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January 6, 2025

BY ELECTRONIC MAIL AND FEDERAL EXPRESS

Chairman Steve Knowlton and Members of the Zoning Board of Appeals
c/o Mr. Manual Carmona Building Inspector
Village of Nyack Village Hall
9 North Broadway
Nyack, New York 10960

RE: New Cingular Wireless PCS, LLC ("AT&T")
Renewal of Special Use Permit (Co-located Wireless Telecommunication Facility)
Property/Site: 32/38 High Avenue, Nyack, New York
Tax Parcel: 66.3-2-78

Dear Chairman Knowlton and Members of the Zoning Board of Appeals;

This letter and enclosures are respectfully submitted on behalf of New Cingular Wireless PCS, LLC ("AT&T"), to renew its Special Use Permit – which the Zoning Board of Appeals previously granted to AT&T in 2008 to co-locate its telecommunications facility on the existing building located at the above-referenced Premises. This Permit was most recently renewed via a Certificate of Compliance issued by the Building Department on October 6, 2022 for a two (2)-year period which expired on October 6, 2024 (see **Exhibit H**).

On October 3, 2024, this Office requested a renewal of the Special Use Permit from the Building Department, as advised by Building Department staff. Subsequently the Village's Building Department directed the Applicant to file this request for an extension with the Zoning Board of Appeals.

In support of AT&T's application enclosed please find the following documents:

- Exhibit A: Current Facility Plan for the Village of Nyack, prepared by the Applicant's RF Engineer dated September 20, 2024;
- Exhibit B: Statement that the facility is still in use and is still necessary to provide satisfactory service to its customers, prepared by the Applicant's RF Engineer dated September 20, 2024;
- Exhibit C: Radio Frequency Statement prepared by Centerline Communications, dated June 9, 2022, confirming that the facility is in compliance with FCC standards and regulations;



Revised January 6, 2025
Page 2

- Exhibit D: Structural Certificate prepared by Tectonic Engineering, dated June 1, 2022 (including photographs of Premises);
- Exhibit E: Building Permit Application;
- Exhibit F: Special Permit Application;
- Exhibit G: Short Environmental Assessment Form; and
- Exhibit H: October 6, 2022 Certificate of Compliance (expires October 6, 2024).

Enclosed please also find checks in the amount of \$300 and \$4,000 made payable to the Village of Nyack, representing respectively the requisite Application Fee and Escrow Fee.

AT&T respectfully submits that its existing co-located facility conforms with the applicable requirements of Section 360-3.2.D1(c)[21][a][iii] of the Nyack Code and its Special Use Permit. Accordingly, AT&T respectfully requests that the Building Department renew its Special Use Permit which was originally granted in 2008. The Applicant notes, beyond the information available to it, that there have been no material changes to AT&T's facility on the Premises since the October 2022 renewal.

The Applicant looks forward to appearing before the Board to further discuss this request. In the meanwhile, please do not hesitate to contact me should Village staff have any questions, or if you would like to discuss this matter further.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Max Mahalek'.

Maximillian R. Mahalek

Enclosures

cc: Client

Exhibit A



September 20, 2024

Chairman Knowlton
Zoning Board of Appeals
9 N. Broadway Nyack, NY 10960

Re: Current Facility Plan - 32/38 High View Avenue, Nyack, NY (NYCWN3367)

Dear Chairman Knowlton and Members of the Zoning Board of Appeals,

Please find below the facility plan for New Cingular Wireless PCS, LLC (AT&T), including an inventory of sites within the borders of the Village of Nyack. At this time, no formal plans have been developed for any new permanent telecommunication facilities in the Village.

Site ID/Name	Address	Facility Type
NYCWN3367/Downtown Nyack	38 High Avenue, Nyack NY	Rooftop
NYCWN5505/Nyack Hospital	160 Midland Avenue, Nyack NY	Rooftop

Mark Brodsky

Mark A Brodsky

RF Engineer

AT&T (New Cingular Wireless PCS, LLC)

Exhibit B



September 20, 2024

Chairman Knowlton
Zoning Board of Appeals
9 N. Broadway Nyack, NY 10960

Re: 32/38 High View Avenue, Nyack, NY (NYCWN3367)

Dear Chairman Knowlton and Members of the Zoning Board of Appeals,

This existing telecommunications facility located at 38 High Avenue in Nyack, NY, is an essential segment of the AT&T wireless communications network in and around the Village of Nyack. Its location has been crucial in providing personal wireless services to subscribers not only in the direct residential areas, but in the downtown commercial areas as well. These services, integrated with E911 (Enhanced 911), provide an indispensable benefit to the community. This facility will also serve to support an interoperable public safety network created for the benefit and use of first responders and the public safety community, known as First Responder Network, which the State of New York opted into on December 28, 2017.

It is my opinion that this facility; past, present, and future, will continue to provide critical and innovative communication contributions to Nyack and the surrounding populace.

Mark Brodsky

Mark A Brodsky

RF Engineer
AT&T (New Cingular Wireless PCS, LLC)

Exhibit C



Radio Frequency Safety Survey Report Prediction (RFSSRP)

AT&T Wireless Rooftop Facility

Site Name	DOWNTOWN NYACK
Site ID	NWL03367
Site Address	38 HIGH AVENUE, NYACK, NY 10960
Latitude: 41.091944 Longitude: -73.917722 USID: 100434 FA: 10114503 Centerline PN: N/A Pace ID: MRNYJ021952; MRNYJ023312; MRNYJ023315; MRNYJ023310; MRNYJ021953; MRNYJ021966	Prepared for: Centerline on behalf of AT&T Report Date: June 9, 2022 Report Writer: Zyotty Thamsil Report Reviewer: Yasir Alqadhili



Statement of Compliance

AT&T is compliant with FCC Regulations.

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1.0 GENERAL SUMMARY

Centerline Communications, LLC (“Centerline”) has been contracted to provide a Radio Frequency (RF) Analysis for the following AT&T Mobility wireless rooftop facility to determine whether the facility is in compliance with federal standards and regulations regarding RF exposure. This analysis includes theoretical exposure calculations for all AT&T Mobility equipment.

1.1 SITE SUMMARY

Analysis Site Data	
Site USID:	100434
Site FA#:	10114503
Site Name:	DOWNTOWN NYACK
Site Address:	38 HIGH AVENUE, NYACK NY 10960
Site Latitude:	41.091944
Site Longitude:	-73.917722
Facility Type:	Rooftop
Compliance Summary	
Compliance Status:	Compliant
Maximum Modeled AT&T MPE% on Walking Surface (General Public Limit):	12,930.00%
Maximum Modeled AT&T MPE% at Ground Level (General Public Limit):	2.35%
Site Survey Data	
Is Access Locked or Controlled? :	Unknown
Lock or Control Measures if Present:	Unknown
Parapet Height:	33"
Site Data Information	
CD:	10114503.NYCWN3367.CD.RA
RFDS:	NYC-NNJ_NYC_NWL03367_2023-5G-NR-Radio_5G-NR-1SR-CBAND_ps8321_2191A11DJ6_10114503_100434_08-09-2021_As-Buil



Signage and barriers are the primary means of mitigating accessible areas of exposure. Below is a summary of existing and recommended signage at this AT&T facility.

Existing Signage and Barriers (AT&T Sectors)										
Location	Information	Notice	Notice 2	Caution	Caution 2	Caution 2B	Caution 2C	Warning	Warning 2	Barriers
PH Ladder	0	0	0	0	1	0	0	0	0	0
Alpha	0	0	0	0	2	0	0	0	0	0
Beta	0	0	0	0	2	0	0	0	0	0
Gamma	0	0	0	0	2	0	0	0	0	0

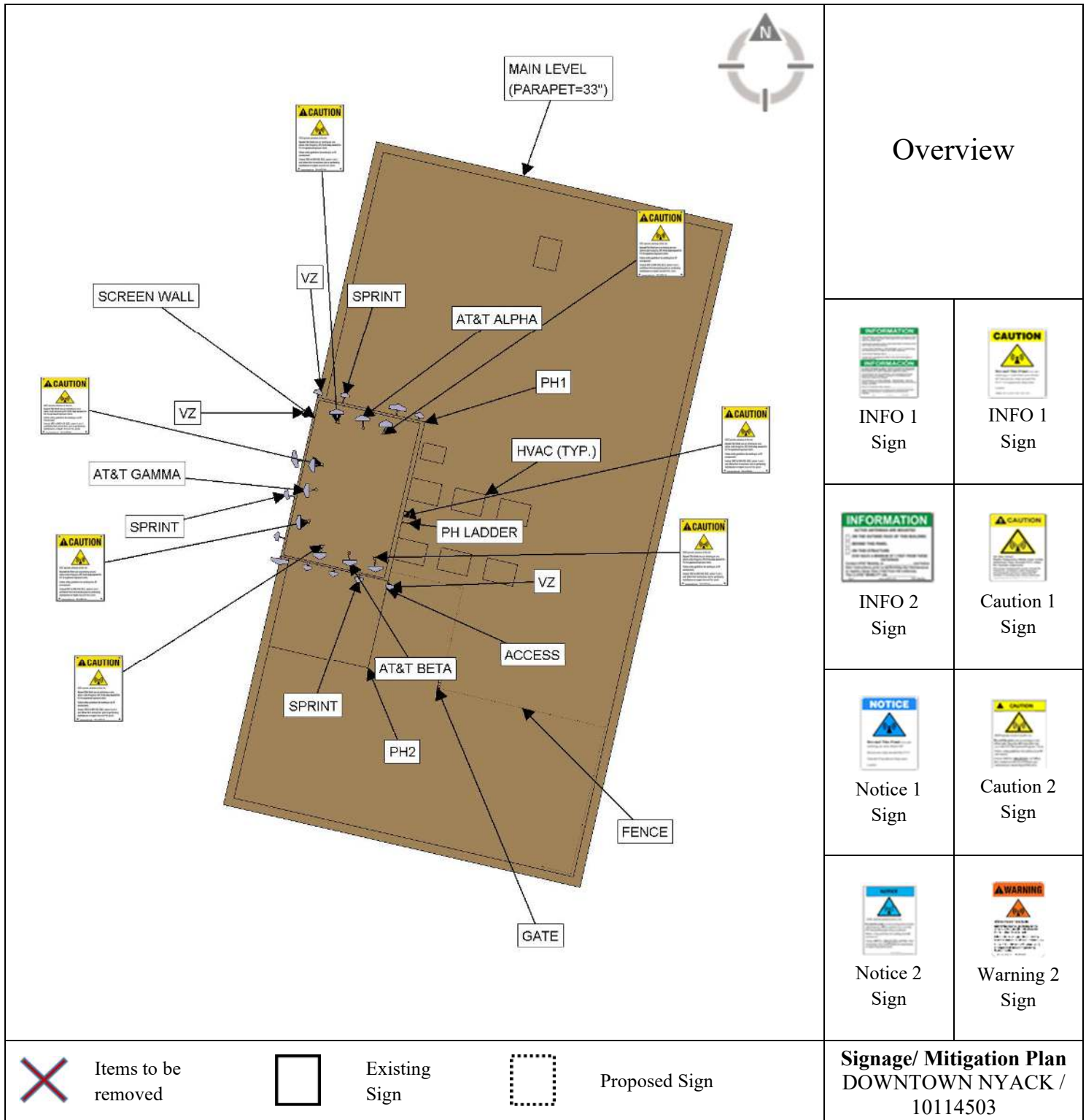
Recommended Signage and Barriers (AT&T Sectors) – Actions that MUST be Taken						
Location	Notice 2	Caution 2	Caution 2B	Caution 2C	Warning 2	Barriers
PH Ladder	0	0	0	0	0	0
Alpha	0	0	0	0	0	0
Beta	0	0	0	0	0	0
Gamma	0	0	0	0	0	0

