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September 11, 2012

**By Overnight Delivery**

Honorable Chairman John P. Ewasutyn  
and Members of the Planning Board  
Town of Newburgh  
308 Gardnertown Road  
Newburgh, New York 12550

Re: Request for Site Modification  
Sprint Nextel Corp.  
Town File No. 2012-17  
39 North Plank Road, Newburgh, NY  
Town of Newburgh ("Town")

Hon. Chairman Ewasutyn  
and Members of the Planning Board:

We are the attorneys for Sprint Nextel Corp. ("Sprint") in connection with Sprint's instant request to modify its existing wireless telecommunications facility ("Existing Facility") on the existing water tower ("Existing Water Tower") at the above referenced property ("Property"). The proposed modification consists of the replacement of four (4) existing panel antennas with the installation of four (4) panel antennas, a microwave dish and related equipment on the Existing Water Tower. Also, one (1) related equipment cabinet at the base of the Existing Water Tower will be retrofitted and a small battery cabinet will be installed, on the existing previously approved equipment platform within the existing fenced compound.

Section 6409 of the recently adopted Federal Middle Class Tax Relief and Job Creation Act of 2012 ("TRA") (copies of which are enclosed), states that a local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." We respectfully submit that Sprint's proposed modification will not substantially change the physical dimensions of the Existing Water Tower or the Existing Facility and therefore must be approved pursuant to the TRA.

Since the TRA does not define “substantial change”, we look to the FCC’s standard found in the FCC’s Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (“NPA”) (a copy of which is enclosed for your reference), which defines a “substantial increase in the size of the tower” as:

- (1) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas;
- (2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
- (3) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- (4) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Based on the foregoing, it is respectfully submitted that Sprint’s proposed modification will not substantially change the physical dimensions of the Existing Water Tower or Existing Facility for the following reasons. **First**, the proposed modification will not increase the height of the Existing Water Tower. The Existing Water Tower is 132 feet tall in height and will not require an extension in height to accommodate Sprint’s proposed upgrade. Sprint’s existing installation located at the top of the Existing Water Tower will be replaced by the proposed antennas. **Second**, the number of Sprint panel antennas on the Existing Water Tower will not be increased and will not increase the width of the Existing Water Tower. **Third**, the related proposed equipment will be located on the existing platform within the existing equipment compound and will not expand the size of the platform or compound. Moreover, there will only be a net increase of one (1) equipment cabinet.

It is therefore respectfully submitted that Sprint’s proposed modification will not substantially change the physical dimensions of the Existing Water Tower or the Existing Facility

and must be approved pursuant to Section 6409 of the TRA. Accordingly, we respectfully submit that an amended special permit is not required and the proposed modification should be permitted by building permit. In the alternative, Sprint hereby applies for an amended special permit, under protest.

In furtherance of the foregoing and pursuant to our discussion with Chairman Ewasutyn and the direction of the Planning Board's consultant Michael Musso in an e-mail to our office dated August 29, 2012, I have enclosed 14 copies of the following materials:

1. Town of Newburgh Application Form for Subdivision/Site Plan Review;
2. Sprint's FCC Licenses;
3. Structural Evaluation Letter & Analysis, dated September 11, 2012, prepared by Grant Engineering Consultants, LLC;
4. RF Statement from David A. Mendes, Senior Radio Frequency Engineer for Alcatel Lucent explaining the need for the proposed modification; and
5. Short EAF.

I have also enclosed four (4) checks, payable to the Town of Newburgh, in the amounts of \$1,500.00, representing the required application fee, \$7,500.00, representing the required escrow deposit, \$150.00, representing the required public hearing fee, and \$250.00, representing the required Short EAF Fee.

To the extent the information required by Chapter 168 of the Town Code is not included in the enclosed materials, we respectfully request a waiver from same in light of the fact that the Existing Facility was previously approved by this Honorable Board and Sprint merely proposes a minor modification to the Existing Facility. Moreover, as explained above, the proposed modification will not result in a substantial physical change to the Existing Water Tower or Existing Facility and must be approved pursuant to the TRA.

If you have any questions please do not hesitate to contact me. Thank you for your consideration.

Respectfully submitted,  
SNYDER & SNYDER, LLP

By: 

Cara M. Bonomolo

CMB:jmf  
Enclosures

cc: Michael Musso (by e-mail)  
Jennifer Palumbo (by-e-mail)  
Steven Liebezeit (by e-mail)  
Christine Salerno (by e-mail)  
David Distefano (by e-mail)

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MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

\_\_\_\_\_, 2012.—Ordered to be printed

Mr. Camp, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3630]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630), to provide incentives for the creation of jobs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 (c) REPORT.—Not later than 1 year after the date  
2 of the enactment of this Act, the Comptroller General shall  
3 submit a report on the results of the study required by  
4 subsection (a) to the Committee on Energy and Commerce  
5 of the House of Representatives and the Committee on  
6 Commerce, Science, and Transportation of the Senate.

7 (d) TRANSMISSION SYSTEM DEFINED.—In this sec-  
8 tion, the term “transmission system” means any tele-  
9 communications, broadcast, satellite, commercial mobile  
10 service, or other communications system that employs  
11 radio spectrum.

