

**PLANNING BOARD OF THE TOWN OF EAST HAMPTON
EAST HAMPTON, NEW YORK**

In the Matter of the Application

of

**SITE PLAN/
SPECIAL PERMIT
APPROVAL**

**AMERICAN TOWER AT 103 FLAGGY HOLE ROAD SITE PLAN/SPECIAL PERMIT
PERSONAL WIRELESS SERVICE FACILITY
SCTM#300-37-2-1**

ADOPTED: ____/____/____

FINDINGS AND DETERMINATION OF THE BOARD

The findings of fact, conclusions, and determination set forth herein are made after consideration of the application, any presentations, memoranda or correspondence made or submitted to the Board by staff or interested parties, comments taken at any public hearing on the application, and inspection of the subject property.

A. PROJECT DESCRIPTION

1. TYPE OF APPROVAL SOUGHT:

(a) Site plan approval pursuant to Article VI of Chapter 255 (Zoning) of the East Hampton Town Code.

(b) Issuance of a special permit pursuant to Article V of Chapter 255 of the Town Code.

2. USE REQUIRING SPECIAL PERMIT: Personal Wireless Service Facility

3. DESCRIPTION OF PROPOSED WORK To construct a Personal Wireless Service Facility consisting of a 185' tall monopole and 70' X 70' (4,900 sq. ft.) fenced-in leased equipment compound area. The monopole and equipment area are to replace a 60' tall monopole carrying Verizon equipment and to expand an existing fenced-in compound area. The new monopole is to be designed to accommodate equipment for the Town of East Hampton's emergency services communications equipment upgrades as well as for four of the major cell phone carriers (Verizon, T-Mobile, AT&T, Dish). The Applicant's tower elevation sketch shows a total of four (4) personal wireless carrier antenna arrays at AGL elevations of 150 feet (AT&T), 140 feet (Dish), 120 feet (T-Mobile) and 96 feet (Verizon). The proposed Town's antenna arrays are depicted at AGL elevations of 185 feet, 179 feet, 172.5 feet and 162.5 feet. Two (2) Town microwave dish antennas are shown at 172.5 feet and 129 feet AGL.

4. SIZE OF PROPERTY: 172 acres

5. OWNER OF PROPERTY: Nassau Council of Girl Scouts

6. APPLICANT: American Tower Corp.

7. PROPOSED PLANS: Site Plan and Construction Plans: Exhibit H – Drop and Swap Construction Drawings prepared by A. T. Engineering Service, PLLC, dated June 17, 2022 and

signed and sealed by Patrick Philip Barry, P.E. (Sheet G-001 Title Sheet); (Sheet G-002 General Notes); (Sheet V-101 As-Built/Title and Boundary Plan); (Sheet V-102 Existing Conditions and Topography Plan); (Sheet C101 – Overall Site Plan); (Sheet C-401 Compound Plan); (Sheet C-402 Tower Elevation); (Sheet C-501 Construction Details); (Sheet C-502 Construction Details); (Sheet C-503 Signage); (Sheet E-401 Grounding Layout); (Sheet E-501 Electrical Details); and (Sheet E-601 Electrical One Line Diagram)

8. DATE OF PUBLIC HEARING ON APPLICATION: October 19, 2022

B. PROPERTY LOCATION AND DESCRIPTION

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-37-2-1
- 2. STREET LOCATION:** 103 Flaggy Hole Road
- 3. CONTIGUOUS WATER BODIES:** Gardiner’s Bay
- 4. HAMLET OR GEOGRAPHIC AREA:** Springs
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The parcel is over 172 acres in area and is zoned A5: Residence and is situated off of Flaggy Hole Road and Three Mile Harbor Hog Creek Road in northwest Springs. It is owned by the Nassau Council of Girl Scouts and is known commonly as Camp Blue Bay. It contains numerous buildings and campsites used in association with the camp as well as an existing personal wireless service facility operated by Verizon consisting primarily of a 60’ tall monopole and equipment area. It is entirely surrounded by residential property with the exception of a small NB: Neighborhood Business Zoning District at the southern corner of the property opposite Three Mile Harbor Road.
- 6. FILED MAP NAME:** N/A
- 7. FILED MAP NUMBER:** N/A
- 8. DATE OF MAP FILING:** N/A
- 9. BLOCK NUMBER IN FILED MAP:** N/A
- 10. LOT NUMBER IN FILED MAP:** N/A

