

Village of Oyster Bay Cove
Telecommunications Site Review
New Wireless Facility

CityScape
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January 5, 2022

Chris Wagner
Village of Oyster Bay Cove
68 West Main Street
Oyster Bay, NY 11771

RE: New Cingular Wireless PCS, LLC d/b/a AT&T
Proposed New Monopine
30 Northern Boulevard, Oyster Bay, NY 11771
SBL: 25-C01-1036

Dear Mr. Wagner,

At your request, on behalf of the Village of Oyster Bay Cove, New York (“Village”) CityScape Consultants, Inc. (“CityScape”) in its capacity as an impartial telecommunications consultant for the Village, has considered the merits of an application provided by Phillips Lytel, LLP on behalf of AT&T (“Applicant”) for a Special Use Permit for construction of a new eighty-five-foot monopine on Village leased property, zoned A-1 District, located at 30 Northern Boulevard, Oyster Bay, NY 11771.

The application submitted is incomplete, based on the missing items in the applicable provisions in Zoning Chapter 320, Article VI. Telecommunication Facilities. CityScape’s review for completeness is as follows:

- Section 320-31 Technical requirements.
 - The following items are not addressed:
 - E. Evidence of compliance with FCC regulations, NIER levels and EMF standards. The FCC licenses provided by Applicant are not a substitute for an FCC rules compliance statement and none make reference to the proposed facility. Applicant must provide in a signed letter from AT&T (from an RF Engineer or other person authorized to sign on behalf of AT&T, identified by typed name and official title) stating that AT&T, at this proposed site, will comply with all FCC rules including, but not limited to, FCC rules regarding out-of-band emissions, RF interference to other services, and human exposure to RF Radiation.
 - G. Search Ring. This item is missing. There is a placeholder page entitled “Exhibit 1” (Page 196 of complete application PDF) which is mentioned as the search ring map, but the map doesn’t appear in the electronic version of the application received by CityScape.
 - I.(2) Comments regarding decreased property values do not appear to be provided in the visual impact report. Also, CityScape recommends that the antennas and radio equipment on the tower be outfitted with antenna “socks” matching the faux branch design to further camouflage the structure.
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- J. A separate Engineer's statement regarding impact to air and surface traffic is not provided, however, impact to vehicular traffic is addressed in the environmental, zoning and land use report. Air traffic is not addressed. The most expedient way to address is to submit an FAA Determination of No Hazard.
 - K. Engineer's certified statement regarding interference impact to other RF services is missing.
 - L. Other Information. In the cover letter and the site acquisition affidavit, both coverage and capacity deficiencies are specifically mentioned together as issues that the proposed facility would address. The provided RF Affidavit addresses the geographically coverage gap only, but no data on the capacity issue (if one exists) is provided. If there is a capacity deficiency, the Applicant should provide an analysis of current and projected future capacity usage, such as capacity usage graphs for the adjacent existing sites or other type of documentation that would establish a capacity problem.
 - Section 320-34 Use standards.
 - N. Lot size and setbacks. The Applicant cannot meet all the requirements in this section as is requesting variances. CityScape concurs the variances are needed for the proposed project on the subject property.
 - Section 320-35 Inspection.
 - This item is not addressed. The Applicant should address in writing.
 - Section 320-36 Maintenance.
 - This item is not addressed. The Applicant should address in writing.
 - Section 320-37 Co-location requirement.
 - This item is addressed; however, additional information is needed. This ordinance provision states "any tower should be high enough and should be constructed in a manner to permit co-location of a minimum of **three additional** licensee wireless communications providers." The letter from the structural engineer states that the monopine will be "extendable to 100'". If that is the case, then one or perhaps two carriers potentially could collocate at heights above the proposed AT&T antennas. The structural letter should be modified to state that the monopine will be constructed so as to permit co-location of a minimum of three additional carriers.
 - Section 320-37D.
 - The Applicant has not provided its policy regarding co-location on the proposed structure by other carriers in accordance with §320-37D and should provide such and identify the available center of radiation heights that would be available to future co-locators. Also, in this co-location policy statement, the Applicant should 1) confirm that it would build a monopine extendable to 100 feet in height if a co-locating carrier requests an antenna height above AT&T's, and 2) whether any future co-location above or below AT&T would require strengthening of the original structure that is built for AT&T only. The Applicant has demonstrated in the propagation maps the need for this minimum height for their coverage objectives and a lower tower height is stated to not work for their network design standards. This may be the case for future tenants on the same tower, unless the monopine is extendable to 100 feet or more.
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Additionally, the Village Engineering and Building departments had the following comments:

Engineering:

- The lot area provided in the application is incorrect. Sewage slow allowances were calculated based on the lot area of the Village property, and an accurate calculation of lot area was needed. According to a survey done for the Village in 2007 by Sidney B. Bowne, the correct lot area is 0.66 acre. The 1.93-acre area of the property purported throughout the application is actually for the adjacent tax lot #1037, not #1036, which is the subject property. Additionally, the Nassau County data, included on the MyNassauProperty website and elsewhere in the County database, shows that lot #1036 is 1.93 acres, which is in error.
- The Village Police Booth property has a history of flooding, including the location where the monopole is proposed. Soil borings done in 2012 indicate that the soils are marginal for stormwater infiltration. Prior to the drainage improvements made in 2017 and 2018, there were concerns on the property as well as on the property downslope of the Village property. Although the application indicates that they are merely adding a 10-foot by 10-foot concrete pad, some provision should be made to help capture and control future stormwater runoff.

Zoning

- No property survey is submitted.
- Do we regulate steep slope? No Net Lot Area to determine Lot Coverage – 15% max.
- I would view the setbacks differently but shouldn't change the submission.
- Due to the uniqueness of the site, I would say a front yard setback (75 ft.) would wrap the property from Berry Hill to 25A and the setback to the adjoining property be the rear yard setback.
- Setbacks should be taken to the equipment concrete pad not the fence line? This would change the variance requests.
- Variance required for Berry Hill FYS of 55.8' in lieu of 75.0'
- Variance required for rear or side yard setback of 25.5' in lieu of 40.0'
- The height requirement wrong because this is an accessory structure. A variance for height of 80 ft. in lieu of the 25 ft. required not 35.0 ft.
- 7. Variance required for 8.0 ft. fence in lieu of 6'-6" max permitted.
- 8. No Height Setback Ratio compliance provided. Will most definitely require variances for that.
- 9. Should have individual setbacks to generator. This will be a separate building permit application including gas.

SPR

1. Property survey not submitted.
 2. C & R's?
 3. Not showing any lighting.
 4. Zoning table should be corrected.
 5. Need height setback profile drawings and magnitude of encroachment.
 6. No drywells being proposed.
 7. No erosion control or limit of disturbance shown.
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8. No building permit application submitted at this time.
9. No fees submitted yet.

** Note the arborvitaes at 3 to 4 ft are too small. Should install taller ones.

We will make ourselves available to answer any questions or clarifications as needed. I certify to the best of my knowledge all information included herein is accurate at the time of this report. CityScape is employed by local governments, has unbiased opinions and reviews all applications based on technical merits without prejudice and per prevailing laws and codes.

Respectfully submitted,



Susan Rabold, Project Manager
CityScape Consultants, Inc.



Ben Evans, Senior Project Engineer
CityScape Consultants, Inc.