12 **SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.**

13 (a) FACILITY MODIFICATIONS.—

14 (1) IN GENERAL.—Notwithstanding section 704  
15 of the Telecommunications Act of 1996 (Public Law  
16 104–104) or any other provision of law, a State or  
17 local government may not deny, and shall approve,  
18 any eligible facilities request for a modification of an  
19 existing wireless tower or base station that does not  
20 substantially change the physical dimensions of such  
21 tower or base station.

22 (2) ELIGIBLE FACILITIES REQUEST.—For pur-  
23 poses of this subsection, the term “eligible facilities  
24 request” means any request for modification of an

1 existing wireless tower or base station that in-  
2 volves—

3 (A) collocation of new transmission equip-  
4 ment;

5 (B) removal of transmission equipment; or

6 (C) replacement of transmission equip-  
7 ment.

8 (3) APPLICABILITY OF ENVIRONMENTAL  
9 LAWS.—Nothing in paragraph (1) shall be construed  
10 to relieve the Commission from the requirements of  
11 the National Historic Preservation Act or the Na-  
12 tional Environmental Policy Act of 1969.

13 (b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.—

14 (1) GRANT.—If an executive agency, a State, a  
15 political subdivision or agency of a State, or a per-  
16 son, firm, or organization applies for the grant of an  
17 easement or right-of-way to, in, over, or on a build-  
18 ing or other property owned by the Federal Govern-  
19 ment for the right to install, construct, and maintain  
20 wireless service antenna structures and equipment  
21 and backhaul transmission equipment, the executive  
22 agency having control of the building or other prop-  
23 erty may grant to the applicant, on behalf of the  
24 Federal Government, an easement or right-of-way to

1 perform such installation, construction, and mainte-  
2 nance.

3 (2) APPLICATION.—The Administrator of Gen-  
4 eral Services shall develop a common form for appli-  
5 cations for easements and rights-of-way under para-  
6 graph (1) for all executive agencies that shall be  
7 used by applicants with respect to the buildings or  
8 other property of each such agency.

9 (3) FEE.—

10 (A) IN GENERAL.—Notwithstanding any  
11 other provision of law, the Administrator of  
12 General Services shall establish a fee for the  
13 grant of an easement or right-of-way pursuant  
14 to paragraph (1) that is based on direct cost re-  
15 covery.

16 (B) EXCEPTIONS.—The Administrator of  
17 General Services may establish exceptions to  
18 the fee amount required under subparagraph

19 (A)—

20 (i) in consideration of the public ben-  
21 efit provided by a grant of an easement or  
22 right-of-way; and

23 (ii) in the interest of expanding wire-  
24 less and broadband coverage.



1           (4) USE OF FEES COLLECTED.—Any fee  
2 amounts collected by an executive agency pursuant  
3 to paragraph (3) may be made available, as provided  
4 in appropriations Acts, to such agency to cover the  
5 costs of granting the easement or right-of-way.

6       (c) MASTER CONTRACTS FOR WIRELESS FACILITY  
7 SITINGS.—

8           (1) IN GENERAL.—Notwithstanding section 704  
9 of the Telecommunications Act of 1996 or any other  
10 provision of law, and not later than 60 days after  
11 the date of the enactment of this Act, the Adminis-  
12 trator of General Services shall—

13           (A) develop 1 or more master contracts  
14 that shall govern the placement of wireless serv-  
15 ice antenna structures on buildings and other  
16 property owned by the Federal Government;  
17 and

18           (B) in developing the master contract or  
19 contracts, standardize the treatment of the  
20 placement of wireless service antenna structures  
21 on building rooftops or facades, the placement  
22 of wireless service antenna equipment on roof-  
23 tops or inside buildings, the technology used in  
24 connection with wireless service antenna struc-  
25 tures or equipment placed on Federal buildings

1 and other property, and any other key issues  
2 the Administrator of General Services considers  
3 appropriate.

4 (2) APPLICABILITY.—The master contract or  
5 contracts developed by the Administrator of General  
6 Services under paragraph (1) shall apply to all pub-  
7 licly accessible buildings and other property owned  
8 by the Federal Government, unless the Adminis-  
9 trator of General Services decides that issues with  
10 respect to the siting of a wireless service antenna  
11 structure on a specific building or other property  
12 warrant nonstandard treatment of such building or  
13 other property.

14 (3) APPLICATION.—The Administrator of Gen-  
15 eral Services shall develop a common form or set of  
16 forms for wireless service antenna structure siting  
17 applications under this subsection for all executive  
18 agencies that shall be used by applicants with re-  
19 spect to the buildings and other property of each  
20 such agency.

21 (d) EXECUTIVE AGENCY DEFINED.—In this section,  
22 the term “executive agency” has the meaning given such  
23 term in section 102 of title 40, United States Code.

