

**CITY OF RYE  
1051 BOSTON POST ROAD  
RYE, NY 10580  
AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, October 12, 2022  
6:30 p.m.**

*Please note: The Council will convene at 5:30 p.m. and it is expected they will adjourn into Executive Session at 5:31 p.m. to discuss pending litigation, personnel matters and pending contracts.*

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held September 14, 2022 and the Special Meeting of the City Council held September 28, 2022.
4. Flooding Update.
5. Adjourn until October 26, 2022 the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations".
6. Authorization for City Manager to sign retainer agreement with Sive, Paget and Riesel to provide legal services in the matter of Verizon Wireless v. The City of Rye.
7. Residents may be heard on matters for Council consideration that do not appear on the agenda.
8. Consideration to refer to the BAR an application from T-Mobile Northeast, LLC to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.
9. Resolution to declare certain City equipment as surplus.
10. Consideration of four appointments to the Boat Basin Commission, by the membership, for three-year terms.

11. CONSENT AGENDA

- a. Consideration of a request by the American Legion Post 128 to conduct its usual Veterans' Day observance on the Village Green on Friday, November 11, 2022

from 10:30 a.m. to 11:30 a.m. In case of rain, the American Legion Post 128 requests the use of City Hall on that date and time.

- b. Consideration of a request by the Rye Free Reading Room for the use of the Village Green, City Hall Parking and Haviland Lane lot to host the Annual Vehicle Fair Sunday, May 21, 2023 from 11:00 a.m. to 3:00 p.m.
- c. Consideration of a request from the Rye Free Reading Room to have 3 food trucks on Haviland Lane for the Annual Vehicle Fair Sunday, May 21, 2023 from 11:00 a.m. to 3:00 p.m.
- d. Consideration of request from the Rye Free Reading Room to use the Village Green on Friday, September 22, 2023 from 2pm until Monday, September 25, 2023 at 11am for the Rye Children's Book Festival to be held on September 23, 2023.
- e. Consideration of a request from the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Haviland Lane by the Village Green on October 14, 2023 from 10am - 4pm.

12. Appointments to Boards and Commissions by the Mayor with Council approval.

13. Old Business/New Business.

14. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, October 26, 2022 at 6:30 p.m.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under "RyeTV Live".

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on September 14, 2022, at 6:30  
P.M.

PRESENT:

JOSH COHN, Mayor  
BILL HENDERSON  
EMILY HURD  
CAROLINA JOHNSON  
JOSHUA NATHAN  
JULIE SOUZA  
BENJAMIN STACKS  
Councilmembers

The Council convened at 5:30 P.M. Councilwoman Souza made a motion, seconded by Councilman Henderson, to adjourn into executive session to discuss personnel and litigation matters. The Council reconvened in a public meeting at 6:35 P.M. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. Pledge of Allegiance.

The Mayor led the Council and public in the Pledge of Allegiance.

2. Roll Call.

The City Clerk called the roll and there was a quorum present to conduct the meeting.

3. Draft unapproved minutes of the Regular Meeting of the City Council held August 10, 2022.

The City Clerk confirmed there were non-substantive ministerial changes made to the minutes. Councilwoman Souza made a motion, seconded by Councilman Henderson, to approve the draft minutes of the Regular Meeting of the City Council held August 10, 2022.

4. Flooding Update.

Mayor Cohn stated the SLR Engineering's report sponsored by the New York State Department of Environmental Conservation should be finished by the first week of October. He reported that the DEC was working on a project with Harrison that will affect a tributary to Beaver Swamp Brook. The DEC has promised conversations about continued DEC sponsorship of mitigation methodology applicable to Beaver Swamp Brook flooding. Mayor Cohn stated that the City has received further information from federal representatives regarding an Army Corps study of the Blind Brook. There are different levels of study and different funding mechanisms. The City had been hoping to get to the highest level of study and the highest level of funding. However, the answer that has come back is that after Army Corp consideration, the City is being given a complete level of federal funding of the federal share of the smaller level project. The City remains

in the CAP 205 Program, and the project ceiling is \$15 million, made up of \$10 million in federal funding and \$5 million in state and local funding. A CAP 205 study can typically run at \$1 million dollars, and the City would be federally-funded for \$500,000 of that. They would expect there to be state and local sharing for the remainder. The City made that part of the conversation with DEC who might be the sponsor agency. However, DEC was reluctant due to the slowness and great cost of Army Corps projects. The example that Rye is seeing is the Mamaroneck Army Corps projects, which has been in study for more than a decade, and it has gone through a series of Corps approvals and congressional approvals to get to where it is now. Where it stands now is that after Ida, the parties have approved these projects. However, the cost is roughly estimated to be \$88 million. One third of that would have to be state or locally funded. According to the DEC, the real project cost would be over \$100 million, but the net effect would be to diminish a flood level of 14 feet to 9 feet. This would not produce a dispositive result in the opinion of DEC. The City has persisted in asking DEC to consider its perspective on funding, and it will take them some time to get back to the City with a response. On that note, the City is looking into other lesser projects that may still be beneficial.

Mayor Cohn announced that a work session would take place the following day with engineers, a funding consultant, and state representatives had been invited. The session is open to the public for observation.

City Manager Usry explained the three parts of the session. First, Ramboll, the City's consultant, will present refined plans; if accepted, the City will submit funding applications to the Department of Homeland Security and FEMA. Second, there will be a presentation of proposed projects by DCMC, consultants that specialize in federal and grant funding for mitigation and resiliency projects. Third will be a presentation by the City engineer on DPW's advancements on specific stormwater projects around Rye.

5. Bedrock Presentation.

Mayor Cohn announced the Bedrock attorney was not able to attend the City Council meeting. The Bedrock presentation would happen at a later Council meeting.

6. Presentation by Public Safety Commissioner Mike Kopy with an Emergency Preparedness and Response update 1-year post Ida.

Public Safety Commissioner Mike Kopy presented to the Council and stated that he had worked with each City department head to create an emergency response plan after requiring the completion of Incident Command System (ICS) training. The plans support continuity of City services following an emergency event. The City of Rye mobile app was launched so the City can push notifications to user devices about weather emergencies and power outages. The app will soon incorporate National Weather Center advisories.

Commissioner Kopy explained that the City of Rye procured emergency response equipment through a federal donation program at very little cost due to the 1033 fund. Back-up generators, ATVs, and a high-water SUV were vetted, serviced, and shipped to the City. In the event of a multi-day emergency, there will be enough power to support command posts at City

Hall and other locations. The new equipment will also be used in day-to-day incidents such as a recent water rescue at Playland.

The Fire Department has been designated as command post in the event of weather emergency due to its back-up generator capabilities and location. Councilwoman Souza asked if the Fire Department was affected by flooding and Commissioner Kopy confirmed it was, though the second floor remained accessible through Ida. Department heads have been directed to report there in an emergency.

Commissioner Kopy said the City identified evacuation sites to provide temporary shelter to Rye residents, a need identified post-Ida. The Fire Department helped determine which shelters would be best to provide short-term warming/cooling centers or longer-term shelter following a more devastating event. Every location was ADA-compliant.

The commissioner informed councilmembers that the Rye Police and Fire Departments completed swift water rescue training at the state-of-the-art New York State Preparedness Training Center. The training prepared first responders to assist residents and the community during flood emergencies. The City will be moving away from the unsafe bucket truck removal of citizens from buildings. The commissioner highlighted the importance of early warning for residents, so they are not caught in their homes during a flood.

Commissioner Kopy met with the ConEd Vice President Pat Burke. He explained to Mr. Burke where he thought ConEd needed improvement, especially regarding post-storm power restoration. The City will be hosting a presentation by ConEd for local government officials tentatively scheduled for the third week of October. The same week the City will host a training/coordination meeting at the Rye Fire HQ for building and local government officials. The commissioner met with colleagues to discuss emergency response planning efforts and explain acquiring goods from the county and the state, and he also discussed with the regional director from FEMA about assembling FEMA resources in the City of Rye. The City continues to work on mutual aid calls with neighboring municipalities.

Councilman Henderson asked if Rye residents were evacuated during Ida to some of the presented temporary shelters. The commissioner replied that many residents went to the courthouse and the police department, but many shelters had not been identified at that point. City Manager Usry offered that Mr. Kopy was not in Commissioner during Ida, and identifying these shelters was one result of the six-month post-Ida examination of the City's emergency response procedures. The commissioner explained that residents should have their own evacuation plans in place; community shelters were viewed as last-resort options.

Councilwoman Souza asked if there was an ideal place for residents to park during severe flooding. City Manager Usry replied that it would be largely the Metro North parking lot. Councilman Nathan asked if the measures met the ICS standards in the Old New York Rising report. Mr. Usry replied that this was a comprehensive review of everything done correctly or deficiently during Ida, but he had not yet compared it to the report.

7. Consideration of Boat Basin dredging matters.

City Manager Usry informed the Council that the last of the requisite permits was received by the City in late June/early July. A formal RFP for dredging contractors was issued in August, and for various upland disposal locations for dredged silt. The City received one bid for the dredge and one location identified for upland disposal. The results were presented at a Boat Basin Commission meeting, and the Commission was asked to review and recommend actions as related to Basin assets. The Channel and the Basin should be considered two different projects, as the channel dredge did not require as much cost to transport the silt. As the basin silt is contaminated, it must be moved to a different location. The Council at this time is being asked to consider whether to appropriate City monies to complete the dredging, and further to consider how much of the dredge that could potentially move forward. The thought would be that the City would cover the costs of the Channel dredge with an expectation that the Boat Basin Commission would use its assets for the Basin dredge. City Manager Usry reported that the Boat Basin Commission voted to deplete its entire unrestricted net assets to move forward with this project.

City Manager presented the expense breakdown of the dredging projects. A permit was approved to dredge 43,000 cubic yards, but City funds can only cover 15,000 to 20,000 cubic yards, achieving a uniform depth of 4 to 5 feet. The Basin dredge was quoted at \$90 per cubic yard which was significantly higher than the Channel dredge due to the transportation and disposal of silt required at the Basin. City Manager Usry confirmed for Councilman Henderson that the dredges would have the same contractor. The cost to remove and reinstall the pilings and docks is \$165,000. Though in July the City expected the overall cost per cubic yard to be around \$180, the actual cost was \$215-\$220 per cubic yard. To pay for the dredge, the Commission voted to use the entire reserve, transferred to the General Fund. Additionally, there could potentially be borrowing of up to \$1.2 million from the City.

For clarification, Councilman Nathan said the mobilization cost was apportioned, but the reality is if only one dredge was completed it would be close to 100% covered. City Manager Usry said the City may have to choose one or the other and decide if it can be divided to incur mobilization now and next year. He confirmed for Councilman Nathan that the silt would be removed on barges and not through the streets of Rye. Because the clean Channel silt can be dumped in the Sound, its dredge was significantly less expensive at \$65 per cubic yard, including dock and piling removal. The City had a share of the mobilization expense.

City Manager Usry shared the basin dredge financials comparing July projections to actual bid figures. The Basin Fund balance was projected to be at \$3.5 million but there were \$400,000 of unexpected expenses incurred by the Basin, including dock damage costs not yet reimbursed by FEMA, and \$250,000 to test silt at upland disposal locations which not covered by the contingency margin. The Boat Basin had a revenue bump during COVID that has since declined. Mr. Usry said Chairman Joe Pecora and the Commission have been working tirelessly to identify other revenue opportunities and develop a more-robust business plan.

In the current scenario of dredging 20,000 cubic yards at \$214 per cubic yard, the total cost is \$4.2 million, leaving an unfunded dredge cost of \$1.2 million. If the City were to loan the money with a repayment period of over five years, it would cost the Boat Basin \$246,000 per year to repay. City Manager Usry said the idea is to get the Basin to a sustainable place for dredging. In

five years, there will be an additional 12,000 new cubic yards of silt in the Basin. The resources available in five years is enough to dredge half of the silt accumulated during that time period, leaving 13,000 cubic yards of silt reduced from the current level.

City Manager Usry noted the City staff is not finished with its due diligence on the dredge. While the contractor has been fully vetted, the upland disposal site has not been settled, though much work has been done in the last week finalize the site. Neither of the options for silt disposal will have silt capacity until next year. Councilman Stacks noted the upcoming October 1st permit start date, and Mr. Usry was positive it would happen, starting with the Channel dredge. Resolution will need to come in the next couple of weeks. There is still room to negotiate the mobilization costs. City Manager Usry clarified for the mayor that the New Jersey silt disposal facility is the only one willing to offer a firm commitment for next year.

The Boat Basin Commission met last week and passed two resolutions: one uses their entire balance of unrestricted net assets for the dredge, and the second was a request that the City consider a loan up to \$1.2 million repaid by the ongoing Basin net income. Councilwoman Souza asked what happens to the Basin if they use all their savings and another hurricane incurs \$100,000 damage. Councilwoman Hurd was confident the Basin would be able to repay a loan even in extreme circumstances. Joe Pecora commented that there was light at the end of the tunnel and reality was not as doom-and-gloom as the numbers appeared. He explained to the Council that one foot of additional clearance would make tidal restrictions unnecessary which would make a huge difference to the boating experience in the area.

8. Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations."

Mayor Cohn read a statement regarding the proposed amendment to allow the use of electric leaf blowers throughout the year, and to allow the use of gasoline blowers only in spring and fall clean-up periods. The statement included a number of questions for Council and public's consideration. The mayor invited public comment on the leaf blower issue.

Bob Zahm, 7 Ridgewood Drive, thought the Council was correct to require a license as an opportunity to remove an excuse from landscapers regarding the applicability of the local ordinance. He said the fees would raise revenue but thought those fees have been taken advantage of in the past. He said that the law should be applied to all public and private properties. He would like an explanation for how current guidelines determined who could and could not use a leaf blower without issue.

Curtis Spacavento, 176 Theodore Fremd, landscaper, has looked into new leaf blower technology since the last Council meeting. He Said that batteries and chargers have been upgraded, but not much else has been done to improve leaf blower technology, so he thought perhaps more time was needed before approving such an amendment. He expressed concern about exploding batteries causing fires. He said local residents with acres of property were unhappy they would not be permitted to maintain their lawns to their satisfaction. Mr. Spacavento thought Rye's regulations were too extreme regarding tickets and permit suspensions.

Katherine Briggs, 1 Walnut Street, landscaper, commented that there were too many registration requirements in place. She said that noises were a fact of life in home ownership. She remarked that the school track was littered with debris and the school should not be restricted about when they can use leaf blowers because it was a matter of safety. Another issue was the undue burden it would cause to require electricity sources for mobile landscapers. Proposed changes could result in landscapers adding new services to their business just to avoid being caught up in the new law.

Mr. Ryan Coyne, City Engineer, reported on DPW's experience with electrical equipment. DPW uses a variety of electric landscaping equipment. While the aim is to use electric blowers whenever possible, power in the electric units can be insufficient in spring and fall, requiring use of gas equipment. Electric blowers are used throughout the summer wherever possible, especially in residential areas and some community spaces. Electric blowers were sufficient in dry weather for small clean-ups. Landscapers still opt for gas equipment and are being encouraged to use electric more frequently, even if just used as a supplement for large jobs. DPW does not face the same time pressures as private landscapers.

Councilman Henderson recalled the demonstration for Council that showed it takes five electric leaf blowers to do the work of one gas leaf blower. Councilman Henderson asked if DPW experienced problems with batteries, and Mr. Coyne replied they have been no fire issues or even a hot battery. Electric units are charged overnight in DPW's garage and a trailer. Mayor Cohn learned through his own research that the fires reported in the media occurred due to short circuits in mowers, not necessarily leaf blower batteries. Mr. Coyne stated that DPW usually used leaf blowers for debris other than leaves on public sidewalks, and that one battery lasted about 25 minutes blowing on high. He said it would not be possible to do fall clean-up in Rye with only electric leaf blowers.

Ms. Briggs returned to the podium and asked if the first responders could be trained on battery fires so they become more knowledgeable, which will trickle down to the landscapers who use and handle them. Ms. Briggs and Mr. Spacavento estimated for Councilwoman Souza that ideal gas-powered cleanup occurred from March 1st to May 15th, and October 1st through December 30th. Mayor Cohn confirmed for Ms. Briggs that exceptions could be made for late snowstorms. There was a lot of general discussion regarding potential timeframe to allow for gas blowers.

Regarding the question of permitting electric leaf blowers use year-round, the Council was in favor. Next the Council discussed if the three-summons methodology was problematic. Mayor Cohn asked if the Council wanted to draft a leaf blower law to include a landscaper permit provision. Councilwoman Souza agreed with the new penalty system and thinks the data should be analyzed on its effectiveness, and she disagreed with the permit provision as it would make life difficult for small businesses. Councilman Nathan felt the permit system would be more burdensome than helpful, and that the three-tier penalty system was fairly balanced by the year-long use of electric equipment. Councilman Henderson also disagreed with the permitting provision, as it would result in every town wanting to license their landscapers, many of whom are trying to make a living.



Mayor Cohn moved to the next question of whether there should be special treatment exceptions for large properties such as clubs and schools. Councilman Stacks agreed there should be an exception until technology improved enough to support large clean-ups. Councilman Nathan agreed gas power was not ideal, but the public spaces must be cleared. Councilwoman Souza hopes changing the laws supports the transition to electric over the next few years. Councilman Henderson thought it might be beneficial to allow more than one gas-powered leaf blower for larger properties to make the clean-up faster.

The fourth question was if the number of blowers permitted to be in operation at the same time on a property should vary according to power source. Councilman Henderson considered up to five electric blowers may not be as loud as one gas blower. To encourage use of electric during the busy season the City could allow more electric blowers than gas. Councilwoman Souza suggested not restricting electric but adding language to restrict properties to two gas blowers. Councilman Stacks asked if there could be a trial period to see the practicality of the changes, rather than codifying it into law and having to change the law again. Councilman Henderson agreed it would better to move incrementally than move too far. There was discussion about passing the local law and then taking a look back in a year's time to see if any amendments would be appropriate.

Mayor Cohn invited the public to speak on the matter.

Mr. Zahm returned to the podium and shared his concerns about the definition of recreation, though several councilmembers pointed out the issue was common spaces. Mr. Zahm asked about the objective of the ordinance, as he thought the Council said it was easier to enforce, but there was no discussion of that. The original ordinance was intended to get at issues of mold blown in the air from leaf blowers. Both types of leaf blowers put the same particles in the air, and the gas blowers put out exhaust. He was concerned that nothing will be done to make the law more effective. Mayor Cohn replied it was also about diminishing the annoyance of gas leaf blowers and their fossil fuel exhaust. Mr. Zahm replied, if that was indeed the objective, then the existing ordinance could be modified with one line: the above does not apply to the use of electric leaf blowers.

Ms. Briggs commented that homeowners are asking for an increased variety of services and her company was adjusting. With respect to a councilmember's comment about simply leaving leaves on the ground, Ms. Briggs maintained that would cause clogged drains. Her company removes the leaf piles, so they do not sit on properties decomposing too slowly.

Mayor Cohn is hopeful there will be a new draft for consideration at the next City Council meeting. Councilwoman Souza made the motion, seconded by Councilman Nathan, to put the issue over to the next meeting, and the Council unanimously agreed.

9. Residents may be heard on matters for Council consideration that do not appear on the agenda.

The mayor invited the public to speak on matters not appearing on the agenda.

Meighan Corbett, 600 Forest Avenue, said that her next door neighbor has had ongoing construction for a year. While Ms. Corbett allowed the contractor to access Forest Ave via her driveway, they had hit the water line to her home, and they had no water. She thanked the Council and City staff for taking her calls on the issue. She was disappointed that Rye dealt with so much noise, traffic, and construction vehicles. She said that property developers become neighbors but are not acting neighborly. She made sure her landscaper knows the law and he has been adhering to it for years. Other homeowners need to be having the same conversations with the companies they hire.

Councilman Nathan thought looking at it more generally might be helpful. There were two issues: what are the desired rules, and what happens when people break the rules.

Joe Lorono, resident and residential developer, spoke about the requirements regarding land to be marked before digs, and how the marking can sometimes happen incorrectly. He said there are good and bad contractors in Rye, and good and bad neighbors. Infrastructure problems like clogged drains reducing capacity should be a priority considering the flooding Rye experienced. He said the elementary problems are not addressed while the Council deliberates less-consequential topics. People in the business should be consulted to get the issues resolved.

Mayor Cohn invited the public to speak on the topic of trapshooting.

Traci Lovitt, 33 Island Drive, resident of North Manursing Island, expressed her upset over Westchester Country Club's plan to implement trapshooting in 47 days. She expressed concern over the shooting over the Long Island Sound, the wetlands, and the proximity to two migratory bird areas. She said she and her neighbors implored the Council to take action to prevent the unstudied potential environmental impacts and the inevitable disruption to the 140 residents situated around the proposed trapshooting site. She felt that Westchester Country Club should move trapshooting to their 400-acre estate in Harrison. If the Council disallows trapshooting in Rye, Westchester will pivot to an alternative plan. She said that Westchester's Beach Club is in a coastal zoning district where trapshooting is not a permitted activity, and it is in a wetland and thus must obtain a permit from the Rye Planning Commission. She said that Westchester has yet to approach the Commission. She also said that New York statute states a firearm cannot be discharged within 500 feet of a residence, and there are two residences within the limit.

Gavin Molinelli, 27 Island Drive, has three young children and a fourth on the way. He spoke about security issues. He shared an image of the Westchester property to demonstrate the area for the Council with regard to the proximity of the shooting to the nearby residences. He said that during low tide there are 50-100 yards of usable beach, and anyone from the public is permitted to walk there year-round. He pointed out there will only be 25 feet between trap shooters with guns pointed and people walking along the high tide line.

Councilman Henderson asked if there had been any discussion between the neighbors and Westchester about safety provisions and other concerns. Ms. Lovitt and Mr. Molinelli said they tried to reach out about safety concerns but were stonewalled by Westchester Country Club.

Adam Tuckman, 8 Island Drive and 12-year resident of Rye, spoke in support of residents like himself that were paralyzed by the sound of nearby gunfire. He has never complained about Westchester Country Club and considers himself a reasonable neighbor and resident. He maintained this was more than a simple request, it was a request from a few privileged people who have safer location options. Mr. Tuckman said his son was upset about the gunfire, asking if any part of the bullets could come into his house or his yard. He felt that allowing the trapshooting would come at the expense of neighbors' mental health.

Jason Ertel, 71 Island Drive, agreed with his neighbors. He stated that shooting with 500 feet of a residence was illegal. He described the beach area between the country club and Island Drive that served as a back yard for the children. He reiterated that Councilman Henderson said that no sane person would walk in front of shooting gun, and said that burden should not be on the citizens using the beach to face that possibility.

The collective residents let the Council know that they needed to preserve their rights to bring an Article 78 proceeding against the City for issuing the permit to Westchester Country Club. Corporation Counsel Ed Dunphy acknowledged this point and advised the Council to not personally comment on their feelings regarding trapshooting in light of the threat of litigation.

Mayor Cohn thanked the public speakers, acknowledging the time period to commence an Article 78 proceeding. Councilman Nathan asked if Corporation Counsel could provide the Council with the legal facts regarding the proposed trapshooting location at a future time.

10. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County to provide a Positive Youth Development Program for 2022 (Rye Youth Council).

City Manager Usry stated that the City signed an IMA every year with the County that money is given to the Rye Youth Council to provide services, which is part of the annual budgeting process. This IMA is required to execute with the County to receive the funding.

Councilwoman Souza made the motion, seconded by Councilwoman Hurd, to adopt a resolution to enter into an IMA with the County to provide a Positive Youth Development Program for 2022.

