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March 27, 2019

***VIA HAND DELIVERY***

Planning Board  
Town of Thompson  
4052 Route 42  
Monticello, New York 12701  
Attn: Heather Zangla, Planning Board Secretary

**RE: Application by Tarpon Towers II, LLC (“Tarpon”) and Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless (“Verizon Wireless”) for the approvals necessary to construct and operate a 184’ wireless telecommunications tower (with 4’ lightning rod) and associated improvements on land owned by Calcam Associates, Inc. located off Wurtsboro Mountain Road (S.B.L. # 35-1-34) in the Town of Thompson, Sullivan County, New York (Verizon Wireless’ “Louise Marie” site)**

Dear Members of the Planning Board:

By application dated January 24, 2019 and supplemental application materials dated February 28, 2019 (collectively, the “Application”), Tarpon/Verizon Wireless applied to the Town of Thompson Planning Board for the approvals necessary to construct and operate the above-referenced project (the “Application”). Thereafter, representatives of Tarpon/Verizon Wireless appeared before the Planning Board on February 13, 2019 and then again on March 13, 2019 for a public hearing. During the public hearing, eleven (11) speakers spoke regarding the Project. Of the eleven speakers, eight appeared to be opposed to the tower and raised a series of concerns (the “Neighbor Concerns”).

While the Neighbor Concerns varied by speaker, there were six (6) concerns that were raised consistently among the speakers. Each of the six (6) neighbor concerns are listed below in bold, italicized type, followed by Tarpon/Verizon Wireless’ response in regular type:

***1. The Project will have an adverse impact on the health of the adjacent property owners.***

Response: As the Planning Board is aware, the federal government (in particular, the FCC) regulates the human exposure to radiofrequency electromagnetic fields and local municipalities are expressly prohibited from regulating same. Previously attached as Exhibit N to the Application is proof that the proposed facility will operate within the required FCC standards. As such, the Planning Board is prohibited from considering any perceived health impacts associated with the Project.

**2. *Impact on Property Values***

Response: While it is not uncommon for neighbors of proposed wireless telecommunications towers to raise concerns about a tower's potential adverse impact on property values, the facts do not support the concern. As set forth in the article from *Probate & Property* magazine and other information attached hereto as Exhibit U (lettered to follow Exhibits A-T previously submitted with the Application), reliable wireless telecommunications service is of primary importance for potential homebuyers (particularly of the millennial generation) and the existence of a nearby wireless tower has limited, if any, adverse impact on property values.

**3. *Impact on Wildlife***

Response: Several neighbors raised concerns about the Project's impact on wildlife, including the eagle and bear populations around Wanaksink Lake. Firstly, it is important to point out that the Project will have a relatively modest footprint on the Landlord's parcel and will generally have no greater impact on wildlife habitat than the construction of any other structures or public utility facility (or wireless telecommunications tower) in and around the Town of Thompson or in the area of Wanaksink Lake. Nevertheless, as part of its standard due diligence, Tarpon has reviewed applicable NYSDEC mapping for habitats for endangered species. As seen in the map enclosed as Exhibit V, the Project site is not an area NYSDEC has identified as a habitat for endangered species.

**4. *Who owns the site where the proposed tower will be located?***

Response: As set forth in the Application (Exhibit A) the site is owned by Calcam Associates, Inc.

**5. *What alternate sites were considered and when was the site selection process conducted?***

Response: As set forth in the Radio Frequency search ring justification report submitted as Exhibit F of the Application, through his analysis of the network, Mr. Crosby, Verizon Wireless' RF Engineer, identified the area of the Town of Thompson where a tower would need to be located in order to provide necessary coverage to the Rock Hill area and capacity relief to the existing Wurtsboro and Monticello sites that are overloaded, and in desperate need of capacity relief. The location of the search ring is shown on pp. 13 and 23 of the RF report (attached hereto again as Exhibit W). Following receipt of the search ring from the RF Engineer, Tarpon's real estate consultant is responsible for reviewing for reviewing the properties in the search ring to determine potential locations (including compliance with applicable zoning

requirements, as well as potential landlord interest). Once potential locations within (or close to) the search ring are identified by the real estate consultant, such locations are provided to the RF Engineer to review and determine whether or not such potential locations are viable from an RF perspective. A review of the seven (7) locations identified by the real estate consultant and reviewed by the RF engineer can be found on p. 23 of the RF Report (Exhibit F) and again in Exhibit G (pp. 3-4) (also enclosed again as Exhibit W). Tarpon/Verizon commenced the site selection process in December of 2016 and concluded with a signed lease for the landlord in July 2018.

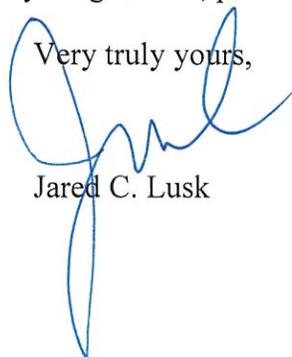
6. ***Please provide photos and simulations to demonstrate the visibility of the proposed tower from Wanaksink Lake.***

Response: While Tarpon's engineering consultants who performed the balloon fly took numerous photos, including for the north shore area of Wanaksink Lake, none are of sufficient quality to create the requested simulations. Should the Planning Board think it appropriate, Tarpon will arrange for a second balloon fly to obtain additional photos and create the requested simulations.

Finally, in response to the latest Town Engineering comments, the Project engineers have revised the Project Plans. The revisions include additional culverts and infiltration trenches. An 11" x 17" copy of the latest plans are enclosed as Exhibit X. Two (2) full size copies of the plans have been provided herewith (an extra copy is provided for the County Planning referral).

If you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,



Jared C. Lusk

JCL/mkv

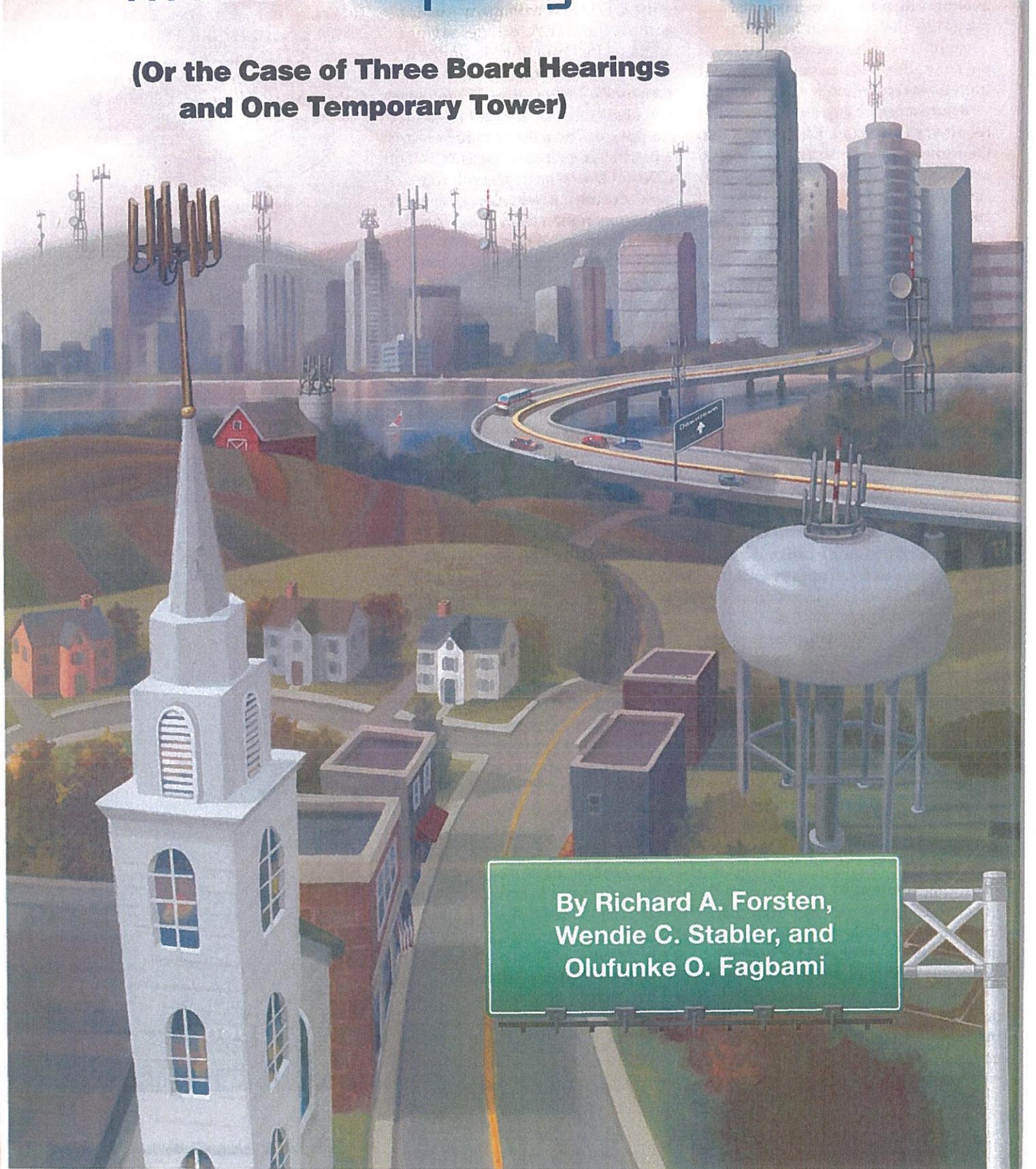
Enclosure

cc: Brett Buggeln  
Kathy Pomponio  
Michael Crosby  
Sara Colman

## EXHIBIT U

# Cell Phone Towers Do Not Affect Property Values

**(Or the Case of Three Board Hearings and One Temporary Tower)**



By Richard A. Forsten,  
Wendie C. Stabler, and  
Olufunke O. Fagbami

Cell phone use has exploded. Ten years ago, the iPhone did not exist. Smartphones did not exist. The iPad did not exist. Blackberries were cutting edge. There was no Twitter, no Instagram, no Pinterest. Facebook was still nascent, and MySpace was still popular. Today, people regularly access the Internet over their smartphones and tablets. They tweet, they post, they snapchat.

In just an eight-year period, from 2007 to 2014, AT&T saw a 100,000% increase in mobile data traffic on its wireless network—not a 100% increase, not a 1,000% increase, but a 100,000% increase. See Randall Stephenson, *Chairman's Letter*, AT&T 2014 Annual Report (Feb. 10, 2015), [www.att.com/Investor/ATT\\_Annual/2014/letter\\_to\\_investors.html](http://www.att.com/Investor/ATT_Annual/2014/letter_to_investors.html). National mobile data traffic is estimated to increase another sixfold from 2015 to 2020, at a compound annual growth rate of 42%. See Cisco, *VNI Mobile Forecast Highlights, 2015–2020*, [www.cisco.com/assets/sol/sp/vni/forecast\\_highlights\\_mobile/index.html](http://www.cisco.com/assets/sol/sp/vni/forecast_highlights_mobile/index.html) (last visited Feb. 23, 2016).

People have responded to this technology. And they like it. A lot.

But one thing people do not seem to like is cell towers—the infrastructure necessary to make the network work. Despite pundits who predicted that technology would reduce the number of towers, the need for additional towers and network capacity is greater than ever, as the network capacity to transmit data has been far outstripped by the ever-growing demands of a population abandoning its landlines in favor of the convenience of smartphones and mobile data access.

In most jurisdictions, proposed new cell towers must undergo some sort of public application process involving a public hearing. Given the chance, those in the area will oppose any proposed new tower. While the Federal Telecommunications Act of 1996, 47 U.S.C. § 332 (7)(B)(iv), prohibits jurisdictions from denying cell tower applications on the basis of alleged ill-health effects,

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Richard A. Forsten and Wendie C. Stabler are partners, and Olufunke O. Fagbami is an associate, in the Wilmington, Delaware, office of Saul Ewing LLP.

neighbors invariably argue that a new tower will adversely affect property values (specifically theirs), so the pending tower application should be rejected.

Appraisers argue to the contrary. Cell towers, they point out, are much like other modern infrastructure (telephone poles, utility lines, streetlights, and so on). Although cell towers may initially be noticed, they quickly fade into the background and have no appreciable effect on value—just as telephone poles, utility lines, streetlights, and the other infrastructure of modern life do not affect value. Although this conclusion may seem counterintuitive to many, and certainly those opposing a new tower will vehemently disagree, it is borne out by the statistics and studies.

Recently, in Sussex County, Delaware, a unique set of circumstances made it possible to review the effect of a proposed tower on the property values of surrounding properties *before* the final approval was granted. Specifically, after an approval for a proposed tower was granted, it was challenged. While the challenge was pending, a temporary tower was erected in the location proposed for the permanent tower. The challenged approval was reversed and a new hearing ordered. Because the county has a policy of allowing zoning code violations to remain in place while the property owner seeks a variance or undertakes other remedial action (in this case, the new hearing process), the county allowed the temporary tower to remain.

Over the course of the next two years, while the challenges to the tower played out before the Sussex County Board of Adjustment and the Delaware courts, the temporary tower remained, allowing the tower applicant to analyze property values before and after the temporary tower was constructed and to measure its effect on local property values as compared to the market as a whole. In fact, as further described herein, and consistent with the broader literature on the subject, the actual data for the site in question confirmed no effect on value.

This article is divided into three parts. First, it reviews various studies

and analyses available on the valuation question, all of which generally indicate that cell towers have little or no effect on the value of nearby properties. Following this general review, the article examines the case of *AT&T v. Sussex County Board of Adjustment*, No. S14A-04-001 MJB, 2015 WL 1975629 (Del. Super. Ct. Apr. 30, 2015), in which AT&T was able to demonstrate that its proposed tower would have no effect on value because, during the pendency of the lengthy appeals process concerning the originally-approved tower, AT&T had erected a temporary tower, which was shown to have no effect on value. Put another way, unlike most cell tower applications in which opponents argue that studies from other areas are not indicative of the effect the proposed tower will have on their properties, AT&T was able to conclusively demonstrate that the proposed tower in the proposed location would have no effect on nearby property values. Finally, this article concludes with some other lessons from the *AT&T* case.

### Generally Speaking, Cell Towers Do Not Affect Property Value

Generally speaking, most studies of the issue conclude that proximity to a cell tower has no significant effect on property values. For example, a 2001 study by Thorn Consultants, which examined 85 transactions involving homes and 26 transactions involving vacant lots, concluded that “proximity to the cell site did not affect sale prices of homes or residential lots within the Potomac study area.” See Thorne Consultants, Inc., *Monopole Impact Study on Residential Real Estate Prices for Homes and Residential Lots in the Vicinity of the Bullis School, Potomac, Montgomery County, Maryland (May 2, 2001)*, at 3. The 2001 study, in turn, referenced a 1998 study in the Richmond, Virginia, area that examined six towers and 140 properties, and that also concluded “there was no consistent market evidence suggesting any negative impact upon improved residential properties exposed to such facilities in the areas included in the study.” See Allen G. Dorin Jr., MAI, SRA & Joseph W. Smith III, *The Impact of Communications Towers*

on *Residential Property Values*, Right of Way, Mar./Apr. 1999, at 17, available at <https://www.irwaonline.org/eweb/upload/0399b.pdf>. A 2004 study of homes in Orange County, Florida, found a minimal effect of 2% on value. See Sandy Bond, *Using GIS to Measure the Impact of Distance to Cell Phone Towers on House Prices in Florida*, Appraisal J., Fall 2007. A 2013 study from Chatham County, North Carolina, concluded that "the proposed tower will not adversely affect property values in the general vicinity of the tower," and a study from that same year in Holly Springs, North Carolina, concluded that for an existing tower, "there does not appear to be any significant or consistent change in value from the properties located [closer to or farther from the tower] . . . concluding that the tower does not affect the value of the properties as distance increases from [the] tower." See David A. Smith, *Impact Analysis of a Proposed Telecommunications Tower on the Values of Properties in the General Vicinity of the Tower Located on Poythress Road, Chatham County, North Carolina* (Sept. 10, 2013), at 1, available at [www.chathamnc.org/RezoningSubdivisionCases/2013/9-16-13\\_BOC/Meacham\\_Cell\\_Lot/PH\\_Comments/Impact%20Analysis%20SK011715.pdf](http://www.chathamnc.org/RezoningSubdivisionCases/2013/9-16-13_BOC/Meacham_Cell_Lot/PH_Comments/Impact%20Analysis%20SK011715.pdf); Tom J. Keith & Associates, Inc., *Impact of Cell Tower on Surrounding Properties*, available at [http://d39pcpjksqjx5i.cloudfront.net/media/re-research/cell\\_tower\\_study.pdf](http://d39pcpjksqjx5i.cloudfront.net/media/re-research/cell_tower_study.pdf) (last visited Feb. 23, 2016). Finally, a 2005 study from New Castle County, Delaware, looked at eight tower sites and similarly concluded that "the market demonstrates no ascertainable diminution of value to surrounding neighborhoods due to the installation or presence of a nearby communications tower." See Appraisal-Associates, Inc., *Impact of a Telecommunications Tower upon Values of Residential Properties* (Aug. 2005), at 93. "The data demonstrates that residences in close proximity to a tower (less than one quarter mile or 2,000 feet in the case of the vast majority of the sales studied) did not incur a measurable diminution in value after development of the tower." *Id.* at 92.

