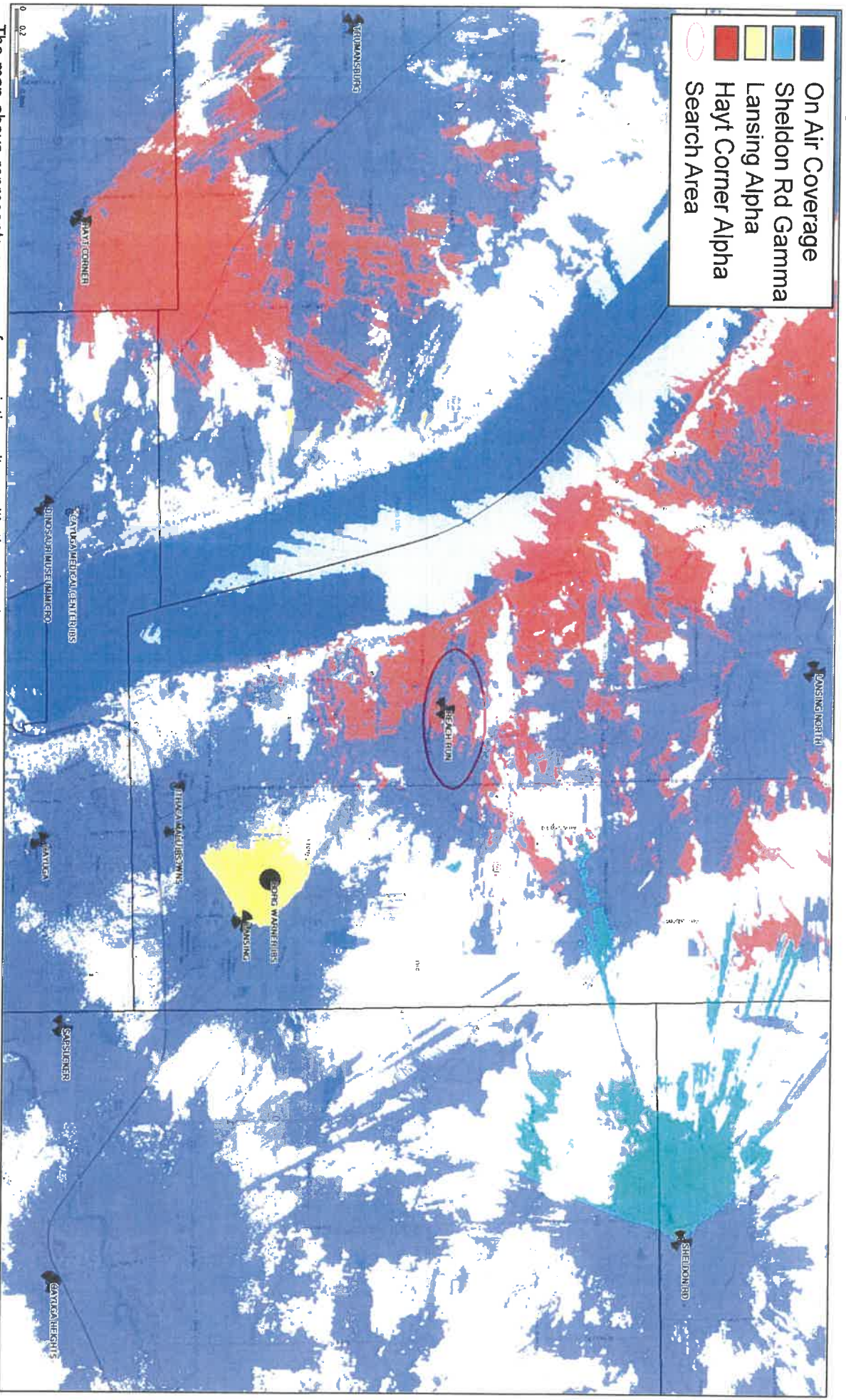


The map above adds low band of the Reach Run site to the existing signal strength. The significantly improved signal strength corresponds to improved coverage and capacity throughout the identified significant gap areas. This will help to resolve the coverage and capacity issues impacting portions of the Town of Lansing.



Existing Mid Band (AWS/PCCS/C-Band) Best Server -105dBm RSSRP

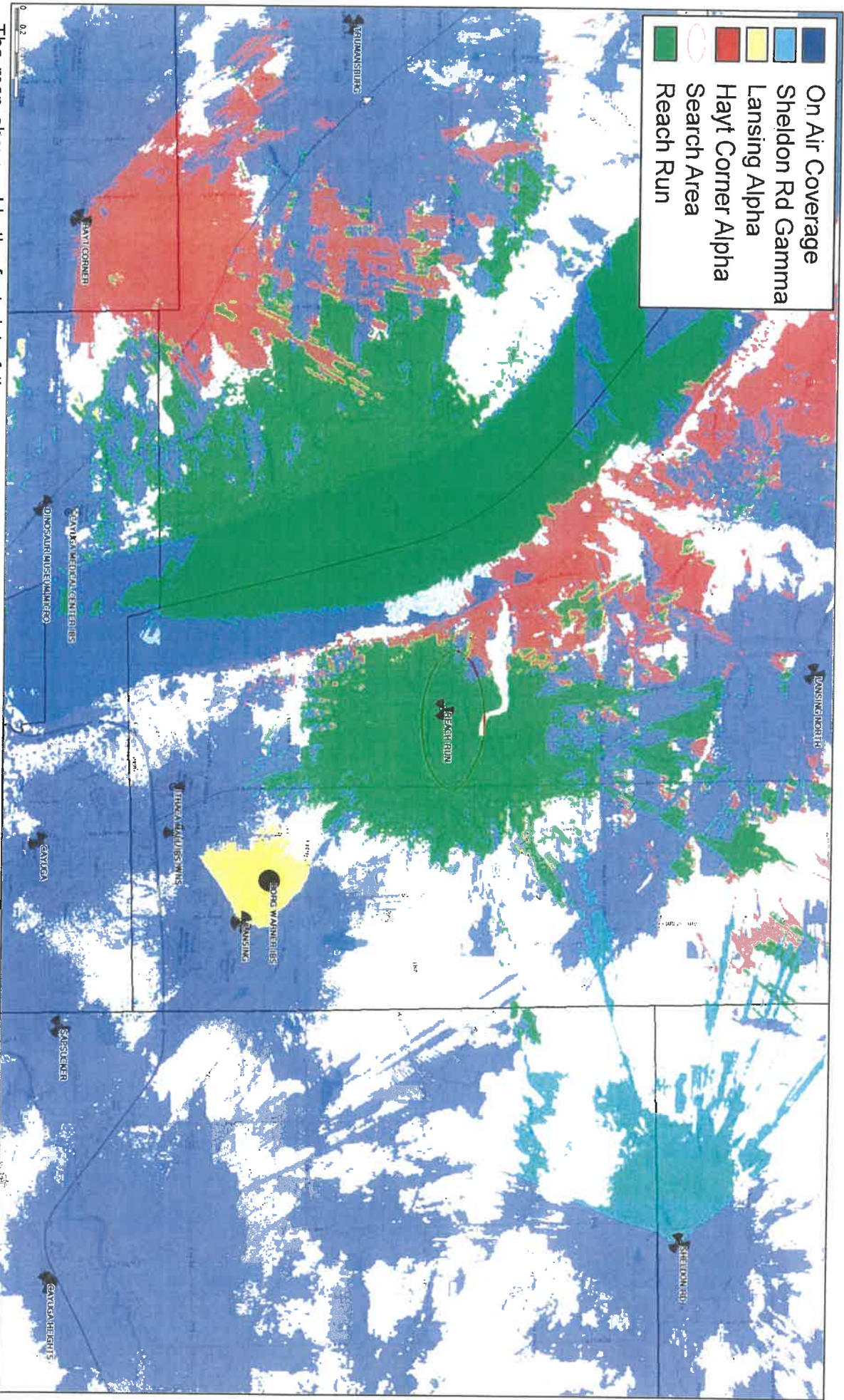
Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.



The map above 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. Notice the lack of signal or where there is signal, a dominant server throughout the Reach Run project area. This reveals several sites that are excessively stretching their mid band coverage capabilities which results with unacceptable coverage and performance.

Proposed Mid Band (AWS/PCS/C-Band) Best Server -105dBm RSSRP

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.

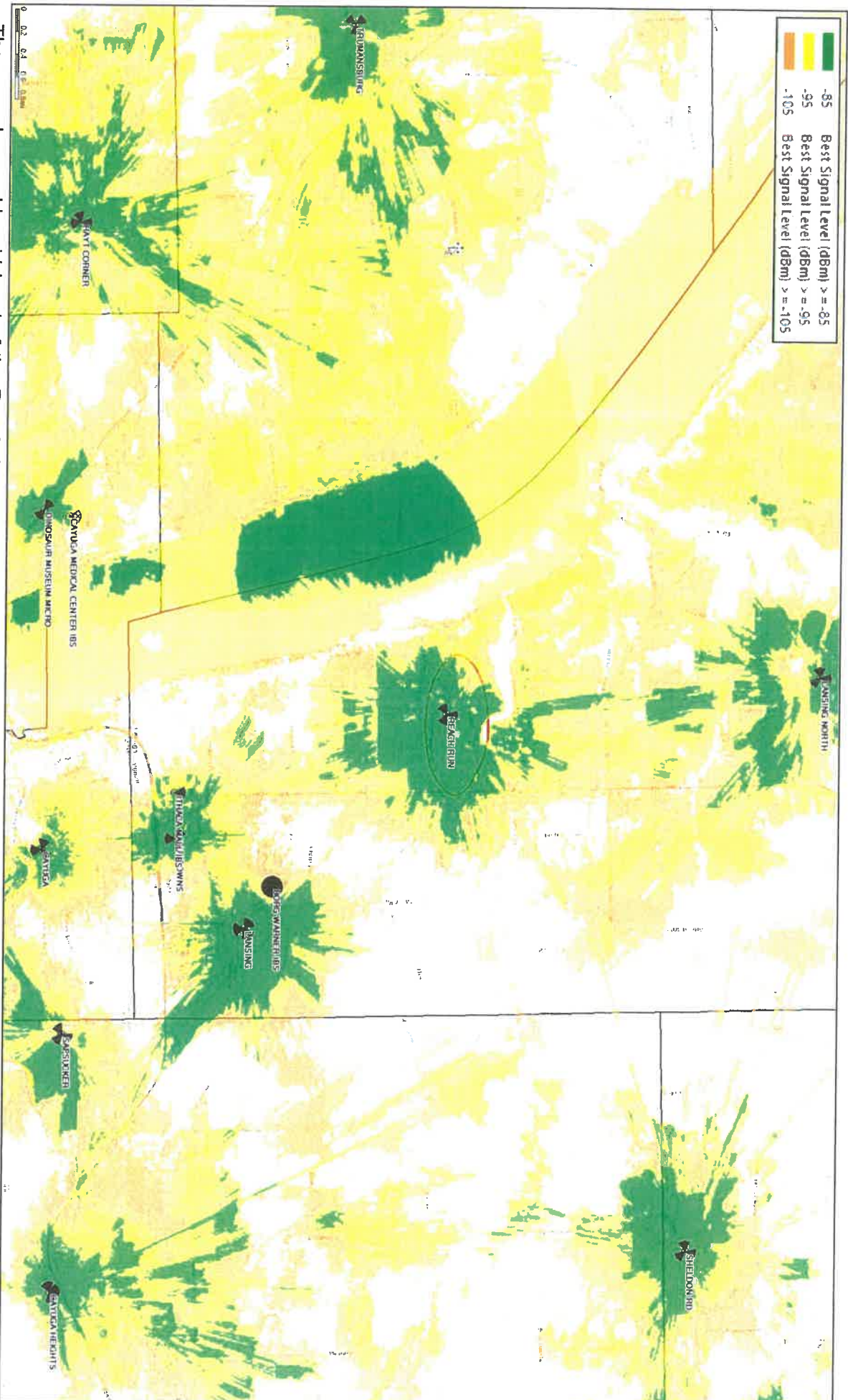


The map above adds the footprint of the proposed **Reach Run** site in green. The green best server footprint provides improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the existing overloaded sectors identified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



Proposed Mid Band (AWS/PCS/C-Band) Coverage (signal strength)

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



The map above adds mid band of the Reach Run 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 of Lansing.



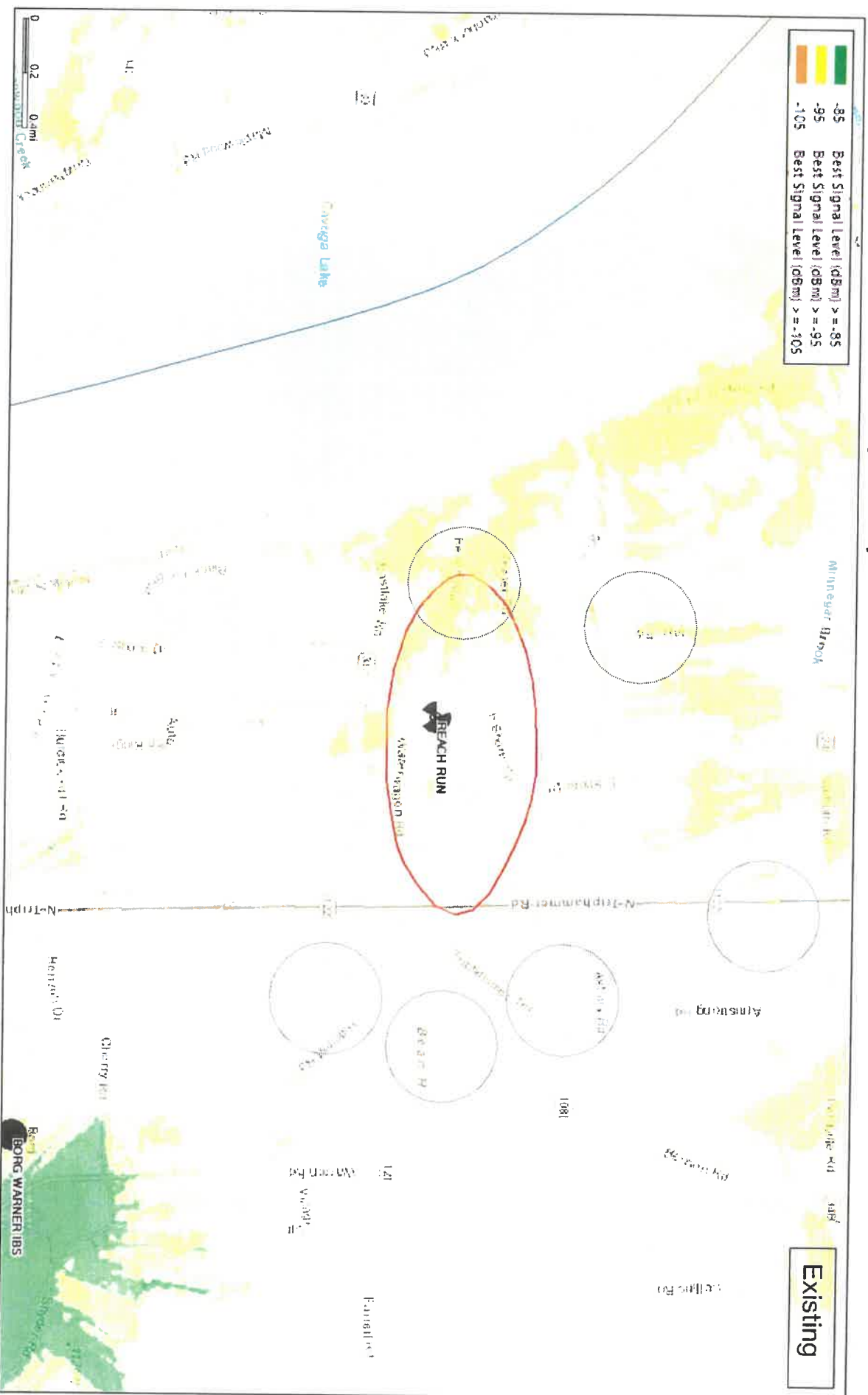
Midband coverage plots at alternate heights (Minimum Height Justification)

Mid band coverage is critical in the effort to balance capacity (utilization) and allow for “contained” low band sites. If adequate and reliable signal strength from mid band is not present the mobile will attach to low band only. The current low band frequencies, however, due to limits in bandwidth represent only less than ten percent (10%) of the available bandwidth licenses by Verizon Wireless. The remaining, which is more than ninety percent (90%) of bandwidth, is available from the mid-band frequencies. Too many users in this RF condition will overburden low band and cause a site to become capacity exhausted requiring additional network densification. Network densification is achieved by adding mid-band frequencies at a new dominant server/site. Areas of higher utilization are of particular importance in evaluating mid band height needs. Mid band spectrum on macro sites has proven to be a very capable resource and also includes C-Band. These frequencies roughly in the 1.9-3.8GHz range are needed throughout the Reach Run project area to relieve existing network capacity issues.

