

Matthew T. Kerwin  
Counsel

August 19, 2016

**VIA OVERNIGHT MAIL**

Town of Clarence  
Planning and Zoning Department  
One Town Place  
Clarence, NY 14031  
Attn: James B. Callahan

Re: Application of SBA Towers IX, LLC to Construct a Monopole Tower at 9545 Tonawanda Creek Road, Clarence Center, New York (Tax Map # 6.00-4-4.211).

Dear Mr. Callahan:

We represent SBA Towers IX, LLC (“SBA”), which proposes to construct and own a public utility monopole telecommunications facility to be located at 9545 Tonawanda Creek Road in the Town of Clarence (Tax Map # 6.00-4-4.211) (the “Site”) to be used by Verizon Wireless (“Verizon”). Verizon will collocate its antennas and related equipment on the tower and within the fenced compound located at the base of the tower.

Verizon is considered a public utility in New York for zoning purposes and is licensed and regulated by the Federal Communications Commission. Verizon is responsible for providing wireless telephone service to emergency services, businesses and individuals in the geographic area that includes Erie County and the Town of Clarence. Verizon is currently upgrading its network in Erie County to provide its public utility service to the residents and visitors in the area and improve its service due to customer demand. In order to provide adequate wireless service to the Clarence area, Verizon must place a telecommunications facility in a technologically appropriate location.

Specifically, the project entails the construction of a 154’ monopole (with a 5’ lightning rod), as well as the placement of twelve (12) panel antennas and related equipment at a centerline height of 150’ on the monopole. Coaxial cabling will run along the interior of the monopole and connect the antennas to Verizon’s 11’6” by 16 equipment platform located near the base of the facility. A backup propane generator will be located on the platform to temporarily maintain service in the event of a power outage. The monopole, equipment platform, and related

One Park Place – 300 South State Street – Syracuse, New York 13202 hblaw.com  
mkerwin@hblaw.com Direct: 315.425.2820 Fax: 315.425.8552

equipment will be surrounded by a 70' by 70' fenced compound. SBA has entered into a lease with the Site owner concerning access, construction, and operation of the facility.

SBA, in connection with Verizon, submits the following exhibits and enclosures in support of its application for variance approval from the Zoning Board of Appeals, site plan approval from the Planning Board and special use exception/tower permit approval from the Town Board:

- Exhibit 1: Completed application forms;
- Exhibit 2: Project description;
- Exhibit 3: Compliance with the Telecommunications Act of 1996;
- Exhibit 4: Applicable variance standard of review;
- Exhibit 5: Compliance with Town of Clarence Town Code Chapter 173;
- Exhibit 6: SEQRA full environmental assessment form and related letters from NYSDEC and USFW;
- Exhibit 7: Site selection analysis;
- Exhibit 8: Search ring justification report;
- Exhibit 9: FAA no hazard determination;
- Exhibit 10: Phase I archaeological survey;
- Exhibit 11: Redacted lease; and
- Exhibit 12: FCC licenses.

We have also enclosed the following:

- 7 sets of project plans (11" x 17");
- 7 copies of this application packet; and
- Application fees of \$50.00 (variance), \$100.00 (special exception use permit), and \$35.00 (tower permit), as well as a check for \$50.00 to cover the public hearing fee.

August 19, 2016

Page 3

If submission to the Erie County Planning Department is required under General Municipal Law Section 239-m, please send a full copy of this application for review and comment.

Please note that on November 18, 2009, the Federal Communications Commission ("FCC") issued a ruling requiring that a reviewing authority has 150 days from the date of application for a new tower to render a decision on the application. *See* FCC Declaratory Ruling, 24 FCC rcd. 13994, 14006 (¶ 45) (2009) ("Shot Clock Ruling"). The Shot Clock Ruling requires that the reviewing authority notify the applicant within 30 days as to whether its application is incomplete.

If you have any questions, please contact me at the number below.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Matthew T. Kerwin".

Matthew T. Kerwin

Enclosure

**BARCLAY DAMON, LLP**  
 ONE PARK PLACE  
 300 SOUTH STATE STREET  
 SYRACUSE, NEW YORK 13202

KeyBank National Association

31-300/1243

**1100510**

**DATE**

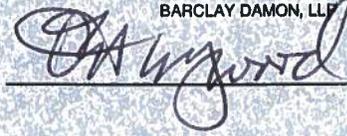
08-18-16

**AMOUNT**

\$100.00

\*\*\*One Hundred and 00/100 Dollars

BARCLAY DAMON, LLP



PAY  
TO THE  
ORDER OF

Town of Clarence  
 One Town Place  
 Clarence, NY 14031

COUNTER SIGNATURE REQUIRED IF OVER \$10,000

⑈ 1 100510 ⑈ ⑆ 24303007⑆ 440993201100⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

BARCLAY DAMON, LLP

CHECK DATE: 08-18-16

CHECK NO.: 1100510

DATE	INVOICE	VOUCHER	COMMENTS	MATTER		<b>1100510</b>	
08-18-16	081816	432318		3074967		100.00	
VENDOR: Town of Clarence					REF#	TOTAL	\$100.00

440993201100

ORDER FROM:  315 432-1029

③ BLUE

BARCLAY DAMON, LLP  
 ONE PARK PLACE  
 300 SOUTH STATE STREET  
 SYRACUSE, NEW YORK 13202

KeyBank National Association

31-300/1243

1100511

DATE

08-18-16

AMOUNT

\$35.00

\*\*\*Thirty-Five and 00/100 Dollars

BARCLAY DAMON, LLP



PAY  
 TO THE  
 ORDER OF

Town of Clarence  
 One Town Place  
 Clarence, NY 14031

COUNTER SIGNATURE REQUIRED IF OVER \$10,000

⑈ 1100511 ⑈ ⑆ 24303007 ⑆ 440993201100 ⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

BARCLAY DAMON, LLP

CHECK DATE: 08-18-16

CHECK NO.: 1100511

DATE	INVOICE	VOUCHER	COMMENTS	MATTER	1100511
08-18-16	081816a	432319		3074967	35.00
VENDOR: Town of Clarence				REF#	TOTAL \$35.00

440993201100

ORDER FROM:  Cooley 315 432-1029

③ BLUE

BARCLAY DAMON, LLP  
 ONE PARK PLACE  
 300 SOUTH STATE STREET  
 SYRACUSE, NEW YORK 13202

KeyBank National Association

31-300/1243

1100512

DATE 08-18-16

AMOUNT \$50.00

\*\*\*Fifty and 00/100 Dollars

BARCLAY DAMON, LLP  


PAY TO THE ORDER OF  
 Town of Clarence  
 One Town Place  
 Clarence, NY 14031

COUNTER SIGNATURE REQUIRED IF OVER \$10,000

⑈ 1100512⑈ ⑆ 24303007⑆ 440993201100⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

BARCLAY DAMON, LLP

CHECK DATE: 08-18-16

CHECK NO.: 1100512

DATE	INVOICE	VOUCHER	COMMENTS	MATTER	1100512
08-18-16	081816b	432320		3074967	50.00
VENDOR: Town of Clarence				REF#	TOTAL \$50.00

440993201100

ORDER FROM:  Cooley 315 432-1029

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**BARCLAY DAMON, LLP**  
 ONE PARK PLACE  
 300 SOUTH STATE STREET  
 SYRACUSE, NEW YORK 13202

KeyBank National Association

31-300/1243

**1100567**

**DATE**

08-19-16

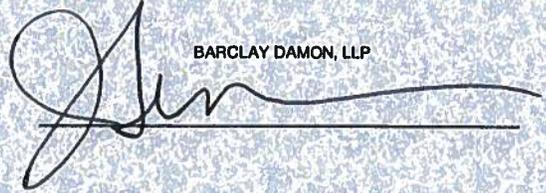
**AMOUNT**

\$50.00

\*\*\*Fifty and 00/100 Dollars

PAY  
TO THE  
ORDER OF

Town of Clarence  
 One Town Place  
 Clarence, NY 14031

  
 BARCLAY DAMON, LLP

COUNTER SIGNATURE REQUIRED IF OVER \$10,000

⑈ 1100567 ⑈ ⑆ 24303007 ⑆ 440993201100 ⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

BARCLAY DAMON, LLP

CHECK DATE: 08-19-16

CHECK NO.: 1100567

DATE	INVOICE	VOUCHER	COMMENTS	MATTER	
08-19-16	081916	432471		3074967	
					<b>1100567</b>
					50.00
REF# <span style="float: right;">440993201100</span>					
VENDOR: Town of Clarence					TOTAL \$50.00

ORDER FROM:  Cooley 315 432-1029

③ BLUE

**1**

**REQUEST FOR ACTION BY:**

TOWN OF CLARENCE, N.Y.

- Appeal Board
- Planning Board
- Town Board

- Appeal
- Rezone
- Revise Ordinance
- Subdivision
- Limited Use Permit
- Other site plan

Rec'd. by: \_\_\_\_\_

Date \_\_\_\_\_

Action Desired Applicant SBA Towers IX, LLC, in connection with Verizon Wireless, seek approval to construct and operate a 15H' public utility monopole telecommunications facility (with a 5' lightning rod) on property located at 9545 Tonawanda Creek Road (tax ID # 6.00-4-4.211).  
SBA Towers will own the tower, and Verizon Wireless (and potential future collocators) will collocate its antennas and related equipment on the tower and within the fenced compound at the base of the tower.

Reason Verizon Wireless must address existing coverage and capacity issues within its wireless network in the Clarence area.

**PLEASE PRINT**

Name <u>SBA Towers IX, LLC by Matt Kerwin, attorney</u>		
Address <u>BARCLAY DAWSON, LLP 300 S. State Street</u>		
<u>Syracuse</u>	<u>NY</u>	<u>13202</u>
Town/City	State	Zip
Phone _____		
Signed <u>Matt T. Kerwin, Attorney</u> for SBA Towers IX, LLC		

Requests for action on zoning should be filled out completely in above spaces if practicable, otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

**Initial Action**

- Approved
- Rejected  by ..... on ..... 20 .....
- Approved
- Rejected  by ..... on ..... 20 .....
- Published (Attach Clipping) ..... on ..... 20 .....
- Hearing Held by ..... on ..... 20 .....

**Final Action Taken**

- Approved
- Rejected  by ..... on ..... 20 .....
- Published (Attach Clipping) ..... on ..... 20 .....
- Filed with Town Clerk ..... on ..... 20 .....
- Filed with County Clerk ..... on ..... 20 .....

## Access Consent Form

I hereby consent to allow members of the Town of Clarence Zoning Board of Appeals to access my property (identified below) for the purpose of considering a request for variance.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\* Please see the attached lease agreement.

Address of Property:

\_\_\_\_\_  
9545 Tonawanda Creek Road

\_\_\_\_\_  
Clarence Center, NY 14032

\* -The Zoning Board of Appeals members may be visiting your premises during any reasonable hour of the day in order to better understand your request. Please follow the directions for preparing your property for inspection included in this packet.

Telecommunications Tower Permit Application

Date : \_\_\_\_\_

Rec'd by : \_\_\_\_\_

Applicant Name : SBA Towers IX, LLC (in connection with Verizon Wireless)

Site Location : 9545 Tonawanda Creek Road

Tax ID # 6.00-4-4.211

Requirements :

Planning Board Approval : site plan

Town Board Approval : special exception use permit

Development Site Plan:

Site plans (have, ~~have not~~) been submitted to the Planning and Zoning Office. \_\_\_\_\_

The height of the tower (~~does~~, does not) conform to zoning restrictions. \_\_\_\_\_

The location of property lines and permanent easements (are, ~~are not~~) marked. \_\_\_\_\_

All structures (~~are~~, are not) within ten (10) feet of all property lines. \_\_\_\_\_

Location of trees, utility poles and lines, and other structures (are, ~~are not~~) shown. \_\_\_\_\_

The names of adjacent land owners (are, ~~are not~~) shown. \_\_\_\_\_

Information of the manufactured tower (is, ~~is not~~) provided (type, color, etc.). \_\_\_\_\_

Zoning :

Setbacks (are, ~~are not~~) equal to or in excess of the tower height to all lot lines. \_\_\_\_\_

A removal agreement (has, ~~has not~~) been made in writing to the Town of Clarence. \_\_\_\_\_

A demolition bond (has, has not) been made for the removal of the facility. to be provided as condition of approval

A road turnaround (is, ~~is not~~) included in the development plan for emergencies. \_\_\_\_\_

The site (is, ~~is not~~) sufficiently protected from vandalism or trespassing. \_\_\_\_\_

Free tower access (~~has~~, has not) been coordinated with applicant. \_\_\_\_\_

All applicable fees (have, ~~have not~~) been paid to the Town of Clarence. \_\_\_\_\_

The site (~~has~~, has not) been reviewed by the Landscape Committee. \_\_\_\_\_

Final Action : \_\_\_\_\_

Action Signature Date

Permit # \_\_\_\_\_

Filed with Town Clerk : \_\_\_\_\_

Signature Date

**2**

## **EXHIBIT 2**

### **PROJECT DESCRIPTION**

SBA Towers IX, LLC (“SBA”), in connection with Verizon Wireless (“Verizon”), makes this application to construct a 154’ public utility monopole telecommunications facility with 5’ lightning rod on property located at 9545 Tonawanda Creek Road in the Town of Clarence (Tax Map # 6.00-4-4.211) (the “Site”) to be utilized by Verizon and potential future carriers for the collocation of antennas and related equipment. Verizon is considered a public utility under New York case law for zoning purposes and is licensed and regulated by the Federal Communications Commission (“FCC”).

#### **I. Overview of Wireless Telephone Technology**

Wireless telephones operate by transmitting a very low power radio signal between a telephone and an antenna mounted on a tower, pole, building or other tall structure. The signal travels from the antenna to a small electronic switching station, housed in an equipment cabinet near the antenna, where it is connected to a landline telephone cable and routed anywhere in the world. The wireless facility (antenna and equipment cabinet) is known as a “cell site.”

Because of the low power of wireless telephones, a cell site is only able to transmit to, and receive a signal from, a wireless telephone within a limited geographical area called a “cell”. A series of cells creates a wireless network. Technology requires that cells slightly overlap so that a wireless transmission is transferred from one cell site to another as a user moves through the wireless network. Accordingly, there is limited flexibility as to where a cell site can be placed to be technically appropriate to provide service throughout a particular cell and provide overlapping coverage with neighboring cells.

In order to determine the technically appropriate location for a cell site, a computer program is used to generate a “propagation study”. A propagation study depicts, based on cell boundaries, topography and other factors, where a cell site needs to be located in order to provide adequate coverage throughout a cell and appropriate overlapping coverage with neighboring cells.

As discussed more fully in the accompanying radio frequency materials provided at Exhibit 8, the facility is necessary for Verizon to address coverage and capacity issues within its network and provide reliable wireless service to its customers. The proposed tower is designed to accommodate the collocation of a total of four (4) carriers, including Verizon. The facility will be inert and will not create any noise or vibration, will not increase population density, will not significantly increase traffic, will not create any demand on municipal facilities, and will not create any environmental problems.

## **II. Project Description and Municipal Approvals**

As part of its FCC license, Verizon is responsible for providing wireless telecommunications services to parts of New York State, including Clarence. SBA, in connection with Verizon, makes this application to construct a 154' monopole tower (with a 5' lightning rod) to be used by Verizon for the placement of twelve (12) antennas at a height of 150' on the tower. Verizon's cabling will run down the interior of the tower and be connected via an ice bridge to its proposed ground based equipment cabinets located on a 11'6" by 16' equipment platform. The tower and equipment platform will be surrounded by a 70' by 70' fenced compound which will be accessed via a proposed access drive.

Propagation studies have confirmed that a telecommunications facility at the Site will enable Verizon to alleviate capacity and coverage issues and provide reliable service to the area, as more fully described in Exhibit 8. Furthermore, the proposed telecommunications facility will assist Verizon in meeting its obligation to provide adequate and substantial public utility/wireless telecommunications services to emergency services, businesses, and individuals in the Clarence area.

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### **EXHIBIT 3**

## **COMPLIANCE WITH THE TELECOMMUNICATIONS ACT OF 1996**

On February 8, 1996, Congress adopted the Telecommunications Act of 1996 to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunication technologies.” 47 U.S.C. §157 et. seq.

The Act places limits on the ability of a State or local government to regulate the siting of wireless facilities (cell towers or antennas) which are the central components of wireless telephone networks. Under the Act, local governments:

- May not make siting decisions based on the perceived health impacts of wireless facilities.

“No State or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” (P.L. 104-104, Section 704 (a)(7)(B)(iv)).

- May not unreasonably discriminate among providers of functionally equivalent services.

“The regulations of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-(I) shall not reasonably discriminate among providers of functionally equivalent services and (II) shall not prohibit or have the effect of prohibiting the provisions of personal wireless service.” (P.L. 104-104, Section 704(a)(7)(B)(i)).

- May not prohibit or have the effect of prohibiting the provision of personal wireless services.

“The regulations of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof-(I) shall not reasonably discriminate among providers of functionally equivalent services and (II) shall not prohibit or have the effect of prohibiting the provisions of personal wireless service.” (P.L. 104-104, Section 704(a)(7)(B)(i)).

- Must decide all applications within a reasonable period of time.

“A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.” (P.L. 104-104, Section 704 (a)(7)(B)(ii)).

While the Act preserves local government zoning authority, municipalities must operate within the limitations outlined in the Act and the legal standards for New York State public utilities.

In the present case, the telecommunications facility proposed by SBA Towers IX, LLC (“SBA”) and Verizon Wireless (“Verizon”) is necessary for Verizon to provide adequate and reliable wireless telecommunications service coverage to the Clarence area. The lack of adequate telecommunication facilities is the reason for the existing service inadequacies; this will be remedied for Verizon by the proposed facility. SBA and Verizon will also demonstrate that due to certain factors, there is very limited flexibility as to where this facility can be located. For all of these reasons, SBA and Verizon satisfy the requisite showing of need for the facility under the applicable New York law, and the project complies with the provisions and intent of the Telecommunications Act.

**4**

## **EXHIBIT 4**

### **APPLICABLE VARIANCE STANDARD OF REVIEW**

SBA Towers IX, LLC (“SBA”), in connection with Verizon Wireless (“Verizon”), requires the following variance from the Town of Clarence Zoning Board of Appeals (“ZBA”) concerning the construction and operation of the proposed 154’ monopole tower telecommunications facility:

- A variance from Chapter 173, Section 173-4(D) to allow the construction and operation of a 154’ monopole with a 5’ lightning rod.

### **COMPLIANCE WITH THE LEGAL STANDARDS FOR A VARIANCE**

Telecommunications facilities that require a variance are not governed by the usual variance criteria, but instead by those standards established for a public utility. Cellular Tel. Co. v. Rosenberg, 82 N.Y.2d 364 (1993). A municipality must afford special treatment to a public utility when considering its zoning application. In New York State, “it has long been held that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities.” Matter of Consolidated Edison Co. v. Hoffman, 43 N.Y.2d 598 (1978). This special treatment of public utilities stems from the essential services they provide and because a public utility facility must be located in a particular area in order to provide service.

[Public] utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

Anderson, New York Zoning Law Practice, 3d. ed., p. 411 (1984). See also, Cellular Tel. Co. v. Rosenberg, 82 N.Y.2d 364 (1993); Payne v. Taylor, 178 A.D.2d 979 (4<sup>th</sup> Dept. 1991).

In 1993, the New York Court of Appeals determined that wireless telephone facilities are public utilities. Cellular Tel. Co. v. Rosenberg, 82 N.Y.2d 364 (1993). The court held that proposed cellular telephone installations are to be reviewed by zoning boards under the traditional standard for public utilities rather than the standards typically required for the necessary municipal approval.

The court stated that cellular telephone companies, as public utilities, “may not [be] exclude[d]...from a community where the utility has shown a need for its facility.” Rosenberg, 82 N.Y.2d at 372 (citing consolidated Edison Co. v. Hoffman, 43 N.Y.2d 598 (1978)).

There can be no question of Cell One’s need to erect the cell site to eliminate service gaps in its cellular telephone service area. The proposed cell site will also improve the transmission and reception

of existing service. Application of our holding in Matter of Consolidated Edison to sitings of cellular telephone companies, such as Cellular One, permits those companies to construct structures necessary for their operation which are prohibited because of existing zoning laws and to provide the desired services to the surrounding community...Moreover, the record supports the conclusion that Cellular One sustained its burden of providing the requisite public necessity. Cellular One established that the erection of the cell site would enable it to remedy gaps in *its service area* that currently prevent it from providing adequate service to *its customers* in the Dobbs Ferry area.

Rosenberg, 82 N.Y.2d at 372-373 (emphasis added). The Rosenberg court found that the wireless company had satisfied the requisite showing of need for the wireless facility and that the new facility would remedy gaps in the service area that prevented the company from providing adequate services. The court was clear that a need for a facility exists if service is either not available, or available but without sufficient capacity to meet the demand for the service.

Accordingly, the law in New York is that a wireless facility, as a public utility, may not be excluded from a municipality where the utility has shown the facility to be necessary for the transmission of its essential service. Rosenberg, 82 N.Y.2d at 372; Long Island Lighting Co. v. Griffin, 272 A.D. 551 (2d Dept. 1947) (expansion of a public utility may not be prohibited by a municipality where such expansion is necessary to the maintenance of essential services). SBA and Verizon Wireless satisfy the standards established in Rosenberg and thus the standards for a variance.

## **FURTHER DISCUSSION OF AREA VARIANCE REQUEST**

As noted above, wireless providers are considered public utilities in New York for zoning purposes and, as such, the variance relief requested by SBA for its proposed 154' monopole telecommunications facility is subject to a different standard of review than a typical variance request by a non-public utility. Nevertheless, we provide a review of the typical area variance factors that would otherwise be considered by the Zoning Board of Appeals.

### **AREA VARIANCE FACTORS**

1. Whether the granting of an area variance will result in an undesirable change in the character of the neighborhood or a detriment to nearby properties:

The requested variance will not change the character of the community or result in a detriment to nearby properties. Telecommunications facilities such as the one proposed are ubiquitous in today's society. The facility will be located in the agricultural zoning district on an undeveloped portion of the site parcel. The facility will be bordered to the south by undeveloped land, to the west by agricultural fields and to the east by undeveloped land and rural residential

uses. The facility will be buffered to a certain extent by existing trees and shrubs. The proposed tower will be an inert facility that will not generate noise or odors, and it will not result in any measurable increase in traffic volumes as SBA and Verizon Wireless will visit the site only periodically to monitor and maintain the facility. Once operational, the facility will enhance the area by providing reliable wireless service to individuals living, working, and traveling in the area, including emergency services providers.

2. Whether the benefit sought by the applicant can be achieved by another feasible method that would not require an area variance:

As described in Exhibit 7, alternative locations were evaluated within the search ring but no technologically feasible towers or tall structures were identified for collocation. As a result, a new tower is required. Several candidate sites were evaluated, and of the four that were reviewed by Verizon's radio frequency engineers, the proposed site at 9545 Tonawanda Creek Road is considered the best alternative within and around the search area to address Verizon Wireless's service objectives.

The purpose of the project is to address coverage and capacity issues within Verizon Wireless' network in the Town of Clarence. To do so, Verizon Wireless' antennas must be located at a height sufficient to "see" over surrounding terrain and matter (buildings, trees, etc.) to maintain a relatively unobstructed line-of-sight path to the coverage area. Verizon Wireless has determined that an antenna height of 150' is necessary to satisfy its service objectives. The proposed tower height will allow adequate space for collocation by potential future carriers.

3. Is the requested variance substantial?

The requested variance is not substantial when considering the totality of the circumstances in this matter. The site is zoned agricultural and is bordered by a large swath of undeveloped land to the south, agricultural fields to the west, and undeveloped land and/or rural residential uses to the east. The tower will be an inert facility that will not generate noise or odors, and it will not result in any measurable increase in traffic volumes as SBA and Verizon Wireless will visit the site only periodically to monitor and maintain the facility. The proposed tower height of 154' (with a 5' lightning rod) is necessary for Verizon Wireless to provide reliable wireless service to the coverage area as required under its FCC license. Further, when considering the efforts taken as part of the site selection analysis for the project, the RF coverage inadequacies presented by other sites that were evaluated within the search ring, and the character of the site parcel and surrounding parcels, the variance request is not substantial.

4. Will the variance have an adverse effect on the physical or environmental conditions in the neighborhood?

The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. The facility must be tall enough to "see" the coverage objective area, and therefore will be visible from portions of the surrounding area to a certain extent. However, the appearance of the tower will not result in a significant adverse effect on the surrounding area

given its location on the site parcel and the nature of surrounding land uses. It should be noted that as the use of wireless devices and the demand for wireless services has skyrocketed, cell towers have become a common sight in today's world. These factors, coupled with the inert nature of the facility and its setting, lead to the conclusion that the project will not have an adverse effect on the physical or environmental conditions in the neighborhood.

5. Is the situation self-created?

The need for the variance is not self-created. Verizon Wireless, as an essential service provider, is entitled to provide its public utility service to the area. To provide its service, antennas must be placed on a facility tall enough to clear the surrounding ground clutter (natural and manmade) and in an appropriate location so as to achieve the necessary coverage and fit within the existing network. Accordingly, there is a limited geographic area within which a cell site can be placed to meet the coverage requirements. As explained above and in the accompanying exhibits, Verizon Wireless requires an antenna height of 150' at the proposed location to "see" over the surrounding area, including buildings, trees, and changes in topography, to provide reliable coverage and address capacity issues within its network. The construction of the proposed tower by SBA is necessary for Verizon Wireless to satisfy its coverage objective.

**5**

**EXHIBIT 5**

**COMPLIANCE WITH TOWN OF CLARENCE**

**TOWN CODE CHAPTER 173**

(applicant responses in italics)

**Chapter 173. Satellite Antennas and Towers**

**§ 173-1. Intent.**

The intent of this chapter is to promote and protect the public health, safety and welfare of the citizens of the Town of Clarence by regulating the installation of antennas, parabolic dishes, windmill towers, energy-creating devices, personal communication services towers, cellular telephone facilities and other wireless telecommunication facilities.

*No response required.*

**§ 173-2. Title.**

This chapter shall hereafter be known as the "Satellite Antenna and Tower Law."

*No response required.*

**§ 173-3. Definitions.**

*No response required.*

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

**ACCESSORY STRUCTURE**

An accessory facility or structure serving or being used in conjunction with a communication tower and/or similar facility and located on the same lot as the communication tower. Examples of such structures include but are not limited to utility or transmission equipment storage sheds or cabinets.

**AMATEUR COMMUNICATIONS**

The use of radio and television antennas/antenna systems for home, recreational, hobby or noncommercial use by a person holding a valid license issued by the Federal Communications Commission, where applicable.

**LOT**

A parcel of land used or occupied or capable of being used or occupied by a building, structure or use and the accessory buildings, structures or uses customarily incidental to it, including such yards as are required by Chapter **229**, Zoning.

**TELECOMMUNICATION FACILITY**

Any commercial equipment used in connection with the provision of wireless communication services, including but not limited to cellular telephone services and personal communication services, which are regulated by the Federal Communications Commission in accordance with the Telecommunications Act of 1996, as it may hereinafter be amended. A telecommunication facility shall include

antenna(s), accessory telecommunications structures and supporting masts, support towers or monopoles.

TOWER/ANTENNA

Includes any communications tower, pole or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of any device for the transmission and/or reception of communications signals, including but not limited to broadcast, shortwave, citizens band, AM FM, television, microwave, cellular, digital, PCS or any wind-driven devices (i.e., windmills, turbines, etc.) whether or not used for energy conversion or creation.

§ 173-4. Dimensional restrictions.

The provisions of this section shall apply to all structures in all zoning districts as established by Chapter 229, Zoning.

A.

Size of freestanding antenna dishes. No satellite or parabolic dish-type antenna erected or maintained within the Town of Clarence shall exceed 12 feet in any dimension.

*Not applicable.*

B.

Size of roof-mounted or attached antenna dishes. No satellite or parabolic dish-type roof-mounted or attached antenna erected or maintained within the Town of Clarence shall exceed three feet in any dimension.

*Not applicable.*

C.

Height of towers; noncommercial/wind-driven devices. Amateur communication towers and energy conversion/creation towers shall not exceed 60 feet in height as measured from the average ground surface surrounding the site of the tower. Measurements of height shall include any extensions above the tower and supporting bases below the tower.

*Not applicable.*

D.

Height of towers; commercial. Commercial cellular, PCS and other communication towers shall not exceed 150 feet in height as measured from the average ground surface immediately surrounding the site of the tower in the Industrial and Research-Development Zoning Districts as defined in Chapter 229, Zoning, or on any municipal or government-owned property. Such towers shall not exceed 100 feet in height in all other (nonindustrial/non-research-development) zones as defined in Chapter 229, Zoning. Measurements of height shall include any extensions or other devices above the tower.

*The proposed tower height is 154' with a 5' lightning rod. The application includes a request for variance approval from the Zoning Board of Appeals, as well as a discussion of the standard of review applicable to the variance request, which is found at Exhibit 4.*

§ 173-5. Location restrictions and general requirements.

A.

Dish-type, parabolic, satellite antennas, amateur communication antennas.

*Not applicable.*

(1)

No more than one antenna shall be located on any dwelling unit.

(2)

No freestanding antenna shall be constructed, erected or maintained except as an accessory structure to an existing one-family dwelling on the same lot.

(3)

When roof-mounted, a dish-type antenna shall be located on that portion of the roof sloping away from the front of the lot.

(4)

All freestanding antennas shall be located in the rear yard at least 10 feet from the side and rear lot line. When measuring side and rear setbacks, all cables, guy wires or other supports shall constitute a part of the antenna.

(5)

When not roof-mounted, a dish-type antenna shall be screened from adjoining lots.

B.

Towers, noncommercial/wind-driven devices.

*Not applicable.*

(1)

No more than one tower shall be located on any lot.

(2)

All towers shall be located in the rear yard at ground level.

(3)

No tower shall be constructed, erected or maintained except as an accessory structure to an existing one-family dwelling on the same lot.

(4)

No tower shall be located on any lot unless so as to have a rear and side lot setback equal to the height of the tower. Measurements of side and rear lot line setback shall be taken at the base of the tower structure at ground level.

(5)

Towers which will be used for energy conversion shall be located on the lot so as to produce a level of noise at any lot line no greater than the ambient nighttime level.

C.

Telecommunication towers; commercial.

(1)

The Town of Clarence recognizes the increased demand for wireless communication transmitting facilities and the need for the services they provide. Often these facilities require the construction of a telecommunication tower and/or similar facilities. The intent of this section of the Satellite Antenna and Tower Law is to regulate telecommunication towers/antennas in accordance with the guidelines of the Telecommunications Act of 1996 or as amended by:

(a)

Accommodating the need for telecommunication towers/antennas while regulating their location and number in the community.

*No response is necessary.*

(b)

Minimizing adverse visual impacts of these towers/antennas through proper design, siting and screening.

*The proposed facility has been sited and designed to minimize visibility to the extent practicable while recognizing the need for an antenna height sufficient to enable Verizon Wireless to provide reliable service. In addition, the facility will be located several hundred feet off Tonawanda Creek Road, and the base of the facility will be screened by existing trees and vegetation.*

(c)

Preserving and enhancing the positive aesthetic qualities of the built and natural environment in the Town of Clarence.

*The site is zoned agricultural and is bordered by a large swath of undeveloped land to the south, agricultural fields to the west, and undeveloped land and/or rural residential uses to the east. The tower will be an inert facility that will not generate noise or odors. The proposed tower height of 154' (with a 5' lightning rod) is necessary for Verizon Wireless to provide reliable wireless service to the surrounding area as required under its FCC license. Efforts have been taken in the siting and design of the facility to minimize aesthetic impacts to the extent practicable.*

(d)

Avoiding potential damage to adjacent properties from tower failure, falling ice, etc., through engineering and proper siting.

*The facility will be located several hundred feet from the nearest structure and complies with applicable setback requirements.*

(e)

Requiring the joint use of towers when available and encouraging the placement of antennas on existing structures to reduce the number of such structures in the future.

*As noted in Exhibit 7, collocation on existing towers or other tall structures is not a viable option.*

(2)

Zoning/permitting requirements.

(a)

Colocated/existing structure antennas. An antenna that is to be attached to an existing communication tower, smokestack, water tower or other tall structure is permitted. The colocated antenna is permitted as of right upon issuance of a building permit. The building permit application will include a structural analysis/report verifying the ability of the structure to handle the colocated antenna.

*Not applicable.*

(b)

Non-colocated/new tower antennas. An antenna that will not be mounted on an existing structure as defined above and requires the construction of a tower is permitted as follows:

[1]

Municipal/government owned property, research-development and industrially zoned property: site plan review approval by the Town Planning Board and permit approval by the Town Board per permit process for permitted uses.

*No such properties exist within or near the search ring.*

[2]

Commercial, major arterial, neighborhood business and restricted business zoned property: site plan review approval by the Town Planning Board and special exception use permit approval by the Town Board per § 30-71 of Chapter 30 of the Code of the Town of Clarence.

*No such properties exist within or near the search ring.*

[3]

Residential- and agriculture-zoned properties: site plan review approval by the Town Planning Board and special exception use permit approval by the Town Board per § 30-71 of Chapter 30 of the Code of the Town of Clarence. Such applications shall be classified as a Type I action under the State Environmental Quality Review Act (SEQRA).

*The application includes a request for site plan approval from the Planning Board and special exception use permit approval from the Town Board.*

(3)

All telecommunication towers in all zoning districts, including towers on municipal/government-owned lands, must provide and/or meet the following requirements:

(a)

Setbacks equal to the height of the tower to all lot lines.

*The facility complies with all setback requirements.*

(b)

An agreement by the applicant, in writing, to remove the telecommunication facility if such facility becomes technically obsolete or ceases to be used for its originally intended purpose. A demolition bond for the purposes of removing the telecommunication facility shall remain in force for the life of the tower in an amount approved by the Town Board but not less than \$20,000.

*SBA agrees to this requirement and will provide the written commitment and bond as a condition of approval and following further discussion with the Town.*

(c)

Traffic, access and safety features:

[1]

A road turnaround and one parking space to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. The use of public roadways or road rights-of-way for the siting of a tower's accessory structures is prohibited.

*The facility will maximize the use of the existing driveway on the site parcel before extending the new access drive to the tower compound where a proposed parking and turnaround area will be located. Please see the attached plans for further detail regarding the access drive and parking/turnaround area.*

[2]

All towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight feet in height or otherwise sufficiently protected from trespassing or vandalism.

*The tower compound will be surrounded by an 8' chain link security fence.*

(d)

Screening, as approved by the Town Landscape Review Committee.

*The facility will be located several hundred feet south of Tonawanda Creek Road, and the base of the facility will be screened by existing trees and vegetation.*

(e)

An inspection every two years by a licensed professional engineer and a copy of the inspection report shall be submitted to the Town Engineer. Any work or repair of the tower shall comply with all applicable code requirements, and a permit shall be obtained to conduct such work.

*SBA will comply with this requirement.*

(f)

No lighting unless otherwise required by the Federal Aviation Administration or federal, state or local authority.

*Lighting of the tower is not proposed or required.*

(g)

No signs or advertising devices.

*The facility will not include advertising signs, but will include signage identifying the owner of the facility.*

(h)

Free access shall be coordinated and provided on the proposed tower for local school, government, emergency and amateur communication antennas.

*SBA is willing to discuss the possibility of collocation with any of the aforementioned groups. However, SBA does not agree to provide free access as that requirement constitutes an unlawful taking and is beyond the scope of the Town's legal authority.*

#### § 173-6. Permit application.

A.

All applicants for permits to construct and place satellite or communication antennas, dishes and/or towers within the Town of Clarence shall make written application therefor to the Town on forms available in the Planning and Zoning Office of the Town.

*The application forms and supporting exhibits are attached hereto.*

B.

Applications for telecommunication towers shall contain specific site data placed on a map, acceptable in form and content to the Town, which shall be prepared to scale and sufficient detail and accuracy so as to accurately depict the placement of all component parts of the antenna or tower, including guy wires or enclosures, in relation to:

(1)

The location of property lines and permanent easements.

(2)

The location of all structures on the site and all structures on any adjacent property within 10 feet of the property lines.

(3)

The location of all utility poles, above and below ground utility lines, trees or other natural or artificial structures.

(4)

The location, nature and extent of any proposed fencing, buffering, plantings or other screening measures, if any proposed.

(5)

The names of adjacent landowners.

(6)

All information prepared by the manufacturer of the antenna or tower, including but not limited to the following:

(a)

The make and model.

(b)

The manufacturer's suggested installation instructions.

(c)

The manufacturer's suggested maintenance and/or inspection procedures.

(d)

The color or colors of the tower.

(e)

The type of tower (monopole, guyed, freestanding or other).

*The aforementioned information is found in the attached plans*

§ 173-7. Special exception use requirements.

A.

No special exception use permit or renewal thereof or modification of the provisions of this chapter relating to a cellular or PCS tower shall be authorized by the Town Board unless, in addition to the other requirements specified in this chapter and Chapter 229, Zoning, it finds that such cellular or PCS tower:

(1)

Is necessary to meet current or expected demands for wireless communication service.

*As explained more fully in Exhibit 8, the facility will remedy coverage and capacity issues within Verizon's network and is necessary for Verizon to provide reliable service within the surrounding area.*

(2)

Conforms with all applicable regulations promulgated by the Federal Communications Commission.

*The facility will comply with all such regulations.*

(3)

Is located so as to minimize its visibility from surrounding public streets and adjacent properties.

*The purpose of the project is to address coverage and capacity issues within Verizon Wireless' network in the Town of Clarence. To do so, Verizon Wireless' antennas must be located at a height sufficient to "see" over surrounding terrain and matter (buildings, trees, etc.) to maintain a relatively unobstructed line-of-sight path to the coverage area. Verizon Wireless has determined that an antenna height of 150' is necessary to satisfy its service objectives. The proposed tower will therefore be visible to a certain extent, but visibility has been minimized by locating the facility several hundred feet off Tonawanda Creek Road. The facility will be surrounded by a large undeveloped area of land to the south, agricultural fields to the west and undeveloped and/or rural residential uses to the east. The base of the facility will be screened by existing trees and vegetation.*

(4)

Is designed and constructed in a manner which minimizes its visual impact.

