Proposed Wireless Telecommunications Facility – Homeland Towers NY065

2055 Flanders Road, Town of Southampton, Suffolk County, New York

PREPARED FOR

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Introduction and Methodology

VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. (VHB) has prepared this Planning, Zoning, and Visual Impact Analysis for the proposed wireless telecommunications facility (the "Proposed Facility"), to be installed within a vacant area of an existing automotive junkyard located at 2055 Flanders Road in the hamlet of Flanders, Town of Southampton (the "Town"), Suffolk County, New York (the "Subject Property" – see Figure 1). The 6.18±-acre overall Subject Property is designated on the Suffolk County Tax Map as District 0900 – Section 170.00 – Block 01.00 – Lot 041.001. The Proposed Facility consists of the installation of a 150±-foot above grade level (agl) concealment pole with antennas of multiple wireless service carriers (including Verizon Wireless, and up to three additional carriers) to be installed within the concealment pole, and associated equipment to be installed within a 60±-foot-by-50±-foot ground-based equipment compound around the base of the concealment pole. Project plans prepared by WFC Architects, dated July 23, 2024, have been submitted under separate cover. In the alternative, a standard monopole design is proposed.

The Subject Property was analyzed with respect to land use and zoning, environmental conditions and visual resources. VHB investigated the Subject Property and surrounding area on September 5, 2024, and reviewed aerial photography to examine land use on the site and in the surrounding community. Existing land uses on the site and in the surrounding area have been documented by photographs (see Sections 2 and 4, below). Additionally, VHB reviewed the Town zoning map to determine the zoning of the site and surrounding area. This report includes an analysis of the consistency of the Proposed Facility with the Town Code provisions regulating the installation of wireless telecommunications facilities, as well as the Town's *Wireless Communications Plan*.

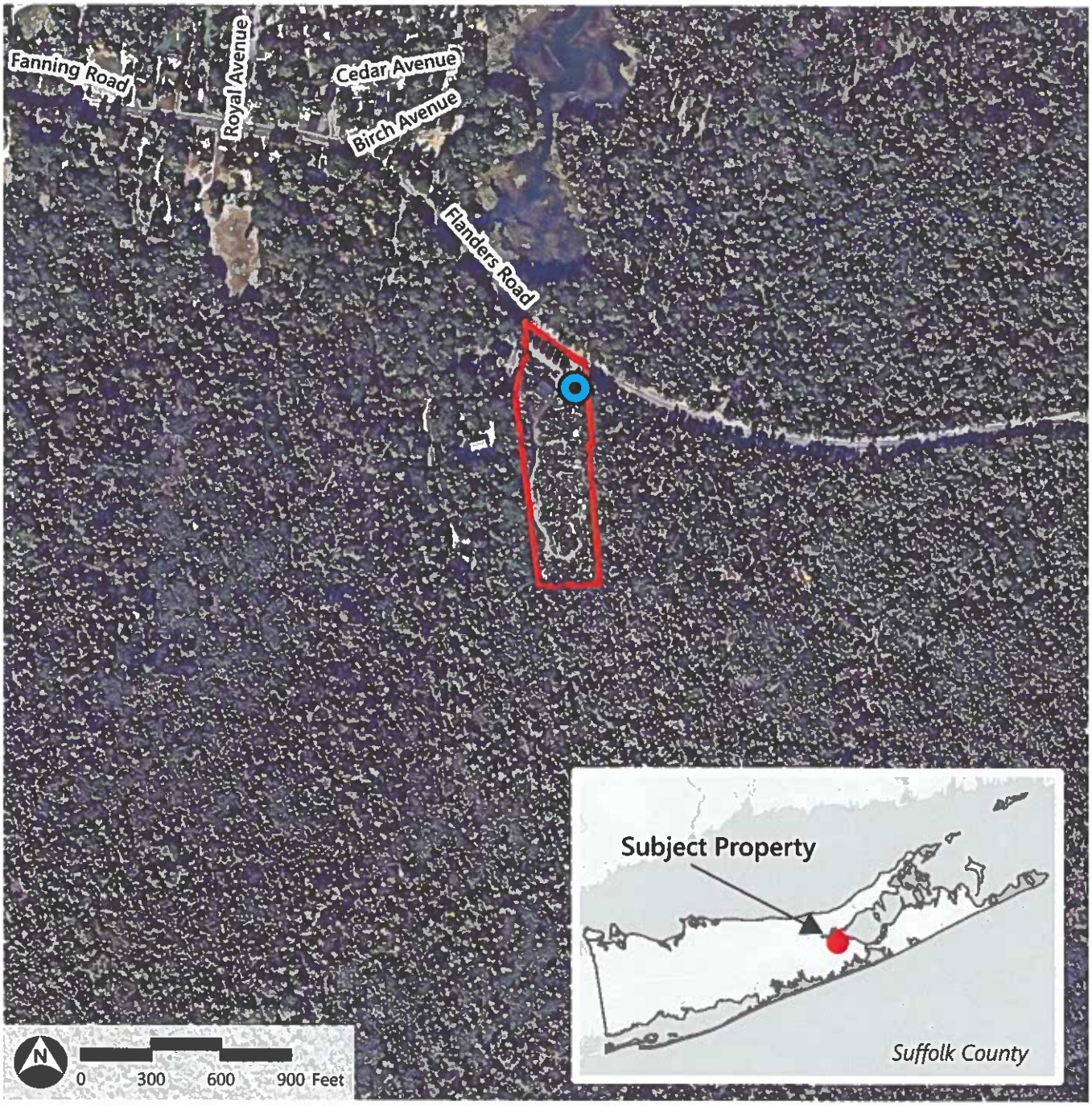
In order to conduct the visual analysis, VHB employed the following methodology:

- Visual inspection of the Subject Property and evaluation of physical characteristics of the Proposed Facility design
- Visual inspection of surrounding areas to determine existing characteristics and obstructions in the visual horizon
- Examination of a *Visual Resource Assessment*, which includes photographic simulations of the Proposed Facility and viewshed maps modeling the visibility of the proposed concealment pole throughout the surrounding area within a two-mile radius, prepared by Saratoga Associates, dated October 23, 2024 (Appendix A).

The overall Subject Property is located within the Core Preservation Area (CPA) of the Central Suffolk Pine Barrens. In a letter dated June 15, 2022 (Appendix B), the Central Pine Barrens (CPB) Commission indicated that the Proposed Facility constitutes development as defined in the New York State Environmental Conservation Law (ECL) Article 57, Section 57-0107(13)(b) and (c), thus requiring a CPA Hardship Waiver from the CPB Commission. Therefore, Section 6 of this report includes a CPA Hardship Waiver Analysis for the Proposed Facility.

Figure 1: Site Location

Proposed Wireless Telecommunications Facility - Homeland Towers NY065
2055 Flanders Road, hamlet of Flanders, Town of Southampton, Suffolk County, New York



Proposed Facility Location

Subject Property (boundaries are approximate)

Source: Suffolk County Parcels; Nearmap 2024

2

Existing Conditions and Proposed Wireless Communications Facility Design

2.1 Existing Site and Surrounding Area Conditions

The Subject Property contains an existing automotive junkyard with an associated 3,600±-square-foot (sf) building, unvegetated surfaces that are largely covered by debris, and a maintained landscape area at the site frontage on the south side of Flanders Road. The area surrounding the Subject Property is characterized by open space and single-family residential uses. The visual horizon in the area of the Subject Property consists of a dense tree cover within designated open space areas and among the residential areas west of the Subject Property, with overhead utility lines visible along Flanders Road.

The photographs below depict the existing conditions are the Subject Property. Additional photographs depicting the surrounding area are included in Section 4 of this report, along with a detailed description of the land uses surrounding the Subject Property.

View of the entrance to the overall Subject Property on Flanders Road.

View of the Proposed Facility location in the northeastern portion of the overall Subject Property.

View of the two-story building within the Subject Property.

View of debris associated with the automotive junkyard within the Subject Property.

View of the Subject Property frontage along the south side of Flanders Road.

2.2 Proposed Wireless Communications Facility Design

The Proposed Facility includes the installation of a 150±-foot above grade level (agl) concealment pole with the antennas of up to four wireless service providers installed within the pole. Verizon Wireless would install three antennas within the concealment pole at a centerline height of 145± feet agl. Dish Wireless may install three antennas within the concealment pole at a centerline height of 115± feet agl. Two additional future carriers would install antennas within the concealment pole at centerline heights of 125± feet agl and 135± feet agl.

The concealment pole would be installed within a proposed 50±-foot-by-60±-foot (3,000±-sf) ground-based equipment compound on the northeast portion of the Subject Property. Verizon Wireless would install equipment within the compound on a 10±-foot-by-20±-foot (200±-sf) concrete equipment pad that would connect to the concealment pole via a cable ice bridge. A weather canopy would be installed atop the Verizon Wireless equipment compound, reaching a top height of 9±-feet-4±-inches agl, with four Verizon Wireless GPS units to be installed atop the canopy reaching a top height of 9±-feet-10±-inches agl. Dish Wireless would also install equipment within the compound atop a 5±-foot-by-7±-foot

(35±-sf) platform that would also connect to the pole via a cable ice bridge. In addition, the equipment compound would include three 10±-foot-by-20±-foot lease spaces for the equipment of future carriers. Three 500-gallon propane tanks (one for Verizon Wireless and two for future carriers) are proposed atop a 10±-foot-by-16±-foot (160±-sf) concrete pad within the equipment compound. The propane tanks would connect to emergency backup generator(s) for the carriers within the compound via underground gas lines. The equipment compound would be surrounded by an 8±-foot agl chain link fence with an 8±-foot-wide double swing access gate.

A proposed transformer, electric meter bank and CSC cabinet would be installed immediately outside of the equipment compound, with underground power/telco conduits routed to an existing utility pole on the south side of Flanders Road. Three bollards would also be installed outside of the compound, on the west side of the transformer, electric meter bank and CSC cabinet. Additionally, evergreen landscape screening would be installed between the proposed wireless telecommunications facility and Flanders Road. These plantings would be installed both immediately north of the equipment compound as well as along the site frontage west of the existing driveway to provide additional screening.

The plans depicting the Proposed Facility, dated July 23, 2024, prepared by WFC Architects, have been submitted under separate cover.

3

Environmental Considerations

The overall Subject Property contains an automotive junkyard, which, according to a Phase I Environmental Site Assessment by Dynamic Environmental Associates, has been present since the 1980s. The area of the Proposed Facility is within a vacant portion of the overall Subject Property that currently contains unvegetated and landscaped areas. Given the existing developed nature of the area of the Proposed Facility, and as detailed below, the Proposed Facility would result in minimal impacts on environmental conditions.

The Proposed Facility is an unmanned wireless telecommunications facility that would not generate sanitary wastewater or solid waste and would not need to be supplied with potable water. would be unoccupied, there would be minimal impact on the environmental conditions within the Subject Property and the surrounding area.

Minimal ground disturbance would be necessary (i.e., 0.07± acre) to accommodate the proposed concealment pole, equipment pads, landscape screening plantings, and trenching of utility lines. Based on a review of the USGS topographic map, *Mattituck Quadrangle* (2023), the project area is relatively flat, with a ground elevation of 31± feet above mean sea level (amsl), such that there would be no disturbance to steeply sloped areas. The areas to be disturbed are currently occupied with unvegetated and landscaped areas within an existing automotive junkyard, and would be replaced with gravel surfaces, concrete pads and the concealment pole foundation, and additional landscape plantings upon completion of construction. In total, there would be approximately 0.03± acre of new impervious surfaces, and 0.01± acre of new gravel/unvegetated surfaces at the 6.18±-acre overall Subject Property. As such, no natural areas would be disturbed, and there would be a minimal increase in impervious surface area at the Subject Property. The minimal increase in impervious surface area would not require new stormwater management infrastructure, as the surrounding landscaped and unvegetated surfaces would allow natural stormwater infiltration.

Construction activities are expected to occur over a short duration of approximately four months. During this time, it is expected that some materials would be excavated for the pole and equipment pad foundations and utility trenches. The total volume of excavated materials is to be determined upon design of the pole foundation. However, excavated materials would be reused on-site to the extent feasible to minimize export. A Phase II ESA was conducted by Dynamic Environmental Associates in July 2023 to characterize soils and groundwater at the Proposed Facility location. The Phase II ESA involved laboratory analysis of soil and groundwater samples collected within the Proposed Facility Area. Based on the laboratory analysis, the Phase II ESA concluded that "no special handling is required for subsurface soils, including soils excavated for the tower foundation." As such, construction activities would not be expected to result in adverse impacts to human health.

Due to the limited area of disturbance (i.e., approximately 0.07± acre) and relatively short duration of construction (i.e., approximately four months), there is limited potential for construction-related erosion and sedimentation impacts. To the extent necessary, erosion and sediment control measures (e.g., installation of silt fences/hay bales, inlet protection, stabilized construction entrance, covering/seeding/watering of exposed areas) would be implemented within disturbed areas to minimize these impacts.

According to the NYSDEC Environmental Resource Mapper,[1] and the U.S. Fish & Wildlife Service National Wetlands Inventory,[2] there are no wetlands or surface waters on or adjacent to the Proposed Facility location. As such, no significant adverse impacts to surface waters are anticipated as a result of installation of the Proposed Facility.

As indicated above, the Proposed Facility would be unmanned and would not create a demand for potable water or generate sanitary wastewater. As indicated in a Phase II ESA prepared by Dynamic Environmental Associates, the depth to groundwater in the Proposed Facility location is 29± feet below grade surface (bgs). As such, the minimal stormwater runoff generated by the minor increase in impervious surfaces at the Proposed Facility (i.e., 0.03± acre) would filter through the on-site subsurface soils before recharging to the water table.

The Proposed Facility involves the on-site storage of three 500-gallon propane tanks for emergency backup generators. The propane tanks would be installed atop a concrete pad in accordance with applicable regulations. The Proposed Facility does not involve the bulk storage of other petroleum or chemical products. Therefore, no significant adverse impacts to groundwater resources are anticipated to result from the Proposed Facility.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 36103C0488H[3] the Subject Property is located within an area of minimal flood hazard (Zone X, which is outside of the 100- and 500-year flood hazard areas). The Proposed Facility will have minimal impact on flooding because it is not located within a special flood hazard area and will not add a significant amount of impervious area to the Subject Property.

No significant sources of air emissions are included in the Proposed Facility. Therefore, the Proposed Facility would not result in significant adverse air quality impacts.

According to the NYSDEC EAF Mapper database, there are non-site-specific records for the NYS and federally Endangered species Northern Long-eared Bat (*Myotis septentrionalis*) in the vicinity of the Subject Property. As the primary threat to this species on Long Island is disturbance to summer roosts due to tree removal, the current NYSDEC and USFWS protections include seasonal and other restrictions on tree removal. As the Proposed Facility would occur within developed portions of the Subject Property and does not include tree removal, no significant adverse impacts to Northern Long-eared Bat are anticipated.

According to the NYSDEC Environmental Resource Mapper, the Proposed Facility is in the vicinity of the high salt marsh, low salt marsh, salt shrub, and salt panne significant natural communities associated with Hubbard Creek Marsh, which is located north of Flanders Road. However, as the Proposed Facility

[1] New York State Department of Environmental Conservation. *Environmental Resource Mapper*. Available at: Environmental Resource Mapper (ny.gov). Accessed September 2024.

[2] U.S. Fish & Wildlife Service. *National Wetlands Inventory*. Available at: https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper. Accessed October 2024.

[3] Federal Emergency Management Agency. "FEMA Flood Map Service Center" Available at: https://msc.fema.gov/portal/search?AddressQuery=2055%20flanders%20road%20flanders%20ny. Accessed October 2024.

would occur within developed portions of the Subject Property, and does not involve vegetation removal, no significant adverse impacts to these significant natural communities are anticipated.

No agricultural resources are present at the Subject Property. Therefore, the Proposed Facility would not impact agricultural resources.

With respect to visual impacts/aesthetic resources, this report includes a detailed visual impact evaluation in Section 5, and a full *Visual Resource Assessment* in Appendix A. Overall, the Proposed Facility would have limited visibility in the surrounding area and has been designed to be the least visually obtrusive feasible, with design features including the installation of antennas within the concealment pole, the slender profile and neutral coloration of the concealment pole, and the screening of the ground-based equipment with evergreen plantings. Therefore, no significant adverse visual impacts are anticipated.

There are no historic or cultural resources on or adjacent to the Proposed Facility location, including Town-designated landmarks or historic districts, or sites or districts listed on the State or National Register of Historic Places. According to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS), the Subject Property is within an "Archaeological Buffer Area." On February 17, 2022, the OPRHP issued correspondence indicating that there are "No Historic Properties in Area of Potential Effects (APE)" for Direct Effects (see correspondence in Appendix C). The OPRHP correspondence also indicates that the Proposed Facility would have "No Effect on Historic Properties in APE for Visual Effects (the APE for Visual Effects for the Proposed Facility with a height of 150 feet agl is one-half-mile). Therefore, no significant adverse impacts on historic or cultural resources are anticipated.