Current wireless networks continue to rely on “line of sight” technology to provide service to existing customers, the critical component necessary to service customers is establishing the proper height of the antennas to ensure that the antennas can see the service areas. As relative antenna height is increased or decreased, area (RF) clutter is either overcome allowing a site to propagate as needed or becomes obstructed causing gaps in service. The following slides display existing on-air mid band coverage + Reach Run Site at identified Antenna centerline (ACL).

Height Justification (Mid-Band Coverage AWS/PCS/C-Band)

Zoomed in + increased signal strength granularity

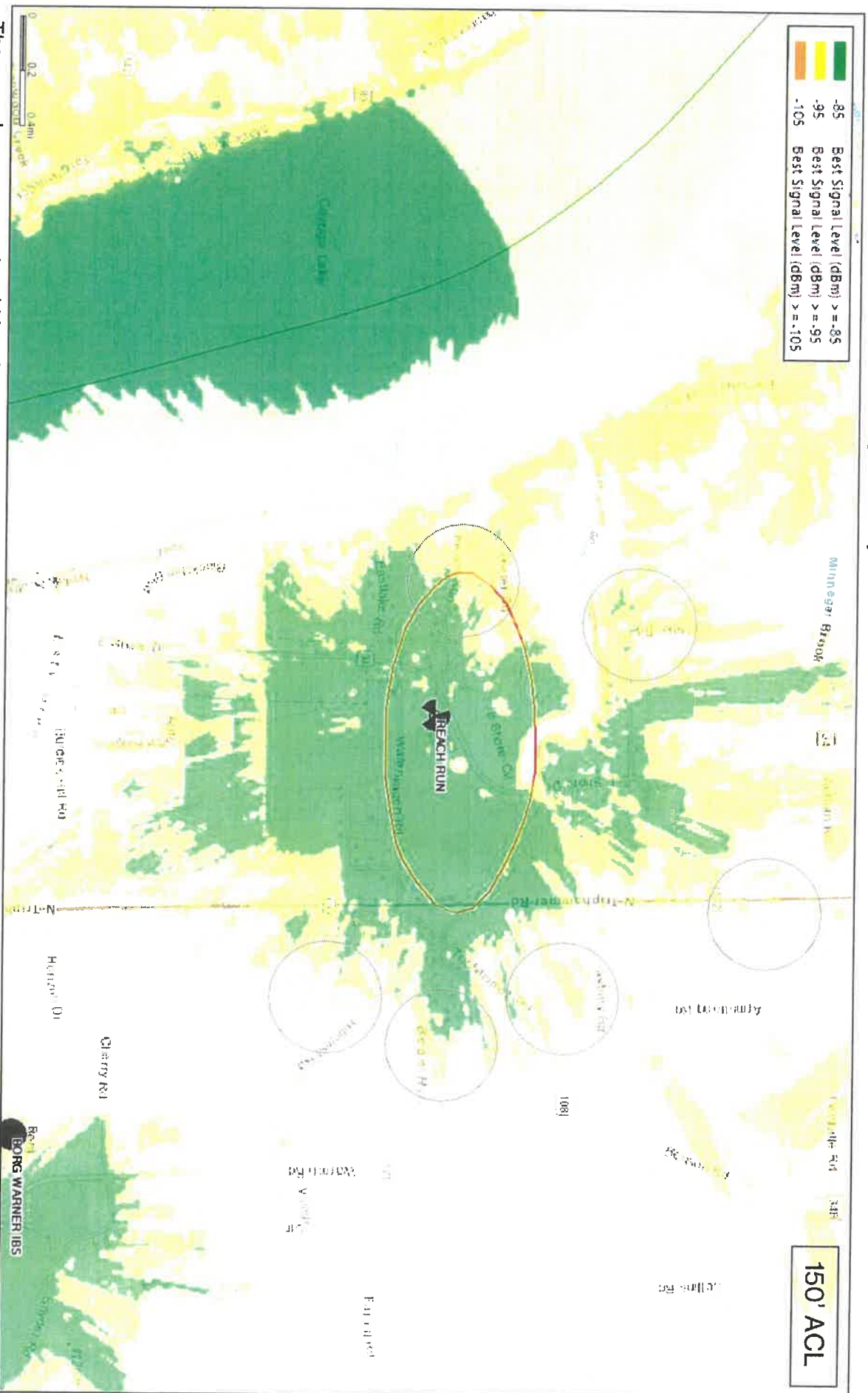


The map above represents mid band coverage from existing sites. Potential traffic areas, which are not very close to the project location and/or are located in a challenging terrain and there will be dramatic changes in mid-band coverage when the tower height is altered, are encircled for purposes of establishing minimum height justification.



Height Justification (Mid-Band Coverage AWS/PCS/C-Band)

Zoomed in + increased signal strength granularity

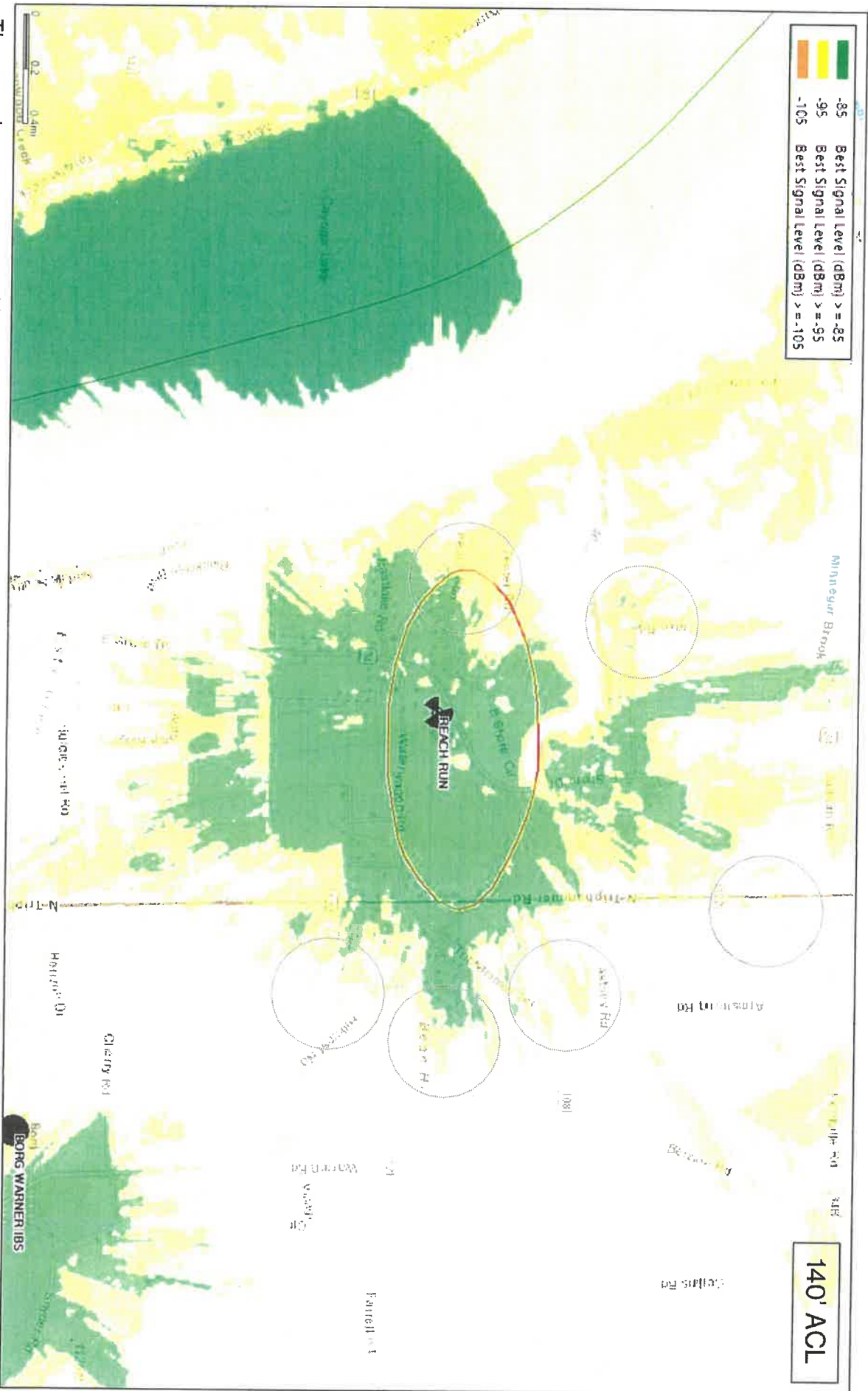


The map above represents mid band coverage from existing sites + Reach Run site at 150' Antenna Centerline (ACL) which is 10ft higher than the proposed ACL(140'). The purpose of adding mid band coverage plot at a higher ACL is to show that a higher ACL will certainly result in improve mid band coverage but the improvement is not significant enough to raise the antenna by another 10ft.



Height Justification (Mid-Band Coverage AWS/PCS/C-Band)

Zoomed in + increased signal strength granularity

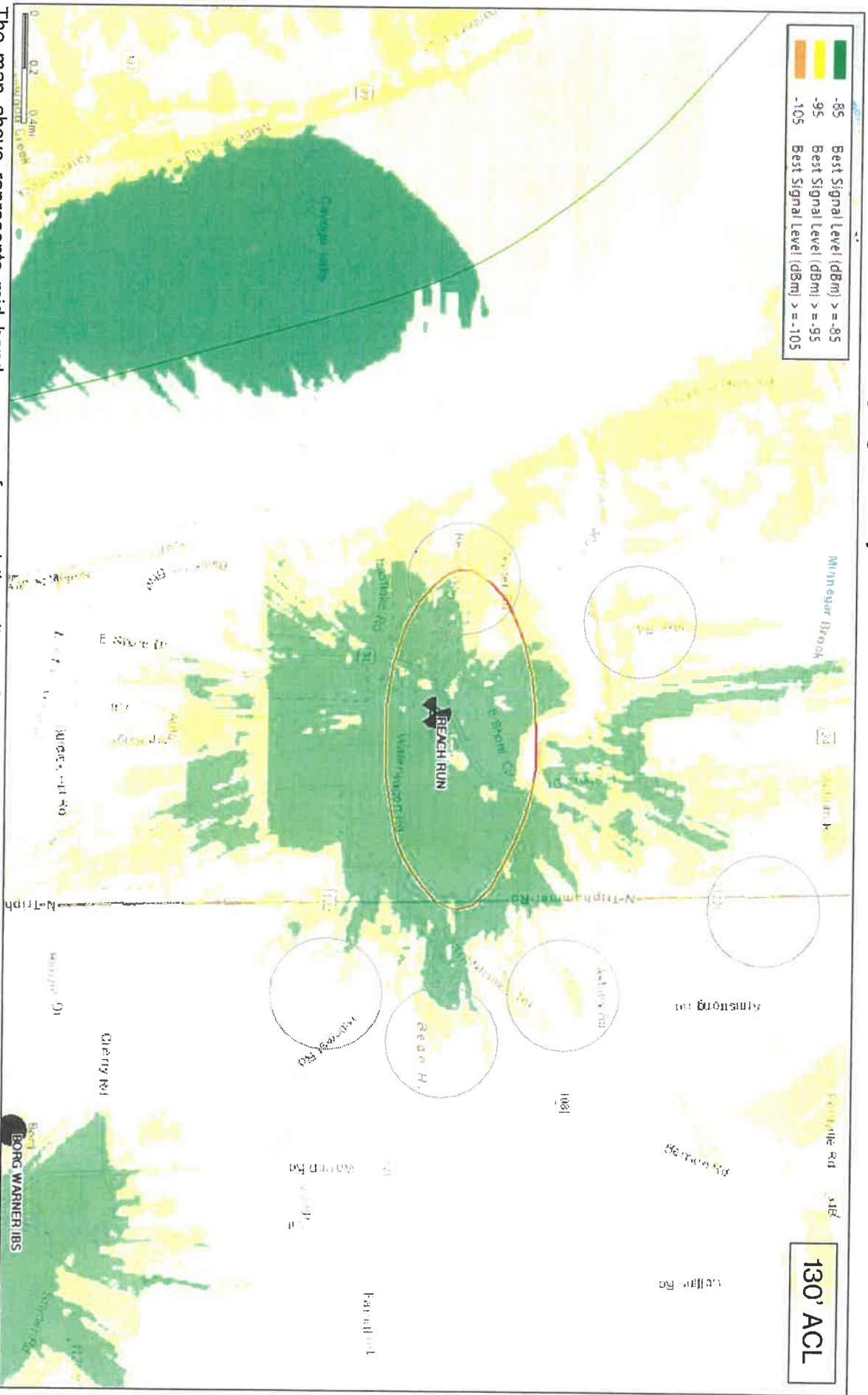


The map above represents mid band coverage from existing sites + Reach Run site at 140'ACL. Midband footprint reduced at the proposed height but it can be seen that encircled areas will still have sufficient mid band coverage.



Height Justification (Mid-Band Coverage AWS/PCS/C-Band)

Zoomed in + increased signal strength granularity



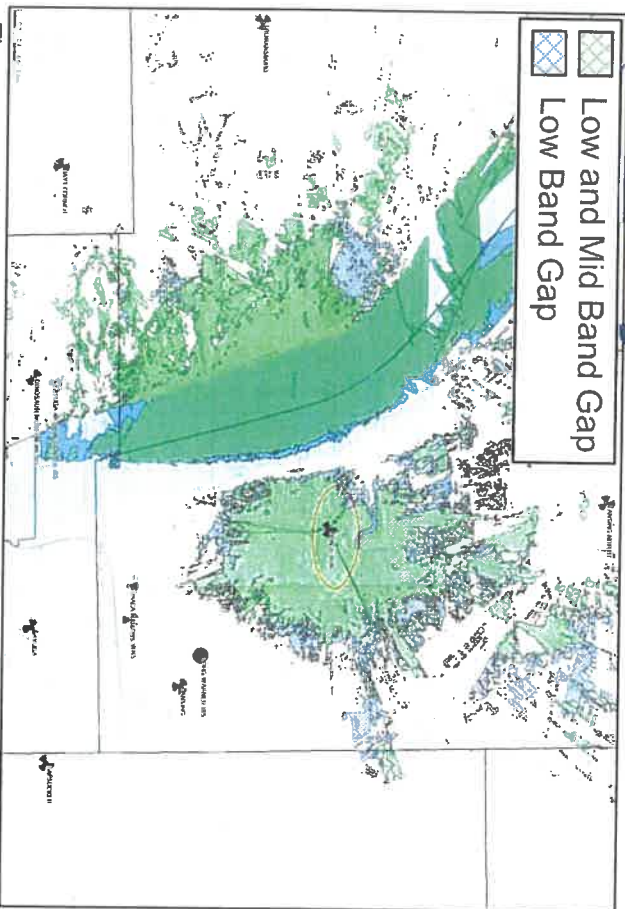
The map above represents mid band coverage from existing sites + Reach Run site at 130'ACL. Coverage capabilities below 140' ACL are significantly compromised causing gaps in coverage and capacity capability for Verizon's mid band licenses including but not limited to AWS, PCS and C-Band which vary in frequency from 1900-3700MHz. Specific areas circled above in the black dashed lines along the Hillcrest Road, Rt 122, Drake Rd, Reach Run, Asbury Rd, Triphammer Rd, all listed as primary objectives are all significantly impacted by reduction in ACL.



