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October 17, 2022

*VIA FEDERAL EXPRESS*

Zoning Board of Appeals and Planning Board
Town of Middlesex
1216 Route 245
Middlesex, NY 14507
Attn: Lynnette Miller, Town Clerk

**RE: Application for special use permit, site plan approval, and area/height variance from the Zoning Board of Appeals and Planning Board by Blue Sky Towers III, LLC ("Blue Sky") and Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless ("Verizon Wireless") to construct and operate a 150′ wireless telecommunications tower (plus 4′ lightning rod) and associated improvements on land located on Town Line Road, owned by Jeannette Daum (S.B.L. #3.01-1-4.1) in the Town of Middlesex, Yates County, New York (Blue Sky/Verizon Wireless' "Potter-Rushville" site)[1]**

Dear Members of the Zoning Board of Appeals and Planning Board:

Blue Sky makes this application, in conjunction with Verizon Wireless, to construct and operate a wireless telecommunications tower in the Town of Middlesex (the "**Town**"). Blue Sky will construct and own the facility for the benefit of Verizon Wireless (and potential subsequent users of the tower).

Verizon Wireless is a public utility licensed and regulated by the Federal Communications Commission, and is responsible for providing wireless telecommunications services to emergency services, businesses and individuals throughout the United States, including the area in and around the Town. Verizon Wireless has asked Blue Sky to develop, construct and own a technologically suitable tower, upon which Verizon Wireless would lease space for its broadcast equipment, thereby allowing Verizon Wireless to remedy the service deficiencies more fully explained in Exhibit E of this application.

In order to provide adequate wireless telecommunications service to the geographic area identified by Verizon Wireless and Blue Sky as the "Potter-Rushville" cell, this application seeks approval from the Town to construct and operate a wireless telecommunications facility on property located on Town Line Road (Tax Map No. 3.01-1-4.1) (the "**Site**"). The Site consists of

[1] Verizon Wireless refers to the site as its "Rushville" site and Blue Sky refers to the site as its "Potter-Rushville" site. Such names are used interchangeably in the application, but refer to the same Site.

an approximately 100′ x 100′ area to be leased by Blue Sky from Jeannette Daum (the "**Landowner**"). The facility would consist of a 150′ tall tower (plus 4′ lightning rod), a Verizon Wireless panel antenna array, together with other site improvements, all as shown on the enclosed site plan prepared by Costich Engineering, D.P.C.

Pursuant to the Town Code (the "**Code**") and the Town Telecommunications Towers Law ("**Tower Law**"), the Project will require a special use permit and area/height variance from the Zoning Board of Appeals ("**ZBA**"), and site plan review and approval from the Planning Board (See Code §§ 502.1, 502.2.1, and 700; and Tower Law §§ 1(2), 2(3)(a), 2(9)).

Please accept this letter and the following exhibits and enclosures as Blue Sky and Verizon Wireless' application for a special use permit and area/height variance from the ZBA, and site plan approval from the Planning Board:

Exhibit A: Completed Town-supplied application forms for a special use permit, site plan approval, and area variance;

Exhibit B: Project description;

Exhibit C: Applicable legal standards;

Exhibit D: Compliance with the Town's Telecommunication Tower Law ("**Tower Law**"), Special Use Permit requirements, Site Plan requirements, and Area/Height Variance requirements, as set forth in §§ 502.1, 700.20, and 902.4 of the Code;

Exhibit E: Radio frequency search ring justification (including propagation studies);

Exhibit F: Site selection analysis (including search ring);

Exhibit G: Long environmental assessment form with visual addendum ("**EAF**");

Exhibit H: Proof of the Landowner's consent to this application (executed lease);

Exhibit I: Blue Sky's co-location policy;

Exhibit J: Copy of Verizon Wireless' FCC licenses;

Exhibit K: 11″ x 17″ copy of the Project Site Plan;

Exhibit L: Proof of compliance with applicable federal regulations;

Exhibit M: Tower removal letter;

Exhibit N: Agricultural Data Statement and proof of mailing of same;

Exhibit O: Intermunicipal notification to neighboring municipalities Town of Potter, Town of Italy, Town of South Bristol, Town of Gorham, and the Yates County Planning Board and Yates County Emergency Services, and proof of mailing of same as required under Tower Law § 2(20); and

Exhibit P: Visual analysis with simulated views of the tower post-construction.

- Fifteen (15) copies of this application book; and
- A check payable to the Town of Middlesex in the amount of $300 for the special use permit ($100), site plan ($100), and area variance ($100) collective application fee.

Because the Site is located within 500 feet of a State or County resource (NYS AG District #1, Ontario County Line), the Project must be referred to the Yates County Planning Board ("**County Planning**"), as required under New York General Municipal Law § 239-m. An additional copy of the application has been enclosed for that purpose. Further, the Applicant has submitted as Exhibit N an Agricultural Data Statement pursuant to § 305A of the Agricultural and Markets Law.

We respectfully request that this application be placed on the next available agenda for both the Zoning Board of Appeals and Planning Board following review by the Yates County Planning Board.

Please do not hesitate to contact me if you have any questions or if you require any additional information.

Thank you.

Very truly yours,

Jared C. Lusk

Enclosures

cc (via e-mail): Donna Love
Jackie Bartolotta

**EXHIBIT A**

# TOWN OF MIDDLESEX
## Application For Planning Board Review

**FOR CODE ENFORCEMENT OFFICER USE ONLY**

Application #: _____ Date Issued To Applicant: _____

If completed and returned by _____, application will be reviewed by Planning Board on _____

Application Fee: $_____ Other Fee: _____

Prior Application(s) On File: yes no Issue Date Of First Application: _____

| | | |
|---|---|---|
| Area Variance required | SEQR required | Septic system review required |
| Use Variance required | Yates County PB review required | Agricultural District review |
| Special Use Permit required | _____ | _____ |

Other CEO instructions to Applicant: _____

_____

**APPLICANT TO COMPLETE ONLY SECTIONS THAT APPLY AND SUBMIT TO PLANNING BOARD CLERK**

**Application Type:** (check all appropriate boxes)

| | | |
|---|---|---|
| Preliminary | X Site Plan Review | Public Utility |
| Final | Residential | Special Use Site Plan Approval |
| Major Subdivision (4 or more lots) | Commercial | Driveway / Road Construction |
| Minor Subdivision | Cluster Development | Other _____ |

**Name of Proposed Development:** Potter-Rushville Telecommunications Tower

**Applicant:** Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems, LLC (dba Verizon Wireless)
Name by its attorneys, Nixon Peabody LLP
Address 300 Clinton Square
Rochester, NY 14604
Telephone 585-263-1000
Facsimile _____

**Plans Prepared by:**
Name Costich Engineering, D.P.C.
Address 217 Lake Avenue
Rochester, NY 14608
Telephone 585-458-3020
Facsimile _____

**Owner:** (if different from applicant)
Name Jeanette Daum
Address Town Line Road
Town of Middlesex, NY 14544
Telephone _____
Facsimile _____

(If more than one owner, provide information for each)

Submitted with this application: (**SEVEN** sets of each required)

| | |
|---|---|
| sketch (s) | X project scope description (written) |
| conceptual plan(s) by design firm | other: _____ |
| X final plan(s) by design firm | _____ |

Location of site: Town Line Road, Town of Middlesex, Tax Map No. 3.01-1-4.1

_____

Tax Map #ID description: 3.01-1-4.1 Section 3.01 Block 1 Lot 4.1

Current Zoning Classification: AR - Agricultural

Current site status: (residential occupancy, being farmed, abandoned buildings, undeveloped, etc. ) _____
undeveloped

Total site area (s.f. or acres): Tax Parcel is 25.78 acres

Will development be staged? yes no x How many stages? _____

4862-5459-0007.1

Antipicated design/build completion: 1st stage _____ 2nd stage _____ Total project See Exhibit K

Estimated total cost of improvements: 1st stage _____ 2nd stage _____ Total project See Exhibit K

Describe surrounding lands (suburban, agriculture, wetlands, etc.) _____
See Exhibit K. Agricultural.

Summarize perceived impact to area in regard to population: (commuters, retirees, school age children, seasonal, etc.)
See Exhibit K.

**The following project scope information must be either shown on the submitted plans and/or within the written project scope decription. IF NOT, fill in the following as required. Refer to Town Subdivision Law for additional submittal requirements for subdivisions.** (Use additional sheets as needed.)

1. Planned primary site usage: See Exhibit K and Application
2. Planned secondary useage: _____
3. Indicate s.f. of ground floor area, no. of floors, and height to ridge of each structure:
   See Exhibit K.
4. Indicate which buildings are in which phase, if applicable:
   See Exhibit K.
5. For residential buildings, indicate no. of families per building and/or no. of efficiencies, one bdr, two bdr, etc.:
   N/A.
6. Number of parking spaces allowed for Item 5 (by phase, if applicable): N/A.
7. What is total area of green space provided (by phase) for Item 5?
   N/A.
8. For Item 5, describe plans for site entrance, to include signage, fencing, lighting, landscaping, public roadway features, etc.: N/A
9. For commercial buildings, indicate total facility square footage (all buildings,all floors) and percentage break down of this total by: **A.** Production (processing/manufacturing/assembly/packaging/QC), **B.** Admin./sales, **C.** Support facilities (utilities), and **D.** Warehousing/storage (raw materials/ finished goods):
   Total S. F. See Exhibit K.
   % **A.** _____
   % **B.** _____
   % **C.** _____
   % **D.** _____
10. For Item 9, indicate total paved surface area on site (parking, roads, outside storage, etc.) See Exhibit K.
11. For Item 9, what is total area of green space provided (by phase)?
    See Exhibit K.

12. For Item 9, describe plans for storm water control and sediment pond construction, if any.
See Exhibit K.

13. For Item 9, describe plans for site entrance, to include signage, fencing, lighting, landscaping, public roadway features, etc.: See Exhibit K.

APPLICANT'S SIGNATURE: _____ Date Submitted: 10/17/22
Jared C. Lusk, Esq., Nixon Peabody LLP, attorneys for Blue Sky Towers III, LLC

**TO BE COMPLETED BY MIDDLESEX PLANNING BOARD** File No. _____ - SPR

Date application received from Applicant / CEO: _____
Initial meeting date with Applicant: _____ Second meeting date after application data received_____
Third meeting date with Applicant after receipt of additional information (if req'd): _____
Yates County Planning Board review date (if req'd): _____
Public Hearing date scheduled for (if req'd): _____
Application Fee received: yes no n/a PB Meeting Fee: Amount: $_____ Check No.: _____

**MIDDLESEX PLANNING BOARD REPORT TO TOWN BOARD**

Application approval recommended. Detailed report attached: yes no

Approval Conditions:

Approval Comments:

Board Signature: _____ Date: _____

Application to be resubmitted as follows:

Board Signature: _____ Date: _____

Application is rejected for the following reason (s):

Board Signature: _____ Date: _____

# APPLICATION FOR A SPECIAL USE PERMIT

**TO THE ZONING BOARD OF APPEALS, TOWN OF MIDDLESEX, N.Y.**

*This page to be filed out by the Zoning Officer:*

*Date* _____ *FEE:* _____ *FILE #:* _____

*Name of applicant:* _____

*Applicant's full address:* _____

*Applicant's telephone #:* _____

*Appeal concerns property at the following address:* _____

*Date applicant acquired property:* _____

*Zoning District classification:* _____

*YCPB referral needed: yes* _____ *no* _____

*SEQR form completed & enclosed: yes* ____ *no* _____

*Reason for the denial::* _____

_____

_____

_____

_____

_____

*Denial was made based on the following section(s) of the Town Zoning Law:* _____

_____

*Date of Zoning Enforcement Officer's decision:* _____

*Zoning Officer's signature:* _____

***The items below must be answered by the applicant and included with this application.***

**It is the responsibility of you, the applicant, to provide complete and accurate information. Failure to do so could result in delays in the decision-making process.**

**NOTE:**

If property is not owned by the applicant, the applicant must submit a statement signed by the property owner, including his/her address and telephone #, authorizing the applicant to appeal on his/her behalf.

See Exhibit H.

**Please answer in detail, on a separate sheet to be included in this application, the following:**

## 1. A detailed explanation of your specific variance request, to include a drawing labeled with dimensions, showing the existing property with the proposed changes.

See Exhibit D and Exhibit K.

## 2. How do you propose to meet each of the requirements listed below (Section 502.1.1 - 502.1.6)?

See Exhibit D.

502.1 GENERAL REQUIREMENTS. Authorization for any Special Use Permit shall be conditioned upon the provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate possible detrimental effects on adjacent property. To this end, before a Special use Permit is authorized by the ZBA, or other agency as may be specified elsewhere in this Local Law, it shall be determined, after a duly advertised public hearing, that the following general requirements will be complied with, as well as any other applicable requirements for certain specific land uses or activities as may be set forth in Section 502.2 of this Local Law. It shall be determined by the authorizing agency:

502.1.1 That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and welfare will be protected.
502.1.2 That existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.
502.1.3 That adequate landscaping and screening is provided.
502.1.4 That adequate off-street parking and loading are provided and that ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.
502.1.5 That the proposed land use or activity will not result in excessive erosion and will not increase surface-water runoff onto abutting properties.
502.1.6 That existing roads and utilities serving the proposed project are determined to be adequate.

**3. Are there, in addition to Site Plan Approval, any other specific requirements in 502.2 concerning your request that must be met? If so, how do you propose to meet them?**

No.

**Attach the following supporting material with this application:**

A copy of your survey map (or a clear, detailed drawing with North orientation) showing proposed changes in relation to existing structures. Label all dimensions, including setbacks, show adjoining roads (private as well as public), and important geographic features such as the lake.

Also enclose the Zoning Officer's SEQR evaluation.

See Exhibit G and Exhibit K.

*The applicant must provide the CEO with 7 copies of this application and 7 copies (maximum size 11 x 17) of all pertinent information requested in this application.*

**I / we certify that the information contained herein is to the best of my/our knowledge true, accurate, and correct.**

***Applicant's Signature:*** _____ ***Date:*** 10/7/22

Jared C. Lusk, Esq., Nixon Peabody LLP, attorneys for Blue Sky Towers III, LLC

(Version update: May, 2011)

# APPLICATION FOR AN AREA VARIANCE

**TO THE ZONING BOARD OF APPEALS, TOWN OF MIDDLESEX, N.Y.**

*This page to be filed out by the Zoning Officer:*

DATE: _____ FEE: _____ FILE # _____

*Name of applicant:*

*Applicant's full address:*

*Applicant's telephone #:* *E-mail Address:*

*Appeal concerns property at the following address:*

*Date applicant acquired property:* *Tax ID #*

*Zoning District classification:* _____ *Total Acreage:*

*YCPB referral needed:* ☐ *yes* ☐ *no*

*SEQR form completed & enclosed* ☐ *yes* ☐ *no*

*Reason for the denial:* _____

_____

_____

_____

_____

_____

*Denial was made based on the following section(s) of the Town Zoning Law:* _____

_____

*Date of Zoning Enforcement Officer's decision:* _____

*Zoning Officer's signature:* _____

***The items below must be answered by the applicant and included with this application.***

**It is the responsibility of you, the applicant, to provide complete and accurate information. Failure to do so could result in delays in the decision-making process.**

**NOTE:**

If property is not owned by the applicant, the applicant must submit a statement signed by the property owner, including his/her address and telephone #, authorizing the applicant to appeal on his/her behalf.

**Please answer in detail, on a separate sheet to be included in this application, the following:**

1. **A detailed explanation of your specific variance request, to include a drawing labeled with dimensions, showing the existing property with the proposed changes.**

   See Exhibit D of the Application.

2. **How will each of the five criteria (a, b, c, d, & e) listed below affect your request for a variance?**

   Middlesex Zoning Law, SEC 902.4, Area Variance. The Zoning Board of Appeals, on appeal from a decision or determination of the Code Enforcement Officer shall have the power to grant area variances as defined herein. In making its determination, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

   **a.** Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance;
   **b.** Whether the benefit requested by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
   **c.** Whether the requested variance is substantial;
   **d.** Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and,
   **e.** Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the variance.

   In granting an area variance, the Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the neighborhood.

   See Exhibit D of the Application.

3. **Attach the following supporting material with this application:**

   A copy of your survey map (or a clear, detailed drawing with North orientation) showing proposed changes in relation to existing structures. Label all dimensions, including setbacks, show adjoining roads (private as well as public), and important geographic features such as the lake.

   See Exhibit K of the Application.

***The applicant must provide the CEO with 7 copies of this application and 7 copies (maximum size 11 x 17) of all pertinent information requested in this application.***

**I / we certify that the information contained herein is to the best of my/our knowledge true, accurate, and correct.**

***Applicant's Signature:*** _____ ***Date:*** 10/17/22

Jared C. Lusk, Esq., Nixon Peabody LLP, attorneys for Blue Sky Towers III, LLC

(Version update: February, 2022)

# EXHIBIT B

## EXHIBIT B

## PROJECT DESCRIPTION

Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless ("**Verizon Wireless**"), a federally licensed wireless telecommunications provider, currently has service inadequacies in and around its "Potter-Rushville" cell in the Town of Middlesex. The only way to remedy this is to locate a wireless telecommunications facility in a technologically appropriate site. The proposed site is located off of Town Line Road in the Town of Middlesex (the "**Site**"). This application includes, on behalf of Blue Sky Towers III, LLC ("**Blue Sky**") and Verizon Wireless, a request for a special use permit from the Zoning Board of Appeals ("**ZBA**"), site plan approval from the Planning Board, and an area/height variance from the ZBA to construct and operate a 150′ (plus 4′ lightning road) wireless telecommunications facility at the Site (the "**Project**"), together with associated equipment, in order to render adequate and reliable wireless telecommunications service to emergency services, businesses and individuals in and around Verizon Wireless' "Potter-Rushville" cell in the Town of Middlesex, all as shown on the enclosed site plan prepared by Costich Engineering D.P.C., attached as Exhibit K.

Wireless telecommunications use has burgeoned since the technology was introduced in the mid-1980s. Wireless telecommunications technology provides a critical link for emergency services, such as ambulances, which use such service to transmit vital signs and medical information via medical telemetry. Increasingly, police forces are relying on wireless telecommunication devices to communicate with dispatch and receive calls for assistance. Additionally, many businesses heavily rely on wireless telecommunications service, and individuals use it not only for their convenience, but for safety reasons as well.

Essentially, wireless telecommunications devices operate by transmitting a very low power radio signal between the wireless telecommunication device and an antenna mounted on a tower, pole, building or other structure. The antenna feeds the signal to electronic apparatus housed in a small equipment cabinet located near the antenna (the "**Base Station**"), where it is connected to an ordinary telephone line, and is then routed anywhere in the world. The antennas and Base Station are known as a "cell site."

Because of the low power, a cell site is capable of transmitting to and from wireless telecommunication devices only within a limited geographic area. This limited geographic area

is called a "cell." A cell site must be located within a prescribed area in order to provide coverage for the entire cell.

Wireless telecommunications technology requires that cells overlap somewhat in order to provide uninterrupted service. When the wireless telecommunications user moves into a new cell, the transmission is automatically transferred to the cell site in the new cell. If there is no cell site in the new cell, there is no wireless telecommunications service.

Because each cell site must be placed in such a manner as to provide service within a particular cell, and so as to provide overlapping (but not duplicate) coverage with the existing or planned cells around it; or in the case of a capacity cell, to strategically overlay only where necessary to relieve the capacity problem, there is limited flexibility as to where a cell site can be placed. Wireless telecommunication providers conduct a thorough engineering study, using an elaborate computer program known as a "propagation study." A propagation study shows, based on cell boundaries, topography and other factors, where a cell site needs to be located in order to provide wireless telecommunications coverage in a particular cell. The wireless telecommunication companies and RF engineers identify technologically feasible locations for the cell site.

As set forth in this application, Blue Sky and Verizon Wireless meet the legal standards for receiving the necessary zoning approvals for the Project. Moreover, the Project will not pollute, will not create noise or vibration, will not create any significant increase in traffic, will not create any environmental problems, will not increase population density, and will not create any demand on governmental facilities. Thus, the Project will not create any detriment to adjoining properties or change the character of the neighborhood. Instead, the Project will enhance governmental facilities and promote the public welfare by providing a modern, more efficient system of communications for police, fire and other emergency services, as well as provide modern wireless telecommunications service to business, industry and individuals.

# Exhibit C

## EXHIBIT C

## APPLICABLE LEGAL STANDARDS

In Cellular Tel. Co. v. Rosenberg, 82 N.Y.2d 364 (1993), the New York Court of Appeals determined that cellular telephone companies are public utilities. The Court held that proposed cellular telephone installations are to be reviewed by zoning boards pursuant to the traditional standard afforded to public utilities, rather than the standards generally required for the necessary approvals.

> 'It has long been held that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities.' There can be no question of Cell One's need to erect the cell site to eliminate service gaps in its cellular telephone service area. The proposed cell site will also improve the transmission and reception of existing service. Application of our holding in Matter of Consolidated Edison to sitings of cellular telephone companies, such as Cellular One, permits those companies to construct structures necessary for their operation which are prohibited because of existing zoning laws and to provide the desired services to the surrounding community. . . . Moreover, the record supports the conclusion that Cellular One sustained its burden of proving the requisite public necessity. Cellular One established that the erection of the cell site would enable it to remedy gaps in its service area that currently prevent it from providing adequate service to its customers in the Dobbs Ferry area.

Rosenberg, 82 N.Y.2d at 372-74 (citing Consolidated Edison Co. v. Hoffman, 43 N.Y.2d 598 (1978)).

This special treatment of a public utility stems from the essential nature of its service, and because a public utility transmitting facility must be located in a particular area in order to provide service. For instance, water towers, electric switching stations, water pumping stations and telephone poles must be in particular locations (including within residential districts) in order to provide the utility to a specific area:

> [Public] utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

Anderson, New York Zoning Law Practice, 3d ed., p. 411 (1984) (hereafter "Anderson"). See also, Cellular Tel. Co. v. Rosenberg, 82 N.Y.2d 364 (1993); Payne v. Taylor, 178 A.D.2d 979 (4th Dep't 1991).

Accordingly, the law in New York is that a municipality may not prohibit facilities, including towers, necessary for the transmission of a public utility. In Rosenberg, 82 N.Y.2d at 371, the court found that "the construction of an antenna tower . . . to facilitate the supply of cellular telephone service is a 'public utility building' within the meaning of a zoning ordinance." See also Long Island Lighting Co. v. Griffin, 272 A.D. 551 (2d Dep't 1947) (a municipal corporation may not prohibit the expansion of a public utility where such expansion is necessary to the maintenance of essential services).

In the present case, Verizon Wireless is currently suffering from a lack of reliable wireless telecommunications coverage in and around the "Potter-Rushville" cell area of the Town of Middlesex. The Project is needed to remedy this service problem and to provide adequate and reliable wireless telecommunications service coverage to this area. Therefore, Verizon Wireless satisfies the requisite showing of need for the facility under applicable New York law.

# EXHIBIT D

## EXHIBIT D

## COMPLIANCE WITH THE TOWN OF MIDDLESEX TOWER LAW (THE "TOWER LAW")

The Tower Law contains requirements for permitting of wireless telecommunications towers. Such requirements are reproduced below in bold italicized type, followed by Blue Sky/Verizon Wireless' (collectively, the "**Applicant**") response in regular type.

***Preamble:***

***In keeping with the Yates County Looking Ahead Master Plan, no commercial towers are allowed on South and Bare Hills, or on any state and federal lands in the Town of Middlesex. The reason is that Bare Hill (Genundewah) and South Hill (Nundawao) are areas of rich cultural and historical significance. Their history has been detailed in many books and the Seneca Nation has oral and written accounts of their importance in the Seneca cultural, history and heritage.***

The Project is not located on South Hill or Bare Hill.

***Dr. Arthur C. Parker, Director Emeritus of the Rochester Museum and Science Center, made many archaeological excavations on Bare Hill and South Hill. Evidence shows the Seneca Nation consider these hills to be the ancestral Birthplace of the Seneca Nation. There are several stone mounds on South Hill (especially Clark's Gully) that are considered by some to be Hopewell Mounds. A yearly ceremony (Seneca Heritage Days) is still held on Bare Hill to commemorate ancient Seneca harvest rituals.***

No response necessary.

***Section One: Definitions***

***Board: Zoning Board of Appeals of Town of Middlesex***

No response necessary.

***Telecommunication Tower: Any structure greater than thirty-five (35) feet in height, which is capable of receiving or transmitting wireless signals for the purpose of communicating information, and not to exceed 125 feet with antenna.***

The tower will exceed 125 feet in height. Therefore this application includes a requirement for an area/height variance.

***Zoning Law: Town of Middlesex Zoning Law, as amended and restated and dated February 11, 1999.***

No response necessary.

*Section Two: Regulation of Telecommunication Towers*

*(1) Purpose: The purpose of this law is to promote the health, safety, and general welfare of the residents of the Town of Middlesex; to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunication towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunication towers by requiring careful siting, visual impact assessment and appropriate landscaping.*

No response necessary.

*(2) Except as provided in the Preamble above, Telecommunication Towers are permitted as a special Use in all districts in the Town of Middlesex in accordance with these regulations and the Zoning Law.*

The Applicant is applying for a special use permit.

*(3) Application of Special Use Permit Regulations*

*(a) No person shall construct or operate a telecommunication tower except those approved prior to the effective date of this law, until he has obtained a special use permit as provided in this Article and Section 502 of the Zoning Law.*

The Applicant is applying for a special use permit.

*(b) Applicants proposing to collocate on a previously approved telecommunication tower do not require a special use permit, but are required to obtain a building permit. The Town of Middlesex Code Enforcement Officer (CEO) may require the applicant to submit any of the items under (4)(a) below as part of the building permit process.*

No response necessary.

*(4) Use of Existing Tall Structures may require a Special Use Permit. At all times, shared use of existing tall structures (for example municipal water towers, multi-story buildings, church steeples, farm silos, etc.) and existing or approved towers (see subsection 2b above), shall be preferred to the construction of new towers.*

Shared use is not practical to achieve minimum coverage objectives. See Exhibit E and Exhibit F.

*a) An applicant proposing to share use of an existing tall structure shall be required to submit:*

*(i) a completed application for a building permit.*

The Applicant will submit and obtain a building permit prior to construction.

*(ii) documentation of intent from the owner of the existing facility to allow shared use.*

See Exhibit K for intent to allow shared future use of the tower. The Project so complies.

*(iii) a site plan. The site plan shall show all existing and proposed structures and improvements including antennae, roads, buildings, guy wires and anchors, parking, fencing and landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan.*

See Exhibit K. The Project so complies.

*(iv) an engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, and explaining what modifications, if any, will be required in order to certify to the above.*

See Exhibit K. The Project so complies.

*(v) a completed short Environmental Assessment Form (EAF) and completed Visual EAF Addendum.*

See Exhibit G. The Project so complies.

*(b) If an applicant proposing to share use of an existing tall structure submits complete and satisfactory documentation in accordance with subsection (3) (a) above, and if modifications indicated according to subsection (3) (a) are deemed insignificant by the Board, and after the Zoning Board conducts a public hearing and complies with all State Environmental Quality Review Act (SEQRA) provisions, the Zoning Board shall grant a Special Use Permit without further review under this section. If the Board determines that any modifications indicated according to subsection (3) (a) are significant, it may require further review according to subsections (8) through (18) below.*

No response necessary.

*(5) New Telecommunication Tower. The Board may consider a new telecommunication tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be*

***required to present an adequate report inventorying all existing tall structures and existing or approved tower within a reasonable distance of the proposed site. This distance shall be determined by the Board in consultation with the applicant. The report shall outline opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.***

Shared use is not practical to achieve minimum coverage objectives. See Exhibit E and Exhibit F.

*(6)* ***Shared Usage of an Existing Tower Site for Placement of a New Tower. Where shared use of existing tall structures and existing or approved towers is found to be impractical, the applicant shall investigate share usage of an existing tower site for all its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with subsection (4) above. Any proposals for a new telecommunications tower or an existing tower site shall also be subject to the requirements of subsections (7) through (18) below.***

Shared use is not practical to achieve minimum coverage objectives. See Exhibit E and Exhibit F.

*(7)* ***New Tower at a New Location. The Board may consider a new telecommunications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical and submits a report as described in subsection (4) above; and when the Board determines that shared use of an existing tower site for a new owner is undesirable based upon the applicant's investigation in accordance with subsection (5). Any proposal for a new telecommunication tower shall also be subject to the requirements of subsections (7) through (18) below.***

Shared use is not practical to achieve minimum coverage objectives. See Exhibit E and Exhibit F.

*(8)* ***New Towers: Future Shared Use. The applicant shall design a proposed new telecommunications tower to provide for collocation of at least three (3) carriers or - designed so that it can be retrofitted to accommodate a minimum of three (3) carriers. The applicant shall submit to the board a letter of intent committing the owner of the proposed new tower and his/her successors in interest to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. This letter shall be filed with the CEO prior to issuance of a building permit and shall state that the applicant will:***

The Tower provides for at least three (3) future collocations. See Exhibit K (Sheet CC500). The Project so complies.

***a) Respond within 90 days to a request for information from a potential shared-use applicant.***

The Applicant will so comply.

***b) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers.***

The Applicant will so comply.

***c) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charge may include, but is not limited to, a pro-rated share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity and depreciation, and all of the costs adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.***

The Applicant will so comply.

***(9) Plan Requirements:***

***a) An applicant shall be required to submit a site plan in accordance with Section 700 of the Zoning Law. The site plan shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wires and anchors, antennae, parking and landscaping, fencing and shall include grading plans for new facilities and roads.***

See Exhibit K and compliance with site plan requirements in this Exhibit D (below).

***b) Supporting Documentation - The applicant shall submit a complete short EAF, a complete Visual Environmental Assessment Form (visual EAF addendum), and documentation on the proposed intent and capacity of use as well as a justification for any clearing required. The applicant shall also submit a copy of its Federal Communications Commission (FCC) license.***

See Exhibit G and Exhibit J. The Project so complies.

***(10) Lot Size and Setbacks. All proposed telecommunication towers and accessory structures shall be located on a single parcel and shall be setback from abutting parcels and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower or towers failure, and to preserve and protect the privacy of any adjoining residential properties, with setback equal to or greater than the total height of said tower and antennae combined total.***

See Exhibit K (Sheet VA100). The Project so complies.

*a) Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased the entire area required shall be leased from a single parcel unless the Board determines that this provision may be waived.*

See Exhibit H. The Project so complies.

*b) Telecommunication Towers shall comply with all existing setback requirements of the underlying zoning district, and shall be located with a minimum setback from any property line equal to the height of the tower. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.*

See Exhibit K (Sheet VA100). The Project so complies.

*(11) Visual Impact Assessment. The Board may require the applicant to undertake a visual impact assessment which may include:*

See Exhibit P.

*a) A "Zone of Visibility Map" shall be provided in order to determine locations where the tower may be seen.*

See Exhibit P.

*b) 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, preserves any historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travellers. The Board shall determine the appropriate key sites at a pre-submission conference with the applicant.*

See Exhibit P.

*c) Assessment of alternative tower designs and color schemes, as described in subsection (12) below.*

See Exhibit P; the proposed monopole design is the least intrusive tower design.

*d) Assessment of the visual impact of the tower base, guy wires, fencing around tower, accessory buildings and overhead utility lines from abutting properties and streets.*

See Exhibit P.

***(12) New Tower Design. Alternative designs shall be considered for new towers, including lattice, single pole structures and possible fake pine tree types, etc., could be considered. The design of a proposed new tower shall comply with the following:***

See Exhibit P; the proposed monopole is the most appropriate design. Should the Town prefer a lattice tower, the Applicant will be happy to discuss. As outlined in Exhibit P, a monopine is out of context and will not be effective.

***a) Any new tower shall be designed to accommodate future shared use by other telecommunications providers.***

The Tower provides for at least three (3) future collocations. See Exhibit K (Sheet CC500). The Project so complies.

***e) Unless specifically required by other regulations, a tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.***

See Exhibit P; the tower is a galvanized finish.

***f) The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal law and/or regulation.***

See Exhibit K. The Project so complies.

***g) The Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower at the applicant's expense.***

No response necessary.

***h) Accessory structures shall maximize the use of building materials, color and textures designed to blend with the natural surroundings.***

See Exhibit K (Sheet VA100). The Project so complies.

***i) No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to: company name, phone numbers, banners and streamers.***

The Applicant will so comply.

***(13) Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four (4) inches in diameter***

***(measured at a height of four (4) feet off of the ground) shall take place prior to the approval of the special permit.***

See Exhibit K (Sheet CA120). The Project so complies and preserves existing vegetation to the maximum extent possible. Only one existing tree on the parcel must be removed to construct the tower.

***(14) Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property including streets, screening shall be required.***

The Applicant shall so comply if required by the Planning Board, although given the nature of the surrounding area, additional landscaping seems impractical.

***(15) Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.***

See Exhibit K (Sheet CA100). The Project so complies.

***(16) Parking. Parking shall be provided to assure adequate emergency and service access. The Board shall determine the number of required spaces upon a recommendation from the applicant. No parking spaces shall be located in any required yard.***

See Exhibit K (Sheet CA100). The Project so complies.

***(17) Fencing. The tower and any necessary structures shall be adequately enclosed by a fence - design of which shall be approved by the Board.***

See Exhibit K (Sheet CA110). The Project so complies.

***(18) Removal. The applicant shall submit to the board, a letter of intent committing the tower owner and his/her successors in interest, to notify the CEO within thirty (30) days of the discontinuance of use of the tower. Owner will bear cost of removal of tower within ninety (90) days. This letter shall be filed with the CEO prior to issuance of a building permit (assuming the telecommunication tower is approved according to this section.) Obsolete or unused towers and accessory structures shall be removed from any site four (4) months after such notification. Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations shall be a violation of this chapter and shall be punishable according to Section 1200 (Penalties for Offenses) of the Zoning Law.***

See Exhibit M. The Project so complies.

*(19) Letter of Credit/Security. The applicant and the owner of record of the premises shall be required to execute and file with the Town Clerk of the Town of Middlesex a letter of credit or other form of security acceptable to the Town Attorney as to form and manner of execution in an amount sufficient for the faithful performance of the terms and conditions of this section; the conditions of the permit or approval issued hereunder for the observation of all town local laws or ordinances to cover the maintenance of the tower during its lifetime and provide for its removal. The amount required shall be at the applicant's expense as determined by the Town Engineer. In the event of default upon the performance of any such conditions, the letter of credit or security shall be forfeited to the Town of Middlesex, which shall be entitled to maintain an action thereon. The letter of credit or security shall remain in full force and effect until the removal of the tower, satellite dish, antenna, pole, accessory facility/structure and site restoration.*

The Applicant shall so comply.

*(20) Intermunicipal Notification for New Towers. In order to keep neighboring municipalities informed and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use and to assist in the continued development of county 911 Services, the Board shall require that:*

*a) An applicant who proposes a new telecommunication tower shall notify in writing the legislative body of each municipality that borders Middlesex, the Yates County Planning Board and the Director of Yates County Emergency Services. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.*

See Exhibit O. The Project so complies.

*b) Documentation of this notification shall be submitted to the Board at the time of the application.*

See Exhibit O. The Project so complies.