The Subject Property is an automotive junkyard and does not contain open space and recreation resources. While there are open space areas in the vicinity of the Subject Property, the Proposed Facility would not have a significant adverse impact on these resources, as visibility of the Proposed Facility is anticipated to be largely obscured by the dense tree cover within the surrounding area. While the Proposed Facility is anticipated to be visible from some open space areas, it has been designed to mitigate visual impacts to the maximum extent feasible, through the inclusion of a stealth design that conceals the wireless antennas, the slender profile and neutral coloration of the concealment pole, and landscape screening of the ground-based equipment.

According to the NYSDEC DECinfo Locator,[4] the Subject Property is within areas categorized as critical environmental areas (CEA) including the Maple Swamp; Aquifer Overlay District; Central Suffolk Pine Barrens; and the Central Suffolk Special Groundwater Protection Area (SGPA) CEAs. These CEAs were designated on the basis of groundwater and drinking water protection and benefits to human health. It is noted that, while the Subject Property is located within these CEAs, the land has been cleared for an extended period of time and used as an automotive junkyard. The Proposed Facility would be installed within a vacant portion of the Subject Property and does not involve removal of natural vegetation. Furthermore, as the Proposed Facility would be unmanned and would not create a demand for potable water or generate sanitary wastewater. A minimal increase in stormwater runoff would result from the minor increase in impervious surfaces (i.e., 0.03± acre) at the overall 6.18±-acre Subject Property. Stormwater runoff would filter through surrounding pervious areas through the soil before recharging to the water table, which, as noted above, is 29± feet bgs. Based on these factors, the Proposed Facility is not anticipated to result in a reduction in the quantity or quality of the resource or characteristic

[4] New York Department of Environmental Conservation. *DECinfo Locator*. Available at: DECinfo Locator (ny.gov). Accessed October 2024.

which was the basis for designation of these CEAs. See Section 6 of this report for a hardship waiver analysis with respect to the Central Suffolk Pine Barrens.

A nominal, temporary increase in traffic would be expected during construction of the Proposed Facility. However, this increase would be minor and would be of relatively short duration (i.e., up to approximately four months). Traffic associated with the operation of the Proposed Facility would be *de minimis*, as the site would be unmanned and remotely monitored. There would be approximately one trip per month per carrier by a technician in a passenger-type vehicle to inspect and maintain the equipment. Additionally, the equipment installed on the site would use minimal electricity.

The Proposed Facility would not create an increase in odors.

With respect to noise, ambient noise levels may be temporarily exceeded during construction activities, which would be conducted between 7:00 a.m. and 7:00 p.m. on weekdays, and between 8:00 a.m. and 6:00 p.m. on weekends, in accordance with the Town of Southampton noise regulations at §235-4 of the Town Code. As the Proposed Facility is located on a site that contains an active automotive junkyard, and as the emergency backup generators would only be turned on in the event of a power outage and periodically for limited time periods to conduct routine maintenance, operational noise is not expected to exceed existing ambient conditions. Therefore, no significant adverse noise impacts are anticipated.

Work lights would be installed within the equipment compound. All equipment lighting would be dark sky compliant, shielded and properly aimed to prevent off-site light spill. Furthermore, the Proposed Facility does not involve removal of existing natural vegetation and additional landscape screening would be installed adjacent to the equipment compound. Therefore, no significant adverse light impacts are anticipated.

With respect to community character, the Proposed Facility has been sited and designed to be the least visually obtrusive as practicable. There is a cellular service deficiency in the area, as demonstrated by the RF report in Appendix D, as well as a lack of availability of other sites to serve the same area (see Alternative Sites Affidavit in Appendix E). The overall Subject Property contains an established automotive junkyard land use, the character of which would not be significantly altered by the addition of a wireless telecommunications facility. Furthermore, the Proposed Facility would have beneficial impacts on community character by providing more reliable cellular service to area residents, visitors and first responders who rely on the cellular network.

Based on the above, the Proposed Facility would be unmanned and would not result in significant adverse environmental impacts, including potential impacts within the criteria for determining significance under the State Environmental Quality Review Act (SEQRA) implementing regulations at 6 NYCRR Part 617.7(c).

4

Land Use and Zoning Impact Analysis

4.1 Zoning and Land Use

Although the Subject Property has been used as an automotive junkyard since the 1980s, according to the Town of Southampton Zoning Map (Figure 2), the Subject Property is within the Country Residence (CR-60) District, as well as the Aquifer Protection Overlay District (APOD). Pursuant to the Town Code, § 330-10, *Attachment 1, Residence Districts Table of Use Regulations*,[5] the permitted uses in the CR-60 District include single-family detached dwellings; planned residential developments; municipal parks; fire stations, municipal offices or any governmental buildings; schools; agriculture; plant nurseries; customary accessory structures and/or uses; home professional offices; private garages or private off-street parking; private moorings; private swimming pools; signs; temporary roadside farm retail; wind energy conversion systems; private greenhouses; accessory apartments and battery energy storage systems ≤ 600 kilowatt-hours. There are also several uses that require special exception permission within the CR-60 District, including wireless communications towers and antennas, other public utilities, community facilities, and commercial uses.

The zoning classifications and land uses surrounding the Subject Property (i.e., within one-half mile of the site), are as follows (Figure 2 and Figure 3):

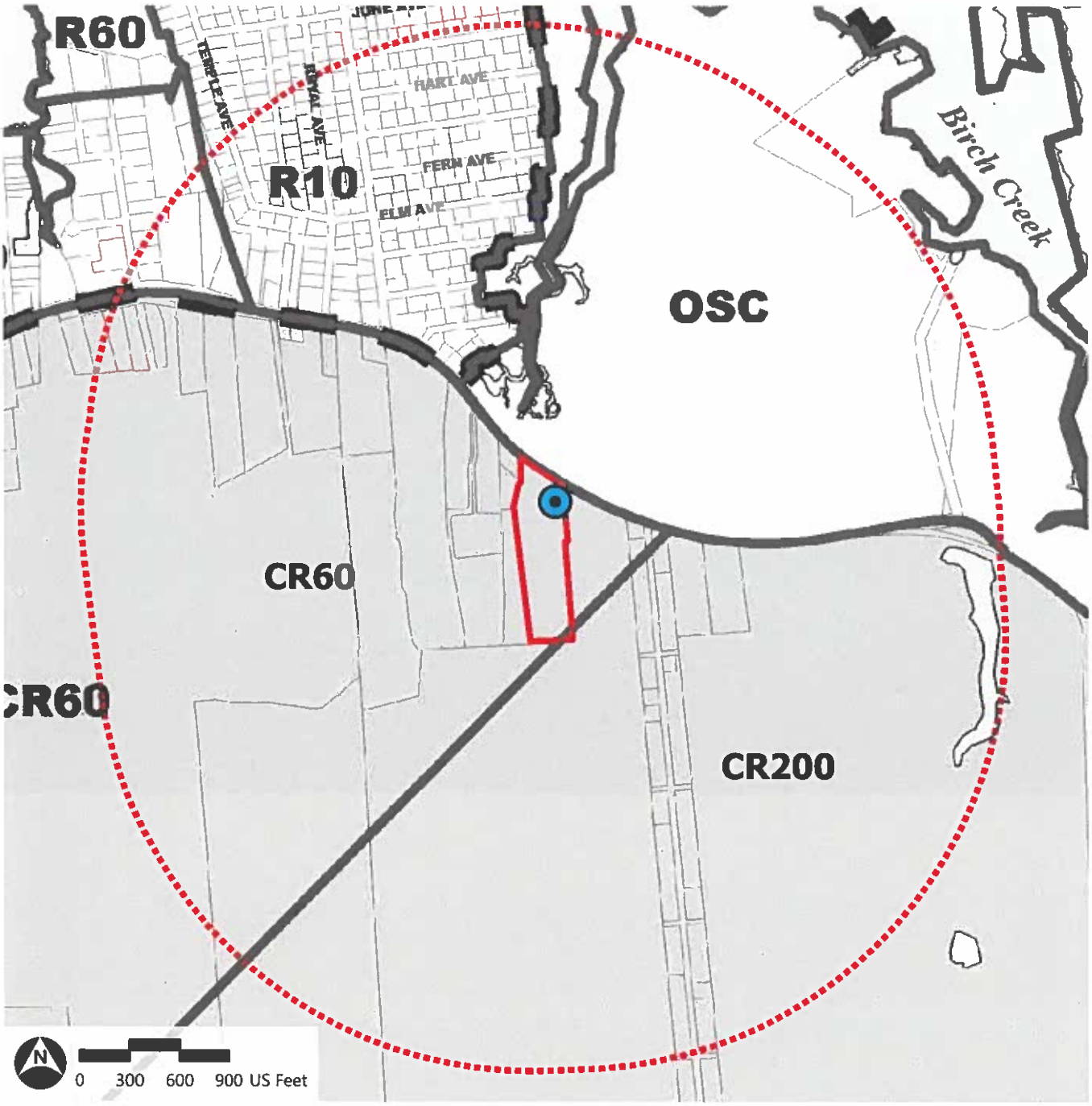
- **North:** The area directly north of the Subject Property, opposite Flanders Road, contains open space land (i.e., Hubbard County Park) in the Open Space Conservation (OSC) District. There is a single-family residential neighborhood to the northwest of the Subject Property within the R-10 Residence District.
- **East:** The area east of the Subject Property includes open space owned by Suffolk County, within the CR-60 and CR-200 Districts.
- **South:** The area south of the Subject Property includes open space owned by Suffolk County, within the CR-60 and CR-200 Districts.
- **West:** The properties immediately west of the Subject Property include single-family residences and open space owned by Suffolk County and the Town of Southampton and within the CR-60 District. Farther to the west, past Goose Creek, there are single-family

[5] Town of Southampton. *§ 330-10, Attachment 1, Residence Districts Table of Use Regulations.* Available at: https://ecode360.com/attachment/SO0286/SO0286-330a%20Residence%20Districts%20Table%20of%20Use%20Regs.pdf. Accessed September 2024.

residences lining Flanders Road, as well as a commercial gas station. The residences on the south side of Flanders Road are within the CR-60 District, and the residences and gas station on the north side of Flanders Road are within the R-10 District.

Figure 2: Existing Zoning

Proposed Wireless Telecommunications Facility - Homeland Towers NY065
2055 Flanders Road, hamlet of Flanders, Town of Southampton, Suffolk County, New York



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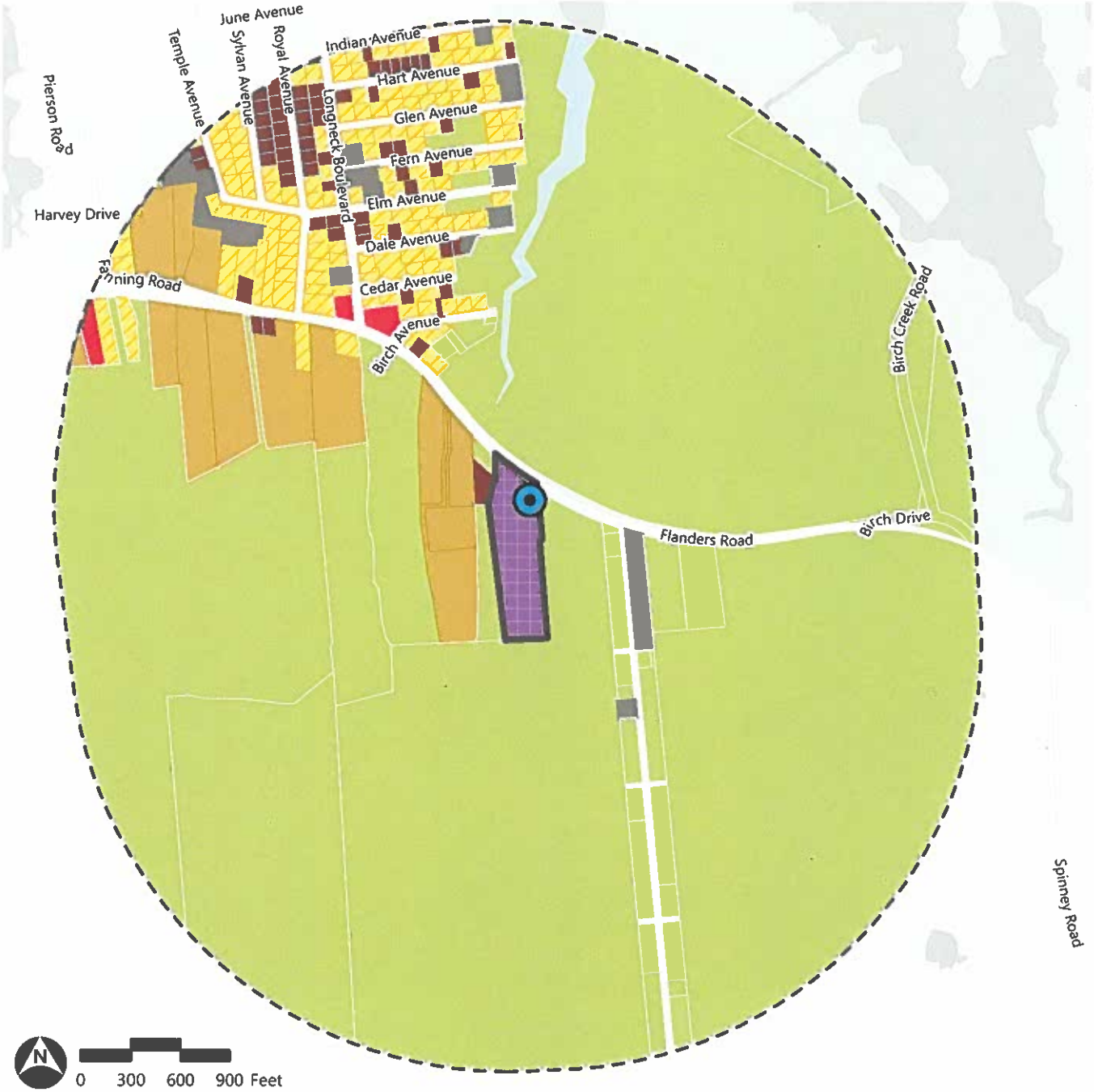
- Proposed Facility Location
- Subject Property (boundaries are approximate)
- One-Half-Mile Radius
- Zoning District Boundaries
- Central Pine Barrens Plan Compatible Growth Area
- Central Pine Barrens Plan Core Preservation Area
- Aquifer Protection Overlay District

R10 - Residence 10,000 sq. ft.
R60 - Residence 60,000 sq. ft.
CR60 - County Residence 60,000 sq. ft.
CR200 - Country Residence 200,000 sq. ft.
OSC - Open Space Conservation

Source: Town of Southampton Zoning Map, Suffolk County GIS

Figure 3: Existing Land Use
Proposed Wireless Telecommunications Facility - Homeland Towers NY065
2055 Flanders Road, hamlet of Flanders, Town of Southampton, Suffolk County, New York



Proposed Facility Location
Subject Property (boundaries are approximate)
One-Half-Mile Radius

Land Use Category

Industrial
Recreation & Open Space
Commercial
Low Density Residential (≥ 1 acre)
Medium Density Residential (> 0.2 acre and < 1 acre)
High Density Residential (≤ 0.2 acre)
Surface Waters
Vacant

Source: Suffolk County GIS

As described above, the area surrounding the Subject Property is characterized predominantly by open space and single-family residential land uses. The photographs below are representative of the surrounding area. Additional photographs of the site and surrounding area are provided in Appendix F. The zoning classifications and land uses described above are depicted on Figure 2 and Figure 3, respectively.

View looking west along Flanders Road from just north of the Subject Property.

View looking east along Flanders Road from the entrance of the Subject Property.

View looking north towards Hubbard County Park, north of the Subject Property.

View of a residential driveway west of the Subject Property on Flanders Road.

View of the gas station west of the Subject Property at the corner of Flanders Road and Long Neck Boulevard.

View of the residential neighborhood northwest of the Subject Property along Long Neck Boulevard.

From a land use planning perspective, the installation of the Proposed Facility is appropriate as it utilizes an industrial property and would be located within an area of the site that does not contain naturally vegetated areas and would not impede the existing junkyard operations. The Proposed Facility would be located within an area where there is a documented wireless communications service gap that would benefit from the provision of additional facilities, as detailed in the RF Report (Appendix D). The resulting improvement in wireless communications service would benefit area residents and visitors, including those who utilize the surrounding open space areas for recreational activity.

By co-locating the antennas of multiple wireless service carriers within a single concealment pole, the Proposed Facility would comply with the Town Code by limiting the need for future installation of multiple communications facilities to serve the area lacking sufficient coverage. This is beneficial from a land use planning perspective, avoiding the potential proliferation of similar facilities, and would reduce potential associated impacts, such as visual impacts. As discussed in detail in Section 5, the visual analysis demonstrates that, although the Proposed Facility would be visible from some parts of the surrounding area, visibility is obscured from many vantage points throughout the surrounding area by a dense tree cover and area topography. Furthermore, the neutral coloration and slender profile of the pole, which would conceal the antennas of multiple wireless carriers within, will minimize visual impacts from views where the concealment pole can be seen. Other mitigating design features are the positioning of the base of the concealment pole and ground-based equipment behind evergreen screening, thereby screening the base of the pole and equipment compound from the surrounding area.