ROLL CALL

Ayes: Mayor Cohn, Councilmembers Henderson, Hurd, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: None

11. Consideration of a 4-month extension of the moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium.

Mayor Cohn said there had been much discussion and progress on the rock chipping issue. The reason for the moratorium extension is the City Council and Planning Commission requested expert opinion about blasting in hopes of being best prepared for the future of this policy in Rye. The two methodologies must be considered in tandem because anyone wishing to remove rock will have a choice between the two.

Rye resident Chris Repetto, 47 Centre Street, spoke at the podium. He said he used to think rock chipping was a nuisance to get through and deal with on the other end until his neighbor began the chip rock. He played a short audio clip demonstrating how loud it was in his back yard. He said he cannot express how difficult it has been to live through rock chipping and blasting. There are other ways to remove rock that might be more expensive but are far less invasive. Councilwoman Souza commented that the Council is looking at it in a holistic way to consider things other than 15 days of noise. Councilman Nathan described his experience at Mr. Repetto's home where it became very clear how disruptive the sound is.

City Counsel Ed Dunphy said there was a suggested amendment to the proposed moratorium which would exclude drilling for geothermal systems that fell within the utility exception. Mayor Cohn invited public comment.

Rob Arrow, 35 Maple Avenue, said he had been exploring geothermal as an option to replace his aging heating and cooling system. His research revealed that switching to geothermal heating and cooling was the number one way of reducing carbon footprint for a homeowner, reducing household emissions by about 75%. Mayor Cohn stated that the City supported geothermal energy but needed more information about the excavation required to put in a geothermal system. Mr. Arrow said he has been told by local contractors that it is a much quicker job than other areas because rock is easier to drill than dirt because it does not require filling in with concrete.

Councilman Stacks suggested there should be an expert brought in to advise on the matter. Councilman Henderson added that the building department was putting geothermal under the utility exception which is up to six days. City Manager Usry said the definition of utility in the City code does not use the word geothermal, it refers to other utility exceptions. Mayor Cohn did not have enough information about the geothermal process to allow it but felt comfortable about the six-day utility allowance, and the issue would be revisited.

Mr. Lorono commented that geothermal worked really well in rock, but it also required many days of drilling and a rock removal permit. He maintained that rock removal was a necessary evil in Rye and hoped the Council could arrive a solution that made sense.

Councilman Hurd made the motion, seconded by Councilman Henderson, to adopt the following resolution:

**RESOLVED**, that Local Law 5 of 2022, “a Local Law adopting a six-month moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium,” is hereby extended by

an additional four months from the date of the current expiration, with the modification to clarify that boring shall be exempt from the moratorium but shall be limited to one drill operating for two days on the property.

**ROLL CALL**

Ayes: Mayor Cohn, Councilmembers Henderson, Hurd, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: None

12. Resolution expressing the City’s support for Rye Sustainability Committee’s (RSC) campaign seeking to earn credit for the Community Campaigns High-Impact Action under NYSERDA’s Clean Energy Communities Program, specifically Electric Vehicles.

Mayor Cohn read a statement from the Rye Sustainability Committee requesting the Council support their effort to run a community campaign as part of the NYSERDA Clean Energy Communities Program related to electric vehicles. A successful campaign will garner the City 200 points in the CEC program and make them eligible for \$5,000 grant. The last community campaign approved by the Council in March was successful, and they were awarded \$5,000 and 500 points in the program. The new electric vehicle campaign includes the distribution of information via the Rye Sustainability Newsletter and social media channels. There is no cost to the City. Five electric vehicle purchases will be documented after approval of the campaign. RSC hopes to be awarded one of two remaining grants by moving quickly through the approval process.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, for the City to support the new RSC electric vehicle campaign, and the Council unanimously agreed.

13. Resolution to accept 13 Smart TVs, valued at \$32,500 from RCDS for use by the City in various City buildings.

City Manager Usry explained that Rye Country Day School had purchased approximately 50 TVs during COVID for their classrooms and no longer needed them and were offering the TVs to the City and other entities in Rye. The City found use for 13 of them in various buildings and will be interconnected and used for a variety of purposes.

Councilwoman Souza made a motion, seconded by Councilwoman Hurd, to accept the TVs from Rye Country Day School for City use.

**ROLL CALL**

Ayes: Mayor Cohn, Councilmembers Henderson, Hurd, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: None

**CONSENT AGENDA**

14. Consideration of a request by the Rye YMCA to use City streets for the 35th Annual

Rye Derby on Sunday, April 30, 2023 from 7:00 a.m. to 10:30 a.m.

Councilman Nathan recused himself from voting on this agenda item. He stated that his firm provided counsel the YMCA on a discreet matter, though it was unrelated to the City or this issue.

15. Consideration of a request from the Rye Chamber of Commerce for use of Purchase Street from the Village Green to Purdy on Sunday, November 27, 2022 for the Mistletoe Magic event.
16. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October 2022.

Councilwoman Henderson made a motion, seconded by Councilwoman Souza, to approve the entire consent agenda (Items 14-16). The Council was unanimously in favor.

17. Appointments to Boards and Commissions by the Mayor with Council approval.

There were no appointments pending.

18. Old Business/New Business.

There were no old or new business items to discuss.

19. Adjournment.

Councilman Henderson made a motion, seconded by Councilman Souza, to adjourn the City Council meeting. The Council was in favor and the meeting was adjourned at 9:34 P.M.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk

***DRAFT UNAPPROVED MINUTES*** of the Special Meeting of the City Council of the City of Rye held in City Hall on September 28, 2022, at 6:30 P.M.

PRESENT:

EMILY HURD  
CAROLINA JOHNSON  
JOSHUA NATHAN  
JULIE SOUZA  
BENJAMIN STACKS  
Councilmembers

ABSENT:

JOSH COHN, Mayor  
BILL HENDERSON, Councilmember

The Council convened at 6:30 P.M. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. Pledge of Allegiance.

Deputy Mayor Hurd led the Council and public in the Pledge of Allegiance.

2. Roll Call.

Assistant City Manager Shea called the roll and there was a quorum present to conduct the meeting.

Councilwoman Hurd stated that the purpose of the meeting this evening was to approve contracts to move forward with certain dredging concerning the Boat Basin.

Councilman Nathan, liaison to the Boat Basin Commission, gave an overview of the dredging project history and scope. Collectively, the four resolutions would enable the City to dredge. The original plan was to do the channel and the basin together, but after looking at everything, it was recommended that the City split the dredges to do the work with the channel this year, and the basin next year. Councilman Nathan thanked the staff, commission and community for their hard work.

3. Resolution rejecting bid by H&L Contracting, LLC.

Councilman Nathan explained that the bid specifications for this bid had both dredges happening at once, and therefore the City would not be accepting that bid.

Councilman Stacks made a motion, seconded by Councilwoman Souza, to adopt the following resolution:

**RESOLUTION OF THE RYE CITY COUNCIL TO REJECT THE BID FROM  
H&L CONTRACTING, LLC TO DREDGE THE FEDERAL CHANNEL AND MILTON  
HARBOR**

**WHEREAS**, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

**WHEREAS**, the City Council of the City of Rye (the “City Council”) sought to advertise for bid pursuant to General Municipal Law dredging and

**WHEREAS**, the bid documents were made available on bidnet starting on August 3, 2022 at 10:00 AM; and

**WHEREAS**, the deadline to submit a bid was August 24, 2022 and extended to August 31, 2022 and the only bid received was from H&L Contracting, LLC.

**NOW, THEREFORE, BE IT RESOLVED**, that City Council rejects the bid by H&L Contracting, LLC to dredge the Federal Channel and Milton Harbor.

**ROLL CALL:**

Ayes: Councilmembers Hurd, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: Mayor Cohn, Councilman Henderson

4. Resolution authorizing the City Manager to take all necessary steps to sign a contract with H&L Contracting, LLC. to dredge the Federal Channel in 2022 and to dredge the Milton Harbor in 2023 and to transfer money to the general fund to cover such contract costs.

Roll Call

Councilwoman Hurd made a motion, seconded by Councilman Stacks, to adopt the following resolution:

**RESOLUTION OF THE RYE CITY COUNCIL AUTHORIZING THE CITY MANAGER  
TO TAKE ALL NECESSARY STEPS TO SIGN A CONTRACT WITH H&L  
CONTRACTING, INC. TO DREDGE THE FEDERAL CHANNEL IN 2022 AND TO  
DREDGE THE MILTON HARBOR IN 2023 AND TO TRANSFER MONEY TO THE  
GENERAL FUND TO COVER SUCH CONTRACT COSTS**

**WHEREAS**, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

**WHEREAS**, in spring 2022, the City was notified by the United States Coast Guard that the Federal Channel markers designating the safe passage for vessels from the Channel into Milton Harbor were going to be removed as there was insufficient depth for the safe passage of vessels during certain times; and



**WHEREAS**, the silting in of the Basin has been an ongoing concern as the silt builds up yearly causing more vessels to run aground and limiting the access times to/from the Federal Channel and the Milton Harbor; and

**WHEREAS**, the City’s Police Marine Patrol accesses Long Island Sound from the Basin; and

**WHEREAS**, the City Council has determined that the contaminated silt from the Milton Harbor cannot be disposed of in water and must be disposed of at a properly permitted facility upland and due to time constraints and permit delays, among other issues, the Milton Harbor dredge cannot occur until 2023; and

**WHEREAS**, due to the above-described circumstances, the City Council of the City of Rye (the “City Council”) has further determined that it is in the best interests of the City to move forward with dredging at least the federal channel in 2022; and

**WHEREAS**, GML §§ 103(4) and 104 statutorily exempt certain types of contracts from the public bidding process and there are several well-established common law exemptions; and

**WHEREAS**, one of the common law exemptions is for sole sources; and

**WHEREAS**, given the unique circumstances, including but not limited to, the City’s need to dredge contaminated material out of the Milton Harbor and provide for certain curing processes to take place, the little depth of water and the need for smaller equipment and infrastructure to access the Basin, the issues surrounding the Federal Channel including the removal of the buoys, the need of the City’s marine patrol to access the Long Island Sound and surrounding waters, has created a situation where H&L Contracting, LLC (“H&L”) is the sole source to complete this type of dredging project; and

**WHEREAS**, H&L is able to dredge, transport and dispose of approximately 21,000 cubic yards in water from the Federal Channel for 2022. Furthermore, H&L is able to dredge and transport from 12,000 to 20,000 cubic yards from the Milton Harbor in 2023; and

**WHEREAS**, dredging progress and activity is measured by the amount of sedimentation that is removed and this measurement is based on comparing a pre-dredge survey to a post-dredge survey and, as such, the total amount of sediment removed will not be verified until the post-dredge survey is performed; and

**WHEREAS**, the City believes that approximately \$5.3 Million will cover the total cost to dredge the Federal Channel and the Milton Harbor but due to the potential variation in the amount of sediment removed, the Council may have to authorize additional monies to cover the total amount of sediment removed based on the post-dredge survey.

**NOW, THEREFORE, BE IT RESOLVED**, that once City staff has completed the necessary due diligence, the City Manager is authorized to execute a contract with H&L Contracting, LLC to dredge the Federal Channel in 2022 and the Milton Harbor in 2023; and

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to transfer One Million Six Hundred Thousand (\$1,600,000) from the Capital Expenditures Reserve Fund for the Federal Channel Dredge Project to pay for the dredging of the Federal Channel in 2022; and

**BE IT FURTHER RESOLVED**, that the City Manager is further authorized to: 1) appropriate \$2.5 Million dollars in the Boat Basin Enterprise Fund for the Milton Harbor dredge; 2) appropriate any net operating income received by the Boat Basin at the end of 2022 as authorized by the Boat Basin Commission on September 7, 2022; and 3) appropriate any net operating income received by the Boat Basin in 2023 to pay for the costs associated with dredging Milton Harbor; and

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to transfer any excess money back to the appropriate funds should the money not be needed to cover the dredging costs.

**ROLL CALL:**

Ayes: Councilmembers Hurd, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: Mayor Cohn, Councilman Henderson

David Clark, MSDS Unlimited, offered to provide information to support the dredge moving forward this year as opposed to next year. He took exception with the fact that Clean Earth was given an opportunity to enter into a contract with the City for the disposal process.

5. Resolution authorizing the City Manager to take all necessary steps to sign a contract with Clean Earth to process and dispose of the Milton Harbor Dredge material in 2023.  
Roll Call

Councilman Stacks made a motion, seconded by Councilwoman Johnson, to adopt the following resolution:

**RESOLUTION OF THE RYE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO SIGN A CONTRACT WITH CLEAN EARTH TO PROCESS AND DISPOSE OF THE MILTON HARBOR DREDGE MATERIAL IN 2023**

**WHEREAS**, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

**WHEREAS**, the City Council of the City of Rye (the “City Council”) has determined that it is in the best interests of the City to dredge the Milton Harbor in 2023 after the Federal Channel has been dredged; and

**WHEREAS**, the City has received a proposal from Clean Earth dated September 14, 2022 Proposal No. 21-004-19 to transport and dispose of the contaminated dredge material at a properly permitted facility in the fall of 2023;

**NOW, THEREFORE, BE IT RESOLVED**, that once City staff has completed the necessary due diligence, the City Manager is authorized to execute a contract with Clean Earth to process and dispose of 12,000 to 20,000 cubic yards of sediment material at an upland facility in 2023 at costs as set forth in Proposal No. 21-004-19; and

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to pay for such costs from the Boat Basin Dredge project in the Boat Basin Enterprise Fund, including, but not limited to: 1) those funds appropriated by the City Council of approximately \$2,500,000 and as authorized by the Boat Basin on September 7, 2022; 2) any revenue remaining at year end in the General Fund Enterprise Fund of 2022 (estimated to be \$450,000); and 3) revenue collected by the Boat Basin during fiscal year 2023.

**ROLL CALL:**

Ayes: Councilmembers Hurd, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: Mayor Cohn, Councilman Henderson

Councilman Nathan and the Council thanked the staff, commission and consultants for working tirelessly in this process.

Councilman Stacks asked when the channel dredge would begin. City Manager Usry responded that he believed it would begin between October 15 and October 20, 2022, and it is expected to take three to four weeks.

6. Resolution superseding the action taken on September 14, 2022 considering a four (4) month extension of the moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium and pursuant to Local Law No. 5 of 2022, adopting a resolution extending the moratorium for an additional four (4) months to expire on February 6, 2023.

Councilwoman Hurd and Corporation Counsel Wilson explained that the moratorium extension that was passed at the prior meeting should not have included any amendments, and the following resolution will supersede the resolution adopted at the prior meeting. A test drilling piece was added, which would have substantively changed the moratorium and which would need to be adopted by local law. In the alternative, the Council this evening will vote to extend the original rock chipping moratorium as written, with no substantive changes, which can be done by resolution.

Councilwoman Souza made a motion, seconded by Councilwoman Nathan, to adopt the following resolution:

**RESOLVED**, that Local Law 05-2022, “A Local Law adopting a six-month moratorium in the City of Rye temporarily limiting the approval of any new mechanical rock removal, drilling or boring application to fifteen (15) calendar days and prohibiting the review, processing or approval of any blasting applications for the duration of this moratorium,” is hereby extended an additional four months, and set to expire on February 4, 2023; and be it further

**RESOLVED**, that the resolution dated September 14, 2022 extending the moratorium but adding the provision for test borings is hereby nullified.

ROLL CALL:

Ayes: Councilmembers Hurd, Johnson, Nathan, Souza, Stacks  
Nays: None  
Absent: Mayor Cohn, Councilman Henderson

CONSENT AGENDA

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to adopt the following items:

7. Consideration of request from the Rye Free Reading Room to use the Village Green from 8 am - 6 pm for the Rye Children's Book Festival on October 1, 2022.

This request was approved.

8. Consideration of a request from the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Haviland Lane by the Village Green on October 1, 2022 from 10am - 4pm.

This request was approved.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilman Stacks, to adjourn the meeting at 6:44 P.M.

Respectfully submitted,

Carolyn D’Andrea  
City Clerk



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 4, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Flooding Update.

**FOR THE MEETING OF:**

October 12, 2022

**RECOMMENDATION:** That the City Council hear the update.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: August 11, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Adjourn the public hearing until October 26, 2022 to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations".

**FOR THE MEETING OF:**  
October 12, 2022

**RECOMMENDATION:** That the Council adjourn the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached law and proposed changes.

## Summary of Differences: Leaf Blowers/Landscapers

	<b>Previous Law</b>	<b>Proposed Changes</b>
<b>Permit</b>	Landscaping permit not required	<p>Landscapers must register ANNUALLY to operate within the City limits.</p> <ul style="list-style-type: none"> <li>• Proof of a valid and current Westchester County Home Improvement License and insurance information required</li> <li>• Stated and signed agreement that leaf blower laws are understood and will be followed</li> <li>• Landscaper Registration Tag issued and must be visible in vehicle</li> </ul>
<b>Permissible Dates to Operate Leaf Blowers and Other Lawn Equipment</b>	<p>October 1 and April 30                      Weekdays 8 am – 8 pm                      Weekends 10 am – 6 pm</p>	<p>October 1 and April 30                      Weekdays 8 am – 6 pm                      Weekends 10 am – 4 pm</p>
<b>Storm Exemption</b>	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time <b>not to exceed seven days</b> after significant storm events or during other emergency situations circumstances.	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time <b>not to exceed fourteen days</b> after significant storm events or during other emergency situations circumstances.
<b>Leaf Blower Noise</b>	Gas and Electric leaf blower 85 db(A)	<p>Gas and Electric leaf blowers 85 db(A)</p> <p>Effective January 2023, electric leaf blowers <b>ONLY</b> with maximum permitted intensity of 65 db(A)</p>
<b>Penalties</b>	Owner of the property <b>OR</b> the person performing such violation shall be notified to suspend all work and be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.	The party operating the leaf blower <b>AND</b> the party who employed the person to operate the leaf blower at the time of violation <b>AND</b> the party who owns the property where the violation occurs will be subject to a fine of \$250 for the first offense, a fine not to exceed the sum of \$350 for the second offense and revocation of the Landscaper’s permit for the next 6 (six) months upon the third offense. Any Landscaper found operating without a permit or after the permit has been revoked, or a property owner on the third offense, shall be punished by a fine of up to \$1,500.

## Leaf Blower Law Discussion – September 14, 2022

Shortly before our last meeting, the Council introduced for discussion the idea of amending our existing leaf blower law to permit the use of electric leaf blowers throughout the year and to permit the use of gasoline blowers only in spring and fall cleanup periods. More time to discuss this idea was promised and will be available at the September 14 meeting as the predicate to later circulation of a revised draft leaf blower law.

Included in this agenda package is our original discussion draft of a revised law, which we hope will serve as a useful tool in considering the following questions:

1. Should the City move to a more permissive regime with respect to electric blowers?
2. Enforcement of our existing leaf blower law is problematic. Our original discussion draft law included a landscaper permit regime intended to provide the City with a means to educate landscapers as to our City Code and a means to penalize landscapers who fail to comply. Would such a landscaper permit regime still be of interest if the new law becomes more permissive with respect to electric leaf blowers? Note, please, that the Police Department now is pursuing a strategy of ticketing leaf blower operators, their employers and the property owners in an effort to improve enforcement efficacy.
3. Should there still be special treatment/exceptions for large properties, clubs, schools, etc.?
4. Should the numbers of blowers permitted to be in operation at the same time on a property be varied according to how the blowers are powered?

Other issues/questions will be welcome.



**CITY OF RYE**

**LOCAL LAW NO. \_\_ 2021**

**A local law to add a new Chapter 122 “Landscapers and Leaf Blower Regulations” of the Code of the City of Rye to set forth permit requirements for Landscaping Companies and to regulate the use of gas and electric powered leaf blowers as follows:**

**Section 1: Chapter 122, Landscapers and Leaf Blower Regulations**

**§ 122-1 Purpose.**

The City Council finds that landscaping activities generate noise, disseminate dust particles and other airborne pollutants into the air and onto other nearby properties and that the use of leaf blowers specifically can increase environmental pollution. In addition, there are numerous landscaping companies providing services to properties in the City and the City Council finds that it is in the City’s interest to ensure that such companies are properly licensed and are aware of the applicable regulations in the City. It is the intent and purpose of this Chapter to preserve and improve air quality, decrease the high and low-frequency noise pollution and decrease carbon and non-carbon emissions and dust particulate. It is the policy of the City to regulate the use of all leaf blowers and minimize and mitigate the harmful impacts of their use.

**§ 122-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**LANDSCAPER** – Any person, corporation, partnership or business entity of any form who tends, plants, installs, maintains, or repairs lawns, or performs general yard maintenance work or leaf collection of any kind on real property which such person or business entity does not own or at which s/he does not reside. A Landscaper shall not include landscape designers or landscape architects.

**LEAF BLOWER** – a portable, handheld or backpack-style device powered by fuel or electricity and used for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

**§ 122-3 Registration required; requirements; fee; exemption**

- A. No Landscaper shall operate or provide services within the City of Rye unless the Landscaper is registered annually pursuant to this Chapter.
- B. Registration requirements.
  - 1. All Landscapers shall submit a completed registration form provided by the City Clerk and pay a nonrefundable fee in an amount to be determined by the City Council.
  - 2. The registration form, at a minimum, shall state that the landscaper has read, understands and agrees to comply with the City’s leaf blower regulations and other relevant City laws and policies.

3. In addition, the Landscaper shall submit proof of a valid and current Westchester County Home Improvement License and such other insurance information that the City deems relevant.
- C. When the City Clerk determines that all requirements have been met, s/he shall issue a Landscaper Registration Tag, which must be placed on the rear view mirror of each vehicle the landscaper uses in the City. The Tag is not transferable.
- D. The Landscaper Registration Tag shall be valid from January 1 through December 31 each year, unless revoked.

**§ 122-4 Use of Gas Powered Leaf Blowers Prohibited.**

Effective January 2023, during the time that leaf blower use is permitted, only electric blowers shall be permitted. Gas powered leaf blowers are prohibited at all times.

**§ 122-5 Maximum Sound Pressure [db(A)] and hours of operation of leaf blowers**

- A. Effective January 2023, leaf blowers (electric only) shall have a maximum permitted intensity of 65 db(A). Effective immediately, all other lawn equipment, including, but not limited to, outdoor vacuum cleaners shall have a maximum permitted intensity of 85 db(A).
- B. Use of lawn equipment, including, but not limited to, leaf blowers and outdoor vacuum cleaners is permitted only between 8:00 a.m. and 6:00 p.m. weekdays and 10:00 a.m. and 4:00 p.m. on weekends and holiday. The permitted intensity and hours described in this subsection will apply to leaf blowers during months when the use of leaf blowers is permitted.
- C. The use of leaf blowers shall be prohibited between May 1 and September 30 every year.
- D. The head of the Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed fourteen (14) days after significant storm events or during other emergency situations.
- E. Additional rules for any person operating a leaf blower between the dates of October 1 and April 30 are as follows:
  1. No leaf blower shall be operated simultaneously on the same lot with any other type of machine-powered lawn equipment.
  2. Two or more leaf blowers shall not be operated simultaneously except in R-1 Residence Districts as indicted on the City of Rye Zoning Map.

- F. This section shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities, except that any leaf blower use shall be minimized to the maximum extent practicable in proximity to residences.
- G. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

**§ 122-6 Enforcement.**

The provisions of this chapter shall be enforced by the City of Rye Police Department or the City of Rye Building Department.

**§ 122-7 Penalties for offenses.**

- A. The following parties shall have committed a violation of this laws if it is not complied with:
  - (1) The party operating the leaf blower; and
  - (2) The party who employed the person to operate the leaf blower at the time of violation; and
  - (3) The party who owns the property where the violation occurs.
- B. Any party violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 for the first offense. A second offense shall be punishable by a fine not to exceed the sum of \$350 and a third offense shall result in the revocation of the Landscaper's permit for the next 6 (six) months, or, if you are the property owner, a fine not to exceed the sum of \$1,500. Any Landscaper found operating without a permit or after the permit has been revoked shall be punished by a fine of up to \$1,500.

