

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)
MATTHEW J. SICKLER, P.E. (NY & PA)
PATRICK J. HINES

Main Office
33 Airport Center Drive
Suite 202
New Windsor, New York 12553

(845) 567-3100 fax: (845) 567-3232 e-mail: mheny@mhepc.com

Principal Emeritus: RICHARD D. McGOEY, P.E. (NY & PA) WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

TOWN OF NEWBURGH PLANNING BOARD TECHNICAL REVIEW COMMENTS

PROJECT: T-MOBILE NORTHEAST LLC

PROJECT NO.: 2015-07

PROJECT LOCATION: SECTION 60, BLOCK 3, LOT 35.1

PROJECT REPRESENTATIVE: SNYDER & SNYDER, LLP, Cara Bonomolo

REVIEW DATE: 10 APRIL 2015 MEETING DATE: 16 APRIL 2015

- 1. County Planning referral is required. MH&E has forwarded required documents to the County for review.
- 2. Mike Donnelly's comments regarding the Applicant's Representative's cover letter should be received regarding the need for a special permit.

Respectfully submitted,

McGoey, Hauser & Edsall Consulting Engineers, D.P.C.

Patrick J. Hines Principal LAW OFFICES OF

SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591
(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS e-mail to cbonomolo@snyderlaw.net

NEW JERSEY OFFICE ONE GATEWAY CENTER, SUITE 2600 NEWARK, NEW JERSEY 07102 (973) 824-9772 FAX (973) 824-9774

REPLY TO:

Tarrytown Office

LESLIE J. SNYDER ROBERT D. GAUDIOSO

FAX (212) 932-2693

NEW YORK OFFICE

(212) 749-1448

445 PARK AVENUE, 9TH FLOOR

NEW YORK, NEW YORK 10022

DAVID L. SNYDER (1956-2012)

April 2, 2015

By Overnight Delivery

Honorable Chairman John P. Ewasutyn and Members of the Planning Board Town of Newburgh 308 Gardnertown Road Newburgh, New York 12550

Re:

Request for Site Modification

T-Mobile Northeast LLC

7 Meadow Hill Road, Newburgh, NY

Town of Newburgh ("Town")

Hon. Chairman Ewasutyn and Members of the Planning Board:

We represent T-Mobile Northeast LLC ("T-Mobile") in connection with T-Mobile's Eligible Facilities Request to modify an existing tower ("Existing Tower") that does not substantially change the physical dimensions of such Existing Tower pursuant to Section 6409 (codified as 47 U.S.C.S. § 1455(a)) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Tax Relief Act"), enacted on February 22, 2012 (a copy of which is attached hereto).

Specifically, T-Mobile's proposed modification of the Existing Tower will consist of the replacement of three (3) existing panel antennas with three (3) new panel antennas and related equipment on the Existing Tower at the above referenced property. Also, T-Mobile proposes to replace one (1) existing equipment cabinet on the existing concrete pad within the existing equipment compound at the base thereof.

Section 6409 of the Tax Relief Act, states that a local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." It is, therefore, respectfully submitted that T-Mobile's proposed modification is an "eligible facilities request" since the modification will not substantially change the physical dimensions of the Existing Tower. First, the proposed modification will not increase the height of

¹ Please also see FCC Order 14-153, adopted October 17, 2014.

the Existing Tower. Second, the proposed antennas will not increase the width of the Existing Tower. Third, there will be no excavation and the related proposed equipment will be located on the existing concrete pad within the existing equipment compound. Fourth, the total number of equipment cabinets will not be increased. Fifth, the proposed modification will not defeat any existing concealment elements of the Existing Tower. Sixth, the proposed modification does not violate any prior approvals.

Accordingly, we respectfully submit that an amended special permit is not required and the proposed modification should be permitted by building permit. In the alternative, T-Mobile hereby applies for an amended special permit, under protest.

In furtherance of the foregoing, I have enclosed four (4) checks, payable to the Town of Newburgh, in the amounts of \$2,000.00, representing the required application fee, \$7,500.00, representing the required escrow deposit, \$1,000.00, representing the EAF fee and \$150.00, representing the public hearing fee, along with a copy of the following materials:

- 1. Town of Newburgh Application Form for Subdivision/Site Plan Review;
- 2. T-Mobile's FCC Licenses;
- 3. Structural Analysis Report, dated March 28, 2014, prepared by Paul J. Ford and Company;
- 4. RF Statement from Per Ljungberg, dated March 30, 2015, explaining the need for the proposed modification;²
- 5. Antenna Site FCC RF Compliance Assessment Report, prepared by Pinnacle Telecom Group, dated March 11, 2015;
- 6. Short EAF; and
- 7. Site Plan, prepared by Tectonic Engineering & Surveying Consultants, P.E., last revised March 13, 2015.

