

RESOLUTION

OF

AUGUST 8, 2022

A RESOLUTION REQUESTING
THE VILLAGE OF HIGHLAND FALLS
PERFORM BALANCING AND SEQRA ANALYSIS
FOR A CELL TOWER AGREEMENT WITH
VERIZON WIRELESS OF THE EAST d/b/a VERIZON WIRELESS
TO PLACE A TELECOMMUNICATIONS FACILITY ON TOWN-OWNED PROPERTY
LOCATED AT 1530 ROUTE 9W IN THE VILLAGE OF HIGHLAND FALLS

Councilman/woman King moved the following resolution which was seconded by Councilman/woman Sullivan.

WHEREAS, Verizon Wireless of the East LP d/b/a Verizon Wireless (“Verizon Wireless”) seeks to construct a telecommunications facility consisting of an approximately 65 foot tall communications structure and related equipment, utilities and improvements (collectively, the “Communications Facility”) on property owned by the Town of Highlands and located at 1530 Route 9W in the Village of Highland Falls (the “Property”); and

WHEREAS, the Town of Highlands Town Board has determined that the portion of the Property which Verizon Wireless seeks to lease is currently not used by the Town and, as such, is surplus land which is not expected to be used for municipal purposes in the foreseeable future; and

WHEREAS, the Town Board, with the assistance of legal counsel, has carefully reviewed and considered certain documentation, including the proposed Land Lease Agreement (“Lease”), a Visual Resource Evaluation (“VRE”), comprehensive Radio Frequency Engineering Necessity Case (“ENC”), and Section 106 Notification of SHPO/THPO Concurrence regarding this matter; and

WHEREAS, the Town Board has negotiated certain changes to the Lease as originally proposed by Verizon Wireless; and

WHEREAS, the Property is located within the jurisdiction of the Village of Highland Falls and the Village in 2020 amended its Zoning Law as pertains to Wireless Communications Facilities, such that “Any municipal corporation seeking approval to place a wireless communications facility within the municipal boundaries of the Village of Highland Falls shall be subject to full compliance with these regulations unless exempted by resolution of the Village of Highland Falls Board of Trustees after conducting a “balancing of the interest” analysis as set forth in *Matter of County of Monroe v City of Rochester*, 72 N.Y.2d 338 [1988].”

WHEREAS, the Town is requesting that the Village complete SEQRA and a balancing of interests, such that the Town may move forward with the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby requests that:

1. the Village review the matter under SEQRA and conduct a coordinated review, which review includes the Town Board as an involved agency;
2. the Village complete a “balancing of the interest” analysis as established by *Matter of County of Monroe v City of Rochester*, 72 N.Y.2d 338 [1988] and pursuant to §240-29V(2.1)(C) of the Village of Highland Falls Zoning Law.

BE IT FURTHER RESOLVED, that the Supervisor and officers of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions; and

BE IT FURTHER RESOLVED, that upon the issuance of a determination of significance under SEQRA by the Village Board of Trustees and completion of the balancing of interests, the Supervisor shall be authorized to execute and deliver to Verizon Wireless in the name of and on behalf of the Town, the Lease and all related documents and papers as may be necessary to complete the lease transaction with Verizon Wireless; and

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Tyrone King, Councilman voting aye

Joseph DeWitt, Councilman voting aye

Richard Sullivan, Councilman voting aye

Mervin R. Livsey, Supervisor voting aye

