

TOWN OF SMITHTOWN

SUPERVISOR

EDWARD R. WEHRHEIM

TOWN COUNCIL

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**Department of Environment & Waterways**

RUSSELL K. BARNETT, DIRECTOR

124 West Main Street

PO Box 9090

Smithtown, NY 11787

SEQRA
POSITIVE DECLARATION
DETERMINATION OF SIGNIFICANCE

DATE: MARCH 6, 2018

LEAD AGENCY: SMITHTOWN TOWN BOARD
ADDRESS: C/O SMITHTOWN DEPARTMENT OF ENVIRONMENT & WATERWAYS
124 WEST MAIN STREET
SMITHTOWN, NEW YORK 11787

THIS NOTICE IS ISSUED PURSUANT TO 6 N.Y.C.R.R. PART 617, THE IMPLEMENTING REGULATIONS PERTAINING TO ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW (STATE ENVIRONMENTAL QUALITY REVIEW ACT).

THE LEAD AGENCY HAS DETERMINED THAT THE PROPOSED ACTION DESCRIBED BELOW MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT WILL BE REQUIRED.

PROJECT: Special Exception Petition # TC 2015-08 (Elite Towers LP – Tier III);
BZA Case # 17812 (Elite Towers (Caro))

PETITIONER: Elite Towers LP
ADDRESS: 87 N. Industry Court, Suite J
Deer Park, New York 11729

SUFFOLK COUNTY TAX MAP PARCEL #: 0800-76-4-7.1

LOCATION: S/s/o West Main Street, 750 feet W/o Edgewood Avenue, Smithtown, Town of Smithtown, Suffolk County, New York.

DESCRIPTION OF PROJECT: Application to the Board of Zoning Appeals for Height, Fall Zone, Tower Location, and Lot Frontage Variances and a Petition for a Town Board Special Exception for a Tier III Personal Wireless Service Facility consisting of a 120' high concealment monopole and associated ground equipment. The proposed project is located on a currently developed 3.9 acre parcel of land zoned NB which contains two commercial buildings (one office building and one warehouse building) and a parking area, and is located within the Nissequogue River Wild, Scenic and Recreational Rivers System Corridor and the Town's Local Waterfront Revitalization Program area.

SEQRA CLASSIFICATION: Unlisted Action

Main Office: (631) 360-7514, **Waste Generation Fee Billing:** (631) 754-4998

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www.smithtownny.gov

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REASONS SUPPORTING THIS DETERMINATION:

- A. The proposal to locate a proposed 120' tall monopole on a currently developed parcel of land such that all existing habitable structures and areas (consisting of an existing office building, an existing warehouse building, and a parking area) will be within the required fall zone of the monopole raise significant concerns regarding the potential impact of the proposal upon public health, safety, and general welfare.
- B. Representatives of the applicant have stated in their submittals that “the pole is effectually designed to collapse within a theoretical 0 foot radius.” During the currently ongoing preparation of the Draft Environmental Impact Statement regarding Elite Towers’ Kings Park proposal, the applicant’s representatives acknowledged that such language means that a “0 foot radius” collapse may occur under certain circumstances but does not guarantee that every collapse would occur with such a 0 foot impact radius. The Town continues to await detailed and documented examination of this issue as requested on July 7, 2017 in regard to the applicant’s proposed DEIS. Absent such examination and documentation, the proposed elimination of the required fall zone continues to exacerbate concerns regarding public health, safety, and general welfare.
- C. The proposal has the potential to set a precedent for future applications incorporating reduced or non-existent fall zones, thereby further exacerbating concerns regarding public health, safety, and general welfare.
- D. The proposal has the potential to result in significant adverse visual impacts upon the Smithtown Main Street Corridor, neighboring residential properties, neighboring Town and County parklands, and upon adjacent portions of the Nissequogue River Wild, Scenic, and Recreational Rivers System Corridor.
- E. The proposal has the potential to set a precedent for future Tier III Telecommunication facilities within Avoidance areas as designated in the Smithtown Town Code.
- F. As stated by the applicant’s representative at the Board of Zoning Appeals public hearing of September 26, 2017 and as noted in the Planning Department’s report of January 24, 2018, the existing PWSFs (personal wireless service facilities) nearest to the proposed Tier III monopole are all Tier I (on existing public water tower) or Tier II (on building rooftops) PWSFs. The applicant has submitted an affidavit by Tanya Negrón, managing member of Elite Towers, which indicates only that alternative sites for the proposed Tier III monopole were investigated, but does not indicate whether Tier I or Tier II alternatives to a monopole were ever considered. Such alternatives to the proposed action, which could be utilized at the subject parcel, alternative parcel(s), or rights-of-way to achieve the proposed coverage absent the significant adverse environmental impacts identified above, must be identified, considered, and subjected to public review.

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- G. All public comments in favor of the proposed Tier III monopole emphasized the telecommunications coverage gap which exists within and adjacent to Caleb Smith State Park. Existing and proposed Coverage Maps prepared by the applicant's RF Engineer indicate that the proposed monopole will still leave large areas of the park and its environs without adequate service, while the monopole itself is proposed to be located in an area which already has existing service. The affidavit prepared by Tanya Negrón indicates that six of the alternative sites considered by the applicant were east of the proposed facility, while the seventh was directly across the street from the proposed facility. Accordingly, based upon the stated coverage need to the west of the proposed facility, alternatives to the proposed action including alternative sites to the west of the proposed monopole and alternative technologies which could be utilized at the subject parcel, alternative parcel(s), or rights-of-way to achieve the desired coverage within the area of Caleb Smith State Park, must be identified, considered, and subjected to public review.

FOR FURTHER INFORMATION CONTACT:

MR. RUSSELL K. BARNETT, DIRECTOR
ENVIRONMENT AND WATERWAYS
124 WEST MAIN STREET
SMITHTOWN, NEW YORK 11787
PHONE: (631) 360-7514

BY ORDER OF: SMITHTOWN TOWN BOARD
AS PER RESOLUTION DATED MARCH 6, 2018

CC: EDWARD R. WEHRHEIM, TOWN SUPERVISOR
DAVID FLYNN, PLANNING DIRECTOR
SMITHTOWN BOARD OF ZONING APPEALS
VINCENT PULEO, TOWN CLERK
SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
SUFFOLK COUNTY PLANNING DEPARTMENT
SUFFOLK COUNTY WATER AUTHORITY
DIVISION OF REGULATORY AFFAIRS, NYS-DEC REGION I
ENVIRONMENTAL NOTICE BULLETIN
PETITIONER