To the extent the information required by Chapter 168 of the Town Code is not included in the enclosed materials, we respectfully request a waiver from same in light of the fact that T-Mobile's existing facility was previously approved by this Honorable Board and T-Mobile merely proposes a minor modification to its existing facility. Moreover, as explained above, the proposed modification will not result in a substantial physical change to the Existing Tower and must be approved pursuant to the Tax Relief Act.

² T-Mobile respectfully submits the RF Statement under protest. Pursuant to the Tax Relief Act the Town is preempted from requiring a statement of need for the proposed modification.

If you have any questions please do not hesitate to contact me. Thank you for your consideration.

Respectfully submitted, SNYDER & SNYDER, LLP

Cara M. Bonomol

CMB:jg Enclosures

cc:

Michael Musso (by overnight delivery)

T-Mobile

Y:\WPDATA\SS3\RDG\T-Mobile\Newburgh\NY10029\NY100029 - PB Letter.docx

-- T--Mobile--

NORTHEAST LLC.

SITE NAME: NEWBURGH

SITE ID NUMBER: NY10029A

SITE ADDRESS: 7 MEADOW HILL RD..

NEWBURGH, NY 12550

PROJECT SUMMARY

SITE ID NUMBER:

NY10029A

SITE NAME: CROWN BU#:

NEWBURGH 878851

SITE ADDRESS:

7 MEADOW HILL RD., NEWBURGH, NY 12550

COUNTY:

ORANGE

PROPERTY OWNER:

CROWN CASTLE USA

APPLICANT:

T-MOBILE NORTHEAST, LLC. 4 SYLVAN WAY PARISPPANY, NJ 07054

ENGINEER:

TECTONIC ENGINEERING AND SURVEYING CONSULTANTS P.C. 1279 ROUTE 300 NEWBURGH, NY 12550

CONTACT: PHONE:

JAMES QUICKSELL

(845) 567-6656 EXT, 2835

SITE ACQUISITION:

CROWN CASTLE

1200 MACARTHUR BLVD SUITE 200

MAHWAH, NJ 07430

CONTACT: PETE TISI

PHONE:

(201) 491-6009

PARCEL INFO:

60-3-35.1

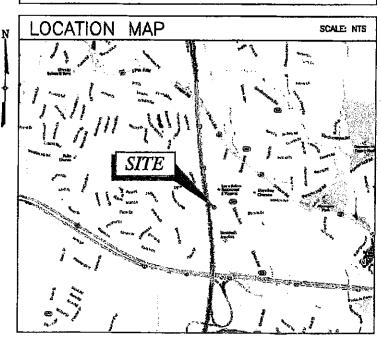
LATITUDE: (NAD 83)

41.52136" N 74.07351° W

LONGITUDE: (NAD 83)

SITE DIRECTIONS

HEAD NORTHWEST ON SYLVAN WAY. TURN RIGHT ONTO US-202 N/LITTLETON RD. CONTINUE TO FOLLOW LITTLETON RD. SLIGHT RIGHT TO MERGE ONTO 1-287 N. ENTERING NEW YORK, KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR I-87 N/NY-17 N/ALBANY AND MERGE ONTO I-87 N/NY-17 N. CONTINUE TO FOLLOW I-87 N. TAKE EXIT 17 FOR NEW YORK 300/NEW YORK 17K. TURN LEFT ONTO UNION AVE. TURN LEFT ONTO MEADOW HILL RD. DESTINATION WILL BE ON THE LEFT.



SHEET INDEX				
SHEET NO	DESCRIPTION	REV NO		
7-1	TITLE. SHEET	2		
A-1	SITE PLAN	2		
A-2	EQUIPMENT LAYOUT PLANS	2		
A-3	ELEVATION & DETAIL	2		
A-4	ANTENNA LAYOUT PLANS & DETAILS	2		
A-5	DETAILS	2		
A-6	DETAILS	2		
<u>A-7</u>	NOTES	2		
A8	NOTES	2		
1				

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





• ENGINEERING • SURVEYING

LANDLORE CONSTRUCTION **OPERATIONS**

SITE ACQ. _ PROJECT MUMBER

7081.NY10029A

REV DATE REVISION

05/18/14 FOR COMMENT

2 03/13/15 PER COMMENTS

1 05/28/14 FOR CONSTRUCTION

JT

DC

MP

TECTONIC Engineering & Survey Consultants P.C.