4.2 Analysis of Town Code Requirements

Wireless telecommunications facilities are regulated in the Town of Southampton under Article XXVII of the Town Code. The following discussion evaluates the consistency of the Proposed Facility with the regulations of Article XXVII, including the special exception standards for wireless telecommunications facilities. The Proposed facility requires special exception approval from the Town of Southampton Planning Board pursuant to § 330-306 of the Town Code, as well as site plan approval. This section analyses the Proposed Facility's consistency with the general standards for issuance of a special exception at § 330-122, as well as the standards for telecommunications facilities at § 330-302 through § 330-16, as applicable.

Additionally, as indicated in the Town Department of Land Management's *Pre-submission Conference Report*, dated May 25, 2023, the Planning Division indicated that the Proposed Facility would require a variance from Town Code § 330-6.A, as it would be a second use on a residential lot, where only one use per lot is permitted in residential zones, unless interpreted to be a customary and incidental use, by the Chief Building Inspector under § 330-303(A).

§ 330-6 – General Regulations

This section of the Town Code states:

> *Within any residence district, a building, structure, lot or land shall be used only for one of the uses indicated in § 330-10, Residence Districts Table of Use Regulations, for the specific district in which it is located on the Zoning Map and in accordance with the particular classification of that use in that district.*

Under existing conditions, the Subject Property contains an automotive junkyard that has been present since the 1980s; there are no residential uses on the Subject Property. The addition of the Proposed Facility at the Subject Property would represent a new use. However, as indicated in the RF Report (Appendix D) and Alternative Sites Affidavit (Appendix E) this location represents the most feasible option for the siting of a wireless telecommunications facility in an area of the Town where there is a demonstrated service deficiency. Furthermore, the addition of the Proposed Facility to the existing automotive junkyard property would not result in internal land use conflicts on the site nor would it result in significant adverse impacts related to an increase in land use intensity. The proposed ground-based equipment compound would occupy a 3,000±-sf (0.07±-acre) area at the northeast corner of the overall 6.18±-acre Subject Property, thus occupying 1.1± percent of the total land area. The proposed location on this small, isolated portion of the Subject Property, would not interfere with the current automotive junkyard operations and is in fact necessary to support the operations of the junkyard by providing necessary wireless communications to the area. Furthermore, as the Proposed Facility would be unmanned outside of regular maintenance visits, there would be no potable water use, sanitary sewage or solid waste generation. Traffic generated by the Proposed Facility would also be minimal, as the equipment would require maintenance visits approximately once per month for each wireless service carrier. With regard to aesthetic impacts, as discussed in detail in Section 5 of this report, the Proposed Facility has been designed to minimize visual impacts through the use of a concealment pole that would hide the wireless antennas within a neutral colored pole with a slender profile. The base of the concealment pole and the surrounding ground-based equipment would also be screened from view by evergreen landscape screening to be installed along the Flanders Road site frontage.

Overall, given the need for the Proposed Facility to address a demonstrated wireless service deficiency in the area, the lack of other feasible alternative sites in the area, and the minimal impacts associated with the Proposed Facility, it is respectfully submitted that the variance for an additional use on a residentially zoned property should be granted.

§ 330-122 – General Standards

A. *Such use will be in harmony with and promote the general purposes and intent of this chapter as stated in §330-3.*

Section 330-3 Declaration of purposes – This chapter is adopted for the purpose of promoting the health, safety and morals or the general welfare of the Town of Southampton and in furtherance of the following related and more specific objectives:

A. *To guide and regulate the orderly growth, development and redevelopment of the Town in accordance with a Comprehensive Plan and with the more general long-range objectives, principles and standards expressed in the Town's Master Plan which are deemed beneficial to the interests and welfare of the people.*

A goal within the 1999 *Town of Southampton Comprehensive Plan* (hereinafter the "*Comprehensive Plan*") is to "help residents capitalize on the telecommunications revolution by easing the ability of people to work out of their homes, and thus invest in and bring jobs to Southampton." Similarly, the Town of Southampton 2007 *Wireless Communications Master Plan* (hereinafter the "*Wireless Communications Master Plan*") recognizes that as "the telecommunications revolution continues, as applications expand from mobile phone service to music, photos, video and computing, access to wireless has shifted from luxury to necessity." The Proposed Facility would be consistent with both the goals presented within the *Comprehensive Plan* and the *Wireless Communications Master Plan* by providing reliable service to an area where there are currently service deficiencies. As such, it is respectfully submitted that the Proposed Facility complies with this standard, as the Proposed Facility would be beneficial to the interests and welfare of the people, consistent with this standard.

B. *To protect the established character and the social and economic well-being of both private and public property.*

The Proposed Facility would be sited along a major thoroughfare (Flanders Road). The proposed equipment compound would be situated on the northeast portion of the Subject Property, within the CR-60 zoning district, set back 46-feet-2± inches from Flanders Road; while the pole would be 104-feet-11± inches from Flanders Road and 306± feet from the nearest residence to the west. The proposed concealment pole would be painted a neutral color of the Town's choice, with a slender profile and with the antennas and associated cables concealed inside the pole. Additionally, as described in the Section 5 of this report, the surrounding area is characterized by extensive woodlands and trees along both sides of Flanders Road, providing significant screening of the Proposed Facility. As such, it is respectfully submitted that the Proposed Facility has been designed to protect the established character and the social and economic well-being of both private and public property to the maximum extent practicable.

C. *To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.*

As previously indicated, the Proposed Facility would be located in the northeast corner of a 6.18±-acre parcel currently utilized as an automotive junkyard. The proposed concealment pole would be situated a significant distance (306± feet) from the nearest single-family residences to the west along Flanders Road. As indicated in the RF report prepared by V-COMM (Appendix D), there is a demonstrated service deficiency in the area of the Subject Property. The installation of the Proposed Facility upon an existing automotive junkyard property is appropriate from a planning perspective, especially considering the nature of the proposed use and the existing development in the surrounding area, in keeping with this standard.

D. *To promote, in the public interest, the preservation of prime agricultural lands and natural areas through the use of planned residential development.*

The Proposed Facility does not involve residential development. The Subject Property is currently utilized as an automotive junkyard and is not located on agricultural land, and no natural areas would be disturbed, in keeping with this standard.

E. *To secure the maximum recharge of the Town's fresh groundwater reservoir to assure both the maintenance of the natural environment and the ecosystems essential to its continued well-being and the optimum groundwater resource for the human community through the protection of such features of the watershed areas as the woodlands, streams, ponds, lakes and the particularly pervious soils of the Ronkonkoma Moraine and to so regulate the ultimate land use and consequent freshwater consumption that the potential demand for freshwater shall not exceed the reasonably determined safe yield of that fresh groundwater reservoir.*

Based on review of the New York State Department of Environmental Conservation's (NYSDEC) publicly accessible maps, the Subject Property is within areas categorized as critical environmental areas (CEAs) including the Maple Swamp; Aquifer Overlay District; Central Suffolk Pine Barrens; and the Central Suffolk Special Groundwater Protection Area (SGPA) CEAs. It is noted that, while the Subject Property is located within these CEAs, the land has been cleared for an extended period of time and used as an automotive junkyard. The Proposed Facility would be installed within a vacant portion of the Subject Property and does not involve removal of natural vegetation. Furthermore, as the Proposed Facility would be unmanned and would not create a demand for potable water or generate sanitary wastewater. A minimal increase in stormwater runoff would result from the minor increase in impervious surfaces (i.e., 0.03± acre). Stormwater runoff would filter through surrounding pervious areas through the soil before recharging to the water table, which is 29± feet bgs. There would be no significant adverse impacts to topography, soils or drainage patterns. Furthermore, there would be no sewage generation or water use, as the proposed Facility would be unmanned; and as there are no wetlands present on or contiguous to the subject property, there would be no impacts to surface waters or groundwater quantity or quality.

F. *To protect and promote the fisheries and the resort industries of the Town by preserving a healthful biological and chemical balance in the adjacent ocean, bays, estuaries and all tributary watercourses and drainage lines.*

As the Subject Property is not located within close proximity to any fisheries or resort industries within the Town, this standard is not applicable.

G. *To secure safety from fire, panic, flood, storm and other dangers; to provide adequate light, air and convenience of access; and to prevent environmental pollution.*

The Proposed Facility would be unmanned and would not involve the creation of a habitable structure. As such, it is anticipated that there would be no risk from fire, panic and other dangers, and the requirement to provide light and convenience of access would not be applicable. In addition, the Applicant's FCC RF emission expert, Pinnace Telecom Group, in a report dated September 10, 2024 (Appendix G) has determined that the Proposed Facility would be well within the applicable federal guideline. The proposed Facility would improve wireless communications in this area of the Town, thus providing a means of communications, including emergency communications. Based on the foregoing, the proposed Facility would comply with this criterion.

H. *To prevent overcrowding of land or buildings and to avoid undue concentration of population.*

The Proposed Facility would be located on a site presently used for commercial purposes and as indicated above, would be unmanned. Thus, the Proposed Facility would not result in the creation of undue concentrations of population on the site or in the surrounding area, consistent with this standard.

I. *To conserve the value of buildings and to enhance the value of land throughout the Town.*

The land use in the immediate surrounding area consists of County-owned wooded open space on the north side of Flanders Road, as well as surrounding the Subject Property to the east, south and west. These open space areas comprise the majority of the land surrounding the Subject Property. There are also four residential properties proximate to the west side of the Subject Property, as well as a residential neighborhood to the northwest that begins approximately 950 feet from the Proposed Facility Location. The nearby residences have been situated proximate to the existing automobile junkyard at the Subject Property since at least the 1980s. The Proposed Facility location is on the northeastern corner of the Subject Property, as far away from the nearby residential area as feasible given the automobile junkyard that extends throughout the depth of the Subject Property. As discussed in detail in Section 5 of this report, and as shown on the Viewshed Map in Appendix A, it is expected that the proposed concealment pole would be minimally visible from the residential area to the west given the existing intervening dense tree cover. Furthermore, where the proposed concealment pole would be expected to be visible, its visual impact would be mitigated by a design that conceals the wireless service antennas within a slender profile pole with neutral coloration. The Proposed Facility would also provide a benefit to surrounding residential properties by increasing wireless telecommunications service in the area. Based on these factors the Proposed Facility is not expected to have a significant adverse impact on the value of land or buildings in the Town.

J. *To provide housing sites for residents of the community compatible with their economic means.*

The Proposed Facility will be located in the northeast corner of a 6.18±-acre parcel currently utilized as an automotive junkyard. As the Applicant is seeking approval to construct an unmanned public utility wireless communications facility on an existing automotive junkyard site, it is respectfully submitted that this standard does not apply in this case. The Proposed Facility would, however, benefit residents in the surrounding area by providing wireless communications

service in an area that currently has a demonstrated service gap, as indicated in the RF report in Appendix D.

K. *To lessen and, where possible, to prevent traffic congestion on public streets and highways.*

The Proposed Facility would generate approximately one vehicular trip per month for each wireless service provider to and from the Subject Property by a technician in a passenger-type vehicle to inspect and maintain the equipment. As such, there would be no adverse impact to the existing traffic conditions near the Subject Property, consistent with this standard.

L. *To eliminate nonconforming uses gradually.*

The Subject Property is currently utilized as a nonconforming commercial use in a CR-60 residential zone. As the Proposed Facility would be a public utility that will alleviate a demonstrated deficiency in service coverage, and would be permitted by special exception from the Planning Board, subject to the applicable special exception criteria, it is respectfully submitted that this standard is not applicable.

M. *To conserve and reasonably protect the natural scenic beauty and cultural and historic resources of the Town and its environs.*

There are no historic or cultural resources on or adjacent to the Proposed Facility location, including Town-designated landmarks or historic districts, or sites or districts listed on the State or National Register of Historic Places. According to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS), the Subject Property is within an "Archaeological Buffer Area." On February 17, 2022, the OPRHP issued correspondence indicating that there are "No Historic Properties in Area of Potential Effects (APE)" for Direct Effects (see Appendix C). The OPRHP correspondence also indicates that the Proposed Facility would have "No Effect on Historic Properties in APE for Visual Effects (the APE for Visual Effects for the Proposed Facility with a height of 150 feet agl is one-half-mile).

The Subject Property is presently utilized as an automotive junkyard and does not contain open space and recreation resources. While there are open space areas in the vicinity of the Subject Property, the Proposed Facility would not have a significant adverse impact on these resources, as visibility of the Proposed Facility is anticipated to be largely obscured by the dense tree cover within the surrounding area. While the Proposed Facility is anticipated to be visible from some open space areas, it has been designed to mitigate visual impacts to the maximum extent feasible, through the inclusion of a stealth design that conceals the wireless antennas, the slender profile and neutral coloration of the concealment pole, and landscape screening of the ground-based equipment. Thus, there would be no adverse visual impact upon scenic resources in the vicinity of the subject property, consistent with this standard (see Section 5 below for further discussion on potential visual impacts).

§ 330-122 continues below:

B. *The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.*

The Subject Property is 6.18± acres (269,327± sf). The Proposed Facility includes a 60-foot-by-50-foot (3,000±-sf) fenced equipment compound, with the concealment pole therein, on the northeastern portion of the Subject Property. As such, the Proposed Facility would occupy a negligible amount of area compared to the overall parcel size (i.e., approximately 1.1 percent). In

addition, although any future carrier would be required to submit the appropriate application to the Town of Southampton to collocate within the Proposed Facility, adequate space has been provided within the equipment compound and the concealment pole for a maximum of four providers. The Proposed Facility would be entirely contained on the Subject Property, would not encroach on any surrounding properties; and given the unmanned nature of the proposed Facility, its presence would not interfere with current off-site operations. As such, it is respectfully submitted that the plot area is sufficient for the proposed use, consistent with this standard.

C. *The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district.*

The Proposed Facility and its associated operation would be contained entirely on the Subject Property and would not encroach on any nearby properties. As such, it would in no way interfere with the reasonable or orderly use of nearby properties. As previously indicated, the Subject Property is located within the CR-60 zoning district and is presently utilized as an automotive junkyard. The land surrounding the Subject Property is mostly County-owned open space, with some residential uses to the west. As the Proposed Facility would be remotely monitored and would require approximately one visit per month by a technician to inspect the on-site equipment, the reasonable use of the adjacent properties would not be impacted by reason of traffic generated. Thus, the Proposed Facility would not prevent the orderly and reasonable use of adjacent properties, consistent with this standard.

D. *The site is particularly suitable for the location of such use in the Town.*

The Subject Property is suitably located for the Proposed Facility as it adjoins a major thoroughfare (Flanders Road). Although the Subject Property lies within a residential zoning district (CR-60), the site has been utilized as an automotive junkyard since the 1980s. The Subject Property is located in an avoidance area, as defined in Section 330-302.B.(2) of the Town Code, specifically the Core Preservation Area of the Central Pine Barrens. Approval of a hardship exemption from the Central Pine Barrens Joint Policy and Planning Commission will be required. The Proposed Facility location was chosen to be situated the farthest away from nearby residences to the west as practicable, on the northeastern corner of the Subject Property. Thus, it was determined that the Proposed Facility location represents the least intrusive means of providing service in the area of the Subject Property, in which there is a documented deficiency in wireless service as indicated in the V-COMM RF Report (Appendix D). Additionally, as indicated in the Alternative Sites Affidavit (Appendix E) the Applicant investigated the possibility of locating the Proposed Facility on sites that are not avoidance areas, and determined that no such properties are available that would meet the wireless service coverage needs of the area. Accordingly, it is respectfully submitted that the Proposed Facility is in keeping with the intent of this standard.

E. *The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.*

The nearest public recreational areas are the County-owned open space to the east of the Subject Property and Hubbard County Park, north of the Subject Property, across Flanders Road. The Proposed Facility would provide a benefit to users of these recreational areas, as it would provide wireless service coverage in an area with a demonstrated service gap (see RF report in Appendix D). Furthermore, as discussed in detail in Section 5 of this report, the Proposed Facility

has been designed to be the least visually obtrusive practicable, such that there would be minimal visual impacts to the surrounding area, including within the nearby recreational areas, which feature dense woodlands that would visually screen the Proposed Facility. The Proposed Facility is not located near a church, school, theater, or any other place of public assembly. Therefore, the Proposed Facility would be consistent with this standard.

F. *The proposed use, particularly in the case of a nonnuisance industry, conforms to this chapter definition of the special exception use where such definition exists or with the generally accepted definition of such use where it does not exist in this chapter.*

The proposed use conforms with the Town's Code definition of special exception use (i.e., Wireless Communications Transmission Support Structures and Antennas), as found in Chapter 330 of the Town Code.

G. *Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.*

The Proposed Facility would utilize an existing curb cut on Flanders Road that is approximately 1,200 feet from the nearest intersection (Flanders Road at Birch Avenue, west of the Subject Property). The Proposed Facility would be unmanned, and would generate approximately one vehicular trip per month for each wireless service provider, by a technician in a passenger-type vehicle to inspect/maintain the on-site equipment, upon completion of the Proposed Facility. As such, there would be no impacts to access or traffic, consistent with this standard.

H. *All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.*

The Proposed Facility will utilize an existing curb cut on Flanders Road to allow access to the equipment compound. No additional curb cuts are proposed.

I. *There are off-street parking and truck loading spaces at least in the number required by the provisions of §§ 330-92 through 330-101, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and, further, that the layout of the spaces and driveways is convenient and conducive to safe operation.*

The Town Code does not provide parking requirements for wireless facilities. The Proposed Facility would be located in the northeast corner of the Subject Property, which is presently part of an automotive junkyard. As the Proposed Facility would be unmanned and would only be visited approximately once per month per wireless service provider by a technician to inspect/maintain the on-site equipment during standard business hours, there would be no burden placed upon available parking on a daily basis. Further, it is anticipated that the technician would park their vehicle along the access aisle adjacent to the equipment compound. Thus, it is respectfully submitted that the proposed action would be consistent with this standard.

