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May 11, 2012

(via email and regular mail)

Honorable Chairman Ralph Huddleston
and Members of the Planning Board
Town of Goshen
41 Webster Avenue
Goshen, NY 10924

Re: Special Permit and Site Plan – Metro PCS New York LLC – Wireless
Telecommunications Facility (NY-6821) – 338 Harriman Drive, Goshen, New York

Dear Hon. Chairman Huddleston and Members of the Planning Board:

We have reviewed the application materials submitted for the above referenced facility dated April 24, 2012 and received on April 25, 2012. As discussed with Mr. Halloran, we have concentrated our review on the “proof of need” of the facility and in particular has the applicant provided documentation sufficient to demonstrate that the proposed communications tower height and bulk is the minimum height and bulk necessary, to provide licensed communications services to locations within the Town. After reviewing these materials we find a number of shortcomings in the material as follows:

1. The propagation map, (exhibit C, exhibit 7) shows the coverage from the proposed site at 104 feet to be substantially larger than at 171 feet. This should not be possible. Perhaps the color coding on the exhibit is incorrect.
2. On page 4 (four) of exhibit C, Mr. Olson states “The subject site coverage shown in these maps were confirmed with an actual drive test.” (He is referring to coverage shown on the propagation maps.) No drive test data was provided. Why, when the data is available? We would like to see the drive test data to confirm the propagation maps.
3. On the 2nd page of exhibit H, Mr. Waltner of Transcend Wireless states “Also, since Nextel of New York is leasing space at approximately 161 feet above ground level, MetroPCS is unable to propose a ten (10) foot tower extension.” It should be noted that 161 feet is above the existing height of the tower and at the present time we are unaware of any other application at this location. We would suggest that the applicant provide “proof” of a lease by Nextel at the 161 foot level in order to justify an extension of more than ten (10) feet. It is also that Sprint is on the tower, and Nextel and Sprint are the same company.
4. In both Exhibit C page 3 and exhibit H page 1, it is stated that the next available height on the tower is at one hundred and four (104) feet above ground, however page Z3 of revision 2 of the prints shows a microwave dish at one hundred and seventeen (117) feet above the top of the base plate with no antennas at that level. There is no explanation or proof as to why having MetroPCS at that level was not investigated.

5. The town's code requires users of communications towers and antennas to configure them in a way that minimizes adverse visual, aesthetic and community character intrusion impacts caused by the installation and view of communications towers and antennas, through careful design, siting, landscape screening and buffering, sufficient setbacks to reduce visual impacts to adjacent properties and innovative camouflaging techniques such as alternative tower structures, thereby protecting the physical appearance of the community and preserving its scenic and natural beauty. Included in that requirement is a visual impact assessment which requires a viewshed analysis in order to determine locations where the tower and appurtenant facilities may be visible. The Zone of Visibility Map submitted in Exhibit F (The Cedars Group dated 1/5/10) states "viewshed visibility from right-of-ways was determined based on a field visit on 12/29/09." The entire report is over two years old and does not state if the visuals are at the existing or proposed height of the tower.
6. In Exhibit D, the Antenna Site FCC RF Compliance Assessment and Report by Pinnacle Telecom Group does not identify the Height AGL for any of the carriers except MetroPCS. This information should be provided in the report to insure that the chart on page ten (10) of the report accurately depicts the cumulative emissions at the site.

While reviewing the above it was also noted that the prints and the structural report do not agree. (These observations were briefly discussed with the town's engineer Sean Hoffman who is reviewing the structural requirements.) It was also noted on page Z2, of revision, two of the prints, that there is only forty-seven (47) feet from the tower to the property line. With the proposed extension, the height above ground to the top of the tower will be one hundred and seventy-four (174) feet. This requires (per the code twice the height of the tower in this district) a setback of three hundred and forty-eight (348) feet. Is a variance required for the tower extension?

Based on the above, we believe that there is a substantial amount of missing or inaccurate material in the application that needs to be provided or corrected before the application is ready for a public hearing. Should the applicant need clarification on any of the above items we are available to discuss.

I recently discussed my attendance at your meeting on May 17th with Mr. Halloran. He advised me that attendance was not required. Should that change or should have any questions please call me at 518 439-3079.

Sincerely,

R. A. Comi (electronic signature)
Richard A. Comi
CMS

cc: Neal Halloran (via email)
Sean Hoffman (via email)
John Furst (via email and regular mail)