*Please see the response in the preceding paragraph.*

(5)

Is the most appropriate site within the immediate area for the location of the cellular or PCS tower. The applicant shall submit a study as part of the special exception use permit application comparing all potential host sites within an approximate one-half-mile radius of the subject site. This study should include a description of the surrounding sites and a discussion of the ability or inability to host a cellular or PCS tower facility. Reasons for excluding a site from consideration may include but are not limited to:

(a)

Unwillingness of the owner to entertain a cellular or PCS tower facility proposal.

(b)

Topographic limitations of the site.

(c)

Adjacent impediments that would obstruct adequate cellular or PCS transmissions.

(d)

Physical site constraints that would preclude the construction of a cellular or PCS facility.

(e)

Technical limitations of the cellular or PCS systems.

*The applicants undertook a thorough site selection analysis, which included an evaluation of the feasibility of collocating on existing towers/tall structures, as well as the consideration of a number of other properties for the placement of the proposed facility. For the reasons described in that analysis, which is attached as Exhibit 7, the proposed site parcel was selected to address Verizon's coverage and capacity issues.*

B.

All special exception use permits and renewals shall include "before" and "after" propagation studies prepared by a qualified radio frequency engineer demonstrating existing signal coverage contrasted with the proposed signal coverage resulting from the proposed telecommunication facility.

*The propagation studies are included with the search ring justification report attached as Exhibit 8.*

C.

All special exception use permits and renewals shall include a search ring prepared by a qualified radio frequency engineer and overlaid on an appropriate background map demonstrating the area within which the telecommunication facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for collocated antenna(s) and to what extent the applicant explored locating the proposed tower in a more intensive use district. Correspondence with other telecommunication companies concerning collocation is required.

*Information in response to this provision is contained in the site selection analysis at Exhibit 7 and the search ring justification report at Exhibit 8.*

D.

The shared use of existing towers and antenna facilities shall be preferred to the construction of new such facilities. Any application for a special exception use permit or renewal thereof or modification

of the provisions of this chapter shall include proof that reasonable efforts have been made to colocate with an existing cellular or PCS facility, including an adequate inventory report specifying existing towers and antenna sites within a reasonable distance from the proposed site and outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate to the reasonable satisfaction of the Town Board that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

(1)

Unwillingness of the owner to entertain a cellular or PCS facility proposal.

(2)

The planned equipment would exceed the structural capacity of existing and approved towers and facilities.

(3)

The planned equipment would cause radio frequency interference with other existing or planned equipment which cannot be reasonably prevented.

(4)

Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.

(5)

Other reasons make it impracticable to place the equipment proposed by the applicant on existing and approved towers or facilities.

(6)

The proposed collocation of an existing tower or antenna site would be, by virtue of the requirements in this section, considered a prohibited use.

*As noted in Exhibit 7, alternative locations were evaluated within the search ring, but no technologically feasible towers or tall structures were identified for collocation. As a result, a new tower is required.*

#### § 173-8. Fees.

A fee as established by the Town Board shall be paid with the application for every proposed use under this chapter.

*The application includes the required application fees.*

#### § 173-9. Variances.

The Town of Clarence Zoning Board of Appeals may, in appropriate cases and after public notice and hearing and subject to the appropriate safeguards, vary or modify the application of this chapter in harmony with its general purpose and intent.

*The application includes a request for a height variance.*

#### § 173-10. Penalties for offenses.

Failure to obtain a permit for construction of a satellite antenna or tower and to comply with any of the provisions of this chapter shall be deemed a violation and the violator shall be liable to a fine of not more than \$250 nor less than \$100 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day such violation continues shall constitute a separate violation.

*No response is necessary.*

6

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Rapids Rey / NY16535B		
Project Location (describe, and attach a general location map): 9545 Tonawanda Creek Road, Clarence Center, Erie County, New York		
Brief Description of Proposed Action (include purpose or need): SBA Towers IX, LLC on behalf of Verizon Wireless is proposing to construct a new telecommunications facility. The facility consists of a 154' (46.9m) tall monopole style telecommunications tower with an attached 5' lightning rod. Support equipment is proposed to be located on an equipment platform within a 70' by 70' fenced compound within a 100' by 100' lease area. Access will be gained via a proposed 12' wide gravel access within a 20' easement extending from the existing paved driveway to the site a distance of approximately 400', then along an existing trail in the back of the parcel to the proposed lease area location for a distance of approximately 460'. Utilities will be routed underground within the access easement connecting to a utility panel in the northwestern corner of the fenced compound. Utility trenches typically do not exceed 5' in width or 4' in depth.		
Name of Applicant/Sponsor: SBA Towers IX, LLC		Telephone:
		E-Mail:
Address: 5901 Broken Sound Parkway NW, 5th floor		
City/PO: Boca Raton	State: FL	Zip Code: 33487
Project Contact (if not same as sponsor; give name and title/role): Anne Hathaway Zoning and Compliance Specialist		Telephone: 561.226.9413
		E-Mail: Ahathaway@sbsite.com
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Clare and Joe Rey		Telephone: 716-698-2371
		E-Mail:
Address: 9545 Tonawanda Creek Road		
City/PO: Clarence Center	State: NY	Zip Code: 14032

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - special exception use permit	8/16
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - site plan	8/16
c. City Council, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Zoning Board of Appeals - variance	8/16
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): NYS Heritage Areas: West Erie Canal Corridor	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 Agricultural - Flood zone \_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Clarence Center School District

b. What police or other public protection forces serve the project site?  
New York State Police and Erie County Sheriff

c. Which fire protection and emergency medical services serve the project site?  
Clarence Center Volunteer Fire Company

d. What parks serve the project site?  
N/A

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? public utility telecommunications facility

b. a. Total acreage of the site of the proposed action? 22.35 acres  
 b. Total acreage to be physically disturbed? 0.42 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.42 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: +/-3 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 154' height; \_\_\_\_\_ width; and \_\_\_\_\_ length (monopole)

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ n/a square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_  
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No  
 iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 Maintenance vehicle trips to the site, approx. 1 monthly  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
Minimal increase for antennas and equipment.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
Via local grid \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Normal business hours</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Unmanned facility operates 24/7</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration: \_\_\_\_\_

---

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No

Describe: \_\_\_\_\_

---

n.. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: \_\_\_\_\_

---

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No

Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s): \_\_\_\_\_

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ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

---

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	.042	0	-0.42
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Telecommunications facility</u>	0	0.42	+0.42

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Canandaigua silt loam	_____	~40 %
Niagara silt loam	_____	~40 %
Swormville clay loam	_____	~20 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ ~1 feet

e. Drainage status of project site soils:

<input type="checkbox"/> Well Drained:	_____ % of site
<input type="checkbox"/> Moderately Well Drained:	_____ % of site
<input checked="" type="checkbox"/> Poorly Drained	100 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____ 100 % of site
<input type="checkbox"/> 10-15%:	_____ % of site
<input type="checkbox"/> 15% or greater:	_____ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 deer, common rodents, rabbits, birds, \_\_\_\_\_  
 native trees and shrubs \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 Potentially suitable habitat (trees) capable of supporting the Northern long-eared bat (*Myotis septentrionalis*) were noted within the vicinity and at the proposed Site. However, clearing trees between October 1 and March 30, during hibernation, would eliminate the possibility of taking individual bats.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

<b>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i. Nature of historic/archaeological resource:</i> <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii. Name:</i> _____	
<i>iii. Brief description of attributes on which listing is based:</i> _____	
<b>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>g. Have additional archaeological or historic site(s) or resources been identified on the project site?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i. Describe possible resource(s):</i> An archaeological site consisting of a small lithic scatter.	
<i>ii. Basis for identification:</i> As identified in a Phase I Archaeological Survey conducted by EBI Consulting.	
<b>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i. Identify resource:</i> _____	
<i>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.):</i> _____	
<i>iii. Distance between project and resource:</i> _____ miles.	
<b>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i. Identify the name of the river and its designation:</i> _____	
<i>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?</i>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

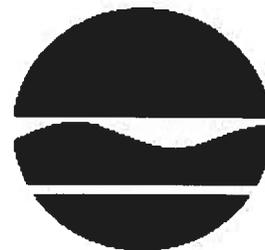
**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name SBA Towers V, LLC Date August 2, 2016

Signature  Megan Gomez, EBI Consulting Title Consultant for Applicant

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife and Marine Resources**  
**New York Natural Heritage Program**  
**625 Broadway, 5th Floor, Albany, New York 12233-4757**  
**Phone: (518) 402-8935 • Fax: (518) 402-8925**  
**Website: [www.dec.ny.gov](http://www.dec.ny.gov)**



December 22, 2015

Jason Stayer  
EBI Consulting  
21 B Street  
Burlington, MA 01803

Re: Proposed Rapids Rey communications facility, 9545 Tonawanda Creek Road (NY16535B, EBI 6115005921)

Town/City: Clarence.

County: Erie.

Dear Jason Stayer:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

There are no federally or state-listed species at or in the vicinity of your site. Enclosed is a report of rare but unlisted animals that our database indicates occur in Tonawanda Creek in the vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html). □

Sincerely,

Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program



**The following rare animals have been documented in Tonawanda Creek in the vicinity of your project site.**

We recommend that potential onsite and offsite impacts of the proposed project on these species be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

**The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.**

Tonawanda Creek, Town of Clarence

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS	
<b>Fish</b>				
<b>Redfin Shiner</b>	<i>Lythrurus umbratilis</i>	Special Concern	Critically Imperiled in NYS	12528
<b>Freshwater Mussels</b>				
<b>Pocketbook</b>	<i>Lampsilis ovata</i>	Unlisted	Imperiled in NYS	4028
<b>Pink Heelsplitter</b>	<i>Potamilus alatus</i>	Unlisted	Imperiled in NYS	5679
<b>Deertoe</b>	<i>Truncilla truncata</i>	Unlisted	Critically Imperiled in NYS	6691
<b>Black Sandshell</b>	<i>Ligumia recta</i>	Unlisted	Imperiled in NYS	9488
<b>Kidneyshell</b>	<i>Ptychobranhus fasciolaris</i>	Unlisted	Imperiled in NYS	7461
<b>Threeridge</b>	<i>Amblema plicata</i>	Unlisted	Critically Imperiled in NYS	3695

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045

January 12, 2016

Mr. Jason Stayer  
Biologist  
EBI Consulting  
21 B Street  
Burlington, MA 01803

Dear Mr. Stayer:

This responds to your December 2, 2015, letter regarding a telecommunications tower facility proposed at 9545 Tonawanda Creek Road, Clarence Center, Erie County, New York. As you are aware, Federal agencies, such as the Federal Communications Commission (FCC), have responsibilities under Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to consult with the U.S. Fish and Wildlife Service (Service) regarding projects that may affect federally-listed species or designated critical habitat, and confer with the Service regarding projects that are likely to jeopardize federally-proposed species or adversely modify proposed critical habitat. We understand that all FCC licensees, applicants, tower companies, and their representatives have been designated the FCC's non-federal representative for the purposes of completing informal consultation pursuant to Section 7(a)(2) of the ESA.

On behalf of the FCC, EBI Consulting, has determined that the proposed project "may affect, but is not likely to adversely affect," the federally-listed northern long-eared bat (NLEB) (*Myotis septentrionalis*; Threatened). The Service concurs with your determination given that no known roosts are located within or near the project area, a small number of trees (approximately 10) are proposed for removal, and tree removal will be completed between October 1 and March 31, when bats are in hibernation.

We also encourage incorporation of the following proactive conservation measures for the NLEB:

1. Bright orange construction fencing or flagging be used to clearly demarcate trees to be protected compared with those to be cut prior to the initiation of any construction activities at the site. This will help ensure that contractors do not accidentally remove more trees than anticipated;

2. No artificial dyes, coloring, insecticide, algacide, and/or herbicide will be used around waterbodies potentially onsite for long-term maintenance of the property; and
3. Limit the number of lights, including motion sensors or timers, direct the lights toward the ground and buildings, and include shields to direct the light downward.

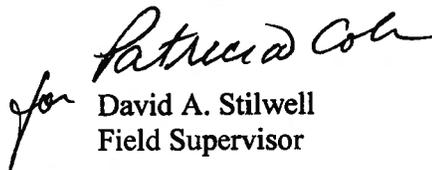
Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.\*

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. We also offer the following comments pursuant to the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712). The proposed project was designed to incorporate the guidance provided by the Service's September 2013 Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning to avoid and minimize impacts to migratory birds (*i.e.*, no guy wires, reduced tower height). The Service acknowledges these efforts.

Thank you for your time. If you require additional information or assistance please contact Noelle Rayman at 607-753-9334. Future correspondence with us on this project should reference project file 16I0415.

Sincerely,

  
for David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>.

cc: NYSDEC, Buffalo, NY (Env. Permit)

**7**



**UPSTATE CELLULAR NETWORK d/b/a  
VERIZON WIRELESS**

**RAPIDS SITE**

**9545 TONAWANDA CREEK ROAD  
Clarence Center, New York**

**SITE SELECTION ANALYSIS  
JUNE 7, 2016**

## SITE SELECTION ANALYSIS

Verizon Wireless proposes to install and operate a new wireless telecommunications facility, including associated antennas, equipment platform and related appurtenances on property located at 9545 Tonawanda Creek Road in the Town of Clarence, Erie County, New York. The property, which is located in the town's Agricultural Flood Zone district, is currently a 22.3 acre partially wooded lot owned by Joseph and Claire Rey.

### 1. NEED FOR FACILITY

#### (a) Problem

The processes of identifying a technologically appropriate location, as well as the need for this communications facility, are as provided in the **RF SEARCH RING JUSTIFICATION**. As indicated in that report, when a Verizon Wireless Radio Frequency ("RF") Engineer identifies coverage gaps in the system or sites that have or will reach data capacity exhaustion, they issue a "search area." A search area is a geographical area located within the inadequately serviced area, and it is designed such that if a wireless telecommunications facility is located within the search area, and at an appropriate height, it will likely provide the required coverage. For the most part, locations outside of the search area will fail to provide adequate service to the cell. Due to technological constraints, there is limited flexibility as to where a new facility can be located, and still function properly. The goal of the search area is to define the permissible location for placement of a cell site that will provide adequate service in the subject cell, and also work properly as part of the overall network.

#### (b) Solution

A search area was developed based on the problems identified in the **RF SEARCH RING JUSTIFICATION** and is attached herein as **Attachment 1**. This is the geographical area within which a new wireless telecommunications facility is likely to provide the required coverage (at an appropriate height). In this case, the search area is generally suburban and relatively flat with gradually increasing elevation heading north. Again, for the most part, locations outside of the search area will fail to provide adequate service to the cell while locations within are likely, but not guaranteed, to do so.

The existing 700 MHz sites and coverage can be seen in **Attachment 2** to this report.

### 2. SEARCH RING ANALYSIS

#### (a) Geography & Topography

The Rapids Cell is a generally flat, partially wooded residential and agricultural area which is located in the Tonawanda Creek area.

#### (b) Land Use

The Search Ring is made up of predominately residentially developed parcels and open farm fields and other agricultural properties. **Attachment 3** is an overlay of the Search Ring and the tax map on an aerial photograph of the area.

**(c) Other**

The site is located within a flood zone of the Tonawanda Creek. All structures will be constructed at an elevation of 1' above the flood level which has been established to be approximately 591.51' AMSL.

### **3. ZONING CONSIDERATIONS**

**(a) Collocation**

Verizon Wireless routinely seeks to install its antennas and equipment on an existing communications towers or other tall structures ("collocation"), whenever feasible. Local communities universally favor collocations because they can minimize the number of wireless telecommunications towers in an area and many municipalities even provide for a streamlined application review process. Collocation is often listed as the highest siting priority in a local municipality's Zoning Law. In addition to the streamlined zoning application process, collocation is preferred by wireless providers because it is generally a less expensive and more efficient option, compared to installation of a new tower facility.

**(b) New Structure on Municipally-owned Property**

As its next priority, Verizon Wireless generally seeks to locate wireless telecommunication facilities on municipally-owned property. These locations are often preferred by municipalities as the second preference behind collocation as it allows municipalities to benefit from a rental stream for the leased premises.

**(c) New Structure on Privately-owned Property**

When it is not feasible to collocate on an existing tower or tall structure, and there are no feasible municipally-owned properties in the area, Verizon Wireless must find a privately-owned site which is appropriate for and can accommodate a new communications structure. In doing so, the Site Acquisition Specialist attempts to identify properties in the Search Area large enough to accommodate the facility and which also meet any required area requirements such as set back and fall zone. In addition, other characteristics such as existing compatible land use and existing mature vegetation that can screen the facility are considered. Access, land use, constructability, the presence of wetlands, floodplains and other contributing factors are also examined.

### **4. SEARCH RING ANALYSIS**

After a comprehensive investigation of the Search Ring, no technologically feasible towers or tall structures were identified for collocation. There also are no feasible municipally owned properties within or near the limits of the Search Ring.

Per Chapter 173 of the Code of the Town of Clarence, wireless communication services facilities are permitted in all zoning districts in the Town of Clarence. Preference is given to siting new towers on municipally owned lands or in a commercial or business district of the town.

A wireless communications services facility is a permitted use, requiring site plan approval by the Town Planning Board and Special Exception Use Permit approval by the Town Board per § 30-71 of Chapter 30 of the Code of the Town of Clarence.

For facilities requiring a Special Exception Use Permit, a “minimum setback equal to the height of the ground mount tower (including antenna) shall be provided from any lot line and other accessory structures must meet the other normal setbacks from any lot line for that zone district. A Special Exception Use Permit may be granted provided that the proposed use complies with the other requirements of this Chapter and of the general and special conditions for Special Use Permits as set forth in this Chapter, is placed to minimize adverse visual impacts of these towers/antennas through proper design, siting and screening. The Town of Clarence defines the placement, construction and modification of wireless communication services facilities requiring a Special Exception Use Permit as a Type I action under the New York State Environmental Quality Review Act (SEQRA) and the regulations thereunder.”

## **5. CANDIDATE/ALTERNATIVES ANALYSIS**

Thirteen (13) parcels were identified as being potential candidates for a new communications facility. These parcels are identified on **Attachment 4**. A summary of each of these properties located within the vicinity of the Search Area is detailed below and includes a radio frequency (“RF”) analysis where warranted.

Of Note: All parcels considered for this search area are generally located within the flood zone for the Tonawanda Creek.

### **(a) Merkwa (Tax Parcel ID 6.00-5-25.2)**

This parcel, located off Brauer Road and slightly outside of the search area to the southeast of the Search Ring, is 30 acres in size and is currently a residential parcel where the owner also has a business use. This site is an open field, is flat and isolated, and has a “tractor” access road. This parcel was submitted to RF for further consideration.

From an RF prospective, this parcel is outside of the search ring and does not meet the service objective. It is also ~0.70 miles southeast from the proposed candidate; thus further away from the Raymond Road facility that requires capacity relief.

### **(b) Scheg (Tax Parcel ID 6.00-4-9)**

This parcel is located in the eastern portion of the Search Ring along Tonawanda Creek Road. It is approximately 54 acres in size and consists primarily of a flat open field. The proposed location on the site would be 300-400 yards toward the rear of the property. The site is accessible from Tonawanda Creek Road. This parcel was submitted to RF for further consideration.

This provided location on this parcel is outside of the search ring. From an RF prospective this is very similar to the previous candidate and does not meet the service objective because it is further away from the Raymond Road facility that requires capacity relief.

### **(c) Drake (Tax Parcel ID 6.00-4-4.1)**

This parcel is located in the northern portion of the Search Ring along Tonawanda Creek Road. It is approximately 22 acres in size and is generally flat with a wooded area to the rear. The site is accessible from the existing driveway. The proposed location would be north of a

small stream located at the rear of the property. Potential wetlands exist at the extreme rear of property. This parcel was submitted to RF for further consideration.

Compared to the proposed candidate, this candidate is not preferred due to its location farther south. From an RF service perspective, the preference is to stay as north as possible in the search ring to provide optimal capacity offload and fill the existing coverage gap.

**(d) Hahn (Tax Parcel ID 6.00-4-21)**

This parcel is a residential property with a wooded section at the rear and is located in the western portion of the Search Ring along Goodrich Road. The property is approximately 9 acres in size with residential properties to the north and south. The proposed location for a tower would be in the wooded area along the east portion of the property. The site is accessible from the existing driveway and is approximately 300 feet from the road. This parcel was submitted to RF for further consideration.

Compared to the proposed candidate, this candidate is not preferred due to its location farther south. From an RF service prospective, the preference is to stay as north as possible in the search ring to provide optimal capacity offload and fill the existing coverage gap.

**(e) Robinson (Tax Parcel ID 6.00-4-8.2)**

The owner of this parcel indicated that he was not interested in leasing, and the parcel was eliminated from further consideration.

**(f) Militello (Tax Parcel ID 6.00-4-8.1)**

The owner of this parcel did not respond to repeated inquiries about interest in leasing, and the site was eliminated from further consideration.

**(g) Marinaccio (Tax Parcel ID 6.00-4-3.11)**

The owner of this parcel did not respond to repeated inquiries about interest in leasing, and the site was eliminated from further consideration.

**(h) Warmingham (Tax Parcel ID 6.00-4-10.2)**

The owner of this parcel did not respond to repeated inquiries about interest in leasing, and the site was eliminated from further consideration.

**(i) Hilbrecht (Tax Parcel ID 6.00-4-11.1)**

The owner of this parcel did not respond to repeated inquiries about interest in leasing, and the site was eliminated from further consideration.

**(j) Zelin (Tax Parcel ID 6.00-4-14.1)**

The owner of this parcel did not respond to repeated inquiries about interest in leasing, and the site was eliminated from further consideration.

**(k) Cantlon (Tax Parcel ID 6.00-4-25.1)**

The owner of this parcel did not respond to repeated inquiries about interest in leasing, and the site was eliminated from further consideration.

**(l) Rash (Tax Parcel ID 6.00-4-16.1)**

The owner of this parcel did not respond to repeated inquiries about interest in leasing, and the site was eliminated from further consideration.

### **Proposed Site - Rey Property (Tax Parcel ID (6.00-4-4.211))**

This parcel is located in the northern portion of the Search Ring along Tonawanda Creek Road and is approximately 22.3 acres in size. The parcel is generally flat and consists of a mostly wooded area to the rear. The site is accessible from the existing driveway behind the house and barn. The proposed tower location is in the rear portion of the property that is mostly wooded.

From an RF prospective, this candidate is inside the search ring and meets the service objective. It will also provide adequate capacity offload to the Raymond Road facility. Being located north in the search ring and closest to the capacity objective, the tower at this location will reduce cell edge usage on the exhausted sector. This will allow the exhausted site to free additional resources to serve users that are closer. Moreover the proposed location is located closer to Tonawanda Creek Road and will help provide adequate LTE coverage to numerous local roads in and around the search ring. The proposed coverage from this location is shown on Attachment 5. As can be seen in the propagation, a new site with an antenna centerline of 150 feet will provide an adequate level of coverage to the area. As the result of this coverage, a significant amount of distant traffic will be offloaded from the neighboring Raymond Road site. As is evident from the propagation provided in Attachment 5, a facility located at the Rey candidate allows for the largest coverage footprint, as well as the most seamless connection (handoffs) to existing neighboring sites. For these reasons this site is ranked as the top priority RF candidate for the Rapids project.

## **5. CONCLUSION**

Based on an evaluation of existing site conditions, land uses, Town Zoning Law requirements, and communications with underlying property owners, the four (4) viable locations above were provided for review and consideration by the Verizon Wireless' Radio Frequency Engineer.

The proposed Rey site is ideally located to allow Verizon Wireless to effectively offload traffic from an adjacent site and provide improved coverage and service to the Clarence area. It is also a good location for integrating a new cell into the network. The proposed antenna centerline height of 150 feet will allow Verizon Wireless an appropriate location at the minimum height necessary to provide adequate and substantial service.

Prepared by:

*Allen Hinkley*

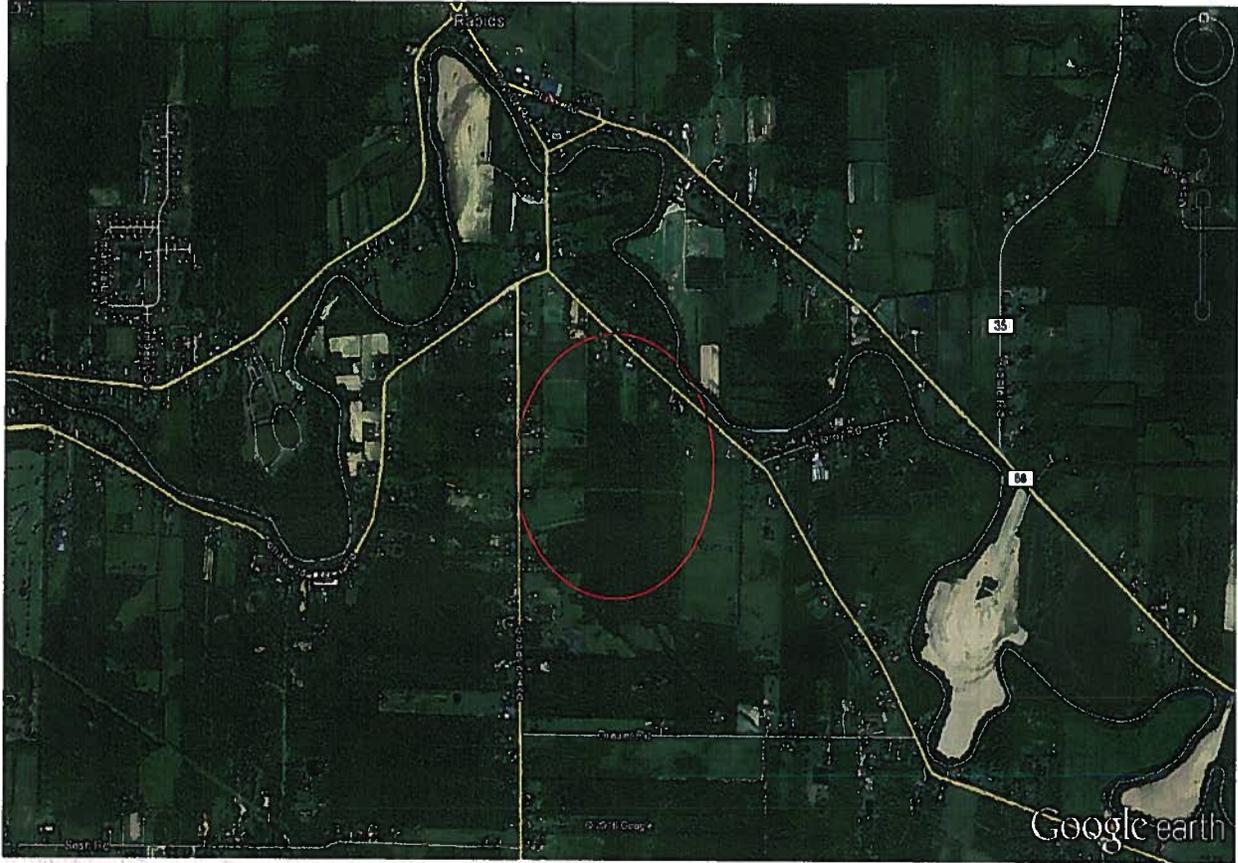
Allen Hinkley  
Consultant to Verizon Wireless

*Yadwinder Singh*

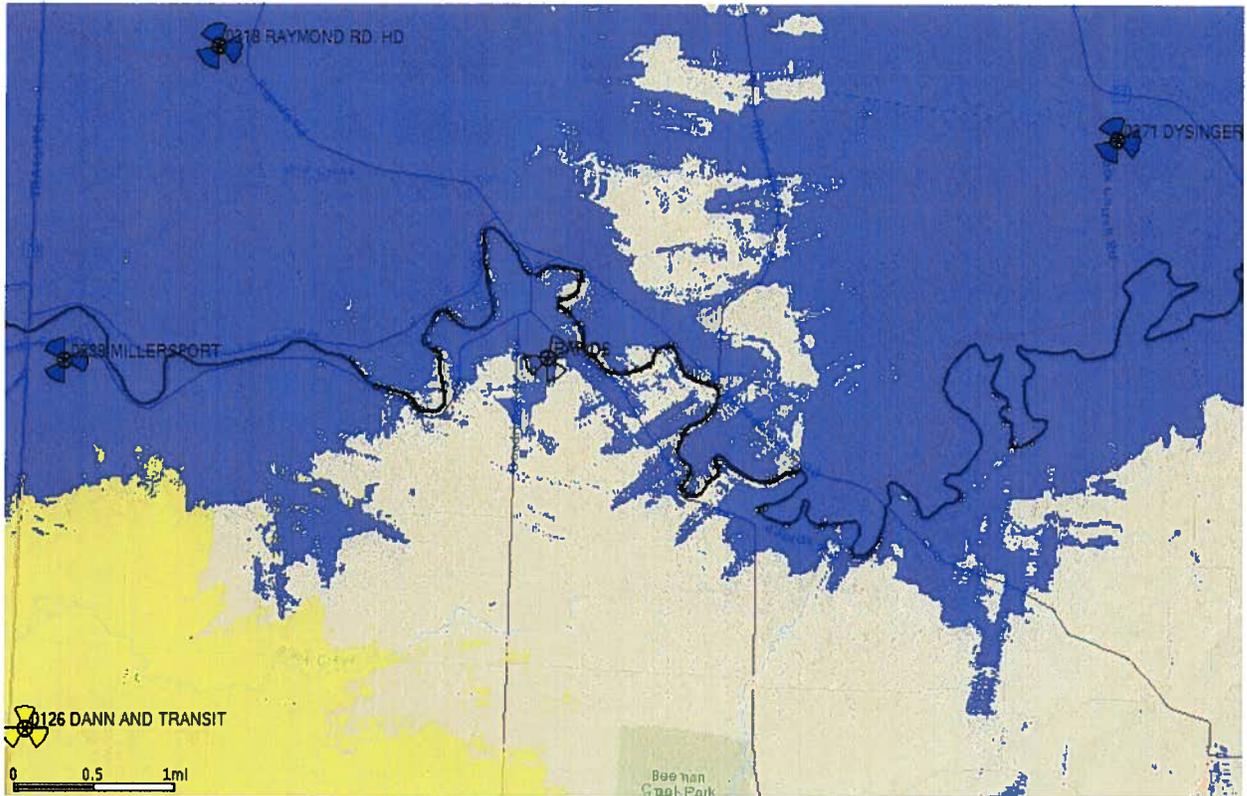
Yadwinder Singh "YAD"  
Radio Frequency (RF) Design Engineer  
Verizon Wireless

# ATTACHMENT 1

## Verizon Wireless Rapids Search Area



**ATTACHMENT 2**  
**Verizon Wireless Existing Coverage**  
**Blue = Existing, Green = Proposed, Yellow = Future**



\* Note: Dann And Transit (Yellow) is Co-Location that will be activated Year 2016

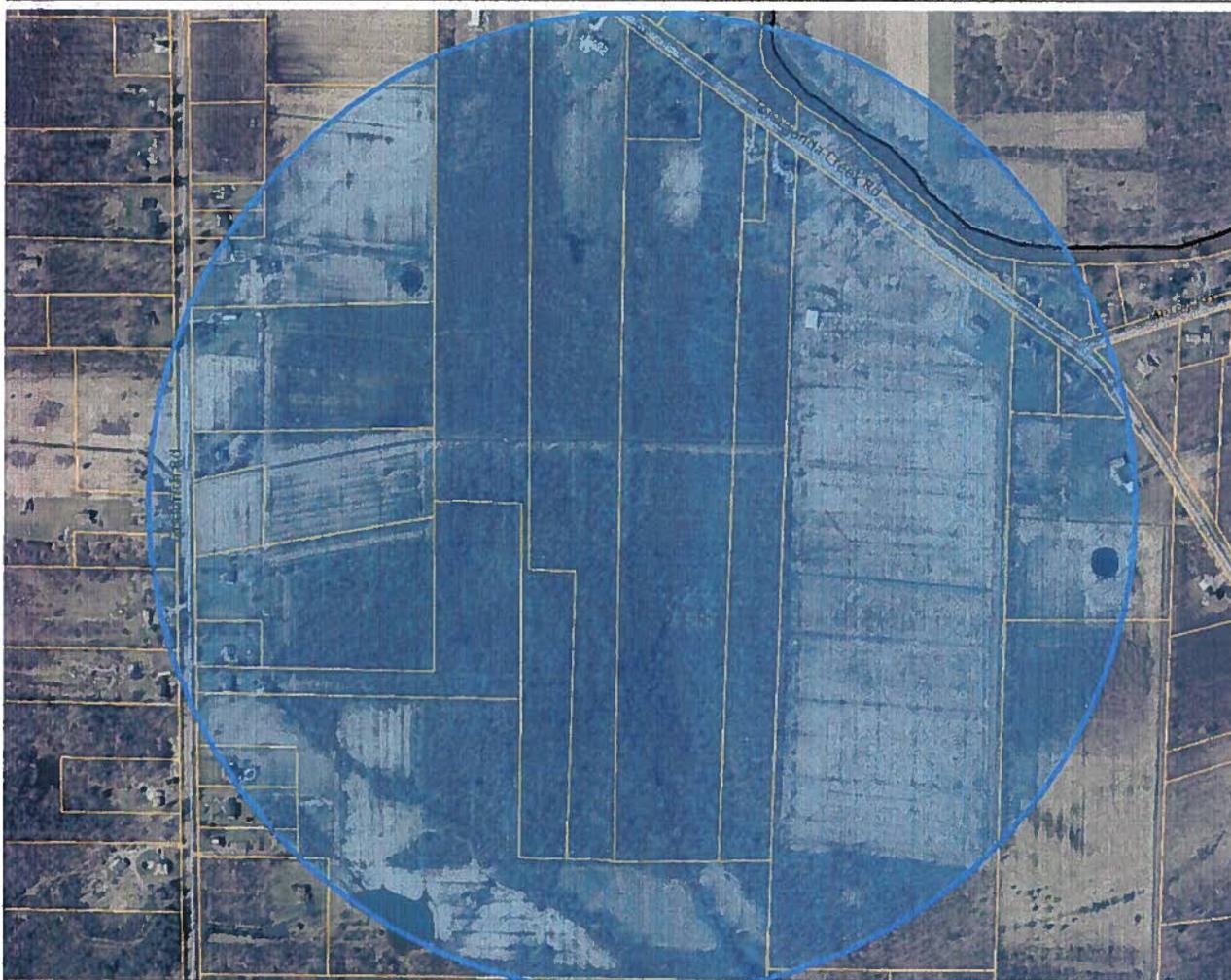
# ATTACHMENT 3

## VERIZON WIRELESS

### OVERLAY – SEARCH RING, TAX MAP, AERIAL



#### Erie County On-Line Mapping Application



- Legend**
- Streets and Highways
    - Interstate
    - Primary State Road
    - Secondary State Road
    - County Road
    - Local Road
  - Parcels
  - Municipal Boundaries
  - 2014\_bdy

0 752.25 1,504.5 Feet

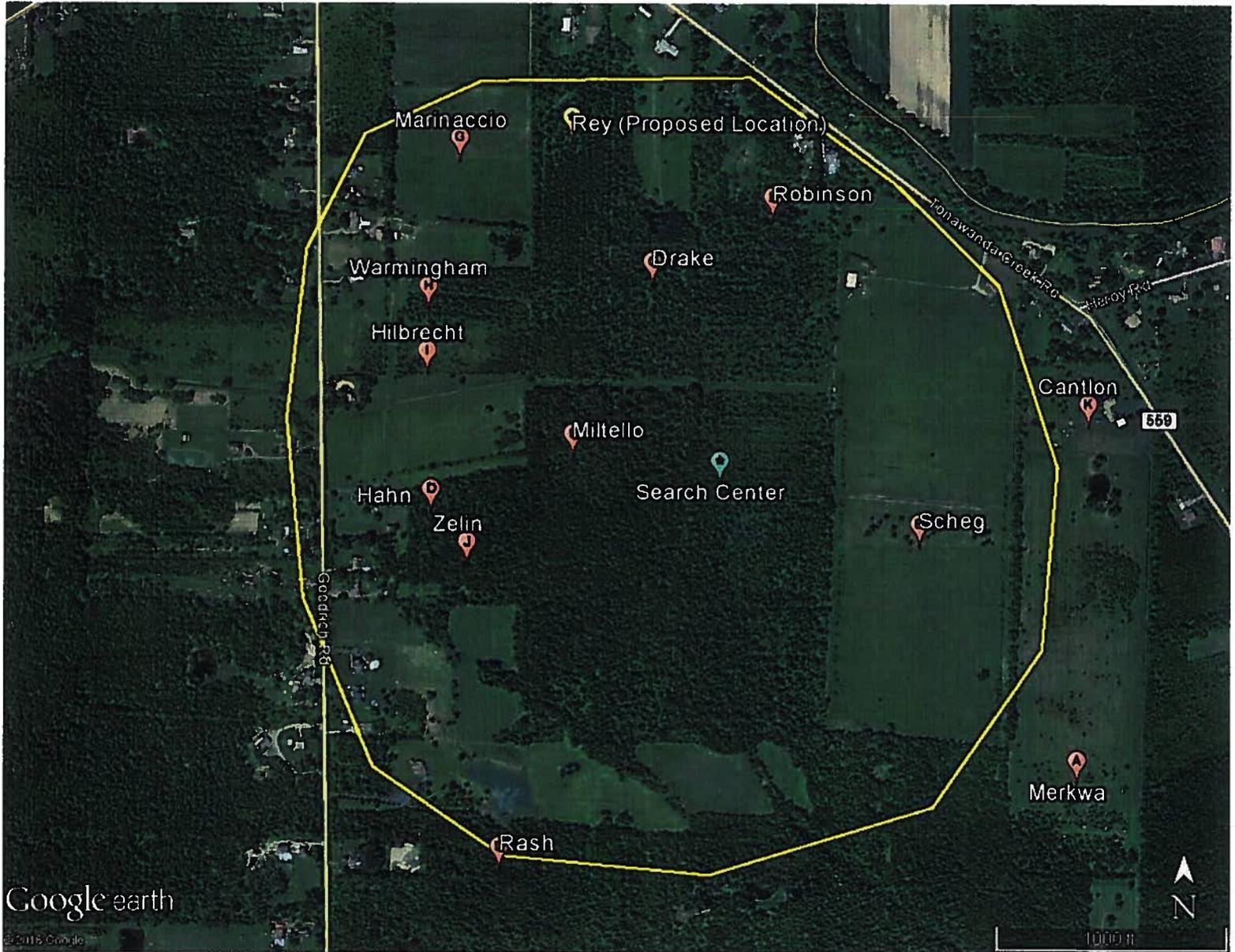
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

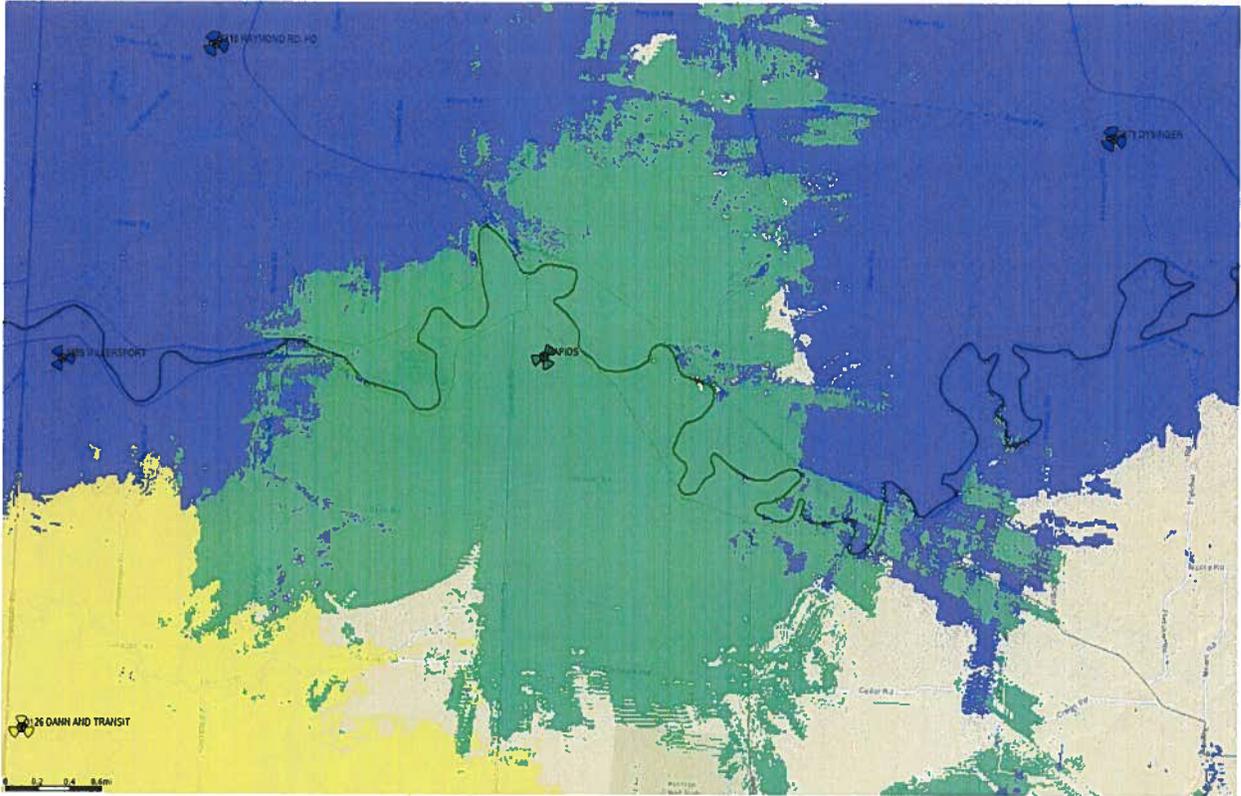
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 9,027

### ATTACHMENT 4 VERIZON WIRELESS PARCELS IDENTIFIED & INVESTIGATED



**ATTACHMENT 5**  
**Verizon Wireless Coverage with Rapids Site**  
**Blue = Existing, Green = Proposed, Yellow = Future**



\* Note: Dann And Transit (Yellow) is Co-Location that will be activated Year 2016

8



**Upstate Cellular Network d/b/a  
Verizon Wireless**

**Rapids Site**

**9545 Tonawanda Creek Road  
Clarence Center, NY**

**Search Ring Justification  
June 7, 2016**

## **SEARCH RING JUSTIFICATION**

Upstate Cellular Network d/b/a Verizon Wireless submits this RF analysis in association with its proposed wireless communications facility to be located at 9545 Tonawanda Creek Road in Clarence, NY, also known as the "Rapids" cell site.

