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April 30, 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)
Supplemental Submission
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 referenced enclosures are respectfully submitted on behalf of New Cingular Wireless PCS, LLC ("AT&T"), in furtherance of its request 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.

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 a request for an extension with the Zoning Board of Appeals, which was filed on January 6, 2025. On or about January 25, 2025, the Applicant received comments from Building Department staff on the Applicant's January 6, 2025 submission, which this letter addresses.

RESPONSES TO COMMENTS FROM BUILDING DEPARTMENT STAFF:

Comment 1: The Radiofrequency Report is dated June 9, 2022. This should be made current.

Response 1: Enclosed at **Exhibit A** is a Radiofrequency Compliance Letter from Centerline Communications dated March 26, 2025 confirming the existing

telecommunications infrastructure and that no modifications have been made since 2020 (pre-dating the 2022 Radiofrequency Compliance Report submitted by the Applicant on January 6, 2025) and that the existing facility is compliant with FCC exposure regulations.

Comment 2: Are Security Measures in Place?

Response 2: As seen in the aerials below there is a security fence and gate in place. The gate is open in these photographs as these photographs were taken when the Applicant's team was visiting the Premises.

Image 1: Security Facilities at Premises

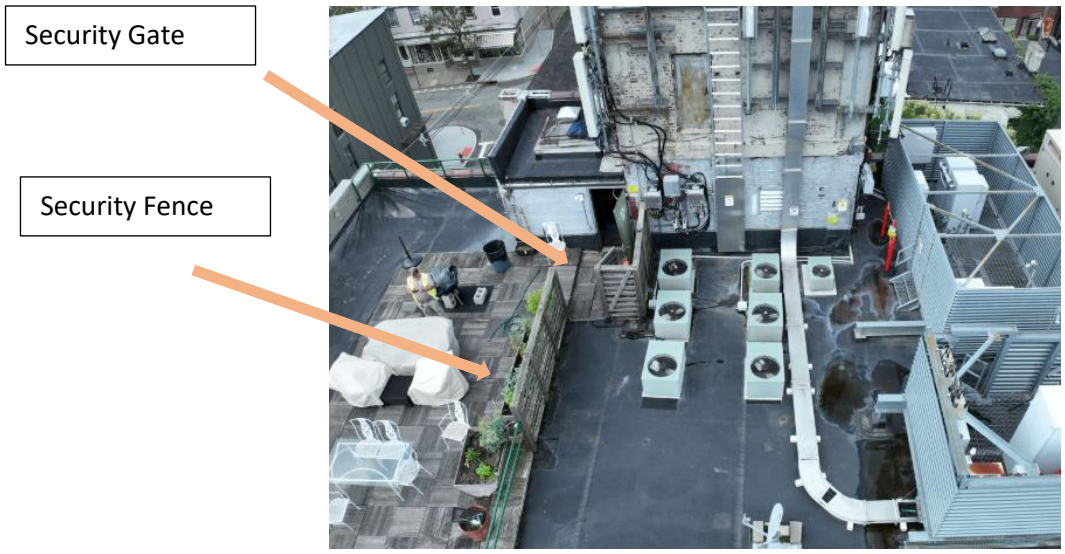

Image 2: Security Facilities at Premises

Comment 3: Is safety signage provided at the Premises?

Response 3: The signage required by the FCC is provided on the Premises, as seen in the photographs of the Premises included in the Structural Certification Letter dated February 24, 2025 at **Exhibit B**. The Radiofrequency Compliance Letter at **Exhibit A** also notes that all signage required by the FCC, which sets forth the regulations related to radiofrequency exposure, is provided.

Comment 4: The Structural Certification Letter is dated 2022 and should be made current. It should include any corrective action to be undertaken.

Response 4: Enclosed at **Exhibit B** is an updated Structural Certification Letter from Tectonic Engineering dated February 24, 2025 advising as to the state of the Premises including past repairs, and providing recommendations for crack monitoring which can be made a condition of approval.