A 2005 survey conducted by researchers in New Zealand found an interesting bias. Although the study concluded that proximity to a tower did seem to affect value, it also found that those in the "control group," who did not live near a tower, expressed a great deal more concern over the effect of a tower on property value than those who lived near a tower. See Sandy Bond & Ko-Kang Wang, *The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods*, Appraisal J., Summer 2005, at 256, 262-65. Specifically, almost half of the control group expressed concern about the effect on value, while only 13% of those living near a tower expressed concern, and more than 60% were not worried about the effect on value. *Id.* The researchers theorized that this difference between those who did not live near a tower versus those who did may be because those living near a tower did not want to express fears about property value decline that would then, in fact, lead to lower property values. *Id.* An explanation just as likely, if not more so, is posited by researchers whose studies find no general effect on value—that is, that because cell towers are perceived as part of today's modern infrastructure, they simply fade into the background and are not noticed. Those living near towers do not express concern, or do not perceive the cell towers as having a negative effect on property values, because the towers have simply faded into the background as part of the existing landscape.

Despite the general consensus that cell towers do not adversely affect property values, courts have sometimes allowed boards and administrative bodies to ignore studies from other jurisdictions and locations, on the apparent theory that such studies fail to take local factors into account. For example, in *Cingular Pennsylvania, LLC v. Sussex County Board of Adjustment*, No. 05A-12-003-RFS, 2007 WL 152548 (Del. Super. Ct. Jan. 19, 2007), at \*8, the Delaware Superior Court justified the board's refusal to consider two out-of-state analyses because they "were not substantially similar to the proposed area in question." The court then suggested that Cingular could have

studied the effect its proposed tower would have on properties in the immediate area, but how to study an un-built tower was not explained. Indeed, this is the conundrum facing many applications—while studies and data based on other towers indicate no significant effect on value, opponents claim that such studies involving other areas and other towers should not apply to their particular properties.

In 2013, though, AT&T would find itself in the unique and unanticipated position of demonstrating that its proposed tower would have no effect on value based on actual market data from the actual geographic area surrounding the actual proposed tower. Thus, the challenge of disproving a negative had just become much easier.

### **AT&T v. Sussex County: One Cell Tower, Three Hearings, No Effect on Value**

The case that would become *AT&T v. Sussex County Board of Adjustment* began in the early 2000s, when New Cingular Wireless PCS (which would later be acquired by AT&T) first identified the need for a new cell tower as part of its network in the general vicinity of Bethany Beach, Sussex County, Delaware. After several years of fits and starts, Cingular finally found a suitable site with a willing property owner—the rear of a combination Arby's Restaurant/BP Gas Station parking lot. The property was located on the east side of Route 1, the major north/south artery serving the Delaware beaches from Fenwick Island at the Maryland line to Rehoboth Beach to the north. A late night drive-thru for the Arby's was located on the back side of the building (the same side as the proposed tower) and a water retention pond was located at the very rear of the property. To the immediate south of the property was a furniture store and to the immediate north, a small undeveloped parcel. To the east and a portion of the southern boundary was a small (46-unit) condominium community called "Sea Pines." To the south of Sea Pines were a Holiday Inn Express and a seafood restaurant, and to the east of Sea Pines was the much larger, and considerably taller, Sea Colony

Condominiums, consisting of multiple nine-story buildings. See Figure 1.

Under the Sussex County Zoning Code, if a cell tower “is to be erected within 500 feet of any residentially zoned lot,” as was the case here, a special use exception is required from the Board of Adjustment. Sussex County Code § 115-194.2(A). In addition to meeting certain technical requirements regarding height, setback, and lighting, among others, the applicant must also demonstrate that the special use exception will not “substantially affect adversely the uses of the adjacent and neighboring property.” Sussex County Code § 115-210.

Cingular submitted its original cell tower application in September 2009. Neighbors opposed the tower, but the board granted the request by a 3–2 vote. Opponents of the project then appealed to the Delaware Superior Court; while the appeal was pending, Cingular, with the permission of the county, installed a temporary cell tower. After the temporary tower was erected and while the appeal was pending, it was discovered that the county had posted notice of the hearing on the wrong property (the undeveloped adjacent parcel to the north). Thus, the superior court held that, even though posting of a property is not *required* under county rules, and all other notices (for example, newspaper and mailings) had been properly given, if the county was going to post on a property, it needed to post on the correct property, and a new hearing was ordered. See *Sea Pines Vill. Condo. Ass’n of Owners v. Bd. of Adjustment*, No. S10A-01-003 THG, 2010 WL 8250842 (Del. Super. Ct. Oct. 28, 2010).

So, Cingular (now a part of AT&T) went back to the board for a new hearing. This time, more opponents showed up and the board voted 3–2 to deny the request; in doing so, the board noted in its written decision that “it was impossible for the Board to disregard the large number of individuals opposing the tower.” This time Cingular appealed, first to the superior court, which affirmed the board, and then to the Delaware Supreme Court. The supreme court reversed the board’s decision because the board applied the wrong standard in

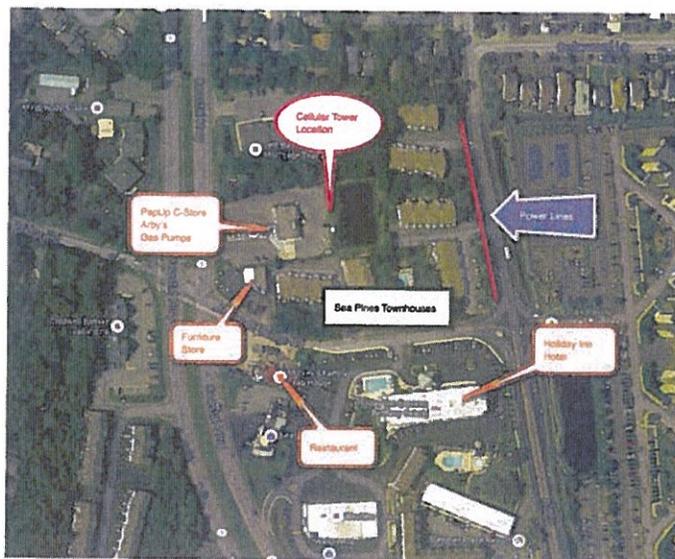


Figure 1.

evaluating the application; the board found only that the proposed tower would “adversely affect” neighboring properties, not “substantially affect adversely” as required by the Sussex County Code. See *New Cingular Wireless PCS v. Bd. of Adjustment*, 65 A.3d 607, 611-12 (Del. 2013). The matter then returned to the board for a third hearing, some four years after the first hearing, and the stage was now set: with a temporary tower having been in place for over three years, one could look at the movement of property values in the vicinity of the temporary tower both before and after the tower was constructed and compare those movements to the movement of property values in the wider market; or, put another way, one could determine with relative certainty what effect, if any, a tower at the proposed location might have.

### The Temporary Tower Has No Effect on Property Value

AT&T had two appraisers look at the market effects of the temporary tower. The first appraiser looked at sales of two-bedroom nonwater-view condominium units (that is, units comparable to the condominium units adjoining the cell tower site). He found a total of 36 sales, of which the top two sales, and six of the top 10 sales, were in the Sea Pines Condominium community immediately adjoining the cell tower site. If the tower were going to have an

effect on value, one would think that the top sales prices would not be achieved in the community immediately surrounding the tower.

AT&T’s other appraiser tracked the movement of prices in the Sea Pines community and the larger beach community for two years before and through two years after the

installation of the temporary tower. His analysis demonstrated that as the larger real estate market moved up and down, so did the Sea Pines community in approximately the same way. See Figure 2 on page 14. In testifying before the Sussex County Board of Adjustment, the appraiser explained:

In this high density mixed use area, there’s a lot of influences surrounding this project already. So people, when they’re making a purchase decision in Sea Pines and other areas in this resort market, there are many things that impact your decision, your view, your access. And a cell tower pole, a single monopole, really is an expected thing in today’s world. As we showed, one side of this property is lined with power lines that have been there forever. People need power. They’re an accepted part of the landscape. Apparently, people have been making purchase decisions in Sea Pines for many years in the presence of those lines and the other uses like gas pumps and the convenience store, and we just didn’t see any evidence of this one particular structure [having] a unique influence on property value.

Opponents of the project testified at the hearing before the board as well. They

offered no appraisal or other direct evidence of any effect on value. In fact, some of their testimony actually bolstered AT&T's case when two residents testified that they had experienced no problems in fully renting their units during the rental season after the temporary tower was installed—or, put another way, the temporary tower did not affect the ability of unit owners to rent their units. Moreover, no unit owners complained of having to lower rents to secure tenants or of any other adverse economic effect. One of AT&T's appraisers also did a study of rental rates and found that Sea Pines's rental rates were consistent with the local market and that there was no effect on rental rates associated with the temporary tower.

In sum, then, the case of the Sussex County temporary tower confirms what studies have shown for years—that cell towers have become part of the suburban landscape and have no appreciable effect on value. Like telephone poles, power lines, streetlights, and the other infrastructure of modern life, cell towers fade into the background and draw no more attention than other infrastructure.

### Some Other Lessons from the AT&T Case

AT&T's experience in this case provides two further lessons. First, a land use applicant needs to be absolutely certain that all procedures are followed properly; and, for better or worse, this means confirming that the local governmental body has given the proper notices and made the proper mailings and postings. But for the county's inadvertent error in posting notice of the hearing on the wrong property in 2009, AT&T could have avoided four years of additional litigation. One need not be heavy-handed in confirming that things are done properly, but confirmation should be obtained.

More importantly, the Delaware Superior Court's 2015 opinion, following the third hearing by the board, marks something of a watershed for Delaware courts in the way they deal with decisions by boards of adjustment. Under Delaware law, appeals from the board go to the Delaware

Superior Court, which, by statute, has the power to reverse, affirm, or modify a decision of the board. See Del. Code Ann. tit. 9, §§ 1314(f), 4918(f), 6918(f); Del. Code Ann. tit. 22, § 328(c). Significantly, unlike other Delaware statutes

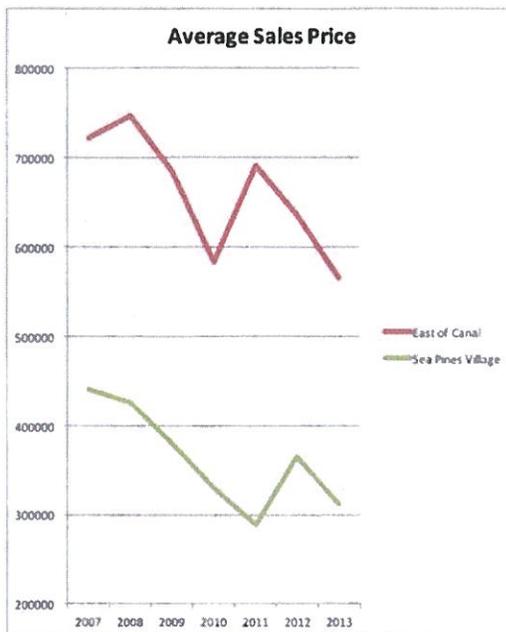


Figure 2.

regarding appeals from other boards and administrative bodies, there is no power to "remand" a decision back to the board of adjustment. (For examples of statutes in which remand is specifically listed as a remedy, see, e.g., Del. Code Ann. tit. 7, § 6612(b); Del. Code Ann. tit. 7, § 6214(b); Del. Code Ann. tit. 9, § 8312(c); Del. Code Ann. tit. 14, § 1414; Del. Code Ann. tit. 18, § 328(h); and Del. Code Ann. tit. 19, § 2350(b).) And this lack of remand is most likely not an accident.

Most matters before a board of adjustment involve homeowners seeking minor dimensional variances for things such as screened porches or additions to their homes. Judicial review, of course, can be a time-consuming and expensive process. Rather than remands and multiple hearings, the Delaware General Assembly gave the superior court the ability to decide the matter (reverse, affirm, or modify) as part of its decision on appeal, rather than remand back to the board for further proceedings. Indeed, although most appeals are on the record, the General Assembly further provided

that the superior court could receive additional evidence as part of the appeal process. Del. Code Ann. tit. 9, §§ 1314(e), 4918(e), 6918(e). The only reason for the court to receive additional evidence would be for the court to make findings on its own and resolve the matter once and for all, rather than remand a proceeding back to the board for another hearing and, potentially, another appeal. Homeowners should not be faced with years of litigation over whether they can build an additional two feet into a setback.

But, despite the lack of the power to remand, when reversing a board decision denying a permit or variance request, courts have almost always said that reversal does not constitute a grant of the permit or variance—rather, the court requires the applicant to go back to the board and re-apply for the permit or variance with a new hearing and an entirely new process. In other words, reviewing courts have done the functional

equivalent of a remand, even though the courts do not call what they're doing a "remand."

The superior court's 2015 decision is significant, then, because the court did *not* reverse the board and then require AT&T to go back to the board and re-apply (for what would have been the fourth time) for a special use exception for the cell tower. Rather, the court specifically recognized that it did not have the power to remand and therefore modified the board's decision by ordering the special exception granted. Specifically, the court explained:

At this stage, Appellant [AT&T] has been before the Board and the Court three times regarding this project. The first time, the Board's approval was reversed on procedural grounds. The second time, the Board applied the wrong standard and denied the application, resulting in the decision ultimately being reversed by the Supreme Court. Because the statute provides no authority to remand, Appellant has had to file

a new application each time. While courts typically reverse rather than modify decisions of the Board of Adjustment Review, the statute [ ] clearly provides the Court with the power to modify when appropriate. This is such an instance. . . . The statute in the instant case only allows the court to affirm, reverse, or modify. In the absence of the option to remand, the Court finds Appellant's argument that the decision be modified to grant the permit especially compelling. . . . For the foregoing reasons, the decision of the Sussex County Board of Adjustment is MODIFIED and AT&T's Application for a special use exception to construct a permanent 100-foot telecommunications tower on [the] Property is GRANTED.

*AT&T*, 2015 WL 1975629 at \*14–15. Thus, the court granted AT&T the special use exception it needed to construct a permanent tower. When opponents did not appeal the superior court decision, AT&T's odyssey was finally over.

The court stated that it was modifying the board's decision, not reversing

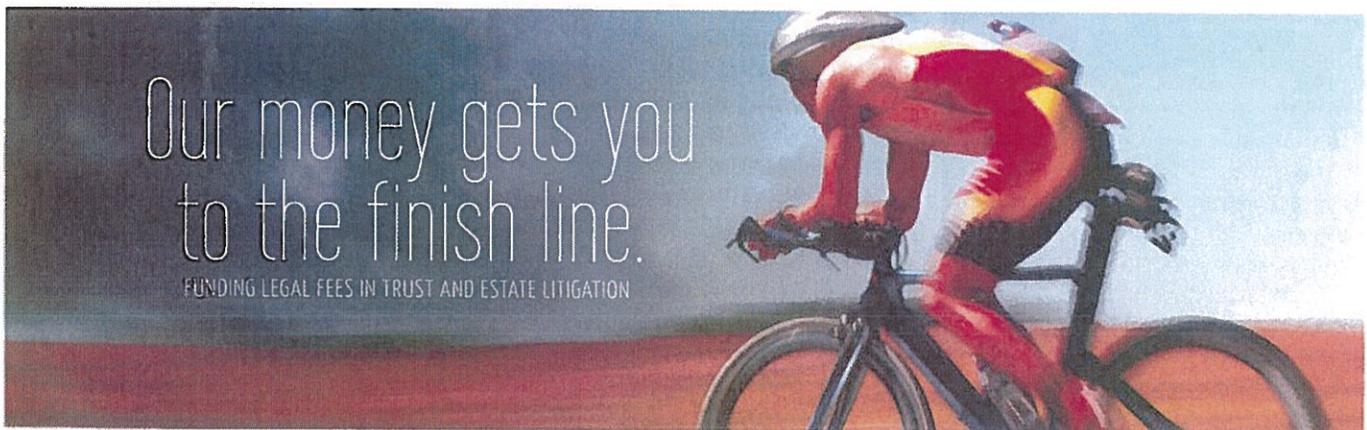
it. Certainly the statute states that a court may "affirm, reverse, or modify," although one would think that granting a previously-denied application is the very epitome of a "reversal," not a "modification." "Modification" would seem to be reserved for those situations in which, perhaps, the board imposed conditions on a variance and the court modified those conditions or lessened or increased the dimensional component of a granted variance but otherwise left the grant in place. Regardless, though, the *AT&T* court's decision is good news for property owners and other applicants who receive denials from a board—the court has explicitly recognized that it lacks the power of remand and acted accordingly. Perhaps future applicants will now be spared the cycle of hearing, judicial review, new hearing, more judicial review, and so on.

### Conclusion

Studies have long shown that cell towers have no appreciable effect on property values, but opponents of towers, and some boards that consider these applications, refuse to believe these studies. Nevertheless, the results

are supported by empirical data, and, although it may seem counterintuitive, the results ultimately make sense. As one appraiser in the *AT&T* case observed, "a cell tower pole, a single monopole, really is an expected thing in today's world. . . . people have been making purchase decisions [ ] for many years in the presence of those lines and the other uses like gas pumps and the convenience store, and we just didn't see any evidence of this one particular structure [having] a unique influence on property value."