Height Justification Narrative/Summary

As mentioned before, Reach Run project area is already experiencing high network utilization, primarily on low band due to lack of adequate and reliable mid band coverage in the area. Due to the high number of users in the project area, it is important to provide adequate mid band signal strength to this objective area. Verizon RF evaluated the minimum height requirement and it is our expert opinion that any height lower than 140' ACL (145' Monopole) will fail the capacity objective of the project. As shown previously, 140' ACL is not as ideal for the project as 150' would be, however it does provide acceptable coverage for the majority of the project area.

RF Justification Summary



The proposed site resolves the substantial and significant gaps in coverage and capacity impacting the Town of Lansing. These gaps are shown above: The green shaded area represent the gaps in coverage and capacity that the proposed Reach Run site with 145' ACL will resolve.

The network was analyzed to determine whether there is sufficient **RF coverage and capacity** in the **Towns of Lansing**. It was determined that there are significant gaps in adequate LTE service for Verizon Wireless in the Low and Mid Band LTE frequencies. 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 **Towns of Lansing**, 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.

Wasif Sharif

Wasif Sharif

Engineer III – RF Design

1275 John Street, Suite 100

West Henrietta, NY 14586

Verizon Wireless





**BELL ATLANTIC MOBILE SYSTEMS LLC
D/B/A
VERIZON WIRELESS**

REACH RUN SITE

**1767 East Shore Drive
Ithaca, New York 14850**

**SITE SELECTION ANALYSIS
AUGUST 8, 2024**

SITE SELECTION ANALYSIS

Verizon Wireless proposes to install and operate a new wireless telecommunications facility, including a new tower, associated antennas, ground equipment, and related appurtenances, at 1767 East Shore Drive in the Town of Ithaca, Tompkins County, New York. The property is currently a 13.36 acre parcel and houses a community recreation center commonly known as "The Rink".

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 **RF SEARCH RING JUSTIFICATION**. As indicated in that report, when a Verizon Wireless Radio Frequency 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 **RF SEARCH RING** and are attached herein as **Attachment 1**. These are the geographical areas within which a new wireless telecommunications facility is likely to provide the required coverage (at an appropriate height). Parameters for the search area are generally along East Shore Drive (Route 34) just south of Asbury Lane and to the north of Waterwagon Road. Again, for the most part, locations outside of the search area will fail to provide adequate service to the cell while locations within are likely, but not guaranteed, to do so.

2. SEARCH RING ANALYSIS

(a) Geography & Topography

The Reach Run search area has some varying topography and is comprised of open fields and residential parcels.

(b) Land Use

The Search Ring is made up of predominately residentially developed and undeveloped parcels.

3. ZONING CONSIDERATIONS

(a) Collocation

Verizon Wireless routinely seeks to install its antennas and equipment on existing wireless telecommunications towers or other tall structures (“collocation”), whenever feasible. Local communities universally favor collocation 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 siting 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 construction 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. In this case, unfortunately there are not any Town of Lansing owned parcels in the area of the search area.

(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 wireless telecommunications 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 setbacks. 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. SEARCH RING ANALYSIS

After a comprehensive investigation of the Search Ring, no currently available towers or tall structures are available collocation in and around the Search Ring.

The Town of Lansing has the following siting preferences, listed in order of preferability (Town Code §119-3(2)(a)). Section of the code is in black and responses are in green.

1. Small-site locations on existing structures that are not highly visible tall structures.
Please see the accompanying VZW RF engineer Macro versus small cell write-up.
2. Small-site locations on existing tall structures.
Please see the accompanying VZW RF engineer Macro versus small cell write-up.
3. Co-location on existing towers or upon property with an existing tower.
There are no existing towers in or around the Search Ring.
4. Siting upon highly visible tall structures.
There are no existing tall structures in or around the Search Ring.
5. Siting upon tall structures.
There a no existing tall structures in or around the Search Ring.
6. Siting within industrial areas and districts (IR zones).
Per the Town of Lansing zoning map, there are no IR zones in or around the Search Ring.

7. Siting within commercial or business areas and districts not in the Town center area (B2 zones).

Per the Town of Lansing zoning map, there are no B2 zones in or around the Search Ring.

8. Siting in New York State recognized agricultural districts.

Per the Cornell Institute for Resource Information Sciences (Cornell IRIS) and NYS Department of Agriculture and Markets GIS website as shown below there is only one parcel to the south the Search Ring on East Shore Drive and it is not large enough to accommodate a tower facility and meet the town setback requirements.



9. Siting in agricultural zones or areas (RA zones).

Per the Town of Lansing zoning map, there are no RA zones in or around the Search Ring.

10. Siting in mixed-use residential districts (R3 zones).

Per the Town of Lansing zoning map, there are no R3 zones in or around the Search Ring.

11. Siting in the Town center area properties (B1 zone and mapped surrounding areas).

Per the Town of Lansing zoning map, there are no B1 zones in or around the Search Ring.

12. Siting in moderate-density residential districts (R2 zones).

Per the Town of Lansing zoning map, most of the Search Ring is comprised of R2 zones.

13. Siting in low-density residential districts (R1 zones).

Per the Town of Lansing zoning map, the eastern portion of the Search Ring is comprised of R1 zones.

Excerpt from the Town of Lansing zoning map with the Search Ring shown in blue:



Town of Lansing Zoning Map April 2023

Zoning April 2023	B2	R1	RA	Cayuga Lake
	IR	R2	AG	
	L1	R3	<all other values>	
	B1			



In addition, per the Town Code § 119-3(C) - New towers are and shall only be permitted in a RA, B2, or IR zoning districts upon the issuance of a special use permit and the granting of site plan approval by the Planning Board.

Telecommunications facilities and towers are not permitted in R1, R2, R3, L1, and B1 zoned areas per Chapter 270, Zoning, of the Town Code. These requirements are specifically intended to regulate tower placement and not to preclude or regulate wireless and cellular services in the Town. Therefore, a Use Variance from the Zoning Board of Appeals will be required for any towers not in the RA, B2, or IR zoning districts.

Lastly per –Town Code § 119-3(F)(6) - Setbacks, yardage. All telecommunications facilities shall comply with all setback, frontage, minimum lot size, yardage, and bulk requirements of the underlying zone in which situate. In the event more than one zone's regulations may apply, the more restrictive requirements shall be applied upon a standard-by-standard basis. These standards apply to all major structures of any telecommunications facilities, as well as their supporting parts and appurtenances, such as guy wires, anchors, and accessory structures. In order to safeguard the general public and adjacent properties, all towers shall be set back from all adjacent property lines a sufficient distance to contain on site substantially all ice fall or debris from any tower failures. The applicant must demonstrate a safe fall zone around the tower showing no impacts upon structures or dwellings and adequate setbacks from public highways.

The radius of the fall zone must be at least equal to the highest point of the tower, plus forty feet (40').

5. CANDIDATE ANALYSIS

A comprehensive investigation of the Reach Run Search Area was completed and several potential candidates were identified. The parcels are identified on **Attachment 2**. A summary of the properties located within and outside of the Search Area are detailed below.

(A) Young (503289-37.1-6-2.2) – 1775 East Shore Drive

This parcel, 101.23 acres in size is located on the east side of East Shore Drive and also has frontage on Waterwagon Road to the south. The landowner was only interested in leasing space to Verizon Wireless for a tower facility on the north portion of the parcel just south of Asbury Road between the creek that is the parcel boundary to the north and the creek and pond that bisect the northernmost field from the rest of the parcel. This location was submitted to the RF engineer for review as a potential location for a tower facility. The owner of parcel was initially interested in leasing space to Verizon Wireless, but when we investigated the only available location on the parcel it was determined that the existing earthen bridge that crosses the creek (a designated federal wetland that feeds into Gulf Creek and then feeds into Cayuga Lake) would need to be upgraded with potential impacts to the federal wetlands, Gulf Creek and Cayuga Lake to obtain access to the only available location on the parcel, lease negotiations with the owner of the parcel were terminated.

(B) Fish and Game (Tax Parcel ID# 503201-42.1-1-7 and 503289-42.-1-7) – 1649 East Shore Drive

These parcels, totaling 28.38 acres in size, are located on east side of East Shore Road in the Village of Lansing. This location was submitted to the RF engineer for review as a potential location for a tower facility. The landowner was initially interested in leasing space to Verizon Wireless, but after completing their review of the available candidates, the Verizon Wireless RF engineer concluded that this location would not be adequate as this location would have not adequately covered the intended coverage area. As such, lease negotiations with the landowner were terminated.

(C) Butler #1 (Tax Parcel ID# 503289-42.-1-29) – No Number East Shore Drive

This parcel, 40.91 acres in size, is located on the west side of East Shore Drive. The landowner was only interested in leasing space to Verizon Wireless for a tower facility on the eastern portion of the parcel closest to East Shore Drive. This location was submitted to the RF engineer for review as a potential location for a tower facility. The landowner was initially interested in leasing space to Verizon Wireless, but after completing their review of the available candidates, the Verizon Wireless RF engineer concluded that this location would not be adequate as this location would have not adequately covered the intended coverage area. As such, lease negotiations with the landowner were terminated.

(D) Butler #2 (Tax Parcel ID# 503289-42.-1-40) – No Number East Shore Drive

This parcel, 148.04 acres in size, is located on the east side of East Shore Drive but has its frontage on North Triphammer Road. The landowner was only interested in leasing space to Verizon Wireless for a tower facility on the eastern portion of the parcel closest to North Triphammer Road. This location was submitted to the RF engineer for review as a potential location for a tower facility. The landowner was initially interested in leasing space to Verizon Wireless, but after completing their review of the available candidates, the Verizon Wireless RF

engineer concluded that this location would not be adequate as this location would have not adequately covered the intended coverage area. As such, lease negotiations with the landowner were terminated.

(E) Community Recreational Center – “The Rink” (Tax Parcel ID# 503289-37.1-6-9) – 1767 East Shore Drive

This parcel, 13.19 acres in size, is located on the east side of East Shore Drive. This parcel and proposed tower location is within the search area and has proved to be the best location from a topography and terrain perspective. The chosen location on the property also offers some natural screening of the base of the tower facility from view from neighboring parcels to the north, south and west, and a 145’ tower plus a 4’ lightning rod in the proposed tower location meets the town setback requirement of the height of the tower plus 40’ and the proposed tower location would be 195’ from the adjacent parcels to the south and west. As further detailed in the RF review and analysis document - “Engineering Necessity Case – Reach Run” this location adequately solves the issues that the Verizon Wireless network is currently experiencing in the area.

All the parcels with red stars on them on **Attachment 2** were either reviewed and a tower on the parcel could not meet the Town of Lansing setback requirements or they were contacted via certified letter and either did not respond to the certified letter with interest in pursuing a tower facility on their parcel or did respond to letter to let me know they were not interested in pursuing a tower facility on their respective parcel. The remaining parcels were reviewed but are simply too small to accommodate a tower facility and meet the Town of Lansing setback requirements.

6. CONCLUSION

Based on the requirements of the Town of Lansing town code, the existing conditions and land use, and the reasons identified above, as well as the results of RF review and analysis, we believe the Community Recreational Center – “The Rink” is the best location for the proposed facility.

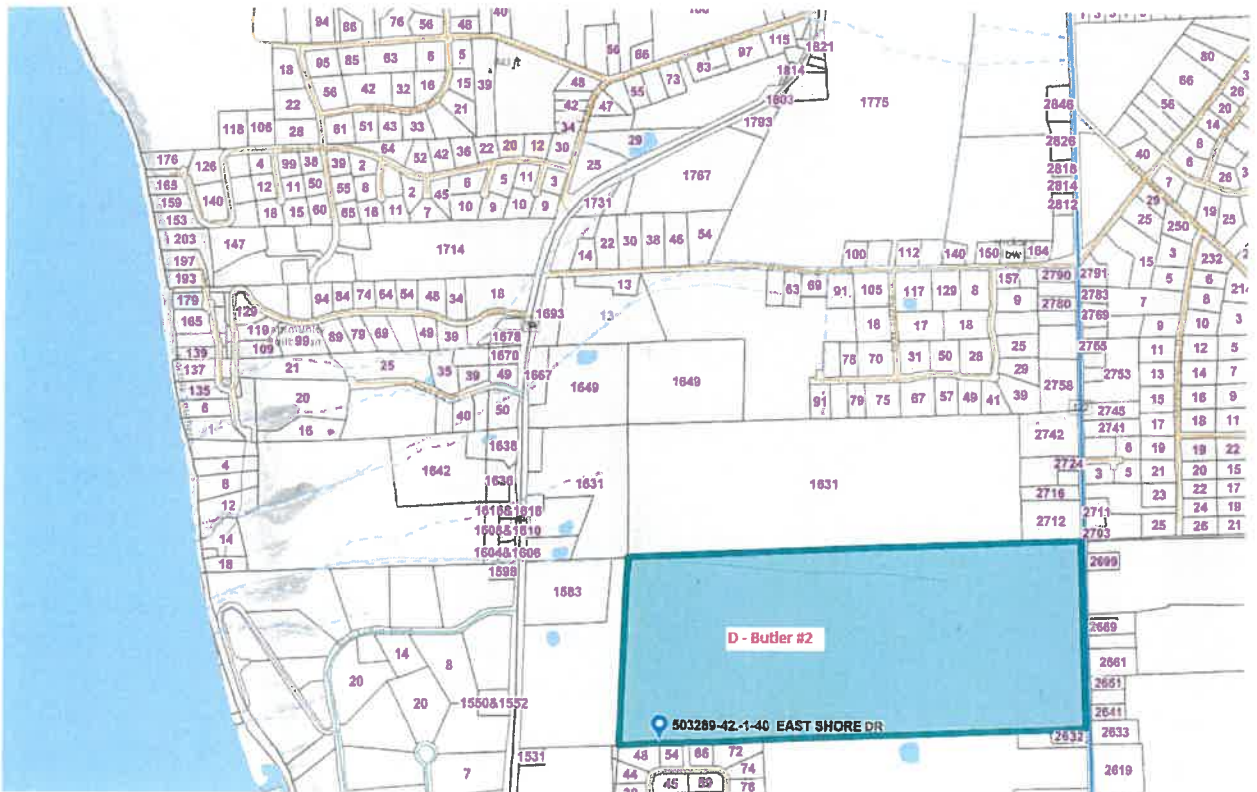
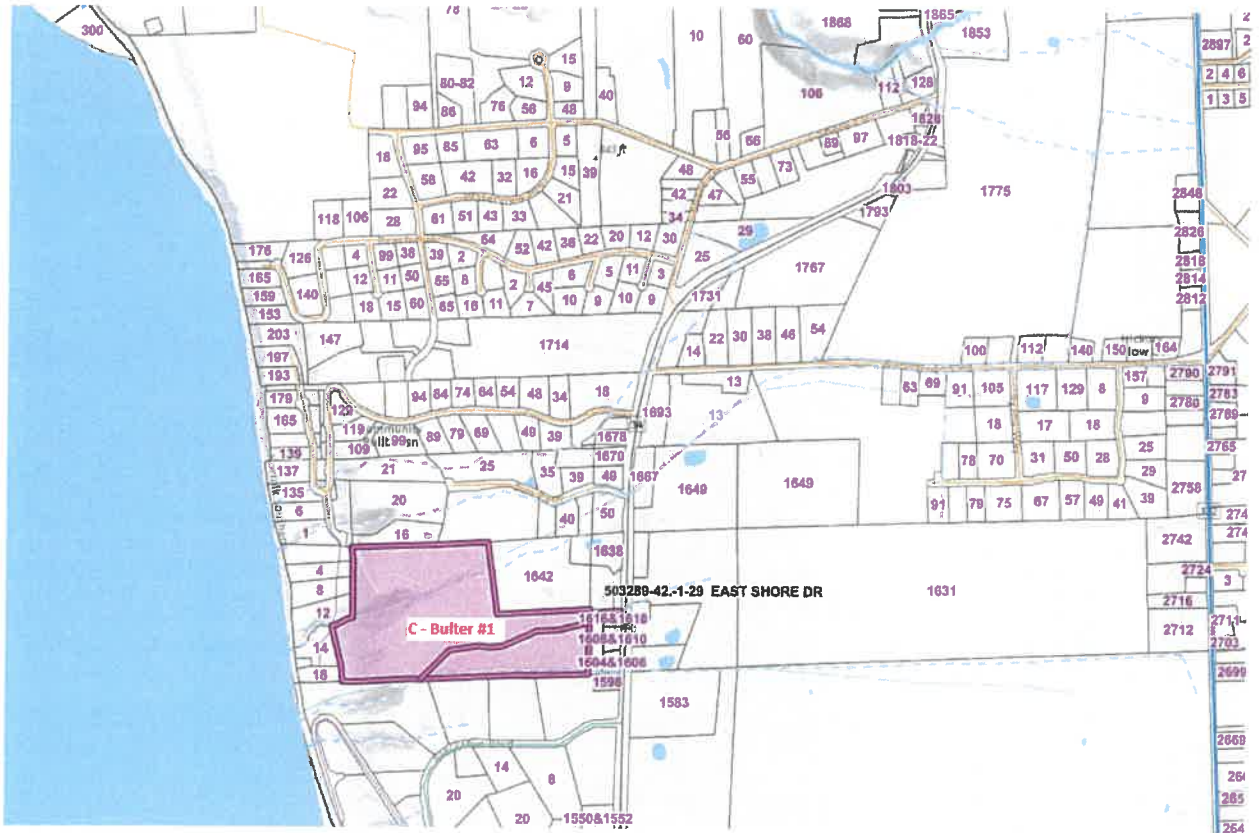
Prepared by:

