GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**T-02-PAV-07-23**
Review Date	**7/13/2023**
Municipality	**PAVILION, T.**
Board Name	**PLANNING BOARD**
Applicant's Name	**Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless**
Referral Type	**Special Use Permit**
Variance(s)	
Description:	**Special Use Permit to erect a 184 ft. high commercial telecommunications tower.**
Location	**8135 Black Street Rd., Pavilion**
Zoning District	**Agricultural-Residential (A-R) District**

PLANNING BOARD RECOMMENDS:

NO ACTION TAKEN

EXPLANATION:

No action was taken on this referral due to the inability of the County Planning Board to pass any motion with a majority of the whole number (5 of 9 members) on a specific recommendation.

Felice A. Stamm

Director

July 13, 2023

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

DEPARTMENT USE ONLY:
GCDP Referral # T-02-PAV-07-23

* GENESEE COUNTY *
PLANNING BOARD REFERRAL

RECEIVED
Genesee County
Dept. of Planning
6/30/2023

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning
Address 1 Woodrow
City, State, Zip Pavilion NY 14525
Phone (585) 584 - 3850 Ext.

2. APPLICANT INFORMATION

Name Bell atlantic Mobile Systems
Address 1275 Johns St Suite 100
City, State, Zip West Henrietta NY 14586
Phone (585) 263 - 1140 Ext. Email jlusk@nixonpeabody.com

MUNICIPALITY: ☐ City ☐ Town ☐ Village of Pavilion

3. TYPE OF REFERRAL: (Check all applicable items)

- ☐ Area Variance
- ☐ Use Variance
- ☒ Special Use Permit
- ☒ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☐ Other:
- Subdivision Proposal
  - ☐ Preliminary
  - ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 8135 Black Street Road
B. Nearest intersecting road Linwood
C. Tax Map Parcel Number 4.-1-8.1
D. Total area of the property 56.4 Area of property to be disturbed
E. Present zoning district(s) AR-1

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

Town of Pavilion Zoning code

C. Please describe the nature of this request Applicatant is requesting approval to contruct and operate a 180 foot wireless communication tower.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
- ☒ Site plan
- ☐ Subdivision plot plans
- ☒ SEQR forms
- ☐ Zoning text/map amendments
- ☐ Location map or tax maps
- ☐ Elevation drawings
- ☒ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☐ Photos
- ☐ Other:

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Troy Williams Title CEO Phone (585) 343 - 1729 Ext. 208
Address, City, State, Zip Batavia NY 14020 Email twilliams@townofbatavia.com

NIXON PEABODY

Nixon Peabody LLP
1300 Clinton Square
Rochester, NY 14604-1792

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Jared C. Lusk
Partner

T / 585.263.1140
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February 9, 2023

VIA FEDERAL EXPRESS

Planning Board
Town of Pavilion
One Woodrow Drive
Pavilion, New York 14525

RE: Application for a special use permit and site plan review and approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless ("Verizon Wireless") to construct and operate a 180′ wireless telecommunications tower (plus 4′ lightning rod) and associated improvements on land owned by MB Farms Inc. located at 8135 Black Street Road (S.B.L. # 4-1-8.1) in the Town of Pavilion, Genesee County, New York (Verizon Wireless' "Laplataville" site)

Dear Members of the Planning Board:

Verizon Wireless is a public utility licensed and regulated by the Federal Communications Commission, and is responsible for providing wireless telecommunications services to emergency services, businesses and individuals throughout the United States, including the area in and around the Town of Pavilion ("The **Town**").

In order to provide adequate wireless telecommunications service to the geographic area known as the "Laplataville cell" located in the northeastern portion of the Town, Verizon Wireless needs to construct and operate a new wireless telecommunications facility. This application seeks approval to construct and operate a wireless telecommunications facility on property located at 8135 Black Street Road (the "**Site**"). The Site consists of approximately .23 acre of land 100′ x 100′ lease area to be leased from MB Farms Inc. The facility will consist of a 180′ high lattice tower (plus 4′ lightning rod), Verizon telecommunications cabinets and related equipment installed at the base of the tower, together with other site improvements, all as shown on the enclosed site plan prepared by Costich Engineering D.P.C.

The proposed facility is permitted upon a special use permit and site plan approval from the Planning Board. (See Zoning Ordinance of the Town of Pavilion (the "**Code**") §§ 501(B)(28), 619(B), 808(C) and 808(D)).

Accordingly, please accept this letter and the following exhibits and enclosures as Verizon Wireless' application for a special use permit and site plan approval from the Planning Board.

Exhibit A:	Completed Town-supplied application forms;
Exhibit B	Project Description;
Exhibit C:	Compliance with applicable legal standards.
Exhibit D:	Proof of compliance with the Town's Commercial Communications Towers Law as set forth in § 619 of the Code;
Exhibit E:	Proof of compliance with the Town's site plan review and special use permit requirements as set forth in §§ 808(C) and 808 (D) of the Code.
Exhibit F:	Radio frequency and network design analysis, including propagations;
Exhibit G:	Site selection analysis;
Exhibit H:	Proof of Landowner consent to this application;
Exhibit I:	Viewshed analysis;
Exhibit J:	Proof of compliance with applicable federal regulations regarding RF emissions and non-interference;
Exhibit K:	Verizon Wireless' FCC licenses;
Exhibit L:	Proof of structural stability;
Exhibit M:	Verizon Wireless co-location policy;
Exhibit N:	Full Environmental Assessment Form with visual addendum;
Exhibit O:	Ag Data Statement;
Exhibit P:	11″ x 17″ copy of the project site plan;
Exhibit Q:	Tower removal letter; and
Exhibit R:	Wetlands delineation report.

- Ten (10) copies of this application book; and

- Check for the required application fees in the amount of $200 ($100 for the site plan review fee and $100 for the special use permit fee).

As the site is located within 500 feet of a County or State resource (NYS Ag District No. 3), this application needs to be referred to the Genesee County Planning Board pursuant to General Municipal Law Section 239-m. The deadline for County referral is seven (7) days prior to the County Planning Board meeting. An extra set of materials has been supplied for this purpose.

Also, because the Site is within 500 feet of farm operations in an Agricultural District, as defined under Article 25-AA of the Agriculture and Markets Law, the Applicant has submitted as Exhibit O an Agricultural Data Statement pursuant to § 305A of the Agricultural and Markets Law. The Town is required to mail written notice of this application to the landowners identified in that Agricultural Data Statement. Such notice must include a description of the project and its location, and it may be sent in conjunction with any other notice required for the project. Please let us know if you have any questions regarding this, or if we can be of assistance in this regard.

We respectfully request that this application be placed on the Planning Board's first available agendas following County review.

Please do not hesitate to contact me if the Planning Board require any additional information prior to their meetings.

Very truly yours,

Jared C. Lusk

JCL/mkv
Enclosures
cc: Jeff Szkolnick

EXHIBIT A

Building and Zoning Application Permit No._____

Town of Pavilion PO Box 126 Pavilion, NY 14525 ph. (585)584-3850 fax (585)584-8533

Date 2 / 9 / 23 Zone AR-1 Flood Zone N/A Wellhead Protection N/A Corner Lot N/A

New Construction ☒ Fence ☐ Pond ☐ Sign ☐ Alteration(s)☐ Addition ☐ Demolition ☐

Accessory Bldg. ☐ Mobile Home ☐ Fill Permit ☐ Home Occupation☐ Land Separation ☐ Site Plan Approval ☒

Special Use Permit ☒ Temporary Use ☐ Subdivision ☐ Zoning Variance Request ☐ Other ☐ Specify:_____

Tax Map No. 4-1-8.1

Owners Name M-B Farms Inc. Phone No. (___) _____

Address 8283 Harris Road, Leroy, NY 14482 Project Road Width 12' ft

Applicants Name Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless Project Address 8135 Black Street Road

E Mail Address jlusk@nixonpeabody.com (Jared Lusk, Esq.) Phone No (585) 263-1140

Description of Project: Construction and operation of 180' wireless telecommunications tower (plus 4' lightning rod)

Existing Use wooded area Proposed Use wireless telecommunications facility

Estimated Cost Building TBD Plumbing N/A Mechanical N/A Miscellaneous TBD

SEQR CLASSIFICATION Type 1 ☐ Type 2 ☐ Unlisted ☒

Review completed by Planning Board ☐_____ Zoning Board of Appeals ☐_____

Permit Fee $_____ **Application Date** ___/___/___ **Permit Expires On** ___/___/___

Issuing Officer _____ **Date**___/___/___

IN SIGNING THIS DOCUMENT I HEREBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF PAVILION CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNEE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

I, Jared C. Lusk, Esq., of Nixon Peabody LLP, attorneys for Verizon Wireless, as Owner or Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge.

_____ 2/9/2023

Signature of Owner or Authorized Agent Date

4855-3213-0126.1

SITE PLAN REVIEW
TOWN OF PAVILION

CHECKLIST

Project Description: Construction and Operation of Wireless Telecommunications Facility		**Reviewed By:**
Applicant Name: Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless		**Checked By:**
Office Use	**Plan Components**	**Comments**
	Instrument Survey including Public Right-of-Way	See Exhibit P (Sheet VA100)
	North Arrow, Scale, Title and Address	See Exhibit P (Sheet CA100)
	Lot Coverage, Building Coverage and Open Space Percentage Table	Not applicable
	Setback Dimensions for building and parking	See Exhibit P (Sheet VA100)
	Building/Structure Details and Elevation Views	See Exhibit P (Sheet CA500)
	Existing Natural and Topographical Features	See Exhibit P (Sheet CA120)
	Wetland delineation or boundaries shown if on site	See Exhibit P (Sheet CA120)
	Proposed Driveway/Roadway with dimensions and details	See Exhibit P (Sheet CA120)
	Parking layout including aisles and queuing aisles with dimensions and number of spaces	See Exhibit P (Sheet CA120)
	Snow storage location for parking of more than 10 vehicles	Not applicable
	Drainage and Grading plan with appropriate details	See Exhibit P (Sheet CA120)
	Utility Plan with appropriate details	See Exhibit P (Sheet CA100)
	Lighting Plan with lighting contours and appropriate details	See Exhibit P (Sheet CA501)
	Landscaping, Fencing and Screening Plan and appropriate details	See Exhibit P (Sheet CA110)
	Storm Water Pollution Prevention Plan if disturbing more than 1 acre	Not applicable.
	Existing and Proposed signs	Not applicable.
	Pedestrian safety around building, curbing, sidewalks and ADA accessible ramps as necessary	Not applicable.
	Traffic flow easily identified	See Exhibit P (Sheet CA120)
	Profiles of roadway and Utilities if applicable	See Exhibit P (Sheet CA120)
	Appropriate notes to include topsoil to remain on site	See Exhibit P (Sheet GA002)
	Trash Storage	Not applicable
	Town of Pavilion Signature Block on Cover Sheet	Not applicable

EXHIBIT B

EXHIBIT B

PROJECT DESCRIPTION

Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless ("**Verizon Wireless**"), a federally licensed wireless telecommunications provider, currently has service inadequacies in and around the Town of Pavilion. The only way to remedy this is to locate a wireless telecommunications facility in a technologically appropriate site. The proposed site is located at 8135 Black Street Road in the Town of Pavilion (the "**Site**"). This application includes, on behalf of Verizon Wireless, a request for a special use permit and site plan approval from the Planning Board to construct and operate a wireless telecommunications facility at the Site (the "**Project**") in order to render adequate and reliable wireless telecommunications service to emergency services, businesses and individuals in and around the Laplataville cell, all as shown on the enclosed site plan prepared by Costich Engineering D.P.C.

Wireless telecommunications use has burgeoned since the technology was introduced in the mid-1980s. Wireless telecommunications technology provides a critical link for emergency services, such as ambulances, which use such service to transmit vital signs and medical information via medical telemetry. Increasingly, police forces are relying on wireless telecommunication devices to communicate with dispatch and receive calls for assistance. Additionally, many businesses heavily rely on wireless telecommunications service, and individuals use it not only for their convenience, but for safety reasons as well.

Essentially, wireless telecommunications devices operate by transmitting a very low power radio signal between the wireless telecommunication device and an antenna mounted on a tower, pole, building or other structure. The antenna feeds the signal to electronic apparatus housed in a small equipment shelter located near the antenna (the "**Base Station**"), where it is connected to an ordinary telephone line, and is then routed anywhere in the world. The antennas and Base Station are known as a "cell site."

Because of the low power, a cell site is capable of transmitting to and from wireless telecommunication devices only within a limited geographic area. This limited geographic area

is called a "cell." A cell site must be located within a prescribed area in order to provide coverage for the entire cell.

Wireless telecommunications technology requires that cells overlap somewhat in order to provide uninterrupted service. When the wireless telecommunications user moves into a new cell, the transmission is automatically transferred to the cell site in the new cell. If there is no cell site in the new cell, there is no wireless telecommunications service.

Because each cell site must be placed in such a manner as to provide service within a particular cell, and so as to provide overlapping (but not duplicate) coverage with the existing or planned cells around it; or in the case of a capacity cell, to strategically overlay only where necessary to relieve the capacity problem, there is limited flexibility as to where a cell site can be placed. Wireless telecommunication providers conduct a thorough engineering study, using an elaborate computer program known as a "propagation study." A propagation study shows, based on cell boundaries, topography and other factors, where a cell site needs to be located in order to provide wireless telecommunications coverage in a particular cell. The wireless telecommunication companies and RF engineers identify technologically feasible locations for the cell site.

As set forth in this application, the Applicant meets the legal standards for receiving the necessary approvals for the Project. Moreover, the Project will not pollute, will not create noise or vibration, will not create any significant increase in traffic, will not create any environmental problems, will not increase population density, and will not create any demand on governmental facilities. Thus, the Project will not create any detriment to adjoining properties or change the character of the neighborhood. Instead, the Project will enhance governmental facilities and promote the public welfare by providing a modern, more efficient system of communications for police, fire and other emergency services, as well as provide modern wireless telecommunications service to business, industry and individuals.

Exhibit C

EXHIBIT C

APPLICABLE LEGAL STANDARDS

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

> '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.' 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 proving 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 372-74 (citing Consolidated Edison Co. v. Hoffman, 43 N.Y.2d 598 (1978)).

This special treatment of a public utility stems from the essential nature of its service, and because a public utility transmitting facility must be located in a particular area in order to provide service. For instance, water towers, electric switching stations, water pumping stations and telephone poles must be in particular locations (including within residential districts) in order to provide the utility to a specific area:

> [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) (hereafter "Anderson"). See also, Cellular Tel. Co. v. Rosenberg, 82 N.Y.2d 364 (1993); Payne v. Taylor, 178 A.D.2d 979 (4th Dep't 1991).

Accordingly, the law in New York is that a municipality may not prohibit facilities, including towers, necessary for the transmission of a public utility. In Rosenberg, 82 N.Y.2d at 371, the court found that "the construction of an antenna tower . . . to facilitate the supply of cellular telephone service is a 'public utility building' within the meaning of a zoning ordinance." See also Long Island Lighting Co. v. Griffin, 272 A.D. 551 (2d Dep't 1947) (a municipal corporation may not prohibit the expansion of a public utility where such expansion is necessary to the maintenance of essential services).

In the present case, Verizon Wireless does not have reliable wireless telecommunications service or adequate capacity in and around the Laplataville cell in the Town of Pavilion. The Project is needed to remedy this service problem and to provide adequate and reliable wireless telecommunications service coverage to this area. Therefore, Verizon Wireless satisfies the requisite showing of need for the facility under applicable New York law.

EXHIBIT D

EXHIBIT D

PROOF OF COMPLIANCE WITH THE TOWN OF PAVILION GENERAL COMMUNICATION TOWER LAW SET FORTH IN CODE §619 OF THE CODE

As discussed in Exhibit C, the legal standard applicable to Verizon Wireless is the standard afforded to public utilities, rather than the standard to be generally applied. As demonstrated below, the Project also complies with the Town of Pavilion's General Communications Tower Law. The General Communication Tower Law are set forth below in bold italicized type, followed by Verizon Wireless' response in regular type.

SECTION 619 COMMERCIAL COMMUNICATION TOWERS

No commercial communication tower or antenna(s) shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations.

A. Shared Use of Existing Towers and/or Structures

At all times, shared use of an existing tower and/or structure including another commercial communications tower, water tower, or building shall be preferred to the construction of a new commercial communication tower. An applicant shall be required to present an adequate report inventorying existing towers or other structures within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new commercial communication tower. The installation of a commercial communications antenna(s) on an existing structure located within the A&R-1, A&R-2, C and I Districts shall be considered a permitted accessory use not subject to Site Plan Review, provided the following criteria are met:

1. The existing structure is not increased in height or otherwise modified so as to change its visual appearance,

See Exhibit G; there are no available tall structures in the search area.

2. The antenna(s) do not extend above such structure more than twenty (20) feet, and

See Exhibit G; there are no available tall structures in the search area.

3. The applicant provides the necessary documentation to the Zoning Enforcement Officer to verify the existing structure and proposed antenna(s) installation would comply with the NYS Uniform Fire Prevention and Building Code.

See Exhibit G; there are no available tall structures in the search area.

4. An applicant proposing to share use of an existing tower and/or structure shall be required to document intent from an existing tower/structure owner to allow shared use.

See Exhibit G; there are no available tall structures in the search area.

5. The applicant must demonstrate that the operation of any new antenna will not interfere with the telecommunications transmissions of other carriers or public safety officials.

See Exhibit G; there are no available tall structures in the search area.

6. Any additional structures proposed will be located within any existing fence line so as not to be in direct view from any public right of way or neighboring property.

See Exhibit G; there are no available tall structures in the search area.

B. New or Altered Towers and/or Structures

The Planning Board may, in its sole discretion, consider a new or altered (including tower or structure which are modified, reconstructed, or changed) commercial communication tower/structure where the applicant demonstrates to the satisfaction of the Planning Board that shared usage of an existing tower/structure is impractical. The applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers or other structures as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

See Exhibit G; co-location onto an existing structure is not available.

The applicant shall be required to submit a site plan in accordance with Section 808 (Site Plan Review provisions need to be added) for all commercial communication towers that are proposed to be erected, moved, reconstructed, changed or altered. Site Plan review will also be required in those instances when antenna(s) are being added to existing structures not in compliance with the criteria set forth in Subsection A of this Section. In addition to Section 808, the site plan shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wire anchors, parking and landscaping and shall include grading plans for new facilities and roads.

See Exhibit P.

C. Supporting Documentation

The Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF - SEQR); and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antenna and justification for any required clearing. The applicant must provide a coverage/interference analysis and capacity analysis that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the cellular system and to provide adequate portable cellular telephone coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district. The Planning Board may require submittal

of a more detailed visual analysis based on the results of the Visual EAF in addressing this Subsection and Subsections J and K of this Section.

See Exhibit F (RF Report), Exhibit J (proof of compliance with applicable federal regulations) and Exhibit N (EAF).

D. ***Shared Usage of Site with New Tower***

Where shared usage of an existing tower or other structure is found to be impractical, as determined in the sole discretion of the Planning Board, the applicant shall investigate shared usage of an existing tower or other structure site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsection B of this Section. Any new commercial communication tower approved for a site with an existing tower or other structure site shall be subject to the standards of Subsections F through N of this Section.

See Exhibit G; there are no existing tower sites in the area.

E. ***New Tower at a New Location***

The Planning Board may consider a new commercial communication tower on a site not previously developed with an existing tower or other structure when the applicant demonstrates that shared usage of an existing tower site is impractical, as determined in the sole discretion of the Planning Board, and submits a report as described in Subsection B of this Section.

See Exhibit G; there are no existing tower sites in the area.

F. ***Future Shared Usage of New Towers***

The applicant must design a proposed commercial communication tower to accommodate future demand for commercial broadcasting and reception facilities. This requirement may be waived provided that the applicant demonstrates, in the sole discretion of the Planning Board, that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:

1. ***The number of Federal Communications Commission (FCC) licenses foreseeably available for the area;***

See Exhibit L; the proposed tower has been designed to accommodate future co-locations.

2. ***The kind of tower site and structure proposed;***

See Exhibit L; the proposed tower has been designed to accommodate future co-locations.

3. ***The number of existing and potential licenses without tower spaces;***

See Exhibit L; the proposed tower has been designed to accommodate future co-locations.

4. ***Available spaces on existing and approved towers; and***

See Exhibit L; the proposed tower has been designed to accommodate future co-locations.

5. ***Potential adverse visual impact by a tower designed for shared usage.***

See Exhibit L; the proposed tower has been designed to accommodate future co-locations.

G. ***Setbacks for New Towers***

All proposed commercial communication towers and accessory structures shall be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on site substantially all ice fall or debris from tower failure and preserve the privacy of adjoining residential properties.

1. ***All commercial communication tower bases must be located at a minimum setback from any property line at a distance at least equal to the tower height, or the distance between the tower base and guy wire anchors, or the minimum setback of the underlying zoning district, or a minimum setback at a distance which shall be established in the sole discretion of the Planning Board based on the unique characteristics of the site, whichever of the foregoing is greater. The minimum setback requirement of this paragraph may be increased in the sole discretion of the Planning Board, or it may be decreased, again in the sole discretion of the Planning Board, in those instances when the applicant has submitted plans for a tower designed in such a manner as to collapse within a smaller area. Such tower design and collapse zone must be acceptable to the Town Engineer and the Planning Board.***

See Exhibit P (Sheet VA100); the Project so complies.

2. ***Accessory structures must comply with the minimum setback requirements in the underlying district.***

See Exhibit P (Sheet VA100); the Project so complies.

H. ***Visual Impact Assessment***

The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing tower. Construction of a new commercial communication tower or modification of an existing tower shall be subject to those guidelines and criteria listed below that the Planning Board, in its sole discretion, deems appropriate at the pre submission conference:

1. Assessment of "before and after" views from key viewpoints both inside and outside of the Town, including state highways and other major roads, from state and local parks, other public lands; from any privately owned preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers.

See Exhibit I.

2. Assessment of alternative tower designs and color schemes, as described in Subsection I below.

Given the height of the proposed tower, the proposed lattice design is the only feasible design.

3. Assessment of visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

See Exhibit I.

I. New Tower Design

Alternate designs shall be considered for new towers, including lattice and single pole structures. Plans should show that the owner of the commercial communication tower has agreed to permit other persons to attach other communication apparatus which do not interfere with the primary purposes of the commercial communication tower, provided that such other persons agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment. The design of a proposed new tower shall comply with the following:

1. Unless specifically required by other regulations, all towers shall have a neutral, earth tone, sky tone or similar finish that will minimize the degree of visual impact that the new tower may have. Artificial lighting, including strobes, beacons and other hazard avoidance lighting, shall be limited to that required by the Federal Aviation Administration (FAA) or other governmental agency, recognized safety guidelines and the Planning Board.

See Exhibit I; the proposed tower has a galvanized finish. No FAA lighting is proposed.

2. Any new tower shall be designed and constructed to have the minimum height and carrying capacity needed to provide future shared usage (co-locating of a minimum of two additional antennae).

See Exhibit L.

3. The Planning Board may request a review of the application by the Town Engineer, or other engineer selected by the Planning Board, for evaluation of need for and design of any new tower. The costs associated for such review shall be borne by the applicant.

No response necessary.

4. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

See Exhibit P; no accessory structures are proposed.

5. No portion of a tower may be used for signs or advertising purposes, including company name, banners, streamers, etc.

Verizon Wireless will so comply.

6. The applicant shall provide documentation acceptable to the Planning Board that certifies the operation of the proposed commercial communication tower facility will not interfere with usual and customary transmission or reception of radio, television or other communication equipment.

See Exhibit J.

7. Space on communication towers shall be made available for public safety purposes (i.e., Genesee County Public Safety Radio System) at no cost to public safety agencies.

Verizon Wireless routinely makes space available on its towers for public safety agencies.

J. Existing Vegetation

Existing on site vegetation shall be preserved to the maximum extent possible and no cutting of trees exceeding four (4) inches in diameter (measured at a height of (4) feet off the ground) shall take place prior to approval of the special use permit. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

Verizon Wireless will so comply.

K. Screening

Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all commercial communication towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten (10) feet in height within two (2) years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

See Exhibit P; the tower is proposed to be located within a large stand of trees to limit its overall visibility of the tower. As such, additional landscaping will be of limited practical value.

L. *Access*

Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

See Exhibit P (Sheet CA100); the proposed driveway has been designed in accordance with Town requirements.

M. *Parking*

Parking shall be provided in accordance with Section 601. No parking space shall be located in any required yard.

See Exhibit P (Sheet CA110); adequate parking has been provided.

N. *Fencing*

Sites of proposed new commercial communication towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence eight (8) feet in height from finished grade, unless the applicant demonstrates in the sole discretion of the Planning Board that such measures are unnecessary to ensure the security of the facility. Such security fencing shall surround the tower base as well as each guy anchor and be constructed of a material that matches the material used in fencing that already exists in the area.

See Exhibit P; the Project so complies.

O. *Maintenance and/or Performance Bond*

Prior to approval of any application, the Planning Board shall require the applicant and/or owner to post and file with the Town Clerk a maintenance and/or performance bond or other form of security acceptable to the Town Attorney, in an amount sufficient to cover the installation, maintenance and/or construction of said tower during its lifetime and provide for its removal. The amount required shall be based upon the value of the tower and the unique characteristics of the tower and site. The applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application.

Verizon Wireless will provide the required bond following approval of the Project with the building permit application.

P. ***Removal of Obsolete/ Unused Facilities***

Approval of a new commercial communication tower facility shall be conditioned upon the applicant=s agreement to remove such facility once it is no longer used. Removal of such obsolete and/or unused commercial communication towers facilities shall take place within twelve (12) months of cessation of use. The applicant shall submit an executed removal agreement with their application to ensure compliance with this requirement.

See Exhibit Q.

Q. ***Routing of Emergency 911 Calls***

In accordance with Genesee County Local Law No. 3 of 2001, all emergency 911 calls placed through any cellular, PCS or wireless network that originate within Genesee County shall be routed to the Genesee County Public Safety Answering Point (P.S.A.P.) at the Genesee County Sheriff's Office.

Verizon Wireless will comply with applicable law.

EXHIBIT E

EXHIBIT E

PROOF OF COMPLIANCE WITH THE SITE PLAN REVIEW AND SPECIAL USE PERMIT REQUIREMENTS SET FORTH IN §§ 808(C) AND 808 (D) OF THE CODE

As discussed in Exhibit C, the legal standard applicable to Verizon Wireless is the standard afforded to public utilities, rather than the standard to be generally applied. As demonstrated below, the Project also complies with the Town requirements for site plan review and special use permit. The Town's requirements are outlined in bold italicized type, followed by Verizon Wireless' response in regular type.

C. Site Plan Review

The Planning Board, at a regular or special meeting, shall review and approve, approve with modification, or disapprove a site plan in connection with any application for a zoning permit other than those for single family dwellings and their accessory uses and/or buildings.

No response necessary.