The *AT&T* case is especially interesting and uniquely helpful because it allowed the cell tower applicant to demonstrate that there would be no effect on value for the very location at issue. Property values in the vicinity of the temporary tower moved in the same way as property values in the larger market. Not only is this conclusion consistent with the general literature and studies in this area, but AT&T was actually able to demonstrate that its proposed tower in its proposed location would not affect property values in the immediate area. ■



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— Richard S. Van Dyke, Esq., Managing Partner, Van Dyke & Associates, LLP

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## *Importance of Wireless coverage to Homeowners and Buyers*

*October 2017*

Around 52 percent of American households are now wireless only for voice service.

(CDC's 2016 Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July-December)

90% of US households use wireless service. With this increase in demand from users at home and those who work from home comes the need for more facilities to meet the customer needs. Citizens need access to 911 and reverse 911 and wireless may be their only connection. (CTIA, June 2015)

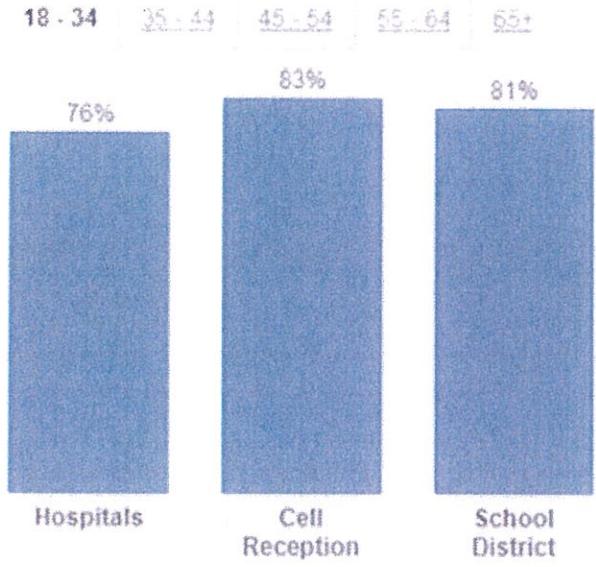
Across income levels, a significant majority of Americans now have smartphones. 93 percent of people earning more than \$75,000 a year own smartphones. And 64 percent of people making less than \$30,000 a year are smartphone owners – which marks a 42 percent growth in ownership at this income level since 2011. (2017 CTIA Wireless Snapshot, May 2017 & Pew Research Center, "Mobile Fact Sheet" (Jan. 12, 2017), available at <http://www.pewinternet.org/fact-sheet/mobile/>)

A 2015 survey found that cellular service is of major importance to homebuyers. It was more important than schools when looking for a home (cellular service ranked 76% versus 60% for schools). Cellular coverage trailed only crime rates (96%), local taxes (90%), and amenities like parks and shops (84%). Among Millennials, 83% said cell service was the most important fact in purchasing a home. (RootMetrics & Money, June 2, 2015)

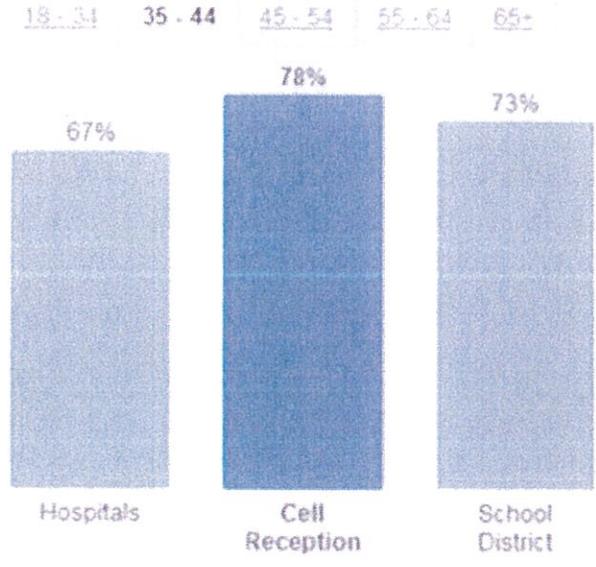
"..the fastest type of high speed Internet available, can add \$5,437 to the price of a \$175,000 home—about as much as a fireplace, or half the value of a bathroom." (WSJ, "How Fast Internet Affects Home Prices", June 30, 2015")

## **The Surprising Thing Home Buyers Care About More than Schools**

(RootMetrics/Money, June 2, 2015)



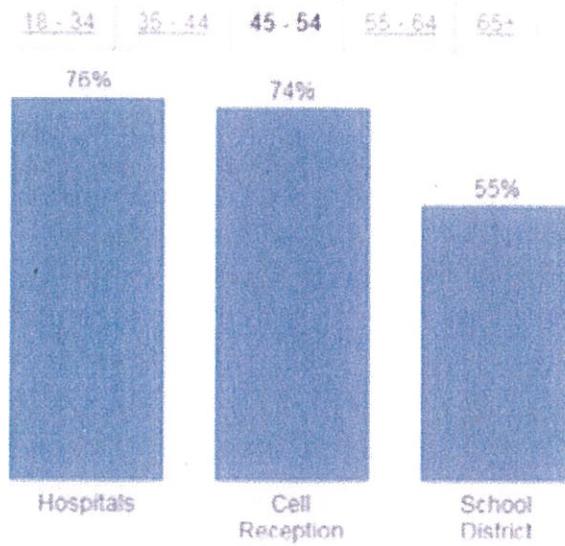
Source: RootMetrics [Get the data](#)



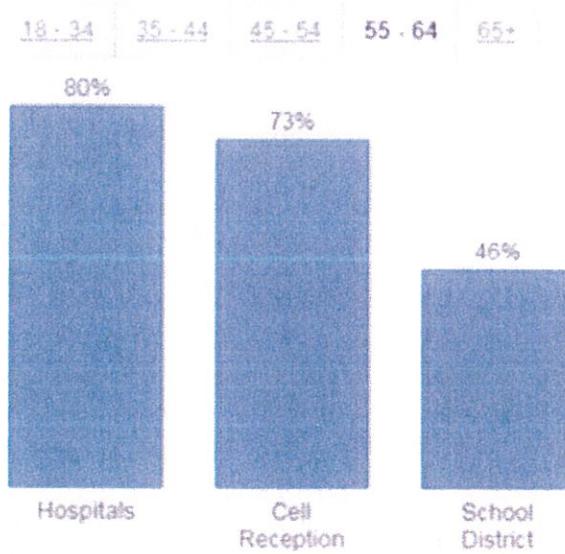
Source: RootMetrics [Get the data](#)

# The Surprising Thing Home Buyers Care About More than Schools

(RootMetrics/Money, June 2, 2015)



Source: RootMetrics [Get the data](#)



Source: RootMetrics [Get the data](#)

# 11 must-haves to sell to millennial homebuyers

<http://www.bankrate.com/finance/real-estate/must-haves-to-sell-to-young-homebuyers-7.aspx>

Technology

Previous  
7 of 11  
Next



© scythier5/Shutterstock.com

## Technology

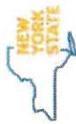
A generation ago, buyers didn't care about a home's technological capabilities. Either it had cable hookups or it didn't. Today, buyers want to know about tech. They want to hear about wireless service and internet, not cable and telephone.

"Most young homebuyers laugh at a landline phone, and even if they buy a house that has a jack, it is rarely used," Cardillo says.

In some cases, a house's appeal can be increased or diminished because of the strength of a mobile carrier's signal or its internet service provider options. While cellphone and internet services are out of the seller's hands, Cardillo says sellers or their agents should be prepared to field questions on that front.

"Internet and cell service matters a lot to this generation, and they're going to ask, so you need to have answers," he says.

## EXHIBIT V



# Environmental Resource Mapper

Base Map:



Search

Tools

### Layers and Legend

All Layers

Unique Geological Features

Waterbody Classifications for Rivers/Streams

Waterbody Classifications for Lakes

State Regulated Freshwater Wetlands

State Regulated Wetland Checkzone

Significant Natural Communities

Natural Communities Near This Location

Rare Plants or Animals

Other Wetland Layers

Reference Layers

Tell Me More...

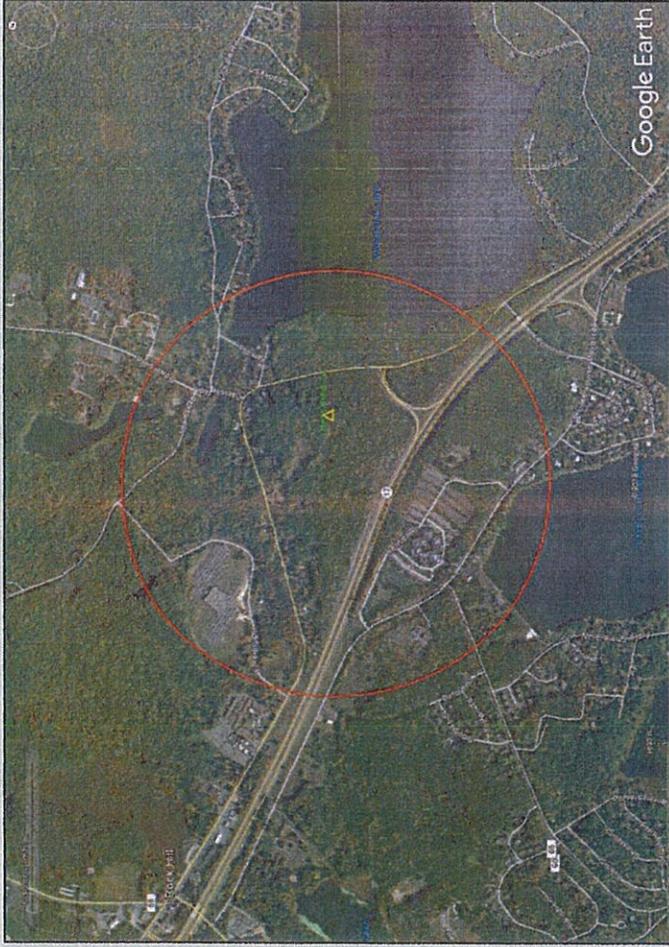
Need A Permit?

Contacts



## EXHIBIT W

# Explanation of this Search Area



## Louise Marie Search Area

To resolve the coverage and capacity deficiencies previously detailed, Verizon Wireless is seeking to add one new 'macro' cell facility within this area to improve wireless service capacity and coverage. By offloading traffic from **Wurtsboro Gamma** and **Monticello Alpha** with the proposed site, adequate and reliable service will be restored. The new **Louise Marie** site will provide dominant and dedicated signal to the eastern portion of Thompson helping to improve not only the **Louise Marie** area but also indirectly will result with significant improvements throughout the entire service footprint of **Wurtsboro Gamma** and **Monticello Alpha**.



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.

# Supplemental: Alternative Candidates

Several candidates were considered throughout the process of developing the Louise Marie ring including:

- A. 41.624408°, -74.586462° (Rooftop) this was RF Rejected due to inadequate coverage, too low
- B. 41.623233°, -74.586631° (Water tank) RF Rejected due to inadequate coverage, too low
- **C.\* 41.620629°, -74.580232° (NEW TOWER) RF Approved at 180' ACL**
- D.\* 41.624061°, -74.584990° (NEW TOWER) RF Approved, LL not interested
- E.\* 41.616981°, -74.579803° (NEW TOWER) RF Approved as backup candidate, LL still developing property
- F.\* 41.618270°, -74.587171°, (NEW TOWER) RF Rejected due to inadequate coverage, too low
- G.\* 41.618630°, -74.584753°, (NEW TOWER), RF Approved, LL not interested

Starred (\*) candidates above would require the construction of a new tower structure at each location.

- Candidate C is the RF Approved candidate, there is a willing LL and the site is constructible as designed.





Figure 1 - Louise Marie Search Ring Area

### Candidates Summary

The Louise Marie search area was analyzed to determine potential locations for the proposed facility. In arriving at its decision to place a communications facility at the Calcam Associates property off of Wurtsboro Mountain Road, Airosmith completed a thorough analysis of the search area. An effort was made to identify potential locations that would be both technically appropriate and sensible from a zoning and land use perspective.

Not all locations within a search area will provide adequate and safe coverage within the network, and a computer model must be used to analyze each prospective site to determine if it meets the applicable coverage objectives.

### Candidates:

- A. 61 Emerald Place – Emerald Corporate Center (Tax Map Parcel No. 35.-1-9.3)** – This parcel hosts a 55' +/- tall 4 story building. Verizon Wireless evaluated placing the antennas and all related equipment on this rooftop. This location was not acceptable to RF due to inadequate coverage for being too low in height. This rooftop location would not meet the RF criteria.

- B. Town of Thompson Water tank on Emerald Corporate Center property (Tax Map Parcel No. 35.-1-9.6)** – This parcel hosts a 40' +/- tall water tank. Verizon Wireless evaluated placing the antennas on top of the water tank. This location was not acceptable to RF due to inadequate coverage for being too low in height. This water tank collocation opportunity would not meet the RF criteria.
- C. Calcam Associates, Inc. (Tax Map Parcel No. 35.-1-34)** – This parcel is vacant and contains a large amount of dense mature vegetation. The lower portion of the proposed facility would not be visible and is well hidden being that the parcel is heavily covered with dense mature vegetation. The elevation of the Calcam Associates, Inc. property is some of the highest ground elevation in the area being at 1588' AMSL. From an RF perspective, the Calcam Associates, Inc. property is located on a relatively high elevation ridgeline from which the antennas are able to maintain radio-line-of-site across the majority of the targeted coverage improvement area, and as a result satisfied RF coverage and capacity objectives for this site. We were also able to come to an agreement with the landowner and have a lease agreement in place. The tower will be designed to accommodate future shared use as well. Since this property offers several advantageous features, the Calcam Associates, Inc. property was selected as the targeted property for the proposed Louise Marie facility.
- D. 61 Emerald Place – Emerald Corporate Center (Tax Map Parcel No. 35.-1-9.3)** - This is the same parcel that was considered as Candidate A. This candidate was investigated to place a new tower in the parking lot of this parcel. Due to a lack of landowner interest, this candidate was removed from consideration.
- E. Emerald Green Lake Louise Marie Water Company (Tax Map Parcel No. 52.-1-2 and 52.-1-4)** – These two parcels are owned by a private water company, which futuristically would be developing a 60' +/- water tank on the property. Even though there might be a proposed 60' water tank built on this property, this location would be proposing a new tower. A 60' water tank is not tall enough to work within the network. This candidate was nonetheless evaluated as a potential backup candidate to the proposed Calcam Associates site.
- F. Town of Thompson Sewer District (Tax Map Parcel No. 52.-1-13.31)** – This parcel hosts the Town of Thompson's sewer plant off of Lake Louise Marie Road. When RF evaluated this property, the elevation was too low and therefore not the best suited candidate in this area. This location was not acceptable to RF due to inadequate coverage for being too low in elevation.
- G. Sullivan County Industrial Development (Tax Map Parcel No. 52.-1-1.3)** - Sullivan County Industrial Development property owned by NYS is a rather large 30 acre parcel within the Search Area. RF approved that a new tower would work from an RF perspective. However, when inquiring about the possibility of leasing space for the proposed wireless facility, IDA representatives expressed upfront that they were not interested in leasing property. Since a land lease deal could not be reached with the IDA, this candidate was removed from consideration.