Brett Morgan

Brett Morgan
Airosmith Development
Consultant to Verizon Wireless

ATTACHMENT 1 VERIZON WIRELESS REACH RUN SEARCH RING





Full Environmental Assessment Form
Part 1 - Project and Setting

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 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless - Reach Run Telecommunications Facility		
Project Location (describe, and attach a general location map): 1767 E Shore Dr. Ithaca, NY 14850, Town of Lansing, Tompkins County (T.A.# 37.1-6-9, 13.36 acres per tax map)		
Brief Description of Proposed Action (include purpose or need): Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless is proposing the construction of a wireless telecommunications facility. The facility will consist of a 145' monopole (with proposed 4' lightning rod) that will support a Verizon Wireless antenna array at 140' AGL; ground based improvements include outdoor equipment cabinets on a 11'x12.5' concrete slab with an ice canopy over it, a cable bridge, a propane generator on a 4x8' concrete slab, and a 500 gallon propane tank, all enclosed by a 37'x76', 7' tall chain link fence with a 1' barbed wire top. The compound, generator proposed tower, wireless telecommunications equipment, and meter board are all to be located within a 100'x100' lease area. Access to the site will utilize an existing curb cut and parking lot within a proposed 20' wide access easement off of E. Shore Drive (NYS Route 34) to the proposed tower location.		
Name of Applicant/Sponsor: Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless		Telephone: 585-474-2095 E-Mail: katie.jaeckel@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): Nixon Peabody, LLC - Jared Lusk		Telephone: 585-263-1140 E-Mail: jlusk@nixonpeabody.com
Address: 1300 Clinton Square		
City/PO: Rochester	State: NY	Zip Code: 14604
Property Owner (if not same as sponsor): Community Rec Center, Inc.		Telephone: E-Mail:
Address: 1767 East Shore Dr.		
City/PO: Ithaca	State: NY	Zip Code: 14850

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 Council, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Lansing Planning Board - Site Plan Approval, Building Permit approval	May 2024
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Lansing Zoning Board of Appeals - Use Variance	May 2024
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <i>2018 Town of Lansing Comprehensive Plan -Proposed Future Land Use Map - labels site as Recreation</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?
R-2 (Residential - Moderate Density)

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? Lansing School District

b. What police or other public protection forces serve the project site?
NYS Police, Tompkins County Sheriff Department

c. Which fire protection and emergency medical services serve the project site?
Lansing Fire Station 5, Tompkins County Fire and Rescue

d. What parks serve the project site?
Emile Jonas Falls Nature Trail, Edwards Lake Cliffs

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)? Wireless Telecommunications Facility

b. a. Total acreage of the site of the proposed action? 13.36 acres
b. Total acreage to be physically disturbed? .19 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .42 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: 3 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.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
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
- ii. Dimensions (in feet) of largest proposed structure: _____ 145' height; _____ width; and _____ length
- iii. Approximate extent of building space to be heated or cooled: _____ N/A 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)

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

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

 Standby Propane 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 (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (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 1/2 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: _____
70,000 kwh

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: _____ 7am - 6pm _____
- Saturday: _____ 7am - 6pm _____
- Sunday: _____ N/A _____
- Holidays: _____ N/A _____

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 _____

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:

 (1) 25W flood light mounted on H-frame activated with spring wound timer, 8' +/- above grade

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): Recreation; Vacant

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	5.35	5.45	.10
• Forested	4.21	4.21	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	3.64	3.54	-.10
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	.16	.16	0
• 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: indoor ice skating rink; archery

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:
Site No.: 7-600156, Petroleum Bulk Storage; Underground Tank; Site Closed-Removed

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

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? _____ >6' 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:

HsB-Hudson silty clay loam	_____	16 %
OaA-Ovid silt loam	_____	69 %
IcA-Ilion silty clay loam	_____	14 %

d. What is the average depth to the water table on the project site? Average: _____ 0-2 feet

e. Drainage status of project site soils:

<input type="checkbox"/> Well Drained:	_____ % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	17 % of site
<input checked="" type="checkbox"/> Poorly Drained	83 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	100 % of site
<input type="checkbox"/> 10-15%:	_____ % of site
<input type="checkbox"/> 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 Freshwater Pond PUBHh	Approximate Size 0.73
• 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:

small mammals _____ birds _____

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? 2.2 +/- acres

ii. Source(s) of soil rating(s): 2024 NEW YORK AGRICULTURAL LAND CLASSIFICATION - TOMPKINS - JANUARY 1, 2024

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 five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: Cayuga Lake Scenic Byway (NYS Route 34)

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

iii. Distance between project and resource: _____ 0.01 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.

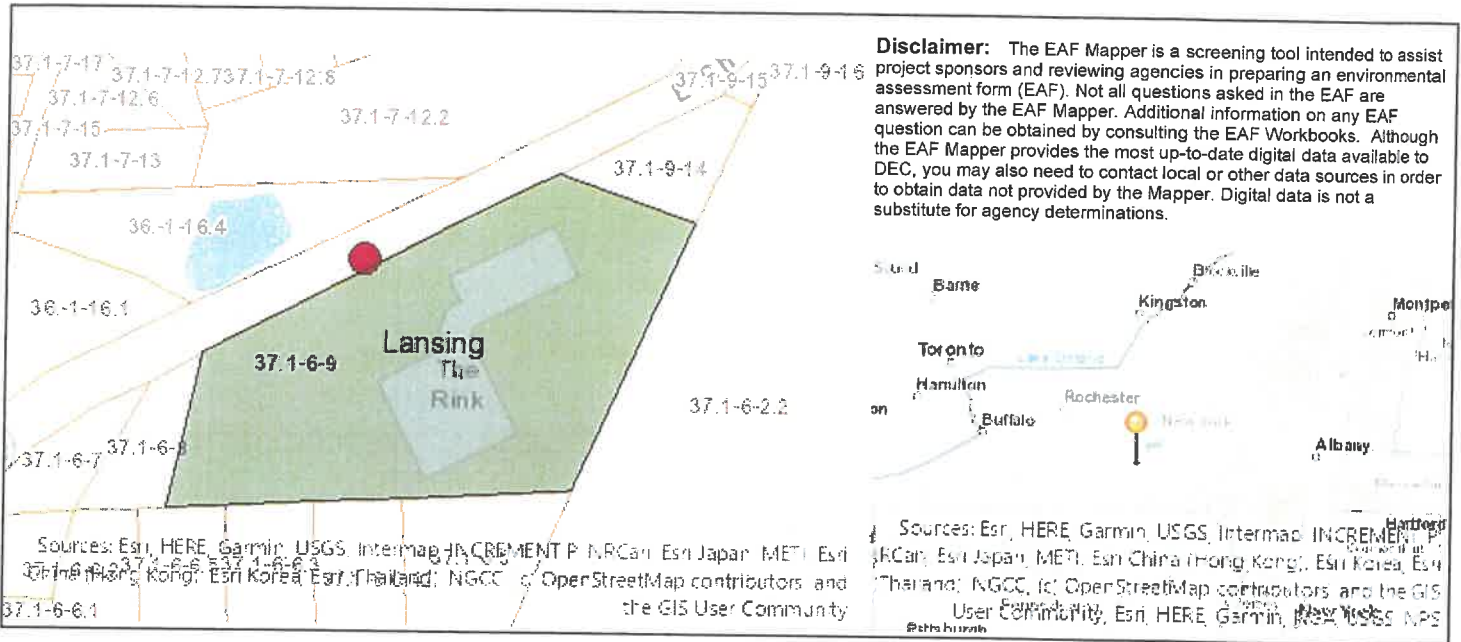
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Bell Atlantic Mobile Systems, LLC d/b/a Verizon Date April 7, 2024

Signature  Title Project Engineer-Costich Engineering, DPC



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]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
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]	No
E.3.i. [Designated River Corridor]	No

LAND LEASE AGREEMENT

This Land Lease Agreement (the "Agreement") is made by and between Community Recreational Center, Inc., with an address of 1767 East Shore Drive, Ithaca, New York 14850 ("LESSOR") and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless with an address of One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("LESSEE"). LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

WITNESSETH

In consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. **GRANT.** LESSOR hereby grants to LESSEE the right to install, maintain, replace, add and operate communications equipment ("Use") upon a portion of that real property owned, leased or controlled by LESSOR located at 1767 East Shore Drive in the Town of Lansing, Tompkins County, New York, Tax Map No. 37.1-6-9 (the "Property"). The Property is legally described on Exhibit "A" attached hereto and made a part hereof. The "Premises" is approximately 10,000 square feet and is shown in detail on Exhibit "B" attached hereto and made a part hereof. LESSEE may survey the Premises. Upon completion, the survey shall replace Exhibit "B" in its entirety.

2. **INITIAL TERM.** This Agreement shall be effective as of the date of execution by both Parties ("Effective Date"). The initial term of the Agreement shall be for 5 years beginning on the first day of the month after LESSEE begins installation of LESSEE's communications equipment on the Premises (the "Commencement Date") and will be acknowledged by the Parties in writing, including electronic mail.

3. **EXTENSIONS.** The initial term of this Agreement shall automatically be extended for 4 additional 5-year terms unless LESSEE gives LESSOR written notice of its intent to terminate at least three (3) months prior to the end of the then current extension term. The initial term and any extension terms shall be collectively referred to herein as the "Term".

4. **RENTAL.**

a. Rental payments shall begin on the Commencement Date and be due at a total annual rental of [REDACTED] to be paid in equal monthly installments on the first day of the month, in advance, to LESSOR or to such other person, firm, or place as LESSOR may, from time to time, designate in writing at least 30 days in advance of any rental payment due date by notice given in accordance with Paragraph 19 below. The initial rental payment shall be delivered by LESSEE no later than 90 days after the Commencement Date. Upon agreement of the Parties, LESSEE may pay rent by electronic funds transfer and in such event, LESSOR agrees to provide to LESSEE bank routing information for such purpose upon request of LESSEE. Each year during the Term, as of the anniversary of the Commencement Date, annual rent shall increase by 2% over the rent for the immediately preceding year.

b. For any party to whom rental payments are to be made, LESSOR or any successor in interest of LESSOR hereby agrees to provide to LESSEE (i) a completed, current version of Internal Revenue Service Form W-9, or equivalent; (ii) complete and fully executed state and local withholding forms if required; (iii) LESSEE's payment direction form, and (iv) other documentation to verify LESSOR's or such other party's right to receive rental as is reasonably requested by LESSEE. Rental shall accrue in accordance with this Agreement, but LESSEE shall have no obligation to deliver rental payments

until the requested documentation has been received by LESSEE. Upon receipt of the requested documentation, LESSEE shall deliver the accrued rental payments as directed by LESSOR.

5. ACCESS/UTILITIES. LESSEE shall have the non-exclusive right of ingress and egress from a public right-of-way, 7 days a week, 24 hours a day, over the Property to and from the Premises for the purpose of installation, operation and maintenance of LESSEE's communications equipment over or along a 20 foot wide right-of-way ("Easement"), which shall be depicted on Exhibit "B". LESSEE may use the Easement and an additional 10 foot wide utility easement shown on Exhibit "B" for the installation, operation and maintenance of wires, cables, conduits and pipes for all necessary electrical, telephone, fiber and other similar support services as deemed necessary or appropriate by LESSEE for the operation of its communications equipment. In the event it is necessary, LESSOR agrees to grant LESSEE or the service provider the right to install such services on, through, over and/or under the Property, provided the location of such services shall be reasonably approved by LESSOR. In the event of any power interruption at the Premises, LESSEE shall be permitted to install, maintain and/or provide access to and use of a temporary power source to be located on the Property, including related equipment and appurtenances, such as conduits connecting the temporary power source to the Premises. The Easement and any other easements granted herein terminate upon expiration or termination of this Agreement.

6. CONDITION OF PROPERTY. LESSOR shall deliver the Premises to LESSEE in a condition ready for LESSEE's Use and clean and free of debris. LESSOR represents and warrants to LESSEE that as of the Effective Date, the Property is (a) in compliance with all Laws; and (b) in compliance with all EH&S Laws (as defined in Paragraph 24).

7. IMPROVEMENTS. The communications equipment including, without limitation, the tower structure, antennas, conduits, fencing and other screening, and other improvements shall be at LESSEE's expense and installation shall be at the discretion and option of LESSEE. LESSEE shall have the right to replace, repair, add to or otherwise modify its communications equipment, tower structure, antennas, conduits, fencing and other screening, or other improvements or any portion thereof and the frequencies over which the communications equipment operates, at no additional cost to LESSEE, whether or not any of the communications equipment, antennas, conduits or other improvements are listed on any exhibit. LESSEE shall only be required to obtain LESSOR consent for modifications that increase LESSEE's Premises. LESSOR shall respond in writing to any LESSEE consent request within 30 days of receipt or LESSOR's consent shall be deemed granted, provided, any material modifications to the Premises shall be memorialized by the Parties in writing. LESSOR is not entitled to a rent increase associated with any LESSEE modification unless it is increasing its Premises, in which case, any rent increase shall be proportionate to the additional ground space included in the Premises.

8. GOVERNMENT APPROVALS. LESSEE's Use is contingent upon LESSEE obtaining all of the certificates, permits and other approvals (collectively the "Government Approvals") that may be required by any Federal, State or Local authorities (collectively, the "Government Entities") as well as a satisfactory soil boring test, environmental studies, or any other due diligence LESSEE chooses that will permit LESSEE's Use. LESSOR shall cooperate with LESSEE in its effort to obtain and maintain any Government Approvals. Notwithstanding anything contained herein to the contrary, LESSOR hereby agrees to allow LESSEE to install any RF frequency signage and/or barricades as are necessary to ensure LESSEE's compliance with Laws.

9. TERMINATION. LESSEE may, unless otherwise stated, immediately terminate this Agreement upon written notice to LESSOR in the event that (i) any applications for such Government Approvals should be finally rejected; (ii) any Government Approval issued to LESSEE is canceled, expires, lapses or is otherwise withdrawn or terminated by any Government Entity; (iii) LESSEE determines that

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MDG Location Id: 5000007341
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such Government Approvals may not be obtained in a timely manner; (iv) LESSEE determines any structural analysis is unsatisfactory; (v) LESSEE, in its sole discretion, determines the Use of the Premises is obsolete or unnecessary; (vi) with 3 months prior notice to LESSOR, upon the annual anniversary of the Commencement Date; or (vii) at any time before the Commencement Date for any reason or no reason in LESSEE's sole discretion.