### **1. QUALIFICATIONS**

This report was prepared by Verizon Wireless' in-house RF Engineering Department, which consists of experienced and properly credentialed radio frequency engineers. The RF Engineering Department designs Verizon Wireless' nationwide network to provide adequate and effective wireless communications services in compliance with all FCC requirements, including Verizon Wireless' licensure requirements. The RF Design Engineers use proprietary software and tools in addition to industry-standard RF propagation modeling and network performance simulation programs to identify network coverage, performance and capacity deficiencies, and develop and implement solutions based on these analyses with the goal of maximize network performance and efficiency.

### **2. WIRELESS TELECOMMUNICATIONS SYSTEMS**

The FCC licenses a specific amount of RF spectrum to each wireless carrier and stipulates that each carrier efficiently use that spectrum to provide adequate wireless communication services to emergency services, businesses and individuals in the licensed areas. Wireless carriers achieve this mandate by continuously reusing the allocated radio frequencies throughout their licensed service area. This is accomplished by building small radio base stations, or cell sites, in a particular pattern (also known as a grid). The application of the grid concept affords a wireless carrier the ability to effectively and efficiently plan the reuse of radio frequencies. Indeed, it is the only way a cellular system can adequately function. Following proper planning techniques (as originally defined by Bell Labs and further refined by the wireless industry), the same radio frequency is reused at reasonably close intervals throughout the licensed area, without causing harmful interference (noisy or dropped calls or the inability to originate a call are typical manifestations of harmful interference), but only if placed properly. There is extremely limited flexibility as to where a cell site can be located, and limited flexibility as to the proper height.

When designing a wireless network, an RF Design Engineer starts with a theoretical grid pattern and applies it to the licensed area. Each licensed area has many variables that can affect the design and must be considered. These variables include terrain features, use of existing structures, traffic distribution, and many others. In order to provide effective coverage while maintaining an appropriate frequency reuse plan, the RF Design Engineer must perform a balancing test of all applicable technological variables. The primary variables that the engineer must balance/take into consideration are location and the overall height of the cell sites. If site are located too close to each other, there will be interference. Site located too far apart from each other will result in coverage gaps and loss of service. If a cell site is too high, it will have increased coverage but will cause interference throughout the rest of the wireless network, thereby significantly affecting network efficiency. If a cell site is too low, it will not provide effective coverage.

Therefore, a properly designed wireless network design begins with strategically located cell sites. At each cell site there is a building, tower, water tank or other structure on which antennas are mounted. Typically, radio-transmitting equipment (base station) is located at the base of the structure. Radio signals leave the base station and travel through transmission lines

to the antennas or to fiber optic cable to the remote radio head (RRH) at the top of structure and then to the antennas. Radio signals are broadcast through the antennas and travel to the customer's wireless device, thereby completing a call. When a wireless customer transmits back to the cell site, the signal is received by the antennas, travels down the transmission line and into the base station. The base station converts the signal into digital data and combines it with all the other wireless calls and digital traffic at that cell site. This data is then sent over fiber optic digital leased lines to the main switching computer. The main switching computer or Mobile Switching Center (MSC) is interconnected to the national Public Switched Telephone Network (PSTN) and Internet service providers where calls are routed to other wireless or land-line phones, or Internet locations.

As this technology enables mobile calling, once a wireless call is originated and the customer travels away from the cell site of origination, the system tracks the changes and begins a process of determining if there is a dominant server ("better serving cell site"). Upon determination of a stronger serving site, the system automatically switches the wireless customer over to the new cell site. This process is known as a handover and allows for seamless coverage within a wireless carrier's service area. By design, this process is supposed to happen so quickly, the wireless customer does not perceive it. If the network is designed properly, there is no interruption of service and connection quality remains adequate. Proper, effective RF design requires the location (and height) of cell sites in fairly rigid parameters.

### **3. PERFORMANCE METRICS**

#### **(a) Coverage**

The critical issue for Verizon Wireless is the provision of "adequate and substantial" Radio Frequency service to serve its wireless customers. The wireless industry is governed by the Rules of the FCC. The FCC mandates in CFR 47, Parts §22.940 and §24.16 that each carrier must provide "substantial service" in its licensed service area, or risk having their license revoked. The FCC defines "substantial service" as service which is sound, favorable, and substantially above a level of mediocre service. Similarly, New York State, recognizing the importance of deploying the infrastructure for wireless communications, has deemed cellular transmitting facilities to be public utilities for purposes of zoning. As such, the facilities must be permitted in order to provide "safe and effective" service.

A metric called Reference Signal Received Power ("RSRP") can be used to specify the coverage capabilities of wireless networks. This standard accurately represents the Long-Term Evolution ("LTE") data technology (also known as 4G) being utilized as well as the Voice-Over LTE ("VoLTE") technology. VoLTE is being deployed on 4G LTE to augment and ultimately replace Verizon Wireless' CDMA wireless voice capacity. RSRP is the average received power measured across an LTE broadband channel.

RSRP is measured in units of "decibels" referenced against 1 milliwatt, or dBm. The decibel is a logarithmic unit that allows ratios to be added or subtracted. The definition formula for decibels referenced against 1 milliwatt is  $dBm = 10 \log(P / 1mW)$  with  $P$  measured in milliwatts. So 10 mW would be 10dBm, 100 mW would be 20dBm, etc.

The service boundary of a 4G LTE site can be defined using a RSRP equating to an adequate receiver signal threshold. This value is derived from industry standards, 4G LTE receive signal levels and quality and acceptable signal to noise ratios, along with statistically quantifiable variations in terrain. This threshold must also take into account additional losses associated with location of the mobile user.

Verizon Wireless must provide adequate service to all of its users. In order to account for users within buildings, additional margin must be added to RSRP so that adequate coverage exists inside. Industry and Verizon Wireless engineering standards include an additional 10dB of margin to RSRP to be used for light suburban areas, with increasing values for higher density land usage. This additional margin is also required for in-vehicle service specifically to account for increased attenuation associated with the use of hands-free headsets, where the phone is typically placed on the seat or in the center console.

An industry standard RF computer-aided engineering tool is used in the design of wireless networks. This tool is used to generate a plot of RSRP that shows underlying geographic data (highways, arterial roads, etc.). The propagation map is drawn showing the region where the RSRP equates to the minimally acceptable received signal level for adequate service, as measured at the device's receiver. The propagation map depicts the RSRP of the surrounding environment including the attenuation of in-building and in-vehicle use of service and visually demonstrates existing coverage patterns. Plots can also be generated to demonstrate proposed coverage patterns.

With the preceding in mind, Verizon Wireless' network standard for reliable 4G LTE wireless service for highway and rural settings is -95 dBm RSRP. Network reliability and accessibility decreases dramatically for mobile devices operating in or traveling into RF environments outside (or weaker than) the -95 dBm RSRP coverage boundary (represented as white space in the provided coverage plots). Similarly, and as described above, -95 dBm RSRP is used in areas where additional signal strength is needed to penetrate into buildings (e.g., city centers, dense residential, commercial and industrial type environs).

In addition to the sites shown on a propagation map, and toward the edges of these maps, there may be coverage from other more distant sites but these sites are eliminated from this report as they do not impact the area surrounding the subject location.

#### **(b) Capacity**

Significant deficiencies in service can occur in Verizon Wireless' telecommunication network in and around the existing sites. These deficiencies can be a result of capacity demands that are taxing the surrounding sites in the Verizon Wireless network. The FCC mandates in CFR 47 Part §22.940 that when a Commercial Mobile Radio Service ("CMRS") licensee (i.e. "wireless carrier") is up for renewal, the carrier must demonstrate its proposal for expanding system capacity in a coordinated manner in order to meet anticipated increasing demand for both local and roamer service, or be at risk of license revocation.

Verizon Wireless regularly monitors customer traffic on each site in its network and identifies which sites are reaching 4G LTE capacity limits or are projected to reach these limits over a rolling two-year window. Capacity is defined as the amount of customer data traffic (voice and data) a given site can process before significant performance degradation occurs. Performance issues include an inability to access the network (make a call), calls being abruptly dropped from the network (dropped calls), or poor call or data throughput performance while connected to the network (delayed upload or download speeds). Data volume, or throughput, is the main factor used to determine the existing 4G LTE capacity for a given site and to project when that site is expected to run out of capacity (i.e., reach a point where it can no longer process the volume of data requested by local wireless devices). Capacity relief solutions, typically development of additional sites capable of "offloading" the "loaded" sites, are then required to solve the problem.

Forward Data Volume (“FDV”), a measure of usage (data throughput) on a particular site over a given period of time, is a performance metric used to evaluate the capacity of an existing facility. The “forward link” is used since there is generally more data being downloaded<sup>1</sup> (or transmitted) from a given site to the mobile devices within its coverage area, than uploaded. Therefore, it is the “forward link”, not the “reverse link” that is typically used to determine the capacity limitations. Spikes resulting from anomalies such as seasonal events (tourist spikes, major outdoor concert venues or sporting events, etc.), college breaks, holiday sales events or celebrations, and major accidents or emergencies are accounted for as they can inflate the capacity demand and result in a premature capacity offload prediction. Trending actual and recorded throughput data over time for a site and comparing it to the theoretical maximum throughput capabilities for that site determines when that site will require capacity relief. Another metric commonly used to determine level of usage on a specific LTE site is Physical Resource Block Utilization (“PRBU”). This can be described as the percentage of resource blocks being used on an LTE site. As PRBU approaches 100%, users can gradually notice degraded service.

The above are some of the concepts and parameters used when determining adequacy of the existing network.

#### **4. PERFORMANCE SOLUTIONS**

When the Verizon Wireless Radio Frequency Engineer identifies coverage gaps in the system or sites that have or will reach data capacity exhaustion, they issue a “search area.” A search area is a geographical area located within the inadequately serviced area, and it is designed such that if a wireless telecommunications facility is located within the search area, and at an appropriate height, it will likely provide the required coverage. For the most part, locations outside of the search area will fail to provide adequate service to the cell. Due to technological constraints, there is limited flexibility as to where a new facility can be located, and still function properly. The goal of the search area is to define the permissible location for placement of a cell site that will provide adequate service in the subject cell, and also work properly as part of the overall network.

#### **5. VERIZON WIRELESS SERVICE IN THE RAPIDS CELL**

##### **(a) Character of the Area**

The character and land use of the area around the Rapids Cell is generally suburban and relatively flat with gradually increasing elevation heading to the north. The current problem experienced by Verizon Wireless and its subscriber base in this area is capacity exhaustion and coverage on its low band (700 MHz) LTE channels. The existing LTE sites and coverage can be seen in **Attachment 1** to this letter.

##### **(b) RF Coverage Issues**

The network was analyzed to determine whether there was sufficient RF coverage and found that there was a gap in adequate LTE coverage for Verizon Wireless in the 700 frequency band(s). As shown in the calculated coverage map in **Attachment 1**, there is a 700 LTE coverage gap along Tonawanda Creek Road, Goodrich Road, Plank Road, and Riddle Road and into the homes and businesses across the targeted service improvement area. When viewing the map in Attachment 1, the blue layer represents the area that is currently served at an adequate level (-95 dBm RSRP for a suburban targeted service improvement area) and yellow layer represents the area that will be covered by our proposed 2016 “Dann Rd and

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<sup>1</sup> By comparison the reverse link, or information transmitted from mobile devices to an associated wireless facility, generally carries in the order of 1/10th of the data volume as the forward or downlink path.

Transit" macro site. The areas in white are below the adequate threshold of reliable LTE high speed voice and data services. The proposed site will remedy the existing coverage gap and provide Verizon Wireless with adequate coverage for the Rapids Cell.

**(c) RF Capacity Issues**

In addition to the coverage deficiencies, Verizon Wireless's network does not have sufficient capacity to handle the existing and projected LTE voice and data traffic in the area near and neighboring the proposed Rapids facility ("targeted service improvement area"). Therefore, the proposed facility is needed to provide "capacity relief" to the existing Verizon Wireless site. The proposed and neighboring sites are able to adequately serve the existing and projected capacity demand in the area. Unless addressed, Verizon Wireless subscribers will experience loss of service and/or significant service degradation in this area. This mix of suburban residential area of Rapids is comprised of patches of dense vegetation, and other signal attenuating clutter. All existing neighbor cell sites are either too distant and/or are at or quickly approaching their respective capacity limitations to effectively serve the Rapids targeted service improvement area. Verizon Wireless' Raymond Road facility (located 2.80± miles northwest of the proposed site) is approaching its capacity limit and is in dire need of capacity relief. The proposed location must provide capacity relief to the existing Verizon Wireless Raymond Road site. Without this capacity relief, Verizon Wireless subscribers will experience degraded service as described above.

As indicated previously, trending actual and recorded throughput data over time for a site and comparing it to the theoretical maximum throughput capabilities for that site determines when a site will require capacity relief. These trends, specifically for the Raymond Road site, are visually represented on the Verizon Wireless FDV/PRBU Data Chart (**Attachment 2**). The red line indicates the capacity limit for the sites. The trend line shown in gold represents the expectation where LTE traffic continues to grow similarly to historical subscriber and usage growth on the system. LTE traffic growth includes rapid subscriber migration from EVDO (3G) capable devices to 4G LTE devices, as well as the transition from CDMA Voice to VoLTE.

As the results in **Attachment 2** illustrate, the actual (blue line) and normalized (green line) data volume trends are approaching the theoretical maximum (red line) for the Raymond Road site. In order for the local network to provide increased capacity for the currently demonstrated and projected doubling of resource block utilization/data volume through the facility, capacity relief is required. Even if the Raymond Road site or other surrounding sites could be upgraded or modified to provide acceptable coverage to the targeted service improvement area, they also do not have sufficient remaining capacity to offload Raymond Road to an appreciable extent (given the current usage and projected usage growth). In order to solve the existing and growing capacity demand in the area, a new facility is required. The proposed Rapids site will provide the necessary localized and dominant serving wireless facility that improves RF service across all Verizon Wireless owned frequency bands.

**(d) Solution**

A search area was developed based on the problems identified above, and as shown in **Attachment 3**. This is the geographical area within which a new wireless telecommunications facility would provide the required coverage (built at an appropriate height). In this case, the search area parameters are generally flat area west of Goodrich Road and Tonawanda Creek Road intersection. In most cases, locations outside of the search area will fail to provide

adequate service to the targeted service improvement area while locations within are likely to meet the site's objectives (built at an appropriate height).

## 6. PROPAGATIONS

The propagation map, **Attachment 1** (Verizon Wireless Existing Sites Coverage), depicts service from the closest existing sites without the proposed site. The map demonstrates that there is a coverage gap along Tonawanda Creek Road, Goodrich Road, Plank Road, and Riddle Road and into the homes and businesses around the targeted coverage area.

**Attachment 4** is a propagation map titled Verizon Wireless Coverage with Rapids Site and it depicts the service from the closest existing sites along with coverage from a potential Rapids site at an antenna centerline height ("ACL") of 150', which is the minimum necessary for Verizon Wireless to provide adequate service to the target objective area in this cell.

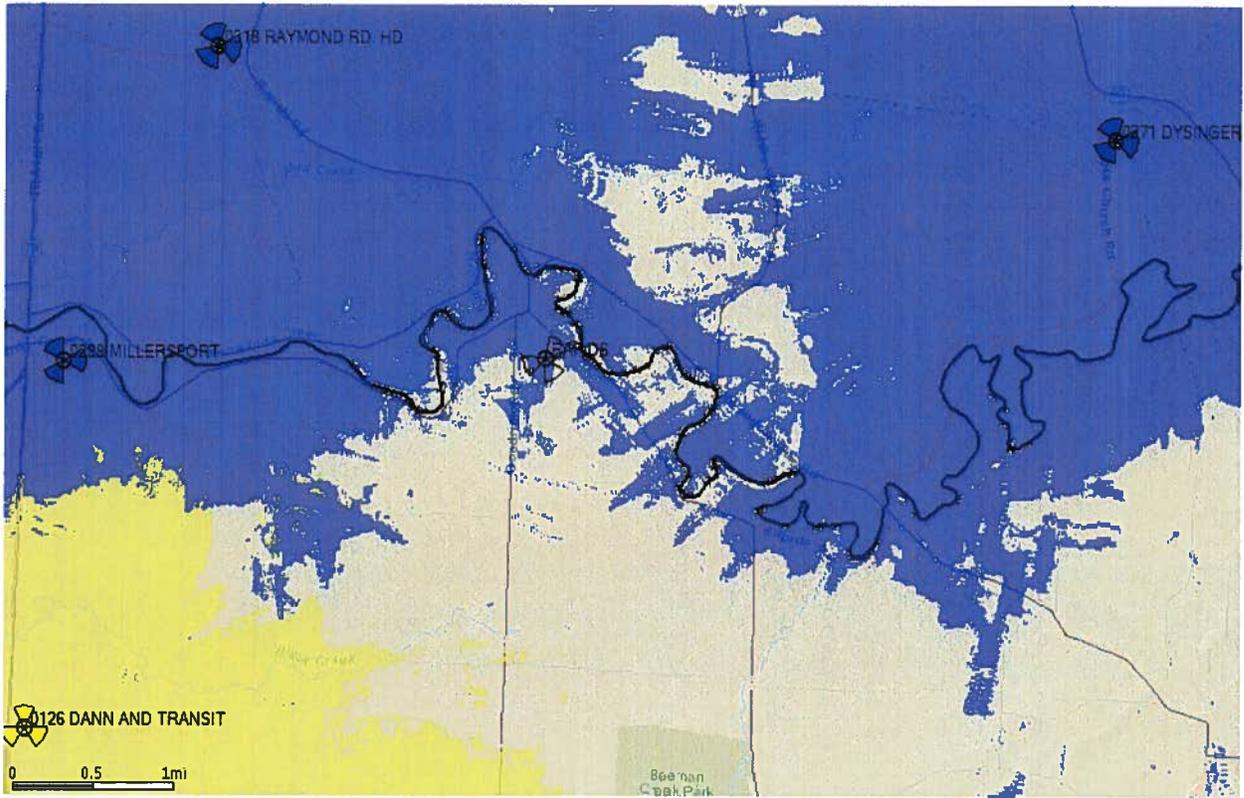
## 7. CONCLUSIONS

Verizon Wireless has prepared an analysis of the existing cell sites and its network's respective RF coverage. With the existing sites at the current configurations there are substantial gaps in service and capacity constraints which restrict Verizon Wireless customers from originating, maintaining or receiving reliable calls from the "PSTN" for VoLTE calls. The proposed site satisfies the service gaps and alleviates capacity constraints and is proposed at the minimum height necessary for adequate service.

*Yadwinder Singh*

Yadwinder Singh "YAD"  
Verizon Wireless  
RF Design Engineer

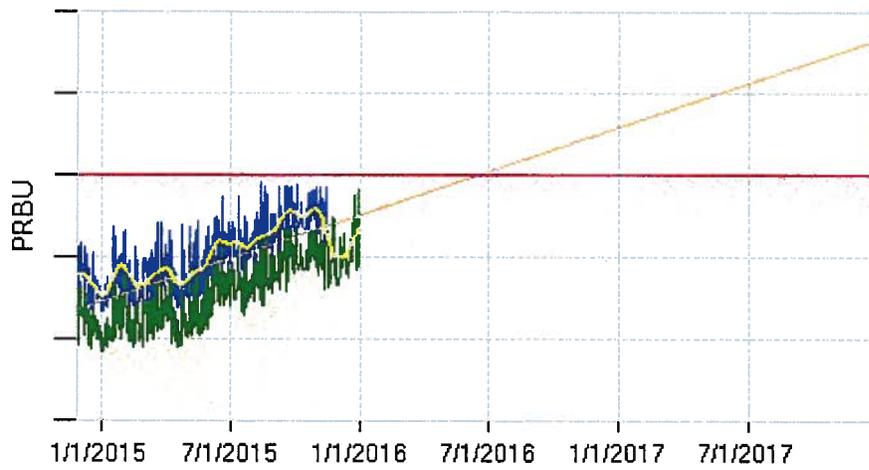
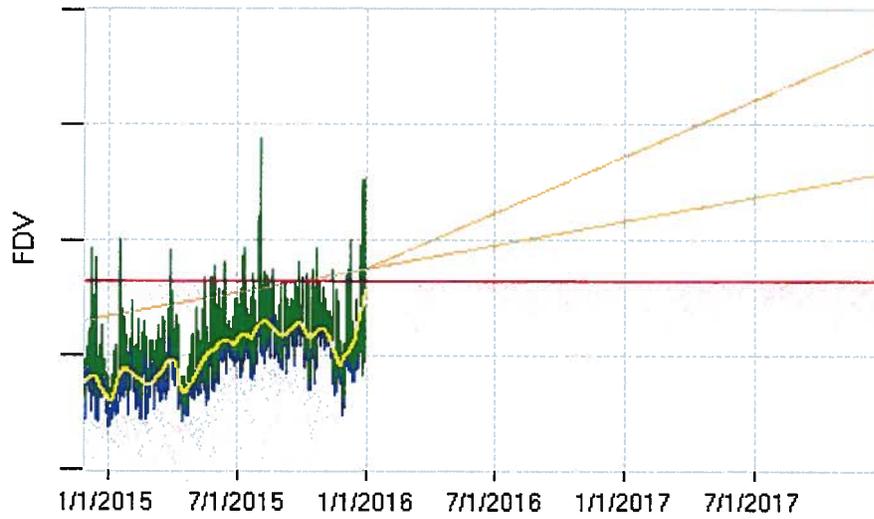
**Attachment 1**  
**Verizon Wireless Existing Coverage**  
**Blue = Existing, Green = Proposed, Yellow = Future**



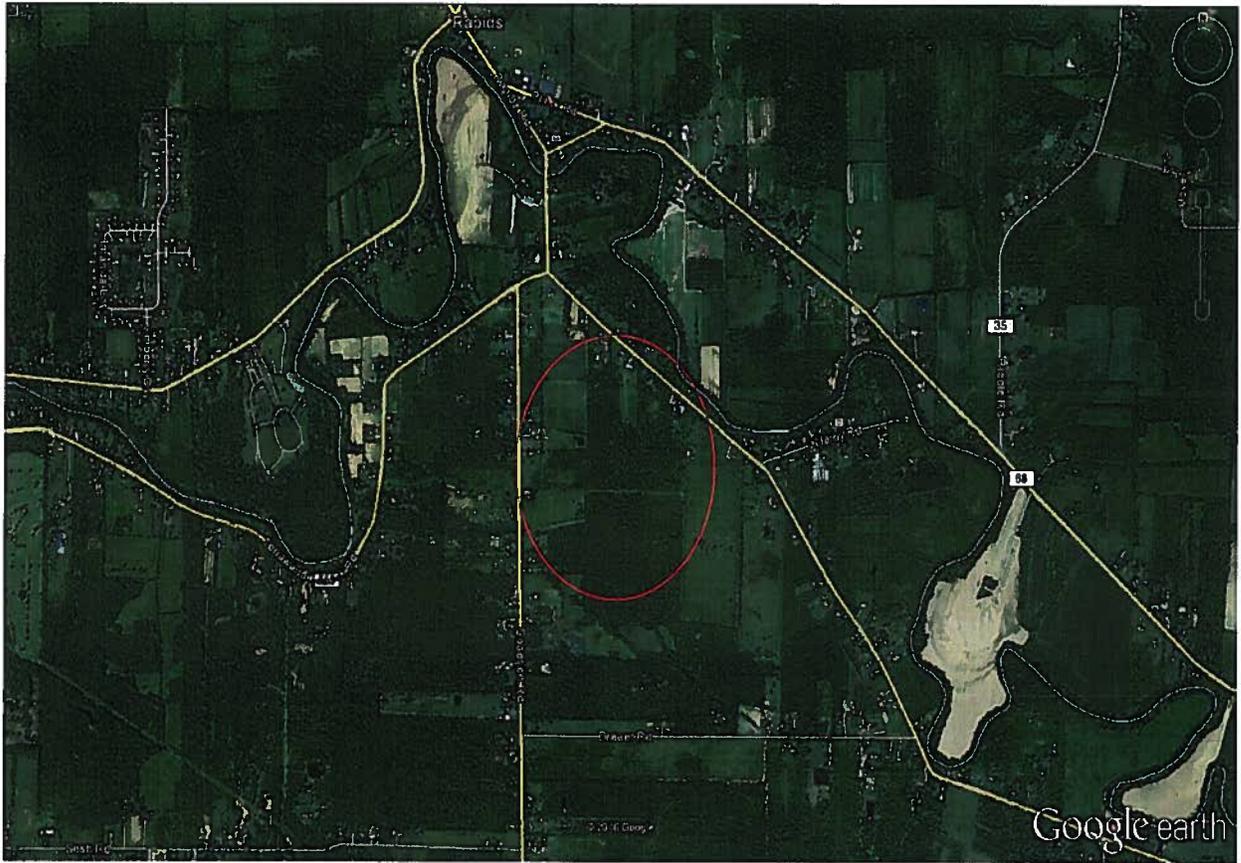
\* Note: Dann And Transit (Yellow) is Co-Location that will be activated Year 2016

## Attachment 2 Verizon Wireless FDV & PRBU Data Chart – Raymond Road

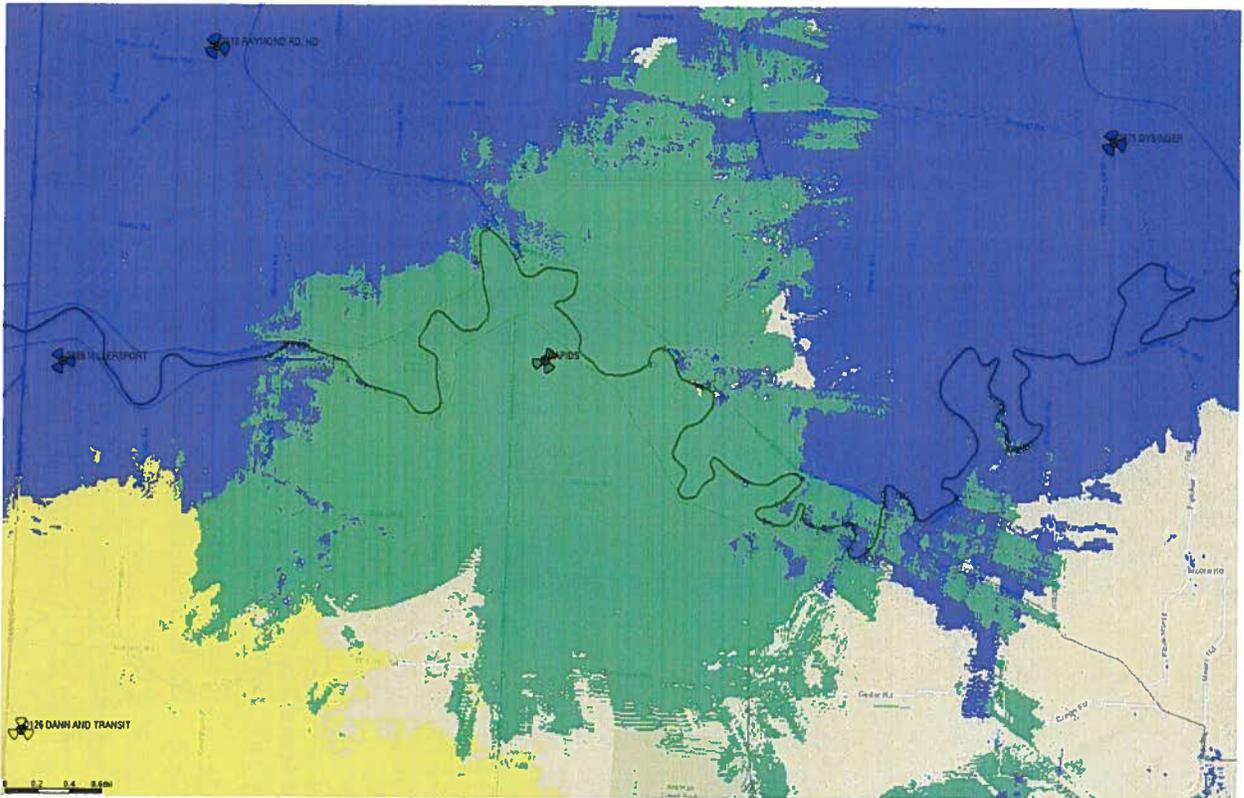
ENODEB: 70318-2-1



### Attachment 3 Verizon Wireless Rapids Search Area



**Attachment 4**  
**Verizon Wireless Coverage with Rapids Site**  
**Blue = Existing, Green = Proposed, Yellow = Future**



\* Note: Dann And Transit (Yellow) is Co-Location that will be activated Year 2016

9



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2015-AEA-5925-OE

Issued Date: 10/28/2015

Clinton Papenfuss  
 SBA Towers  
 8051 Congress Avenue  
 Boca Raton, FL 33487-1310

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower NY 16535-B  
 Location: Clarence Center, NY  
 Latitude: 43-05-08.95N NAD 83  
 Longitude: 78-38-00.65W  
 Heights: 588 feet site elevation (SE)  
 190 feet above ground level (AGL)  
 778 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 04/28/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404) 305-6531. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AEA-5925-OE.