**NATIONWIDE PROGRAMMATIC AGREEMENT  
for the  
COLLOCATION OF WIRELESS ANTENNAS**

**Executed by**

**The FEDERAL COMMUNICATIONS COMMISSION,  
The NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS  
and  
The ADVISORY COUNCIL ON HISTORIC PRESERVATION**

WHEREAS, the Federal Communications Commission (FCC) establishes rules and procedures for the licensing of wireless communications facilities in the United States and its Possessions and Territories; and,

WHEREAS, the FCC has largely deregulated the review of applications for the construction of individual wireless communications facilities and, under this framework, applicants are required to prepare an Environmental Assessment (EA) in cases where the applicant determines that the proposed facility falls within one of certain environmental categories described in the FCC's rules (47 C.F.R. § 1.1307), including situations which may affect historical sites listed or eligible for listing in the National Register of Historic Places ("National Register"); and,

WHEREAS, Section 106 of the National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*) ("the Act") requires federal agencies to take into account the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (Council) a reasonable opportunity to comment; and,

WHEREAS, Section 800.14(b) of the Council's regulations, "Protection of Historic Properties" (36 CFR § 800.14(b)), allows for programmatic agreements to streamline and tailor the Section 106 review process to particular federal programs; and,

WHEREAS, in August 2000, the Council established a Telecommunications Working Group to provide a forum for the FCC, Industry representatives, State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs), and the Council to discuss improved coordination of Section 106 compliance regarding wireless communications projects affecting historic properties; and,

WHEREAS, the FCC, the Council and the Working Group have developed this Collocation Programmatic Agreement in accordance with 36 CFR Section 800.14(b) to address the Section 106 review process as it applies to the collocation of antennas (collocation being defined in Stipulation I.A below); and,

WHEREAS, the FCC encourages collocation of antennas where technically and economically feasible, in order to reduce the need for new tower construction; and,

WHEREAS, the parties hereto agree that the effects on historic properties of collocations of antennas on towers, buildings and structures are likely to be minimal and not adverse, and that in the cases where an adverse effect might occur, the procedures provided and referred to herein are proper and sufficient, consistent with Section 106, to assure that the FCC will take such effects into account; and

WHEREAS, the execution of this Nationwide Collocation Programmatic Agreement will streamline the Section 106 review of collocation proposals and thereby reduce the need for the construction of new towers, thereby reducing potential effects on historic properties that would otherwise result from the construction of those unnecessary new towers; and,

WHEREAS, the FCC and the Council have agreed that these measures should be incorporated into a Nationwide Programmatic Agreement to better manage the Section 106 consultation process and streamline reviews for collocation of antennas; and,

WHEREAS, since collocations reduce both the need for new tower construction and the potential for adverse effects on historic properties, the parties hereto agree that the terms of this Agreement should be interpreted and implemented wherever possible in ways that encourage collocation; and

WHEREAS, the parties hereto agree that the procedures described in this Agreement are, with regard to collocations as defined herein, a proper substitute for the FCC's compliance with the Council's rules, in accordance and consistent with Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800; and

WHEREAS, the FCC has consulted with the National Conference of State Historic Preservation Officers (NCSHPO) and requested the President of NCSHPO to sign this Nationwide Collocation Programmatic Agreement in accordance with 36 CFR Section 800.14(b)(2)(iii); and,

WHEREAS, the FCC sought comment from Indian tribes and Native Hawaiian Organizations regarding the terms of this Nationwide Programmatic Agreement by letters of January 11, 2001 and February 8, 2001; and,

WHEREAS, the terms of this Programmatic Agreement do not apply on "tribal lands" as defined under Section 800.16(x) of the Council's regulations, 36 CFR § 800.16(x) ("Tribal lands means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities."); and,

WHEREAS, the terms of this Programmatic Agreement do not preclude Indian tribes or Native Hawaiian Organizations from consulting directly with the FCC or its licensees, tower companies and applicants for antenna licenses when collocation activities off tribal lands may affect historic properties of religious and cultural significance to Indian tribes or Native Hawaiian organizations; and,

WHEREAS, the execution and implementation of this Nationwide Collocation Programmatic Agreement will not preclude members of the public from filing complaints with the FCC or the Council regarding adverse effects on historic properties from any existing tower or any activity covered under the terms of this Programmatic Agreement.

NOW THEREFORE, the FCC, the Council, and NCSHPO agree that the FCC will meet its Section 106 compliance responsibilities for the collocation of antennas as follows.

## **STIPULATIONS**

The FCC, in coordination with licensees, tower companies and applicants for antenna licenses, will ensure that the following measures are carried out.

### **I. DEFINITIONS**

For purposes of this Nationwide Programmatic Agreement, the following definitions apply.

- A. "Collocation" means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

- B. "Tower" is any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.
- C. "Substantial increase in the size of the tower" means:
  - 1) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
  - 2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
  - 3) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
  - 4) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

## II. APPLICABILITY

- A. This Nationwide Collocation Programmatic Agreement applies only to the collocation of antennas as defined in Stipulation I.A, above.
- B. This Nationwide Collocation Programmatic Agreement does not cover any Section 106 responsibilities that federal agencies other than the FCC may have with regard to the collocation of antennas.

