



June 21st, 2019

Town of Caroline
2668 Slaterville Road
Slaterville Springs, NY 14881

**Re: Town of Caroline Special Use Permit Application for
Telecommunications Tower Sited at 340 Bald Hill Road,
Brooktondale, NY Tax Parcel 15.-1-58**

Dear Members of the Review board,

We represent AT&T Mobility (“AT&T”), which proposes to construct and own a public utility telecommunications facility to be located at 340 Bald Hill Road (“the site”). AT&T seeks a special use permit for the use and operation of the proposed facility to address the coverage gap along Route 79, and the town of Caroline and Brooktondale.

AT&T is considered a public utility in New York for zoning purposes and is licensed and regulated by the Federal Communications Commission. AT&T is responsible for providing reliable wireless telephone service to emergency services, businesses and individuals in the geographic area of Caroline and Brooktondale.

Per Section 9. Height of a Telecommunications Tower, subsection b the tower height limit is 140 feet. AT&T is requesting a height waiver to construct a 195-foot tower (199’ with lightning rod) to meet coverage objectives along Route 79 and to provide the most coverage possible to the towns of Caroline and Brooktondale. The new propagation maps (Exhibit G. Propagation Maps .06.20.2019) concentrate on the Brooktondale coverage (blue circle) and show the higher the tower the more coverage is provided by AT&T and future carriers. My previous request from the May 20th, 2019 letter and propagation maps (Exhibit G. Propagation Maps .05.02.2019) show a more expansive coverage area with current, future site location (Town of Richford) and the Brooktondale proposed tower located at 340 Bald Hill Road.

Specifically, the Facility consists primarily of the construction of a 195’ monopole telecommunications facility, as well as the placement of antennas at 191’ on the Facility. Cabling will run down the tower and connect the antennas to the AT&T equipment cabinets located on an elevated equipment platform located near the base of the tower. The tower, equipment platform and related equipment will be surrounded by a fenced compound. AT&T and the landowner have entered into a lease agreement providing AT&T with land control to construct the Facility.



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Please accept this letter and the following exhibits as AT&T's application for a special use permit and approval from the review board:

- Exhibit A: Special Use Permit application 03.28.2019
- Exhibit B: Response Letter to Review Board 05.07.2019
- Exhibit C: FCC License
- Exhibit D: 20KW DIESEL Generator AC, Final Zoning Drawings 05-06-2019
- Exhibit E: NIER Report .03.18.2019
- Exhibit F: County Response Email .05.03.2019, Fire Dept Response .04.24.2019
- Exhibit G: Propagation Maps .06.20.2019
- Exhibit H: Erosion and Sediment Control Narrative
- Exhibit I: Phase I Environmental Site Assessment .04.19.2019
- Exhibit J: NEPA Report will be provided upon completion
- Exhibit K: FullEAF_Rev1. .05.07.2019
- Exhibit L: Viewshed Analysis Map Rev1, Visual EAF, Visual EAF Supplement Rev1 .05.07.2019
- Exhibit M: Photo Log Map, Photo Sims .04.19.2019
- Exhibit N: Towair No Lighting
- Exhibit O: Sign Sizes .04.24.2019
- Exhibit P: Escrow Letter .04.18.2019
- Exhibit Q: Lease .05.30.2019
- Exhibit R: Agricultural Data Statement .05.06.2019
- Exhibit S: 1500 Feet Names .04.18.2019
- Exhibit T: Alternative Site Analysis .03.22.2019

Link to Exhibits: https://airosmithdevelopment-my.sharepoint.com/:f:/p/mfuentes/Enu_B2mEDSZGv3fXBS9We8kB52JzkYLnAZKc3dyMzY6Kpg?e=W8VaAK

AT&T respectfully request to be placed on an agenda for a public hearing upon your review and approval of the revised document I am providing you via email June 21st, 2019 hard copies will be mailed to the review board for a complete package.

Very truly yours,

Mark Fuentes

Mark Fuentes



**COMPLIANCE WITH THE SPECIAL USE PERMIT STANDARDS CONTAINED IN THE
TELECOMMUNICATIONS TOWER SITING AND SPECIAL USE PERMIT LAW FOR THE TOWN OF
CAROLINE (LOCAL LAW 2 OF 1998)**

As explained below, in addition to complying with the legal standards applicable to public utilities, AT&T also complies with the Town of Caroline's Special Use Permit standards set forth in the Telecommunications Tower Siting and Special Use Permit Law for the Town of Caroline (Sections 6 through 14). Our responses to those requirements/standards are as follows (numbering below corresponds to the numbering/lettering of the standards in Telecommunications Tower Siting and Special Use Permit Law for the Town of Caroline).