1. Notice and Public Hearing

The Planning Board may, in its sole discretion, hold a public hearing as part of the site plan review process. When a public hearing is held as part of the site plan review, the public hearing shall be held at a time fixed within sixty-two (62) days from the date of the application for site plan review is received by it and public notice thereof shall be published in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing. The Planning Board shall mail a notice of the hearing to the applicant at least ten (10) days before such hearing and also send, by regular mail, a copy of the notice of hearing to all owners of property situated within two hundred and fifty (250) feet of the property which is the subject of the application when the property involved is located in an R, C or I District, or five hundred (500) feet when the involved property is located in an A&R-1, A&R-2 or PUD District, at least ten (10) days before the date of the hearing. When necessary under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to the Genesee County Planning Board for its review prior to taking any final action.

No response necessary (as outlined in our cover letter GML § 239-m review will be required).

2. Submission of Site Plan and Data

The applicant shall submit to the Town Clerk ten (10) copies of a site plan and supporting data in a form satisfactory to the Planning Board, including, but not limited to, the following information presented in graphic form and accompanied by a written text.

a. Survey of property showing existing features, including contours, utility easements, large trees, buildings, uses, structures, streets, rights-of-way, zoning and ownership of surrounding property.

See Exhibit P (Sheet VA100).

b. Layout sketch showing proposed lots, blocks, building locations and land use area.

See Exhibit P (Sheet CA100).

c. Traffic circulation, parking and loading spaces, and pedestrian walks.

See Exhibit P (Sheet CA100).

d. Landscaping plans including site grading, landscape design, open space and buffer zone.

See Exhibit P; no additional landscaping is proposed.

e. Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations and sections.

See Exhibit P (Sheet CA500).

f. Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary sewer facilities and fire protection.

See Exhibit P (Sheet CA503).

g. Engineering feasibility study of any anticipated problem which may arise from the proposed development, as required by the Planning Board.

See Exhibit R.

h. Construction sequence and time schedule for completion of each phase for buildings, parking and landscaped areas.

The Project will be constructed in a single phase as soon as possible.

i. Description of proposed uses, anticipated hours of operation, expected number of employees, and anticipated volume of traffic generated.

The Project is a public utility use and will operate 24 hours/day, 365 days/year.

j. description of proposed measures to control runoff and drainage from the site and when required by NYS DEC and/or SEQR process, a Stormwater Management and Erosion Control Plan.

See Exhibit P and Exhibit R.

k. a description of the proposed generation, storage and/or disposal of hazardous materials and/or hazardous wastes on-site, including estimates of amounts involved and provisions for transport, storage and environmental protection.

Not applicable.

l. Together with any other permits or applications made to other governmental agencies and any additional information requested by the Planning Board.

See Exhibit K.

3. Site Plan Review Criteria

The Town Planning Board shall review the site plan and supporting data before approval, approval with modifications, or disapproval of such site plan, taking into consideration the following:

a. Harmonious relationship between proposed uses and existing adjacent uses.

See Exhibit P; the Project is a public utility use placed in a stand of trees. It will not adversely impact surrounding land uses.

b. Maximum safety of vehicular circulation between the site and street including emergency vehicle access.

See Exhibit P; adequate traffic circulation and parking is provided to serve the facility.

c. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety and emergency vehicle access.

See Exhibit P; adequate traffic circulation and parking is provided to serve the facility.

d. Adequacy of landscaping and setbacks to achieve compatibility with, and protection of, adjacent residential uses.

See Exhibit P; the Project complies with all applicable setbacks. Given the surrounding trees, additional landscaping is of limited value.

e. Adequacy of municipal facilities to serve the proposal including streets, water supply and wastewater treatment systems, storm water control systems, and fire protection.

The Project will not require municipal services.

f. protection of the aquifer and aquifer recharge areas that provide drinking water for both private and municipal wells. In evaluating the protection of the aquifer, aquifer recharge areas and the water supplies, the Planning Board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality that would result if the control measures failed.

See Exhibit P; the Project has been designed to comply with all applicable stormwater regulations.

4. Area Variances

Notwithstanding any provisions of law to the contrary, where a proposed site plan contains one (1) or more features which do not comply with the zoning regulations, applications may be made to the Zoning Board of Appeals for an area variance pursuant to NYS Town Law Section 274-a, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

No variances are required.

5. Modifications and Conditions

The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to insure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should changes or additional facilities be required by the Planning Board, final approval of site plan shall be conditional upon satisfactory compliance by applicant in making the changes or additions.

No response necessary.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Town.

No response necessary.

6. Waiver of Requirements

The Planning Board is empowered, when reasonable, to waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in this Zoning Ordinance, and may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.

No response necessary.

7. ***Reservation of Parkland on Site Plans Containing Residential Units***

a. Before the Planning Board may approve a site plan containing residential units, such site plan shall also show, when required by the Planning Board or Zoning Ordinance, a park or parks suitably located for playground or other recreational purposes.

Not applicable.

b. Land for park, playground or other recreational purposes may not be required until the authorized board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular site plan will contribute.

Not applicable.

c. In the event the Planning Board makes a finding pursuant to paragraph (b) of this subdivision that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the Planning Board may require a sum of money in lieu thereof to be established by the Town Board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of property.

Not applicable.

d. Notwithstanding the foregoing provisions of this subdivision, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved pursuant to NYS Town Law Section 276, the Planning Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

Not applicable.

8. Performance Bond or Letter of Credit as a Condition of Site Plan Approval

The Planning Board may require as a condition of site plan approval that the applicant file a performance bond or Letter of Credit in such amount as the Planning Board determines to be in the public interest, to insure that proposed development will be built in compliance with accepted plans. Any such bond must be in a form acceptable to the Town Attorney for an amount approved by the Town Board.

Verizon Wireless can provide a performance bond if required.

9. Performance Standards

In all districts, uses are not permitted which violate applicable county, state and/or federal codes and regulations pertaining to environmental issues. The Planning Board, under its powers of site plan review and approval, may in its discretion reject any uses if it determines that insufficient evidence has been submitted to show compliance with these environmental standards. However, final responsibility for compliance with all environmental laws and regulations lies with the applicant.

Not applicable.

10. Decisions

The Planning Board shall decide any matter referred to it under this Subsection within sixty-two (62) days after the first regular monthly meeting of the Planning Board at least ten (10) days prior to which the site plan and all supporting data required by this Article are submitted to the Town Clerk. Such time may be extended by mutual consent of the Planning Board and the developer. Prior to rendering its decision the Board shall first complete the SEQR process. In those instances where due to the location of the affected property, a variance request is subject to review under General Municipal Law Section 239m, a majority plus one vote of the entire Planning Board is necessary to override a County Planning Board recommendation of disapproval or approval with modification. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy mailed to the applicant by regular mail.

No response necessary.

11. Changes and Revisions

Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

No response necessary.

D. *Special Use Permit*

The Planning Board, at a regular or special meeting, shall review and approve, approve with modification, or disapprove an application for a special use permit. Uses requiring a special use permit are those which are compatible with the general spirit of the Zoning Ordinance if certain standards and conditions are met. Each such use is listed in this Zoning Ordinance as a use permitted within a zoning district upon the issuance of a special use permit. All provisions of this Zoning Ordinance shall be followed and the Planning Board must find that the proposed implementation of such use is not inconsistent with the public welfare. A special use permit may be subject to conditions and safeguards imposed by the public welfare. Also, the Zoning Enforcement Officer shall at least annually inspect the use of the property in question to insure compliance with conditions which have been imposed by the Planning Board in issuing such special use permit and other applicable provisions of this Zoning Ordinance.

No response necessary.

1. *Application*

Applications for special use permits shall be made in writing on the appropriate form obtained from the Zoning Enforcement Officer. Four (4) copies of each application, including site plan, shall be submitted to the Zoning Enforcement Officer, who shall review the application for completeness prior to forwarding it to the Town Clerk and the Planning Board. One (1) copy shall be retained by the Zoning Enforcement Officer. Such site plan shall show location of all buildings, parking, access and circulation, open space, landscaping and other information necessary to determine that the proposed special use complies with the intent of this Zoning Ordinance.

Ten (10) copies of the application are provided.

2. *Area Variance*

Where a proposed special use permit contains one (1) or more features which do not comply with the Zoning Ordinance, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 274-b of Town Law, without the necessity of a decision or determination of the Zoning Enforcement Officer.

Not applicable.

3. *Notice and Public Hearing*

The Planning Board shall hold a public hearing as part of the special use permit process. The public hearing shall be held at a time fixed within sixty-two (62) days from the date of the application for a special use permit is received by it and public notice thereof shall be published in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing. The Planning Board shall mail a notice of the hearing to the applicant at least ten (10) days before such hearing and also send, by regular mail, a copy of the notice of hearing to all owners of property situated within two hundred and fifty (250) feet

of the property which is the subject of the application when the property involved is located in an R, C or I District, or five hundred (500) feet when the involved property is located in an A&R-1, A&R-2 or PUD District, at least ten (10) days before the date of the hearing. When necessary under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to the Genesee County Planning Board for its review prior to taking any final action.

No response necessary (as outlined in our cover letter GML § 239-m review will be required).

4. ***Conditions***

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed special use permit plan. Upon its approval of said special use permit, any such conditions must be met in connection with the issuance of the special use permit by the Zoning Enforcement Officer.

No response necessary.

5. ***Waiver of Requirements***

The Planning Board is empowered, when reasonable, to waive any requirements for the approval, approval with modifications or disapproval of special use permits submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in this Zoning Ordinance, and may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.

No response necessary.

6. ***Decisions***

The Planning Board shall decide any matter referred to it under this Subsection within sixty-two (62) days after the public hearing. Such time may be extended by mutual consent of the Planning Board and the applicant. Prior to rendering its decision the Board shall first complete the SEQR process. In those instances where due to the location of the affected property, a special use permit request is subject to review under General Municipal Law Section 239m, a majority plus one vote of the entire Planning Board is necessary to override a County Planning Board recommendation of disapproval or approval with modification. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy mailed to the applicant by regular mail.

No response necessary.

7. ***Abandonment of Special Use Permit***

A special use permit shall expire when there occurs a cessation of such use or activity, for which said special use was originally issued, for a period of one (1) year. Upon evidence that a special use permit has been abandoned the Zoning Enforcement Officer shall issue a notice of abandonment to the owner of record for the property by registered mail. If after sixty (60) days the owner has not provided satisfactory proof that the special use did not cease, the Planning Board shall revoke the special use permit.

No response necessary.

8. ***Standards Applicable for all Special Use Permits***

The Planning Board may issue a special use permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this Zoning Ordinance.

a. ***The location and size of such use and intensity of the operations involved in or conducted therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous and shall be in harmony with the orderly development of the district.***

See Exhibit P; the Project has been designed in a manner that pedestrian access will be prohibited.

b. ***The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.***

See Exhibit P; the Project, as designed, will not adversely impact adjacent properties or land uses.

c. ***The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.***

The Project will provide reliable wireless telecommunications service tot eh area and as such, should not be objectionable.

d. ***The proposed use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties.***

The Project will not cause adverse impacts off site.

e. ***When a commercial or industrial special use abuts a residential property the Planning Board may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.***

As depicted in Exhibit P, the proposed tower will be located within a stand of trees minimizing its overall visibility to the extent practicable. Additional landscaping will be of limited value.

f. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.

See Exhibit J; the Project so complies.

g. The proposed use shall meet the off-street parking and loading requirements of similar uses.

See Exhibit P; adequate parking is provided.

h. Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.

See Exhibit P; sufficient stormwater management has been provided.

i. Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards. The Planning Board shall review and approve all such proposals.

See Exhibit P; Verizon Wireless will utilize the existing curb cut to access the site.

j. Such use shall be attractively landscaped. This shall involve grading, seeding, and regular mowing of the front yard area at a minimum.

As stated above, no additional landscaping is warranted.

k. A special use permit shall not be issued for a use on a lot where there is an existing violation of this Zoning Ordinance unrelated to the use which is the subject of the requested special use permit, as determined by the Planning Board.

No response necessary.

l. As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.

No response necessary.

m. In addition to the general standards for special permits as set forth herein, the Planning Board may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements, it deems necessary or

appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this Zoning Ordinance.

No response necessary.

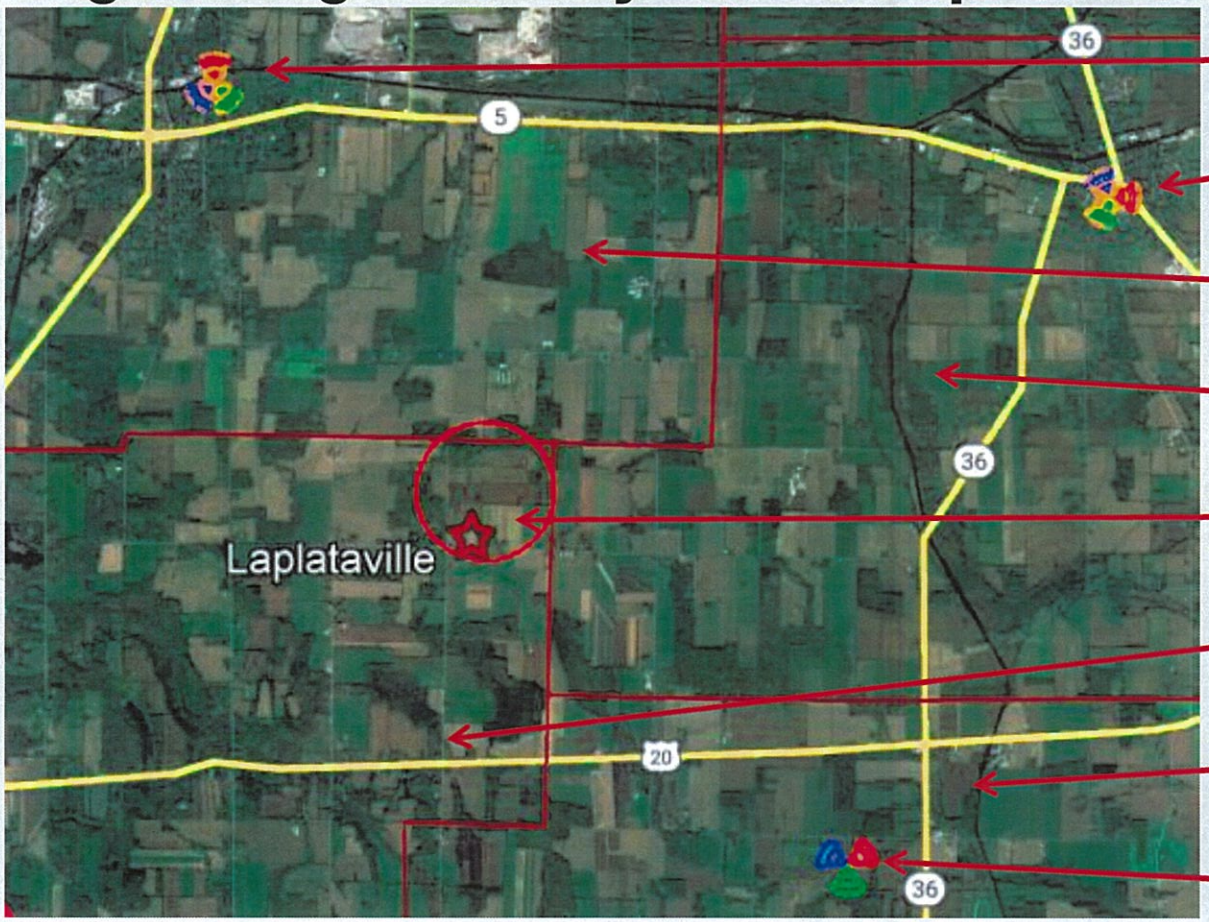
n. The above standards are not intended to apply to uses whose regulation has been preempted by the State or Federal government, i.e., mining.

No response necessary.

EXHIBIT F

Verizon Wireless Communications Facility

Engineering Necessity Case – "Laplataville"



Limerock Site

Caledonia Site

Town of LeRoy

Town of Caledonia

Project location (Laplataville)

Town of Pavilion

Town of York

York Cell site

Prepared by: Phillip A. Colantonio

Project: The project is the installation and operation of a new tower co-located wireless telecommunications site in the Town of Pavilion (the "Project Facility").

verizon

January 13th, 2023

Introduction

The purpose of this subsequent analysis is to summarize and communicate the technical radio frequency (RF) information used in the justification of this new site.

Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility/site. All sites provide a mixture of both capacity and coverage for the benefit of the end user.

Coverage can be defined as the existence of signal of usable strength and quality in an area, including but not limited to in-vehicles or in-buildings.

The need for improved coverage is identified by RF Engineers that are responsible for developing and maintaining the network. RF Engineers utilize both theoretical and empirical data sets (propagation maps and real world coverage measurements). Historically, coverage improvements have been the primary justification of new sites.

Capacity can be defined as the amount of traffic (voice and data) a given site can process before significant performance degradation occurs.

When traffic volume exceeds the capacity limits of a site serving a given area, network reliability and user experience degrades. Ultimately this prevents customers from making/receiving calls, applications cease functioning, internet connections time out and data speeds fail. This critical condition is more important than just a simple nuisance for some users. Degradation of network reliability and user experience can affect emergency responders and to persons in a real emergency situation can literally mean life or death.

Project Need Overview

The project area, located in the northeastern portion of the Town of **Pavilion** is currently served by three sites. These sites are overloaded requiring capacity relief. Additionally the project area is subject to significant terrain and or foliage challenges for RF (signal) propagation. This terrain and or foliage combined with long distance prevent effective propagation of Verizon's RF signals into this area compounding the capacity issue with areas of variable coverage creating significant gaps in coverage.

The first serving site is **Limerock,** located in the Town of LeRoy, is approximately three and three quarter miles northwest (of the project location) situated on an existing water tank located off North Avenue. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

The second serving site is **Caledonia,** located in the Town of Caledonia, is approximately five miles northeast (of the project location) on an existing tower off Rt. 5 & 36. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

The third serving site is **York,** located in the Town of York, is approximately three and one half miles southeast (of the project location) situated on an existing tower located off Rt 5 & 36. While this site provides weak/variable coverage in portions of the project area, it does so from a terrain and or foliage + distance challenged position making the site not capable of efficiently or effectively providing adequate coverage or capacity.

Available (mid band AWS) carriers at these and other area sites are not capable of effectively serving/offloading the project area due to inherent propagation losses from distance, challenging terrain and in building coverage losses negatively impacting mid band coverage and capacity offload capabilities. There are other Verizon sites in this general area but due to distance and terrain they also do not provide any significant overlapping coverage in the area in question that could allow for increased capacity and improved coverage from other sources.

The primary objectives for this project are to increase capacity and improve coverage throughout the northeastern portion of the Town of Pavilion, southeastern portion of LeRoy, southwestern portion of Caledonia, northwestern portion of the Town of York, more specifically portions of Black Street Rd, Linwood Rd, Asbury Rd, South Street Rd, Harris Rd, Ellicott Rd, Federal Rd, Rt. 20, Rt. 36, as well as neighboring residential and commercial areas along and near these roads. In order to offload capacity from Limerock, Caledonia, and York, a new dominant server must be created. This new dominant coverage will effectively offload the existing overloaded sites/cells as well as provide improved coverage where significant gaps exist today.

Following the search for co-locatable structures to resolve the aforementioned challenges and finding none available, Verizon proposes to attach the necessary antenna(s) to a new 180' self support tower located near 8191 Black Street Rd. LeRoy, NY 14482. Verizon's antennas will utilize 175' for the ACL (Antenna Center Line) with a top of antenna height of 179'. This solution will provide the necessary coverage and capacity improvements needed.

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Wireless LTE (Voice and Data) Growth

Wireless smart city solutions are being used to track available parking and minimize pollution and wasted time.

These same solutions are being used to track pedestrian and bike traffic to help planning and minimize accidents.

Smart, wireless connected lighting enables cities to control lighting remotely, saving energy and reducing energy costs by 20%.

4G technology is utilized to track and plan vehicle deliveries to minimize travel, maximize efficiency, and minimize carbon footprint.

4G technology is also used to monitor building power usage down to the circuit level remotely, preventing energy waste and supporting predictive maintenance on machines and equipment.

Wireless sensors placed in shipments are being used to track temperature-sensitive medications, equipment, and food. This is important for preventing the spread of food-borne diseases that kill 3,000 Americans each year.

Source: Verizon Innovation Center, February. 2018

Wireless is a critical component in schools and for today's students.

20,000 learning apps are available for iPads. 72% of iTunes top selling educational apps are designed for preschoolers and elementary students.

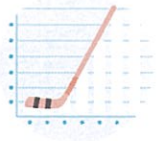
600+ school districts replaced text books with tablets in classrooms.

77% of parents think tablets are beneficial to kids.

74% of school administrators feel digital content increases student engagement.

70% of teens use cellphones to help with homework.

Source: CTIA's Infographics Today's Wireless Family, October, 2017



The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017 .[1]

Of American homes are wireless only.[2]

In North America, the average household has 13 connected devices with smartphones outnumbering tablets 6 to 1.[3]

1. Ericsson Mobility Report, November 2017
2. CDC's 2018 Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-July, 2018
3. IHS Market Connected Device Market Monitor: Q1 2016 , June 7, 2016

A wireless network is like a highway system…

US, mobile data traffic was 1.3 Exabytes per month in 2016, the equivalent of 334 million DVDs each month or 3,687 million text messages each second **according to** Cisco VNI Mobile Forecast Highlights, 2016-2021,Feb 2017

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Wireless facilities and property values.

Cell service in and around the home has emerged as a critical factor in home-buying decisions.

National studies demonstrate that most home buyers value good cell service over many other factors including the proximity of schools when purchasing a home.

75% More than 75% of prospective home buyers said a good cellular connection was important to them.[1]

83% The same study showed that 83% of Millennials (those born between 1982 and 2004) said cell service was the most important fact in purchasing a home.

90% 90% of U.S. households use wireless service. Citizens need access to 911 and reverse 911 and wireless may be their only connection.[2]

1 RootMetrics/Money, The Surprising Thing Home Buyers Care About More than Schools, June 2, 2015
2 CTIA, June 2015

With over 80% of 9-1-1 calls now coming from cell phones…[1]

240 million 911 calls are made annually. In many areas, 80% or more are from wireless devices. [1]

1. National Emergency Number Association, Enhancing 9-1-1 Operations With Automated Abandoned Callback & Location Accuracy (Motorola Solutions) (August 23, 2018)

Explanation of Wireless Capacity

Capacity in this analysis is evaluated with up to three metrics further explained below. These metrics assist in determining actual usage for a given site as well as are used to project when a site is expected to run out of capacity (i.e. reach a point of exhaustion where it can no longer process the volume of voice and data requested by local wireless devices, thus no longer providing adequate service).

- Forward Data Volume ("**FDV**"), is a measurement of usage (data throughput) on a particular site over a given period of time.
- Average Schedule Eligible User ("**ASEU**"), is a measurement of the loading of the control channels and systems of a given site.
- Average Active Connections ("**AvgAC**") is a measurement of the number of devices actively connected to a site in any given time slot.

Verizon Wireless uses proprietary algorithms developed by a task force of engineers and computer programmers to monitor each site in the network and accurately project and identify when sites will approach their capacity limits. Using a rolling two-year window for projected exhaustion dates allows enough time, in most cases, to develop and activate a new site. It is critical that these capacity approaching sectors are identified early and the process gets started and completed in time for new solutions (sites) to be on air before network issues impact the customers.

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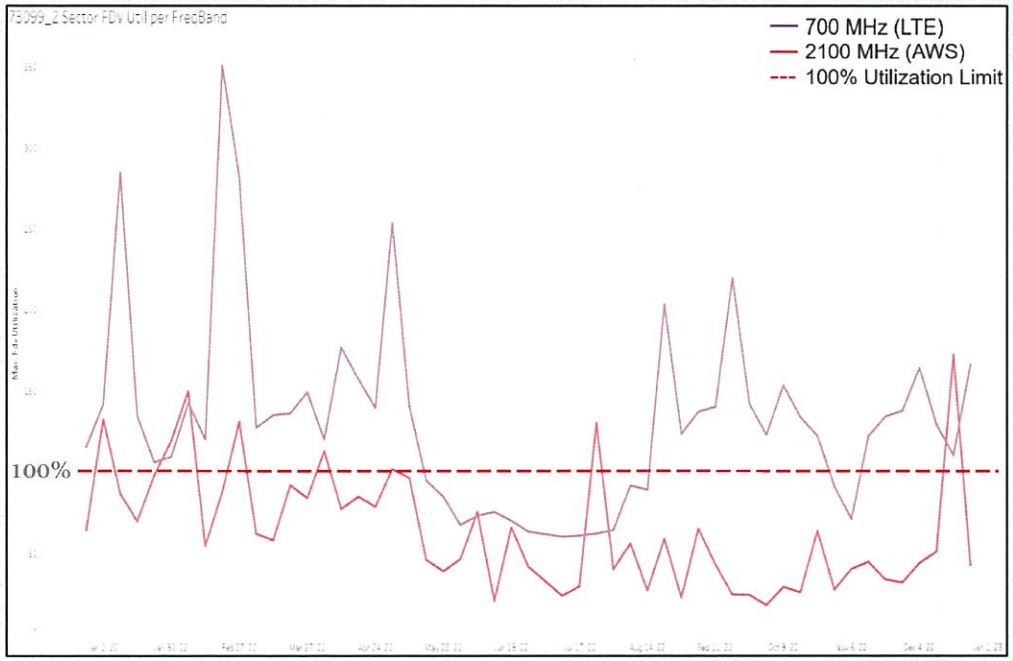
Capacity Utilization
FDV (Limerock Beta)



Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Limerock** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Limerock** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). FDV is one of up to three metrics used in this presentation to evaluate capacity capability in this area.