## III. COLLOCATION OF ANTENNAS ON TOWERS CONSTRUCTED ON OR BEFORE MARCH 16, 2001

- A. An antenna may be mounted on an existing tower constructed on or before March 16, 2001 without such collocation being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:
  - 1. The mounting of the antenna will result in a substantial increase in the size of the tower as defined in Stipulation I.C, above; or
  - 2. The tower has been determined by the FCC to have an effect on one or more historic properties, unless such effect has been found to be not adverse through a no adverse effect finding, or if found to be adverse or potentially adverse, has been resolved, such as through a conditional no adverse effect determination, a Memorandum of Agreement, a

programmatic agreement, or otherwise in compliance with Section 106 and Subpart B of 36 CFR Part 800; or

3. The tower is the subject of a pending environmental review or related proceeding before the FCC involving compliance with Section 106 of the National Historic Preservation Act; or

4. The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.

#### IV. COLLOCATION OF ANTENNAS ON TOWERS CONSTRUCTED AFTER MARCH 16, 2001

A. An antenna may be mounted on an existing tower constructed after March 16, 2001 without such collocation being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. The Section 106 review process for the tower set forth in 36 CFR Part 800 and any associated environmental reviews required by the FCC have not been completed; or

2. The mounting of the new antenna will result in a substantial increase in the size of the tower as defined in Stipulation I.C, above; or

3. The tower as built or proposed has been determined by the FCC to have an effect on one or more historic properties, unless such effect has been found to be not adverse through a no adverse effect finding, or if found to be adverse or potentially adverse, has been resolved, such as through a conditional no adverse effect determination, a Memorandum of Agreement, a programmatic agreement, or otherwise in compliance with Section 106 and Subpart B of 36 CFR Part 800; or

4. The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.

#### V. COLLOCATION OF ANTENNAS ON BUILDINGS AND NON-TOWER STRUCTURES OUTSIDE OF HISTORIC DISTRICTS

A. An antenna may be mounted on a building or non-tower structure without such collocation being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. The building or structure is over 45 years old;<sup>1</sup> or

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<sup>1</sup> Suitable methods for determining the age of a building include, but are not limited to: (1) obtaining the opinion of a consultant who meets the Secretary of Interior's Professional Qualifications Standards (36 CFR Part 61) or (2)

2. The building or structure is inside the boundary of a historic district, or if the antenna is visible from the ground level of the historic district, the building or structure is within 250 feet of the boundary of the historic district; or

3. The building or non-tower structure is a designated National Historic Landmark, or listed in or eligible for listing in the National Register of Historic Places based upon the review of the licensee, tower company or applicant for an antenna license; or

4. The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.

B. Subsequent to the collocation of an antenna, should the SHPO/THPO or Council determine that the collocation of the antenna or its associated equipment installed under the terms of Stipulation V has resulted in an adverse effect on historic properties, the SHPO/THPO or Council may notify the FCC accordingly. The FCC shall comply with the requirements of Section 106 and 36 CFR Part 800 for this particular collocation.

#### VI. RESERVATION OF RIGHTS

Neither execution of this Agreement, nor implementation of or compliance with any term herein shall operate in any way as a waiver by any party hereto, or by any person or entity complying herewith or affected hereby, of a right to assert in any court of law any claim, argument or defense regarding the validity or interpretation of any provision of the National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*) or its implementing regulations contained in 36 CFR Part 800.

#### VII. MONITORING

A. FCC licensees shall retain records of the placement of all licensed antennas, including collocations subject to this Nationwide Programmatic Agreement, consistent with FCC rules and procedures.

B. The Council will forward to the FCC and the relevant SHPO any written objections it receives from members of the public regarding a collocation activity or general compliance with the provisions of this Nationwide Programmatic Agreement within thirty (30) days following receipt of the written objection. The FCC will forward a copy of the written objection to the appropriate licensee or tower owner.

#### VIII. AMENDMENTS

If any signatory to this Nationwide Collocation Programmatic Agreement believes that this Agreement should be amended, that signatory may at any time propose amendments, whereupon the signatories will consult to consider the amendments. This agreement may be amended only upon the written concurrence of the signatories.

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consulting public records.

## IX. TERMINATION

A. If the FCC determines that it cannot implement the terms of this Nationwide Collocation Programmatic Agreement, or if the FCC, NCSHPO or the Council determines that the Programmatic Agreement is not being properly implemented by the parties to this Programmatic Agreement, the FCC, NCSHPO or the Council may propose to the other signatories that the Programmatic Agreement be terminated.

B. The party proposing to terminate the Programmatic Agreement shall notify the other signatories in writing, explaining the reasons for the proposed termination and the particulars of the asserted improper implementation. Such party also shall afford the other signatories a reasonable period of time of no less than thirty (30) days to consult and remedy the problems resulting in improper implementation. Upon receipt of such notice, the parties shall consult with each other and notify and consult with other entities that are either involved in such implementation or that would be substantially affected by termination of this Agreement, and seek alternatives to termination. Should the consultation fail to produce within the original remedy period or any extension, a reasonable alternative to termination, a resolution of the stated problems, or convincing evidence of substantial implementation of this Agreement in accordance with its terms, this Programmatic Agreement shall be terminated thirty days after notice of termination is served on all parties and published in the Federal Register.

C. In the event that the Programmatic Agreement is terminated, the FCC shall advise its licensees and tower construction companies of the termination and of the need to comply with any applicable Section 106 requirements on a case-by-case basis for collocation activities.