10. INDEMNIFICATION. Subject to Paragraph 11, each Party and/or any successor and/or assignees thereof, shall indemnify and hold harmless the other Party, and/or any successors and/or assignees thereof, against (i) all claims of liability or loss from bodily injury or property damage resulting from or arising out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other Party, or its employees, contractors or agents, and (ii) reasonable attorney's fees, expense, and defense costs incurred by the indemnified Party. The indemnified Party will provide the indemnifying Party with prompt, written notice of any claim that is subject to the indemnification obligations in this paragraph. The indemnified Party will cooperate appropriately with the indemnifying Party in connection with the indemnifying Party's defense of such claim. The indemnifying Party shall defend any indemnified Party, at the indemnified Party's request, against any claim with counsel reasonably satisfactory to the indemnified Party. The indemnifying Party shall not settle or compromise any such claim or consent to the entry of any judgment without the prior written consent of each indemnified Party and without an unconditional release of all claims by each claimant or plaintiff in favor of each indemnified Party. All indemnification obligations shall survive the termination or expiration of this Agreement.

11. INSURANCE. The Parties agree to maintain during the term of this Agreement the following insurance policies:

a. Commercial general liability in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage and \$3,000,000.00 in the annual aggregate. Each party shall be included as an additional insured as their interest may appear under this Agreement on the other party's insurance policy.

b. "All-Risk" property insurance on a replacement cost basis insuring their respective property with no coinsurance requirement. Where legally permissible, each party agrees to waive subrogation against the other party and to ensure said waiver is recognized by the insurance policies insuring the property.

12. LIMITATION OF LIABILITY. Except for indemnification pursuant to Paragraphs 10 and 23, a violation of Paragraph 26, or a violation of law, neither Party shall be liable to the other, or any of their respective agents, representatives, or employees for any lost revenue, lost profits, diminution in value of business, loss of technology, rights or services, loss of data, or interruption or loss of use of service, incidental, punitive, indirect, special, trebled, enhanced or consequential damages, even if advised of the possibility of such damages, whether such damages are claimed for breach of contract, tort (including negligence), strict liability or otherwise, unless applicable law forbids a waiver of such damages.

13. INTERFERENCE.

a. LESSEE agrees that LESSEE will not cause interference that is measurable in accordance with industry standards to LESSOR's equipment. LESSOR agrees that LESSOR and other occupants of the Property will not cause interference that is measurable in accordance with industry standards to the then-existing communications equipment of LESSEE.

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b. Without limiting any other rights or remedies, if interference occurs and continues for a period in excess of 48 hours following notice to the interfering party via telephone to LESSEE'S Network Management Center (at (800) 264-6620) or to LESSOR at (607- 277-7465), the interfering party shall or shall require any other-user to reduce power or cease operations of the interfering equipment until the interference is cured.

c. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore the Parties shall have the right to equitable remedies such as, without limitation, injunctive relief and specific performance.

14. REMOVAL AT END OF TERM. Within 90 days of the expiration or earlier termination of the Agreement, LESSEE shall remove LESSEE's communications equipment (except footings and foundations) and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted. LESSOR agrees and acknowledges that the communications equipment shall remain the personal property of LESSEE and LESSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable laws.

15. RIGHT OF FIRST REFUSAL. If at any time after the Effective Date, LESSOR receives an offer or letter of intent from any person or entity that is in the business of owning, managing or operating communications facilities or is in the business of acquiring landlord interests in agreements relating to communications facilities, to purchase fee title, an easement, a lease, a license, or any other interest in the Property or any portion thereof or to acquire any interest in this Agreement, or an option for any of the foregoing, LESSOR shall provide written notice to LESSEE of said offer ("LESSOR's Notice"). LESSOR's Notice shall include the prospective buyer's name, the purchase price being offered, any other consideration being offered, the other terms and conditions of the offer, a description of the portion of and interest in the Property and/or this Agreement which will be conveyed in the proposed transaction, and a copy of any letters of intent or form agreements presented to LESSOR by the third party offeror. LESSEE shall have the right of first refusal to meet any bona fide offer of sale or transfer on the terms and conditions of such offer or by effectuating a transaction with substantially equivalent financial terms. If LESSEE fails to provide written notice to LESSOR that LESSEE intends to meet such bona fide offer within 30 days after receipt of LESSOR's Notice, LESSOR may proceed with the proposed transaction in accordance with the terms and conditions of such third party offer, in which event this Agreement shall continue in full force and effect and the right of first refusal described in this Paragraph shall survive any such conveyance to a third party. If LESSEE provides LESSOR with notice of LESSEE's intention to meet the third party offer within 30 days after receipt of LESSOR's Notice, then if LESSOR's Notice describes a transaction involving greater space than the Premises, LESSEE may elect to proceed with a transaction covering only the Premises and the purchase price shall be prorated on a square footage basis. Further, LESSOR acknowledges and agrees that if LESSEE exercises this right of first refusal, LESSEE may require a reasonable period of time to conduct due diligence and effectuate the closing of a transaction on substantially equivalent financial terms of the third party offer. LESSEE may elect to amend this Agreement to effectuate the proposed financial terms of the third party offer rather than acquiring fee simple title or an easement interest in the Premises

16. RIGHTS UPON SALE. Should LESSOR, at any time during the Term, decide (i) to sell or otherwise transfer all or any part of the Property, or (ii) to grant to a third party by easement or other legal instrument an interest in and to any portion of the Premises, such sale, transfer, or grant of an easement or interest therein shall be under and subject to this Agreement and any such purchaser or transferee shall recognize LESSEE's rights hereunder. In the event that LESSOR completes any such sale, transfer, or grant described in this Paragraph without executing an assignment of the Agreement whereby the third party

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agrees in writing to assume all obligations of LESSOR under this Agreement, then LESSOR shall not be released from its obligations to LESSEE under this Agreement, and LESSEE shall have the right to look to LESSOR and the third party for the full performance of the Agreement.

17. **LESSOR'S TITLE.** LESSOR covenants that LESSEE, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises. LESSOR represents and warrants to LESSEE as of the Effective Date and covenants during the Term that LESSOR has full authority to enter into and execute this Agreement and that there are no liens, judgments, covenants, easements, restrictions or other impediments of title that will adversely affect LESSEE's Use.

18. **ASSIGNMENT.** Without any approval or consent of the other Party, this Agreement may be sold, assigned or transferred by either Party to (i) any entity in which the Party directly or indirectly holds an equity or similar interest; (ii) any entity which directly or indirectly holds an equity or similar interest in the Party; or (iii) any entity directly or indirectly under common control with the Party. LESSEE may assign this Agreement to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the FCC in which the Property is located by reason of a merger, acquisition or other business reorganization without approval or consent of LESSOR. Additionally, this Agreement may be sold, assigned or transferred by LESSEE without any approval or consent of LESSOR to any company whose primary business is developing, constructing, owning and operating communications facilities for use by LESSEE and/or other third-parties and in the event of any such assignment and the subsequent subleasing of space to LESSEE, LESSOR acknowledges and agrees that no sublease fee as described therein shall be due and payable from LESSEE for such sublease. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the other Party, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of either Party shall constitute an assignment hereunder. LESSEE may sublet the Premises in LESSEE's sole discretion.

19. **NOTICE.** Except for notices permitted via telephone in accordance with Paragraph 13, or via electronic mail in accordance with Paragraph 2, all notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

LESSOR: Community Recreational Center, Inc.
1767 East Shore Drive
Ithaca, New York 14850

LESSEE: Bell Atlantic Mobile Systems LLC
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

With a copy to: Basking Ridge Mail Hub
Attn: Legal Intake
One Verizon Way
Basking Ridge, NJ 07920

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

20. SUBORDINATION AND NON-DISTURBANCE. Within 15 days of the Effective Date, LESSOR shall obtain a Non-Disturbance Agreement (as defined below) and any required consent from existing mortgagee(s), ground lessors and master lessors, if any, of the Property. At LESSOR's option, this Agreement shall be subordinate to any future master lease, ground lease, mortgage, deed of trust or other security interest (a "Mortgage") by LESSOR which from time to time may encumber all or part of the Property; provided, however, as a condition precedent to LESSEE being required to subordinate its interest in this Agreement to any future Mortgage covering the Property, LESSOR shall obtain for LESSEE's benefit a non-disturbance and attornment agreement for LESSEE's benefit in the form reasonably satisfactory to LESSEE, and containing the terms described below (the "Non-Disturbance Agreement"), and shall recognize LESSEE's rights under this Agreement. The Non-Disturbance Agreement shall include the encumbering party's ("Lender's") agreement that, if Lender or its successor-in-interest or any purchaser of Lender's or its successor's interest (a "Purchaser") acquires an ownership interest in the Property, Lender or such successor-in-interest or Purchaser will honor all of the terms of the Agreement. Such Non-Disturbance Agreement must be binding on all of Lender's participants in the subject loan (if any) and on all successors and assigns of Lender and/or its participants and on all Purchasers. In return for such Non-Disturbance Agreement, LESSEE will execute an agreement for Lender's benefit in which LESSEE (1) confirms that the Agreement is subordinate to the Mortgage or other real property interest in favor of Lender, (2) agrees to attorn to Lender if Lender becomes the owner of the Property and (3) agrees to accept a cure by Lender of any of LESSOR's defaults, provided such cure is completed within the deadline applicable to LESSOR. In the event LESSOR defaults in the payment and/or other performance of any mortgage or other real property interest encumbering the Property, LESSEE, may, at its sole option and without obligation, cure or correct LESSOR's default and upon doing so, LESSEE shall be subrogated to any and all rights, titles, liens and equities of the holders of such mortgage or other real property interest and LESSEE shall be entitled to deduct and setoff against all rents that may otherwise become due under this Agreement the sums paid by LESSEE to cure or correct such defaults.

21. DEFAULT. It is a "Default" if (i) either Party fails to comply with this Agreement and does not remedy the failure within 30 days after written notice by the other Party or, if the failure cannot reasonably be remedied in such time, if the failing Party does not commence a remedy within the allotted 30 days and diligently pursue the cure to completion within 90 days after the initial written notice, or (ii) LESSOR fails to comply with this Agreement and the failure interferes with LESSEE's Use and LESSOR does not remedy the failure within 5 days after written notice from LESSEE or, if the failure cannot reasonably be remedied in such time, if LESSOR does not commence a remedy within the allotted 5 days and diligently pursue the cure to completion within 15 days after the initial written notice. The cure periods set forth in this Paragraph 21 do not extend the period of time in which either Party has to cure interference pursuant to Paragraph 13 of this Agreement.

22. REMEDIES. In the event of a Default, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate this Agreement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Property is located. Further, upon a Default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon receipt of an itemized invoice. If LESSEE undertakes any such performance on LESSOR's behalf and LESSOR does not pay LESSEE the full undisputed amount within 30 days of its receipt of an itemized invoice setting forth the amount due,

SITE NAME: Reach Run
MDG Location Id: 5000007341
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LESSEE may offset the full undisputed amount due against all fees due and owing to LESSOR under this Agreement until the full undisputed amount is fully reimbursed to LESSEE.

23. ENVIRONMENTAL. LESSEE shall conduct its business in compliance with all applicable laws governing the protection of the environment or employee health and safety ("EH&S Laws"). LESSEE shall indemnify and hold harmless the LESSOR from claims to the extent resulting from LESSEE's violation of any applicable EH&S Laws or to the extent that LESSEE causes a release of any regulated substance to the environment. LESSOR shall indemnify and hold harmless LESSEE from all claims resulting from the violation of any applicable EH&S Laws or a release of any regulated substance to the environment except to the extent resulting from the activities of LESSEE. The Parties recognize that LESSEE is only leasing a small portion of the Property and that LESSEE shall not be responsible for any environmental condition or issue except to the extent resulting from LESSEE's specific activities and responsibilities. In the event that LESSEE encounters any hazardous substances that do not result from its activities, LESSEE may relocate its facilities to avoid such hazardous substances to a mutually agreeable location or, if LESSEE desires to remove at its own cost all or some the hazardous substances or materials (such as soil) containing those hazardous substances, LESSOR agrees to sign any necessary waste manifest associated with the removal, transportation and/or disposal of such substances.

24. CASUALTY. If a fire or other casualty damages the Property or the Premises and impairs LESSEE's Use, rent shall abate until LESSEE'S Use is restored. If LESSEE's Use is not restored within 45 days, LESSEE may terminate this Agreement.

25. CONDEMNATION. If a condemnation of any portion of the Property or Premises impairs LESSEE's Use, LESSEE may terminate this Agreement. LESSEE may on its own behalf make a claim in any condemnation proceeding involving the Premises for losses related to LESSEE's communications equipment, relocation costs and, specifically excluding loss of LESSEE's leasehold interest, any other damages LESSEE may incur as a result of any such condemnation.

26. APPLICABLE LAWS. During the Term, LESSOR shall maintain the Property in compliance with all applicable laws, EH&S Laws, rules, regulations, ordinances, directives, covenants, easements, consent decrees, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (including, without limitation, the Americans with Disabilities Act and laws regulating hazardous substances) (collectively "Laws"). LESSEE shall, in respect to the condition of the Premises and at LESSEE's sole cost and expense, comply with (i) all Laws relating solely to LESSEE's specific and unique nature of use of the Premises; and (ii) all building codes requiring modifications to the Premises due to the improvements being made by LESSEE in the Premises. It shall be LESSOR's obligation to comply with all Laws relating to the Property, without regard to specific use (including, without limitation, modifications required to enable LESSEE to obtain all necessary building permits).

27. TAXES. If LESSOR is required by law to collect any federal, state, or local tax, fee, or other governmental imposition (each, a "Tax") from LESSEE with respect to the transactions contemplated by this Agreement, then LESSOR shall bill such Tax to LESSEE in the manner and for the amount required by law, LESSEE shall promptly pay such billed amount of Tax to LESSOR, and LESSOR shall remit such Tax to the appropriate tax authorities as required by law; provided, however, that LESSOR shall not bill to or otherwise attempt to collect from LESSEE any Tax with respect to which LESSEE has provided LESSOR with an exemption certificate or other reasonable basis for relieving LESSOR of its responsibility to collect such tax from LESSEE. Except as provided in this Paragraph 27, LESSOR shall bear the costs of all Taxes that are assessed against or are otherwise the legal responsibility of LESSOR with respect to

SITE NAME: Reach Run
MDG Location Id: 5000007341
ATTY/DATE: NP/ February 2024

itself, its property, and the transactions contemplated by this Agreement. LESSEE shall be responsible for all Taxes that are assessed against or are otherwise the legal responsibility of LESSEE with respect to itself, its property, and the transactions contemplated by this Agreement. Notwithstanding anything to the contrary contained herein, if the Property assessment includes amounts specifically attributable to LESSEE's communications equipment (collectively, "Communications Equipment Assessment"), LESSEE shall be responsible for payment of real estate taxes based on the Communications Equipment Assessment; provided the Parties receive a courtesy split of the real estate tax bill by the appropriate Government Entity so that LESSEE will receive its own real estate tax bill(s) which LESSEE will pay directly to the appropriate Governmental Entity(ies).

28. NON-DISCLOSURE. The Parties agree that this Agreement and any information exchanged between the Parties regarding the Agreement are confidential. The Parties agree not to provide copies of this Agreement or any other confidential information to any third party without the prior written consent of the other or as required by law. If a disclosure is required by law, prior to disclosure, the Party shall notify the other Party and cooperate to take lawful steps to resist, narrow, or eliminate the need for that disclosure.

29. INTENTIONALLY OMITTED.

30. MISCELLANEOUS. This Agreement contains all agreements, promises and understandings between the LESSOR and the LESSEE regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the LESSOR or the LESSEE in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all Parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such party shall have the right to enforce such rights at any time. The performance of this Agreement shall be governed, interpreted, construed and regulated by the laws of the state in which the Premises is located without reference to its choice of law rules. Except as expressly set forth in this Agreement, nothing in this Agreement shall grant, suggest or imply any authority for one Party to use the name, trademarks, service marks or trade names of the other for any purpose whatsoever. LESSOR agrees to execute a Memorandum of this Agreement, which LESSEE may record with the appropriate recording officer. The provisions of the Agreement relating to indemnification from one Party to the other Party shall survive any termination or expiration of this Agreement. This Agreement may be executed in counterparts, including written and electronic forms. All executed counterparts shall constitute one Agreement, and each counterpart shall be deemed an original.