## **Conclusion**

Based upon a thorough review of the Louise Marie search area, it has been determined that there are no existing towers or other tall structures in or near the search area that can be used

# EXHIBIT X



**LEGAL DESCRIPTIONS**

**PARENT PARCEL - AS PROVIDED:**  
AN INTEREST IN LAND, SAID INTEREST BEING OVER A PORTION OF THE FOLLOWING DESCRIBED PARENT PARCEL:  
5.83 ACRE PARCEL OF LAND ON THE WESTERLY SIDE OF FACTORY ROAD, ROCK HILL, N.Y., TO BE CONVEYED BY CROWN AND HORAN TO RIEBER

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF THOMPSON, COUNTY OF SULLIVAN, AND STATE OF NEW YORK, BEING INTENDED TO BE THE SAME PREMISES WHEREIN MARIE ROSE CROWN CONVEYED AN UNDIVIDED ONE-HALF INTEREST TO CHARLES AUGUSTUS CROWN, WILLIAM DOUGLAS CROWN AND ANN MARIE HORAN AS DESCRIBED IN A DEED DATED THE 31ST DAY OF DECEMBER, 1975, AND RECORDED IN THE SULLIVAN COUNTY CLERK'S OFFICE IN LIBER OF DEEDS 813 AT PAGE 235, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE APPROXIMATE CENTER OF TRAVELLED WAY OF FACTORY ROAD (TOWN ROAD NUMBER 24) ON A PROJECTION OF THE SOUTHERLY BOUNDS OF LANDS OF GOTTLIEB (DEED LIBER 1118 AT PAGE 42, PARCEL NUMBER 1, AND RUNNING THENCE FROM SAID POINT OF BEGINNING, RUNNING TO AND ALONG THE SOUTHERLY BOUNDS OF SAID LANDS OF GOTTLIEB (DEED LIBER 1118 AT PAGE 42, PCL I), RUNNING TO AND ALONG THE SOUTHERLY BOUNDS OF PARCEL NUMBER III IN SAID GOTTLIEB DEED, RUNNING THROUGH AN IRON PIPE FOUND ON THE WESTERLY SIDE OF SAID FACTORY ROAD, RUNNING ALONG OR NEAR WIRE FENCE FOR A PORTION OF THE WAY, NORTH 82 DEGREES 39 MINUTES WEST 406.27 FEET TO AN IRON PIPE AND STONES FOUND AT AN ANGLE POINT ON THE EASTERLY BOUNDS OF LANDS OF LORD (DEED LIBER 352 AT PAGE 500) AT THE SOUTHWESTERLY CORNER OF SAID THIRD DESCRIBED GOTTLIEB PARCEL THENCE RUNNING ALONG AN EASTERLY BOUNDS OF SAID LANDS OF LORD, SOUTH 27 DEGREES 38 MINUTES WEST 310.89 FEET TO AN IRON PIN SET AT THE SOUTHEASTERLY CORNER OF SAID LANDS OF LORD ON THE NORTHERLY BOUNDS OF LANDS OF RIEBER (DEED LIBER 1239 AT PAGE 267); THENCE RUNNING ALONG THE NORTHERLY BOUNDS OF LANDS OF SAID RIEBER, RUNNING TO AND ALONG THE NORTHERLY BOUNDS OF LANDS REPUTEDLY OF CUCCARO (DEED LIBER 478 AT PAGE 90), RUNNING GENERALLY ALONG A STONE WALL FOR A PORTION OF THE WAY, RUNNING THROUGH AN IRON PIN SET ON THE WESTERLY SIDE OF SAID FACTORY ROAD, SOUTH 47 DEGREES 12 MINUTES EAST 701.19 FEET TO A POINT IN THE APPROXIMATE CENTER OF TRAVELLED WAY OF SAID FACTORY ROAD; THENCE RUNNING ALONG THE APPROXIMATE CENTER OF TRAVELLED WAY OF SAID FACTORY ROAD, THE FOLLOWING SIX (6) COURSES AND DISTANCES: (1) NORTH 09 DEGREES 31 MINUTES EAST 62.72 FEET, (2) NORTH 07 DEGREES 02 MINUTES EAST 54.03 FEET, (3) NORTH 04 DEGREES 05 MINUTE EAST 166.24 FEET, (4) NORTH 02 DEGREES 45 MINUTES EAST 70.63 FEET, (5) NORTH 00 DEGREES 52 MINUTES EAST 71.45 FEET, AND (6) NORTH 00 DEGREES 11 MINUTES WEST 276.49 FEET, TO THE POINT OR PLACE OF BEGINNING, CONTAINING 5.83 ACRES OF LAND TO BE THE SAME MORE OR LESS.

SUBJECT TO HIGHWAY USE-DEDICATION OF RECORD, AND ANY EASEMENTS OF RECORD, BEARINGS ARE AS THE MAGNETIC NEEDLE POINTED IN NOVEMBER OF 1974, MARCH 12, 1987.

AND BEING THE SAME PROPERTY CONVEYED TO CALCAM ASSOCIATES, INC. FROM WILLIAM J. RIEBER, SR., WILLIAM J. RIEBER, JR. AND KEVIN M. RIEBER BY DEED DATED APRIL 21, 1989 AND RECORDED APRIL 24, 1989 IN LIBER 1373, PAGE 37

TAX PARCEL NOS. 35-1-34

**LEASE AREA - AS SURVEYED:**  
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE TOWN OF THOMPSON, COUNTY OF SULLIVAN, STATE OF NEW YORK, SAID BEING A PORTION OF TAX MAP BLOCK 35, LOT 1 AS DESIGNATED ON THE TOWN OF THOMPSON TAX MAPS, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF THE HEREIN DESCRIBED LEASE PARCEL SAID POINT BEING NORTH 75°59'40" EAST A DISTANCE OF 61.13 FEET FROM THE EASTERLY CORNER OF THE LANDS NOW OR FORMERLY CALCAM ASSOCIATES, INC; RUNNING THENCE

THROUGH THE LANDS NOW OR FORMERLY CALCAM ASSOCIATES, INC. (TAX MAP BLOCK 35, LOT 1) THE FOLLOWING FOUR (4) COURSES:

1. NORTH 16°48'20" EAST FOR A DISTANCE OF 75.00 FEET TO A POINT; THENCE
2. SOUTH 73°11'40" EAST FOR A DISTANCE OF 75.00 FEET TO A POINT; THENCE
3. SOUTH 16°48'20" WEST FOR A DISTANCE OF 75.00 FEET TO A POINT; THENCE
4. NORTH 73°11'40" EAST FOR A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,625± SQUARE FEET

**ACCESS & UTILITY EASEMENT - AS SURVEYED:**  
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE TOWN OF THOMPSON, COUNTY OF SULLIVAN, STATE OF NEW YORK, SAID BEING A PORTION OF TAX MAP BLOCK 35, LOT 1 AS DESIGNATED ON THE TOWN OF THOMPSON TAX MAPS, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF THE HEREIN DESCRIBED 30 FOOT WIDE ACCESS AND UTILITY EASEMENT SAID POINT BEING NORTH 75°59'40" EAST A DISTANCE OF 61.13 FEET FROM THE EASTERLY CORNER OF THE LANDS NOW OR FORMERLY CALCAM ASSOCIATES, INC; RUNNING THENCE

THROUGH THE LANDS NOW OR FORMERLY CALCAM ASSOCIATES, INC. (TAX MAP BLOCK 35, LOT 1) THE FOLLOWING THIRTEEN (12) COURSES:

1. NORTH 73°11'40" WEST FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE
2. NORTH 16°48'20" EAST FOR A DISTANCE OF 184.78 FEET TO A POINT OF CURVATURE; THENCE
3. ALONG CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET A DISTANCE OF 170.43 FEET TO A POINT; THENCE
4. NORTH 86°33'20" WEST FOR A DISTANCE OF 253.95 FEET TO A POINT ON THE WESTERLY SIDELINE OF WURTSBORO MOUNTAIN ROAD; THENCE
5. ALONG SAID SIDELINE SOUTH 10°58'40" EAST FOR A DISTANCE OF 30.26 FEET; THENCE
6. LEAVING SAID SIDELINE SOUTH 86°33'20" WEST FOR A DISTANCE OF 257.92 FEET TO A POINT OF CURVATURE; THENCE
7. BY A CURVE TO THE LEFT HAVING A RADIUS OF 110.00 FEET A DISTANCE OF 133.91 FEET TO A POINT; THENCE
8. SOUTH 16°48'20" WEST FOR A DISTANCE OF 79.78 FEET TO A POINT; THENCE
9. SOUTH 73°11'40" EAST FOR A DISTANCE OF 75.00 FEET TO A POINT; THENCE
10. SOUTH 16°48'20" WEST FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE ABOVE DESCRIBED LEASE PARCEL; THENCE
11. SOUTH 73°11'40" EAST FOR A DISTANCE OF 75.00 FEET TO A POINT ON THE ABOVE DESCRIBED LEASE PARCEL; THENCE
12. NORTH 16°48'20" EAST FOR A DISTANCE OF 75.00 FEET TO THE POB.

CONTAINING 20,036± SQUARE FEET

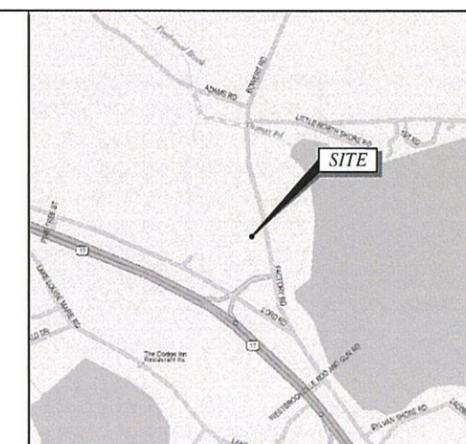
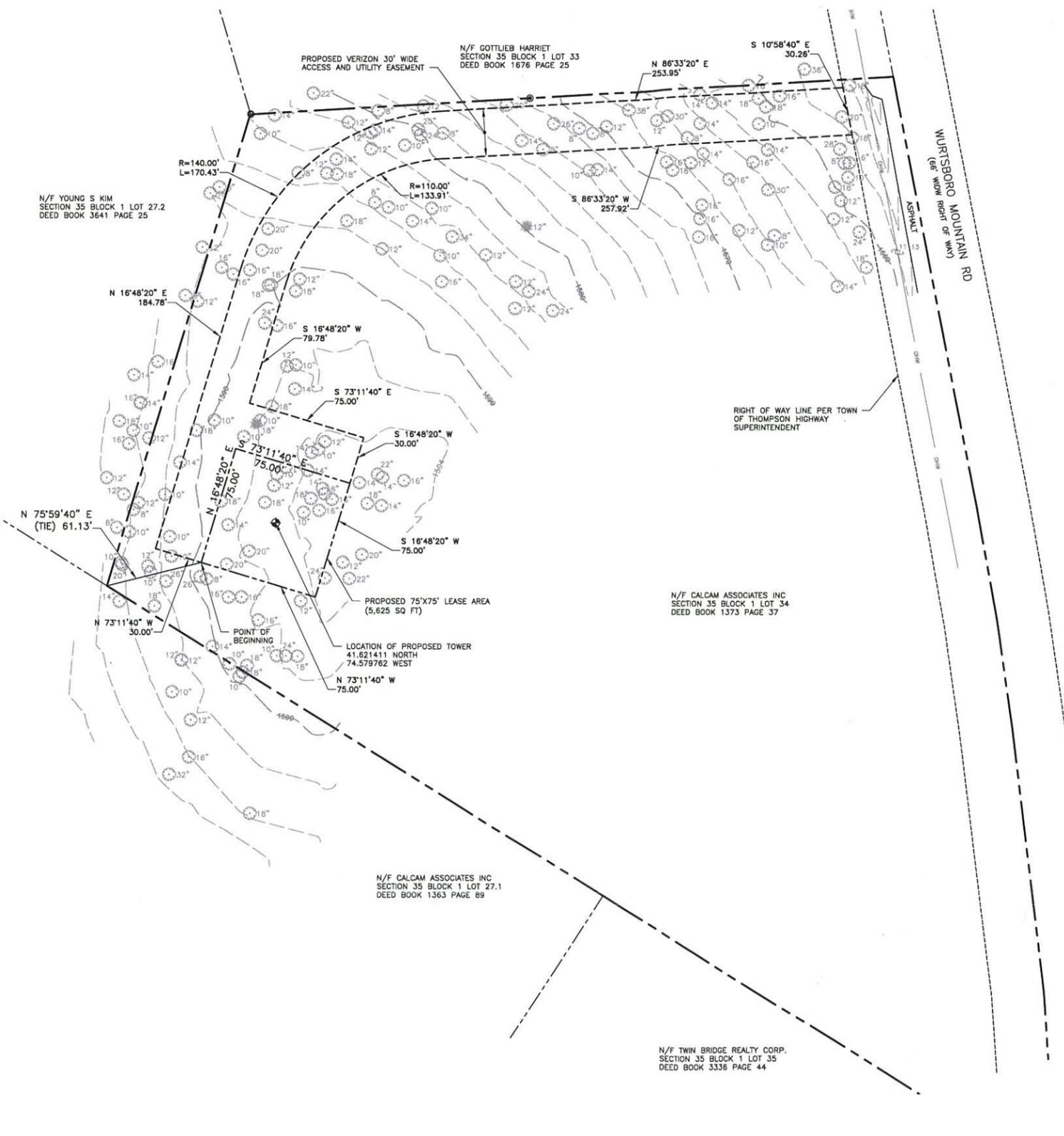
**SCHEDULE B - SECTION II**

NO EXCEPTIONS LISTED IN TITLE.

**CERTIFICATION**

THIS SURVEY IS SUBJECT TO ALL NOTES CONTAINED HEREON AND IS CERTIFIED TO THE FOLLOWING LISTED PARTIES AS BEING THE RESULT OF A FIELD SURVEY AND CORRELATION OF FIELD EVIDENCE WITH MAPS AND DEEDS OF RECORD

1. TARPON TOWERS II, LLC
2. FIDELITY NATIONAL TITLE INSURANCE COMPANY



**LOCATION MAP**

**LEGEND**

- PROPERTY LINE
- - - ADJOINING PROPERTY LINE
- - - RIGHT OF WAY LINE
- - - LEASE LINE
- - - EASEMENT LINE
- - - EDGE OF PAVEMENT
- - - OVERHEAD WIRES
- - - INDEX CONTOUR LINE
- - - CONTOUR LINE
- IRON ROD FOUND
- IRON PIPE FOUND
- UTILITY POLE
- 12" EXISTING TREES

**GENERAL NOTES**

1. THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING AND SURVEYING CONSULTANTS, PC COMPLETED ON 06/20/2018.
2. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM 1988.
3. MERIDIAN AND COORDINATES REFER TO NEW YORK STATE PLANE, NAD 83, NEW YORK EAST ZONE AND ARE BASED ON GPS OBSERVATIONS.
4. ANGLES OR BEARINGS SHOWN HEREON ARE FORMATTED IN DEGREES, MINUTES, AND SECONDS. DISTANCES OR ELEVATIONS SHOWN HEREON ARE IN U.S. SURVEY FEET, UNLESS NOTED OTHERWISE.
5. REFERENCES:
  - (A) DEED: BOOK 1373, PAGE 37
  - (B) MAP ENTITLED: "SUBDIVISION MAP OF LANDS OF LORD" AS FILED IN THE SULLIVAN COUNTY CLERK'S OFFICE ON 11/11/98 AS MAP #8-115.
  - (C) TITLE COMMITMENT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY AS TITLE NUMBER 28385654, EFFECTIVE DATE 12/30/18.
6. THIS SURVEY IS SUBJECT TO A COMPLETE AND UP TO DATE ABSTRACT OF TITLE, COVENANTS, EASEMENTS, GRANTS AND RIGHTS-OF-WAY NOT VISIBLE AND NOT REFERENCED ARE NOT SHOWN. TECTONIC ENGINEERING AND SURVEYING CONSULTANTS, PC SHALL NOT BE LIABLE FOR THE DISTURBANCE TO ANYONE'S RIGHT TO THE USE OF THE PROPERTY OR THE DISTURBANCE OF ANY UTILITIES NOT SHOWN OR REFERENCED ON THIS SURVEY PLAT.
7. UNDERGROUND IMPROVEMENTS IF ANY AND NOT VISIBLE AT THE TIME OF THE SURVEY, HAVE NOT BEEN LOCATED IN THE FIELD OR SHOWN HEREON.
8. LOCATIONS OF ALL UTILITIES AND SUBSTRUCTURES ARE APPROXIMATE ONLY BASED ON SURFACE EVIDENCE AND EXISTING PLANS. THE INFORMATION GIVEN ON THE SURVEY PERTAINING TO UTILITIES AND SUBSTRUCTURES IS NOT CERTIFIED TO ACCURACY OR COMPLETENESS. CONSULT WITH THE APPROPRIATE COMPANY OR AGENCY BEFORE DESIGNING OR CONSTRUCTING IMPROVEMENTS. TECTONIC ENGINEERING AND SURVEYING CONSULTANTS, P.C. WILL NOT BE RESPONSIBLE FOR ANY DAMAGE SUBSEQUENTLY CAUSED TO PERSONNEL, STRUCTURES, OR UTILITIES.
9. THIS SURVEY PLAT IS FOR SITE PLAN/ENGINEERING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR THE TRANSFER OF TITLE.
10. THE SUBJECT PROPERTY FALLS WITHIN FLOOD ZONE "X" AS PER THE NATIONAL FLOOD INSURANCE RATE MAP FOR THE TOWN OF THOMPSON, COUNTY OF SULLIVAN, STATE OF NEW YORK, COMMUNITY PANEL NO # 4880F780, EFFECTIVE DATE OF 02/18/11. THIS DETERMINATION IS BASED ON SCALED MAP LOCATION AND GRAPHIC PLOTTING.
11. THE PROPERTY LINES SHOWN HEREON ARE APPROXIMATE AND FOR ORIENTATION PURPOSE ONLY AND THEY DO NOT REPRESENT A PROPERTY/BOUNDARY OPINION BY THE LAND SURVEYOR.
12. WETLANDS, IF PRESENT, HAVE NOT BEEN LOCATED OR SHOWN HEREON.
13. NOT ALL IMPROVEMENTS ON THE PARCEL BEING SURVEYED ARE SHOWN HEREON.