Section 6. Special Use Permit Application and Other Requirements

- A) The Board is the officially designated agency or body of the community to whom applications for a Special Use Permit for a Telecommunications Tower must be made and is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for Telecommunications Towers. The Board may at its discretion delegate or designate other official agencies of the Town to accept, review, analyze, evaluate and make recommendations to the Board with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for Telecommunications Towers.***

No response required.

- B) All Applicants for a Special Use Permit for a Telecommunications Tower shall comply with the requirements set forth in this Section.***

The Project so complies.

- C) Any Application for a Special Use Permit for a Telecommunications Tower shall be signed by an officer of the Applicant attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall acknowledge the Application and verify that they are aware of the Application and are aware that the Town may deny the Application or issue a permit with conditions. At the discretion of the Board, any false statement regarding the requirements of this Section may subject the Applicant to denial of the Application without further consideration or opportunity for correction.***

The Project so complies, see Exhibit A. Special Use Permit application 03.28.2019



D) Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the Board as invalid, without prejudice to the resubmission by an applicant of an appropriate and complete Application.

No response required.

E) The Applicant shall state in writing:

- 1) that the applicant's proposed Telecommunications Tower shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the Board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal laws, rules, and regulations;**
- 2) that the construction of the Telecommunications Tower is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in New York State.**

The Project so complies.

- 1) See Exhibit B. Response Letter to Review Board 05.07.2019.
- 2) See Exhibit C. FCC License

F) No Telecommunications Tower shall be installed or constructed until the site plan is reviewed and approved by the Board. See Exhibit D. Final Zoning Drawings 05.06.2019

All applications for the construction or installation of a new Telecommunications Tower shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the State. Where this Section calls for certification, such certification shall be by a qualified New York State licensed Professional Engineer acceptable to the Town, unless otherwise noted.

- 1) Name and address of person preparing the report** See Exhibit D. Final Zoning Drawings 05.06.2019
- 2) Name and address of the property owner, operator, and Applicant, to include the legal form of the Applicant** See Exhibit D. Final Zoning Drawings 05.06.2019
- 3) Postal address and sheet, block, and lot or parcel number of the property** See Exhibit D. Final Zoning Drawings 05.06.2019
- 4) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines** See Exhibit D. Final Zoning Drawings 05.06.2019

- 5) **Location of nearest residential structure** See Exhibit D. Final Zoning Drawings 05.06.2019
- 6) **Location of nearest habitable structure** See Exhibit D. Final Zoning Drawings 05.06.2019
- 7) **Location, size, and height of all structures on the property which is the subject of the Application** See Exhibit D. Final Zoning Drawings 05.06.2019
- 8) **Location, size and height of all proposed and existing antennae and all appurtenant structures** See Exhibit D. Final Zoning Drawings 05.06.2019
- 9) **Type, size and location of all proposed landscaping and existing landscape features** Not applicable, dense wooded lot
- 10) **The number, type and design of the Telecommunications Tower(s) Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users** See Exhibit D. Final Zoning Drawings 05.06.2019, tower drawings will be supplied to the town after issuance of special use permit and prior to construction start.
- 11) **The make, model and manufacturer of the Tower and Antenna(s)** Tower will be ordered upon granting of special use permit, antennas see Exhibit D. Final Zoning Drawings 05.06.2019
- 12) **A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, Including height above pre-existing grade, materials, color and lighting** Antennas are white and the tower is galvanized grey.
- 13) **The frequency, modulation and class of service of radio and/or other transmitting equipment** See Exhibit E. NIER Report .03.18.2019
- 14) **Transmission and maximum effective radiated power of the Antenna(s)** See Exhibit E. NIER Report .03.18.2019
- 15) **Direction of maximum lobes and associated radiation of the Antenna(s)** See Exhibit E. NIER Report .03.18.2019
- 16) **Applicant's proposed Tower maintenance and inspection procedures and related system of records** See Exhibit B. Response Letter to Review Board 05.07.2019
- 17) **Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC, though the certifying engineer approved by the Town** See Exhibit E. NIER Report .03.18.2019
- 18) **Certification that the proposed Antenna(s) will not cause interference with existing telecommunications devices, though the certifying engineer approved by the Town** See Exhibit F. County Response Email .05.03.2019 and Fire Dept Response .04.24.2019
- 19) **A copy of the FCC license applicable to the use of the Telecommunications Tower** A See Exhibit C. FCC License
- 20) **Certification that a topographic and geomorphological study and analysis has been conducted, and, taking into account the subsurface and substrata and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Telecommunications Tower on the proposed site. The certifying engineer will be approved by the Town** Tower foundation drawings will be supplied to the town after issuance of special use permit.