J. *Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.*

The Proposed Facility would be located in the northeast corner of the Subject Property, with the compound fence set back 46-feet-2± inches from Flanders Road and 204-feet-9± inches from the nearest residential property line to the west (i.e., 2043 Flanders Road). The Proposed Facility and its associated operation would be contained entirely on the Subject Property. Visual screening of the Proposed Facility would be provided in the form of evergreen trees to be planted on the north side of the equipment compound, adjacent to Flanders Road. Additional evergreen screening would be planted to supplement existing trees located along the property frontage northwest of the Proposed Facility location. The equipment compound would also be surrounded by an eight-foot-tall chain link fence with brown privacy slats. There is also existing vegetation, junkyard storage areas, and a two-story building on the northern portion of the Subject Property between the Proposed Facility location and the adjacent residences to the west. The properties to the north, east and south, and most of the western property boundary, contain wooded open space owned by Suffolk County, which would provide visual screening throughout most of the surrounding area, as discussed in detail in Section 5 of this report. Furthermore, as indicated in a letter by the project architect, WFC Architects (see Appendix H), "the proposed tower will be designed with a 'hinge-point' so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel." Thus, properties and uses in the surrounding area would not be adversely affected by the Proposed Facility.

K. *Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.*

The Proposed Facility would not result in significant increases in impervious surfaces at the Subject Property (i.e., a total increase of 0.03± acre at the overall 6.18±-acre Subject Property). The proposed gravel surface areas within the equipment compound, and the surrounding portions of the Subject Property, will serve as an infiltration method for the de minimis additional stormwater runoff generated by the Proposed Facility. The Facility would be unmanned, and would not require the disposal of liquid, solid or gaseous waste. Based on these factors the Proposed Facility is consistent with this standard.

L. *No outdoor sales lot, rental equipment storage or display area will be permitted in the required front yard area of any business district, except that in the HB District such uses may be permitted in the required front yard, provided that they are set back 50 feet from the front property lines.*

The Proposed Facility is an unmanned public utility wireless telecommunications facility. No outdoor sales lot, rental equipment or other display area are proposed.

M. *The proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses in this article.*

As discussed above, the Proposed Facility complies with the general special permit standards outlined in Town Code Section 330-122. It is also respectfully submitted that the Proposed Facility is consistent with the specific conditions and safeguards as set forth in Article XXVII of the Town Code, as discussed below.

In addition to the foregoing general standards for Special Exceptions, Article XXVII of Chapter 330 of the Town Code regulates wireless communications transmission support structures and antennas within the Town. Pursuant to Article XXVII, §330-302, any new wireless communications Facility shall comply with the criteria in §330-303 through §330-316, as applicable. Therefore, a

consistency analysis of the Proposed Facility with relevant standards in this section of the Town Code is presented below.

§ 330-302 - Applicability

B. Location standards. Wireless communications facilities shall meet or exceed the following location standards, in addition to the applicable design and visual compatibility standards of §§ 330-307 and 330-308:

(1) Opportunity sites. Wireless communications facilities shall be located at one or more of the following opportunity sites:

(a) Existing utility poles.

(b) Existing LIPA transmission towers.

(c) Existing public water tanks/towers.

(d) Inside or concealed by steeples, cupolas or similar architectural features of commercial or institutional buildings.

(e) Rooftops of existing buildings in commercial and industrial zones.

(f) Existing structures in publicly owned rights-of-way or similar public properties as identified by the Town of Southampton.

(g) Flagpoles not exceeding 20 inches in diameter and 35 feet in height within existing planted landscape islands on public or private streets in residential zones, or as site amenities on institutional, governmental or commercial properties.

The Proposed Facility would not be located on an opportunity site as defined in the Town Code. However, the RF Report and Alternative Sites Affidavit (Appendices D and E), indicate that no such sites are available to address the documented wireless service deficiencies in the area around the Subject Property.

(2) Avoidance areas. New wireless communications facilities shall not be located in the following avoidance areas:

(a) Flood hazard zones.

As discussed above, according to FEMA FIRM No. 36103C0488H, the Subject Property is located in Zone X, which is an area of minimal flood hazard, outside of the 100- and 500-year flood hazard areas. Thus, the Proposed Facility is consistent with this standard.

(b) Central Pine Barrens (Core Preservation Area), unless approved by the Central Pine Barrens Joint Policy and Planning Commission.

The Subject Property is located within the Central Pine Barrens Core Preservation Area (CPA). However, it is respectfully submitted that the location of the Proposed Facility at this site is necessary to address the demonstrated wireless service deficiency, as no feasible alternative sites outside of the CPA are available (see RF Report and Alternative Sites Affidavit in Appendices D and E).

The Proposed Facility aims to secure a hardship waiver from the Central Pine Barrens Joint Policy Planning Commission to address these wireless deficiencies. A detailed analysis of the hardship waiver criteria is presented in Section 6 of this report. Given that the identified area is

experiencing substantial wireless connectivity issues, the Proposed Action is not merely a request for regulatory leniency but a step towards ensuring adequate wireless service for the community. This measure is anticipated to bring improvements in connectivity, benefiting both residents, patrons of the adjacent Suffolk County parkland, and emergency services operating in and around the Subject Property. Additionally, the Proposed Action would be developed in an area that has already been disturbed for land development activities, forgoing the clearance of natural vegetation within the CPA.

(c) Agricultural lands and open space/greenbelt areas, unless the installation is fully camouflaged or stealth.

The Proposed Facility would not be constructed on agricultural land or open space/greenbelt areas. While it would be adjacent to open space areas, the use and enjoyment of these areas would not be significantly impacted by the Proposed Facility, as it is designed to be the least visually obtrusive feasible, and is expected to have limited overall visibility due to dense tree cover and the topography of the surrounding area.

(d) Historically and culturally significant resources, unless it can be demonstrated that an installation will not adversely affect the historic resource and is fully reversible.

The Subject Property contains an automotive junkyard. There are no historic or cultural resources on or adjacent to the Proposed Facility location, including Town-designated landmarks or historic districts, or sites or districts listed on the State or National Register of Historic Places. According to the OPRHP CRIS, the Subject Property is within an "Archaeological Buffer Area." On February 17, 2022, the OPRHP issued correspondence indicating that there are "No Historic Properties in Area of Potential Effects (APE)" for Direct Effects (see correspondence in Appendix C). The OPRHP correspondence also indicates that the Proposed Facility would have "No Effect on Historic Properties in APE for Visual Effects (the APE for Visual Effects for the Proposed Facility with a height of 150 feet agl is one-half-mile). Therefore, there would be no impact to historically or culturally significant resources as a result of the Proposed Facility, in conformance with this standard.

(e) Existing single-family dwellings in residential zones.

The overall Subject Property is located within a residential (CR-60) zoning district; however, it is developed with an automotive junkyard and does not contain single-family dwellings. Therefore, the Proposed Facility is not located within this avoidance area.

(f) Designated conservation areas, including, but not limited to, lands purchased through the Community Preservation Fund.

The overall Subject Property is an automotive junkyard that is within the Central Pine Barrens CPA. A review of the "List of Community Preservation Target Areas, Projects, Parcels & Priorities" (Appendix A of the 2021 Town of Southampton *Community Preservation Fund Project Plan*)[6] indicates that the Subject Property is not targeted by the Town for preservation. The Proposed Facility would be located within a portion of the Subject Property that has previously been cleared in connection with the junkyard use and does not contain naturally vegetated areas. Furthermore, a large portion of the surrounding area contains open space lands that are owned by Suffolk County and the Town of Southampton. Therefore, the Proposed Facility would not

[6] Town of Southampton. *Community Preservation Fund Project Plan*. 2021. Available at: https://www.southamptontownny.gov/DocumentCenter/View/22764/2021-CPF-Project-Plan-PDF. Accessed October 2024.

preclude land conservation efforts within the Town. It is noted, as discussed in detail in Section 6 of this report, that the Proposed Facility is seeking a hardship exemption for development within the Central Pine Barrens CPA.

(g) Scenic corridors or viewsheds, unless the installation is fully camouflaged or stealth.

Based on the Aesthetic Resources Map (Map 14) in the Town of Southampton *Wireless Communications Plan*, the Subject Property does not contain, nor is it adjacent to designated aesthetic resources. Flanders Road, east of the Subject Property, is identified on the Aesthetic Resources map as a road eligible for scenic designation; however, no such designation has been formally made since the adoption of the *Wireless Communications Plan* in 2007. The closest aesthetic resource identified in the *Wireless Communications Plan* is Big Duck Park, which is 1.2± mile northwest of the Proposed Facility location on Flanders Road. The *Visual Resource Assessment* in Appendix A of this report indicates that the Proposed Facility would not be visible from this resource. The *Visual Resource Assessment* also indicates that visibility of the Proposed Facility would be limited overall by the dense tree cover and topography of the surrounding area, with the modeled viewshed extent along Flanders Road anticipated to be approximately 0.3± mile to the east and west. See Section 5 of this report for a detailed summary of the *Visual Resource Assessment*.

In addition, in correspondence dated February 17, 2022 (see Appendix C), OPRHP indicated that the Proposed Facility would have "No Effect on Historic Properties" in the APE for Visual Effects (i.e., a one-half-mile radius surrounding the pole location.

While overall visibility of the Proposed Facility from the surrounding area is expected to be limited, the Proposed Facility has been designed to be the least visually obtrusive feasible. These features include the concealment of wireless antennas within the pole, the slender profile and neutral coloration of the pole, and the screening of the base of the pole and ground based equipment with evergreen plantings.

Based on these factors, the Proposed Facility would not have a significant adverse impact on scenic corridors or viewsheds and includes a stealth design consistent with this standard.

(h) Wetlands, both tidal and freshwater.

Review of the NYSDEC Environmental Resource Mapper and published Tidal Wetlands Inventory Maps, and the USFWS National Wetlands Inventory, indicates that there are no freshwater or tidal wetlands features on or adjacent to the Subject Property. The closest wetland feature is Goose Creek, a tidal wetland located 500± feet north of the Proposed Facility location, across Flanders Road. Therefore, the Proposed Facility location is not within an avoidance area for tidal or freshwater wetlands.

(3) Determination or designation of opportunity sites and avoidance areas shall be based on maps prepared by the Town of Southampton and included in the Wireless Communications Master Plan, as may be amended periodically.

The maps included within the Town's *Wireless Communications Plan* were reviewed in this analysis. It was determined that there are no available opportunity sites that would meet the location requirements to provide wireless coverage in the existing service deficiency area (see RF Report in Appendix D and Alternative Sites Affidavit in Appendix E). Although the Proposed Facility location is within an avoidance area due to its location within the Central Pine Barrens CPA and adjacent to open space areas and a road eligible for scenic designation, it is the most

appropriate and least intrusive location from a land use planning perspective, and the Proposed Facility has been designed to be the least visually obtrusive feasible.

(4) Personal wireless service facilities may be permitted in areas that are not considered opportunity sites as well as in avoidance areas subject to site plan and special exception review and approval of the Planning Board.

As discussed above, the Proposed Facility would not be located on an opportunity site, and is within an avoidance area. However, there are no available opportunity sites that would provide wireless coverage in the existing service deficiency area (see RF Report in Appendix D and Alternative Sites Affidavit in Appendix E). The Applicant is seeking site plan and special exception approval from the Planning Board, which would ultimately determine whether to permit the Proposed Facility at the Subject Property, despite its location in an avoidance area and outside of an opportunity site, based on the information provided, including the analysis presented within this report.

§ 330-303 – General Requirements

A. Principal or accessory use. Antennas and transmission support structures may be considered either principal or accessory uses. The Chief Building Inspector shall make such determinations as appropriate.

The determination of whether the Proposed Facility is a principal or accessory use will be made by the Chief Building Inspector pursuant to this standard. It is noted that the Proposed Facility would be located in a vacant portion of the overall Subject Property and would not impede the ongoing operation of the established automotive junkyard at the Subject Property.

B. Lot size. For purposes of determining whether the installation of a transmission support structure or antenna complies with zoning regulations, including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall govern even though the antennas or transmission support structures may be located on leased parcels within such lot.

As indicated on the Zoning Table on Sheet SP-101.00 submitted under separate cover, the overall Subject Property is 269,327 sf (6.18± acres). The minimum lot area in the CR-60 District is 60,000 sf. Table 1, below, presents the dimensional requirements for the CR-60 District, as set forth in Attachment 2, *Residence Districts Table of Dimensional Regulations*, of § 330-11 of the Town Code, and the consistency of the Proposed Facility therewith.

Table 1 CR-60 District Dimensional Requirements

Dimension	Required	Existing	Proposed (pole)	Proposed (compound)
Minimum lot area	60,000 sf	269,327 sf	269,327 sf	269,327 sf
Maximum lot coverage by main and accessory buildings	15%	1.3±% (existing building)	2.4±% (existing building and proposed compound area)	2.4±% (existing building and proposed compound area)
Minimum lot width	150'	260.9'	260.9'	260.9'
Maximum height	2 stories / 32'		150'	9'-10" (top of GPS units mounted to weather canopy)
Minimum front yard (principal building)	80'	129'-9" (existing building)	104'-11"	46'-2"
Minimum side yard, minimum for one (principal building)	25'	64'-11" (existing building)	42'-1"	2'-0"
Minimum side yard, total for both on interior lot (principal building)	65'	185'-5" (existing building)	270'-7"	206'-9"
Minimum rear yard (principal building)	100'	812'-5" (existing building)	831'-0"	821'-7"

As shown in Table 1, the Proposed Facility meets the dimensional requirements of the CR-60 District, except for the minimum front yard and minimum side yard requirements.

With respect to height, the proposed concealment pole height of 150± feet agl is required to fill the wireless service coverage gap in the area, and the required height is influenced by surrounding "clutter" (e.g., trees) that weakens RF signals. The RF Report in Appendix D includes a Minimum Antenna Height analysis that indicates "the proposed 145 ft [antenna centerline height] ACL is the minimum height necessary to provide the required coverage to the surrounding area, and fill the gap in wireless service in the Verizon network, as well as to provide secondary capacity for residences in the area. This tower will also be able to support collocation of other wireless carriers" (p. 9). While there is no specific height limitation in the special exception standards for transmission support structures, it is respectfully submitted that the proposed height of 150± feet agl is the minimum height necessary to provide reliable wireless signal coverage to the area, while also enabling collocation of other carrier antennas below the Verizon Wireless antennas, thereby mitigating the potential proliferation of other transmission support structures. Pursuant to Section 330-84(A)(4) of the Town Code, the underlying requirements which govern height do not apply to a wireless communications tower as approved by special exception use permit by the Planning Board, as requested herein.

With respect to the minimum front yard requirement of 80 feet, the proposed compound fence would be located 46-feet-2± inches from the front lot line. This location on the Subject Property has been selected because it keeps the compound accessible to construction and maintenance,

and avoids conflicts with the remaining portion of the Subject Property that is used as an automotive junkyard. The proposed compound location also situates the Proposed Facility as far as feasible from the residences to the west. Evergreen screening trees are proposed along the frontage of the Subject Property to hide the compound fence and the base of the concealment pole from views along Flanders Road. There are also no residential or other occupied uses across Flanders Road. As such, the location of the proposed equipment compound within the front yard setback is not expected to result in significant adverse impacts.

With respect to the minimum side yard requirement of 25 feet for a single side yard, the proposed compound fence would be located 2± feet from the eastern property line. As noted above, this location on the Subject Property has been selected because it keeps the compound accessible to construction and maintenance, and avoids conflicts with the remaining portion of the Subject Property that is used as an automotive junkyard. The proposed compound location also situates the Proposed Facility as far as feasible from the residences to the west. The area adjacent to the eastern property line contains County-owned wooded open space and does not have residential or other occupied uses. Therefore, the location of the equipment compound within the side yard setback is not expected to result in significant adverse impacts.

C. *Inventory of existing sites. Each applicant for an antenna and/or transmission support structure, regardless of tier classification, shall provide the Department of Land Management (Planning Division) an inventory of existing transmission support structures, antennas, or sites approved for towers or antennas that are either located within the jurisdiction of the Town or within one mile of the boundary thereof, including such specific information about the location, height and design of each transmission support structure. This information may be shared with other applicants applying for administrative approvals or permits under this article or other organizations seeking to locate antennas within the jurisdiction of the Town of Southampton; provided, however, that the Town of Southampton is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.*

The Applicant has provided an inventory list and map of the Verizon Wireless facilities in vicinity of the Subject Property (see Table 1 and Map 1 within the RF report in Appendix D).

D. *State and federal requirements. All transmission support structures must meet or exceed current standards and regulations of the FAA, the FCC and any other authority charged with the regulation of transmission support structures and antennas. If such standards and regulations are changed, then the owners of the transmission support structures and antennas governed by this article shall bring such transmission support structures and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring transmission support structures and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the transmission support structure or antenna at the owner's expense.*

Construction of the proposed concealment pole and associated equipment compound would meet all applicable current standards and regulations of the FAA and the FCC. An *Antenna Site FCC RF Compliance Assessment and Report* prepared by Pinnacle Telecom Group, dated September 10, 2024, is provided in Appendix G. Additionally, the FAA issued a Determination of

No Hazard to Air Navigation for the Proposed Facility on May 19, 2022, with an extension of the determination granted on November 14, 2024 (see Appendix I).