**PARTIAL TOPOGRAPHY SURVEY**  
SCALE: 1" = 40'

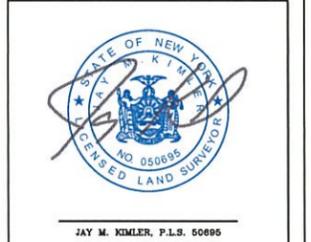
**TARPON TOWERS**  
1001 3RD AVE WEST, SUITE 420  
BRADENTON, FL 34205

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Lithgow, NY 12110 (800) 832-6531  
www.tectonicengineering.com

WORK ORDER NUMBER	DRAWN BY
9684.02	RO

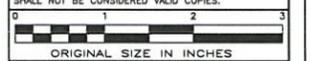
NO.	DATE	ISSUE
0	01/15/19	FOR COMMENT

RELEASED BY	DATE



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ORIGINAL SIZE IN INCHES

**SITE INFORMATION**  
LOUISE MARIE  
PN: 20171600707  
LC: 434776

**SITE ADDRESS**  
WURTSBORO MOUNTAIN RD  
TOWN OF THOMPSON  
SULLIVAN COUNTY  
NY 12775

**SHEET TITLE**  
PARTIAL TOPOGRAPHY SURVEY

**SHEET NUMBER**

**SU-101**



**NOTE:**

THE PROPERTY LINES HEREON ARE APPROXIMATE BASED ON GIS DATA AND ARE FOR ORIENTATION PURPOSES ONLY. THEY DO NOT REPRESENT A PROPERTY/BOUNDARY DECISION BY A LAND SURVEYOR.

**1 ADJOINERS PLAN**  
 AD-1 SCALE: 1" = 400' (11x17 SIZE)  
 1" = 200' (22x34 SIZE)

ID	OWNER	SBL	ADDRESS	CITY/TOWN/ZIP
1	CALCAM ASSOC INC	35-1-34	390 BROADWAY	MONTICELLO, NY12701
2	TWIN BRIDGE REALTY CORP	35-1-35	WURTSBORO MOUNTAIN RD	MONTICELLO, NY12701
3	CALCAM ASSOC INC	35-1-27.1	390 BROADWAY	MONTICELLO, NY12701
4	KIM YOUNG S & KIM CECILIA H	35-1-27.2	390 ROCK HILL DR	ROCK HILL, NY12775
5	GOTTLIEB HARRIET	35-1-33	30 WURTSBORO MOUNTAIN RD	ROCK HILL, NY12775
6	MURRAY JUDITH K	35-1-39.1	207 106TH ST	NEW YORK, NY10025
7	MURRAY JUDITH K	35-1-38	207 106TH ST	NEW YORK, NY10025

**2 ADJOINERS LIST**  
 AD-1 SCALE: NTS

**TARPON TOWERS**

1001 3RD AVE WEST, SUITE 420  
 BRADENTON, FL, 34205

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 (800) 889-6531  
 www.tectonicengineering.com

WORK ORDER NUMBER 9684.02 DRAWN BY TRR

NO.	DATE	ISSUE
0	1/11/19	FOR COMMENT
1	1/22/19	FOR ZONING
2	2/22/19	PER COMMENTS
3	3/25/19	PER COMMENTS

RELEASED BY DATE



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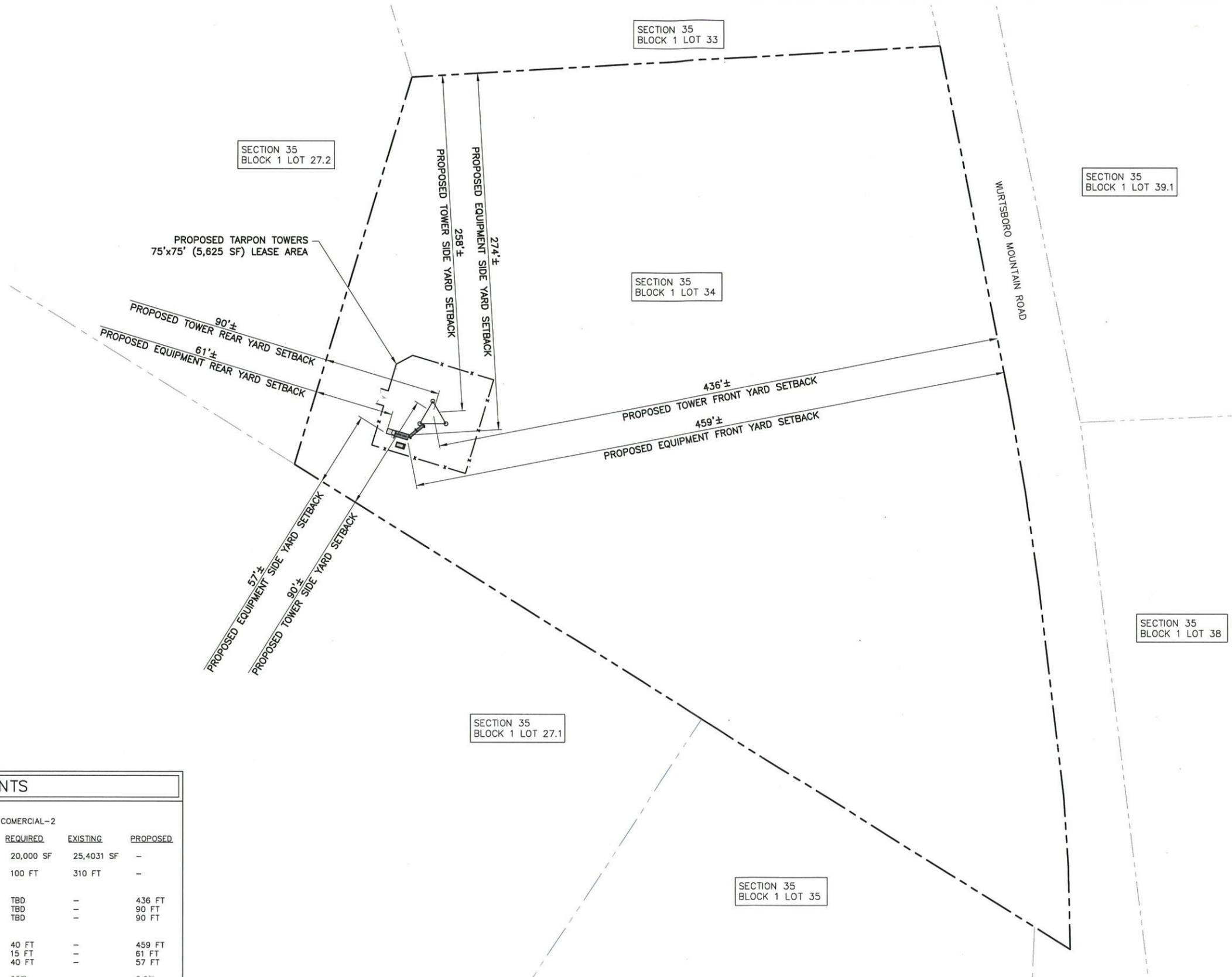
ORIGINAL SIZE IN INCHES

**SITE INFORMATION**  
 NY1137  
 LOUISE MARIE

**SITE ADDRESS**  
 WURTSBORO MNT RD  
 TOWN OF THOMPSON  
 SULLIVAN COUNTY  
 NY 12775

**SHEET TITLE**  
 ADJOINERS PLAN

**SHEET NUMBER**  
**AD-1**



BULK REQUIREMENTS			
TOWN OF THOMPSON ZONING DISTRICT: HC-2 HIGHWAY COMERCIAL-2			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE:	20,000 SF	25,4031 SF	-
MINIMUM LOT WIDTH:	100 FT	310 FT	-
MINIMUM YARDS (TOWER)*			
FRONT:	TBD	-	436 FT
SIDE:	TBD	-	90 FT
REAR:	TBD	-	90 FT
MINIMUM YARDS (EQUIPMENT)			
FRONT:	40 FT	-	459 FT
SIDE:	15 FT	-	61 FT
REAR:	40 FT	-	57 FT
MAXIMUM LOT COVERAGE:	20%	-	5.5%
MAXIMUM TOWER HEIGHT:	TBD	-	185 FT

**NOTE:**

THE PROPERTY LINES HEREON ARE APPROXIMATE BASED ON GIS DATA AND ARE FOR ORIENTATION PURPOSES ONLY. THEY DO NOT REPRESENT A PROPERTY/BOUNDARY DECISION BY A LAND SURVEYOR.

**SETBACK PLAN**  
SCALE: 1" = 80' (11x17 SIZE)  
1" = 40' (22x34 SIZE)



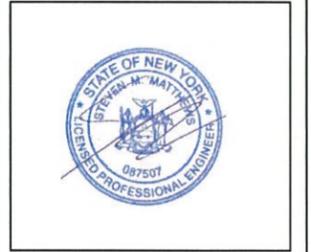
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BRADENTON, FL, 34205

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WORK ORDER NUMBER: 9684.02  
DRAWN BY: TRR

NO.	DATE	ISSUE
0	1/11/19	FOR COMMENT
1	1/22/19	FOR ZONING
2	2/22/19	PER COMMENTS
3	3/25/19	PER COMMENTS

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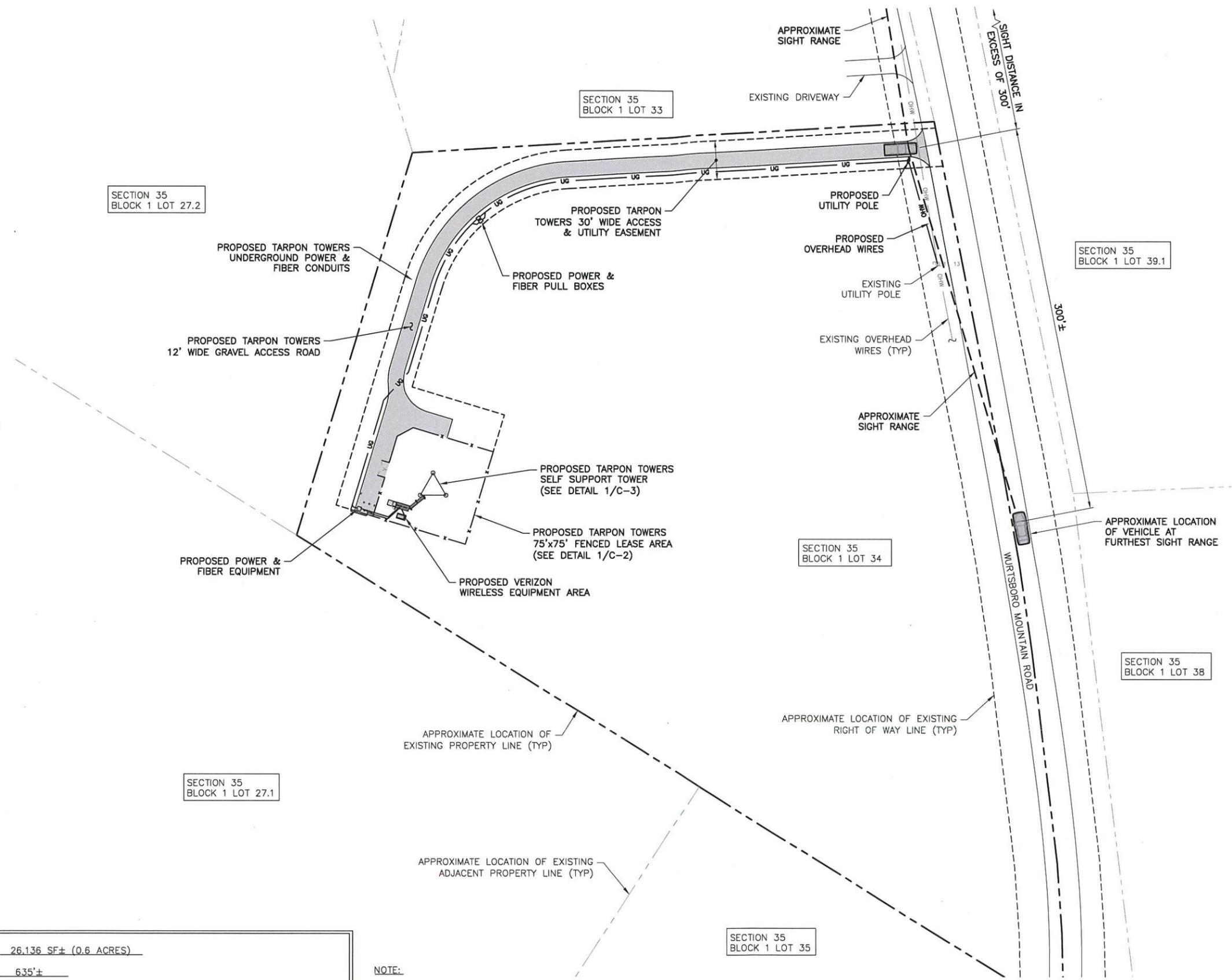


**SITE INFORMATION**  
NY1137  
LOUISE MARIE

**SITE ADDRESS**  
WURTSBORO MNT RD  
TOWN OF THOMPSON  
SULLIVAN COUNTY  
NY 12775

**SHEET TITLE**  
SETBACK PLAN

**SHEET NUMBER**  
**SB-1**



AREA OF DISTURBANCE = 26,136 SF± (0.6 ACRES)  
 TOTAL ROAD LENGTH = 635'±  
 TOTAL U/G UTILITY LENGTH= 610'±  
 APPROXIMATE VOLUME OF MATERIAL TO BE EXCAVATED = 500 CY± (TO BE REUSED ON SITE)  
 APPROXIMATE VOLUME OF FILL REQUIRED = 600 CY± (ROAD & COMPOUND STONE & GRAVEL)

**NOTE:**

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**OVERALL SITE PLAN**

SCALE: 1" = 80' (11x17 SIZE)  
 1" = 40' (22x34 SIZE)



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 BRADENTON, FL, 34205

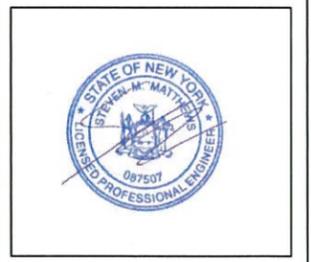


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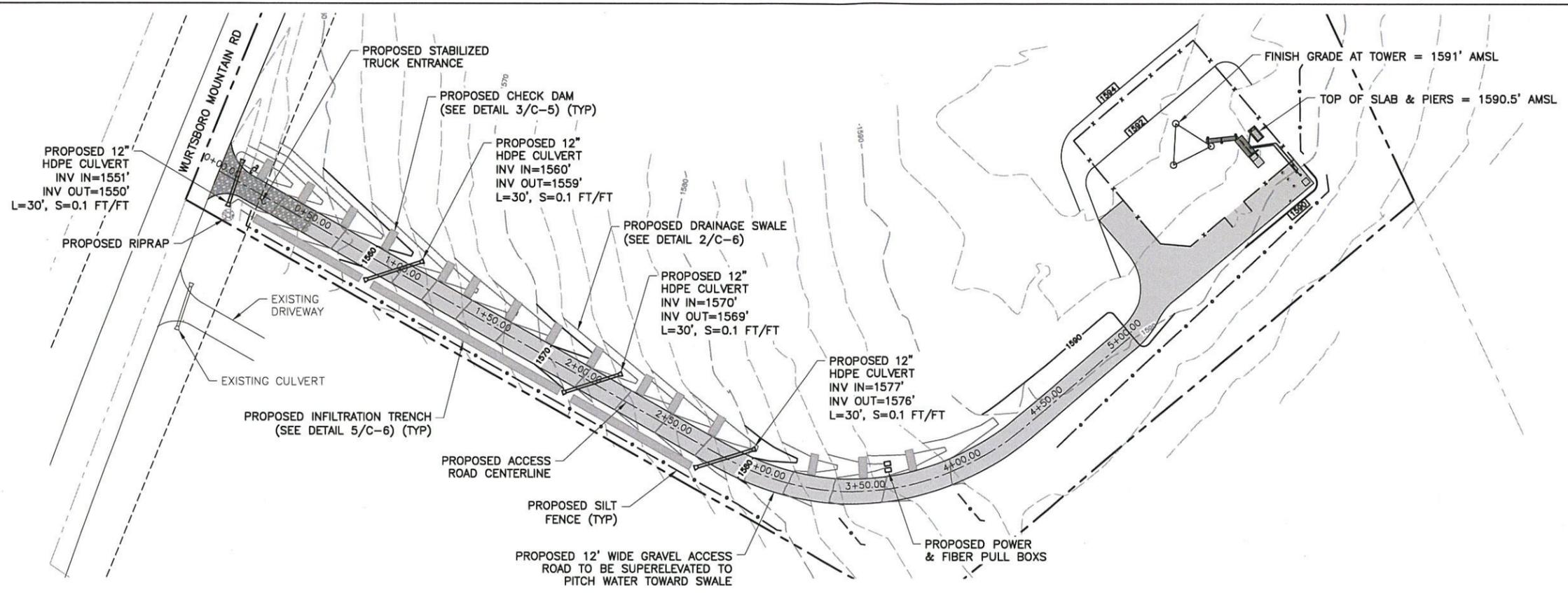
SITE INFORMATION  
 NY1137  
 LOUISE MARIE