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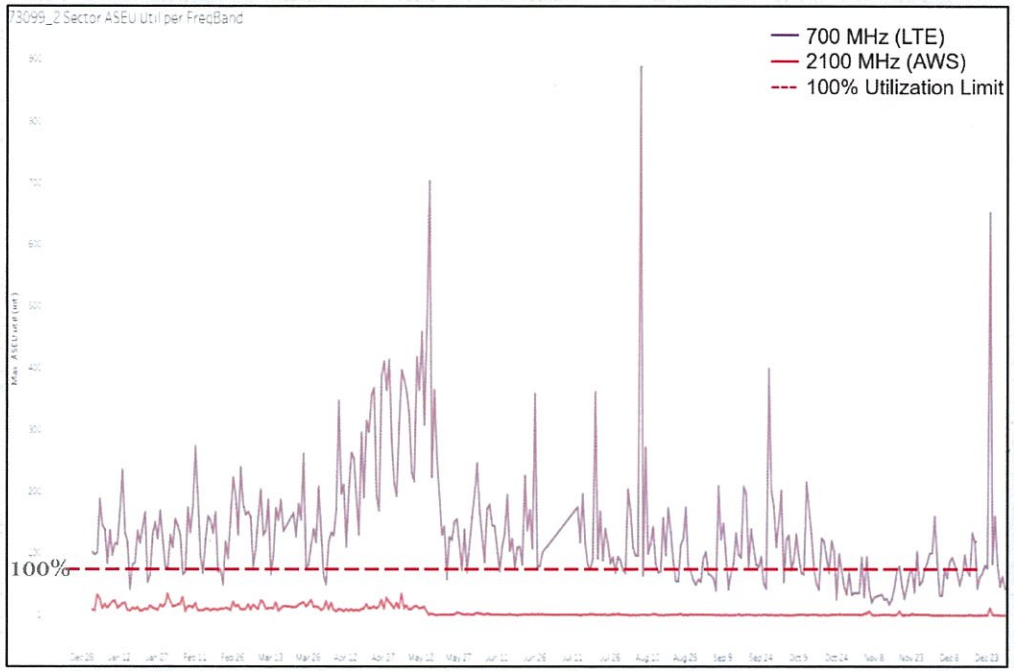
Capacity Utilization
ASEU (Limerock Beta)



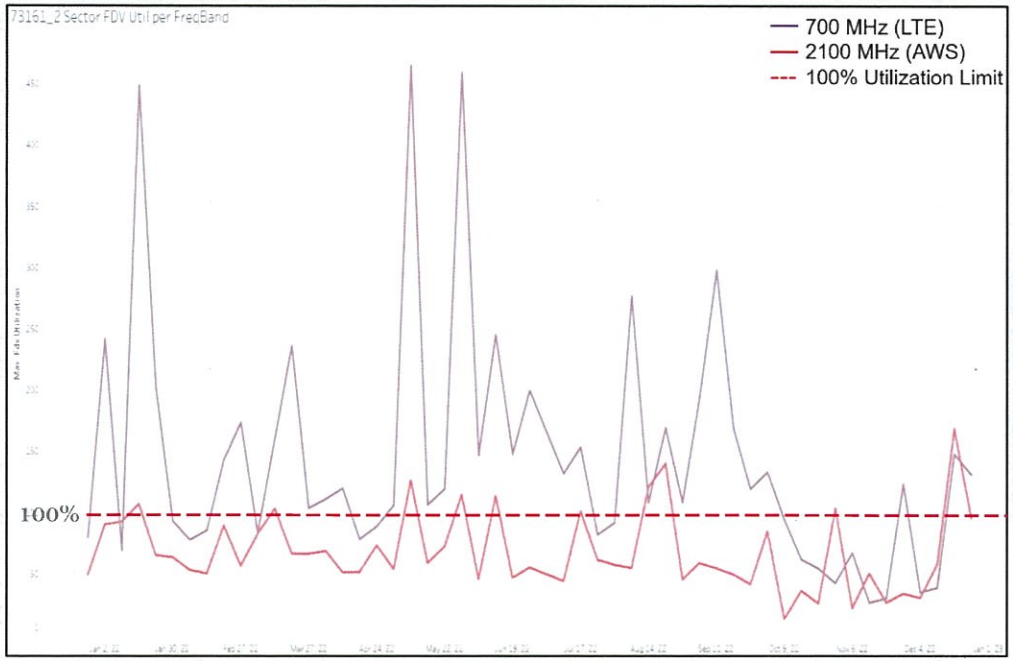
Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Limerock** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Limerock** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **Limerock** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. The solution is network densification.

verizon

Capacity Utilization
FDV (Caledonia Beta)



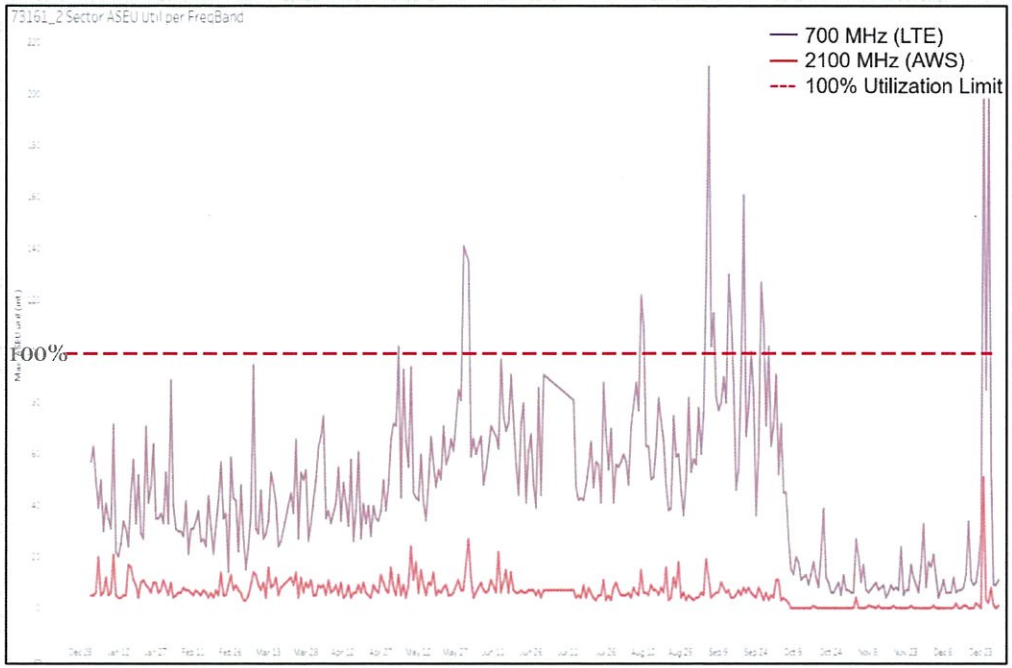
Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Caledonia** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Caledonia** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple line exceeding the max utilization threshold (red dashed line). FDV is one of up to three metrics used in this presentation to evaluate capacity capability in this area.

verizon

Capacity Utilization
ASEU (Caledonia Beta)



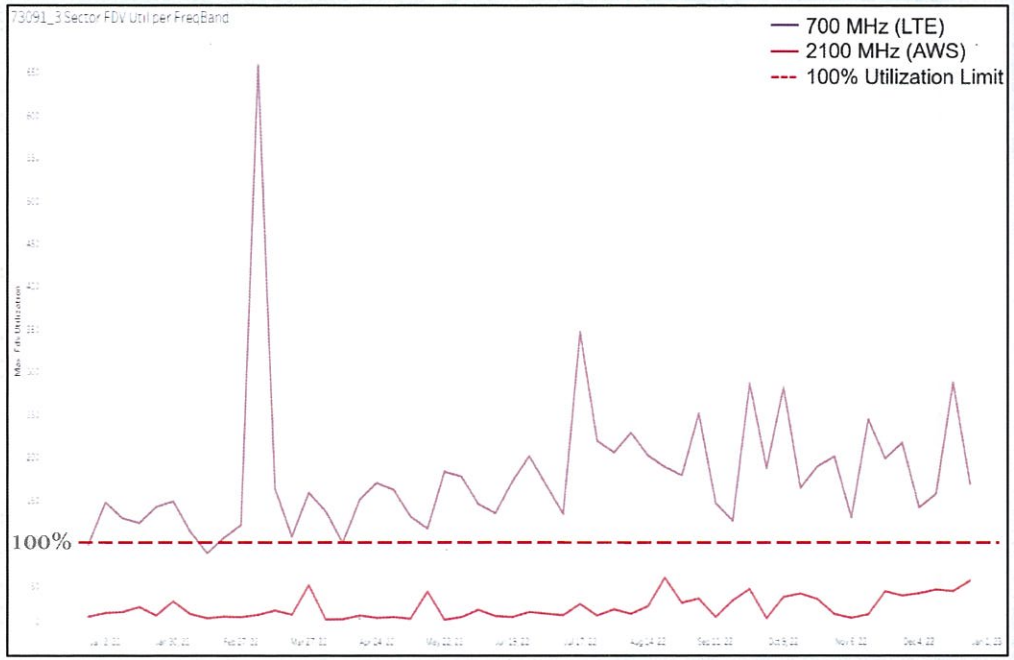
Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Beta** sector of the **Caledonia** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **Caledonia** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **Caledonia** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. The solution is network densification.

verizon

Capacity Utilization
FDV (York Gamma)



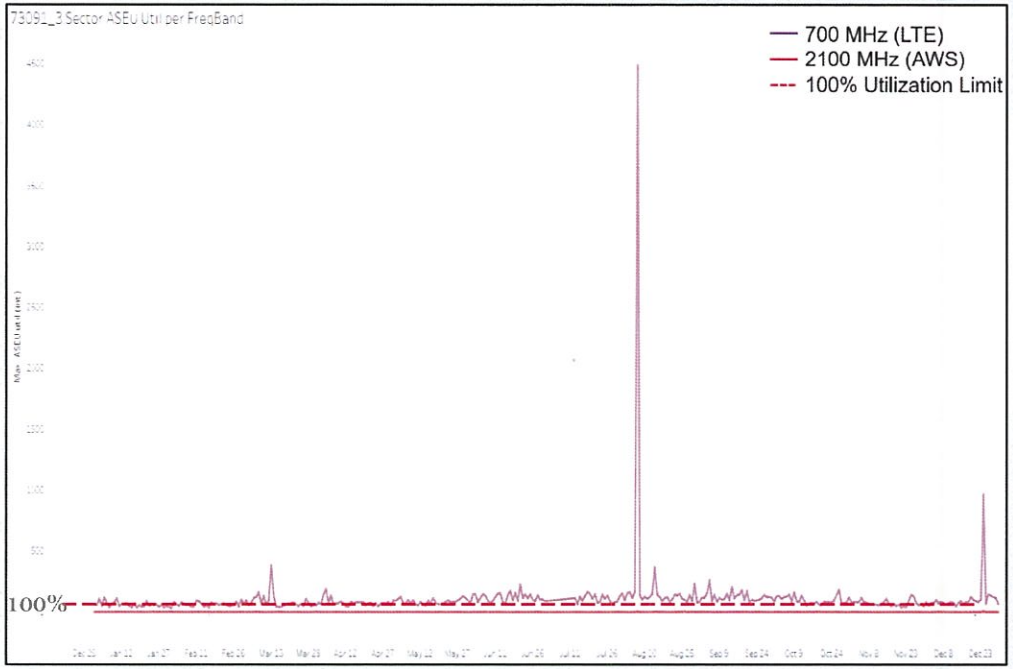
Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Gamma** sector of the **York** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **York** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). FDV is one of up to three metrics used in this presentation to evaluate capacity capability in this area.

verizon

Capacity Utilization
ASEU (York Gamma)



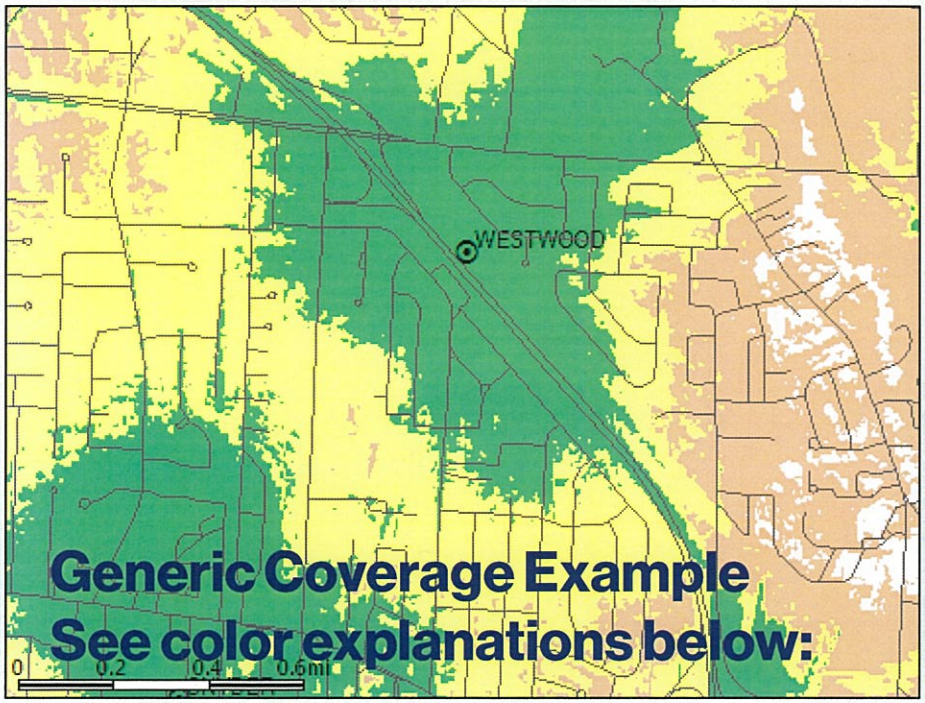
Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization and the dark red line is daily max busy hour AWS utilization on the **Gamma** sector of the **York** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Detail: The existing **York** sector cannot support the traffic demand throughout the extent of the large geographic area it covers. **York** is overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold. The solution is network densification.

verizon

Explanation of Wireless Coverage



Coverage is best shown via coverage maps. RF engineers use computer simulation tools that take into account terrain, vegetation, building types, and site specifics to model the RF environment. This model is used to simulate the real world network and assist engineers to evaluate the impact of a proposed site (along with industry experience and other tools).

Many Verizon Wireless sites provide 3G CDMA at 850 MHz and 4G LTE at 700 MHz. As capacity requirements increase, higher frequency PCS (1900 MHz) and AWS (2100 MHz) carriers are added. In some mountaintop situations the mid band (higher frequency) AWS and PCS carriers are not fully effective due to excessive distance from the user population.

Coverage provided by a given site is affected by the frequencies used. Lower frequencies propagate further distances, and are less attenuated by clutter than higher frequencies. To provide similar coverage levels at higher frequencies, a denser network of sites is required (network densification).

Note the affect of clutter on the predicted coverage footprint above

**Dark Green >/= -75dBm RSRP, typically serves dense urban areas as well as areas of substantial construction (colleges, hospitals, dense multi family etc.)
Green >/= -85dBm RSRP, typically serves suburban single family residential and light commercial buildings
Yellow >/= -95dBm RSRP, typically serves most rural/suburban-residential and in car applications
Orange >/= -105dBm RSRP, rural highway coverage, subject to variable conditions including fading and seasonality gaps
White = <-105dBm RSRP, variable to no reliable coverage gap area

More detailed, site-specific coverage slides are later in the presentation
*Signal strength requirements vary as dictated by specific market conditions
** Not displayed in example map, layer not used in all site justifications

verizon

Explanation of this Search Area

Laplataville Search Area

A **Search Area** is the geographical area within which a new site is targeted to solve a coverage or capacity deficiency. Three of the factors taken into consideration when defining a search area are topography, user density, and the existing network.

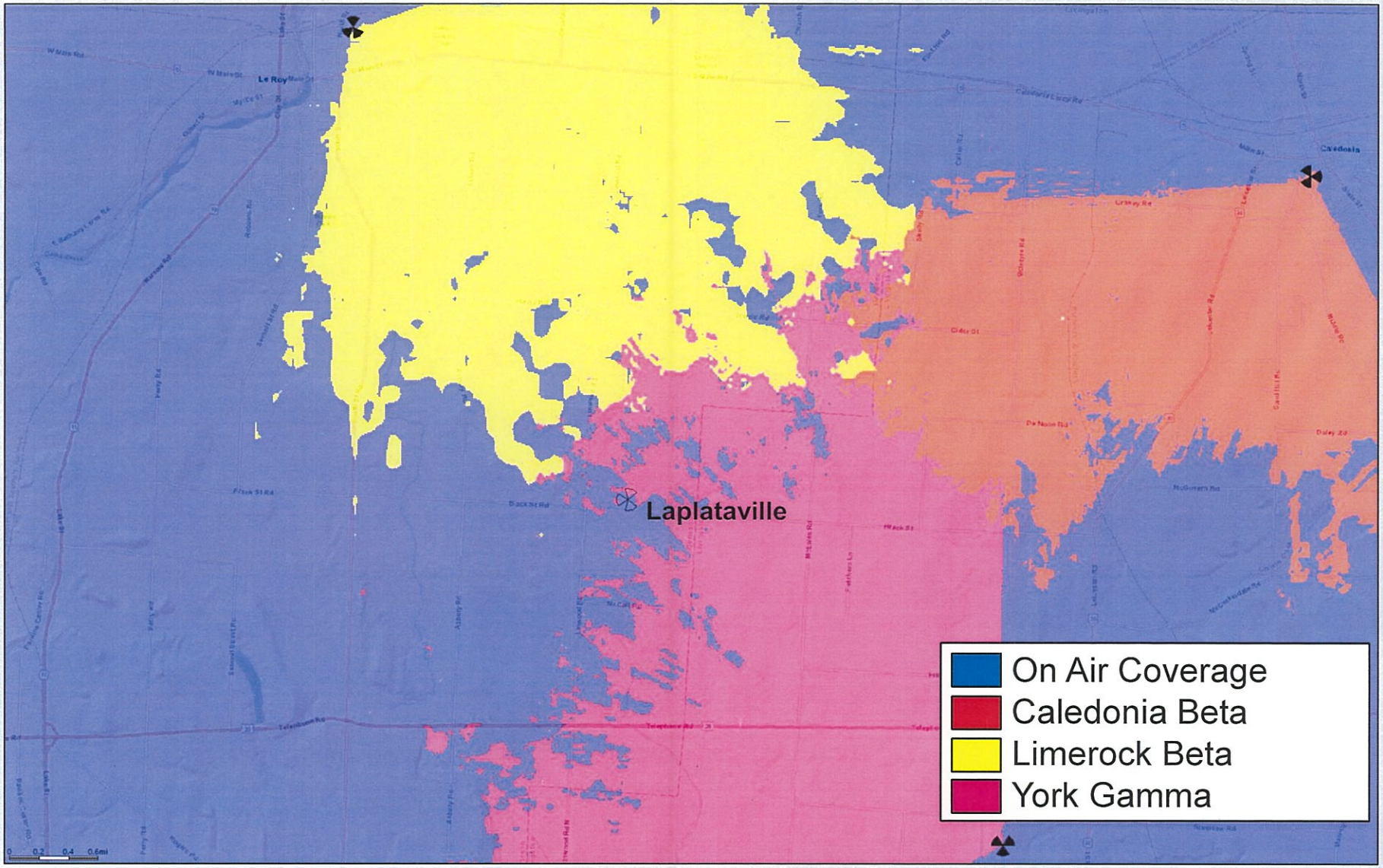
- **Topography** must be considered to minimize the obstacles between the proposed site and the target coverage area. For example, a site at the bottom of a ridge will not be able to cover the other side from a certain height.
- In general, the farther from a site the **User Population** is, the weaker the RF conditions are and the worse their experience is likely to be. These distant users also have an increased impact on the serving site's capacity. In the case of a multi sector site, centralized proximity is essential to allow users to be evenly distributed and allow efficient utilization of the site's resources.
- The existing **Network Conditions** also guide the design of a new site. Sites placed too close together create interference due to overlap and are an inefficient use of resources. Sites that are too tall or not properly integrated with existing sites cause interference and degrade service for existing users.
- Existing co-locatable structures inside the search area as well as within a reasonable distance of the search area are submitted by site acquisition and reviewed by RF Engineering. If possible, RF will make use of existing or nearby structures before proposing to build new towers.

To resolve the coverage and capacity deficiencies previously detailed, Verizon Wireless is seeking to add one new cell facility within this area to improve wireless service capacity and coverage. By offloading traffic from **Limerock, Caledonia, and York** with the proposed site, adequate and reliable service will be restored. The new **Laplataville** site will provide dominant and dedicated signal to the identified portions of the Towns of **LeRoy, Pavilion, Caledonia and York**. This helps to improve not only the **Laplataville** project area but will also indirectly result with significant improvements to the above mentioned overloaded sites ultimately improving the northeastern portion of Pavilion as well as areas surrounding the **Laplataville** project area.

verizon

Existing 700MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.

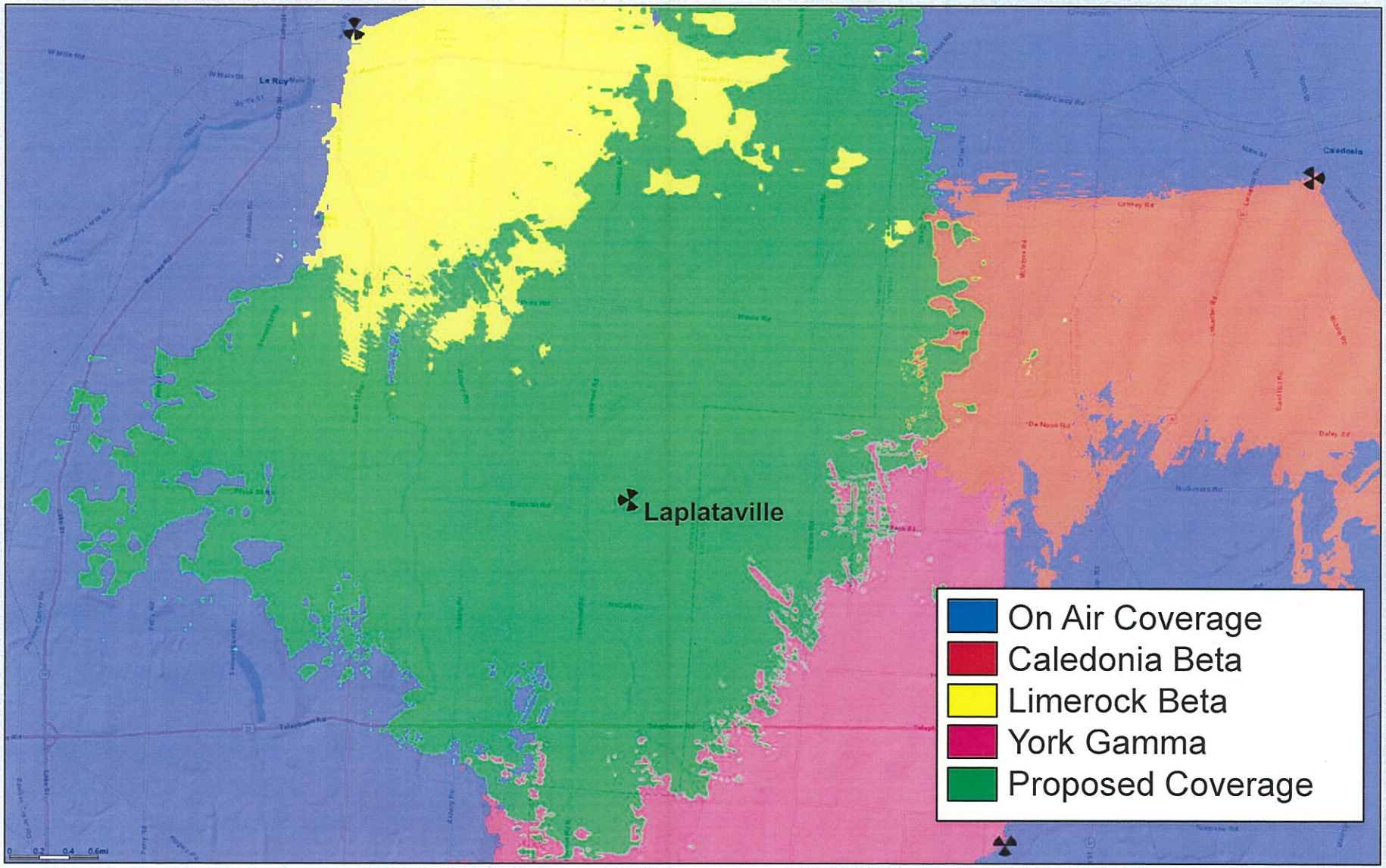


The map above represents coverage from existing sites, with the sites in need of capacity offload detailed in the legend above. Blue coverage is from other on air sites.

verizon

Proposed 700MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area (at 175' ACL).



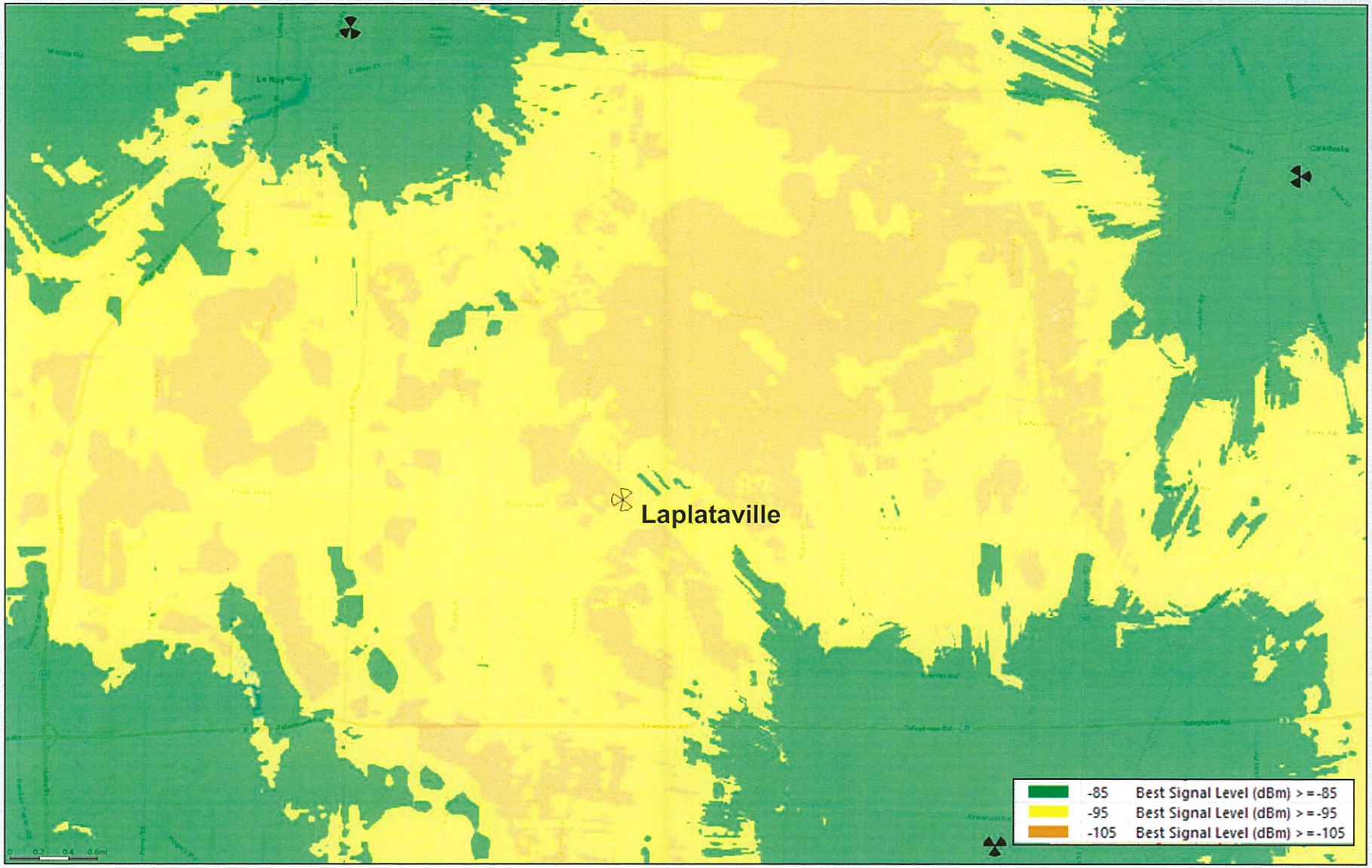
The map above adds the footprint of the proposed Laplataville site in green. The green best server footprint provides improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the existing overloaded sectors identified in the image above.

verizon

Existing 700MHz Coverage

This coverage map shows how weak the RF conditions are in and around the Laplataville site area.