- 21) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites** See Exhibit G. Propagation Maps .06.20.2019
- 22) Applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunications Tower that it constructs**
Not applicable, see Final Zoning Drawings 05.06.2019
- 23) Applicant shall disclose in writing how facilities will be sited, designed, and constructed in a manner which minimizes adverse impact upon wildlife** See Exhibit H. Erosion and Sediment Control Narrative
See Exhibit I. Phase I Environmental Site Assessment .04.19.2019
Exhibit J. National Environmental Policy Act (NEPA) Screening report is underway and will be submitted to the review board upon completion.

The Project so complies.

- G) In the case of a new Telecommunications Tower, the Applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing Telecommunications Tower(s). Copies of written requests to potential shared use providers and responses from those providers shall be provided to the Board.**

The Project so complies, there are no existing telecommunication towers in the area.

- H) Certification shall be made by a licensed engineer that the Telecommunications Tower and attachments both are designed and constructed ("As Built") to meet all County, State and Federal structural requirements for loads, including wind and ice loads;**

The Project will so comply. Once the proposed tower is approved and special use permit granted AT&T can order the tower foundation design and tower.

- I) Certification shall be made by a licensed engineer that the Telecommunications Tower is designed with a break point above the midpoint of the Tower;**

No response required. The proposed Tower meets setback requirements from existing roads and abutting properties.

- J) After construction and prior to receiving a Certificate of Compliance, the Applicant shall have certified by a licensed engineer that the Telecommunications Tower and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.**



Applicant will provide upon request.

- K) The Applicant shall submit a completed long form EAF and a completed Visual Environmental Assessment form (visual EAF addendum). The Board may require submission of a more detailed visual analysis based on the results of the Visual EAF. Applicants are encouraged to seek pre-application meetings with the Town Board to address the scope of the required visual assessment.***

See Exhibit K. Full EAF Rev1 .05.07.2019

See Exhibit L. Visual EAF .05.07.2019

- L) A Visual Impact Assessment shall at the Board's request include:***
- 1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the Tower may be seen See Exhibit M. Photo Log Map .04.19.2019***
 - 2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers, or residents. If requested by the Applicant, the Town Board, acting in consultation with its consultants or experts, will provide guidance concerning the appropriate key sites at a pre-submission conference***
 - 3) An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets***

See Exhibit M. Photo Sims .04.19.2019

- M) Any and all representations made to the Board, on the record, during the Application process, whether written or verbal, shall be deemed a part of the Application and will be relied upon in that context and in good faith by the Board.***

No response required.

- N) The Applicant shall effectively screen its proposed Telecommunications Tower base and all related facilities and structures from view by means acceptable to the Board such as, but not limited to, wood fences or native plantings.***

The Project so complies. Site located in dense wooded area.



- O) All utilities leading to and away from any Telecommunications Tower site shall be installed underground and in compliance with all laws, rules and regulations of the Town, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The Board may waive or vary the requirements of undergrounding installation of utilities whenever, in the opinion of the Board, such variance or waiver shall not be detrimental to the health, safety, general welfare, and environment, including the visual and scenic characteristics of the area.**

See Exhibit D. Final Zoning Drawings 05.06.2019

- P) All Telecommunications Towers and accessory facilities shall be sited so as to have the least practical adverse visual effect on the environment and its character and the residences in the area of the Telecommunications Tower site.**

Exhibit L. Visual EAF and Exhibit K. Full EAF_Rev1. .05.07.2019

- Q) Accessory facilities shall maximize use of building materials, colors and textures designed to harmonize with the natural surroundings.**

The Project so complies.

- R) An access road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent not commercially or physically impracticable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion potential. Usual requirements regarding weight and carrying capacity for emergency vehicles should apply to access roads. Plans for road construction shall be subject to review and approval by the Board.**

See Exhibit D. Final Zoning Drawings 05.06.2019

- S) A person who holds a Special Use Permit for a Telecommunications Tower shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Telecommunications Tower in strict compliance with all current technical, safety and safety-related codes adopted by the Town, the County, the State, or the United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are**



codes that include, but are not limited to, construction, building, electrical, fire, safety, and health.