*Section Three: This Local Law shall take effect immediately upon its being filed with the Secretary of State.*

No response necessary.

## COMPLIANCE WITH THE TOWN OF MIDDLESEX APPLICATION REQUIREMENTS FOR SPECIAL USE PERMITS AS SET FORTH IN § 502.1 OF THE TOWN OF MIDDLESEX ZONING CODE (THE "CODE")

The Code contains the application requirements for special use permits. Such requirements are reproduced below in bold italicized type, followed by Blue Sky/Verizon Wireless' (collectively, the "**Applicant**") response in regular type.

***Authorization for any Special Use Permit shall be conditioned upon the provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate possible detrimental effects on adjacent property. To this end, before a Special Use Permit is authorized by the ZBA, or other agency as may be specified elsewhere in this Local Law, it shall be determined, after a duly advertised public hearing, that the following general requirements will be complied with, as well as any other applicable requirements for certain specific land uses or activities as may be set forth in Section 502.2. of this Local Law. It shall be determined by the authorizing agency:***

See Exhibit G, Exhibit K, and Exhibit B. The Project so complies in that it contains safeguards and mitigation measures to protect the health, safety, and general welfare of the public while providing reliable wireless telecommunications service to the area.

***502.1.1. That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and welfare will be protected.***

See Exhibit G, Exhibit K, and Exhibit B. The Project so complies.

***502.1.2. That existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.***

See Exhibit K. The Project so complies. The Project is an unmanned facility that is screened using the existing landscape, will not create unreasonable noise, and will provide much needed reliable wireless telecommunications service to the area.

***502.1.3. That adequate landscaping and screening is provided.***

See Exhibit K (Sheet CA120). The Project so complies.

***502.1.4. The adequate off-street parking and loading are provided and that ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.***

There will be limited traffic generated by the site (1-2 trips per month). See Exhibit K (Sheet CA100) for access easement for ingress and egress. The Project so complies.

***502.1.5. That the proposed land use or activity will not result in excessive erosion and will not increase surface-water runoff onto abutting properties.***

See Exhibit K and Exhibit G. The Project so complies.

***502.1.6. That existing roads and utilities serving the proposed project are determined to be adequate.***

See Exhibit K. Necessary utilities are provided to the facility; and the existing roads will not be burdened by 1-2 additional trips per month to the Site. The Project so complies.

**COMPLIANCE WITH THE TOWN OF MIDDLESEX APPLICATION REQUIREMENTS FOR SITE PLAN APPROVAL AS SET FORTH IN § 700.20 OF THE TOWN OF MIDDLESEX ZONING CODE (THE "CODE")**

The Code contains the application requirements for site plan approval. Such requirements are reproduced below in bold italicized type, followed by Blue Sky/Verizon Wireless' (collectively, the "**Applicant**") response in regular type.

***Site plan checklist: (All may not be required)***

***700.20. A north arrow, scale, date and location map should be provided on each drawing submitted.***

See Exhibit K (all Sheets). The Project so complies.

***700.20.1. A dimensioned plan drawn to a scale of 1" to 100' or 1" to 50' indicating the shape, size, height and location of all structures existing or to be built on the site, showing their relationship to the site boundaries and all adjoining roads and streets as well as all roads, driveways and parking facilities present or to be developed on the site, and the location of all water supply and sewage disposal systems.***

See Exhibit K (Sheet CC500 and CC501 for height; and CA 110 for relationship to boundaries). The Project so complies.

***700.20.2. All wooded areas, streams, lake front and other significant physical features within the site to be developed shall be indicated on the plan. If topographic conditions are significant, contours shall be indicated. USGS contours shall suffice unless a closer contour interval is required by the Planning Board.***

See Exhibit K (Sheet VA100). The Project so complies.

***700.20.3. Satisfactory evidence of the location of the boundary lines of the lot, indicating the size and area of the lot, using instrument surveys where these exist or if required by the Planning Board.***

See Exhibit K (Sheet CA100). The Project so complies.

***700.20.4. A statement of the intended use of the site, including all structures that will exist there.***

See Exhibit K (all Sheets). The Project so complies.

***700.20.5. Designs and specifications for the laying out of all water supply systems, sanitary sewage and water drainage systems, including any run-off that will join a stream, gully, lake or the ditch for any street or road, and a statement of whether or not any existing streams or gullies will be diverted or altered. Percolation and deep-hole test data shall be set forth.***

See Exhibit K (Sheet CA120). The Project so complies.

***700.20.6. A set of schematic, sketch or building plans for any proposed structure to be erected on the site.***

See Exhibit K (all Sheets). The Project so complies.

***700.20.7. A statement of what utility services presently exist for the site and what proposed plans exist for obtaining new or increased utilities, if applicable.***

See Exhibit K (Sheet CA110). The Project so complies.

***700.20.8. A list of all deed restrictions, rights-of-way and easements that affect all or part of the site.***

See Exhibit K (Sheet CA120). The Project so complies.

***700.20.9. A statement, with drawings if required, of intended landscaping for the site, with special attention given to potential areas of flooding and/or erosion that could result from the development, and the developer's specific plans to prevent, minimize or control such potential flooding and/or erosion.***

See Exhibit K (Sheet CA120). The Project so complies.

## COMPLIANCE WITH THE TOWN OF MIDDLESEX APPLICATION REQUIREMENTS FOR AN AREA/HEIGHT VARIANCE AS SET FORTH IN § 902.4 OF THE TOWN OF MIDDLESEX ZONING CODE (THE "CODE")

The Code contains the application requirements for area variance approval. Such requirements are reproduced below in bold italicized type, followed by Blue Sky/Verizon Wireless' (collectively, the "**Applicant**") response in regular type.

***a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance;***

As set forth in Exhibit K, the tower design at 150' above ground level minimizes the overall visual impact of the tower while at the same time allowing Verizon Wireless to deliver reliable wireless telecommunications to the Potter-Rushville cell.

***b. Whether the benefit requested by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;***

As set forth in Exhibit E, the proposed 150' tower is the minimum height necessary to deliver reliable wireless telecommunications service to the Potter-Rushville cell.

***c. Whether the requested variance is substantial;***

As set forth in Exhibit E, the proposed 150' tower is the minimum height necessary to deliver reliable wireless telecommunications service to the Potter-Rushville cell.

***d. Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and,***

As set forth in Exhibit K, the tower design at 150' minimizes the overall visual impact of the tower while at the same time allowing Verizon Wireless to deliver reliable wireless telecommunications service to the Potter-Rushville cell. See also Exhibit G.

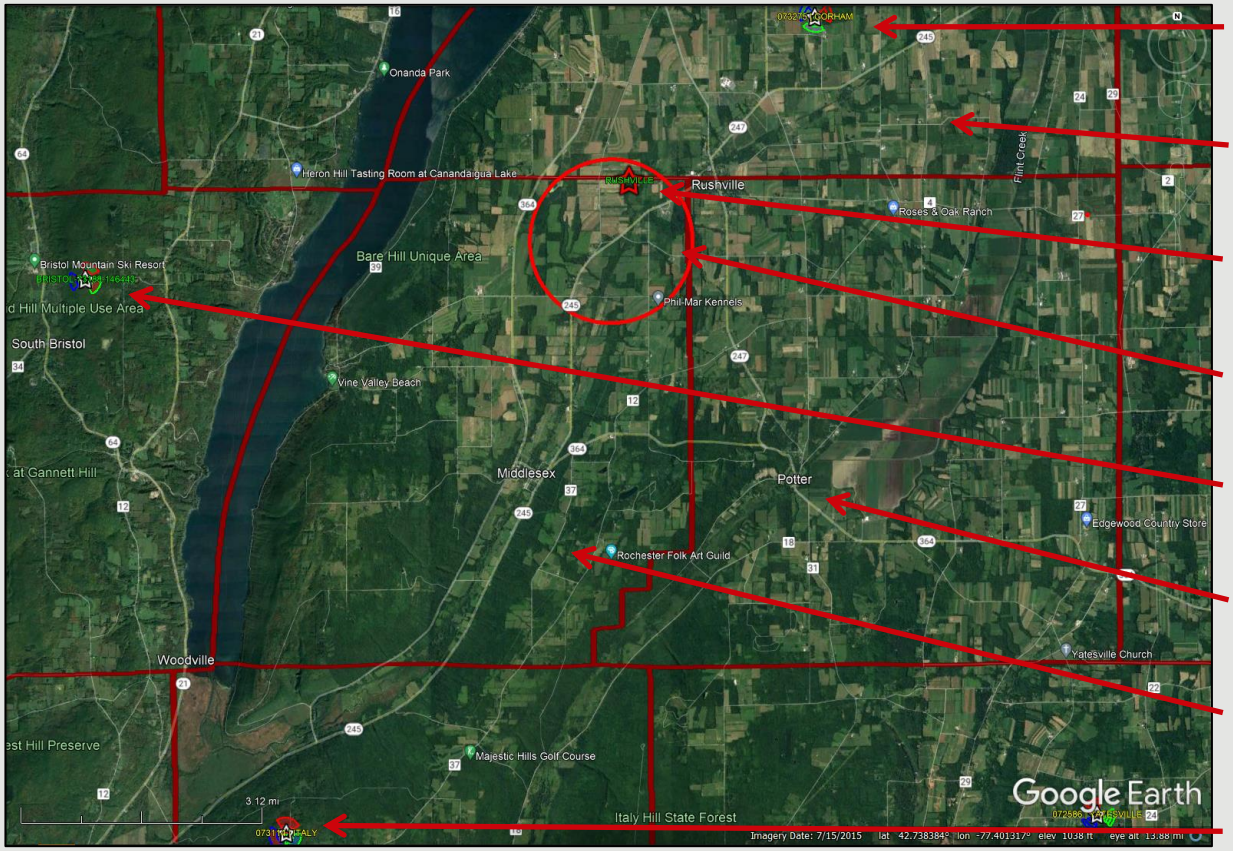
***e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance.***

See Exhibit H. The proposed 150' tower is the minimum height necessary to deliver reliable wireless telecommunications service to the area.

# EXHIBIT E

# Verizon Wireless Communications Facility

## Engineering Necessity Case – "Rushville"




Existing Gorham Site

Town of Gorham

Project Location (Rushville)

Rushville Search Area

Existing Bristol Site

Town of Potter

Town of Middlesex

Existing Italy Site

**Prepared by: Michael R. Crosby, RF Engineer IV, Verizon Wireless**

**Project: The project is the installation and operation of a new tower co-located wireless telecommunications site in the Town of Middlesex (the "Project Facility").**

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September 19th, 2022

# Introduction

The purpose of this subsequent analysis is to summarize and communicate the technical radio frequency (RF) information used in the justification of this new site.

Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility/site. All sites provide a mixture of both capacity and coverage for the benefit of the end user.

**Coverage** can be defined as the existence of signal of usable strength and quality in an area, including but not limited to in-vehicles or in-buildings.

The need for improved coverage is identified by RF Engineers that are responsible for developing and maintaining the network. RF Engineers utilize both theoretical and empirical data sets (propagation maps and real world coverage measurements). Historically, coverage improvements have been the primary justification of new sites.

**Capacity** can be defined as the amount of traffic (voice and data) a given site can process before significant performance degradation occurs.

When traffic volume exceeds the capacity limits of a site serving a given area, network reliability and user experience degrades. Ultimately this prevents customers from making/receiving calls, applications cease functioning, internet connections time out and data speeds fail. This critical condition is more important than just a simple nuisance for some users. Degradation of network reliability and user experience can affect emergency responders and to persons in a real emergency situation can literally mean life or death.

**Note that, while Verizon Wireless provides sufficient evidence to establish the existence of a coverage gap and capacity need in this case, the FCC recently confirmed that federal law does not require a provider to establish the existence of a coverage/capacity gap to establish the need for a site. There are several ways by which an applicant can establish site need. See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," FCC 18-133, 85 FR 51867, at ¶ 37 (October 15, 2018) (confirming that the test for establishing an effective prohibition is whether "a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service," and this test is met "not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities") (emphasis added).*

# Project Need Overview

The project area, located in the north-eastern portion of the Town of **Middlesex** is currently served by three sites. These sites are overloaded requiring capacity relief. Additionally the project area is subject to significant terrain and or foliage challenges for RF (signal) propagation. This terrain and or foliage combined with long distance prevent effective propagation of Verizon's RF signals into this area compounding the capacity issue with areas of variable coverage creating significant gaps in coverage.

The first serving site is **Gorham,** located in the Town of Gorham, is approximately three and one quarter miles northeast (of the project location) situated on an existing tower located off Phelps Rd. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

The second serving site is **Bristol,** located in the Town of South Bristol, is approximately seven and one quarter miles west (of the project location) on an existing tower off Stid Hill Rd. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

The third serving site is **Italy,** located in the Town of Italy, is approximately nine and one half miles southwest (of the project location) situated on an existing tower off Parish Hill Rd. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

Available (mid band AWS) carriers at these and other area sites are not capable of effectively serving/offloading the project area due to inherent propagation losses from distance, challenging terrain and in building coverage losses negatively impacting mid band coverage and capacity offload capabilities. There are other Verizon sites in this general area but due to distance and terrain they also do not provide any significant overlapping coverage in the area in question that could allow for increased capacity and improved coverage from other sources.

The primary objectives for this project are to increase capacity and provide and or improve coverage throughout the north-eastern portion of the Town of Middlesex, southern portion of Gorham and the north-western portion of Potter, more specifically portions of Rushville and Middlesex including portions of Rt. 245, 247, 1, 364, 4, Twitchell Rd, Green Rd, Arnold Rd, Clark Rd, Ferguson Corners Rd, Loom Rd, Harvey Rd, Ward Simmons Rd, Lindsley Rd, Bagley Rd, Valley View Rd, Dunton Rd, Shay Rd, Roach Rd, Dorman Rd, Underwood Hill Rd, Hadsell Rd as well as neighboring residential and commercial areas along and near these roads. In order to offload capacity from Gorham, Bristol and Italy, a new dominant server must be created. This new dominant coverage will effectively offload the existing overloaded sites/cells as well as provide improved coverage where significant gaps exist today.

Following the search for co-locatable structures to resolve the aforementioned challenges and finding none available, Verizon proposes to attach the necessary antenna(s) to a new 150' tower located at 139 NY-245, Rushville, NY 14544. Verizon's antennas will utilize 146' for the ACL (Antenna Center Line) with a top of antenna height of 150'. This solution is the minimum height necessary to provide the coverage and capacity improvements needed.

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# Wireless LTE (Voice and Data) Growth

Wireless smart city solutions are being used to track available parking and minimize pollution and wasted time.

These same solutions are being used to track pedestrian and bike traffic to help planning and minimize accidents.

Smart, wireless connected lighting enables cities to control lighting remotely, saving energy and reducing energy costs by 20%.

4G technology is utilized to track and plan vehicle deliveries to minimize travel, maximize efficiency, and minimize carbon footprint.

4G technology is also used to monitor building power usage down to the circuit level remotely, preventing energy waste and supporting predictive maintenance on machines and equipment.

Wireless sensors placed in shipments are being used to track temperature-sensitive medications, equipment, and food. This is important for preventing the spread of food-borne diseases that kill 3,000 Americans each year.

Source: Verizon Innovation Center, February. 2018

Wireless is a critical component in schools and for today's students.

**20,000 learning apps are available for iPads. 72% of iTunes top selling educational apps are designed for preschoolers and elementary students.**

**600+ school districts replaced text books with tablets in classrooms.**

**77% of parents think tablets are beneficial to kids.**

**74% of school administrators feel digital content increases student engagement.**

**70% of teens use cellphones to help with homework.**

Source: CTIA's Infographics Today's Wireless Family, October, 2017

**The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017 .[1]**

**Of American homes are wireless only.[2]**

**In North America, the average household has 13 connected devices with smartphones outnumbering tablets 6 to 1.[3]**

1. Ericsson Mobility Report, November 2017
2. CDC's 2018 Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-July, 2018
3. IHS Market Connected Device Market Monitor: Q1 2016 , June 7, 2016

**A wireless network is like a highway system…**

US, mobile data traffic was 1.3 Exabytes per month in 2016, the equivalent of 334 million DVDs each month or 3,687 million text messages each second **according to** Cisco VNI Mobile Forecast Highlights, 2016-2021,Feb 2017

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## Wireless facilities and property values.

**Cell service in and around the home has emerged as a critical factor in home-buying decisions.**

National studies demonstrate that most home buyers value good cell service over many other factors including the proximity of schools when purchasing a home.

**75%** More than 75% of prospective home buyers said a good cellular connection was important to them.[1]

**83%** The same study showed that 83% of Millennials (those born between 1982 and 2004) said cell service was the most important fact in purchasing a home.

**90%** 90% of U.S. households use wireless service. Citizens need access to 911 and reverse 911 and wireless may be their only connection.[2]

1. RootMetrics/Money, The Surprising Thing Home Buyers Care About More than Schools, June 2, 2015
2. CTIA, June 2015

With over 80% of 9-1-1 calls now coming from cell phones…[1]

**240 million** 911 calls are made annually. In many areas, 80% or more are from wireless devices. [1]

1. National Emergency Number Association, Enhancing 9-1-1 Operations With Automated Abandoned Callback & Location Accuracy (Motorola Solutions) (August 23, 2018)

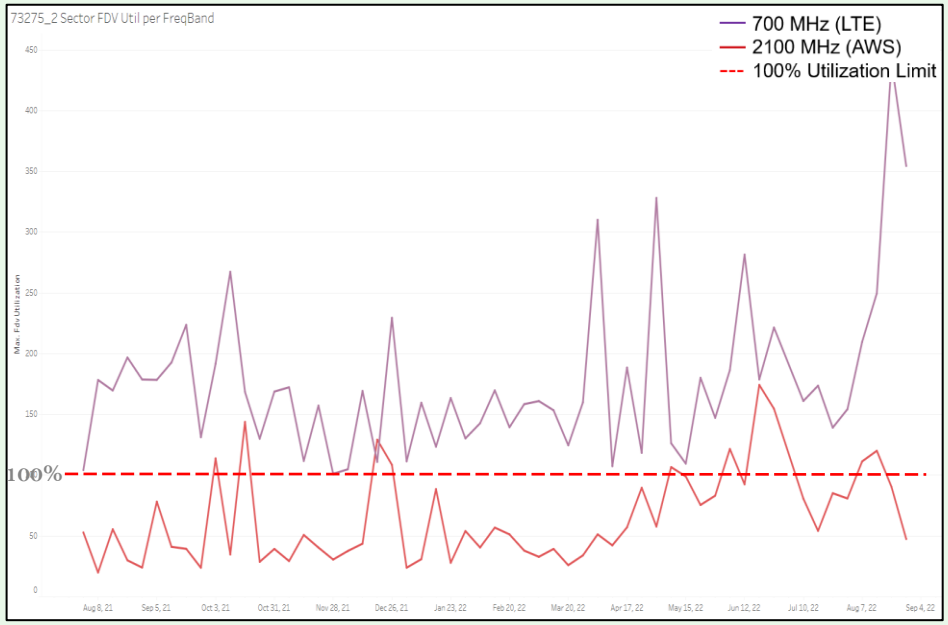
# Explanation of Wireless Capacity

**Capacity** in this analysis is evaluated with up to three metrics further explained below. These metrics assist in determining actual usage for a given site as well as are used to project when a site is expected to run out of capacity (i.e. reach a point of exhaustion where it can no longer process the volume of voice and data requested by local wireless devices, thus no longer providing adequate service).

- Forward Data Volume ("**FDV**"), is a measurement of usage (data throughput) on a particular site over a given period of time.
- Average Schedule Eligible User ("**ASEU**"), is a measurement of the loading of the control channels and systems of a given site.
- Average Active Connections ("**AvgAC**") is a measurement of the number of devices actively connected to a site in any given time slot.

Verizon Wireless uses proprietary algorithms developed by a task force of engineers and computer programmers to monitor each site in the network and accurately project and identify when sites will approach their capacity limits. Using a rolling two-year window for projected exhaustion dates allows enough time, in most cases, to develop and activate a new site. It is critical that these capacity approaching sectors are identified early and the process gets started and completed in time for new solutions (sites) to be on air before network issues impact the customers.

# Capacity Utilization
# FDV (Gorham Beta)




**Summary**: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Gorham** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Gorham** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). In order to provide adequate and reliable service to **Rushville** and the surrounding project area, network densification is required.

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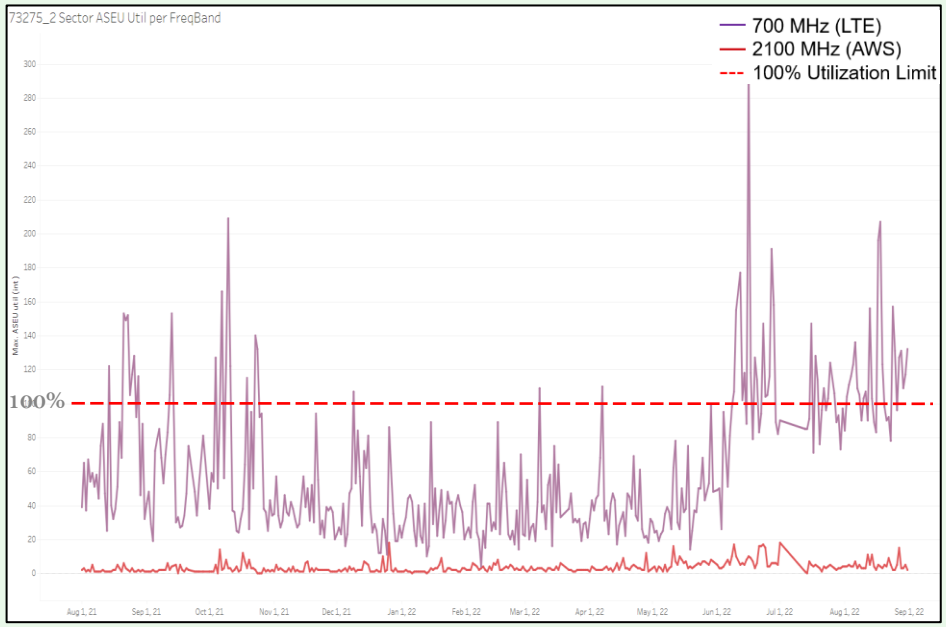
# Capacity Utilization
# ASEU (Gorham Beta)



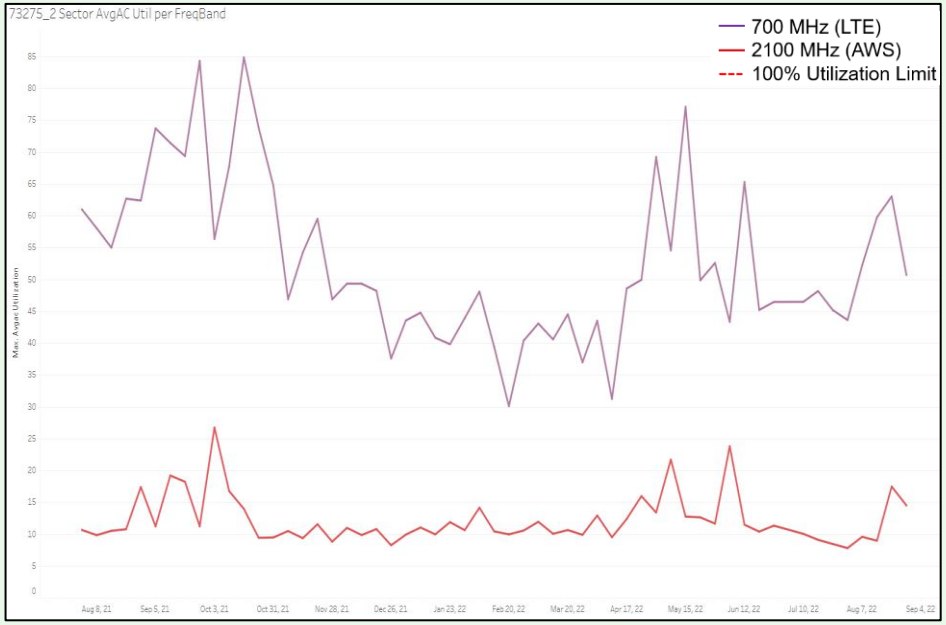

**Summary**: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Gorham** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Gorham** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **Gorham** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. In order to provide adequate and reliable service to **Rushville** and the surrounding project area, network densification is required.

verizon

# Capacity Utilization
# AvgAC (Gorham Beta)



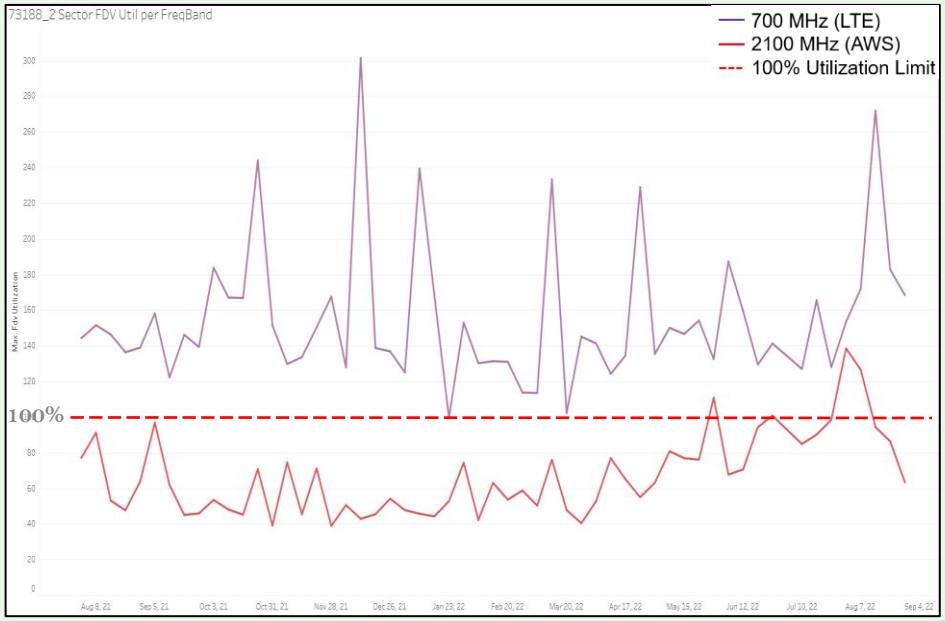

**Summary**: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Gorham** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Gorham** sector shown above is operating normally for this metric. **AvgAC** is one of three capacity metrics used in this document.

verizon

# Capacity Utilization
# FDV (Bristol Beta)



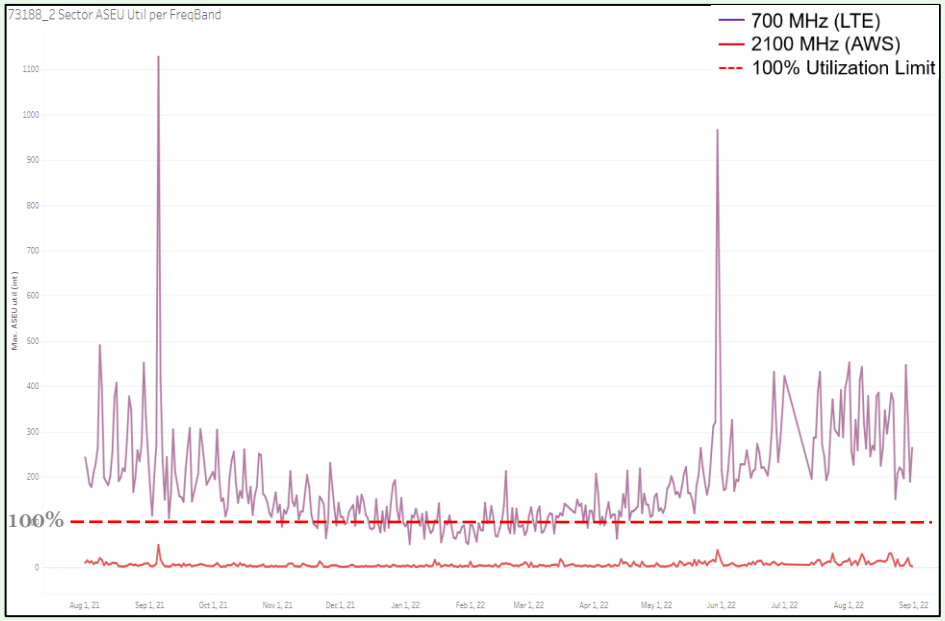

**Summary**: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Bristol** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Bristol** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). In order to provide adequate and reliable service to **Rushville** and the surrounding project area, network densification is required.

verizon

# Capacity Utilization
# ASEU (Bristol Beta)



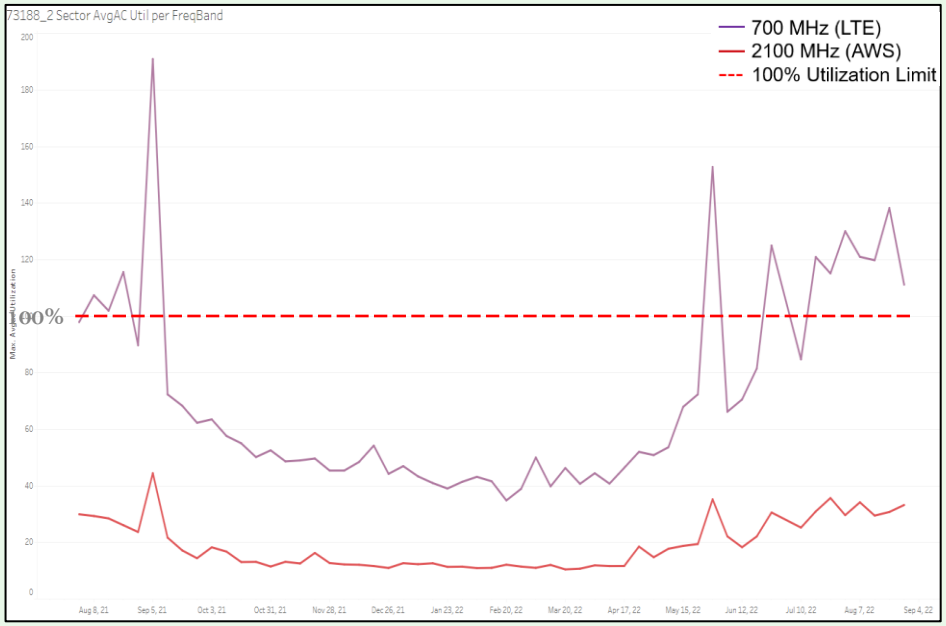

**Summary**: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Bristol** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Bristol** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **Bristol** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. In order to provide adequate and reliable service to **Rushville** and the surrounding project area, network densification is required.

verizon

# Capacity Utilization
# AvgAC (Bristol Beta)




**Summary**: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Bristol** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Bristol** sector cannot support the traffic demand throughout the extents of the large area it covers. **Bristol** has reached overloaded conditions, as shown above. In order to provide adequate and reliable service to **Rushville** and the surrounding project area, network densification is required.

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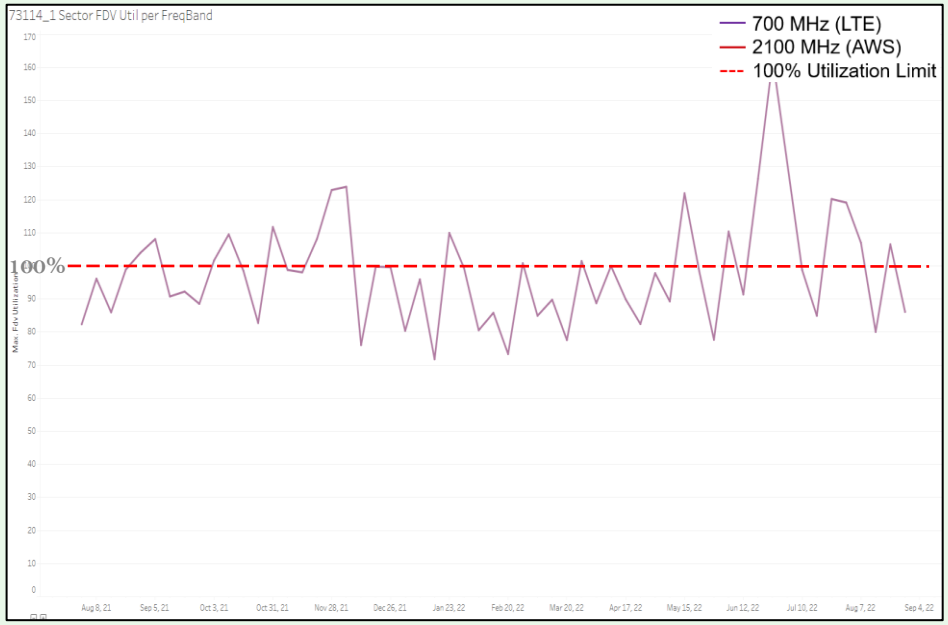
# Capacity Utilization
# FDV (Italy Alpha)




**Summary**: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Alpha** sector of the **Italy** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Italy** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple line exceeding the max utilization threshold (red dashed line). In order to provide adequate and reliable service to **Rushville** and the surrounding project area, network densification is required.

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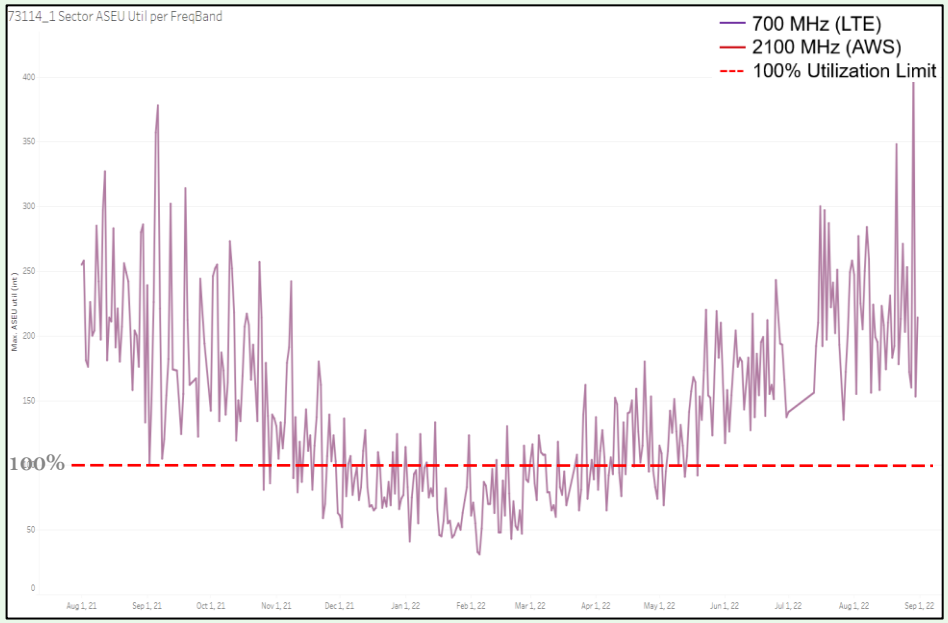
# Capacity Utilization
# ASEU (Italy Alpha)



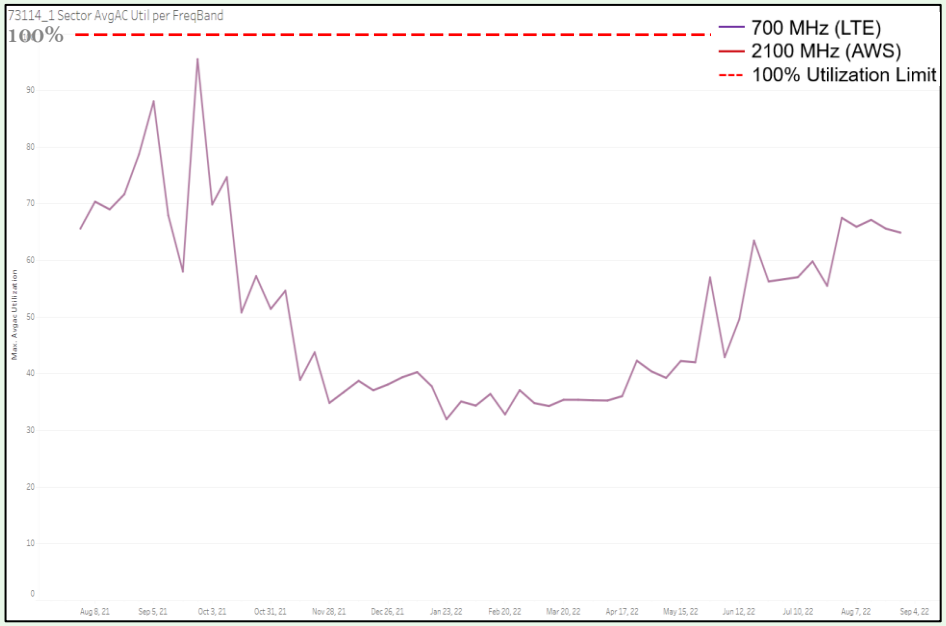

**Summary**: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Alpha** sector of the **Italy** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Italy** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **Italy** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. In order to provide adequate and reliable service to **Rushville** and the surrounding project area, network densification is required.

verizon

# Capacity Utilization AvgAC (Italy Alpha)




**Summary**: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Alpha** sector of the **Italy** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

**Detail**: The existing **Italy** sector shown above is operating normally for this metric. **AvgAC** is one of three capacity metrics used in this document.