Refer to slide 12 for further explanation of these color thresholds

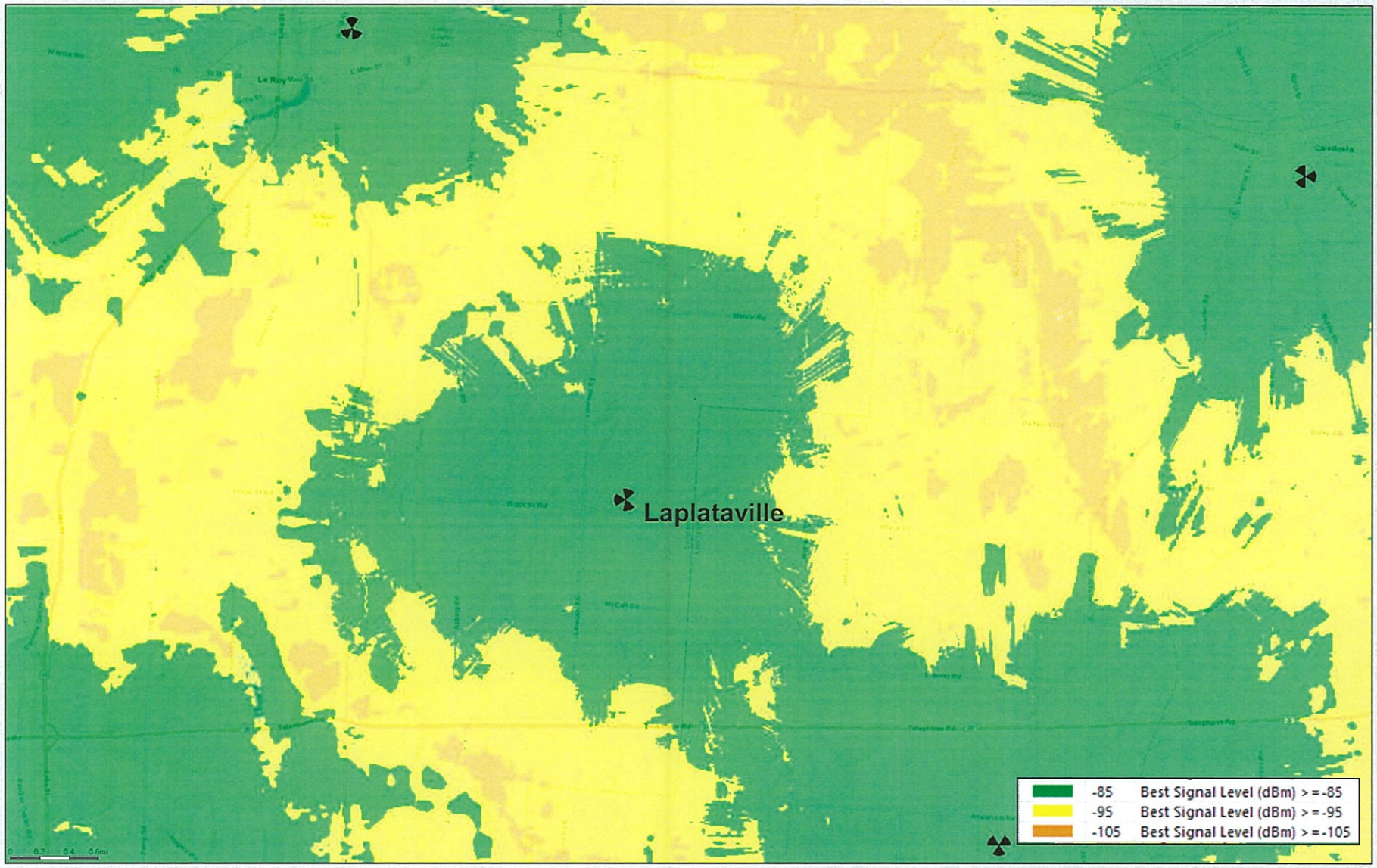


The map above represents signal strength coverage from existing sites.

verizon

Proposed 700MHz Coverage

This coverage map shows how improved the RF conditions will be in and around the Laplataville site area (at 175' ACL).
Refer to slide 12 for further explanation of these color thresholds

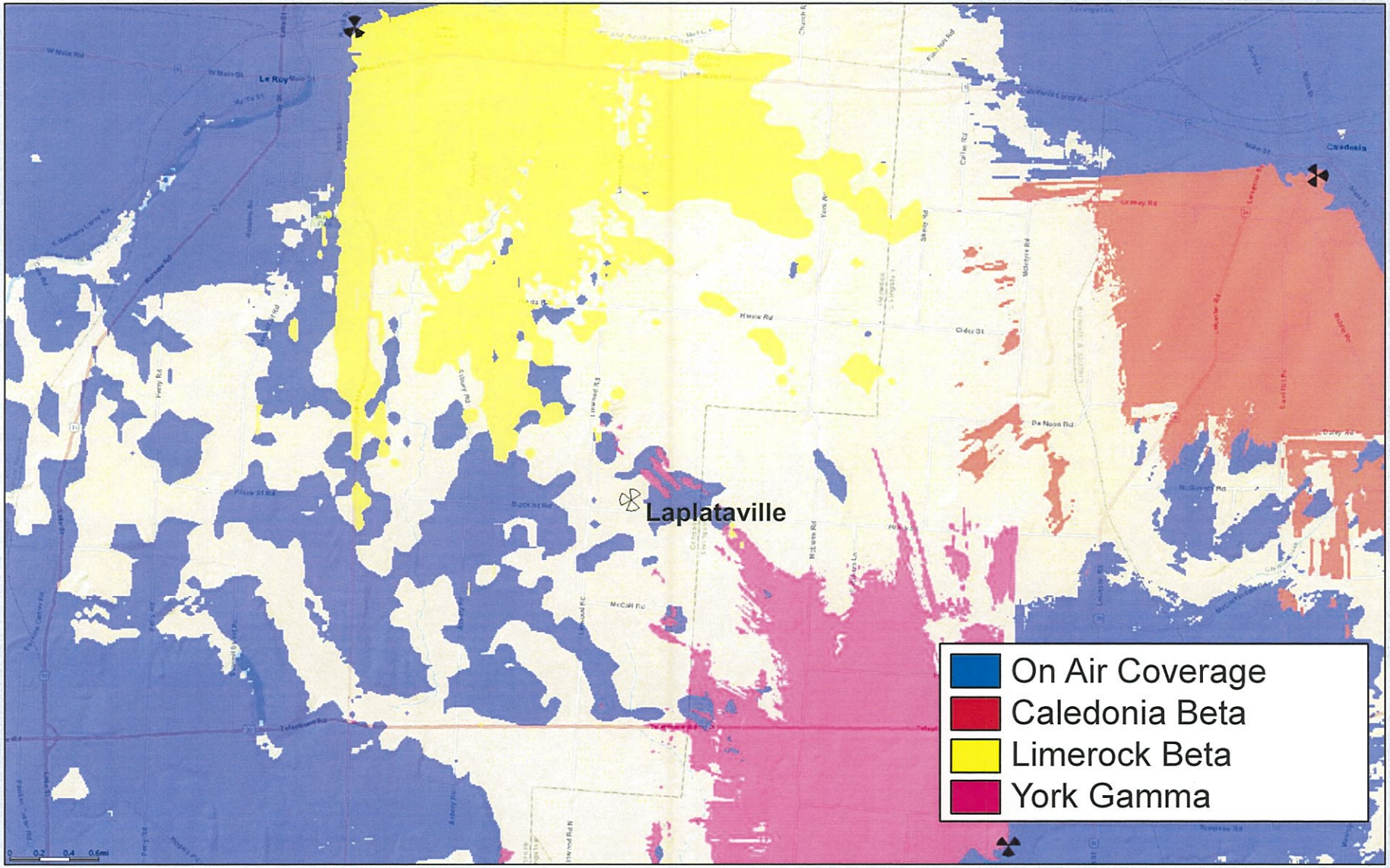


The map above adds the footprint of the proposed Laplataville site. The significantly improved signal strength corresponds to improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the aforementioned existing overloaded sectors currently serving the Laplataville project area.

verizon

Existing 2100MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area.

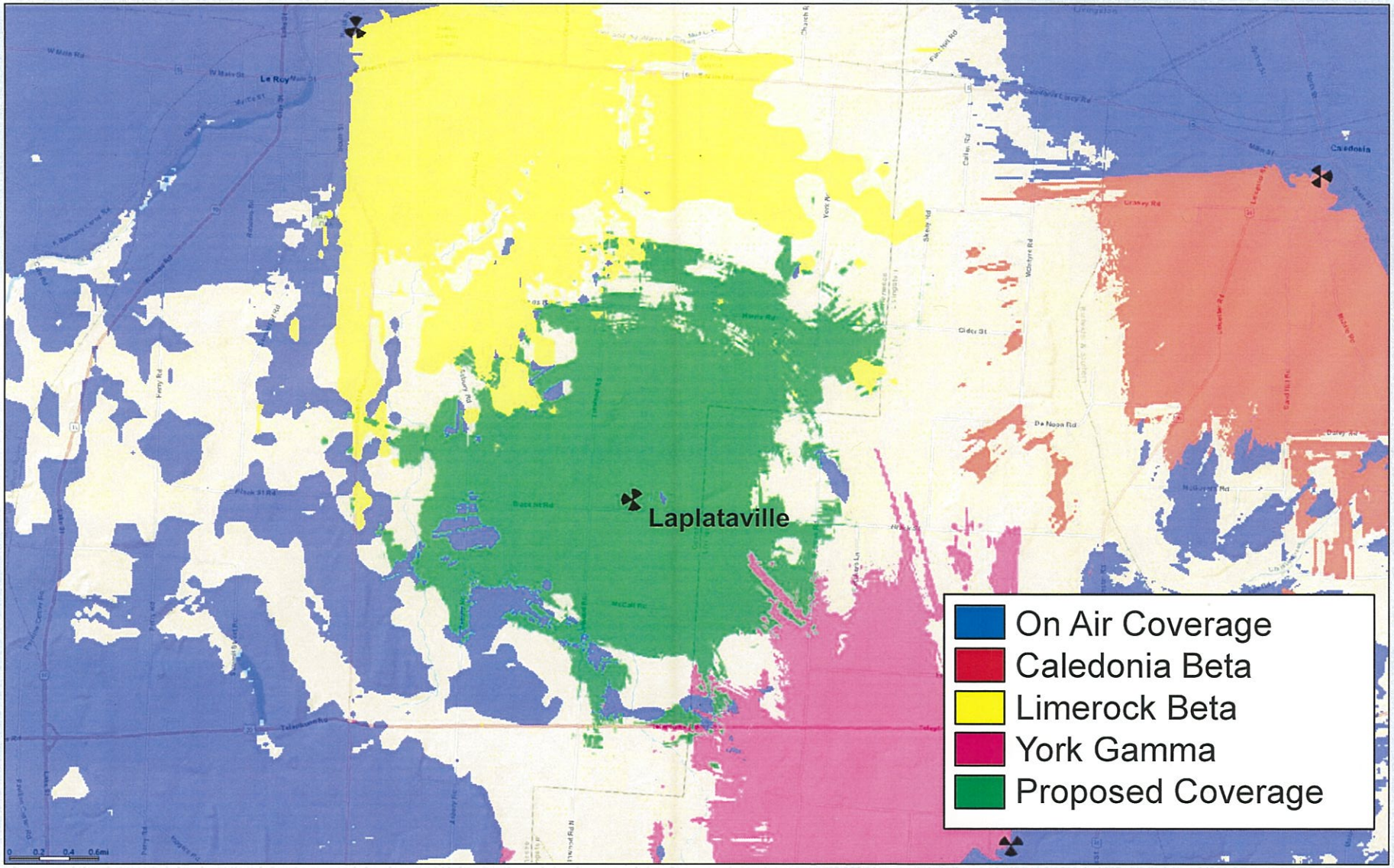


The map above represents coverage from existing sites, with the sites in need of capacity offload detailed in the legend above. Blue coverage is from other on air sites.

verizon

Proposed 2100MHz Best Server -105dBm RSRP

Best Server plots depict the actual footprint of each sector in question at one threshold so the viewer can accurately evaluate the area offloaded by the new sites dominant signal area (at 175' ACL).

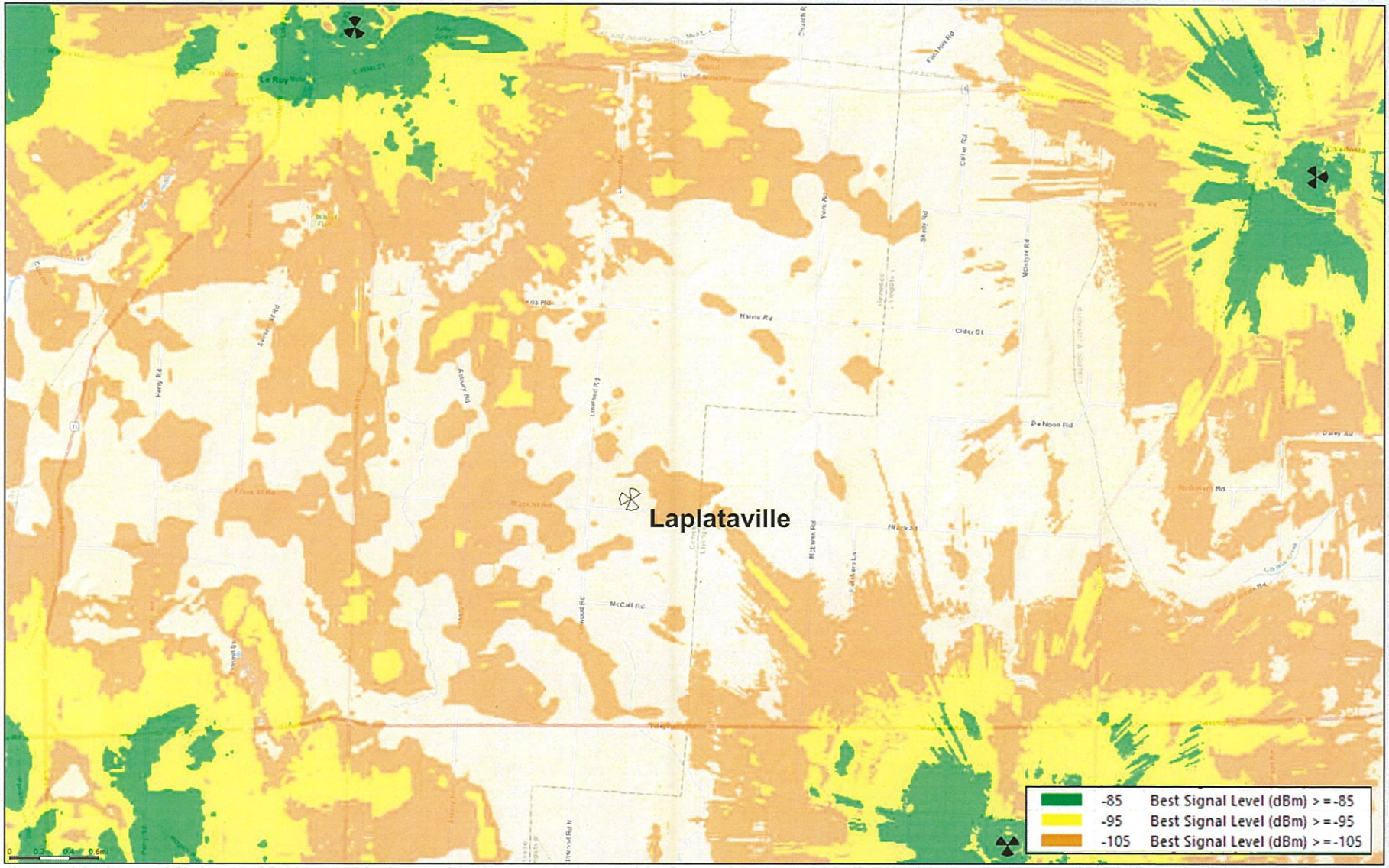


The map above adds the footprint of the proposed Laplataville site in green. The green best server footprint provides improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the existing overloaded sectors identified in the image above.

verizon

Existing 2100MHz Coverage

This coverage map shows the RF conditions in and around the Laplataville site area.
Refer to slide 12 for further explanation of these color thresholds

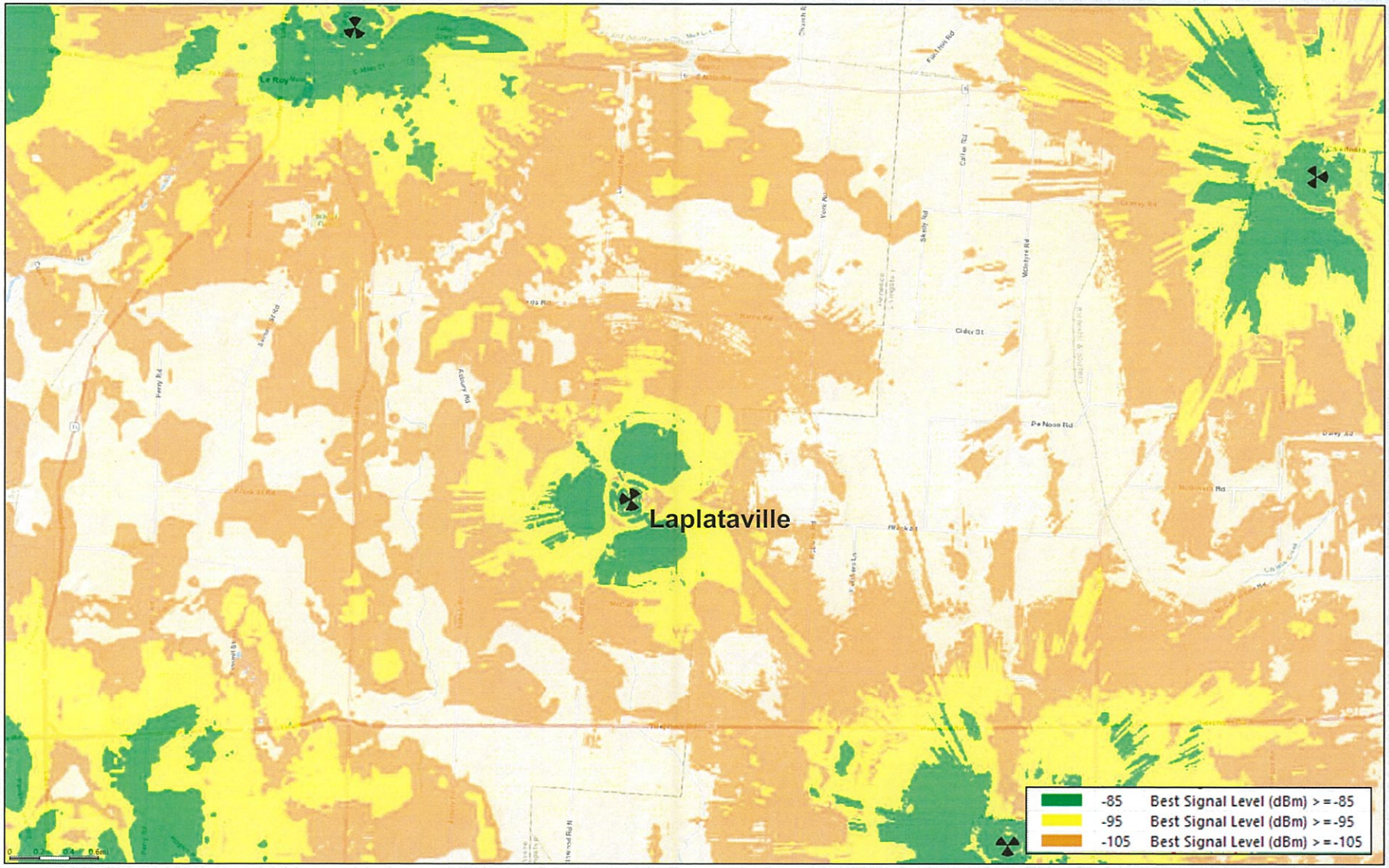


The map above represents coverage from existing sites. This 2100MHz signal is very weak throughout the project area. Additional mid band network densification is required to resolve these conditions.

verizon

Proposed 2100MHz Coverage

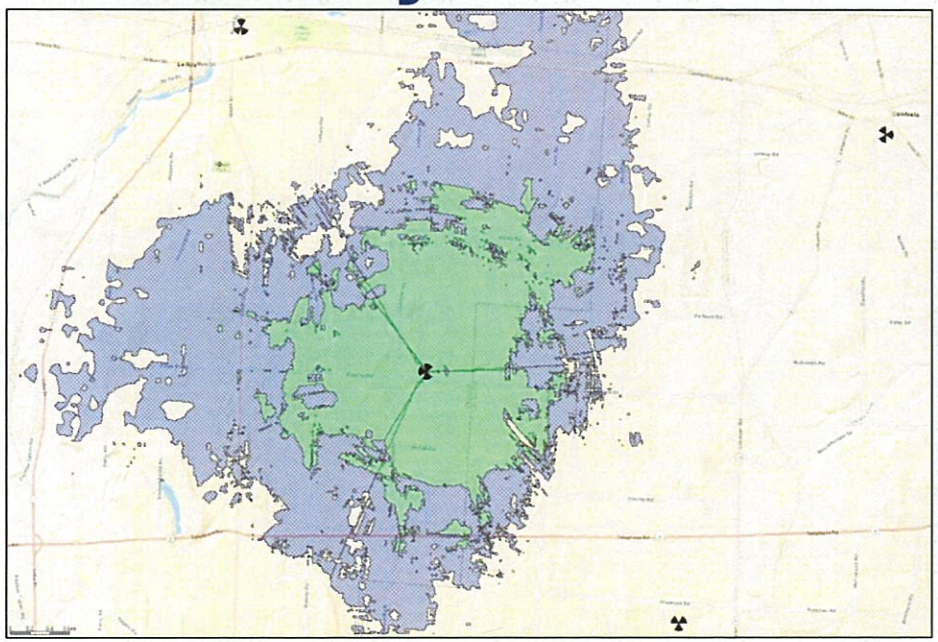
This coverage map shows how improved the RF conditions will be in and around the Laplataville site area (at 175' ACL).
Refer to slide 12 for further explanation of these color thresholds



The map above adds the footprint of the proposed Laplataville site. The significantly improved signal strength corresponds to improved coverage and capacity throughout the identified significant gap area. This will help to resolve the coverage and capacity issues impacting the aforementioned existing overloaded sectors currently serving the Laplataville project area.

verizon

RF Justification Summary



The proposed site at 175' ACL resolves the substantial and significant gaps in coverage and capacity impacting the Laplataville project area. The gaps are shown in the above graphic: The shaded areas as detailed in the legend represent gaps in coverage and capacity that the Laplataville (site) will resolve.

The network was analyzed to determine whether there is sufficient **RF coverage and capacity** in the **Towns of Pavilion, LeRoy, Caledonia and York**. It was determined that there are significant gaps in adequate LTE service for Verizon Wireless in the 700 and 2100MHz frequency bands. In addition to the coverage deficiencies, Verizon Wireless' network does not have sufficient capacity (low band or mid band) to handle the existing and projected LTE voice and data traffic in the area near and neighboring the proposed **Laplataville** facility ("targeted service improvement area"). Based on the need for additional coverage and capacity while considering the topography and specific area requiring service, any further addition of capacity to distant existing sites does not remedy Verizon's significant gap in reliable service. Therefore, the proposed facility is also needed to provide "**capacity relief**" to the existing nearby Verizon Wireless sites, allowing the proposed facility and those neighboring sites to adequately serve the existing and projected capacity demand in this area.

With the existing network configuration there are significant gaps in service which restricts Verizon Wireless customers from originating, maintaining or receiving reliable calls and network access. It is our expert opinion that the proposed height will satisfy the coverage and capacity needs of Verizon Wireless and its subscribers in this portion of the **Towns of Pavilion, LeRoy, Caledonia, York** and the **Laplataville** project area. The proposed location depicted herein satisfies the identified service gaps and is proposed at the minimum height necessary for adequate service.

Phillip A. Colantonio

Phillip A. Colantonio
Engineer III – RF Design
Verizon Wireless

verizon

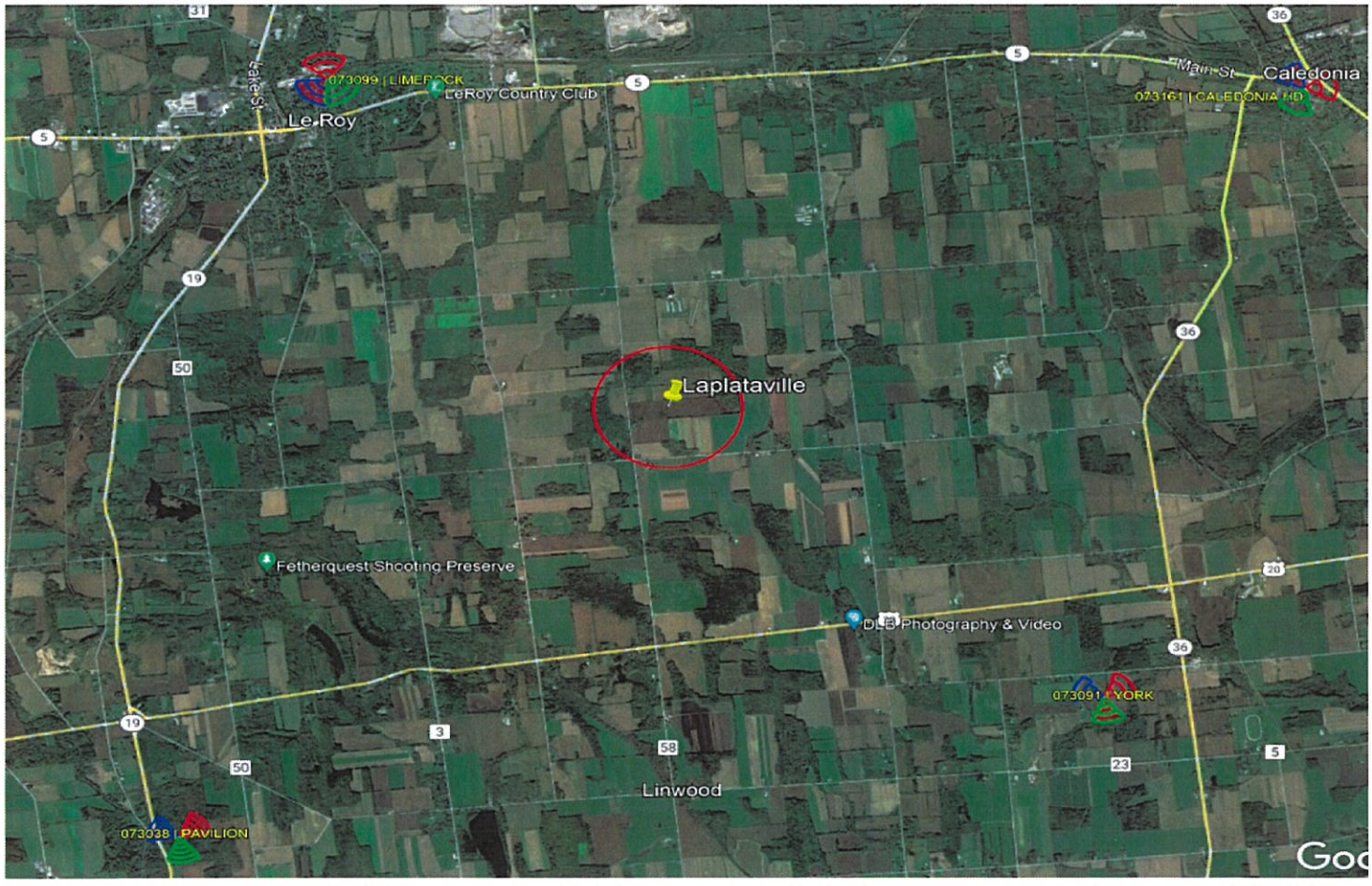
EXHIBIT G

Site Name: Laplataville New Build Macro
Telecommunications Facility Site Selection/Search Analysis
Prepared on February 7, 2023

NB+C, is an authorized Verizon Wireless contractor and has been tasked by Verizon Wireless to assist in site selection from acquisition through permitting for a new macro wireless telecommunications facility (the "Facility") in the Town of Pavilion, Genesee County, New York. This Site Selection Analysis has been prepared to summarize the manner in which the proposed site was selected.