[Signature page follows]

SITE NAME: Reach Run
MDG Location Id: 5000007341
ATTY/DATE: NP/ February 2024

IN WITNESS WHEREOF, this Agreement is entered into by the Parties as of the Effective Date.

LESSOR:

Community Recreational Center, Inc.

By: *Andy Smith*

Name: *ANDREW SCIPARONE*

Its: *TREASURER*

Date: *2/23/24*

LESSEE:

Bell Atlantic Mobile Systems LLC
d/b/a Verizon Wireless

By: _____

Name: _____

Its: _____

Date: _____

SITE NAME: Reach Run
MDG Location Id: 6000007341
ATTY/DATE: NP/ February 2024

EXHIBIT "A"

PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lansing, County of Tompkins and State of New York, being a part of Military Lot No. 91 in said Town, and more particularly bounded and described as follows:

BEGINNING at an iron pipe set in the southerly line of East Shore Drive (N.Y.S. Route No. 34) at the southwest corner of premises now or formerly of Oaks (see Liber 605 of Deeds at page 1); running thence S 84 degrees 32' E, along an old hedgerow, a distance of 362.8 feet to a pipe; running thence S 31 degrees 29' W, along a hedgerow marking the former southeasterly line of the former railroad right of way, a distance of 819.8 feet to a pipe (the previous two courses having been incorrectly described in the deed to the grantor herein due to a computational error by the surveyor, which error is corrected as shown on the survey incorporated herein); running thence N 85 degrees 01' W, in part along a small hedgerow, a distance of 919.0 feet to a point; running thence N 19 degrees 24' E, passing through a pipe at 10.45 feet and 187.67 feet, a total distance of 368 feet to a pin set in the southerly line of the said East Shore Drive (N.Y.S. Route 34); running thence N 70 degrees 20' E, along said southerly line of the highway, a distance of 913.6 feet to the point or place of beginning, containing 13.84 acres of land, more or less.

TOGETHER WITH all the right, title and interest of the grantor in and to the parcel lying northerly of the premises above described to the center line of East Shore Drive (N.Y.S. Route 34); SUBJECT TO the rights of the public therein for street and highway purposes and EXCEPTING those premises appropriated by the People of the State of New York by notice of appropriation recorded in the Tompkins County Clerk's Office in Book 443 of Deeds at page 802.

ALSO EXCEPTING THEREFROM:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lansing, County of Tompkins and State of New York, more particularly bounded and described as follows:

COMMENCING at a point in the easterly line of N.Y.S. Route 34 - East Shore Drive, said point of beginning being the northwesterly corner of premises of Community Recreational Center, Inc. (Liber 748/4) and the southerly corner of premises of Oaks (Liber 605/1 & Liber 710/176);

Thence South 74° 23' 47" East, a distance of 329.72 feet to a point marked by a set iron pin;

Thence North 24° 11' 51" East, a distance of 132.66 feet to a point marked by an existing iron pipe;

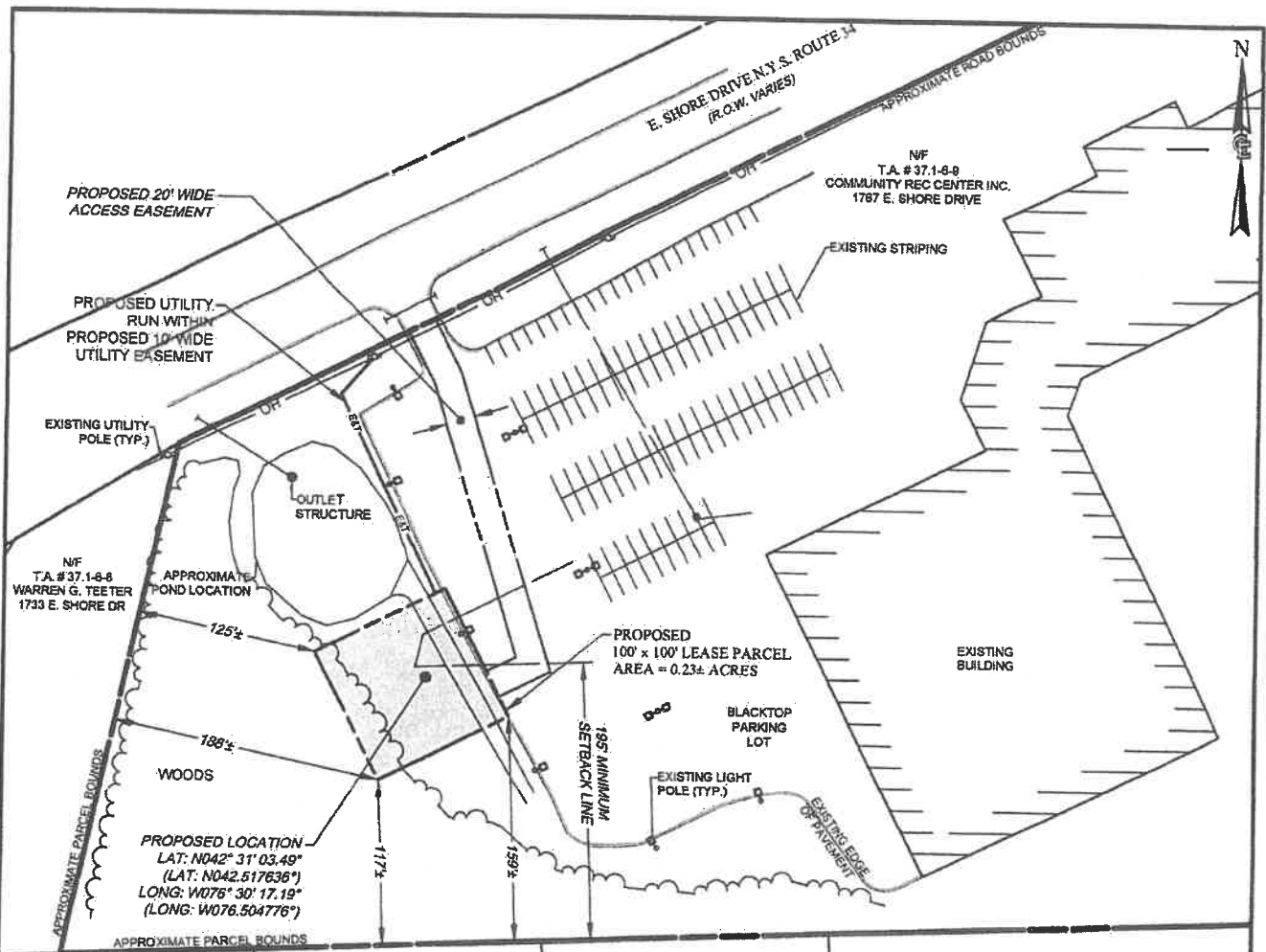
Thence South 88° 09' 37" West, along said premises of Oaks, a distance of 362.84 feet to the point or place of beginning.

The aforementioned premises is shown as Parcel C on a survey map entitled, "Survey Map No. 1793 East Shore Drive, Town of Lansing, Tompkins County, New York" dated September 30, 2009 and last revised March 23, 2010, prepared by Lee Dresser, LLS No. 050096 of T.G. Miller P.C., Engineers and Surveyors, a copy of which was filed in the Tompkins County Clerk's Office on July 26, 2010 as Instrument No. 562203-001.

SITE NAME: Reach Run
MDG Location Id: 5000007341
ATTY/DATE: NP/ February 2024

EXHIBIT "B"
PREMISES DESCRIPTION

[Site plan attached]



T.A. # 37.1-6.5 JOSEPH A. MILLINGTON 30 WATERMAGON RD NF	T.A. # 37.1-6.3 KATHLEEN VOLTRY 38 WATERMAGON RD NF	T.A. # 37.1-6.42 JAMES BELMONT 48 WATERMAGON RD NF	T.A. # 37.1-6.5 JOHN OMS 54 WATERMAGON RD NF
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NOTES:
 1. LESSOR SHALL GRANT THE NECESSARY LEASE PARCEL; INGRESS/ EGRESS AND UTILITY CABLING EASEMENTS FOR THE PROPOSED LESSEE WIRELESS TELECOMMUNICATIONS FACILITY. THIS SITE LAYOUT (LEASE PARCEL AND EASEMENT LOCATIONS) MAY BE SUBJECT TO CHANGE BY MUTUAL AGREEMENT OF BOTH PARTIES (LESSEE & LESSOR), OR AS REQUIRED AS A RESULT OF THE ZONING APPROVAL PROCESS.

OWNER APPROVAL

NO.	DATE	COMMENT	BY
0	10/11/2023	ISSUED FINAL	R.C.C

(IN FEET)
 1 inch = 120 ft.

SIGNATURE

2/25/24
 DATE

COSTICH ENGINEERING

217 LAKE AVENUE
 ROCHESTER, NY 14608
 (585) 459-3020

- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

THIS PLAN IS FOR EXHIBIT PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.

COPYRIGHT © 2023
 COSTICH ENGINEERING, D.P.C.

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT, TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY. ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HIS/HER SEAL AND THE NOTATION "ALTERED BY", FOLLOWED BY HIS/HER SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATION, TO THE DOCUMENT.

REACH RUN

T/A #: 37.1-6-9 (13.36 AC) (TOWN OF LANSING, COUNTY OF TOMPKINS)
 PROPERTY ADDRESS:
 1767 E SHORE DR.
 ITHACA, NEW YORK 14850
 PROPERTY OWNER:
 COMMUNITY REC CENTER INC.
 1767 E SHORE DR.
 ITHACA, NEW YORK 14850

SCHEMATIC LEASE EXHIBIT

C.E. JOB NUMBER: 7969	SHEET NUMBER: 1 of 1
LE002	



**Network Engineering - UPNY
1275 John Street, Suite 100
West Henrietta, New York 14586**

CO-LOCATION POLICY

Verizon Wireless' co-location policy is as follows:

Verizon Wireless encourages and promotes co-location, both by allowing other providers to locate on its towers, and by attempting to locate its facilities on other providers' towers.

Verizon Wireless maintains the following requirements for other wireless telecommunication providers who desire to locate on Verizon Wireless' facilities:

1. The other provider must pay Verizon Wireless appropriate and fair compensation reflecting Verizon Wireless' investment in the engineering, legal, construction, material, and related costs for the site and facility;
2. The co-location must be technologically feasible both in terms of radio frequency transmissions and structural integrity of the tower; and
3. The other provider must have a similar policy of co-location for Verizon Wireless and its affiliated/related companies.

AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGA833 - Cellco Partnership

Call Sign	WQGA833	Radio Service	AW - AWS (1710-1755 MHz and 2110-2155 MHz)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	CMA562 - New York 4 - Yates	Channel Block	A
Submarket	0	Associated Frequencies (MHz)	001710.00000000-001720.00000000 002110.00000000-002120.00000000

3.7 GHz License Type

3.7 GHz Linked License

Dates

Grant	01/11/2022	Expiration	11/29/2036
Effective	01/11/2022	Cancellation	

Buildout Deadlines

1st	2nd	
Discontinuance Dates		
1st	2nd	
Notification Dates		
1st	2nd	08/27/2021

Licensee

FRN	0003290673	Type	General Partnership
Licensee		P:(770)797-1070	
Cellco Partnership		F:(770)797-1036	
5055 North Point Pkwy, NP2NE Network Engineering		E:LicensingCompliance@VerizonWireless.com	
Alpharetta, GA 30022			

Contact

Cellco Partnership	P:(770)797-1070
Licensing Manager	F:(770)797-1036
5055 North Point Pkwy, NP2NE Network Engineering	E:LicensingCompliance@VerizonWireless.com
Alpharetta, GA 30022	

Ownership and Qualifications

Radio Service Type	Mobile	
Regulatory Status	Common Carrier	Interconnected Yes

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government? No

Is the applicant an alien or the representative of an alien? No

Is the applicant a corporation organized under the laws of any foreign government? No

Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? No

Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? Yes

If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? Yes

Basic Qualifications

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

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race		
Ethnicity		Gender

AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGA903 - Cellco Partnership

Call Sign	WQGA903	Radio Service	AW - AWS (1710-1755 MHz and 2110-2155 MHz)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BEA006 - Syracuse, NY-PA	Channel Block	B
Submarket	5	Associated Frequencies (MHz)	001720.00000000-001730.00000000 002120.00000000-002130.00000000

3.7 GHz License Type

Dates

Grant	12/21/2021
Effective	12/21/2021

Buildout Deadlines

1st

Discontinuance Dates

1st

Notification Dates

1st

3.7 GHz Linked License

Expiration	11/29/2036
Cancellation	

2nd

2nd

2nd 08/30/2021

Licensee

FRN 0003290673

Licensee
Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

Type General Partnership

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Contact

Cellco Partnership
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

Radio Service Type	Mobile
Regulatory Status	Common Carrier Interconnected Yes

Alien Ownership

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

Basic Qualifications

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

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race	
Ethnicity	Gender

Cellular License - KNKQ423 - Bell Atlantic Mobile Systems of Allentown, Inc.

Call Sign	KNKQ423	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular
Market			
Market	CMA562 - New York 4 - Yates	Channel Block	B
Submarket	0	Phase	2
Dates			
Grant	08/26/2014	Expiration	10/01/2024
Effective	12/09/2016	Cancellation	
Five Year Buildout Date			
08/02/2000			
Control Points			
1	500 W. Dove Rd, TARRANT, southlake, TX P: (800)264-6620		
Licensee			
FRN	0003301512	Type	Corporation
Licensee			
Bell Atlantic Mobile Systems of Allentown, Inc. 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com	
Contact			
Verizon Wireless Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory		P:(770)797-1070 F:(202)289-6781 E:LicensingCompliance@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership			
The Applicant answered "No" to each of the Alien Ownership questions.			
Basic Qualifications			
The Applicant answered "No" to each of the Basic Qualification questions.			
Demographics			
Race			
Ethnicity		Gender	

ULS License

PCS Broadband License - WQRL213 - Cellco Partnership

PA This license has pending applications: 0007471941, 0007298013, 0006830600, 0006318836			
Call Sign	WQRL213	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Market			
Market	BTA208 - Ithaca, NY	Channel Block	C1
Submarket	0	Associated Frequencies (MHz)	001902.50000000-001910.00000000 001982.50000000-001990.00000000
Dates			
Grant	06/10/2013	Expiration	06/10/2023
Effective	02/16/2017	Cancellation	
Buildout Deadlines			
1st	06/10/2018	2nd	
Notification Dates			
1st	08/26/2016	2nd	
Licensee			
FRN	0003290673	Type	General Partnership
Licensee			
Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory		P:(770)797-1070 F:(678)259-1319 E:licensingcompliance@verizonwireless.com	
Contact			
Verizon Wireless Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory		P:(770)797-1070 F:(678)259-1319 E:LicensingCompliance@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership The Applicant answered "No" to each of the Alien Ownership questions.			
Basic Qualifications The Applicant answered "No" to each of the Basic Qualification questions.			
Tribal Land Bidding Credits This license did not have tribal land bidding credits.			
Demographics			
Race			
Ethnicity	Gender		

ULS License

PCS Broadband License - KNLF918 - Bell Atlantic Mobile Systems of Allentown, Inc.