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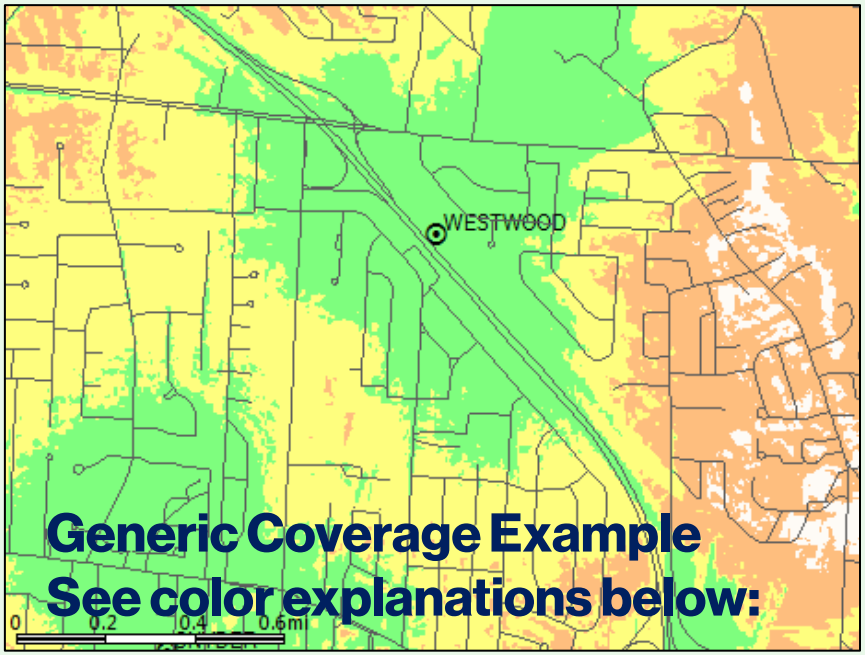
# Explanation of Wireless Coverage




**Generic Coverage Example**
**See color explanations below:**

**Coverage** is best shown via coverage maps. RF engineers use computer simulation tools that take into account terrain, vegetation, building types, and site specifics to model the RF environment. This model is used to simulate the real world network and assist engineers to evaluate the impact of a proposed site (along with industry experience and other tools).

Many Verizon Wireless sites provide 3G CDMA at 850 MHz and 4G LTE at 700 MHz. As capacity requirements increase, higher frequency PCS (1900 MHz) and AWS (2100 MHz) carriers are added. In some mountaintop situations the mid band (higher frequency) AWS and PCS carriers are not fully effective due to excessive distance from the user population.

Coverage provided by a given site is affected by the frequencies used. Lower frequencies propagate further distances, and are less attenuated by clutter than higher frequencies. To provide similar coverage levels at higher frequencies, a denser network of sites is required (network densification).

Note the affect of clutter on the predicted coverage footprint above

**Dark Green >/= -75dBm RSRP, typically serves dense urban areas as well as areas of substantial construction (colleges, hospitals, dense multi family etc.)
Green >/= -85dBm RSRP, typically serves suburban single family residential and light commercial buildings
Yellow >/= -95dBm RSRP, typically serves most rural/suburban-residential and in car applications
Orange >/= -105dBm RSRP, rural highway coverage, subject to variable conditions including fading and seasonality gaps
White = <-105dBm RSRP, variable to no reliable coverage gap area

More detailed, site-specific coverage slides are later in the presentation
*Signal strength requirements vary as dictated by specific market conditions
** Not displayed in example map, layer not used in all site justifications

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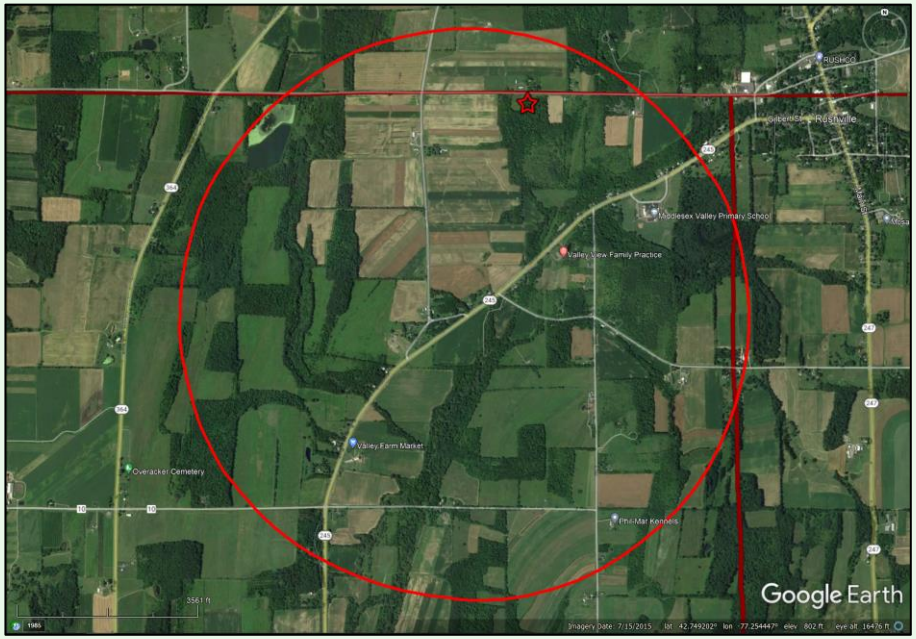
# Explanation of Rushville Search Area




Rushville Search Area

A **Search Area** is the geographical area within which a new site is targeted to solve a coverage or capacity deficiency. Three of the factors taken into consideration when defining a search area are topography, user density, and the existing network.

- **Topography** must be considered to minimize the obstacles between the proposed site and the target coverage area. For example, a site at the bottom of a ridge will not be able to cover the other side from a certain height.
- In general, the farther from a site the **User Population** is, the weaker the RF conditions are and the worse their experience is likely to be. These distant users also have an increased impact on the serving site's capacity. In the case of a multi sector site, centralized proximity is essential to allow users to be evenly distributed and allow efficient utilization of the site's resources.
- The existing **Network Conditions** also guide the design of a new site. Sites placed too close together create interference due to overlap and are an inefficient use of resources. Sites that are too tall or not properly integrated with existing sites cause interference and degrade service for existing users.
- Existing co-locatable structures inside the search area as well as within a reasonable distance of the search area are submitted by site acquisition and reviewed by RF Engineering. If possible, RF will make use of existing or nearby structures before proposing to build new towers.

To resolve the coverage and capacity deficiencies previously detailed, Verizon Wireless is seeking to add one new cell facility within this area to improve wireless service capacity and coverage. By providing a new dominant signal area and offloading weak and distant traffic from **Gorham, Bristol and Italy** with the proposed site, adequate and reliable service will be restored. The new **Rushville** site will provide dominant and dedicated signal to the identified portions of the Towns of **Middlesex, Gorham and Potter**. This helps to improve not only the **Rushville** project area but will also result with significant improvements to the above mentioned overloaded sites ultimately improving community wide areas in and around the **Rushville** project area.

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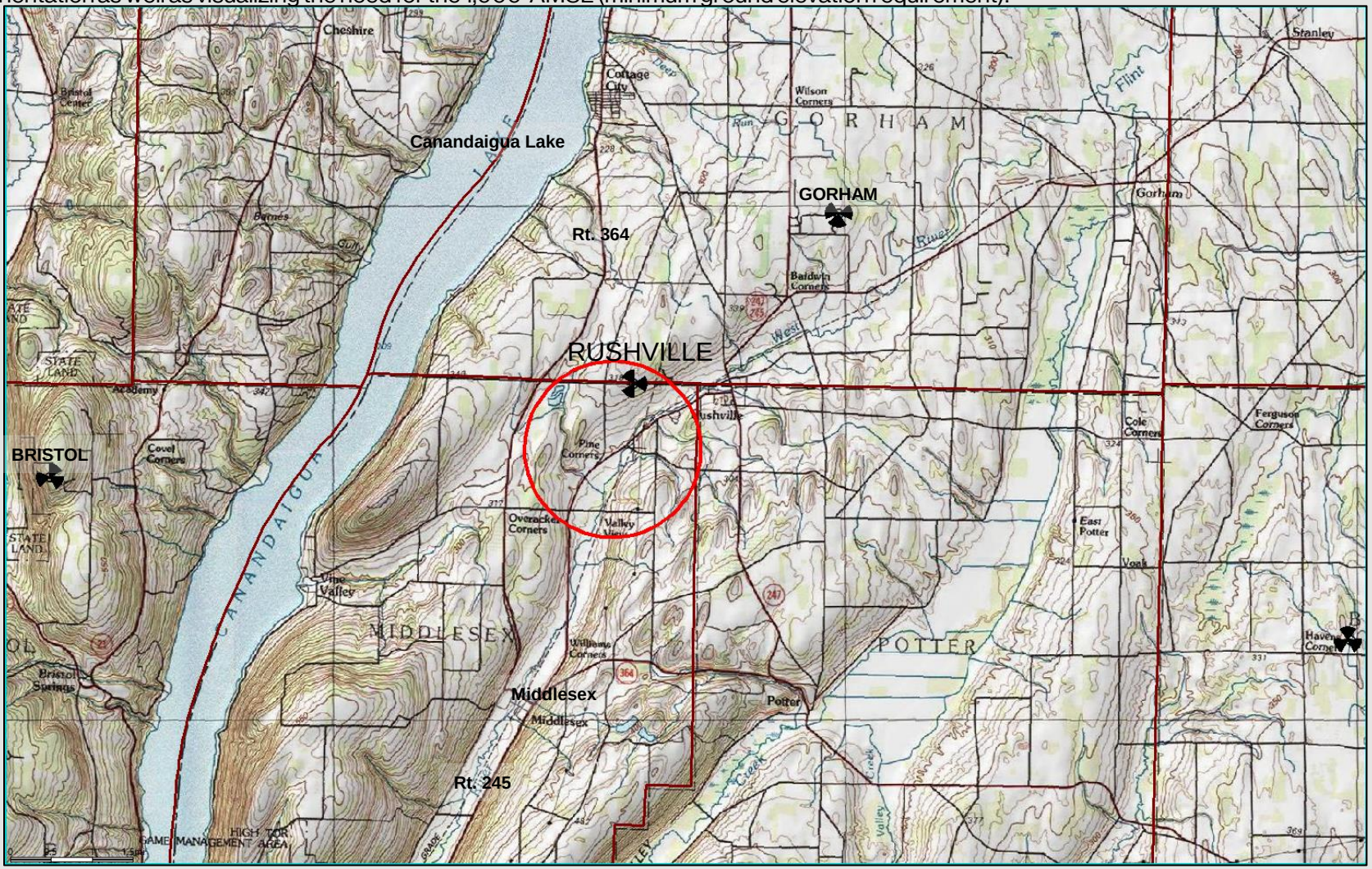
# Area Terrain/Minimum AMSL (Ground Elevation)

The below map is used to help in reference to both the preceding search area slide as well as the following coverage slides. Roads and terrain can be difficult to observe when reviewing the coverage slides. The below image is absent any coverage to help the viewer with area orientation as well as visualizing the need for the 1,000' AMSL (minimum ground elevation requirement).




The **Rushville** project area is subject to significant terrain challenges and site placement is critical to provide the necessary coverage and capacity needed. The site needs to be located within the search area but also at a ground elevation of 1,000' or higher to overcome area terrain. The proposed site is located at 1,041.5'AMSL which meets this requirement and is strategically located within the ring to allow for Line Of Sight (LOS) to the coverage objective areas.

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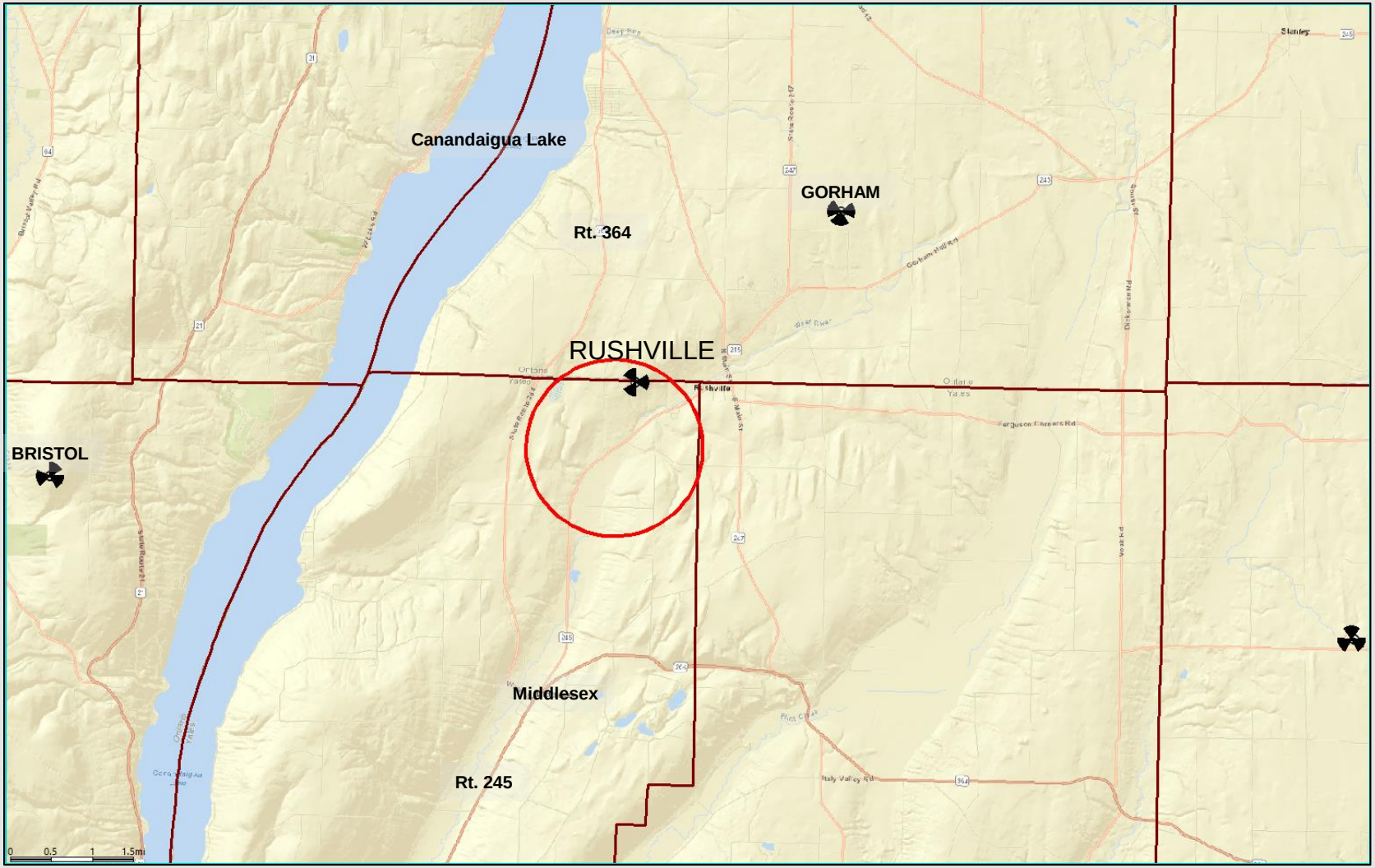
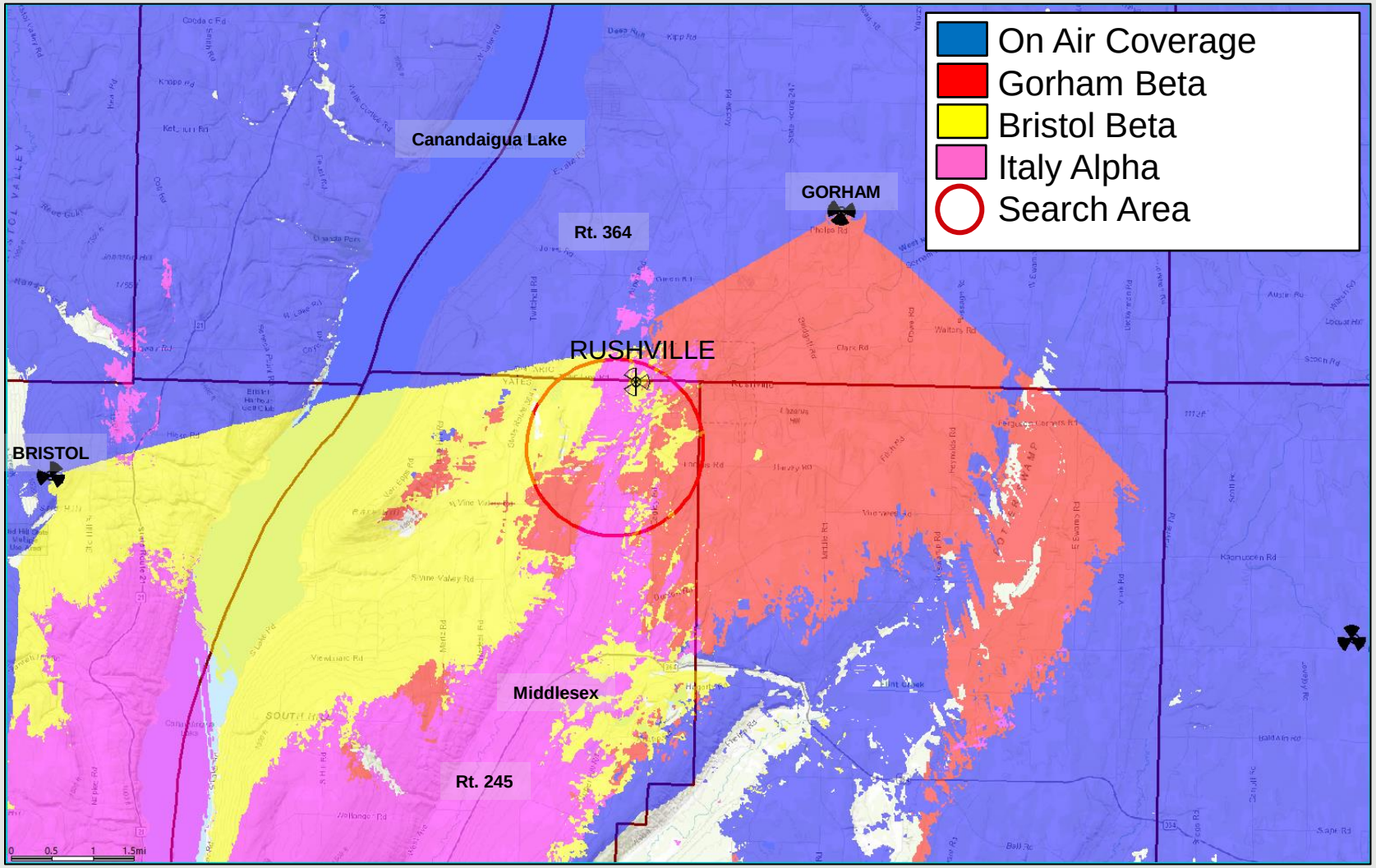
# Area Roads and Town Borders

The below map is used to help in reference to the following coverage slides. Roads and Terrain can be difficult to see when reviewing the coverage slides. The below image is absent any coverage to help the viewer with area orientation.



# Existing 700MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.

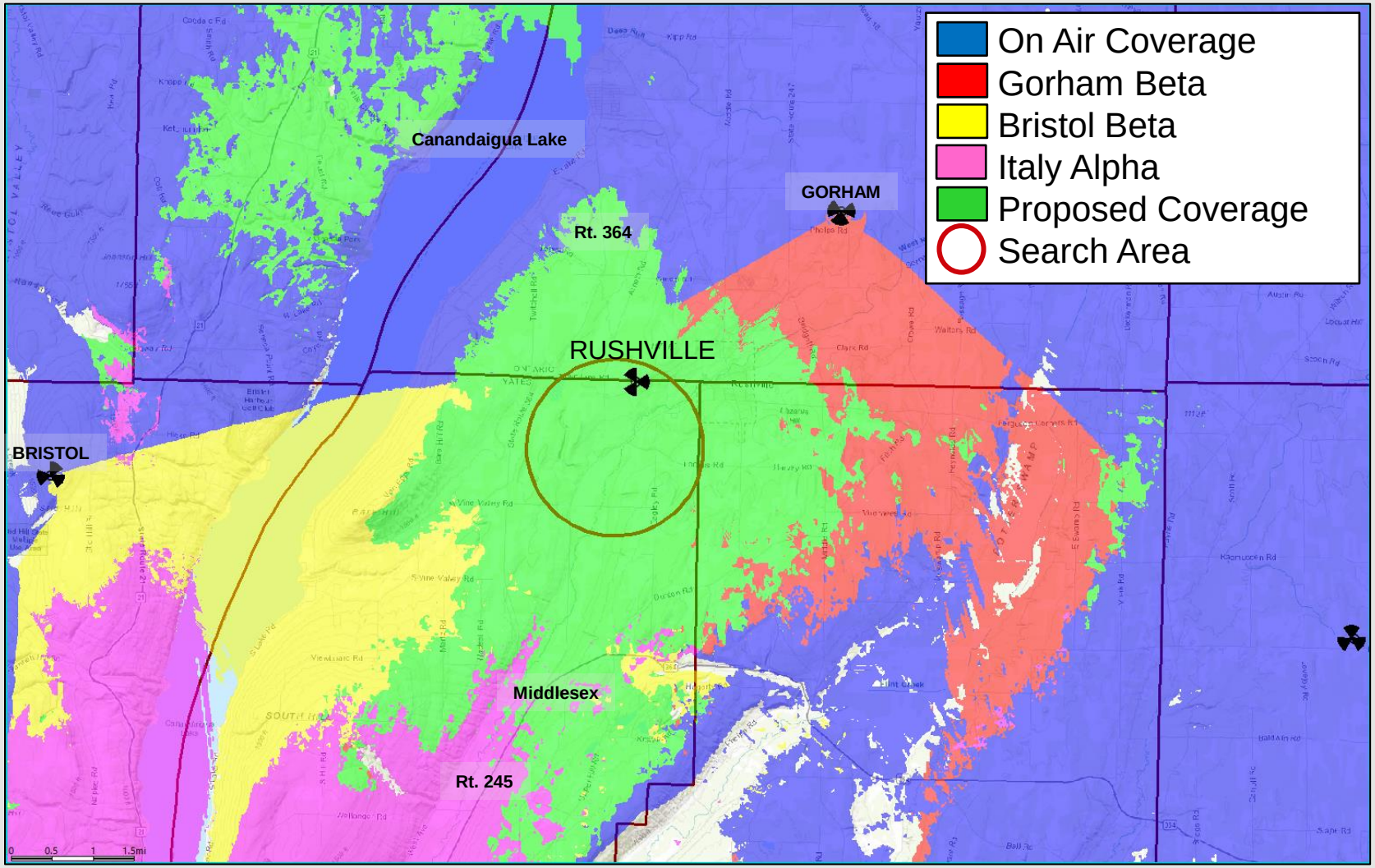



The map above represents coverage from existing sites, with the sites in need of capacity offload detailed in the legend above. Blue coverage is from other on air (Low Band) sites.

verizon

# Proposed 700MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.

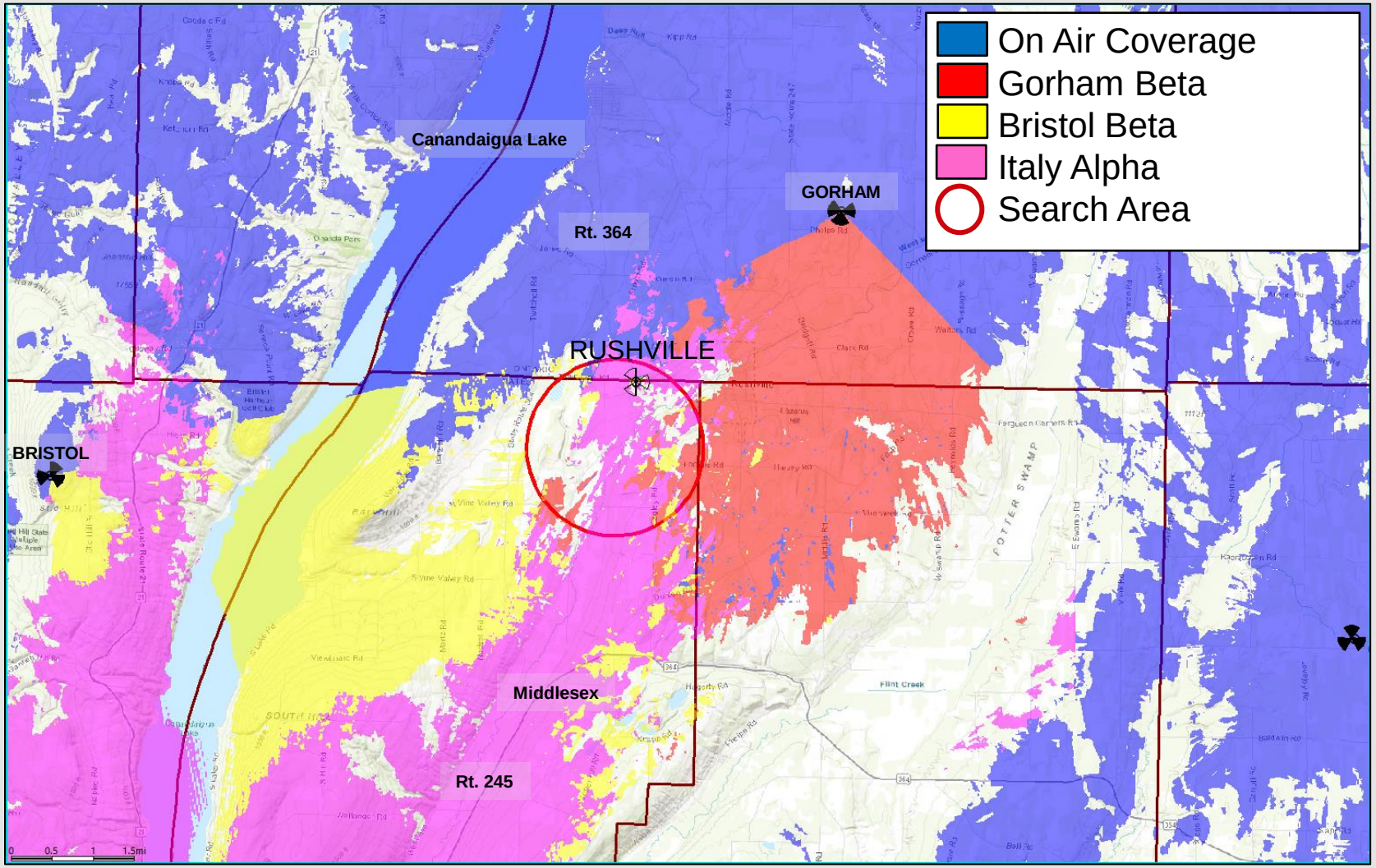



The map above adds the footprint of the proposed **Rushville** site in green. The green best server footprint provides improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the existing overloaded sectors identified in the image above.

verizon

# Existing 2100MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.




The map above represents coverage from existing sites, with the sites in need of capacity offload detailed in the legend above. Blue coverage is from other on air (Mid Band) sites.

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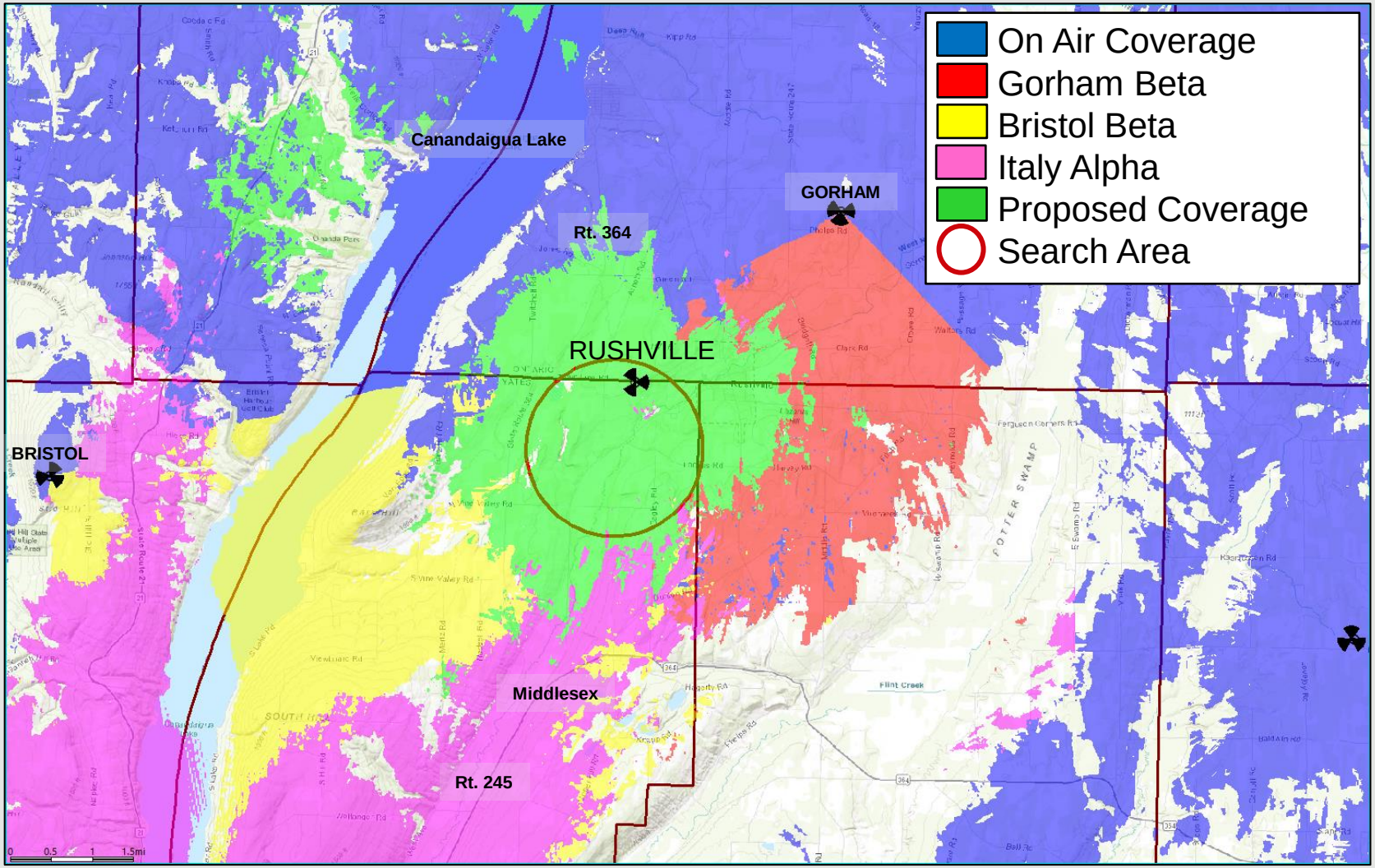
# Proposed 2100MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.




The map above adds the footprint of the proposed **Rushville** site in green. The green best server footprint provides improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the existing overloaded sectors identified in the image above.

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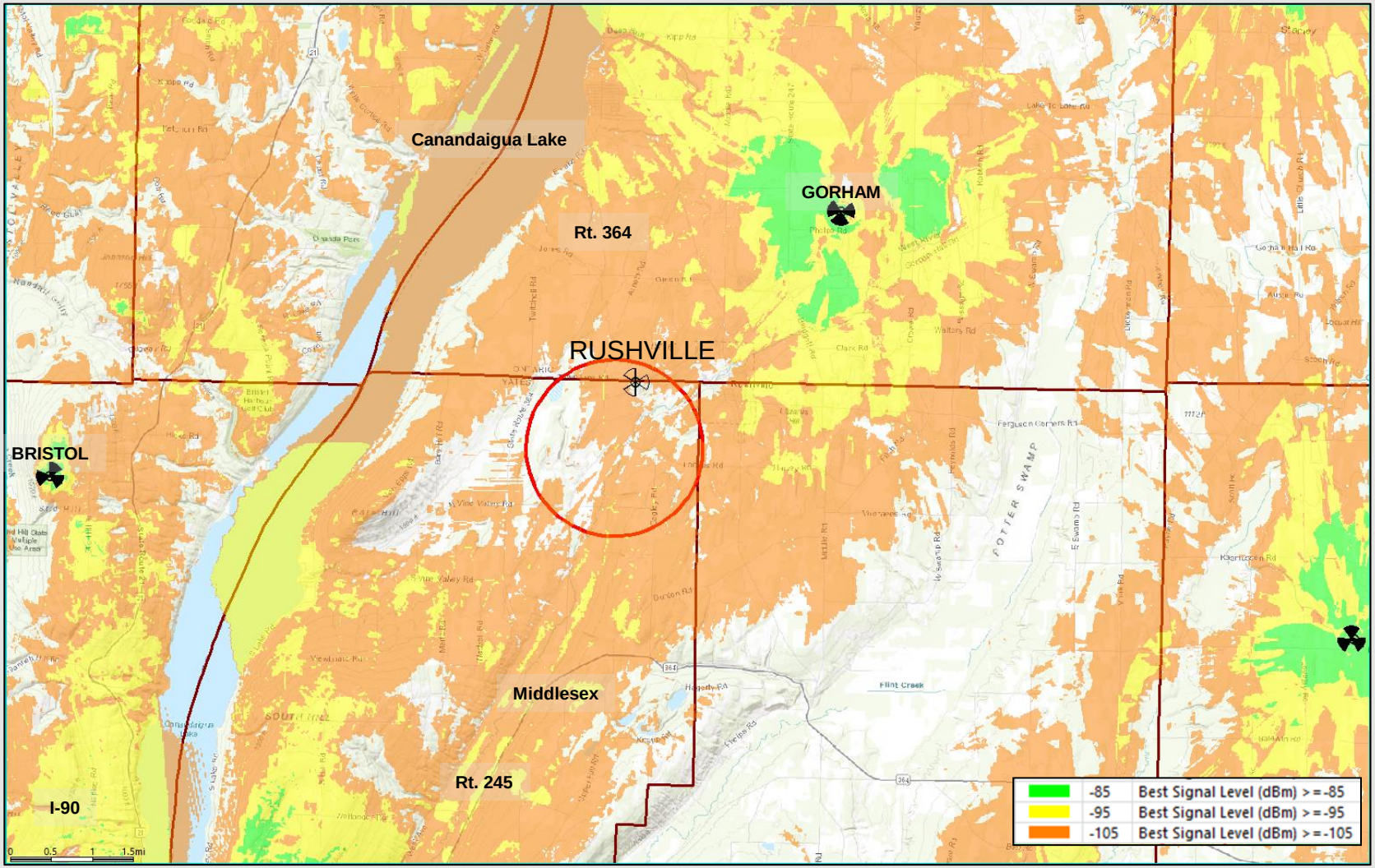
# Existing 2100MHz Coverage (signal strength)

This coverage map shows how weak the RF conditions are in portions of the Town of **Middlesex** and surrounding area.
*Refer to slide 15 for further explanation of these color thresholds*




The map above represents mid band coverage from existing sites. This 2100MHz signal is very weak throughout the project area. Additional mid band network densification is required to resolve these conditions.