4 SYLVAN WAY PARISPPANY, NJ 07054

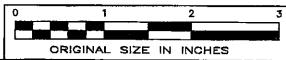
NY10029A NEWBURGH 7 MEADOW HILL RD... NEWBURGH, NY 12550

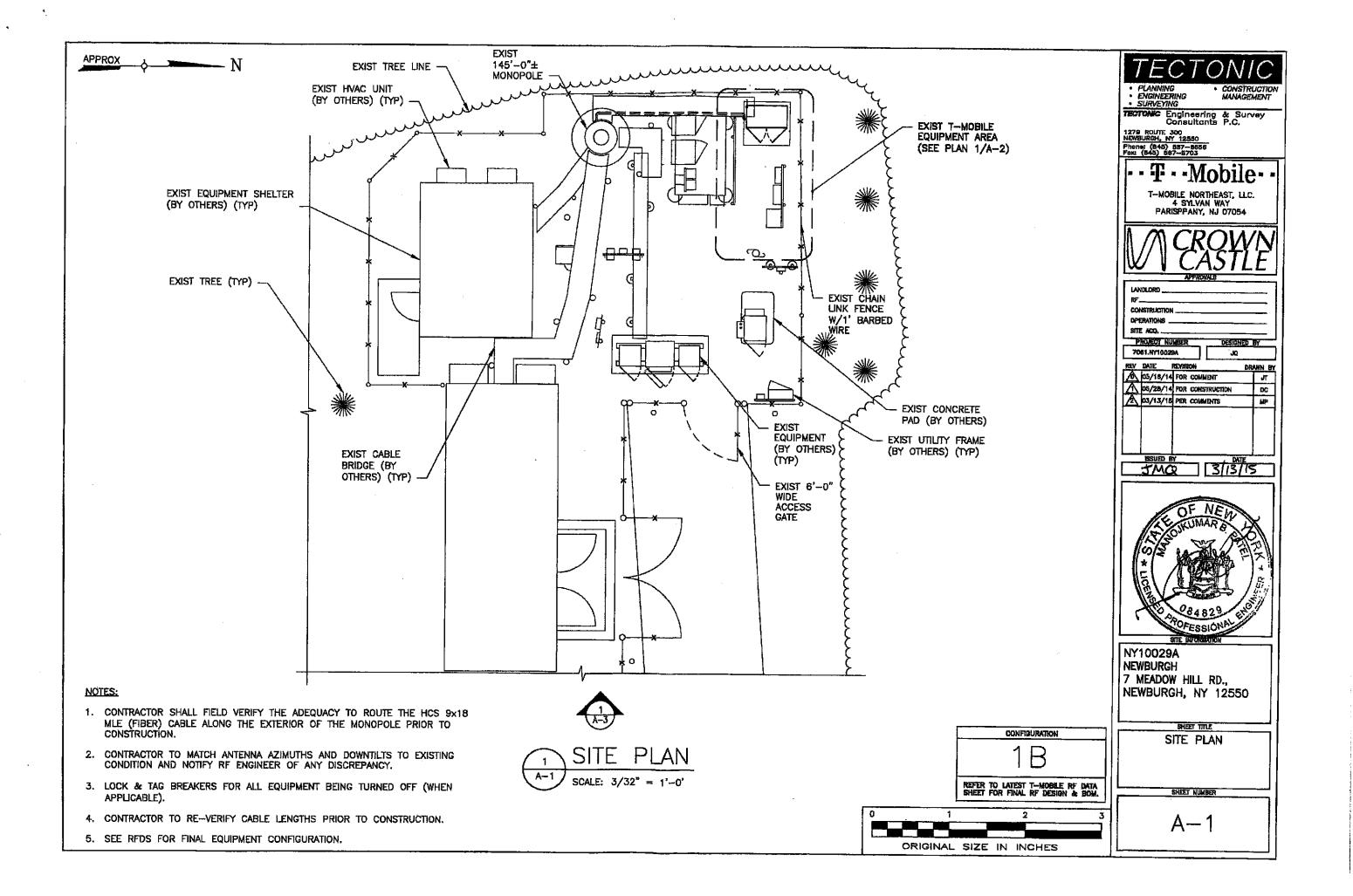
> SHEET TITLE TITLE SHEET

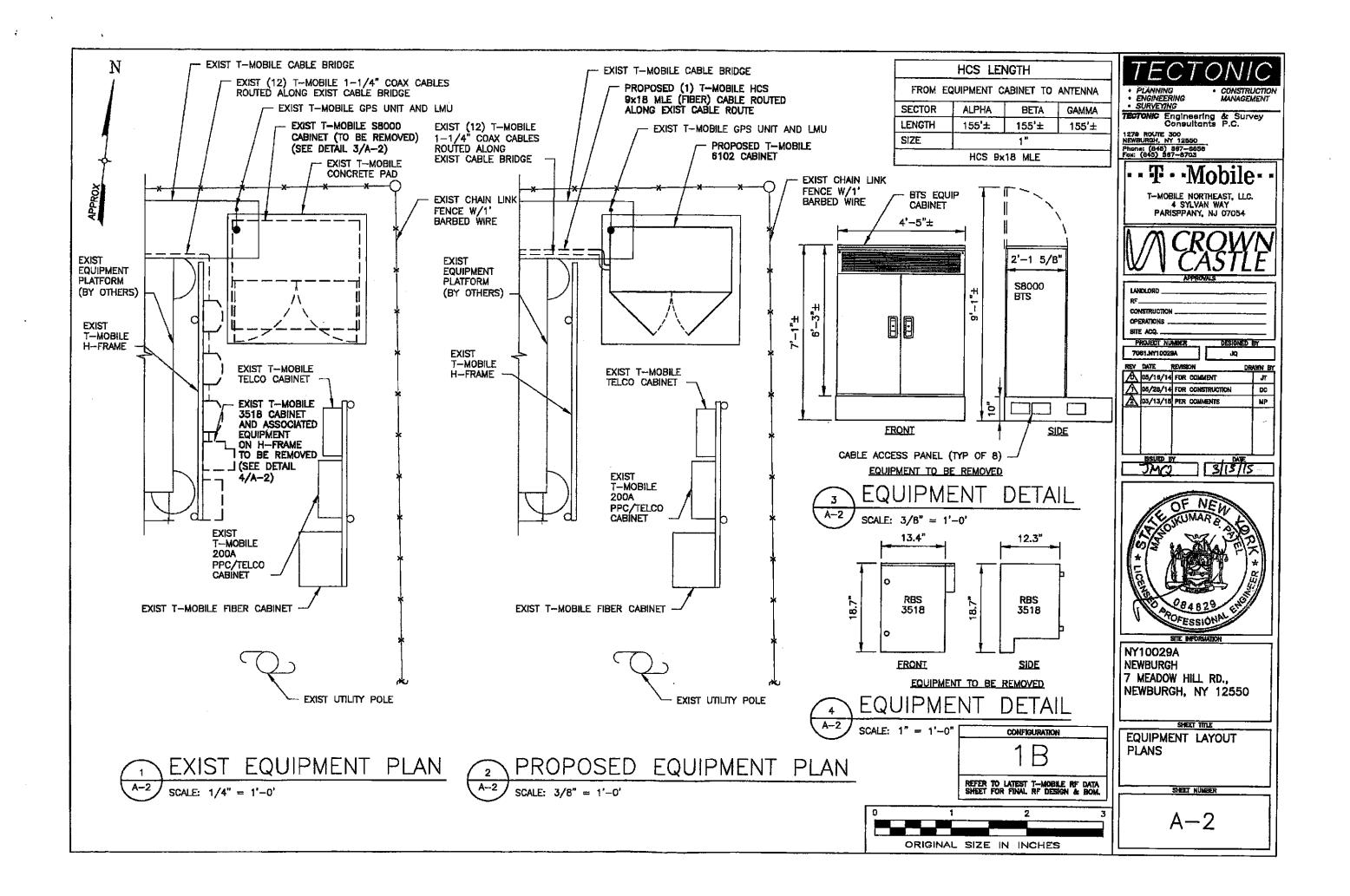
> > SHEET HUMBER

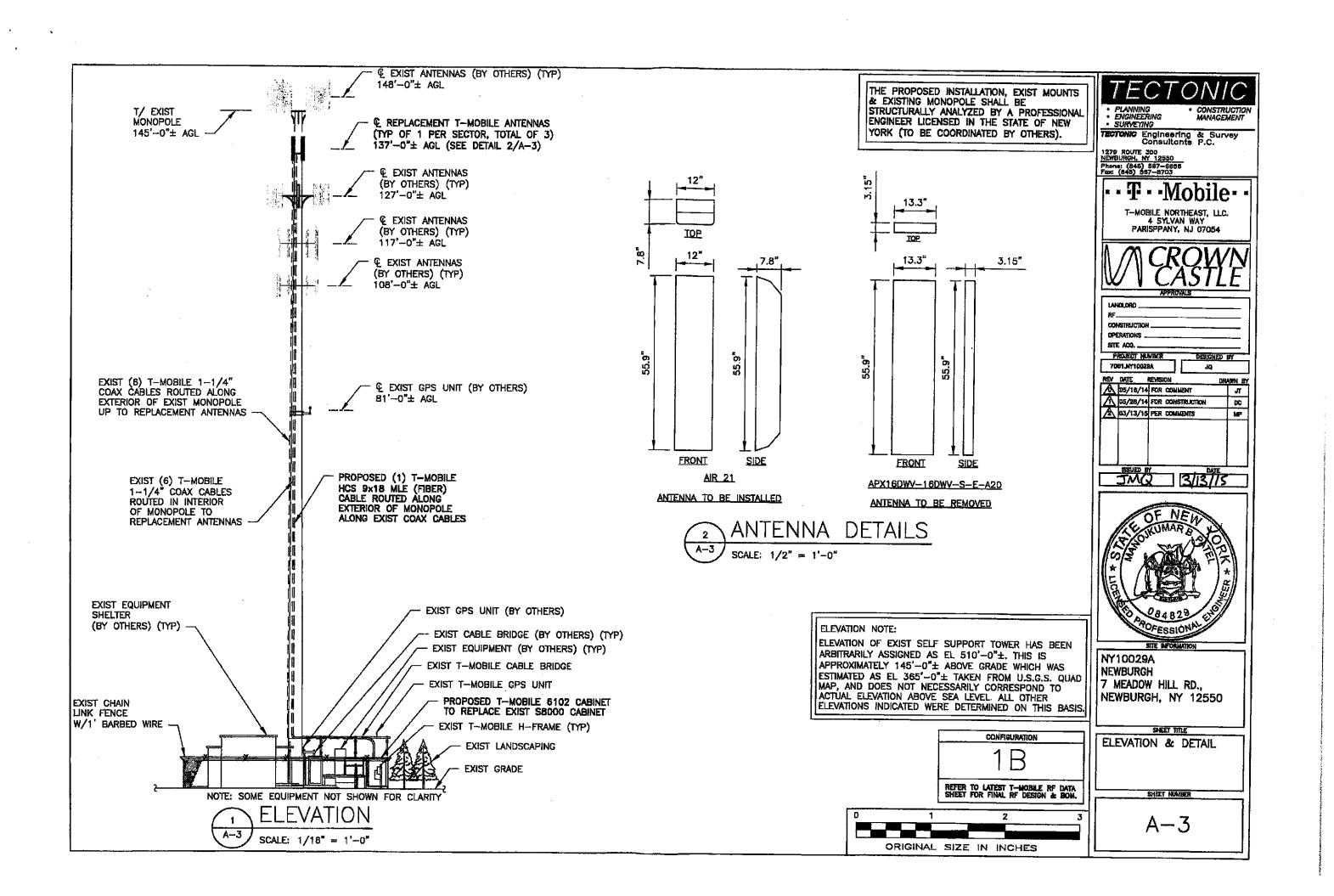