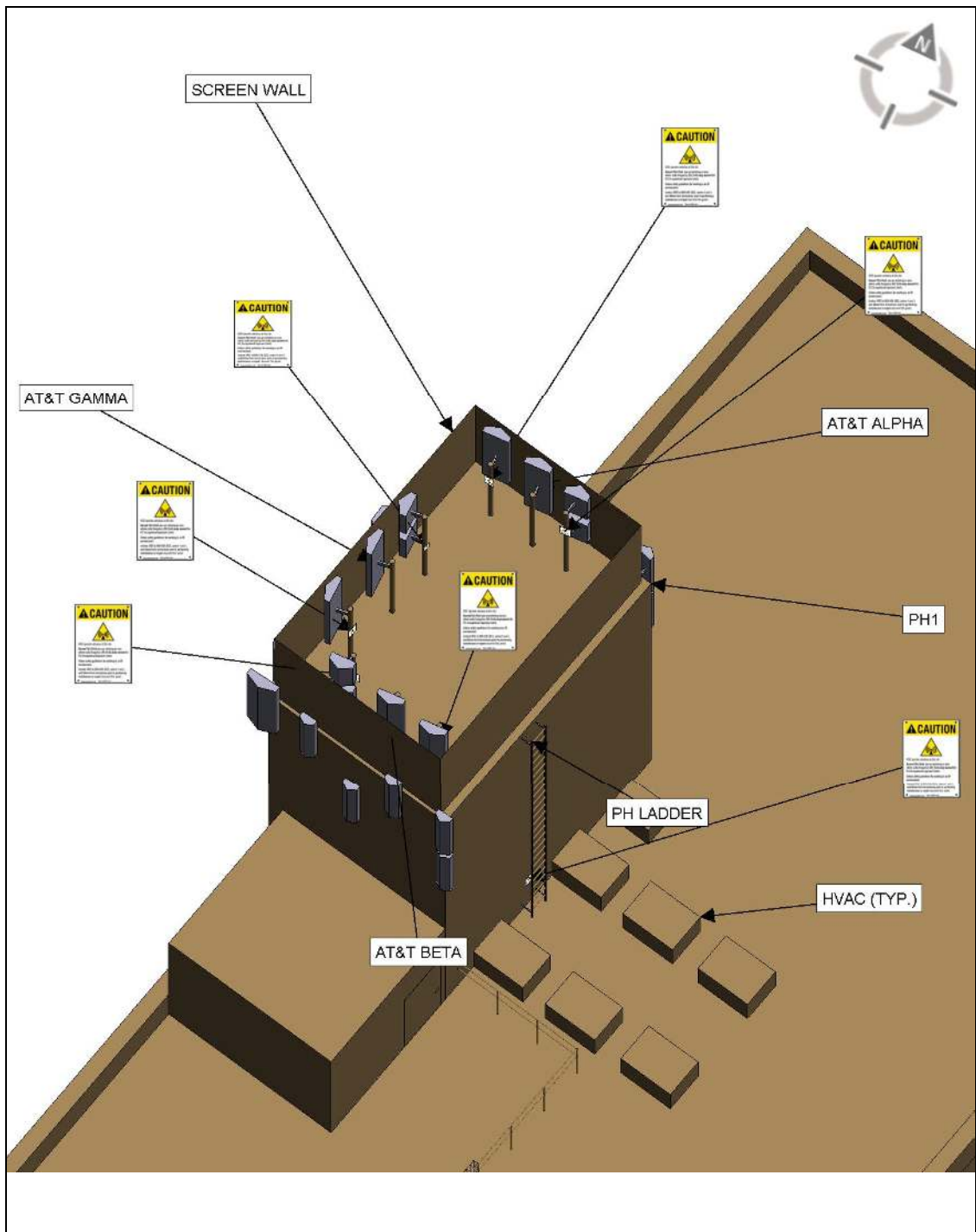











Final Compliant Configuration (AT&T Sectors) – All Mitigation Items that MUST be in Place										
Location	Information	Notice	Notice 2	Caution	Caution 2	Caution 2B	Caution 2C	Warning	Warning 2	Barriers
PH Ladder	0	0	0	0	1	0	0	0	0	0
Alpha	0	0	0	0	2	0	0	0	0	0
Beta	0	0	0	0	2	0	0	0	0	0
Gamma	0	0	0	0	2	0	0	0	0	0

Notes:

- Ensure that the PH ladder is locked or restricted.

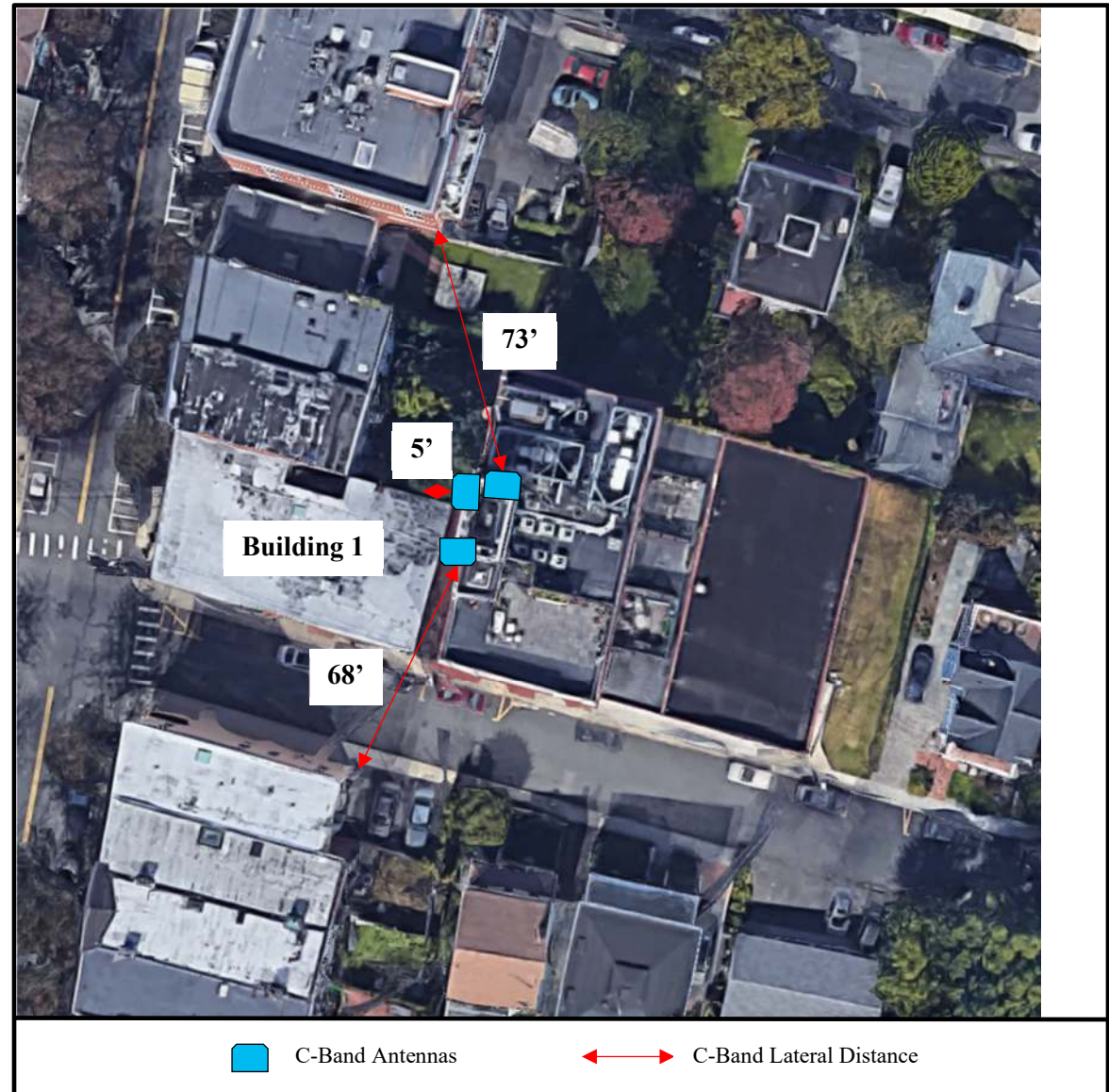
2.0 SITE SCALE MAP



	<p>Detailed View</p>	
	 INFO 1 Sign	 INFO 1 Sign
	 INFO 2 Sign	 Caution 1 Sign
	 Notice 1 Sign	 Caution 2 Sign
	 Notice 2 Sign	 Warning 2 Sign
<div>  Items to be removed  Existing Sign  Proposed Sign </div>	<p>Signage/ Mitigation Plan DOWNTOWN NYACK / 10114503</p>	

2.1 ADJACENT BUILDING ANALYSIS

- The AEQK/AEQU antennas do not cause excess MPE on any adjacent building. All adjacent buildings are >68' away laterally from the AEQK/AEQU antennas
- Building 1 is <68' laterally of an AEQK/AEQU antenna, however, it is >15' below the AEQK/AEQU's bottom tip (Vertical Clearance).