## X. ANNUAL MEETING OF THE SIGNATORIES

The signatories to this Nationwide Collocation Programmatic Agreement will meet on or about September 10, 2001, and on or about September 10 in each subsequent year, to discuss the effectiveness of this Agreement, including any issues related to improper implementation, and to discuss any potential amendments that would improve the effectiveness of this Agreement.

## XI. DURATION OF THE PROGRAMMATIC AGREEMENT

This Programmatic Agreement for collocation shall remain in force unless the Programmatic Agreement is terminated or superseded by a comprehensive Programmatic Agreement for wireless communications antennas.

Execution of this Nationwide Programmatic Agreement by the FCC, NCSHPO and the Council, and implementation of its terms, evidence that the FCC has afforded the Council an opportunity to comment on the collocation as described herein of antennas covered under the FCC's rules, and that the FCC has taken into account the effects of these collocations on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.



**FEDERAL COMMUNICATIONS COMMISSION**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS**

\_\_\_\_\_ **Date:** \_\_\_\_\_

TOWN OF NEWBURGH  
APPLICATION FOR  
SUBDIVISION/SITE PLAN REVIEW

RETURN TO: Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, New York 12550

DATE RECEIVED: \_\_\_\_\_ TOWN FILE NO: 2012-17  
(Application fee returnable with this application)

1. Title of Subdivision/Site Plan (Project name):  
Sprint Modification to Existing Facility at 39 North Plank Road
  
2. Owner of Lands to be reviewed:  
Name Mid Valley Redux LLC  
Address DLC Management Corp  
950 Third Ave, 7th Floor, NY, NY  
Phone \_\_\_\_\_
  
3. Applicant Information (If different than owner):  
Name Sprint Nextel Corp.  
Address 1 International Blvd., Suite 800  
Mahwah, NJ 07495  
Representative Cara M. Bonomolo, Snyder & Snyder, LLP  
Phone 914-333-0700  
Fax 914-333-0743  
Email cbonomolo@snyderlaw.net
  
4. Subdivision/Site Plan prepared by:  
Name ComEx Engineering of NY  
Address 283 Bailey Road  
Purling, NY 12470  
Phone/Fax 862-209-4300/862-209-4301
  
5. Location of lands to be reviewed:  
39 North Plank Road
  
6. Zone B Fire District Goodwill Fire  
Acreage 24.20 School District N/A
  
7. Tax Map: Section 75 Block 01 Lot 11

8. Project Description and Purpose of Review:

Number of existing lots N/A Number of proposed lots N/A

Lot line change \_\_\_\_\_

Site plan review \_\_\_\_\_

Clearing and grading \_\_\_\_\_

Other Amended special permit for modification to existing wireless telecommunications facility.

**PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT**

9. Easements or other restrictions on property:

(Describe generally) None known

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature Sprint Nextel Corp.  
By:  Title Attorney for Applicant  
Cara M. Bonomolo

Date: \_\_\_\_\_

**NOTE:** If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).



Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC.

ATTN: ROBIN J. COHEN  
NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, IN  
12502 SUNRISE VALLEY DRIVE, M/S: VARESA0209  
RESTON, VA 20196

<b>Call Sign</b> WQKS984	<b>File Number</b>
<b>Radio Service</b> CY - 1910-1915/1990-1995 MHz Bands, Market Area	

FCC Registration Number (FRN): 0002154086

<b>Grant Date</b> 09-01-2009	<b>Effective Date</b> 11-17-2010	<b>Expiration Date</b> 03-03-2016	<b>Print Date</b> 01-27-2011
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<b>Market Number</b> BEA010	<b>Channel Block</b> G	<b>Sub-Market Designator</b> 2
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<b>Market Name</b> New York-No. New Jer.-Long Isl
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<b>1st Build-Out Date</b> 03-03-2016	<b>2nd Build-Out Date</b>	<b>3rd Build-Out Date</b>	<b>4th Build-Out Date</b>
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**Waivers/Conditions:**

This authorization is conditioned on licensee's continued compliance with license conditions adopted by the Commission in the 800 MHz public safety proceeding, WT Docket 02-55, including but not limited to conditions contained in paragraphs 346, 351, 352,355, 356 of Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004); as amended by Erratum, WT Docket No. 02-55 (rel. Sept. 10, 2004) and Second Erratum, 19 FCC Rcd 19651 (2004) and Third Erratum, 19 FCC Rcd 21818 (2004).

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.



Federal Communications Commission  
 Wireless Telecommunications Bureau  
 Radio Station Authorization

LICENSEE NAME: WIRELESSCO, L.P.