**Section 2. Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

**Section 3: Effective Date.**

This local law will take effect on January 1, 2022.



## **POLICE DEPARTMENT**

City of Rye, New York  
21 McCullough Place  
Rye, N. Y. 10580  
Phone: (914) 967-1234  
FAX: (914) 967-8341



Michael A. Kopy  
*Public Safety*

*Commissioner*

December 8, 2021

To: Greg Usry, City Manager  
From: Michael A. Kopy, Public Safety Commissioner  
Subject: Leaf Blower Violations

During the month of November 2021, the Police Department responded to or observed 70 possible violations of Section 133-7 of the city code. These responses resulted in 36 summons being issued. No summons were issued for the remaining calls due to a variety of factors including:

- 1) the violators may have been gone prior to the arrival of the patrol, or
- 2) that a violation of the code ceased prior to the arrival of the patrol.

During the month of November 2020, there were 14 calls for potential violations of Section 133-7 with one summons issued.

I expect that enforcement levels will drop significantly during the month of December as the fall leaf clean up season ends.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 3, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Authorization for City Manager to sign retainer agreement with Sive, Paget and Riesel to provide legal services in the matter of Verizon Wireless v. The City of Rye.

**FOR THE MEETING OF:**

October 12, 2022

**RECOMMENDATION:** That the Council authorize the City Manager to sign the retainer agreement.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

# SIVE | PAGET | RIESEL

**DAN CHOROST**  
DIRECT DIAL: 646.378.7207  
DCHOROST@SPRLAW.COM

October 3, 2022

**VIA EMAIL** (kwilson@ryeny.gov)

Kristen K. Wilson, Esq.  
Corporation Counsel  
The City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Re: Retainer for New York SMSA Limited Partnership d/b/a  
Verizon Wireless v. The City of Rye et al., 19 Civ 10159(NSR)

Dear Kristen,

This letter confirms the terms governing the retainer by the City of Rye ("City") of Sive, Paget & Riesel ("Firm"), upon your acceptance hereof. The Firm will provide legal services in connection the July 27, 2022 Opinion and Order issued in the U.S. District Court for the Southern District of New York in the above-referenced matter.

My partner Steven Barshov will be principally responsible for this matter. In recognition of the City's municipal status, the Firm will bill partner time at \$550 per hour and associate time, which normally is billed between \$460 and \$695 per hour, will be billed at \$495 per hour. Paralegal time will be billed at \$205 per hour. Each of these rates reflects a substantial discount from the Firm's normal fees. The above discounted billing rates are subject to adjustment from time to time by the Firm but will not change through the end of 2022.

The Firm's monthly invoices will contain a full description of our services, attorney and paralegal time recorded in increments of tenths of an hour, as well as out-of-pocket disbursements, for the calendar month preceding issuance of the bill. Out-of-pocket disbursements may include scanning, photocopying, travel, messenger services, long distance telephone calls, teleconference services, filing fees, and secretarial over-time. The Firm will present invoices to the City via email, which will pay the remaining balance within two weeks of presentment. In light of our prior work together, the Firm will not ask the City to provide a retainer payment, the Firm normally requires.

In the event that a dispute arises between the Firm and the City relating to fees, the City may have a right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts. A copy of this provision will be provided to the City upon request.

Kristen K. Wilson, Esq.

October 3, 2022

Page 2 of 2

Unless terminated earlier, the Firm's engagement to represent the City will be deemed to have terminated at any time that a period in excess of six consecutive months elapses during which the City does not request, and the Firm does not furnish, any billable services.

Unless the City advises the Firm to the contrary, the Firm shall be free to dispose of all files pertaining to this matter at any time after five years have elapsed since the Firm has last performed billable services for this matter, after a reasonable attempt to notify the City. Such disposal will be accomplished in a manner that will protect the confidentiality of the files.

If these terms are acceptable, please sign below at the designated area and return this retainer agreement to me.

Sincerely,



Dan Chorost

AGREED AND ACCEPTED ON BEHALF OF:

THE CITY OF RYE

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 30, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration to refer to the BAR an application from T-Mobile Northeast, LLC to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.

**FOR THE MEETING OF:**

October 12, 2022

**RECOMMENDATION:** That the Council consider referring the application to the BAR.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

All wireless telecommunications facilities within the City must comply with Chapter 196 "Wireless Telecommunications Facilities" of the City Code and all other applicable law and regulations. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Before the Council considers this application, the Council shall refer it to the Board of Architectural Review for and advisory opinion.



LAW OFFICES OF  
**SNYDER & SNYDER, LLP**

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TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

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REPLY TO:

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LESLIE J. SNYDER  
ROBERT D. GAUDIOSO  
DOUGLAS W. WARDEN  
JORDAN M. FRY

DAVID L. SNYDER  
(1956-2012)

September 21, 2022

Hon. Mayor Josh Cohn and  
Councilmembers of the City Council  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Re: **Eligible Facilities Request**  
T-Mobile Northeast, LLC  
66 Milton Road, City of Rye, New York

Dear Hon. Mayor Cohn and  
City Councilmembers:

We represent T-Mobile Northeast LLC ("T-Mobile") in connection with the Eligible Facilities Request ("EFR"), to modify an existing base station ("Existing Facility") on the rooftop of the existing building ("Existing Building") located at the above referenced property ("Property") that does not substantially change the physical dimensions of such base station pursuant to Section 6409 (codified as 47 U.S.C.S. 1455(a)) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Tax Relief Act"), and its implementing regulation 47 C.F.R. §1.6100 (a copy of which is attached hereto).

Section 6409 of the Tax Relief Act requires the City to grant T-Mobile's request to modify an existing base station so long as T-Mobile's proposed modification does not substantially change the physical dimensions of such base station. The legislative history for Section 6409 clearly establishes the intent of Congress. "Section 6409. This section streamlines the process for siting of wireless facilities by *preempting the ability of State and local authorities to delay collocation of, removal of, and replacement of wireless equipment* (emphasis added)." 158 Cong. Rec. E237-39 (daily ed. February 24, 2012) (statement of Rep. Fred Upton). On October 17, 2014, the Federal Communications Commission adopted the Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies order ("FCC Order") further implementing Section 6409 of the Tax Relief Act. Under the FCC Order, municipalities shall approve an eligible facilities request within 60 days of receiving the application or the request will be deemed granted.

As set forth in the materials submitted herewith, T-Mobile's request involves the replacement and installation of transmission equipment that does not substantially change the

physical dimensions of the existing base station.

Pursuant to federal law, there will be no “substantial change” to the physical dimensions of the base station for the following reasons. **First**, the proposed antennas will not increase the height of the Existing Facility by more than 10 feet in accordance with 47 C.F.R. § 1.6100(b)(7)(i), in fact there will be no increase in height at all. **Second**, the proposed antennas will not protrude from the edge of the Existing Building by more than 6 feet in accordance with 47 C.F.R. § 1.6100(b)(7)(ii). **Third**, the number of equipment cabinets will not be increased by more than four (4) in accordance with 47 C.F.R. § 1.6100(b)(7)(iii). **Fourth**, the proposed installation will be on the Existing Facility and there will be no excavation or deployment outside of the existing base station’s current site in accordance with 47 C.F.R. § 1.6100(b)(7)(iv). **Fifth**, the proposed work will not defeat any existing concealment elements of the existing base station in accordance with 47 C.F.R. § 1.6100(b)(7)(v). **Sixth**, the proposed work will not violate any prior conditions of approval for the existing base station in accordance with 47 C.F.R. § 1.6100(b)(7)(vi).

Please note that, in accordance with 47 C.F.R. § 1.6100(c)(1), an EFR application is to only include materials and information reasonably related to determining if the proposed modification meets the requirements contained in the Tax Relief Act’s implementing regulations. See 47 C.F.R. § 1.6100(c)(1). The City’s Code in § 196-5(F)(3) states that an EFR application must include all of the information required in § 196-6(V). Section 196-6(V) of the City’s Code states the following “[t]o the extent applicable, every applicant for an **eligible facility permit** shall comply with § 196A [sic *intended 196-6(A)*] through D, E(1) through (8), (10), (11) through (14), (18) through (21), (24), (25), G through J, N, O, Q, and R.” Therefore, in accordance with 47 C.F.R. § 1.6100(c)(1), T-Mobile respectfully requests a waiver from all application requirements contained in Section 196-6(V) that are not reasonably related to determining if T-Mobile’s modification is an EFR.

More specifically T-Mobile respectfully requests the following waivers from the application requirements contained in § 196-6(V) of the City’s Code:

1. Section 196-6(E)(6): “*Size of the property stated both in square feet and lot line dimensions and a diagram showing the location of all lot lines where the facility is proposed to be located outside of the right-of-way, and within the rights-of-way, the location of the proposed facility in relation to the right-of-way, pedestrian and nonmotorized vehicle pathways and crosswalks, and the location in relation to driveways on the same right-of-way and within 750 feet.*” As this is for a modification of an existing installation on a rooftop, and will not affect any rights-of-way, a waiver is respectfully requested from this code section.
2. Section 196-6(E)(7): “*Location of all residential structures within 750 feet.*” As this application involves the modification of an existing rooftop facility, and that this information is not reasonably related to the review of an EFR application, a waiver is respectfully requested from this code section.
3. Section 196-6(E)(8): “*Location of all habitable structures within 750 feet.*” As this

application involves the modification of an existing rooftop facility, and that this information is not reasonably related to the review of an EFR application, a waiver is respectfully requested from this code section.

4. Section 196-6(E)(11): *“Type, size and location of all proposed and existing landscaping.”* As this application involves a modification of an existing rooftop facility, a waiver is respectfully requested from this code section.
5. Section 196-6(E)(19): *“The applicant's proposed wireless telecommunications facility maintenance and inspection procedures and related system of records.”* As this is an application that does not involve a tower, and a Compliance Statement regarding maintenance of the Facility will be submitted, a waiver from this code section is respectfully requested. However please note that the Facility will be routinely inspected by an on-site technician, and the Facility is also remotely monitored at all times.
6. Section 196-6(E)(20): *“A copy of the FCC license applicable for the use of the wireless telecommunications facility, if any, and a copy of any certificate issued by the State of New York for the facility; and proof that applicant and any person who will own facilities associated with the proposed wireless telecommunications facility are authorized to place the facilities at the location proposed.”* As this is a modification to an existing facility, and that T-Mobile is a known FCC licensed provider of personal wireless services, a waiver from this code section is respectfully requested.
7. Section 196-6(E)(25): *“Information relating to the expected useful life of the proposed wireless telecommunications facility.”* As this Facility is part of an ever-evolving telecommunications network, it is extremely difficult to provide the information requested. Also, as this is a modification to an Existing Facility and this information is not reasonably related to an EFR review, a waiver from this code section is respectfully requested.
8. Section 196-6(I): *“The applicant shall submit a completed long form EAF and a completed visual EAF addendum. The Council may require submission of a more detailed visual analysis based on the results of the visual EAF addendum. Applicants are encouraged to seek preapplication meetings with the City Council to address the scope of the required visual assessment.”* As this application meets the EFR requirements and is a modification of a rooftop facility, the proposed modification is a Type II action in accordance with 6 CRR-NY 617.5(c)(19), and does not require SEQRA review. Therefore, a waiver from this code section is respectfully requested.
9. Section 196-(6)(J): *“A visual impact assessment shall be provided with each application...”* The Application includes photosimulations showing the proposed modification, to the extent anything further is required a waiver is respectfully requested.
10. Section 196-(6)(R): *“If the applicant is proposing the construction of a tower or installation on an existing tower or building, the applicant shall examine the feasibility of designing a multicarrier use to extent practicable....”* The structural report submitted

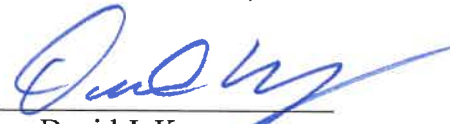
with the application shows that the impact of the telecommunications equipment on the building is minimal, and it should be noted that there are several other carriers already co-located at the Existing Facility. Therefore, a waiver from this code section is respectfully requested.

In furtherance of the foregoing, enclosed please find the following application materials:

1. Building Permit Application Form;
2. Engineering Application Form;
3. Letter of Authorization from Property Owner;
4. Contractor Insurance Certificates;
5. Proof of Notice and Certificate of Mailing;
6. Statement of Compliance;
7. FCC Compliance Report;
8. Photosimulations of the Proposed Modification;
9. Structural Report certifying the Existing Building has sufficient capacity to withstand the proposed modification; and
10. Signed and Sealed Plans.

Thank you for your consideration of this Eligible Facilities Request, we look forward to discussing this matter with the City Council at their next available meeting. Please contact my office when the permit for T-Mobile's EFR application has been approved.

Respectfully submitted,  
SNYDER & SNYDER, LLP

By:   
David J. Kenny

Enclosures

cc: Kerry Lenihan, Building Inspector via email  
Applicant

Z:\SSDATA\WPDATA\SS3\RDG\T-Mobile\Rye, City of\WE03042\2022\We03042 Cover Letter 9.13.22.rtf

Code of Federal Regulations  
Title 47. Telecommunication  
Chapter I. Federal Communications Commission (Refs & Annos)  
Subchapter A. General  
Part 1. Practice and Procedure (Refs & Annos)  
Subpart U. State and Local Government Regulation of the Placement, Construction, and  
Modification of Personal Wireless Service Facilities (Refs & Annos)

47 C.F.R. § 1.6100

§ 1.6100 Wireless Facility Modifications.

Effective: January 4, 2021

Currentness

(a) [Reserved by 83 FR 51886]

(b) Definitions. Terms used in this section have the following meanings.

(1) Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) Eligible facilities request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(4) Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.

(7) Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the 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; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves 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; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

(8) Transmission equipment. Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) Tower. Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(c) Review of applications. A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) Documentation requirement for review. When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) Tolling of the timeframe for review. The 60–day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) Failure to act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) Remedies. Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

#### **Credits**

[80 FR 28203, May 18, 2015; 83 FR 51886, Oct. 15, 2018; 85 FR 78018, Dec. 3, 2020]

SOURCE: 56 FR 57598, Nov. 13, 1991; 57 FR 187, Jan. 3, 1992; 58 FR 27473, May 10, 1993; 59 FR 22985, May 4, 1994; 61 FR 45618, Aug. 29, 1996; 61 FR 46561, Sept. 4, 1996; 61 FR 52899, Oct. 9, 1996; 62 FR 37422, July 11, 1997; 63 FR 67429, Dec. 7, 1998; 63 FR 71036, Dec. 23, 1998; 64 FR 63251, Nov. 19, 1999; 65 FR 10720, Feb. 29, 2000; 65 FR 19684, April 12, 2000; 65 FR 31281, May 17, 2000; 69 FR 77938, Dec. 29, 2004; 71 FR 26251, May 4, 2006; 74 FR 39227, Aug. 6, 2009; 75 FR 9797, March 4, 2010; 76 FR 43203, July 20, 2011; 77 FR 71137, Nov. 29, 2012; 78 FR 10100, Feb. 13, 2013; 78 FR 15622, March 12, 2013; 78 FR 41321, July 10, 2013; 78 FR 50254, Aug. 16, 2013; 79 FR 48528, Aug. 15, 2014; 80 FR 1268, Jan. 8, 2015; 81 FR 40821, June 23, 2016; 81 FR 52362, Aug. 8, 2016; 81 FR 79930, Nov. 14, 2016; 81 FR 86601, Dec. 1, 2016; 82 FR 8171, Jan. 24, 2017; 82 FR 18581, April 20, 2017; 82 FR 20839, May 4, 2017; 82 FR 24561, May 30, 2017; 82 FR 41103, Aug. 29, 2017; 82 FR 41544, Sept. 1, 2017; 82 FR 55331, Nov. 21, 2017; 82 FR 58758, Dec. 14, 2017; 83 FR 2556, Jan. 18, 2018; 83 FR 4600, Feb. 1, 2018; 83 FR 7401, Feb. 21, 2018; 83 FR 46836, Sept. 14, 2018; 83 FR 47095, Sept. 18, 2018; 83 FR 48963, Sept. 28, 2018; 83 FR 51884, Oct. 15, 2018; 83 FR 61089, Nov. 27, 2018; 83 FR 63095, Dec. 7, 2018; 84 FR 8618, March 11, 2019; 84 FR 50999, Sept. 26, 2019; 84 FR 57363, Oct. 25, 2019; 86 FR 12547, March 4, 2021; 86 FR 15797, March 25, 2021, unless otherwise noted.



**§ 1.6100 Wireless Facility Modifications., 47 C.F.R. § 1.6100**

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AUTHORITY: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

Notes of Decisions (5)

Current through March 25, 2021; 86 FR 15799.

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End of Document

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AFFIDAVIT OF MAILING

State of New York )  
 )  
County of Westchester ) ss:

Nancy Mareschi, being duly sworn, deposes and says that she is over twenty-one years of age and works at 94 White Plains Road, Tarrytown, in the State of New York; that she is a paralegal at Snyder & Snyder, LLP, the attorney for T-Mobile Northeast LLC regarding its application for its eligible facilities request to modify its existing wireless telecommunications facility located at 66 Milton Road, Rye, New York. On September 14, 2022, she served notice, a copy of which is attached hereto, upon the following named persons at the addresses set forth, as shown on the attached certificate of mailing, by mailing true copies of the same via certified mail, enclosed and properly sealed in postpaid envelopes, which she entrusted to the exclusive care and custody of the United States Postal Service within the State of New York.

  
Nancy Mareschi

Sworn to and subscribed before me  
this 15<sup>th</sup> day of September 2022

  
NOTARY PUBLIC

David James Kenny  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02KE6343903  
Qualified in Westchester County  
Commission Expires June 20, 2020

24



**Board of Architectural Review Application**  
**City of Rye, New York Building Department**  
 1051 Boston Post Road, Rye, New York 10580  
[Building@ryeny.gov](mailto:Building@ryeny.gov) (914) 967-7372 [www.ryeny.gov](http://www.ryeny.gov)

# NOTICE

An application is being made for a building permit to the City of Rye, New York Building Department for the following:

- Addition
- Alteration
- New structure

For a property located at: 66 Milton Road

(Check only one of the following paragraphs)

This application will be referred to the Board of Architectural Review for aesthetic consideration pursuant to Chapter 53 of the Rye City Code, and will be reviewed by the Board at a future public meeting. To determine when this application will be reviewed, please visit the City of Rye website at [www.ryeny.gov](http://www.ryeny.gov) and click on *Board of Architectural Review Agenda*.

This application is being submitted for a Building Permit as a "Small Project" pursuant to Section 53-1 (B) of the Rye City Code. "Small Projects" are exempt from review by the Board of Architectural Review unless referred by the Building Inspector upon finding that the project may have a substantial aesthetic impact upon immediate neighboring properties. The Board of Architectural Review has prepared guidelines for such referral of "Small Projects", including the receipt of comments from neighbors regarding aesthetic impact. **If you wish to review and comment on this application, you must contact the Building Department within fourteen (14) days of the date indicated on this form.**

This notice is being submitted to you by David Kenny, Esq of Snyder & Snyder, LLP (attorney for the applicant T-Mobile)  
 (please print)

September 14, 2022  
 Date



**Firm Mailing Book For Accountable Mail**

Name and Address of Sender  
**SNYDER & SNYDER LLP**  
**94 WHITE PLAINS ROAD**  
**TARRYTOWN NY 10591**

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  - Registered Mail
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  - Signature Confirmation Restricted Delivery

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USPS Tracking/Article Number	Address (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1. 9214 8901 9403 8389 5713 39	JERMAR PROPERTIES LLC 1000 BOSTON POST RD RYE NY 10580-2830	0.57	4.00								2.00			
2. 9214 8901 9403 8389 5713 77	1004 BPE RYE LLC 1004 BOSTON POST RD RYE NY 10580-2830	0.57	4.00								2.00			
3. 9214 8901 9403 8389 5714 52	CHRIST EPISCOPAL CHURCH 2 RECTORY ST RYE NY 10580-3818	0.57	4.00								2.00			
4. 9214 8901 9403 8389 5715 08	25 MILTON ROAD LLC 25 MILTON RD RYE NY 10580-3854	0.57	4.00								2.00			
5. 9214 8901 9403 8389 5715 82	CITY OF RYE PARKLAND 3 CENTRAL AVE RYE NY 10580	0.57	4.00								2.00			
6. 9214 8901 9403 8389 5716 43	BURKE T PATRICK AND CARRIE BURKE 40 MILTON RD RYE NY 10580-3814	0.57	4.00								2.00			
7. 9214 8901 9403 8389 5717 04	CITY OF RYE RYE ART CENTER 51 MILTON RD RYE NY 10580-3854	0.57	4.00								2.00			
8. 9214 8901 9403 8389 5717 35	BLIND BROOK LODGE OWNERS C/O: RMR RESIDENTIAL 66 MILTON RD RYE NY 10580-3850	0.57	4.00								2.00			
Total Number of Pieces Listed by Sender 13		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)										

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Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling





Name and Address of Sender  
**SNYDER & SNYDER LLP**  
**94 WHITE PLAINS ROAD**  
**TARRYTOWN NY 10591**

Check type of mail or service

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

**Affix Stamp Here**  
*(for additional copies of this receipt).*  
**Postmark with Date of Receipt.**

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
9. 9214 8901 9403 8389 5717 97	IMAM FAIZA 79 MILTON RD RYE NY 10580-3814	0.57	4.00								2.00			
10. 9214 8901 9403 8389 5718 65	ROMAN CATHOLIC CHURCH OF THE RESURRECTION 964 BOSTON POST RD RYE NY 10580-2800	0.57	4.00								2.00			
11. 9214 8901 9403 8389 5719 40	JOCO PROPERTIES INC 979 BOSTON POST RD RYE NY 10580-3075	0.57	4.00								2.00			
12. 9214 8901 9403 8389 5720 22	CITY OF RYE PARKLAND BOSTON POST ROAD CITY OF RYE 10580	0.57	4.00								2.00			
13. 9214 8901 9403 8389 5724 04	BLIND BROOK LODGE OWNERS C/O: RMR RESIDENTIAL 75 MILTON RD RYE NY 10580	0.57	4.00								2.00			
Handling Charge - if Registered and over \$50,000 in value														
Adult Signature Required														
Adult Signature Restricted Delivery														
Restricted Delivery														
Return Receipt														
Signature Confirmation														
Signature Confirmation Restricted Delivery														
Special Handling														



Total Number of Pieces Listed by Sender: **13**  
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 PS Form **3877**, January 2017 (Page 2 of 2)  
 PSN 7530-02-000-9098 JobId: 3692335



# Building Permit Application

City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580

[Building@ryeny.gov](mailto:Building@ryeny.gov)

(914) 967-7372

[www.ryeny.gov](http://www.ryeny.gov)

Permit Type (Check Applicable Box):

<b>One- and Two-Family:</b>		<b>Other:</b>	
<input type="checkbox"/>	New Construction	<input type="checkbox"/>	Interior Building*
<input type="checkbox"/>	Addition/Alteration	<input type="checkbox"/>	Modification of Approved Permit/Plans
<b>Multi-Family and Commercial:</b>		<input type="checkbox"/>	Extension of Approved Building Permit*
<input type="checkbox"/>	New Construction	<input type="checkbox"/>	Re-roofing**
<input checked="" type="checkbox"/>	Addition/Alteration	<b>Value of Improvement:</b>	
<input type="checkbox"/>	Change of Tenant Occupancy**	\$	
<input type="checkbox"/>	Temporary Tent**		

\* Complete Sections A thru H only. \*\*Complete Sections A, B, C, D, E and H only

## A. Property Information:

Street Address: 66 Milton Road

Property Area (Acres): N/A

Tax Map Designation: Sheet: 146 Block: 11 Lot(s): 73  
 Sheet: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Zoning District: RA-3

Current Use: Rooftop wireless telecommunications facility

Proposed Use: same

Flood Insurance Zone: NONE Elevation: 30

Prior Bldg. Permit No. \_\_\_\_\_  
*Required for Modifications and Extensions only*

## B. Architect/Engineer/Applicant Representative:

Name: T-Mobile Northeast LLC

Address: c/o Snyder & Snyder LLP 94 White Plains Road

City: Tarrytown State: NY Zip: 10591

Phone: 914-333-0700 Email: Dkenny@snyderlaw.net

## C. Contractor:

Name: Metro RF West. Co. Lic. #: WC-34581-H21

Address: 130 Furler Street

City: Totowa State: NJ Zip: 07512

Phone: 973-529-4069 Email: rebecca.stalter@metro rf.com

NOTE: Please attach hereto, contractors insurance, (naming the City of Rye as certificate holder and additionally insured) including liability and Form NYS C105 workers compensation (NYS 105) (or a signed New York State compensation waiver).