When a network need is identified (e.g., a gap in coverage and/or capacity constraints), the Verizon RF Engineer first determines, through a comprehensive analysis of the system performance in the surrounding network, whether the existing network can be modified to solve the problem using antenna/equipment upgrades on existing facilities. If this is not possible and a new wireless facility is required, the RF Engineer devises a search area (SA). A search area is the target area for locating a Facility within, on which to build the new Facility to solve the identified network performance problem.

See below for the Laplataville macro SA:



Once the search area is determined, it is given to a Site Acquisition Firm, such as NB+C, for an in-depth investigation of the targeted area. Site Acquisition will look to identify appropriate locations within the SA on which to develop the new Facility. As part of this investigation, Site Acquisition will:

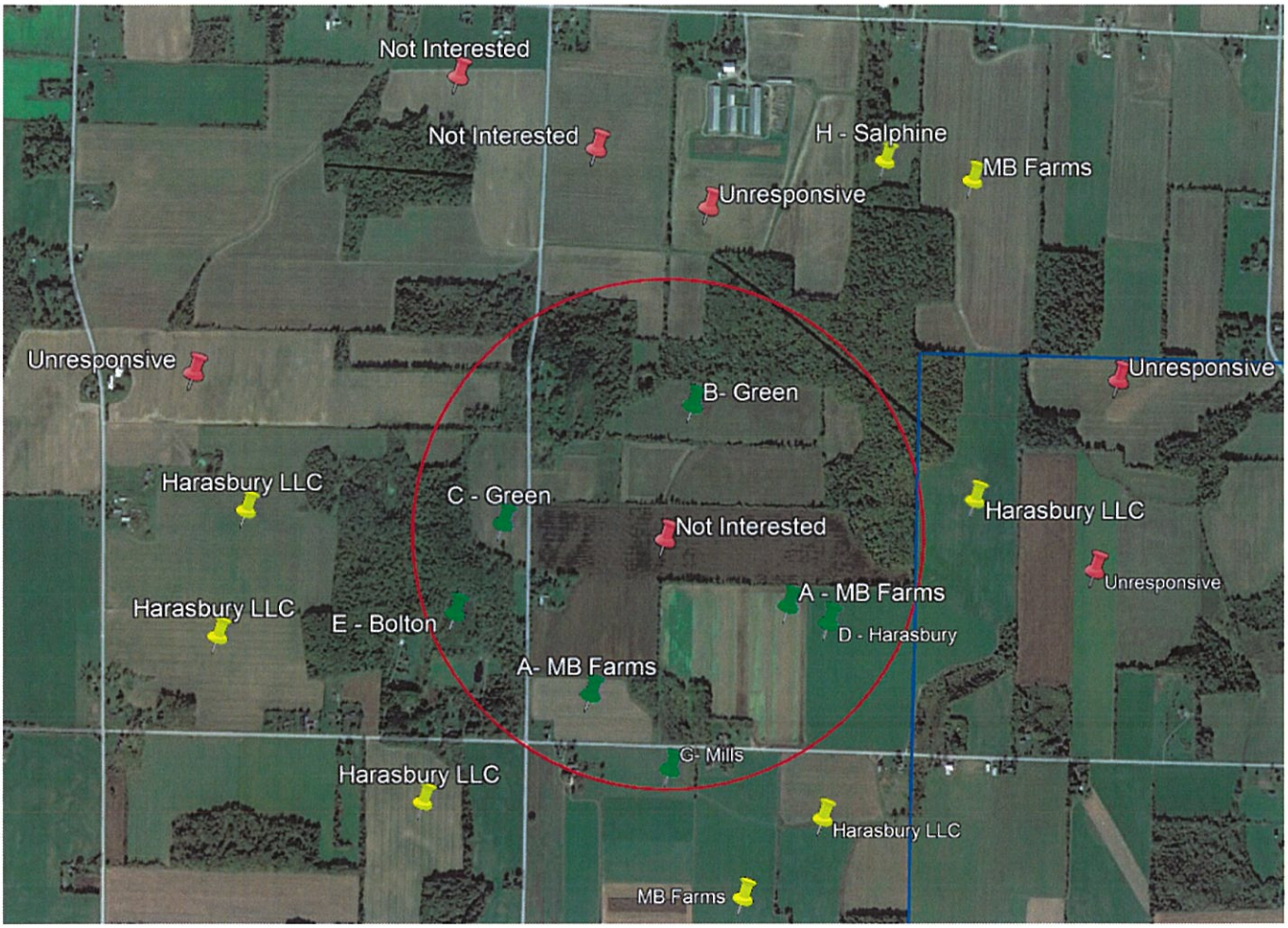
- Work with Verizon Wireless' land use and zoning attorneys, who will review local zoning requirements with respect to the installation and operation of a new wireless telecommunications facility.
- Work with a site engineer to develop property overlays of the search area for identifying tax maps, elevations & contours, federal and state designated wetlands, and aerial photos.
- Develop a list of property owners within search area and remove from consideration parcels that will not meet design criteria.
- Perform a site visit to identify any potential negative impacts within the search area, locate features that would be beneficial to the locating of a Facility, and to canvas/solicit identified landowners as noted above, that would be interested in pursuing a Facility under a ground lease agreement.

Factors that are used to narrow a list of potential properties within the SA that might be available for a new facility include impacts to existing residential houses, available land area within a parcel, special zoning districts, property line setbacks, potential level for access, elevations/contours, and impacts to wetlands.

The SA is located in Genesee County and is in the Town of Pavilion. The area is a mix of light density residential, and agriculture uses. It Includes portions of Black Street Road, and Linwood Road. Small intermittent pockets of mapped Wetlands were noted throughout SA and factored into candidate selection. There is minimal elevation change across the SA. Property within and adjacent to the SA is currently zoned Agriculture/Residential (A/R-1). Of note, no tall structures or towers exist within SA suitable for telecommunication uses.

Potential candidates were also searched for in areas adjacent to SA. Candidate list is the result of a process that started with all tax parcels within and adjacent to SA. Current zoning regulations allow telecommunications facilities with planning board approval. The Planning Board may, in its sole discretion, consider a new or altered commercial communication tower/structure where the applicant demonstrates to the satisfaction of the Planning Board that shared usage of an existing tower/structure is impractical. Tower setback requirements, setback from any property line at a distance at least equal to the tower height, or distance between the tower base. These parameters were factored into site selection and used to remove parcels from consideration that could not meet the restrictions. After determining a list of potential properties suitable for a Facility, a site visit was conducted on May 12, 2022 to meet with as many property owners as possible and have a conversation to determine interest. This resulted in several interested parties listed as candidates. A certified letter seeking confirmation of interest was sent to each remaining property owner that was unavailable during the site visit. The results of the search are below. Although every attempt is made to reach out to potential landowners within the SA to solicit interest, the final decision on selecting a primary candidate resides with the Verizon RF team in determining the best suitable location for the network.

The aerial map below shows potential selected candidates for Verizon to consider. Candidates with green pins are interested parties located within the SA. Interested parties that are outside of the SA are labeled with yellow pins. Non-interested or un-responsive landowners are labeled with red pins.



Potential candidates within the SA, as shown on a tax map and are further described below.

The search process resulted in 7 potential candidates/interested parties. Candidates were evaluated and considered for a Facility are listed below with the final results, owners' level of interest, and the subsequent evaluation by Site Acquisition/RF noted:

Candidate A: (Selected Candidate)
Tax parcel 4-1-8.1/4-1-9.1; 56.02 acres of land. Owner: M-B Farms

Owner has two adjacent parcels within ring and is flexible on tower locations. Also owns (2) other parcels adjacent to the ring. Short access road already in place. Existing trees can be used as buffer/screen. Owner was very interested. This property was selected as the main candidate by RF.

Candidate B:
Tax parcel 4-1-5; 153.71 acres of land. Owner: Green Family

Semi-forested undeveloped/semi used for agriculture. Owner has two parcels in the SA. Longer access road may be need. Owner was semi-interested and suggested unfavorable business terms. Candidate was not selected by RF and set as an alternate.

Candidate C:
Tax parcel 4-1-17; 49.33 acres of land. Owner: Green Family

Same owner as Candidate C. The majority of parcel is impacted with wetlands. Current use of the parcel is for agriculture. Setbacks may result in unfavorable location for current land use. Candidate was not selected due to wetland issue.

Candidate D:
Tax parcel 4-1-7; 39.50 acres of land. Owner: Harasbury LLC

Parcel located on perimeter of ring. Landowner owns several adjacent parcels to the ring. Current use for property is agriculture. Potential access road in place to be developed. Setbacks may place tower location in undesirable location for property owner. Land is all cleared, providing no buffer or screening for tower. Candidate was set as an alternate.

Candidate E:
Tax parcel 4-1-21; 25.27 acres of land. Owner: James Bolton

The parcel includes residential house. Access road would need to be constructed off existing driveway shared with LL. Very little road frontage. Parcel partially impacted by wetlands. Candidate was not selected by RF due to wetlands/ potential access road issues.

Candidate F:
Tax parcel 7-1-6.211; 135.87 acres of land. Owner: Donald Mills

Located at extreme southern edge of SA with majority of parcel not within the SA. An access road would need to be constructed. Current use of property is agriculture. Candidate was not selected by RF.

Candidate G:

Tax parcel 32-1-21; 50.85 acres of land. Owner: Kenneth Salphine

Long access road would need to be constructed to place tower location near the search ring. The parcel is adjacent to the search area. Long narrow parcel that may be impacted by setbacks. Candidate was not selected by RF.

Other Owner Interest:

As noted above, numerous other parcels within the search area were eliminated from consideration early in the screening process due to minimal lot size or wetland impacts. During the site visit an effort was made to speak with as many property owners of targeted properties in order to gauge interest. Land owners that were unavailable that day had a NB+C business card and brief description of the scope left for future correspondence requesting that they contact

NB+C. A follow-up certified letter was sent to property owners that were either not home during the site visit and/or were unable to be contacted through other efforts, to confirm any interest.

The following property owners expressed an interest for a facility and were reviewed for suitability, however were ultimately ruled out of the selection process due to not being able to accommodate zoning setbacks without impacting parcel or existing primary owner's homes or were not located within the SA. The above candidates were better suited to potentially meeting RF needs:

7-1-4.11	Black St Rd	Harasbury LLC
20-1-1.2	Black St Rd	Harasbury LLC (T/o Caledonia)
4-1-16.2	Black St Rd	Harasbury LLC
4-1-15.113	Black St Rd	Harasbury LLC

The following properties either declined interest or did not respond. These locations were NOT reviewed by the RF engineer as there was no interest from landowner.

4-1-1.1	Ashbury Rd	Ceres Farms LLC	unresponsive
32-1-23.2	Harris Rd	J&J Farms	declined
32-1-22.12	Harris Rd	Mowacres Farm	unresponsive
4-1-6.1	Linwood Rd	Karen Muilligan	declined

Conclusion:

After canvasing this Search Area, it has been determined that Candidate A is the primary property that will adequately meet RF coverage/capacity objectives for a new macro Facility. The property is currently being used for agriculture uses, not residential. The property will allow for a tower location that will not require the need for area variances due to current zoning setbacks. It was determined that ground elevation on this site offered the best coverage and existing vegetation will provide a buffer/screen at base of tower. Verizon and the property owner have entered into a lease for the construction of a tower. This macro site is intended to provide increased wireless telecommunications coverage in an area where Verizon Wireless' existing macro cell network is overburdened by demand and is lacking on coverage for its 4th Generation LTE network.

Sincerely,

Jeff Szkolnik

Jeff Szkolnik
Site Acquisition Manager
Upstate New York

NETWORK BUILDING + CONSULTING
4142 Reddeer Road | Liverpool NY | 13090
Mobile 315.350.4025

Corporate: 6095 Marshalee Dr. | Suite 300 | Elkridge MD | 21075

EXHIBIT H

SITE NAME: Laplataville
SITE NUMBER: 678240
ATTY/DATE: NP/December 2022

LAND LEASE AGREEMENT

This Land Lease Agreement (the "Agreement") is made by and between **M B Farms Inc., a/k/a M-B Farms, Inc.**, with its principal offices located at 8283 Harris Road, LeRoy, New York 14482 ("LESSOR") and **Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless**, with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("LESSEE"). LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

WITNESSETH

In consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. GRANT. LESSOR hereby grants to LESSEE the right to install, maintain, replace, add and operate communications equipment ("Use") upon a portion of that real property owned, leased or controlled by LESSOR located at 0 Black Street Road in the Town of Pavilion, Genesee County, New York, Tax Map No. 4.-1-8.1 (the "Property"). The Property is legally described on Exhibit "A" attached hereto and made a part hereof. The "Premises" is approximately 10,000 square feet, and is shown in detail on Exhibit "B" attached hereto and made a part hereof. LESSEE may survey the Premises. Upon completion, the survey shall replace Exhibit "B" in its entirety.

2. INITIAL TERM. This Agreement shall be effective as of the date of execution by both Parties ("Effective Date"). The initial term of the Agreement shall be for 5 years beginning on the first day of the month after LESSEE begins installation of LESSEE's communications equipment on the Premises (the "Commencement Date") and will be acknowledged by the Parties in writing, including electronic mail.

3. EXTENSIONS. The initial term of this Agreement shall automatically be extended for 4 additional 5-year terms unless LESSEE gives LESSOR written notice of its intent to terminate at least three (3) months prior to the end of the then current extension term. The initial term and any extension terms shall be collectively referred to herein as the "Term".

4. RENTAL.

a. Rental payments shall begin on the Commencement Date and be due at a total annual rental of [redacted], to be paid in equal monthly installments on the first day of the month, in advance, to LESSOR at 8283 Harris Road, LeRoy, New York 14482 or to such other person, firm, or place as LESSOR may, from time to time, designate in writing at least 30 days in advance of any rental payment due date by notice given in accordance with Paragraph 19 below. The initial rental payment shall be delivered by LESSEE no later than 90 days after the Commencement Date. Upon agreement of the Parties, LESSEE may pay rent by electronic funds transfer and in such event, LESSOR agrees to provide to LESSEE bank routing information for such purpose upon request of LESSEE. Effective as of the start of each renewal term, annual rent shall increase by 10% over the rent for the rent for the immediately preceding initial term or renewal term.

b. For any party to whom rental payments are to be made, LESSOR or any successor in interest of LESSOR hereby agrees to provide to LESSEE (i) a completed, current version of Internal Revenue Service Form W-9, or equivalent; (ii) complete and fully executed state and local withholding forms if required; (iii) LESSEE's payment direction form, and (iv) other documentation to verify LESSOR's or such other party's right to receive rental as is reasonably requested by LESSEE. Rental shall

accrue in accordance with this Agreement, but LESSEE shall have no obligation to deliver rental payments until the requested documentation has been received by LESSEE. Upon receipt of the requested documentation, LESSEE shall deliver the accrued rental payments as directed by LESSOR.

(c). As additional consideration for this Agreement, LESSEE shall pay LESSOR a one-time, non-refundable, lump-sum signing bonus of [redacted], which shall be considered additional rent for the Premises for the period from the Effective Date until the Commencement Date. The signing bonus shall be paid by LESSEE to LESSOR within 90 days of the Effective Date. LESSOR agrees the payment to be made by LESSEE under this Paragraph 4(c) is fair and adequate payment for the period from the Effective Date to the Commencement Date, and LESSOR recognizes that Paragraph 2 of this Agreement governs the Commencement Date. This Paragraph 4(c) does not impact whether or not LESSEE chooses to install LESSEE's communications equipment and commence the Term.

5. ACCESS/UTILITIES. LESSEE shall have the non-exclusive right of ingress and egress from a public right-of-way, 7 days a week, 24 hours a day, over the Property to and from the Premises for the purpose of installation, operation and maintenance of LESSEE's communications equipment over or along a 30-foot wide right-of-way ("Easement"), which shall be depicted on Exhibit "B". LESSEE may use the Easement and an additional 10-foot wide right-of-way depicted on Exhibit "B" for the installation, operation and maintenance of wires, cables, conduits and pipes for all necessary electrical, telephone, fiber and other similar support services as deemed necessary or appropriate by LESSEE for the operation of its communications equipment. In the event it is necessary, LESSOR agrees to grant LESSEE or the service provider the right to install such services on, through, over and/or under the Property, provided the location of such services shall be reasonably approved by LESSOR. In the event of any power interruption at the Premises, LESSEE shall be permitted to install, maintain and/or provide access to and use of a temporary power source to be located on the Property, including related equipment and appurtenances, such as conduits connecting the temporary power source to the Premises.

6. CONDITION OF PROPERTY. LESSOR shall deliver the Premises to LESSEE in a condition ready for LESSEE's Use and clean and free of debris. LESSOR represents and warrants to LESSEE that as of the Effective Date, the Property is (a) in compliance with all Laws; and (b) in compliance with all EH&S Laws (as defined in Paragraph 24).

7. IMPROVEMENTS. The communications equipment including, without limitation, the tower structure, antennas, conduits, fencing and other screening, and other improvements shall be at LESSEE's expense and installation shall be at the discretion and option of LESSEE. LESSEE shall have the right to replace, repair, add to or otherwise modify its communications equipment, tower structure, antennas, conduits, fencing and other screening, or other improvements or any portion thereof and the frequencies over which the communications equipment operates, at no additional cost to LESSEE, whether or not any of the communications equipment, antennas, conduits or other improvements are listed on any exhibit. LESSEE shall only be required to obtain LESSOR consent for modifications that increase LESSEE's Premises. LESSOR shall respond in writing to any LESSEE consent request within 30 days of receipt or LESSOR's consent shall be deemed granted, provided, any material modifications to the Premises shall be memorialized by the Parties in writing. LESSOR is not entitled to a rent increase associated with any LESSEE modification unless it is increasing its Premises, in which case, any rent increase shall be proportionate to the additional ground space included in the Premises.

8. GOVERNMENT APPROVALS. LESSEE's Use is contingent upon LESSEE obtaining all of the certificates, permits and other approvals (collectively the "Government Approvals") that may be required by any Federal, State or Local authorities (collectively, the "Government Entities") as well as a satisfactory soil boring test, environmental studies, or any other due diligence LESSEE chooses that will

permit LESSEE's Use. LESSOR shall cooperate with LESSEE in its effort to obtain and maintain any Government Approvals. Notwithstanding anything contained herein to the contrary, LESSOR hereby agrees to allow LESSEE to install any RF frequency signage and/or barricades as are necessary to ensure LESSEE's compliance with Laws.

9. TERMINATION. LESSEE may, unless otherwise stated, immediately terminate this Agreement upon written notice to LESSOR in the event that (i) any applications for such Government Approvals should be finally rejected; (ii) any Government Approval issued to LESSEE is canceled, expires, lapses or is otherwise withdrawn or terminated by any Government Entity; (iii) LESSEE determines that such Government Approvals may not be obtained in a timely manner; (iv) LESSEE determines any structural analysis is unsatisfactory; (v) LESSEE, in its sole discretion, determines the Use of the Premises is obsolete or unnecessary; (vi) with 3 months prior notice to LESSOR, upon the annual anniversary of the Commencement Date; or (vii) at any time before the Commencement Date for any reason or no reason in LESSEE's sole discretion.

10. INDEMNIFICATION. Subject to Paragraph 11, each Party and/or any successor and/or assignees thereof, shall indemnify and hold harmless the other Party, and/or any successors and/or assignees thereof, against (i) all claims of liability or loss from bodily injury or property damage resulting from or arising out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other Party, or its employees, contractors or agents, and (ii) reasonable attorney's fees, expense, and defense costs incurred by the indemnified Party. The indemnified Party will provide the indemnifying Party with prompt, written notice of any claim that is subject to the indemnification obligations in this paragraph. The indemnified Party will cooperate appropriately with the indemnifying Party in connection with the indemnifying Party's defense of such claim. The indemnifying Party shall defend any indemnified Party, at the indemnified Party's request, against any claim with counsel reasonably satisfactory to the indemnified Party. The indemnifying Party shall not settle or compromise any such claim or consent to the entry of any judgment without the prior written consent of each indemnified Party and without an unconditional release of all claims by each claimant or plaintiff in favor of each indemnified Party. All indemnification obligations shall survive the termination or expiration of this Agreement.

11. INSURANCE. The Parties agree to maintain during the term of this Agreement the following insurance policies:

a. Commercial general liability in the amount of $2,000,000.00 per occurrence for bodily injury and property damage and $4,000,000.00 in the annual aggregate. Each party shall be included as an additional insured as their interest may appear under this Agreement on the other party's insurance policy.

b. "All-Risk" property insurance on a replacement cost basis insuring their respective property with no coinsurance requirement. Where legally permissible, each party agrees to waive subrogation against the other party and to ensure said waiver is recognized by the insurance policies insuring the property.

12. LIMITATION OF LIABILITY. Except for indemnification pursuant to Paragraphs 10 and 23, a violation of Paragraph 26, or a violation of law, neither Party shall be liable to the other, or any of their respective agents, representatives, or employees for any lost revenue, lost profits, diminution in value of business, loss of technology, rights or services, loss of data, or interruption or loss of use of service, incidental, punitive, indirect, special, trebled, enhanced or consequential damages, even if advised of the

possibility of such damages, whether such damages are claimed for breach of contract, tort (including negligence), strict liability or otherwise, unless applicable law forbids a waiver of such damages.

13. INTERFERENCE.

a. LESSEE agrees that LESSEE will not cause interference that is measurable in accordance with industry standards to LESSOR's equipment. LESSOR agrees that LESSOR and other occupants of the Property will not cause interference that is measurable in accordance with industry standards to the then existing communications equipment of LESSEE.

b. Without limiting any other rights or remedies, if interference occurs and continues for a period in excess of 48 hours following notice to the interfering party via telephone to LESSEE'S Network Management Center (at (800) 264-6620) or to LESSOR at ((585) 819-4582), the interfering party shall or shall require any other user to reduce power or cease operations of the interfering equipment until the interference is cured.

c. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore the Parties shall have the right to equitable remedies such as, without limitation, injunctive relief and specific performance.

14. REMOVAL AT END OF TERM. Within 90 days of the expiration or earlier termination of the Agreement, LESSEE shall remove LESSEE's Communications Equipment (except footings) and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted. LESSOR agrees and acknowledges that the communications equipment shall remain the personal property of LESSEE and LESSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable laws.

15. RIGHT OF FIRST REFUSAL. If at any time after the Effective Date, LESSOR receives an offer or letter of intent from any person or entity that is in the business of owning, managing or operating communications facilities or is in the business of acquiring landlord interests in agreements relating to communications facilities, to purchase fee title, an easement, a lease, a license, or any other interest in the Property or any portion thereof or to acquire any interest in this Agreement, or an option for any of the foregoing, LESSOR shall provide written notice to LESSEE of said offer ("LESSOR's Notice"). LESSOR's Notice shall include the prospective buyer's name, the purchase price being offered, any other consideration being offered, the other terms and conditions of the offer, a description of the portion of and interest in the Property and/or this Agreement which will be conveyed in the proposed transaction, and a copy of any letters of intent or form agreements presented to LESSOR by the third party offeror. LESSEE shall have the right of first refusal to meet any bona fide offer of sale or transfer on the terms and conditions of such offer or by effectuating a transaction with substantially equivalent financial terms. If LESSEE fails to provide written notice to LESSOR that LESSEE intends to meet such bona fide offer within 30 days after receipt of LESSOR's Notice, LESSOR may proceed with the proposed transaction in accordance with the terms and conditions of such third party offer, in which event this Agreement shall continue in full force and effect and the right of first refusal described in this Paragraph shall survive any such conveyance to a third party. If LESSEE provides LESSOR with notice of LESSEE's intention to meet the third party offer within 60 days after receipt of LESSOR's Notice, then if LESSOR's Notice describes a transaction involving greater space than the Premises, LESSEE may elect to proceed with a transaction covering only the Premises and the purchase price shall be prorated on a square footage basis. Further, LESSOR acknowledges and agrees that if LESSEE exercises this right of first refusal, LESSEE may require a reasonable period of time to conduct due diligence and effectuate the closing of a transaction on substantially equivalent financial terms of the third party offer. LESSEE may elect to amend this Agreement

to effectuate the proposed financial terms of the third party offer rather than acquiring fee simple title or an easement interest in the Premises. For purposes of this Paragraph, any transfer, bequest or devise of LESSOR's interest in the Property as a result of the death of LESSOR, whether by will or intestate succession, or any conveyance to LESSOR's family members by direct conveyance or by conveyance to a trust for the benefit of family members shall not be considered a sale for which LESSEE has any right of first refusal.

16. RIGHTS UPON SALE. Should LESSOR, at any time during the Term, decide (i) to sell or otherwise transfer all or any part of the Property, or (ii) to grant to a third party by easement or other legal instrument an interest in and to any portion of the Premises, such sale, transfer, or grant of an easement or interest therein shall be under and subject to this Agreement and any such purchaser or transferee shall recognize LESSEE's rights hereunder. In the event that LESSOR completes any such sale, transfer, or grant described in this Paragraph without executing an assignment of the Agreement whereby the third party agrees in writing to assume all obligations of LESSOR under this Agreement, then LESSOR shall not be released from its obligations to LESSEE under this Agreement, and LESSEE shall have the right to look to LESSOR and the third party for the full performance of the Agreement.

