



TOWN OF AMENIA

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Amenia Town Clerk

TOWN OF AMENIA PLANNING BOARD

Resolution # 1 for 2023

MODIFYING A CONDITION OF RENEWAL OF SITE PLAN APPROVAL FOR

SBA 2012 TC ASSETS, LLC

May 24, 2023

WHEREAS, on or about December 8, 2021, the Town of Amenia Planning Board (“Planning Board”) granted SBA 2012 TC Assets, LLC (“SBA”) a renewal (the “Renewal”) of its prior 2002 and 2011 site plan approvals (the “Prior Approvals”) for a telecommunications tower and related facilities (the “Facility”) constructed on a wooded portion of a 10.53 acre parcel of land abutting Route 44, owned by Carlton P. Bates and Merium R. Bates, bearing Tax ID No. 7067-00-572230 (the “Property”); and

WHEREAS, the Renewal included several conditions modifying or supplementing conditions in the Prior Approvals including Condition #2 providing:

“SBA shall take measures to ensure that there is no lapse in operation of the Facility due to electrical failure. Within six months of the effective date of this resolution: (1) SBA shall cause a permanent emergency back-up generator to be installed on the Property based on specifications approved by the Town’s engineer; and (2) SBA shall enter into a service agreement for the maintenance and repair of the approved generator to ensure that the generator is in proper working condition at all times. The service agreement shall provide that the approved generator shall be inspected and maintained on a regular basis based on industrial standards and manufacturer’s specifications but not less than once every six months after installation. SBA shall provide the ZBA and Planning Board written documentation of the service agreement and each inspection and service of the generator. SBA shall obtain a building permit from the Town prior to the installation of the approved generator on the Property. Written confirmation of the installation of the generator in accordance with the approved building permit shall be provided to the ZBA and Planning Board. Until the permanent generator is installed on the Property, SBA shall provide a mobile emergency back-up generator to power the Facility within 24 hours in the event of electrical failure.”

HEREAS, by letter dated November 15, 2022, SBA's counsel submitted a request for a modification of the above condition to allow SBA and its tenant, T-Mobile, to submit a contingency plan to ensure that there is no lapse in operation of the Facility due to electrical failure; and

WHEREAS, by letter dated March 7, 2023, T-Mobile provided a contingency plan documenting measures that will be undertaken to ensure that there is no lapse in operation of the Facility due to electrical failure (the "Contingency Plan"). The Contingency Plan is important to the Town because it provides local notice of how T-Mobile will fulfill its FCC obligations to provide continuity of service to the public which must rely upon the Facility for telecommunications during power outages. A copy of the Contingency Plan is attached to this resolution and made a part hereof; and

WHEREAS, the Planning Board determines that approval of the requested modification will not result in any material changes to the Facility; will be consistent with the Planning Board's 2011 SEQRA determination; and that no further environmental review is required and an environmental impact statement will not be prepared; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby modifies Condition #2 based on the Contingency Plan that will be fulfilled by T-Mobile as required by the FCC to ensure that there is no lapse in operation of the Facility due to electrical failure; and

BE IT FURTHER RESOLVED, that in the event of change in tenant for the Facility SBA shall require the new tenant to provide a new or updated Contingency Plan documenting how the new tenant will fulfill its' FCC obligation for ensuring that there is no lapse in operation of the Facility due to electrical failure; and

BE IT FURTHER RESOLVED, that within 30 days of this resolution, SBA shall provide contact information for a responsible contact for implementation of the Contingency Plan that can be provided by the Town to local emergency services providers for use and coordination in the event of an electrical failure of the Facility; and

BE IT FURTHER RESOLVED, that except as modified by this resolution, the terms and conditions of the Renewal and the Prior Approvals shall remain in full force and effect; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed immediately in the Town Clerk's Office, and shall be mailed to SBA; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion by:

Second by:

The foregoing resolution was voted upon with all members of the Planning Board voting as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Robert Boyles, Jr., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Stefanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Walsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neal Kusnetz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Matthew Deister	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nina Peek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: May 24, 2023
Amenia, New York



Judy Westfall, Planning Board Clerk