LUISA L. LANCETTI  
 WIRELESSCO, L.P.  
 401 9TH STREET, NW, SUITE 400  
 WASHINGTON DC 20004

<b>FCC Registration Number (FRN)</b>	
0002316545	
<b>Call Sign</b>	<b>File Number</b>
KNLF204	0002109382
<b>Radio Service</b>	
CW - PCS Broadband	

<b>Grant Date</b>	<b>Effective Date</b>	<b>Expiration Date</b>	<b>Print Date</b>
05-23-2005	05-23-2005	06-23-2015	05-24-2005

<b>Market Number</b>	<b>Channel Block</b>	<b>Sub-Market Designator</b>
MTA001	B	3

<b>Market Name:</b> New York
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<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>
06-23-2000	06-23-2005		

**SPECIAL CONDITIONS OR WAIVERS/CONDITIONS**

The licensee hereof is authorized for the period indicated, to operate a radio transmitting station in accordance with the terms and conditions hereinafter described. This authorization is subject to the provisions of the Communications Act of 1934, as amended, subsequent Acts of Congress, International treaties and agreements to which the United States is a signatory, and all pertinent rules and regulations of the Federal Communications Commission, contained in Title 47 of the code of Federal Regulations.

**Conditions:**  
 Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

A graphical representation of the geographic area authorized to this call sign may be generated by selecting Search 'Licenses' at the following web address: <http://wireless.fcc.gov/uls/index.html>.



**Federal Communications Commission**  
Wireless Telecommunications Bureau

**RADIO STATION AUTHORIZATION**

LICENSEE: NEXTEL OF NEW YORK, INC .

ATTN: ROBIN J. COHEN  
NEXTEL OF NEW YORK, INC .  
12502 SUNRISE VALLEY DRIVE, M/S: VARESA0209  
RESTON, VA 20196

<b>Call Sign</b> WPLM574	<b>File Number</b> 0004470698
<b>Radio Service</b> YH - SMR, 806-821/851-866 MHz, Auctioned (Rebanded YC license)	

**FCC Registration Number (FRN):** 0003293537

<b>Grant Date</b> 05-29-2008	<b>Effective Date</b> 11-17-2010	<b>Expiration Date</b> 06-17-2018	<b>Print Date</b> 11-17-2010
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<b>Market Number</b> BEA010	<b>Channel Block</b> X	<b>Sub-Market Designator</b> 3
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<b>Market Name</b> New York-No. New Jer.-Long Isl
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<b>1st Build-Out Date</b> 06-17-2001	<b>2nd Build-Out Date</b> 06-17-2003	<b>3rd Build-Out Date</b>	<b>4th Build-Out Date</b>
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**Waivers/Conditions:**

Grant of the request to update licensee name is conditioned on it not reflecting an assignment or transfer of control (see Rule 1.948); if an assignment or transfer occurred without proper notification or FCC approval, the grant is void and the station is licensed under the prior name.

1. Sprint will provide appropriate co-channel protection to incumbent licensees pursuant to Section 90.621(b) of the Commission's co-channel protection rules. 2. Sprint will provide adjacent-channel protection in accordance with the standard adopted by the Commission in the 800 MHz Second Memorandum Opinion and Order based on the petition filed by NPSAC Region 8 (New York Metropolitan Area). 3. Sprint will not use and will protect the five nationwide mutual aid channels in the 821-824/866-869 MHz band in each NPSAC region in which it operates until rebanding is complete in that region. 4. At least 60 days prior to initiating service in the 821-824/866-869 MHz band pursuant to its modified EA licenses. 3. Sprint must provide written notification to every NPSAC licensee in the

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** NEXTEL OF NEW YORK, INC .

**Call Sign:** WPLM574

**File Number:** 0004470698

**Print Date:** 11-17-2010

affected NPSPAC region(s), at the contact address listed in ULS, that it intends to use its modified licenses to operate in the 821-824/866-869 MHz band. In addition, Sprint must provide the same written notification to the Regional Planning Coordinator(s) for the affected NPSPAC region(s). 5. Sprint will notify the administrator of the CTIA interference website of any new geographic areas in which Sprint deploys facilities in the 821-824/866-869 MHz band. 6. In the event of an interference complaint, Sprint Nextel will strictly adhere to the Commission's mandated interference response timelines and requirements specified in Section 90.674 of the Commission's rules. 7. Until the conclusion of band "reconfiguration in the affected NPSPAC region(s), Sprint will protect public safety systems in the 821-824/866-869 MHz band in accordance with the "interim" interference standard specified by the Commission in the 800 MHz Supplemental Order." In addition, Sprint Nextel will employ the additional protection methods identified in the 800 MHz Supplemental Order to protect public safety systems in the 821-824/866-869 MHz band that do not meet the signal strength threshold under Commission's interim rule but that do meet the threshold under the Commission's final interference rules. \* For complete text of applicable conditions, see DA 08-1074.

# Grant Engineering Consultants, LLC

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## STRUCTURAL EVALUATION LETTER & ANALYSIS

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### PROJECT

NY74XC903  
39 NORTH PLANK ROAD  
NEWBURGH, NY 12550  
ORANGE COUNTY

### CLIENT

SPRINT  
1 INTERNATIONAL BLVD, SUITE 800  
MAHWAH, NJ 07495

September 11, 2012 (Revision 1)

Farid Ghaemi, PE  
New York Professional Engineer  
License No. 081657  
Grant Engineering Consultants, LLC  
Certificate of Authorization No. 0008566  
Com-Ex Project No. ALU-11011



WARNING: IT IS A VIOLATION OF ARTICLE 145, SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ENGINEER IS ALTERED, THE ALTERING ENGINEER SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.