17. LESSOR'S TITLE. LESSOR covenants that LESSEE, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises. LESSOR represents and warrants to LESSEE as of the Effective Date and covenants during the Term that LESSOR has full authority to enter into and execute this Agreement and that there are no liens, judgments, covenants, easements, restrictions or other impediments of title that will adversely affect LESSEE's Use.

18. ASSIGNMENT. Without any approval or consent of the other Party, this Agreement may be sold, assigned or transferred by either Party to (i) any entity in which the Party directly or indirectly holds an equity or similar interest; (ii) any entity which directly or indirectly holds an equity or similar interest in the Party; or (iii) any entity directly or indirectly under common control with the Party. LESSEE may assign this Agreement to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the FCC in which the Property is located by reason of a merger, acquisition or other business reorganization without approval or consent of LESSOR. Additionally, this Agreement may be sold, assigned or transferred by LESSEE without any approval or consent of LESSOR to any company whose primary business is developing, constructing, owning and operating communications facilities for use by LESSEE and/or other third-parties and in the event of any such assignment and the subsequent subleasing of space to LESSEE, LESSOR acknowledges and agrees that no sublease fee as described therein shall be due and payable from LESSEE for such sublease. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the other Party, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of either Party shall constitute an assignment hereunder. LESSEE may sublet the Premises in LESSEE's sole discretion.

19. NOTICE. Except for notices permitted via telephone in accordance with Paragraph 13, or via electronic mail in accordance with Paragraph 2, all notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

LESSOR: M B Farms Inc.
8283 Harris Road
LeRoy, New York 14482

LESSEE: Bell Atlantic Mobile Systems LLC
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

20. SUBORDINATION AND NON-DISTURBANCE. Within 15 days of the Effective Date, LESSOR shall obtain a Non-Disturbance Agreement (as defined below) and any required consent from existing mortgagee(s), ground lessors and master lessors, if any, of the Property. At LESSOR's option, this Agreement shall be subordinate to any future master lease, ground lease, mortgage, deed of trust or other security interest (a "Mortgage") by LESSOR which from time to time may encumber all or part of the Property; provided, however, as a condition precedent to LESSEE being required to subordinate its interest in this Agreement to any future Mortgage covering the Property, LESSOR shall obtain for LESSEE's benefit a non-disturbance and attornment agreement for LESSEE's benefit in the form reasonably satisfactory to LESSEE, and containing the terms described below (the "Non-Disturbance Agreement"), and shall recognize LESSEE's rights under this Agreement. The Non-Disturbance Agreement shall include the encumbering party's ("Lender's") agreement that, if Lender or its successor-in-interest or any purchaser of Lender's or its successor's interest (a "Purchaser") acquires an ownership interest in the Property, Lender or such successor-in-interest or Purchaser will honor all of the terms of the Agreement. Such Non-Disturbance Agreement must be binding on all of Lender's participants in the subject loan (if any) and on all successors and assigns of Lender and/or its participants and on all Purchasers. In return for such Non-Disturbance Agreement, LESSEE will execute an agreement for Lender's benefit in which LESSEE (1) confirms that the Agreement is subordinate to the Mortgage or other real property interest in favor of Lender, (2) agrees to attorn to Lender if Lender becomes the owner of the Property and (3) agrees to accept a cure by Lender of any of LESSOR's defaults, provided such cure is completed within the deadline applicable to LESSOR. In the event LESSOR defaults in the payment and/or other performance of any mortgage or other real property interest encumbering the Property, LESSEE, may, at its sole option and without obligation, cure or correct LESSOR's default and upon doing so, LESSEE shall be subrogated to any and all rights, titles, liens and equities of the holders of such mortgage or other real property interest and LESSEE shall be entitled to deduct and setoff against all rents that may otherwise become due under this Agreement the sums paid by LESSEE to cure or correct such defaults.

21. DEFAULT. It is a "Default" if (i) either Party fails to comply with this Agreement and does not remedy the failure within 30 days after written notice by the other Party or, if the failure cannot reasonably be remedied in such time, if the failing Party does not commence a remedy within the allotted 30 days and diligently pursue the cure to completion within 90 days after the initial written notice, or (ii) LESSOR fails to comply with this Agreement and the failure interferes with LESSEE's Use and LESSOR does not remedy the failure within 5 days after written notice from LESSEE or, if the failure cannot reasonably be remedied in such time, if LESSOR does not commence a remedy within the allotted 5 days and diligently pursue the cure to completion within 15 days after the initial written notice. The cure periods

set forth in this Paragraph 21 do not extend the period of time in which either Party has to cure interference pursuant to Paragraph 13 of this Agreement.

22. REMEDIES. In the event of a Default, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate this Agreement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Property is located. Further, upon a Default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon receipt of an itemized invoice. If LESSEE undertakes any such performance on LESSOR's behalf and LESSOR does not pay LESSEE the full undisputed amount within 30 days of its receipt of an itemized invoice setting forth the amount due, LESSEE may offset the full undisputed amount due against all fees due and owing to LESSOR under this Agreement until the full undisputed amount is fully reimbursed to LESSEE.

23. ENVIRONMENTAL. LESSEE shall conduct its business in compliance with all applicable laws governing the protection of the environment or employee health and safety ("EH&S Laws"). LESSEE shall indemnify and hold harmless the LESSOR from claims to the extent resulting from LESSEE's violation of any applicable EH&S Laws or to the extent that LESSEE causes a release of any regulated substance to the environment. LESSOR shall indemnify and hold harmless LESSEE from all claims resulting from the violation of any applicable EH&S Laws or a release of any regulated substance to the environment except to the extent resulting from the activities of LESSEE. The Parties recognize that LESSEE is only leasing a small portion of the Property and that LESSEE shall not be responsible for any environmental condition or issue except to the extent resulting from LESSEE's specific activities and responsibilities. In the event that LESSEE encounters any hazardous substances that do not result from its activities, LESSEE may relocate its facilities to avoid such hazardous substances to a mutually agreeable location or, if LESSEE desires to remove at its own cost all or some the hazardous substances or materials (such as soil) containing those hazardous substances, LESSOR agrees to sign any necessary waste manifest associated with the removal, transportation and/or disposal of such substances.

24. CASUALTY. If a fire or other casualty damages the Property or the Premises and impairs LESSEE's Use, rent shall abate until LESSEE'S Use is restored. If LESSEE's Use is not restored within 45 days, LESSEE may terminate this Agreement.

25. CONDEMNATION. If a condemnation of any portion of the Property or Premises impairs LESSEE's Use, LESSEE may terminate this Agreement. LESSEE may on its own behalf make a claim in any condemnation proceeding involving the Premises for losses related to LESSEE's communications equipment, relocation costs and, specifically excluding loss of LESSEE's leasehold interest, any other damages LESSEE may incur as a result of any such condemnation.

26. APPLICABLE LAWS. During the Term, LESSOR shall maintain the Property in compliance with all applicable laws, EH&S Laws, rules, regulations, ordinances, directives, covenants, easements, consent decrees, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (including, without limitation, the Americans with Disabilities Act and laws regulating hazardous substances) (collectively "Laws"). LESSEE shall, in respect to the condition of the Premises and at LESSEE's sole cost and expense, comply with (i) all Laws relating solely to LESSEE's specific and unique nature of use of the Premises; and (ii) all building codes requiring modifications to the Premises due to the improvements being made by LESSEE in the Premises. It shall be LESSOR's obligation to comply with all Laws relating to the Property, without regard to specific use

(including, without limitation, modifications required to enable LESSEE to obtain all necessary building permits).

27. TAXES. If LESSOR is required by law to collect any federal, state, or local tax, fee, or other governmental imposition (each, a "Tax") from LESSEE with respect to the transactions contemplated by this Agreement, then LESSOR shall bill such Tax to LESSEE in the manner and for the amount required by law, LESSEE shall promptly pay such billed amount of Tax to LESSOR, and LESSOR shall remit such Tax to the appropriate tax authorities as required by law; provided, however, that LESSOR shall not bill to or otherwise attempt to collect from LESSEE any Tax with respect to which LESSEE has provided LESSOR with an exemption certificate or other reasonable basis for relieving LESSOR of its responsibility to collect such tax from LESSEE. Except as provided in this Paragraph 27, LESSOR shall bear the costs of all Taxes that are assessed against or are otherwise the legal responsibility of LESSOR with respect to itself, its property, and the transactions contemplated by this Agreement. LESSEE shall be responsible for all Taxes that are assessed against or are otherwise the legal responsibility of LESSEE with respect to itself, its property, and the transactions contemplated by this Agreement.

28. NON-DISCLOSURE. The Parties agree that this Agreement and any information exchanged between the Parties regarding the Agreement are confidential. The Parties agree not to provide copies of this Agreement or any other confidential information to any third party without the prior written consent of the other or as required by law. If a disclosure is required by law, prior to disclosure, the Party shall notify the other Party and cooperate to take lawful steps to resist, narrow, or eliminate the need for that disclosure.

29. MOST FAVORED LESSEE. LESSOR represents and warrants that the rent, benefits and terms and conditions granted to LESSEE by LESSOR hereunder are now and shall be, during the Term, no less favorable than the rent, benefits and terms and conditions for substantially the same or similar tenancies or licenses granted by LESSOR to other parties. If at any time during the Term LESSOR shall offer more favorable rent, benefits or terms and conditions for substantially the same or similar tenancies or licenses as those granted hereunder, then LESSOR shall, within 30 days after the effective date of such offering, notify LESSEE of such fact and offer LESSEE the more favorable offering. If LESSEE chooses, the parties shall then enter into an amendment that shall be effective retroactively to the effective date of the more favorable offering, and shall provide the same rent, benefits or terms and conditions to LESSEE. LESSEE shall have the right to decline to accept the offering. LESSOR's compliance with this requirement shall be subject, at LESSEE's option, to independent verification.

30. MISCELLANEOUS. This Agreement contains all agreements, promises and understandings between the LESSOR and the LESSEE regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the LESSOR or the LESSEE in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all Parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such party shall have the right to enforce such rights at any time. The performance of this Agreement shall be governed, interpreted, construed and regulated by the laws of the state in which the Premises is located without reference to its choice of law rules. Except as expressly set forth in this Agreement, nothing in this Agreement shall grant, suggest or imply any authority for one Party to use the name, trademarks, service marks or trade names of the other for any purpose whatsoever. LESSOR agrees to execute a Memorandum of this Agreement, which LESSEE may record with the appropriate recording officer. The provisions of the Agreement relating to indemnification from one Party to the other Party shall survive any termination or expiration of this Agreement. This Agreement may be executed in counterparts, including written and

electronic forms. All executed counterparts shall constitute one Agreement, and each counterpart shall be deemed an original.

[*Signature page follows*]

IN WITNESS WHEREOF, this Agreement is entered into by the Parties as of the Effective Date.

LESSOR:

M B Farms Inc. a/k/a M-B Farms, Inc.

By: _____

Name: David Paddock

Its: Managing Member

Date: 1-24-23

LESSEE:

Bell Atlantic Mobile Systems LLC
d/b/a Verizon Wireless

By: _____

Name: _____

Its: _____

Date: _____

SITE NAME: Laplataville
SITE NUMBER: 678240
ATTY/DATE: NP/December 2022

EXHIBIT "A"

PROPERTY DESCRIPTION

Parcel A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Pavilion, County of Genesee and State of New York, being part of Lot No. 25, in Wilhelm & Jan Willink's 40,000 acre tract, being the southwest part of Lot No. 25, bounded and described as follows:

Commencing in the center of the road 7 chains 92 1/2 links form the corner of John Hoffman's land, running thence easterly in the center of the road 15 chains and 85 links; thence northerly parallel with the west boundary line of said southeast part of lot No. 25, 25 chains and 20 links to John Hoffman's land; thence westerly on said Hoffman's south line 15 chains and 85 links; thence-southerly parallel with the 2nd line above described 25 chains and 20 links to the place of beginning containing 40 acres of land, be the same more or less.

Parcel B

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Pavilion, County of Genesee and State of New York, and being part of Lot No. 25 in Wilhelm & Jan Willinks 40,000 acre tract and which said piece or parcel of land on a map or survey of said tract into lots made by William Peacock, Surveyor and filed in Genesee County Clerk's Office is distinguished as the southeast part of said Lot No. 25 in said tract; that part of said lot hereby intended to be conveyed is bounded and described as follows:

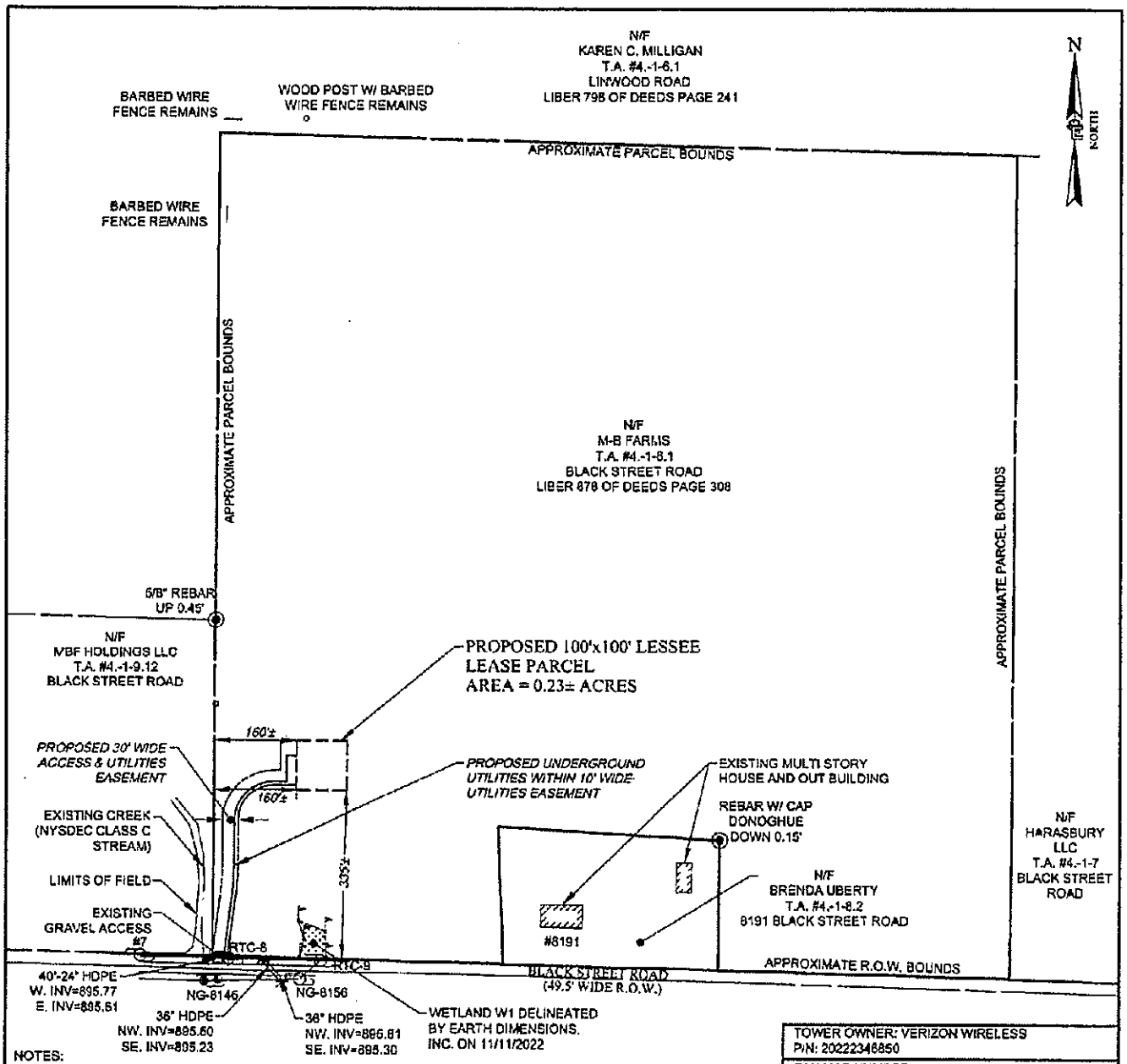
Commencing in the center of the road at the southeast corner of John Hoffman's land, running thence easterly in the center of the road 7 chains and 92 1/2 links to lands heretofore conveyed by J. Daniel Carmichael to John Clements; thence northerly on the westerly bounds of said Clement's land 25 chains and 20 links to land of aid Hoffman; thence westerly on the south line of said Hoffman's land 7 chains and 92 1/2 links; thence southerly on the east line of said Hoffman's land 25 chains and 20 links to the place of beginning, containing 20 acres of land be the same more or less.

SITE NAME: Laplataville
SITE NUMBER: 678240
ATTY/DATE: NP/December 2022

EXHIBIT "B"

PREMISES DESCRIPTION

[Site Plan attached]



NOTES:

1. LESSOR SHALL GRANT THE NECESSARY LEASE PARCEL; INGRESS/ EGRESS AND UTILITY CABLING EASEMENTS FOR THE PROPOSED LESSEE WIRELESS TELECOMMUNICATIONS FACILITY. THIS SITE LAYOUT (LEASE PARCEL AND EASEMENT LOCATIONS) MAY BE SUBJECT TO CHANGE BY MUTUAL CONSENT OF BOTH PARTIES (LESSEE & LESSOR) OR AS REQUIRED AS A RESULT OF THE ZONING APPROVAL PROCESS.

OWNER APPROVAL

SIGNATURE DATE

TOWER OWNER: VERIZON WIRELESS
P/N: 20222346850

TAX MAP NUMBER:
T.A. #4-1-8.1

PROPERTY ADDRESS:
0 BLACK STREET ROAD
(NEAR 8191 BLACK STREET ROAD)
LEROY, NEW YORK 14482

PROPERTY OWNER:
M-B FARMS INC.
8283 HARRIS ROAD
LEROY, NEW YORK 14482

DATE: 12/05/2022
REV1: 12/09/2022
REV2:
REV3:
SCALE: 1" = 300'

COSTICH ENGINEERING
• CIVIL ENGINEERING
• LAND SURVEYING
• LANDSCAPE ARCHITECTURE
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

TITLE OF PROJECT
LAPLATAVILLE

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

TITLE OF DRAWING
EXHIBIT A

C.E. JOB NUMBER
8545

SHEET NUMBER
LE003

EXHIBIT I

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH ENGINEERING

PROJECT NAME
Laplataville

Photo 1

PHOTO COORDINATES
42° 55' 36.1812" N, 77° 56' 58.5888" W

PHOTO DESCRIPTION
View towards proposed site
Balloons at 180' and 200'

PHOTO LOCATION
View N from Linwood Rd.
3586' from site

DATE OF PHOTO
1/16/2023

C.E. JOB#
8545

Project #
20222346850

Costich Engineering Land Surveying Landscape Architecture 217 LAKE AVENUE ROCHESTER, NY 14608 (585) 458-3020 COSTICH ENGINEERING	PROJECT NAME Laplataville Photo 1 PHOTO COORDINATES 42° 55' 36.1812" N, 77° 56' 58.5888" W	PHOTO DESCRIPTION Photosimulation of proposed 180' self supporting tower PHOTO LOCATION View N from Linwood Rd. 3586' from site	DATE OF PHOTO 1/16/2023 C.E. JOB# 8545 Project # 20222346850

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH ENGINEERING

PROJECT NAME
Laplataville

Photo 2

PHOTO COORDINATES
42° 56' 4.6032" N, 77° 57' 0.2736" W

PHOTO DESCRIPTION
View towards proposed site
Balloons at 180' and 200'

PHOTO LOCATION
View E from Black Street Rd.
1757' from site

DATE OF PHOTO
1/16/2023

C.E. JOB#
8545

Project #
20222346850

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
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COSTICH ENGINEERING

PROJECT NAME
Laplataville

Photo 2

PHOTO COORDINATES
42° 56' 4.6032" N, 77° 57' 0.2736" W

PHOTO DESCRIPTION
Photosimulation of proposed
180' self supporting tower

PHOTO LOCATION
View E from Black Street Rd.
1757' from site

DATE OF PHOTO
1/16/2023

C.E. JOB#
8545

Project #
20222346850

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH ENGINEERING

PROJECT NAME
Laplataville

Photo 3

PHOTO COORDINATES
42° 56' 30.7464" N, 77° 56' 57.2352" W

PHOTO DESCRIPTION
View towards proposed site
Balloons at 180' and 200'

PHOTO LOCATION
View S from Linwood Rd.
2728' from site

DATE OF PHOTO
1/16/2023

C.E. JOB#
8545

Project #
20222346850

Costich Engineering
Land Surveying
Landscape Architecture
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020
COSTICH ENGINEERING

PROJECT NAME
Laplataville

Photo 3

PHOTO COORDINATES
42° 56' 30.7464" N, 77° 56' 57.2352" W

PHOTO DESCRIPTION
Photosimulation of proposed
180' self supporting tower

PHOTO LOCATION
View S from Linwood Rd.
2728' from site

DATE OF PHOTO
1/16/2023

C.E. JOB#
8545

Project #
20222346850

Costich Engineering
Land Surveying
Landscape Architecture

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

COSTICH ENGINEERING

PROJECT NAME
Laplataville

Photo 4

PHOTO COORDINATES
42° 56' 3.5376" N, 77° 56' 12.5196" W

PHOTO DESCRIPTION
View towards proposed site
Balloons at 180' and 200'

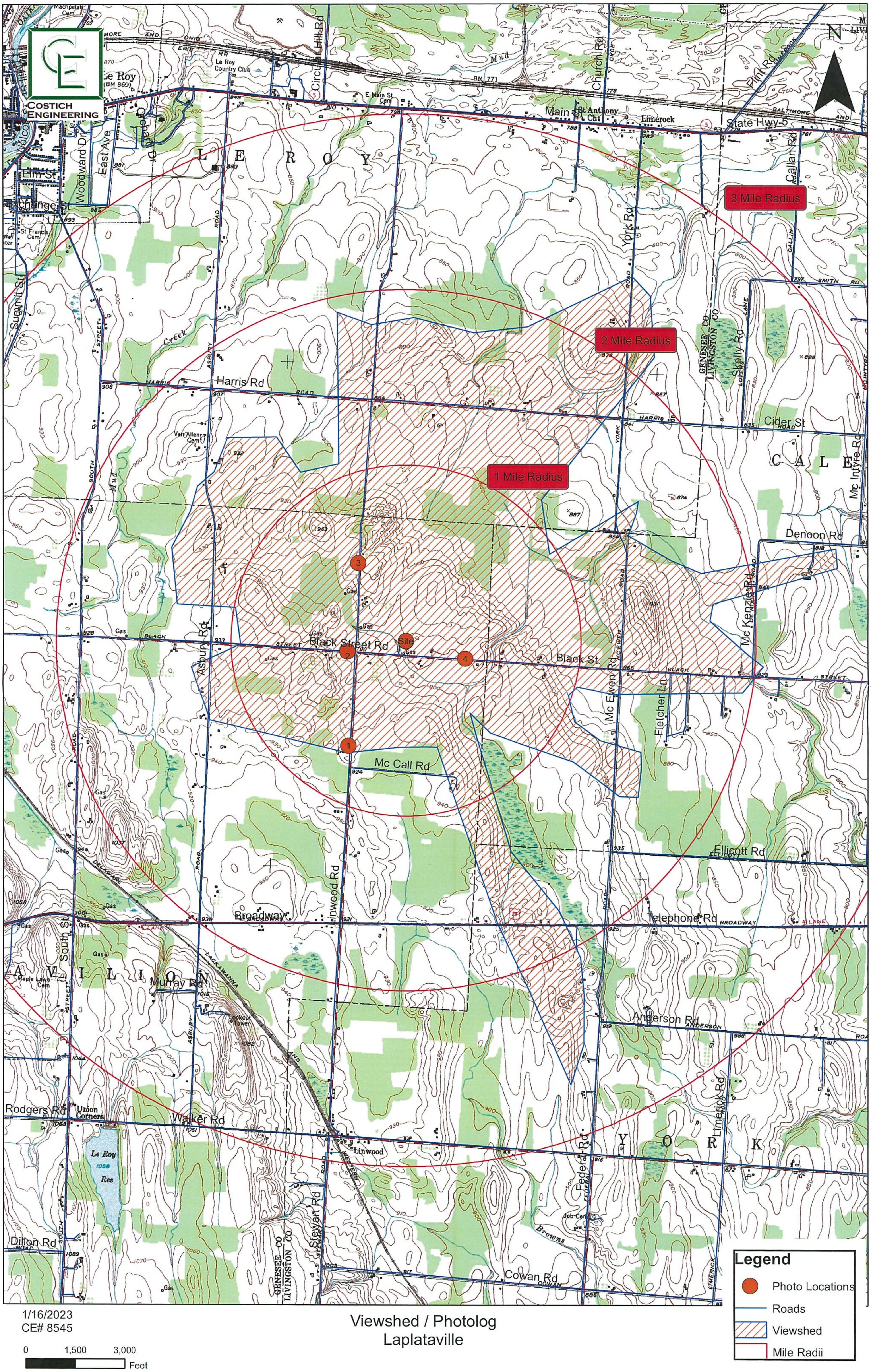
PHOTO LOCATION
View W from Black Street Rd.
1814' from site

DATE OF PHOTO
1/16/2023

C.E. JOB#
8545

Project #
20222346850

Costich Engineering Land Surveying Landscape Architecture 217 LAKE AVENUE ROCHESTER, NY 14608 (585) 458-3020	PROJECT NAME Laplataville Photo 4 PHOTO COORDINATES 42° 56' 3.5376" N, 77° 56' 12.5196" W	PHOTO DESCRIPTION Photosimulation of proposed 180' self supporting tower PHOTO LOCATION View W from Black Street Rd. 1814' from site	DATE OF PHOTO 1/16/2023 C.E. JOB# 8545 Project # 20222346850



1/16/2023
CE# 8545

Viewshed / Photolog
Laplataville

0 1,500 3,000
Feet

EXHIBIT J

verizon

02/01/2023

To: Town of Pavilion
RE: Verizon Wireless "Laplataville" Site Located at: 8191 Black Street Rd. Leroy, NY 14482

To Whom It May Concern,

We write to inform you that Verizon Wireless has performed a radio frequency (RF) compliance pre-construction evaluation for the above-noted proposed site and based on the result of the evaluation, the site will be compliant with FCC Guidelines.

The FCC has established safety rules relating to potential RF exposure from cell sites. The rules are codified at 47 C.F.R § 1.1310. The FCC provides guidance on how to ensure compliance with its rules in the FCC Office of Engineering and Technology Bulletin 65 (available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf). The FCC developed the RF standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The FCC provides information about the safety of radio frequency (RF) emissions from cell towers on its website at: https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety.

Please refer to the FCC Office of Engineering and Technology Bulletin 65 and the attached Verizon Wireless RF Brochure for information on RF exposure guidelines, RF safety, and landlord responsibilities. Questions related to compliance with federal regulations should be directed to VZWRFCompliance@VerizonWireless.com.

