

COMMITTEE REPORT

TO: All Board Members

FROM: Dennis Novick, Chair
Central/South Bayside Zoning Committee

RE: BSA Cal. No. 41-08 BZ
64-35 223 Place – an application for a special permit to install a non-accessory radio tower and related equipment.

DATE: April 3, 2008

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On Wednesday, March 26, 2008 the Central/South Bayside Zoning Committee met to review the above application. Present were Committee Members Dennis Novick, Chair, Incha Kim, Steve Pivawer and Zion Halili, 1st Vice Chair Victor Mimomi; David Snyder, Adam Moss and Peter Longo representing the applicant and Susan Seinfeld, District Manager. Two residents from the community attended.

The committee met to review a proposal by Omnipoint Communications Inc. (the applicant) to construct a 65 foot tall cell phone tower (monopole) to be located at 64-35 223rd Place, within the property of Bay Hill Garden Apartments. A presentation on the proposal was given by Mr. David Snyder, the attorney representing Omnipoint Communications Inc.

Mr. Snyder explained that the constructing of the tower was necessitated by a significant gap in reliable wireless service in the area of the proposed tower. He stated that all cables would be contained within the tower and not exposed, that the tower would not emit any odor or noise above ambient levels, would have no adverse environmental impacts on the community and would be maintained by Omnipoint staff visiting the site on a regular basis.

Discussion by the committee members, other members of the community board, and the community residents in attendance ensued. Issues pertaining to the site selection process, and the scientific data available pertaining to the safety of cell phone towers comprised the majority of this dialogue. It was noted by the applicant that a comprehensive site selection process had been undertaken to identify the most suitable site which was based on the precise location and the mitigation of the gap in coverage, the availability of such suitable sites. Mr. Snyder also noted that the electromagnetic energy that would be emitted from the tower at grade level, the most

concentrated location was less than two tenths of 1% (i.e. 0.1981) of the exposure limits established by the Federal Communications Commission (FCC).

A review of a map of the geographic parameters which defined “suitable location” revealed that there were two other locations which should be pursued, if they hadn’t already been explored prior to the selection of the subject site. These were 1) a location within the same apartment complex in closer proximity of the landlords rental office, and 2) the parking lot area directly behind the places of business on the east side of Springfield Boulevard directly south of the Long Island Expressway. Mr. Snyder did not know if these two locations had been investigated, and promised the Committee that he would find out if they had.

The Committee voted unanimously, to recommend approval of the application only upon demonstration of the following prior to or on the day of the public hearing.

- That a detailed overview of the site selection process including addresses of other sites that were explored be given to the committee
- That the two other sites identified by the committee be explored (if not previously done so) and the results of this investigation be reported to the committee.

The meeting was adjourned at 9:30 PM

Addendum: On April 3, 2008 we received a letter from Mr. Snyder responding to the two requests made of Omnipoint, Inc. 1) the property owner rejected the location of the monopole at another location within the development, 2) the commercial overlay at Springfield Blvd. and the LIE was examined by engineers but was rejected because it was too close to an existing site and would not provide the increased coverage required.