3.0 ANTENNA INVENTORY

Ant ID	Operator	Antenna Make	Antenna Model	Type	Freq (MHz)	TPO (Watts)	# of TX	Azimuth (°)	BW (°)	Gain (dBd)	Total ERP (Watts)	Length (ft.)	Antenna Z Value (ft.) AGL*
1	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	40.00	2	0	66	11.5	1106.85	6.0	72.0
1	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	40.00	2	0	66	11.5	1106.85	6.0	72.0
1	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	25.00	2	0	66	11.5	697.18	6.0	72.0
1	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	1900	40.00	4	0	61	14.48	4396.63	6.0	72.0
1	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	2100	40.00	4	0	63	14.5	4416.92	6.0	72.0
2	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	850	40.00	2	0	64	12.59	1422.62	6.0	72.0
2	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	2300	25.00	4	0	59	15.08	3179.62	6.0	72.0
3	AT&T	Nokia	SON_AEQU TB	Panel	3450	67.78	1	0	13	22.62	12390.86	2.5	75.5
4	AT&T	Nokia	SON_AEQK TB	Panel	3700	67.78	1	0	13	22.62	12390.86	2.5	72.1
5	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	40.00	2	180	66	11.5	1106.85	6.0	72.0
5	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	40.00	2	180	66	11.5	1106.85	6.0	72.0
5	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	25.00	2	180	66	11.5	697.18	6.0	72.0
5	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	1900	40.00	4	180	61	14.48	4396.63	6.0	72.0
5	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	2100	40.00	4	180	63	14.5	4416.92	6.0	72.0
6	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	850	40.00	2	180	64	12.59	1422.62	6.0	72.0
6	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	2300	25.00	4	180	59	15.08	3179.62	6.0	72.0
7	AT&T	Nokia	SON_AEQU TB	Panel	3450	67.78	1	180	13	22.62	12390.86	2.5	75.5
8	AT&T	Nokia	SON_AEQK TB	Panel	3700	67.78	1	180	13	22.62	12390.86	2.5	72.1
9	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	40.00	2	270	66	11.5	1106.85	6.0	72.0
9	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	40.00	2	270	66	11.5	1106.85	6.0	72.0
9	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	700	25.00	2	270	66	11.5	697.18	6.0	72.0
9	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	1900	40.00	4	270	61	14.48	4396.63	6.0	72.0
9	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	2100	40.00	4	270	63	14.5	4416.92	6.0	72.0
10	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	850	40.00	2	270	64	12.59	1422.62	6.0	72.0
10	AT&T	COMMSCOPE	NNHH-65B-R4	Panel	2300	25.00	4	270	59	15.08	3179.62	6.0	72.0

Ant ID	Operator	Antenna Make	Antenna Model	Type	Freq (MHz)	TPO (Watts)	# of TX	Azimuth (°)	BW (°)	Gain (dBd)	Total ERP (Watts)	Length (ft.)	Antenna Z Value (ft.) AGL*
11	AT&T	Nokia	SON_AEQU TB	Panel	3450	67.78	1	270	13	22.62	12390.86	2.5	75.5
12	AT&T	Nokia	SON_AEQK TB	Panel	3700	67.78	1	270	13	22.62	12390.86	2.5	72.1
13	Sprint	GENERIC	PANEL 6FT	Panel	850	40.00	2	10	66	12.62	1462.48	6.0	66.0
13	Sprint	GENERIC	PANEL 6FT	Panel	1900	60.00	2	10	66	15.84	4604.49	6.0	66.0
14	Sprint	GENERIC	PANEL 6FT	Panel	2500	35.00	1	10	60	14.49	984.17	6.0	66.0
15	Sprint	GENERIC	PANEL 6FT	Panel	850	40.00	2	190	66	12.62	1462.48	6.0	66.0
15	Sprint	GENERIC	PANEL 6FT	Panel	1900	60.00	2	190	66	15.84	4604.49	6.0	66.0
16	Sprint	GENERIC	PANEL 6FT	Panel	2500	35.00	1	190	60	14.49	984.17	6.0	66.0
17	Sprint	GENERIC	PANEL 6FT	Panel	850	40.00	2	260	66	12.62	1462.48	6.0	66.0
17	Sprint	GENERIC	PANEL 6FT	Panel	1900	60.00	2	260	66	15.84	4604.49	6.0	66.0
18	Sprint	GENERIC	PANEL 6FT	Panel	2500	35.00	1	260	60	14.49	984.17	6.0	66.0
19	Verizon	GENERIC	PANEL 6FT	Panel	700	40.00	4	20	68	12.33	2736.02	6.0	66.0
19	Verizon	GENERIC	PANEL 6FT	Panel	850	40.00	4	20	66	12.62	2924.96	6.0	66.0
20	Verizon	GENERIC	PANEL 6FT	Panel	1900	40.00	4	20	66	15.84	6139.32	6.0	66.0
21	Verizon	GENERIC	PANEL 6FT	Panel	2100	40.00	4	20	63	16.39	6968.19	6.0	61.0
22	Verizon	GENERIC	PANEL 6FT	Panel	700	40.00	4	190	68	12.33	2736.02	6.0	66.0
23	Verizon	GENERIC	PANEL 6FT	Panel	850	40.00	4	190	66	12.62	2924.96	6.0	61.0
24	Verizon	GENERIC	PANEL 6FT	Panel	1900	40.00	4	190	66	15.84	6139.32	6.0	61.0
25	Verizon	GENERIC	PANEL 6FT	Panel	2100	40.00	4	190	63	16.39	6968.19	6.0	61.0
26	Verizon	GENERIC	PANEL 6FT	Panel	700	40.00	4	190	68	12.33	2736.02	6.0	66.0
26	Verizon	GENERIC	PANEL 6FT	Panel	850	40.00	4	190	66	12.62	2924.96	6.0	61.0
27	Verizon	GENERIC	PANEL 6FT	Panel	1900	40.00	4	280	66	15.84	6139.32	6.0	66.0
28	Verizon	GENERIC	PANEL 6FT	Panel	2100	40.00	4	280	63	16.39	6968.19	6.0	61.0

*AGL = Above Ground Level

Note: Z Value represents the bottom tip height of the antenna

75% duty cycle is assumed for all AT&T antennas

C-Band antennas were calculated using AT&T's preferred conservative power reduction factor of 0.32

4.0 PREDICTED RF EXPOSURE LEVELS

The results of the calculations performed based upon the data listed for this facility are summarized in the tables below:

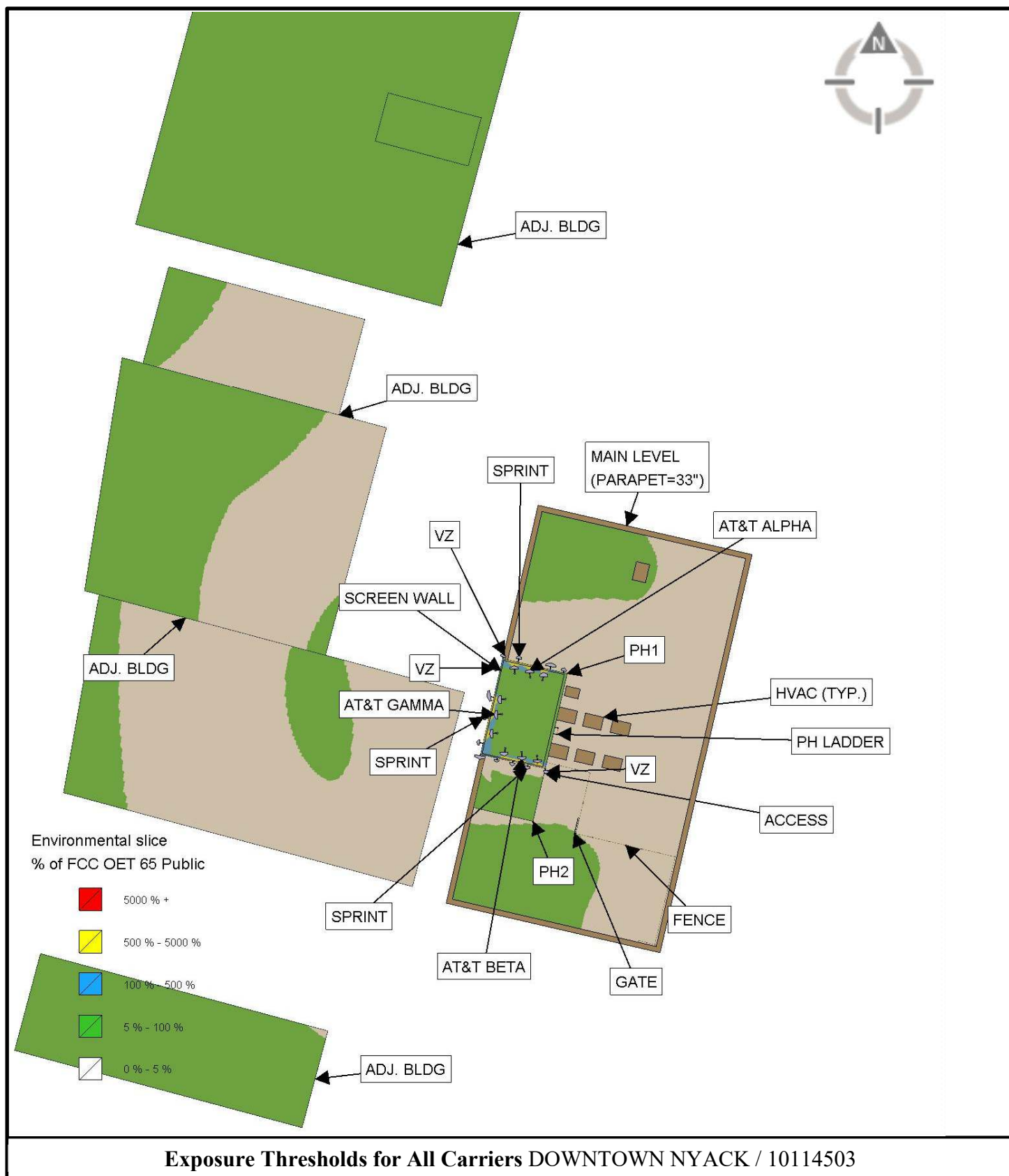
Maximum Predicted MPE Level on Site – AT&T Only:	% of MPE Limit:
Accessible General Population MPE Limits:	12,930.00%
Accessible Occupational MPE Limits:	2,586.00%