## For Building Department Use Only:

Application Receipt Date:



# Building Permit Application

City of Rye, New York Building Department

**D. Property Owner/Applicant:**

Name\*: Blind Brook Lodge Owners, Inc.  
Address: c/o RMR Residential Realty LLC 76 Lexington Avenue  
City: White Plains State: NY Zip: 10606  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

*\*If owner or applicant is an LLC, please provide name of principal and contact information.*

**E. Project Description:** (Please describe the proposed project).

Replace four (4) existing T-Mobile panel antennas, and install related equipment at existing rooftop facility. Application is an eligible facilities request in accordance with 47 C.F.R. Sec. 1.6100.

**F. Regulatory Compliance:**

1. Is the project located in a flood zone or floodway?  
*(If yes, [Chapter 100, Floodplain Management](#), may apply)*  Yes  No
2. Is the project a Protected Structure or within a Preservation District?  
*(If yes, [Chapter 117, Landmarks Preservation](#), may apply)*  Yes  No
3. Is a fence or wall proposed as part of the application?  
*(If yes, [Chapter 90, Fences and Walls](#), may apply)*  Yes  No
4. Is the property located within a designated coastal area boundary?  
*(If yes, [Chapter 73, Coastal Zone Management](#), may apply)*  Yes  No
5. Is the property located within 100 feet of a wetland?  
*(If yes, [Chapter 195, Wetlands and Watercourses](#), may apply)*  Yes  No
6. Is any land disturbing activity proposed greater than 300 square feet?  
*(If yes, Please complete an Engineering Review Form as required by [Chapter 174, Stormwater Management](#), of the Rye City Code)*  Yes  No
7. Is any tree removal proposed?  
*(If yes, [Chapter 187, Trees](#) may apply)*  Yes  No
8. Is any signage proposed?  
*(If yes, [Chapter 165, Signs](#) may apply)*  Yes  No
9. Would the project change the exterior appearance of the structure?  
*(If yes, [Chapter 153, Architectural Review](#) applies. Please complete the Board of Architectural Review Application attached hereto.)*  Yes  No



# Building Permit Application

## City of Rye, New York Building Department

**G. Zoning Compliance:**

*Applicants are responsible for their applications to be compliant with all requirements of [Chapter 197, Zoning](#), of the Rye City Code. To assist the City in assessing compliance, please complete the table below and include on the first page of the plan submission. This table includes many, but not all of the bulk and dimensional requirements of the City Zoning Code. Please visit [www.ryeny.gov](http://www.ryeny.gov) for entire Code.*

RA-3 Zoning District:	Allowed/Required <sup>1</sup>	Existing	Proposed <sup>2</sup>
<b><i>Principal Building(s):</i></b>			
Lot Area (in square feet)			
<b>Floor Area Ratio<sup>3</sup></b>			
First Floor Area	n/a		
Second Floor Area	n/a		
Attic Floor Area	n/a		
Other Area <sup>4</sup>	n/a		
Total Floor Area			
F.A.R. <sup>5</sup>			
<b>Yard Setbacks</b>			
Front Yard			
Shortest Side Yard			
Total of Two Side Yards			
Rear Yard			
Lot Width			
<b>Height/Stories</b>			
Number of Stories			
Building Height			
First Floor Elevation <sup>6</sup>			
<b>Parking</b>			
Number of Spaces			
Closest Side Yard Setback			
<b><i>Accessory Building(s):</i></b>			
Floor Area			
Front Yard Setback			
Closest Side Yard Setback			
Rear Yard Setback			
Max. Rear Yard Coverage	0.0%	0.0%	0.0%
Number of Stories			
Building Height		118'	no change

<sup>1</sup> Carefully review all sections of [Article V of the City Zoning Code](#) **AND** footnotes included in Tables [A](#), [B](#) and [C](#).  
<sup>2</sup> Provide copies, if any, of all variances issued for the property regardless of whether they are related to the project.  
<sup>3</sup> Floor area diagram of every floor (and accessory building(s)) is required for all new construction and additions.  
<sup>4</sup> Shall include other floors (if applicable) and all existing and proposed accessory building(s) on the property.  
<sup>5</sup> F.A.R. shall be rounded to not more than three (3) decimal places (e.g. 0.256)  
<sup>6</sup> For single-family residential buildings see Section [197-46.1](#).





# Building Permit Application

City of Rye, New York Building Department

## H. Affidavit

State of New York ~~York~~ *Jersey*  
County of ~~Westchester~~ *Morris*

I, Mike Bath (please print), being duly sworn, depose and say that I am the owner (lessee, engineer, surveyor, architect, builder, or agent of the owner) in fee of the premises to which this application applies; that ~~I~~ (the applicant) is duly authorized to make this application and that the statements contained in the papers submitted herein are true to the best of his knowledge and belief, and that the work will be performed in the manner of set forth in the application and in the plans and specification filed therewith, and in accordance with State Uniform Building Code and all other applicable laws, ordinances and regulations of the municipality.

*T-Mobile  
Northeast,  
LLC*

The signature of the applicant also grants consent to having relevant City Staff or City Board or Commission members responsible for of the review or approval of this application(s) to enter the property of the subject application.

  
Signature of Applicant

SWORN to before me this 25<sup>th</sup> day of August, 20 22.

  
Notary Public

PETER ROMANO  
Commission # 2443617  
Notary Public, State of New Jersey  
My Commission Expires  
March 11, 2024

**Note:** For additional information and a complete description of the Department's building permit process and submission requirements please visit the Building Department page of the City's website at [www.ryeny.gov/government/building-department](http://www.ryeny.gov/government/building-department).



# Board of Architectural Review Application

City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580

[Building@ryeny.gov](mailto:Building@ryeny.gov)

(914) 967-7372

[www.ryeny.gov](http://www.ryeny.gov)

A. Address: 66 Milton Road

**B. Architect/Engineer/Applicant Representative:**

Name: T-Mobile Northeast LLC  
 Address: c/o Snyder & Snyder LLP 94 White Plains Road  
 City: Tarrytown State: NY Zip: 10591  
 Phone: 914-333-0700  
 Email: Dkenny@snyderlaw.net

**C. Property Owner:**

Name\*: Blind Brook Lodge Owners, Inc.  
 Address: c/o RMR Residential Realty LLC 76 Lexington Avenue  
 City: White Plains State: NY Zip: 10606  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

*\* If owner is an LLC, please provide name of principal and contact information.*

**D. Project Description (please specify the following):**

	Material	Color
Exterior Walls:	_____	_____
Roof:	_____	_____
Trim:	_____	_____
Shutters:	_____	_____
Chimney:	_____	_____

The following have been provided:

	Yes	No
Photographs:	<input type="checkbox"/>	<input type="checkbox"/>
Elevation:	<input type="checkbox"/>	<input type="checkbox"/>
Plot Plan:	<input type="checkbox"/>	<input type="checkbox"/>



# Engineering Review Application

## City of Rye, New York Building Department

1051 Boston Post Road, Rye, New York 10580

Phone 914.967.7372

Email: [Building@ryeny.gov](mailto:Building@ryeny.gov)

[www.ryeny.gov](http://www.ryeny.gov)

### Section I. Applicant Information

Property Address: 66 Milton Road

Description of work: Replace 4 antennas and install related equipment at existing wireless facility

Applicant: T-Mobile Northeast LLC Owner: Blind Brook Lodge Owners, Inc.

Address: c/o Snyder & Snyder LLP 94 White Plains Road Address: c/o RMR Residential Realty LLC 76 Lexington Ave

City/State/Zip: Tarrytown, NY 10591 City/State/Zip: White Plains, NY 10606

Phone: 914- 333-0700 Phone: \_\_\_\_\_

Email: Dkenny@snyderlaw.net Email: \_\_\_\_\_

### Section II. Application Requirements and Conditions

- A. Drawings must be submitted for all applications (2 COPIES)
- B. Drawing scale must be at least 1" = 30'
- C. Street name and house number must be clearly identified.
- D. If applicable, location, size, and type of trees on property shall be shown on drawing.
- E. Location of any trees in the Right-of-Way, AND any trees to be removed must be shown.
- F. All work must be in accordance with Chapter 174, Stormwater Management, of the Rye City Code.
- G. All driveway work must comply with the City of Rye Code section 197-30.
- H. Existing and Proposed Contours shall be provided for any proposed change in grade.

### Section III. Construction Requirements and Conditions

- A. Erosion control measures must be properly installed, maintained and inspected around the work site.
- B. Construction entrances must be properly maintained so that dirt and debris is not deposited on street.
- C. Exposed areas must be stabilized as soon as land alterations are completed.
- D. Any underground piping or structures must be inspected prior to backfilling.
- E. 24 hour notice is required for any inspection.

### Section IV. Storm Drain Connection

Will a connection to the Storm Drain be made?  
 If YES, Right of Way Permit must be filed with Public Works. If NO Proceed to Section V.

### Section V. Signature

I hereby certify that I am duly authorized to file this application, that all statements contained in this application are true to the best of my knowledge and belief and that the work will be performed in the manner set forth in the application, plans and specifications filed herewith in compliance with the applicable laws, ordinances, codes, rules, regulations and directives of the City of Rye. The plans and specifications have been prepared so as to include all necessary data to show compliance with the State, County and City of Rye regulations. The undersigned understands that the filing of this application amounts to the written consent to all necessary inspection by the Building or Engineering Departments in connection with this application.

Applicant



Date 08/25/2022

Applicant (print)

**Mike Bath**  
 Director, New Jersey

Title \_\_\_\_\_

Fee \$ 500.00

Permit number

Location

Date

For Office use only

PROPERTY OWNER LETTER OF AUTHORIZATION

BRIAN BRUX LODGE, the owner of the existing building ("Existing Building") located 66 Milton Road, Rye, New York does hereby appoint T-Mobile Northeast LLC and its representatives, for the purposes of filing any application necessary to ensure its ability to modify its existing wireless telecommunication service facility at the aforementioned property. The owner is fully aware of the actions concerning the applications that are being made by T-Mobile Northeast LLC and its representatives.

Owner:

By: 

Name: MATTIAS MONT

Title: MATTIAS MONT

Sworn to before me this 14<sup>th</sup>  
day of July, 2022

  
Notary Public

**SUSAN J. MOESKER**  
Notary Public - State of New York  
No. 01M06341838  
Qualified in Kings County  
My Commission Expires May 10, 2024

**SCOPE OF WORK**

- UPGRADE EXISTING TELECOMMUNICATIONS FACILITY
- REPLACE FOUR (4) EXISTING PANEL ANTENNAS AND INSTALL ONE (1) NEW CABINET, FOUR (4) RRU's, AND (4) HCS FIBER CABLES ON THE EXISTING BUILDING ROOFTOP.

**CONTACT INFORMATION**

PROJECT MANAGER: JOHN MARINO  
 RF ENGINEER: Z. SIDDIQUE

DIRECTIONS TO SITE:

- HEAD NORTHWEST ON SYLVAN WAY
- TURN RIGHT ONTO US-202 N
- USE THE RIGHT LANE TO TAKE THE RAMP ONTO I-80 E
- MERGE ONTO I-80 E
- TAKE EXIT 43 FOR I-287 N/MAHWAH N
- MERGE ONTO I-287 N
- KEEP LEFT TO STAY ON I-287 N
- USE THE RIGHT 2 LANES TO MERGE ONTO I-287 E/I-87 S TOWARD TAPPAN ZEE BR/NEW YORK CITY
- PARTIAL TOLL ROAD
- KEEP LEFT AT THE FORK TO CONTINUE ON I-287 E, FOLLOW SIGNS FOR WHITE PLAINS/RYE
- TAKE EXIT 11 FOR US-1 TOWARD PORT CHESTER/RYE
- TURN RIGHT ONTO US-1 S/BOSTON POST RD
- SLIGHT LEFT ONTO CROSS ST
- AT THE TRAFFIC CIRCLE, TAKE THE 1ST EXIT ONTO MILTON RD
- DESTINATION WILL BE ON THE RIGHT

DRAWING SCHEDULE	
DWG#	DRAWING TITLE
C-01	COVER SHEET
A-01	PARTIAL ROOF PLAN AND NOTES
A-02	ENLARGED AREA AND ANTENNA PLAN
A-03	ELEVATION
A-04	DETAILS

**SITE INFORMATION**

SITE NUMBER: WE03042D  
 SITE ADDRESS: 66 MILTON ROAD  
 RYE, NY 10580

OWNER: BLIND BROOK LODGE OWNERS  
 76 S. LEXINGTON AVE.  
 WHITE PLAINS, NY 10606

APPLICANT: T-MOBILE NORTHEAST, LLC  
 A DELAWARE LIMITED LIABILITY COMPANY  
 4 SYLVAN WAY  
 PARSIPPANY, NEW JERSEY 07054  
 (973) 397-4800

PARCEL ID: 146-11-1-73  
 BLOCK & LOT: BLOCK 1 LOT 73  
 ZONE: RA-3  
 \* LATITUDE: 40.97772°± (NAD 83)  
 \* LONGITUDE: -73.68488°± (NAD 83)  
 \* INTERPOLATED FROM USGS QUADRANGLE

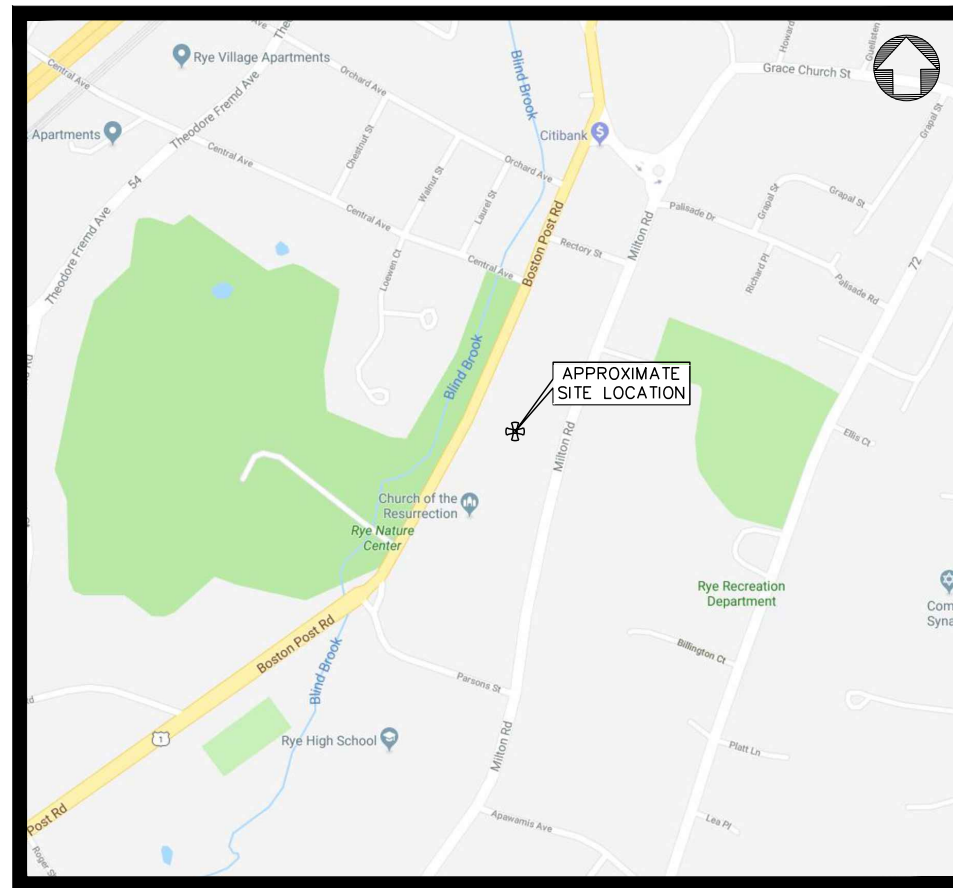
**SITE CONFIGURATION**      **4Sec-67D5D998E**

# T-MOBILE

## NORTHEAST LLC

a Delaware Limited Liability Company

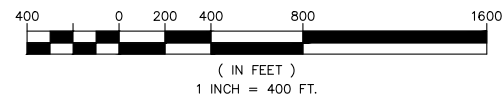
BOSTON POST RD. & OLD POS\_2 - WE03042D  
 66 MILTON ROAD  
 RYE, NY 10580  
 WESTCHESTER COUNTY  
 BLOCK: 1, LOT: 73



**LOCATION MAP**

SCALE: 1" = 400'

GRAPHIC SCALE



**STRUCTURAL NOTE:**  
 ANTENNA MOUNTING TO BE IN ACCORDANCE WITH THE ANCHOR PROJECT STRUCTURAL ANALYSIS.

CONTRACTOR TO VERIFY CONDITIONS OF THE EXISTING WIRELESS INSTALLATION PRIOR TO MODIFICATIONS. IF THE CONDITIONS ARE NOT AS PER THE ORIGINAL INSTALLATION OR THE SUPPORTING STRUCTURE HAS DETERIORATED, THE ENGINEER MUST BE NOTIFIED IMMEDIATELY.



**NOTES:**  
 1. THIS DOCUMENT HAS BEEN PREPARED FOR A 24"x 36" FORMAT DO NOT SCALE THIS DOCUMENT IF PLOTTED ON ANY OTHER FORMAT.  
 2. IF THIS DOCUMENT DOES NOT CONTAIN THE RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN HEREON.

SEAL:   
 PETER J. TARDY, P.E.  
 NEW YORK PROFESSIONAL ENGINEER LIC. NO. 079612

REVISIONS		
REV.	DATE	REVISION DESCRIPTION
0	02/14/22	ISSUED FOR REVIEW
1	04/25/22	REVISED PER LATEST RFDS
2	05/09/22	REVISED PER COMMENTS
3	05/19/22	ISSUED FOR CONSTRUCTION

# T-MOBILE

## NORTHEAST LLC

a Delaware Limited Liability Company

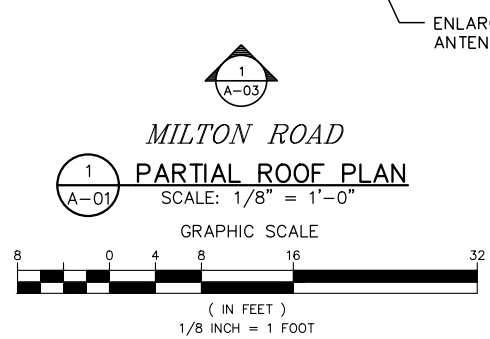
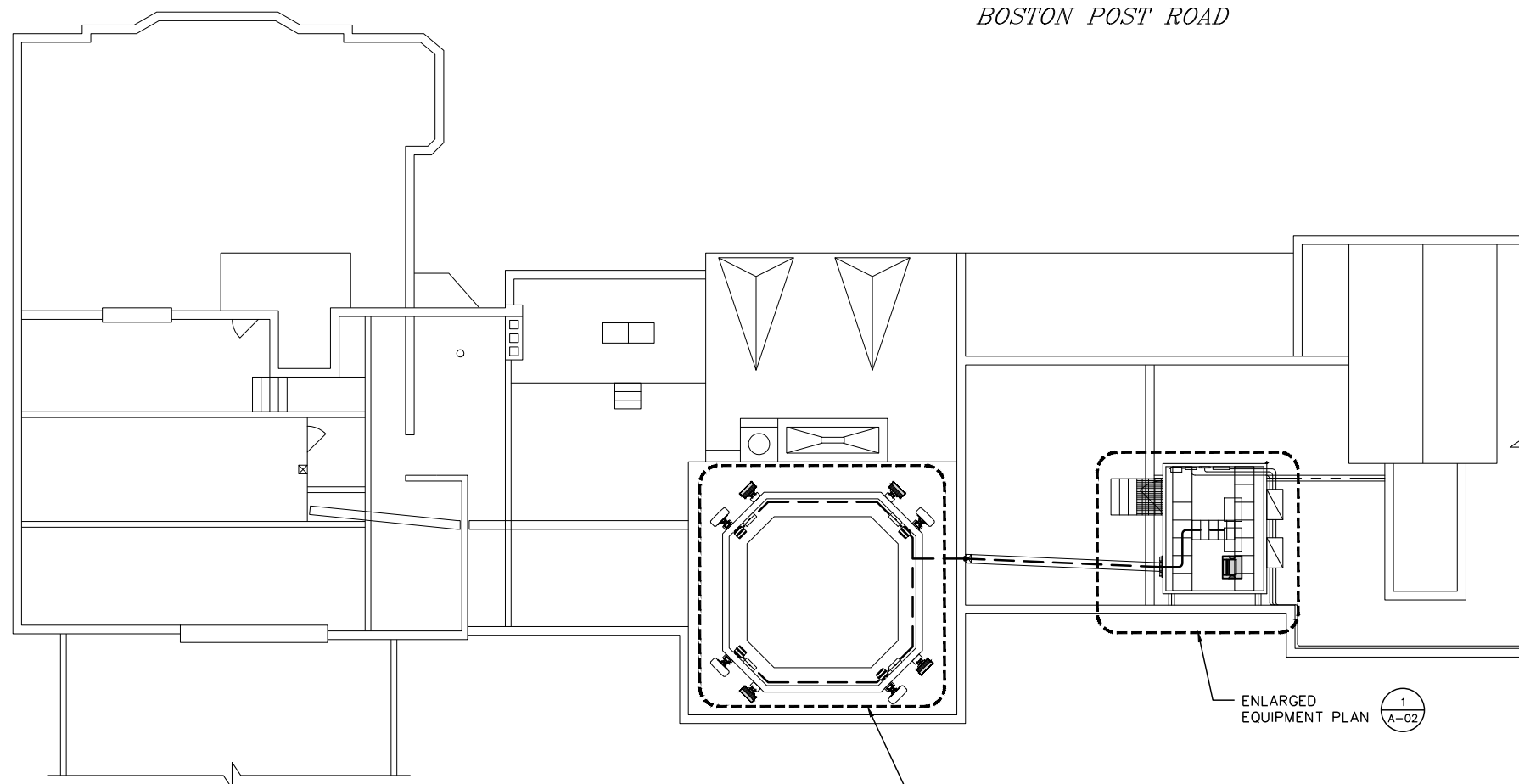
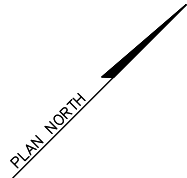
4 SYLVAN WAY, PARSIPPANY, NJ 07054

APPROVALS		
	SIGNATURE	DATE
T-MOBILE		
OWNER/LANDLORD		
LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS\_2  
 WE03042D  
 66 MILTON ROAD  
 RYE, NY 10580  
 WESTCHESTER COUNTY  
 BLOCK 1, LOT 73