E. *Building permits required. Unless otherwise stated, all wireless communications facilities shall apply for and obtain a building permit prior to construction or installation and shall apply for and obtain a certificate of compliance upon completion of construction and/or installation. All applications for a building permit shall include certification that the structure and/or antenna complies with all applicable FCC and FAA regulations and all applicable state and/or local building codes. All building permit applications shall comply with the requirements of § 330-311.*

A building permit would be obtained and secured by the Applicant prior to the commencement of construction, in compliance with all applicable requirements.

F. *Building codes; safety standards. To ensure the structural integrity of the transmission support structure, the owner of a transmission support structure shall maintain the transmission support structure in compliance with standards contained in applicable state and/or local building codes (to include hurricane and tornado building standards), as well as the applicable standards for transmission support structures that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a transmission support structure fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the transmission support structure, the owner shall have 30 days to bring such transmission support structure into compliance with such standards. Failure to bring such transmission support structure into compliance within said 30 days shall constitute grounds for removal of the transmission support structure and/or antenna at the owner's expense.*

In conformance with this requirement, the Applicant would maintain the Proposed Facility in compliance with standards contained in applicable state and/or local building codes, as well as the applicable standards for transmission support structures that are published by the Electronic Industries Association, as amended from time to time.

G. *Measurement. For purposes of measurement, transmission support structure setbacks and separation distances shall be calculated and applied to facilities located within the Town, irrespective of municipal and county jurisdictional boundaries.*

The setback and separation distances for the Proposed Facility analyzed in this report (see Table 1, Table 2 and Table 3, and Sheet SP-101.00 in the site plans submitted under separate cover, were determined as required and comply with this provision. The Proposed Facility location is not located near municipal and county jurisdictional boundaries.

H. *Franchises. Owners and/or operators of transmission support structures or antennas shall certify that any franchises required by law for the construction and/or operation of the wireless communications system in the Town of Southampton have been obtained and shall file a copy of all required franchises with the Chief Building Inspector.*

The Applicant will comply with all application documentation and procedural requirements specified by the Town.

I. *Signs and NIER warning signs standards.*

(1) *Signs. No commercial advertising shall be allowed on any antenna, antenna support structure, or related equipment cabinet or structure. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. Any permitted signage shall comply with the requirements of Article XXII, Signs, of this chapter the Town Code of the Town of Southampton. For the purpose of this section, prominent corporate logos shall be construed as commercial signage or advertising.*

(2) *NIER warning signs. All wireless telecommunications facilities shall comply with all federal guidelines regarding fencing and NIER warning signs.*

The Proposed Facility would not have commercial advertising on the proposed concealment pole or equipment compound. Any signs needed to identify the property, owner, and warning of RF emissions would be installed as required by applicable law or regulation and would be compliant with the requirements of Article XXII of the Town Code. The Proposed Facility would comply with federal guidelines regarding fencing and NIER warning signs.

J. *Building and base station equipment. All buildings and base station equipment associated with antennas or transmission support structures shall comply with § 330-309, Equipment cabinet/base station equipment shelter, and § 330-308, Site design standards, as applicable.*

The proposed base equipment compound would comply with §330-308 and §330-309 of the Town Code. The Proposed Facility does not include a new building. See below for a consistency analysis with these two sections of the Town Code.

K. *Approval considered conforming use. Transmission support structures that are constructed and antennas that are installed in accordance with the provisions of this article shall be deemed to be conforming uses. Approved antennas installed on nonconforming buildings or structures shall not render such buildings or structures conforming.*

If the Planning Board grants the requested special exception and site plan approval for the Proposed Facility, a determination as to the conformity of the use will be made in accordance with this provision.

L. *Any information of an engineering nature that the applicant submits, whether civil, mechanical, structural or electrical, shall be certified by a licensed professional engineer registered in the State of New York.*

All materials of an engineering nature submitted by the Applicant would comply with this criterion.

M. *All utilities at a wireless telecommunications facilities site shall be installed underground and in compliance with all local, state, and federal laws, ordinances, rules, and regulations, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.*

The Proposed Facility will comply with all local, state and federal laws, ordinances, rules and regulations for the underground installation of all utilities.

§330-306 – Special Exception Uses; Special Conditions and Safeguards

A. General. In granting a special exception use, the Planning Board may impose conditions to the extent that the Planning Board determines such conditions are reasonably necessary to minimize any adverse impacts from the proposed transmission support structure on adjoining properties. No wireless communications facility shall be installed or constructed until the application is reviewed and approved by the Planning Board.

The Proposed Facility would be subject to a special exception permit and site plan approval from the Planning Board.

B. Presubmission conference. An applicant may be required to submit an environmental assessment form and a visual addendum. Based on the results of the assessment, including the visual addendum, the Planning Board may require submission of a more detailed visual analysis. The scope of the required environmental and visual assessment will be reviewed at the preapplication meeting.

(1) Prior to the submission of a special exception application for a transmission support structure or an alternative support structure that exceeds the thresholds of § 330-305, the applicant or his agent shall meet with the Planning Board through a presubmission conference. The purpose of such a conference shall be to discuss the proposed development in order for the Planning Board to determine conformity with the provisions and intent of this article.

(2) The applicant or his agent shall submit at least two additional alternatives which differ from the preferred request, which propose changes based on the following criteria:

(a) Height.

(b) Number.

(c) Location.

(d) Siting.

(e) Design.

(3) The Planning Board shall schedule the presubmission conference within 45 days from the date of request including the above information or the applicant shall be permitted to submit the special exception application to the Planning Board, in which case the Planning Board may require said alternatives as part of the special exception review.

The Applicant has submitted a Full Environmental Assessment Form – Part 1, and a *Visual Resource Assessment*, including a photographic simulation analysis and viewshed map (see Appendix A). Environmental considerations are discussed in Section 3 of this report, and the visual impact analysis is discussed in Section 5. A pre-submission conference for the Proposed Facility was held by the Planning Board on April 13, 2023. Two alternatives were included in the pre-submission application. Thus, the Applicant has complied with this criterion.

C. *Factors considered in granting special exception permission. In addition to the general requirements set forth in this article and any general standards for consideration of special exception applications set forth in this chapter, the Planning Board shall consider the following factors in determining whether to issue special exception permission:*

(1) Height of the proposed transmission support structure.

The proposed concealment pole would reach a maximum height of 150± feet agl. As noted in the RF Report (Appendix D), the height of the proposed concealment pole is necessary in order to address the existing wireless communications service deficiency in the area and to meet coverage and capacity objectives of the carriers, and to allow for collocation and avoid the proliferation of additional towers in the area.

(2) Proximity of the transmission support structure to residential structures and residential district boundaries.

As previously noted, the Subject Property is within the CR-60 residential zoning district. However, the existing Subject Property contains an industrial land use, and is surrounded to the north, east, and south entirely by wooded open space lands. The Proposed Facility would be located at the northeast corner of the Subject Property, and the proposed concealment pole location is 228±-feet-6± inches east of the nearest residential property, which is the farthest practicable distance on the Subject Property from the closest residences (i.e., to the west).

As indicated in the Alternative Sites Affidavit in Appendix E, Homeland Towers investigated 30 different parcels within the area of the Subject Property for potential siting of the Proposed Facility. This investigation found that all of the alternative parcels are either "unavailable or inappropriate for the siting of a facility or technically inadequate to satisfy Verizon's service requirements in the area of need." Accordingly, alternative off-site locations that are farther from residential uses are not available. The Alternative Sites Affidavit also notes, with respect to the possibility of an alternate location on the Subject Property setback farther from Flanders Road, "[d]ue to the nature of the existing business there was no viable way to site a communication Facility in the rear of the Property because the rear portion of the Property is an active scrap yard with narrow access [and] heavy equipment being operat[ed] on a daily basis. It would not be viable to get construction equipment and maintenance vehicles in and out of the yard due to the amount of scrap debris." Any such alternative location within the site would not result in a substantially greater distance from residential uses, which are present to the west of the property throughout.

Furthermore, as indicated in a letter by the project architect, WFC Architects (see Appendix H), "the proposed tower will be designed with a 'hinge-point' so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel."

Overall, based on the above, the proposed facility location has been selected such that the greatest distance practicable is provided between the facility and the nearest residences.

(3) Nature of uses on adjacent and nearby properties.

The Subject Property is largely surrounded by wooded open space lands, with single-family residential neighborhoods to the west and northwest. The Subject Property is suitable for the location of the Proposed Facility within this general area as the existing site currently contains an automotive junkyard use that has been previously disturbed and does not contain natural vegetated areas in the Proposed Facility location. The Proposed Facility and its associated

operation would be contained entirely on the Subject Property, would not interfere with existing surrounding uses, and would not encroach on any nearby properties.

(4) Surrounding topography.

Surrounding topography has been considered in the siting of the Proposed Facility, as topographic conditions impact wireless signal propagation. The Applicant's RF engineer has indicated that the Proposed Facility location, with a concealment pole height of 150± feet agl, would enable signal propagation to fill the existing wireless service deficiency (see RF Report in Appendix D). Furthermore, topographic conditions do not present an engineering limitation to the construction of the Proposed Facility, as its location contains minimal existing grade changes.

(5) Surrounding tree coverage and foliage.

The Subject Property currently contains cleared land used as an automotive junkyard. The Proposed Facility would not remove existing natural vegetation to allow for the equipment compound and concealment pole. Additionally, as discussed in the RF report (Appendix D), tree coverage and foliage have been considered in determining the height of the concealment pole to adequately address the documented service deficiency in the area. The surrounding dense tree coverage and foliage would also serve as visual screening of the Proposed Facility for a large portion of the surrounding area, as depicted on the viewshed maps in Appendix A. Additionally, the frontage of the Subject Property is already screened with large deciduous trees, and as shown on the Site Plan (Sheet SP-101.00 of the site plans submitted under separate cover), the Proposed Facility includes the supplemental planting of evergreen trees that will improve visual screening of the frontage of the Subject Property, including the base of the Proposed Facility, on Flanders Road.

(6) Design of the transmission support structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and other potential environmental impacts.

The proposed concealment pole design was chosen by the Applicant for its streamlined form that reduces visual obtrusiveness to the maximum extent feasible. Wireless antennas would be concealed within the pole, which would have a slender profile and neutral coloration to blend with the surrounding landscape. Furthermore, evergreen landscape screening would be installed at the base of the equipment compound to screen the ground-based equipment and the base of the concealment pole from view along Flanders Road. The *Visual Resource Assessment* (Appendix A) indicates that visibility will be limited mainly to the immediate vicinity along Flanders Road for approximately 0.3 mile to the east and west, and areas within Flanders Bay, rather than residential neighborhoods, due to the dense vegetation and area topography.

With respect to other potential environmental impacts, Section 3 of this report includes a detailed discussion of environmental considerations. The Proposed Facility design requires minimal ground disturbance and avoids removing natural vegetation. As the Proposed Facility would be unmanned, it would not generate sanitary wastewater or solid waste and would not need to be supplied with potable water.

(7) Proposed ingress and egress.

Site ingress and egress will be provided via the existing site driveway on Flanders Road. No new curb cuts or driveways are proposed. The Proposed Facility would not be a significant traffic generator, as it would be remotely monitored and visited by technicians in passenger-type

vehicles approximately once per month per wireless carrier for routine maintenance. Access to the Proposed Facility would not conflict with existing junkyard operations at the Subject Property.

(8) Availability of suitable existing transmission support structures and antennas and other structures, or alternative technologies not requiring the use of transmission support structures.

According to the RF Report (Appendix D) and Alternative Sites Affidavit (Appendix E), there are no other existing collocation opportunities or feasible structures upon which the Proposed Facility can be sited, or alternative technologies that can provide the coverage and capacity requirements needed for the area.

(9) No new transmission support structure or antenna shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the Planning Board, that no existing transmission support structure, alternative transmission support structure, or alternative technology can accommodate the applicant's proposed purpose. An applicant shall submit information requested by the Planning Board related to the availability of suitable existing transmission support structures, other structures or alternative technology. Evidence submitted to demonstrate that no existing transmission support structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing transmission support structures or structures are located within the geographic area, which meet applicant's engineering requirements.

(b) Existing transmission support structures or structures are not of sufficient height to meet the applicant's engineering requirements.

(c) Existing transmission support structures do not have sufficient structural strength to support the co-location of the applicant's proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on existing transmission support structures or structures, or the antenna on the existing transmission support structure or structure would cause interference with the applicant's proposed antenna.

(e) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(f) The applicant demonstrates that an alternative technology that does not require the use of transmission support structures of structures is unsuitable. Costs of alternative technology that exceed new transmission support structure or antenna development shall not be presumed to render the technology unsuitable.

As described above, and according to the Alternative Sites Affidavit (Appendix E) and RF Report (Appendix D), there are no existing collocation opportunities or feasible structures upon which the Proposed Facility can be sited, nor are there alternative technologies that can provide the necessary coverage and capacity for this area.

The Proposed Facility has been designed to address existing service deficiencies while minimizing visual and environmental impacts on the surrounding community. To mitigate potential visual impacts, the antennas will be concealed within a neutral-colored concealment

pole, helping the facility blend with the surrounding landscape. Additionally, evergreen trees will be planted along the road frontage to enhance screening and further reduce visual obtrusiveness.

The *Visual Resource Assessment* (Appendix A) indicates that visibility of the Proposed Facility will be limited, given the dense woodland surrounding the site. Any potential visibility is primarily confined to areas within Flanders Bay and along Flanders Road in the immediate vicinity of the Subject Property, rather than residential neighborhoods.

Overall, the documentation submitted into the record demonstrates that the Proposed Facility, consisting of a 150±-foot agl concealment pole and a fenced equipment compound, is the least intrusive means available to address wireless service deficiencies in the area, maintaining the character of the local community while providing essential wireless coverage and capacity.

§ 330-307 – Visual Compatibility Standards

A. All wireless telecommunications facilities shall be subject to the following visual compatibility standards in addition to any other applicable standards:

(2) Structure mount, height. The height of any freestanding alternative transmission support structure including antennas shall not project higher than 35 feet above ground level (AGL), and flagpoles shall not have a diameter greater than 20 inches. All other applications shall be subject to special exception review by the Planning Board.

The proposed concealment pole is not considered an alternative transmission structure as defined in § 330-301 the Town Code;[7] therefore, this criterion is not applicable. Rather, the proposed concealment pole meets the definition of a "transmission support structure" pursuant to § 330-301, which includes "[a]ny structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, television, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopoles. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto."

(5) An antenna proposed to be affixed to an existing or proposed transmission support structure shall be grey, silver, light blue or other color found to blend with the color of the transmission support structure.

The Proposed Facility has been designed as a concealment pole, such that the proposed wireless antennas would not be visible, helping to minimize the visual impacts of the Proposed Facility on the surrounding area. The exterior of the concealment pole would be painted a neutral color to blend with the visual horizon, and the Applicant would agree to select the specific color based the Planning Board's recommendation. Therefore, the Proposed Facility is consistent with this standard.

[7] Alternative transmission support structures are defined in § 330-301 of the Town Code as: "clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, warehouses, factories, windmills, barns, silos, commercial buildings, commercial signs, multifamily buildings, and publicly used structures such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals; and other similar structures as approved by the Planning Board." Therefore, the proposed concealment pole is not considered an alternative transmission support structure.

B. Color.

(1) Except as specifically required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), the following standards shall apply:

(a) Transmission support structures, alternative transmission support structures and antennas shall use nonreflective colors such as gray, silver or light blue which reduce their visual impacts when they extend above the height of vegetation.

As discussed above, the proposed concealment pole would be painted with a neutral color, to blend with the visual horizon, and the Applicant would agree to select the specific color based the Planning Board's recommendation. Therefore, the Proposed Facility is consistent with this standard.

(c) The Planning Board and Architectural Review/Design Review Board may require the use of other colors or materials in order to achieve a reduced visual impact and further the goals of this article.

As indicated above, the Applicant would agree to select the color of the proposed concealment pole based on the requirements specified by the Planning Board, as well as the Architectural Review Board as specified in this requirement, provided the two boards provide consistent direction.

C. The reviewing board shall ensure that a specific type of stealth installation is not over-utilized or concentrated in any one area or property so as to defeat the purpose of concealing antenna arrays by appearing unnatural or inconsistent with the surrounding landscape. This shall be accomplished by requiring the applicant to submit documentation of where the proposed stealth or camouflage technique is used elsewhere in the Town and within a one-mile boundary of neighboring jurisdictions.

The Proposed Facility utilizes a stealth concealment design that would minimize visual impacts to the maximum extent practicable while addressing the established wireless service deficiency in the area, as documented in the RF Report (Appendix D). Table 1 and Map 1 of the RF Report also identify existing Verizon Wireless communications sites in the area of the Subject Property. Six other sites were identified, including three monopoles, one rooftop installation, one water tank installation, and one lattice tower installation. Of these sites, only one is similar to the Proposed Facility in its concealment design and height: East Quogue 2, located at 286 West Montauk Highway, approximately 3.5 miles southeast of the Proposed Facility location. The other identified existing Verizon Wireless communications sites in the area differ from the Proposed Facility in that they feature exterior mounted antennas. On December 17, 2020, the Planning Board approved a similar facility at 1054 Montauk Highway, Water Mill for Homeland Towers and Verizon Wireless. As such, it is respectfully submitted that the Proposed Facility would not result in an over-utilization of a specific type of stealth installation or concentration in any one area. Instead, the co-location of up to four wireless service providers within the proposed concealment pole would help to preclude the further proliferation of transmission support structures in the Town.