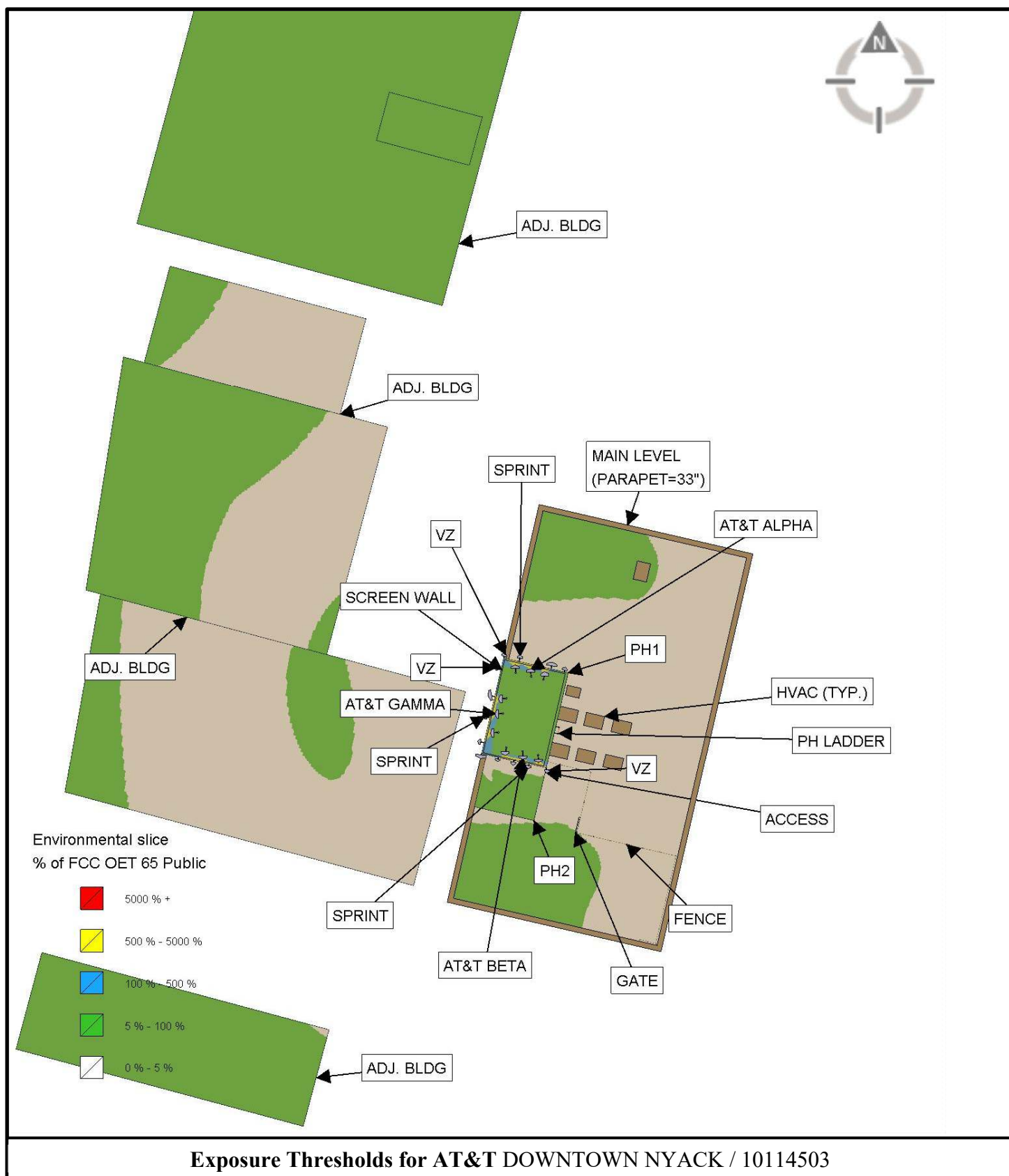
Maximum Composite Predicted MPE Level on Site – All Carriers:	% of MPE Limit:
Accessible General Population MPE Limits:	12,930.00%
Accessible Occupational MPE Limits:	2,586.00%

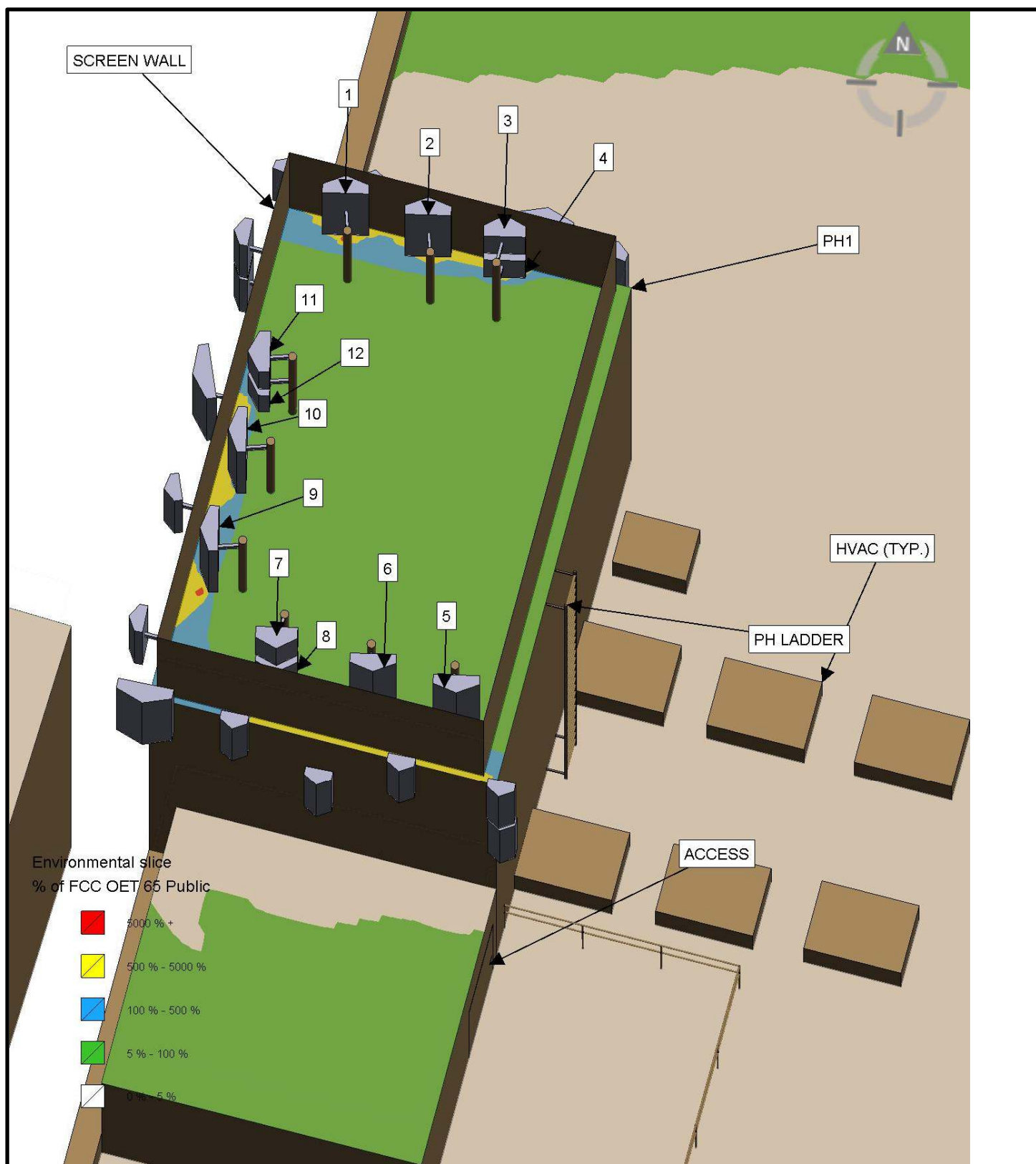
Maximum Predicted Ground Level MPE – AT&T Only:	% of MPE Limit:
Ground Level General Population MPE Limits:	2.35%
Ground Level Occupational MPE Limits:	0.47%

Maximum Predicted Ground Level MPE – All Carriers:	% of MPE Limit:
Ground Level General Population MPE Limits:	2.40%
Ground Level Occupational MPE Limits:	0.48%

5.0 RF EXPOSURE DIAGRAMS







Exposure Thresholds for All Carriers DOWNTOWN NYACK / 10114503

6.0 STATEMENT OF COMPLIANCE

Centerline conducted worst case modeling to determine whether the rooftop facility located at 38 HIGH AVENUE in NYACK, New York is in compliance with FCC Regulations.

6.1 STATEMENT OF AT&T MOBILITY COMPLIANCE

Based on the information analyzed, AT&T is in compliance with FCC Regulations. No additional action is required by AT&T.

6.2 RECOMMENDATIONS

Existing Signage and Barriers (AT&T Sectors)										
Location	Information	Notice	Notice 2	Caution	Caution 2	Caution 2B	Caution 2C	Warning	Warning 2	Barriers
PH Ladder	0	0	0	0	1	0	0	0	0	0
Alpha	0	0	0	0	2	0	0	0	0	0
Beta	0	0	0	0	2	0	0	0	0	0
Gamma	0	0	0	0	2	0	0	0	0	0

Recommended Signage and Barriers (AT&T Sectors) – Actions that MUST be Taken						
Location	Notice 2	Caution 2	Caution 2B	Caution 2C	Warning 2	Barriers
PH Ladder	0	0	0	0	0	0
Alpha	0	0	0	0	0	0
Beta	0	0	0	0	0	0
Gamma	0	0	0	0	0	0

Final Compliant Configuration (AT&T Sectors) – All Mitigation Items that MUST be in Place										
Location	Information	Notice	Notice 2	Caution	Caution 2	Caution 2B	Caution 2C	Warning	Warning 2	Barriers
PH Ladder	0	0	0	0	1	0	0	0	0	0
Alpha	0	0	0	0	2	0	0	0	0	0
Beta	0	0	0	0	2	0	0	0	0	0
Gamma	0	0	0	0	2	0	0	0	0	0

Notes:

- Ensure that the PH ladder is locked or restricted.