## COVER SHEET

DATE: 02/14/22	SCALE: AS NOTED
DRAWN BY: C.J.R.	SHEET #: <b>C-01</b>
CHECKED BY: P.J.T.	
PROJECT #: 2442.204.207	



**1**  
A-01  
**PARTIAL ROOF PLAN**  
SCALE: 1/8" = 1'-0"

BOSTON POST ROAD

MILTON ROAD



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PETER J. TARDY, P.E.  
NEW YORK PROFESSIONAL ENGINEER LIC. NO. 079612

REVISIONS		
REV.	DATE	REVISION DESCRIPTION
0	02/14/22	ISSUED FOR REVIEW
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2	05/09/22	REVISED PER COMMENTS
3	05/19/22	ISSUED FOR CONSTRUCTION

**T-MOBILE**  
**NORTHEAST LLC**  
a Delaware Limited Liability Company

4 SYLVAN WAY, PARSIPPANY, NJ 07054

APPROVALS		
	SIGNATURE	DATE
T-MOBILE		
OWNER/LANDLORD		
LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

**BOSTON POST RD. AND OLD POS\_2**  
**WE03042D**  
**66 MILTON ROAD**  
**RYE, NY 10580**  
**WESTCHESTER COUNTY**  
**BLOCK 1, LOT 73**

**PARTIAL ROOF PLAN**  
**AND NOTES**

DATE: 02/14/22	SCALE: AS NOTED
DRAWN BY: C.J.R.	SHEET #: <b>A-01</b>
CHECKED BY: P.J.T.	
PROJECT # 2442.204.207	

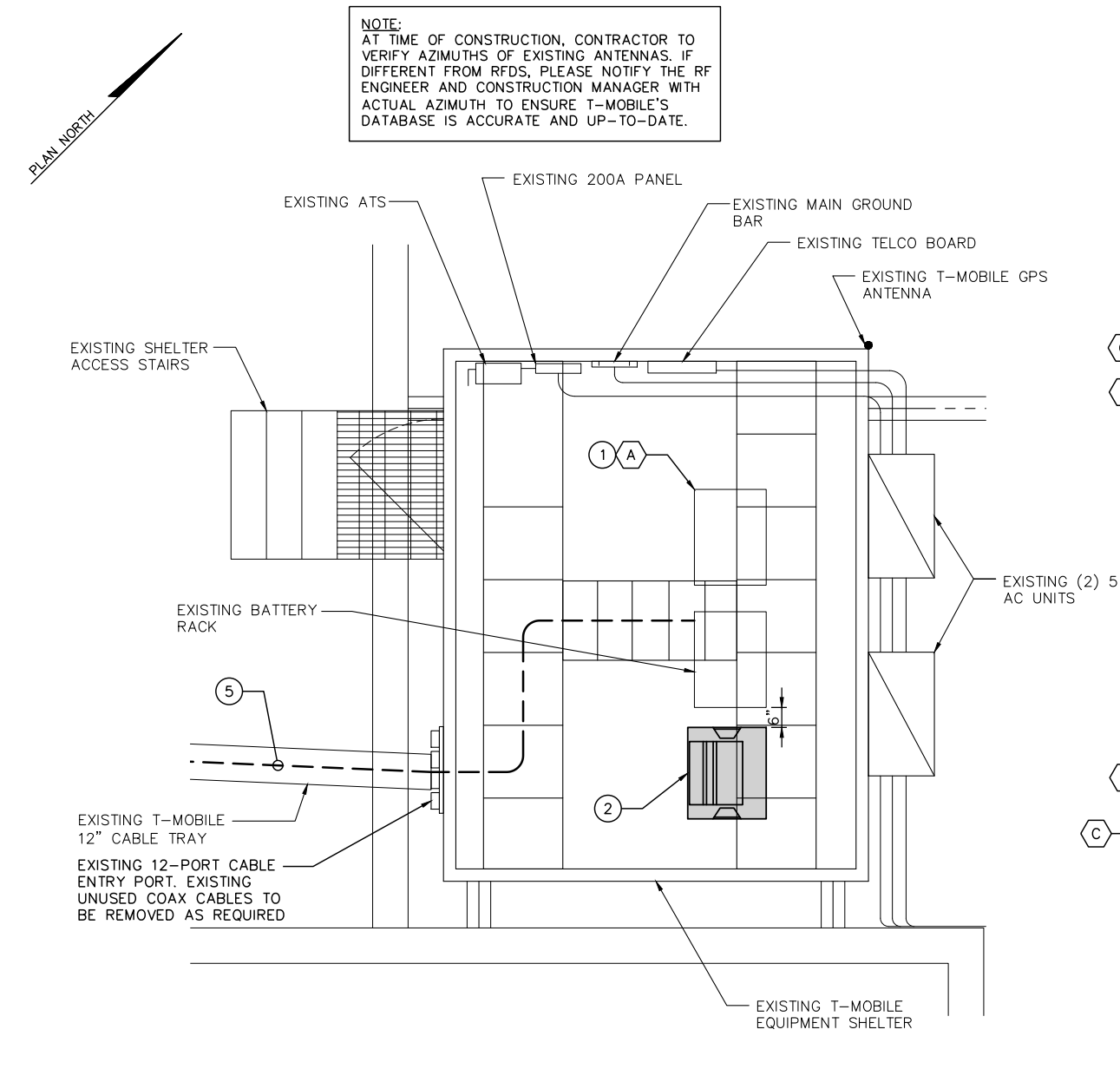
**GENERAL NOTES:**

- SUBJECT PROPERTY IS KNOWN AS BLOCK 11, LOTS 1-73 AS SHOWN ON THE MUNICIPALITY TAX MAP AND IS SITUATED AT 66 MILTON ROAD, RYE, NY 10580
- APPLICANT: T-MOBILE  
A DELAWARE LIMITED LIABILITY COMPANY  
4 SYLVAN WAY  
PARSIPPANY, NEW JERSEY 07054  
(973) 397-4800  
  
PROPERTY OWNER: BLIND BROOK LODGE OWNERS  
45 KNOLLWOOD D, SUITE 30  
ELMSFORD, NY 10606
- THE APPLICANT PROPOSES TO REPLACE FOUR (4) EXISTING PANEL ANTENNAS AND INSTALL ONE (1) NEW CABINET, FOUR (4) RRU'S, AND (4) HCS FIBER CABLES ON THE EXISTING BUILDING ROOFTOP.
- THIS FACILITY SHALL BE VISITED ON THE AVERAGE OF ONCE A MONTH FOR MAINTENANCE AND SHALL BE MONITORED FROM A REMOTE FACILITY.
- THE PROPOSED SITE IS LOCATED AT LATITUDE OF 40.97772± AND LONGITUDE OF -73.68488±. THE HORIZONTAL DATUM ARE IN TERMS OF NORTH AMERICAN DATUM OF 1983 (NAD 83).
- THIS SET OF PLANS HAS BEEN PREPARED FOR THE PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL. THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED AND EACH OF THE DRAWINGS HAVE BEEN REVISED TO INDICATED "ISSUED FOR CONSTRUCTION."
- ALL MATERIALS, WORKMANSHIP AND CONSTRUCTION FOR THE SITE IMPROVEMENTS SHOWN HEREON SHALL BE IN ACCORDANCE WITH:
  - CURRENT PREVAILING MUNICIPAL AND/OR COUNTY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.
  - CURRENT PREVAILING UTILITY COMPANY AUTHORITY SPECIFICATIONS, STANDARDS AND REQUIREMENTS
- THE CONTRACTOR SHALL NOTIFY FRENCH & PARRELLO ASSOCIATES, P.A. IMMEDIATELY IF ANY FIELD-CONDITIONS ENCOUNTERED DIFFER FROM THOSE REPRESENTED HEREON, AND/OR IF SUCH CONDITIONS WOULD OR COULD RENDER THE DESIGNS SHOWN HEREON INAPPROPRIATE AND/OR INEFFECTIVE.
- THE CONTRACTOR IS RESPONSIBLE TO PROTECT, REPAIR AND/OR REPLACE ANY DAMAGED STRUCTURES, UTILITIES OR LANDSCAPED AREA WHICH MAY BE DISTURBED DURING THE CONSTRUCTION OF THIS FACILITY.
- THE CONSTRUCTION CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ALL CONSTRUCTION MEANS AND METHODS. THE CONSTRUCTION CONTRACTOR IS ALSO RESPONSIBLE FOR ALL JOB SITE SAFETY.
- SITE INFORMATION SHOWN TAKEN FROM A SITE VISIT PERFORMED BY FRENCH & PARRELLO ASSOCIATES P.A. ON 04/16/2019.
- NO GUARANTEE IS MADE NOR SHOULD BE ASSUMED AS TO THE COMPLETENESS OR ACCURACY OF THE HORIZONTAL OR VERTICAL LOCATIONS. ALL PARTIES UTILIZING THIS INFORMATION SHALL FIELD VERIFY THE ACCURACY AND COMPLETENESS OF THE INFORMATION SHOWN PRIOR TO CONSTRUCTION ACTIVITIES
- ALL IMPROVEMENTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE TOWNSHIP ENGINEER WHO WILL BE GIVEN PROPER NOTIFICATION PRIOR TO THE START OF ANY CONSTRUCTION.

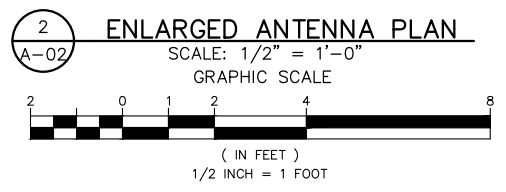
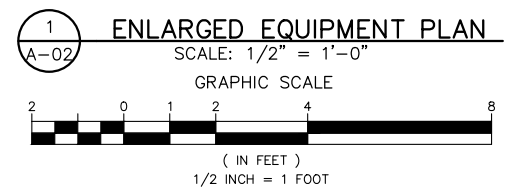
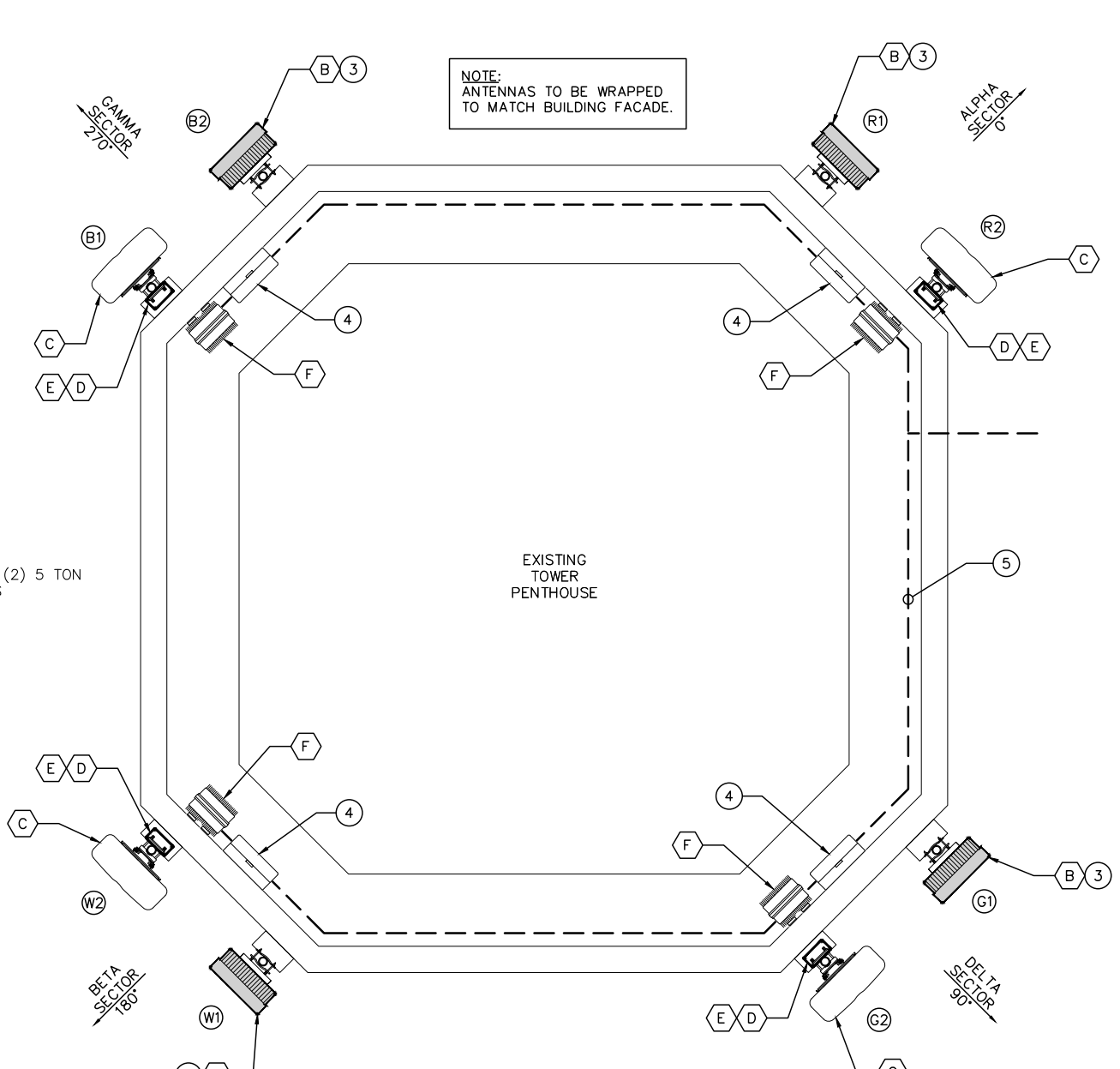
DEMOLITION NOTES		INSTALLATION NOTES	
A	EXISTING 6201 CABINET TO REMAIN (SEE INSTALLATION NOTE 1)	1	UPDATE EXISTING CABINET WITH NEW COMPONENTS IN ACCORDANCE WITH APPROVED SCOPE OF WORK
B	EXISTING AIR32 B66A/B2A ANTENNA TO BE REMOVED (TYP. OF 1 PER SECTOR, TOTAL OF 4)	2	INSTALL POWER 6230 CABINET IN EXISTING EQUIPMENT SHELTER
C	EXISTING FFHH-65A-R3 ANTENNA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)	3	INSTALL AIR6419 B41 ANTENNA ON EXISTING PIPE MAST (TYP. OF 1 PER SECTOR, TOTAL OF 4)
D	EXISTING 1A-PCS TMA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)	4	INSTALL RADIO 4460 B25+B66 ON UNISTRUT (TYP. OF 1 PER SECTOR, TOTAL OF 4)
E	EXISTING 1B-AWS TMA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)	5	INSTALL (4) 6x24 HCS HYBRID CABLES FOLLOWING EXISTING ROUTING FROM EQUIPMENT TO ANTENNAS
F	EXISTING RADIO 4449 B71+B85 TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)		

ANTENNA AND CABLE SCHEDULE											
SECTOR	POSITION	EXISTING ANTENNAS	PROPOSED ANTENNA CONFIGURATION		E-TILT	M-TILT	ANTENNA $\epsilon$	TMA/RRU	CABLES	JUMPER TYPE	CABLE LENGTH
0° - ALPHA	R1	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0	97°-0°	0/0	(4) EXISTING 7/8" COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	1/2" COAX DC/FIBER & 1/2" COAX	60'-0"
	R2	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0		2/2			
180° - BETA	W1	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0	97°-0°	0/0	(4) EXISTING 7/8" COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	1/2" COAX DC/FIBER & 1/2" COAX	60'-0"
	W2	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0		2/2			
270° - GAMMA	B1	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0	97°-0°	2/2	(4) EXISTING 7/8" COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	DC/FIBER & 1/2" COAX	60'-0"
	B2	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0		0/0		1/2" COAX	
90° - DELTA	G1	AIR32 B66A/B2A	L25/N25	AIR6419 B41	4/4	0	97°-0°	0/0	(4) EXISTING 7/8" COAX (1) EXISTING 6x12 HCS (1) PROPOSED 6x24 HCS	1/2" COAX DC/FIBER & 1/2" COAX	60'-0"
	G2	FFHH-65A-R3	LTE/GSM/ UMTS/N600	FFHH-65A-R3	4/4/2/4	0		2/2			

NOTES:  
 1. ANTENNA INFORMATION BASED ON RFDS DATED 01/04/22 AND FIELD OBSERVATIONS. CHECK WITH RF ENGINEER FOR LATEST RFDS.  
 2. ANTENNA POSITION IS LOOKING FROM REAR AND LEFT TO RIGHT.



NOTE:  
 AT TIME OF CONSTRUCTION, CONTRACTOR TO VERIFY AZIMUTHS OF EXISTING ANTENNAS. IF DIFFERENT FROM RFDS, PLEASE NOTIFY THE RF ENGINEER AND CONSTRUCTION MANAGER WITH ACTUAL AZIMUTH TO ENSURE T-MOBILE'S DATABASE IS ACCURATE AND UP-TO-DATE.



NOTES:  
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PETER J. TARDY, P.E.  
 NEW YORK PROFESSIONAL ENGINEER LIC. NO. 079612

REVISIONS		
REV.	DATE	REVISION DESCRIPTION
0	02/14/22	ISSUED FOR REVIEW
1	04/25/22	REVISED PER LATEST RFDS
2	05/09/22	REVISED PER COMMENTS
3	05/19/22	ISSUED FOR CONSTRUCTION

**T-MOBILE**  
**NORTHEAST LLC**  
 a Delaware Limited Liability Company  
 4 SYLVAN WAY, PARSIPPANY, NJ 07054

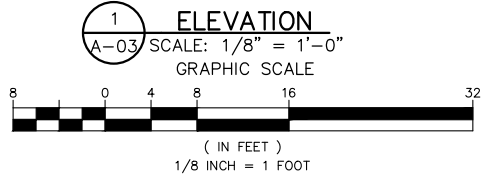
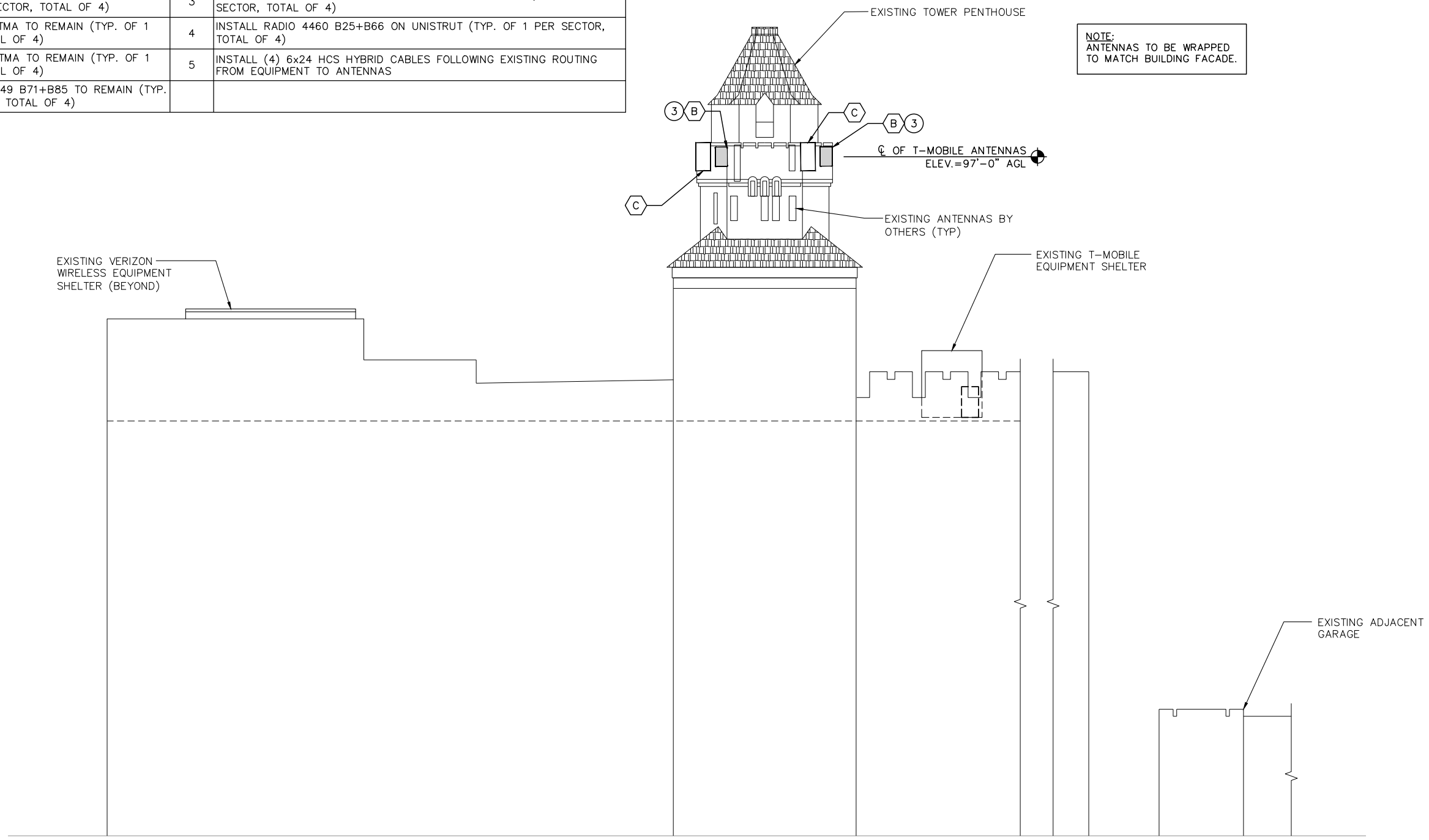
APPROVALS		
	SIGNATURE	DATE
T-MOBILE OWNER/LANDLORD		
LEASING/SAC		
RF ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS\_2  
 WE03042D  
 66 MILTON ROAD  
 RYE, NY 10580  
 WESTCHESTER COUNTY  
 BLOCK 1, LOT 73

**ENLARGED AREA AND ANTENNA PLAN**

DATE: 02/14/22	SCALE: AS NOTED
DRAWN BY: C.J.R.	SHEET #: <b>A-02</b>
CHECKED BY: P.J.T.	
PROJECT #: 2442.204.207	

DEMOLITION NOTES		LEGEND		INSTALLATION NOTES	
A	EXISTING 6201 CABINET TO REMAIN (SEE INSTALLATION NOTE 1)	1	UPDATE EXISTING CABINET WITH NEW COMPONENTS IN ACCORDANCE WITH APPROVED SCOPE OF WORK	2	INSTALL POWER 6230 CABINET IN EXISTING EQUIPMENT SHELTER
B	EXISTING AIR32 B66A/B2A ANTENNA TO BE REMOVED (TYP. OF 1 PER SECTOR, TOTAL OF 4)	3	INSTALL AIR6419 B41 ANTENNA ON EXISTING PIPE MAST (TYP. OF 1 PER SECTOR, TOTAL OF 4)	4	INSTALL RADIO 4460 B25+B66 ON UNISTRUT (TYP. OF 1 PER SECTOR, TOTAL OF 4)
C	EXISTING FFHH-65A-R3 ANTENNA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)	5	INSTALL (4) 6x24 HCS HYBRID CABLES FOLLOWING EXISTING ROUTING FROM EQUIPMENT TO ANTENNAS		
D	EXISTING 1A-PCS TMA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)				
E	EXISTING 1B-AWS TMA TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)				
F	EXISTING RADIO 4449 B71+B85 TO REMAIN (TYP. OF 1 PER SECTOR, TOTAL OF 4)				



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 4 SYLVAN WAY, PARSIPPANY, NJ 07054

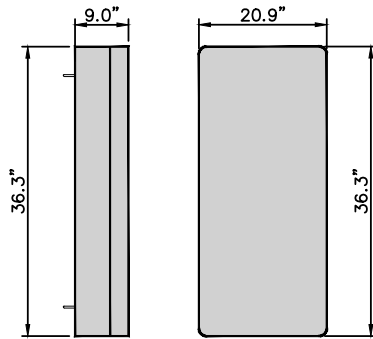
APPROVALS		
	SIGNATURE	DATE
T-MOBILE OWNER/LANDLORD		
LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

BOSTON POST RD. AND OLD POS\_2  
 WE03042D  
 66 MILTON ROAD  
 RYE, NY 10580  
 WESTCHESTER COUNTY  
 BLOCK 1, LOT 73

**ELEVATION**

DATE: 02/14/22	SCALE: AS NOTED
DRAWN BY: C.J.R.	SHEET #: <b>A-03</b>
CHECKED BY: P.J.T.	
PROJECT #: 2442.204.207	

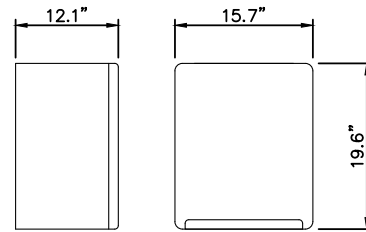




**MECHANICAL SPECIFICATIONS:**  
 OVERALL  
 HEIGHT: 36.3 IN.  
 WIDTH: 20.9 IN.  
 DEPTH: 9.0 IN.  
 WEIGHT: 83.3 LBS.

**AIR6419 B41 ANTENNA**

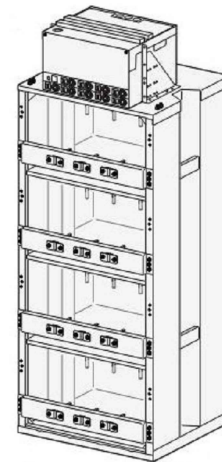
1  
 A-04  
 DETAIL  
 SCALE: N.T.S.