Comment 5: Current photographs of the Premises should be provided.

Response 5: Current photographs are included in the Structural Certification Letter dated February 24, 2025 at **Exhibit B**.

Based on the above, AT&T has been fully responsive to comments by the Building Department Staff, and in light of the fact that there have been no material changes to AT&T's facility on the Premises since the October 2022 renewal, the Applicant respectfully requests a 2-year renewal of its Special Use Permit to enable it to continue to provide telecommunication services to residents of the Village.

Enclosed with this Application, you will find the following Exhibits:

Exhibit A:	Radiofrequency Compliance Letter dated March 26, 2025; and
Exhibit B:	Structural Certification Letter dated February 24, 2025.

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,

Maximillian R. Mahalek

Enclosures

cc: Client
Tectonic Engineering
Centerline Communications

Exhibit A

March 26, 2025

Attn: Victoria Brennan
Centerline
5550 Merrick Road
Suite 302
Massapequa, NY 11758

Re: RF Compliance Summary Letter for Existing AT&T Rooftop Facility
Site Name: DOWNTOWN NYACK
Site ID: NWL03367
FA #: 10114503
USID: 100434
Site Address: 38 High Avenue, Nyack, NY 10960

To whom it may concern:

This letter seeks to provide information regarding the existing AT&T facility at the above referenced location. Centerline is a leader in the evaluation of such deployments for compliance with the Federal Communications Commission (FCC) Rules and Regulations regarding Radio Frequency Electromagnetic Energy (RF-EME).

The FCC defines two sets of maximum permissible exposure (MPE) limits—Occupational (Controlled) and General Population (Uncontrolled). Occupational limits apply in situations in which persons are exposed because of their employment and where those persons have undergone proper RF awareness training, have been made fully aware of the potential for exposure, and can exercise control over their exposure. General Population limits, conversely, apply to accessible areas where workers or the general public may be exposed and have not undergone RF awareness training, may not be aware of the potential for exposure, and may not be able to exercise control over their exposure. For the frequency bands the cellular carriers operate in, the General Population MPE limits are five times more conservative than the Occupational MPE limits. That is, there is a much stricter standard of compliance in areas that are accessible by the general public. For reference, see 47 CFR § 1.1307 and 1.1310 (as well as OET Bulletin 65) for the full federal code pertaining to regulations for evaluating and certifying compliance with respect to RF exposure.

For this installation, AT&T has three antennas on each of three sectors mounted on top of the penthouse. The existing AT&T configuration has been installed without any modifications since 2020. Based on recent site photos provided to us, there is appropriate RF signage posted at each antenna sector. **The existing facility is compliant with FCC regulations as well as AT&T internal policy.**

If you have any questions, please contact me at mfischer@clinellc.com.

Sincerely,

Michael Fischer, P.E.
Director of Engineering
Centerline

Michael Fischer, P.E.
Registered Professional Engineer (Electrical)
New York License Number 101714
Expires March 31, 2025

Signed 26 March 2025

Exhibit B

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.

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

Date: **February 24, 2025**

RE: **Tectonic Project Number:** 11462.NYCWNY3367
AT&T FA Number: 10114503
Site Address: 38 High Ave, 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 February 14, 2025. 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 June 1, 2022, 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.

Cracks observed 06-01-22 on the SW corner wall of the bulkhead below the AT&T telecommunications area, appear to have been repaired. However, new horizontal cracks with slight shift in bricks are forming within close proximity to the repaired area along the Verizon equipment.

In general, the cracks on the SE wall, vertically abutting the parapet located directly below the gutters and horizontally adjacent to the wall mounted ladder appear 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 and/or brick pointing 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
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Photo 1: Overall, View of the structure/AT&T's Gamma and Beta Sector (beyond screenwall).

Photo 2: AT&T's Cable Tray and 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 Alpha Sectors (inside screenwall).