**Signature Control No: 267977823-270387985**  
Darin Clipper  
Specialist

( DNE )

Attachment(s)  
Case Description  
Frequency Data  
Map(s)

cc: FCC

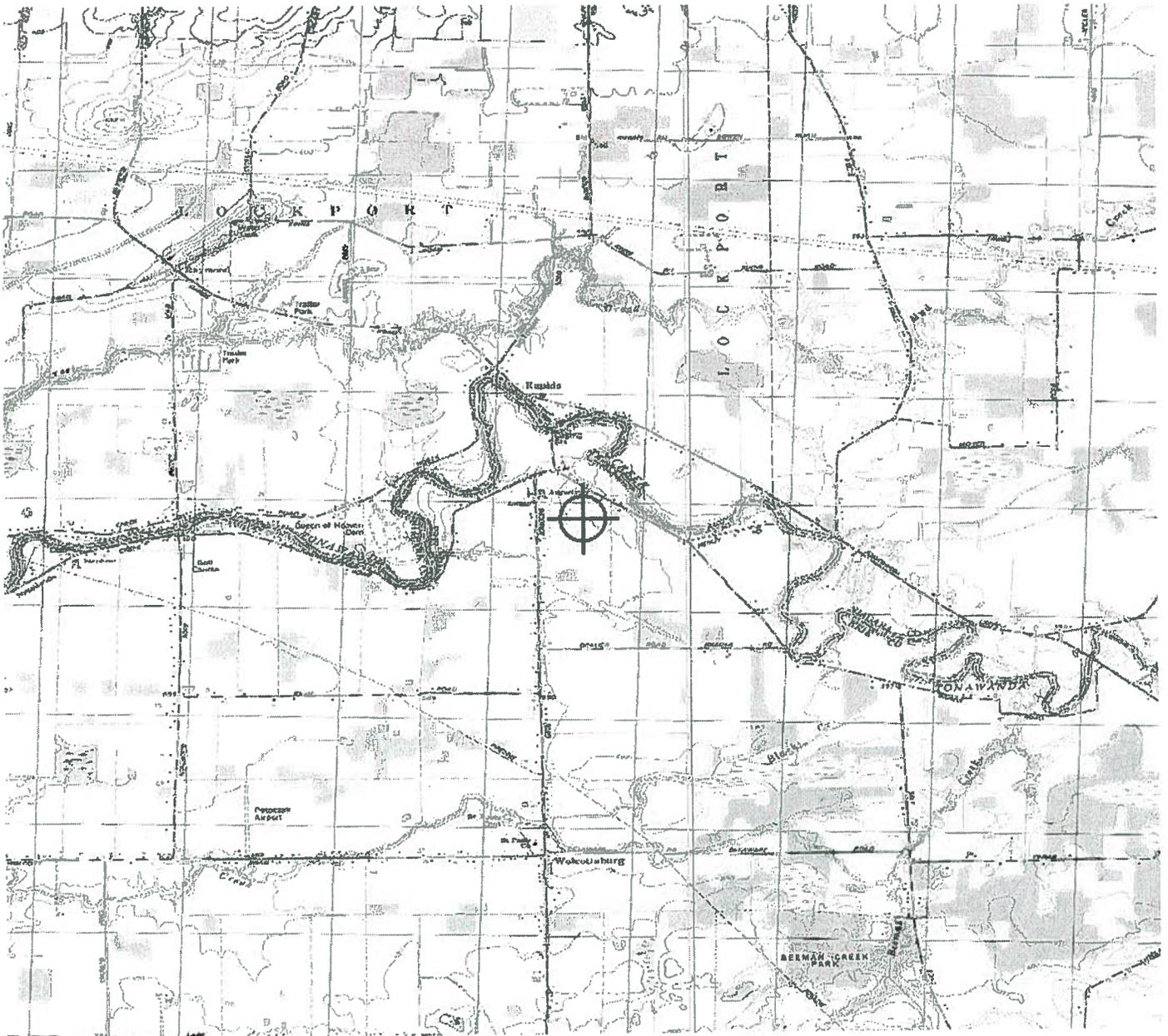
**Case Description for ASN 2015-AEA-5925-OE**

Proposed new construction

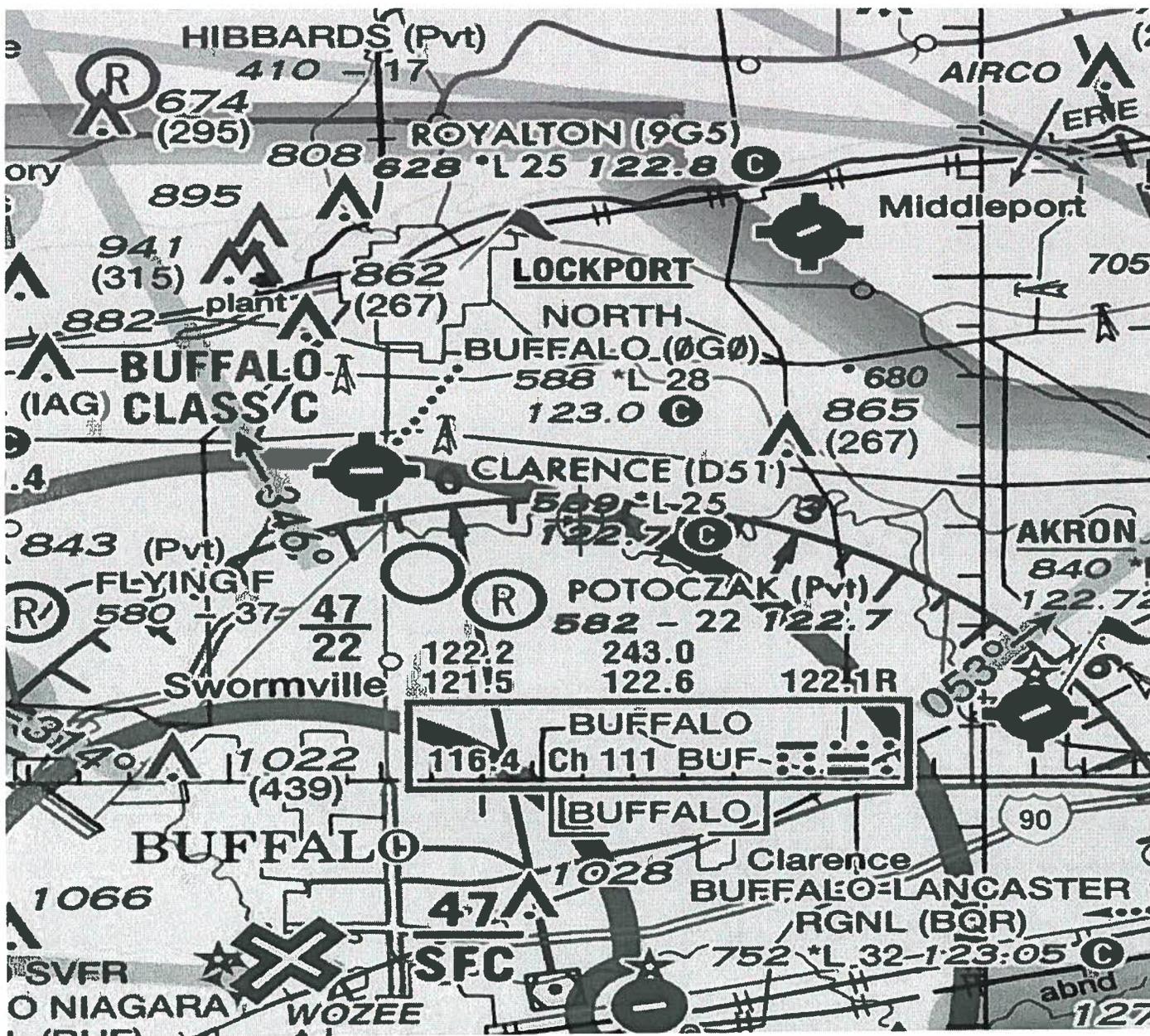
**Frequency Data for ASN 2015-AEA-5925-OE**

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

TOPO Map for ASN 2015-AEA-5925-OE



Sectional Map for ASN 2015-AEA-5925-OE



**10**

## Phase I Archaeological Survey

---

Rapids Rey / NY16535B  
9545 Tonawanda Creek Road  
Clarence Center, Erie County, New York 14032

EBI Project No. 6115005921

Report Date: December 4, 2015



Prepared for:

Project Coordinator – New Tower Builds  
SBA Towers V, LLC  
5901 Broken Sound Parkway NW, 5th floor  
Boca Raton, FL 33487

**Prepared by: James Dieterich, M.A., RPA  
Project Archaeologist—Principal Investigator  
716-534-0189  
jdieterich@ebiconsulting.com**

**EBI CONSULTING  
6876 SUSQUEHANNA TRAIL SOUTH  
YORK, PA 17403  
(717) 428-0401**

**Project No. 6115005921**

**Phase I Cultural Resources Assessment**

**Rapids Rey / NY16535B  
9545 Tonawanda Creek Road  
Clarence Center, Erie County, New York 14032**

**Prepared for:**

**Project Coordinator  
– New Tower Builds  
SBA Towers V, LLC  
5901 Broken Sound Parkway NW,  
5th floor  
Boca Raton, FL 33487**

## Management Summary

Involved State and Federal Agencies (DEC, CORPS, FHWA, etc): FCC

Phase of Survey: I

### Location Information

Location: 9545 Tonawanda Creek Road  
Minor Civil Division: Clarence Center  
County: Erie

### Survey Area (Metric & English)

Length: 420 feet (128 m), 100 feet (30.5 m)  
Width: 20 feet (6.1 m), 100 feet (30.5 m)  
Depth: (when appropriate)  
Number of Acres Surveyed: 0.42 (0.17 ha)  
Number of Square Meters & Feet Excavated (Phase II, Phase III only):  
Percentage of the Site Excavated (Phase II, Phase III only):

USGS 7.5 Minute Quadrangle Map: Clarence Center (1980)

### Archaeological Survey Overview

Number & Interval of Shovel Tests: 26, 15m, Radials at 1m and 5m at findspots  
Number & Size of Units: N/A  
Width of Plowed Strips: N/A  
Surface Survey Transect Interval: <5m

### Results of Archaeological Survey

Number & name of prehistoric sites identified: 1, "Rapids Rey"  
Number & name of historic sites identified: None  
Number & name of sites recommended for Phase II/Avoidance: None

### Results of Architectural Survey

Number of buildings/structures/cemeteries within project area: None  
Number of buildings/structures/cemeteries adjacent to project area: None  
Number of previously determined NR listed or eligible buildings/structures/cemeteries/districts: None  
Number of identified eligible buildings/structures/cemeteries/districts: None

Report Author(s): James Dietterich

Date of Report: December 4, 2014

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**Shovel Test Catalog**

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## Abstract

SBA Towers V, LLC is proposing to construct a new telecommunications facility in the vicinity of 9545 Tonawanda Creek Road Clarence Center, Erie County, New York. The facility consists of a 180' (54.9m) tall monopole style telecommunications tower with an attached lightning rod for an overall height of 186' (56.7m) above ground level. Support equipment is proposed to be located within a prefabricated equipment shelter measuring 12' (3.7m) by 30' (9.1m). The monopole and equipment shelter will be located within a 70' (21.3m) by 70' (21.3m) fenced compound within a wider 100' (30.5m) by 100' (30.5m) lease area. Access will be gained via a proposed 12' (3.7m) wide gravel access within a 20' (6.1m) easement extending from the existing paved driveway to the Subject Property, a distance of approximately 400' (122m), then along an existing trail in the back of the parcel to the proposed lease area location for a distance of approximately 420' (128m). Overhead utility conduits will be routed from an existing utility pole on the north side of Tonawanda Creek Road. Utilities will then be routed underground within the access easement connecting to a utility panel in the northwestern corner of the fenced compound. Utility trenches typically do not exceed 5' (1.5m) in width or 4' (1.2m) in depth.

Potential ground disturbance is limited to the 100' (30.5m) by 100' (30.5m) wide lease area and the 20' (6.1m) access easement along the approximately 420' (128m) length of unimproved dirt trail. The total area of potential effect of direct effects (APE-DE) is approximately 18,400 square feet (0.42 acres, 0.17 ha).

The precontact archaeological sensitivity of the APE-DE is high. The area is an environmentally favorable setting for precontact use and long-term settlement based on the proximity to Tonawanda Creek. This assertion is supplemented by a high density of sites in a similar environmental setting approximately along Tonawanda Creek to both the west and east of the Project Area. The previously identified sites represent both short-term use and long-term settlement based on the materials recovered at the sites.

The historic archaeological sensitivity is low. The area remained undeveloped through to the 20<sup>th</sup> Century with early use as a plowed farm field until the mid-20<sup>th</sup> Century. Plowed fields remained fallow for the latter half of the 20<sup>th</sup> Century allowing brush and woodland to recover in the southern end of the Subject Property. The earliest known buildings located on the Subject Property are the existing house and barn built in the late 20<sup>th</sup>, early 21<sup>st</sup> Centuries.

In light of the available information, it is my professional opinion that the APE-DE for the present project is not sensitive for the presence of significant precontact and/or postcontact archaeological resources due to the results of shovel testing. Due to the lack of buried features and diagnostic artifacts, the Rapids Rey Site, consisting of a small lithic scatter in the APE-DE, while meeting NY SHPO's definition of an archaeological site, does not meet the FCC's definition of a Historic Property. Therefore, a determination of "No Historic Properties" within the APE-DE is recommended. Additionally, based on the negative radial shovel tests and limited material recovered, it is likely that there is little or no remaining archaeological material in the APE-DE in the vicinity of the find spot. No further archaeological testing is recommended for this project, although if the current plans are altered or the lease area is shifted, it is recommended that another Phase I survey be conducted.

## Introduction

The Federal Communications Commission (FCC) requires licensees and their representatives to consider the effects of their actions on historic properties, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and the National Environmental Policy Act of 1969 (NEPA) (Federal Communications Commission 1996). Historic properties include Native American or European-American archaeological sites, architectural resources (historic districts and standing structures), objects, and traditional cultural properties. Applicants are required to assess and report all potential environmental effects as part of the Section 106 process prior to construction.

This Phase I archaeological assessment was conducted by James Dieterich, M.A., RPA in accordance with state guidelines (New York State Historic Preservation Office 2005), and the Nationwide Programmatic Agreement concerning FCC Projects (FCC-04-222). It is intended to provide information that will enable the New York State Historic Preservation Office (NYSHPO) to review the subject project. Mr. Dieterich has over five years' cumulative experience conducting archaeological fieldwork and research in the northeast with the majority of that work in New York. The following assessment took approximately 40 hours combined of research, travel, fieldwork, and report synthesis.

## The Project and Project Area

SBA Towers V, LLC is proposing to construct a new telecommunications facility in the vicinity of 9545 Tonawanda Creek Road Clarence Center, Erie County, New York (Figures 1-3). The facility consists of a 180' (54.9m) tall monopole style telecommunications tower with an attached lightning rod for an overall height of 186' (56.7m) above ground level. Support equipment is proposed to be located within a prefabricated equipment shelter measuring 12' (3.7m) by 30' (9.1m). The monopole and equipment shelter will be located within a 70' (21.3m) by 70' (21.3m) fenced compound within a wider 100' (30.5m) by 100' (30.5m) lease area. Access will be gained via a proposed 12' (3.7m) wide gravel access within a 20' (6.1m) easement extending from the existing paved driveway to the Subject Property, a distance of approximately 400' (122m), then along an existing trail in the back of the parcel to the proposed lease area location for a distance of approximately 420' (128m). Overhead utility conduits will be routed from an existing utility pole on the north side of Tonawanda Creek Road. Utilities will then be routed underground within the access easement connecting to a utility panel in the northwestern corner of the fenced compound. Utility trenches typically do not exceed 5' (1.5m) in width or 4' (1.2m) in depth (see appended Site Plans).

Potential ground disturbance is limited to the 100' (30.5m) by 100' (30.5m) wide lease area and the 20' (6.1m) access easement along the approximately 420' (128m) length of unimproved dirt trail. The total area of potential effect of direct effects (APE-DE) is approximately 18,400 square feet (0.42 acres, 0.17 ha).

The Subject Property is an approximately 15 acre (6.1ha) parcel within a rural, residential area. The parcel is improved with a residence and an outbuilding. The majority of the parcel is wooded except for the northern area surrounding the residence and outbuilding.

## Environmental Setting

According to the 1980 *Clarence Center, NY* USGS Topographic Quadrangle (USGS 1980; Figure 1) the Project Area is located at an elevation of approximately 590' (180m) above median sea level in a flat, level area. Tonawanda Creek forms a large meander approximately 1 mile (1.6km) to the north of the Project Area. The nearest point of Tonawanda Creek to the Project Area lies approximately 1,200' (365.8m) to the east (Figures 1, 3). The Project Area's setting overlooking Tonawanda Creek positively contributes to the potential for precontact archaeological sensitivity.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS 2014), there are two soil complexes throughout the APE-DE. The lease area and adjacent portions of the access sit on Canandaigua silt loam (Cc) and the remainder of the access/utility easement beyond the existing driveway to the subject property sits on Swormville clay loam (Sw). Canandaigua silt loam is formed on depressions from silty and clayey glaciolacustrine deposits. Canandaigua silt loam has a typical profile consisting of three strata of silt loam. Canandaigua silt loam is characterized as poorly drained with a depth to the water table between 0 and 12" (30cm). Swormville clay loam is formed on lake plains from silty glaciolacustrine deposits overlying sandy glaciolacustrine, deltaic, or glaciofluvial deposits. The typical profile has two strata of clay loam over loamy fine sand over sand. Swormville clay loam is characterized as somewhat poorly drained with the depth to the water table between about 6" to 18" (15cm to 46cm).

## Known Archaeological Sites and Surveys

According to a review of information available online through NYSHPO's Cultural Resource Information System (CRIS), there is one previously identified archaeological site within 1-mile (1.6km) of the Project Area. Additionally, there are six more precontact archaeological sites along Tonawanda Creek between the Project Area and Transit Road approximately 3.1 miles (4.8km) to the west. Additionally, three more precontact sites were identified to the east along Tonawanda Creek within 3 miles (4.8km) to the west of the APE-DE through an in-person review of site files conducted at the University at Buffalo Archaeological Survey. The presence of a number of sites along Tonawanda Creek would indicate a moderate to high sensitivity for the area. Information about all ten sites is summarized in the table below.

**Table 1: Previous archaeological sites identified along Tonawanda Creek near the APE-DE**

Site #	Site Name	Site Type	NR Status	Distance to Creek	Distance to APE-DE
06304.000042 / UB2781	Rapids Archaeological Site	Precontact, Archaic (Brewerton)	Not Eligible	500 feet	1 mile NW
06304.000127	Stockwell	Precontact	Not Eligible	2000 feet	1.1 miles NW
02907.000608 / UB 4276	Woodmeadows Precontact Site	Precontact	Not Eligible	550 feet	1.8
06304.000066	MLV 230C Site 2	Precontact	Undetermined	50 feet	2.3 miles W
06304.000067	MLV 230C Site 3	Precontact	Undetermined	0	2.4 miles W
06304.000038	Shantz/Fenning Site	Precontact	Undetermined	200 feet	2.5 miles W

06304.000033	Beiter Site	Precontact, Late Woodland	Eligible	410 feet	2.9 miles W
N/A / UB 2870	N/A	Precontact	Undetermined	0	2.1 miles SE
N/A / UB 2872	N/A	Precontact	Undetermined	50 feet	2.1 miles SE
N/A / UB 2873	N/A	Precontact	Undetermined	200 feet	2.1 miles SE

According to the same review of CRIS files, no previous archaeological surveys were conducted within a 1 mile (1.6km) radius of the Project Area. However, the site identified within 1-mile of the Project Area, “Rapids Archaeological Site.” 06304.000042 / UB2781, was located by means of an archaeological survey, *Cultural Resources Investigation of PIN 5753.69, the Reconstruction of the Goodrich Road Bridge over Tonawanda Creek (BIN 3326420), Town of Clarence, Erie County and Town of Lockport, Niagara County, NY* (Hartner, et al. 1995). The area of that survey was not available through CRIS so an in-person file review was conducted at the University at Buffalo Archaeological Survey. The *Goodrich Road Bridge* project covered a small area approximately 0.5 miles (800m) to the north of the Project Area and no other sites were identified. One more survey, not available through CRIS but identified at the Archaeological Survey was conducted along Tonawanda Creek Road, part of the *Archaeological Resource Investigations for Niagara County Sewer District No. 1* (Trubowitz & Miller 1976). The Sewer survey was a broad, non-intensive survey and did not identify any archaeological sites in the vicinity of the APE-DE. Additionally, one buildings survey was conducted along Goodrich Road with the nearest area to the APE-DE covered approximately 2000’ (610m) to the west with the survey extending to the south.

### National/State Register Files

According to the site files at NYSHPO there are no properties listed on or eligible for the National or State Registers on or adjacent to the Project Area.

### Historic Map Review

A review of historic maps and aerial photographs was completed to aid in a determination of potential archaeological sensitivity of the APE-DE, Subject Property, and the surrounding area. Maps ranged in date from 1854 through to present day topographic and street maps and the aerial images ranged from 1938 to the present. The earliest map, an excerpt from an 1854 Map of Erie County (Geil & Smith 1854) shows sparse, rural development along Tonawanda Creek Road, with most houses depicted on the north side of the road, along Tonawanda Creek (Figure 4). The next map is the 1897 USGS topographic quad and it similarly depicts residential development on the north side of Tonawanda Creek Road (Figure 5). Subsequent quads depict steady development on the south side of Tonawanda Creek Road (USGS 1944, Figure 6). The earliest aerial image of the area, dated to 1938, depicts the Subject Property and the surrounding parcels as plowed and cultivated farmland (EDR 2015, Figure 7). The Subject Property appeared to have been left uncultivated in the latter half of the 20<sup>th</sup> Century as evident by significant wood and brush growth in the 1978 aerial imagery (EDR 2015, Figure 8). The earliest appearance of buildings on the Subject Property is on the 1995 aerial imagery (EDR

2015, Figure 9) depicting the existing residence, and the out building to the rear of the parcel is first depicted on the 2006 image (EDR 2015, Figure 10).

### **Archaeological Sensitivity of the APE-DE**

The precontact archaeological sensitivity of the APE-DE is high. The area is an environmentally favorable setting for precontact use and long-term settlement based on the proximity to Tonawanda Creek. This assertion is supplemented by a high density of sites in a similar environmental setting approximately along Tonawanda Creek to both the west and east of the Project Area. The previously identified sites represent both short-term use and long-term settlement based on the materials recovered at the sites.

The Town of Clarence and surrounding environs has a well documented archaeological history dating back to the Archaic Period (c. 8000-1500 BC). The Late Archaic (c. 4000-1500 BC) is represented in the previously documented sites referenced above, specifically by the Brewerton Point in the Rapids Site. Brewerton side-notched points are associated with the Laurentian Tradition which also includes the more well-known Lamoka Point artifact type. The Archaic Period is characterized by Native groups that maintained a mobile, hunter-gatherer lifestyle with resource and sustenance procurement focusing on seasonal and/or resource specific camps. The Woodland Period (c. 1000 BC to 1500 AD) is also represented in the Beiter Site. The Beiter site recovered a temporally diagnostic Madison Point as well as ceramic sherds. Both artifact types are characteristic of the Late Woodland Period (c. 1350 AD). The Late Woodland represents a shift to long term, fortified settlements (Ritchie 1994) and the use of pottery for food storage and cooking facilitated living in year-round and long term settlements.

The historic archaeological sensitivity is low. The area remained undeveloped through to the 20<sup>th</sup> Century with early use as a plowed farm field until the mid-20<sup>th</sup> Century. Plowed fields remained fallow for the latter half of the 20<sup>th</sup> Century allowing brush and woodland to recover in the southern end of the Subject Property. The earliest known buildings located on the Subject Property are the existing house and barn built in the late 20<sup>th</sup>, early 21<sup>st</sup> Centuries.

Prior to European settlement, the Town of Clarence was a heavily forested area. European settlement began in earnest in 1799 when Joseph Ellicott, an agent of the Holland Land Company, offered plots of land along the Buffalo Road, approximately 7.75 miles (12.5 km) to the south of the Project Area. After a period of steady growth, the town's main source industry shifted from taverns and a gristmill to more widespread agriculture with much of the old growth, dense forest being removed to make way for plowed fields. The area's agriculture shifted away from Clarence in the 20<sup>th</sup> Century and the town was introduced to new industries of gypsum and cement (Erie County 2015). In the 1960s, the Greatbatch Company, whose founder co-invented the pacemaker, became a major employer in the town (Greatbatch 2015). Following the departure from agriculture in Clarence, the former farm fields remained fallow in many areas. Brush and wooded areas reclaimed considerable acreage formerly occupied by the dense old growth forests throughout the Town of Clarence as is the case with the Subject Property and the APE-DE.

## Summary of Archaeological Fieldwork

A site visit and on site fieldwork was conducted by Jim Dietterich, M.A., RPA—Project Archaeologist with EBI Consulting on November 19 and 20, 2015 and December 4, 2015 to assess the potential archaeological sensitivity of the APE-DE. The site visit and fieldwork consisted of an extensive pedestrian survey and shovel testing. Per Section VI.D.2 of the Federal Communications Commission's (FCC) 2004 Nationwide Programmatic Agreement, EBI Consulting conducted field survey to identify archaeological Historic Properties that lie within the APE for direct effects (APE-DE). The FCC has defined the APE-DE as "the area of potential ground disturbance and any property, or any portion thereof, that will be physically altered or destroyed by the Undertaking." Areas outside of the lease area, access and utility easements as shown on the project plans (buffer zones) were not surveyed because these areas are not part of the APE-DE and the applicant has no permission, nor any legal or financial arrangement with the property owner to use or modify those areas.

The pedestrian survey was conducted at close interval (<5m) transects over the entire APE-DE. The purpose of the survey was to assess and photograph the general ground surface conditions and to identify any topographical anomalies and any other above grade archaeological features. The ground surface through the unimproved portions of the APE-DE was primarily comprised of a grassy trail cut through the wooded area of the Subject Property (Photos 10-22). The trail had several spots of standing water, with the northern most section completely submerged by between 4 to 8 inches (10.2cm-20.3cm) of water (Photos 19-20). Heavy vehicle tracks were observed in a small area of the proposed access/utility easement (Photo 16 & 18) as well as within the lease area (Photos 3-5). The tracks varied in depth and in most areas had standing water collected. No above grade features or topographical anomalies were identified. A small strip appeared to have been plowed within the past year but not cultivated (Photo 15). Shovel testing was determined necessary in all areas of the APE-DE south of the paved driveway for the Subject Property.

Shovel testing was conducted at 15m (50') intervals in the above referenced sections of the APE-DE (Figure 8 & 9). Shovel tests (STPs) measured no less than 45cm (18") in diameter and were excavated into sterile subsoil unless otherwise noted. 19 STPs were laid out in the necessary sections of the APE-DE (Figure 11). STPs 16-19 were not able to be excavated along the submerged portion of the proposed access/utility easement due to the substantial amount of water. All excavated STPs encountered a similar soil profile consisting of a previously cultivated "Ap" horizon between 22cm and 35cm of a dark brown (10YR 3/3) silt loam underlain by a yellowish brown (10YR 5/4) "B" horizon of silt loam (Photo 25, typ.). Ground water filtered into nearly every STP prior to backfilling. One STP, STP 11, recovered two chert flakes, one of which showed evidence of burning. Six radials were then laid in to aid in identifying and delineating a potential archaeological site, 4 at 1m intervals in north, south, east, and west directions and two additional at 5m intervals in north and south directions within the APE-DE. One additional flake was identified in STP 11+1m W (Photos 26 & 27). Five additional radials were excavated based on the second find spot at STP 11+1m W on December 4, 2015. All five of the second group of radial STPs were all negative for cultural materials (Figure 12). Soil conditions were dryer than on previous days allowing for better observation of subsurface stratigraphy. No cultural features were encountered in the subsurface stratigraphy of the

second set of radial STPs. Based on NY SHPO's (NY SHPO 2005) guidelines for identifying archaeological sites the lithic scatter constitutes a precontact archaeological site.

### “Rapids Rey” Archaeological Site

The material recovered (Photos 26 & 27, Table 2) does not supply enough information for a statement to be made as to the cultural setting of the site. The environmental setting is consistent with other precontact sites identified along Tonawanda Creek (Figure 13 for site location). Based on the radial testing, the area of the site is focused to the vicinity of the original find spot and the 1m radial to the west (Figure 11, 12) with a higher density of material in the original find spot with two flakes in STP 11 and one in STP 11+1m W. Due to the former cultivation of the Subject Property, the lithic material is within a historic plow zone which would have disrupted potential indications of cultural modification of the soil above the B horizon soils. No culturally modified features were identifiable in the B horizon in the either the initial find spot or any radial shovel tests. Therefore it cannot be determined if there was a cultural feature within the APE-DE but based on the limited material recovered it is unlikely. Based on the two sets of radial shovel tests and the original and subsequent find spots, the boundaries of the site are limited to within an area no greater than 2m (6.6') by 3m (10') ellipse centered around the find spots (Figure 14).

**Table 2: Artifacts recovered in Phase I survey**

Artifact type	STP Location	Soil context	Interpretation
Chert flake, Onondaga	STP 11	Ap Horizon (Plow zone)	secondary reduction
Chert flake, Onondaga	STP 11	Ap Horizon (Plow zone)	secondary reduction, burnt
Chert flake, Onondaga	STP 11 +1m W	Ap Horizon (Plow zone)	pressure flaking

The material recovered has limited research potential beyond basic lithic analysis. The negative radial STPs indicate that the material recovered is likely to be comprehensive of the material in the vicinity of the find spot. No temporally or culturally diagnostic materials were recovered. Based on the minimal amount of material recovered and the absence of indicators for culturally modified soil deposits, it can be ascertained that the material recovered and its relative density is representative of all archaeological materials within the APE-DE.

The “Rapids Rey” site does not meet any of the Criteria for listing on the National Register of Historic Places, specifically Criterion D, as the site is not likely to yield information important to prehistory. The material recovered provides limited information about prehistory in the area. The “Rapids Rey” site is typical of the other previously documented sites in the area along Tonawanda Creek, albeit the most limited in nature.

### Conclusion and Recommendations

In light of the available information, it is my professional opinion that the APE-DE for the present project is not sensitive for the presence of significant precontact and/or postcontact archaeological resources due to the results of shovel testing. Due to the lack of buried features and diagnostic artifacts, the Rapids Rey Site, consisting of a small lithic scatter in the APE-DE,

while meeting NY SHPO's definition of an archaeological site, does not meet the FCC's definition of a Historic Property. Therefore, a determination of "No Historic Properties" within the APE-DE is recommended. Additionally, based on the negative radial shovel tests and limited material recovered, it is likely that there is little or no remaining archaeological material in the APE-DE in the vicinity of the find spot. No further archaeological testing is recommended for this project, although if the current plans are altered or the lease area is shifted, it is recommended that another Phase I survey be conducted.

In the event that a concentration of artifacts or culturally modified soil deposits should be encountered at any time during ground disturbing activities, all work must stop until a qualified archaeologist views the finds and makes a preliminary evaluation. If warranted, further archaeological work in the discovery area should be performed. Although unlikely, if human remains are encountered, all work must stop in the immediate vicinity of the discovery until the County Coroner and a qualified archaeologist evaluate the remains.

Sincerely,



James Dieterich, MA  
Project Archaeologist  
MA Field Archaeology, The University of York 2012  
Tel: 716-534-0189  
jdieterich@ebiconsulting.com

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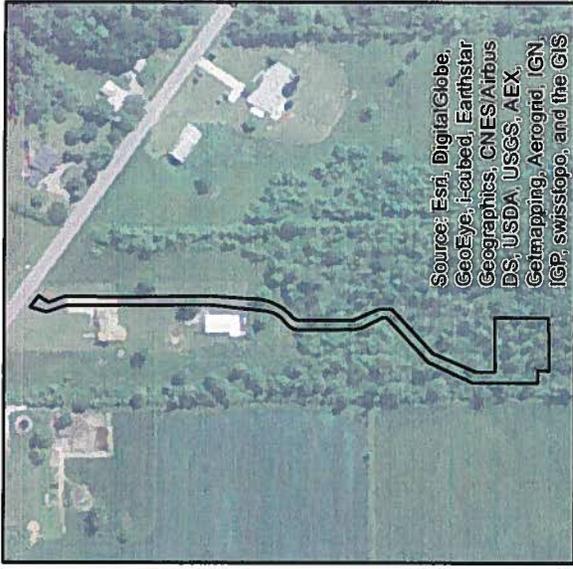
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- 1895 1895 *Ithaca, NY 15-Minute Series Topographic Quadrangle*. USGS Reston, VA.
- 1949 1949 *Ithaca West, NY 7.5-Minute Series Topographic Quadrangle*. USGS Reston, VA.
- 1979 1979 *Ithaca West, NY 7.5-Minute Series Topographic Quadrangle*. USGS Reston, VA.

Web Soil Survey

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### USGS Quad Location Map

- Lease Area / Access Easement
- Project Site
- 1/2 & 1 Mile Radius

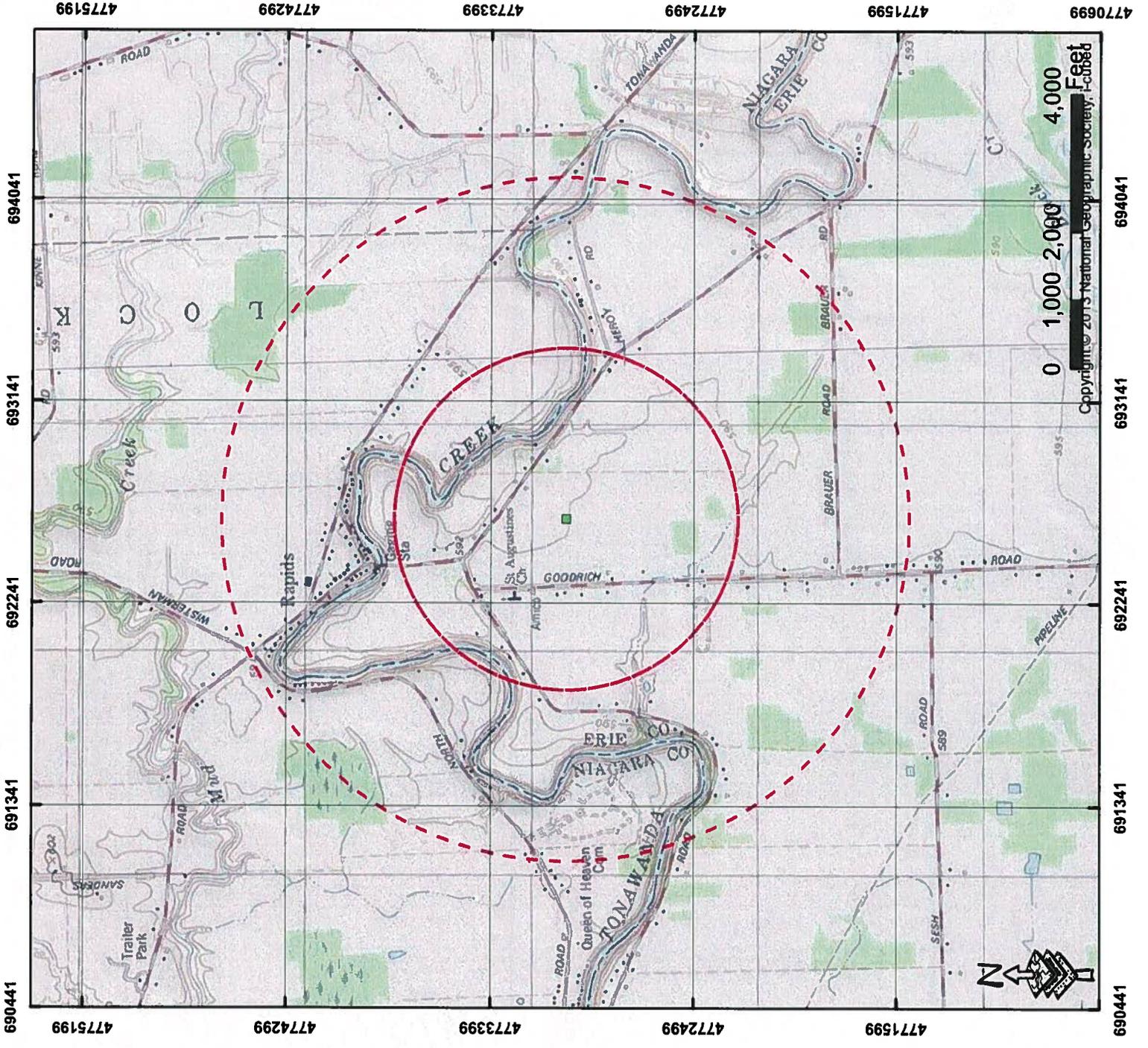
**NY16535B Rapids Rey  
9545 Tonawanda Creek Rd  
Erie County  
Clarence Center NY 14032**

USGS 24K Quad: Clarence Center, NY 1980  
Not Part of Public Land Survey System  
Easting: 692615 E Northing: 4773069 N  
Longitude: -78.633611 W Latitude: 43.085633 N  
Coordinate System: NAD 1983 UTM Zone 17N  
Projection: Transverse Mercator  
Datum: North American 1983

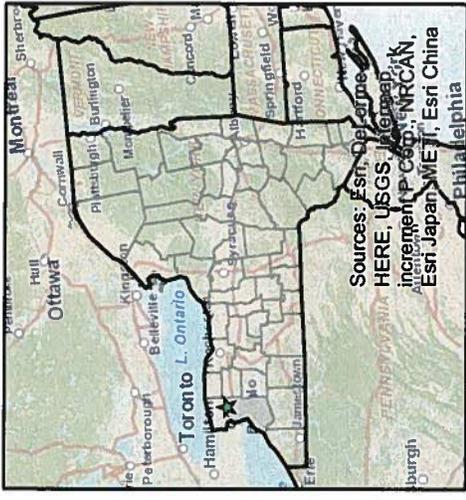


Source: Selected data from ESRI and EBI.

Project # 6115005921  
Created By: EBI GIS  
Date: 11/17/2015



# County Location



## Legend

- Selected Project Site
- County of Interest

**NY16535B Rapids Rey  
9545 Tonawanda Creek Rd  
Erie County  
Clarence Center NY 14032**

Section Township Range  
Not Part of PLSS

Easting: 692615 E Northing: 4773069 N  
Longitude: -78.633611 W Latitude: 43.085833 N

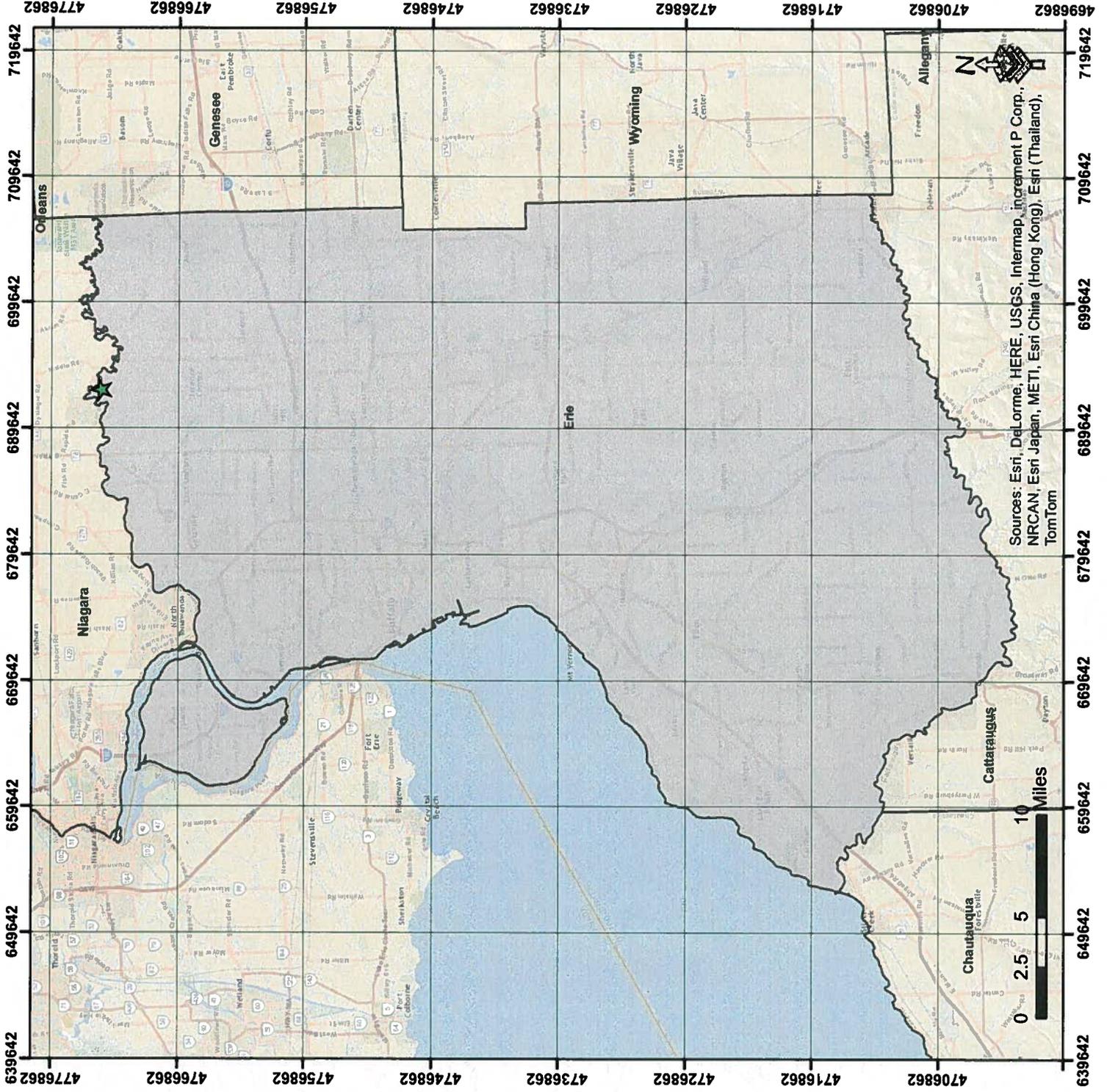
Coordinate System: NAD 1983 UTM Zone 17N  
Projection: Transverse Mercator  
Datum: North American 1983



Source: Selected data from ESRI and EBI.