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PROJECT DESCRIPTION AND OBSERVATIONS:

The purpose of this structural evaluation letter to access the proposed loads intended to be supported by the existing water tank and determine if the existing mounts and structure can support the proposed loads. In addition to the equipment platform the existing antenna masts, if utilized, are to be structurally evaluated for use with a larger antenna. If new antenna masts are to be installed the design of the pipe mast and its connection to the structure will be shown in this evaluation letter.

A representative from Com-Ex Engineering of NY, 235 Bailey Road, Purling, NY 12470 performed a site visit on June 20, 2011 to document and inspect the existing installation, and to observe the overall condition of the existing structure and antenna mounts. The information gathered from that field visit is the basis of this report.

This office was provided a copy of a set of original construction drawings for this site produced by On Air Engineering, LLC, 88 Foundry Pond Roads, Cold Spring, NY 10516, and sealed by Mr. David Weinpahl, NY PE #078901, dated July 12, 2010. This structural assessment is based on the aforementioned drawings.

ASSUMPTIONS AND EXCLUSIONS:

- It is assumed that the weights of the cabinets used in this structural evaluation, both existing and proposed, as provided by the client are correct. That these weights, though approximations, show the cabinets at their maximum weight given the different internal configurations possible.
- The existing installation and water tank structure are assumed to have been correctly designed and analyzed for the loading and cabinet configuration shown in the drawings referenced in the project description and for the existing loading and cabinet configuration currently supported by the slab or pier mounted beams.
- During the design visit to the site no structural problems were observed with the existing equipment installation or water tank structure.
- The calculations made on the existing attachments of the antenna masts to the existing water tank structure are based on existing drawings provided this office, observation and measurements made during the design visit, and/or from best assumptions given type of construction observed. It is the responsibility of the contractor that prior to installation of antennas and/or equipment on existing antenna mounts that the attachment condition shown in the calculations of this letter are verified with the field conditions found at the time of construction. If there is a discrepancy between the field

conditions and this letter then it is the responsibility of the contractor to immediately inform the Engineer of those discrepancies observed prior to continuing installation.

CONCLUSIONS AND RECOMMENDATIONS:

A review of the original design drawings referred to above, has established that the original design was for (12) twelve antennas with a wind area of 4 SF. This produces a wind load due to each antenna's full area of approximately 943 lbs per face or a total of approximately 2,829 lbs. The proposed configuration is for (4) total antennas which produce a total wind load using their full areas of approximately 2,184 lbs. The proposed configuration produces loads approximately 77% of the loads that the original frame was designed. The frame is *adequate* as originally designed for the new configuration. The new antennas may be placed on the existing tank mounted antenna frame. The upgrades can adequately be supported by the existing water tank, pursuant to the relevant local, state and federal standards including the ANSI EIA/TIA 222-G.

BASIS FOR ANALYSIS:

**Codes and Standards:**

Building Code .....2010 New York Building Code Based on the 2006 IBC  
.....ANSI /AWWA D100 Standard for Welded Steel Tanks for Water Storage  
Design Loads ..... ASCE 7-05  
Antenna Loads ..... ANSI/TIA-222-G  
Structural Steel .....AISC Manual of Steel Construction ASD 13<sup>th</sup> edition

**Wind Design – Method 2 (Analytical Procedure)**

Wind Speed (3 Second Gust) ..... 110 mph  
Exposure Category ..... B  
Height above Ground Level (z)..... 138 ft (antenna CL) 132' (tank)  
Wind Importance Factor (ASCE 7-05 / Table 6-1, pg 77) ..... 1.15  
Gust Effect Factor ( $G_f$ ) ..... 0.85  
Force Coefficient ( $C_a$ ) – used for all antennas ..... 1.4

**Structural Loads**

Existing Cabinet Configuration on Concrete Slab on Grade:

(1) Battery Cabinet ..... 2,880 lbs  
(1) Mod Cell 4.0B BTS Cabinet ..... 1,090 lbs  
  
Total Weight of Cabinet Configuration ..... 3,970 lbs

Proposed Cabinet Configuration on Concrete Slab on Grade:

(1) Battery Cabinet ..... 2,880 lbs  
 (1) Mod Cell 4.0B BTS Cabinet ..... 1,090 lbs  
 (1) 60ECv2 Battery Cabinet..... 2,830 lbs  
 (1) J-Box.....400 lbs

Total Weight of Proposed Cabinet Configuration ..... 7,200 lbs

Live Load / Snow Load ..... 40 psf

Wind Force .....see calculation section

**Structural Steel**

All structural steel is assumed to be in conformance to the following standards:

Structural Member	ASTM	F <sub>y</sub> (ksi)	F <sub>u</sub> (ksi)
W-Shapes	A992	50	65
M, S, HP, T-Shapes And Channels	A36/A36M	36	58
MC-Shapes	A36	36	58
Angles	A36	36	58
Rectangular And Square HSS	A500 Grade B	46	58
Round HSS	A500 Grade B	42	58
Steel Pipe	A53 Grade B	35	60
Plates, Bars, Threaded Rods and Miscellaneous Steel	A36	36	58

September 04, 2012

Re: Sprint Nextel Corp.  
NY74XC903  
39 North Plank, Road, Newburgh NY 12550

Dear Members of the Planning Board:

I am a Senior Radio Frequency Engineer for Alcatel Lucent and I am assigned to design and optimize the Sprint Nextel Corp. ("Sprint") public utility personal wireless service base station facility ("Facility") at the above referenced site ("Site").