C. ZONING CLASSIFICATION

- 1. ZONING DISTRICT:** A5: Residence
- 2. ZONING OVERLAY DISTRICT:** N/A

D. SEQRA REVIEW

- 1. SEQRA CLASSIFICATION:** Unlisted
- 2. LEAD AGENCY:** Planning Board
- 3. DETERMINATION OF SIGNIFICANCE:** Negative declaration
- 4. DATE OF DETERMINATION:** September 21, 2022

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. Pursuant to the inter-municipal agreement between the Town of East Hampton and the County of Suffolk, the subject application does not require referral to the Suffolk County Planning Commission (SCPC).

2. A Visual Assessment & Photo Simulations prepared by APT Engineering dated March 2022 has been received by the Planning Board. The Board finds this document sufficient to assess the potential visual impacts of the proposed project.
3. ATC proposed emergency back-up generator specifications prepared by Generac Industrial Power have been received.
4. A Noise assessment report for ATC's emergency back-up generator dated July 27, 2022 has been received. This report verifies that the proposed personal wireless service facility will meet the Town's noise restrictions of Chapter 185 of the Town Code.
5. A Federal Aviation Administration (FAA) No Hazard to Air Navigation determination has been received.
6. The New York State Office of Historic Preservation (SHPO) has notified the Planning Board via email their concurrence that the Proposed Replacement Facility will not impact historic resources, by email dated May 23, 2022
7. A Structural Analysis and foundation design prepared by Valmont Structures dated June 22, 2022 and signed and sealed by Mathew K. Lackey, P.E. which verifies that the proposed monopole and its mounts are structurally capable of handling the proposed equipment has been received.
8. The Federal Communications Commission (FCC) requires that all radio frequency transmission facilities meet an applicable set of standards. The applicant has provided an RF Exposure Study Report (NIER Study Report) for the proposed facility, prepared by Tower Engineering Professionals ("TEP") and signed and stamped by a New York State Registered Professional Engineer and dated July 14, 2022
9. By letter dated received June 2, 2022 the Office of Fire Prevention stated that no additional information is necessary for fire-fighting purposes.
10. The Planning Board has reviewed this application with the assistance of the Town of East Hampton's wireless consultants, Cityscape.

F. COMPLIANCE WITH TOWN CODE OR OTHER REQUIREMENTS OF LAW

Based upon the foregoing, the Planning Board finds that the application as approved, subject to any conditions or modifications specified in § H below, meets the following requirements:

1. The application contains all necessary elements of a site plan as enumerated in § 255-6-50 of the Town Code.
2. The application meets the standards enumerated for review of site plans in § 255-6-60 of

the Town Code.

3. The application meets the general standards required for the issuance of a special permit by § 255-5-40 of the Town Code, in that:

(A) Nature of use. The use proposed will be in harmony with and promote the general purposes of Chapter 255 of the Town Code as the same are set forth in § 255-1-11 thereof.

(B) Lot area. The lot area is sufficient, appropriate, and adequate for the use, as well as reasonably anticipated operation and expansion thereof.

(C) Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties.

(D) Compatibility. The site of the proposed use is a suitable one for the location of a Personal Wireless Service Facility in the Town, and the proposed use will be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale, and overall appearance.

(E) Effect on specific existing uses. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.

(F) Use definition. The proposed use conforms to the Town Code's definition of "Personal Wireless Service Facility" as that definition is used in § 255-1-20 of the Town Code.

(G) Circulation. Access facilities are adequate for the traffic estimated to be generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and vehicular entrances and exits are clearly visible from the street and are not within seventy-five (75) feet of the intersection of street lines at a street intersection.

(H) Parking. The off-street parking spaces proposed for this application satisfy the requirements of the applicable provisions of Chapter 255 of the Town Code, and are in any case more than adequate for the actual anticipated number of occupants of the proposed use. Furthermore, the layout of the spaces and related facilities will be convenient and conducive to safe operation.

(I) Buffering and screening. Adequate buffer yards and screening have been provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.

(J) Runoff and waste. Adequate provision has been made for the collection and disposal of stormwater runoff, sewage, refuse, and other liquid, solid, or gaseous waste which the proposed use will generate.