SITE ADDRESS  
 WURTSBORO MNT RD  
 TOWN OF THOMPSON  
 SULLIVAN COUNTY  
 NY 12775

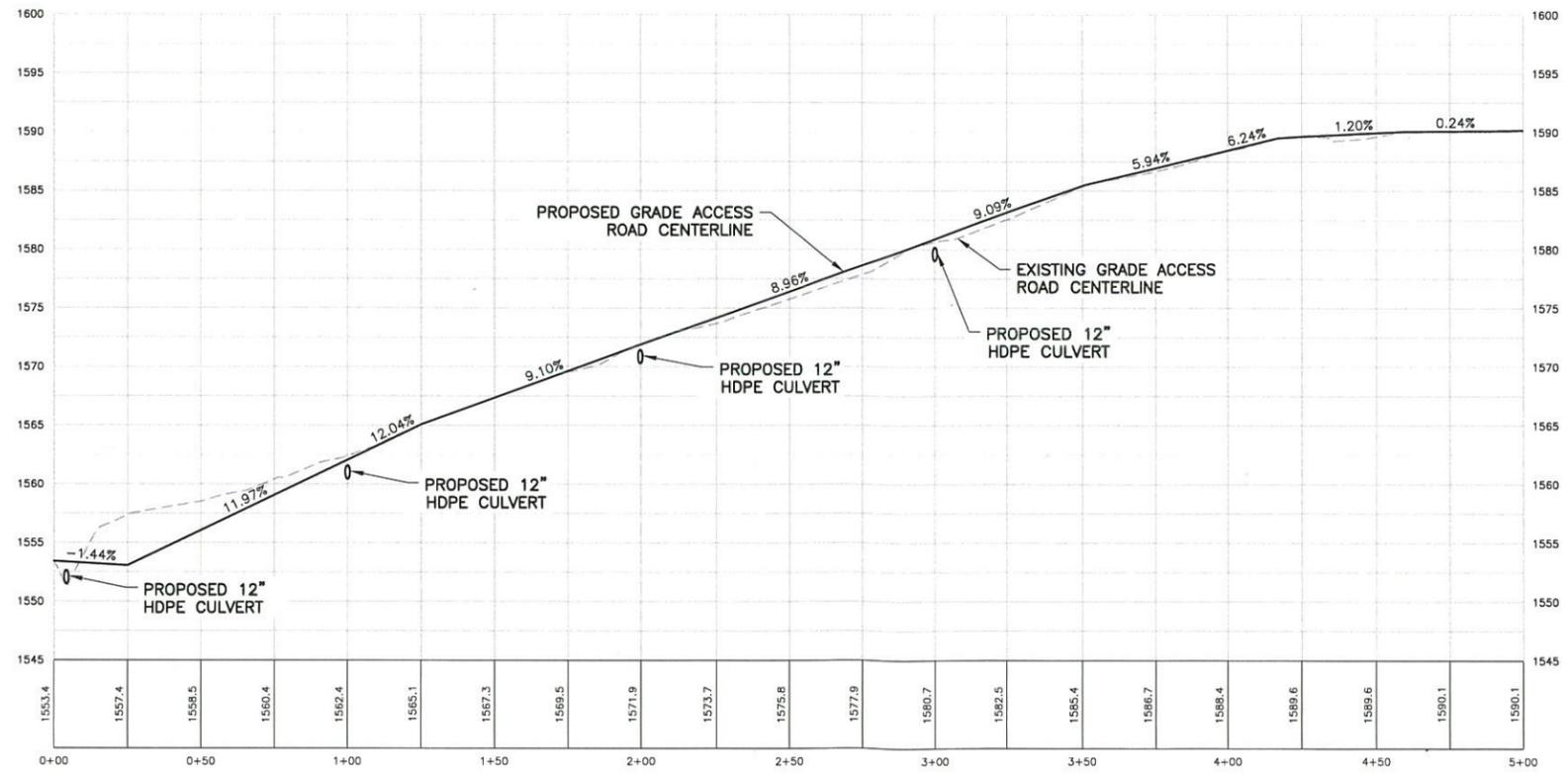
SHEET TITLE  
 OVERALL SITE PLAN

SHEET NUMBER

**C-1A**



**1 ROAD PLAN VIEW**  
 C-1B SCALE: 1" = 60' (11x17 SIZE)  
 1" = 30' (22x34 SIZE)



**2 ROAD PROFILE VIEW**  
 C-1B SCALE: 1" = 60' (11x17 SIZE)  
 1" = 30' (22x34 SIZE)



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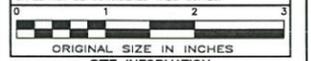
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ORIGINAL SIZE IN INCHES

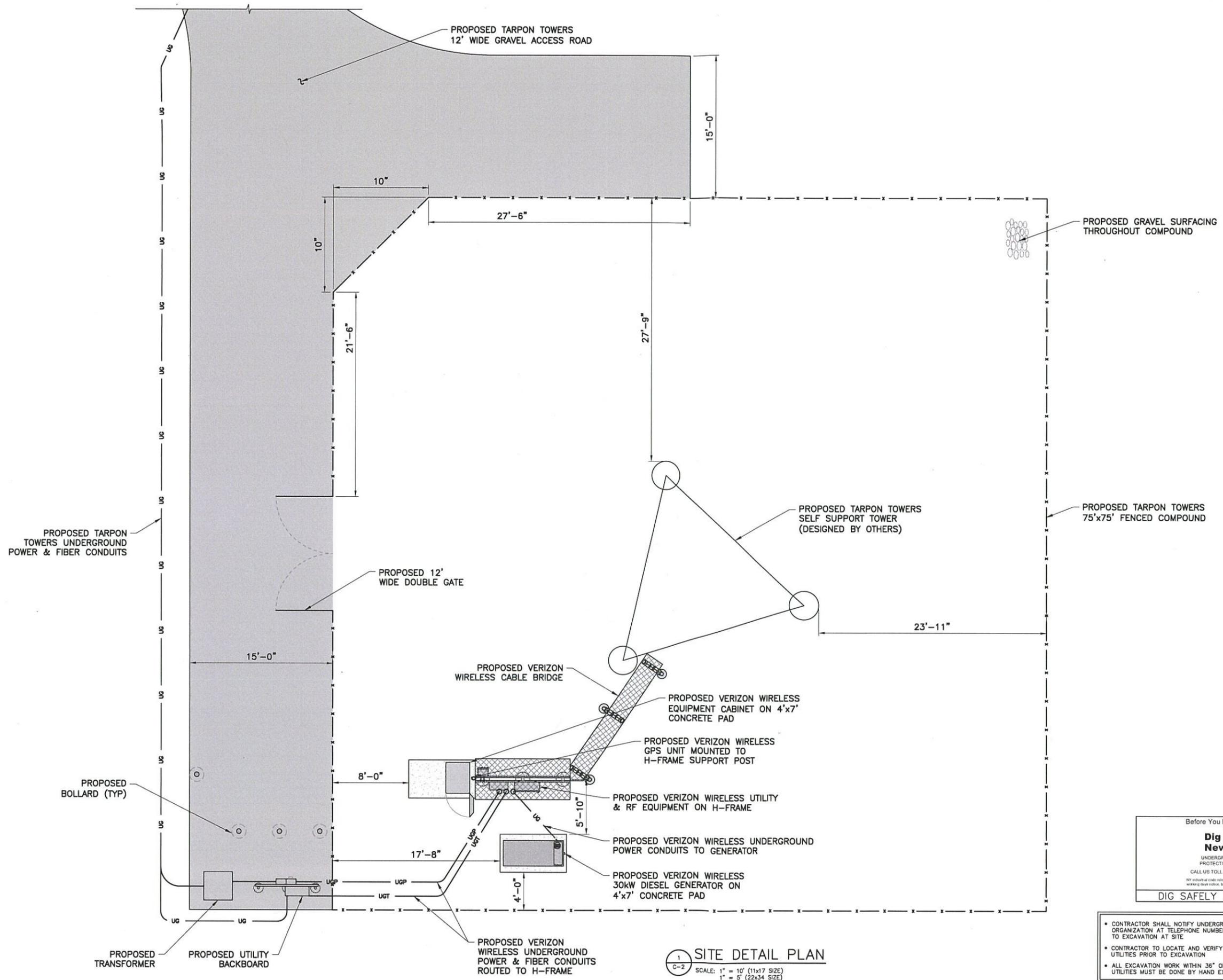
**SITE INFORMATION**  
 NY1137  
 LOUISE MARIE

**SITE ADDRESS**  
 WURTSBORO MNT RD  
 TOWN OF THOMPSON  
 SULLIVAN COUNTY  
 NY 12775

**SHEET TITLE**  
 ROAD PLAN & PROFILE

**SHEET NUMBER**

**C-1B**



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BRADENTON, FL, 34205



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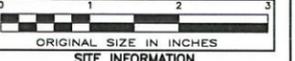
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ORIGINAL SIZE IN INCHES  
SITE INFORMATION  
NY1137  
LOUISE MARIE

SITE ADDRESS  
WURTSBORO MNT RD  
TOWN OF THOMPSON  
SULLIVAN COUNTY  
NY 12775

SHEET TITLE  
SITE DETAIL PLAN

SHEET NUMBER  
C-2

Before You Dig, Drill Or Blast!

**Dig Safely. New York**

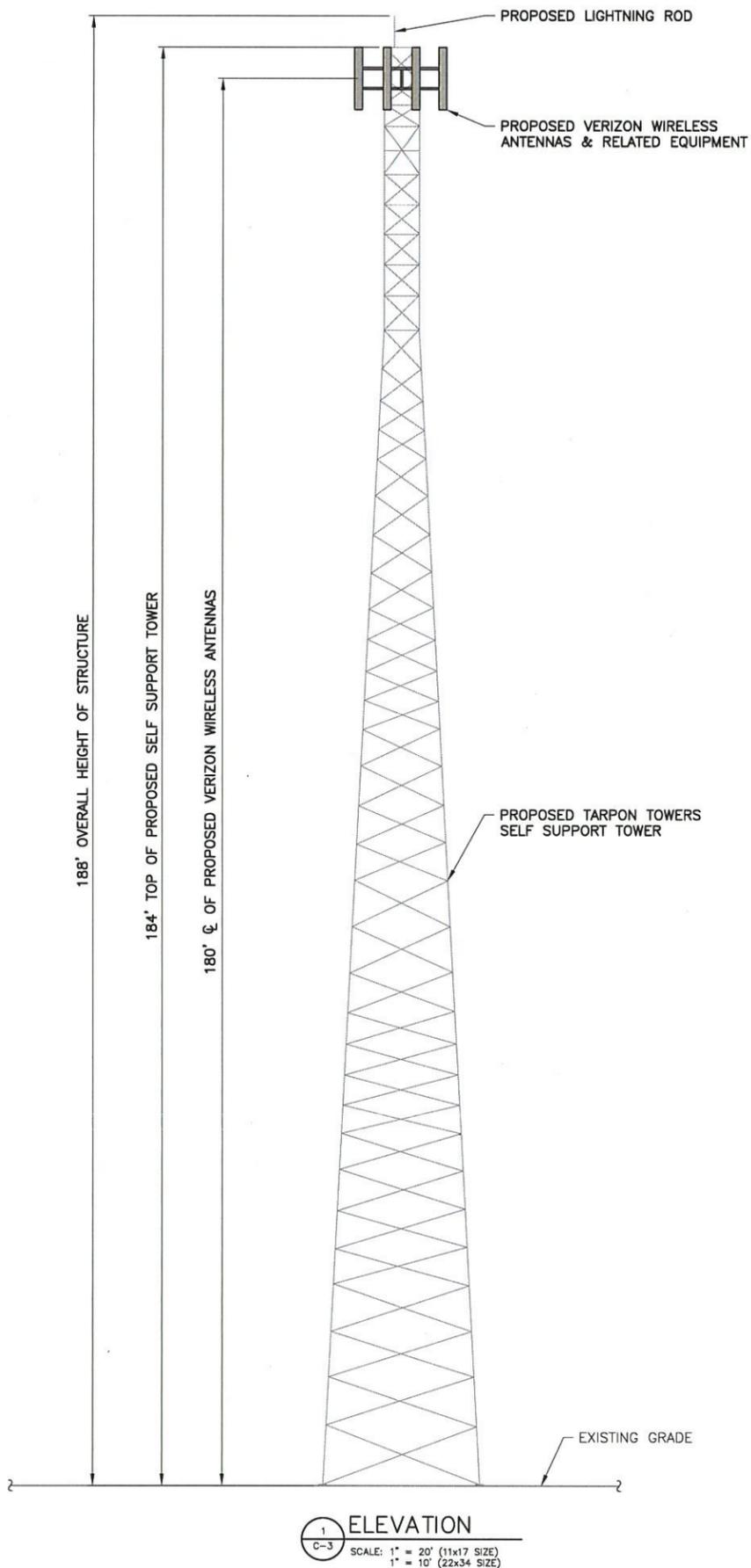
UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION  
CALL US TOLL FREE 1-800-962-7962

NY Electrical Code Article 753 requires you have Blue Tag marking done before hand and indicate them on depth markers.

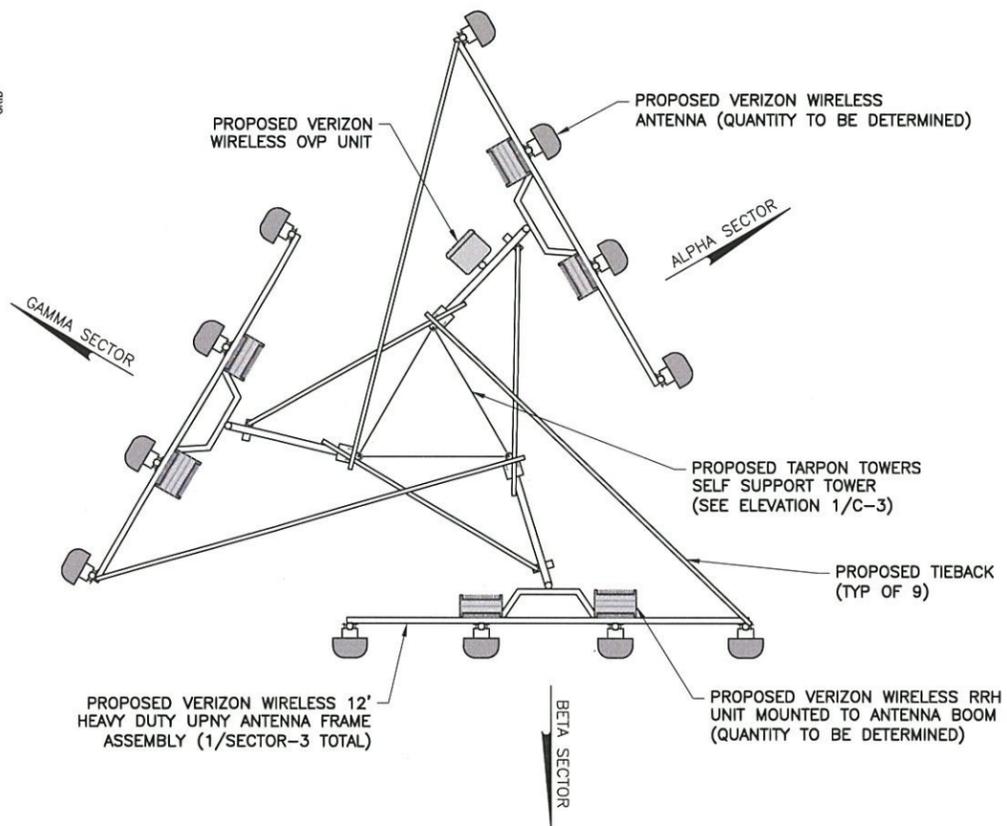
DIG SAFELY -- NEW YORK

- CONTRACTOR SHALL NOTIFY UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION AT TELEPHONE NUMBER 1-800-962-7962 PRIOR TO EXCAVATION AT SITE.
- CONTRACTOR TO LOCATE AND VERIFY ALL EXISTING UNDERGROUND UTILITIES PRIOR TO EXCAVATION.
- ALL EXCAVATION WORK WITHIN 36" OF EITHER SIDE OF UNDERGROUND UTILITIES MUST BE DONE BY HAND EXCAVATION METHODS.