CONFIGURATION

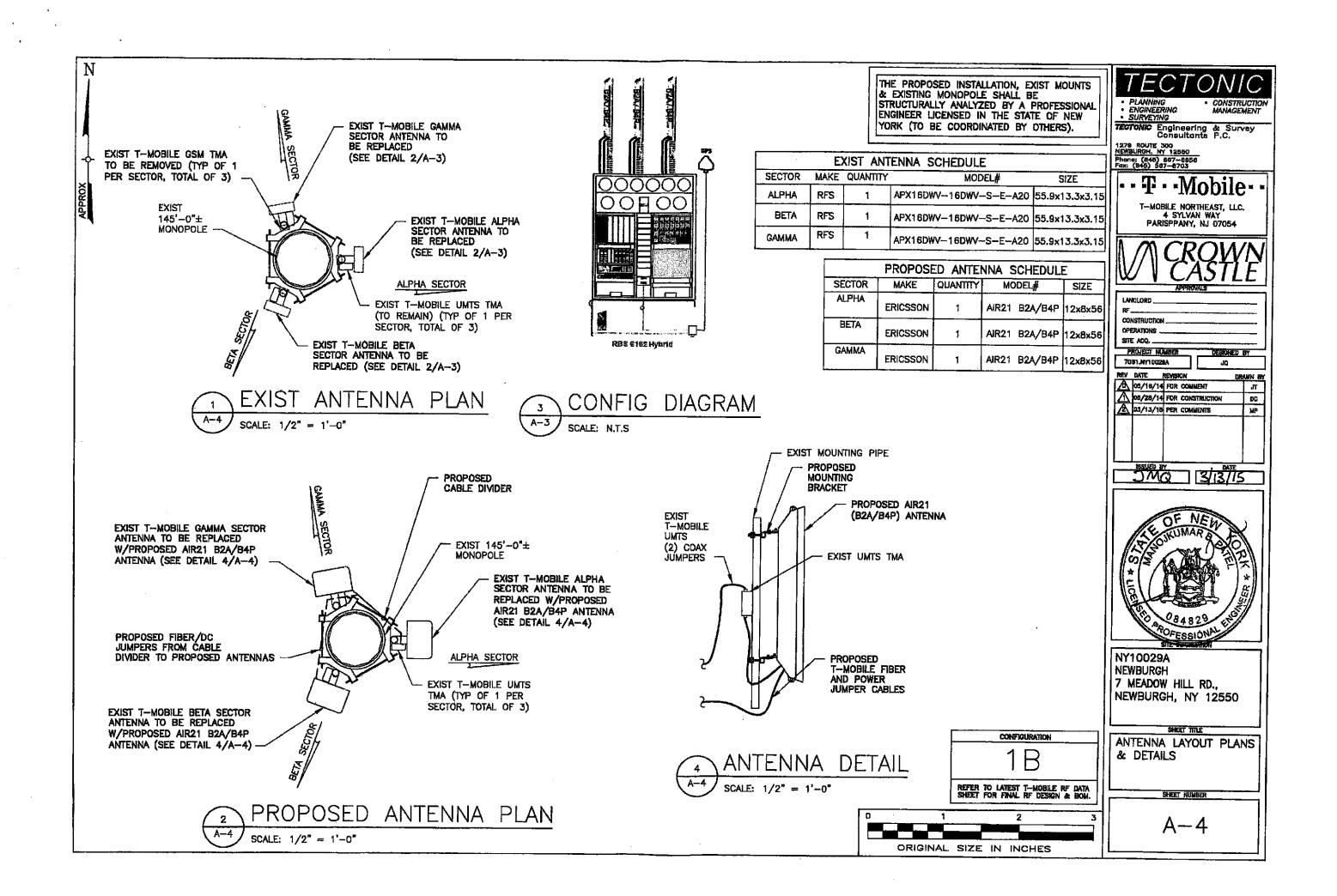
REFER TO LATEST T-MOBILE RF DATA SHEET FOR FINAL RF DESIGN & BOM.