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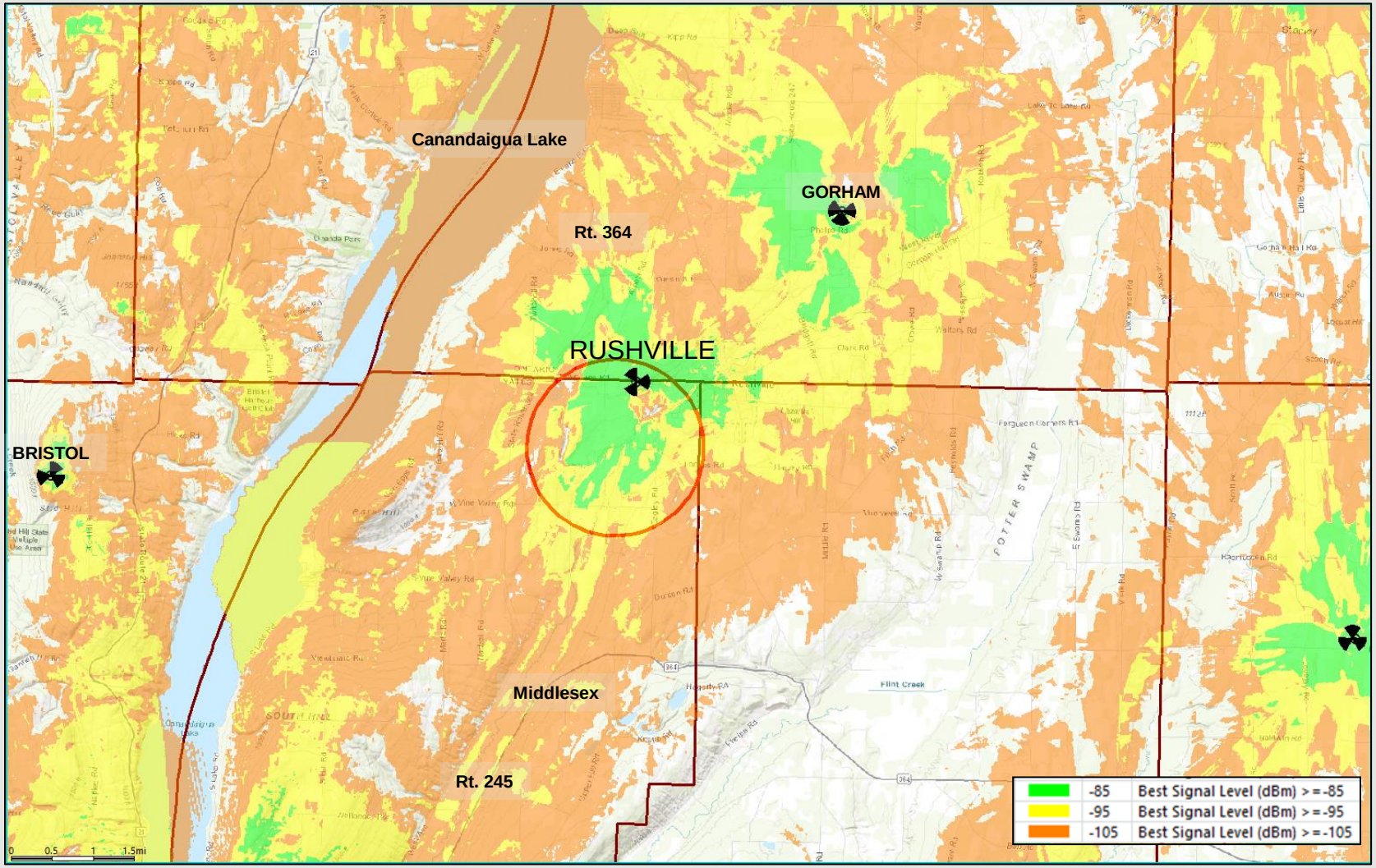
# Proposed 2100MHz Coverage (signal strength)

This coverage map shows how improved the RF conditions will be in portions of the Town of **Middlesex** and surrounding area.
*Refer to slide 15 for further explanation of these color thresholds*




The map above adds mid band of the **Rushville** site to the existing signal strength (small cells removed from previous slide). The significantly improved signal strength corresponds to improved coverage and capacity throughout the identified significant gap areas. This will help to resolve the coverage and capacity issues impacting portions of the Town of Pittsford.

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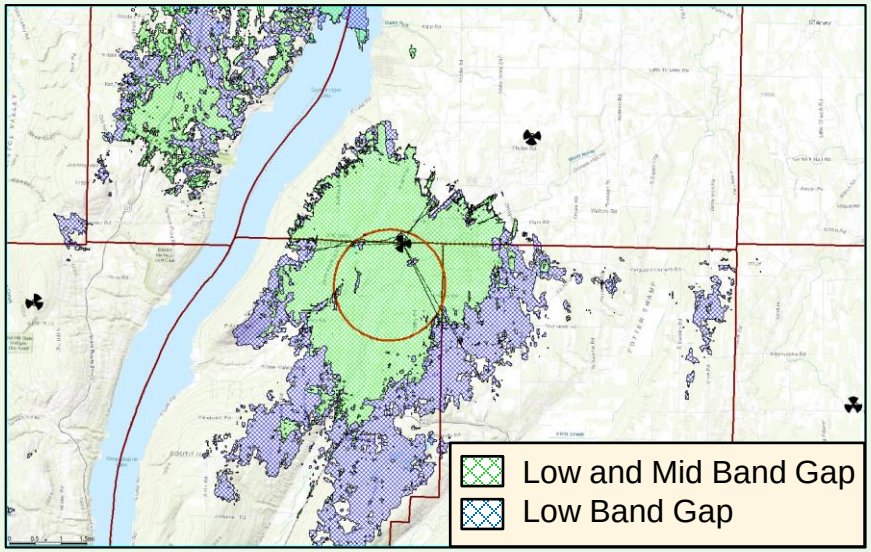
# RF Justification Summary




The proposed site resolves the substantial and significant gaps in coverage and capacity impacting the Town of Middlesex. These gaps are shown above: The green shaded area represent the gaps in coverage and capacity that the proposed **Rushville** site with 146' ACL will resolve.

The network was analyzed to determine whether there is sufficient **RF coverage and capacity** in the **Towns of Middlesex, Gorham and Potter**. It was determined that there are significant gaps in adequate LTE service for Verizon Wireless in the representative 700 and 2100MHz frequency bands. In addition to the coverage deficiencies, Verizon Wireless' network does not have sufficient capacity (low band or mid band) to handle the existing and projected LTE voice and data traffic in the area near and neighboring the proposed facilites ("targeted service improvement area"). Based on the need for additional coverage and capacity while considering the topography and specific area requiring service, any further addition of capacity to distant existing sites does not remedy Verizon's significant gap in reliable service. Therefore, the proposed facilities are also needed to provide "**capacity relief**" to the existing nearby Verizon Wireless sites, allowing the proposed facilities and those neighboring sites to adequately serve the existing and projected capacity demand in this area.

With the existing network configuration there are significant gaps in service which restricts Verizon Wireless customers from originating, maintaining or receiving reliable calls and network access. It is our expert opinion that the proposed site will satisfy the coverage and capacity needs of Verizon Wireless and its subscribers in these portions of the **Towns of Middlesex, Gorham, Potter** and this project area. The proposed location depicted herein satisfies the identified service gaps and is proposed at the minimum height necessary for adequate and reliable service.

*Michael R. Crosby*

Michael R. Crosby
Engineer IV – RF Design
Verizon Wireless

verizon

# EXHIBIT F

# BLUE SKY TOWERS AND BELL ATLANTIC MOBILE SYSTEMS LLC D/B/A VERIZON WIRELESS

# POTTER-RUSHVILLE SITE

## No Number Town Line Road
## Rushville (Town of Middlesex), New York 14544

# SITE SELECTION ANALYSIS
# SEPTEMBER 6, 2022

Verizon Wireless
1275 John Street, Suite #100
West Henrietta, New York 14586

# SITE SELECTION ANALYSIS

Blue Sky Towers and Verizon Wireless propose to install and operate a new wireless telecommunications facility, including a new tower, associated antennas, ground equipment and related appurtenances, on No Number Town Line Road in the Town of Middlesex, Yates County, New York. The property, which is located in the Town's – Agriculture/Residential – AR District, is currently a 25.78 acre parcel, mostly wooded with an open area near the road and part of the existing solar farm in the rear.

## 1. NEED FOR FACILITY

### (a) Problem

The process of identifying a technologically appropriate location, as well as the need for this communications facility are as provided in the **RF SEARCH RING JUSTIFICATION**. As indicated in that report, when a Verizon Wireless Radio Frequency Engineer identifies coverage gaps in the system or sites that have or will reach data capacity exhaustion, they issue a "search area." A search area is a geographical area located within the inadequately serviced area, and it is designed such that if a wireless telecommunications facility is located within the search area, and at an appropriate height, it will likely provide the required coverage. For the most part, locations outside of the search area will fail to provide adequate service to the cell. Due to technological constraints, there is limited flexibility as to where a new facility can be located, and still function properly. The goal of the search area is to define the permissible location for placement of a cell site that will provide adequate service in the subject cell, and also work properly as part of the overall network.

### (b) Solution

A search area was developed based on the problems identified in the **RF SEARCH RING JUSTIFICATION** and is attached herein as **Attachment 1**. This is the geographical area within which a new wireless telecommunications facility is likely to provide the required coverage (at an appropriate height). Additionally, the Verizon Wireless RF engineer limited us to a minimum AMSL elevation of 1000 ft. for potential candidates within the search area. In this case, the search area parameters are, generally centered along State Route 245 and Lindsley Road, Valley View Road to the south, Bagley Road to the east, and Town Line Road to the north. Again, for the most part, locations outside of the search area will fail to provide adequate service to the cell while locations within are likely, but not guaranteed, to do so.

## 2. SEARCH RING ANALYSIS

### (a) Geography & Topography

The Rushville search area has varying topography throughout with many hill peaks and valleys. The search area is mainly comprised of fields and woods, except for the residential and farming developed areas along the neighboring roadways.

### (b) Land Use

The Search Ring is made up of predominately agricultural and residentially developed and undeveloped parcels.

# 3. ZONING CONSIDERATIONS

### (a) Collocation

Verizon Wireless routinely seeks to install its antennas and equipment on an existing wireless telecommunications towers or other tall structures ("collocation"), whenever feasible. Local communities universally favor collocation because they can minimize the number of wireless telecommunications towers in an area and many municipalities even provide for a streamlined application review process. Collocation is often listed as the highest siting priority in a local municipality's Zoning Law. In addition to the streamlined zoning application process, collocation is preferred by wireless providers because it is generally a less expensive and more efficient option, compared to construction of a new tower facility.

### (b) New Structure on Municipally-owned Property

As its next priority, Verizon Wireless generally seeks to locate wireless telecommunication facilities on municipally-owned property. These locations are often preferred by municipalities as the second preference behind collocation as it allows municipalities to benefit from a rental stream for the leased premises. Unfortunately in this case, there are not any suitable town owned properties within the search area.

### (c) New Structure on Privately-owned Property

When it is not feasible to collocate on an existing tower or tall structure, and there are no feasible municipally-owned properties in the area, Verizon Wireless must find a privately-owned site which is appropriate for and can accommodate a new wireless telecommunications structure. In doing so, the Site Acquisition Specialist attempts to identify properties in the Search Area large enough to accommodate the facility and which also meet any required area requirements such as set back and fall zone. In addition, other characteristics such as existing compatible land use and existing mature vegetation that can screen the facility are considered. Access, land use, constructability, the presence of wetlands, floodplains and other contributing factors are also examined.

# 4. SEARCH RING ANALYSIS

After a comprehensive investigation of the Search Ring, no technologically feasible towers or tall structures were identified for collocation. Additionally, the Verizon Wireless RF engineer limited us to a minimum AMSL elevation of 1000 ft. for potential candidates within the search area.

# 5. CANDIDATE/ALTERNATIVES ANALYSIS

Initially fifteen (15) different properties were identified as being potential candidates for a new wireless telecommunications facility. These parcels are identified on **Attachment 2**. A summary of each of these properties located within the vicinity of Search Area is detailed below.

**Peter & Kathryn Burkholder - (Tax Parcel ID# 13.01-1-5.2) – 574 Bagley Road**

This parcel, located on the west side of Bagley Road, in the Town of Middlesex, located within the search area, is 28 acres in size, and is currently developed farmland. The owners did

not respond to our interest letter and is ultimately considered to be not interested in being a potential candidate for this site.

**Daniel Dickman (Tax Parcel ID# 13.02-1-1) – 455 Bagley Road**

This parcel, located on the east side of Bagley Road, in the Town of Middlesex, located within the search area, is 12.5 acres in size, and appears to be residentially developed farmland. The owner did not respond to our interest letter and is ultimately considered to be not interested in being a potential candidate for this site.

**AB Robinson (Tax Parcel ID# 3.04-1-13) – 5075 Loomis Road**

This parcel, located on the south side of Loomis Road, in the Town of Middlesex, located within the search area, is 37 acres in size, and appears to be residentially developed farmland. The owner did not respond to our interest letter and is ultimately considered to be not interested in being a potential candidate for this site.

**David Smart (Tax Parcel ID# 155.00-1-22.100) – 5353 Arnold Road**

This parcel, located on the east side of Arnold Road, in the Town of Gorham, located within the search area, is 103.7 acres in size, and appears to be residentially developed farmland. The owner did not respond to our interest letter and is ultimately considered to be not interested in being a potential candidate for this site.

**Earl Gorton (Tax Parcel ID# 155.00-1-27.00) – 5327 Arnold Road**

This parcel, located on the west side of Arnold Road, in the Town of Gorham, located within the search area, is 48.5 acres in size, and is undeveloped farmland. Unfortunately, our interest letter was returned undeliverable from the owners mailing address that was confirmed via town records, ruling this property out as a potential candidate.

**Joshua Rossi (Tax Parcel ID# 155.00-1-21.121) – 4410 Town Line Road**

This parcel, located on the north side of Town Line Road, in the Town of Gorham, located within the search area, is 5.4 acres in size, and is residentially developed. The owner did not respond to our interest letter and is ultimately considered to be not interested in being a potential candidate for this site.

**Joel Bay - B (Tax Parcel ID# 3.01-1-1.2) – No Number Lindlsey Road**

This parcel, located on the north side of Lindlsey Road, in the Town of Middlesex, located within the search area, is 210 acres in size, and is currently developed for agricultural purposes. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless RF Engineer due to terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**Joel Bay - A (Tax Parcel ID# 155.00-1-28.000) – No Number Arnold Road**

This parcel, located on the south side of Arnold Road, in the Town of Gorham, located within the search area, is 37.1 acres in size, and is currently undeveloped farmland. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless RF Engineer due to terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**John Post (Tax Parcel ID# 13.02-1-3) – 515 Bagley Road**

This parcel, located on the east side of Bagley Road, in the Town of Middlesex, located within the search area, is 26.0 acres in size, and is currently developed as a dog boarding facility. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless RF Engineer due to terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**Trent Snyder (Tax Parcel ID# 13.01-1-4) – 5220 Valley View Road**

This parcel, located on the north side of Valley View Road, in the Town of Middlesex, located within the search area, is 73.78 acres in size, and is currently residentially developed with a home, barns and sheds however much of the property remains undeveloped for hunting purposes. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless RF Engineer due to terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**Danny Bagley (Tax Parcel ID# 13.01-1-5.1) – 574 Bagley Road**

This parcel, located on the west side of Bagley Road, in the Town of Middlesex located within the search area, is 71.04 acres in size, and is currently developed as farm fields. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless RF Engineer due to terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**Todd Grushcow (Tax Parcel ID# 3.01-1-11) – 4995 Loomis Road**

This parcel, located on the south side of Loomis Road, in the Town of Middlesex, located within the search area, is 101.2 acres in size, and is currently developed with a home and the remainder comprised of farm land. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless RF Engineer due to terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**Leon Button (Tax Parcel ID# 2.01-1-6.12) – No Number Route 364**

This parcel, located on the east side of Route 364, in the Town of Middlesex, located within the search area, is 233.20 acres in size, and is currently developed land that is a mix of densely wooded areas and open green space. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless RF Engineer due to terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**Village of Rushville WT (Tax Parcel ID# 155.000-1-40.000) – 4340 Town Line Road**

This parcel, located on the north side of Town Line Road, in the Town of Gorham, located within the search area, is 2.9 acres in size and is currently developed with a water tower/tank for the Village of Rushville. Although initially interested in leasing space for a tower facility, the property is landlocked and the Village does not have legal access to the parcel that they could grant an easement over for access or utilities.

**Village of Rushville (Tax Parcel ID# 156.17-1-1.20) – 6 Warehouse Street**

This parcel, located on the north side of Warehouse Street, in the Village of Rushville, located within the search area, is 7 acres in size and is currently developed for the Village Sewage Treatment plant. While this property is located outside of the search area that was issued by Verizon Wireless's RF engineer, municipal property takes precedent to private property. Although initially interested in leasing space for a tower facility, this location was ruled out by the Verizon Wireless's RF engineer due to too low of ground elevation and terrain/foliage shadowing within the primary objective area resulting with gaps in adequate and reliable coverage and capacity capabilities.

**Jeannette Daum (Tax Parcel ID# 3.01-1-4.1) – No Number Town Line Road**

This parcel, located on the south side of Town Line Road, in the Town of Middlesex, located within the third search area, is 25.78 acres in size and is currently developed with a solar farm in the rear of the property and mix of densely wooded and open space near the road. In this location, the existing trees will offer natural screening of the base of the facility and is ideally situated as the RF Primary candidate to provide the required coverage and capacity improvements needed for the Rushville project area.

## 6. CONCLUSION

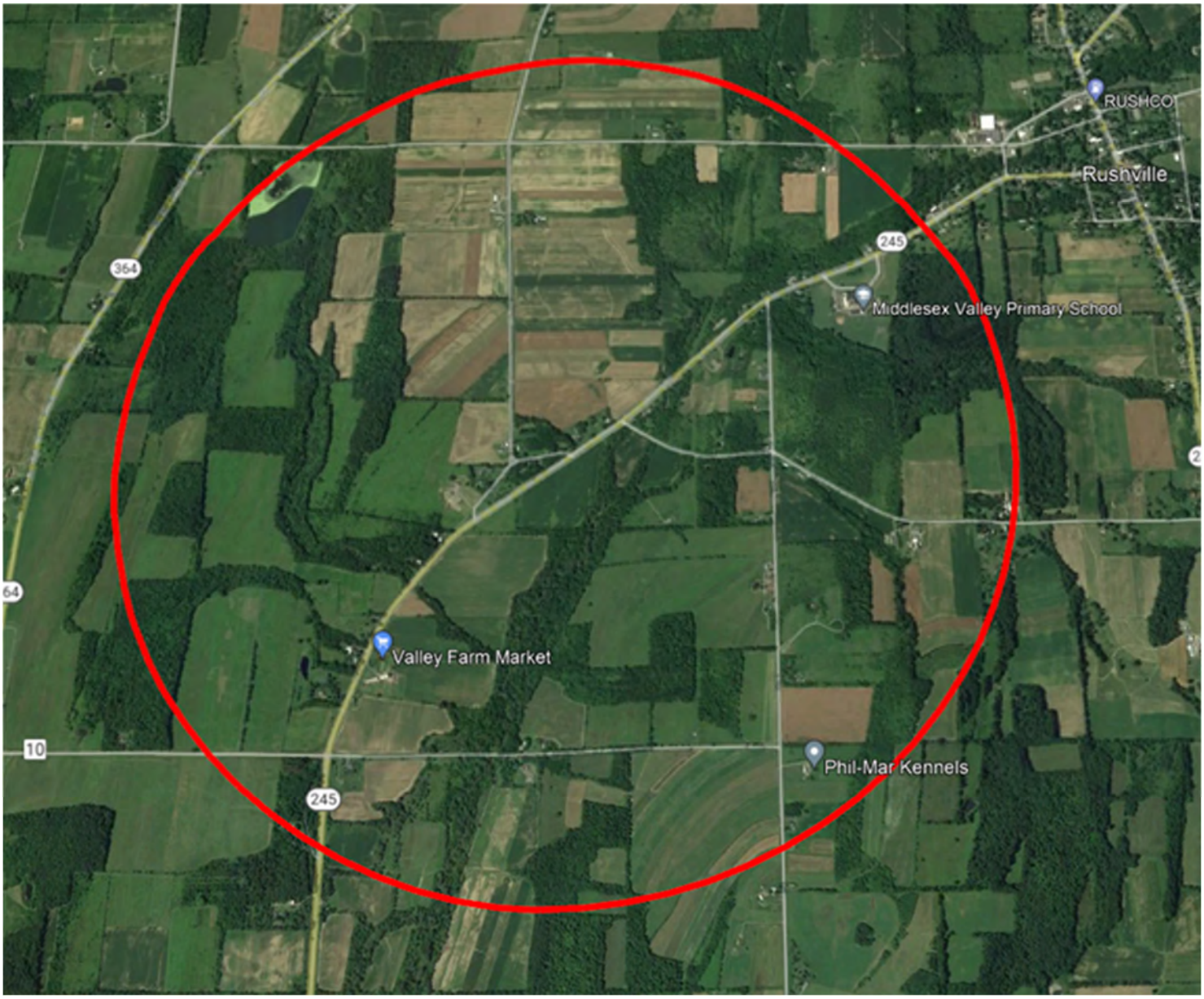
Based on the requirements of the town code, the existing conditions and land use, fifteen (15) different properties were identified for consideration. For the reasons identified above, as well as the results of RF review and analysis, we believe the Jeannette Daum parcel is the best location for the proposed facility.

**Prepared by:**

*Hannah Heisler*

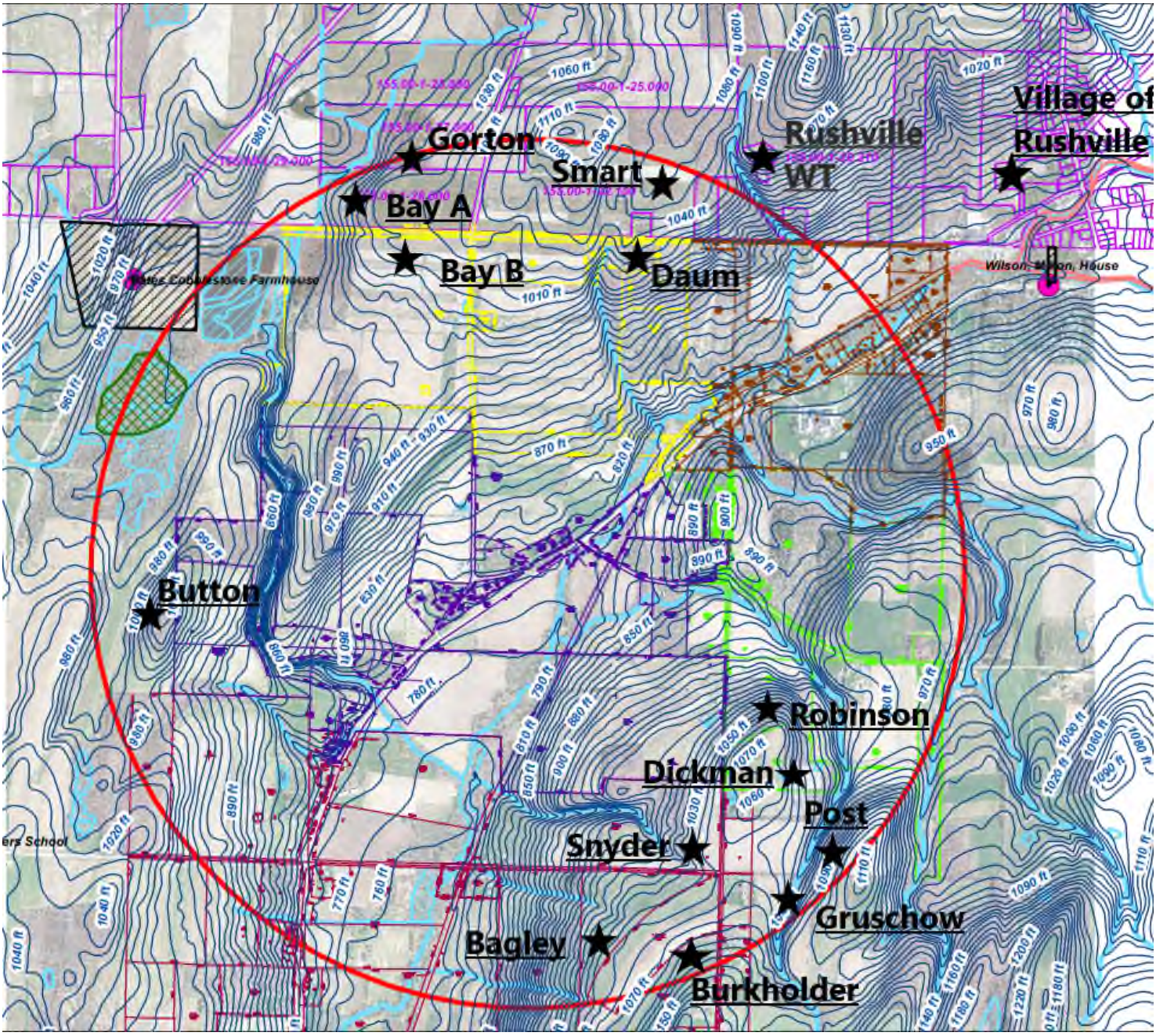
Hannah Heisler
Tectonic Engineering
Consultant to Blue Sky Towers and Verizon Wireless

# ATTACHMENT 1
# BLUE SKY TOWERS AND VERIZON WIRELESS
# RUSHVILLE THIRD SEARCH RING



# ATTACHMENT 2

## BLUE SKY TOWERS AND VERIZON WIRELESS
## RUSHVILLE PARCELS IDENTIFIED & INVESTIGATED



# EXHIBIT G

*Full Environmental Assessment Form*
*Part 1 - Project and Setting*

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

### A. Project and Applicant/Sponsor Information.

| | | |
|---|---|---|
| Name of Action or Project:<br>Blue Sky Towers III, LLC- Middlesex Telecommunications facility | | |
| Project Location (describe, and attach a general location map):<br>Town Line Road in the Town of Middlesex, NY near 4450 Town Line Road, Rushville NY. | | |
| Brief Description of Proposed Action (include purpose or need):<br>Proposed construction of a wireless telecommunications facility within a proposed 100'x100' Blue Sky lease parcel. Proposed site improvements include a 150 ft tall monopole cell tower (plus a 4-foot lightning rod), Verizon Wireless equipment cabinets on 4'x11.5' concrete pad, equipment mounted on a 10' H-frame, within a 61'x63' fenced compound, and associated improvements. Access to the site would be via a proposed 12' wide gravel driveway extending from Town Line Road. | | |
| Name of Applicant/Sponsor:<br>Blue Sky Towers III, LLC | Telephone: 315-506-9696<br>E-Mail: donna.love@blueskytower.com | |
| Address: 352 Park Street, Suite 106 | | |
| City/PO: N. Reading | State: MA | Zip Code: 01864 |
| Project Contact (if not same as sponsor; give name and title/role):<br>Jared Lusk- Nixon Peabody | Telephone: 585-263-1140<br>E-Mail: jlusk@nixonpeabody.com | |
| Address:<br>300 Clinton Square | | |
| City/PO:<br>Rochester | State:<br>NY | Zip Code:<br>14604 |
| Property Owner (if not same as sponsor):<br>Jeannette Daum | Telephone:<br>E-Mail: | |
| Address:<br>4450 Town Line Road | | |
| City/PO: Rushville | State: NY | Zip Code: 14544 |

**B. Government Approvals**

| **B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|---|---|---|
| **Government Entity** | **If Yes: Identify Agency and Approval(s) Required** | **Application Date (Actual or projected)** |
| a. City Counsel, Town Board, or Village Board of Trustees ☐Yes ☑No | | |
| b. City, Town or Village Planning Board or Commission ☑Yes ☐No | Town of Middlesex Planning Board-site plan approval, | October 2022 |
| c. City, Town or Village Zoning Board of Appeals ☑Yes ☐No | Town of Middlesex ZBA- Special use permit, area variance, tower in excess of 125 ft | October 2022 |
| d. Other local agencies ☐Yes ☑No | | |
| e. County agencies ☐Yes ☑No | | |
| f. Regional agencies ☐Yes ☑No | | |
| g. State agencies ☐Yes ☑No | | |
| h. Federal agencies ☐Yes ☑No | | |

i. Coastal Resources.
*i.* Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☑No

*ii.* Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

*iii.* Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes ☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Agricultural/Residential

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
*i.* What is the proposed new zoning for the site? _____

**C.4. Existing community services.**

a. In what school district is the project site located? Gorham-Middlesex Central School District

b. What police or other public protection forces serve the project site?
Yates County Sheriff, NYS Police

c. Which fire protection and emergency medical services serve the project site?
Middlesex Hose Company, Middlesex Valley Vol Ambulance Service, Inc.

d. What parks serve the project site?
N/A

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Proposed Wireless Telecommunications Facility

b. a. Total acreage of the site of the proposed action? 25.75 +/- acres
b. Total acreage to be physically disturbed? 0.44 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.18 +/- acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
*i.* If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
*i.* Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
*ii.* Is a cluster/conservation layout proposed? ☐ Yes ☑ No
*iii.* Number of lots proposed? _____
*iv.* Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
*i.* If No, anticipated period of construction: 3 months
*ii.* If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☑No

If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---|---|---|---|---|
| Initial Phase | | | | |
| At completion of all phases | | | | |

g. Does the proposed action include new non-residential construction (including expansions)? ☑Yes ☐No

If Yes,

*i.* Total number of structures 1

*ii.* Dimensions (in feet) of largest proposed structure: 150' height; _____ width; and _____ length

*iii.* Approximate extent of building space to be heated or cooled: N/A square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No

If Yes,

*i.* Purpose of the impoundment: _____

*ii.* If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

*iii.* If other than water, identify the type of impounded/contained liquids and their source. _____

*iv.* Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

*v.* Dimensions of the proposed dam or impounding structure: _____ height; _____ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No

If Yes:

*i.* What is the purpose of the excavation or dredging? _____

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

*iv.* Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No

If yes, describe. _____

*v.* What is the total area to be dredged or excavated? _____ acres

*vi.* What is the maximum area to be worked at any one time? _____ acres

*vii.* What would be the maximum depth of excavation or dredging? _____ feet

*viii.* Will the excavation require blasting? ☐Yes ☐No

*ix.* Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No

If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

*v.* Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No

If Yes:

*i.* Total anticipated water usage/demand per day: _____ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

*iii.* Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No

If Yes:

*i.* Total anticipated liquid waste generation per day: _____ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

*iv.* Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

*v.* If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

*vi.* Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

*i.* How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

*ii.* Describe types of new point sources. _____

*iii.* Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

*iv.* Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

*i.* Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Construction equiptment

*ii.* Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

N/A

*iii.* Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

Standby generator (diesel)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

*i.* Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

*ii.* In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide ($CO_2$)
- _____Tons/year (short tons) of Nitrous Oxide ($N_2O$)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride ($SF_6$)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

*i.* Estimate methane generation in tons/year (metric): _____

*ii.* Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

*i.* When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

*ii.* For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

*iii.* Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

*iv.* Does the proposed action include any shared use parking? ☐Yes ☐No

*v.* If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

*vi.* Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

*vii* Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

*viii.* Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

*i.* Estimate annual electricity demand during operation of the proposed action: _____

70000 kwh/year

*ii.* Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

New York State Electric and Gas

*iii.* Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

*i.* During Construction:

- Monday - Friday: 7am- 6pm
- Saturday: 7am- 6pm
- Sunday: N/A
- Holidays: N/A

*ii.* During Operations:

- Monday - Friday: 24 Hours
- Saturday: 24 Hours
- Sunday: 24 Hours
- Holidays: 24 Hours

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

*i.* Provide details including sources, time of day and duration:

Heavy machinery during construction

*ii.* Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

*i.* Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

(1) 25W flood light mounted on H-Frame, 8' above grade, over 500' to closest residential structure

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

*i.* Product(s) to be stored _____

*ii.* Volume(s) _____ per unit time _____ (e.g., month, year)

*iii.* Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

*i.* Describe proposed treatment(s):

*ii.* Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

*i.* Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

*ii.* Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

*iii.* Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

*i.* Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

*ii.* Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

*iii.* If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

*i.* Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

*ii.* Generally describe processes or activities involving hazardous wastes or constituents: _____

*iii.* Specify amount to be handled or generated _____ tons/month

*iv.* Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

*v.* Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

*i.* Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☑ Rural (non-farm)
☑ Forest ☑ Agriculture ☐ Aquatic ☐ Other (specify): _____

*ii.* If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|---|---|---|---|
| • Roads, buildings, and other paved or impervious surfaces | 0.36 | 0.54 | +0.18 |
| • Forested | 4.29 | 4.23 | -0.06 |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 5.96 | 5.84 | -0.12 |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0 | 0 | 0 |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0 | 0 | 0 |
| • Wetlands (freshwater or tidal) | 7.57 | 7.57 | 0 |
| • Non-vegetated (bare rock, earth or fill) | 0 | 0 | 0 |
| • Other Describe: Solar | 7.57 | 7.57 | 0 |

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

*i.* If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

*i.* Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

*i.* Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

*ii.* Dam's existing hazard classification: _____

*iii.* Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

*i.* Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

*ii.* Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

*iii.* Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

*i.* Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

*i.* Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☑No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

*ii.* If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

*iii.* Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

*iv.* If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☑No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? >6.6 feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☑No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

| | |
|---|---|
| 101C- Honeoye loam | 50.2 % |
| 101B-Honeoye loam | 20.0 % |
| 260C-Cayuga silt loam | 29.8 % |

d. What is the average depth to the water table on the project site? Average: >6.6 feet

e. Drainage status of project site soils:
☑ Well Drained: 80 % of site
☑ Moderately Well Drained: 20 % of site
☐ Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 20 % of site
☑ 10-15%: 80 % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐Yes ☑No
If Yes, describe: _____

h. Surface water features.