1 SITE DETAIL PLAN  
C-2  
SCALE: 1" = 10' (11x17 SIZE)  
1" = 5' (22x34 SIZE)



1 ELEVATION  
C-3  
SCALE: 1" = 20' (11x17 SIZE)  
1" = 10' (22x34 SIZE)



2 ANTENNA ORIENTATION  
C-3  
SCALE: 3/4" = 1'-0" (11x17 SIZE)  
3/8" = 1'-0" (22x34 SIZE)

**TARPON TOWERS**

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ORIGINAL SIZE IN INCHES

SITE INFORMATION

NY1137  
LOUISE MARIE

SITE ADDRESS

WURTSBORO MNT RD  
TOWN OF THOMPSON  
SULLIVAN COUNTY  
NY 12775

SHEET TITLE

ELEVATION &  
ORIENTATION PLAN

SHEET NUMBER

**C-3**

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ORIGINAL SIZE IN INCHES

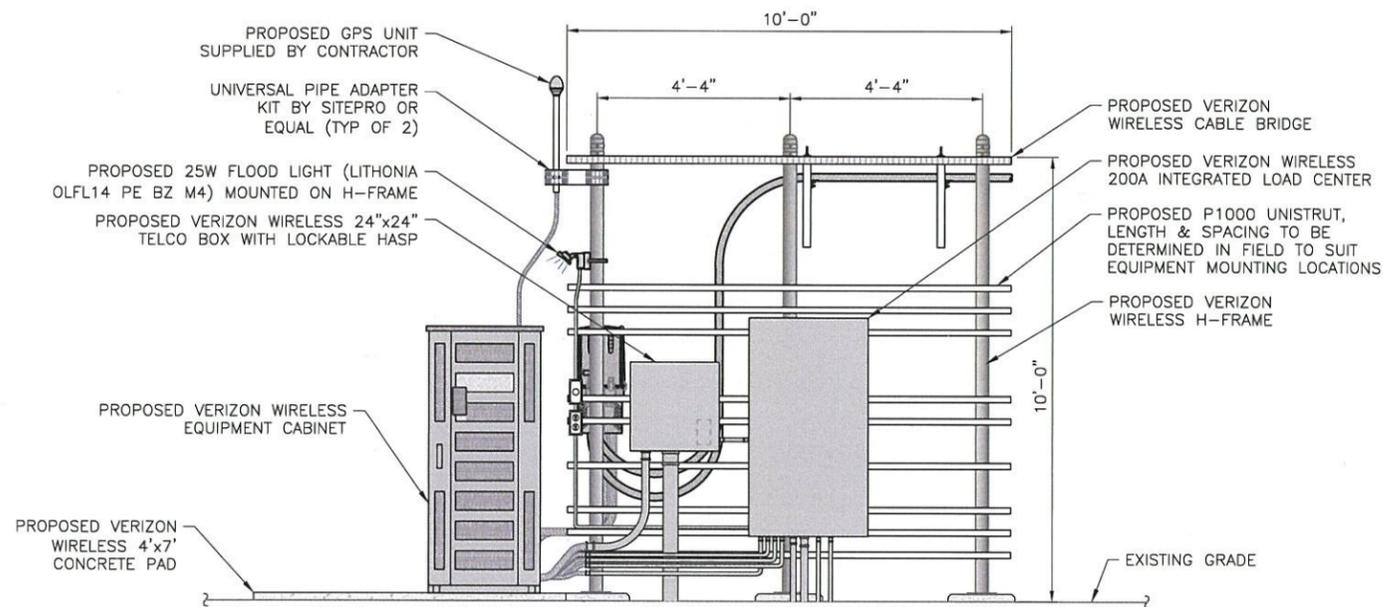
**SITE INFORMATION**  
NY1137  
LOUISE MARIE

**SITE ADDRESS**  
WURTSBORO MNT RD  
TOWN OF THOMPSON  
SULLIVAN COUNTY  
NY 12775

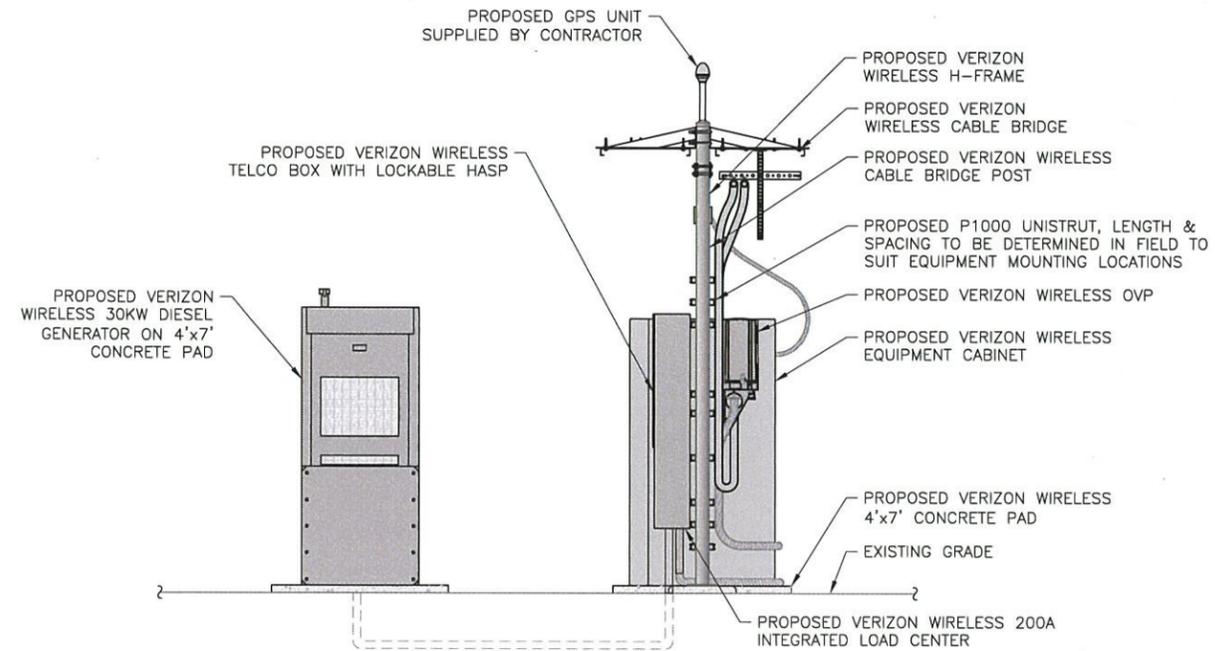
**SHEET TITLE**  
EQUIPMENT ELEVATIONS

**SHEET NUMBER**

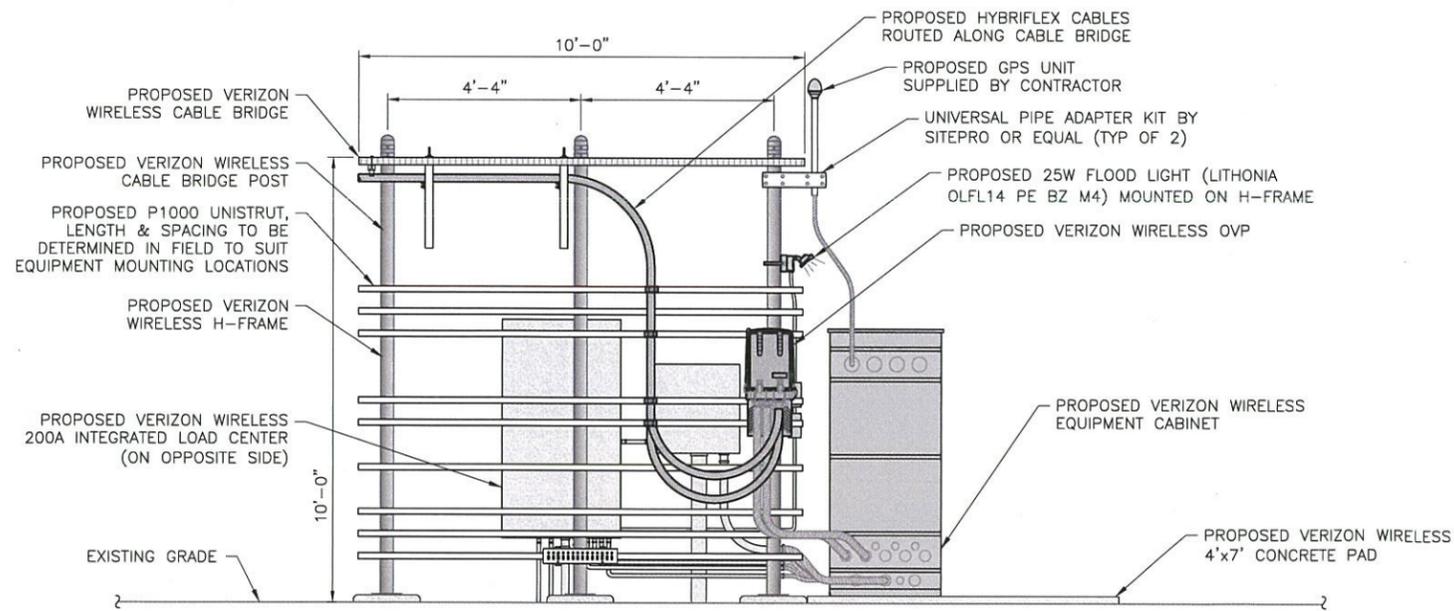
**C-4**



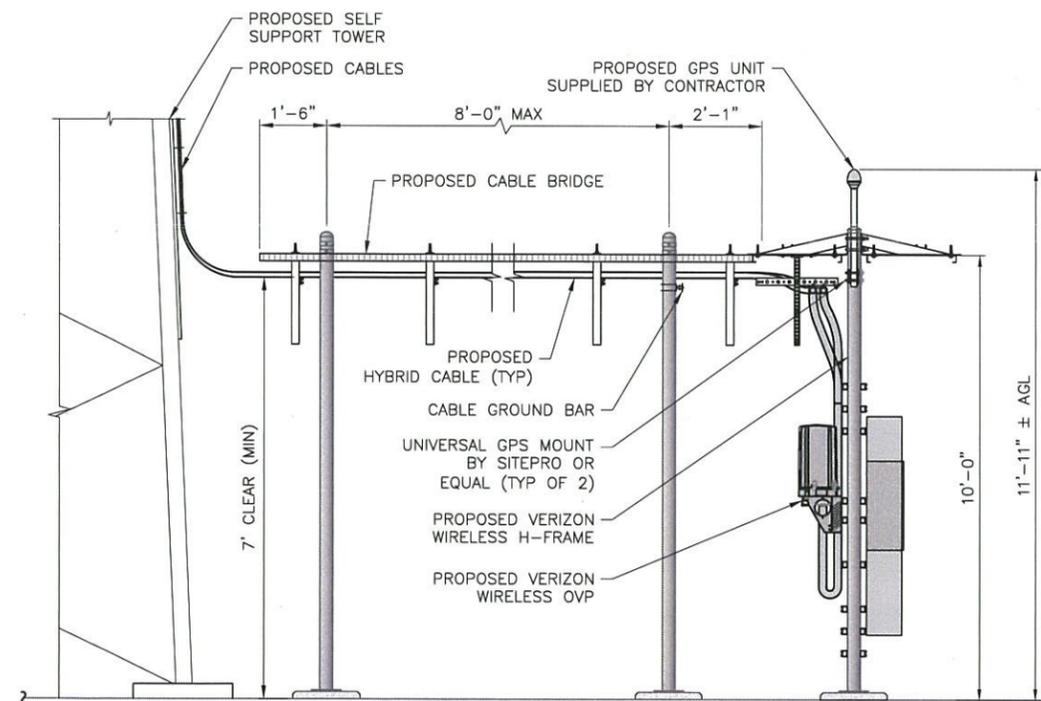
1 FRONT ELEVATION  
C-4 SCALE: 1/4" = 1'-0" (11x17 SIZE)  
1/2" = 1'-0" (22x34 SIZE)



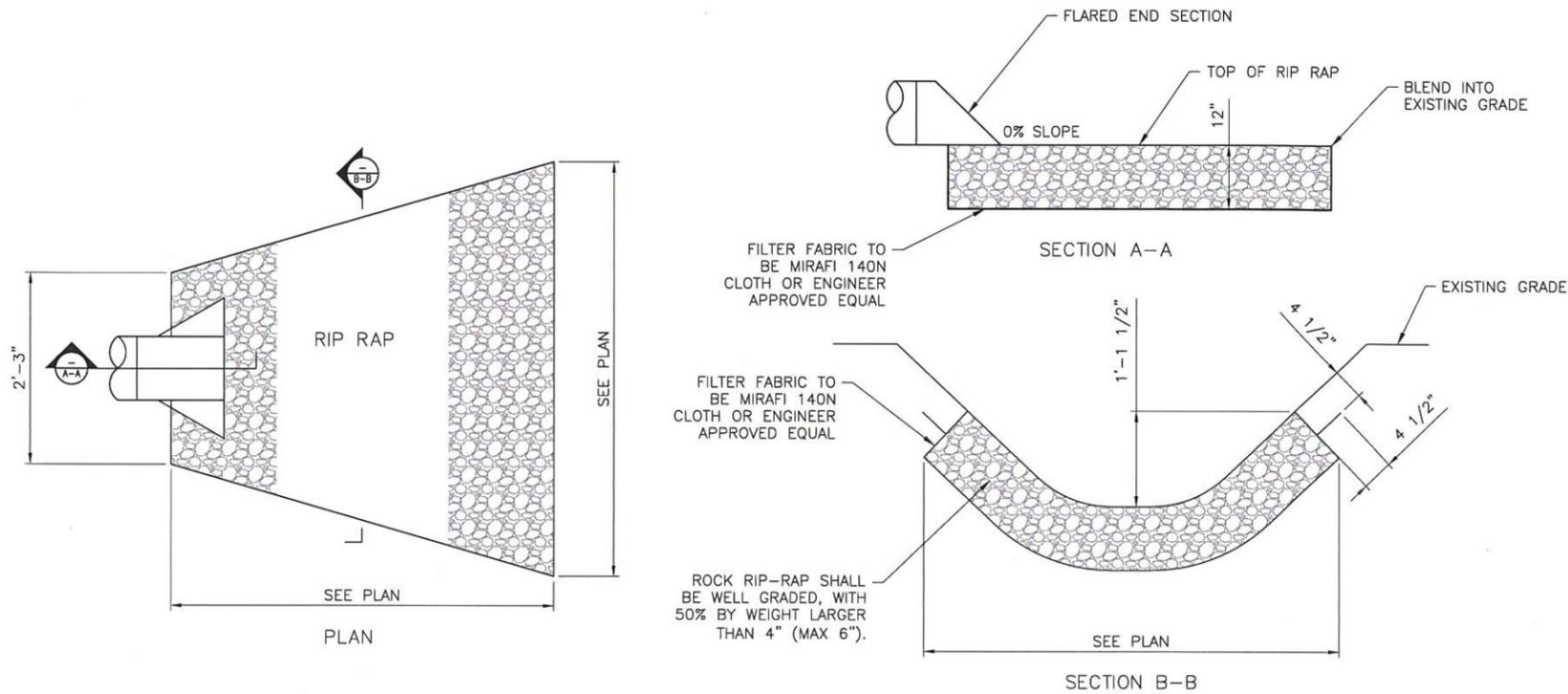
2 SIDE ELEVATION  
C-4 SCALE: 1/4" = 1'-0" (11x17 SIZE)  
1/2" = 1'-0" (22x34 SIZE)



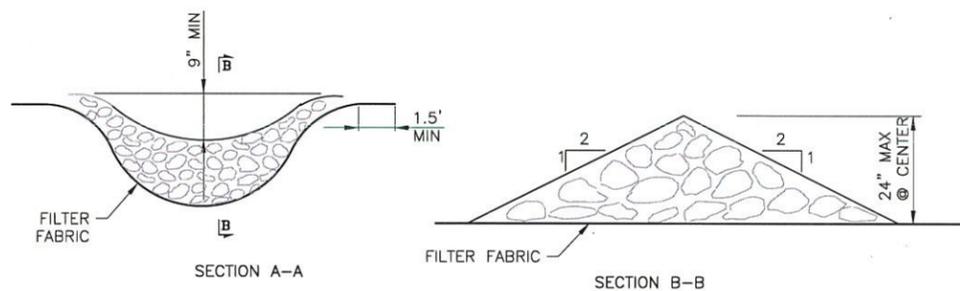
3 REAR ELEVATION  
C-4 SCALE: 1/4" = 1'-0" (11x17 SIZE)  
1/2" = 1'-0" (22x34 SIZE)



4 EQUIPMENT ELEVATION  
C-4 SCALE: 1/4" = 1'-0" (11x17 SIZE)  
1/2" = 1'-0" (22x34 SIZE)



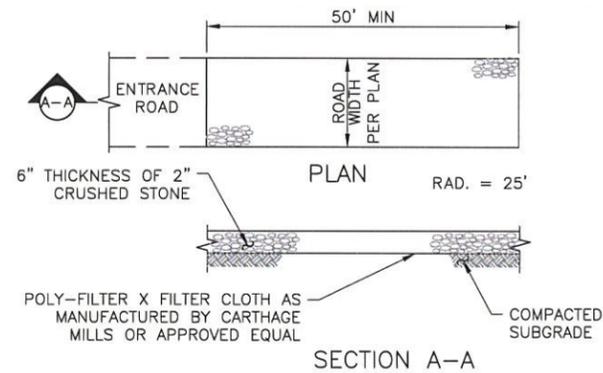
**1 OUTLET PROTECTION**  
 C-5 SCALE: 1/2" = 1'-0" (11x17 SIZE)  
 1" = 1'-0" (22x34 SIZE)



**CONSTRUCTION SPECIFICATIONS:**

1. STONE SHALL BE MAXIMUM SIZE OF 12" WITH 50 TO 100 PERCENT BY WEIGHT LARGER THAN 6" AND 0 TO 10 PERCENT SMALLER THAN 1/2".
2. FILTER FABRIC SHALL BE MARAFIT 140N FILTER CLOTH OR APPROVED EQUAL.
3. STONE WILL BE PLACED ON A FILTER FABRIC FOUNDATION AT LOCATIONS SHOWN ON THE PLAN.
4. EXTEND THE STONE A MINIMUM OF 1.5 FEET BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
5. PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.