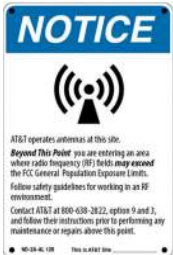




7.0 FALL ARREST AND PARAPET INFORMATION

As per AT&T barrier policy, rooftop edges that are protected with a 39-inch parapet wall or guardrail are safe for work activity within six (6) feet of the edge. OSHA has stated that an existing 39-inch guardrail or parapet provides sufficient protection for employees. The height of the top rail or equivalent component of guardrail systems in new construction shall be at least 42 inches above the walking or working surface. It should also be noted that the height of the parapet or guardrail may be reduced to no less than 30 inches at any point provided the sum of the depth (horizontal distance) of the top edge, and the height of the top edge (vertical distance from the work surface to the top edge of the top member), is at least 48 inches. If there is no reason for working atop the roof, then edge protection is not required. In addition, workers may use personnel lifts or temporary fall protection measures to perform work within 6 feet of the roof edge in place of permanent edge protection.

Reference: 29 CFR 1910.28, 29 CFR 1910.23 (NPRM-1990); OSHA Letters of Interpretation 2/9/83 and 3/8/9

APPENDIX A: RF SIGNAGE

AT&T RF Signage

Sign	Description	Sign	Description
	Information 1 Sign Gives guidelines on how to proceed and who to contact regarding areas that may exceed either the FCC's General Population or Occupational emissions limits.		Caution 2C Sign Gives specific information on how to proceed and who to contact regarding antennas that are façade mounted, concealed or on stand-alone structures.
	Blue Notice 1 Sign Used to alert individuals that they are entering an area that may exceed the FCC's General Population emissions limit. Must be positioned such that persons approaching from any angle have ample warning to avoid the marked areas.		Blue Notice 2 Sign Used to alert individuals that they are entering an area that may exceed the FCC's General Population emissions limits. To be used on barriers or antenna sectors as a hybrid of the Information 1 and Blue Notice 1 signs.
	Yellow Caution 1 Sign-Rooftop Used to inform individuals that they are entering an area that may exceed the FCC's Occupational emissions limit. Must be positioned such that persons approaching from any angle have ample warning to avoid the marked areas.		Yellow Caution 2 Sign-Rooftop Used to alert individuals that they are entering an area that may exceed the FCC's Occupational emissions limit. To be used on barriers or antenna sectors as a hybrid of the Information 1 and Yellow Caution 1 signs.
	Yellow Caution 2B Sign- Tower Used to inform individuals that they are entering an area that may exceed the FCC's Occupational emissions limits. Must be placed at the base of the tower to warn tower climbers of potential for exposure.		Warning 2 Sign Used to inform individuals that they are entering an area that may exceed the FCC's Occupational emissions limit by a factor of 10 or greater. Must be positioned such that persons approaching from any angle have ample warning to avoid the marked areas.

APPENDIX B: FCC GUIDELINES AND EMISSIONS THRESHOLD LIMITS

All power density values used in this report were analyzed as a percentage of current Maximum Permissible Exposure (% MPE) as listed in the FCC OET Bulletin 65 Edition 97-01 and ANSI/IEEE Std C95.1. The FCC regulates Maximum Permissible Exposure in units of microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$). The number of $\mu\text{W}/\text{cm}^2$ calculated at each sample point is called the power density. The exposure limit for power density varies depending upon the frequencies being utilized. Wireless Carriers and Paging Services use different frequency bands each with different exposure limits, therefore it is necessary to report results and limits in terms of percent MPE rather than power density.

All results were compared to the FCC (Federal Communications Commission) radio frequency exposure rules, 47 CFR 1.1307(b)(1) – (b)(3), to determine compliance with the Maximum Permissible Exposure (MPE) limits for General Population/Uncontrolled environments as defined below.

General Population/Uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Public exposure to radio frequencies is regulated and enforced in units of microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$). The general population exposure limit for the 700 and 800 MHz Bands is approximately 467 $\mu\text{W}/\text{cm}^2$ and 567 $\mu\text{W}/\text{cm}^2$ respectively, and the general population exposure limit for the 1900 MHz PCS and 2100 MHz AWS bands is 1000 $\mu\text{W}/\text{cm}^2$. Because each carrier will be using different frequency bands, and each frequency band has different exposure limits, it is necessary to report percent of MPE rather than power density.

Occupational/Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure, have been properly trained in RF safety and can exercise control over their exposure. Occupational/Controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure, have been trained in RF safety and can exercise control over his or her exposure by leaving the area or by some other appropriate means. The Occupational/Controlled exposure limits all utilized frequency bands is five (5) times the FCC's General Public / Uncontrolled exposure limit.

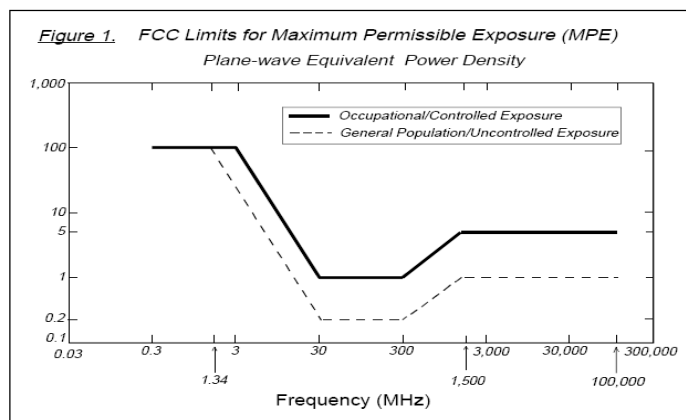
The FCC Mandates that if a site is found to be out of compliance with regard to emissions that any system operator contributing 5% or more to areas exceeding the FCC's allowable limits will be responsible for bringing the site into compliance.

Additional details can be found in FCC OET 65.

Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density



APPENDIX C: CALCULATION METHODOLOGY

IXUS electromagnetic energy (EME) calculation software was used to assess all RF field levels presented in this study. IXUS software uses a fast and accurate EME calculation tool that allows for the determination of RF field strength in the vicinity of radio communication base stations and transmitters. At its core, the IXUS EME calculation module implements evaluation techniques detailed in the ITU-T K.61, CENELEC EN 50383, and IEC 62232 specifications and referenced in *C95.3 IEEE Recommended Practice for Measurements and Computations of Electric, Magnetic, and Electromagnetic Fields with Respect to Human Exposure to Such Fields, 0 Hz to 300 GHz*. The EME calculation result at any point in 3D space is achieved via a synthetic ray tracing technique, a conservative cylindrical envelope method, or through full-wave electromagnetic simulation. The ray tracing method is an advanced computation method described in IEC 622322 where the power is summed from elemental sources representing the individual components of the antenna which are selected by an analysis of published manufacturer datasheets and antenna pattern information. The selection of the solution method is determined by the particular antenna being considered.

Power Reduction Formula for Reducing Maximum Safety Distance Length

$$(\mathbf{R}_{\text{reduced}}/\mathbf{R}_{\text{max}}) = 0.99 * (\mathbf{P}_{\text{reduced}}/\mathbf{P}_{\text{max}})$$

$$\mathbf{P}_{\text{max}} = 200\text{W (Nominal Peak power of AEQK)}$$

$$\mathbf{R}_{\text{max}} = \text{Lateral Compliance Distance of AEQK}$$

$$\mathbf{P}_{\text{reduced}} = ?$$

$$\mathbf{R}_{\text{reduced}} = \text{Actual Lateral Distance between AEQK and Bldg. X}$$

APPENDIX D: CERTIFICATIONS

I, Zyotty Thamsil, preparer of this report certify that I am fully trained and aware of the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I have been trained in the procedures and requirements outlined in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document.

Zyotty Thamsil

6/9/2022

I, Yasir Alqadhili, reviewer and approver of this report certify that I am fully trained and aware of the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I have been trained in the procedures and requirements outlined in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document.

Yasir Alqadhili

6/9/2022

APPENDIX E: PROPRIETARY STATEMENT

This report was prepared for the use of AT&T Mobility, LLC to meet requirements specified in AT&T's corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by Centerline Communications, LLC are based solely on the information provided by AT&T Mobility and all observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to Centerline Communications, LLC so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Exhibit D

Mr. Joseph D'Alto
Senior Real Estate & Construction Manager
AT&T Mobility | NY/NJ Markets
400 Hamilton Avenue
White Plains, NY 10601

Date: June 1, 2022

RE: Tectonic Project Number: 11462.NYCWN3367
AT&T FA Number: 10114503
Site Address: 82 North Broadway, Nyack, NY 10960

Structural Certification Letter

Mr. D'Alto,

At your request, Tectonic Engineering Consultants, Geologists, & Land Surveyors, D.P.C. performed a limited visual inspection of the existing wireless telecommunications installation at the above referenced site on May 23, 2022. The purpose of this inspection was:

- To verify the structural integrity of the supporting elements of the AT&T antenna mounts within the existing screenwall.

As observed during the limited visual inspection and noted in the previous Structural Certification Letter dated July 6, 2020, the existing AT&T screenwall, antenna mounts, and related equipment are located on top of the existing bulkhead. Intermittent cracking in the brick and mortar was observed throughout the exterior walls of the bulkhead. In addition, the existing paint and parging appeared to be peeling away from the brick.

In general, the cracks in the supporting building elements below the AT&T telecommunications installation appear to have widened since our previous visual assessment. Therefore, the supporting building elements should be monitored over the next 6 months for changes in condition. The installation of a crack monitor is recommended.

Digital photographs were taken during our recent inspection, and copies are enclosed herewith for your reference.

The inspection as mentioned above was visual and was limited to AT&T's installation and the structural elements that were clearly visible and unobstructed to view on the day of the inspection.

Please contact us if you require any additional information.

Sincerely,
Tectonic Engineering Consultants, Geologists, and Land Surveyors, D.P.C.,



Edward N Iamiceli, P.E.
Managing Director - Structural



Project Contact Info

1279 Route 300 | Newburgh, NY 12550
845.567.6656 Tel | 845.567.8703 Fax

tectonicengineering.com
Equal Opportunity Employer



Photo 1: Overall View of the structure/AT&T's Gamma Sector (beyond screenwall, only photo from July 1, 2020).



Photo 2: AT&T's Alpha Sector (beyond screenwall).