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

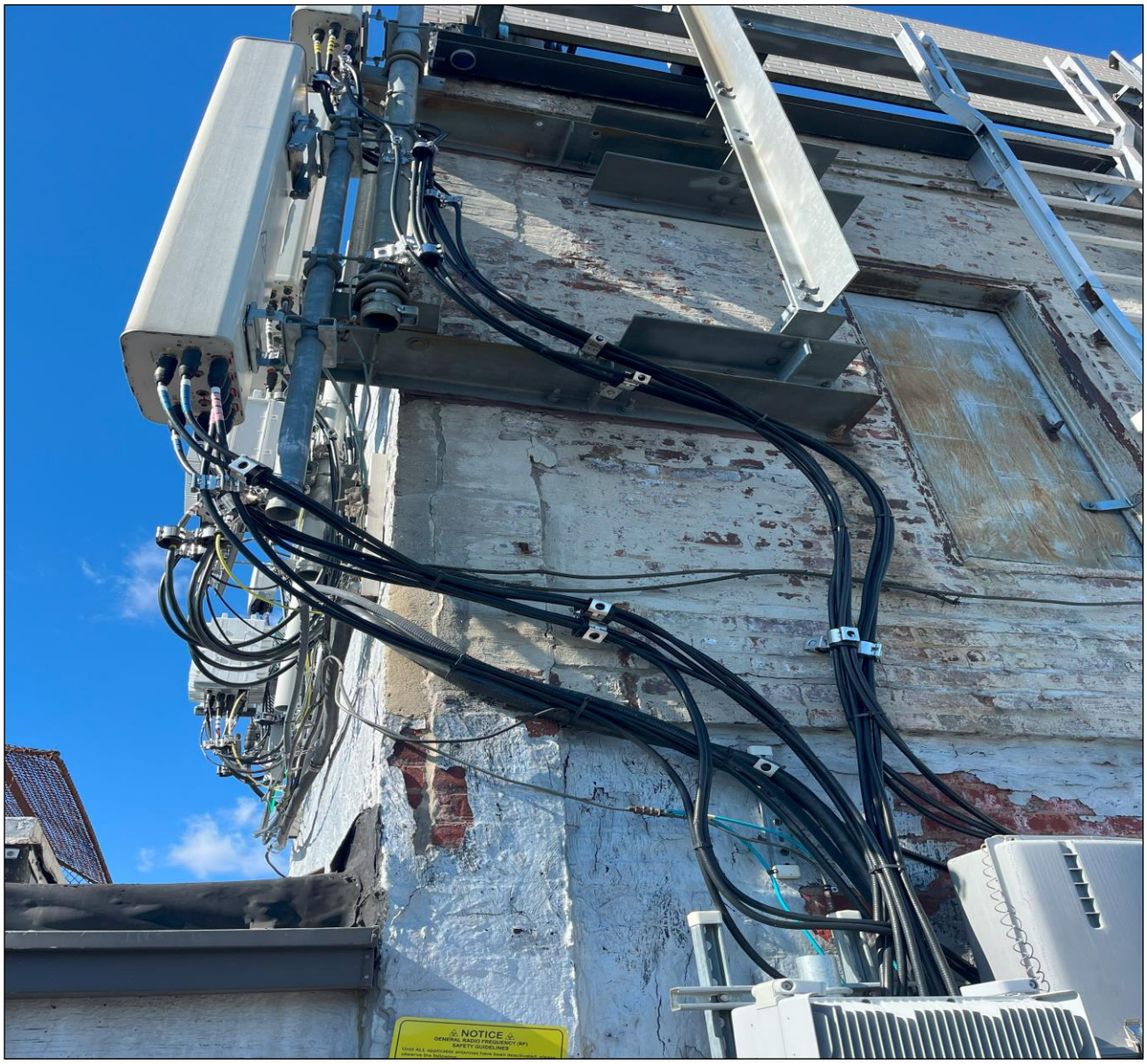

Photo 7: Repaired cracks observed 06-01-22 on bulkhead SW edge corner bulkhead exterior cable tray wall