Project #  
6115005921

Created By:  
EBI GIS  
Date: 11/17/2015



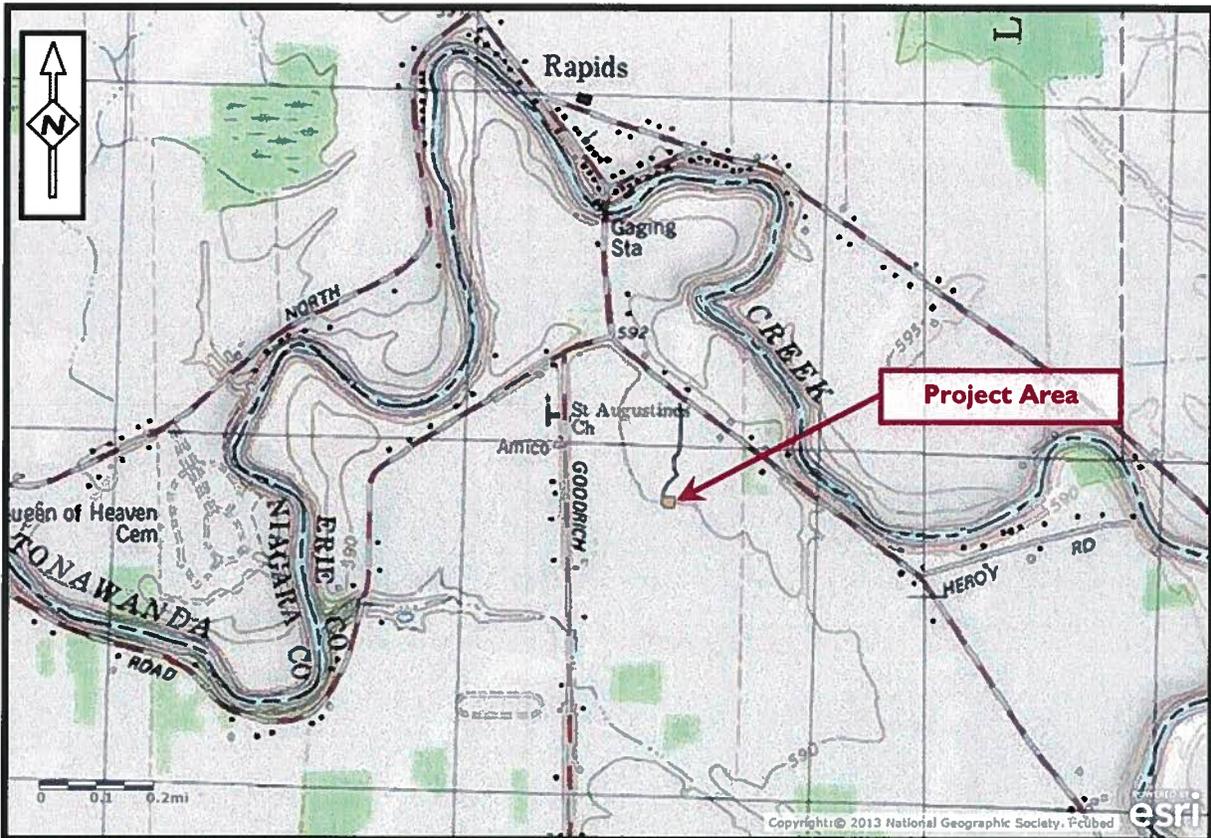


Figure 3: APE-DE on USGS Topographic Quad Map (USGS, ESRI 2015)



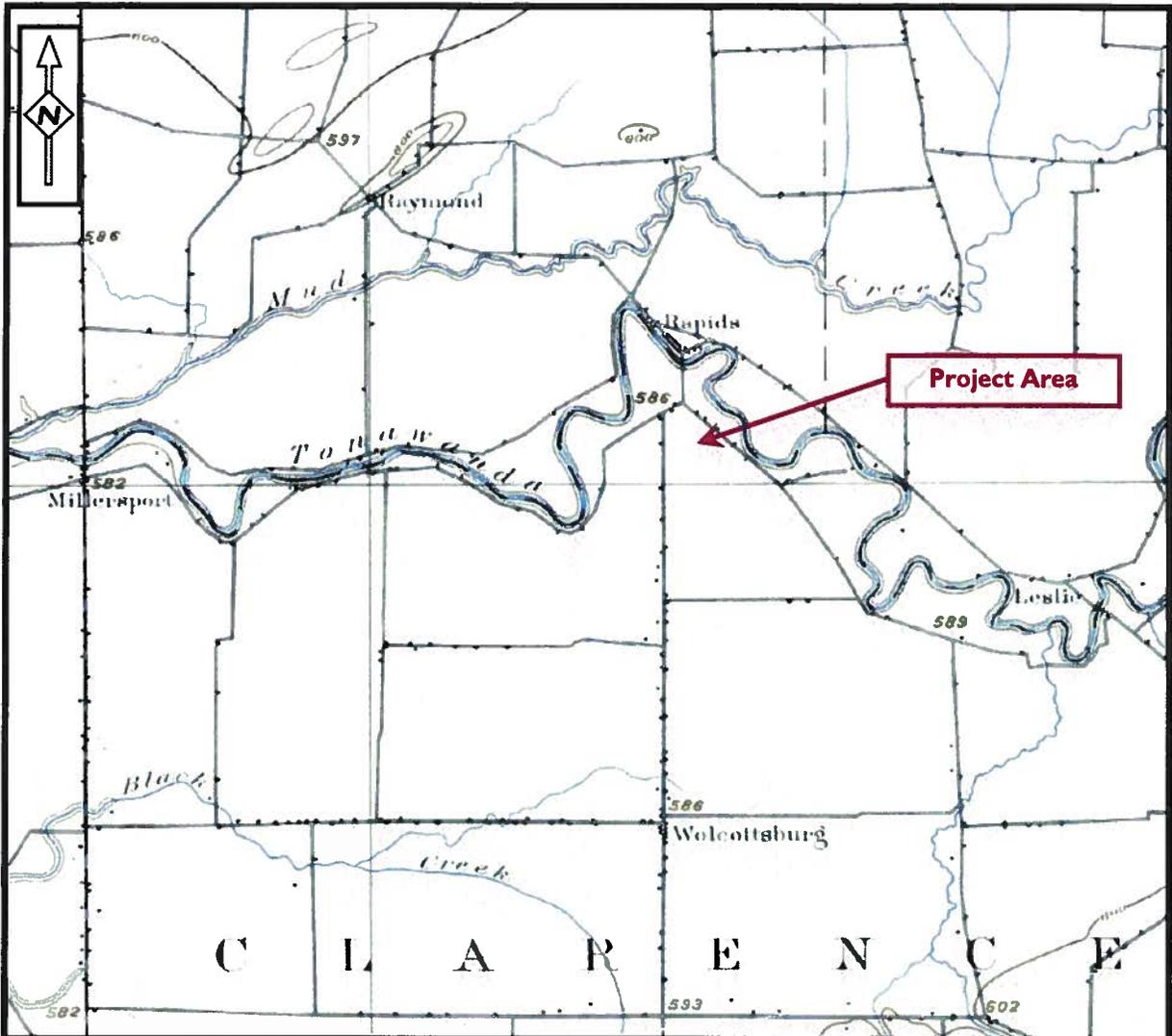


Figure 5: Excerpt of 1897 Lockport, NY 15 Minute Series USGS Quad (USGS 1897)

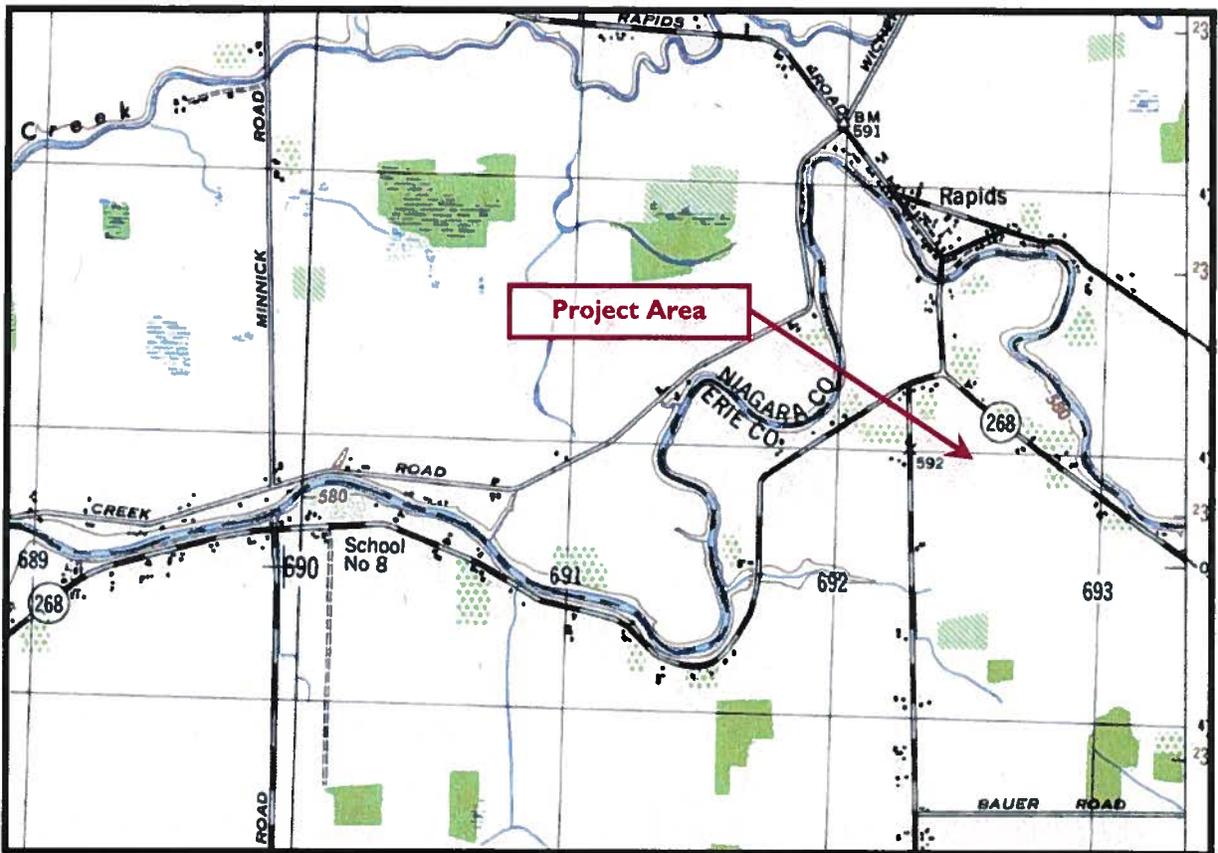


Figure 6: Excerpt of 1944 Clarence Center, NY 7.5 Minute Series USGS Quad (USGS 1944)

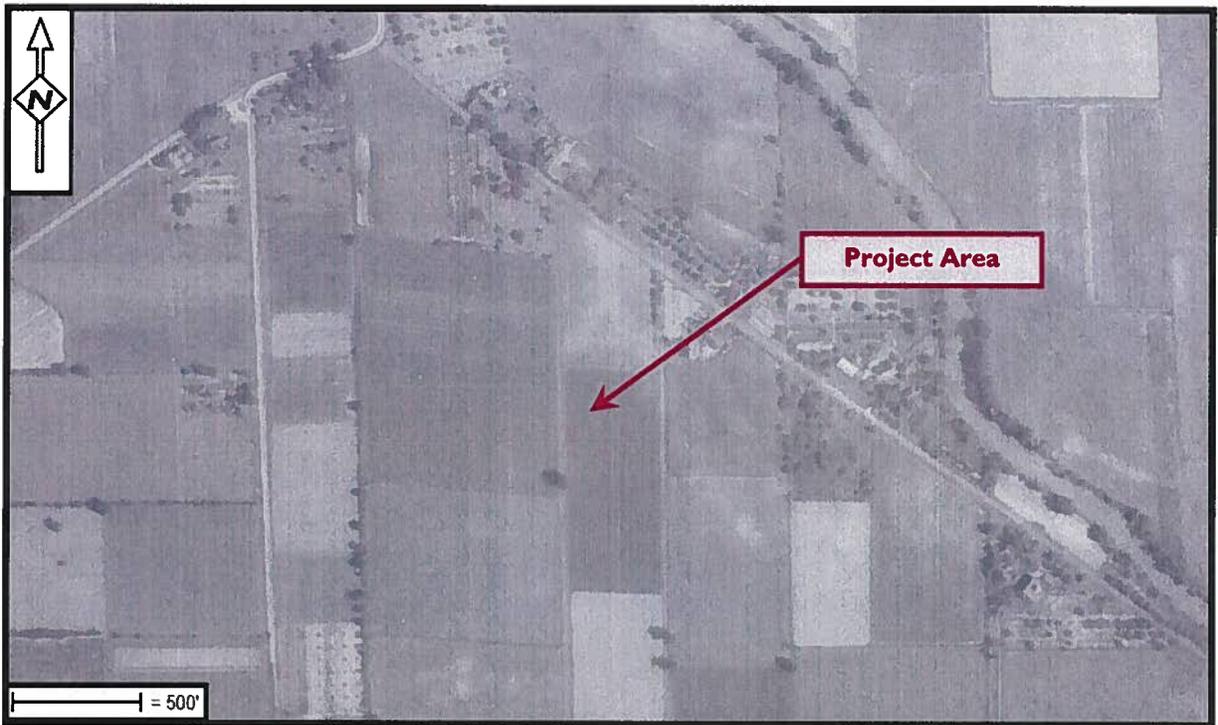


Figure 7: 1938 Aerial Imagery (EDR 2015)



Figure 8: 1978 Aerial Imagery (EDR 2015)



Figure 9: 1995 Aerial Imagery (EDR 2015)

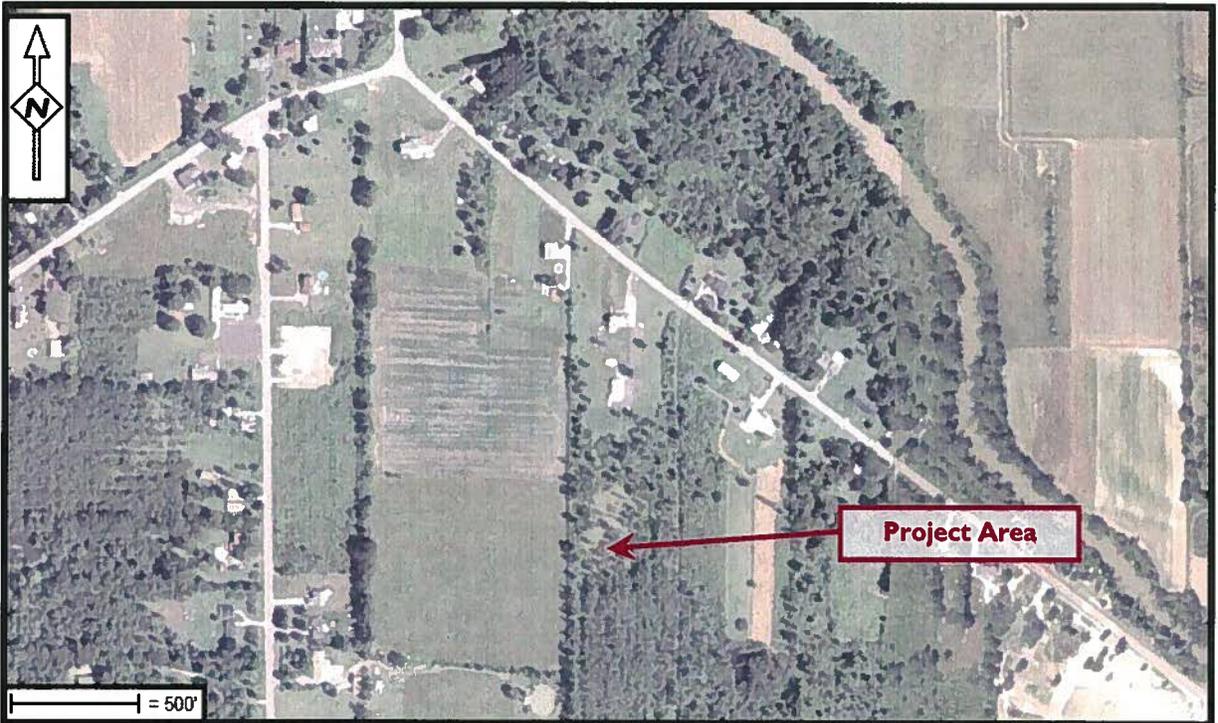
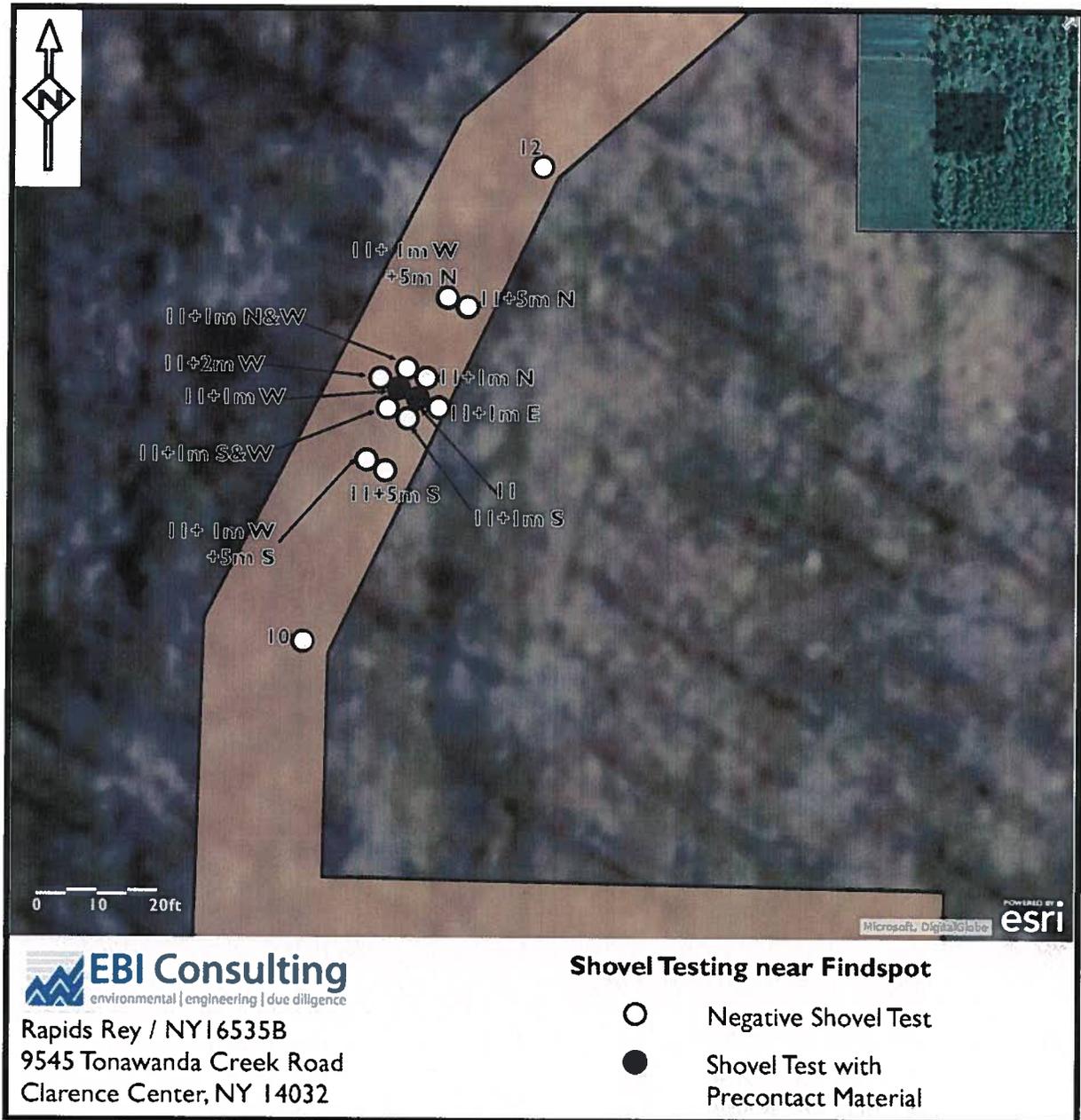


Figure 10: 2006 Aerial Imagery (EDR 2015)



Figure 11: Location and results of Shovel Testing



**Figure 12: Radial Shovel Testing around Find Spot at STP 11**

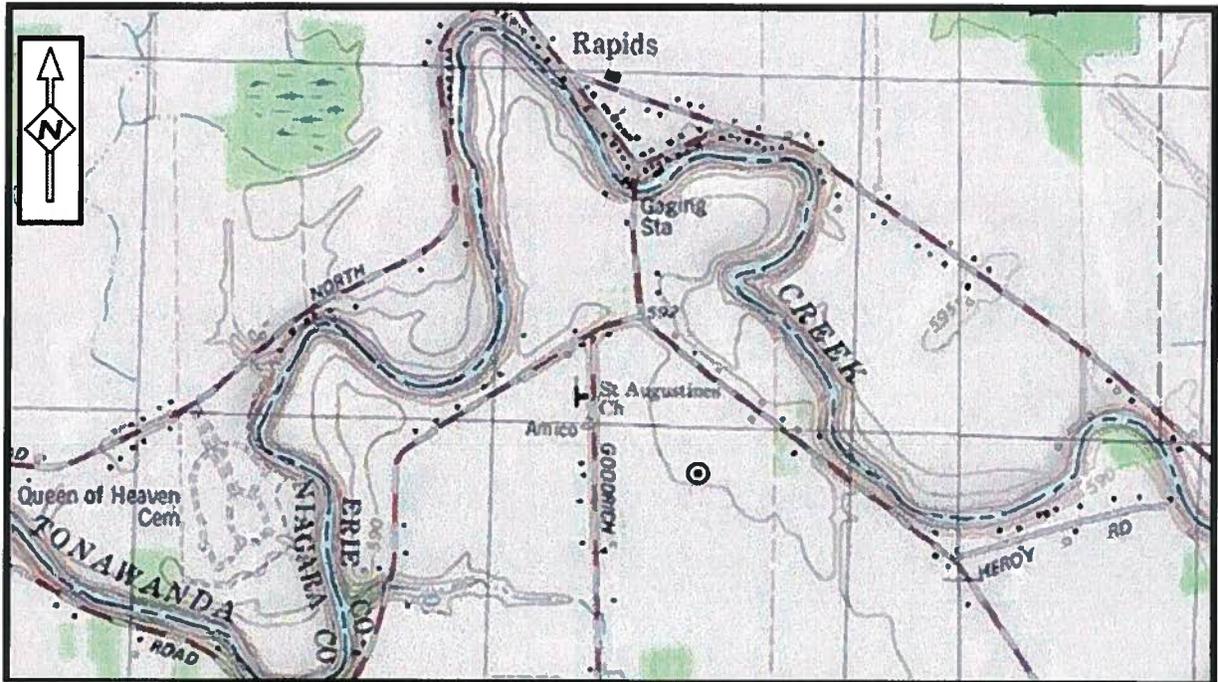
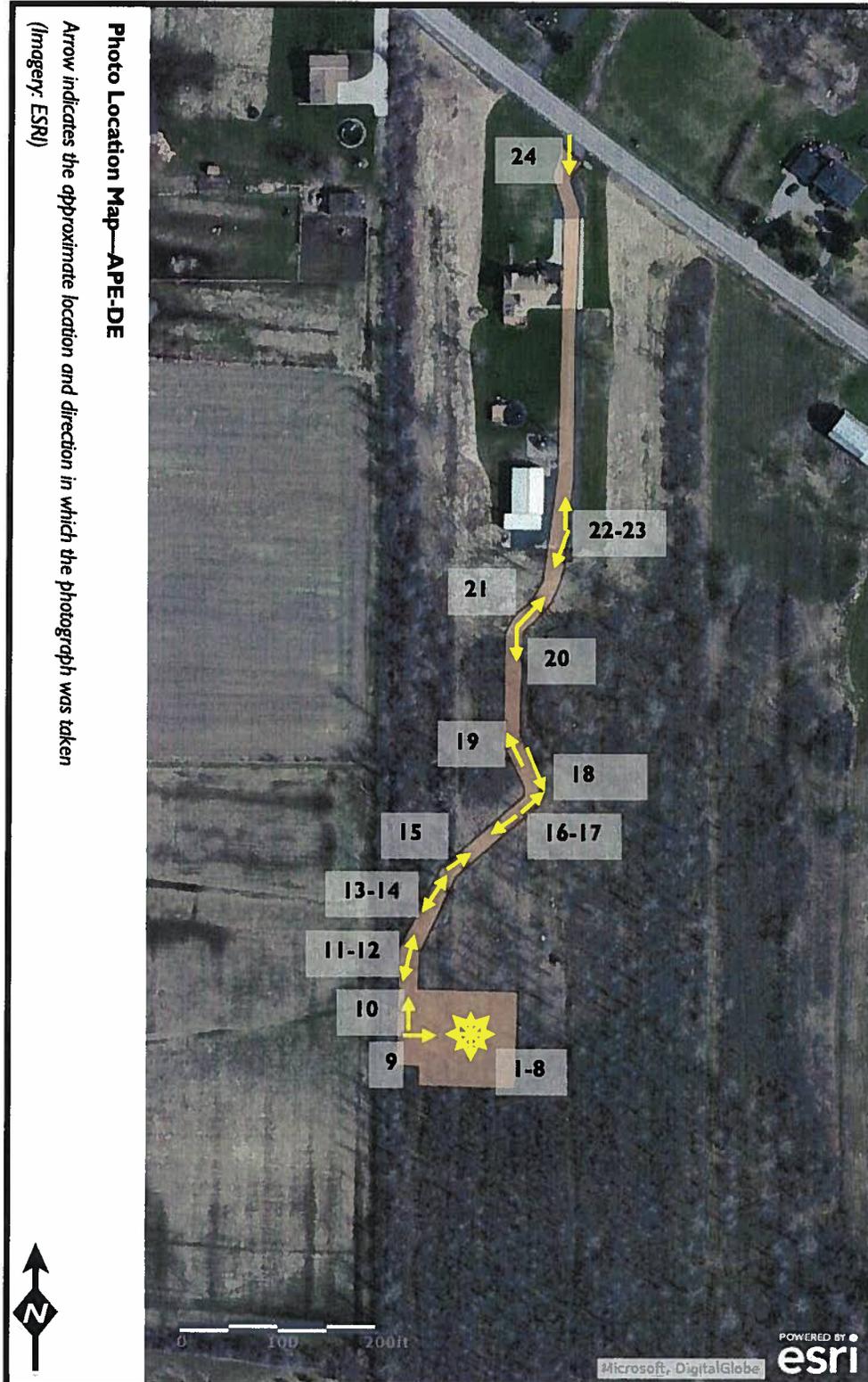


Figure 13: Rapids Rey Site location on USGS Topographic Quad.



**Figure 14: Site boundaries based on Shovel Testing**

### Photographs

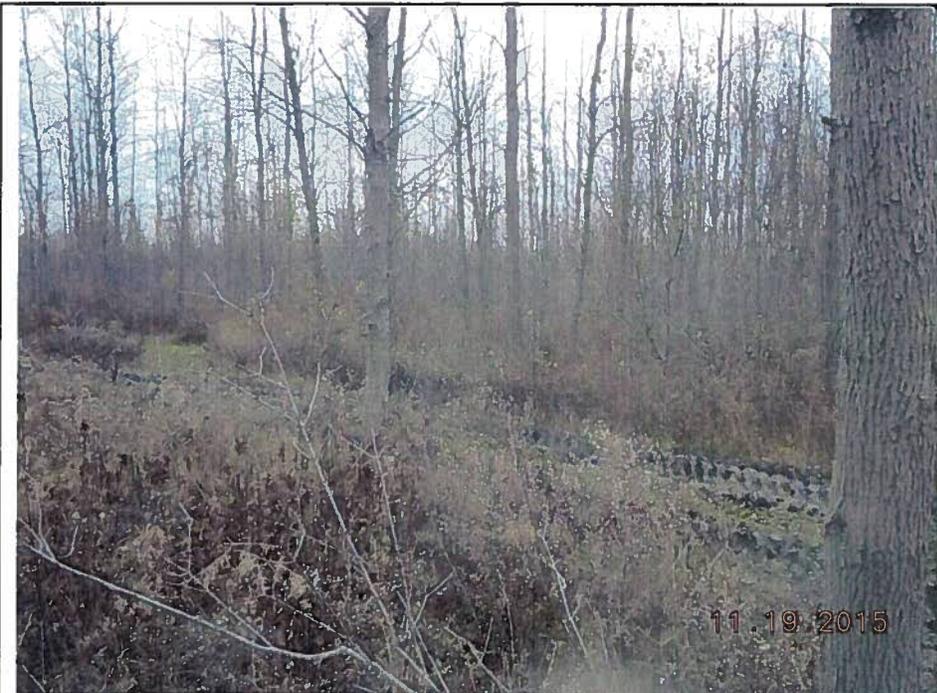




1. View north from proposed tower "Rapids Rey / NY16535B" location



2. View northeast from proposed tower location



3. View east from proposed tower location



4. View southeast from proposed tower location



5. View south from proposed tower location



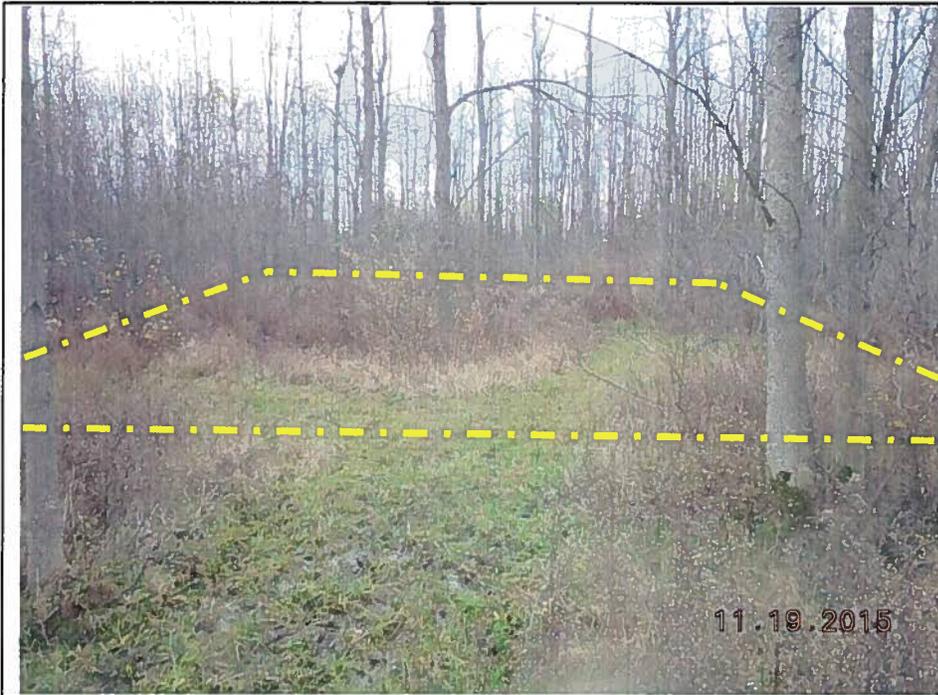
6. View southwest from proposed tower location



7. View west from proposed tower location



8. View northwest from proposed tower location



9. Lease area as viewed from access/utility easement adjacent to the east. Approximated boundaries outlined in yellow.



10. View north along proposed access/utility easement from near lease area



**I1.** View north along proposed access/utility easement

11.19.2015



**I2.** View south back along proposed access/utility easement

11.19.2015



**13.** View southwest back along proposed access/utility easement



**14.** View north-northeast along proposed access/utility easement



**15.** View northeast along proposed access/utility easement



**16.** View north along proposed access/utility easement



**17.** View southwest along proposed access/utility easement



**18.** View south back along proposed access/utility easement



19. View north-northwest along proposed access/utility easement



20. View south back along proposed access/utility easement



**21.** View north along proposed access/utility easement toward existing driveway for the Subject Property to be utilized as access



**22.** View south back along proposed access/utility easement



**23.** View north along existing driveway for the Subject Property to be utilized as access



**24.** View south along driveway for the Subject Property to be utilized as access



25. STP 14. Total depth of excavation: 40cm below ground surface



26. Ventral faces of three flakes recovered comprising the "Rapids Rey" archaeological site  
Left and middle: STP 11,  
Right: STP 11+1m  
W



**27.** Dorsal faces of three flakes recovered comprising "Rapids Rey" Archaeological site

Left and middle: STP II,

Right: STP II+Im W

Note large pot-lid on middle flake likely indicating burning

## Appendix Shovel Test Catalog

<b>EBI Project Number: 6115005921</b>	<b>Project Name: Rapids Rey / NY16535B</b>
<b>Fieldwork Date: 11/19/2015, 11/20/2015, 12/4/2015</b>	<b>Excavated By: Jim Dietterich</b>
<b>Weather: Clear, Cloudy</b>	

STP Number	Stratum / Depth (in cmbgs)	Munsell and Soil Description	Interpretation	Comments	Photo Number
1	I / 0-27	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	No Cultural Materials (NCM)	
	II / 27-37	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
2	I / 0-30	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 30-40	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
3	I / 0-25	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 25-24	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
4	I / 0-28	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 28-38	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
5	I / 0-34	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 34-44	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
6	I / 0-25	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 25-35	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	

<b>7</b>	I / 0-26	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 26-37	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>8</b>	I / 0-26	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 26-36	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>9</b>	I / 0-31	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 31-41	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>10</b>	I / 0-24	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 24-30	10YR 5/4 yellowish brown silt loam	B horizon. Seeping ground water prevented full 10cm excavation	NCM	
<b>11</b>	I / 0-27	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	Flakes (2)	
	II / 27-37	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+1m N</b>	I / 0-28	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 28-38	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+1m E</b>	I / 0-28	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 28-38	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+1m S</b>	I / 0-29	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 29-39	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+1m W</b>	I / 0-25	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	Small flake (1)	

	II / 25-35	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+5m N</b>	I / 0-26	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 26-36	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+5m S</b>	I / 0-26	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 26-36	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+2m W</b>	I / 0-31	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 31-41	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+ 1m W &amp; N</b>	I / 0-22	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 22-38	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+ 1m W &amp; S</b>	I / 0-26	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 26-37	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>11+1m W &amp; 5m N</b>	I / 0-30	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 30-36	10YR 5/4 yellowish brown silt loam	B horizon.	NCM, groundwater impeded further excavation	
<b>11+1m W &amp; 5m S</b>	I / 0-26	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 26-37	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
<b>12</b>	I / 0-28	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	

	II / 28-38	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
13	I / 0-27	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 27-37	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
14	I / 0-22	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	25
	II / 22-40	10YR 5/4 yellowish brown silt loam	B horizon.	NCM	
15	I / 0-23	10YR 3/3 dark brown silt loam	Ap horizon. Previously cultivated A horizon	NCM	
	II / 23-28	10YR 5/4 yellowish brown silt loam	B horizon. Seeping ground water prevented full 10cm excavation	NCM	
16	N/A	N/A	Standing water at surface along existing dirt trail	NCM	
17	N/A	N/A	Standing water at surface along existing dirt trail	NCM	
18	N/A	N/A	Standing water at surface along existing dirt trail	NCM	
19	N/A	N/A	Standing water at surface along existing dirt trail	NCM	



**SITE NUMBER: NY16535B**  
**SITE NAME: RAPIDS - REY**  
 9545 TONAWANDA CREEK ROAD  
 CLARENCE CENTER, NY 14032  
 ERIE COUNTY

**CO-APPLICANT INFORMATION**

SITE NAME: RAPIDS  
 VERIZON WIRELESS  
 175 CALONS ROAD  
 ROCHESTER, NY 14623

**SITE INFORMATION**

SCOPE OF WORK: PROPOSED 167 MONOPOLE WITHIN 70X70' FENCED-IN COMPOUND AND 100X100' LEASE AREA

SITE TYPE: RAW LAND

SITE NUMBER: NY16535

SITE NAME: RAPIDS - REY

SITE ADDRESS: 9545 TONAWANDA CREEK ROAD  
 CLARENCE CENTER, NY 14032

JURISDICTION: TOWN OF CLARENCE  
 ERIE COUNTY

ZONING DISTRICT: AGRICULTURAL - FLOODZONE

TAX ID NUMBER: 6-00-4-4211

PARCEL OWNER: REY, JOSEPH C. JR & CLARE A.  
 9545 TONAWANDA CREEK ROAD  
 CLARENCE CENTER, NY 14032

LATITUDE: N 43° 05' 08.95" (NAD 83)

LONGITUDE: W 79° 38' 00.85" (NAD 83)

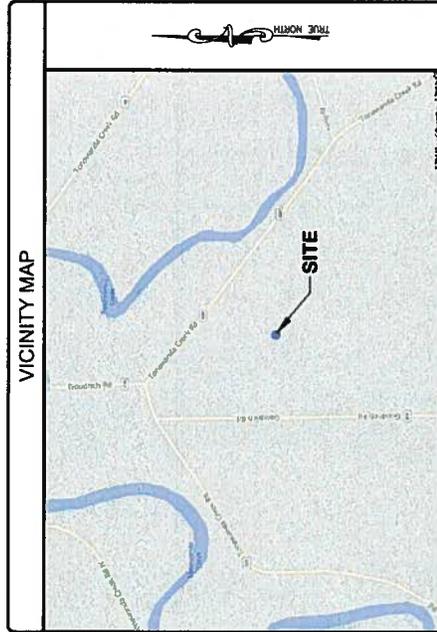
GROUND ELEVATION (ASL): 588.15 (NAD 83)

**PROJECT TEAM**

APPLICANT: SBA TOWERS VI, LLC  
 5900 BROKEN SOUND PARKWAY  
 F.L. 33487

PROJECT MANAGEMENT FIRM: NETWORK BUILDING & CONSULTING, LLC  
 1000 W. STATE, SUITE 300  
 ELURDGE, MD 21075  
 (410) 712-7082

ENGINEERING FIRM: NB-C ENGINEERING SERVICES, LLC  
 1777 SENTRY PARKWAY WEST  
 DUBLIN HALL, SUITE 210  
 BLUE BELL, PA, 19423  
 (267) 460-0122