Photo 3: AT&T's Alpha Sector (inside screenwall)



Photo 4: AT&T's Beta Sector (beyond screenwall).



Photo 5: AT&T's Beta Sector (inside screenwall)



Photo 5: Gamma and Beta Sectors (inside screenwall).



Photo 6: AT&T's coaxial run in cable tray.



Photo 7: Existing cracks observed in the existing bulkhead wall



Photo 8: Additional cracks observed in exterior wall.

Exhibit E



Village of Nyack

Incorporated February 27, 1883



Asst. Building Inspectors
Paul Rozsypal

BUILDING DEPARTMENT
9 North Broadway
Nyack, New York 10960-2697
(845) 358 - 4249 / FAX: (845) 358 - 0672
www.nyack-ny.gov buildingdepartment@nyack-ny.gov

MANNYA A. CARMONA
Chief Building Inspector

Fire Inspector
David Smith

BUILDING PERMIT APPLICATION

Form Revised 7/20/2024

BUILDING PERMIT # CO2022-0017-11
MP2022-0017

APPLICATION SHALL BE COMPLETED IN ITS ENTIRETY OR WILL BE REJECTED
PRINT CLEARLY

1. PROPERTY INFORMATION

Street Address 32/38 High Avenue, Nyack, NY	<input type="checkbox"/> Apt. # _____ <input type="checkbox"/> Vacant Land	Sec./Block/Lot #: 66.30-2-78	Work Area Sq. ft.	Construction Cost
Zoning District: <input type="checkbox"/> SFR-1 <input type="checkbox"/> SFR-2 <input type="checkbox"/> MFR-1 <input type="checkbox"/> MFR-2 <input type="checkbox"/> MFR-3 <input checked="" type="checkbox"/> TFR <input type="checkbox"/> DMU-1 <input type="checkbox"/> DMU-2 <input type="checkbox"/> RMU <input type="checkbox"/> OMU <input type="checkbox"/> CC <input type="checkbox"/> WF <input type="checkbox"/> M <input type="checkbox"/> H	EXISTING CONDITIONS			
Residential Units				Unit (s) <input checked="" type="checkbox"/> None
Number of Stories				floor(s) <input checked="" type="checkbox"/> None
Building Type of Construction	<input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V <input type="checkbox"/> A <input type="checkbox"/> B			
Living Area Sq. ft.	N/A			N/A Sq. ft.
Commercial Sq. ft.	N/A			N/A Sq. ft.
Basement Area Sq. ft.	<input type="checkbox"/> Finished _____ N/A <input type="checkbox"/> Unfinished _____			
Attic Area Sq. ft.	<input type="checkbox"/> Finished _____ N/A <input type="checkbox"/> Unfinished _____			
Unfinished Space other Sq. ft.	<input type="checkbox"/> Storage _____ <input type="checkbox"/> Crawl Space _____ <input type="checkbox"/> None			<input checked="" type="checkbox"/> None
Bedrooms (#)				<input checked="" type="checkbox"/> None
Full Baths (#)				<input checked="" type="checkbox"/> None
Partial Baths (#)				<input checked="" type="checkbox"/> None
Flood Zone	<input type="checkbox"/> Yes Base Flood Elevation _____ ft. <input type="checkbox"/> NO			<input checked="" type="checkbox"/> None
Fence	<input type="checkbox"/> Yes <input type="checkbox"/> NO			<input checked="" type="checkbox"/> None
Shed sq. ft.	<input type="checkbox"/> Yes <input type="checkbox"/> NO _____ Sq. ft.			<input checked="" type="checkbox"/> None
<input type="checkbox"/> Swimming Pool <input type="checkbox"/> Spa <input type="checkbox"/> Hot Tub	<input type="checkbox"/> Above-Ground <input type="checkbox"/> In-Ground <input type="checkbox"/> Yes <input type="checkbox"/> NO			<input checked="" type="checkbox"/> None
Solar Energy System	<input type="checkbox"/> Yes <input type="checkbox"/> NO			<input checked="" type="checkbox"/> None
Generator	<input type="checkbox"/> Yes <input type="checkbox"/> NO _____ KW			<input checked="" type="checkbox"/> None

2. PROPERTY LEGAL OWNER INFORMATION

Complete Legal Name: MGA Real Property Company	
First, Last Name and Title:	
Street Address: 38 High Avenue	City: Nyack State & Zip Code: NY, 10960
Phone #:	E-Mail:

3. SCOPE OF WORK

Description of Proposed Work: Special Permit Renewal for the existing co-located rooftop telecommunications facility.

4. TYPE OF PERMIT	5. OCCUPANCY CLASSIFICATION		
<input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION LEVEL _____ <input type="checkbox"/> AWNING <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> CRANE <input type="checkbox"/> DECK <input type="checkbox"/> DEMOLITION <div style="margin-left: 20px;"><input type="checkbox"/> Structure <input type="checkbox"/> Interior</div> <input type="checkbox"/> ELECTRICAL <input type="checkbox"/> ELECTRIC CAR CHARGER <input type="checkbox"/> ELECTRIC SERVICE UPGRADE <input type="checkbox"/> FENCE <input type="checkbox"/> FIRE ALARM SYSTEM <input type="checkbox"/> FOUNDATION ONLY <input type="checkbox"/> GENERATOR <input type="checkbox"/> LIFT <input type="checkbox"/> MECHANICAL EQUIPMENT <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> PLUMBING <input type="checkbox"/> PIPING <div style="margin-left: 20px;"><input type="checkbox"/> FIXTURE <input type="checkbox"/> FIRE SPRK</div> <input type="checkbox"/> OUTDOOR DINING <input type="checkbox"/> REPAIR/REPLACEMENT <input type="checkbox"/> RETAINING WALL <input type="checkbox"/> RE-ROOFING <input type="checkbox"/> 2ND LAYER <input type="checkbox"/> SCAFFOLD <input type="checkbox"/> SHED <input type="checkbox"/> SIDING <input type="checkbox"/> SIDEWALK _____ L.F. <input type="checkbox"/> SIDEWALK <div style="margin-left: 20px;"><input type="checkbox"/> CAFE <input type="checkbox"/> VENDING</div> <input type="checkbox"/> SIGN <div style="margin-left: 20px;"><input type="checkbox"/> ERECTING <input type="checkbox"/> MOVING</div> <input type="checkbox"/> ENLARGEMENT <input type="checkbox"/> REDESIGN <input type="checkbox"/> RECONSTRUCTION <div style="margin-left: 20px;"><input type="checkbox"/> Awning <input type="checkbox"/> Directional</div> <div style="margin-left: 20px;"><input type="checkbox"/> Flag <input type="checkbox"/> Freestanding</div> <div style="margin-left: 20px;"><input type="checkbox"/> Gas Station <input type="checkbox"/> Projecting</div> <div style="margin-left: 20px;"><input type="checkbox"/> Temporary <input type="checkbox"/> Wall (Flat)</div> <div style="margin-left: 20px;"><input type="checkbox"/> Window</div> <div style="margin-left: 40px;"><input type="checkbox"/> 1st fl. <input type="checkbox"/> 2nd fl.</div> <input type="checkbox"/> SOLAR ENERGY SYSTEM <div style="margin-left: 20px;"><input type="checkbox"/> Roof <input type="checkbox"/> Ground Mounted</div> <div style="margin-left: 20px;"><input type="checkbox"/> Building Integrated</div> <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> HOT TUB <input type="checkbox"/> SPA <input type="checkbox"/> In <input type="checkbox"/> Above ground <input type="checkbox"/> TANK <div style="margin-left: 20px;"><input type="checkbox"/> ABNT <input type="checkbox"/> REMVL <input type="checkbox"/> INST</div> <input type="checkbox"/> TELECOMM. FACILITY <div style="margin-left: 20px;"><input type="checkbox"/> ALT. <input checked="" type="checkbox"/> CO-LOC. <input type="checkbox"/> NEW</div> <input type="checkbox"/> TREE <input type="checkbox"/> WINDOW REPLACEMENT <input type="checkbox"/> OTHER _____	ASSEMBLY (A)) ≥ 50 persons <input type="checkbox"/> Bar/Taverns (A-2) <input type="checkbox"/> Restaurant (A-2) <input type="checkbox"/> Art Gallery (A-3) <input type="checkbox"/> Dance Hall (A-3) <input type="checkbox"/> Funeral Parlor (A-3) <input type="checkbox"/> Religious Worship (A-3) <input type="checkbox"/> Community Hall (A-3) <input type="checkbox"/> Courtroom (A-3) <input type="checkbox"/> Indoor Swimming Pool (A-3) <input type="checkbox"/> Library (A-3) <input type="checkbox"/> _____ (A-3)	FACTORY (F) <input type="checkbox"/> Moderate-Hazard (F-1) <div style="margin-left: 20px;"><input type="checkbox"/> _____</div> <input type="checkbox"/> Low-Hazard (F-2) <div style="margin-left: 20px;"><input type="checkbox"/> _____</div>	RESIDENTIAL (R) <input type="checkbox"/> (R-1) Hotel, Motel _____ Units <input type="checkbox"/> (R-2) Apt. House _____ Units <input type="checkbox"/> (R-2) Boarding House (NT) _____ Units <input type="checkbox"/> (R-2) Dormitory _____ Units <input type="checkbox"/> (R-2) Live/Work Units <input type="checkbox"/> (R-3) Attached <input type="checkbox"/> One <input type="checkbox"/> Two Family; <div style="margin-left: 20px;"><input type="checkbox"/> Day Care Facility ≤ 5 Children</div> <input type="checkbox"/> One Family Detached <input type="checkbox"/> Two Family Detached <input type="checkbox"/> Townhouse
	BUSINESS (B) <input type="checkbox"/> Animal Hospital <input type="checkbox"/> Assembly < 50 Person /750 sf <input type="checkbox"/> Banks <input type="checkbox"/> Barber & Beauty Shop <input type="checkbox"/> Car wash <input type="checkbox"/> Clinic, Outpatient <input type="checkbox"/> Dry Cleaning & Laundries <input type="checkbox"/> Education > 12 grade <input type="checkbox"/> Print Shop <input type="checkbox"/> Professional Services <input type="checkbox"/> Training/Skill Development	INSTITUTIONAL (I) <input type="checkbox"/> Assisted Living Facility (I-1) <input type="checkbox"/> Congregate Care Facility (I-1) <input type="checkbox"/> Group Home (I-1) <input type="checkbox"/> Hospitals (I-2) <input type="checkbox"/> Nursing Home (I-2) <input type="checkbox"/> Adult Day Care (I-4) <input type="checkbox"/> Child Day Care (I-4)	STORAGE <input type="checkbox"/> Moderate Hazard (S-1) <input type="checkbox"/> Motor Vehicle Repair Garage <input type="checkbox"/> Resilient Flooring <div style="margin-left: 20px;"><input type="checkbox"/> _____</div> <input type="checkbox"/> Low-Hazard (S-2) <div style="margin-left: 20px;"><input type="checkbox"/> _____</div>
	EDUCATIONAL (E) <input type="checkbox"/> Grades 1 – 12 <input type="checkbox"/> > 5 children & > 2 ½ yrs. <div style="margin-left: 20px;">(Day Care Facility)</div>	MERCANTILE (M) <input type="checkbox"/> Drug stores <input type="checkbox"/> Greenhouse (sale of plants) <input type="checkbox"/> Markets <input type="checkbox"/> Motor Fuel-Dispensing Facility <input type="checkbox"/> Retail or Wholesale Store <input type="checkbox"/> Sales Room	UTILITY & MISC. (U) <input type="checkbox"/> Barns <input type="checkbox"/> Tanks <input type="checkbox"/> Carports <input type="checkbox"/> Towers <input type="checkbox"/> Fences > 6' high <input type="checkbox"/> Private Garages <input type="checkbox"/> Retaining Walls <input type="checkbox"/> Sheds