Please contact your local Verizon Wireless resource below if you have additional site-specific questions.

Contact Name	Contact Email	Contact Phone
Phillip Colantonio	Phillip.colantonio@verizonwireless.com	716-352-0372

Sincerely,
Shawn Flynn
Manager-RF System Design
Verizon Wireless

EXHIBIT K

ULS License

AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) License - WQVN927 - Cellco Partnership

Call Sign	WQVN927	Radio Service	AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BEA007 - Rochester, NY-PA	Channel Block	J
Submarket	0	Associated Frequencies (MHz)	001770.00000000-001780.00000000 002170.00000000-002180.00000000
3.7 GHz License Type		3.7 GHz Linked License	

Dates

Grant	04/08/2015	Expiration	04/08/2027
Effective	11/01/2016	Cancellation	

Buildout Deadlines

1st	04/08/2021	2nd	04/08/2027

Discontinuance Dates

1st		2nd	

Notification Dates

1st	03/10/2021	2nd	03/10/2021

Licensee

FRN	0003290673	Type	General Partnership

Licensee

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:licensingcompliance@verizonwireless.com

Contact

Cellco Partnership
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership
The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits
This license did not have tribal land bidding credits.

Demographics

Race	
Ethnicity	Gender

ULS License

AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGA715 - Cellco Partnership

Call Sign	WQGA715	Radio Service	AW - AWS (1710-1755 MHz and 2110-2155 MHz)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	REA001 - Northeast	Channel Block	F
Submarket	21	Associated Frequencies (MHz)	001745.00000000-001755.00000000 002145.00000000-002155.00000000
3.7 GHz License Type		3.7 GHz Linked License	

Dates

Grant	12/14/2021	Expiration	11/29/2036
Effective	12/14/2021	Cancellation	

Buildout Deadlines

1st		2nd

Discontinuance Dates

1st		2nd

Notification Dates

1st		2nd	08/26/2021

Licensee

FRN	0003290673	Type	General Partnership

Licensee

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Contact

Cellco Partnership
Licensing - Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government?	No
Is the applicant an alien or the representative of an alien?	No
Is the applicant a corporation organized under the laws of any foreign government?	No
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	No
Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	**Yes**

The Alien Ruling question is not answered.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits
This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS License

AWS (1710-1755 MHz and 2110-2155 MHz) License - WQGA904 - Cellco Partnership

Call Sign	WQGA904	Radio Service	AW - AWS (1710-1755 MHz and 2110-2155 MHz)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BEA007 - Rochester, NY-PA	Channel Block	B
Submarket	3	Associated Frequencies (MHz)	001720.00000000-001730.00000000 002120.00000000-002130.00000000
3.7 GHz License Type		3.7 GHz Linked License	

Dates

Grant	12/21/2021	Expiration	11/29/2036
Effective	12/21/2021	Cancellation	

Buildout Deadlines

1st	2nd

Discontinuance Dates

1st	2nd

Notification Dates

1st	2nd	08/30/2021

Licensee

FRN	0003290673	Type	General Partnership

Licensee

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Contact

Cellco Partnership
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership
The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits
This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS License

Cellular License - KNKQ273 - Bell Atlantic Mobile Systems LLC

Call Sign	KNKQ273	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular
Market			
Market	CMA561 - New York 3 - Chautauqua	Channel Block	B
Submarket	0	Phase	2
Dates			
Grant	09/01/2020	Expiration	10/01/2030
Effective	09/01/2020	Cancellation	

Five Year Buildout Date

01/28/1996

Control Points

4	500 W. Dove Rd., TARRANT, Southlake, TX P: (800)264-6620

Licensee

FRN	0029635588	Type	Limited Liability Company

Licensee

Bell Atlantic Mobile Systems LLC
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
E:Licensing.Compliance@VerizonWireless.com

Contact

Verizon

1300 I Street NW - Suite 500 East
Washington, DC 20005
ATTN Sarah Trosch

P:(202)515-2453
E:sarah.trosch@verizon.com

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership
The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

Race

Ethnicity

Gender

ULS License

PCS Broadband License - KNLH270 - Cellco Partnership

Call Sign	KNLH270	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	BTA379 - Rochester, NY	Channel Block	F
Submarket	0	Associated Frequencies (MHz)	001890.00000000-001895.00000000 001970.00000000-001975.00000000

Dates

Grant	06/02/2017	Expiration	06/27/2027
Effective	06/02/2017	Cancellation	

Buildout Deadlines

1st	06/27/2002	2nd	

Notification Dates

1st	06/04/2002	2nd	

Licensee

FRN	0003290673	Type	Joint Venture

Licensee

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Contact

Cellco Partnership
Licensing - Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
F:(770)797-1036
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government?	No
Is the applicant an alien or the representative of an alien?	No
Is the applicant a corporation organized under the laws of any foreign government?	No
Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	No
Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	**Yes**

The Alien Ruling question is not answered.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits
This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS License

700 MHz Upper Band (Block C) License - WQJQ689 - Cellco Partnership

PA **This license has pending applications:** 0008839958, 0008839948, 0008657811

Call Sign	WQJQ689	Radio Service	WU - 700 MHz Upper Band (Block C)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	REA001 - Northeast	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000746.00000000-000757.00000000 000776.00000000-000787.00000000

Dates

Grant	09/11/2019	Expiration	06/13/2029
Effective	09/11/2019	Cancellation	

Buildout Deadlines

1st	06/13/2013	2nd	06/13/2019

Notification Dates

1st	06/20/2013	2nd	06/17/2019

Licensee

FRN	0003290673	Type	General Partnership

Licensee

Cellco Partnership
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
E:LicensingCompliance@VerizonWireless.com

Contact

Verizon Wireless
Licensing Manager
5055 North Point Pkwy, NP2NE Network Engineering
Alpharetta, GA 30022
ATTN Regulatory

P:(770)797-1070
E:LicensingCompliance@VerizonWireless.com

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership
The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits
This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

EXHIBIT L

COSTICH

Project No. 8545

February 8, 2023

Katie Jaeckel
Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless
1275 John Street, Suite 100
West Henrietta, NY 14586

RE: Tower Design Letter
Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless
Laplataville (PN #20222346850/ LC-678240)
8135 Black Street Road, Town of Pavilion, Genesee County

Dear Ms. Jaeckel,

For the Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless Thornell Road Telecommunications Facility, a 180' self-support tower constructed of galvanized steel, with a 4' lighting rod, is proposed. The tower is to be located within a 100' x 100' lease parcel area and shall be designed to support a total of four cellular carriers (elev. 145', 155', 165', and 175'). The tower shall be designed to support this loading with a 109 mph basic wind speed (no ice) and 1.5-inch minimum radial ice at 40 mph in accordance with TIA/EIA-222-H, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures". This is the standard currently referenced by the International Building Code. The tower shall be designed by a licensed New York State Professional Engineer meeting the aforementioned criteria.

The tower is approximately +/- 205' from the closest property line.

If you have any questions feel free to contact me.

Respectfully submitted,

Costich Engineering, D. P.C.

Michael Ritchie

Michael O. Ritchie, P.E.

H:\job\8545\Letters\Laplataville_Tower Design Letter_20230208.docx

EXHIBIT M

verizon

Network Engineering - UPNY
1275 John Street, Suite 100
West Henrietta, New York 14586

CO-LOCATION POLICY

Verizon Wireless' co-location policy is as follows:

Verizon Wireless encourages and promotes co-location, both by allowing other providers to locate on its towers, and by attempting to locate its facilities on other providers' towers.

Verizon Wireless maintains the following requirements for other wireless telecommunication providers who desire to locate on Verizon Wireless' facilities:

1. The other provider must pay Verizon Wireless appropriate and fair compensation reflecting Verizon Wireless' investment in the engineering, legal, construction, material, and related costs for the site and facility;

2. The co-location must be technologically feasible both in terms of radio frequency transmissions and structural integrity of the tower; and

3. The other provider must have a similar policy of co-location for Verizon Wireless and its affiliated/related companies.

EXHIBIT N

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 applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Bell Atlantic Mobile Systems, LLC - Laplataville Telecommunications Facility		
Project Location (describe, and attach a general location map): 0 Black Street Road (near 8191 Black Street Road), Leroy, NY 14482, Town of Pavilion, Genesee County (T.A.#4-1-8.1, 56.4 acres per tax map)		
Brief Description of Proposed Action (include purpose or need): Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless is proposing the construction of a wireless telecommunications facility. The facility will consist of a 180' self-supporting tower (with proposed 4' lightning rod) that will support an antenna array at 175' AGL; ground based improvements include outdoor equipment cabinets on a 4'x11.5' concrete slab, a 10' H-frame and a stand by generator on a 4'x8' concrete slab, all within a 42'x68' compound area enclosed by a 7' tall chain link fence with barbed wire top. The compound, proposed meter board and proposed transformer are located within a proposed 100'x100' VZW lease area. Access to the site will utilize an existing gravel access apron off of Black Street Road and 550 LF of proposed gravel driveway.		
Name of Applicant/Sponsor: Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless	Telephone: 585-474-2095 E-Mail: katie.jaeckel@verizonwireless.com	
Address: 1275 John Street, Suite 100		
City/PO: West Henrietta	State: NY	Zip Code: 14586
Project Contact (if not same as sponsor; give name and title/role): Nixon Peabody, LLP - Jared Lusk	Telephone: 585-263-1140 E-Mail: jlusk@nixonpeabody.com	
Address: 1300 Clinton Square		
City/PO: Rochester	State: NY	Zip Code: 14604
Property Owner (if not same as sponsor): M-B Farms, Inc.	Telephone: E-Mail:	
Address: 8283 Harris Road		
City/PO: Leroy	State: NY	Zip Code: 14482

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Counsel, Town Board, ☐Yes☐No or Village Board of Trustees		
b. City, Town or Village ☑Yes☐No Planning Board or Commission	Special Use Permit & Site Plan Review and Approval-Pavilion Planning Board	March 2023
c. City, Town or ☐Yes☐No Village Zoning Board of Appeals		
d. Other local agencies ☐Yes☐No		
e. County agencies ☐Yes☐No		
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

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? ☐Yes☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

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? ☐Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☐No

Pavilion has a Comprehensive Plan was not able to access it online.

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?) ☐Yes☐No

If Yes, identify the plan(s):

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? ☐Yes☑No

If Yes, identify the plan(s):

Town of Pavilion does not have an adopted municipal farmland protection plan, Gensee County does have one.

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?
AR-1 Agricultural Residential

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? Pavilion Central School District

b. What police or other public protection forces serve the project site?
NYS Police, Genesee County Sheriff's Department

c. Which fire protection and emergency medical services serve the project site?
Pavilion Fire District

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)? Proposed Telecommunications Facility

b. a. Total acreage of the site of the proposed action? 56.40 +/- acres
b. Total acreage to be physically disturbed? 0.63 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.58 +/- 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 the 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
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: 180' height; 21 width; and _____ length

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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No

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 the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the 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), what is the 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 a 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 the 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)

Construction Equipment

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

N/A

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

Stand by diesel generator

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_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (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 truck trips/day and type (e.g., semi trailers and dump trucks): _____

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:

vi. Are public/private transportation service(s) or facilities available within ½ 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: _____

70,000 kwh

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

Local Utility

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.

i. During Construction:

- Monday - Friday: 7am - 6pm
- Saturday: 7am - 6pm
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: 24 Hours
- Saturday: 24 Hours
- Sunday: 24 Hours
- Holidays: 24 Hours

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:

During construction only

ii. Will the 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:

(1) 25W flood light mounted on an H-frame activated by a spring wound timer

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 the 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):

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

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 the 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	0.01	0.24	+ 0.23
• Forested	7.50	7.08	- 0.42
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.73	0.92	+ 0.19
• Agricultural (includes active orchards, field, greenhouse etc.)	48.09	48.09	0
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	0.07	0.07	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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:

Plugged and abandoned gas well on property - API Well Number 31037018320000 - Plugging & Abandonment date 8/23/2016

_____

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? more than 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:

LmB-Lima silt loam	60 %
CaA-Canandaigua silt loam	40 %
	%

d. What is the average depth to the water table on the project site? Average: 1.5-2 feet

e. Drainage status of project site soils:

☐	Well Drained:	% of site
☑	Moderately Well Drained:	60 % of site
☑	Poorly Drained	40 % of site

f. Approximate proportion of proposed action site with slopes:

☑	0-10%:	100 % of site
☐	10-15%:	% of site
☐	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 821-191 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... 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:
small mammals | birds

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
If Yes:
i. Species and listing (endangered or threatened):

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
If Yes:
i. Species and listing:

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: GENE003

b. Are agricultural lands consisting of highly productive soils present? ☑Yes ☐No
i. If Yes: acreage(s) on project site? 47.7+/-
ii. Source(s) of soil rating(s): NYS Agriculture and Markets annual updated master list of agricultural soils

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:

c. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

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? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ 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.

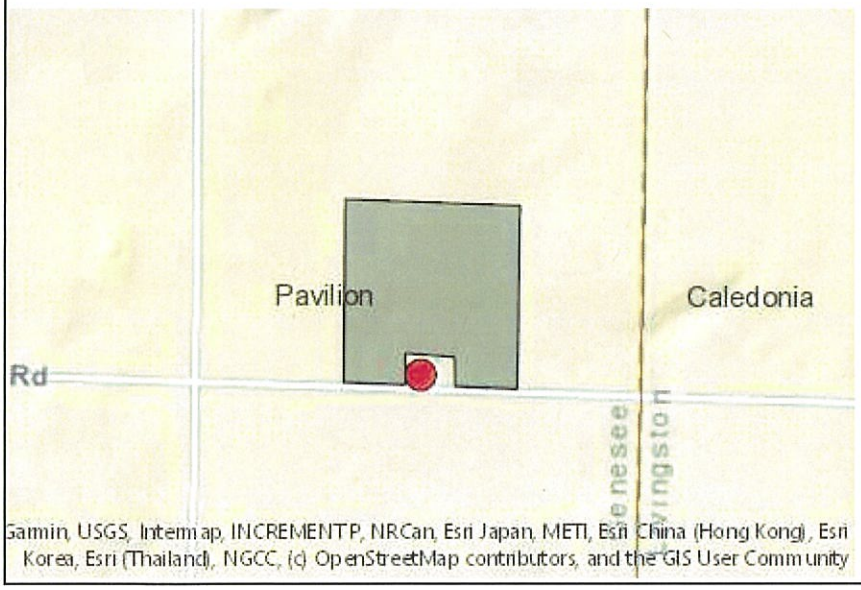
Applicant/Sponsor Name Bell Atlantic Mobile Systems, LLC Date 1/24/2023

Signature David Weisenreder, P.E. Title Project Engineer-Costich Engineering, DPC

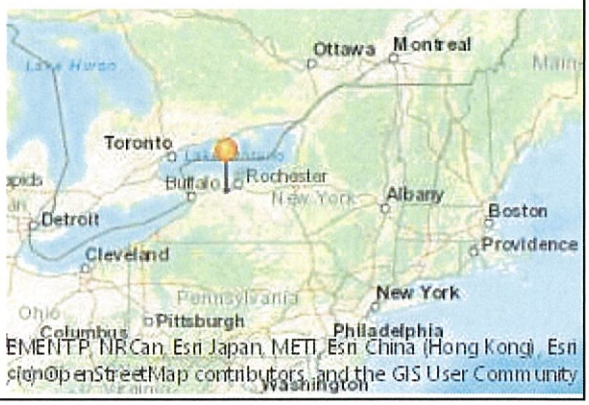
PRINT FORM

EAF Mapper Summary Report

Wednesday, January 25, 2023 6:29 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	821-191
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	GENE003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

14-14-11 (9/95)-9c

617.20
Appendix B
State Environmental Quality Review
Visual EAF Addendum

SEQR

Laplataville
Project No 8545
1/16/2023

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.
(To be completed by Lead Agency)

Visibility	**Distance Between Project and Resource (in Miles)**				
1. Would the project be visible from:	0-1/4	1/4-1/2	1/2-3	3-5	5+
A.)A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	☐	☐	☐	☐	☐
B.)An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	☐	☐	☐	☐	☐
C.)A site or structure listed on the National or State Registers of Historic Places?	☐	☐	☐	☐	☐
D.)State Parks?	☐	☐	☐	☐	☐
E.)The State Forest Preserve?	☐	☐	☐	☐	☐
F.)National Wildlife Refuges and state game refuges?	☐	☐	☐	☐	☐
G.)National Natural Landmarks and other outstanding natural features?	☐	☐	☐	☐	☐
H.)National Park Service lands?	☐	☐	☐	☐	☐
J.)Rivers designated as National or State Wild, Scenic or Recreational?	☐	☐	☐	☐	☐
K.)Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	☐	☐	☐	☐	☐
L.)A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	☐	☐	☐	☐	☐
M.)A site, area, lake, reservoir or highway designated as scenic?	☐	☐	☐	☐	☐
N.)Municipal park, or designated open space?	☐	☐	☐	☐	☐
P.)County road? *	☐	☐	■	☐	☐
R.)State? *	☐	☐	■	☐	☐
S.)Local road? *	■	■	■	☐	☐

2. Is the visibility of the project seasonal? (i.e. screened by summer foliage, but visible during other seasons?
   ☐ Yes ■ No

3. Are any of the resources checked in questions 1 used by the public during the time of year during which the project will be visible?
   ■ Yes ☐ No

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in questions 1, check those which generally describe the surrounding environment.

	Within *1/4 mile	Within * 1 mile
Essentially undeveloped	☐	☐
Forested	■	■
Agricultural	■	■
Suburban residential	☐	☐
Industrial	☐	☐
Commercial	☐	■
Urban	☐	☐
River, Lake, Pond	☐	☐
Cliffs, Overlooks	☐	☐
Designated Open Space	☐	☐
Flat	■	■
Hilly	☐	☐
Mountainous	☐	☐

Note: add attachments as needed

5. Are there visually similar projects within:

* 1/4 mile	☐ Yes	■ No *
* 1 mile	☐ Yes	■ No *
* 1 ½ miles	☐ Yes	■ No *
* 3 miles	■ Yes	☐ No *

* Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is **12,410***

NOTE: When user data is unavailable or unknown, use best estimate.

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	**FREQUENCY**			
	Daily	**Weekly**	**Holidays/ Weekends**	**Seasonally**
Travel to and from work	■	☐	☐	☐
Involved in recreational activities	■	☐	☐	☐
Routine travel by residents	■	☐	☐	☐
At a residence	■	☐	☐	☐
At worksite	■	☐	☐	☐
Other	☐	☐	☐	☐

***Refer to attached sheet**

SUPPLEMENTAL DATA FOR VISUAL EAF ADDENDUM

R.) State Roads

State Roads	Distance Between Project and Resource (Miles)
SR 20	1.72

P.) County Roads

County Roads	Distance Between Project and Resource (Miles)
CR50 Perry Rd.	1.13 - 2.39

S.) Local Roads

Local Roads	Distance Between Project and Resource (Miles)
Black Street Rd.	0.1 - 1.37
Peoria Rd. / Asbury Rd.	1.23 - 1.55
Linwood Rd.	0.39 - 1.81
McEwen Rd.	1.2 - 1.37
McKenzie Rd.	2.0
Harris Rd.	1.37 - 1.72
York Rd.	1.86 - 2.44

6. Established by assuming a percentage of travelers within the viewshed who will actually observe the project. ADT information taken from NYSDOT Traffic Data Viewer.

State Roads

	ADT x %	= **Est. # of Viewers**
Linwood Rd.	343 x .10	34

Total Average Daily Viewers = 34
x 365 days per year

Total Estimated Viewers per Year = *12,410/year**

EXHIBIT O

AGRICULTURAL DATA STATEMENT

(pursuant to NY Ag & Mkt Law 305-a; N.Y. Town Law & 283-a;
N.Y. Village Law § 7-739 and N.Y. Gen. Mun. Law 239-m)

Applicant	Owner (if different from applicant)
Name: Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless	Name: M-B Farms Inc.
Address: 1275 John Street, Suite 100 West Henrietta, NY 14586	Address: 8283 Harris Road Leroy, NY 14482

1. Type of Application:
   - ☒ Special Use Permit
   - ☒ Site Plan Approval
   - ☐ Height Variance(s)
   - ☐ Use Variance
   - ☐ Subdivision Approval

2. Description of proposed project: Construction and operation of a 180′ wireless telecommunications tower and related improvements.

3. Location of proposed project: Address: 8135 Black Street Road
   Tax Map No.: 4-1-8.1

4. List all farm operations which are both: (i) located within 500 feet of the boundary of the property upon which the project is proposed, and (ii) located in an agricultural district:

   SEE ATTACHED

5. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified above. **SEE ATTACHED**

Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless

By: Nixon Peabody LLP, its attorneys

By: _____
Jared C. Lusk

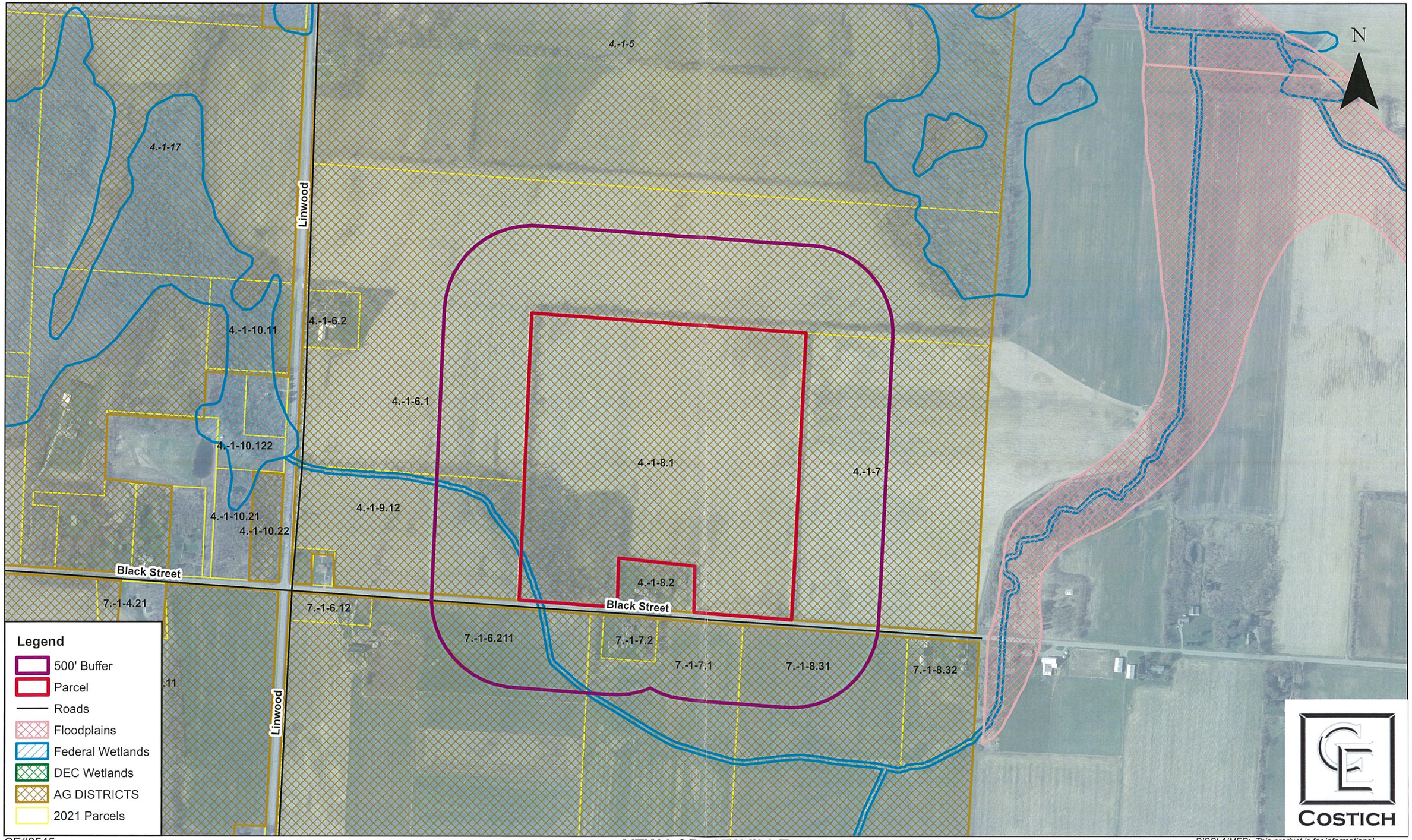
VZW - LAPLATAVILLE

LIST OF ADJOINERS W/IN 500' OF T.A.#4.-1-8.1 IN NYS AG DISTRICT

CE#8545

1/23/2023

TA#	*OWNER NAME*	*MAILING ADDRESS*	*CITY*	*STATE*	*ZIP*
4.-1-6.1	KAREN C. MILLIGAN	1088 PEORIA RD	PAVILION	NY	14525
4.-1-7	HARASBURY, LLC	10018 ASBURY RD	LEROY	NY	14482
4.-1-8.2	RONALD G. UBERTY JR.	8283 HARRIS RD	LEROY	NY	14482
4-1-9.12	MBF HOLDINGS, LLC	8283 HARRIS RD	LEROY	NY	14482
7-1-6.211	DONALD R. MILLS	10064 LINWOOD RD	LEROY	NY	14482
7-1-7.1	M-B FARMS, INC.	8283 HARRIS RD	LEROY	NY	14482
7.-1-7.2	JONATHAN A. TYLER	8182 BLACK ST RD	LEROY	NY	14482
7.-1-8.31	HARASBURY, LLC	10018 ASBURY RD	LEROY	NY	14482



CE#8545
1/23/2023

0 500 1,000
Feet

VZW-LAPLATAVILLE
TOWNS OF PAVILION/GENESEE COUNTY
AG ADJOINER EXHIBIT

DISCLAIMER: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

EXHIBIT P

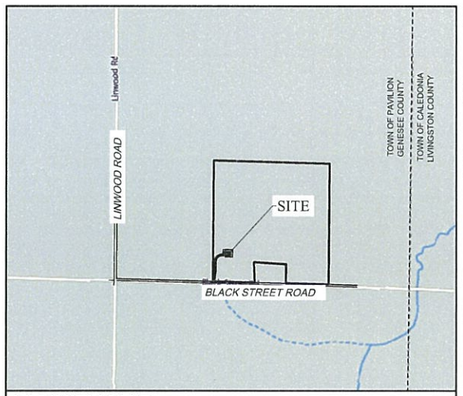
BELL ATLANTIC MOBILE SYSTEMS, LLC.
d/b/a

verizon

SITE NAME: LAPLATAVILLE

ZONING DRAWINGS

PROJECT NUMBER: 20222346850
LOCATION CODE: 678240



VICINITY MAP — SCALE: 1" = 1,000'

DIRECTIONS

DIRECTIONS TO SITE FROM 1275 JOHN STREET, WEST HENRIETTA, NEW YORK : START OUT GOING SOUTHWEST ON JOHN ST TOWARD WIREGRASS PKWY. 0.4 MI. TURN RIGHT ONTO LEHIGH STATION RD/COUNTY HWY-79 0.7 MI. MERGE ONTO I-390 S 27.20 MI. TURN LEFT ONTO E RIVER ROAD 1.3 MI. TURN RIGHT ONTO NY-253 W / ERIE STATION ROAD 3.0 MI. TURN LEFT ONTO ROCHESTER STREET 0.6 MI. TURN RIGHT ONTO MAIN STREET 0.5 MI. TURN LEFT ONTO CALEDONIA AVENUE 0.6 MI. CONTINUE ONTO SCOTTSVILLE MUMFORD ROAD 5.3 MI. CONTINUE ONTO NY-36 S 1.6 MI. AT THE TRAFFIC CIRCLE TAKE THE FIRST EXIT ONTO MAIN STREET 0.4 MI. TURN LEFT ONTO NY-36 S / LEICESTER STREET 3.0 MI. TURN RIGHT ONTO BLACK STREET ROAD 3.0 MI. SITE ACCESS WILL BE ON THE RIGHT JUST PAST 8191 BLACK STREET ROAD.