- CODE COMPLIANCE**
- ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.
- 2010 BUILDING CODE OF NEW YORK STATE
  - 2009 NATIONAL ELECTRICAL CODE
  - 2009 NFPA 101, LIFE SAFETY CODE
  - 2009 IFC
  - AMERICAN CONCRETE INSTITUTE
  - AMERICAN INSTITUTE OF STEEL CONSTRUCTION
  - MANUAL OF STEEL CONSTRUCTION 13TH EDITION
  - 2010 FIRE CODE OF NEW YORK STATE
  - TIMEA-222-F
  - TIA 607
  - INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
  - IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
  - TELECORDIA GR-1275
  - ANSIF 311
  - 2006 101, LIFE SAFETY CODE

**DRAWING INDEX**

T-1	TITLE SHEET
S-1	EXISTING CONDITIONS SURVEY
Z-1	SITE PLAN
C-1	COMPOUND PLAN & ELEVATION
A-1	DETAILS
A-2	CO-APPLICANT DETAILS

**DRAWING SCALE**

THESE DRAWINGS ARE SCALED TO FULL SIZE AT 22"X34" AND HALF SIZE AT 11"X17". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER/ENGINEER IN WRITING IF ANY DISCREPANCIES ARE FOUND. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

**SIGNATURE BLOCK**

PLANNING BOARD: \_\_\_\_\_ DATE: \_\_\_\_\_

TOWN BOARD: \_\_\_\_\_ DATE: \_\_\_\_\_

**NB-C**  
 TOTALLY COMMITTED  
 NB-C ENGINEERING SERVICES, LLC  
 1777 SENTRY PARKWAY WEST  
 DUBLIN HALL, PA 19423  
 (267) 460-0122

**SBA**  
 SBA TOWERS VI, LLC  
 5900 BROKEN SOUND PARKWAY  
 BOCA RATON, FL 33487

NY16535B  
 RAPIDS - REY  
 9545 TONAWANDA CREEK ROAD  
 CLARENCE CENTER, NY 14032  
 ERIE COUNTY

**REVISIONS**

NO.	DATE	DESCRIPTION	BY
1	PRELIMINARY DCA REVIEWED	MS	
1	REVISION	PRELIMINARY DCA REVIEWED	MS
2	REVISION	PRELIMINARY DCA	MS

PROFESSIONAL STAMP

ENGINEER  
 PHILIP A. BARTNER, P.E.  
 1777 SENTRY PARKWAY WEST  
 DUBLIN HALL, PA 19423  
 (267) 460-0122

SHEET TITLE  
**TITLE SHEET**

SHEET NUMBER  
**T-1**









NY165358  
RAPIDS - REY  
8545 TONAWANDA CREEK ROAD  
CLARENCE CENTER, NY 14032  
ERIE COUNTY

REV	DATE	DESCRIPTION	BY
1	08/20/15	PRELIMINARY DCA REVIEW	LAB
2	08/20/15	PRELIMINARY DCA REVIEW	LAB
3	08/20/15	PRELIMINARY DCA REVIEW	LAB

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

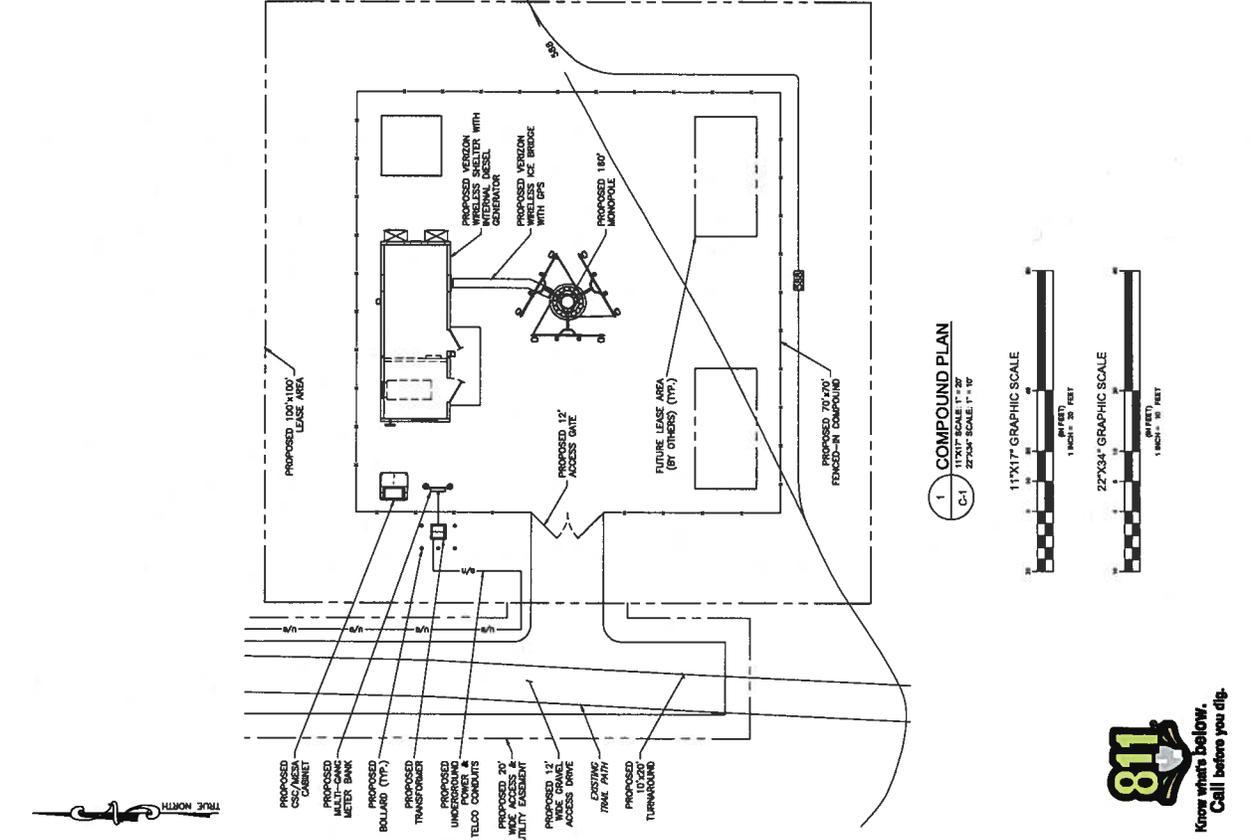
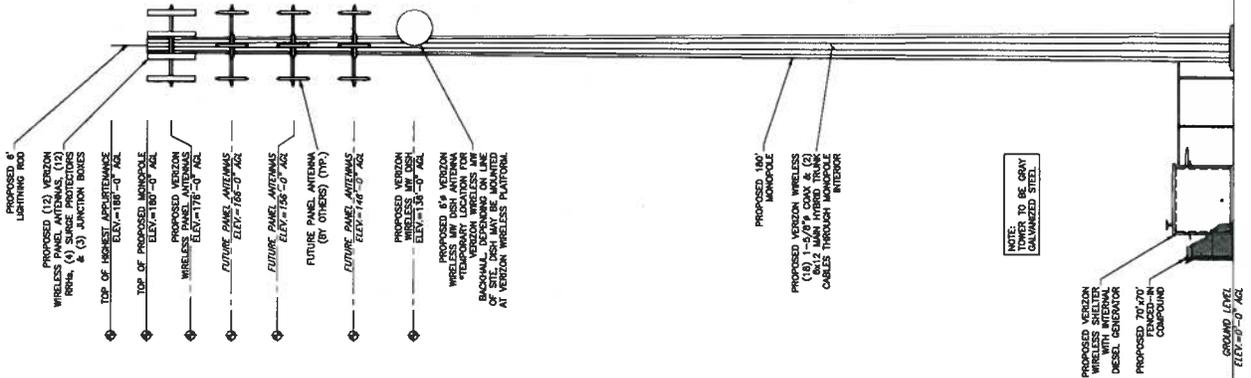
PHILIP A. BARTNER, P.E.  
NY PROFESSIONAL ENGINEER, L.C. # 070871-1  
1775 AMERICAN BLVD. SUITE 200  
BOCA RATON, FL 33487  
TEL: 561-993-1100  
FAX: 561-993-1101

COMPOUND PLAN & ELEVATION

SHEET NUMBER  
C-1

**GENERAL NOTES**

- ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS NECESSARY FOR THIS PROJECT AS REQUIRED BY ANY FEDERAL, STATE OR LOCAL AGENCIES.
- THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER IN WRITING OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MAJOR OMISSIONS OR CONFLICTS SHALL BE IDENTIFIED AND CORRECTED PRIOR TO COMMENCEMENT FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
- THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROTECTING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
- THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING BIDS AND SHALL BE RESPONSIBLE FOR VERIFYING THE INFORMATION ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES AND NOTIFY UNDERGROUND UTILITIES PROTECTIVE ORGANIZATION AT 1 (800) 985-7422 PRIOR TO EXCAVATION AT SITE.
- ANY UNDERGROUND UTILITIES OR STRUCTURES THAT EXIST BENEATH THE FACILITY SHALL BE PROTECTED AND MAINTAINED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, MAINTENANCE AND INSPECTION BY TECHNICIANS APPROXIMATELY 2 TIMES PER MONTH.
- ALL EXCAVATION WITHIN 30' OF EITHER SIDE OF UNDERGROUND UTILITIES MUST BE COMPLETED BY HAND EXCAVATION METHODS.
- NO SIGNIFICANT MOSS, SMOKE, DUST, OR NOISE WILL RESULT FROM THIS FACILITY.
- THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO UNMANNED ACCESS REQUIRED).
- POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.
- THERE ARE NO COMMERCIAL SIGNS PROPOSED FOR THIS INSTALLATION.
- RUBBER, STUMPS, DEBRIS, STICKS, STONES AND OTHER DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
- NO FILL OR DRAINAGE MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR DRAINAGE.
- UNIFORM GRADE FROM TO PROPOSED GRADE SHALL BE MAINTAINED TO A SMOOTH SURFACE.
- ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES WERE EXCAVATED IN THE WORK SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE PROTECTED BY THE CONTRACTOR. EXCAVATION SHALL BE LIMITED TO THE APPROVAL OF ENGINEERING.
- ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES SHALL BE REMOVED AND/OR CAPED, PLACED OR OTHERWISE ASSURED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF ENGINEERING.
- THE AREAS DISTURBED DUE TO CONSTRUCTION ACTIVITY SHALL BE RESTORED TO A UNIFORM SURFACE, FERTILIZED, SEEDS, AND COVERED WITH MULCH.
- CONTRACTOR SHALL MAINTAIN DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE INSTALLED AND MAINTAINED THROUGHOUT WORK. STATE GUIDELINES FOR EROSION AND SEDIMENT CONTROL, AND COORDINATED WITH THE TOWN.



1 COMPOUND PLAN  
11"x17" SCALE 1" = 20'  
27"x34" SCALE 1" = 10'



2 ELEVATION  
11"x17" SCALE 1" = 20'  
27"x34" SCALE 1" = 10'





**REVISIONS**

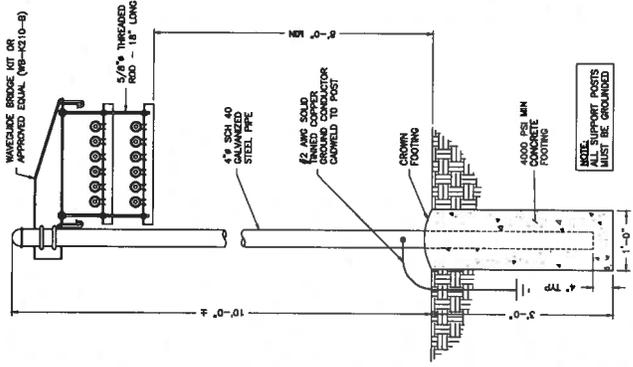
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2	08/07/11	PRELIMINARY DGN. REVISED	MLB
3	08/07/11	PRELIMINARY DGN. REVISED	MLB
4	08/07/11	PRELIMINARY DGN. REVISED	MLB

ENGINEER	DESIGN RECORD	PROFESSIONAL STAMP	ENGINEER	SHEET TITLE	SHEET NUMBER

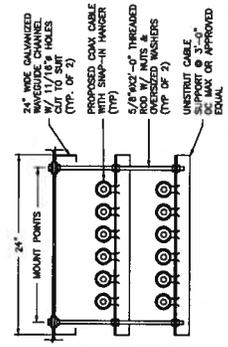
PHILIP A. BARTNER, P.E.  
NY PROFESSIONAL ENGINEER LIC. # 077874  
1775 WASHINGTON AVENUE, SUITE 100  
ROCHESTER, NY 14620  
(716) 442-1000

**CO-APPLICANT  
DETAILS**

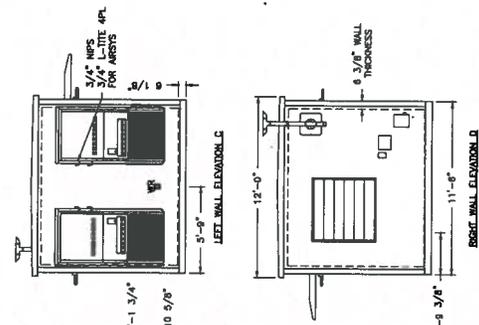
**A-2**



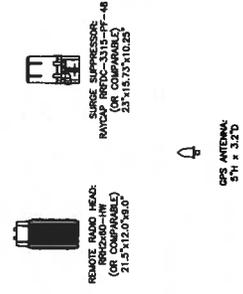
**4 CABLE BRIDGE DETAIL**  
NTS  
A-2



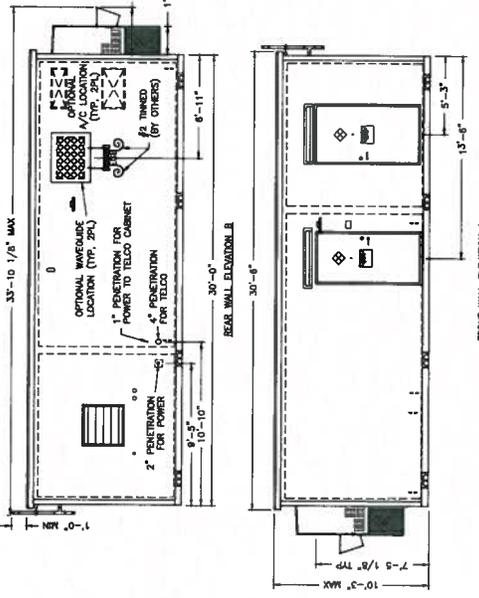
**5 CABLE SUPPORT SECTION**  
NTS  
A-2



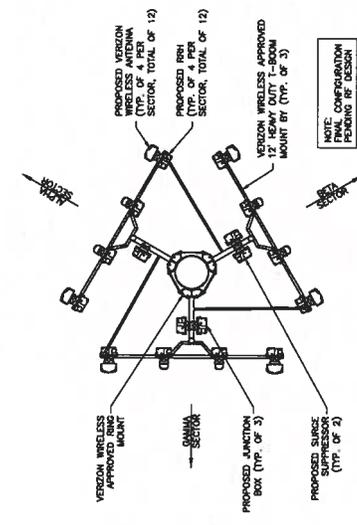
**1 EQUIPMENT SHELTER ELEVATION**  
NTS  
A-2



**3 RF EQUIPMENT DETAILS**  
NTS  
A-2



**2 ANTENNA PLAN**  
NTS  
A-2



NOTE: FINAL CONFIGURATION PROVIDED BY CONTRACTOR

**CO-APPLICANT INFORMATION**

SITE NAME: RAPIDS  
VERIZON WIRELESS  
75 CALAHS ROAD  
ROCHESTER, NY 14620



**NEW YORK STATE PREHISTORIC ARCHAEOLOGICAL SITE INVENTORY FORM**  
NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION  
(518) 237-8643

**For Office Use Only--Site Identifier**

Project Identifier \_\_\_\_\_

Date 11/20/2015

Your Name James Dieterich

Phone 716 534-0189

Address 31 Sutley Ct

Tonawanda, NY 15140

Organization (if any)

1. SITE IDENTIFIER(S)

2. COUNTY Erie One of the following: CITY Clarence Center  
TOWNSHIP  
INCORPORATED VILLAGE  
UNINCORPORATED VILLAGE OR HAMLET

3. PRESENT OWNER Joe Rey

Address

9545 Tonawanda Creek Road

4. SITE DESCRIPTION (check all appropriate categories):

Site

<input checked="" type="checkbox"/> Stray Find	<input type="checkbox"/> Cave/Rockshelter	<input type="checkbox"/> Workshop
<input type="checkbox"/> Pictograph	<input type="checkbox"/> Quarry	<input type="checkbox"/> Mound
<input type="checkbox"/> Burial	<input type="checkbox"/> Shell Midden	<input type="checkbox"/> Village
<input type="checkbox"/> Surface Evidence	<input type="checkbox"/> Camp	<input checked="" type="checkbox"/> Material in plow zone
<input type="checkbox"/> Material below plow zone	<input type="checkbox"/> Buried evidence	<input type="checkbox"/> Intact Occupation floor
<input type="checkbox"/> Single component	<input type="checkbox"/> Evidence of features	<input type="checkbox"/> Stratified
	<input type="checkbox"/> Multicomponent	

Location

<input type="checkbox"/> Under cultivation	<input type="checkbox"/> Never cultivated	<input checked="" type="checkbox"/> Previously cultivated
<input type="checkbox"/> Pastureland	<input checked="" type="checkbox"/> Woodland	<input type="checkbox"/> Floodplain
<input type="checkbox"/> Upland		<input type="checkbox"/> Sustaining erosion

Soil Drainage: excellent  good  fair  poor

Slope: flat  gentle  moderate  steep

Distance to nearest water from site (approx.)

Elevation:

5. SITE INVESTIGATION (append additional sheets, if necessary):

Surface--date(s)

Site map (Submit with form)

Collection

Subsurface--date(s)

Testing: shovel  coring  other \_\_\_\_\_ unit size  
no. of units \_\_\_\_\_ (Submit plan of units with form)

Excavation: unit size \_\_\_\_\_ no. of units

Investigator

James Dieterich

Manuscript or published report(s) (reference fully):

Present repository of materials

**On hand with EBI Consulting**

6. COMPONENT(S) (cultural affiliation/dates):

7. LIST OF MATERIAL REMAINS (be specific as possible in identifying object and material):

**Three chert flakes, one with evidence of burning**

If historic materials are evident, check here and fill out historic site form

8. MAP REFERENCES

USGS 7.5 Minute Series Quad. Name **Clarence Center**

UTM Coordinates

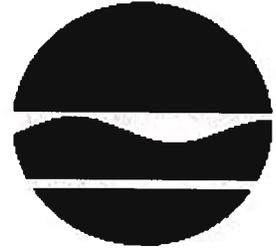
**17T**

**692611m E**

**4773092m N**

9. Photography

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife and Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, 5th Floor, Albany, New York 12233-4757  
Phone: (518) 402-8935 • Fax: (518) 402-8925  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



December 22, 2015

Jason Stayer  
EBI Consulting  
21 B Street  
Burlington, MA 01803

Re: Proposed Rapids Rey communications facility, 9545 Tonawanda Creek Road (NY16535B, EBI 6115005921)

Town/City: Clarence.

County: Erie.

Dear Jason Stayer:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

There are no federally or state-listed species at or in the vicinity of your site. Enclosed is a report of rare but unlisted animals that our database indicates occur in Tonawanda Creek in the vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html). □

Sincerely,

Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program



**The following rare animals have been documented in Tonawanda Creek in the vicinity of your project site.**

We recommend that potential onsite and offsite impacts of the proposed project on these species be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

**The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.**

Tonawanda Creek, Town of Clarence

COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	HERITAGE CONSERVATION STATUS	
<b>Fish</b>				
<b>Redfin Shiner</b>	<i>Lythrurus umbratilis</i>	Special Concern	Critically Imperiled in NYS	
<b>Freshwater Mussels</b>				
<b>Pocketbook</b>	<i>Lampsilis ovata</i>	Unlisted	Imperiled in NYS	12528 4028
<b>Pink Heelsplitter</b>	<i>Potamilus alatus</i>	Unlisted	Imperiled in NYS	5679
<b>Deertoe</b>	<i>Truncilla truncata</i>	Unlisted	Critically Imperiled in NYS	6691
<b>Black Sandshell</b>	<i>Ligumia recta</i>	Unlisted	Imperiled in NYS	9468
<b>Kidneyshell</b>	<i>Ptychobranhus fasciolaris</i>	Unlisted	Imperiled in NYS	7461
<b>Threeridge</b>	<i>Amblyma plicata</i>	Unlisted	Critically Imperiled in NYS	3695

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045

January 12, 2016

Mr. Jason Stayer  
Biologist  
EBI Consulting  
21 B Street  
Burlington, MA 01803

Dear Mr. Stayer:

This responds to your December 2, 2015, letter regarding a telecommunications tower facility proposed at 9545 Tonawanda Creek Road, Clarence Center, Erie County, New York. As you are aware, Federal agencies, such as the Federal Communications Commission (FCC), have responsibilities under Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to consult with the U.S. Fish and Wildlife Service (Service) regarding projects that may affect federally-listed species or designated critical habitat, and confer with the Service regarding projects that are likely to jeopardize federally-proposed species or adversely modify proposed critical habitat. We understand that all FCC licensees, applicants, tower companies, and their representatives have been designated the FCC's non-federal representative for the purposes of completing informal consultation pursuant to Section 7(a)(2) of the ESA.

On behalf of the FCC, EBI Consulting, has determined that the proposed project "may affect, but is not likely to adversely affect," the federally-listed northern long-eared bat (NLEB) (*Myotis septentrionalis*; Threatened). The Service concurs with your determination given that no known roosts are located within or near the project area, a small number of trees (approximately 10) are proposed for removal, and tree removal will be completed between October 1 and March 31, when bats are in hibernation.

We also encourage incorporation of the following proactive conservation measures for the NLEB:

1. Bright orange construction fencing or flagging be used to clearly demarcate trees to be protected compared with those to be cut prior to the initiation of any construction activities at the site. This will help ensure that contractors do not accidentally remove more trees than anticipated;

2. No artificial dyes, coloring, insecticide, algaecide, and/or herbicide will be used around waterbodies potentially onsite for long-term maintenance of the property; and
3. Limit the number of lights, including motion sensors or timers, direct the lights toward the ground and buildings, and include shields to direct the light downward.

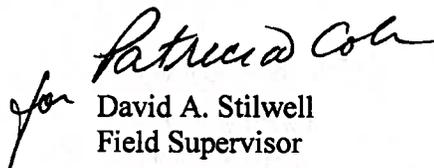
Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.\*

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA. We also offer the following comments pursuant to the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-712). The proposed project was designed to incorporate the guidance provided by the Service's September 2013 Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning to avoid and minimize impacts to migratory birds (*i.e.*, no guy wires, reduced tower height). The Service acknowledges these efforts.

Thank you for your time. If you require additional information or assistance please contact Noelle Rayman at 607-753-9334. Future correspondence with us on this project should reference project file 16I0415.

Sincerely,

  
for David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>.

cc: NYSDEC, Buffalo, NY (Env. Permit)

**11**

## OPTION & LAND LEASE

This Option and Land Lease, hereinafter referred to as "Lease", is made the last day executed below by and between JOSEPH C. REY, JR. and CLARE A. REY, husband and wife, having an address of 9545 Tonawanda Creek Road, Clarence, New York 14032, hereinafter referred to as "Lessor", and SBA TOWERS VI, LLC, a Delaware limited liability company, having an office at 5900 Broken Sound Parkway, N. W., Boca Raton, Florida 33487-2797, hereinafter referred to as "Lessee."

### 1. The Option.

(a) For the sum of [REDACTED] (the "Option Fee"), to be paid to Lessor by Lessee upon execution of this Lease and other good and valuable consideration, Lessor hereby grants to Lessee the exclusive and irrevocable option for one (1) year from the date hereof (the "Initial Option Period"), to lease the Leased Space (as defined below) on the terms and conditions set forth below (the "Option"). The Option may be extended for an additional one (1) year period (the "Additional Option Period") upon written notification to Lessor by Lessee accompanied by the payment of an additional [REDACTED] (the "Additional Option Fee"), delivered to Lessor prior to the end of the Initial Option Period. The Option may be further extended for an additional one (1) year period upon written notification to Lessor by Lessee accompanied by the payment of the Additional [REDACTED] delivered to Lessor prior to the end of the Additional Option Period. The Initial Option Period, as it may be extended, is collectively referred to herein as the "Option Period."

(b) In the event the Additional Option Fee is not made and/or written notice not delivered by the due date for the same, then the Option will terminate and this Lease will terminate and Lessor will be entitled to retain all previously paid sums as full payment for the Option granted hereunder. However, if Lessor accepts any Additional Option Fee, Rent (as defined below), and/or written notice after the due date for the same, then Lessee's failure to make timely payment of the additional fee will be deemed waived and this Lease will be reinstated. Upon Lessee's exercise of the Option, the Lease which follows will take effect and Lessee shall be entitled to a credit for all Option Fees paid against Rent due under this Lease.

(c) During the Option Period, Lessee shall have the right to enter Lessor's property to conduct tests and studies, at Lessee's expense, to determine the suitability of the Leased Space for Lessee's intended use. The tests may include, without limitation, surveys, soil tests, environmental assessments and radio wave propagation measurements.

(d) Lessee may exercise the Option by delivery of written notice to Lessor in accordance with the Notice provision specified herein. Upon Lessee's exercise of the Option, the Lease which follows will take effect.

2. Leased Space and Premises. Upon Lessee's exercise of the Option, Lessor shall lease, and hereby leases, to Lessee approximately 5,625 (75' x 75') square feet of space as depicted in Exhibit A attached hereto (the "Leased Space") within the property commonly known as 9545 Tonawanda Creek Road, Town of Clarence, County of Erie, State of New York 14032, Property Parcel ID: 6.00-4-4.211, with the legal description set forth in Exhibit B attached hereto ("Premises"). Lessor also hereby grants to Lessee the right to survey the Leased Space at Lessee's cost. The survey will automatically replace Exhibit A and be made a part hereof. The

Leased Space legal and access and utility easement set forth in the survey will replace any parent parcel description set forth in Exhibit B as soon as it becomes available. In the event of any discrepancy between the description of the Leased Space contained herein and the survey, the survey will control. The Leased Space will be utilized to construct support and operate a wireless communications facility, including a communications tower, antennas, cables, and related structures and improvements (collectively the "Structures"), including the uses as permitted and described in Section 11 of this Lease and for any other purpose with the Lessor's prior written consent which shall not be unreasonably withheld, conditioned or delayed. In the event Lessee chooses to erect a guyed tower, Lessor hereby grants an appurtenant easement to Lessee (i) in, over and across the Premises for the purpose of anchoring, mounting and replacing the guy wires extending from Lessee's tower on the Leased Space, and (ii) in, over and across that portion of the Premises lying within twenty (20) feet from each guy wire anchor and from both sides of every guy wire for the purpose of maintaining and repairing such guy anchors and wires together with the right to clear all trees, undergrowth or other obstructions and to trim, cut and keep trimmed and cut all tree limbs, undergrowth, or other obstructions which may, in the reasonable opinion of Lessee, interfere with or fall upon Lessee's tower, any of the tower's guy anchors and wires or any of Lessee's other improvements on the Leased Space.

3. Term. The initial term of this Lease will be five (5) years from the "Commencement Date" specified below (in no event shall this date be earlier than the date on which Lessee exercises the Option) and shall automatically renew for up to nine (9) additional terms of five (5) years each unless Lessee notifies Lessor of its intention not to renew prior to commencement of the succeeding renewal term.

4. Rent. [REDACTED] per month (the "Rent"), paid monthly in advance, which Lessee will pay to Lessor at the place as Lessor will designate to Lessee in writing. If the initial term or any renewal term does not begin on the first day or end on the last day of a month, the Rent for that partial month will be prorated by multiplying the monthly Rent by a fraction, the numerator of which is the number of days of the partial month included in the initial term or renewal term and the denominator of which is the total number of days in the full calendar month. [REDACTED] the Lease and every fifth (5th) anniversary of the then current monthly rental fee will be [REDACTED]. Each such year shall commence on the corresponding anniversary of the Commencement Date. Lessee is entitled to withhold payment of Rent until such time as Lessee receives a completed W-9 form from Lessor, setting forth the Federal tax identification number of Lessor or the person or entity to whom the Rent checks are to be made payable as directed in writing by Lessor. The parties acknowledge and agree that the foregoing is a reasonable requirement in order to allow Lessee to comply with its legal requirements.

5. Ingress and Egress. Lessor hereby grants to Lessee an easement (the "Easement") for ingress, egress and regress over the Premises adjacent to the Leased Space for construction, operation and maintenance of the Structures on the Leased Space, and for installation, construction, operation and maintenance of underground and above ground telephone, telegraph, and power lines, in connection with its use of the Leased Space. Lessee shall use its best efforts to provide underground utilities, however, the local utility

company will have the final decision regarding the placement of the utilities. The term of this Easement will commence upon exercise of the Option and will continue until the last to occur of (i) expiration of the initial term or renewal term, or (ii) removal by Lessee of all of its property from the Leased Space after expiration of the initial term or renewal term. The location and configuration of the Easement will be agreed upon by the parties within ten (10) business days after the latter of Lessee's exercise of the Option, or Lessee's approval of the survey. The Easement shall be included in any recorded Memo (as hereinafter defined) of this Lease. In addition, at Lessee's request and expense, this Easement will be set forth in a separate easement agreement (the "Easement Agreement") which Lessor and Lessee agree to execute and which Lessee will have recorded as an encumbrance on the property of Lessor. In all events, the Easement and this Lease shall be binding upon all subsequent owners, successors and assigns.

Lessee agrees that Lessor may, at Lessor's expense, relocate the above described easements to another comparable location on the Premises provided that: (a) Lessee receives no less than sixty (60) days prior written notice thereof; (b) Lessee approves the proposed new location of the easement, which approval will not be unreasonably withheld or delayed; (c) Lessee's access and beneficial use and enjoyment of the Leased Space is not interrupted, obstructed or materially affected; and (d) the utility services to the Leased Space are not interrupted.

6. Title and Quiet Possession. Lessor represents and covenants that Lessor owns the Leased Space in fee simple terms, free and clear of all liens, encumbrances and restrictions of every kind and nature, except for those as set forth below:

<u>Name of Lien holder</u>	<u>Type of Lien</u>
N/A	

Lessor represents and warrants that there are no matters affecting title that would prohibit, restrict or impair the leasing of the Leased Space or use or occupancy thereof in accordance with the terms and conditions of the Lease. Lessor represents and warrants to Lessee that Lessor has the full right to make this Lease and that Lessee will have quiet and peaceful possession of the Leased Space throughout the initial term or renewal term. If Lessor separates the Lease, the Rent or any rights hereunder from the fee simple title of the Premises, Lessor's Rent shall be reduced to One Dollar (\$1.00).

7. Subordination, Non-disturbance and Attornment.

(a) Lessee agrees that this Lease will be subject and subordinate to any mortgages or deeds of trust now or hereafter placed upon the Leased Space and to all modifications thereto, and to all present and future advances made with respect to any such mortgage or deed of trust; provided that, the holder of any such instrument agrees in writing that Lessee's possession of the Leased Space will not be disturbed so long as Lessee will continue to perform its duties and obligations under this Lease and Lessee's obligation to perform the duties and obligations will not be in any way increased or its rights diminished by the provisions of this paragraph. Lessee agrees to attorn to the mortgagee, trustee, or beneficiary under any such mortgage or deed of trust, and to the purchaser in a sale pursuant to the foreclosure thereof; provided that, Lessee's possession of the Leased Space will not be disturbed so long as Lessee will continue to perform its duties and obligations under this Lease. Lessee's obligations hereunder are conditioned upon

receipt by Lessee, within ten (10) business days after Lessee's notice of its intent to exercise the Option, or within ten (10) business days after the date of creation of any future mortgages or deeds of trust, of a Subordination, Non-disturbance and Attornment Agreement in form reasonably acceptable to Lessee, from any holder of a mortgage, deed to secure debt, or deed of trust to which this Lease is, or will become, subordinate.

(b) Secured Parties. Lessee may from time to time grant to certain lenders selected by Lessee and its affiliates (the "Lenders") a lien on and security interest in Lessee's interest in the Lease and all assets and personal property of Lessee located on the Leased Space (the "Personal Property") as collateral security for the repayment of any indebtedness to the Lenders. Lessor hereby agrees to subordinate any security interest, lien, claim or other similar right, including, without limitation, rights of levy or distraint for rent, Lessor may have in or on the Personal Property, whether arising by agreement or by law, to the liens and/or security interests in favor of the Lenders, whether currently existing or arising in the future. Nothing contained herein shall be construed to grant a lien upon or security interest in any of Lessor's assets. Should Lender exercise any rights of Lessee under the Lease, including the right to exercise any renewal option(s) or purchase option(s) set forth in the Lease, Lessor agrees to accept such exercise of rights by Lenders as if same had been exercised by Lessee, and Lessee, by signing below, confirms its agreement with this provision. If there shall be a monetary default by Lessee under the Lease, Lessor shall accept the cure thereof by Lenders within fifteen (15) days after the expiration of any grace period provided to Lessee under the Lease to cure such default, prior to terminating the Lease. If there shall be a non-monetary default by Lessee under the Lease, Lessor shall accept the cure thereof by Lenders within thirty (30) days after the expiration of any grace period provided to Lessee under the Lease to cure such default, prior to terminating the Lease. The Lease may not be amended in any respect which would be reasonably likely to have a material adverse effect on Lenders' interest therein or surrendered, terminated or cancelled, without the prior written consent of Lenders. If the Lease is terminated as a result of a Lessee default or is rejected in any bankruptcy proceeding, Lessor will enter into a new lease with Lenders or their designee on the same terms as the Lease within fifteen (15) days of Lenders' request made within thirty (30) days of notice of such termination or rejection, provided Lenders pay all past due amounts under the Lease. The foregoing is not applicable to normal expirations of the term of the Lease. In the event Lessor gives Lessee any notice of default under the terms of the Lease, Lessor shall simultaneously give a copy of such notice to Lender at an address to be supplied by Lessee. Lessee shall have the right to record a memorandum of the terms of this paragraph.

8. Governmental Approvals and Compliance. During the initial term or renewal term, Lessee will make reasonable efforts to comply with all applicable laws affecting Lessee's use or occupancy of the Leased Space, the breach of which might result in a penalty on Lessor or forfeiture of Lessor's title to the Leased Space. Lessee will not commit, or suffer to be committed, any waste on the Leased Space. Lessor agrees to fully cooperate with Lessee in order to obtain the necessary permits for construction and use of the Leased Space and its Structures (including any modification(s) to the tower or Leased Space or the addition(s) of equipment or sublessees to the tower or Leased Space), including, but not limited to, zoning approvals/permits and building permits. Lessor agrees not to take any action that may adversely affect Lessee's ability to obtain all of



the necessary permits required for construction of the Structures. Lessee will obtain any necessary governmental licenses or authorizations required for the construction and use of Lessee's intended Structures on the Leased Space and will furnish copies of same to Lessor as same are issued. If and to the extent Lessee is at any time required to landscape or provide screening around the outside of the tower or Leased Space, Lessor hereby grants Lessee an easement ten (10) feet in width around the perimeter of and adjacent to the Leased Space in order to comply with such landscaping or screening requirements.

9. **Assignment and Subleasing.** Lessee may sublet all or part of the Leased Space or may assign or transfer this Lease in whole or in part without Lessor's consent. Upon such assignment, Lessee shall be relieved of all liabilities and obligations under this Lease. Lessor may not assign the Rent or the Lease or any rights hereunder, or grant any interest in any portion of the Premises, except in connection with conveyance of fee simple title to the Premises, without the prior written consent of Lessee, in Lessee's sole and absolute discretion. In the event that Lessee from time to time subleases all or a portion of the Leased Space or as otherwise reasonably required by Lessee for work at the Leased Space, Lessor hereby grants to Lessee a temporary construction easement over such portion of the Premises as is reasonably necessary for such work. Following the completion of such work, Lessee shall, at Lessee's sole cost and expense, promptly repair any damage to the temporary easement area arising from Lessee's use thereof.

10. **Notices.** All notices, demands, requests, consents, approvals and other instruments required or permitted to be given pursuant to this Lease will be in writing, signed by the notifying party, or officer, agent or attorney of the notifying party, and will be deemed to have been effective upon delivery if served personally, including but not limited to delivery by messenger, overnight courier service or by overnight express mail, or upon posting if sent by registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

To Lessor: Joseph C. Rey, Jr. and Clare A. Rey  
9545 Tonawanda Creek Road  
Clarence, NY 14032  
Phone # - (716) 698-2371  
Email: [drag2188@yahoo.com](mailto:drag2188@yahoo.com)

Rent Payable to: Joseph C. Rey, Jr. and Clare A. Rey

To Lessee: SBA TOWERS VI, LLC  
5900 Broken Sound Parkway, N. W.  
Boca Raton, FL 33487-2797  
RE: Rapids, NY/NY 16535-B  
Attn: Site Administration  
Phone # - (561) 995-7670

The address to which any notice, demand, or other writing may be delivered to any party as above provided may be changed by written notice given by the party as above provided. Simultaneously with any notice of default given to Lessee under the terms of this Lease, Lessor shall deliver a copy of such notice to Lender at an address to be provided by Lessee.

11. **Lessee Improvements.** Lessee has the right, at its sole expense, to make the improvements on the Leased Space as it may deem necessary, including any improvements necessary for the

construction and operation of the Structures. Lessee will be responsible for the cost of any site preparation work necessary to prepare the Leased Space to support the Structures. All Lessee's improvements, including but not limited to, prefabricated buildings, generators, fencing, Structures and any other improvements will remain the property of Lessee. The Structures may be used for the transmission, reception and relay of communication signals, including, without limitation, radio frequency signals. Upon termination of this Lease, Lessee will, to the extent reasonable, restore the Leased Space to its original condition at the commencement of this Lease, except for ordinary wear and tear and damages by the elements or damages over which Lessee had no control. Lessee and Lessor agree that it will not be reasonable to require Lessee to remove any improvements contemplated hereunder which are permanent in nature, including but not limited to foundations, footings, concrete, paving, gravel, vegetation and utilities.