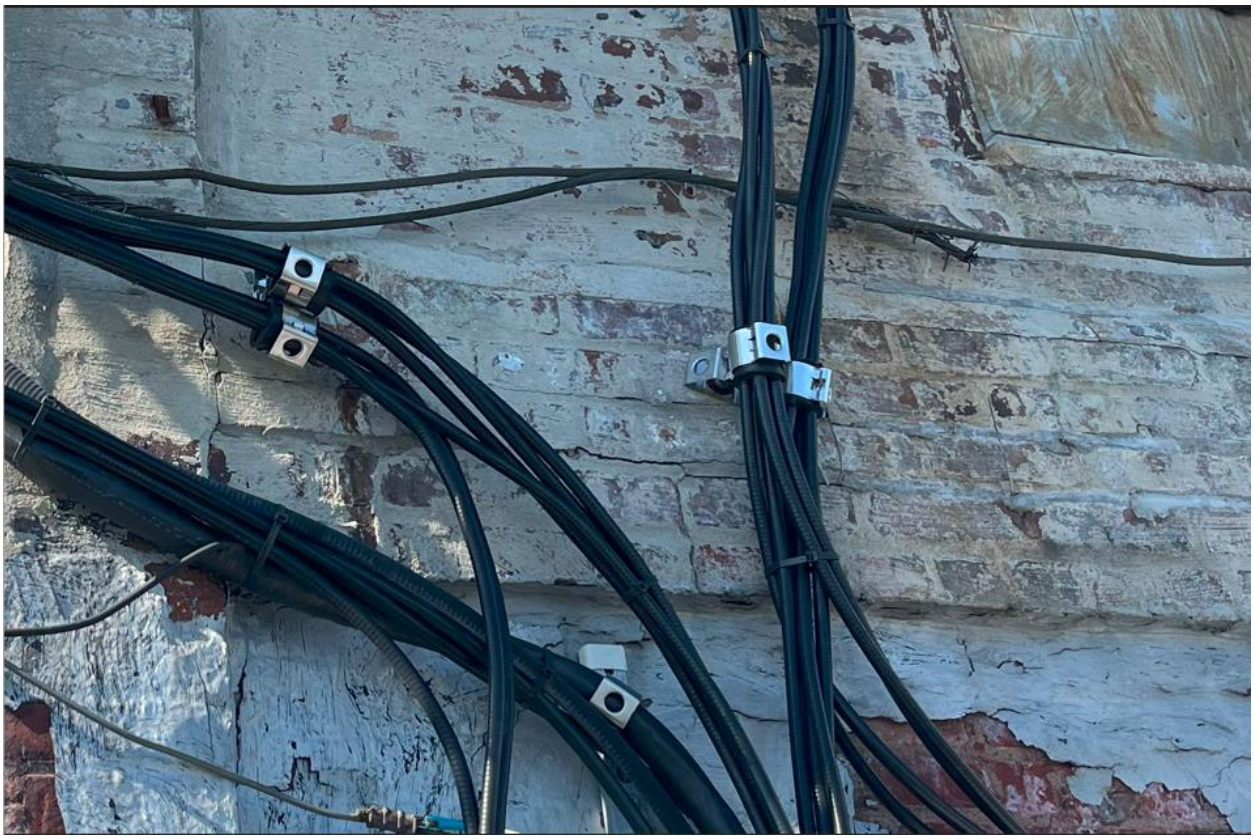

Photo 8: Horizontal cracks with slight shift in bricks forming along bulkhead SW exterior cable tray wall.

Photo 9: Additional vertical cracks observed on alpha sector bulkhead exterior wall elevated at approximately 15′ at the corner SE edge of wall

Photo 10: Additional horizontal cracks observed on the cable tray wall of the bulkhead exterior elevated at approximately 15′ SE of wall mounted ladder.