*i.* Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑Yes ☐No

*ii.* Do any wetlands or other waterbodies adjoin the project site? ☑Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

*iii.* Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes ☐No

*iv.* For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 898-221 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 24.3 +/-
- Wetland No. (if regulated by DEC) _____

*v.* Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100-year Floodplain? ☐Yes ☑No

k. Is the project site in the 500-year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☑No
If Yes:

*i.* Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
Birds
Small mammals

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
*i.* Describe the habitat/community (composition, function, and basis for designation):
*ii.* Source(s) of description or evaluation:
*iii.* Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No
If Yes:
*i.* Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No
If Yes:
*i.* Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No
If yes, give a brief description of how the proposed action may affect that use:

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☑Yes ☐No
If Yes, provide county plus district name/number: YATE001

b. Are agricultural lands consisting of highly productive soils present? ☑Yes ☐No
*i.* If Yes: acreage(s) on project site? 4.7 acres
*ii.* Source(s) of soil rating(s): New York State Master List of Agricultural Soils

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
*i.* Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
*ii.* Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
*i.* CEA name:
*ii.* Basis for designation:
*iii.* Designating agency and date:

e. 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? ☐ Yes ☑ No

If Yes:

*i.* Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

*ii.* Name: _____

*iii.* Brief description of attributes on which listing is based:

_____

f. 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? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

*i.* Describe possible resource(s): _____

*ii.* Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

*i.* Identify resource: Bates Cobblestone House

*ii.* Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): National Register of Historic Places

*iii.* Distance between project and resource: West 2 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

*i.* Identify the name of the river and its designation: _____

*ii.* Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Blue Sky Towers III, LLC Date September 21, 2022

Signature Michael P. Montalto - Costich Engineering Title Project Manager

Michael P. Montalto

Digitally signed by Michael P. Montalto
DN: C=US, E=mmontalto@costich.com, O=Costich Engineering D.P.C., CN=Michael P. Montalto
Date: 2022.09.21 13:07:40-04'00'

PRINT FORM

# EAF Mapper Summary Report

Thursday, September 1, 2022 11:12 AM

**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.

| | |
|---|---|
| B.i.i [Coastal or Waterfront Area] | No |
| B.i.ii [Local Waterfront Revitalization Area] | No |
| C.2.b. [Special Planning District] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.iii [Within 2,000' of DEC Remediation Site] | No |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | Yes |
| E.2.h.ii [Surface Water Features] | Yes |
| E.2.h.iii [Surface Water Features] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| E.2.h.iv [Surface Water Features - Stream Name] | 898-221 |
| E.2.h.iv [Surface Water Features - Stream Classification] | C |
| E.2.h.iv [Surface Water Features - Wetlands Name] | Federal Waters |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.2.j. [100 Year Floodplain] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |

| | |
|---|---|
| E.2.k. [500 Year Floodplain] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.2.l. [Aquifers] | No |
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | No |
| E.2.p. [Rare Plants or Animals] | No |
| E.3.a. [Agricultural District] | Yes |
| E.3.a. [Agricultural District] | YATE001 |
| E.3.c. [National Natural Landmark] | No |
| E.3.d [Critical Environmental Area] | No |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites] | No |
| E.3.i. [Designated River Corridor] | No |

14-14-11 (9/95)-9c

# 617.20
# Appendix B
# State Environmental Quality Review
# Visual EAF Addendum

SEQR

Potter-Rushville
Project No B6142
9/30/2022

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.
(To be completed by Lead Agency)

| **Visibility** | **Distance Between Project and Resource (in Miles)** | | | | |
|---|---|---|---|---|---|
| 1. Would the project be visible from: | 0-1/4 | 1/4-1/2 | 1/2-3 | 3-5 | 5+ |
| A.)A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities? | ☐ | ☐ | ☐ | ☐ | ☐ |
| B.)An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities? | ☐ | ☐ | ☐ | ☐ | ☐ |
| C.)A site or structure listed on the National or State Registers of Historic Places? | ☐ | ☐ | ☐ | ☐ | ☐ |
| D.)State Parks? | ☐ | ☐ | ☐ | ☐ | ☐ |
| E.)The State Forest Preserve? | ☐ | ☐ | ☐ | ☐ | ☐ |
| F.)National Wildlife Refuges and state game refuges? | ☐ | ☐ | ☐ | ☐ | ☐ |
| G.)National Natural Landmarks and other outstanding natural features? | ☐ | ☐ | ☐ | ☐ | ☐ |
| H.)National Park Service lands? | ☐ | ☐ | ☐ | ☐ | ☐ |
| J.)Rivers designated as National or State Wild, Scenic or Recreational? | ☐ | ☐ | ☐ | ☐ | ☐ |
| K.)Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak? | ☐ | ☐ | ☐ | ☐ | ☐ |
| L.)A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation? | ☐ | ☐ | ☐ | ☐ | ☐ |
| M.)A site, area, lake, reservoir or highway designated as scenic? | ☐ | ☐ | ☐ | ☐ | ☐ |
| N.)Municipal park, or designated open space? | ☐ | ☐ | ☐ | ☐ | ☐ |
| P.)County road? * | ☐ | ☐ | ■ | ☐ | ☐ |
| R.)State? * | ☐ | ■ | ■ | ☐ | ☐ |
| S.)Local road? * | ■ | ■ | ■ | ☐ | ☐ |

2. Is the visibility of the project seasonal? (i.e. screened by summer foliage, but visible during other seasons?
   ☐ Yes ■ No

3. Are any of the resources checked in questions 1 used by the public during the time of year during which the project will be visible?
   ■ Yes ☐ No

**DESCRIPTION OF EXISTING VISUAL ENVIRONMENT**

**4. From each item checked in questions 1, check those which generally describe the surrounding environment.**

| | Within *1/4 mile | Within * 1 mile |
|---|---|---|
| Essentially undeveloped | ☐ | ☐ |
| Forested | ☐ | ☐ |
| Agricultural | ■ | ■ |
| Suburban residential | ☐ | ☐ |
| Industrial | ☐ | ☐ |
| Commercial | ☐ | ☐ |
| Urban | ☐ | ☐ |
| River, Lake, Pond | ☐ | ■ |
| Cliffs, Overlooks | ☐ | ☐ |
| Designated Open Space | ☐ | ☐ |
| Flat | ■ | ■ |
| Hilly | ■ | ■ |
| Mountainous | ☐ | ☐ |
| Other (Solar Array) | ■ | ☐ |

Note: add attachments as needed

5. Are there visually similar projects within:

| | | |
|---|---|---|
| * 1/4 mile | ☐ Yes | ■ No * |
| * 1 mile | ☐ Yes | ■ No * |
| * 1 ½ miles | ■ Yes | ☐ No * |
| * 3 miles | ■ Yes | ☐ No * |

* Distance from project site are provided for assistance. Substitute other distances as appropriate.

**EXPOSURE**

6. The annual number of viewers likely to observe the proposed project is **44,165***

NOTE: When user data is unavailable or unknown, use best estimate.

**CONTEXT**

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

| Activity | FREQUENCY | | | |
|---|---|---|---|---|
| | **Daily** | **Weekly** | **Holidays/ Weekends** | **Seasonally** |
| Travel to and from work | ■ | ☐ | ☐ | ☐ |
| Involved in recreational activities | ■ | ☐ | ☐ | ☐ |
| Routine travel by residents | ■ | ☐ | ☐ | ☐ |
| At a residence | ■ | ☐ | ☐ | ☐ |
| At worksite | ■ | ☐ | ☐ | ☐ |
| Other | ☐ | ☐ | ☐ | ☐ |

***Refer to attached sheet**

# SUPPLEMENTAL DATA FOR VISUAL EAF ADDENDUM

1R.) State Roads

| State Road(s) | Distance Between Project & Resource (Miles) | State Road(s) | Distance Between Project & Resource (Miles) |
|---|---|---|---|
| SR 245 | 0.43 – 1.00 | 364 | 1.0-1.5 |
| 247 | 1.3-1.5 | | |

1S.) Local Roads

| Local Road(s) | Distance Between Project & Resource (Miles) | Local Road(s) | Distance Between Project & Resource (Miles) |
|---|---|---|---|
| Loomis Rd. | 0.8 – 1.7 | Valley View Rd. | 1.5 |
| Bagley Rd. | 0.5-2.0 | Clark Rd. | 1.4-2.0 |
| Arnold Rd. | 0.58-1.15 | Townline Rd | 0.01-1.4 |

1P.) County Roads

| County Road(s) | Distance Between Project & Resource (Miles) | County Road(s) | Distance Between Project & Resource (Miles) |
|---|---|---|---|
| CR 4 , Bassett Rd. | 1.3-2.0 | | |

| **Road** | **ADT** | | **Est. # of Viewers** |
|---|---|---|---|
| SR 364 | 2193 x 3% | = | 66 |
| SR 247 | 1843 x 3% | = | 55 |

Total Average Daily Viewers = 121

x 365 days per year

*Total Estimated Viewers per Year* = *44,165/ year*

# EXHIBIT H

BST Site #: NY-5160
BST Site Name: Rushville

# GROUND LEASE AGREEMENT

**THIS GROUND LEASE AGREEMENT** (this "**Lease**") is entered into on August 9 2022 (the "**Effective Date**") by and between, **Jeannette Daum** (the "**Landlord**"), whose address is 4450 Town Line Rd, Rushville, NY 14544, and **Blue Sky Towers III, LLC**, a Delaware Limited Liability Company (the "**Tenant**"), whose principal business address is 352 Park Street, Suite 106, North Reading, MA 01864 (collectively the "**Parties**", and each a "**Party**").

**WHEREAS**, the Landlord owns certain real property located on or near 4409-4459 Town Line Rd, in the Town of Middlesex, County of Yates, State of New York 14544, that is more particularly described or depicted in attached **Exhibit A** (the "**Property**"); and

**WHEREAS**, the Tenant intends to lease from Landlord a certain portion of the Property, together with other related rights as described in this Lease, to install, maintain, and operate telecommunications facilities, and Landlord is willing to grant such rights upon the terms and conditions set forth in this Lease.

**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to the following:

## 1. RIGHT TO LEASE.

(a) Landlord hereby leases to Tenant a certain compound on the Property measuring approximately ten thousand square feet (100'x100') to install, maintain, and operate a Communications Facility (defined in Section 5) thereon, and for the purposes described herein, together with an access and utility way (further described in Section 6) for ingress and egress from a public right-of-way through and over the Property to the compound, as well as for the installation and maintenance of utility facilities from a public right-of-way through, over, and under the Property to the compound (collectively, the "**Premises**"). The Premises are shown or described in detail on **Exhibit B** attached hereto.

(b) Tenant and its agents, engineers, surveyors and other representatives will have the right to enter upon the Property to inspect, examine, conduct soil borings, drainage testing, material sampling, and other geological or engineering tests or studies of the Property (collectively, the "**Tests**"), to apply for and obtain licenses, permits, approvals, to search information databases of public agencies or other sources, to obtain other relief required of or deemed necessary or appropriate at Tenant's sole discretion for its use of the Premises and includes without limitation, applications for zoning variances, zoning ordinances, amendments, special use permits, construction permits, building permits, or any other applications with the appropriate local, state and/or federal agency (collectively, the "**Government Approvals**"), initiate the ordering and/or scheduling of necessary utilities, and otherwise to do those things on or off the Property that are necessary in Tenant's sole discretion to determine the physical condition of the Property, the environmental history of the Property, Landlord's title to the Property, and the feasibility or suitability of the Property for Tenant's permitted use, all at Tenant's expense. Tenant will not be liable to Landlord or any third party for any pre-existing defect or condition on or concerning the

Property, whether or not such defect or condition is disclosed by Tenant's inspection before, during, or after the Term. Tenant will restore the Property to its condition as it existed before the Tests, reasonable wear and tear and casualty not caused by Tenant excepted. In addition, Tenant shall indemnify, defend, and hold Landlord harmless from and against any and all injury, loss, damage, or claims arising directly out of Tenant's Tests.

(c) Landlord does hereby authorize Tenant and its employees, representatives, agents, and consultants to prepare, execute, submit, file, and present on behalf of Landlord building, permitting, zoning, land-use, or any other applications with the appropriate local, state and/or federal agencies necessary to obtain the Government Approvals.

(d) Landlord shall cooperate with Tenant in the fulfillment of all the rights granted hereunder, including but not limited to obtaining, executing, or maintaining any Governmental Approvals, certificates, zoning, permitting, or any other governmental agency applications, W-9, plans and drawings, documentation required by lenders of Landlord, utility easements, and any other documents or procedures necessary to Tenant's construction, use, and operation of the Communications Facility (collectively, the "**Diligence Documentation**") without payment of additional rent, fees, or other compensation. The Diligence Documentation shall be prepared at Tenant's expense, and Landlord shall execute in a reasonable time any Diligence Documentation or other documents as may be reasonably necessary for Tenant to apply for and obtain the proper approvals required to use and maintain the Premises and the Communications Facility (defined in Section 5).

(e) Landlord shall take no action that would adversely affect Tenant's ability to obtain Diligence Documentation and not do or permit anything that will interfere with or negate any Diligence Documentation concerning the Premises or Communications Facility or cause any nonconformance with applicable local, state, or federal laws.

(f) Landlord acknowledges that Tenant is in the business of subleasing all or portions of the Premises to sublessees, subtenants, sublicensees, and other third-party users ("**Customer(s)**") according to separately negotiated agreements entered into between Tenant and any respective Customer. Tenant may enter into any sublease, sublicense, or other agreement with any Customer for the use of any part of the Premises without consent of or notice to Landlord at any time following execution of this Lease; including the period before the Commencement Date.

## 2. TERM.

(a) The Initial Term (defined below) of this Lease shall commence upon the earlier of (i) the date that Tenant delivers notice of commencement of the Lease, or (ii) the date Tenant begins construction of the Premises on the Property (the "**Commencement Date**"), which shall be confirmed in writing from Tenant to Landlord. Unless extended or sooner terminated as herein provided, the initial term shall be for a period of nine (9) years following the Commencement Date (the "**Initial Term**").

(b) Tenant shall have the option to extend the Initial Term of this Lease for four (4) successive additional periods of ten (10) years each (each a "**Renewal Term**"). Each Renewal

Term shall commence automatically unless Tenant delivers notice to Landlord of its intent not to renew, such notice to be delivered not less than thirty (30) days before the end of the then-current Term. The Initial Term and Renewal Term may also be referred to as the "**Term**."

3. **RENT.**

(a) During the period following the execution of this Lease but before the Commencement Date, Tenant shall pay a one-time fee of [redacted] Dollars ($[redacted]) as rent.

(b) Beginning on the Commencement Date, Tenant shall pay a monthly rental payment of [redacted] and 00/100 ($[redacted]) (the "**Rent**") to Landlord on or before the fifth (5th) day of each calendar month in advance. Rent payments will be made by check or electronic funds transfer payable to Landlord according to Landlord's instructions, which Landlord may change from time to time by providing Tenant with written notice hereunder. Rent will be prorated for any partial-month. Tenant will forward the initial Rent payment to Landlord within thirty (30) days of Commencement Date.

(c) Beginning with the first Renewal Term, and upon each Renewal Term thereafter, the Rent shall be increased by an amount equal to Ten Percent (**10%**) over the previous Term.

4. **TAXES AND FEES.**

(a) Landlord shall pay when due all taxes and all other fees and assessments attributable to the Property and Premises to avoid any delinquencies with respect thereto and shall protect and indemnify Tenant for any lack of such payment. Notwithstanding the foregoing, Tenant shall reimburse Landlord for any increases in real property taxes, other tax, or fee which is directly attributable to the Tenant's improvements to the Premises, only for so long as this Lease has not expired of its own terms or is not terminated by either Party. As a condition of Tenant's obligation to pay tax increases, Landlord shall promptly provide Tenant the documentation from the taxing authority, reasonably acceptable to Tenant, indicating that the increase is due to Tenant's improvements. In the event that Landlord fails to pay when due any taxes or fees affecting the Property and such failure results or may potentially result in a tax foreclosure sale; Tenant shall have the right but not the obligation to pay such taxes and deduct the full amount of the taxes paid by Tenant on Landlord's behalf from future installments of Rent. Notwithstanding the foregoing, Tenant shall have the right to appeal any such taxes to a body of competent jurisdiction, and Landlord agrees to assist Tenant, at no cost to Landlord, in any such appeal. If Tenant finally prevails in any such appeal, Tenant shall be entitled to a refund of any tax payments made pursuant to such appeal.

(b) Landlord shall also pay promptly, when due, any other amounts or sums due and owing concerning its ownership and operation of the Premises, including, without limitation, judgments, liens, mortgage payments, and other similar encumbrances, avoid any delinquencies with respect thereto, and shall protect and indemnify Tenant for any lack of such payment. If Landlord fails to make any payments required under this Lease or breaches any other obligation or covenant under this Lease, Tenant may (without obligation) make such payment or perform such obligation on behalf of Landlord and deduct the full amount paid by Tenant on Landlord's behalf from future installments of Rent. The full amount of any costs so incurred by Tenant

(including any attorneys' fees incurred in connection with Tenant performing such obligation) shall be paid by Landlord to Tenant with interest at the statutory rate thereon demanded by Tenant.

(c) Any charges, taxes, and fees (other than Rent) payable under this Lease shall be billed by Landlord within one (1) year from the date on which the charges were incurred; any charges, taxes, and fees beyond such period shall not be billed by Landlord and shall not be payable by Tenant. The foregoing sentence shall survive the termination or expiration of this Lease.

5. **USE.**

(a) Tenant (and/or Customers) shall have the exclusive right, at its expense and sole discretion, to erect, install, alter, supplement, operate, and maintain radio and communications towers, transmitting and receiving equipment, antennas, dishes, mounting structures, buildings, generators, batteries, power sources, wires, poles, utility facilities, and any similar, necessary, and/or related equipment (the "**Equipment**") to operate a telecommunications facility or system on the Premises (collectively, the "**Communications Facility**"), which shall include the right to modify the frequencies over which the Communications Facility operates.

(b) Tenant shall have a non-exclusive easement in, over, across, and through other real property owned by Landlord as reasonably required for construction, installation, maintenance, and operation of the Premises and the Communications Facility thereon.

(c) Tenant shall have the right to clear or cut all trees, vegetation, undergrowth, or other obstructions which, in Tenant's sole opinion, may interfere with the Premises and the Communications Facility thereon.

(d) If at any time during the Term of this Lease, the Federal Aviation Administration, Federal Communications Commission, or other any governmental agency changes its regulations and/or requirements, or otherwise takes any action, the result of which inhibits Tenant's use of the Premises, or any communications tower located thereon, for the purposes originally intended by Tenant, or if technological changes render Tenant's intended use of the Premises obsolete or impractical, or if Tenant otherwise determines, in its sole and absolute discretion, with or without cause, that the Premises is no longer suitable or desirable for Tenant's intended use and/or purposes, Tenant shall have the right to terminate this Lease upon 30 days written notice to Landlord.

6. **ACCESS AND UTILITIES.** At all times during the Term of this Lease, the Tenant, and its guests, agents, Customers, and assigns shall have the unrestricted, exclusive right to use, and shall have free access to the compound/Premises seven (7) days a week, twenty-four (24) hours a day. Landlord for itself, its successors, and assigns hereby grants and conveys unto Tenant, its Customers, employees, agents, invitees, successors, and assigns a non-exclusive easement for ingress and egress over, under, and through the Property to the compound, which Tenant shall maintain in a manner to allow vehicular and pedestrian access at all times. Tenant is under no affirmative obligation to make any alterations or improvements but will keep the access way in reasonable, passable condition as needed for Tenant's use. Tenant is also hereby granted a non-exclusive easement for the construction, installation, operation, and maintenance of overhead and

underground electric and other utility facilities (including wires, poles, cables, conduits, and appurtenant equipment) over, under, and through the Property to the compound; including the right to reconstruct, improve, add to, enlarge, change, and remove such facilities over, across, and through any easement for the benefit of and access to the compound/Premises. The rights granted to Tenant herein shall also include the right to partially assign its rights hereunder to any public or private utility company or authority to facilitate the uses contemplated herein, and all other rights and privileges reasonably necessary for Tenant's safe and efficient use and enjoyment of the easement for the purposes described above.

7. **EQUIPMENT, FIXTURES, AND SIGNS.** The Communications Facility, all improvements, Equipment, or other property attached to or otherwise brought onto the Premises shall at all times be the personal property of Tenant and/or its Customers. Tenant or its Customers shall have the right to erect, install, maintain, and operate on the Premises such Equipment, structures, fixtures, signs, and personal property as Tenant may deem necessary or appropriate, and such property, including the Equipment, structures, fixtures, signs, and personal property on the Premises as of the Effective Date, shall not be deemed to be part of the Premises, but shall remain the property of Tenant or its Customers. At any time during the Term of this Lease, Tenant or its Customers shall have the right to remove their Equipment, structures, fixtures, signs, and personal property from the Premises. Within one hundred and twenty (120) days of any termination or expiration of this Lease, Tenant will remove its Communications Facility, improvements, Equipment, or other property attached to or otherwise brought onto the Premises and will restore the Premises to substantially the condition existing prior to the Commencement Date, except for ordinary wear and tear and casualty loss.

8. **ASSIGNMENT.** Tenant shall have the right to sell, assign, or transfer this Lease (without any approval or consent of Landlord) to: (a) Tenant's parent company, or to an affiliate or subsidiary of Tenant, or of Tenant's parent company, (b) any entity or company whose business function is the management or operation of wireless communications facilities or leases, or (c) any entity or company that acquires Tenant, or is merged or consolidated with Tenant. Upon such assignment or transfer of this Lease, Tenant shall be relieved of all future performance, liabilities, and obligations under this Lease. Tenant also shall have the right to assign, pledge, or otherwise offer as collateral this Lease and all of Tenant's rights and property related hereto to a lender (the "**Lender**") at any time without the consent of, or notice to, Landlord. Furthermore, any sublease, sublicense, or other agreement entered into by Tenant is and shall be assigned as collateral for Tenant's Lender immediately upon execution thereof. Upon prior written notice to Tenant, Landlord may assign this Lease to any person or entity acquiring fee title to the Property or as collateral under a commercial mortgage for the entire fee interest. Except for the foregoing, any assignment or transfer of this Lease by Landlord must be approved by Tenant in writing, which Tenant may withhold in Tenant's sole discretion.

9. **QUIET ENJOYMENT, TITLE, AND AUTHORITY.** Landlord covenants and warrants to Tenant that (a) Landlord has full right, power, and authority to execute this Lease; (b) Landlord is the owner in fee simple of the Property and has good and unencumbered title to the Property free and clear of any liens or mortgages, except those disclosed to Tenant and which will not interfere with Tenant's rights to or use of the Premises; (c) there are no leases, licenses, or other agreements, written or oral, granting to any party or parties the right of use or occupancy of any

portion of the of Premises; (d) there are no outstanding options or rights of first refusal to purchase the Premises or any portion thereof or interest therein, and (e) there are no parties (other than Landlord) in possession of the Premises. Landlord covenants that at all times during the Term of this Lease, Tenant's quiet enjoyment of the Premises or any part thereof shall not be disturbed as long as Tenant is not in default beyond any applicable grace or cure period.

## 10. REPRESENTATIONS AND WARRANTIES.

(a) Landlord represents and warrants that it has no knowledge of any substance, chemical, or waste on, under, or about the Property that is identified as hazardous, toxic, or dangerous in any applicable federal, state, or local law or regulation, including without limitation asbestos-containing thermal insulation or products containing PCB, formaldehyde, chlordane, or heptachlor (collectively, the "**Hazardous Substances**"). Landlord represents and warrants the Premises and the Property are in compliance with all environmental, health, and safety laws, and throughout the Term will continue to comply with all environmental, health, and safety laws concerning the Property, and no action, suit, proceeding, hearing, investigation, charge, complaint, claim, demand, or notice has been filed, commenced, or received by Landlord regarding the Premises or Property alleging any failure to so comply.

(b) Landlord represents and warrants that the Premises abuts on and has direct vehicular access to a public road or has access to a public road via a permanent, irrevocable easement benefiting the Property.

(c) Landlord represents and warrants that Landlord has no knowledge of any fact or condition that could result in the termination or reduction of the Premises' current access to existing highways and roads or to other utility services serving the Premises.

(d) Landlord acknowledges that Tenant or its Customers may use the Premises for the transmission and reception of radio communication signals and the construction, installation, operation, maintenance, repair, removal, or replacement of a Communications Facility and appurtenances thereon.

**11. HOLDOVER TENANCY.** Should Tenant or any assignee of Tenant, or any Customer holdover on the Premises or any part thereof after the expiration of the Term set forth herein, such holdover shall constitute and be construed as a tenancy from month-to-month only, but otherwise upon the same terms and conditions of this Lease.

## 12. INDEMNITIES.

(a) Subject to Section 14, Landlord, its heirs, grantees, successors, and assigns will exonerate, hold harmless, indemnify, and defend Tenant its officers, directors, shareholders, agents, and attorneys from all claims, obligations, liabilities, costs, demands, damages, expenses, suits, or causes of action, including costs and reasonable attorney's fees, which may arise out of: (i) any injury to or death of any person, if such injury, death, or damage arises out of or is attributable to or results from the negligence or willful misconduct of Landlord, or Landlord's principals, employees, invitees, agents or independent contractors; (ii) any damage to property, if

such injury or damage arises out of or is attributable to or results from the negligence or willful misconduct of Landlord, or Landlord's principals, employees, invitees, agents or independent contractors; (iii) any breach of any representation, warranty, or covenant by Landlord; or (iv) all spills or other releases of any Hazardous Substance before, during, or after the Term not caused solely by Tenant, that may or may not have resulted in the violation of any environmental law. The foregoing indemnification shall survive any assignment or termination of this Lease.

(b) Subject to Section 14, Tenant, its grantees, successors, and assigns will exonerate, hold harmless, indemnify, and defend Landlord from any claims, obligations, liabilities, costs, demands, damages, expenses, suits, or causes of action, including costs and reasonable attorney's fees, which may arise out of: (i) any injury to or death of any person, if such injury, death or damage arises out of or is attributable to or results from the negligence or willful misconduct of Tenant, or Tenant's employees, agents, or independent contractors; (ii) any damage to property, if such injury or damage arises out of or is attributable to or results from the negligence or willful misconduct of Tenant, or Tenant's employees, agents, or independent contractors, or (iii) any breach of any representation, warranty, or covenant by Tenant.

**13. WAIVERS.**

(a) Landlord hereby waives all lien rights or security interests it may have, statutory or otherwise, in and to Premises and the Communications Facility thereon, or any portion thereof, regardless of whether or not such is deemed real or personal property under applicable laws. Landlord acknowledges that Tenant's Lender shall have the first lien priority over the Premises, the Communications Facility, or any portion thereof, including the right to foreclose on Tenant's rights and assets, whether such rights are recorded or not. Upon Lender's foreclosure, if any, Lender shall become Tenant hereunder. Landlord will not assert any claim whatsoever against Tenant for loss of anticipatory profits or any other indirect, special, incidental, or consequential damages incurred by Landlord as a result of the construction, maintenance, operation, or use of the Premises by Tenant.

(b) EACH PARTY HERETO WAIVES ANY AND ALL CLAIMS AGAINST THE OTHER FOR ANY LOSS, COST, DAMAGE, EXPENSE, INJURY OR OTHER LIABILITY WHICH IS IN THE NATURE OF INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE OR CONSEQUENTIAL DAMAGES WHICH ARE SUFFERED OR INCURRED AS THE RESULT OF, ARISE OUT OF, OR ARE IN ANY WAY CONNECTED TO THE PERFORMANCE OF THE OBLIGATIONS UNDER THIS LEASE.

**14. INSURANCE.**

(a) Tenant shall insure against property damage and bodily injury arising by reason of occurrences on or about the Premises for not less than One Million Dollars ($1,000,000). The insurance coverage provided for herein may be maintained pursuant to master policies of insurance covering other property of Tenant and its corporate affiliates. All insurance policies required to be maintained by Tenant hereunder shall be with responsible insurance companies authorized to do business in the state where the Property is located if required by law. Tenant shall demonstrate such insurance coverage by delivering to Landlord a Certificate of Insurance listing Landlord as

an additional insured. If any proceeds of insurance claims become due and payable hereunder to Tenant, Tenant's Lender shall have the right of first refusal as to receipt of such proceeds.

(b) Landlord shall carry, at no cost to Tenant, general property fire, hazard, and casualty insurance appropriate for Landlord's improvements on Landlord's Property, and in such amounts to cause the replacement/restoration of the Property (excluding Tenant's improvements and personal property) in the event of casualty. Landlord's policy shall name Tenant as an additional insured.

**15. INTERFERENCE.** During the Term of this Lease, Landlord, its successors, assigns, lessees, licensees, employees, invitees, or agents, shall not engage in any activity which interferes with Tenant's use or access hereunder. Landlord shall not interfere with the Customer's use or access, or with the relationship between the Tenant and Customers or any potential Customers. Additionally, Landlord shall not grant any ground lease, license, or easement concerning the Property or any property adjacent to or in the immediate vicinity of the Premises: (a) for any of the uses contemplated herein; or (b) if such lease, license, or easement would detrimentally affect Tenant's Premises and the Communications Facility thereon, or the use thereof.

**16. RIGHT OF FIRST REFUSAL.** In the event Landlord receives a bona fide offer from a third party (excluding immediate family members, if applicable) to purchase or if Landlord intends to communicate to a third party (excluding immediate family members, if applicable) an offer to sell, (a) all or any portion of the Property, (b) any adjoining or adjacent property subject to an easement hereunder, or (c) this Lease or any rights hereunder including the right to receive Rent (in each case, the "**Sale Assets**"), Landlord shall first communicate the terms of such offer to Tenant, provide a copy of the bona fide offer to Tenant and offer to sell such Sale Assets to Tenant upon the same terms and conditions, including any financing terms. Tenant shall have thirty (30) days from receipt of said notice from Landlord to accept said offer in writing. If Tenant accepts Landlord's offer within thirty (30) days, Landlord shall be bound to sell the Sale Assets to Tenant, and Tenant shall be bound to purchase the Sale Assets from Landlord, in accordance with the bona fide offer. If Tenant purchases the Sale Assets pursuant to this paragraph, any easements granted from Landlord to Tenant for the benefit of the Premises shall become permanent easements without further consideration. If Tenant fails to exercise such right of first refusal within the stated time, Landlord may sell the Sale Assets subject to any and all terms and conditions of this Lease and Tenant's rights hereunder; provided, however, that if the terms of sale change and if Landlord has not sold or transferred title to such Sale Assets within ninety (90) days of the date of Landlord's written notice to Tenant, any such sale and transfer of title shall again be subject to Tenant's said right of first refusal. Tenant's right of first refusal shall continue in effect as to any subsequent proposed sale by the current Landlord or by any transferee.

**17. SECURITY.** Tenant shall have the right to safeguard and protect its improvements located upon or within the Premises, at its expense, including the right to construct such enclosures and/or fences as Tenant reasonably determines to be necessary to secure its improvements, including the tower(s), building(s), anchors, and related improvements situated upon the Premises. Tenant may also undertake any other appropriate means to restrict access to its Premises and the Communications Facility thereon.

18. **FORCE MAJEURE**. The time for performance by Landlord or Tenant of any term, provision, or covenant of this Lease shall be deemed extended by time lost due to delays resulting from acts of God, strikes, civil riots, floods, acts of terrorism, pandemic, material or labor restrictions by a governmental authority, and any other cause not within the control of Landlord or Tenant, as the case may be.

19. **CONDEMNATION**. Notwithstanding any provision of this Lease to the contrary, in the event of condemnation of the Property or the Premises, Tenant shall be entitled to a separate award with respect to the Premises, in the amount determined by the court conducting such condemnation proceedings based upon the Landlord's and Tenant's respective interests in the Premises. If a separate condemnation award is not determined by such court, Landlord shall permit Tenant to participate in the allocation and distribution of the award. In no event shall the condemnation award to Landlord exceed the unimproved value of the Premises, without taking into account the improvements located thereon (including the Communications Facility), and in no event shall the Lease be terminated or modified (other than an abatement of Rent) due to a casualty or condemnation without the prior written consent of Tenant or Lender. Notwithstanding anything to the contrary contained herein, in the event of any taking of all or any part of the Premises, Tenant shall have the right to participate in any condemnation proceedings settlement discussions, shall have the right to supervise and control the receipt and disbursement of all condemnation awards and shall be entitled to all condemnation awards which are not used to restore the Premises. In the event of a partial taking, this Lease shall continue, and the Rent shall be reduced proportionately, from and after the date of such taking, based upon the percentage of land which is taken. If the portion of the land taken is such that the Tenant cannot, in its reasonable judgment, economically continue its operations on the Premises, the Tenant, with the prior written consent of Lender, shall have the right to terminate this Lease.

20. **DEFAULT**. Tenant or Landlord's failure to perform any of the covenants of this Lease shall constitute a default (including the Landlord's duty to cooperate and provide Diligence Documentation). The non-defaulting Party shall give the other written notice of such default, and the defaulting Party shall cure such default within thirty (30) days after receipt of such notice. In the event that such default cannot reasonably be cured within such thirty (30) day period, the time for curing shall be extended for such period of time as may be necessary to complete such curing provided that the defaulting Party shall proceed promptly after the receipt of such notice to cure such default and shall pursue curing such default with due diligence. However, in no event shall this extension of time be in excess of sixty (60) days unless agreed upon by the non-defaulting Party. Any notice of default sent to Tenant must be accompanied by a notice to Tenant's Lender. Notwithstanding anything to the contrary herein, Lender shall have no obligation to take any action unless and until Lender becomes a successor hereunder.

21. **REMEDIES**. Should the defaulting Party fail to cure a default under this Lease, the other Party shall have all remedies available either at law or in equity, including the right to terminate this Lease. In the event Landlord elects to terminate this Lease due to a default by Tenant, it shall continue to honor all Customer agreements made by Tenant through the expiration of the Term of any such commitment, it being intended hereby that each such commitment shall survive the early termination of this Lease, provided that Customers shall attorn to Landlord. In the event of Landlord default, Tenant may, at its option (but without obligation to do so), perform Landlord's

duty or obligation on Landlord's behalf, including but not limited to payment of mortgage, tax obligations, or other encumbrances. All costs and expenses of any such Tenant performance shall be reimbursed upon invoice and/or abated from any Rent due to Landlord until Tenant is reimbursed in full. The Landlord shall accept performance by a Lender of any covenant, condition, or agreement on the Tenant's part to be performed hereunder with the same force and effect as though performed by the Tenant.