12. **Insurance.** Lessor, Lessor, at all times during the initial term or renewal term of this Lease, shall maintain in full force a comprehensive public liability insurance policy covering all of its operations, activities, liabilities and obligations on the Leased Space, having limits not less than One Million Dollars (\$1,000,000) which will be maintained for the term of this Lease. On or before the Commencement Date, Lessee shall deliver to Lessor a certificate of insurance evidencing that such insurance is in effect. Lessee shall deliver to Lessor a renewal certificate evidencing that such insurance is in effect within ten (10) business days of Lessor's request for such certificate. The insurance policy shall be issued by an insurance company authorized to do business in the state in which the Leased Space is located and shall provide thirty (30) days prior written notice to the Lessor of any cancellation of such policy. Any insurance required to be provided by Lessee may be provided by a blanket insurance policy covering the Leased Space and other properties leased or owned by Lessee provided that such blanket insurance policy complies with all of the other requirements with respect to the type and amount of insurance.

13. **Operating Expense.** Lessee will pay for all water, gas, heat, light, power, telephone service, and other public utilities furnished to the Leased Space and used by Lessee throughout the initial term or renewal term hereof, and all other costs and expenses of every kind whatsoever in connection with the use, operation, and maintenance of the Leased Space and all activities conducted thereon.

14. **Taxes.** Lessee will pay any personal property taxes assessed on, or any portion of the taxes attributable to the Structures. Lessor will pay when due all real property taxes and all other fees and assessments attributable to the Premises.

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15. **Maintenance.** Lessee will use best efforts to maintain the Leased Space in good condition and state of repair. Except insofar as Lessee is made responsible by this Lease, Lessor will maintain the premises surrounding the Leased Space in good condition and state of repair.

16. **Hold Harmless.** Lessor will be held harmless by Lessee from any liability (including reimbursement of reasonable attorneys' fees and all costs) for damages to any person or any property in or upon the Leased Space at Lessee's invitation, or for damages to any person or property resulting from the actions of Lessee (including damages caused by or resulting from the existence of the Structures) on the Leased Space, unless the damages are caused by, or are the result of, the misconduct or negligence of Lessor or any of Lessor's agents, servants, employees, licensees or invitees. Notwithstanding any provisions herein to the contrary, it is understood and agreed that all property kept, installed, stored or maintained in or upon the Leased Space by Lessee will be so installed, kept, stored or maintained at the risk of Lessee. Lessor will not be responsible for any loss or damage to equipment owned by Lessee which might result from tornadoes, lightning, wind storms, or other Acts of God; provided, however, Lessor will be responsible for, and agrees to hold Lessee harmless from any liability (including reimbursement of reasonable legal fees and all costs), for damages to any person or any property in or upon the Leased Space arising out of the misconduct or negligence of Lessor or any of Lessor's agents, servants, employees, licensees or invitees. Except for willful misconduct, neither Lessor nor Lessee will in any event be liable in damages for each other's business loss, business interruption or other consequential damages of whatever kind or nature, regardless of the cause of the damages, and each party, and anyone claiming by or through them, expressly waives all claims for the damages.

17. **Termination Rights.**

(a) Lessee may terminate this Lease, at its option, after giving Lessor not less than sixty (60) days prior written notice to cure, if: (i) any governmental agency denies a request by Lessee for a permit, license or approval which is required for Lessee to construct or operate the Structures on the Leased Space or any such permit is revoked; (ii) Lessee determines that technical problems or radio interference problems from other antennas or from nearby radio transmitting facilities, which problems cannot reasonably be corrected, impair or restrict Lessee from using the Leased Space for Lessee's intended purpose; (iii) Lessee determines that it does not have acceptable and legally enforceable means of ingress and egress to and from the Leased Space; (iv) Lessor does not have legal or sufficient ownership of or title to the Leased Space or Premises or the authority to enter into this Lease; (v) utilities necessary for Lessee's contemplated use of the Leased Space are not available; (vi) the Leased Space is damaged or destroyed to an extent which prohibits or materially interferes with Lessee's use of the Leased Space or Lessee's equipment and attachments thereto; (vii) the Premises now or hereafter contains a Hazardous Material; (viii) Lessee is unable to obtain a Subordination, Non-disturbance and Attornment Agreement; (ix) a material default by Lessor occurs; (x) Lessor fails to perform any of the material covenants or provisions of this Lease or if any representation or warranty contained herein is found to be untrue; (xi) the Leased Space is the subject of a condemnation proceeding or taking by a governmental authority, or quasi-governmental authority with the power of condemnation, or if the Leased Space is transferred in lieu of condemnation (rent will be abated during the period of condemnation or taking); (xii) the use of the site will not sufficiently

benefit Lessee economically or commercially; (xiii) if Lessee determines, in its sole discretion that it will not be viable to use the site for its intended purpose; or (xiv) if Lessee determines, in its sole discretion, that it will be unable to use the site for any reason. In the event of termination by Lessee or Lessor pursuant to this provision, Lessee will be relieved of all further liability hereunder. Any rental fees paid prior to the termination date will be retained by Lessor. In the event Lessor fails to perform its obligations under this Lease for any reason other than Lessee's breach, Lessee may pursue all remedies available at law and in equity. Lessor hereby acknowledges that Lessee will incur significant expenses in reliance on this Lease, and therefore agrees to pay Lessee for all consequential damages which Lessee will suffer as a result of Lessor's breach. In the event Lessor fails to comply with the terms of this Lease, Lessee may, in its sole and absolute discretion, cure any such default, and to the extent Lessee incurs any expenses in connection with such cure (including but not limited to the amount of any real property taxes Lessee pays on behalf of Lessor), Lessor agrees to promptly reimburse Lessee for such expenses incurred and hereby grants Lessee a security interest and lien on the Premises, to secure Lessor's obligation to repay such amounts to Lessee. In addition, Lessee may offset the amount of any such expenses incurred against any rent payable hereunder.

(b) Lessor may only terminate this Lease, at its option, in the event of a material default by Lessee or Lessee's failure to pay Rent when due, which default or failure is not cured within sixty (60) days after Lessee's receipt of written notice of such default or failure. No such failure to cure a material default, however, will be deemed to exist if Lessee has commenced to cure such default within said period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a material default will be excused if due to causes beyond the reasonable control of Lessee.

18. **Exclusivity.** As part of Lessee's right to the undisturbed use and enjoyment of the Leased Space, Lessor shall not at any time during the term of the Lease (i) use or suffer or permit another person to use any portion of the Premises or any adjacent parcel of land now or hereafter owned, leased or managed by Lessor for the uses permitted herein or other uses similar thereto, or (ii) grant any interest in or an option to acquire any interest in any portion of the Premises that permits (either during the term of the Lease or after the term hereof) any of the uses permitted under the Lease without the prior written consent of Lessee, in Lessee's sole discretion.

19. **Binding on Successors.** The covenants and conditions contained herein will apply to and bind the heirs, successors, executors, administrators and assigns of the parties hereto. Further, this Lease will run with the land and all subsequent purchasers will be subject to the terms and conditions specified herein.

20. **Access to Leased Space/Premises.** Lessee shall have at all times during the initial term or renewal term the right of access to and from the Leased Space and all utility installations servicing the Leased Space on a 24 hours per day/7 days per week basis, on foot or by motor vehicle, including trucks, and for the installation and maintenance of utility wires, cables, conduits and pipes over, under and along the right-of-way extending from the nearest accessible public right-of-way.

21. **Governing Law.** The parties intend that this Lease and the relationship of the parties will be governed by the laws of the State in which the Leased Space is located.

22. **Entire Lease.** All of the representations and obligations of the parties are contained herein, and no modification,

waiver or amendment of this Lease or of any of its conditions or provisions will be binding upon a party unless in writing signed by that party or a duly authorized agent of that party empowered by a written authority signed by that party. The waiver by any party of a breach of any provision of this Lease will not operate or be construed as a waiver of any subsequent breach of that provision by the same party, or of any other provision or condition of the Lease.

**23. Survey and Testing.** Lessee will have the right during the initial term or renewal term of this Lease (and the Option Period, if applicable) to survey, soil test, and make any other investigations necessary to determine if the surface and subsurface of the Leased Space are suitable for construction and operation of the Structures. If Lessee, prior to completion of the Structures determines that for any reason the surface or subsurface of the Leased Space is not suitable to construct and operate the Structures, this Lease, upon written notice given to Lessor prior to completion of the Structures will become null and void; provided that at Lessee's sole expense the Leased Space will be promptly restored to the extent contemplated by the Lessee Improvements section above and provided further that Lessee will deliver copies of all soil tests and investigation reports to Lessor.

**24. Oil, Gas and Mineral Rights.** Lessor does not grant, lease, let or demise hereby, but expressly excepts and reserves here from all rights to oil, gas and other minerals in, on or under and that might be produced or mined from the Leased Space; provided, however, that no drilling or other activity will be undertaken on or beneath the surface of the Leased Space or Basement area to recover any oil, gas or minerals. This Lease is given and accepted subject to the terms and provisions of any valid oil, gas and mineral lease covering the Leased Space or any part thereof, now of record in the office of the County Clerk, provided, however, that any future oil, gas or mineral lease covering the above-described lands or any part thereof will be in all respects subordinate and inferior to the rights, privileges, powers, options, immunities, and interests granted to Lessee under the terms of this Lease.

**25. Hazardous Waste.**

(a) The term "Hazardous Materials" will mean any substance, material, waste, gas or particulate matter which is regulated by the local governmental authority where the Leased Space is located, the State in which the Leased Space is located, or the United States Government, including, but not limited to, any material or substance which is (i) defined as a "hazardous waste," "hazardous material," "hazardous substance," "extremely hazardous waste," or restricted hazardous waste" under any provision of state or local law, (ii) petroleum, (iii) asbestos, (iv) polychlorinated biphenyl, (v) radioactive material, (vi) designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act, 33 U.S.C. '1251 et seq. (33 U.S.C. '1317), (vii) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recover Act, 42 U.S.C. '6901 et seq. (42 U.S.C. '6903), or (viii) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act. 42 U.S.C. '9601 et Seq. (42 U.S.C. '9601). The term "Environmental Laws" will mean all statutes specifically described in the foregoing sentence and all applicable federal, state and local environmental health and safety statutes, ordinances, codes, rules, regulations, orders and decrees regulating, relating to or imposing liability or standards concerning or in connection with Hazardous Materials.

(b) Lessor represents and warrants that, to the best of Lessor's knowledge, (i) the Leased Space has not been used for the use, manufacturing, storage, discharge, release or disposal of

hazardous waste, (ii) neither the Leased Space nor any part thereof is in breach of any Environmental Laws, (iii) there are no underground storage tanks located on or under the Leased Space, and (iv) the Leased Space is free of any Hazardous Materials that would trigger response or remedial action under any Environmental Laws or any existing common law theory based on nuisance or strict liability. If any such representation is in any manner breached during the initial term or renewal term of this Lease ( a "Breach"), and if a Breach gives rise to or results in liability (including, but not limited to, a response action, remedial action or removal action) under any Environmental Laws or any existing common law theory based on nuisance or strict liability, or causes a significant effect on public health, Lessor will promptly take any and all remedial and removal action as required by law to clean up the Leased Space, mitigate exposure to liability arising from, and keep the Leased Space free of any lien imposed pursuant to, any Environmental Laws as a result of a Breach.

(c) In addition, Lessor agrees to indemnify, defend and hold harmless Lessee, its officers, partners, successors and assigns from and against any and all debts, liens, claims, causes of action, administrative orders and notices, costs (including, without limitation, response and/or remedial costs), personal injuries, losses, attorneys' fees, damages, liabilities, demands, interest, fines, penalties and expenses, consultants' fees and expenses, court costs and all other out-of-pocket expenses, suffered or incurred by Lessee and its grantees as a result of (a) any Breach, or (b) any matter, condition or state of fact involving Environmental Laws of Hazardous Materials which existed on or arose during the initial term or renewal term of this Lease and which failed to comply with (i) the Environmental Laws then in effect or (ii) any existing common law theory based on nuisance or strict liability.

(d) Lessor represents and warrants to Lessee that Lessor has received no notice that the property or any part thereof is, and, to the best of its knowledge and belief, no part of the Premises is located within an area that has been designated by the Federal Emergency Management Agency, the Army Corps of Engineers or any other governmental body as being subject to special hazards.

(e) The covenants of this section will survive and be enforceable and will continue in full force and effect for the benefit of Lessee and its subsequent transferees, successors and assigns and will survive the initial term or renewal term of this Lease and any renewal periods thereof.

**26. Mechanic's and Landlord's Liens.** Lessee will not cause any mechanic's or materialman's lien to be placed on the Leased Space and Lessee agrees to indemnify, defend and hold harmless Lessor from any such lien from a party claiming by, through or under Lessee. Additionally, Lessor disclaims and waives any now existing or hereafter arising landlord's lien or other statutory or non-statutory lien or security interest in Lessee's and/or its sublessees' communication facilities, equipment, improvement, fixtures or other property.

**27. Headings.** The headings of sections and subsections are for convenient reference only and will not be deemed to limit, construe, affect, modify or alter the meaning of the sections or subsections.

**28. Time of Essence.** Time is of the essence of Lessor's and Lessee's obligations under this Lease.

**29. Severability.** If any section, subsection, term or provision of this Lease or the application thereof to any party or circumstance will, to any extent, be invalid or unenforceable, the

remainder of the section, subsection, term or provision of the Lease or the application of same to parties or circumstances other than those to which it was held invalid or unenforceable, will not be affected thereby and each remaining section, subsection, term or provision of this Lease will be valid or enforceable to the fullest extent permitted by law.

30. **Real Estate Broker.** Lessor represents and warrants that Lessor has not signed a listing agreement, dealt with or otherwise agreed to pay a broker's commission, finder's fee or other like compensation to anyone in connection with the lease of the Leased Space or the transaction contemplated by this Lease and Lessor agrees to indemnify and hold Lessee harmless from and against any such claims or costs, including attorneys' fees, incurred as a result of the transaction contemplated by this Lease.

31. **Further Assurances.** Each of the parties agree to do such further acts and things and to execute and deliver the additional agreements and instruments (including, without limitation, requests or applications relating to zoning or land use matters affecting the Structures) as the other may reasonably require to consummate, evidence or confirm this Lease or any other agreement contained herein in the manner contemplated hereby. If Lessor fails to provide requested documentation within thirty (30) days of Lessee's request, or fails to provide any Non-Disturbance Agreement required in this Lease, Lessee may withhold and accrue the monthly rental until such time as all such documentation is received by Lessee.

32. **Right to Register or Record.** Lessee may request that Lessor execute a Memorandum of Option and Land Lease, Memorandum of Land Lease or Short Form of Lease (collectively a "Memo") for recording in the public records. Lessor agrees and authorizes Lessee to attach and/or insert a certified legal description of the Leased Space, once complete, to the Memo and record same in the public records.

33. **Interpretation.** Each party to this Lease and its counsel have reviewed and had the option to revise this Lease. The normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Lease or of any amendments or exhibits to this Lease.

34. **Condemnation.** Lessor shall fully advise Lessee in a timely manner of all condemnation proceedings or prospective condemnation proceedings in order that Lessee may fully protect and prosecute its rights and claims relating to the Leased Space. If the whole of the Leased Space shall be taken or condemned by, or transferred in lieu of condemnation to, any governmental or quasi-governmental authority or agency with the power of condemnation during the initial Option Period, Additional Option Period or initial term or renewal term of this Lease, Lessee shall be entitled to any award based upon its leasehold interest as set forth in this Lease, along with the value of all Lessee's improvements, including, but not limited to, the Structures, prefabricated buildings, generators, fencing and any other improvements and for all of Lessee's other personal property, trade fixtures, fixtures, moving expenses, business damages, business interruption, business dislocation, prepaid Rent or other losses or expenses as may be incurred. In the event only a portion of the Premises, which portion does not include the whole of the Leased Space, shall be taken or condemned by, or transferred in lieu of condemnation to any governmental or quasi-governmental authority or agency with the power of condemnation during the Initial Option Period, Additional Option Period or initial term or renewal term of this Lease, Lessee shall have the option to either: (1)

terminate this Lease; or (2) continue in possession of the property pursuant to the terms of this Lease with a proportionate reduction in Rent equal to that portion, if any, of the Leased Space so taken, condemned or transferred in lieu of condemnation. In either event, Lessee shall be entitled to any award based upon its leasehold interest in the portion of the Premises condemned, taken or transferred in lieu of condemnation, along with the value of all Lessee's improvements, including, but not limited to, the Structures, prefabricated buildings, generators, fencing and any other improvements and for all of Lessee's other personal property, trade fixtures, fixtures, moving expenses, business damages, business interruption, business dislocation, prepaid Rent or other losses or expenses as may be incurred. Nothing contained herein shall prohibit Lessee from making its own claims against any condemning authority for any losses or damages Lessee shall incur as a result of a condemnation, or sale in lieu of condemnation, of the whole or any portion of the Premises.

35. **Right of First Refusal.** If at any time during the term of the Lease, Lessor receives a bona fide written offer from a third person (the "Offer") to sell, assign, convey, lease, factor or otherwise transfer or create any interest in the current or future Rent, this Lease, the Leased Space or the Premises, or any portion thereof, which Lessor desires to accept, Lessor shall first give Lessee written notice (including a copy of the proposed contract) of such Offer prior to becoming obligated under such Offer, with such notice giving Lessee the right to acquire the interest described in the Offer on the terms set forth in the Offer. Lessee shall have a period of thirty (30) days after receipt of Lessor's notice and terms to exercise Lessee's right of first refusal by notifying Lessor in writing. ~~If Lessor receives a bona fide written offer from a third person to sell, assign, convey, lease, factor or otherwise transfer or create any interest in the current or future Rent, this Lease, the Leased Space or the Premises, or any portion thereof, which Lessor desires to accept, Lessor shall first give Lessee written notice (including a copy of the proposed contract) of such Offer prior to becoming obligated under such Offer, with such notice giving Lessee the right to acquire the interest described in the Offer on the terms set forth in the Offer. Lessee shall have a period of thirty (30) days after receipt of Lessor's notice and terms to exercise Lessee's right of first refusal by notifying Lessor in writing.~~

36. **Date of Lease.** The parties acknowledge that certain obligations of Lessor and Lessee are to be performed within certain specified periods of time which are determined by reference to the date of execution of this Lease. The parties therefore agree that wherever the term "date of execution of this Lease," or words of similar import are used herein, they will mean the date upon which this Lease has been duly executed by Lessor and Lessee whichever is the later to so execute this Lease. The parties further agree to specify the date on which they execute this Lease beneath their respective signatures in the space provided and warrant and represent to the other that such a date is in fact the date on which each duly executed his or her name.

**COMMENCEMENT DATE:** The date that Lessee exercises its Option.



IN WITNESS WHEREOF, the parties hereto have executed this Lease on the last day and year specified below.

LESSOR: JOSEPH C. REY, JR.

LESSEE: SBA TOWERS VI, LLC,  
a Delaware limited liability company

By: [Signature]

By: [Signature]

Print Name: Joseph C. Rey, Jr.

Print Name: Alyssa Houlihan

Title: Owner

Title: Vice President, Site Leasing

Date: 1-30-15

Date: 2/2/2015

Witness: [Signature]

Witness: [Signature]

Print Name: Kevin Norris

Print Name: Andrea Reid-Gentles

Witness: [Signature]

Witness: [Signature]

Print Name: Barbara A. Latona

Print Name: Graciela Cortes

Notary Public:

On the 30<sup>th</sup> day of January, in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared, Joseph C. Rey, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public:

I do hereby certify that ALYSSA HOULIHAN, who is personally known to me, or who has proved by sufficient evidence to be the person named herein, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 30<sup>th</sup> day of January, 2015.

Witness my hand and seal this 2nd day of February, 2015.

[Signature]  
Notary Signature

[Signature]  
Notary Signature

JAMIE LYNN PALFI  
Notary Public, State of New York  
No 01P48063065  
Qualified in Erie County  
Commission Expires 12/24/17



LESSOR: CLARE A. REY

By: Clare A. Rey  
Clare A. Rey

Title: Owner

Date: 1-30-15

Witness: Kevin Norris

Print Name: Kevin Norris

Witness: Barbara A. Latona

Print Name: Barbara A. Latona

Notary Public:

On the 30<sup>th</sup> day of January in the year 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared, Clare A. Rey, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Witness my hand and seal this 30<sup>th</sup> day of January, 2015.

Jamie Lynn Palfi  
Notary Signature

JAMIE LYNN PALFI  
Notary Public, State of New York  
No. 01PAG068065  
Qualified in Erie County  
Commission Expires 12/24/17



**12**

REFERENCE COPY

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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630

Call Sign WQGA791	File Number
Radio Service AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0003290673

Grant Date 11-29-2006	Effective Date 12-28-2013	Expiration Date 11-29-2021	Print Date
Market Number CMA025	Channel Block A	Sub-Market Designator 0	
Market Name Buffalo, NY			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

AWS operations must not cause harmful interference across the Canadian or Mexican Border. The authority granted herein is subject to future international agreements with Canada or Mexico, as applicable.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**REFERENCE COPY**

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**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: UPSTATE CELLULAR NETWORK

ATTN: REGULATORY  
UPSTATE CELLULAR NETWORK  
1120 SANCTUARY PKWY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630

<b>Call Sign</b> KNKA203	<b>File Number</b> 0006356367
<b>Radio Service</b> CL - Cellular	
<b>Market Numer</b> CMA025	<b>Channel Block</b> B
<b>Sub-Market Designator</b> 0	

FCC Registration Number (FRN): 0003407764

<b>Market Name</b> Buffalo, NY
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<b>Grant Date</b> 08-26-2014	<b>Effective Date</b> 08-26-2014	<b>Expiration Date</b> 10-01-2024	<b>Five Yr Build-Out Date</b>	<b>Print Date</b> 08-26-2014
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**Site Information:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
1	42-51-41.2 N	078-48-14.8 W	181.1	50.0	
<b>Address:</b> 328 MINERAL SPRINGS ROAD					
<b>City:</b> BUFFALO <b>County:</b> ERIE <b>State:</b> NY <b>Construction Deadline:</b>					

<b>Antenna: 4 Azimuth (from true north)</b>	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	35.900	24.000	19.700	-10.200	14.200	53.300	54.700	44.700
<b>Transmitting ERP (watts)</b>	19.350	37.380	15.260	0.520	0.200	0.200	0.200	1.520
<b>Antenna: 5 Azimuth (from true north)</b>	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	35.900	24.000	19.700	-10.200	14.200	53.300	54.700	44.700
<b>Transmitting ERP (watts)</b>	0.200	0.440	15.730	50.310	25.800	1.530	0.200	0.200
<b>Antenna: 6 Azimuth (from true north)</b>	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	35.900	24.000	19.700	-10.200	14.200	53.300	54.700	44.700
<b>Transmitting ERP (watts)</b>	6.920	0.860	0.200	0.990	8.510	39.660	67.610	35.380

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
4	42-34-37.9 N	078-53-15.5 W	372.8	60.8	

Address: (North Collins Relo) 2952 Shirley Road

City: North Collins County: ERIE State: NY Construction Deadline:

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	157.900	67.100	19.800	24.200	101.700	161.300	196.700	202.200
Transmitting ERP (watts)	307.870	244.550	3.620	1.000	1.000	1.000	1.000	12.260
Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	157.900	67.100	19.800	24.200	101.700	161.300	196.700	202.200
Transmitting ERP (watts)	1.000	1.000	52.280	415.300	99.620	1.000	1.000	1.000
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	157.900	67.100	19.800	24.200	101.700	161.300	196.700	202.200
Transmitting ERP (watts)	1.000	1.000	1.000	1.000	5.570	163.100	183.630	6.480

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
8	43-05-47.2 N	079-03-08.2 W	188.7	57.9	

Address: NIAGARA TOWERS 901 CEDAR AVENUE

City: NIAGARA FALLS County: NIAGARA State: NY Construction Deadline:

Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	135.900	63.100	64.500	64.400	66.200	62.500	58.900	101.600
Transmitting ERP (watts)	27.500	34.680	6.730	0.950	0.200	0.200	0.480	5.090
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	135.900	63.100	64.500	64.400	66.200	62.500	58.900	101.600
Transmitting ERP (watts)	1.540	11.640	42.550	18.480	2.680	0.410	0.200	0.200
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	135.900	63.100	64.500	64.400	66.200	62.500	58.900	101.600
Transmitting ERP (watts)	0.100	0.100	0.540	0.740	1.550	0.960	0.440	0.210

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
10	42-59-42.2 N	078-48-25.6 W	182.3	47.0	

Address: 410 Meyers Road

City: Buffalo County: ERIE State: NY Construction Deadline:

Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	43.200	43.700	32.100	16.800	28.300	38.700	39.800	45.600
Transmitting ERP (watts)	78.000	48.650	0.390	0.160	0.460	0.160	0.390	48.650
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	43.200	43.700	32.100	16.800	28.300	38.700	39.800	45.600
Transmitting ERP (watts)	0.160	1.010	40.640	38.550	8.850	0.220	0.170	0.490
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	43.200	43.700	32.100	16.800	28.300	38.700	39.800	45.600
Transmitting ERP (watts)	0.270	0.810	0.280	0.350	14.510	63.210	66.650	1.660

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
11	42-37-39.0 N	079-02-37.7 W	211.5	58.5	1058711

Address: 0.5 mi N of HOLLAND ROAD

City: ANGOLA County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	89.000	53.000	-3.300	16.000	31.300	77.100	86.600	92.300
Transmitting ERP (watts)	51.890	48.420	10.350	0.340	0.150	0.150	0.640	13.650
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	89.000	53.000	-3.300	16.000	31.300	77.100	86.600	92.300
Transmitting ERP (watts)	0.150	2.110	25.410	59.570	34.280	4.320	0.150	0.150
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	89.000	53.000	-3.300	16.000	31.300	77.100	86.600	92.300
Transmitting ERP (watts)	1.400	0.150	0.150	0.150	5.960	39.360	56.890	20.660

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
12	43-15-02.2 N	079-02-56.2 W	89.9	34.2	
Address: 120 Lockport Street					
City: YOUNGSTOWN County: NIAGARA State: NY Construction Deadline:					

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	40.600	40.300	19.700	-21.900	-5.000	17.800	40.100	40.600
Transmitting ERP (watts)	38.420	75.530	70.150	32.170	5.520	0.360	0.580	6.430
Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	40.600	40.300	19.700	-21.900	-5.000	17.800	40.100	40.600
Transmitting ERP (watts)	1.480	12.130	62.570	99.560	82.890	29.840	5.000	0.700

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
13	42-43-42.2 N	078-54-52.1 W	206.9	57.3	
Address: 2342 PLEASANT AVE					
City: Hamburg County: ERIE State: NY Construction Deadline:					

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	88.200	73.900	-1.300	-57.200	1.800	54.900	54.300	88.200
Transmitting ERP (watts)	15.080	34.860	7.830	0.200	0.200	0.200	0.200	0.480
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	88.200	73.900	-1.300	-57.200	1.800	54.900	54.300	88.200
Transmitting ERP (watts)	0.320	11.240	85.790	142.650	62.860	5.680	0.320	0.320
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	88.200	73.900	-1.300	-57.200	1.800	54.900	54.300	88.200
Transmitting ERP (watts)	1.200	0.250	0.250	0.820	20.330	67.770	70.800	24.760

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
14	43-11-45.0 N	078-27-57.0 W	185.3	60.7	
Address: 9979 Mountain Road					
City: Middleport County: NIAGARA State: NY Construction Deadline:					

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	129.200	114.300	54.600	51.700	53.400	55.700	77.400	124.100
Transmitting ERP (watts)	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure  
(meters) (meters) Registration No.  
16 42-30-42.2 N 078-40-37.1 W 428.2 45.7

Address: CAROLINA STREET

City: SPRINGVILLE County: ERIE State: NY Construction Deadline:

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	44.500	-35.400	64.700	-52.500	-49.500	75.800	63.500	53.600
Transmitting ERP (watts)	303.640	43.890	1.670	0.960	0.960	3.330	126.580	391.170
Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	44.500	-35.400	64.700	-52.500	-49.500	75.800	63.500	53.600
Transmitting ERP (watts)	20.060	225.090	419.140	205.290	19.160	0.980	0.980	0.980
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	44.500	-35.400	64.700	-52.500	-49.500	75.800	63.500	53.600
Transmitting ERP (watts)	0.980	0.980	0.980	56.540	325.360	391.170	100.550	2.770

Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure  
(meters) (meters) Registration No.  
18 42-45-57.0 N 078-33-59.0 W 342.9 47.0

Address: 11283 MAIN ST

City: East Aurora County: ERIE State: NY Construction Deadline:

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	132.600	58.900	-7.500	7.900	7.200	32.100	116.100	146.900
Transmitting ERP (watts)	39.840	21.400	3.390	0.460	0.250	0.550	3.810	20.910
Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	132.600	58.900	-7.500	7.900	7.200	32.100	116.100	146.900
Transmitting ERP (watts)	1.640	35.980	125.070	120.540	27.070	0.650	0.320	0.320
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	132.600	58.900	-7.500	7.900	7.200	32.100	116.100	146.900
Transmitting ERP (watts)	8.920	1.330	0.250	1.600	10.010	46.730	83.250	47.820

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

Location Latitude Longitude Ground Elevation (meters) Structure Hgt to Tip (meters) Antenna Structure Registration No.  
20 43-01-24.2 N 078-59-14.1 W 182.9 47.0  
Address: 2549 Whitehaven Road  
City: Grand Island County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	45.300	51.400	52.600	45.800	48.100	51.800	54.300	51.000
Transmitting ERP (watts)	33.120	19.270	4.370	0.500	0.130	0.570	5.370	21.590
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	45.300	51.400	52.600	45.800	48.100	51.800	54.300	51.000
Transmitting ERP (watts)	1.060	11.440	41.240	49.980	18.570	2.830	0.250	0.160
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	45.300	51.400	52.600	45.800	48.100	51.800	54.300	51.000
Transmitting ERP (watts)	0.160	0.100	0.100	0.310	2.060	3.660	3.180	1.190

Location Latitude Longitude Ground Elevation (meters) Structure Hgt to Tip (meters) Antenna Structure Registration No.  
21 42-59-03.7 N 078-55-52.0 W 183.8 30.2  
Address: 4051 RIVER ROAD  
City: TONAWANDA County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	36.400	36.900	30.300	25.100	36.000	30.600	36.600	38.100
Transmitting ERP (watts)	69.960	64.160	16.300	2.250	0.200	0.200	2.210	21.180
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	36.400	36.900	30.300	25.100	36.000	30.600	36.600	38.100
Transmitting ERP (watts)	0.200	0.910	24.720	83.180	27.730	1.070	0.200	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	36.400	36.900	30.300	25.100	36.000	30.600	36.600	38.100
Transmitting ERP (watts)	6.920	0.860	0.200	0.990	8.510	39.660	67.610	35.380

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

**Location** Latitude Longitude Ground Elevation (meters) Structure Hgt to Tip (meters) Antenna Structure Registration No.  
24 42-53-05.2 N 078-52-21.1 W 185.9 97.0  
Address: 391 WASHINGTON STREET  
City: BUFFALO County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	44.600	30.700	37.800	31.100	50.000	55.600	49.700	51.800
Transmitting ERP (watts)	4.720	8.200	6.370	0.750	0.100	0.100	0.100	0.220
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	44.600	30.700	37.800	31.100	50.000	55.600	49.700	51.800
Transmitting ERP (watts)	0.100	0.100	0.460	4.100	5.240	4.580	0.540	0.100
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	44.600	30.700	37.800	31.100	50.000	55.600	49.700	51.800
Transmitting ERP (watts)	5.290	0.260	0.100	0.100	0.100	0.750	5.810	8.390

**Location** Latitude Longitude Ground Elevation (meters) Structure Hgt to Tip (meters) Antenna Structure Registration No.  
25 42-55-04.2 N 078-51-40.8 W 192.0 31.1  
Address: 1665 MAIN STREET  
City: BUFFALO County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	42.500	33.200	20.500	30.600	45.400	48.000	38.300	44.200
Transmitting ERP (watts)	19.910	7.790	0.470	0.100	0.100	0.100	0.390	8.690
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	40.400	31.100	18.300	28.500	43.200	45.900	36.200	42.100
Transmitting ERP (watts)	0.100	1.340	13.870	17.070	4.290	0.100	0.100	0.100
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	42.500	33.200	20.500	30.600	45.400	48.000	38.300	44.200
Transmitting ERP (watts)	0.210	0.100	0.100	0.870	10.800	43.630	32.560	7.060

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Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
26	42-47-27.8 N	078-47-42.2 W	205.7	47.2	

Address: 3426 ABBOTT ROAD

City: Buffalo County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	57.300	41.000	-18.400	-66.400	-42.000	23.300	65.800	70.400
Transmitting ERP (watts)	3.060	1.740	0.360	0.100	0.100	0.360	1.970	3.120
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	57.300	41.000	-18.400	-66.400	-42.000	23.300	65.800	70.400
Transmitting ERP (watts)	8.910	52.480	87.100	38.020	4.680	0.220	0.200	0.470
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	57.300	41.000	-18.400	-66.400	-42.000	23.300	65.800	70.400
Transmitting ERP (watts)	0.240	0.170	0.170	0.780	9.540	46.710	30.860	3.310

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
27	42-55-47.1 N	078-45-20.7 W	204.2	40.5	1017009

Address: 4230-36 UNION RD

City: Buffalo County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	57.600	37.400	12.300	22.900	38.900	56.300	48.600	55.100
Transmitting ERP (watts)	25.830	34.940	9.170	0.200	0.200	0.200	0.200	3.450
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	57.600	37.400	12.300	22.900	38.900	56.300	48.600	55.100
Transmitting ERP (watts)	0.200	0.440	13.600	36.530	21.220	1.520	0.200	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	57.600	37.400	12.300	22.900	38.900	56.300	48.600	55.100
Transmitting ERP (watts)	15.260	0.520	0.200	0.200	0.200	1.520	19.350	37.380

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**Location** **Latitude** **Longitude** **Ground Elevation (meters)** **Structure Hgt to Tip (meters)** **Antenna Structure Registration No.**  
28 42-53-18.7 N 078-48-53.4 W 184.1 31.1  
**Address:** 1250 BAILEY AVENUE  
**City:** BUFFALO **County:** ERIE **State:** NY **Construction Deadline:**

<b>Antenna:</b> 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	25.500	6.300	12.100	0.200	18.400	38.600	34.400	30.900
<b>Transmitting ERP (watts)</b>	15.530	15.270	2.440	0.100	0.100	0.100	0.100	3.360
<b>Antenna:</b> 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	25.500	6.300	12.100	0.200	18.400	38.600	34.400	30.900
<b>Transmitting ERP (watts)</b>	0.100	1.720	12.910	17.470	4.590	0.100	0.100	0.100
<b>Antenna:</b> 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	26.800	7.500	13.300	1.500	19.600	39.800	35.700	32.100
<b>Transmitting ERP (watts)</b>	0.100	0.100	0.100	0.100	4.190	16.330	13.520	1.720

**Location** **Latitude** **Longitude** **Ground Elevation (meters)** **Structure Hgt to Tip (meters)** **Antenna Structure Registration No.**  
30 43-05-14.6 N 078-53-07.4 W 176.5 36.9  
**Address:** 2931 NIAGARA FALLS BOULEVARD  
**City:** North Tonawanda **County:** NIAGARA **State:** NY **Construction Deadline:**

<b>Antenna:</b> 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	55.600	31.400	34.700	35.200	31.900	34.200	39.900	39.200
<b>Transmitting ERP (watts)</b>	56.180	87.460	13.450	0.250	0.240	0.240	0.240	4.450
<b>Antenna:</b> 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	55.600	31.400	34.700	35.200	31.900	34.200	39.900	39.200
<b>Transmitting ERP (watts)</b>	0.200	1.530	23.530	51.480	17.650	0.520	0.200	0.200
<b>Antenna:</b> 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	55.600	31.400	34.700	35.200	31.900	34.200	39.900	39.200
<b>Transmitting ERP (watts)</b>	2.350	0.200	0.200	0.200	0.240	12.070	47.470	30.130

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Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
31	42-45-32.4 N	078-50-20.8 W	214.6	46.0	
Address: 3780 HOWARD ROAD					
City: HAMBURG County: ERIE State: NY Construction Deadline:					

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	71.400	46.400	-15.200	-102.000	-32.500	26.400	66.000	78.200
Transmitting ERP (watts)	17.980	33.580	22.400	4.130	0.150	0.150	0.150	2.170
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	71.400	46.400	-15.200	-102.000	-32.500	26.400	66.000	78.200
Transmitting ERP (watts)	0.200	0.250	6.020	62.040	33.160	0.670	0.280	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	71.400	46.400	-15.200	-102.000	-32.500	26.400	66.000	78.200
Transmitting ERP (watts)	1.950	0.200	0.200	0.220	7.270	33.150	43.080	20.370

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
33	42-42-53.7 N	078-41-55.8 W	379.2	47.0	
Address: 6243 BENNING ROAD					
City: WEST FALLS County: ERIE State: NY Construction Deadline:					

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	170.600	149.900	56.600	-44.600	30.600	58.300	162.600	197.000
Transmitting ERP (watts)	20.420	30.160	5.130	0.200	0.200	0.200	5.130	30.160
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	170.600	149.900	56.600	-44.600	30.600	58.300	162.600	197.000
Transmitting ERP (watts)	0.200	13.800	85.110	100.000	33.110	1.450	0.200	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	170.600	149.900	56.600	-44.600	30.600	58.300	162.600	197.000
Transmitting ERP (watts)	0.200	0.200	0.200	1.410	26.160	56.180	50.930	12.510

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Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
34	42-55-49.1 N	078-31-11.2 W	247.2	58.8	

Address: 12569 REINHART ROAD

City: ALDEN County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	89.100	48.200	31.900	-14.600	18.500	70.300	77.000	90.600
Transmitting ERP (watts)	97.730	51.550	6.460	0.320	0.320	0.320	6.460	52.750
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	89.100	48.200	31.900	-14.600	18.500	70.300	77.000	90.600
Transmitting ERP (watts)	0.5 0	16.600	93.330	114.820	35.480	1.910	0.320	0.320
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	89.100	48.200	31.900	-14.600	18.500	70.300	77.000	90.600
Transmitting ERP (watts)	0.400	0.250	0.250	1.850	19.060	35.450	31.370	10.830