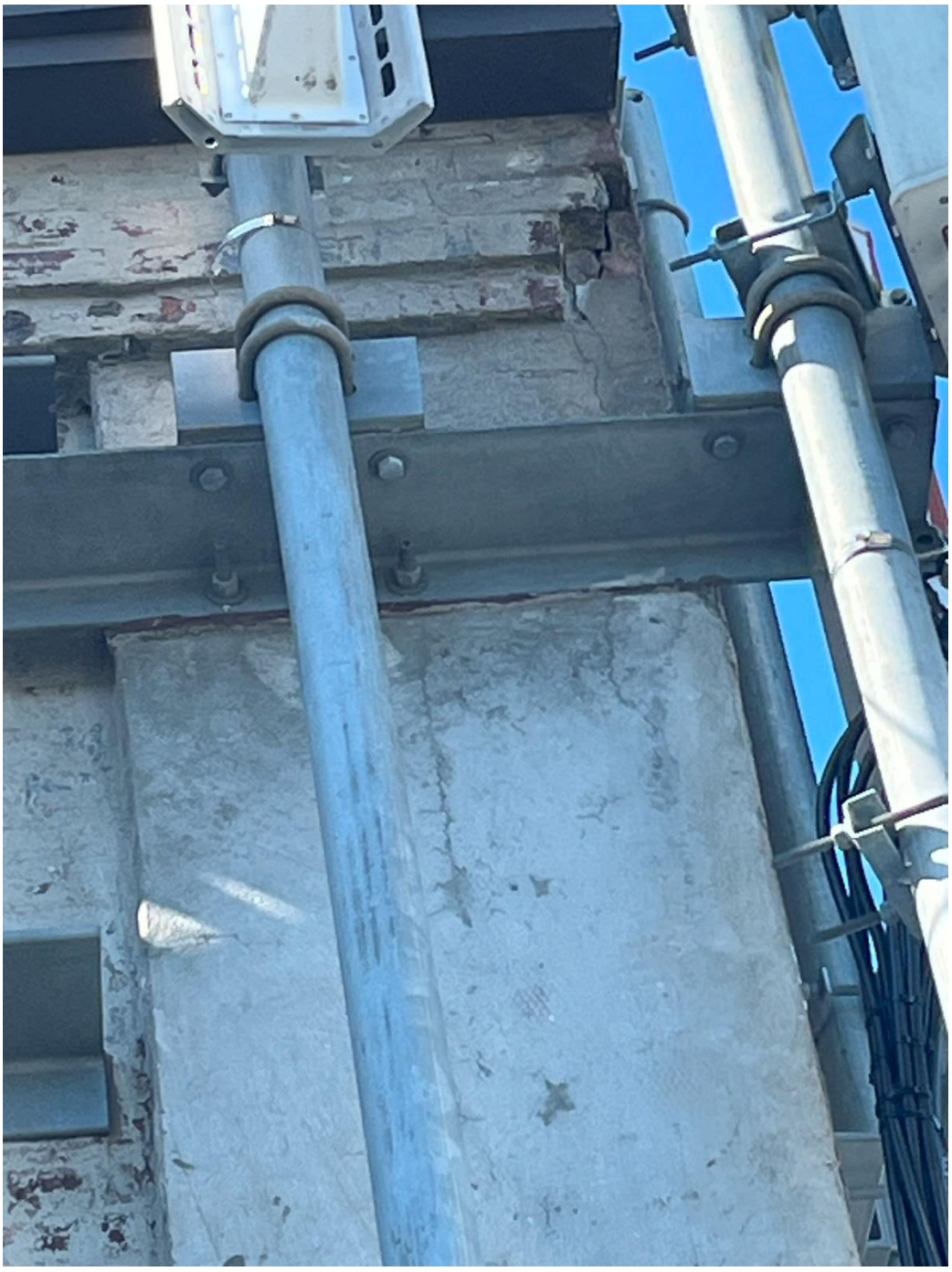

Photo 11: Additional vertical cracks observed at SE exterior cable tray wall corner below gutter abutting Alpha sector parapet elevated at approximately 25'