**MECHANICAL SPECIFICATIONS:**  
 OVERALL  
 HEIGHT: 19.6 IN.  
 WIDTH: 15.7 IN.  
 DEPTH: 12.1 IN.  
 WEIGHT: 109 LBS.

**ERICSSON RADIO 4460**

2  
 A-04  
 DETAIL  
 SCALE: N.T.S.

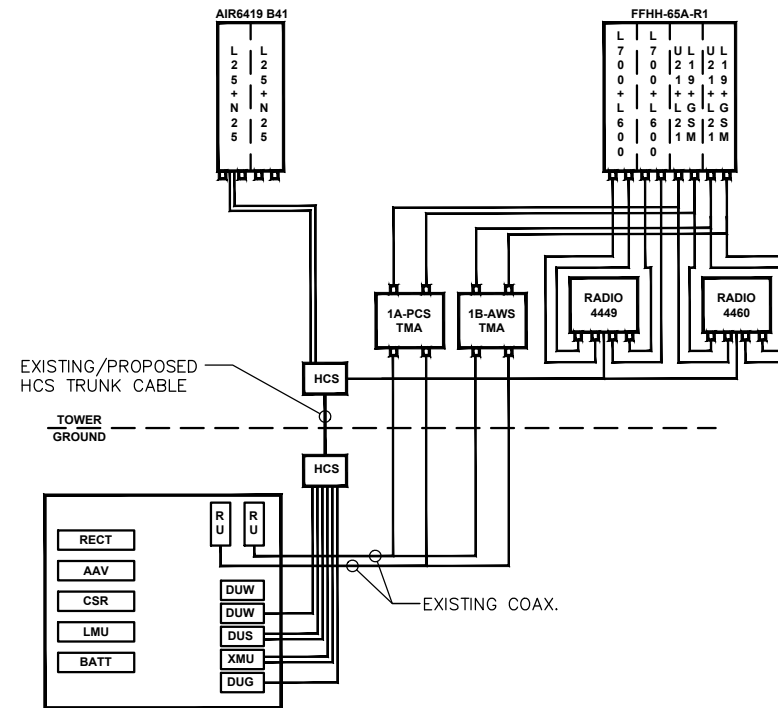


**Technical Specifications**

Dimensions	Height	63 in.
	Width	27.5 in.
	Depth	23.6 in.
Weight	344 lbs (POWER UNIT W/ EMPTY RACK)	

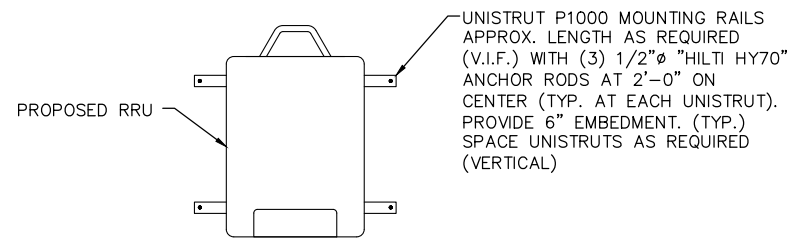
**6230 POWER UNIT ON RACK**

3  
 A-04  
 DETAIL  
 SCALE: N.T.S.



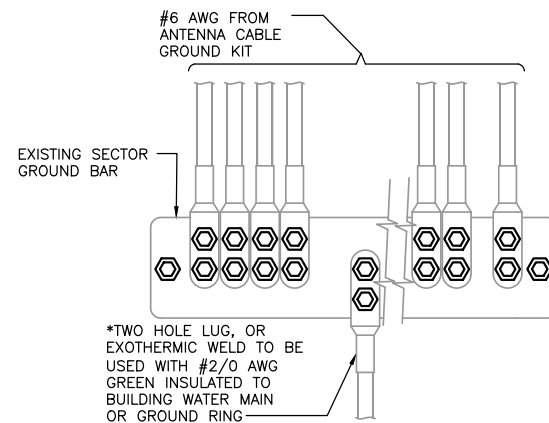
**SITE CONFIGURATION 4SEC-67D5D998E  
 BASED W/6201 & 6230 - HARDWARE**

4  
 A-04  
 DETAIL PER SECTOR  
 SCALE: N.T.S.



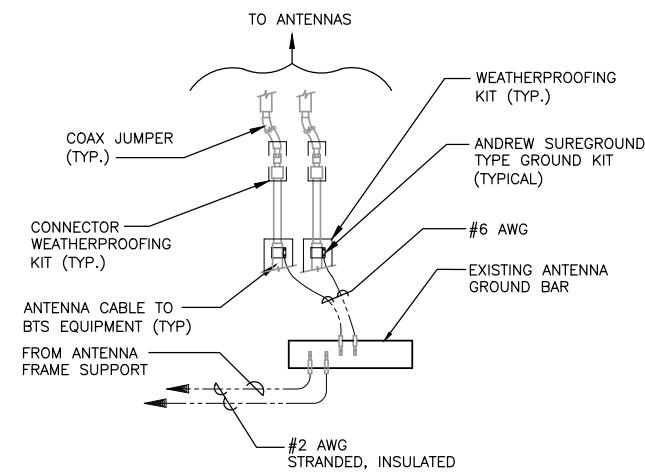
**TYPICAL UNISTRUT MOUNT**

5  
 A-04  
 DETAIL  
 NTS



**INSTALLATION OF GROUND WIRE TO GROUND BAR**

6  
 A-04  
 DETAIL  
 NOT TO SCALE



**CONNECTION OF GROUND WIRE  
 TO GROUNDING BAR, ROOFTOP**

7  
 A-04  
 DETAIL  
 NOT TO SCALE

**NOTES:**  
 DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO ANTENNA GROUND BAR.  
 WEATHER PROOFING SHALL BE ANDREW TWO-PART TAPE KIT, COLD SHRINK SHALL NOT BE USED.

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**NORTHEAST LLC**  
 a Delaware Limited Liability Company

4 SYLVAN WAY, PARSIPPANY, NJ 07054

APPROVALS		
	SIGNATURE	DATE
T-MOBILE		
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LEASING/SAC		
RF		
ZONING		
CONSTRUCTION		

**BOSTON POST RD. AND OLD POS\_2**  
**WE03042D**  
**66 MILTON ROAD**  
**RYE, NY 10580**  
**WESTCHESTER COUNTY**  
**BLOCK 1, LOT 73**

**DETAILS**

DATE:	02/14/22	SCALE:	AS NOTED
DRAWN BY:	C.J.R.	SHEET #:	<b>A-04</b>
CHECKED BY:	P.J.T.		
PROJECT #:	2442.204.207		

# ***Visual Analysis For***

**T-Mobile**

***WE03042D***  
***Rye, NY***

Subject Property:  
66 Milton Road  
Rye, NY  
Date: July 13, 2022



Prepared By:  
TK Design Associates  
PO Box 465  
Mendham, NJ 07945

# **Photographs Taken Date: June 29, 2022**

---

## Photo Location 1:

Taken From Milton Road – Rye Arts Center Parking Lot;  
Looking Southwest

- 1a Existing Conditions Photo
- 1b Photo Simulation of Proposed Installation

## • Photo Location 2:

• Taken From #10 Central Avenue; Looking Southeast

- 2a Existing Conditions Photo
- 2b Photo Simulation of Proposed Installation

## • Photo Location 3:

Taken From Boston Post Road, Utility Pole #W191;  
Looking Northeast

- 3a Existing Conditions Photo
- 3b Photo Simulation of Proposed Installation



••• **T** ••• **Mobile** •  
NORTHEAST, LLC  
WE03042 D  
Boston Post Road & Old POS\_2  
66 Milton Road  
Rye, NY 10580

**EXISTING  
CONDITIONS**  
View from Milton Road  
Rye Arts Center parking lot

 **TK Design Associates**



**T-MOBILE ANTENNAS  
FOUR SECTORS (TYP)**

**T-Mobile**  
NORTHEAST, LLC  
WE03042 D  
Boston Post Road & Old POS\_2  
66 Milton Road  
Rye, NY 10580

**PHOTO SIMULATION  
OF PROPOSED INSTALLATION**  
View from Milton Road  
Rye Arts Center parking lot

 **TK Design Associates**



••• **T** ••• **Mobile** •  
NORTHEAST, LLC  
WE03042 D  
Boston Post Road & Old POS\_2  
66 Milton Road  
Rye, NY 10580

**EXISTING  
CONDITIONS**  
View from #10 Central Avenue

 **TK Design Associates**



**T-MOBILE ANTENNAS  
FOUR SECTORS (TYP)**

**T-Mobile**  
NORTHEAST, LLC  
WE03042 D  
Boston Post Road & Old POS\_2  
66 Milton Road  
Rye, NY 10580

**PHOTO SIMULATION  
OF PROPOSED INSTALLATION**  
View from #10 Central Avenue

 **TK Design Associates**



**Mobile**  
NORTHEAST, LLC  
WE03042 D  
Boston Post Road & Old POS\_2  
66 Milton Road  
Rye, NY 10580

**EXISTING  
CONDITIONS**  
View from Boston Post Road  
Pole # W191

 TK Design Associates





**T-MOBILE ANTENNAS  
FOUR SECTORS (TYP)**

**T-Mobile**  
NORTHEAST, LLC  
WE03042 D  
Boston Post Road & Old POS\_2  
66 Milton Road  
Rye, NY 10580

**PHOTO SIMULATION  
OF PROPOSED INSTALLATION**  
View from Boston Post Road  
Pole # W191

 **TK Design Associates**

CITY OF RYE  
COUNTY OF WESTCHESTER

-----X

In the matter of the Application of

Statement of Compliance

**T-Mobile Northeast LLC ("T-Mobile")**

Premises: 66 Milton Road  
Rye, New York

-----X

State of New ~~York~~ Jersey )  
Morris )ss.:  
County of ~~Westchester~~ )

Mike Bath, on behalf of T-Mobile, being duly sworn, does depose and say:

*Director, Engineering & Operations, NJ Market*

1. I am the \_\_\_\_\_ of T-Mobile, the Applicant for an eligible facilities request to modify an existing wireless communications facility at 66 Milton Road in the City of Rye ("Property").

2. I hereby state, in accordance with Section 196-6(D) of the City Code that the wireless telecommunications facility ("Facility") located at the Property has been, and shall continue to be, maintained in a safe manner, and in compliance with all conditions of the eligible facility permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations. The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant, T-Mobile, is authorized to do business in New York state.

T-Mobile

By: *Mike Bath*

Name:

Title:

**Mike Bath**  
**Director, New Jersey**  
**Northeast Region**

Sworn to before me this  
*25<sup>th</sup>* day of *August*, 2022

*Peter Romano*  
Notary Public





**Corporate Office**  
1800 Route 34, Suite 101, Wall, New Jersey 07719

**Regional Offices**  
King of Prussia, Pennsylvania  
Bethlehem, Pennsylvania  
Hackettstown, New Jersey  
Camden, New Jersey  
Newark, New Jersey  
New York, New York  
Atlanta, Georgia

May 19, 2022

Mr. John Marino  
**T-MOBILE NORTHEAST LLC**  
4 Sylvan Way  
Parsippany, NJ 07054

RE: Structural Analysis  
**WE03042D**  
66 Milton Road  
Rye, NY 10580  
FPA No. 2442.204.207

Dear Mr. Marino:

As per your request, French & Parrello Associates (FPA) has performed a structural analysis of the proposed modification to the existing T-Mobile wireless facility located at 66 Milton Road, Rye, New York 10580.

The existing facility consists of equipment and four antenna sectors (Alpha, Beta, Gamma, and Delta) located on the roof. The existing equipment consists of (1) 6201 cabinet in an equipment shelter. The Alpha, Beta, Gamma, and Delta antenna sectors are flush mounted to the building façade to the existing tower penthouse. Each sector consists of (2) antennas per sector.

FPA's structural analysis included a site visit (02/01/22), FPA site photos (02/01/22), and a review of the existing Structural report by FPA (07/23/20), T-Mobile RFDS sheet (01/04/22). T-Mobile is proposing to upgrade its existing facility by installing and upgrading the existing antennas in each sector. The final antenna configuration in each sector shall consist of (1) Commscope FFHH-65A-R3 antenna, with dimensions of 48.2"x25.2" and a maximum weight of 72.8 lbs., and (1) Ericsson AIR6419 antenna with dimensions of 36.3" x 20.9" and a maximum weight of 83 lbs. per sector. The new antennas are to be mounted in a similar fashion as the existing. Existing Radio 4449 units are to remain, (1) Radio 4460 is to be added at each sector, and (4) 6X24 HCS cables following existing routing are to be installed. T-Mobile also proposes to install (1) Enclosure 6230 cabinet in the existing equipment shelter.

**Based on our structural analysis, the existing antenna support systems are capable of supporting the proposed antenna configuration and loads provided new antennas are to be mounted in a similar fashion as the existing and as per the latest FPA construction drawings. If conditions are found to be different than those depicted above, FPA should be notified immediately.**

It should be noted that the conclusion reached by FPA is expressly related to the antenna supports and assumes that all existing anchoring systems and building components are in good condition and are being maintained and inspected at regular intervals in accordance with industry standards. FPA assumes no responsibility for any failure resulting from installations that do not conform to the design drawings or from hidden defects within the existing structural support systems resulting from aging or damaged building components.

Should you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

**FRENCH & PARRELLO ASSOCIATES**

John Bosco, PE, Senior Project Manager  
NY Professional Engineer License No. 85847



Site ID: WE03042D

T-Mobile Anchor Project

May 19, 2022

## Rooftop Antenna Support | Structural Analysis

### SITE INFORMATION

Address: <u>66 Milton Road</u> <u>Rye, NY 10580</u>	Condition: <u>Fair</u>
--	------------------------

### DESIGN CRITERIA

#### APPLICABLE CODES & STANDARDS

All design criteria and loads are in accordance with the 2020 Building Code of New York State in conjunction with ASCE 7-16.

#### WIND LOAD - Exposure B

$V =$ <u>116 mph</u>	$h =$ <u>97 ft</u>	Risk Cat. = II	$G = 0.85$
$K_{ZT} = 1.00$	$K_d = 0.85$	$K_z = 0.98$	$q_z = 28.6$ psf

#### SNOW LOAD

$\rho_g =$ <u>30 psf</u>	$I = 1.0$
$C_e = 1.0$	$C_t = 1.0$
$\rho_f = 21$ psf	

#### SEISMIC

The proposed antennas and their electrical and mechanical components are exempt from seismic requirements as per ASCE 7-16 Section 13.1.4 Exception 4. "Mechanical and electrical components in structures assigned to Seismic Design Category B"

### REFERENCED DOCUMENTS

Item	Author/Provider	Date
Existing Construction Drawings	<i>FPA</i>	4/16/2019
Site Audit Photographs	<i>FPA</i>	2/1/2022
Existing Structural	<i>FPA</i>	7/23/2020
Radio Frequency Data Sheet (RFDS)	<i>T-Mobile</i>	1/4/2022

### SECTOR PHOTOS

ALPHA/GAMMA



BETA/DELTA



Site ID: WE03042D

T-Mobile Anchor Project

May 19, 2022

**ALPHA/BETA/GAMMA/DELTA SECTORS**

	<b>Proposed Antenna</b> <span style="float: right;">Ericsson AIR6419</span> height: 36.3 in      width: 20.9 in      depth: 9.0 in area: 5.27 sq-ft      weight: 83 lbs
	<b>Dimensions</b> $h_{ant} = 97 \text{ ft}$ (to grade) $d = 36 \text{ in}$
	<b>Loads - ASD Combination: (D+0.6W)</b> Wind Load (WL) = 108 lbs      ( $C_f = 1.4$ ) Top Reaction ( $R_{top}$ ) = 54 lbs      Bottom Reaction ( $R_{bot}$ ) = 54 lbs

**FLUSH MOUNT PIPE**

Pipe Size: 2.5" STD	$M_{applied} = 1.0 \text{ kip-in}$	$<$	$M_n/\Omega = 28.7 \text{ kip-in}$	$\rightarrow$	$\checkmark$	0.03 :1.00
$F_y = 35 \text{ ksi}$ Weight: 5.8 plf	$V_{applied} = 0.1 \text{ kip}$	$<$	$V_n/\Omega = 10.0 \text{ kip}$	$\rightarrow$	$\checkmark$	0.01 :1.00
$I_{x-x} = 1.45 \text{ in}^4$ $S_{x-x} = 1.01 \text{ in}^3$	$\Delta_{total} = 0.00 \text{ in}$	$\rightarrow$	$L/14476$	$<$	$L/240 = 0.15 \text{ in}$	$\rightarrow$ $\checkmark$ 0.02 :1.00

*Therefore, the existing flush mount pipe is structurally adequate.*

**CONNECTIONS**

U-Bolts		Anchor Bolts	
Bolt Size: 1/2" φ A307	No of bolts: 1	Anchor Size: 1/2" φ Hilti HY70	No: 2
$T_{allow} = 4.42 \text{ kip}$	$T_{applied} = 0.05 \text{ kip}$ $\checkmark$ 1%	$T_{allow} = 1.49 \text{ kip}$	$T_{applied} = 0.05 \text{ kip}$ $\checkmark$ 4%
$V_{allow} = 2.36 \text{ kip}$	$V_{applied} = 0.10 \text{ kip}$ $\checkmark$ 4%	$V_{allow} = 1.86 \text{ kip}$	$V_{applied} = 0.10 \text{ kip}$ $\checkmark$ 5%
$\sqrt{(T_{applied}/T_{allow})^2 + (V_{applied}/V_{allow})^2} = 0.04 :1.0$		$\sqrt{(T_{applied}/T_{allow})^2 + (V_{applied}/V_{allow})^2} = 0.07 :1.0$	

*Therefore, the existing connections are structurally adequate.*

**EXISTING STRUCTURE**

The majority of the surface area of the antenna and mounts is below the top of the tower penthouse and therefore the change in net load being applied to the existing structure minimal.

*Therefore, the existing structure is structurally adequate.*

**Therefore, the proposed Alpha/ Beta/ Gamma/ Delta sector mounts are STRUCTURALLY ADEQUATE to support the proposed design loads in accordance with the local building codes.**



METRRFS-01

ADIAZ

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
6/23/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<p>PRODUCER</p> <p><b>The Wooditch Company Insurance Services, Inc.</b> 1 Park Plaza, Suite 400 Irvine, CA 92614</p>	<p>CONTACT NAME:</p> <p>PHONE (A/C, No, Ext): <b>(949) 553-9800</b> FAX (A/C, No): <b>(949) 553-0670</b></p> <p>E-MAIL ADDRESS:</p>														
<p>INSURED</p> <p><b>Metro R.F. Services, Inc.</b> 2320 South Archibald Avenue Ontario, CA 91761</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : <b>Executive Risk Indemnity, Inc.</b></td> <td style="text-align: center;"><b>35181</b></td> </tr> <tr> <td>INSURER B : <b>Federal Insurance Company</b></td> <td style="text-align: center;"><b>20281</b></td> </tr> <tr> <td>INSURER C : <b>Berkley Assurance Company</b></td> <td style="text-align: center;"><b>39462</b></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : <b>Executive Risk Indemnity, Inc.</b>	<b>35181</b>	INSURER B : <b>Federal Insurance Company</b>	<b>20281</b>	INSURER C : <b>Berkley Assurance Company</b>	<b>39462</b>	INSURER D :		INSURER E :		INSURER F :	
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INSURER E :															
INSURER F :															

**COVERAGES                                      CERTIFICATE NUMBER:                                      REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X		54326428	5/15/2022	5/15/2023	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b> MED EXP (Any one person) \$ <b>5,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b> OTHER: \$
GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			54326427	5/15/2022	5/15/2023	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b> BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER: \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE			5671-7303	5/15/2022	5/15/2023	EACH OCCURRENCE \$ <b>5,000,000</b> AGGREGATE \$ <b>5,000,000</b> DED RETENTION \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	54326429	5/15/2022	5/15/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ <b>1,000,000</b> E.L. DISEASE - EA EMPLOYEE \$ <b>1,000,000</b> E.L. DISEASE - POLICY LIMIT \$ <b>1,000,000</b>
C	<b>Pollution Liability</b>			PCADB-5018165-0522	5/15/2022	5/15/2023	<b>Each Occ. / Agg</b> \$ <b>5,000,000</b>
C	<b>Professional Liabili</b>			PCADB-5018165-0522	5/15/2022	5/15/2023	<b>Each Claim / Agg</b> \$ <b>2,000,000</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 RE: WE03042D. glai  
 The City of Rye is included as Additional Insured as respects General Liability per attached endorsement.

<p><b>CERTIFICATE HOLDER</b></p> <p><b>City of Rye</b> 1051 Boston Post Road Rye, NY 10580</p>	<p><b>CANCELLATION</b></p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p>AUTHORIZED REPRESENTATIVE</p> <p><i>[Signature]</i></p>
--	---



AGENCY CUSTOMER ID: METRRFS-01

ADIAZ

LOC #: 1

## ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY		NAMED INSURED Metro R.F. Services, Inc. 2320 South Archibald Avenue Ontario, CA 91761	
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1	

## ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

## Cancellation:

\*Except 10 Days Notice of Cancellation for Non-Payment of Premium.

\*Should this policy be cancelled before the expiration date, The Wooditch Company will mail 30 (thirty) days written notice to those Certificate Holders which require such action per contract or agreement.\*

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

**SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
WHERE REQUIRED BY WRITTEN CONTRACT, BUT ONLY WHEN THE CONTRACT SPECIFIES COVERAGE FOR COMPLETED OPERATIONS	ALL LOCATIONS WHERE REQUIRED BY WRITTEN CONTRACT
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B.** With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
WHERE REQUIRED BY WRITTEN CONTRACT	ALL LOCATIONS WHERE REQUIRED BY WRITTEN CONTRACT
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B.** With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.