22. **ATTORNEY'S FEES.** If there is any legal proceeding between Landlord or Tenant arising from or based on this Lease, the unsuccessful Party to such action or proceeding shall pay to the prevailing Party all costs and expenses, including reasonable attorney's fees and disbursements, incurred by such prevailing Party in such action or proceeding and in any appeal in connection therewith. If such prevailing Party recovers a judgment in any such action, proceeding, or appeal, such costs, expenses, and attorney's fees and disbursements shall be included in and as a part of such judgment.

23. **NON-DISTURBANCE, ATTORNMENT, AND CONTINUATION RIGHTS.**

(a) At Tenant's option, this Lease shall be subordinate to any mortgage, deed of trust, other security agreement, or master or ground leases (each a "**Mortgage**") which, from time to time, may encumber all or part of the Property; provided, however, the lender or holder of any Mortgage under every such Mortgage shall, in the event of a foreclosure of Landlord's interest, recognize the validity of this Lease and Tenant's (and Customer's) right to remain in occupancy of and have access to the Premises. To effectuate the aforementioned subordination, Tenant shall execute a subordination, non-disturbance, and attornment agreement or similar agreements, in a form and with terms and conditions reasonably acceptable to Tenant. In addition, upon the request of Tenant, Landlord shall use Landlord's best efforts to assist in causing the holder of any Mortgage on Landlord's Property to execute a subordination, non-disturbance, and attornment agreement or similar agreements, in a form and with terms and conditions reasonably acceptable to Tenant.

(b) Landlord shall recognize the leases or licenses of all Customers and will permit each of them to remain in occupancy of its premises despite any default hereunder by Tenant so long as each such respective Customer is not in default under the lease/license covering its premises. Landlord shall execute such documents as any such Customer might reasonably require, including customary subordination, non-disturbance, and attornment agreements and/or Landlord recognition agreements, and shall use reasonable efforts also to cause its lenders to similarly acknowledge, in writing, Customer's right to continue to occupy its premises as provided above.

(c) In the case of termination of this Lease for any reason, or in the event this Lease is rejected or disaffirmed or is in jeopardy of being rejected or disaffirmed pursuant to any bankruptcy, insolvency, or other law affecting creditor's rights, the Landlord shall give prompt notice thereof to Tenant. At Tenant's sole discretion, Landlord shall promptly execute a new lease of the Premises for the remainder of the Term upon all the covenants, conditions, limitations, and agreements contained herein (including, without limitation, options to extend the Term of this Lease) except for such provisions which must be modified to reflect such termination, rejection,

or disaffirmance and the passage of time. Any such new lease shall maintain the same priority as this Lease concerning any Mortgage encumbering the Property.

**24. NOTICES.** All notices, requests, claims, demands, and other communications hereunder shall be in writing, sent by a nationally-established overnight courier that provides proof of delivery, or certified or registered mail (postage pre-paid, return receipt requested). Notice shall be deemed received on the date of delivery as demonstrated by the receipt of delivery. Landlord shall deliver notice to Tenant of any sale of the Property not less than thirty (30) days prior to the date of such sale, including the Diligence Documentation of the buyer. Any notice to Tenant must also be made to Lender. Notices shall be delivered to all parties listed at the address below or to such other address that a party below may provide from time to time:

If to Landlord:
Jeannette Daum
4450 Town Line Road
Rushville, NY 14544

If to Tenant:
Blue Sky Towers III, LLC
352 Park Street, Suite 106
North Reading, MA 01864
Attn: Legal/Site Number: NY-5160

With a copy to:
Blue Sky Towers III, LLC
57 E. Washington Street
Chagrin Falls, Ohio 44022
Attn.: James Rech/Site Number: NY-5160

**25. NON-COMPETITION.** During the Term, neither Landlord nor any principal of Landlord or any of their respective affiliates will, on the Property or within a three-mile radius of the Property, directly or indirectly, in any capacity, individually or for or with any person or entity (whether as a consultant, employee, equity or debt holder, officer, director, or otherwise), (a) own any interest in any communications tower or telecommunications equipment, or (b) lease or transfer any interest in real estate for the use of a communications tower or placement of telecommunications equipment, or (c) cause or permit the construction of radio or communications towers.

**26. MEMORANDUM OF LEASE.** In connection with the execution of this Lease, the parties agree to execute a recordable form of a Memorandum of Lease acceptable to both parties in a form provided by Tenant and recorded at Tenant's sole cost and expense. From time to time subsequent to the execution of this Lease, the parties shall cooperate in the execution of documents necessary to demonstrate the rights granted to Tenant hereunder for third parties or to modify or amend such recorded memorandum.

**27. MISCELLANEOUS.**

(a) **Provisions Are Binding Upon Successors and Assigns.** This Lease and the easements granted herein shall run with the land and shall be binding upon and inure to the benefit of the Parties, their respective successors, legal/personal representatives, and assigns. Any right granted to Tenant hereunder may be exercised by Tenant's Lender.

(b) **Entire Agreement; Modification; and Waiver.** This Lease constitutes the entire Lease and understanding of the parties and supersedes all offers, negotiations, and other lease agreements concerning the Premises. There are no representations or understandings of any kind not set forth herein. Any amendment or modification to this Lease must be in writing and executed by both Parties. In addition, no provision of this Lease will be deemed waived by either Party unless expressly waived in writing by the waiving Party. Failure of a Party to insist on strict performance of any of the conditions or provisions of this Lease, or failure or delay to exercise any of a Party's rights hereunder, shall not waive such rights.

(c) **Severability; Interpretation.** If any term of this Lease is found to be void or invalid, the remaining terms of this Lease shall continue in full force and effect. Any questions of particular interpretation shall not be interpreted against the drafter, but rather in accordance with the fair meaning thereof.

(d) **Incorporation by Reference; Exhibits.** All attached exhibits are hereby incorporated by this reference as if fully set forth herein. The Parties understand and acknowledge that the attached exhibits may be attached to this Lease and the Memorandum of Lease in preliminary form. Accordingly, the attached exhibits may be replaced by Tenant with such final, more complete exhibit(s).

(e) **Applicable Law.** This Lease shall be governed by and construed in accordance with the laws of the state in which the Leased Premises are located.

(f) **Estoppel.** The Parties agree that, within ten (10) days of receipt of a written request, each shall provide an estoppel certificate as to any matters reasonably requested by the requesting Party.

(g) **Bankruptcy.** The Parties hereto agree that (i) the Tenant is in possession of the Premises notwithstanding the fact that the Tenant has subleased, or may in the future sublease, certain of the improvements thereon to third parties and (ii) the requirements of Section 365(h) of Title 11 of the United States Code (the "**Bankruptcy Code**") concerning the Tenant's possession of the leasehold under this Lease are satisfied. Accordingly, the Tenant's right to remain in possession of the leasehold under this Lease shall continue notwithstanding any rejection of this Lease in any bankruptcy proceeding involving the Landlord, or any other actions by any party in such a proceeding.

(h) **Counterparts.** This Lease may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute a single instrument.

(i) **Further Assurances.** Each of the Parties shall, from time to time, at the request and sole expense of the other Party, without any additional consideration, furnish the other Party such further information or assurances, execute and deliver such additional documents, instruments, and conveyances, and take such other actions and do such other things, as may be reasonably necessary or desirable to carry out the provisions of this Lease and give effect to the transactions contemplated hereby.

(j) **Submission of Lease.** The submission of this Lease for examination does not constitute an offer to lease the Premises, and this Lease becomes effective only upon the full execution of this Lease by the Parties.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK,
SIGNATURES BEGIN ON THE NEXT PAGE]

*IN WITNESS WHEREOF,* the parties hereto have executed this Lease as of the Effective Date.

**LANDLORD:** Jannette Daum

By: Jeannette Daum

Name: Jeannette Daum

Title: Landowner

Date: 7-26-2022

Signatures Continue on Next Page

**TENANT:**
Blue Sky Towers III, LLC
a Delaware limited liability company

By: _____

Name: James Rech

Its: President and CEO

Date: 8/9/22

BST Site #: NY-5160
BST Site Name: Rushville

## EXHIBIT A

The Property is depicted/described as follows and will be replaced by a surveyed legal description when available at Tenant's option.

A certain parcel or parcels of land located on or near 4409-4459 Town Line Rd, in the Town of Middlesex, County of Yates, State of New York 14544, having the tax identification number of 3.01-1-4.1, and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF MIDDLESEX, COUNTY OF YATES, STATE OF NEW YORK, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE PRESENT CENTERLINE OF TOWN LINE ROAD, SAID POINT BEING LOCATED APPROXIMATELY 1,700' EASTERLY OF THE PRESENT CENTERLINE INTERSECTION WITH LINDSLEY ROAD;

RUNNING THENCE SOUTH 88° 57' 26" EAST ALONG THE PRESENT CENTERLINE OF TOWN LINE ROAD FOR A DISTANCE OF 699.09' TO A POINT;

RUNNING THENCE SOUTH 00° 00' 00" EAST PASSING THROUGH AN IRON PIN SET IN THE SOUTH LINE OF TOWN LINE ROAD AND CONTINUING FOR A TOTAL DISTANCE OF 416.72' TO AN IRON PIN SET;

RUNNING THENCE NORTH 90° 00' 00" WEST FOR A DISTANCE OF 334.99' TO AN IRON PIN SET;

RUNNING THENCE SOUTH 00° 00' 00" EAST FOR A DISTANCE OF 476.88' TO AN IRON PIN SET;

RUNNING THENCE NORTH 90° 00' 00" EAST FOR A DISTANCE OF 736.95' TO AN IRON PIN, SET;

RUNNING THENCE SOUTH 00° 03' 13" WEST FOR A DISTANCE OF 953.45' TO AN IRON PIN SET;

RUNNING THENCE NORTH 89° 55' 33" WEST FOR A DISTANCE OF 847.29' TO AN IRON PIN SET;

RUNNING THENCE NORTH 00° 20' 24" EAST PASSING THROUGH A WOOD POST FOUND AT A DISTANCE OF 297.83' AND CONTINUING FOR A TOTAL DISTANCE OF 1,467.34' TO A WOOD POST FOUND;

RUNNING THENCE NORTH 87° 58' 03" WEST FOR A DISTANCE OF 267.34' TO A POINT'

RUNNING THENCE NORTH 00° 51' 21" EAST PASSING THROUGH AN IRON PIN FOUND AT A DISTANCE OF 357.04' AND CONTINUING FOR A TOTAL DISTANCE OF 381.91' TO THE POINT AND PLACE OF BEGINNING.

SAID PARCEL HAVING AN AREA OF 25.783 ACRES NET TO THE ROAD RIGHT OF WAY.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS AND ENCUMBRANCES OF RECORD.

FOR A MORE PARTICULAR DESCRIPTION THEREOF, REFERENCE IS HEREBY MADE TO A SURVEY MAP ENTITLED "ALTA/NSPS SURVEY MAP SHOWING LOT LINE ADJUSTMENT FOR LANDS OF JEANNETTE L. DAUM, LOCATED ON TOWN LINE ROAD, TOWN OF MIDDLESEX, YATES COUNTY, NEW YORK" DATED 2/9/2017 AMENDED 7/19/2017, PREPARED BY T.G. MILLER, P.C., ENGINEERS AND SURVEYORS, ITHACA, NEW YORK, FILED CONCURRENTLY HEREWITH AND INCORPORATED HEREIN BY REFERENCE.

TAX I.D. NUMBER: 3.01-1-4.1

BEING THE SAME PROPERTY CONVEYED TO JEANNETTE DAUM, GRANTEE, FROM JEANNETTE DAUM, GRANTOR, BY QUITCLAIM DEED RECORDED 07/25/2018, AS BOOK 740, PAGE 202 OF THE YATES COUNTY RECORDS.

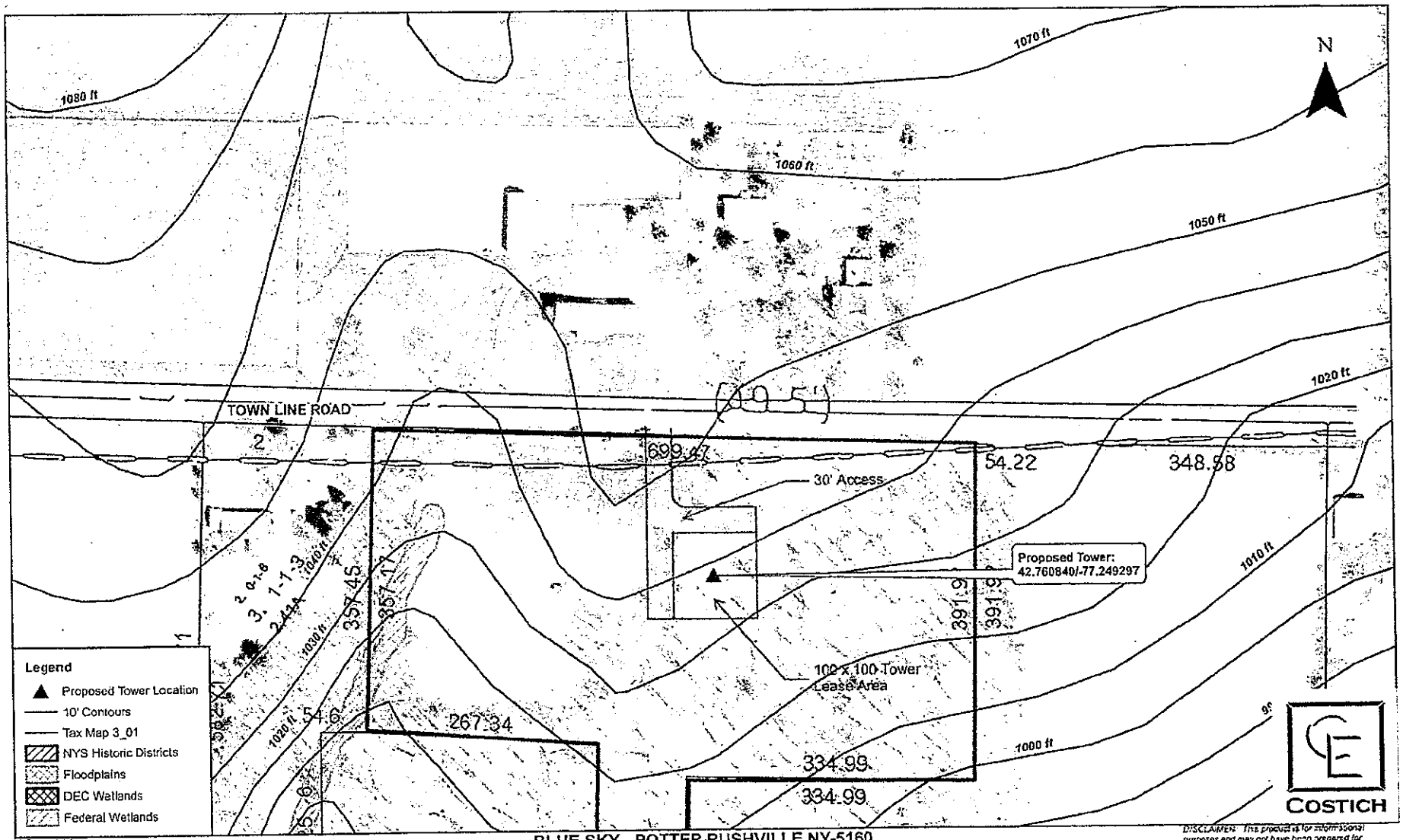
BEING A PORTION OF THE PROPERTY CONVEYED TO JEANNETTE L. DAUM, GRANTEE, FROM CHRIS P. DAUM, GRANTOR, BY QUITCLAIM DEED RECORDED 11/04/04, AS BOOK 513, PAGE 311 OF THE YATES COUNTY RECORDS.

BEING A PORTION OF THE PROPERTY CONVEYED TO CHRIS DAUM & JEANNETTE DAUM, GRANTEE, FROM JOHN H. SNIDER, JR., GRANTOR, BY WARRANTY DEED RECORDED 03/21/1995, AS BOOK 384, PAGE 810 OF THE YATES COUNTY RECORDS.

BST Site #: NY-5160
BST Site Name: Rushville

## EXHIBIT B

The Premises is depicted/described as follows and will be replaced by a surveyed legal description when available at Tenant's option.




CE#86142
8/3/2022

**BLUE SKY - POTTER-RUSHVILLE NY-5160**
**TOWN OF MIDDLESEX, YATES COUNTY**
**DESIGN VISIT EXHIBIT**

DISCLAIMER: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

# EXHIBIT I

BLUE SKY TOWERS III, LLC
352 Park Street
Suite 106
North Reading, MA 01864

# CO-LOCATION POLICY

Blue Sky Towers III, LLC co-location policy is as follows:

Blue Sky Towers III, LLC encourages and promotes co-location by actively encouraging and allowing other providers to locate on its towers.

Blue Sky Towers III, LLC responds in a timely, comprehensive manner to an inquiry for shared use of its towers, and negotiates in good faith.

Blue Sky Towers III, LLC maintains the following requirements for other wireless communications providers who desire to locate on Blue Sky Towers III, LLC's towers:

1. The provider must pay Blue Sky Towers III, LLC appropriate and fair compensation reflecting market prices for the lease, which among other things, takes into account Blue Sky Towers III, LLC's investment in the engineering, legal, construction, material, and related costs for the site and facility, as well as a financial return; and

2. The co-location must be technologically feasible both in terms of radio frequency transmissions and structural integrity of the tower.

3. The provider must obtain all required zoning permits and governmental approvals.

# EXHIBIT J

ULS License

# Cellular License - KNKQ423 - Bell Atlantic Mobile Systems LLC

| | | | |
|---|---|---|---|
| Call Sign | KNKQ423 | Radio Service | CL - Cellular |
| Status | Active | Auth Type | Regular |

**Market**

| | | | |
|---|---|---|---|
| Market | CMA562 - New York 4 - Yates | Channel Block | B |
| Submarket | 0 | Phase | 2 |

**Dates**

| | | | |
|---|---|---|---|
| Grant | 08/26/2014 | Expiration | 10/01/2024 |
| Effective | 07/21/2020 | Cancellation | |

**Five Year Buildout Date**

08/02/2000

**Control Points**

| | |
|---|---|
| 1 | 500 W. Dove Rd, TARRANT, southlake, TX<br>P: (800)264-6620 |

**Licensee**

| | | | |
|---|---|---|---|
| FRN | 0029635588 | Type | Limited Liability Company |

**Licensee**

Bell Atlantic Mobile Systems LLC
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
E:Licensing.Compliance@VerizonWireless.com

**Contact**

Verizon

1300 I Street NW - Suite 500 East
Washington, DC 20005
ATTN Sarah Trosch

P:(202)515-2453
E:sarah.trosch@verizon.com

**Ownership and Qualifications**

| | | | |
|---|---|---|---|
| Radio Service Type | Mobile | | |
| Regulatory Status | Common Carrier | Interconnected | Yes |

**Alien Ownership**
The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**
The Applicant answered "No" to each of the Basic Qualification questions.

**Demographics**

Race

Ethnicity

Gender

ULS License

# PCS Broadband License - KNLH270 - Cellco Partnership

| | | | |
|---|---|---|---|
| Call Sign | KNLH270 | Radio Service | CW - PCS Broadband |
| Status | Active | Auth Type | Regular |

**Rural Service Provider Bidding Credit**

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

**Reserved Spectrum**

Reserved Spectrum

**Market**

| | | | |
|---|---|---|---|
| Market | BTA379 - Rochester, NY | Channel Block | F |
| Submarket | 0 | Associated Frequencies (MHz) | 001890.00000000-001895.00000000<br>001970.00000000-001975.00000000 |
| 3.7 GHz License Type | | 3.7 GHz Linked License | |

**Dates**

| | | | |
|---|---|---|---|
| Grant | 06/02/2017 | Expiration | 06/27/2027 |
| Effective | 06/02/2017 | Cancellation | |

**Buildout Deadlines**

| | | | |
|---|---|---|---|
| 1st | 06/27/2002 | 2nd | |

**Discontinuance Dates**

| | | | |
|---|---|---|---|
| 1st | | 2nd | |

**Notification Dates**

| | | | |
|---|---|---|---|
| 1st | 06/04/2002 | 2nd | |

Licensee

| | | | |
|---|---|---|---|
| FRN | 0003290673 | Type | Joint Venture |

**Licensee**

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

**Contact**

Cellco Partnership
Licensing - Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

| | | | |
|---|---|---|---|
| Radio Service Type | Mobile | | |
| Regulatory Status | Common Carrier | Interconnected | Yes |

**Alien Ownership**

| | |
|---|---|
| Is the applicant a foreign government or the representative of any foreign government? | No |
| Is the applicant an alien or the representative of an alien? | No |
| Is the applicant a corporation organized under the laws of any foreign government? | No |
| Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? | No |
| Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? | **Yes** |

The Alien Ruling question is not answered.

**Basic Qualifications**
The Applicant answered "No" to each of the Basic Qualification questions.

**Tribal Land Bidding Credits**
This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS License

# AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGA833 - Cellco Partnership

| | | | |
|---|---|---|---|
| Call Sign | WQGA833 | Radio Service | AW - AWS (1710-1755 MHz and 2110-2155 MHz) |
| Status | Active | Auth Type | Regular |

**Rural Service Provider Bidding Credit**

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

**Reserved Spectrum**

Reserved Spectrum

**Market**

| | | | |
|---|---|---|---|
| Market | CMA562 - New York 4 - Yates | Channel Block | A |
| Submarket | 0 | Associated Frequencies (MHz) | 001710.00000000-001720.00000000<br>002110.00000000-002120.00000000 |
| 3.7 GHz License Type | | 3.7 GHz Linked License | |

**Dates**

| | | | |
|---|---|---|---|
| Grant | 01/11/2022 | Expiration | 11/29/2036 |
| Effective | 01/11/2022 | Cancellation | |

**Buildout Deadlines**

| | | | |
|---|---|---|---|
| 1st | | 2nd | |

**Discontinuance Dates**

| | | | |
|---|---|---|---|
| 1st | | 2nd | |

**Notification Dates**

| | | | |
|---|---|---|---|
| 1st | | 2nd | 08/27/2021 |

**Licensee**

| | | | |
|---|---|---|---|
| FRN | 0003290673 | Type | General Partnership |

**Licensee**

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

**Contact**

Cellco Partnership
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

**Ownership and Qualifications**

| | | | |
|---|---|---|---|
| Radio Service Type | Mobile | | |
| Regulatory Status | Common Carrier | Interconnected | Yes |

**Alien Ownership**

| | |
|---|---|
| Is the applicant a foreign government or the representative of any foreign government? | No |
| Is the applicant an alien or the representative of an alien? | No |
| Is the applicant a corporation organized under the laws of any foreign government? | No |
| Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? | No |
| Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? | **Yes** |
| If the answer to the above question is 'Yes', has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application? | **Yes** |

**Basic Qualifications**
The Applicant answered "No" to each of the Basic Qualification questions.

**Tribal Land Bidding Credits**
This license did not have tribal land bidding credits.

**Demographics**

Race

Ethnicity

Gender

ULS License

# AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGA904 - Cellco Partnership

| | | | |
|---|---|---|---|
| Call Sign | WQGA904 | Radio Service | AW - AWS (1710-1755 MHz and 2110-2155 MHz) |
| Status | Active | Auth Type | Regular |

**Rural Service Provider Bidding Credit**

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

**Reserved Spectrum**

Reserved Spectrum

**Market**

| | | | |
|---|---|---|---|
| Market | BEA007 - Rochester, NY-PA | Channel Block | B |
| Submarket | 3 | Associated Frequencies (MHz) | 001720.00000000-001730.00000000<br>002120.00000000-002130.00000000 |
| 3.7 GHz License Type | | 3.7 GHz Linked License | |

**Dates**

| | | | |
|---|---|---|---|
| Grant | 12/21/2021 | Expiration | 11/29/2036 |
| Effective | 12/21/2021 | Cancellation | |

**Buildout Deadlines**

1st 2nd

**Discontinuance Dates**

1st 2nd

**Notification Dates**

1st 2nd 08/30/2021

**Licensee**

| | | | |
|---|---|---|---|
| FRN | 0003290673 | Type | General Partnership |

**Licensee**

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

**Contact**

Cellco Partnership
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

**Ownership and Qualifications**

| | | | |
|---|---|---|---|
| Radio Service Type | Mobile | | |
| Regulatory Status | Common Carrier | Interconnected | Yes |

**Alien Ownership**
The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**
The Applicant answered "No" to each of the Basic Qualification questions.

**Tribal Land Bidding Credits**
This license did not have tribal land bidding credits.

**Demographics**

Race

Ethnicity Gender

ULS License

# 700 MHz Upper Band (Block C) License - WQJQ689 - Cellco Partnership

**PA This license has pending applications:** 0008657811

| | | | |
|---|---|---|---|
| Call Sign | WQJQ689 | Radio Service | WU - 700 MHz Upper Band (Block C) |
| Status | Active | Auth Type | Regular |

**Rural Service Provider Bidding Credit**

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

**Reserved Spectrum**

Reserved Spectrum

**Market**

| | | | |
|---|---|---|---|
| Market | REA001 - Northeast | Channel Block | C |
| Submarket | 0 | Associated Frequencies (MHz) | 000746.00000000-000757.00000000<br>000776.00000000-000787.00000000 |

**Dates**

| | | | |
|---|---|---|---|
| Grant | 09/11/2019 | Expiration | 06/13/2029 |
| Effective | 09/11/2019 | Cancellation | |

**Buildout Deadlines**

| | | | |
|---|---|---|---|
| 1st | 06/13/2013 | 2nd | 06/13/2019 |

**Notification Dates**

| | | | |
|---|---|---|---|
| 1st | 06/20/2013 | 2nd | 06/17/2019 |

**Licensee**

| | | | |
|---|---|---|---|
| FRN | 0003290673 | Type | General Partnership |

**Licensee**

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
E:LicensingCompliance@VerizonWireless.com

**Contact**

Verizon Wireless
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
E:LicensingCompliance@VerizonWireless.com

**Ownership and Qualifications**

| | | | |
|---|---|---|---|
| Radio Service Type | Mobile | | |
| Regulatory Status | Common Carrier | Interconnected | Yes |

**Alien Ownership**
The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**
The Applicant answered "No" to each of the Basic Qualification questions.

**Tribal Land Bidding Credits**
This license did not have tribal land bidding credits.

**Demographics**

| | |
|---|---|
| Race | |
| Ethnicity | Gender |

ULS License

# AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) License - WQVN927 - Cellco Partnership

| | | | |
|---|---|---|---|
| Call Sign | WQVN927 | Radio Service | AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) |
| Status | Active | Auth Type | Regular |

**Rural Service Provider Bidding Credit**

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

**Reserved Spectrum**

Reserved Spectrum

**Market**

| | | | |
|---|---|---|---|
| Market | BEA007 - Rochester, NY-PA | Channel Block | J |
| Submarket | 0 | Associated Frequencies (MHz) | 001770.00000000-001780.00000000<br>002170.00000000-002180.00000000 |
| 3.7 GHz License Type | | 3.7 GHz Linked License | |

**Dates**

| | | | |
|---|---|---|---|
| Grant | 04/08/2015 | Expiration | 04/08/2027 |
| Effective | 11/01/2016 | Cancellation | |

**Buildout Deadlines**

| | | | |
|---|---|---|---|
| 1st | 04/08/2021 | 2nd | 04/08/2027 |

**Discontinuance Dates**

| | |
|---|---|
| 1st | 2nd |

**Notification Dates**

| | | | |
|---|---|---|---|
| 1st | 03/10/2021 | 2nd | 03/10/2021 |

Licensee

| | | | |
|---|---|---|---|
| FRN | 0003290673 | Type | General Partnership |

**Licensee**

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:licensingcompliance@verizonwireless.com

**Contact**

Cellco Partnership
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

| | | | |
|---|---|---|---|
| Radio Service Type | Mobile | | |
| Regulatory Status | Common Carrier | Interconnected | Yes |

**Alien Ownership**
The Applicant answered "No" to each of the Alien Ownership questions.

**Basic Qualifications**
The Applicant answered "No" to each of the Basic Qualification questions.

**Tribal Land Bidding Credits**
This license did not have tribal land bidding credits.

Demographics

| | |
|---|---|
| Race | |
| Ethnicity | Gender |

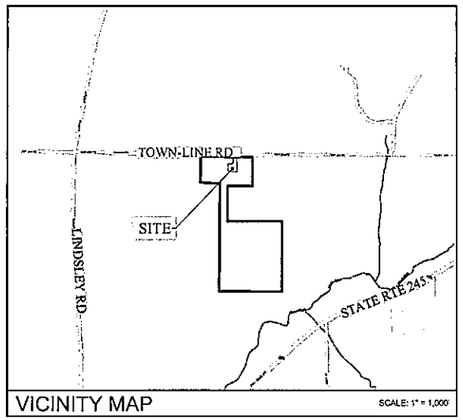
# EXHIBIT K

BLUE SKY
TOWERS LLC

# SITE NAME: POTTER-RUSHVILLE

# ZONING DRAWINGS

## BLUE SKY SITE: NY-5160
## VZW PROJECT NUMBER: 20222326645
## VZW LOCATION CODE: TBD




VICINITY MAP — SCALE: 1" = 1,000'

## DIRECTIONS

DIRECTIONS TO SITE FROM 1275 JOHN STREET, WEST HENRIETTA, NEW YORK : START OUT GOING TOWARD WIREGRASS PKWY ON JOHN ST., TURN LEFT ONTO LEHIGH STATION RD (CR-79), TAKE RAMP ONTO I-90 E (NEW YORK STATE THRUWAY) TOWARD NEW YORK THRUWAY, TAKE EXIT 44 TOWARD CANANDAIGUA ONTO RT-332, TURN LEFT ONTO EASTERN BLVD (US-20), TURN RIGHT ONTO E LAKE RD (RT-364), TURN LEFT ONTO COUNTY ROAD 1 (CR-1), CONTINUE ON N MAIN ST, TURN RIGHT ONTO WAREHOUSE ST, TURN SLIGHTLY RIGHT ONTO RAILROAD AVE, CONTINUE ON TOWN LINE RD.

| | |
|---|---|
| SITE ADDRESS: | TOWN LINE RD.<br>RUSHVILLE, NEW YORK 14544 |
| MUNICIPALITY: | TOWN OF MIDDLESEX |
| COUNTY: | YATES |
| TAX MAP NUMBER: | 3.01-1-4.1 (25.78 ACRES PER TAX MAP) |
| ZONING DISTRICT:<br>TOWER SETBACK REQUIREMENT: | AR - AGRICULTURE (ZONING)<br>NONE |
| STRUCTURE COORDINATES: | LAT: N42°45' 38.99" (LAT: 42.760831°)<br>LONG: W77°14' 57.07" (LONG: -77.249186°) |
| BASE ELEVATION: | 1041.5'± AMSL |
| PROPERTY OWNER: | JEANNETTE DAUM<br>4450 TOWN LINE RD.<br>RUSHVILLE, NEW YORK 14544 |
| APPLICANT: | BLUE SKY TOWERS III, LLC<br>352 PARK STREET, SUITE 106<br>READING, MA 01864<br>CONTACT: DONNA LOVE<br>PHONE: (315) 506-9696 |
| CO-APPLICANT: | BELL ATLANTIC MOBILE SYSTEMS, LLC<br>d/b/a VERIZON WIRELESS<br>1275 JOHN STREET, SUITE 100<br>WEST HENRIETTA, NY 14586 |
| PROJECT NO.:<br>LOCATION CODE: | 20222326645<br>TBD |
| LIMITS OF DISTURBANCE: | 00.44± ACRES |

## PROJECT SUMMARY

## PROJECT DESCRIPTION

THE PROPOSED WORK CONSISTS OF THE CONSTRUCTION AND INSTALLATION OF AN UNMANNED WIRELESS FACILITY WITH ASSOCIATED UTILITIES.

| SHT. NO. | DESCRIPTION | REV NO | REVISION DATE |
|---|---|---|---|
| GA001 | TITLE SHEET | 1 | 10/07/2022 |
| GA002 | GENERAL NOTES | 1 | 10/07/2022 |
| | | | |
| VA100 | SCHEMATIC TOTAL HOLDINGS/SURVEY PLAN | 1 | 10/07/2022 |
| VA110 | SURVEY NOTES | 1 | 10/07/2022 |
| | | | |
| CA100 | OVERALL SITE PLAN | 1 | 10/07/2022 |
| CA110 | COMPOUND PLAN | 1 | 10/07/2022 |
| CA120 | GRADING & EROSION CONTROL PLAN | 1 | 10/07/2022 |
| | | | |
| CA500 | TOWER ELEVATION & ORIENTATION PLAN | 1 | 10/07/2022 |
| CA501 | EQUIPMENT ELEVATIONS | 1 | 10/07/2022 |
| CA502 | SITE DETAILS | 1 | 10/07/2022 |
| CA503 | GRADING & EROSION CONTROL DETAILS | 1 | 10/07/2022 |

## SHEET INDEX

THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL ITEMS OF CONCERN HAVE BEEN ADDRESSED AND EACH OF THE DRAWINGS HAS BEEN REVISED AND ISSUED "FOR CONSTRUCTION".

## UTILITY PROVIDERS

| | |
|---|---|
| ELECTRIC PROVIDER: | TBD |
| ESR #: | TBD |
| ACCOUNT #: | TBD |
| PLANNER: | TBD |
| PHONE: | TBD |
| FIBER: | TBD |
| PLANNER: | TBD |
| PHONE: | TBD |

## DIG SAFELY - NEW YORK

Dig Safely. New York Call 811 before you dig

Before You Dig, Drill Or Blast!

**Dig Safely. New York**

UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION
CALL US TOLL FREE 1-800-962-7962
NY industrial code rule 753 requires no less than two working days notice, but not more than ten days notice

## DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED FOR 22"x34" FULL SIZE AND 11"x17" HALF SIZE. OTHER SIZED VERSIONS ARE NOT PRINTED TO THE SCALE SHOWN. CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

BLUE SKY TOWERS LLC

verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

| NO. | DATE | COMMENTS |
|---|---|---|
| 0 | 09/20/2022 | ISSUED PRELIMINARY FOR REVIEW |
| 1 | 10/07/2022 | ISSUED FINAL |

STATE OF NEW YORK — MICHAEL D RITCHEY — 098184 — LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: M.P.M.

DRAWN BY: T.K.W.

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COSTICH ENGINEERING, D.P.C.

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT, TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY. ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HIS/HER SEAL AND THE NOTATION "ALTERED BY", FOLLOWED BY HIS/HER SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATION, TO THE DOCUMENT.