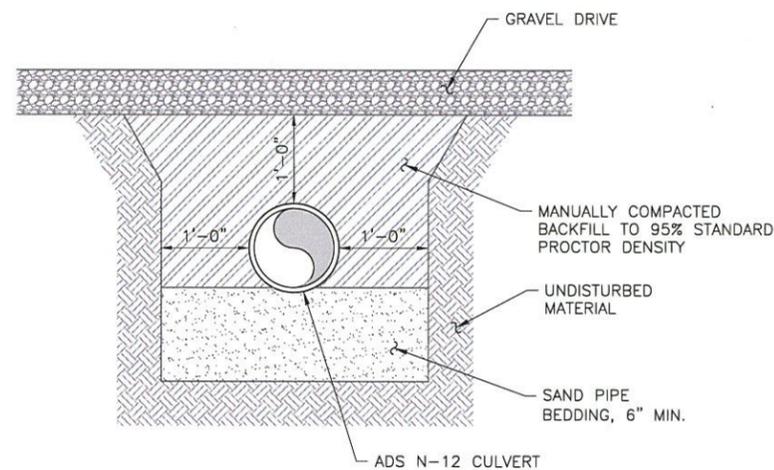
**3 STONE CHECK DAM DETAIL**  
 C-5 SCALE: NTS



**NOTES:**

1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET
3. THICKNESS - NOT LESS THAN SIX INCHES
4. WIDTH - 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. IF ACCUMULATED SOIL DOES NOT COME OFF BY WAY OF STABILIZED CONSTRUCTION ENTRANCE, THE CONTRACTOR SHALL KNOCK OFF ACCUMULATED SOIL BY MANUAL METHODS UPSLOPE OF A SILT FENCE BARRIER.
9. SEDIMENT TRAPPING - SILT FENCE BARRIER SHALL BE INSTALLED DOWN SLOPE OF CONSTRUCTION ENTRANCE TO CATCH ANY SEDIMENT THAT COULD POTENTIALLY FALL OFF OF CONSTRUCTION EQUIPMENT AND/OR VEHICLES.
10. PERIODIC INSPECTIONS AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

**2 STABILIZED CONSTRUCTION ENTRANCE**  
 C-5 SCALE: NTS



**NOTES:**

1. OVEREXCAVATE FOR BELLS.
2. ADDITIONAL BEDDING MAY BE USED AS ORDERED BY ENGINEER.
3. ALL EXCAVATION AND TRENCHING SHALL MEET OSHA REQUIREMENTS.

**4 CULVERT TRENCH DETAIL**  
 C-5 SCALE: 1/2" = 1'-0" (11x17 SIZE)  
 1" = 1'-0" (22x34 SIZE)

**TARPOON TOWERS**

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ORIGINAL SIZE IN INCHES

**SITE INFORMATION**

NY1137  
 LOUISE MARIE

**SITE ADDRESS**

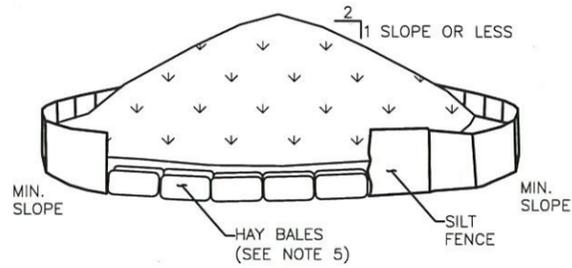
WURTSBORO MNT RD  
 TOWN OF THOMPSON  
 SULLIVAN COUNTY  
 NY 12775

**SHEET TITLE**

EROSION & SEDIMENT CONTROL DETAILS

**SHEET NUMBER**

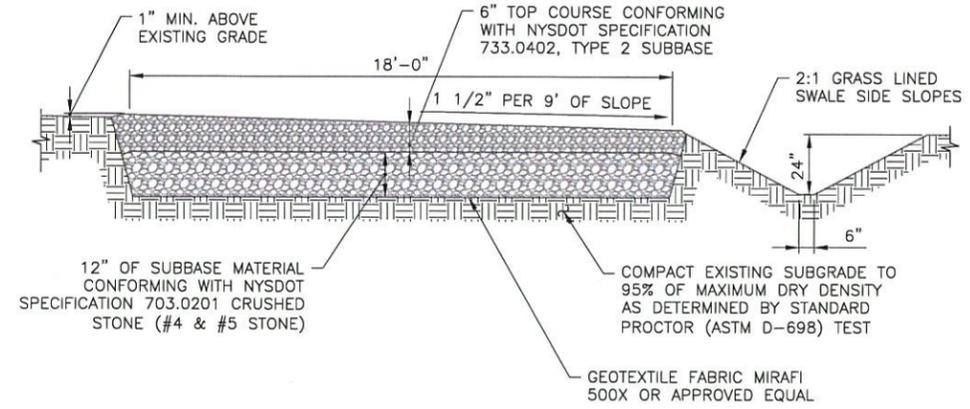
**C-5**



**NOTES:**

1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1V:2H.
3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH SILT FENCING, THEN STABILIZED WITH VEGETATION OR COVERED.
4. SEE SPECIFICATIONS FOR INSTALLATION OF SILT FENCE.
5. HAYBALES TO BE USED WHERE STOCKPILES ARE LOCATED ON PAVED AREAS.

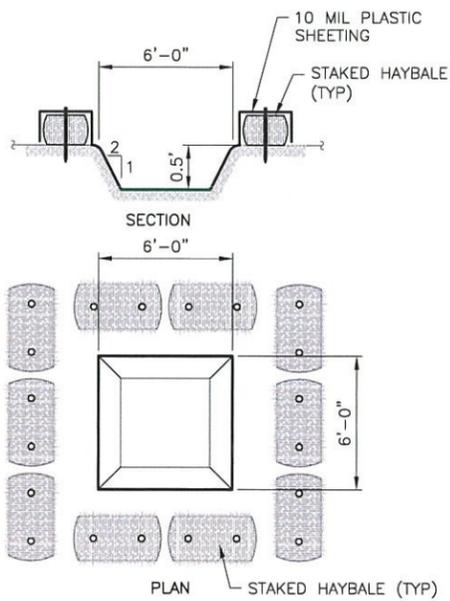
**1 TEMPORARY SOIL STOCKPILE DETAIL**  
SCALE: NOT TO SCALE



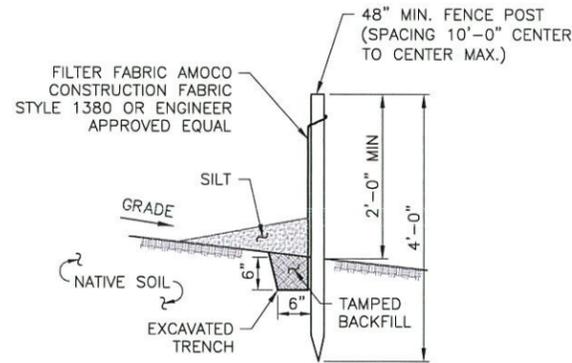
**EARTH WORK SUBGRADE COMPACTION & SELECT GRANULAR FILL**

1. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING & GRUBBING THE CONSTRUCTION SITE AND ROADWAY AREAS. THE CONTRACTOR SHALL COMPLY WITH THE RECOMMENDATIONS CONTAINED WITHIN THE GEOTECHNICAL REPORT, AS PREPARED FOR THIS SITE, WHEN NECESSARY, FOR SITE WORK PREPARATION, & FOUNDATION WORK. AS A MINIMUM THE TOP 3" OF GRADE SHALL BE REMOVED, THE EXPOSED SUBGRADE COMPACTED AND GEOTEXTILE FABRIC INSTALLED AS REQUIRED FOR UNSTABLE SOIL CONDITION.
2. ALL SELECT GRANULAR FILL SHALL BE COMPACTED TO A 95% COMPACTION AT A MAXIMUM DRY DENSITY AS DETERMINED BY MODIFIED PROCTOR TEST (ASTM D-1557) AND WITHIN PLUS OR MINUS 3% OF OPTIMUM MOISTURE CONTENT.
3. CONTRACTOR TO ASSURE THAT EXISTING DRAINAGE PATTERNS ARE MAINTAINED.

**2 GRAVEL DRIVE CROSS SECTION DETAIL**  
SCALE: 3/8" = 1'-0" (11x17 SIZE)  
3/4" = 1'-0" (22x34 SIZE)



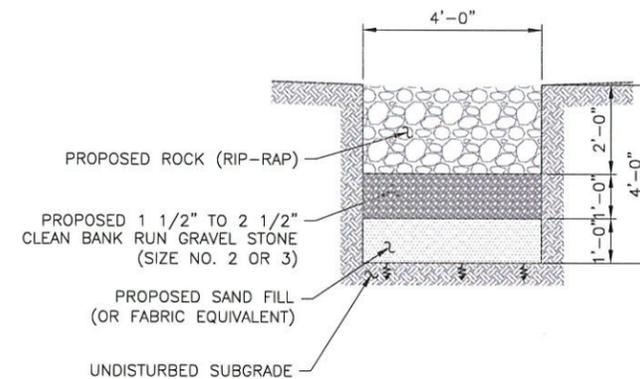
**3 TEMPORARY CONCRETE WASH**  
SCALE: NTS



**NOTES:**

1. SILT FENCE SHALL BE MAINTAINED IN PLACE DURING CONSTRUCTION AND SOIL STABILIZATION PERIOD.
2. CONTRACTOR SHALL CONSTRUCT SILT FENCE IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS.
3. EXCAVATE TRENCH 6" WIDE X 6" DEEP. BURY BOTTOM 12" OF FABRIC AND TAMP IN PLACE.
4. WHEN FENCE IS NO LONGER NEEDED, THE ACCUMULATED SILT, ALL THE POSTS AND FABRIC SHALL BE REMOVED AND TRENCH BACK FILLED WITH TOPSOIL AND SEEDDED.

**4 SILT FENCE DETAIL**  
SCALE: NTS



**5 INFILTRATION TRENCH DETAIL**  
SCALE: NTS



1001 3RD AVE WEST, SUITE 420  
BRADENTON, FL, 34205



TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C.  
36 BRITISH AMERICAN BLVD.  
SUITE 101 LUTHERY, NY 12110  
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WORK ORDER NUMBER: 9684.02  
DRAWN BY: TRR

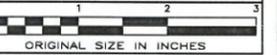
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0	1/11/19	FOR COMMENT
1	1/22/19	FOR ZONING
2	2/22/19	PER COMMENTS
3	3/25/19	PER COMMENTS

RELEASED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



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ORIGINAL SIZE IN INCHES

**SITE INFORMATION**  
NY1137  
LOUISE MARIE

**SITE ADDRESS**  
WURTSBORO MNT RD  
TOWN OF THOMPSON  
SULLIVAN COUNTY  
NY 12775

**SHEET TITLE**  
EROSION & SEDIMENT  
CONTROL DETAILS

**SHEET NUMBER**

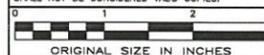
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NO.	DATE	ISSUE
0	1/11/19	FOR COMMENT
1	1/22/19	FOR ZONING
2	2/22/19	PER COMMENTS
3	3/25/19	PER COMMENTS



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ORIGINAL SIZE IN INCHES

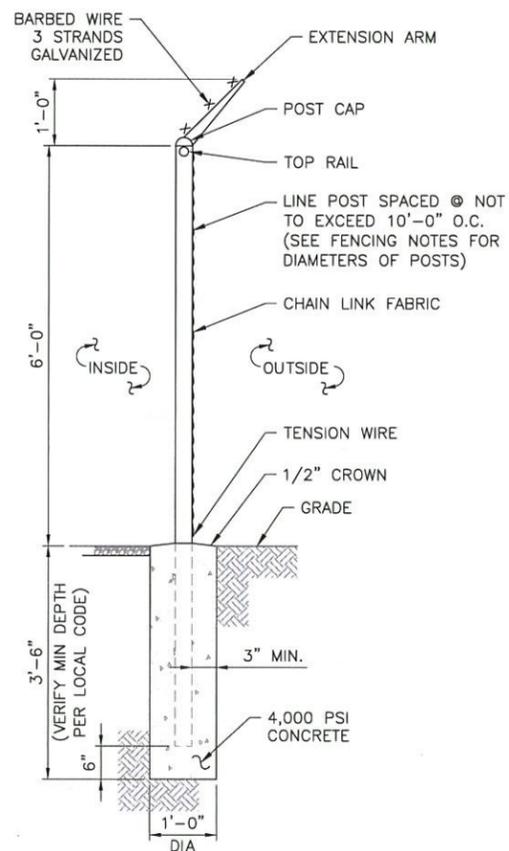
**SITE INFORMATION**  
NY1137  
LOUISE MARIE

**SITE ADDRESS**  
WURTSBORO MNT RD  
TOWN OF THOMPSON  
SULLIVAN COUNTY  
NY 12775

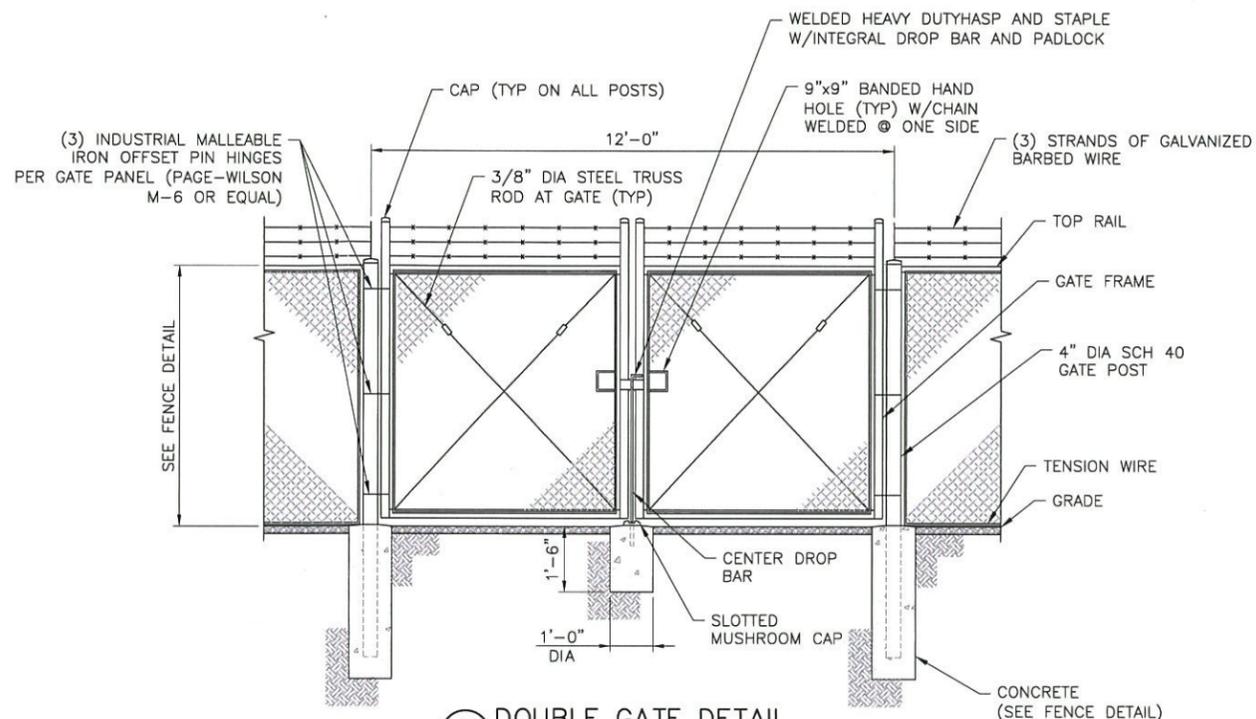
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DETAILS

**SHEET NUMBER**

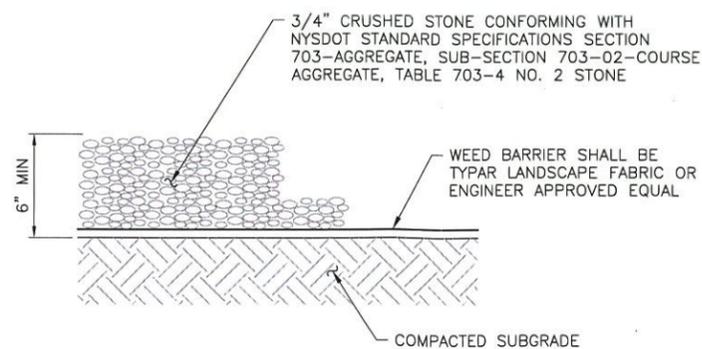
**C-7**



**1 FENCE DETAIL**  
SCALE: 3/8" = 1'-0" (11x17 SIZE)  
3/4" = 1'-0" (22x34 SIZE)



**2 DOUBLE GATE DETAIL**  
SCALE: 1/4" = 1'-0" (11x17 SIZE)  
1/2" = 1'-0" (22x34 SIZE)



**3 GRAVEL SURFACING TREATMENT**  
SCALE: 1/2" = 1'-0" (11x17 SIZE)  
1 1/2" = 1'-0" (22x34 SIZE)