(K) Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important

natural features, systems, or processes and without significant negative impact to groundwater and surface waters on or off the site.

(L) Compliance with other laws. The proposed use can and will comply with all provisions of the Town Code which are applicable to it, and can meet every other applicable federal, state, county, and local law, ordinance, rule, or regulation.

(M) Conformity with other standards. The proposed use can and will meet all of the specific standards and incorporate all of the specific safeguards required of the particular use by § 255-5-50 of the Town Code.

G. DISPOSITION OF APPLICATION

The application is approved as described herein, subject to any conditions or modifications specified in § H below.

1. TYPE OF APPROVAL GRANTED:

- (a) Site plan approval pursuant to Article VI of Chapter 255 of the Town Code.
- (b) Issuance of a special permit pursuant to Article V of Chapter 255 of the Town Code.

2. NATURE OF APPROVED USE: Personal Wireless Service Facility

3. DESCRIPTION OF APPROVED WORK To construct a Personal Wireless Service Facility consisting of a 185' tall monopole and 70' X 70' (4,900 sq. ft.) fenced-in leased equipment compound area. The monopole and equipment area are to replace a 60' tall monopole carrying Verizon equipment and to expand an existing fenced-in compound area. The new monopole is to be designed to accommodate equipment for the Town of East Hampton's emergency services communications equipment upgrades as well as for four of the major cell phone carriers (Verizon, T-Mobile, AT&T, Dish).

H. CONDITIONS OF APPROVAL

The approval hereby granted is contingent upon full compliance with the conditions set forth in this section. The property may not be used except in accordance with this conditional approval, and all improvements shall be made, built, or installed in accordance with the plans described below.

1. APPROVED BUILDING OR CONSTRUCTION PLANS: Site Plan and Construction Plans: Exhibit H – Drop and Swap Construction Drawings prepared by A. T. Engineering Service, PLLC, dated June 17, 2022 and signed and sealed by Patrick Philip Barry, P.E. (Sheet G-001 Title Sheet); (Sheet G-002 General Notes); (Sheet V-101 As-Built/Title and Boundary Plan); (Sheet V-102 Existing Conditions and Topography Plan); (Sheet C101 – Overall Site Plan); (Sheet C-401 Compound Plan); (Sheet C-402 Tower Elevation); (Sheet C-501 Construction Details); (Sheet C-502 Construction Details); (Sheet C-503 Signage); (Sheet E-401 Grounding Layout); (Sheet E-501 Electrical Details); and (Sheet E-601 Electrical One Line Diagram)

2. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

2.1 Prior to the issuance of a certificate of occupancy, the applicants shall submit a certified report from a licensed professional demonstrating that the work has been performed in accordance with the approved plans and appropriate building codes.

2.2 Prior to the issuance of a certificate of occupancy, the applicants shall submit a landscaping plan which provides adequate evergreen vegetative screening along Three Mile Harbor Hog Creek Road in order to provide greater screening of the proposed facility. This plan shall be found acceptable and such acceptance shall be verified by the Planning Department.

2.3 The proposed generator shall utilize a Level 2 Acoustic Enclosure (L2A) as provided on the received Generac Generator Specification Sheet

2.4 The diesel generator is to be a double-walled design and situated on a concrete pad in order to prevent fuel leaks.

2.5 The structure shall be initially built to an overall height not to exceed one hundred and ninety-nine (199) feet above ground level; also, the structure shall not be extended to an overall height exceeding two hundred (200) feet above ground through a future modification or a future relocation applied for under the provisions of Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012.

2.6 All feed lines shall be installed within the monopole and antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife.

2.7 The emergency generators in the compound, when tested, shall comply with the maximum acoustic noise level and restricted hours of operation as may be specified by local code.

2.8 The applicant shall apply for and obtain a building permit no later than three (3) years from the date of this resolution.

2.9 The applicant shall apply for and obtain a Certificate of Occupancy no later than one (1) year from the issuance of the building permit.

I. VALIDITY OF APPROVAL

If any condition of this resolution is not met, or is not met within the prescribed time period, all approvals, permits, or authorizations granted hereby shall be deemed void and of no effect.

DATED: November 9, 2022

cc: Lucia Chiochio, Esq.
Cuddy & Feder, LLP
445 Hamilton Avenue, 1st Floor
White Plains, NY 10601

Planning Department
Building Inspector