SITE INFORMATION

POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

SHEET TITLE

TITLE SHEET

C.E. JOB NUMBER: B6142

SHEET NUMBER: GA001

SHEET 01 OF 11

## LEGEND

- SECTION/PARCEL BOUNDARY
- MIN. BUILDING SETBACK
- CENTER LINE
- EXIST. RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE.
- EXIST. CONCRETE CURB
- EXIST. EDGE OF PAVEMENT
- EXIST. EDGE OF GRAVEL
- EXISTING WATER MAIN, VALVE, & HYDRANT.
- EXISTING SANITARY SEWER, & MANHOLE.
- EXISTING DRAINAGE SEWER, FIELD INLET, INLET MANHOLE, MANHOLE, & END SECTION.
- EXISTING OVERHEAD UTILITIES
- EXISTING TELEPHONE
- EXISTING UNDERGROUND UTILITIES
- EXISTING GAS
- EXISTING ELECTRIC
- EXISTING WATER LINE
- EXISTING ELEC & TELE
- EXISTING CABLE TV
- EXISTING FIBER
- EXISTING LIGHT CONTROL
- EXISTING GUARD RAIL
- TREE,HEDGE,EDGE OF WOODS
- EXISTING SWALE
- BARBED WIRE,STOCKADE, CHAIN LINKED FENCE
- 410 EXISTING CONTOUR
- x 420.4 EXISTING SPOT ELEVATION @ X
- CONCRETE PAD/ CONCRETE SIDEWALK
- PROPOSED EASEMENT LINE.
- PROPOSED CONCRETE CURB
- PROPOSED WATER MAIN, VALVE, & HYDRANT
- PROPOSED SANITARY SEWER, & MANHOLE.
- PROPOSED DRAINAGE SEWER, FIELD INLET, INLET MANHOLE, MANHOLE, & END SECTION.
- PROPOSED OVERHEAD UTILITIES
- PROPOSED TELEPHONE
- PROPOSED UNDERGROUND UTILITIES
- PROPOSED GAS SERVICE
- PROPOSED ELECTRIC SERVICE
- PROPOSED ELEC & TELE
- PROPOSED SILT FENCE
- PROPOSED ORANGE CONSTRUCTION FENCE
- PROPOSED LIMITS OF DISTURBANCE
- PROPOSED COMPOST FILTER SOCK

## SITE NOTES

1. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS.
2. RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
3. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE PROPOSED PLATFORM.
4. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
5. THE SUBGRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
6. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY THE ENGINEER. EXTREME CAUTION SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR PIER DRILLING AROUND OR NEAR UTILITIES.
7. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE ENGINEER.
8. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK SHALL BE GRADED TO A UNIFORM SLOPE, FERTILIZED, SEEDED, AND COVERED WITH MULCH.
9. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE STATE GUIDELINES AND ANY LOCAL REGULATIONS.
10. ALL RESTORATION ISSUES SHALL BE COMPLETED WITHIN 72 HOURS OF THE COMPLETION OF THE WORK ACTIVITY OR WITHIN A REASONABLE AMOUNT OF TIME AS DIRECTED BY CONSTRUCTION MANAGER/ENGINEER.
11. CARE SHALL BE TAKEN TO RETAIN NATURAL GROWTH AND PREVENT DAMAGE TO TREES WITHIN AND OUTSIDE THE LIMITS OF CONSTRUCTION AND SPECIFIED WORK AREAS CAUSED BY EQUIPMENT AND MATERIALS. ANY DAMAGE TO THIS NATURAL GROWTH SHALL BE RESTORED AT THE EXPENSE OF THE CONTRACTOR.
12. ALL AREAS DISTURBED BY THE CONTRACTOR WITHOUT AUTHORIZATION SHALL BE RESTORED BY THE CONTRACTOR.
13. IN THE EVENT THE CONTRACTOR DAMAGES AN EXISTING UTILITY SERVICE CAUSING AN INTERRUPTION IN SAID SERVICE, HE SHALL IMMEDIATELY COMMENCE WORK TO RESTORE SERVICE AND MAY NOT CONTINUE HIS WORK OPERATION UNTIL SERVICE IS RESTORED.

## GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE 2018 INTERNATIONAL BUILDING CODE (IBC), 2020 BUILDING CODE OF NEW YORK STATE, THE NATIONAL ELECTRIC SAFETY CODE AND OTHER APPLICABLE LOCAL, STATE AND FEDERAL CODES..
2. CONTRACTOR SHALL VISIT THE JOB SITE AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
3. PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY, UNLESS OTHERWISE NOTED. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO EFFECT ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
4. DIMENSIONS SHOWN ARE TO FINISH SURFACES, UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS. SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS AND/OR DESIGN INTENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE CARRIER'S AUTHORIZED REPRESENTATIVE OR THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
5. DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
6. CONTRACTOR SHALL RECEIVE CLARIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND TO BE IN THE FIELD.
8. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING THE BEST CONSTRUCTION SKILLS AND ATTENTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES, AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER CONTRACT, UNLESS OTHERWISE NOTED.
9. ERECTION SHALL BE DONE IN A WORKMANLIKE MANNER BY COMPETENT EXPERIENCED WORKMEN IN ACCORDANCE WITH APPLICABLE CODES AND THE BEST ACCEPTED PRACTICE. ALL MEMBERS SHALL BE LAID PLUMB AND TRUE AS INDICATED ON THE DRAWINGS.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORK AREA, ADJACENT AREAS, AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS.
11. CONTRACTOR SHALL COORDINATE HIS WORK AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
13. CONTRACTOR SHALL MAINTAIN LIABILITY INSURANCE TO PROTECT THE OWNER AND CARRIER.
14. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
15. MAKE NECESSARY PROVISIONS TO PROTECT EXISTING SURFACES, EQUIPMENT, IMPROVEMENTS, PIPING, ANTENNA AND ANTENNA CABLES. REPAIR ANY DAMAGE THAT OCCURS DURING CONSTRUCTION.
16. REPAIR ALL EXISTING SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND WITH ADJACENT SURFACES.
17. KEEP CONTRACT AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DEBRIS AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
18. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
19. CONTRACTOR SHALL SECURE ALL NECESSARY BUILDING PERMITS AND INSPECTIONS AND PAY ALL REQUIRED FEES.
20. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A/10-BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE BUILDOUT AREA DURING CONSTRUCTION.
21. ALL BROCHURES, OPERATING AND MAINTENANCE MANUALS, CATALOGS, SHOP DRAWINGS AND OTHER DOCUMENTATION SHALL BE TURNED OVER TO CARRIER AT COMPLETION OF CONSTRUCTION.
22. COMPLETE JOB SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR AFTER THE DATE OF ACCEPTANCE BY CARRIER. ANY WORK, MATERIALS, OR EQUIPMENT FOUND TO BE DEFECTIVE DURING THAT PERIOD SHALL BE CORRECTED IMMEDIATELY UPON WRITTEN NOTIFICATION AT NO ADDITIONAL COST TO CARRIER.
23. RIGGING OPERATIONS SHALL BE DONE IN ACCORDANCE WITH STATE AND FEDERAL SAFETY REGULATIONS (OSHA). COSTICH ENGINEERING, CARRIER AND THE OWNER SHALL BE HELD HARMLESS IN THE EVENT THE CONTRACTOR DOES NOT FOLLOW SUCH SAFETY REGULATIONS.
24. CONTRACTOR SHALL PROVIDE ACCESS TO THE SITE AND ASSIST THE RADIO EQUIPMENT VENDOR AND THE ANTENNA INSTALLATION CONTRACTOR AS THEY MAY REQUIRE.

## SOIL AND EROSION CONTROL NOTES

1. TEMPORARY SEDIMENTATION ENTRAPMENT AREAS SHALL BE PROVIDED AT KEY LOCATIONS TO INTERCEPT AND CLARIFY SILT LADEN RUNOFF FROM THE SITE.
2. SILT THAT LEAVES THE SITE IN SPITE OF THE REQUIRED PRECAUTIONS SHALL BE COLLECTED AND REMOVED AS DIRECTED BY APPROPRIATE MUNICIPAL AUTHORITIES.
3. AT THE COMPLETION OF THE PROJECT, ALL TEMPORARY SILTATION DEVICES SHALL BE REMOVED AND THE AFFECTED AREAS REGRADED, OR TREATED IN ACCORDANCE WITH THE APPROVED SITE PLANS.
4. ALL SEDIMENTATION ENTRAPMENT STRUCTURES WILL BE INSPECTED AND MAINTAINED ON A REGULAR BASIS.
5. CONTRACTOR TO INSTALL EROSION CONTROL MEASURES (SILT FENCE AND/ OR COMPOST FILTER SOCKS) AROUND AREAS BEING DISTURBED DURING CONSTRUCTION AND AS NECESSARY.
6. CONTRACTOR TO INSTALL SILT FENCE OR COMPOST FILTER SOCKS DOWNSLOPE OF ALL UTILITY TRENCHES.
7. DISTANCES SHOWN FROM THE WETLANDS IF ANY ON THE CONSTRUCTION PLANS AND SOIL EROSION AND SEDIMENT CONTROL PLANS ESTABLISH THE MINIMUM SEPARATION PERMITTED BETWEEN THE PROPOSED CONSTRUCTION ACTIVITIES AND BOUNDARY OF THE WETLANDS.
   - 7.1. AREA OF DISTURBANCE LINES SHALL BE CLEARLY DELINEATED IN THE FIELD BY INSTALLING ORANGE CONSTRUCTION FENCING AROUND THE ENTIRE PROPOSED CONSTRUCTION AREA. EXCEPT AS NECESSARY TO PROVIDE MITIGATION PLANTINGS, NO ENCROACHMENT BEYOND THESE LIMITS BY WORKERS OR MACHINERY SHALL BE PERMITTED.
   - 7.2. GRADING AND CLEARING AND OTHER CONSTRUCTION-RELATED ACTIVITIES SHALL TAKE PLACE ONLY WITHIN THE DELINEATED AREA OF DISTURBANCE LINES. THESE AREAS OF DISTURBANCE LINES REPRESENT THE MAXIMUM LIMITS OF CONSTRUCTION ACTIVITIES. EVERY ATTEMPT SHALL BE MADE TO FURTHER REDUCE GRADING AND CLEARING ACTIVITIES WITHIN THE AREA OF DISTURBANCE LINES BY MAINTAINING NATURAL VEGETATION AND TOPOGRAPHY WHEREVER PRACTICABLE.
   - 7.3. ALL CONSTRUCTION AND CONSTRUCTION RELATED-ACTIVITIES OCCURRING ON THIS SITE SHALL COMPLY WITH THE STANDARDS AND RECOMMENDATIONS OF THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL.
   - 7.4. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, THE APPLICANT SHALL STAKE THE LOCATION OF THE CONSTRUCTION ACTIVITY FOR INSPECTION AND APPROVAL BY THE TOWN ENGINEER (IF REQUIRED).
   - 7.5. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHOWN ON THIS PLAN SHALL BE IN PLACE PRIOR TO THE START OF ANY SITE WORK. THE TOWN ENGINEER SHALL HAVE INSPECTED THE INSTALLATION OF ALL REQUIRED SOIL EROSION AND SEDIMENTATION CONTROL MEASURES PRIOR TO THE AUTHORIZATION TO PROCEED WITH ANY PHASE OF THE SITE WORK (IF REQUIRED).
   - 7.6. THROUGHOUT THE CONSTRUCTION PERIOD, A QUALIFIED PROFESSIONAL RETAINED BY THE APPLICANT SHALL, ON AT LEAST A WEEKLY BASIS, PRIOR TO ANY PREDICTED RAIN EVENT AND AFTER RUNOFF-PRODUCING RAIN EVENT, INSPECT THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES TO ENSURE THEIR PROPER FUNCTIONING.
   - 7.7. ALL DRAINAGE STRUCTURES AND ANY OTHER REQUIRED UTILITY APPURTENANCES SHALL BE INSTALLED AS REQUIRED BY TOWN SPECIFICATIONS AND AS SHOWN ON THESE PLANS.
   - 7.8. IF THE APPLICANT, DURING THE COURSE OF CONSTRUCTION, ENCOUNTERS SUCH CONDITIONS AS FLOOD AREAS, UNDERGROUND WATER, SOFT OR SILTY AREAS, IMPROPER DRAINAGE, OR OTHER UNUSUAL CIRCUMSTANCES OR CONDITIONS THAT WERE NOT FORESEEN IN THE ORIGINAL PLANNING, THEY SHALL REPORT SUCH CONDITIONS IMMEDIATELY TO THE TOWN ENGINEER. THE APPLICANT MAY SUBMIT, IF THEY SO DESIRE, THEIR RECOMMENDATIONS AS THE SPECIAL TREATMENT TO BE GIVEN SUCH AREAS TO SECURE ADEQUATE, PERMANENT AND SATISFACTORY CONSTRUCTION. THE TOWN ENGINEER, WITHOUT UNNECESSARY DELAY, SHALL INVESTIGATE THE CONDITION OR CONDITIONS, AND SHALL EITHER APPROVE THE APPLICANT'S RECOMMENDATION TO CORRECT THE CONDITIONS, ORDER A MODIFICATION THEROF, OR ISSUE THEIR OWN SPECIFICATION FOR THE CORRECTION OF THE CONDITIONS. IN THE EVENT OF THE APPLICANT'S DISAGREEMENT WITH THE DECISION OF THE TOWN ENGINEER, OR IN THE EVENT OF A SIGNIFICANT CHANGE RESULTING TO THE SITE PLAN OR ANY CHANGE THAT INVOLVES WETLAND REGULATED AREAS, THE MATTER SHALL BE DECIDED BY THE PLANNING BOARD. ANY SUCH CONDITIONS OBSERVED BY THE PLANNING BOARD OR ITS AGENTS SHALL BE SIMILARLY TREATED.

## REFERENCES

1. TOPOGRAPHY SHOWN FROM A FIELD SURVEY BY COSTICH ENGINEERING, D.P.C. ON 08/25/2022. HORIZONTAL AND VERTICAL DATA OBTAINED THROUGH NGS "OPUS".
2. BOUNDARY SURVEY HAS NOT BEEN PERFORMED BY COSTICH ENGINEERING. BOUNDARY SHOWN HEREON IS APPROXIMATE AND DETERMINED BY LIMITED FIELD LOCATION OF BOUNDARY EVIDENCE, REVIEW OF TITLE COMMITMENT, IF PROVIDED, AND OVERLAY OF COUNTY TAX MAPS AND/OR COUNTY GIS MAPPING.
3. PER THE NYSDEC FRESHWATER WETLANDS MAP, THERE ARE NO STATE WETLANDS IN PROJECT AREA.
4. PER THE NATIONAL WETLANDS INVENTORY MAPS, THERE ARE NO FEDERAL WETLANDS IN THE PROJECT AREA.
5. PER THE ERSI/FEMA PROJECT IMPACT HAZARD INFORMATION AND AWARENESS SITE MAP THERE IS NO 100 YR. FLOOD PLAIN IN THE PROJECT AREA.

## EROSION AND SEDIMENT CONTROL MEASURES

TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

GENERAL MEASURES:

1. AS MUCH AS IS PRACTICAL, EXISTING VEGETATION SHALL BE PRESERVED. FOLLOWING THE COMPLETION OF CONSTRUCTION ACTIVITIES IN ANY PORTION OF THE SITE, PERMANENT VEGETATION SHALL BE ESTABLISHED ON ALL EXPOSED SOILS.
2. SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE SCOPE AND DURATION OF SOIL DISRUPTION.

PARTICULAR MEASURES:

1. DRAINAGE DITCH SEDIMENT FILTERS: DITCHES, SHALL RECEIVE CHECK DAMS WITH 2-9 INCH STONE MEETING NYS-DOT LIGHT STONE FILL REQUIREMENTS SO AS TO EFFECTIVELY TRAP SEDIMENT AND MINIMIZE ITS RELEASE OFF-SITE. CHECK DAMS SHALL HAVE A 9" MINIMUM WEIR AND BE CONSTRUCTED WITHIN EACH DITCH BEGINNING AT ITS DOWNSTREAM TERMINUS. CHECK DAMS SHALL BE PLACED WITHIN THE CHANNEL SO THAT THE CREST OF THE DOWNSTREAM DAM IS AT THE ELEVATION OF THE TOE OF THE UPSTREAM DAM.
2. SILT FENCES AND COMPOST FILTER SOCKS SHALL BE CONSTRUCTED AROUND ALL STOCKPILES OF FILL, TOPSOIL AND EXCAVATED OVERBURDEN THAT ARE TO REMAIN FOR PERIODS LESS THAN 30 DAYS. SILT FENCES AND COMPOST FILTER SOCKS SHALL BE ANCHORED AND MAINTAINED IN GOOD CONDITION UNTIL SUCH TIME AS STOCKPILES ARE REMOVED AND STOCKPILING AREAS ARE BROUGHT TO FINAL GRADE AND PERMANENTLY STABILIZED.
3. TOPSOIL AND FILL THAT IS TO REMAIN STOCKPILED ON-SITE FOR PERIODS GREATER THAN 30 DAYS SHALL BE STABILIZED BY SEEDING. PRIOR TO THE SEEDING OPERATION, THE STOCKPILED MATERIAL SHALL BE GRADED AS NEEDED AND FEASIBLE TO PERMIT THE USE OF CONVENTIONAL EQUIPMENT FOR SEEDBED PREPARATION, SEEDING, MULCH APPLICATION AND MULCH ANCHORING.
4. IN NO CASE SHALL ERODIBLE MATERIALS BE STOCKPILED WITH 25 FEET OF ANY DITCH, STREAM, OR OTHER SURFACE WATER BODY.

PERMANENT AND TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

1. PERMANENT AND TEMPORARY VEGETATIVE COVER: IMMEDIATELY FOLLOWING THE COMPLETION OF CONSTRUCTION ACTIVITY OR WHERE WORK IS DELAYED AND WILL NOT BE DISTURBED FOR 21 DAYS OR MORE IN ANY PORTION OF THE SITE. PERMANENT OR TEMPORARY VEGETATION SHALL BE ESTABLISHED WITHIN 14 DAYS ON ALL EXPOSED SOILS. ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED AS SOON AS PRACTICAL FOLLOWING DISTURBANCE TO STABILIZE BARE SOIL AND PROMOTE THE PROMPT RE-ESTABLISHMENT OF VEGETATION.
   - A. AN ADEQUATE SEEDBED SHALL BE PREPARED BY SCARIFYING COMPACTED SOIL AND REMOVING SURFACE DEBRIS AND OBSTACLES.
   - B. LIME SHALL BE APPLIED SUFFICIENTLY TO ATTAIN A SOIL ACIDITY pH OF 6.0 TO 7.0.
   - C. FERTILIZER (5-10-10 MIXTURE OR EQUIVALENT) SHALL BE APPLIED PER SOIL TEST RESULTS OR AT A RATE OF 600 LBS PER ACRE.
   - D. DISTURBED AREAS WHICH WILL REMAIN TEMPORARILY FALLOW FOR PERIODS GREATER THAN 14 DAYS SHALL BE SEEDED AT THE FOLLOWING RATE TO PRODUCE TEMPORARY GROUND COVER: 30 LBS RYEGRASS (ANNUAL OR PERENNIAL) PER ACRE. DURING THE WINTER, USE 100 LBS CERTIFIED "AROOSTOCK" WINTER RYE (CEREAL RYE) PER ACRE.
   - E. PERMANENT SEEDING SHALL BE APPLIED ON 4" MIN. TOPSOIL AT THE FOLLOWING RATE FOR ROUGH OR OCCASIONAL MOWING AREAS:
     8 LBS EMPIRE BIRDSFOOT TIREFOIL OR COMMON WHITE CLOVER PER ACRE.
     20 LBS TALL FESCUE PER ACRE PLUS
     2 LBS REDTOP OR 5 LBS RYEGRASS (PERENNIAL) PER ACRE

     FOR MOWED AREAS:
     65 LBS KENTUCKY BLUEGRASS PER ACRE
     65 LBS RYEGRASS (PERENNIAL) PER ACRE
   - F. ALL SEEDING SHALL BE PERFORMED USING THE BROADCAST METHOD OR HYDROSEEDING, UNLESS OTHERWISE APPROVED.
   - G. ALL DISTURBED AREAS SHALL BE STABILIZED SUBSEQUENT TO SEEDING BY APPLYING 2 TONS OF STRAW MULCH PER ACRE. STRAW MULCH SHALL BE ANCHORED BY APPLYING 750 LBS OF WOOD FIBER MULCH PER ACRE WITH A HYDROSEEDER, OR TUCKING THE MULCH WITH SMOOTH DISCS OR OTHER MULCH ANCHORING TOOLS TO A DEPTH OF 3". MULCH ANCHORING TOOLS SHALL BE PULLED ACROSS SLOPES ALONG TOPOGRAPHIC CONTOURS.
2. ALL UNNECESSARY REMOVAL OF HEALTHY TREES SHALL BE AVOIDED. MATERIALS SHALL NOT BE STORED NOR MACHINERY OPERATED WITHIN THE DRIP-LINE OF THE TREES TO REMAIN.

MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES:

1. THE CONTRACTOR SHALL ON A DAILY BASIS INSPECT AND MAINTAIN THE INTEGRITY AND FUNCTION OF ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT THE DURATION OF THE CONSTRUCTION PROCESS.
2. TO ASSURE PROPER FUNCTION, SILTATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REINFORCED, EXTENDED, REPAIRED OR REPLACED AS NECESSARY. WASHOUTS SHALL BE IMMEDIATELY REPAIRED, RE-SEEDED AND PROTECTED FROM FURTHER EROSION.
3. SEDIMENT SHALL BE REMOVED FROM BEHIND THE SEDIMENT FENCE WHEN IT BECOMES ABOUT 0.5 FEET DEEP AT THE FENCE AND FROM BEHIND THE COMPOST FILTER SOCKS ONCE IT REACHES 1/2 THE FILTER SOCK HEIGHT. THE SEDIMENT FENCE AND COMPOST FILTER SOCKS SHALL BE REPAIRED AS NECESSARY TO MAINTAIN BARRIER.
4. ALL SEEDED AREAS SHALL BE FERTILIZED, RESEEDED AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN IN ORDER TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.

BLUE SKY TOWERS LLC

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(585) 458 3020

- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

| NO. | DATE | COMMENTS |
|---|---|---|
| 0 | 09/20/2022 | ISSUED PRELIMINARY FOR REVIEW |
| 1 | 10/07/2022 | ISSUED FINAL |

STATE OF NEW YORK · MICHAEL O RITCHEY · 096184 · LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: M.P.M.

DRAWN BY: T.K.W.

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SITE INFORMATION

POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

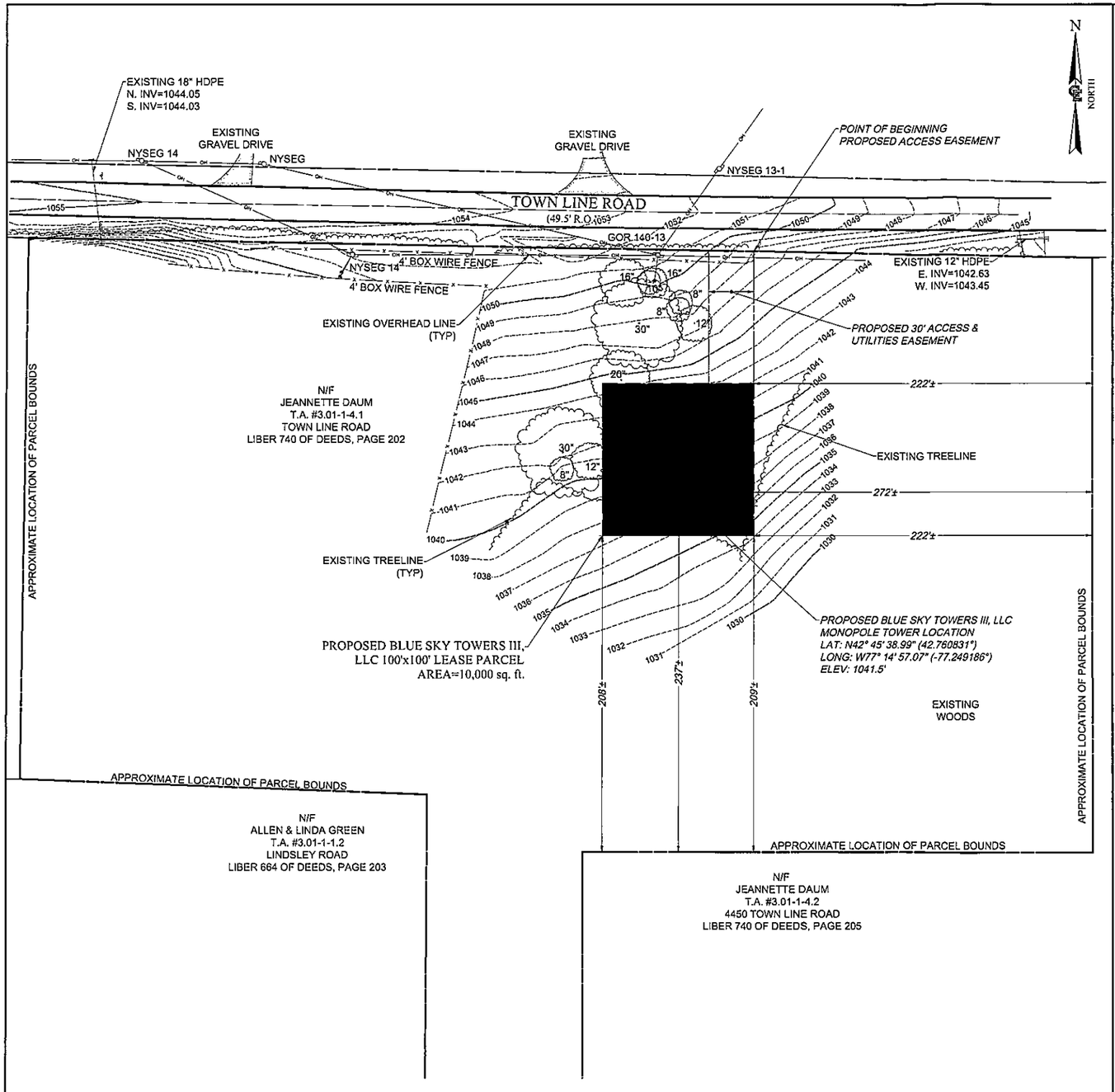
SHEET TITLE

GENERAL NOTES

C.E. JOB NUMBER: B6142

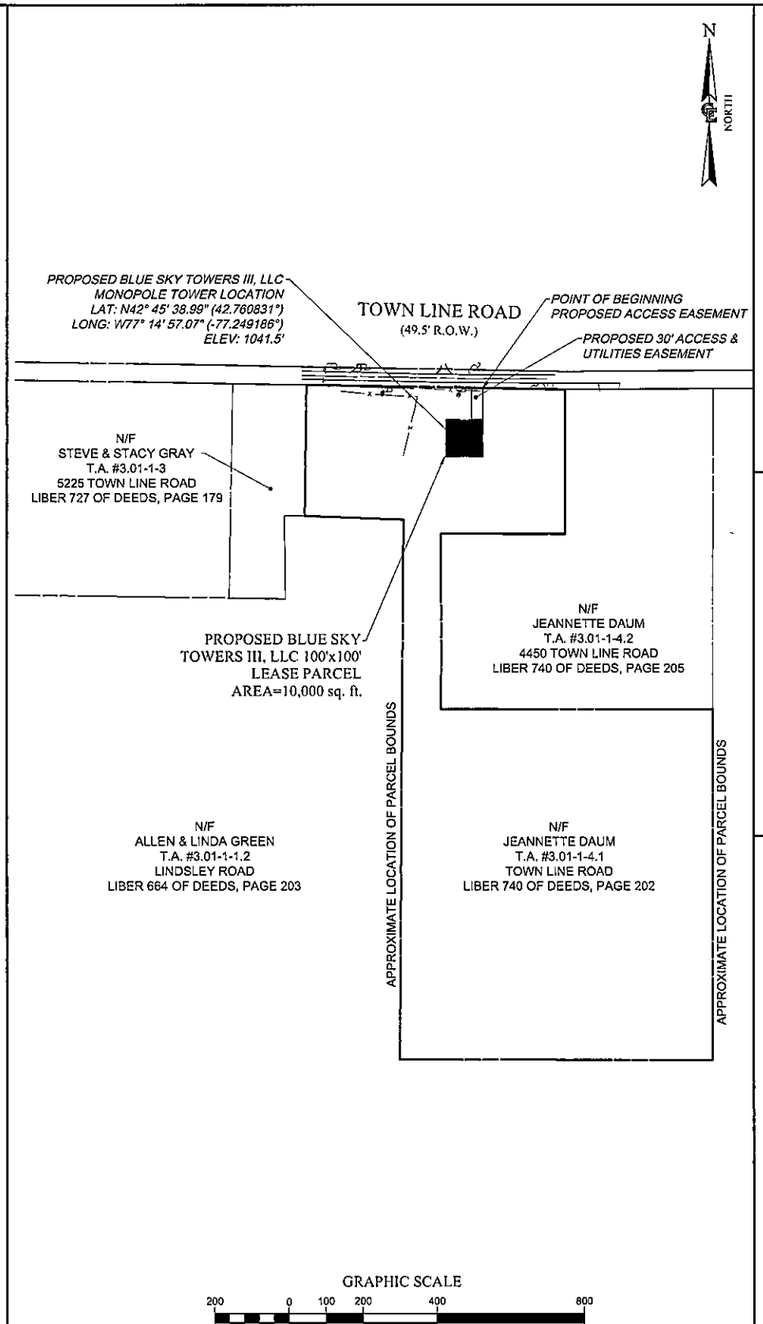
SHEET NUMBER: GA002

SHEET 02 OF 11




1 VA100 SURVEY PLAN
SCALE: 1" = 40' (22 x 34 SHEET)
1" = 80' (11 x 17 SHEET)

GRAPHIC SCALE
40 0 20 40 80 160
( IN FEET )
1 inch = 40 ft. (22" x 34" SHEET)
1 inch = 80 ft. (11" x 17" SHEET)




GRAPHIC SCALE
200 0 100 200 400 800
( IN FEET )
1 inch = 200 ft. (22" x 34" SHEET)
1 inch = 400 ft. (11" x 17" SHEET)

2 VA100 SCHEMATIC TOTAL HOLDINGS
SCALE: 1" = 200' (22 x 34 SHEET)
1" = 400' (11 x 17 SHEET)

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COSTICH ENGINEERING
- CIVIL ENGINEERING
- LAND SURVEYING
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STATE OF NEW YORK
MICHAEL P. RITCHEY
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LICENSED PROFESSIONAL ENGINEER

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SITE INFORMATION

POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

SHEET TITLE

SCHEMATIC TOTAL HOLDINGS/ SURVEY PLAN

C.E. JOB NUMBER: B6142

SHEET NUMBER: VA100

SHEET 03 OF 11

RESERVED FOR SURVEY
DESCRIPTIONS/NOTES

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COSTICH ENGINEERING
- CIVIL ENGINEERING
- LAND SURVEYING
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STATE OF NEW YORK
MICHAEL O. RITCHIE
096184
LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER
M.P.M.

DRAWN BY
T.K.W.

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POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

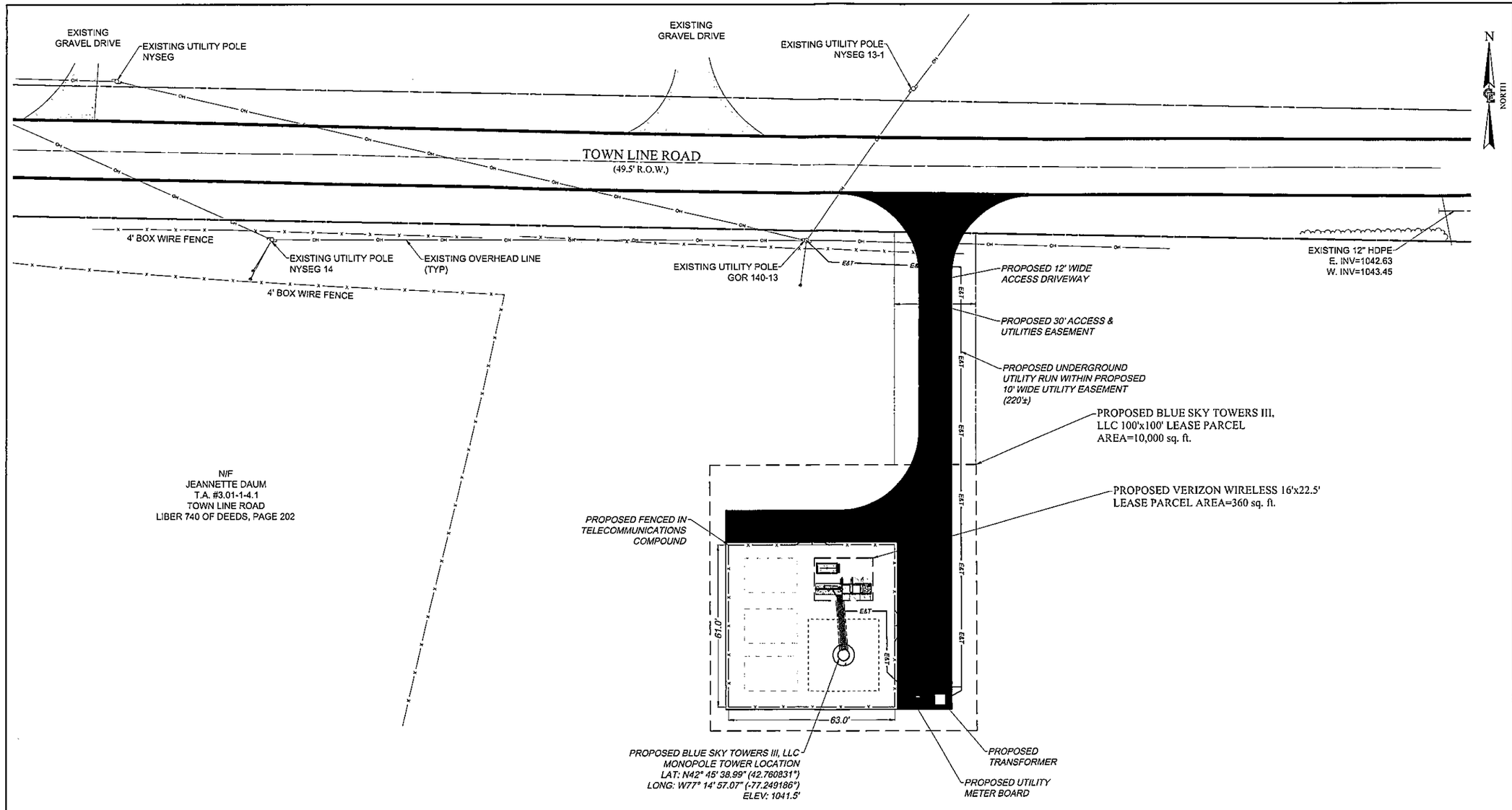
SHEET TITLE

SURVEY NOTES

C.E. JOB NUMBER
B6142

SHEET NUMBER
VA101

SHEET 04 OF 11




1 CA100 OVERALL SITE PLAN
SCALE: 1" = 20' (22 x 34 SHEET)
1" = 40' (11 x 17 SHEET)

GRAPHIC SCALE
20 0 10 20 40 80
( IN FEET )
1 inch = 20 ft. (22" x 34" SHEET)
1 inch = 40 ft. (11" x 17" SHEET)

BLUE SKY TOWERS LLC

verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
• CIVIL ENGINEERING
• LAND SURVEYING
• LANDSCAPE ARCHITECTURE
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

| NO. | DATE | COMMENTS |
|---|---|---|
| 0 | 09/20/2022 | ISSUED PRELIMINARY FOR REVIEW |
| 1 | 10/07/2022 | ISSUED FINAL |

STATE OF NEW YORK · MICHAEL O. RITCHIE · 096184 · LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: M.P.M.