In addition to the Liability Insurance Certificate required by the Village of Nyack, New York State Law requires contractors to maintain Worker's Compensation and Disability & family leave Insurance for their employees.

Certificate of Liability Insurance shall be provided on the "ACORD" form.
Certificate Holder: Village of Nyack
9 N. Broadway
Nyack, NY 10960

Description of Operation/Location: Provide complete job address

Certificate of Worker's Compensation and Certificate of Disability/Paid Family Leave shall be provided separately on the NYS form.

No permit will be issued unless valid Insurance certificates with the project address and the Village of Nyack as the certificate holder, are attached to this application.

If the contractor believes they are exempt from the requirements to provide Worker's Compensation and Disability & family leave Benefits,

the contractor shall complete NYS form CE-200 online @:

<https://www.busessexpress.ny.gov>

IMPORTANT NOTICES: READ BEFORE SIGNING

Work conducted pursuant to a building permit shall be visually inspected by the Code Official and shall conform to the New York State Uniform Fire Prevention and Building Codes, the Code of Ordinances of the Village of Nyack, all other applicable codes, rules and regulations, and shall be performed in accordance with the construction documents which were submitted and approved as part of the application for the building permit. Work undertaken pursuant to this permit is conditioned upon and subject to any state and federal regulations relating to asbestos material and lead paint.

6. CONTRACTORS INFORMATION


	NAME & ADDRESS	PHONE # & E-MAIL	LICENSE # RC/NYS
Applicant (for contact)	New Cingular Wireless PCS, LLC	914-615-9483 jd0196@att.com	
		Contact: mmahalek@cuddyfeder.com	
Architect			
<input type="checkbox"/> Engineer <input type="checkbox"/> PLLS			
General Contractor			
Plumber			
Mechanical			
Electrician			
Fire Sprinkler Company			
Fire Alarm Company			
Arborist			
Sign Company			
Special Inspector			

7. ZONING PLAN EVALUATION (Planning and/or Zoning Board Projects ONLY) ☒ N/A

SETBACKS	ZONING DISTRICT REQUIREMENTS	EXISTING DEMINSIONS	PROPOSED
Lot Area sq. ft.			
Lot Width ft.			
Street Frontage			
Lot Depth ft.			
Front Yard ft.			
Side Yard ft.			
Both Side Yards ft.			
Rear Yard ft.			
Building Height (Story)			
Building Height (feet)			
Max. Building Length ft.			
Max. Floor Area Ratio			
Min. Usable Open Space/D.U.			
Max. Density (D.U./Acre)			
Min. Dwelling Unit Size sq. ft.			
Off-Street Parking/D.U.			
ACCESSORY BUILDINGS ONLY			
Front Setback ft.	25 (if bldg. Over 80 sq. ft.)		
Side and Rear Setback ft.	3		
Distance From Principal Bldg. ft.	5 (if Detached)		
Building Height (Story)	1		
Building Height (feet)	12 (To the Peak/Roof High Point)		
Max. Building Coverage (Lot)	7%		
Max. Building Coverage (Side & Rear Yard)	30%		

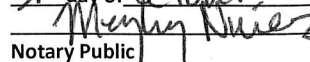
CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as the authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official shall have the authority to enter the premises covered by such permit at any reasonable hour to enforce the provisions of the code applicable to such permit under this jurisdiction Part 1203-complaint code enforcement program.


 PRINT/SIGN NAME ☐ OWNER ☒ AGENT
 Maximilian Mahalek, Attorney for the Applicant

PLEDGED to before me this

3rd day of October, 2024


 Notary Public NOTARY PUBLIC-STATE OF NEW YORK

No. 01NU0009619

Qualified in Westchester County
 My Commission Expires 06-14-2027

8. PROJECT DOCUMENTS (Completed by Bldg. Dept.)

TYPE OF DOCUMENT	SUBMITTED	ORIGINAL DATE	REVISION DATE
<input type="checkbox"/> Site Plan <input type="checkbox"/> Survey <input type="checkbox"/> Sketch	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
<input type="checkbox"/> Architectural Drawings <input type="checkbox"/> Sketch	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Fire Sprinkler Plan	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Fire Alarm System Plan	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
<input type="checkbox"/> ARB <input type="checkbox"/> Planning <input type="checkbox"/> Zoning <input type="checkbox"/> Village	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Town of Orangetown Sewer Dept.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
RC Dept. of Health	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
911 Data Enhancement	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Orange & Rockland Utilities	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Nyack Water Department	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Nyack Fire Dept.	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Special Inspections	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Job Specifications	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
<input type="checkbox"/> Asbestos <input type="checkbox"/> Lead Report	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		

9. VALIDATION (Completed by Bldg. Dept.)

APPLICATION # _____		DATE FILED: _____	
Permit Approved for: _____ _____ _____ _____ _____ _____			
Date Reviewed: _____		Date Issued: _____ Date Expires: _____	
Permit Disapproved on _____ for: <input type="checkbox"/> Incompleteness <input type="checkbox"/> Violation _____			
Referral: <input type="checkbox"/> ARB _____ <input type="checkbox"/> PB _____ <input type="checkbox"/> ZBA _____ <input type="checkbox"/> BOT _____ <div style="display: flex; justify-content: space-between; font-size: small;"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </div>			
<input type="checkbox"/> Withdrawn (refund 25% or \$100, whichever is greater) \$ _____		Date: _____	
Application Fee: \$ _____		Receipt #/Date: _____ Permit Fee: \$ _____	
<input type="checkbox"/> C of O <input type="checkbox"/> C of C Fee: \$ _____		Stop-Work Fee: \$ _____ Legalization of Work Fee: \$ _____	
_____ Sq. ft. X \$ _____		_____ Sq. ft. X \$.0117 = \$ _____	
(Finished)			
_____ Sq. ft. X \$ _____		_____ Sq. ft. X \$.0117 = \$ _____	
(Unfinished)		PAYMENT METHOD:	
		<input type="checkbox"/> Check # _____	
Other Fees: _____		<input type="checkbox"/> Card (trans #) _____	
_____		<input type="checkbox"/> Cash	

Minus Application Fee \$ _____ =		Total Fees: \$ _____ Balance Due _____	
Receipt #/Date: _____			

I have examined this application, plans and plot plans that are part of this application and find that they are substantially in compliance with the Codes of the Village of Nyack and the New York State Uniform Fire Prevention and Building Codes, and approve the same for issuance of a building permit.

 MANNY A. CARMONA
 Chief Building Inspector

 Date

THE BUILDING PERMIT PLACARD SHALL BE DISPLAYED SO AS TO BE VISIBLE FROM THE STREET.

DO NOT PROCEED TO THE NEXT STEP OF CONSTRUCTION NOR ORDER CONCRETE WITHOUT APPROVAL FROM THE CODE OFFICIAL. ANY FIELD CHANGE SHALL BE APPROVED IN WRITING BY THE CHIEF BUILDING INSPECTOR OR DESIGNEE PRIOR TO MAKING SUCH CHANGE.

THE PROPOSED CONSTRUCTION WORK SHALL NOT BE OCCUPIED OR USED UNTIL A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE HAS BEEN ISSUED BY THE CHIEF BUILDING INSPECTOR.

REQUIRED INSPECTIONS OF CONSTRUCTION

(You shall call in advance for applicable inspections 845-358-4249)

MONDAY - FRIDAY 9:30 AM – 4:30 PM

INSPECTIONS FEE AFTER FAILURE TO PASS 1ST RE-INSPECTION - \$100 2nd \$200

- ☐ **Field Inspection** – (prior to the issuance of a Building Permit) Inspected on: _____
- ☐ **Footing Forms** – (before ordering concrete) When excavation is completed, forms and re-bars are in place, shall have surveyor's mark-out for front, rear and side yard. _____
- ☐ **Foundation Wall** – (before ordering concrete) When forms and re-bars are in place, shall mark-out finished first floor elevation. _____
- ☐ **Plumbing Under Slab** – (before connecting to Sewer Main) When sand, pipes and straps are in place, shall pressurize pipes with water or air. _____
- ☐ **Preparation for Concrete Slab** – (before ordering concrete) When gravel, vapor barrier, wire mesh and perimeter insulation (if applicable) are in place. _____
- ☐ **Foundation Backfill** – When footing drains, waterproofing, wall bracing and insulation (as may be applicable) are in place. _____
- ☐ **Sewer Connection** – Call Town of Orangetown (845-359-6502) for inspection. (Shall provide report/approval to Building Department). _____
- ☐ **Framing to include: Rough Plumbing, Fire Sprinkler Roughing, Electrical Roughing, Fire Alarm Roughing, Pressure Test, Fire-blocking, Penetrations Sealing and Fire-Resistant Construction** – All shall be completed, plumbing pipes (water, waste & gas) shall be pressurized, all nail plates and metal straps shall be installed, electrical roughing under writer certificate shall be provided.
- ☐ **Roof Ice and Water Shield** – Prior to installing shingles. _____
- ☐ **Energy Code Compliance** – Applicable checklist will be attached upon permit approval. _____
- ☐ **Final** – Certificate of Compliance/Occupancy. When you have completed the "Application for final inspection & certificate of occupancy" (provided by the Building Dept).
When the proposed work requires a C of O, a new C of O shall be issued for the entire building, not just the work space. Therefore; the entire building shall be inspected to document the building configuration and for applicable code compliance under this jurisdiction Part 1203-complaint code enforcement program.