**Workers' Compensation Board**

**CERTIFICATE OF  
NYS WORKERS' COMPENSATION INSURANCE COVERAGE**

<p>1a. Legal Name &amp; Address of Insured (use street address only)</p> <p><b>Metro RF Services, Inc.</b>  <b>2320 South Archibald Avenue</b>  <b>Ontario, CA 91761</b></p> <p><i>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</i></p>	<p>1b. Business Telephone Number of Insured  <b>(909) -230-4920</b></p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number  <b>95-4846384</b></p>
<p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p><b>City of Rye</b>  <b>1051 Boston Post Road</b>  <b>Rye, NY 10580</b></p>	<p>3a. Name of Insurance Carrier  <b>FEDERAL INSURANCE COMPANY</b></p> <p>3b. Policy Number of Entity Listed in Box "1a"  <b>54326429</b></p> <p>3c. Policy effective period  <b>05/15/2022</b> to <b>05/15/2023</b></p> <p>3d. The Proprietor, Partners or Executive Officers are  <input checked="" type="checkbox"/> included. (Only check box if all partners/officers included)  <input type="checkbox"/> all excluded or certain partners/officers excluded.</p>

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

**Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.**

**Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.**

Approved by: NICOLE MASTROLIA BROWN  
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:  06/23/2022  
(Signature) (Date)

Title: VICE PRESIDENT, UNDERWRITING

Telephone Number of authorized representative or licensed agent of insurance carrier: 626-787-2904

**Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.**

## **Workers' Compensation Law**

### **Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.**

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.
2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.



CERTIFICATE OF INSURANCE COVERAGE
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only)
METRO RF SERVICES INC
2320 S ARCHIBALD AVE
ONTARIO, CA 91761

1b. Business Telephone Number of Insured
(909) 230-4920

Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)

1c. Federal Employer Identification Number of Insured or Social Security Number
954846384

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)

CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580

3a. Name of Insurance Carrier

New York State Insurance Fund (NYSIF)

3b. Policy Number of Entity Listed in Box "1a"
DBL 5593 63 - 8

3c. Policy effective period

01/15/2022 to 01/15/2023

4. Policy provides the following benefits:

- A. Both disability and paid family leave benefits
B. Disability benefits only
C. Paid family leave benefits only

5. Policy covers:

- A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law
B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 6/23/2022

By

Kristin Markwica

(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (866) 697-4332

Name and Title Kristin Markwica, Head of Disability Insurance Unit

IMPORTANT: If Box 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed

By

(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number

Name and Title

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.

## Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in box "3" on this form is certifying that it is insuring the business referenced in box "1a" for disability and/or paid family leave benefits under the New York State Disability and Paid Family Leave Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Worker's Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Disability and/or Paid Family Leave Benefits contract of insurance only while the underlying policy is in effect.

**Please Note: Upon the cancellation of the disability and/or paid family leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYS Disability and/or Paid Family Leave Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability and Paid Family Leave Benefits Law.**

### DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

#### §220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits, and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.



# **Pinnacle Telecom Group**

*Professional and Technical Services*

## **ANTENNA SITE FCC RF COMPLIANCE ASSESSMENT AND REPORT FOR MUNICIPAL SUBMISSION**

PREPARED FOR

### **T-Mobile NORTHEAST LLC**

**SITE WE03042D  
66 MILTON ROAD  
RYE, NY**

July 7, 2022

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<b>INTRODUCTION AND SUMMARY</b>	<b>3</b>
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<b>COMPLIANCE CONCLUSION</b>	<b>14</b>

## **CERTIFICATION**

### **APPENDIX A. PROPOSED SITE MITIGATION**

### **APPENDIX B. BACKGROUND ON THE FCC MPE LIMIT**



## **INTRODUCTION AND SUMMARY**

At the request of T-Mobile Northeast LLC (“T-Mobile”), Pinnacle Telecom Group has performed an independent assessment of radiofrequency (RF) levels and related FCC compliance for proposed modifications to existing wireless base station antenna operations on the roof of a building located at 66 Milton Road in Rye, NY. T-Mobile refers to the site by the code “WE03042D”, and the proposed modifications will facilitate a service upgrade and transmission in the 600 MHz, 700 MHz, 1900 MHz, 2100 MHz and 2500 MHz bands licensed to T-Mobile by the FCC.

The FCC requires wireless system operators to perform an assessment of potential human exposure to radiofrequency (RF) fields emanating from all the transmitting antennas at a site whenever antenna operations are added or modified, and to ensure compliance with the Maximum Permissible Exposure (MPE) limit in the FCC regulations. In this case, the compliance assessment needs to take into account the RF effects of other existing antenna operations at the site by AT&T, Sprint and Verizon Wireless. Note that FCC regulations require any future antenna collocators to assess and assure continuing compliance based on the cumulative effects of all then-proposed and then-existing antennas at the site.

This report describes mathematical analyses of potential RF exposure levels associated with the antennas. The analyses both at street level and on the subject roof employ standard FCC mathematical models for calculating the effects of the antennas in a very conservative manner, in order to overstate the RF levels and to ensure “safe-side” conclusions regarding compliance with the FCC limit for safe continuous exposure of the general public.

The results of a compliance assessment can be described in layman’s terms by expressing the calculated RF levels as simple percentages of the FCC MPE limit. If the normalized reference for that limit is 100 percent, then calculated RF levels higher than 100 percent indicate the MPE limit is exceeded and there is a need to mitigate the potential exposure. On the other hand, calculated RF levels consistently below 100 percent serve as a clear and sufficient demonstration of

compliance with the MPE limit. We can (and will) also describe the overall worst-case result via the “plain-English” equivalent “times-below-the-limit” factor.

The result of the RF compliance assessment in this case is as follows:

- ❑ At street level around the site, the conservatively calculated maximum RF level from the combination of proposed and existing antenna operations is 11.2999 percent of the FCC general population MPE limit – well below the 100-percent reference for compliance. In other words, the worst-case calculated RF level – even intentionally and significantly overstated by the calculations – is still more than eight times below the FCC limit for safe, continuous exposure of the general public.
- ❑ A supplemental analysis of the RF levels on the main rooftop in the vicinity of the T-Mobile antennas yields a worst-case result of 9.38 percent of the FCC general population MPE limit – well below the 100-percent reference for compliance. Per T-Mobile guidelines, and consistent with FCC guidance on rooftop compliance, Notice, Guidelines and Emergency signs are to be installed at the rooftop access point(s).
- ❑ The results of the calculations provide a clear demonstration that the RF levels from the combination of proposed and existing antenna operations at street level around the site and on the subject roof are in compliance with the applicable FCC regulations and MPE limit. Moreover, because of the conservative methodology and operational assumptions incorporated in the calculations, RF levels actually caused by the antennas will be even less significant than these calculations indicate.

The remainder of this report provides the following:

- ❑ relevant technical data on the T-Mobile antenna operations at the site, as proposed to be modified, as well as on the existing antenna operations;
- ❑ a description of the applicable FCC mathematical model for calculating RF levels, and application of the relevant technical data to that model;
- ❑ analysis of the results of the calculations against the FCC MPE limit, and the compliance conclusion for the site.

In addition, two Appendices are included. Appendix A details the proposed mitigation to satisfy the FCC requirements and associated guidelines on RF compliance. Appendix B provides background on the FCC MPE limit.

## ANTENNA AND TRANSMISSION DATA

The table that follows summarizes the relevant data for the T-Mobile antenna operations, as proposed to be modified.

<b>General Data</b>	
Frequency Bands	600 MHz, 700 MHz, 1900 MHz, 2100 MHz and 2500 MHz
Service Coverage Type	Sectorized
Antenna Type	Directional Panel
Antenna Centerline Height AGL	97 ft.
Antenna Line Loss	Conservatively ignored (assumed 0 dB)
<b>600 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (12.9 dBi)
RF channels per Sector	Four 40-watt channels
<b>700 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (13.4 dBi)
RF channels per Sector	One 40-watt channel
<b>1900 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (17.1 dBi)
RF channels per Sector	Five 40-watt channels
<b>2100 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Commscope FFHH-65A-R3 (17.9 dBi)
RF channels per Sector	Five 40-watt channels
<b>2500 MHz Antenna Data</b>	
Antenna Model (Max. Gain)	Ericsson AIR6419 (24.2 dBi)
RF channels per Sector	One 80-watt channel and one 120-watt channel

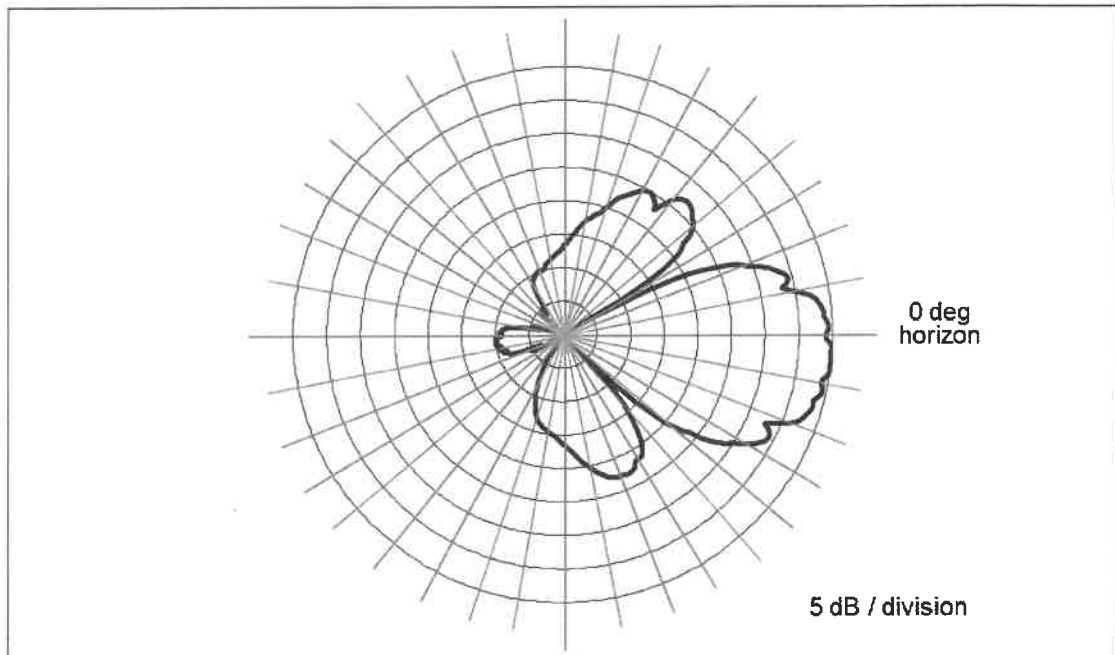
The area below the antennas, at street level, is of interest in terms of potential “uncontrolled” exposure of the general public, so the antenna’s vertical-plane emission characteristic is used in the calculations, as it is a key determinant of the relative amount of RF emissions in the “downward” direction.

By way of illustration, Figure 1 that follows shows the vertical-plane radiation pattern of the proposed antenna model in the 2500 MHz frequency band. In this type of antenna radiation pattern diagram, the antenna is effectively pointed at the three o'clock position (the horizon) and the relative strength of the pattern at different angles is described using decibel units.

Note that the use of a decibel scale to describe the relative pattern at different angles actually serves to significantly understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB the relative RF energy emitted at the corresponding downward angle is 1/100<sup>th</sup> of the maximum that occurs in the main beam (at 0 degrees); at 30 dB, the energy is only 1/1000<sup>th</sup> of the maximum.

Finally, note that the automatic pattern-scaling feature of our internal software may skew side-by-side visual comparisons of different antenna models, or even different parties' depictions of the same antenna model.

**Figure 1. Ericsson AIR6419 – 2500 MHz Vertical-plane Pattern**



As noted at the outset, there are other existing wireless antenna operations to include in the compliance assessment. For each of the wireless carriers, we will

conservatively assume operation with maximum channel capacity and at maximum transmitter power in each of their respective FCC-licensed frequency bands.

AT&T is licensed to operate in the 700, 850, 1900, 2100 and 2300 MHz frequency bands. In the 700 MHz band, AT&T uses four 40-watt RF channels per sector. In the 850 MHz band, AT&T uses seven 20-watt channels per sector. In the 1900 MHz band, AT&T uses four 30-watt channels per sector. In the 2100 MHz band, AT&T uses four 45-watt channels per sector. Lastly, in the 2300 MHz band, AT&T uses four 25-watt channels per sector.

Sprint is licensed to operate in the 800 MHz, 1900 MHz and 2500 MHz frequency bands. In the 800 MHz band, Sprint uses two 50-watt channels per sector. In the 1900 MHz band, Sprint uses four 40-watt channels per sector. In the 2500 MHz band, Sprint uses three 40-watt channels per sector.

Verizon Wireless is licensed to operate in the 746, 869, 1900 and 2100 MHz frequency bands. In the 746 MHz band, Verizon uses four 40-watt channels per antenna sector. In the 869 MHz band, four 40-watt channels per sector. In the 1900 MHz band, Verizon uses four 40-watt channels per antenna sector. In the 2100 MHz band, Verizon uses four 40-watt channels per sector.

## **Compliance Analysis**

FCC Office of Engineering and Technology Bulletin 65 (“OET Bulletin 65”) provides guidelines for mathematical models to calculate the RF levels at various points around transmitting antennas. Different models apply in different areas around antennas, with one model applying to street level around a site, and another applying to the rooftop near the antennas. We will address each area of interest in turn in the subsections that follow.

### ***Street Level Analysis***

At street level around an antenna site (in what is called the “far field” of the antennas), the RF levels are directly proportional to the total antenna input power

and the relative antenna gain in the downward direction of interest – and the levels are otherwise inversely proportional to the square of the straight-line distance to the antenna.

Conservative calculations also assume the potential RF exposure is enhanced by reflection of the RF energy from the intervening ground. Our calculations will assume a 100% “perfect”, mirror-like reflection, which is the absolute worst-case scenario.

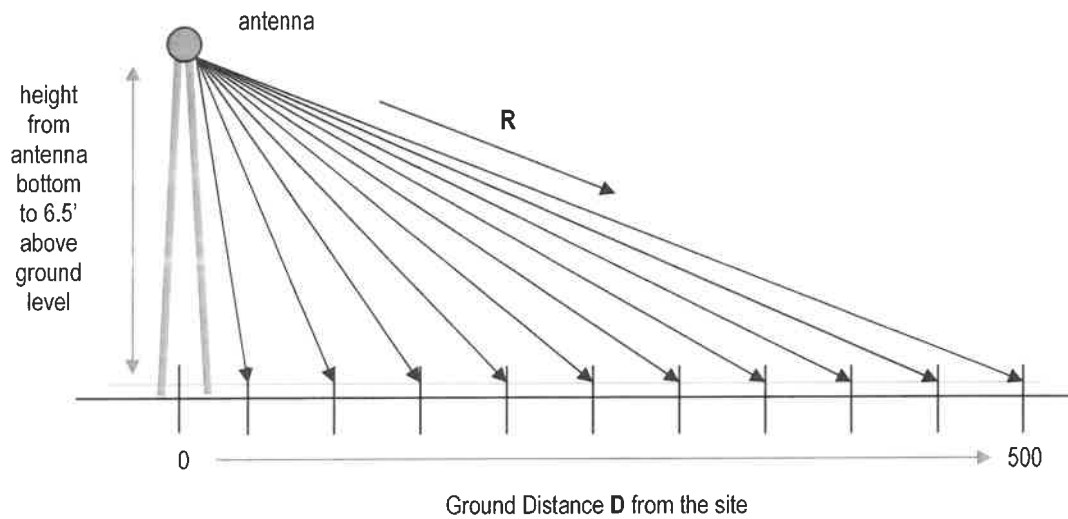
The formula for street-level MPE compliance calculations from any given wireless antenna operation is as follows:

$$\text{MPE\%} = (100 * \text{TxPower} * 10^{(\text{Gmax-Vdisc})/10} * 4) / (\text{MPE} * 4\pi * \text{R}^2)$$

where

- MPE% = RF level, expressed as a percentage of the FCC general population MPE limit
- 100 = factor to convert the raw result to percentage form
- TxPower = maximum net power into antenna sector, in milliwatts, a function of the number of channels per sector, the transmitter power per channel, and line loss
- $10^{(\text{Gmax-Vdisc})/10}$  = numeric equivalent of the relative antenna gain in the downward direction of interest, referenced to any applied antenna mechanical downtilt
- 4 = factor to account for a 100-percent-efficient energy reflection from the ground, and the squared relationship between RF field strength and power density ( $2^2 = 4$ )
- MPE = FCC general population MPE limit
- R = straight-line distance from the RF source to the point of interest, centimeters

The MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters, the FCC-recommended standing height) off the ground, as illustrated in Figure 2 on the next page.



**Figure 2. Street-level MPE% Calculation Geometry**

It is popularly understood that the farther away one is from an antenna, the lower the RF level – which is generally but not universally correct. The results of MPE% calculations fairly close to the site will reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antenna.

Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site. As the distance approaches 500 feet and beyond, though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled and, as a result, the RF levels generally decrease with increasing distance. In any case, the RF levels more than 500 feet from a wireless antenna site are well understood to be sufficiently low to be comfortably in compliance.

According to the FCC, when directional antennas (such as panels) are used, compliance assessments are based on the RF effect of a single (facing) antenna sector, as the effects of directional antennas pointed away from the point(s) of interest are considered insignificant. If the different parameters apply in the different sectors, compliance is based on the worst-case parameters.

Street level FCC compliance for a collocated antenna site is assessed in the

following manner. At each distance point along the ground, an MPE% calculation is made for each antenna operation (including each frequency band), and the sum of the individual MPE% contributions at each point is compared to 100 percent, the normalized reference for compliance with the MPE limit. We refer to the sum of the individual MPE% contributions as “total MPE%”, and any calculated total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represents non-compliance and a need to mitigate the potential exposure. If all results are consistently below 100 percent, on the other hand, that set of results serves as a clear and sufficient demonstration of compliance with the MPE limit.

Note that the following conservative methodology and assumptions are incorporated into the MPE% calculations on a general basis:

1. The antennas are assumed to be operating continuously at maximum power and maximum channel capacity.
2. The power-attenuation effects of shadowing or other obstructions to the line-of-sight path from the antenna to the point of interest are ignored.
3. The calculations intentionally minimize the distance factor (R) by assuming a 6’6” human and performing the calculations from the bottom (rather than the centerline) of each operator’s lowest-mounted antenna, as applicable.
4. The calculations also conservatively take into account, when applicable, the different technical characteristics and related RF effects of the use of multiple antennas for transmission in the same frequency band.
5. The RF exposure at ground level is assumed to be 100-percent enhanced (increased) via a “perfect” field reflection from the intervening ground.

The net result of these assumptions is to intentionally and significantly overstate the calculated RF levels relative to the levels that will actually result from the antenna operations – and the purpose of this conservatism is to allow very “safe-side” conclusions about compliance.

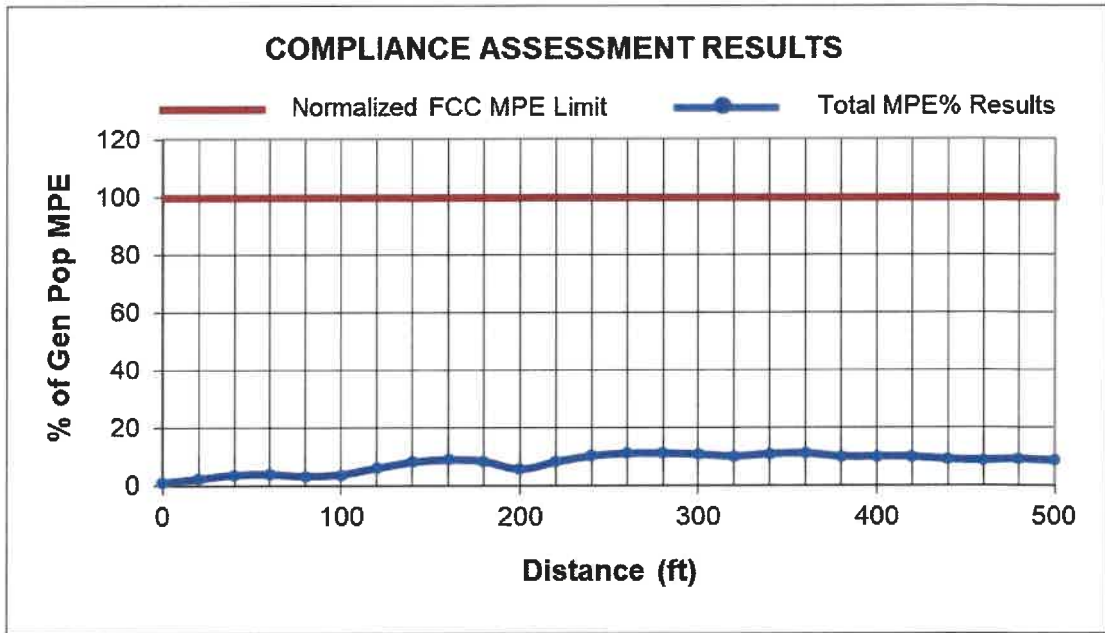
The table that follows provides the results of the MPE% calculations for each antenna operation, with the overall worst-case calculated result highlighted in bold in the last column.



Ground Distance (ft)	T-Mobile 600 MHz MPE%	T-Mobile 700 MHz MPE%	T-Mobile 1900 MHz MPE%	T-Mobile 2100 MHz MPE%	T-Mobile 2500 MHz MPE%	AT&T MPE%	Sprint MPE%	Verizon Wireless MPE%	Total MPE%
0	0.0887	0.0092	0.0103	0.0211	0.5431	0.1677	0.0596	0.0509	0.9506
20	0.0639	0.0218	0.0101	0.1942	1.4866	0.3040	0.0249	0.0962	2.2017
40	0.3492	0.0501	0.0768	0.0599	2.0803	0.6364	0.0787	0.3353	3.6667
60	0.8158	0.0403	0.5219	0.0148	1.1366	0.9578	0.1220	0.3528	3.9620
80	1.3288	0.0702	0.1860	0.4430	0.0820	0.4704	0.1322	0.4145	3.1271
100	1.1522	0.1243	0.1263	0.2457	0.5755	0.7280	0.2007	0.6525	3.8052
120	0.6036	0.1311	0.0668	0.2083	2.4287	1.5426	0.3415	0.7234	6.0460
140	0.2185	0.0939	0.0172	0.2520	4.6813	1.6974	0.1307	1.0765	8.1675
160	0.0924	0.0317	0.0702	0.0874	6.5548	1.3205	0.1047	0.8585	9.1202
180	0.1497	0.0068	0.0902	0.0126	6.5103	1.0348	0.1415	0.5271	8.4730
200	0.4198	0.0077	0.0313	0.1148	3.9847	0.6923	0.1646	0.2318	5.6470
220	0.6757	0.0383	0.0105	0.0897	6.8557	0.2976	0.1852	0.0616	8.2143
240	0.7620	0.0573	0.0275	0.0392	8.9186	0.3305	0.1089	0.1211	10.3651
260	1.0499	0.1133	0.1525	0.0186	9.0689	0.5337	0.0493	0.2246	11.2108
280	1.1170	0.1362	0.2065	0.0667	8.5137	0.8110	0.0321	0.3664	11.2496
300	1.1728	0.1582	0.2261	0.1268	7.5606	1.0961	0.0599	0.5465	10.9470
320	1.2174	0.1784	0.2029	0.1646	6.2725	1.3461	0.1065	0.7506	10.2390
340	1.2454	0.1965	0.1456	0.1582	6.6035	1.5729	0.1404	0.9846	11.0471
360	1.2608	0.2121	0.0795	0.1142	6.4257	1.8279	0.1586	1.2211	<b>11.2999</b>
380	1.1382	0.1915	0.0718	0.1031	5.8014	1.6488	0.1431	1.1014	10.1993
400	1.1451	0.2036	0.0340	0.0619	5.2563	1.9831	0.1724	1.3344	10.1908
420	1.1386	0.2135	0.0519	0.0670	4.3968	2.4713	0.2456	1.5565	10.1412
440	1.0413	0.1952	0.0475	0.0613	4.0215	2.2590	0.2245	1.4228	9.2731
460	1.0290	0.2020	0.1411	0.1477	3.8121	2.0727	0.2060	1.3055	8.9161
480	0.9478	0.1861	0.1299	0.1360	3.5114	2.6386	0.2953	1.4817	9.3268
500	0.8758	0.1719	0.1200	0.1257	3.2446	2.4371	0.2727	1.3685	8.6163

As indicated, the maximum calculated overall RF level is 11.2999 percent of the FCC MPE limit – well below the 100-percent reference for compliance.