The Project so complies.

- T) A holder of a Special Use Permit granted under this Law shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or Law and must maintain the same, in full force and effect, for as long as required by the Town or other appropriate governmental entity or agency.***

The Project so complies.

- U) With respect to this application process, the Board will normally seek to have lead agency status pursuant to SEQRA. The Board shall conduct an integrated, comprehensive environmental review of the proposed project in combination with its review of the Application under this Law.***

No response required.

- V) An Applicant shall submit no fewer than eight (8) copies of the entire Completed Application to the Town Board and a copy of the Application to the legislative body of any adjacent and adjoining municipalities and to the County Planning Department.***

Documents have been provided to the review board.

- W) The Applicant shall examine the feasibility of designing a proposed Telecommunications Tower to accommodate future demand for at least two (2) additional commercial applications, e.g. future collocations. The scope of this examination shall be determined by the Board. The Telecommunications Tower shall be structurally designed to accommodate at least two (2) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Telecommunications Tower is not technologically feasible, or is Commercially Impracticable and creates an unnecessary and unreasonable burden, based upon:***

- 1) The number of FCC licenses foreseeable available for the area*** See Exhibit C. FCC License
- 2) The kind of Telecommunications Tower site and structure proposed*** See Exhibit D. Final Zoning Drawings 05.06.2019
- 3) The number of existing and potential licenses without Telecommunications Tower spaces/sites***



- 4) ***Available space on existing and approved Telecommunications Towers.*** No existing towers in the AT&T search area near Bald Hill Road

The Project so complies.

Section 7. Location of Telecommunications Towers.

- A) ***Applicants for Telecommunications Towers shall locate, site and erect said Telecommunications Towers or other tall structures in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.***
- 1) ***on existing Telecommunications Towers or other tall structures***
 - 2) ***collocation on a site with existing Telecommunications Towers or structures***
 - 3) ***on remote sites having the least visual impact on nearby residences***
 - 4) ***on other property in the Town except as specified in number 5 following***
 - 5) ***on designated unique natural areas within the Town.***

If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant or service provider if not granted, or the benefits that might inure, and the beneficiaries of such an alternative site.

An Applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An Application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of Commercial Impracticability or hardship.

Notwithstanding the above, the Board may approve any site located within an area in the above list of priorities, provided that the Board finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants.

The Project is located in the Town's third most preferred priority.

- B) ***Upon filing an Application for a Special Use Permit for a Telecommunications Tower, the Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.***



See Exhibit T. Alternative Site Analysis .03.22.2019

- C) *The Applicant shall, in writing, identify and disclose the number and locations of any additional sites that the Applicant has been, is, or will be considering, reviewing or planning for Telecommunications Towers in the Town and all municipalities adjoining or adjacent to the Town, for a two year period from the date of the subject Application.***

See Exhibit G. Propagation Maps .06.20.2019.

- D) *Notwithstanding that potential sites may be situated in areas described in Subsection (A) of this Section, the Board may disapprove an Application for reasons of non-compatibility, for any of the following reasons.***
- 1) *conflict with safety and safety-related codes and requirements***
 - 2) *conflict with traffic needs or traffic laws, or definitive plans for changes in traffic flow or traffic laws***
 - 3) *conflict with the historic nature of a neighborhood or historical district;***
 - 4) *the placement and location of a Telecommunications Tower which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the Town, or employees of the service provider or other service providers***
 - 5) *or otherwise conflict with the provisions of this Law***
 - 6) *conflict with the integrity of the surrounding natural environment and rural character exemplified in farm land***

No response required.

Section 8. Shared use of Telecommunications Tower(s).

- A) *Shared use of existing Telecommunications Towers shall be preferred by the Town, as opposed to the proposed construction of new Telecommunications Towers. Additionally, where such shared use is unavailable, location of Antennas on other pre-existing structures shall be considered and preferred. The Applicant shall submit a comprehensive report inventorying existing towers and other appropriate structures within four (4) miles of any proposed new tower site, unless the Applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.***

The Project so complies, there are no other towers in the four miles to co-locate on.

- B) *An Applicant intending to share use of an existing Telecommunications Tower or other tall structure shall be required to document the intent of the existing owner to share use.***



No response required.

