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July 3, 2020

Neil J. Alexander, Esq.
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By Email

Chairperson Bruce Flower and
Members of the Planning Board
20 Middlebush Road
Wappingers Falls, NY 12590

RE: Tarpon Towers II, LLC
Proposed Wireless Telecommunications Facility at 110 Chelsea Road
Parcel # 6056-03-339420

Dear Chairperson Flower and Members of the Planning Board:

This letter is respectfully submitted on behalf of our client, Tarpon Towers II, LLC (the “Applicant”) in furtherance of its application for site plan, special permit, wetlands permit, and area variance approvals to install a new wireless telecommunications facility (the “Facility”) at 110 Chelsea Road in the Town of Wappinger, New York (the “Property”).

In particular, the Applicant hereby provides the following additional information in anticipation of the continued public hearing on July 6, 2020, and the adoption of a SEQRA Negative Declaration that evening. These materials are provided further to the recent May 29, 2020 submission the Applicant made to the Planning Board.

Tectonic Engineering Additional Materials

The Applicant has enclosed revised Zoning Drawings reflecting the revised stormwater design and addressing associated comments in the CPL Engineering Review Memoranda from April 30, 2020 and May 8, 2020. Tectonic has also prepared the attached revised storm water report.

In reference to the inquiries surrounding the Fall Zone or Safe Zone of the proposed monopole, please note that in the event of a failure resulting in a tower collapse, the maximum distance the tower could fall in any direction would be the height of the tower, which is 150 feet. The proposed facility is located such that it is a minimum of 520 feet to the nearest property line (west side), which provides ample clearance to a full tower height fall zone of 150 feet. If desired by the Town, the Applicant is willing to design the tower to have a failure hinge point near the mid-point of the tower (i.e., at approximately 75 feet) which would reduce the fall zone by half. In this scenario, the top half of the tower would collapse on itself, and in the



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unlikely event there is also a failure at the base of the tower, the fall distance therefore becomes half the height of the tower, or approximately 75 feet.

Additionally, questions have arisen as to tower-related fires. Fires on telecommunications towers of any kind are extremely rare occurrences. There are many reasons for this fact, fortunately. First and foremost, it is due to the nature of the materials used to construct towers. All towers are constructed of steel which is non-combustible. Antenna mounts are also steel, and therefore not combustible. Antennas, cables, and related equipment are generally not constructed of fire-resistant material, however with no nearby sources of ignition there is no concern of these elements catching on fire. The only two potential sources of ignition are lightning and construction (welding). Ignition from lightning is mitigated by a lightning protection system that is designed and installed in accordance with NEC/NFPA 780 and ANSI/TIA-222-H. Welding will likely never occur over the lifespan of the tower since welding will only be required in the event structural reinforcements are required. The tower here is designed at the outset to support several telecommunications carriers along with reserve loading on top of that. In the unlikely event welding is required, it will be performed by competent/certified personnel using best management practices to protect and cover materials that are not fire-resistant materials, and upon advance notice to the local fire department.

It is also worth noting in response to Exhibit I of Attorney Campenelli's submission of general physics equations for determining ice fall distance and his assertion that "...wind conditions can cause these fragments to fall as much as 100 feet from a 150-foot tower...", Tectonic has researched resources on this topic. There are no national, state, or local codes or standards in place documenting the proper procedure and equations to use to calculate ice fall distance. Tectonic has identified a US Army Corps of Engineers "Fact Sheet" from April 2006 on the topic. Using the more conservative equations in that ACOE fact sheet results in the finding that the maximum ice fall distance from a 150-foot tower would not exceed 200 feet. Here, there are no homes within this 200-foot zone. Moreover, the maximum ice fall distance from the proposed tower would be contained wholly on the parcel where the facility is proposed since the closest property line to the tower is 520 feet away.

NYS DOS Concurrence with Consistency

On June 24, 2020, the New York State Department of State completed its review and issued the attached Concurrence with Consistency Certification under the New York Coastal Management Program.



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FAA Determination of No Hazard to Air Navigation

The FAA has concluded that the proposed wireless facility would not be a hazard to air navigation, and that neither marking nor lighting are necessary per the attached June 26, 2019 determination.

The Additional Extension of the Shot Clock

Notwithstanding its original submission of this application on October 9, 2019, the Applicant has consistently based its calculation of the 150 day Shot Clock timeline from its submission on December 23, 2019 of the Visual Resource Evaluation as a result of the Balloon Float on December 7, 2019. As such, the Applicant during the May 4, 2020 public meeting agreed to a 45-day extension of the FCC Shot Clock from May 18, 2020 to July 5, 2020. The Applicant acknowledged in writing this agreement as part of its May 15, 2020 submission. Yet, it is presently awaiting the signature by the Town Planning Board and Zoning Board of Appeals Attorney evidencing the Town's Acceptance and Agreement to Extension of the Shot Clock to July 5, 2020 before countersigning itself.

More importantly, the Planning Board during the May 18, 2020 meeting advised that it was continuing the public hearing on this application to July 6, 2020. This adjournment goes beyond the 1st 45 day Shot Clock Time Extension that the Applicant had provided. Although the Applicant is reticent to grant such a further time extension of the Shot Clock, **it is willing to grant the requested 2nd 45 day Shot Clock Time Extension under 47 U.S.C. § 332(c)(7)(B)(ii) and 47 C.F.R. § 1.6003 to August 19, 2020**, without waiver or prejudice to any of its rights or arguments. The Applicant notes that the Planning Board has 4 scheduled meetings between now and then (i.e., July 6th, July 20th, August 3rd and August 17th) and the Zoning Board of Appeals has at least 2 scheduled meetings during that timeframe (i.e., July 28th and August 4th).

Accordingly, the Applicant and the Town by each countersigning below through their respective attorneys are accepting and agreeing to the extension of the Shot Clock to August 19, 2020. This letter may be countersigned in counterparts, which when taken together, shall constitute one instrument. Further, photocopies of signed counterparts, including those transmitted by facsimile or email, shall have the same force and effect as originally signed counterparts. The parties remain free to amend this Agreement; but, any amendment must be in writing.

Conclusion

The Applicant looks forward to its continued public hearing on July 6, 2020. It also respectfully submits that, based on all the materials submitted to date, adoption of a SEQRA Negative Declaration is warranted at that time. Should the Planning Board, its Consultants, or Town Staff



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have any questions or comments in the interim, please feel free to contact me. Thank you for your time and consideration in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Neil J. Alexander". The signature is fluid and cursive, with the first name being the most prominent.

Neil J. Alexander

Enclosures

cc: Barbara Roberti, ZEO
Beatrice Ogunti, Secretary to the Planning Board and to the ZBA
James Horan, Esq., Town Attorney
Lisa Cobb, Esq., Town Planning Board Attorney
David Stolman, AICP, Town Planning Consultant
Peter Setaro, PE, Town Consulting Engineer
Douglas Fishman, Town Wireless Consultant

ACCEPTED AND AGREED TO EXTENSION OF SHOT CLOCK TO AUGUST 19, 2020

For Town of Wappinger, Dutchess County, NY:

By: _____

Lisa Cobb, Esq.

Town Planning Board and Zoning Board of Appeals Attorney

Dated: July ----, 2020

For the Applicant:

By: _____

Neil J. Alexander, Esq.

Attorney for the Applicant

Dated: July ----, 2020