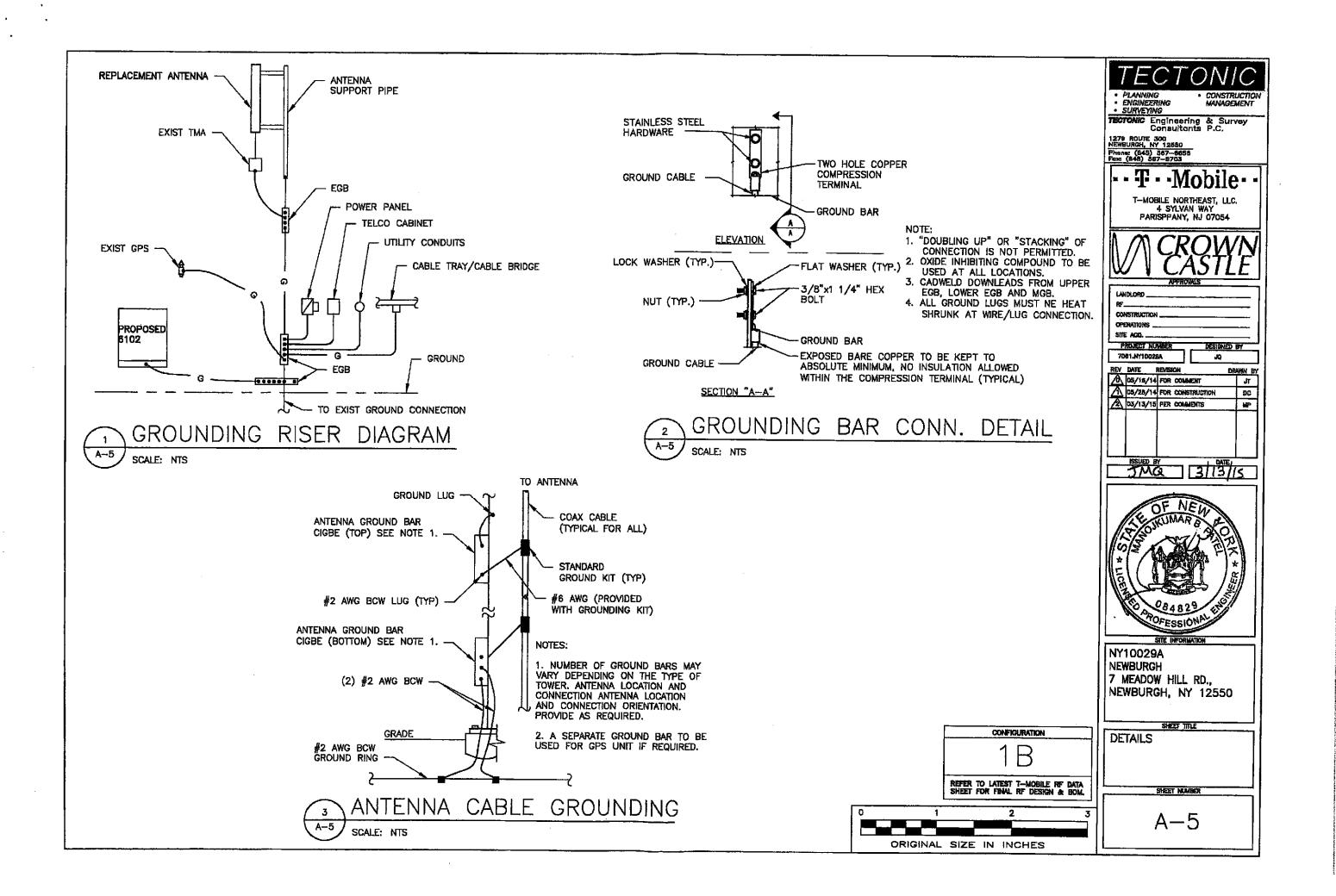












GENERAL NOTES

- 1. CONTRACTOR SHALL NOT COMMENCE ANY WORK UNTIL HE OBTAINS, AT HIS OWN EXPENSE, ALL INSURANCE REQUIRED BY T-MOBILE, THE PROPERTY OWNER AND/OR PROPERTY MANAGEMENT COMPANY.
- 2. THIS SET OF PLANS HAS BEEN PREPARED FOR THE PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL. THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED AND EACH OF THE DRAWINGS HAVE BEEN REVISED TO INDICATE "ISSUED FOR PERMIT"
- 3. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES OR OTHER PUBLIC AUTHORITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
- 6. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT EXCUSE SAID CONTRACTOR FROM COMPLETING THIS PROJECT IN ACCORDANCE WITH THE OVERALL INTENT OF THESE DRAWINGS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
- 8. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
- 9. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- 10. POWER TO THE FACILITY IS MONITORED BY AN EXISTING METER.
- 11. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
- 12. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
- 13. IF ANY PIPING EXISTS BENEATH THE SITE AREA, CONTRACTOR MUST LOCATE IT AND CONTACT OWNER'S REPRESENTATIVE.
- 14. THE CONSTRUCTION CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ALL CONSTRUCTION MEANS AND METHODS. THE CONSTRUCTION CONTRACTOR IS ALSO RESPONSIBLE FOR ALL JOB SITE SAFETY,
- 15. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, ELEVATIONS, ANGLES AND EXISTING CONDITIONS AT THE SITE PRIOR TO FABRICATION AND/OR INSTALLATION OF ANY WORK IN THE CONTRACT AREA AND SUBMIT TO THE ENGINEER ANY DISCREPANCIES FROM THE DRAWINGS.
- 16. THE CONTRACTOR IS TO REVIEW ALL DRAWINGS AND SPECIFICATIONS IN THE CONTRACT DOCUMENT SET. THE CONTRACTOR SHALL COORDINATE ALL WORK SHOWN IN THE SET OF DRAWINGS. THE CONTRACTOR SHALL PROVIDE A COMPLETE SET OF DRAWINGS TO ALL SUB—CONTRACTORS AND RELATED PARTIES. THE SUB—CONTRACTOR SHALL EXAMINE ALL THE DRAWINGS AND SPECIFICATIONS FOR THE INFORMATION THAT AFFECTS THEIR WORK.