Call Sign	KNLF918	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular
Market			
Market	BTA208 - Ithaca, NY	Channel Block	D
Submarket	0	Associated Frequencies (MHz)	001865.00000000-001870.00000000 001945.00000000-001950.00000000
Dates			
Grant	03/31/2017	Expiration	04/28/2027
Effective	03/31/2017	Cancellation	
Buildout Deadlines			
1st	04/28/2002	2nd	
Notification Dates			
1st	04/19/2002	2nd	
Licensee			
FRN	0003301512	Type	Corporation
Licensee			
Bell Atlantic Mobile Systems of Allentown, Inc. 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory		P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com	
Contact			
Verizon Wireless Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory		P:(770)797-1070 F:(202)289-6781 E:LicensingCompliance@VerizonWireless.com	
Ownership and Qualifications			
Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes
Alien Ownership The Applicant answered "No" to each of the Alien Ownership questions.			
Basic Qualifications The Applicant answered "No" to each of the Basic Qualification questions.			
Tribal Land Bidding Credits This license did not have tribal land bidding credits.			
Demographics			
Race			
Ethnicity			Gender

ULS License

700 MHz Upper Band (Block C) License - WQJQ689 - Cellco Partnership

PA This license has pending applications: 0008657811

Call Sign	WQJQ689	Radio Service	WU - 700 MHz Upper Band (Block C)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	REA001 - Northeast	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000746.00000000-000757.00000000 000776.00000000-000787.00000000

Dates

Grant	09/11/2019	Expiration	06/13/2029
Effective	09/11/2019	Cancellation	

Buildout Deadlines

1st	06/13/2013	2nd	06/13/2019
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Notification Dates

1st	06/20/2013	2nd	06/17/2019
-----	------------	-----	------------

Licensee

FRN	0003290673	Type	General Partnership
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Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 E:LicensingCompliance@VerizonWireless.com
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Contact

Verizon Wireless Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 E:LicensingCompliance@VerizonWireless.com
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Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

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

Basic Qualifications

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

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race			
Ethnicity		Gender	



Verizon Wireless Site Compliance Report

Site Name: Reach Run
Site Address: 1767 E. Shore Drive
Lansing, NY 14882
Tompkins County
Structure Type: Monopole (145' AGL)

Report generated on: May 8th, 2024

Report by: Nicholas Pagano

Customer Contact: Wasif Sharif

Verizon Wireless will be compliant with the FCC Rules and Regulations in all publicly accessible areas.



William Panek
5/8/24

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

Phone# (703)-276-1100

info@sitesafe.com • www.sitesafe.com



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1 Executive Summary

Verizon Wireless has contracted with Site Safe, LLC (Sitesafe), an independent radiofrequency (RF) regulatory and engineering consulting firm, to determine if the proposed telecommunications facility is in compliance with the Federal Communications Commission (FCC) Rules and Regulations for RF emissions (see Appendix A of this report for further explanation of the FCC Rules and Regulations). This document and the conclusions herein are based on the information provided by representatives of Verizon Wireless which is assumed to be true and correct.

Verizon Wireless is proposing to install (3) Samsung MT6413-77A integrated antennas, (6) Commscope NHH-65C-HG-R2B multiband antennas, and (6) dualband remote radio heads at a centerline of 140' above ground level on a new 145' monopole. Upon completion of the installation, the following frequency bands will be in service: 751 MHz LTE, 850 MHz LTE, 850 MHz 5G, 1900 MHz PCS LTE, 2100 MHz AWS1 LTE, 2100 MHz AWS3 LTE, and 3700 MHz C-Band 5G.

The analysis evaluates the telecommunications facility with respect to the General Public maximum permissible exposure (MPE) limits ("General Public" is also referred to as "Uncontrolled Environment"; see Appendix A for further explanation of this classification). Sitesafe has taken into consideration the proposed Verizon Wireless antenna system at the subject location. No other antenna systems are currently proposed.

Based on the analysis, Sitesafe has determined that:

Verizon Wireless will comply in all publicly accessible areas with the FCC Rules and Regulations governing human exposure to RF electromagnetic fields as described in 47 CFR § 1.1307(b) and 1.1310 in accordance with the methods for evaluating compliance contained in OET Bulletin 65.

Furthermore, with the proposed Verizon Wireless antenna configuration in service, the composite exposure from this facility in all areas at ground level will be below 1% of the General Public MPE limit, or over 100 times less than the maximum allowed exposure in publicly accessible areas.



2 Analysis

In this analysis, Sitesafe has taken into consideration the proposed Verizon Wireless antenna system at the subject location. No other antenna systems are currently proposed. All licensees are listed in the antenna inventory table in Section 3 of this report.

Using this data, software modeling was performed for all transmitting antennas located at the site. Sitesafe has assumed a 100% duty cycle and maximum radiated power. The site has been modeled with these assumptions to determine the maximum potential RF energy density. Sitesafe believes this to be a worst-case analysis based on the best available data.

The power density calculations performed by the software tool use FCC prescribed methodologies as contained in OET Bulletin 65, which was compiled by the FCC to provide assistance in evaluating compliance with FCC guidelines for human exposure to electromagnetic fields.

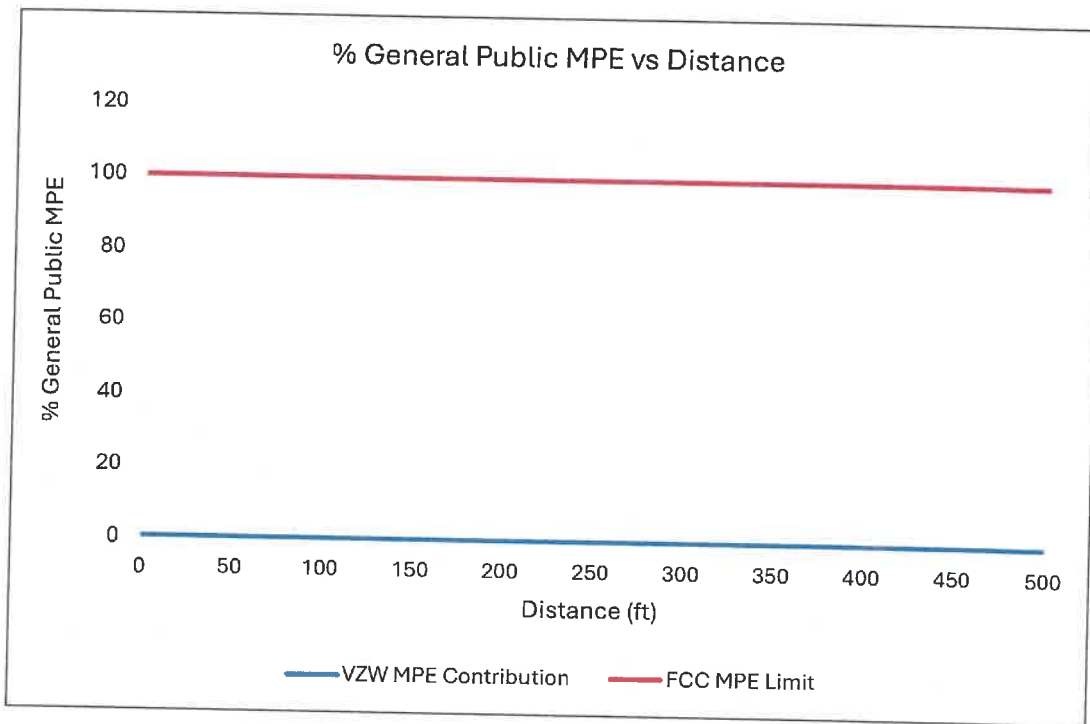
As stated in Section 1, based on this analysis, the calculated ground level exposure from the Verizon Wireless antenna system alone as well as the composite exposure from all existing/proposed licensees will be below 1% of the General Public MPE limit.

Keep in mind that the FCC did not arbitrarily establish their own standards but rather adopted the recommendations of national and international organizations such as the National Council on Radiation Protection and Measurements (NCRP), the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics Engineers (IEEE). These recommendations were developed by expert scientists and engineers following extensive evaluation of the potential biological effects from RF exposure. The FCC MPE limits are based on thresholds for known adverse effects, and they were designed to provide a substantial margin of safety. There is a safety factor of 50 built into the General Public MPE limits, and the predicted Verizon Wireless exposure levels are over 100 times below these very conservative limits.

In cases where such compliance exists, the subject of electromagnetic field safety is preempted by the Telecommunications Act of 1996, which states: "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 (Federal Communication) Commission's regulations concerning such emissions."



Lastly, the graph below provides a visual depiction of the rather insignificant electromagnetic field exposure contribution from the Verizon Wireless antenna system at any distance from the base of the structure. This portrays how low the Verizon Wireless contribution is when compared to the General Public MPE limit.





3 Antenna Inventory

The following antenna inventory contains data provided by the customer and/or gathered by Sitesafe personnel which was used to perform the analysis:

Ant #	Operator	Antenna Make/Model	TX Freq. (MHz)	Tech.	Az. (Deg)	ERP (Watts)	AGL (ft)	MDT	EDT
1	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	751	LTE	15	2234.03	140	1.0	3
1	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	LTE	15	1230.44	140	1.0	3
1	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	5G	15	1230.44	140	1.0	3
1	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	1900	LTE	15	3811.45	140	1.0	1
2	VZW (Proposed)	SAMSUNG SON_MT6413-77A_UEbeam_32port_8_2 05.17.23 VZW	3700	5G	15	69206.95	140	0.0	1
3	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	751	LTE	15	2234.03	140	1.0	3
3	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	LTE	15	1230.44	140	1.0	3
3	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	5G	15	1230.44	140	1.0	3
3	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	2100	LTE	15	8672.0	140	1.0	1
3	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	2100	LTE	15	4336.0	140	1.0	1
4	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	751	LTE	115	2234.03	140	1.0	3
4	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	LTE	115	1230.44	140	1.0	3
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6	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	5G	115	1230.44	140	1.0	3
6	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	2100	LTE	115	8672.0	140	1.0	1
6	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	2100	LTE	115	4336.0	140	1.0	1
7	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	751	LTE	240	2234.03	140	1.0	3
7	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	LTE	240	1230.44	140	1.0	3
7	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	850	5G	240	1230.44	140	1.0	3
7	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	1900	LTE	240	3811.45	140	1.0	1
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9	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	2100	LTE	240	8672.0	140	1.0	1
9	VZW (Proposed)	COMMSCOPE NHH-65C-HG-R2B	2100	LTE	240	4336.0	140	1.0	1

Notes: Each row with the same number in the Ant # column references the same physical antenna. Proposed equipment is tagged as (Proposed) under Operator or Antenna Make and Model. Power values provided by the client and used in the analysis may be greater than what is initially deployed. For additional modeling information, refer to Appendix B of this report.



4 Engineer Certification

The Professional engineer whose seal appears on the cover of this document hereby certifies and affirms:

That I am registered as a Professional Engineer in the jurisdiction indicated in the professional engineering stamp on the cover of this document; 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 (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specially as they apply to the FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Nicholas Pagano.

May 8, 2024



Appendix A – Technical Framework: FCC Rules and Regulations

In 1996, the FCC adopted regulations for evaluating of the effects of RF emissions in 47 CFR § 1.1307(b) and 1.1310. The guideline from the FCC Office of Engineering and Technology is Bulletin 65 (OET Bulletin 65), *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, Edition 97-01, published August 1997. Since 1996, the FCC periodically reviews these rules and regulations as per its congressional mandate. The FCC has reviewed these rules and regulations beginning in 2019 and have finalized their review in May 2021 with the US Court of Appeals.

FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled Environment" and General Public or "Uncontrolled Environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limits.

General Public or Uncontrolled limits apply to *accessible* areas where workers or the general public may be exposed to RF electromagnetic fields.

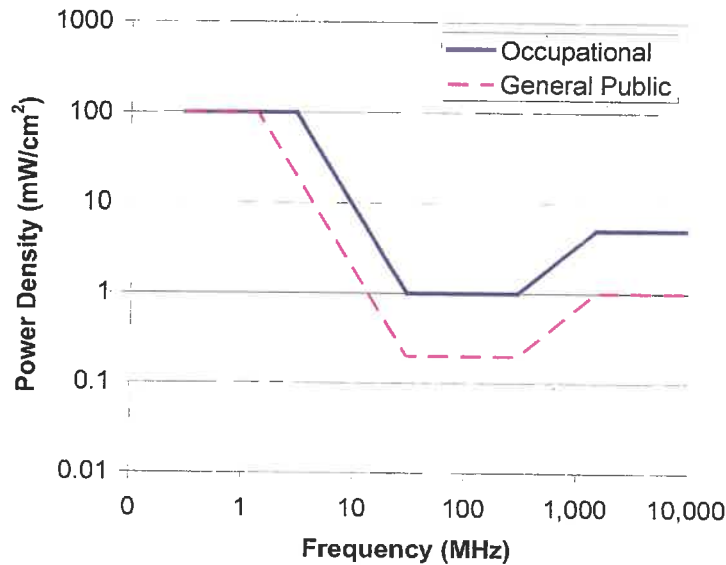
Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (e.g. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF warning signage.

A site with Controlled environments is evaluated with Occupational limits. All other areas are considered Uncontrolled environments. If a site has no access controls or no RF warning signage, it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The MPE limits utilized in this analysis are outlined in the following diagram and table:



FCC Limits for Maximum Permissible Exposure (MPE)
Plane-wave Equivalent Power Density



Limits for Occupational/Controlled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

Limits for General Population/Uncontrolled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz *Plane-wave equivalent power density



Appendix B – Definitions

Compliance – The determination of whether a site complies with FCC standards with regards to Human Exposure to Radio Frequency Electromagnetic Fields from transmitting antennas.

Decibel (dB) – A unit for measuring power or strength of a signal.

Duty Cycle – The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source. A duty cycle of 100% corresponds to continuous operation.

Effective (or Equivalent) Isotropic Radiated Power (EIRP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

Effective Radiated Power (ERP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

Gain (of an antenna) – The ratio, usually expressed in decibels, of the power required at the input of a loss-free reference antenna to the power supplied to the input of the given antenna to produce, in a given direction, the same field strength or the same power density at the same distance. When not specified otherwise, the gain refers to the direction of maximum radiation. Gain may be considered for a specified polarization. Gain may be referenced to an isotropic antenna (dBi) or a half-wave dipole (dBd) antenna.

Generic Antenna – For the purposes of this report, the use of “Generic” as an antenna model means the antenna information was not provided. In the event of unknown information, Sitesafe will use its industry specific knowledge of antenna models to select a worst-case scenario antenna to model the site.

Maximum Permissible Exposure (MPE) – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.

OET Bulletin 65 – Technical guideline developed by the FCC's Office of Engineering and Technology to determine the impact of RF exposure on humans. The guideline was published in August 1997.

Radio Frequency Exposure or Electromagnetic Fields – Electromagnetic waves that are propagated from antennas through space.



Appendix C – Statement of Limiting Conditions

Sitesafe will not be responsible for matters of a legal nature that affect the site or property.

Due to the complexity of some wireless sites, Sitesafe performed this analysis and created this report utilizing best industry practices and due diligence. Sitesafe cannot be held accountable or responsible for anomalies or discrepancies due to actual site conditions or information or data supplied by Verizon Wireless, the site manager, or their affiliates, subcontractors or assigns.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data provided by a second party and physical data collected by Sitesafe, the physical data will be used.



Appendix D – Additional Resources

Additional RF information is available at the following sites:

<https://www.fcc.gov/general/radio-frequency-safety-0>

<https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety>



Network Engineering - UPNY
1275 John Street, Suite 100
West Henrietta, New York 14586

Sep 11, 2024

The Zoning Board of
Appeals
Town of Lansing
29 Auburn Rd,
Lansing, NY 14882

RE: Reach Run – Application of Verizon Wireless - Non-Interference Letter

Ladies and Gentlemen:

With respect to the above application, and in accordance with applicable provisions of the Wireless Telecommunications Facilities Siting Law for the **Town of Lansing**, Verizon Wireless (“Verizon Wireless”) operates Wireless Communications Personal Communication Service (PCS) and/or Cellular Radiotelephone Services network authorized by the Federal Communications Commission (FCC) to provide state of the art digital and/or cellular wireless communications in many parts of the nation, including upstate New York. Verizon Wireless' operations and network are licensed and regulated by the FCC.

Verizon Wireless' radio equipment is designed to transmit frequencies only within the allocated frequency bands and each transmitter is carefully adjusted to comply with FCC regulations for power output and frequency. These procedures prevent interference with other radio services, public safety communications, airport navigation, cordless phones, computers and other community office or residential household appliances.