DRAWN BY: T.K.W.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SITE INFORMATION

POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

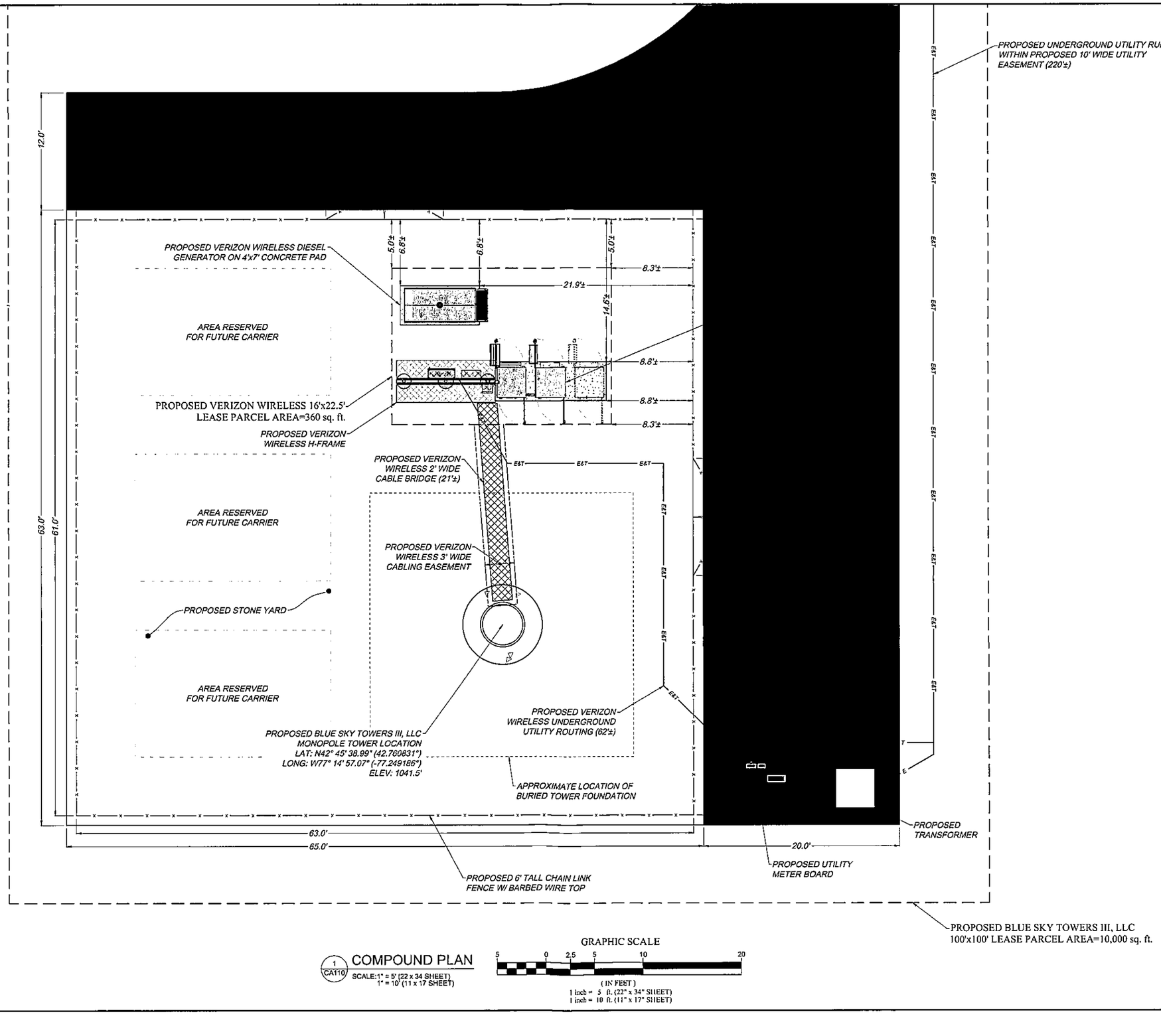
SHEET TITLE

OVERALL SITE PLAN

C.E. JOB NUMBER: B6142

SHEET NUMBER: CA100

SHEET 05 OF 11




1 CA110 COMPOUND PLAN
SCALE:1" = 5' (22 x 34 SHEET)
1" = 10' (11 x 17 SHEET)

GRAPHIC SCALE
5 0 2.5 5 10 20
( IN FEET )
1 inch = 5 ft. (22" x 34" SHEET)
1 inch = 10 ft. (11" x 17" SHEET)

BLUE SKY TOWERS LLC

verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458 3020

| NO. | DATE | COMMENTS |
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| 0 | 09/20/2022 | ISSUED PRELIMINARY FOR REVIEW |
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STATE OF NEW YORK
MICHAEL P. MITCHELL
086184
LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: M.P.M.
DRAWN BY: T.K.W.

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SITE INFORMATION

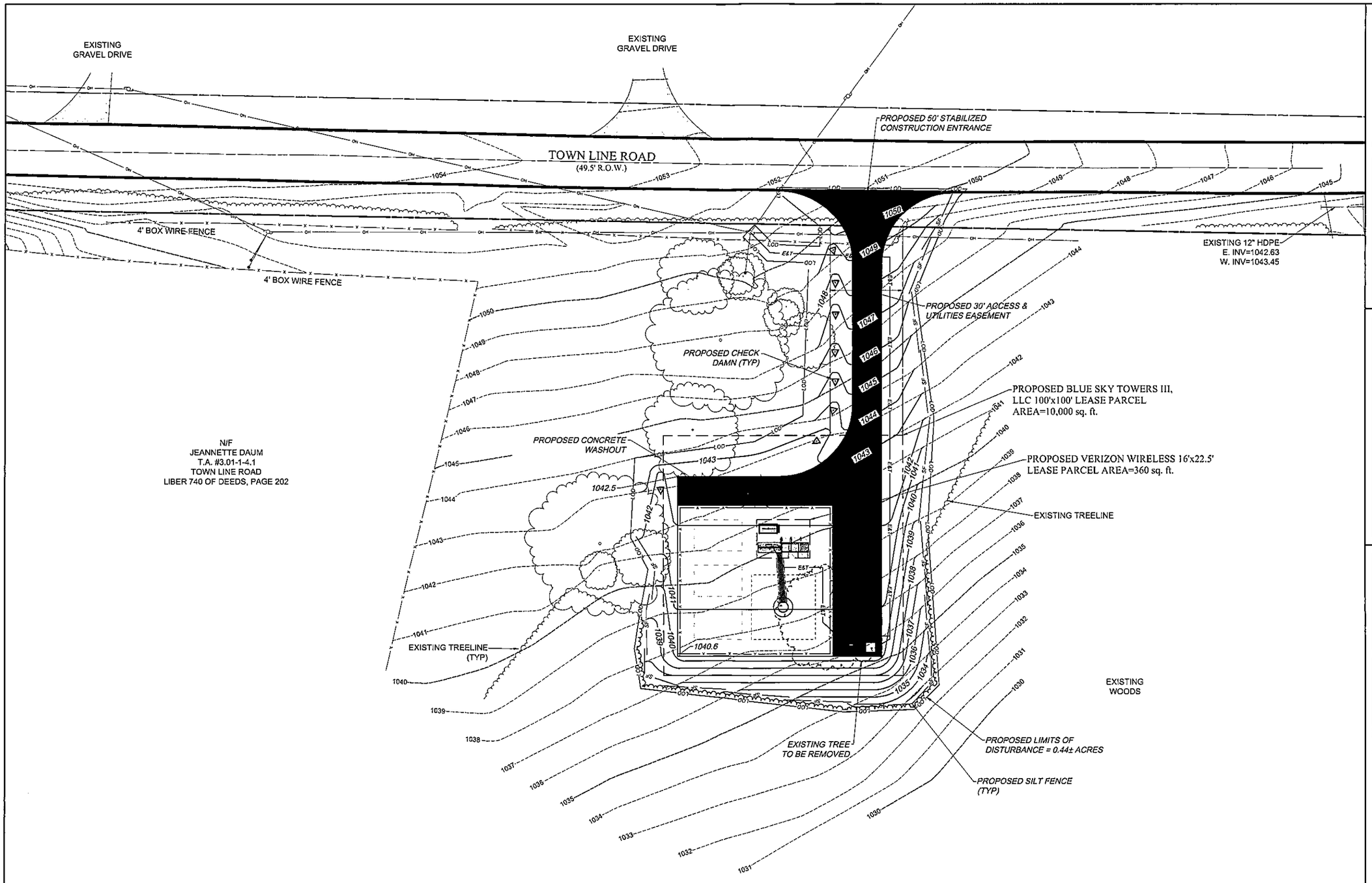
POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

SHEET TITLE

COMPOUND PLAN

C.E. JOB NUMBER: B6142
SHEET NUMBER: CA110
SHEET 05 OF 11




1 CA120 GRADING & EROSION CONTROL PLAN

SCALE:1" = 20' (22 x 34 SHEET)
1" = 40' (11 x 17 SHEET)

GRAPHIC SCALE

20 0 10 20 40 80

( IN FEET )
1 inch = 20 ft. (22" x 34" SHEET)
1 inch = 40 ft. (11" x 17" SHEET)

BLUE SKY TOWERS LLC

verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING

- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

| NO. | DATE | COMMENTS |
|---|---|---|
| 0 | 09/20/2022 | ISSUED PRELIMINARY FOR REVIEW |
| 1 | 10/07/2022 | ISSUED FINAL |

STATE OF NEW YORK
MICHAEL O RITCHEY
096184
LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: M.P.M.

DRAWN BY: T.K.W.

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SITE INFORMATION

POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

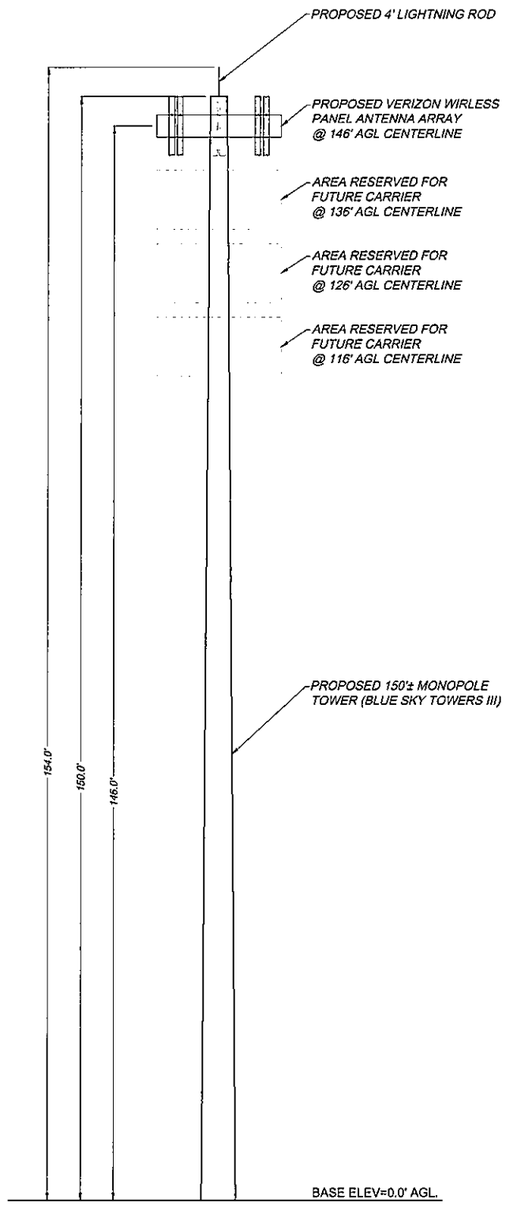
SHEET TITLE

GRADING & EROSION CONTROL PLAN

C.E. JOB NUMBER: B6142

SHEET NUMBER: CA120

SHEET 07 OF 11




NOTE:
CONTRACTORS MUST UTILIZE VERIZON WIRELESS APPROVED LOW-PIM CABLE SUPPORT FASTENERS AND RELATED ANCILLARY ATTACHMENT HARDWARE WITHIN 10 FEET OF VERIZON WIRELESS ANTENNAS.

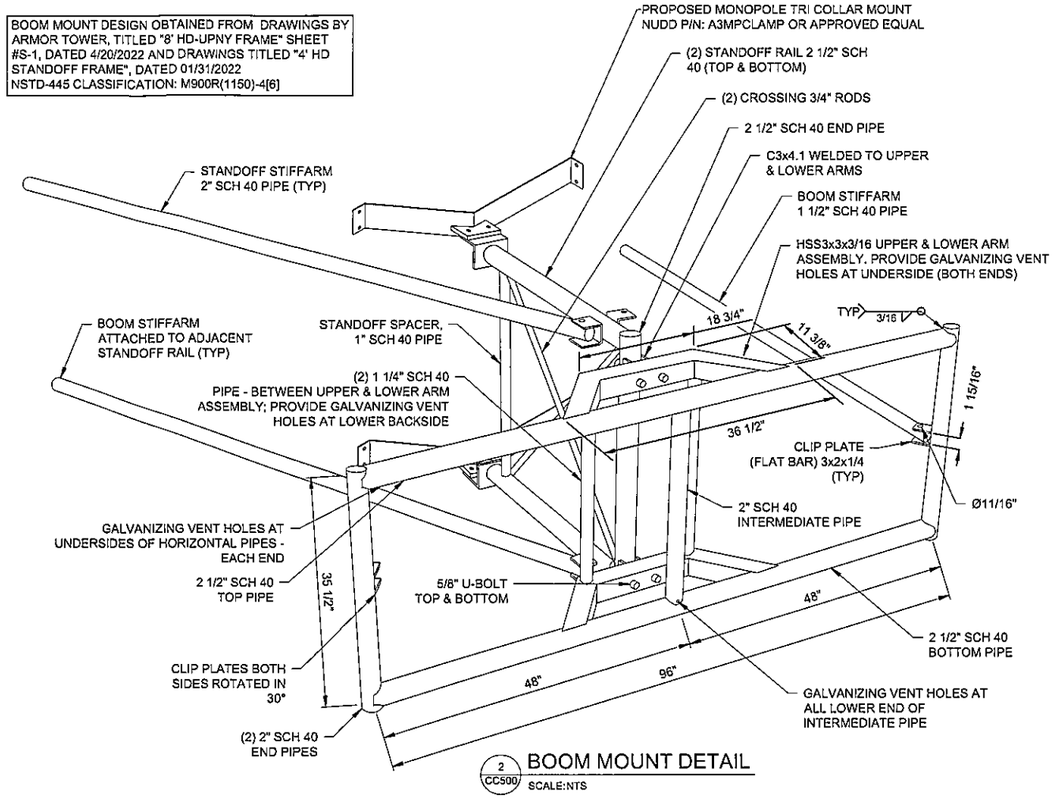
## TOWER NOTES

1. THE TOWER SHALL BE CONSTRUCTED WITH GALVANIZED STEEL.
2. NO FAA OBSTRUCTION LIGHTING IS PROPOSED BY VERIZON WIRELESS UNLESS IT IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION OR THE LOCAL MUNICIPALITY.
3. ALL REFERENCES TO THE TOWER AND ITS FOUNDATION ARE TO BE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE TOWER SUPPLIER.
4. TOWER SHALL BE DESIGNED/ CONSTRUCTED TO ACCOMMODATE A TOTAL OF FOUR WIRELESS CARRIERS.
5. THERE SHALL BE NO PERMANENT CLIMBING PEGS WITHIN 15' OF THE GROUND OF ANY TOWER.
6. PROPOSED ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE SITE SPECIFIC RF ANTENNA DESIGN SHEET SUPPLIED BY THE RF SYSTEMS ENGINEER.

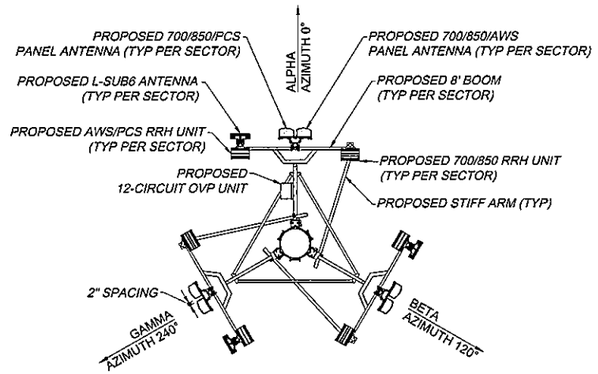
1 / CC500 TOWER ELEVATION
SCALE:1" = 10' (22 x 34 SHEET)
1" = 20' (11 x 17 SHEET)

GRAPHIC SCALE
10 0 5 10 20 40
( IN FEET )
1 inch = 10 ft. (22" x 34" SHEET)
1 inch = 20 ft. (11" x 17" SHEET)

BOOM MOUNT DESIGN OBTAINED FROM DRAWINGS BY ARMOR TOWER, TITLED "8' HD-UPNY FRAME" SHEET #S-1, DATED 4/20/2022 AND DRAWINGS TITLED "4' HD STANDOFF FRAME", DATED 01/31/2022
NSTD-445 CLASSIFICATION: M900R(1150)-4[6]




2 / CC500 BOOM MOUNT DETAIL
SCALE:NTS




3 / CC500 ANTENNA ORIENTATION
SCALE:1" = 5' (22 x 34 SHEET)
1" = 10' (11 x 17 SHEET)

GRAPHIC SCALE
5 0 2.5 5 10 20
( IN FEET )
1 inch = 5 ft. (22" x 34" SHEET)
1 inch = 10 ft. (11" x 17" SHEET)

BLUE SKY TOWERS LLC

verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

| NO. | DATE | COMMENTS |
|---|---|---|
| 0 | 09/20/2022 | ISSUED PRELIMINARY FOR REVIEW |
| 1 | 10/07/2022 | ISSUED FINAL |

STATE OF NEW YORK · MICHAEL C. RITCHIE · 098184 · LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: M.P.M.
DRAWN BY: T.K.W.

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SITE INFORMATION

POTTER-RUSHVILLE
SITE #: NY-5160

TOWN OF RUSHVILLE
COUNTY OF YATES
STATE OF NEW YORK

SHEET TITLE

TOWER ELEVATION AND ORIENTATION PLAN

C.E. JOB NUMBER: B6142
SHEET NUMBER: CC500
SHEET 08 OF 11

# EXHIBIT L

verizonwireless
Network Engineering
1275 John Street, Suite 100
West Henrietta NY 14586

October 6, 2022

To: Town of Middlesex
Transmitted via email to jlusk@nixonpeabody.com
RE: Verizon Wireless Site Located at: 139 NY-245, Rushville, NY 14544

**To Whom It May Concern,**

We write to inform you that Verizon Wireless has performed a radio frequency (RF) compliance pre-construction evaluation for the above-noted proposed site and based on the result of the evaluation, the site will be compliant with FCC Guidelines.

The FCC has established safety guidelines relating to potential RF exposure from cell sites. The FCC developed the standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The FCC provides information about the safety of radio frequency (RF) emissions from cell towers on its website at: https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety.

Please refer to the FCC Office of Engineering and Technology Bulletin 65 for information on RF exposure guidelines. Policy questions should be directed to VZWRFCompliance@verizonwireless.com. Contact your local Verizon Wireless resource below if you have additional site-specific questions.

| Contact Name | Contact Email | Contact Phone |
|---|---|---|
| **Mike Crosby** | **Michael.Crosby2@VerizonWireless.com** | **585-321-5478** |

Sincerely,

Shawn Flynn
Manager-RF System Design
Verizon Wireless

# EXHIBIT M

BLUE SKY TOWERS III, LLC
352 Park Street
Suite 106
North Reading, MA 01864

October 10, 2022

Zoning Board of Appeals and Planning Board
Town of Middlesex
1216 Route 245
Middlesex, NY 14507
Attn: Lynnette Miller, Town Clerk

**RE: Application for special use permit, site plan approval, and an area/height variance from the Zoning Board of Appeals and Planning Board by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems, LLC to construct and operate a 150′ wireless telecommunications tower (plus 4′ lightning rod) and associated improvements on land located on Town Line Road, owned by Jeannette Daum (S.B.L. #3.01-1-4.1) in the Town of Middlesex, Yates County, New York (Blue Sky/Verizon Wireless' "Potter-Rushville" site)**

Dear Members of the Zoning Board of Appeals and Planning Board:

Blue Sky Towers III, LLC ("Blue Sky"), on behalf of itself and Bell Atlantic Mobile Systems LLC, agrees to remove the proposed wireless telecommunication facility and related improvements installed as part of the above-referenced project within ninety (90) days if the facility becomes obsolete, damaged beyond use or ceases to be used for its intended purpose for a period of six (6) consecutive months.

If you have any questions, please feel free to contact me at (315) 701-4669.

Sincerely,

Charles Laurette

Chuck Laurette
Director Of Operations
Authorized Agent for
Blue Sky Towers III, LLC

# EXHIBIT N

In the Matter of Blue Sky/Verizon Wireless' Application to the Town of Middlesex for Approval to Construct and Operate a Wireless Telecommunications Facility located on Town Line Road (S.B.L. # 3.01-1-4.1) in the Town of Middlesex, New York.

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK )
COUNTY OF MONROE ) ss.:

Melissa K. Vimislik, being duly sworn, deposes and says that:

1. I am over the age of eighteen years and am employed by Nixon Peabody LLP, the attorneys for the Applicant in the above-referenced matter.

2. On October 17, 2022, before 5:30 o'clock P.M. in the City of Rochester, Monroe County, New York, I personally mailed an Agricultural Data Statement (a copy of which is attached) to the Property Owners identified on the attached list, by depositing the same properly enclosed in a postpaid wrapper, at the United States Postal Service box located at Clinton Square, in the City of Rochester, Monroe County, New York.

Melissa K. Vimislik

Sworn to before me this
17th day of October, 2022.

Notary Public
ELIZABETH A. SMITH
Notary Public, State of New York
Registration #01SM4866795
Qualified in Monroe County
Certificate Filed in Monroe County
Commission Expires: 08/4/2026

AGRICULTURAL DATA STATEMENT

(pursuant to NY Ag & Mkt Law 305-a; N.Y. Town Law & 283-a;
N.Y. Village Law § 7-739 and N.Y. Gen. Mun. Law 239-m)

| Applicant | Owner (if different from applicant) |
|---|---|
| Name: Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC<br><br>Address: 352 Park Street, Suite 106 North Reading, MA 01864 | Name: Jeannette Daum<br><br>Address: 4450 Town Line Road Rushville, NY 14544 |

1. Type of Application:
   - ☒ Special Use Permit
   - ☒ Site Plan Approval
   - ☒ Area Variance(s)
   - ☐ Use Variance
   - ☐ Subdivision Approval

2. Description of proposed project: Construction and operation of a 150′ wireless telecommunications tower (plus 4′ lightning rod) and related improvements.

3. Location of proposed project: Address: Town Line Road
   Tax Map No.: 3.01-1-4.1

4. List all farm operations which are both: (i) located within 500 feet of the boundary of the property upon which the project is proposed, and (ii) located in an agricultural district: **SEE ATTACHED**

5. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified above. **SEE ATTACHED**

**Blue Sky Towers III, LLC and**
**Bell Atlantic Mobile Systems of Allentown, Inc.**

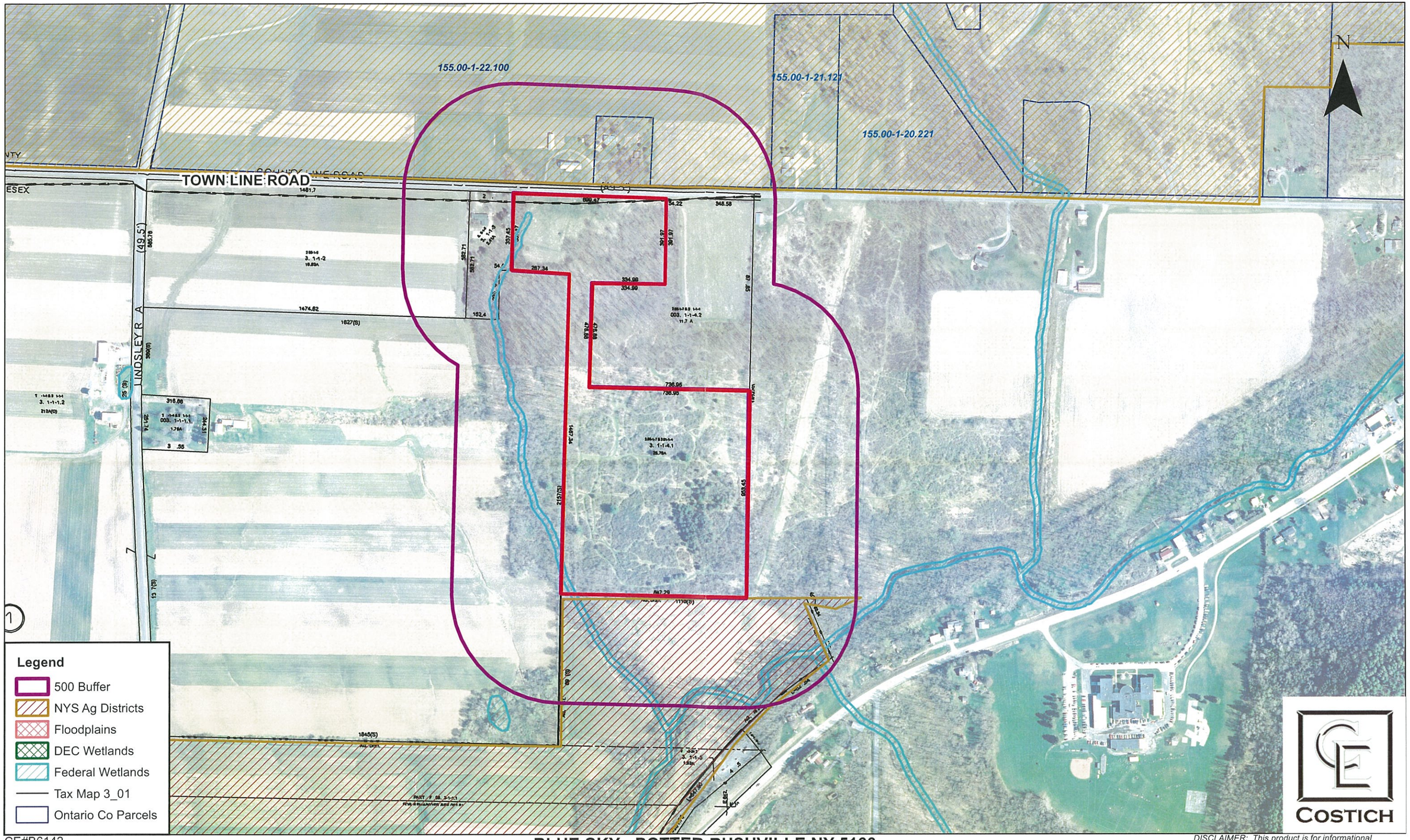
**By: Nixon Peabody LLP, its attorneys**

By: _____
Jared C. Lusk

BLUE SKY TOWERS, III LLC-POTTER-RUSHVILLE TELECOMMUNICATIONS FACILITY
ADJOINERS W/IN 500' OF TA#003.01-1-4.1 LOCATED IN NYS AG DISTRICT

CE#B6142
9/12/2022

| TA# | OWNER NAME | MAILING ADDRESS | CITY, STATE | ZIP |
|---|---|---|---|---|
| 003.03-1-1.1 | JOHN D. & DORIS S. ZIMMERMAN | 448 ROUTE 247 RD | RUSHVILLE, NY | 14544 |
| *ONTARIO CO PARCELS* | | | | |
| 155.00-1-22.100 | DAVID L. SMART | 5353 ARNOLD RD | RUSHVILLE, NY | 14544 |
| 155.00-1-21.121 | JOSHUA ROSSI | 4410 TOWNLINE RD | RUSHVILLE, NY | 14424 |
| 155.00-1-22.200 | JEANETTE L. DAUM | 4450 TOWNLINE RD | RUSHVILLE, NY | 14544 |




CE#B6142
9/9/2022

0 400 800
Feet

**BLUE SKY - POTTER-RUSHVILLE NY-5160**
**TOWN OF MIDDLESEX, YATES COUNTY**
**AG ADJOINER EXHIBIT**

*DISCLAIMER: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.*

# EXHIBIT O

In the Matter of Blue Sky/Verizon Wireless' Application to the Town of Middlesex for Approval to Construct and Operate a Wireless Telecommunications Facility located on Town Line Road (S.B.L. # 3.01-1-4.1) in the Town of Middlesex, New York.

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

Melissa K. Vimislik, being duly sworn, deposes and says that:

1. I am over the age of eighteen years and am employed by Nixon Peabody LLP, the attorneys for the Applicant in the above-referenced matter.

2. On October 17, 2022, before 5:30 o'clock P.M. in the City of Rochester, Monroe County, New York, I personally mailed the attached letters, via first class mail, by depositing the same properly enclosed in a postpaid wrapper, at the United States Postal Service station located at Clinton Square, in the City of Rochester, Monroe County, New York, directed to the names and address outlined on the attached copies.

Melissa K. Vimislik

Sworn to before me this
17th day of October, 2022.

Notary Public

ELIZABETH A. SMITH
Notary Public, State of New York
Registration #01SM4866795
Qualified in Monroe County
Certificate Filed in Monroe County
Commission Expires: 08/4/2026

NIXON PEABODY

Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

Attorneys at Law
nixonpeabody.com
@NixonPeabodyLLP

**Jared C. Lusk**
Partner

T / 585.263.1140
F / 866.402.1491
jlusk@nixonpeabody.com

October 17, 2022

Town of Potter
1226 Phelps Road
Middlesex, NY 14507
Attn: Town Board

Town of Italy
6060 Italy Valley Road
Naples, NY 14512
Attn: Town Board

Town of South Bristol
6500 W Gannett Hill Road
Naples, NY 14512
Attn: Town Board

Town of Gorham
4736 South Street
PO Box 224
Gorham, NY 14461
Attn: Town Board

Yates County
417 Liberty Street
Penn Yan, NY 14527
Attn: Planning Board and Yates County Emergency Services

**RE: Application for special use permit, site plan approval, and an area/height variance from the Zoning Board of Appeals and Planning Board by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems, LLC to construct and operate a 150′ wireless telecommunications tower (plus 4′ lightning rod) and associated improvements on land located on Town Line Road, owned by Jeannette Daum (S.B.L. #3.01-1-4.1) in the Town of Middlesex, Yates County, New York (Blue Sky/Verizon Wireless' "Potter-Rushville" site)**

Dear Neighboring Municipalities and Yates County:

Pursuant to Town of Middlesex Telecommunications Law § 2(20), Blue Sky Towers III, LLC ("Blue Sky") and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless ("Verizon

Wireless") hereby provide notice of their collective application for a special use permit, site plan approval, and an area/height variance from the Town of Middlesex to construct and operate a 150′ wireless telecommunications tower (plus 4′ lightning rod) and associated improvements, which tower includes the capacity for future shared use, on land located on Town Line Road, owned by Jeannette Daum (S.B.L. #3.01-1-4.1) in the Town of Middlesex, Yates County, New York (Blue Sky/Verizon Wireless' "Potter-Rushville" site).

If you have any questions, please feel free to contact me.

Very truly yours,

Jared C. Lusk

# EXHIBIT P

| | | | |
|---|---|---|---|
| Costich Engineering<br>Land Surveying<br>Landscape Architecture<br>217 LAKE AVENUE<br>ROCHESTER, NY 14608<br>(585) 458-3020<br>COSTICH | PROJECT NAME<br>Potter-Rushville<br>Photo 1<br>PHOTO COORDINATES<br>42° 46' 20.7732" N, 77° 15' 11.2356" W | PHOTO DESCRIPTION<br>View towards site<br>balloons at 150' and 170'<br>PHOTO LOCATION<br>View SE from Arnold Rd.<br>4274' from site | DATE OF PHOTO<br>9/30/2022<br>C.E. JOB#<br>B6142<br>Site#<br>NY-5160 |

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH

PROJECT NAME
Potter-Rushville

Photo 1

PHOTO COORDINATES
42° 46' 20.7732" N, 77° 15' 11.2356" W

PHOTO DESCRIPTION
Photosimulation of proposed
150' monopole

PHOTO LOCATION
View SE from Arnold Rd.
4274' from site

DATE OF PHOTO
9/30/2022

C.E. JOB#
B6142

Site#
NY-5160

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH

PROJECT NAME
Potter-Rushville

Photo 2

PHOTO COORDINATES
42° 45' 40.5360" N, 77° 15' 25.5060" W

PHOTO DESCRIPTION
View towards site
balloons at 150' and 170'

PHOTO LOCATION
View E from Townline Rd.
2150' from site

DATE OF PHOTO
9/30/2022

C.E. JOB#
B6142

Site#
NY-5160

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH

PROJECT NAME
Potter-Rushville

Photo 2

PHOTO COORDINATES
42° 45' 40.5360" N, 77° 15' 25.5060" W

PHOTO DESCRIPTION
Photosimulation of proposed
150' monopole

PHOTO LOCATION
View E from Townline Rd.
2150' from site

DATE OF PHOTO
9/30/2022

C.E. JOB#
B6142

Site#
NY-5160

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH

PROJECT NAME
Potter-Rushville

Photo 3

PHOTO COORDINATES
42° 45' 40.7628" N, 77° 14' 45.4452" W

PHOTO DESCRIPTION
View towards site
balloons at 150' and 170'

PHOTO LOCATION
View W from Townline Rd.
816' from site

DATE OF PHOTO
9/30/2022

C.E. JOB#
B6142

Site#
NY-5160

| | | | |
|---|---|---|---|
| Costich Engineering<br>Land Surveying<br>Landscape Architecture<br>217 LAKE AVENUE<br>ROCHESTER, NY 14608<br>(585) 458-3020 | PROJECT NAME<br>Potter-Rushville | PHOTO DESCRIPTION<br>Photosimulation of proposed<br>150' monopole | DATE OF PHOTO<br>9/30/2022 |
| | Photo 3 | | C.E. JOB#<br>B6142 |
| | PHOTO COORDINATES<br>42° 45' 40.7628" N, 77° 14' 45.4452" W | PHOTO LOCATION<br>View W from Townline Rd.<br>816' from site | Site#<br>NY-5160 |

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH

PROJECT NAME
Potter-Rushville

Photo 4

PHOTO COORDINATES
42° 45' 20.0412" N, 77° 14' 24.8280" W

PHOTO DESCRIPTION
View towards site
balloons at 150' and 170'

PHOTO LOCATION
View NW from Middlesex School
3047' from site

DATE OF PHOTO
9/30/2022

C.E. JOB#
B6142

Site#
NY-5160

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH

PROJECT NAME
Potter-Rushville

Photo 4

PHOTO COORDINATES
42° 45' 20.0412" N, 77° 14' 24.8280" W

PHOTO DESCRIPTION
Photosimulation of proposed
150' monopole

PHOTO LOCATION
View NW from Middlesex School
3047' from site

DATE OF PHOTO
9/30/2022

C.E. JOB#
B6142

Site#
NY-5160

COSTICH

3 Mile Radius

2 Mile Radius

1 Mile Radius

Site

1

2

3

4

N

9/30/2022
CE# B6142

0 1,500 3,000
Feet

Viewshed / Photolog
Potter - Rushville

**Legend**

- Photo Locations
- Roads
- Mile Radii
- Viewshed