- 17. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
- 18. ALL MATERIAL PROVIDED BY T-MOBILE IS TO BE REVIEWED BY THE CONTRACTOR AND ALL APPLICABLE SUB-CONTRACTORS PRIOR TO INSTALLATION. ANY DEFICIENCIES TO PROVIDE MATERIALS SHALL BE BROUGHT TO THE CONSTRUCTION MANAGER'S ATTENTION IMMEDIATELY.
- THE MATERIALS INSTALLED SHALL MEET REQUIREMENTS OF CONTRACTORS DOCUMENTS. NO SUBSTITUTIONS ARE ALLOWED.

GENERAL NOTES

- 20. THE CONTRACTOR SHALL RECEIVE CLARIFICATION AND AUTHORIZATION IN WRITING TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONSTRUCTION DOCUMENTS.
- 21. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND TO BE IN THE FIELD.
- 22. ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED WORKMEN IN ACCORDANCE WITH APPLICABLE CODES AND THE BEST-ACCEPTED PRACTICE. ALL MEMBERS SHALL BE LAND PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
- 23. THE CONTRACTOR SHALL COORDINATE HIS WORK AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROPERTY OWNER AND/OR PROPERTY MANAGEMENT COMPANY.
- 24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
- 25. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OR WHERE LOCAL CODES OR REGULATIONS MAY TAKE PRECEDENCE.
- 26. THE CONTRACTOR SHALL REPAIR ALL EXISTING SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND WITH ADJACENT SURFACES.
- 27. THE CONTRACTOR SHALL KEEP CONTRACT AREA CLEAN, HAZARD FREE AND DISPOSE OF ALL DEBRIS AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITIONS AND FREE FROM PAINT SPOTS, DUST OR SMUDGES OF ANY NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
- 28. BEFORE FINAL ACCEPTANCE OF THE WORK, THE CONTRACTOR SHALL REMOVE ALL EQUIPMENT, TEMPORARY WORK, UNUSED AND USELESS MATERIALS, RUBBISH AND TEMPORARY STRUCTURES,
- 29. CONSTRUCTION SHALL BE IN ACCORDANCE WITH 2010 BUILDING CODE OF NEW YORK STATE.