§ 330-308 – Site Design Standards

A. To the extent that there is no conflict with the color and lighting requirements of the Federal Aviation Administration for aircraft safety purposes, transmission support structures and alternative transmission support structures shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed transmission support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.

The Proposed Facility will comply with all applicable FAA requirements for color and lighting. Appendix I contains the FAA Determination of No Hazard to Air Navigation for the Proposed Facility. Additionally, the concealment pole will be painted a neutral color of the Planning Board's choice to minimize visual impact on the surrounding area. In the limited area where the concealment pole would be visible, this coloration would help the concealment pole blend with the sky. Furthermore, the antennas and associated cables will be concealed within the pole's narrow-profile silhouette, and the base of the pole and the ground-based equipment would be concealed from view behind proposed evergreen screening, further reducing visual obtrusiveness. Refer to Section 5 below for a more detailed discussion on potential visual impacts.

B. Landscaping. Wireless communications facilities that are not stealth or camouflaged from public viewing areas by existing buildings or structures shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer.

(1) The following requirements shall govern the landscaping surrounding transmission support structures:

(a) The standard buffer shall consist of a landscape strip at least 25 feet wide outside the perimeter of the base station/compound.

(b) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as transmission support structures sited on large, wooded lots, natural growth around the property perimeter may form a sufficient buffer.

(c) Climbing evergreen shrubs or vines capable of growing on the fence of the base station or compound shall supplement any landscaping required.

(d) Any proposed planting plan shall consist of a mix of species so as to discourage monoculture plantings. To the extent practicable, native and drought-tolerant species shall be utilized.

(e) The Planning Board may increase or reduce the aforementioned landscaping requirements based on site conditions. Reduction of landscape requirements may only be considered when it is demonstrated that no significant adverse impact to the surrounding properties will occur and the goals of this article can be achieved.

The Proposed Facility design includes the planting of evergreen vegetation to screen views from the north along Flanders Road. Specifically, as indicated on the *Site Plan* (Sheet SP-101.00 of the

site plans submitted under separate cover), four 12-foot-tall Norway Spruce trees would be planted on the north side of the fenced equipment compound in the northeast corner of the Subject Property, and 13 additional 12-foot-tall Norway Spruce trees would be planted within the front yard lawn area, among existing trees to remain, adjacent to Flanders Road. These trees, which grow taller and thicker over time, would provide evergreen screening of the base of the concealment pole and the ground-based equipment compound, with the added benefit of providing additional screening for the existing junkyard operations at the Subject Property from views along Flanders Road. It is also noted that the land use character of the immediate vicinity provides vegetative screening of the Proposed Facility from surrounding areas. The Subject Property is surrounded in all directions by vast, dense, wooded areas adjoining the property lines to the east and south and most of the western property line, and along the north side of Flanders Road. No existing wooded areas on or adjacent to the Subject Property would be removed. The Proposed Facility compound would be situated a minimum distance of 46-feet-2± inches from Flanders Road, behind the proposed evergreen landscape screening. The photo-simulations and viewshed analysis included within the *Visual Resource Assessment* (Appendix A) indicate that visibility of the Proposed Facility would be largely limited by the tree cover in the surrounding area, and the proposed landscaping would aid in screening the base of the pole and ground equipment. Based on these factors, it is respectfully submitted that no significant adverse visual impacts on surrounding properties will occur, and the proposed landscaping, in combination with existing natural wooded areas surrounding the Proposed Facility, meets the goal of providing a visual buffer.

> *(2) Landscaping installation and maintenance. The applicant shall be required to install and maintain landscaping. A two-year landscape maintenance bond shall be required to be posted prior to the issuance of a certificate of compliance for the wireless facility.*

The proposed landscaping plan is described in the above response. The Applicant will comply with the requirement for a two-year landscape maintenance bond, consistent with this standard.

C. Fencing.

> *(1) All wireless telecommunications facilities shall comply with all federal guidelines regarding fencing and NIER warning signs.*

The Proposed Facility would comply with all federal guidelines regarding fencing and NIER warning signs.

> *(2) Security fences. Transmission support structures shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device; provided however, that the Planning Board may waive such requirements, as it deems appropriate.*

The Proposed Facility would be enclosed within an eight-foot-tall, fenced equipment compound, in keeping with this standard.

> *(3) Wood or vinyl slats shall be woven into the security fence if made of chain-link material when the Planning Board finds that such additional screening is appropriate.*

The Applicant is proposing installation of an eight-foot-tall, chain-link fence with brown privacy slats around the equipment compound, consistent with this standard.

(4) Wireless installations shall be accessible for emergency maintenance at all times. Emergency contact information shall be provided pursuant to § 330-308F.

Access to the Proposed Facility would be provided via the existing open, ungated driveway off Flanders Road, near the frontage of the Subject Property, making the Proposed Facility accessible for emergency maintenance at all times. Emergency contact information would be provided, in accordance with this standard.

D. Access. Regardless of location, any road or access used to a new wireless communications facility is required to be assessed for stormwater and erosion by a licensed professional engineer. Once the Planning Board and/or Town Engineer has the opportunity to review the assessment, if it or he believes there is the potential for erosion and/or stormwater drainage issues exist, the Planning Board has the authority to require a plan to mitigate the potential impacts.

The Proposed Facility will utilize the existing unpaved driveway for site access. A total of approximately 0.03± acre of new impervious surfaces (i.e., pole foundation and equipment slabs) would be introduced at the overall 6.18±-acre Subject Property within the fenced equipment compound, with the remainder of the compound consisting of gravel surfaces. Furthermore, there would be a limited area of total disturbance (i.e., 0.07± acre) As such, there would not be significant new quantities of stormwater or significant potential for erosion. Stormwater runoff would be accommodated via infiltration through the gravel and landscaped surfaces surrounding the new proposed impervious surfaces. Therefore, it is respectfully submitted that the Proposed Facility would comply with the Town's stormwater and erosion standards.

E. Lighting.

(1) Except as specifically required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), transmission support structures, alternative transmission support structures and antennas shall not be illuminated, except equipment shelters may use limited lighting for security reasons, provided the lighting source is dark-sky compliant with full cutoff fixtures that prohibit light trespass to adjoining properties and streets.

The proposed concealment pole would not be illuminated. Lighting would be installed within the equipment compound for equipment maintenance only, and would be dark-sky compliant, shielded, and properly aimed to prevent light trespass to adjoining properties and streets, in keeping with this standard.

(2) The Planning Board and/or the Architectural Review Board/Design Review Board may require a lighting plan for review and approval.

The Applicant would provide a lighting plan if it is required by the Planning Board.

F. Signage. Wireless telecommunications facilities shall contain a sign no larger than four square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has radio frequency or microwave transmission capabilities and shall contain the name(s) of the owners(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation. No other signage, including advertising, shall be permitted.

The Proposed Facility will contain the safety signage specified above, and as otherwise required by the FCC and/or the Town of Southampton. No other signage is included in the Proposed Facility.

G. *Setbacks. The following minimum setback requirements shall apply to all transmission support structures and antennas:*

(1) *Transmission support structures must be set back a distance equal to at least 100% of the height of the structure from any adjoining lot line.*

(2) *All accessory buildings or structures must satisfy the minimum zoning district setback requirements.*

(3) *The Planning Board may reduce the aforementioned setbacks, provided that no existing or future residence is or can be located within proximity of such setback, no significant adverse impact to the surrounding properties will occur and the goals of this article can be achieved.*

The proposed 150± foot agl concealment pole would be set back 104-feet-11± inches from the northern property line, 42-feet-1± inch from the eastern property line, 831± feet from the southern property line, and 228±-feet-6± inches from the western property line. Therefore, relief is required from the 100 percent setback requirements for the northern and eastern property lines. Relief from this setback standard is required because there is no practical alternative, including a lower height of the pole or alternative location within the Subject Property, that would fill the wireless coverage gap without setback relief.

As indicated in provision 3 of this standard, the Planning Board may reduce setbacks provided that no existing or future residence is or can be located within proximity of such setback, no significant adverse impact to the surrounding properties will occur, and the goals of this article can be achieved. With regard to the northern setback, the property line adjoins Flanders Road, which is followed by Hubbard County Park on the north side of Flanders Road. Therefore, no existing or future residence is or can be located within proximity of the concealment pole to the north. Similarly, Suffolk County-owned open space adjoins the Subject Property to the east, such that no existing or future residence is or can be located within proximity of the concealment pole to the east. Furthermore, as indicated by WFC Architects in a letter dated September 30, 2024,

> *"the proposed Tower, all attachments, and Tower's foundation will be constructed in compliance with standards contained in applicable state and/or local building codes (to include hurricane and tornado building standards as applicable), as well as the applicable standards for transmission support structures that are published by the Electronic Industries Association... Furthermore, the proposed tower will be designed with a 'hinge-point' so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel."* (Appendix H)

As discussed in detail in Section 5 of this report, the Proposed Facility has also been designed to be the least visually obtrusive feasible. Based on these factors, it is respectfully submitted that no significant impact on the surrounding properties would occur.

H. Additional transmission support structure requirements.

(1) The use of guyed towers is prohibited. Proposed transmission support structures shall be self-supporting without the use of wires, cables, beams, or other means, unless specifically found to achieve the goals of this article. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.

The Applicant is not proposing the construction of a guyed tower, as the proposed concealment pole would be self-supporting. Therefore, this standard is not applicable to the Proposed Facility.

(2) The base of any transmission support structure shall occupy no more than 500 square feet, and no portion of the transmission support structure (tower, monopole, etc.) shall be larger than the base.

The base of the proposed concealment pole has a radius of approximately four feet, resulting in a base area of 50.3± sf, which is well below the maximum base of 500 square feet in this standard. Additionally, the proposed concealment pole has a cylindrical shape and would not be larger than the base.

I. Separation/fall zone. The following separation requirements shall apply to all transmission support structures and antennas:

(1) Separation from off-site uses/designated areas.

(a) Transmission support structure separation shall be measured from the base of the transmission support structure to the lot line of the off-site uses and/or designated areas as specified in [Table 2]*, except as otherwise provided in* [Table 2].

(b) Separation requirements for transmission support structures shall comply with the minimum standards established in [Table 2].

(c) The Planning Board may reduce the aforementioned separation requirements, provided no significant adverse impact to the surrounding properties will occur and the goals of this article can be achieved.

The required and proposed separation distances are shown below.

Table 2 Separation Distances from Off-Site Uses

Off-Site Use/Designated Area	*Separation Distance*	Proposed Distances
Single-family or two-family residential units	*200 feet or 300% height of transmission support structure, whichever is greater*	As the proposed concealment pole is 150± feet agl, the required separation distance for single-family or two-family residential units is 450 feet. The following residences have been identified within this radius proximate to the Proposed Facility: › 2043 Flanders Road, identified as SCTM #0900-170.00-01.00-031.000. Three residential structures are present on this property, with approximate distances to the proposed concealment pole of 243± ft., 306± ft., and 308± ft. › 2035 Flanders Road, identified as SCTM #0900-170.00-01.00-040.002. The residence at this property is approximately 420 feet from the proposed concealment pole. › 2031 Flanders Road, identified as SCTM #0900-170.00-01.00-040.003. The residence at this property is approximately 440 feet from the proposed concealment pole. › A small corner of 2025 Flanders Road, identified as SCTM #0900-170.00-01.00-040.004, is also located within 450 feet of the proposed concealment pole. However, that portion of the property is currently wooded and the residential structure and developed portions of that property are located well outside of the 450-foot radius.
Vacant single-family residentially zoned land which has received final subdivision approval or has preliminary subdivision plan approval which is not expired	*200 feet or 300% height of transmission support structure, whichever is greater*	Aside from the residential properties identified above, all properties within 450 feet of the proposed concealment pole are vacant or open space parcels owned by Suffolk County. Therefore, there is no other land within the 450-foot radius which has received final subdivision approval or has preliminary subdivision plan approval.

Table 2 Separation Distances from Off-Site Uses

Off-Site Use/Designated Area	*Separation Distance*	Proposed Distances
Vacant unplatted residentially zoned lands	*100 feet or 100% height of transmission support structure, whichever is greater*	As the proposed concealment pole is 150 feet agl, the required separation distance for this standard is 150 feet. The area within 150 feet of the proposed concealment pole includes portions of the overall Subject Property, Flanders Road, and open space owned by Suffolk County east of the Subject Property. Although the County-owned open space is within a residential (CR-60) district, it would not be residentially platted in the future due to its preservation by the County.
Existing multifamily residential housing greater than two units	*200 feet or 300% height of transmission support structure, whichever is greater*	There are no multi-family residences within 450 feet of the proposed concealment pole.
Nonresidentially zoned lands or nonresidential uses	*See § 330-308G*	See discussion of § 330-308G above. There are no nonresidentially zoned lands within 150 feet of the proposed concealment pole. The area within 150 feet of the proposed concealment pole includes portions of the overall Subject Property, Flanders Road, and open space owned by Suffolk County east of the Subject Property.

As indicated in Table 2 above, there are single-family residential units within the required 450-foot separation distance of the proposed concealment pole. Therefore, the Applicant is requesting relief from this requirement. The single-family residential units within 450 feet of the proposed facility include three structures at 2043 Flanders Road, one structure at 2035 Flanders Road and one structure at 2025 Flanders Road.

It is respectfully submitted that the proposed concealment pole would be sited at the farthest practicable distance on the Subject Property from these single-family residential units. The Alternative Sites Affidavit in Appendix E notes, with respect to the possibility of an alternate location on the Subject Property setback further from Flanders Road, "[d]ue to the nature of the existing business there was no viable way to site a communication Facility in the rear of the Property because the rear portion of the Property is an active scrap yard with narrow access [and] heavy equipment being operat[ed] on a daily basis. It would not be viable to get construction equipment and maintenance vehicles in and out of the yard due to the amount of scrap debris."

As set forth in §300-308(I)(c) of the Town Code, the Planning Board may reduce these separation requirements, provided no significant adverse impact to the surrounding properties will occur. It is

respectfully submitted that relief from the separation requirements for single-family residential units would not result in significant adverse impacts to the surrounding properties for the following reasons:

- The visual impact of the Proposed Facility on the residential properties to the west would be minimal. There is existing vegetation, junkyard storage areas, and a two-story building on the northern portion of the Subject Property between the Proposed Facility location and the adjacent residences to the west. Within the limited areas of these residential properties where some visibility of the Proposed Facility is anticipated based on the Viewshed Map included in Appendix A of the *Visual Resource Assessment* (Appendix A of this report), such visibility is expected to be limited to the upper portion of the concealment pole. The lower portion of the concealment pole and the ground-based equipment would be screened by the intervening vegetation, junkyard storage areas, and two-story building. Furthermore, the proposed antennas would be concealed within the concealment pole, which will feature a slender profile and neutral coloration to blend with existing surroundings, further protecting the aesthetics of the community.
- The proposed concealment pole is designed so that its potential fall zone would not impact the surrounding residential properties. As indicated by WFC Architects in a letter dated September 30, 2024,

  > *"the proposed Tower, all attachments, and Tower's foundation will be constructed in compliance with standards contained in applicable state and/or local building codes (to include hurricane and tornado building standards as applicable), as well as the applicable standards for transmission support structures that are published by the Electronic Industries Association... Furthermore, the proposed tower will be designed with a 'hinge-point' so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel."* (Appendix H)

- As indicated in the *Antennas Site FCC RF Compliance Assessment and Report* prepared by Pinnacle Telecom Group in Appendix G, the Proposed Facility will comply with FCC regulations for RF emissions from antennas.

Overall, the Proposed Facility has been located to provide the greatest practicable separation distance to residential units, and no significant adverse effects upon the nearest residential units is expected to result upon the granting of the requested relief.

> *(2) Separation distances between transmission support structures.*
>
> *(a) Separation distances between transmission support structures shall be applicable for and measured between the proposed transmission support structure and preexisting transmission support structures. The separation distances shall be measured by drawing or following a straight line between the base of the existing transmission support structure and proposed base, pursuant to a site plan, of the proposed transmission support structure. The separation distances shall be as shown in* [Table 3].
>
> *(b) The Planning Board may reduce the aforementioned separation requirements, provided that no significant adverse impact to the surrounding properties will occur and the goals of this article can be achieved.*

The required separation distances are shown in Table 3, below.

Table 3 Separation Distances Between Existing and Proposed Transmission Support Structure Types

Transmission Support Structure Type	*Lattice or Existing Guyed*	*Monopole 75 Feet in Height or Greater*	*Monopole Less than 75 Feet in Height*
Lattice	*5,280 ft (1 mile)*	*2,640 ft (.50 mile)*	*660 ft (.125 mile)*
Monopole 75 Feet in Height or Greater	***2,640 ft (.50 mile)***	***1,320 ft (.25 mile)***	***660 ft (.125 mile)***
Monopole Less than 75 Feet in Height	*750 ft (0.142 mile)*	*750 ft (0.142 mile)*	*Zoning district setbacks apply*

Note: Applicable separation distances for the Proposed Facility are shown in bold text.

