



Commission Meeting of December 17, 2003

Brookhaven Town Offices, Medford, NY

Present: Mr. Proios (for Suffolk County), Mr. Scully (for New York State),
Mr. Murphree (for Southampton), Mr. Kozakiewicz (for Riverhead),
and Ms. Compitello (for Brookhaven)

Resolution on the Determination of Jurisdiction Request of Sprint Spectrum

L.P. Property located on Ryerson Avenue, (Long Island Power Authority Right of
Way) Manorville, Town of Brookhaven

Tax Map Number 200-461-3-30.002

Whereas, on May 22, 2002 the Commission determined that a proposal by Sprint Spectrum L.P. to affix telecommunications antennas to an existing Long Island Power Authority (LIPA) transmission tower, and to install related equipment cabinets on the ground adjacent to the transmission tower, was not under the Commission's jurisdiction; and

Whereas, Sprint Spectrum L.P. modified the proposal (as per a letter to the Commission dated March 19, 2003 and plans drawn by Herbst-Musciano Architects/Planners, last revised on November 19, 2003, and date stamped received by the Commission on December 1, 2003) to remove the existing LIPA transmission tower and to construct an identical tower 10 feet away from the existing tower on the same site; and

Whereas, in addition to the limitations outlined in the original May 22, 2003 Commission resolution, the revised plans show tree protection measures to be implemented during construction, and Sprint representatives stated at the December 17, 2003 meeting that artificial lighting will only be used while maintenance is being performed by workers at the site; and

Whereas, the Commission discussed the matter at the December 17, 2003 Commission meeting, at which time the Commission considered all materials submitted in connection with the Determination of Jurisdiction; now therefore be it

Resolved, that the above referenced request for a Determination of Jurisdiction has been determined to be non-jurisdiction based the Long Island Pine Barrens Protection Act, NYS ECL Article 57-0107 (13)(ii).

Record of Motion at Commission meeting of December 17, 2003:

Motion by Ms. Compitello (In favor of Determination of Non-Jurisdiction)
Seconded by Mr. Murphree
Yea Votes: 5
Nay Votes: 0

Robert J. Gaffney
Chair

Patrick A. Heaney
Member

Robert F.
Kozakiewicz
Member

John Jay LaValle
Member

Peter A. Scully
Member

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