Sprint requests approval to modify its existing Facility at the Site by adding and replacing transmission equipment. The proposed modification will not substantially change the physical dimensions of the existing Facility.

The proposed Facility modification is necessary in order for Sprint to provide reliable public utility personal wireless services within the Town of Newburgh. Sprint provides personal wireless services to its customers using federally licensed radio spectrum assigned by the Federal Communications Commission in both the 800 MHz and 1900 MHz frequency bands. Sprint also operates various wireless networks using IDEN, CDMA, EVDO and LTE technologies.

As Sprint's networks evolve to meet the demands of its customers, it is essential for Sprint to install modern equipment and antennas in order to provide reliable wireless voice and data services. The proposed equipment will include multi-mode radios that will allow Sprint to transmit at different frequencies using different technologies, including LTE technology. Likewise, the proposed antennas are quad-pole multi-band high gain antennas that will allow Sprint to operate using its multiple frequency bands and technologies, including LTE technology. The proposed equipment and antennas will improve the reliability, coverage and capacity of Sprint's voice and data networks across Sprint's various FCC licensed frequency bands and significantly increase the data speeds of Sprint's network by utilizing the latest LTE technology. Without the proposed modifications Sprint will be unable to provide reliable wireless voice and data service using the latest technologies.

The Site will be configured as follows:

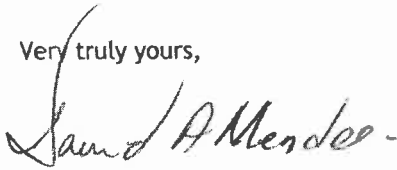
1. The site will have three (3) sectors each, with sector three (3) split between two different azimuths and one (1) quad pole antenna per sector, wherein both 800MHz and 1900MHz transmit and receive will be contained within the same radome. The site will also have a small microwave dish antenna.
2. The site will transmit within the following licensed frequency ranges: 1950 - 1965 MHz, 1990 - 1995MHz and 862 - 869 MHz.
3. The site will receive within the following frequency ranges: 1870- 1885 MHz, 1910 - 1915 MHz and 817 - 824 MHz.
4. The combined Effective Radiated Power (ERP) per sector is as follows:  
Sector A - (1900 MHz) 4786 Watts, (800 MHz) 537 Watts  
Sector B - (1900 MHz) 4786 Watts, (800 MHz) 537 Watts

Sector C - (1900 MHz) 1660 Watts, (800 MHz) 170 Watts  
Sector C (split) - (1900 MHz) 2089 Watts, (800 MHz) 240 Watts

5. Each sector will also have two Remote Radio Heads (RRH), one for 800 MHz and one for 1900 MHz operation. In the past the Digital to Analog (D/A) and Analog to Digital (A/D) conversion and Modulation/Demodulation of the transmit/receive signal was performed within the radios at the base of the structure. The signal was then fed to/from the antennas via lossy coaxial cables. The RRH's moves that process closer to the antennas thus eliminating significant loss by replacing the main feed lines with fiberoptic cable and reducing the size and number of coaxial cables and improving the coverage of the cell site.
6. The microwave antenna will provide connectivity to the Public Switch Telephone Network (PSTN); this antenna is used in lieu of the traditional telephone line.

Thank you for your consideration.

Very truly yours,



David A. Mendes

PROJECT I.D. NUMBER

617.20  
Appendix C

State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only****Part 1 - PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR Sprint Nextel Corp.	2. PROJECT NAME Sprint Wireless Telecommunications Services Facility Modification
3. PROJECT LOCATION: Municipality: Town of Newburgh	
4. PRECISE LOCATION: Street address and road intersections, prominent landmarks, etc., or provide map  39 North Plank Road	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Modification of existing co-located wireless telecommunications service facility, consisting of the replacement of four (4) existing panel antennas with the installation of four (4) panel antennas, a microwave dish and related equipment on the existing water tank. Also, one (1) related equipment cabinet at the base of the existing water tank will be retrofitted and a small battery cabinet will be installed on the existing approved equipment platform within the existing fenced compound.	
7. AMOUNT OF LAND AFFECTED: Initially: 0 sq. ft.      Ultimately: 0 sq. ft.	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    if No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?  <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Describe: Existing Wireless Telecommunications Services Facilities	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency name and permit/approval (i) FCC license, (ii) Building Permit from Town of Newburgh Building Inspector, (iii) Amended Special Permit from the Town of Newburgh Planning Board.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approval (i) FCC License, (ii) Existing special permit from Planning Board for existing facility	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Sprint Nextel Corp.      Date: 9/10/12 Signature: <u><i>Adam Brown, as attorney</i></u>	

If the action is in the Coastal Area, and you are a state agency, complete the  
Coastal Assessment Form before proceeding with this assessment

**PART II-ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.47 If yes, coordinate the review process and use the FULL EAF. Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible.)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: No.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:

**Part III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Town of Newburgh Planning Board  
Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)