TECTONIC PLANNING PL

1279 ROUTE 300 NEWBURGH, NY 12550 Phone: (845) 597-8659 Fax: (845) 567-8703

-- T -- Mobile-

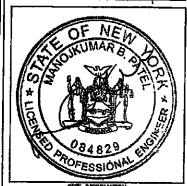
T--MOBILE NORTHEAST, LLC. 4 SYLVAN WAY PARISPPANY, NJ 07054



APPRO	VALS
LANDLORD	
CONSTRUCTION	
OPERATIONS	
SITE ACQ.	
PROJECT NUMBER	DESIGNED BY
7081-NY10028A	JQ

70	001-JYY101	228A	JQ
REV	DATE	REVISION	DRAWN B
▲	05/16/	14 FOR COMMENT	JT
Δ	05/2B/	14 FOR CONSTRUCTION	l DC
A	03/13/	15 PER COMMENTS	14P
	1	1	1

ISSUED BY DATE.				
3Ma	3/13/15			



NY10029A NEWBURGH 7 MEADOW HILL RD., NEWBURGH, NY 12550

SHEET NUMBER

A-7

CONFIGURATION

1 | B |

REFER TO LATEST T-MOBILE RF DATA
SHEET FOR FINAL RF DESIGN & BOM.

0	1	2	3
	ORIGINAL SIZI	E IN INCHES	

GROUNDING NOTES

- 1. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY ALL APPLICABLE CODES.
- 2. ALL GROUNDING WORK SHALL BE IN ACCORDANCE WITH T-MOBILE STANDARD PRACTICE.
- 3. ALL BUS CONNECTORS SHALL BE TWO—HOLE, LONG—BARREL TYPE COMPRESSION LUGS, T&B OR EQUAL, UNLESS OTHERWISE NOTED ON DRAWINGS. ALL LUGS SHALL BE ATTACHED TO BUSSES USING BOLTS, NUTS, AND LOCK WASHERS. NO WASHERS ARE ALLOWED BETWEEN THE ITEMS BEING GROUNDED.
- 4. ALL CONNECTORS SHALL BE CRIMPED USING HYDRAULIC CRIMPING TOOLS, T&B #TBM 8 OR EQUIVALENT,
- 5. ALL CONNECTIONS SHALL BE MADE TO BARE METAL, ALL PAINTED SURFACES SHALL BE FILED TO ENSURE PROPER CONTACT. NO WASHERS ARE ALLOWED BETWEEN THE ITEMS BEING GROUNDED. ALL CONNECTIONS ARE TO HAVE A NON--OXIDIZING AGENT APPLIED PRIOR TO INSTALLATION.
- 6. ALL COPPER BUSSES SHALL BE CLEANED, POLISHED, AND A NON-OXIDIZING AGENT APPLIED. NO FINGERPRINTS OR DISCOLORED COPPER WILL BE PERMITTED.
- 7. ALL BENDS SHALL BE AS SHALLOW AS POSSIBLE, WITH NO TURN SHORTER THAN AN 8-INCH NOMINAL RADIUS.
- 8. GROUNDING CONDUCTORS SHALL BE SOLID TINNED COPPER AND ANNEALED #2. ALL GROUNDING CONDUCTORS SHALL RUN THROUGH PVC SLEEVES WHEREVER CONDUCTORS RUN THROUGH WALLS, FLOORS, OR CEILINGS. IF CONDUCTORS MUST RUN THROUGH EMT, BOTH ENDS OF CONDUIT SHALL BE GROUNDED. SEAL BOTH ENDS OF CONDUIT WITH SILICONE CAULK.
- GROUNDING SYSTEM RESISTANCE SHALL NOT EXCEED 10 OHMS. IF THE RESISTANCE VALUE IS EXCEEDED, NOTIFY THE PROJECT MANAGER FOR FURTHER INSTRUCTION ON METHODS FOR REDUCING THE RESISTANCE VALUE.
- 10. ALL ROOF TOP ANTENNA MOUNTS SHALL BE GROUNDED WITH A #2 GROUND WIRE CONNECTED TO THE NEAREST GROUND BUS. ALL CONNECTIONS ARE TO BE CAD-WELDED IF POSSIBLE.
- 11. UPON COMPLETION OF WORK, CONDUCT CONTINUITY, SHORT CIRCUIT, AND FALL OF POTENTIAL GROUNDING TESTS FOR APPROVAL. SUBMIT TEST REPORTS TO THE PROJECT MANAGER.
- 12. GROUNDING CONNECTION TO TRAVEL IN A DOWNWARD DIRECTION.
- 13. ALL EXPOSED #2 WIRE MUST BE TINN NOT BTW.
- 14. TECTONIC TAKES NO RESPONSIBILITY OR LIABILITY FOR THE GROUNDING SYSTEM AS SHOWN ON THIS SITE. THIS IS A STANDARD GROUNDING SYSTEM.