The Applicant is proposing the construction of a transmission support structure that is greater than 75 feet in height, thus the separation distances identified in bold above are applicable. Based on a search of the FCC Antenna Structure Registration (ASR), there are no existing antenna support structures within a one-half-mile radius of the proposed concealment pole location, consistent with this standard. The closest identified antenna support structure through the ASR search is located at the Flanders Fire Department at 19 Firehouse Lane, approximately 1.13 mile west-northwest of the proposed concealment pole location.

§ 330-309 Equipment Cabinet/Base Station Equipment Shelter

A. Equipment shelters for wireless communications facilities shall be designed consistent with one of the following design standards:

(3) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed shelter, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood.

No equipment shelter is proposed but rather only small equipment cabinets are proposed. The proposed ground-based equipment compound would be enclosed within an 8-foot-tall chain link fence with brown privacy slats, with additional screening provided by the existing vegetation on the Subject Property, as well as proposed evergreen trees immediately north of the equipment compound and to its northwest along the site frontage. Photo-simulation Nos. 1 and 2 within the *Visual Resource Assessment* (Appendix A) show the proposed screening in front of the equipment compound from viewpoints along Flanders Road. Based on the presence of surrounding screening elements (i.e., woodlands and landscaping), the proposed equipment compound is not expected to be visible from off-site locations.

(4) The related unmanned equipment cabinet or structure for each provider shall not exceed 10 feet in height or a total of 500 square feet of gross floor area when located on the roof of a building, or shall not exceed 12 feet in height or a total of 750 square feet of gross floor area when located on the ground.

As depicted on the *Enlarged Compound Plan* on Sheet A-101-00 of the site plans submitted under separate cover, the proposed ground-based equipment compound would be 3,000± sf and would contain the equipment of multiple wireless service providers. As currently proposed, Verizon Wireless would utilize a 200±-sf equipment pad and a 160±-sf propane tank pad. There is also space for Dish Wireless to utilize a 35±-sf equipment platform. There is also space available within the compound for future carriers on up to three 200-sf lease spaces. As such, no

provider within the compound would have an equipment cabinet or structure in excess of 750± sf, consistent with this standard. As indicated on the *Concept Elevations* on Sheet A-100.00 of the site plans submitted under separate cover, the tallest proposed weather canopy above the ground-based equipment would be 9-feet-4± inches agl, with GPS units mounted thereon reaching a top height of 9-feet-10± inches agl complying with the height limit of 12 feet for ground-based equipment.

> *(6) Any lighting proposed for equipment shelters shall be consistent with the requirements of § 330-308E. The Planning Board shall encourage the use of motion sensor lighting on equipment shelters, where appropriate.*

As discussed above, the proposed lighting to be installed within the equipment compound will comply with § 330-308E. Lighting would be installed within the equipment compound for equipment maintenance only, and would be dark-sky compliant, shielded, and properly aimed to prevent light trespass to adjoining properties and streets, in keeping with this standard.

§ 330-312 Historic Structures; Historic Districts.

A. Wireless communications installations on or within historic structures shall avoid unnecessary replacement of any historic building feature or substitution of modern materials for historic ones.

B. In its review of a special exception application for installation of antennas camouflaged or concealed within an historic structure, or placed within a Hamlet Heritage Area or Historic District, the Planning Board shall refer said application to the landmarks and Historic Districts Board for review and recommendation.

C. The applicant shall utilize the Secretary of the Interior's Standards for Rehabilitation (Department of Interior Regulations, 36 CFR 67) for guidance on retaining the integrity of historic buildings or structures; and shall demonstrate compliance with said standards to the satisfaction of the Planning Board.

D. Any wireless installation within a Hamlet Heritage Area or Historic District shall be camouflaged or stealth so as not to impede or impair the significance of the historic setting.

According to a review of the NYS OPRHP CRIS and the Town of Southampton Historic Resources map, the Subject Property does not contain historic structures or sites, nor is it within a historic district. The Proposed Facility would be located on a previously developed parcel of land that is currently used as an automotive junkyard. On February 17, 2022, the OPRHP issued correspondence indicating that there are "No Historic Properties in Area of Potential Effects (APE)" for Direct Effects (see correspondence in Appendix C). The OPRHP correspondence also indicates that the Proposed Facility would have "No Effect on Historic Properties in APE for Visual Effects (the APE for Visual Effects for the Proposed Facility with a height of 150 feet agl is one-half-mile). Therefore, no significant adverse impacts on historic or cultural resources are anticipated.

§ 330-313 Interference; NIER Exposure; Shock and Burn Standards.

(1) Interference. Permit applications for all wireless communications facilities shall include a statement signed by a licensed professional electrical engineer or qualified professional radio frequency engineer that the proposed communication Facility meets all federal interference rules and regulations.

(2) NIER exposure. A communication Facility, by itself or in combination with others, shall not expose the public to NIER that exceeds the electric or magnetic field strength, or the power density, for the frequency ranges and durations described in 47 CFR 1.1310 or any other applicable federal law or regulation. A statement signed by a licensed professional electrical engineer or qualified professional radio frequency engineer shall be submitted that states that the proposed communications facilities meet all federal NIER rules, regulations and standards.

(3) Shock and burn. All communications facilities shall comply with 47 CFR 1.1310.

The Proposed Facility would comply with all federal guidelines regarding interference, NIER exposure, and shock and burn rules and regulations as required by the foregoing provisions of the Town Code.

4.3 Town of Southampton Wireless Communications Plan

The Town of Southampton *Wireless Communications Plan* was adopted in December 2007, in recognition of the increasing use of wireless technology increasing the need for transmission facilities, evolving telecommunications technologies, and the need to update the Town Code provisions regulating such facilities. The purpose of the *Wireless Communications Plan* is "to fulfill the comprehensive goal of facilitating the spread of wireless service while also planning to protect the Town from the impacts of the proliferation of antenna support towers and other types of facilities" (p. 1). The *Wireless Communications Plan* does not make specific recommendations regarding the Subject Property; however, it outlines planning goals to achieve its overall purpose. The recommendations within the *Wireless Communications Plan* guided the Town in formulating the current provisions set forth in Article XXVII of the Town Code, *Wireless Communications Transmission Support Structures and Antennas*. The Proposed Facility's consistency with each relevant goal of the *Wireless Communications Plan* is discussed below.

1. *Facilitate access to reliable wireless communications services throughout the Town of Southampton.*

As discussed in the RF Report (Appendix D), the Proposed Facility will provide increased access to reliable wireless communications services throughout the Town in areas where service deficiencies have been identified under existing conditions.

2. *Protect community aesthetics by planning for well-sited and well-designed wireless service facilities that fit unobtrusively in the Southampton environment.*

As discussed in detail in Section 5 of this report, the Proposed Facility has been sited and designed to minimize visual impact and preserve community aesthetics. The 150-foot concealment pole will be surrounded by dense woodlands, supplemented with a landscaped buffer of evergreen trees to screen the ground-based equipment and base of the concealment pole. Additionally, the antennas would be concealed within the pole, which will feature a slender profile and neutral coloration to blend with existing surroundings, further protecting the aesthetics of the community. Overall visibility of the Proposed Facility from the surrounding area would be limited by the dense tree cover in the area.

3. *Manage the placement of all communication antennas, antenna support structures, buildings, and associated equipment so as to promote efficient service delivery and avoid unnecessary proliferation.*

The Proposed Facility is located within an existing automotive junkyard, surrounded by natural woodland, and includes space for multiple carriers within a single compound. This approach consolidates necessary equipment, promoting collocation and reducing the need for additional structures.

4. *Ensure the safety of wireless communications facilities and avoid potential damage to people and property.*

The Proposed Facility will be securely installed within a 3,000±-sf fenced compound, surrounded by an 8-foot-high chain link fence with locking gate, and will only be accessible to authorized personnel and emergency responders. Bollards will be installed outside of the equipment fencing to protect utility connections to be installed on the north side of the compound. The Proposed

Facility will post required signs identifying the site as an RF controlled area emergency contact information posted. Additionally, as indicated in the *Antennas Site FCC RF Compliance Assessment and Report* prepared by Pinnacle Telecom Group in Appendix G, the Proposed Facility will comply with FCC regulations for RF levels. With respect to the concealment pole design, as indicated in a letter prepared by the project architect, WFC Architects, in Appendix H, "the proposed tower will be designed with a 'hinge point' so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel." Based on these factors, the Proposed Facility is consistent with this goal of the *Wireless Communications Plan.*

Overall, the Proposed Facility is aligned with the goals of the *Wireless Communications Plan* and enhances the Town's wireless communication landscape while maintaining its character and environment.

5

Visual Impact Analysis

A *Visual Resource Assessment* dated October 23, 2024, was prepared for the Proposed Facility by Saratoga Associates (Appendix A). The *Visual Resource Assessment* includes a viewshed analysis, study area reconnaissance (with photographs), and photo simulations of the Proposed Facility. Together, these analyses provide a comprehensive representation of the expected visual impacts of the Proposed Facility. As detailed below, the *Visual Resource Assessment* indicates that the Proposed Facility has been designed to be the least visually obtrusive feasible and will not result in a significant adverse visual impact.

5.1 Viewshed Analysis

To perform a viewshed analysis of the Proposed Facility, Saratoga Associates used published LiDAR (Light Detection and Ranging) imaging data obtained from the New York State GIS Clearinghouse. A digital surface model was created from this data to represent the natural and built features within a two-mile study area surrounding the Proposed Facility. Global Mapper 25.0 GIS software was then used to conduct the viewshed analysis. The software modeled the visibility of the top of the proposed 150-foot concealment pole from the perspective of a 5'8" tall observer eye level. This viewshed analysis models where the top of the 150±-foot agl concealment pole is expected to be visible to the observer. It does not assess how much of the total pole height would be visible.

Viewshed Maps (Figures 1A [two-mile radius] and 1B [one-half-mile radius] in Appendix A) were prepared, showing areas that are likely to have visibility of the top of the concealment pole. The analysis indicated that approximately 2,170 acres (27 percent) of the two-mile study area would have the potential to see the concealment pole. However, 93 percent of this visibility is over the open waters of Flanders Bay, leaving only about 140 acres of potentially visibility on land, primarily within tidal wetlands. Within a half-mile of the Proposed Facility the modeled viewshed area is restricted to 3.7± acres along Flanders Road in the immediate vicinity of the Proposed Facility location.

Regarding visibility from residential neighborhoods and local roads, the viewshed analysis found that the proposed concealment pole is not expected to be visible from the residential areas north and west of the Subject Property generally along and off Longneck Boulevard and Oak Avenue. Overall, less than 4,000 linear feet of public roadway within the two-mile study area are within the modeled viewshed, including 2,440 linear feet along Flanders Road in the immediate vicinity.

However, as noted in the *Visual Resource Assessment*, "[g]iven the complex visual stimuli encountered by motorists travelling in a moving vehicle, even if the Facility is visible, it is probably viewer recognition of the Facility would be limited to a fraction of the total available viewing time. As the tendency of motorists is to focus down the road peripheral views of the Facility may go largely unnoticed by most travelers" (pp. 8-9). Due to dense forestation, the viewshed from most residential areas and roads is limited.

The viewshed analysis also predicts that the concealment pole will not have significant visibility from scenic resources of statewide significance or aesthetic resources of local importance, as discussed in more detail in Appendix A. Tidal marshlands at the edge of Flanders Bay, within Hubbard County Park, are predicted to have some views of the concealment pole.

5.2 Study Area Reconnaissance

Applying real-world verification, Saratoga Associates conducted a crane visibility test on December 19, 2023 (i.e., during the winter leaf-off season to represent the worst-case visual condition). The test used a mobile construction crane raised to the 150-foot height of the proposed concealment pole with a marker flag attached at that height. Visibility of the crane/marker flag from public roads was recorded, confirming the limited extent of potential visual impact identified in the digital viewshed analysis. The resulting photographs are included in Appendix B of the *Visual Resource Assessment*.

In sum, based on the viewshed analysis and study area reconnaissance, the Proposed Facility will have limited visibility, primarily from specific open and cleared areas along Flanders Bay and along Flanders Road in the immediate site vicinity, with minimal visual intrusion on the local environment.

5.3 Photo Simulations

To supplement data collected and analyzed as part of the viewshed analysis, photo simulations were prepared to provide a visual representation of the Proposed Facility from several viewpoints throughout the surrounding community. These simulations offer insight into where and to what extent the Proposed Facility will be visible, as well as characterize the existing visual obstructions in the environment. Additionally, both the proposed concealment pole and an alternative monopole with externally mounted antennas have been modeled for this analysis to provide the visual representation of what they would look like within the community. However, the Applicant intends to proceed with the concealment pole design as the preferred option.

5.3.1 Methodology

The photo simulations were developed by superimposing a three-dimensional (3D) computer model of the Proposed Facility into base photographs, using 3D Studio Max Design® software. The camera perspectives (views) were carefully matched to the base photographs by replicating the exact coordinates of the field camera positions recorded by handheld GPS devices and matching the focal length of the camera lens (e.g., 50mm). This ensured scale accuracy between the photographs and the simulated views. The elevation (Z) value of the camera was determined using digital elevation model (DEM) data, plus the camera's height above ground level. The target position of the camera was aligned to match the bearing of the original condition

photographs taken in the field. The existing condition photographs were used as viewport backgrounds, and minor camera adjustments were made to align the horizon with corresponding features of the 3D model. Visible elements within the photographs (e.g., buildings, utility poles, topography) were identified and digitized using digital orthophotos and assigned Z values based on DEM data before being imported into the 3D software. A 3D terrain model was also created to replicate the local topography. These elements were aligned with their counterparts in the photographs by adjusting the camera target, and slight camera adjustments were made for precise alignment. A daylight system was integrated into the model to match the exact date and time when the baseline photographs were taken, ensuring proper shading and shadowing of the modeled elements. A to-scale 3D model of the proposed concealment pole and alternative monopole with externally mounted antennas were merged into the model space. The 3D models were detailed enough to accurately reflect the visual character and potential impacts of both options. Final adjustments and refinements were made using Adobe Photoshop to airbrush portions of the tower that fall behind or below foreground features like topography and vegetation. This ensured that the final images accurately represented the location, height, and visual character of the proposed facility. The photo simulations also include proposed evergreen vegetative screening along Flanders Road at two growth stages: year 1 growth at approximately 7-8 feet tall and year 7-9 growth at approximately 18-20 feet tall.

Photo simulations from key viewpoints are included in Appendix C of the *Visual Resource Assessment*, and are summarized below:

Photo 1 - Flanders Rd. (NY Rte. 24), 280± feet northwest of the Proposed Facility

The existing view looking towards the Subject Property from Photo 1 consists of the existing Subject Property frontage, including the two-story building at the junkyard, landscape trees, overhead utilities, and vehicles stored at the front of the site, with natural wooded areas beyond to the east. The photo simulation shows that the proposed concealment pole would be visible from this location, with the proposed landscaping elements concealing the equipment compound from view. At mature growth, the proposed evergreen trees along Flanders Road provide screening of the frontage of the junkyard and the two-story building.

Photo 2 - Flanders Rd. (NY Rte. 24), 300± feet east of the Propsoed Facility

The existing view looking towards the Subject Property from Photo 2 shows the wooded area east of the Proposed Facility Location, as well as overhead utilities along Flanders Road in front of the Subject Property. The photo simulation shows that the proposed concealment pole would be visible from this location, although the lower portion would be largely screened by the wooded area to the east. At mature growth, the proposed evergreen trees along Flanders Road provide screening of the frontage of the junkyard.

Photo 11 – Southampton Town Boat Launch on Point Road, 7,570 feet northwest of the Proposed Facility

The existing view looking towards the Subject Property from Photo 11 shows Reeves Bay, with wooded land visible beyond the water on the horizon. The photo simulation shows that the proposed concealment pole would be partially visible from this location, above the tree line. However, given the significant distance from the Proposed Facility of 1.4± miles, the top of the concealment pole is minimally noticeable above the tree line, and largely blends with the trees. Additionally, the concealment pole option reduces visual bulk as compared to the externally mounted antenna option.

Overall, the viewshed analysis, study area reconnaissance and photo simulations confirm that the visibility of the Proposed Facility within the two-mile study area would be minimal. The substantial vegetative cover within the vicinity serves as a natural screen, further reducing the visibility of the Proposed Facility from numerous viewpoints where it would otherwise be partially visible. Even in areas with fewer visual obstructions, such as across bodies of water or along sections of Flanders Road that are closer in proximity to the Subject Property, the design features of the Proposed Facility, including its concealment of antennas within the pole, neutral paint color, and the addition of evergreen landscaping to screen the equipment compound and base of the pole, facilitate its integration into the landscape to the maximum extent practicable. Therefore, no significant adverse visual impacts are anticipated.

6

Pine Barrens Commission Hardship Exemption Analysis

6.1 Introduction

The Subject Property is located within the Core Preservation Area (CPA) of the Central Suffolk Pine Barrens. The Central Pine Barrens Joint Planning and Policy Commission (the "CPB Commission") has determined that the Proposed Facility constitutes development as defined in the New York State Environmental Conservation Law (ECL) Article 57, Section 57-0107(13)(b) and (c), thus requiring a CPA Hardship Waiver from the CPB Commission (see correspondence dated June 15, 2022, in Appendix B). This section reviews the Proposed Facility's conformity to the criteria for granting such exemptions.