A graph of the overall calculation results, shown below, provides probably a clearer *visual* illustration of the relative insignificance of the calculated RF levels. The line representing the overall calculation results shows an obviously clear, consistent margin to the FCC MPE limit.

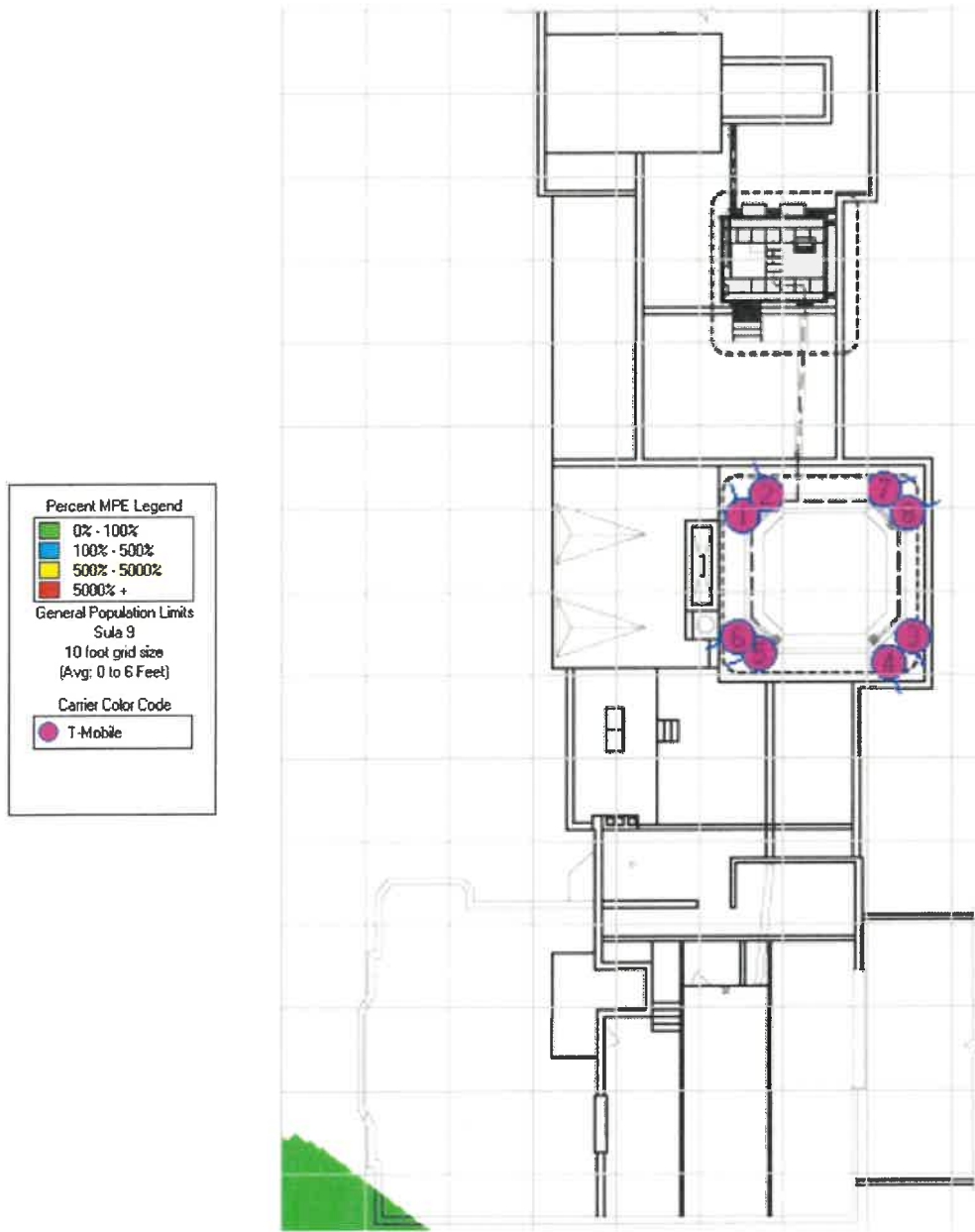


### ***Rooftop Analysis***

The compliance analysis for the rooftop is performed using the RoofMaster program by Waterford Consultants.

RF levels in the near field of an antenna depend on the power input to the antenna, the antenna's length and horizontal beamwidth, the mounting height of the antenna above nearby roof, and one's position and distance from the antenna. RF levels in front of a directional antenna are higher than they are to the sides or rear, and in any given horizontal direction are inversely proportional to the straight-line distance to the antenna.

The RoofMaster graphic output for the areas surrounding the T-Mobile antennas is reproduced below.



*RoofMaster – Alpha / Beta / Gamma / Delta sectors*

As indicated by the color coding of the subject roof, the calculated RF levels satisfy the FCC general population MPE limit.

Per T-Mobile guidelines, and consistent with FCC guidance on rooftop compliance, Notice, Guidelines and Emergency signs are to be installed at the rooftop access point(s).

## **COMPLIANCE CONCLUSION**

According to the FCC, the MPE limit has been constructed in such a manner that continuous human exposure to RF emissions up to and including 100 percent of the MPE limit is acceptable and safe.

As described, the analysis in this case shows that the conservatively calculated RF levels in all areas of interest, i.e., at street level around the site and on the subject roof, satisfy the FCC general population MPE limit. Per T-Mobile guidelines, and consistent with FCC guidance on rooftop compliance, Notice, Guidelines and Emergency signs are to be installed at the rooftop access point(s).

Moreover, because of the conservative calculation methodology and operational assumptions we applied in the analysis, RF levels actually caused by the antennas will be even less significant than the calculation results here indicate.

## CERTIFICATION

The undersigned verify as follows:

1. We have read and are familiar with the FCC regulations concerning RF safety and the control of human exposure to RF fields (47 CFR 1.1301 *et seq.*).
2. To the best of our knowledge, the statements and information disclosed in this report are true, complete and accurate.
3. The analysis of site RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.
4. The results of the assessment indicate that the subject antenna operations were in full compliance with the FCC regulations concerning the control of potential RF exposure on the date tested.

  
Daniel J. Collins  
Chief Technical Officer

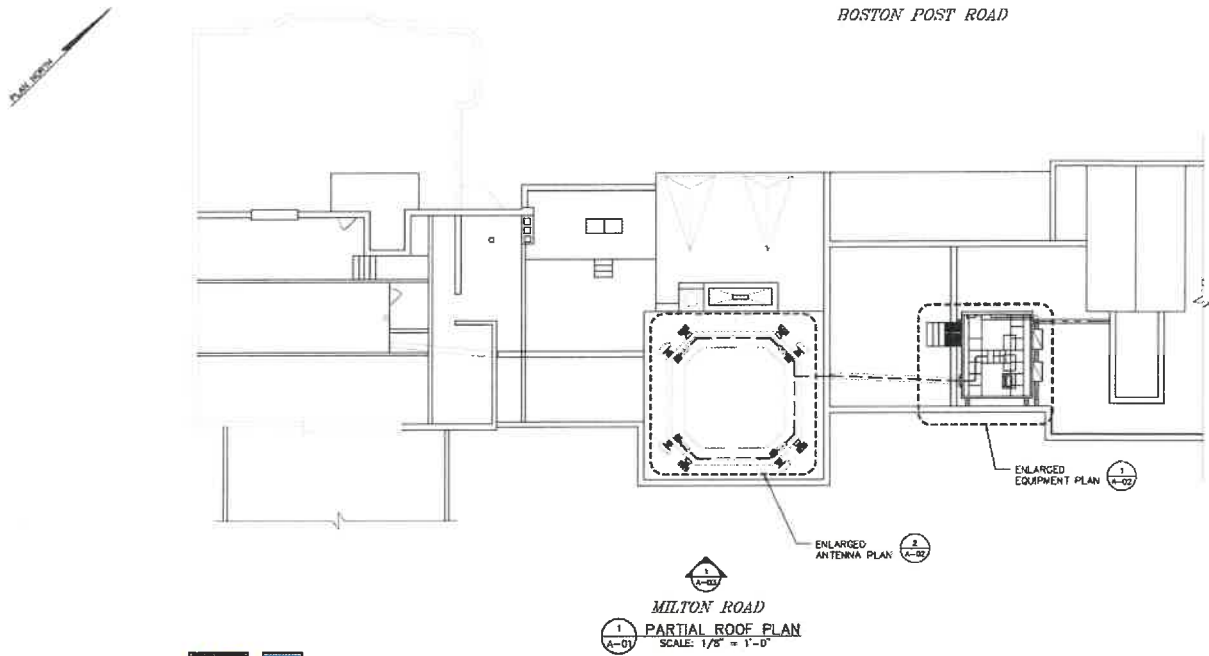
  
Date

  
Peter M. Longo,  
Principal  
PML Consulting Engineers  
New York License No. 081318



  
Date

# APPENDIX A. PROPOSED SITE MITIGATION



Install at roof access point(s)

## Appendix B. Background on the FCC MPE Limit

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

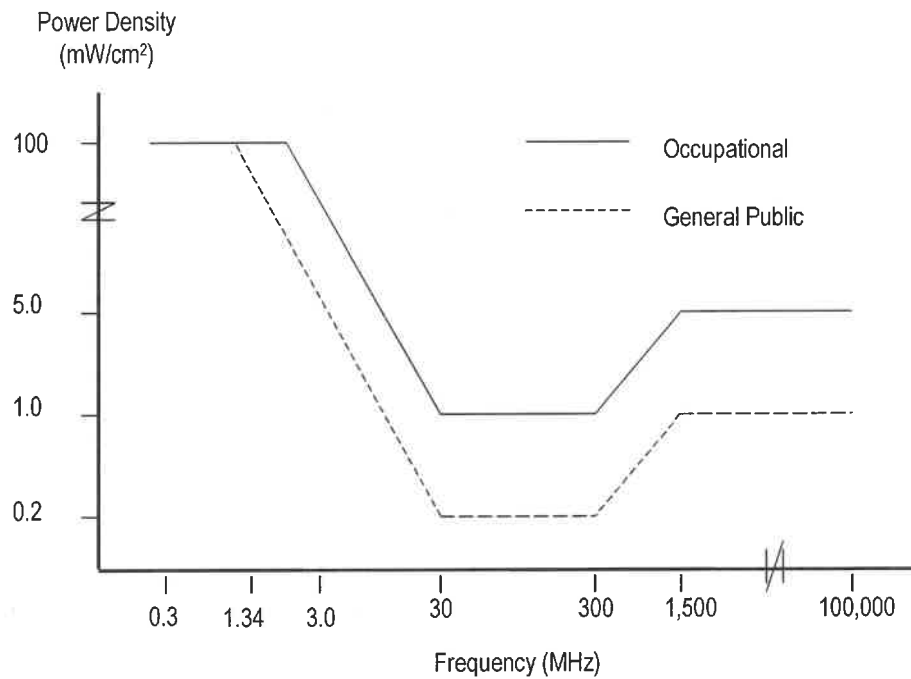
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for *two* tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm<sup>2</sup>). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm<sup>2</sup> reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm <sup>2</sup> )	General Public Exposure (mW/cm <sup>2</sup> )
0.3 - 1.34	100	100
1.34 - 3.0	100	$180 / F^2$
3.0 - 30	$900 / F^2$	$180 / F^2$
30 - 300	1.0	0.2
300 - 1,500	$F / 300$	$F / 1500$
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's RF exposure limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.



The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

Note that the FCC “categorically excludes” all “non-building-mounted” wireless antenna operations whose mounting heights are more than 10 meters (32.8 feet) from the routine requirement to demonstrate compliance with the MPE limit, because such operations “are deemed, individually and cumulatively, to have no significant effect on the human environment”. The categorical exclusion also applies to *all* point-to-point antenna operations, regardless of the type of structure they’re mounted on. Note that the FCC considers any facility qualifying for the categorical exclusion to be automatically in compliance.

In addition, FCC Rules and Regulations Section 1.1307(b)(3) describes a provision known in the industry as “the 5% rule”. It describes that when a specific location – like a spot on a rooftop – is subject to an overall exposure level exceeding the applicable MPE limit, operators with antennas whose MPE% contributions at the point of interest are less than 5% are exempted from the obligation otherwise shared by all operators to bring the site into compliance, and those antennas are automatically deemed by the FCC to satisfy the rooftop compliance requirement.

### ***FCC References on RF Compliance***

47 CFR, FCC Rules and Regulations, Part 1 (Practice and Procedure), Section 1.1310 (Radiofrequency radiation exposure limits).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192), Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62), and Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

FCC Report and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released August 1, 1996.

FCC Report and Order, Notice of Proposed Rulemaking, Memorandum Opinion and Order (FCC 19-126), *Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, released December 4, 2019.

FCC Office of Engineering and Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", Edition 97-01, August 1997. .

FCC Office of Engineering and Technology (OET) Bulletin 56, "Questions and Answers About Biological Effects and Potential Hazards of RF Radiation", edition 4, August 1999.



# CITY COUNCIL AGENDA

DEPT.: City Departments

DATE: September 7, 2022

CONTACT: Greg Usry, City Manager

**AGNDA ITEM:** Resolution to declare certain City equipment as surplus.

**FOR THE MEETING OF**  
October 12, 2022

**RECOMMENDATION:** That the City Council adopt the following resolution:

**WHEREAS**, the City has been provided with a description of equipment identified as being obsolete or will become obsolete during 2022, and,

**WHEREAS**, the City recommends that said equipment be declared surplus, now, therefore, be it

**RESOLVED**, that said equipment is declared surplus, and, be it further

**RESOLVED**, that authorization is given to the various departments to donate their inventory or to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other

**BACKGROUND:** Rye Recreation has provided the attached memo regarding an broken refrigerator.

Sally Rogol  
Recreation Superintendent  
Rye, New York 10580



**CITY OF RYE**

Tel: (914) 967-2535  
Fax: (914) 967-5521  
E-mail: [recreation@ryeny.gov](mailto:recreation@ryeny.gov)  
<http://www.ryeny.gov>

# Recreation Department

## Memorandum

---

To: Greg Usry, City Manager  
From: Sally Rogol, Recreation Superintendent  
Date: 9/6/2022  
Re: Surplus Refrigerator

---

Recreation's upper level refrigerator is no longer working properly and we are requesting to surplus this item. It currently has a City of Rye ID # 0269 on it. The seals to both the freezer and main compartment do not hold a seal, which is causing condensation and the unit to leak constantly.

New, the unit is approximately valued at \$1095.

Thank you.





# CITY COUNCIL AGENDA

DEPT.: Boat Basin

DATE: October 12, 2022

CONTACT: Rodrigo Paulino

**AGENDA ITEM:** Consideration of four appointments to the Boat Basin Commission, by the Boat Basin members, for three year terms.

**FOR THE MEETING OF:**  
October 12, 2022

**RECOMMENDATION:** That the Council approve the appointments.

RESOLVED that the City Council approves these appointments to the Boat Basin Commission for a three-year term.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Elections are held in the summer; appointments are effective as of the first of each year (January 1, 2023 in this case). Christian Magliano, Brendan Doyle, Ronald Wexler are residents who were elected to the Commission for three-year terms. Stephen Monaldo is a non-resident elected to the Commission as well.

Rodrigo Paulino  
Boat Basin Supervisor  
650 Milton Rd  
Rye, New York 10580



Tel: (914) 967-2011  
E-mail:Rpaulino@ryeny.gov  
<http://www.ryeny.gov>

CITY OF RYE

## Boat Basin

Memorandum

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To: Greg Usry, City Manager  
From: Rodrigo Paulino, Boat Basin Supervisor  
Date: 9/22/2022  
Re: 2022 Boat Basin Commissioner Election

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**Three of our Resident and one Non-Resident Boat Basin Commissioner terms are up on December 31<sup>st</sup>, 2022. (Christian Magliano, Brendan Doyle, Matthew Malouin and Stephen Monaldo NR )**

**On September 13<sup>th</sup> 2022, the Boat Basin began the election process using a company named Simply Voting in order to elect 3 residents/1 non-resident Boat Basin Commissioner. Five candidates expressed interest in these open positions. Their names and bio were submitted to Simply Voting as well an email list of our eligible slip holders.**

**70 out of 400 electors voted in this ballot. The election results can be seen below:**

**Christian Magliano – 25.3%**

**Brendan Doyle – 23.1%**

**Ronald Wexler – 18.8%**

**William Kloepfer – 17.9% ( Not Elected )**

**Stephen Monaldo – Non-Resident 14.8%**

[Type here]

Sep 20, 2022

City of Rye Boat Basin  
650 Milton Road  
Rye, NY  
10580 United States

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,



Brian Lack  
President  
Simply Voting Inc.

---

## Results - Boat Basin Commissioners 2023

**Start:** 2022-09-13 09:00:00 America/New\_York

**End:** 2022-09-20 17:00:00 America/New\_York

**Turnout:** 70 (17.5%) of 400 electors voted in this ballot.

### Nominees

Option	Votes
Christian Magliano	58 (25.3%)
Brendan Doyle	53 (23.1%)
Ronald Wexler	43 (18.8%)
William Kloepfer	41 (17.9%)
Stephen Monaldo - Non-Resident	34 (14.8%)

### VOTER SUMMARY

Total	70
Abstain	4 (5.7%)



# CITY COUNCIL AGENDA

DEPT.: City Manager

October 12, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a request by the American Legion Post 128 to conduct its usual Veterans' Day observance on the Village Green on Friday, November 11, 2022 from 10:30 a.m. to 11:30 a.m. In case of rain, the American Legion Post 128 requests the use of City Hall on that date and time.

**FOR THE MEETING OF:**

October 12, 2022

**RECOMMENDATION:** That the Council consider granting the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The American Legion Post 128 is requesting the Council approve use of the Village Green from 10:30 – 11:30 am on Friday, November 11, 2022 in observance of Veterans' Day. City Hall would be the back-up in case of rain.

See attached request from Tim Moynihan, Finance Officer and Adjutant.



## **Ruttenberg, Noga P.**

---

**From:** Timothy Moynihan <timmoy@aol.com>  
**Sent:** Saturday, September 24, 2022 10:48 AM  
**To:** D'Andrea, Carolyn E.; Ruttenberg, Noga P.  
**Cc:** frederickdebarros@gmail.com  
**Subject:** Rye Veterans Day Request

Ms. Carolyn E. D'Andrea  
City Clerk  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Dear Ms. D'Andrea,

Rye American Legion Post 128 requests to conduct the Rye Veterans Day observance on Friday, November 11, 2021. We request to use the Village Green for the Veterans Day ceremony. Kindly grant us permission to use the Village Green for that purpose.

The ceremony will commence at approximately 10:30 AM and will last for approximately one hour. Please provide a speaker stand, PA system, and seating. Would you also be kind enough to see that City Hall's doors are unlocked so that members of the gathering have access to rest rooms?

If approved, we will work with Ms. Sally Rogol on details as we have in the past.

Thank you for your assistance and we look forward to your approval.

Sincerely,

Tim Moynihan  
Rye American Legion Post 128 Adjutant

Phone: (914) 420-5264  
[www.ryenylegionpost128.org](http://www.ryenylegionpost128.org)



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: September 26, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a request by the Rye Free Reading Room for the use of the Village Green, City Hall Parking and Haviland Lane lot to host the Annual Vehicle Fair Sunday, May 21, 2023 from 11:00 a.m. to 3:00 p.m.

**FOR THE MEETING OF:**

October 12, 2022

**RECOMMENDATION:** That the City Council approve the request for the Rye Free Reading Room to host the Annual Vehicle Fair.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Rye Free Reading Room has requested use of the Village Green, City Hall parking lot and Haviland Land to host the annual Vehicle Fair on Sunday, May 21, 2023 from 11:00 a.m. to 3:00 p.m. The Vehicle Fair features carnival style activities, family crafts, story times, and an up-close experience with the large vehicles. To allow for setup and cleanup activities, the RFRR requests permission to use the Village Green and parking lot from 8:00 a.m. to 5:00 p.m.

See attached.



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: September 26, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a request from the Rye Free Reading Room to have 3 food trucks on Haviland Lane for the Annual Vehicle Fair Sunday, May 21, 2023 from 11:00 a.m. to 3:00 p.m.

**FOR THE MEETING OF:**

October 12, 2022

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the City Council approve the request for the Rye Free Reading Room.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

Waive § 144-8D and G of the City Code.

**BACKGROUND:** The City Manager's Office received a request from the Rye Free Reading Room asking to allow two Food Trucks to be set up on Haviland Lane for the duration of the Annual Vehicle Fair on Sunday, May 21, 2023 from 11:00 am. To 3:00 p.m. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

See attached.



---

September 23, 2022

Honorable Joshua Cohn, Mayor  
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green and City Hall parking lot on Sunday, May 21st from 11:00 am to 3 pm to host the annual Vehicle Fair. In order to allow time for setup and cleanup, we would like to request permission to use the Green, parking lot, and Haviland Lane from 8 am to 5 pm. We also respectfully requests permission to host three food trucks on Sunday, May 21st as part of the 2023 Vehicle Fair.

An interactive community event, the Vehicle Fair features carnival style activities, family crafts, and an up close experience with the large machines that fascinate young children. The Rye Free Reading Room and the Auxiliary Board host this event as a fundraiser for the library.

The trucks would sell food during the run of the event, 11 am to 3 pm, and would be located on Haviland Lane. No amplified sound used by the vehicles.

The Rye Free Reading Room is committed to providing a wide range of programming that enhances the lives of Rye residents, and has collaborated with the City for approval of similar requests. We are excited to continue to support community focused programs, and appreciate your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker  
Library Director



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 28, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of request from the Rye Free Reading Room to use the Village Green on Friday, September 22, 2023 starting at 2pm until Monday, September 25, 2023 at 11am for the Rye Children's Book Festival to be held on September 23, 2023.

**FOR THE MEETING OF:**  
October 12, 2022

**RECOMMENDATION:** That the Council approved the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached request.



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: September 28, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a request from the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Haviland Lane by the Village Green on September 23, 2022 from 10am - 4pm.

**FOR THE MEETING OF:**

October 12, 2022

**RECOMMENDATION:** That the City Council approve the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:  
Waive § 144-8D and G of the City Code.

**BACKGROUND:** The City Manager's Office received a request from the Recreation Department asking for the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Sunday, October 1, 2022 from 10am - 4pm. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

See attached.



---

September 23, 2022

Honorable Joshua Cohn, Mayor  
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Saturday, September 23, 2023 to host the Rye Children's Book Festival. In order to allow time for setup and cleanup, we would like to request permission to use the Green from Friday September 22 at 2 pm through Monday, September 25 at 11 am. We would also like We also respectfully requests permission to host four food trucks on Haviland Lane on September as part of the book festival.

The festival will have 6 tents set up on Friday afternoon, and removed on Monday morning. One tent is 30 by 40, and the other tents are 10 by 20.

The trucks would sell food during the run of the event, 10 am to 4 pm, and would be located on Haviland Lane. No amplified sound will be used by the vehicles.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker  
Library Director