- C) *With respect to an Application to share the use of an existing Telecommunications Tower that does not increase the height of the Telecommunications Tower, the Board shall waive such requirements of the Application required by this Local Law as may be upon good cause shown. The Applicant is encouraged to seek a pre-Application meeting with the Board to review such a proposed Application and settle the waivers or established provisions which will help to expedite review and permitting for such Applications. The purpose to such waivers or other alternative procedures shall be to expedite for the Applicant and the Town the review and permitting for the shared use of an existing Telecommunications Tower.***

No response required.

- D) *Such shared use shall consist only of the minimum Antenna array technologically required to provide service within the Town, to the extent practicable, unless good cause is shown.***

No response required.

Section 9. Height of a Telecommunications Tower.

- A) *The Applicant must submit documentation justifying to the Board the total height of any Telecommunications Tower and/or Antenna and the basis therefor. Such justification shall be to provide service within the Town, to the extent practicable, unless good cause is shown.***

See Exhibit G. Propagation Maps .06.20.2019

- B) *Telecommunications Towers shall be no higher than the minimum height necessary. Unless waived by the Board upon good cause shown, the presumed maximum height shall be one hundred-forty (140) feet, based on three (3) collocated antenna arrays and ambient tree height of eighty (80) feet.***

See Exhibit G. Propagation Maps .06.20.2019

- C) *The maximum height of any Telecommunications Tower and attached Antennas constructed after the effective date of this Law shall not exceed that which shall permit operation without artificial lighting of any kind or nature, In accordance with municipal, County, State, and/or any federal law and/or regulation.***



See Exhibit N. Towair No Registration. Proposed tower is shorter than 200' which will not require registration or lighting.

Section 10. Visibility of a Telecommunications Tower

- 1) Telecommunications Towers shall not be artificially lighted or marked, except as required by law.**

See Exhibit N. Towair No Registration. Proposed tower is shorter than 200' which will not require registration or lighting.

- 2) Telecommunications Towers shall be of a galvanized finish, and painted with a rust-preventive paint of an appropriate color such as brown, green, or gray to harmonize with the surroundings as approved by the Board, and shall be maintained in accordance with the requirements of this Law.**

The Project so complies. Towers are a galvanized gray color.

- 3) If lighting is required, Applicant shall provide a detailed plan for sufficient lighting as unobtrusive and inoffensive as is permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within fifteen-hundred (1,500) feet of all property lines on which the Telecommunications Tower is located.**

No response required. Proposed tower is shorter than 200' which will not require registration or lighting.

Section 11. Security of Telecommunications Towers.

All Telecommunications Towers and Antennas shall be located, fenced or otherwise secured in a manner which prevents unauthorized access as follows:

- 1) All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded In such a manner that they cannot be climbed or run into**
- 2) Transmitters and Telecommunications control points must be installed such that they are readily accessible only to persons authorized by the FCC's licensee to operate or service them**

See Exhibit D. Final Zoning Drawings 05.06.2019, cabinets have locks.



Section 12. Signage.

Telecommunications Towers shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any Antennas, Antenna supporting structures or Antenna Towers, unless required by law. The sign shall be approved by the Board before installation.

See Exhibit O. Sign Sizes .04.24.2019

Section 13. Lot Size and Setbacks.

- A) All proposed Communications Towers shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from a Tower or Tower failure, and to preserve the privacy and sanctity of any adjoining properties.**

The Project so complies.

- B) Telecommunications Towers shall be located with a minimum setback from any property line a distance equal to the height of the Tower plus any antennae attached to its zenith.**

The Project so complies.

Section 14. Retention of Expert Assistance and Reimbursement by Applicant.

- A) The Board may hire any consultant and/or expert necessary to assist the Board in reviewing and evaluating the Application and any requests for recertification.**

No response required.

- B) An Applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of engineering, legal, consultant and expert evaluation and consultation to the Board in connection with the review of any Application. The Initial deposit shall be \$7,500.00. These funds shall accompany the filing of an Application and the Town will maintain a separate escrow account for all such funds. If at any time during the review process this escrow account should be less than \$2,500, additional funds must be submitted to the Town before any further**



action or consideration will be permitted on the Application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing, the difference shall be promptly refunded to the Applicant.

See Exhibit P. Escrow Letter .04.18.2019

- C) The total amount of the funds set forth in Subsection (B) of this Section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed by the Board or its consultant/expert to complete the necessary review and analysis. Additional funds, as required, shall be paid by the Applicant. The initial amount of the escrow deposit shall be established at a pre- Application meeting with the Town.***

No response required.