



Fwd: Tower construction timeline

Chris Keeley

Tue, Jan 21, 2020 at 5:23 PM

To: Dove Pedlosky <trusteedpedlosky@nelsonvilleny.gov>

Cc: Mindy Jesek <villageclerk@nelsonvilleny.gov>, Village Board of Trustees <villageboard@nelsonvilleny.gov>, Adam Rodriguez <ARodriguez@bpslaw.com>, John Diaconis <JDiaconis@bpslaw.com>

Ok. Thanks. I don't recall the clarification but I'm certain your understanding is correct and more fresh than my own!

Thanks again to all of you for doing the best you can in a really difficult situation. This was always incredibly stacked against the village and you all have poured your heart and souls into it.

Lots of people in and beyond the village agree with the position the Board is taking, even though they're unlikely to have much of a presence in the room tonight.

Keep your chin up. Thank you.

Chris Keeley

On Tue, Jan 21, 2020, 5:18 PM Dove Pedlosky <trusteedpedlosky@nelsonvilleny.gov> wrote:

Chris: AKRF made a mistake in saying that Homeland needed DOS approval for consistency review. I'm pretty sure they amended that in future correspondence.

I wish DOS consistency had been required, but as the lead agency, and because we don't have an LWRP, the ZBA at the time had sole authority to make that determination.

On Tue, Jan 21, 2020 at 5:13 PM Mindy Jesek <villageclerk@nelsonvilleny.gov> wrote:

Disregard previous email - here is a complete chain.

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From: **Mindy Jesek** <villageclerk@nelsonvilleny.gov>

Date: Tue, Jan 21, 2020, 5:12 PM

Subject: Fwd: Tower construction timeline

To: Village Board of Trustees <villageboard@nelsonvilleny.gov>, Adam Rodriguez <ARodriguez@bpslaw.com>, John Diaconis <JDiaconis@bpslaw.com>

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From: **Chris Keeley**

Date: Tue, Jan 21, 2020, 5:05 PM

Subject: Re: Tower construction timeline

To: <villageclerk@nelsonvilleny.gov>

In addition, my understanding is that the ZBA hired AKRF to review the Visual Impact Assessment. AKRF concluded that, "Nothing in the VRA or other documents that I have reviewed provides the applicant's conclusions on consistency with the State CMP, and with Policy 24 specifically. Concurrence from NYSDOS must be obtained prior to the FCC being able to grant a license or permit for the facility."

Link: https://b6ac6dad-73e6-472f-baaf-53867c9edcce.filesusr.com/ugd/b667a0_2ce431bd3f9649d483606f6bc09e8fa9.pdf

It was my understanding during the special permit process that the applicant may in fact need to secure NYSDOS approval prior to not only securing FCC license/permit but it may also be required prior to the Village issuing a building permit. Our village should look at that closely before any such building permit is issued.

Apologies if this is already addressed in the draft settlement, but I wanted to be sure the proper process is followed by the applicant should a settlement be reached.

Chris Keeley

On Tue, Jan 21, 2020, 4:51 PM Chris Keeley wrote:

Reminder to the village board that if they will be settling with Homeland as discussed at recent meetings, the NYS Dept of Environmental Conservation report submitted as part of the record on 09.19.2017 says tree removal for the site must be conducted btwn December and March (and not between April and November) for the sake of the northern long eared bat.

URL: https://static.wixstatic.com/ugd/b667a0_e2f4d7f72e73474faf59a67b9bf5398b.pdf

In relevant part: "According to the provided information, all tree removal is proposed to take place between October 31 and March 31. Please note that all tree removal must take place between November 1 and March 31 in order to avoid direct adverse impacts to the Northern long-eared bat. Please add the corrected time of year restriction on tree removal to the plan notes."

Thank you,

Chris Keeley
Billy's Way, Nelsonville
Member, Nelsonville ZBA