6.2 Requirements of the Pine Barrens Act

To obtain a hardship exemption for development of a site within the Core Preservation Area, a Project Sponsor must demonstrate compliance with the criteria established in § 57-0121.10 of the Long Island Pine Barrens Maritime Reserve Act. In the following section, the attributes of the Proposed Facility have been evaluated for conformance to the applicable criteria.

(a) *Any person, the state or a public corporation upon a showing of hardship caused by the provisions of subdivision eight of this section on development in the core preservation area, may apply to the commission for a permit exempting such applicant from such subdivision eight in connection with any proposed development in the core preservation area. Such application for an exemption pursuant to the demonstration of hardship within the core preservation area shall be approved only if the person satisfies the following conditions and extraordinary hardship or compelling public need is determined to have been established under the following standards or for development by the state or a public corporation or proposed for land owned by the state or a public corporation compelling public need is determined to have been established under the following standards:*

(i) *The particular physical surroundings, shape or topographical conditions of the specific property involved would result in an extraordinary hardship, as distinguished from a mere inconvenience, if the provisions of this act are literally enforced. A person shall be deemed*

to have established the existence of extraordinary hardship only if he or she demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this title, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property which:

(i) Do not apply to or affect other property in the immediate vicinity;

(ii) Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or

(iii) Are not the result of any action or inaction by the applicant or the owner or his or her predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993.

The use of the Subject Property as an automobile junkyard was established prior to the referenced date of June 1, 1993. A unique attribute of the Subject Property is that it is the only one in the targeted coverage area that has been cleared of vegetation, has level topography and has sufficient lot area to accommodate the Proposed Facility. The site has direct access to a main roadway, eliminating the need to clear land for a new access point or have construction or service vehicles navigate through any local roadways. This site is further unique in that it is the only one in the targeted coverage area, as described on page 4 of the V-COMM RF report (Appendix D), that has an established commercial or industrial use. There is a demonstrated need for wireless coverage in the immediate vicinity, and no other suitable sites were found to be available for the Proposed Facility, despite an exhaustive search. As will be detailed in the following section, other potential sites under consideration all had one or more deficiencies rendering them unsuitable for this purpose. Some sites were too close to residential properties, others were too close to existing wireless facilities or would have required significant clearing, regrading and site disturbance.

Accordingly, the requested relief relates to circumstances unique to the Subject Property and thus do not apply to or affect other property in the immediate vicinity, in accordance with criterion (i) above. The requested relief is intended to address a service deficiency of a public utility and does not arise out of the characteristics of the Subject Property or personal situation of the applicant, in accordance with criterion (ii). The present use and condition of the site have existed since prior to the date of June 1, 1993 referenced in criterion (iii), and are not the result of an action (or inaction) by the applicant or the landowner.

(b) A person, the state or a public corporation shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, one of the following:

(i) The proposed development will serve an essential health or safety need of the municipalities in the Central Pine Barrens such that the public health and safety require the requested waiver, that the public benefits from the proposed use are of a character that overrides the importance of the protection of the core preservation area as established in this title, that the proposed use is required to serve existing needs of the residents, and that no feasible alternatives exist outside the core preservation area to meet the established public need and that no better alternatives exist within the county; or

(ii) The proposed development constitutes an adaptive reuse of an historic resource designated by the commission and said reuse is the minimum relief necessary

to ensure the integrity and continued protection of the designated historic resource and further that the designated historic resource's integrity and continued protection cannot be maintained without the granting of a permit.

Compelling Public Need

An analysis performed by V-COMM Telecommunications Engineering, dated July 31, 2024 (Appendix D), evaluated the study area for sufficient RF coverage and found a significant gap in the 700 MHz frequency bands within this portion of the Town of Southampton, necessitating a new facility. As stated in the *Wireless Communications Plan* for the Town of Southampton, access to wireless service *"has shifted from luxury to necessity"*, as an increasing number of residents work from home and rely on wireless communications to conduct business remotely. As stated on Page 1 of the plan, "the development and expansion of new services and applications, such as e-mail, photo messaging, Internet use, video transmission, WiFi, etc., also add demands on the system that will result in the need for more and more wireless communications sites." The report also highlights the importance of wireless coverage for public safety and emergency service providers. In multiple cases, the New York Court of Appeals, the State's highest court, has held that federally licensed wireless carriers provide an essential public service and are classified as a public utility in the State of New York, such that public utilities must be accorded favored treatment in zoning and land use related matters. Title 47 of the Code of Federal Regulations (CFR) requires licensed wireless carriers to maintain a minimum standard of service throughout their coverage network. By improving service in an area experiencing a deficiency (as further described below), the Proposed Facility will serve an essential health or safety need of the municipalities in the Central Pine Barrens in accordance with criterion (b)(i) above.

Through the use of propagation maps and data obtained from drive tests conducted on area roadways, the V-COMM report details the coverage limitations of the existing Verizon sites in the study area, showing a significant gap in coverage along Flanders Road. Maps 2 and 3 on pages 6 and 7 of the report depict coverage in the 750 MHz range both with and without the Proposed Facility. The nearest existing Verizon sites covering Flanders Road are 4.5 miles apart, too far to provide sufficient coverage in this gap. Specifically, coverage deficiencies exist at the intersection of Flanders Road and Spinney Road North eastward for approximately 1.0 mile, southward on Spinney Road for 0.3 miles, and east on Flanders Road for 1.5 miles.

The Proposed Facility will be installed on a site that is fully developed under existing conditions, will not require additional clearing or other site disturbance, and will have no adverse impacts to groundwater or critical ecological resources. As such, implementation of the Proposed Action will not impair the protection of the Core Preservation Area. The public benefits of reliable service in this area of Southampton would override the impact to the Core Preservation Area in accordance with criterion (b)(i).

Alternative Sites Considered

Criterion § 57-0121.10.(b)(i) requires a finding that no feasible alternatives exist outside the core preservation area to meet the established public need and that no better alternatives exist within the county. As documented in the Alternative Sites Affidavit of Raymond M. Vergati, (Appendix E), a thorough search of area surrounding the Subject Property yielded 30 different candidate sites, which were then each evaluated as potential locations for the Proposed Facility. In addition to the Subject Property, one parcel was Town-owned, eighteen were County-owned, seven were privately-owned and three contained existing structures for potential co-location. The Affidavit

provides details for each site and provides the reason(s) why the site was not suitable for the Proposed facility.

As part of its analysis (Appendix D), V-COMM further evaluated three of the potential alternate sites for the Verizon Wireless network, and found these alternate sites were not suitable and would not provide sufficient coverage to fulfill the gap in service in the Verizon Wireless network in this area. The results of these evaluations are summarized as follows:

1. *Flanders Road, Flanders, NY (Water Tank) - Lat/Long: 40°52'55.07"N/72°33'5.41"W -*

This site is located too close to the existing Verizon Hampton Bays 2 site, at the Southampton Police Headquarters at 110 Old Riverhead Road, and is not a feasible alternative. It is located within the coverage footprint of Hampton Bays 2 site, and provides redundant coverage, and will not cover the gap in service in the area, which would extend up to 2.9 miles west on Flanders Road. Therefore, it is not a suitable replacement site for the proposed site, and would not cover the gap in service for the Verizon network.

2. *105 Flanders Road, Flanders, NY (Town Land) - Lat/Long: 40°53'14.46"N/ 72°33'15.57"W -*

This site is also located too close to the existing Verizon Hampton Bays 2 site, at the Southampton Police Headquarters at 110 Old Riverhead Road, and is not a feasible alternative. It's located within the coverage footprint of Hampton Bays 2 site, and provides redundant coverage, and will not cover the gap in service in the area, which would extend up to 2.5 miles west on Flanders Road. Therefore, it is not a suitable replacement site for the proposed site, and would not cover the gap in service for the Verizon network.

3. *2021 Flanders Road, Flanders, NY (Town Land) - Lat/Long: 40°54'7.06"N/ 72°36'11.41"W -*

This site is located too close to residential homes, the property has binding real estate issues, and is too close to the existing Verizon Flanders site, at the Flanders Fire Department, 19 Firehouse Lane, and is not a feasible alternative. The site is further west of the proposed site, and is not preferred, as the coverage would not extend far enough to the east to cover the gap in service on Flanders Rd. The proposed site just covers the gap in service on Flanders going east, so moving the site further west would not cover far enough to the east. Therefore, it is not a suitable replacement site for the proposed site, and would not cover the gap in service for the Verizon network in this area.

Alternative Technologies Considered

As part of its analysis, the V-COMM report (Appendix D) investigated the potential use of alternative technologies such as microcells, small network nodes or outdoor distributed antenna systems (ODAS) nodes, and found the following:

> *[I]n a rural area like the Town of Southampton, would not be practical or effective. Typically, small network nodes are used to cover very small areas, such as a campus or dense urban environment to provide capacity or coverage in a specific venue to supplement the existing coverage and capacity of the macrocell network. The existing utility poles along Flanders Rd (Route 24) are below the surrounding tree height, which would additionally severely limiting the coverage. In most of the proposed coverage area for NY065 Hampton Bays 4 site, no utility poles exist at all with no practical way to provide electric and fiber connection should a pole be placed. In addition, a small structure (i.e. 35 feet in height) that is a flag pole, street pole or a building rooftop would not be a suitable site for the proposed antenna site, as it would have enough height to provide coverage over the surrounding trees, and would not provide sufficient coverage to fill the gap in service in the area.*

Thus, the Proposed Action satisfies criterion (b)(i) that no feasible alternatives exist outside the core preservation area to meet the established public need and no better alternatives exist within the County.

Historic Resources

Criterion (b)(ii) refers to adaptive reuse of an historic resource. There are no historic or cultural resources on or adjacent to the Proposed Facility location, including Town-designated landmarks or historic districts, or sites or districts listed on the State or National Register of Historic Places. Therefore, this criterion is not applicable to the Proposed Action. Nonetheless, it should be noted that, on February 17, 2022, the New York State OPRHP issued correspondence indicating that there are "No Historic Properties in Area of Potential Effects (APE)" for Direct Effects, and there would be "No Effect on Historic Properties in APE with regard to Visual Effects."

(c) An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met:

(i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area;

(ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this title; or

(iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need.

The Proposed Facility will be located within a portion of the property that will not affect the operations on the existing site, and is not situated in close proximity to any off-site improvements or facilities (i.e., containing wooded areas only).

As indicated in a letter by the project architect, WFC Architects (Appendix H), "the proposed tower will be designed with a 'hinge-point' so that in the unlikely event of a catastrophic failure occurring, the tower fall zone will be contained within the subject parcel." The Proposed Facility will be subject to the New York State Uniform Fire Prevention & Building Code and will be reviewed by the Southampton Fire Marshal's office as appropriate. Overall, construction of the Proposed Facility would not result in a detriment or injury to property or improvements, or the creation of a fire or public safety hazard. In fact, with respect to public safety, the Proposed Facility will improve wireless service to areas experiencing a documented deficiency providing a vital benefit, consistent with the stated objectives of the *Wireless Communications Plan* for the Town of Southampton.

Section 3 of this report, "Environmental Considerations", contains a detailed description of the salient features of the Proposed Action and of the measures taken to minimize disturbances to the site and to surrounding properties. These are summarized below:

› A minimal increase in site-generated traffic volume of approximately one vehicular trip per month.

- A minor increase in ambient noise levels during construction. Operational noise levels are not expected to exceed existing ambient conditions.
- As the Proposed Facility would be unmanned, there would be no demand for potable water and no generation of sanitary wastewater.
- There are no wetlands or surface waters on or adjacent to the Proposed Facility location, nor is the Subject Property located within either the 100-year or 500-year flood hazard zones.
- The Proposed Facility does not involve the bulk storage of other petroleum or chemical products.
- The Proposed Facility would be situated within developed portions of the Subject Property, does not involve the removal of vegetation and will have no adverse impacts to these significant natural communities.
- As the Proposed Action will not include tree removal, no significant adverse impacts to Northern Long-eared Bat habitat are anticipated.
- The Subject Property does not contain any open space or recreational resources.
- All site lighting would be dark sky compliant, internally shielded and properly aimed to prevent off-site spillover.
- While the Subject Property is located within identified Critical Environmental Areas, the land has been cleared for an extended period of time and used as an automotive junkyard. The Proposed Facility would be installed within a vacant portion of the Subject Property and does not involve removal of natural vegetation. The Core Preservation Area was established for the protection of groundwater resources and relevant ecological resources, and neither would be affected, as is detailed in Section 3, "Environmental Considerations", of this report.

The Proposed Facility represents the minimum relief necessary to relieve the hardship and fulfill a compelling public need in accordance with criterion (c)(iii). Specifically, the facility is designed to occupy a minimal footprint and is located on a site that is fully developed and will require minimal disturbance. There are no changes to the design of the facility that would reduce the level of needed relief. Any foreseeable alternative designs or concepts would also constitute "development" within the Core Preservation Area in the same manner as this facility was determined by the Commission. As was detailed in the preceding section, there are no viable alternative sites outside of the Core Preservation Area for the Proposed Facility.

Thus, the Proposed Facility satisfies the criteria of (c)(i) through (iii), that granting of the permit will not be materially detrimental or injurious to other property or improvements in the area, will not increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the Core Preservation Area. The waiver will not be inconsistent with the purposes, objectives or intent of the Act, and the waiver is the minimum relief necessary to satisfy the compelling public need.

6.3 Conclusion

Based on the above analysis, it has been demonstrated that the Proposed Facility qualifies for a hardship exemption as provided for in § 57-0121.10 of the Long Island Pine Barrens Maritime Reserve Act. The hardship is not self-created, the Proposed Facility fulfills a compelling public need and will not be injurious or detrimental to the surrounding community or to the purposes and objectives of the Act.

The installation of the Proposed Facility at the Subject Property is appropriate as it utilizes an industrial property and would be situated within a portion of the site that does not contain naturally vegetated areas and would not impede existing operations. The Proposed Facility has been designed to be as minimally visually obtrusive as practicable. Visibility is obscured from surrounding vantage points by a dense tree cover and area topography. The neutral coloration and slender profile of the pole, which would conceal the antennas of multiple wireless carriers within, will minimize visual impacts from views where the concealment pole can be seen. Other mitigating design features are the positioning of the base of the concealment pole and ground-based equipment behind evergreen screening, thereby screening the base of the pole and equipment compound.

The Proposed Facility would be located within an area where there is a documented wireless communications service gap that would benefit from the provision of additional facilities. The resulting improvement in wireless communications service would benefit area residents and visitors, including those who utilize the surrounding open space areas for recreational activity. By co-locating the antennas of multiple wireless service carriers within a single concealment pole, the Proposed Facility would eliminate the need for the future installation of multiple communications facilities to serve the surrounding area.

7

Findings and Conclusions

Construction of the proposed wireless communications facility at 2055 Flanders Road has been assessed for planning, zoning, and visual impacts. The Proposed Action will enhance wireless communication services in the Town of Southampton, addressing current deficiencies as detailed in the RF Report (Appendix D). The design incorporates a concealment monopole with neutral coloring, situated adjacent to a densely wooded area with landscaped buffers proposed at the site frontage, to fit unobtrusively into the local environment.

Placement of the Proposed Facility in an existing automotive salvage facility consolidates infrastructure, promoting collocation, and avoids the disturbance of vacant, wooded land. The facility's installation within a fenced compound, along with adherence to safety standards and the inclusion of emergency backup generators, is designed to enhance public safety and property protection.

Based on the results of the viewshed analysis and photographic simulations, the facility will have limited visibility from surrounding residences, and roadways. Visibility of the proposed wireless communications facility is primarily confined to cleared areas and open waters. To mitigate impacts associated with the visibility of the Proposed Action, the project will install landscaping buffers along the site frontage, utilize a concealment pole design that hides antennas within the monopole, and paint the concealment pole a neutral color that would blend in with the sky to the maximum extent practicable.

Although the Proposed Facility does not meet all zoning setback requirements, its placement minimizes negative impacts on neighboring properties. Overall, the project will improve service reliability in an area that has had documented deficiencies and will implement measures to mitigate impacts associated with aesthetics. As detailed in Section 3 of this report, the Proposed Facility would be unmanned and would not result in significant adverse environmental impacts, including potential impacts within the criteria for determining significance under the State Environmental Quality Review Act (SEQRA) implementing regulations at 6 NYCRR Part 617.7(c).

Because the Subject Property is located within the Core Preservation Area of the Central Suffolk Pine Barrens, a Hardship Waiver is required from the Central Pine Barrens Joint Planning and Policy Commission. The Proposed Action was evaluated for compliance with applicable criteria as established in § 57-0121.10 of the Long Island Pine Barrens Maritime Reserve Act. Through detailed analysis, it was determined that there are circumstances unique to the Subject Property; that there is a compelling public need for wireless service in the project area, that no suitable alternative sites exist for the Proposed Facility, and that the Proposed Facility will have no

adverse impacts on the characteristics of the Core Preservation Area. Thus, the Proposed Facility satisfies the criteria for the issuance of a Hardship Waiver.

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