The incidence of these transmissions causing interference with other radio service is rare. All other radio communication services, including broadcast radio and television, are assigned to specific frequency bands, separate and distinct from cellular and other frequencies. For instance, AM Radio operates between 0.5 -1.5 MHz and VHF Television operates between 54 - 215 MHz. In addition, receivers for other services are similarly designed to prevent interference from out of band service. In the unlikely event that malfunctioning equipment or improper settings are shown to cause interference with an existing service, Verizon Wireless would be required, under the conditions of its FCC license, to take immediate steps to correct any problems.

Thank you for considering this application.

Very truly yours,

Wasif Sharif

Wasif Sharif
Radio Frequency (RF) Design Engineer



**Network Engineering –
UPNY
1275 John Street, Suite 100
West Henrietta, NY 14586**

September 24, 2024

Zoning Board of Appeals and Planning Board
Town of Lansing
29 Auburn Road
Ithaca, NY 14882
Attn: John Zepko, Director of Planning and Code Enforcement
jzepko@lansingtown.com

RE: Tower Removal Letter
Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon Wireless' "Reach Run") site)

Dear Members of the Zoning Board of Appeals and Planning Board:

Verizon Wireless agrees to remove its facilities and improvements if the proposed wireless telecommunications facility becomes obsolete or ceases to be used for its intended purpose. Removal will occur within twelve (12) months of cessation of use and will submit a removal bond at the time it applies for a building permit. A removal cost estimate prepared by the Project engineer is attached.

Should you have any questions, please do not hesitate to contact me at (585) 321-5446. Thank you for your consideration of our application.

Sincerely,

Katie Jaeckel
Project Manager



COSTICH ENGINEERING, DPC
217 LAKE AVENUE
ROCHESTER, NY 14608

Project No. 7969
Date: 05/13/2024

REMOVAL ESTIMATE
WIRELESS TELECOMMUNICATIONS FACILITY

Project Name: Reach Run (MDG Location ID: 500007341 / Project ID: 17215090)
WBS Project#: VZ-00049865
Project Location: 1767 E, Shore Drive, Town of Lansing, Tompkins County
Developer: Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless

ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	EST. UNIT PRICE	TOTAL EST. AMOUNT
1.	Removal of Verizon Wireless antennas, RRH units, OVP boxes, support booms, coax and hybrid cabling from tower; disassembly and removal of 145' monopole tower; disconnect fiber and electric from equipment boxes; removal of chain link fence, equipment cabinets, ice canopy, cable bridge, H-frame, generator, propane tank; demolition and removal of concrete foundations (equipment pad, generator pad, propane tank pad, tower and support piers) to a depth of 4'; restoration of the site with stone yard.	LS	1	\$50,000.00	\$ 50,000.00
TOTAL SECTION					\$ 50,000.00

Signature:  

Date: 5/15/2024

May 13, 2024

Katherine Jaeckel
Verizon Wireless
1275 John Street, Suite 100
West Henrietta, NY 14586

RE: Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless - Reach Run
PROJECT ID# 17215090 /MDG LOCATION ID: 5000007341
1767 E. Shore Drive, Town of Lansing, Tompkins County

Dear Ms. Jaeckel,

For the Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless Reach Run Telecommunications Facility, a 145' monopole tower constructed of galvanized steel, with a 4' lighting rod is proposed. The tower is to be located within a 100' x 100' lease parcel area and shall be designed to support a total of (3) cellular carriers. The tower shall be designed to support this loading with a 110 mph basic wind speed (no ice) and 1.0" minimum radial ice at 40 mph in accordance with TIA/EIA-222-H, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures". This is the standard currently referenced by the International Building Code. The tower shall be designed by a licensed New York State Professional Engineer meeting the aforementioned criteria.

The tower is approximately +/- 195' from the closest property line and therefore meets the Town minimum tower setback requirement of tower height plus 40'.

If you have any questions feel free to contact me.



Respectfully submitted,
Costich Engineering, D.P.C.

David A. Weisenreder, P.E.

H:\job\7969\Documents\Specifications\Zoning Materials\Reach Run_Tower Design letter_20240513.docx

In the matter of Bell Atlantic Mobile Systems LLC d/b/a Verizon's Application to the Town of Lansing for Approvals to Construct and Operate a Wireless Telecommunications Facility on property located near 1767 East Shore Drive (S.B.L. 37.1-6-9) in the Town of Lansing, New York.

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

Fintan Early, being duly sworn, deposes and says that:

1. I am over the age of eighteen years, not a party to this action and am employed by PDQ Delivery Service, an outside messenger service for the attorneys for the Applicant in the above-referenced matter.

2. On September 24, 2024, before 5:30 o'clock p.m., I personally mailed notification letters (copies of which are attached), by depositing the same properly enclosed in a postpaid wrapper, by Certified Mail, Return Receipt Requested, at the United States Post Office in the City of Rochester, Monroe County, New York.

Signature:

Printed Name:

Fintan Early
Fintan Early

Sworn to before me this
24 day of September, 2024

Putthy Ho

Notary Public

PUTTHY HO
Notary Public, State of New York
Reg. #01HO6044655
Qualified in Monroe County
Certificate Filed in Monroe County
Commission Expires: 7/10/2026



Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

Jared C. Lusk
Partner

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

T / 585.263.1140
F / 866.402.1491
jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Tompkins County
320 N. Tioga Street
Ithaca, NY 14850

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run" site)

To Whom It May Concern:

The Town of Lansing wireless telecommunications law requires that Verizon notify adjacent municipalities of the above-referenced application to the Town of Lansing Zoning Board of Appeals and Planning Board. Verizon will soon make application to both the Zoning Board of Appeals and the Planning Board for the approvals necessary to construct and operate a telecommunications facility in the Town of Lansing.

The proposed facility will consist of a 145' monopole, two (2) 4' x 8' equipment cabins and associated improvements. It will be located on property known as 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, New York and will be designed to permit three (3) co-locations of similar size.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jared C. Lusk".

Jared C. Lusk

JCL/pm



Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

Jared C. Lusk
Partner

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

T / 585.263.1140
F / 866.402.1491
jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Cayuga County
160 Genesee Street
Auburn, NY 13021

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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Jared C. Lusk

JCL/pm



Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

Jared C. Lusk
Partner

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@NixonPeabodyLLP

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F / 866.402.1491
jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Seneca County
1 DiPronio Drive
Waterloo, NY 13165

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

To Whom It May Concern:

The Town of Lansing wireless telecommunications law requires that Verizon notify adjacent municipalities of the above-referenced application to the Town of Lansing Zoning Board of Appeals and Planning Board. Verizon will soon make application to both the Zoning Board of Appeals and the Planning Board for the approvals necessary to construct and operate a telecommunications facility in the Town of Lansing.

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A handwritten signature in blue ink, appearing to read "Jared C. Lusk".

Jared C. Lusk

JCL/pm



Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

Jared C. Lusk
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jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Town of Enfield
168 Enfield Main Rd.
Ithaca, NY 14850

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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Very truly yours,

A handwritten signature in blue ink that reads "Jared C. Lusk".

Jared C. Lusk

JCL/pm



Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

Jared C. Lusk
Partner

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

T / 585.263.1140
F / 866.402.1491
jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Town of Groton
101 Conger Blvd.
Groton, NY 13073

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

To Whom It May Concern:

The Town of Lansing wireless telecommunications law requires that Verizon notify adjacent municipalities of the above-referenced application to the Town of Lansing Zoning Board of Appeals and Planning Board. Verizon will soon make application to both the Zoning Board of Appeals and the Planning Board for the approvals necessary to construct and operate a telecommunications facility in the Town of Lansing.

The proposed facility will consist of a 145' monopole, two (2) 4' x 8' equipment cabins and associated improvements. It will be located on property known as 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, New York and will be designed to permit three (3) co-locations of similar size.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jared C. Lusk".

Jared C. Lusk

JCL/pm



Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

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Partner

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September 24, 2024

VIA CERTIFIED MAIL

Town of Dryden
93 East Main Street
Dryden, NY 13053

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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September 24, 2024

VIA CERTIFIED MAIL

Town of Ithaca
Town Hall
215 N. Tioga Street
Ithaca, NY 14850

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Town of Locke
Town Hall
900 Main Street
Locke, NY 13092

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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Jared C. Lusk

JCL/pm



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Rochester, NY 14604-1792

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jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Town of Ulysses
10 Elm Street
Trumansburg, NY 14886

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Town of Genoa
1000 Bartnick Rd.
Genoa, NY 13071

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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Jared C. Lusk

JCL/pm



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Rochester, NY 14604-1792

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jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Village of Cayuga Heights
Marcham Hall
836 Hanshaw Road
Ithaca, NY 14850

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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JCL/pm



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Rochester, NY 14604-1792

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F / 866.402.1491
jlusk@nixonpeabody.com

September 24, 2024

VIA CERTIFIED MAIL

Town of Covert
Municipal Building
8469 S. Main Street
Interlaken, NY 14847

Re: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon's "Reach Run") site)

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JCL/pm

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Town of Ulysses
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 City, State, ZIP+4®
 Fruanssburg, NY 14886

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Town of Locke
 Street and Apt. No., or P.O. Box
 City, State, ZIP+4®
 900 Main Street
 Locke, NY 13092

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Town of Ithaca
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 City, State, ZIP+4®
 215 N. Tioga Street
 Ithaca, NY 14850

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 City, State, ZIP+4®
 93 East Main Street
 Dryden, NY 13053

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Street and Apt. No. 10 Pondager Blvd.
City, State, ZIP+4 Groton, NY 13073

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Cayuga County

Street and Apt. No. 180 Seneca Street
City, State, ZIP+4 Auburn, NY 13021

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Seneca County

Street and Apt. No. 1088 No. 1
Dirttono Drive
City, State, ZIP+4 Waterloo, NY 13165

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Town of Buford

Street and Apt. No. 168 Enfield Main Rd.
City, State, ZIP+4 Enfield, NY 14850

PS Form 3800, January 2023 PSN 7530-02-000-9017 See Reverse for Instructions

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Network Engineering –
UPNY
1275 John Street, Suite 100
West Henrietta, NY 14586

September 24, 2024

VIA FEDERAL EXPRESS

Zoning Board of Appeals and Planning Board
Town of Lansing
29 Auburn Road
Ithaca, NY 14882

RE: Application for a use variance from the Zoning Board of Appeals and site plan approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon to construct and operate a 145' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Community Rec Center Inc. located near 1767 East Shore Drive (S.B.L. # 37.1-6-9) in the Town of Lansing, Tompkins County, New York (Verizon Wireless' "Reach Run" site)

Dear Members of the Zoning Board of Appeals and Planning Board:

Verizon adheres to all codes and maintenance standards applicable to Verizon-owned towers, including the ANSI/TIA 222 standard required by the International Building Code.

Verizon's proposed installation of a 145' monopole tower would involve a post-installation inspection performed shortly after construction, consistent with the ANSI/TIA 222 Annex N. Thereafter, Verizon performs a maintenance assessment on the tower every five years. This assessment includes a review of the structural integrity of all tower mounted appurtenances, including antennas, mounts, and lighting (if applicable). Additionally, the tower legs, connections, and foundation are evaluated for any signs of corrosion, deformation, or damage. Any required maintenance work identified by the assessment would be undertaken by Verizon's qualified contractors.

Sincerely,

Katie Jacckel
Project Manager
(585) 321-5446

* Federal Airways & Airspace *
* Summary Report: New Construction *
* Antenna Structure *

Airspace User: Not Identified

File: REACHRUN

Location: ITHACA, NY

Latitude: 42°-31'-3.52" Longitude: 76°-30'-17.31"

SITE ELEVATION AMSL.....840 ft.
STRUCTURE HEIGHT.....149 ft.
OVERALL HEIGHT AMSL.....989 ft.

NOTICE CRITERIA

- FAR 77.9(a): NNR (DNE 200 ft AGL)
- FAR 77.9(b): NNR (DNE Notice Slope)
- FAR 77.9(c): NNR (Not a Traverse Way)
- FAR 77.9: NNR FAR 77.9 IFR Notice for ITH
- FAR 77.9: NNR (No Expected TERPS® impact with 2N4)
- FAR 77.9(d): NNR (Off Airport Construction)

NR = Notice Required

NNR = Notice Not Required

PNR = Possible Notice Required (depends upon actual IFR procedure)
For new construction review Air Navigation Facilities at bottom
of this report.

Notice to the FAA is not required at the analyzed location and height for
slope, height or Straight-In procedures. Please review the 'Air Navigation'
section for notice requirements for offset IFR procedures and EMI.

OBSTRUCTION STANDARDS

- FAR 77.17(a)(1): DNE 499 ft AGL
- FAR 77.17(a)(2): DNE - Airport Surface
- FAR 77.19(a): DNE - Horizontal Surface
- FAR 77.19(b): DNE - Conical Surface
- FAR 77.19(c): DNE - Primary Surface
- FAR 77.19(d): DNE - Approach Surface
- FAR 77.19(e): DNE - Approach Transitional Surface
- FAR 77.19(e): DNE - Abeam Transitional Surface

VFR TRAFFIC PATTERN AIRSPACE FOR: ITH: ITHACA TOMPKINS INTL

Type: A RD: 13336.65 RE: 1079.6

FAR 77.17(a)(1): DNE

FAR 77.17(a)(2): DNE - Height No Greater Than 200 feet AGL.
 VFR Horizontal Surface: DNE
 VFR Conical Surface: DNE
 VFR Primary Surface: DNE
 VFR Approach Surface: DNE
 VFR Transitional Surface: DNE

The structure is within VFR - Traffic Pattern Airspace Climb/Descent Area. Structures exceeding the greater of 350' AAE, 77.17(a)(2), or VFR horizontal and conical surfaces will receive a hazard determination from the FAA. Maximum AMSL of Traffic Pattern Area is 1449 feet.

VFR TRAFFIC PATTERN AIRSPACE FOR: 2N4: OWASCO AIRFIELD

Type: A RD: 79857.21 RE: 1377

FAR 77.17(a)(1): DNE
 FAR 77.17(a)(2): Does Not Apply.
 VFR Horizontal Surface: DNE
 VFR Conical Surface: DNE
 VFR Primary Surface: DNE
 VFR Approach Surface: DNE
 VFR Transitional Surface: DNE

TERPS DEPARTURE PROCEDURE (FAA Order 8260.3, Volume 4)

FAR 77.17(a)(3) Departure Surface Criteria (40:1)
 DNE Departure Surface

MINIMUM OBSTACLE CLEARANCE ALTITUDE (MOCA)

FAR 77.17(a)(4) MOCA Altitude Enroute Criteria
 The Maximum Height Permitted is 3229 ft AMSL

PRIVATE LANDING FACILITIES

FACIL	BEARING	RANGE	DELTA ARP	FAA
IDENT TYP NAME	To FACIL	IN NM	ELEVATION	IFR
NY55 AIR GRUND FLD	224.05	5.88	-464	

No Impact to VFR Transitional Surface.
 Below surface height of 488 ft above ARP.

AIR NAVIGATION ELECTRONIC FACILITIES

FAC	ST	DIST	DELTA	GRND	
IDNT	TYPE	AT	FREQ VECTOR (ft)	ELEVA ST LOCATION	ANGLE
ITH	LOCALIZER	I	108.7 126.07 11526	-88 NY RWY 32 ITHACA TOM	-.44
CFB	VOR/DME	R	112.2 142.93 164768	-594 NY BINGHAMTON	-.21
ELM	RADAR ASR	I	2750. 221.04 166174	-640 NY ELMIRA-CORNING RE	-.22

BGM	RADAR ASR	I	127.72	179171	-740	NY BINGHAMTON REGION	-.24
KBGM	RADAR WXL	Y	162.47	129.67	182174	NY BINGHAMTON	-.23
GGT	TACAN	I	117.8	61.31	207496	NY GEORGETOWN	-.29
ULW	VOR/DME	R	109.6	222.17	208824	NY ELMIRA	-.18
SYR	RADAR ASR	I	2735.	26.18	241840	NY SYRACUSE HANCOCK	.12

CFR Title 47, §1.30000-§1.30004

AM STUDY NOT REQUIRED: Structure is not near a FCC licensed AM station.
 Movement Method Proof as specified in §73.151(c) is not required.
 Please review 'AM Station Report' for details.

Nearest AM Station: WHCU @ 12330 meters.

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