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
37	42-39-49.2 N	078-56-42.1 W	231.3	31.7	

Address: EDEN-EVANS TOWN LINE ROAD

City: Derby County: ERIE State: NY Construction Deadline:

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	73.500	30.000	-46.400	-101.900	19.200	46.500	65.200	76.200
Transmitting ERP (watts)	41.690	100.000	41.690	0.360	0.200	0.200	0.200	1.410
Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	73.500	30.000	-46.400	-101.900	19.200	46.500	65.200	76.200
Transmitting ERP (watts)	0.200	0.200	0.200	9.330	75.860	87.100	12.880	0.200
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	73.500	30.000	-46.400	-101.900	19.200	46.500	65.200	76.200
Transmitting ERP (watts)	25.120	0.200	0.200	0.200	0.200	3.800	60.260	97.720

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Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
38	43-05-42.3 N	078-57-25.4 W	175.3	27.7	1019092

Address: 9200 NIAGARA FALLS BLVD

City: Niagara Falls County: NIAGARA State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	55.500	30.500	24.100	27.100	24.100	28.800	21.200	59.900
Transmitting ERP (watts)	20.140	87.130	36.250	1.570	0.200	0.200	0.200	0.450
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	55.500	30.500	24.100	27.100	24.100	28.800	21.200	59.900
Transmitting ERP (watts)	0.200	0.450	20.140	87.130	36.250	1.570	0.200	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	55.500	30.500	24.100	27.100	24.100	28.800	21.200	59.900
Transmitting ERP (watts)	0.330	0.200	0.200	0.200	2.470	41.420	85.230	16.480

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
40	42-49-53.8 N	078-50-47.7 W	177.7	32.0	

Address: 170 COMMERCE DR

City: LACKAWANNA County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	20.200	16.100	0.400	-35.600	-9.100	34.900	30.200	29.800
Transmitting ERP (watts)	50.710	19.190	0.800	0.150	0.150	0.150	0.680	17.120
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	20.200	16.100	0.400	-35.600	-9.100	34.900	30.200	29.800
Transmitting ERP (watts)	0.240	14.690	81.390	44.380	2.470	0.200	0.200	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	20.200	16.100	0.400	-35.600	-9.100	34.900	30.200	29.800
Transmitting ERP (watts)	0.200	0.200	0.910	28.180	100.000	31.620	1.070	0.200

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**Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure Registration No.**  
42 43-10-24.4 N 079-02-26.2 W 113.0 33.5  
**Address: 145 NORTH SIXTH STREET**  
**City: LEWISTON County: NIAGARA State: NY Construction Deadline:**

**Antenna: 2 Azimuth (from true north) 0 45 90 135 180 225 270 315**  
**Antenna Height AAT (meters) 53.200 42.300 -39.100 -45.900 -33.300 -45.600 38.000 56.100**  
**Transmitting ERP (watts) 5.890 22.180 36.310 19.780 4.790 0.860 0.210 0.990**

**Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure Registration No.**  
43 42-51-23.4 N 078-31-42.1 W 277.1 60.4  
**Address: 12445 Clinton Street**  
**City: Alden County: ERIE State: NY Construction Deadline:**

**Antenna: 2 Azimuth (from true north) 0 45 90 135 180 225 270 315**  
**Antenna Height AAT (meters) 89.300 65.300 -21.600 -70.300 -1.400 59.800 109.600 106.700**  
**Transmitting ERP (watts) 79.430 38.900 4.070 0.200 0.200 0.200 4.070 39.810**

**Antenna: 3 Azimuth (from true north) 0 45 90 135 180 225 270 315**  
**Antenna Height AAT (meters) 89.300 65.300 -21.600 -70.300 -1.400 59.800 109.600 106.700**  
**Transmitting ERP (watts) 0.320 10.470 58.880 72.440 22.390 1.200 0.200 0.200**

**Antenna: 4 Azimuth (from true north) 0 45 90 135 180 225 270 315**  
**Antenna Height AAT (meters) 89.300 65.300 -21.600 -70.300 -1.400 59.800 109.600 106.700**  
**Transmitting ERP (watts) 0.260 0.200 0.200 1.320 22.910 74.130 57.540 10.470**

**Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure Registration No.**  
45 43-17-57.6 N 078-49-27.3 W 90.2 50.4  
**Address: 601 LAKE STREET**  
**City: WILSON County: NIAGARA State: NY Construction Deadline:**

**Antenna: 2 Azimuth (from true north) 0 45 90 135 180 225 270 315**  
**Antenna Height AAT (meters) 60.700 60.100 31.600 25.000 8.300 36.900 52.100 60.700**  
**Transmitting ERP (watts) 23.930 4.700 0.130 0.130 0.130 0.520 10.500 28.970**

**Antenna: 3 Azimuth (from true north) 0 45 90 135 180 225 270 315**  
**Antenna Height AAT (meters) 60.700 60.100 31.600 25.000 8.300 36.900 52.100 60.700**  
**Transmitting ERP (watts) 2.170 17.620 29.940 16.820 1.470 0.130 0.130 0.130**

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**Location** **Latitude** **Longitude** **Ground Elevation (meters)** **Structure Hgt to Tip (meters)** **Antenna Structure Registration No.**  
45 43-17-57.6 N 078-49-27.3 W 90.2 50.4  
**Address:** 601 LAKE STREET  
**City:** WILSON **County:** NIAGARA **State:** NY **Construction Deadline:**

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<b>Antenna:</b> 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	60.700	60.100	31.600	25.000	8.300	36.900	52.100	60.700
<b>Transmitting ERP (watts)</b>	0.130	0.130	0.130	5.970	33.590	42.280	12.770	0.340

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**Location** **Latitude** **Longitude** **Ground Elevation (meters)** **Structure Hgt to Tip (meters)** **Antenna Structure Registration No.**  
46 43-01-20.4 N 078-30-27.0 W 208.5 57.1  
**Address:** 3 JACKSON STREET  
**City:** AKRON **County:** ERIE **State:** NY **Construction Deadline:**

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<b>Antenna:</b> 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	76.900	67.300	6.100	1.100	13.300	34.600	74.800	81.900
<b>Transmitting ERP (watts)</b>	115.660	115.660	115.660	115.660	115.660	115.660	115.660	115.660

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**Location** **Latitude** **Longitude** **Ground Elevation (meters)** **Structure Hgt to Tip (meters)** **Antenna Structure Registration No.**  
47 43-09-58.5 N 078-52-48.1 W 191.7 48.1  
**Address:** Carney Drive  
**City:** Sanborn **County:** NIAGARA **State:** NY **Construction Deadline:**

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<b>Antenna:</b> 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	139.900	125.100	50.700	56.600	61.100	58.800	73.900	139.900
<b>Transmitting ERP (watts)</b>	132.450	80.070	17.000	2.010	0.460	1.250	12.840	68.160
<b>Antenna:</b> 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	139.900	125.100	50.700	56.600	61.100	58.800	73.900	139.900
<b>Transmitting ERP (watts)</b>	1.740	18.600	76.000	96.160	30.900	4.520	0.430	0.250
<b>Antenna:</b> 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	139.900	125.100	50.700	56.600	61.100	58.800	73.900	139.900
<b>Transmitting ERP (watts)</b>	1.800	0.250	0.460	5.680	29.020	62.670	48.830	13.240

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Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
48	43-16-29.4 N	078-41-51.6 W	107.6	59.6	

Address: 6176 MCKEE ROAD

City: NEWFANE County: NIAGARA State: NY Construction Deadline:

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	79.300	67.200	50.400	22.300	15.100	43.000	59.700	78.000
Transmitting ERP (watts)	45.200	12.740	0.250	0.240	0.240	1.910	23.370	48.280
Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	79.300	67.200	50.400	22.300	15.100	43.000	59.700	78.000
Transmitting ERP (watts)	6.300	49.140	88.960	46.960	4.670	0.240	0.240	0.240
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	79.300	67.200	50.400	22.300	15.100	43.000	59.700	78.000
Transmitting ERP (watts)	0.240	0.240	0.240	13.660	45.200	48.240	23.270	0.960

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
52	42-35-22.5 N	078-29-47.6 W	445.0	59.8	

Address: Olean Road, Route 16

City: Chaffee County: ERIE State: NY Construction Deadline:

Antenna: 2 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	69.500	65.600	-27.200	17.000	41.800	53.300	11.400	58.600
Transmitting ERP (watts)	36.890	0.510	0.300	0.250	0.250	0.350	12.790	101.600
Antenna: 3 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	69.500	65.600	-27.200	17.000	41.800	53.300	11.400	58.600
Transmitting ERP (watts)	6.870	58.470	119.370	88.490	21.720	1.650	0.250	0.250
Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	69.500	65.600	-27.200	17.000	41.800	53.300	11.400	58.600
Transmitting ERP (watts)	0.250	0.250	0.250	3.520	42.360	99.290	57.140	7.190

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure  
(meters) (meters) Registration No.  
53 43-03-39.0 N 078-49-02.8 W 176.5 48.5  
Address: 7174 Townline Rd  
City: North Tonawanda County: NIAGARA State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	51.000	38.400	45.100	34.400	35.500	44.400	49.300	37.600
Transmitting ERP (watts)	74.820	70.230	6.480	0.240	0.240	0.240	0.240	9.230
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	51.000	38.400	45.100	34.400	35.500	44.400	49.300	37.600
Transmitting ERP (watts)	0.200	3.530	32.950	47.280	10.190	0.200	0.200	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	51.000	38.400	45.100	34.400	35.500	44.400	49.300	37.600
Transmitting ERP (watts)	1.070	0.200	0.200	0.200	0.910	16.560	38.020	18.540

Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure  
(meters) (meters) Registration No.  
55 42-42-53.2 N 078-49-52.1 W 250.5 39.6  
Address: Long Avenue  
City: Hamburg County: ERIE State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	90.100	39.100	-48.100	-32.700	-58.400	48.400	64.400	100.200
Transmitting ERP (watts)	52.480	22.050	1.070	0.200	0.200	0.200	0.910	19.690
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	90.100	39.100	-48.100	-32.700	-58.400	48.400	64.400	100.200
Transmitting ERP (watts)	1.400	15.120	65.360	83.430	25.700	3.610	0.360	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	90.100	39.100	-48.100	-32.700	-58.400	48.400	64.400	100.200
Transmitting ERP (watts)	1.880	0.200	0.280	3.220	26.300	83.430	62.410	13.170

Licensee Name: UPSTATE CELLULAR NETWORK

Call Sign: KNKA203

File Number: 0006356367

Print Date: 08-26-2014

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt (meters)	Hgt to Tip (meters)	Antenna Registration No.
56	43-10-39.8 N	078-44-24.1 W	190.8	80.8		1059209

Address: 5465 Upper Mountain Road

City: LOCKPORT County: NIAGARA State: NY Construction Deadline:

Antenna: 4 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	159.300	150.900	80.500	83.100	88.800	84.100	113.900	158.000
Transmitting ERP (watts)	123.320	65.040	8.150	0.400	0.400	0.400	8.150	66.560
Antenna: 5 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	159.300	150.900	80.500	83.100	88.800	84.100	113.900	158.000
Transmitting ERP (watts)	1.080	10.460	42.940	67.770	31.780	5.460	0.770	0.200
Antenna: 6 Azimuth (from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	159.300	150.900	80.500	83.100	88.800	84.100	113.900	158.000
Transmitting ERP (watts)	2.880	0.320	0.370	7.730	60.670	132.350	114.920	35.540

**Control Points:**

Control Pt. No. 2

Address: 500 W. Dove Rd

City: Southlake County: TARRANT State: TX Telephone Number: (800)264-6620

**Waivers/Conditions:**

THIS AUTHORIZATION IS SUBJECT TO THE CONDITION THAT, IN THE EVENT THAT CELLULAR SYSTEMS USING THE SAME FREQUENCY BLOCK AS GRANTED HEREIN ARE AUTHORIZED IN ADJACENT TERRITORY IN CANADA, COORDINATION OF ANY OF THE LICENSEE'S TRANSMITTER INSTALLATIONS WHICH ARE WITHIN 45 MILES OF THE U.S. CANADA BORDER SHALL BE REQUIRED TO ELIMINATE ANY HARMFUL INTERFERENCE THAT MIGHT OTHERWISE EXIST AND TO INSURE CONTINUANCE OF EQUAL ACCESS TO THE FREQUENCY BLOCK BY BOTH COUNTRIES.

THIS AUTHORIZATION IS SUBJECT TO THE CONDITION THAT, IN THE EVENT THAT CELLULAR SYSTEMS USING THE SAME FREQUENCY BLOCK AS GRANTED HEREIN ARE AUTHORIZED IN ADJACENT TERRITORY IN CANADA, COORDINATION OF ANY OF THE LICENSEE'S TRANSMITTER INSTALLATIONS WHICH ARE WITHIN 45 MILES OF THE U.S. CANADA BORDER SHALL BE REQUIRED TO ELIMINATE ANY HARMFUL INTERFERENCE THAT MIGHT OTHERWISE EXIST AND TO INSURE CONTINUANCE OF EQUAL ACCESS TO THE FREQUENCY BLOCK BY BOTH COUNTRIES.

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

**REFERENCE COPY**

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY  
CELLCO PARTNERSHIP  
1120 SANCTUARY PKWY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630

<b>Call Sign</b> KNLH447	<b>File Number</b>
<b>Radio Service</b> CW - PCS Broadband	

FCC Registration Number (FRN): 0003290673

<b>Grant Date</b> 07-23-2007	<b>Effective Date</b> 12-16-2010	<b>Expiration Date</b> 06-27-2017	<b>Print Date</b>
<b>Market Number</b> BTA060	<b>Channel Block</b> D	<b>Sub-Market Designator</b> 0	
<b>Market Name</b> Buffalo-Niagara Falls, NY			
<b>1st Build-out Date</b> 06-27-2002	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: RURAL CELLULAR CORPORATION

ATTN: REGULATORY  
RURAL CELLULAR CORPORATION  
1120 SANCTUARY PK WY, #150 GASA5REG  
ALPHARETTA, GA 30009-7630

Call Sign WQJU897	File Number
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003715919

Grant Date 06-12-2015	Effective Date 06-12-2015	Expiration Date 06-23-2025	Print Date
Market Number MTA035	Channel Block B	Sub-Market Designator 6	
Market Name Buffalo-Rochester			
1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

License renewal granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Conditions:

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**Licensee Name:** RURAL CELLULAR CORPORATION

**Call Sign:** WQJU897

**File Number:**

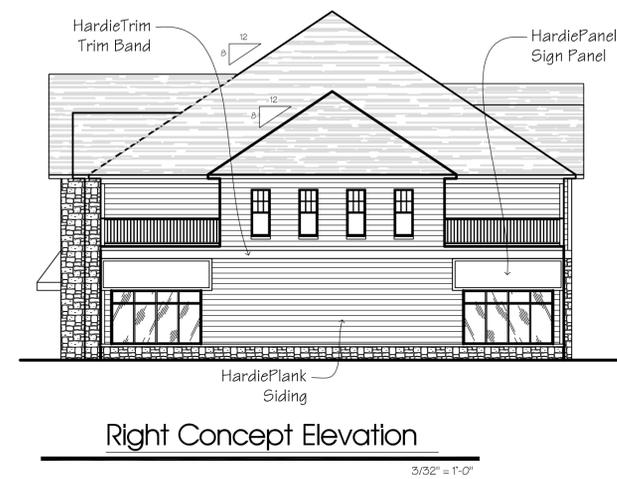
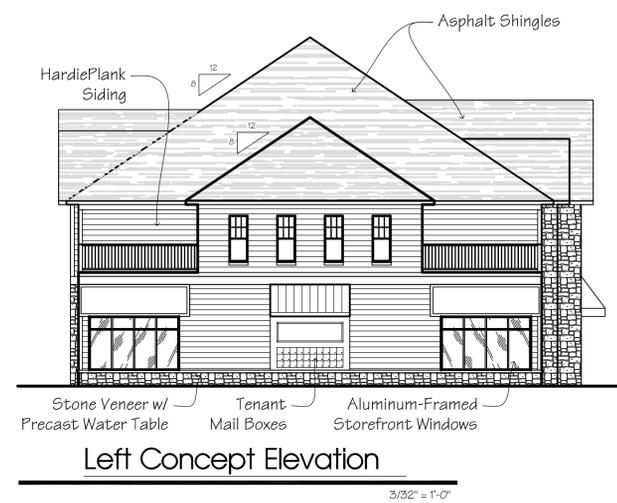
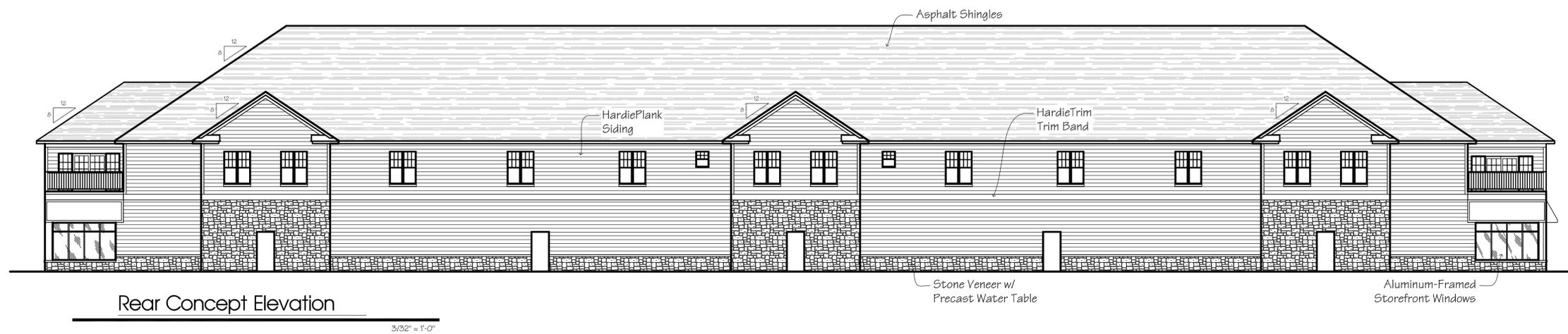
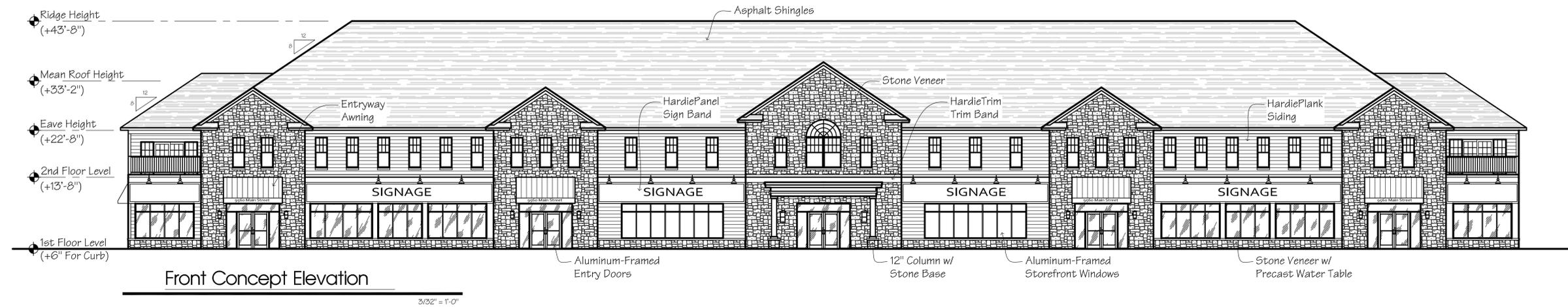
**Print Date:**

This authorization is subject to the condition that the licensee shall comply with Section 24.204 of the Commission's rules, 47 C.F.R. 24.204.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).



**STEPHEN**  
DEVELOPMENT

**Mixed-Use Building**

9560 Main Street  
Clarence, New York  
9/28/2016





Concept Rendering

NTS

**STEPHEN**  
DEVELOPMENT

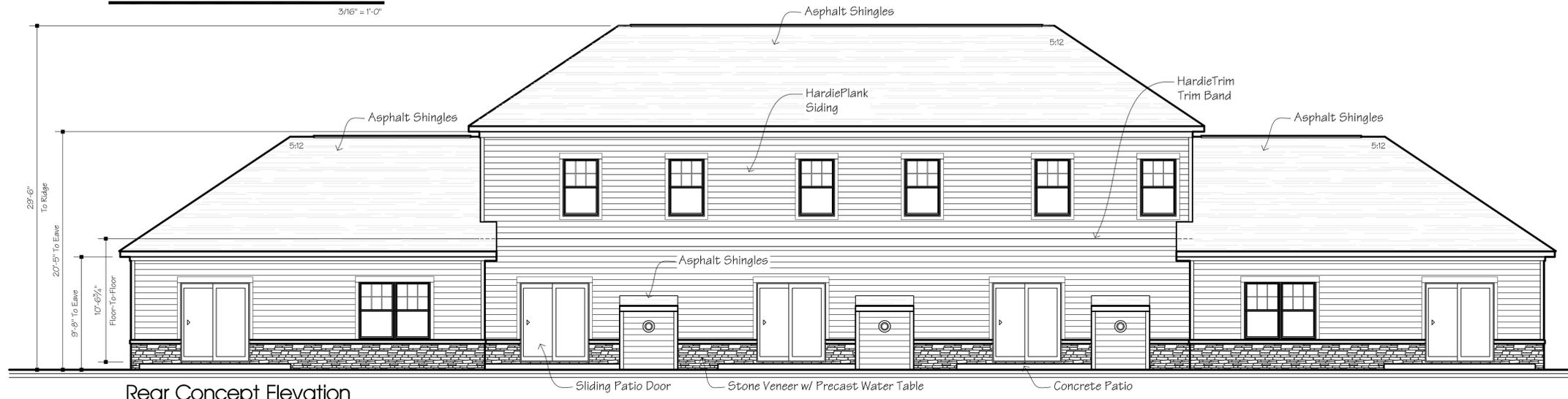
**Concept Multi-Use Building:**

**9560 Main Street  
Clarence, New York**

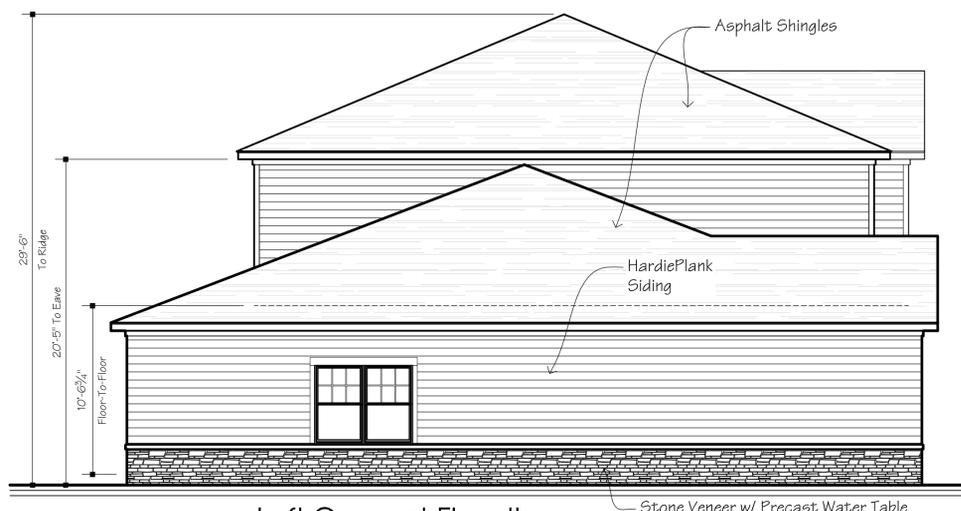




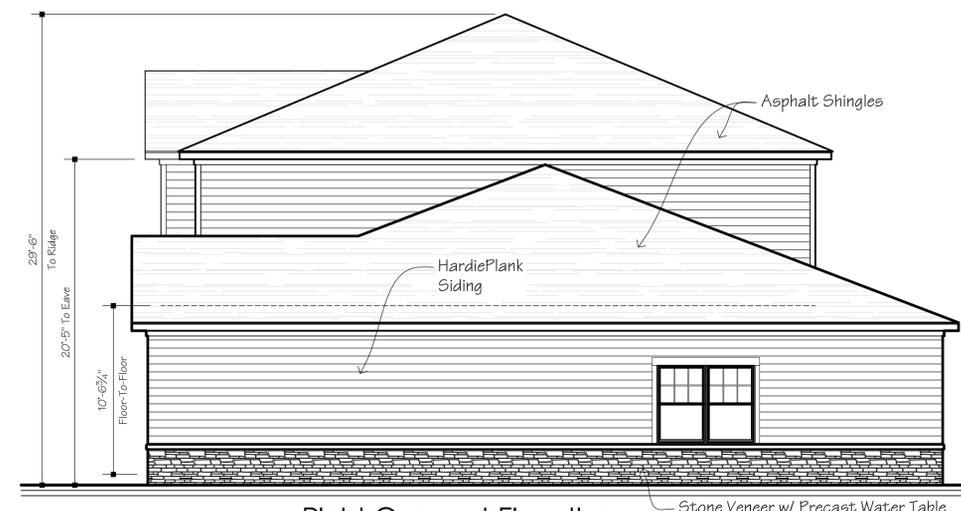
Front Concept Elevation



Rear Concept Elevation



Left Concept Elevation



Right Concept Elevation

**STEPHEN**  
DEVELOPMENT

**5-Unit Townhomes**

9560 Main Street  
Clarence, New York  
9/28/2016





Site Data Table  
 Total Site Area = 10.84 Acres  
 Commercial Zoned = 3.02 Acres  
 Residential Zoned = 7.82 Acres  
 ODA Area = 5.24 Acres

Required Commercial max. Lot Coverage = 70%  
 Required Commercial min. Green Space = 30%  
 Provided Commercial Green Space = 31%

Greenbelt Requirements = 45' Adjacent To Residential  
 Required Front Yard Setback = 80'  
 Provided Front Yard Setback = 119'  
 Required Side Yard Setback = 25'  
 Provided Side Yard Setback = 32'  
 Required Rear Yard Setback = 25'  
 Provided Rear Yard Setback = 170'  
 Accessory Building Setback = 10'  
 Max. Building Height = 45'

Building Area: 18,500 square feet  
 Apartment Units = 10  
 Townhouse Units = 24  
 Total Residential Units = 34

Parking Required:  
 Required Commercial Spaces = 1 space per 150 sqft  
 18,500 sq' / 150 = 124 Spaces  
 Required Residential Unit Spaces = 2 spaces per Unit  
 Apartments = 14 Units x 2 = 28 Spaces  
 Townhouses = 10 Units x 2 = 20 Spaces  
 Total Parking Spaces Required = 172 Spaces

Parking Provided:  
 Garage/Driveway Units = 34 Spaces  
 Parking Spaces Provided = 100 Spaces  
 Total provided = 134 Spaces

Multi-Family Housing requirements:  
 Max. Density allowed = 8 DU/acre  
 or 4 DU/acre if on septic  
 of 4 DU/acre total = 2.4 DU/acre  
 Provided density = 26 DU/10.8 acres = 2.4 DU/acre

**LEGEND**

**NOTES**

1) BOUNDARY INFORMATION PROVIDED BY SUTTON ARCHITECTURE  
 2) THIS IS NOT A PROPERTY SURVEY.

Designed By:	AHH
Drawn By:	AHH
Checked By:	MJM
Code File:	M 1321

**MEITZGER CIVIL ENGINEERING, PLLC**  
 8560 MAIN ST.  
 WILLIAMSVILLE, NY 14221  
 PH: 716-633-2801  
 FAX: 716-633-2704

CIVIL ENGINEERING  
 LAND PLANNING  
 SITE DESIGN  
 MUNICIPAL ENGINEERING

TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

9560 MAIN STREET  
 CONCEPT PLAN

SCALE:	1" = 50'
DATE:	JANUARY 22, 2016
JOB NO.:	M-1321
SHEET NO.:	

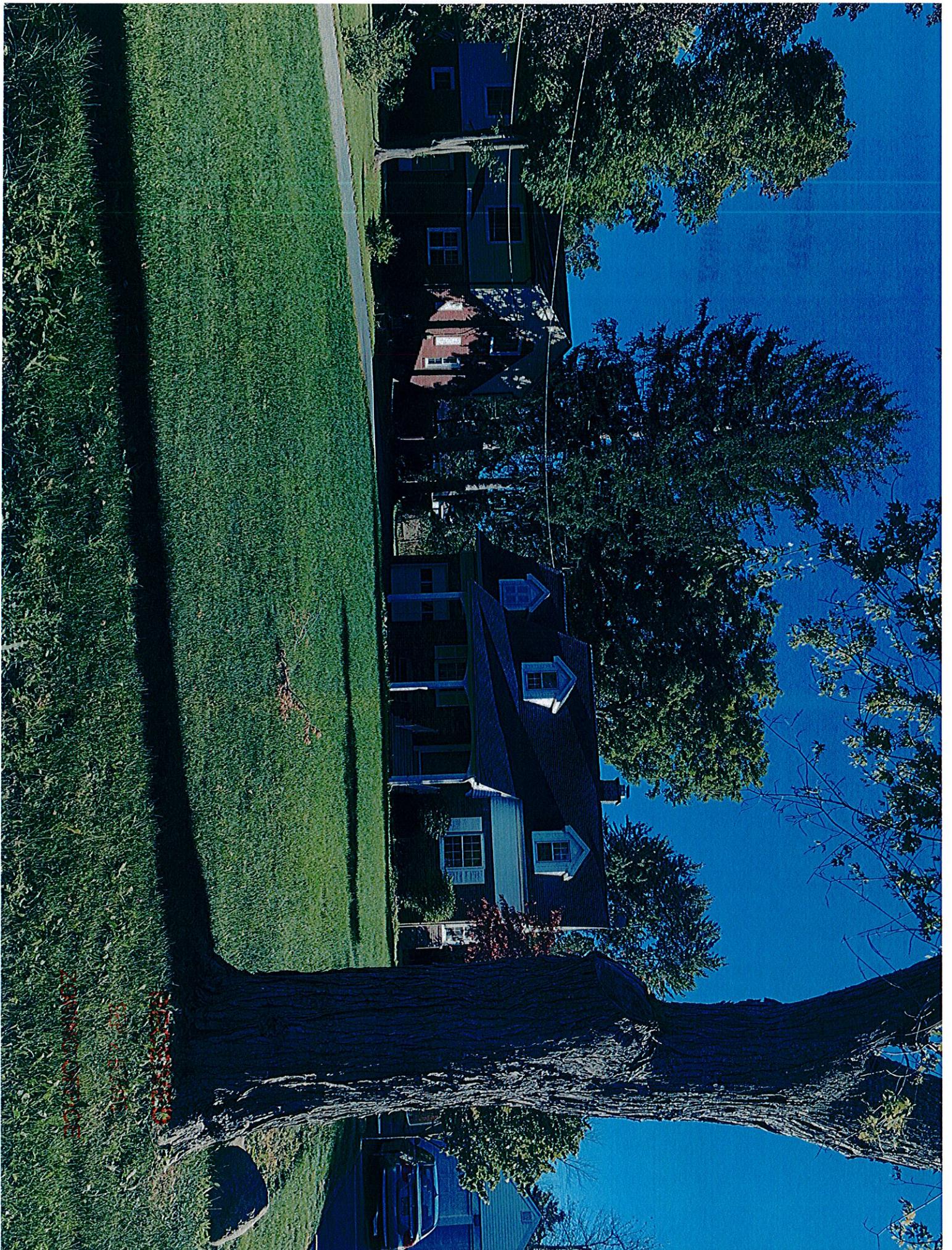
**September 28, 2016**  
**PRELIMINARY DRAINAGE REPORT**

**FOUNTAIN COURT**  
**9560 MAIN STREET**  
**CLARENCE, NEW YORK**

The proposed mixed use development will be served by a stormwater management system that collects all surface water from the developed portion of the site carrying the flows to a common pair of stormwater infiltration basin/detention ponds. These ponds will be served by natural infiltration into the fractured bedrock with the support of two stormwater injection wells into the rock. The stormwater ponds have been sized to contain everything up to and including a 100-year storm with a release rate equal to the flow rate of the wells only. Based upon our preliminary calculations, the volume of the required storage will be 66,398 cf. The site will also be graded in such a way that there will be no stormwater discharges to surface waters from developed portions of the site during or after construction. With no discharge of stormwater from developed portions of the site to surface water during or after construction via overland flows or to nearby stormwater ditches or streams, the site will not be subject to New York State Department of Environmental Conservation (NYSDEC) stormwater permitting requirements. However, as has been done on other recent projects following the same principal, certain measures will be taken in the design and construction of the stormwater management system to provide water quality benefits. These will include an infiltrative soil placement with grass planting over the infiltration basin surface and injection well intake piping to minimize sediment infiltration into the bedrock beneath the site. At the time of final design of the system we will also engage in communication with the NYSDEC to ensure that they are satisfied with the approach which has been successfully followed on other similar projects.

Lastly, while we are confident from past experience that the system put forth will be acceptable to all relevant regulatory authorities, we have looked at an alternative that could be employed in the unlikely event that past successes do not present the same result. We have preliminarily sized an infiltration sand filter that could be constructed in the bottom of the stormwater infiltration basins to provide Green Infrastructure treatment to water leaving the site via the basin. This measure would exceed the required water quality volume. Such a system, while obviously coming at a greater expense to the owner, would be fully compliant with the NYSDEC stormwater permitting requirements for volume control and water quality control should it be needed. This is a system we have successfully employed on other projects as well and will not alter the layout of the site as currently presented since the sand filter will be in the bottom of the infiltration basins shown on the concept plan.





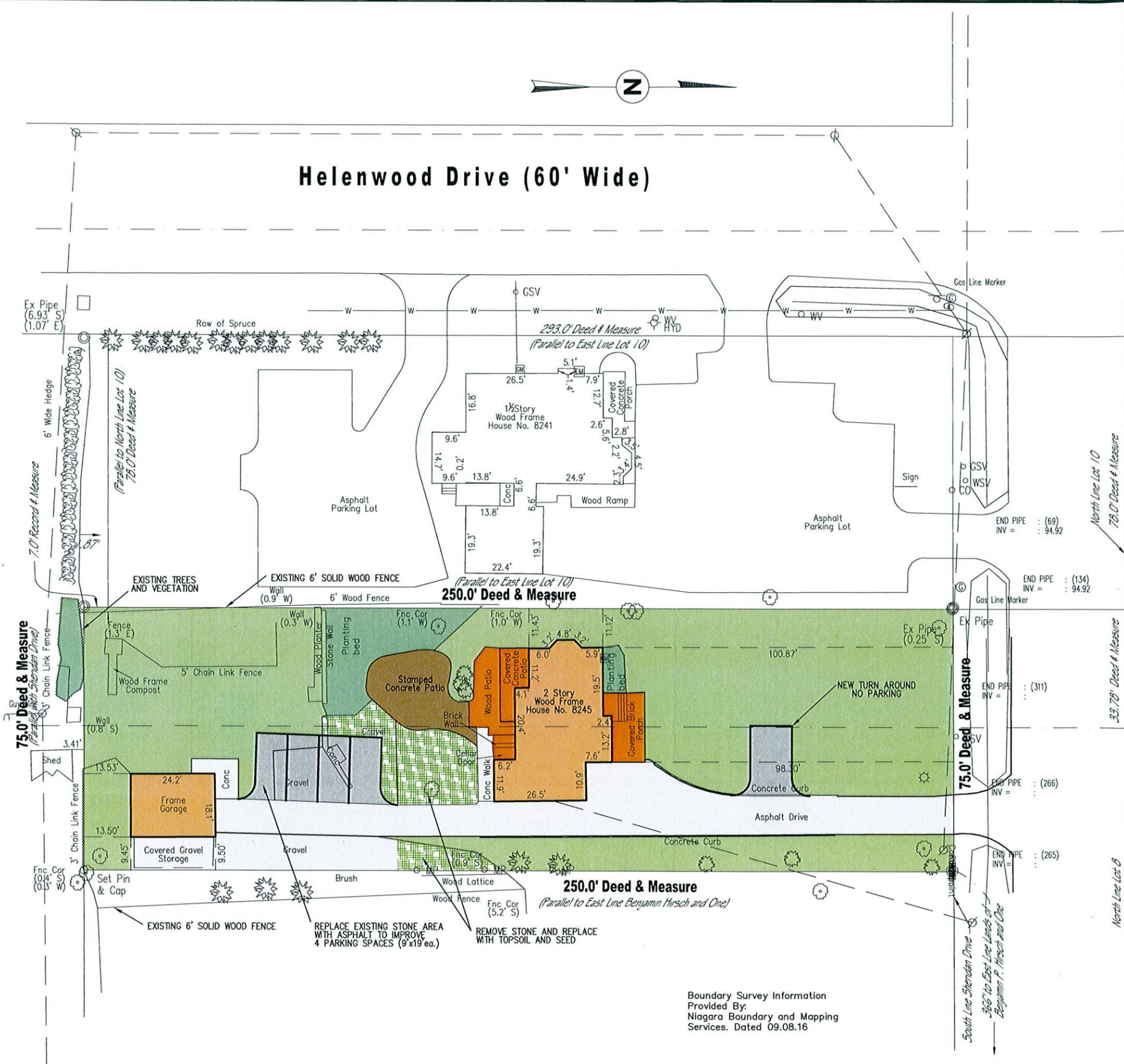












**Helenwood Drive (60' Wide)**

**Sheridan Drive (100' Wide)**

*(Formerly Hammer Road)  
Blaker Highway 8216 + Route 324*

Boundary Survey Information  
Provided By:  
Niagara Boundary and Mapping  
Services. Dated 09.08.16

**RECEIVED**  
**SEP 26 2016**  
**ZONING OFFICE**

8245 SHERIDAN DRIVE  
MCE OFFICE CONVERSION  
SITE PLAN

SCALE: 1" = 30'  
DATE: 9.23.16  
JOB NO: M-1622  
DESIGNED BY: ARH/MJM

**METZGER CIVIL ENGINEERING, PLLC**