☐ **Operating Permit Obtained – (Multiple Dwellings and Commercial Buildings)**

For safeguards during construction and demolition _____

I agree that all of the above indicated inspections shall be conducted by the Building Dept and that the premises shall be made accessible to the inspector to conduct all inspections.

Maximillian Mahalek, Attorney for the Applicant

PRINT NAME ☐ OWNER ☒ AGENT

SIGNATURE ☐ OWNER ☒ AGENT

DATE

Exhibit F



Village Of Nyack

Incorporated February 27, 1883



Asst Building Inspector

Paul Rozsypal

Fire Inspector

David Smith

Code Enforcement Officers

Richard J. Siddi

Bejamin C. Wolford

BUILDING DEPARTMENT

9 North Broadway

Nyack, New York 1096-2697

(845) 358 - 4249 / FAX: (845) 358 - 0672

www.nyack-ny.gov

buildingdepartment@nyack-ny.gov

MANNY A. CARMONA

Chief Building Inspector

ZONING BOARD OF APPEALS REVIEW APPLICATION

☒ **Formal Application**

☐ **Pre-application Meeting (pursuant to §360-5.4A)**

Project Street Address: 32 – 38 High Ave **Application Date:** 1/7/24

Project Name: New Cingular Wireless PCS, LLC

Tax Map Designation: Section 66.3 Block 2 Lot 78 Section Block Lot

Property Classification Two-Family Residential

Project Location: On the West side of Gedney Street approximately, 121 feet East from the intersection of High Avenue and N Broadway in the Village of Nyack.

Acreage of Parcel. .23 **Zoning District** TFR

School District VILLAGE OF NYACK **Postal District** VILLAGE OF NYACK

Fire District NYACK FIRE DEPARTMENT **Ambulance District** NYACK ABULANCE CORP.

Water District NYACK WATER DEPARTMENT **Sewer District** ORANGETOWN ENV. MGT. -ENGINEERING

Project Description: (please attach a narrative summary). Special Permit Renewal for the existing co-located rooftop telecommunications facility. Please see attached narrative.

CONTACT INFORMATION

	NAME/ADDRESS	PHONE #/ E-MAIL	LICENSE #
Applicant	New Cingular Wireless PCS, LLC	914-615-9482/ jd0196@att.com 914-761-1300/ mmahalek@cuddyfeer.com	
Property Owner	MGA Real Property Company 38 High Avenue, Nyack, NY 10960		
Architect			

Engineer			
Surveyor			

Your application is hereby disapproved by the Chief Building Inspector and referred before the Zoning Board of Appeals for review, approval, approval with modifications or disapproval to be issued a permit by the Chief Building Inspector.

§360-5.4B. Application Submittal. (5) Fees and Costs.

■ Special Permit Renewal \$ 300 Receipt #/Date _____

■ Public Hearing \$150 Receipt #/Date _____ □ Escrow: \$ 4,000

(b) Recovery of consultant costs. In addition to the development fee, an applicant shall pay all costs billed by the Village for expenses incurred in review of an application, including fees from consultants hired to assist in the review. Escrow funds may be required, at the discretion of the Chief Building Inspector.

(c) Outstanding fees and costs. All fees and costs shall be paid by the applicant prior to scheduling of hearings and/or meetings for any development application. No new applications shall be accepted by the Village until all previous fees and costs associated with an applicant are paid in full by the applicant.

(6) Outstanding municipal violations. Applications for review and approval of any project shall not be deemed complete while there are outstanding municipal violations pending against the owner, owner's agent, or other entity making such application, where such municipal violations are outstanding against all or part of the premises which is the subject of the application.

☒ No Violations ☐ Violations Pending (see attached)

§360-5.4C. Determination of application completeness. After receipt **one set** of complete submittal of the development application, the Chief Building Inspector shall determine whether the application is complete and ready for review.

(1) If the application is determined to be complete, the applicant will be notified of the additional number of copies required to be submitted for the application to then be processed according to the procedures set forth in this code. An application will be considered complete if it is submitted in the required form, includes all required information and supporting materials, and is accompanied by the applicable fee. The determination of completeness shall not be based upon the perceived merits of the development proposal.

(2) If an application is determined to be incomplete, the Chief Building Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future resubmittal. The inclusion of false information in an application is grounds for determination that the application is incomplete.

§ 360-5.2B(1)(a) Decision-making body pursuant to § 7-712 of the Village Law of the State of New York.

■ § 360-3.2D(1) Use-specific standards.

(c) Procedure for special use permit; fee; facility service plan:

[21] Expiration: issuance of certificate of use.

[a] Duration of special use permit.

[i] Every special use permit shall be limited to the applicant and any assignment or transfer of the special use permit or any of the rights thereunder shall be made only with the approval of the Planning Board, except in the case of an assignment or transfer to a corporate affiliate or successor of the applicant.

[ii] The special use permit shall expire after two years from date of approval by the Zoning Board of Appeals.

[A] Renewal must not be unreasonably withheld if the applicant is in conformance with the original approval and all conditions attached thereto.

[B] Not less than 60 days prior to the expiration of a special use permit, the holder of the permit must submit to the Zoning Board of Appeals a renewal application. If the holder fails to submit a renewal application within the 60 days, the special use permit will expire.

[iii] The renewal application will contain the following:

[A] A current updated build-out plan;

[B] A special use permit renewal form;

[C] A statement of need that a structure is still in use and is still necessary to provide satisfactory service to its customers;

[D] The most recent structural and safety inspection reports for all structures on site;

[E] Color photographs of the structure from all directions; and

[F] Other materials or information deemed necessary by the Planning Board.

[iv] Within 45 days of the submission of a completed application for a special use permit renewal and determination by the Code Enforcement Officer that the application is sufficient for review, the Zoning Board of Appeals shall hold a public hearing on the application. A copy of its decision shall be mailed to the applicant.

[v] The applicant has one calendar year from the date of approval of the special use permit to commence construction and 14 months from date of approval of the special use permit to complete construction. If construction is neither begun nor completed within these time frames, the special use permit shall expire.

[b] The Building Inspector shall require issuance of a revised or new special permit prior to the issuance of a building permit use where the proposal requires a special permit.

[c] The applicant shall provide a report to the Building Inspector prepared by a New York State licensed professional engineer certifying that any monopole or tower has been constructed in accordance with the plans approved by the Building Inspector

Application's conformance: This application **conforms** to the Local Zoning and Planning Law of the Village of Nyack. Applicant is seeking approval for another renewal of its special use permit to co-locate its telecommunications facility on the roof of 32 - 38 High Ave.

Date application given to applicant: 11/20/2024

Date of ZBA meeting: 01/27/2025

Date application is due to the Bldg. Dept: No later than 01/07/2025

Date application received by the Bldg. Dept: _____

Date application is determined to be complete: _____

§ 360-5.4E(3)(c). Posted notice. The applicant shall post notice on the property at least 10 days before the scheduled hearing date. Such notice shall be of a dimension, design and materials as required by the Building Inspector. Notice shall be posted every 20 feet along the front yard, and one additional notice shall be posted conspicuously on each side yard and rear yard property line.

Notice was posted on: _____

Public notice for hearing: _____

JOSEPH D'ALTO Joseph C. Dalto
Applicant Print Name Signature

PUBLIC COMMENTS: ☐ Opened _____ ☐ Closed _____
Date Date

☐ APPROVED: _____ to _____
Date Vote Vote

REFERED: ☐ PB ☐ ZBA ☐ NO

☐ DISAPPROVED: _____ to _____
Date Vote Vote

FOR THE FOLLOWING REASONS: _____

MANNY A. CARMONA
Chief Building Inspector

Exhibit G

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: New Cingular Wireless PCS, LLC (AT&T)			
Project Location (describe, and attach a location map): 32-38 High Avenue, Nyack, New York (SBL: 66.3-2-78)			
Brief Description of Proposed Action: Special Permit Renewal for the existing co-located rooftop telecommunications facility.			
Name of Applicant or Sponsor: New Cingular Wireless PCS, LLC		Telephone: 914-615-9482 E-Mail: jd0196@att.com	
Address: 400 Hamilton Avenue			
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		N/A acres	
b. Total acreage to be physically disturbed?		N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		N/A acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Shortnos...	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? <div style="margin-left: 20px;"> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> Auto-generated answer, this is not a request for work/distrubance.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Maximillian R. Mahalek</u> Date: <u>1/6/2025</u> Signature: <u></u> Title: <u>Attorney for the Applicant</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Exhibit H



VILLAGE OF NYACK

Building Department
9 N Broadway, Nyack NY 10960
Phone: (845) 358-4249 | Fax (845) 358-0672

Chief Building Inspector
Manny A. Carmona

Location of Certificate

Location	<u>32 High Ave</u>
Parcel ID	<u>66.30-2-78</u>

Certificate Information

Certificate No.:	<u>CO2022-0017-11</u>
Date Issued	<u>10/06/2022</u>
Permit Number	<u>MP2022-0017</u>
Permit Issued on	<u>10/06/2022</u>

This is to certify that

MGA Real Property Company Llc

Located at: **PO Box 176** Is hereby granted a:

CERTIFICATE OF COMPLIANCE

For Work done at: **32 High Ave**

Pertaining to Building Permit Number: **MP2022-0017**

This Certificate of Compliance certifies that:

**AT&T Telecommunications Facility Special Use Permit Renewal at 32-38 High Avenue,
EXPIRES ON 10/06/2024.**

Has been completed, inspected and conforms substantially with the approved plans bearing the above-mentioned permit number and with the applicable requirements of the Village of Nyack Building Code, Zoning Ordinance, York State Uniform Fire Prevention and Building Code and all other applicable laws, rules, and regulations.

No addition or alteration or change in use of the structure or land is permitted without a new building permit and Certificate of Occupancy.

MANNY A. CARMONA

Chief Building Inspector