E911 SITE ADDRESS:	8135 BLACK STREET ROAD LE ROY, NEW YORK 14482
MUNICIPALITY:	TOWN OF PAVILION
COUNTY:	GENESEE
TAX MAP NUMBER:	4-1-8.1 (56.4 ACRES PER TAX MAP)
ZONING DISTRICT:	AGRICULTURAL RESIDENTIAL (AR-1)
REQUIRED TOWER SETBACK:	180'± (TOWER HEIGHT)
STRUCTURE COORDINATES:	LAT: N42° 56' 08.19" (LAT: 42.935608°) LONG: W77° 56' 36.85" (LONG: -77.943569°)
BASE ELEVATION:	904.60'± AMSL
PROPERTY OWNER:	M-B FARMS INC. 8283 HARRIS ROAD LEROY, NEW YORK 14482
TOWER OWNER:	BELL ATLANTIC MOBILE SYSTEMS, LLC d/b/a VERIZON WIRELESS 1275 JOHN STREET, SUITE 100 WEST HENRIETTA, NY 14586 CONTACT: KATIE JAECKEL PHONE: (585) 474-2095
LIMITS OF DISTURBANCE:	0.63± ACRES

PROJECT SUMMARY

PROJECT DESCRIPTION

THE PROPOSED WORK CONSISTS OF THE CONSTRUCTION AND INSTALLATION OF AN UNMANNED WIRELESS FACILITY WITH ASSOCIATED UTILITIES.

SHT. NO.	DESCRIPTION	REV NO	REVISION DATE
GA001	TITLE SHEET	3	02/08/2023
GA002	GENERAL NOTES	3	02/08/2023
VA100	SURVEY PLAN	3	02/08/2023
VA110	SURVEY NOTES	3	02/08/2023
CA100	OVERALL SITE PLAN	3	02/08/2023
CA110	COMPOUND PLAN	3	02/08/2023
CA120	GRADING & EROSION CONTROL PLAN	3	02/08/2023
CA500	TOWER ELEVATION, ORIENTATION & RF INFO	3	02/08/2023
CA501	EQUIPMENT ELEVATIONS	3	02/08/2023
CA502	SITE DETAILS	3	02/08/2023
CA503	EROSION CONTROL DETAILS	3	02/08/2023

SHEET INDEX

THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL ITEMS OF CONCERN HAVE BEEN ADDRESSED AND EACH OF THE DRAWINGS HAS BEEN REVISED AND ISSUED "FOR CONSTRUCTION".

UTILITY PROVIDERS

ELECTRIC:	NATIONAL GRID
ESR#	TBD
PLANNER:	TBD
PHONE:	1 (800) 642-4272
FIBER:	TBD

DIG SAFELY - NEW YORK

UDIG·NY 811

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CALL US TOLL FREE 1-800-962-7962
NY industrial code rule 753 requires no less than two working days notice, but not more than ten days notice

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED FOR 22"x34" FULL SIZE AND 11"x17" HALF SIZE. OTHER SIZED VERSIONS ARE NOT PRINTED TO THE SCALE SHOWN. CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

verizon
1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
• CIVIL ENGINEERING
• LAND SURVEYING
• LANDSCAPE ARCHITECTURE
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

NO.	DATE	COMMENTS
0	12/05/2022	ISSUED PRELIMINARY FOR REVIEW
1	01/02/2023	REVISED TOWER HEIGHT; UPDATED SURVEY NOTES & DESCRIPTIONS
2	02/02/2023	ADDED GROUND COVER DATA TABLE & PLANNING BOARD APPROVAL SIGNATURE BLOCK; ISSUED FINAL
3	02/08/2023	ADDED E911 ADDRESS

STATE OF NEW YORK
MICHAEL O RITCHEY
096184
LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: D.A.W.

DRAWN BY: A.J.L.

SITE INFORMATION

LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE

TITLE SHEET

C.E. JOB NUMBER: 8545

SHEET NUMBER: GA001

SHEET 01 OF 11

LEGEND

- SECTION/PARCEL BOUNDARY
- MIN. BUILDING SETBACK
- CENTER LINE
- EXIST. RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE.
- EXIST. CONCRETE CURB
- EXIST. EDGE OF PAVEMENT
- EXIST. EDGE OF GRAVEL
- W — EXISTING WATER MAIN, VALVE, & HYDRANT.
- EXISTING SANITARY SEWER, & MANHOLE.
- EXISTING DRAINAGE SEWER, FIELD INLET, INLET MANHOLE, MANHOLE, & END SECTION.
- OH — EXISTING OVERHEAD UTILITIES
- T — EXISTING TELEPHONE
- UG — EXISTING UNDERGROUND UTILITIES
- G — EXISTING GAS
- E — EXISTING ELECTRIC
- W — EXISTING WATER LINE
- E&T — EXISTING ELEC & TELE
- CATV — EXISTING CABLE TV
- F — EXISTING FIBER
- LC — EXISTING LIGHT CONTROL
- EXISTING GUARD RAIL
- TREE,HEDGE,EDGE OF WOODS
- EXISTING SWALE
- BARBED WIRE,STOCKADE, CHAIN LINKED FENCE
- 410 — EXISTING CONTOUR
- x 420.4 — EXISTING SPOT ELEVATION @ X
- CONCRETE PAD/ CONCRETE SIDEWALK
- PROPOSED EASEMENT LINE.
- PROPOSED CONCRETE CURB
- W — PROPOSED WATER MAIN, VALVE, & HYDRANT.
- PROPOSED SANITARY SEWER, & MANHOLE.
- PROPOSED DRAINAGE SEWER, FIELD INLET, INLET MANHOLE, MANHOLE, & END SECTION.
- OH — PROPOSED OVERHEAD UTILITIES
- T — PROPOSED TELEPHONE
- UG — PROPOSED UNDERGROUND UTILITIES
- G — PROPOSED GAS SERVICE
- E — PROPOSED ELECTRIC SERVICE
- E&T — PROPOSED ELEC & TELE
- SF — PROPOSED SILT FENCE
- OS — PROPOSED ORANGE CONSTRUCTION FENCE
- LOD — PROPOSED LIMITS OF DISTURBANCE
- CFS — PROPOSED COMPOST FILTER SOCK
- PROPOSED GUARD RAILING

FENCING NOTES

1. CORNER POSTS, PULL POSTS, AND END POSTS SHALL BE 3" NOMINAL O.D., SCHEDULE 40, STEEL PIPE CONFORMING WITH ASTM F-1083. GATE POSTS SHALL BE 4" NOMINAL O.D., SCHEDULE 40, STEEL PIPE CONFORMING WITH ASTM F-1083 AND MAY BE UTILIZED FOR SINGLE GATE OPENING WIDTHS OF 6 FEET OR LESS AND FOR DOUBLE GATE OPENING WIDTHS OF 12 FEET OR LESS.
2. LINE POSTS SHALL BE 2" NOMINAL O.D. SCHEDULE 40 STEEL PIPE CONFORMING WITH ASTM F-1083.
3. TOP RAIL AND BRACE RAIL SHALL BE 1 5/8" NOMINAL O.D. PIPE CONFORMING WITH ASTM F-1083.
4. GATE FRAMES SHALL BE FABRICATED FROM 1 1/2" NOMINAL O.D. PIPE CONFORMING WITH ASTM F-1083.
5. FENCE FABRIC SHALL BE 9 GAUGE WIRE SIZE, 2" MESH CHAIN LINK FENCE CONFORMING WITH ASTM A-392.
6. TIE WIRE SHALL BE AS FOLLOWS:
   a) AT POSTS, RAILS, AND WHERE NECESSARY ON GATE FRAMES: MINIMUM 11 GAUGE GALVANIZED STEEL SPACED AT NOT LESS THAN 14" ON CENTER.
   b) AT TENSION WIRES: BY HOG RINGS SPACED AT NOT LESS THAN 24" ON CENTER.
7. TENSION WIRE SHALL BE 7 GAUGE GALVANIZED STEEL.
8. THE GATE LATCH SHALL BE THE MALLEABLE IRON FORK TYPE AS MANUFACTURED BY PAGE WILSON AS THEIR TYPE 75 GATE LATCH ASSEMBLY, OR EQUAL. PAD LOCKS ARE TO BE PROVIDED BY THE OWNER.
9. FENCE SHALL BE INSTALLED IN ACCORDANCE WITH ASTM F-567 AND GATES SHALL BE INSTALLED IN ACCORDANCE WITH ASTM F-900.

SITE NOTES

1. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS.
2. RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
3. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE PROPOSED PLATFORM.
4. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
5. THE SUBGRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.
6. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY THE ENGINEER. EXTREME CAUTION SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR PIER DRILLING AROUND OR NEAR UTILITIES.
7. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE ENGINEER.
8. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK SHALL BE GRADED TO A UNIFORM SLOPE, FERTILIZED, SEEDED, AND COVERED WITH MULCH.
9. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE STATE GUIDELINES AND ANY LOCAL REGULATIONS.
10. ALL RESTORATION ISSUES SHALL BE COMPLETED WITHIN 72 HOURS OF THE COMPLETION OF THE WORK ACTIVITY OR WITHIN A REASONABLE AMOUNT OF TIME AS DIRECTED BY CONSTRUCTION MANAGER/ENGINEER.
11. CARE SHALL BE TAKEN TO RETAIN NATURAL GROWTH AND PREVENT DAMAGE TO TREES WITHIN AND OUTSIDE THE LIMITS OF CONSTRUCTION AND SPECIFIED WORK AREAS CAUSED BY EQUIPMENT AND MATERIALS. ANY DAMAGE TO THIS NATURAL GROWTH SHALL BE RESTORED AT THE EXPENSE OF THE CONTRACTOR.
12. ALL AREAS DISTURBED BY THE CONTRACTOR WITHOUT AUTHORIZATION SHALL BE RESTORED BY THE CONTRACTOR.
13. IN THE EVENT THE CONTRACTOR DAMAGES AN EXISTING UTILITY SERVICE CAUSING AN INTERRUPTION IN SAID SERVICE, HE SHALL IMMEDIATELY COMMENCE WORK TO RESTORE SERVICE AND MAY NOT CONTINUE HIS WORK OPERATION UNTIL SERVICE IS RESTORED.

STRUCTURAL NOTES:

1. PROPOSED TOWER AND FOUNDATION TO BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.
2. THE VERIFICATION OF STRUCTURAL ADEQUACY AND DESIGN OF THE ATTACHMENTS MUST BE PERFORMED, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.
3. ALL WORK SHALL CONFORM TO THE CURRENT STANDARD (ANSI/TIA-222-G "STRUCTURAL STANDARD STANDARD FOR ANTENNA SUPPORTING STRUCTURES AND ANTENNAS"), NEW YORK STATE BUILDING CODE, AND ALL OTHER APPLICABLE LOCAL, STATE, AND FEDERAL CODES.

REFERENCES:

1. TOPOGRAPHY AND BOUNDARY SHOWN FROM A FIELD SURVEY BY COSTICH ENGINEERING, D.P.C. ON 11-17-2022. HORIZONTAL AND VERTICAL DATA OBTAINED THROUGH NGS "OPUS".
2. PER THE NYSDEC FRESHWATER WETLANDS MAP, THERE IS A NYSDEC CLASS C STREAM RUNNING ALONG THE WEST SIDE OF THE PROJECT LIMITS AND ALONG BLACK STREET ROAD.
3. PER A WETLANDS DELINEATION COMPLETED BY EARTH DIMENSIONS INC. COMPLETED ON 11/11/2022, THERE ARE FEDERAL WETLANDS WITHIN THE PROJECT AREA.
4. PER THE ERSI/FEMA PROJECT IMPACT HAZARD INFORMATION AND AWARENESS SITE MAP THERE IS A NO 100 YR. FLOOD PLAIN IN THE PROJECT AREA.
5. PER THE 1A CERTIFICATION PREPARED BY COSTICH ENGINEERING D.P.C. HAVING PROJECT NUMBER 8545, DATED 12/05/2022, REVISED 01/03/2023.

EROSION & SEDIMENT CONTROL MEASURES

TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

GENERAL MEASURES:

1. AS MUCH AS IS PRACTICAL, EXISTING VEGETATION SHALL BE PRESERVED. FOLLOWING THE COMPLETION OF CONSTRUCTION ACTIVITIES IN ANY PORTION OF THE SITE, PERMANENT VEGETATION SHALL BE ESTABLISHED ON ALL EXPOSED SOILS.
2. SITE PREPARATION ACTIVITIES SHALL BE PLANNED TO MINIMIZE THE SCOPE AND DURATION OF SOIL DISRUPTION.

PARTICULAR MEASURES:

1. DRAINAGE DITCH SEDIMENT FILTERS: DITCHES, SHALL RECEIVE CHECK DAMS WITH 2-9 INCH STONE MEETING NYS-DOT LIGHT STONE FILL REQUIREMENTS SO AS TO EFFECTIVELY TRAP SEDIMENT AND MINIMIZE ITS RELEASE OFF-SITE. CHECK DAMS SHALL HAVE A 9" MINIMUM WEIR AND BE CONSTRUCTED WITHIN EACH DITCH BEGINNING AT ITS DOWNSTREAM TERMINUS. CHECK DAMS SHALL BE PLACED WITHIN THE CHANNEL SO THAT THE CREST OF THE DOWNSTREAM DAM IS AT THE ELEVATION OF THE TOE OF THE UPSTREAM DAM.
2. SILT FENCES AND COMPOST FILTER SOCKS SHALL BE CONSTRUCTED AROUND ALL STOCKPILES OF FILL, TOPSOIL AND EXCAVATED OVERBURDEN THAT ARE TO REMAIN FOR PERIODS LESS THAN 30 DAYS. SILT FENCES AND COMPOST FILTER SOCKS SHALL BE ANCHORED AND MAINTAINED IN GOOD CONDITION UNTIL SUCH TIME AS STOCKPILES ARE REMOVED AND STOCKPILING AREAS ARE BROUGHT TO FINAL GRADE AND PERMANENTLY STABILIZED.
3. TOPSOIL AND FILL THAT IS TO REMAIN STOCKPILED ON-SITE FOR PERIODS GREATER THAN 30 DAYS SHALL BE STABILIZED BY SEEDING, PRIOR TO THE SEEDING OPERATION, THE STOCKPILED MATERIAL SHALL BE GRADED AS NEEDED AND FEASIBLE TO PERMIT THE USE OF CONVENTIONAL EQUIPMENT FOR SEEDBED PREPARATION, SEEDING, MULCH APPLICATION AND MULCH ANCHORING.
4. IN NO CASE SHALL ERODIBLE MATERIALS BE STOCKPILED WITH 25 FEET OF ANY DITCH, STREAM, OR OTHER SURFACE WATER BODY.

PERMANENT AND TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

1. PERMANENT AND TEMPORARY VEGETATIVE COVER: IMMEDIATELY FOLLOWING THE COMPLETION OF CONSTRUCTION ACTIVITY OR WHERE WORK IS DELAYED AND WILL NOT BE DISTURBED FOR 21 DAYS OR MORE IN ANY PORTION OF THE SITE. PERMANENT OR TEMPORARY VEGETATION SHALL BE ESTABLISHED WITHIN 14 DAYS ON ALL EXPOSED SOILS. ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED AS SOON AS PRACTICAL FOLLOWING DISTURBANCE TO STABILIZE BARE SOIL AND PROMOTE THE PROMPT RE-ESTABLISHMENT OF VEGETATION.
   A. AN ADEQUATE SEEDBED SHALL BE PREPARED BY SCARIFYING COMPACTED SOIL AND REMOVING SURFACE DEBRIS AND OBSTACLES.
   B. LIME SHALL BE APPLIED SUFFICIENTLY TO ATTAIN A SOIL ACIDITY pH OF 6.0 TO 7.0.
   C. FERTILIZER (5-10-10 MIXTURE OR EQUIVALENT) SHALL BE APPLIED PER SOIL TEST RESULTS OR AT A RATE OF 600 LBS PER ACRE.
   D. DISTURBED AREAS WHICH WILL REMAIN TEMPORARILY FALLOW FOR PERIODS GREATER THAN 14 DAYS SHALL BE SEEDED AT THE FOLLOWING RATE TO PRODUCE TEMPORARY GROUND COVER: 30 LBS RYEGRASS (ANNUAL OR PERENNIAL) PER ACRE. DURING THE WINTER, USE 100 LBS CERTIFIED "AROOSTOCK" WINTER RYE (CEREAL RYE) PER ACRE.
   E. PERMANENT SEEDING SHALL BE APPLIED ON 4" MIN. TOPSOIL AT THE FOLLOWING RATE FOR ROUGH OR OCCASIONAL MOWING AREAS:
      8 LBS EMPIRE BIRDSFOOT TIREFOIL OR COMMON WHITE CLOVER PER ACRE.
      20 LBS TALL FESCUE PER ACRE PLUS
      2 LBS REDTOP OR 5 LBS RYEGRASS (PERENNIAL) PER ACRE

      FOR MOWED AREAS:
      65 LBS KENTUCKY BLUEGRASS PER ACRE
      65 LBS RYEGRASS (PERENNIAL) PER ACRE
   F. ALL SEEDING SHALL BE PERFORMED USING THE BROADCAST METHOD OR HYDROSEEDING, UNLESS OTHERWISE APPROVED.
   G. ALL DISTURBED AREAS SHALL BE STABILIZED SUBSEQUENT TO SEEDING BY APPLYING 2 TONS OF STRAW MULCH PER ACRE. STRAW MULCH SHALL BE ANCHORED BY APPLYING 750 LBS OF WOOD FIBER MULCH PER ACRE WITH A HYDROSEEDER, OR TUCKING THE MULCH WITH SMOOTH DISCS OR OTHER MULCH ANCHORING TOOLS TO A DEPTH OF 3". MULCH ANCHORING TOOLS SHALL BE PULLED ACROSS SLOPES ALONG TOPOGRAPHIC CONTOURS.
2. ALL UNNECESSARY REMOVAL OF HEALTHY TREES SHALL BE AVOIDED. MATERIALS SHALL NOT BE STORED NOR MACHINERY OPERATED WITHIN THE DRIP-LINE OF THE TREES TO REMAIN.

MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES:

1. THE CONTRACTOR SHALL ON A DAILY BASIS INSPECT AND MAINTAIN THE INTEGRITY AND FUNCTION OF ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT THE DURATION OF THE CONSTRUCTION PROCESS.
2. TO ASSURE PROPER FUNCTION, SILTATION BARRIERS SHALL BE MAINTAINED IN GOOD CONDITION AND REINFORCED, EXTENDED, REPAIRED OR REPLACED AS NECESSARY. WASHOUTS SHALL BE IMMEDIATELY REPAIRED, RE-SEEDED AND PROTECTED FROM FURTHER EROSION.
3. SEDIMENT SHALL BE REMOVED FROM BEHIND THE SEDIMENT FENCE WHEN IT BECOMES ABOUT 0.5 FEET DEEP AT THE FENCE AND FROM BEHIND THE COMPOST FILTER SOCKS ONCE IT REACHES 1/2 THE FILTER SOCK HEIGHT. THE SEDIMENT FENCE AND COMPOST FILTER SOCKS SHALL BE REPAIRED AS NECESSARY TO MAINTAIN BARRIER.
4. ALL SEEDED AREAS SHALL BE FERTILIZED, RESEEDED AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN IN ORDER TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.

SOIL AND EROSION CONTROL NOTES

1. TEMPORARY SEDIMENTATION ENTRAPMENT AREAS SHALL BE PROVIDED AT KEY LOCATIONS TO INTERCEPT AND CLARIFY SILT LADEN RUNOFF FROM THE SITE.
2. SILT THAT LEAVES THE SITE IN SPITE OF THE REQUIRED PRECAUTIONS SHALL BE COLLECTED AND REMOVED AS DIRECTED BY APPROPRIATE MUNICIPAL AUTHORITIES.
3. AT THE COMPLETION OF THE PROJECT, ALL TEMPORARY SILTATION DEVICES SHALL BE REMOVED AND THE AFFECTED AREAS REGRADED, OR TREATED IN ACCORDANCE WITH THE APPROVED SITE PLANS.
4. ALL SEDIMENTATION ENTRAPMENT STRUCTURES WILL BE INSPECTED AND MAINTAINED ON A REGULAR BASIS.
5. CONTRACTOR TO INSTALL EROSION CONTROL MEASURES (SILT FENCE AND/ OR COMPOST FILTER SOCKS) AROUND AREAS BEING DISTURBED DURING CONSTRUCTION AND AS NECESSARY.
6. CONTRACTOR TO INSTALL SILT FENCE OR COMPOST FILTER SOCKS DOWNSLOPE OF ALL UTILITY TRENCHES.
7. DISTANCES SHOWN FROM THE WETLANDS IF ANY ON THE CONSTRUCTION PLANS AND SOIL EROSION AND SEDIMENT CONTROL PLANS ESTABLISH THE MINIMUM SEPARATION PERMITTED BETWEEN THE PROPOSED CONSTRUCTION ACTIVITIES AND BOUNDARY OF THE WETLANDS.
   7.1. AREA OF DISTURBANCE LINES SHALL BE CLEARLY DELINEATED IN THE FIELD BY INSTALLING ORANGE CONSTRUCTION FENCING AROUND THE ENTIRE PROPOSED CONSTRUCTION AREA. EXCEPT AS NECESSARY TO PROVIDE MITIGATION PLANTINGS, NO ENCROACHMENT BEYOND THESE LIMITS BY WORKERS OR MACHINERY SHALL BE PERMITTED.
   7.2. GRADING AND CLEARING AND OTHER CONSTRUCTION-RELATED ACTIVITIES SHALL TAKE PLACE ONLY WITHIN THE DELINEATED AREA OF DISTURBANCE LINES. THESE AREAS OF DISTURBANCE LINES REPRESENT THE MAXIMUM LIMITS OF CONSTRUCTION ACTIVITIES. EVERY ATTEMPT SHALL BE MADE TO FURTHER REDUCE GRADING AND CLEARING ACTIVITIES WITHIN THE AREA OF DISTURBANCE LINES BY MAINTAINING NATURAL VEGETATION AND TOPOGRAPHY WHEREVER PRACTICABLE.
   7.3. ALL CONSTRUCTION AND CONSTRUCTION RELATED-ACTIVITIES OCCURRING ON THIS SITE SHALL COMPLY WITH THE STANDARDS AND RECOMMENDATIONS OF THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL.
   7.4. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, THE APPLICANT SHALL STAKE THE LOCATION OF THE CONSTRUCTION ACTIVITY FOR INSPECTION AND APPROVAL BY THE TOWN ENGINEER (IF REQUIRED).
   7.5. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHOWN ON THIS PLAN SHALL BE IN PLACE PRIOR TO THE START OF ANY SITE WORK. THE TOWN ENGINEER SHALL HAVE INSPECTED THE INSTALLATION OF ALL REQUIRED SOIL EROSION AND SEDIMENTATION CONTROL MEASURES PRIOR TO THE AUTHORIZATION TO PROCEED WITH ANY PHASE OF THE SITE WORK (IF REQUIRED).
   7.6. THROUGHOUT THE CONSTRUCTION PERIOD, A QUALIFIED PROFESSIONAL RETAINED BY THE APPLICANT SHALL, ON AT LEAST A WEEKLY BASIS, PRIOR TO ANY PREDICTED RAIN EVENT AND AFTER RUNOFF-PRODUCING RAIN EVENT, INSPECT THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES TO ENSURE THEIR PROPER FUNCTIONING.
   7.7. ALL DRAINAGE STRUCTURES AND ANY OTHER REQUIRED UTILITY APPURTENANCES SHALL BE INSTALLED AS REQUIRED BY TOWN SPECIFICATIONS AND AS SHOWN ON THESE PLANS.
   7.8. IF THE APPLICANT, DURING THE COURSE OF CONSTRUCTION, ENCOUNTERS SUCH CONDITIONS AS FLOOD AREAS, UNDERGROUND WATER, SOFT OR SILTY AREAS, IMPROPER DRAINAGE, OR OTHER UNUSUAL CIRCUMSTANCES OR CONDITIONS THAT WERE NOT FORESEEN IN THE ORIGINAL PLANNING, THEY SHALL REPORT SUCH CONDITIONS IMMEDIATELY TO THE TOWN ENGINEER. THE APPLICANT MAY SUBMIT, IF THEY SO DESIRE, THEIR RECOMMENDATIONS AS THE SPECIAL TREATMENT TO BE GIVEN SUCH AREAS TO SECURE ADEQUATE, PERMANENT AND SATISFACTORY CONSTRUCTION. THE TOWN ENGINEER, WITHOUT UNNECESSARY DELAY, SHALL INVESTIGATE THE CONDITION OR CONDITIONS, AND SHALL EITHER APPROVE THE APPLICANT'S RECOMMENDATION TO CORRECT THE CONDITIONS, ORDER A MODIFICATION THEROF, OR ISSUE THEIR OWN SPECIFICATION FOR THE CORRECTION OF THE CONDITIONS. IN THE EVENT OF THE APPLICANT'S DISAGREEMENT WITH THE DECISION OF THE TOWN ENGINEER, OR IN THE EVENT OF A SIGNIFICANT CHANGE RESULTING TO THE SITE PLAN OR ANY CHANGE THAT INVOLVES WETLAND REGULATED AREAS, THE MATTER SHALL BE DECIDED BY THE PLANNING BOARD. ANY SUCH CONDITIONS OBSERVED BY THE PLANNING BOARD OR ITS AGENTS SHALL BE SIMILARLY TREATED.

verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

NO.	DATE	COMMENTS
0	12/05/2022	ISSUED PRELIMINARY FOR REVIEW
1	01/02/2023	REVISED TOWER HEIGHT; UPDATED SURVEY NOTES & DESCRIPTIONS
2	02/02/2023	ADDED GROUND COVER DATA TABLE & PLANNING BOARD APPROVAL SIGNATURE BLOCK; ISSUED FINAL
3	02/08/2023	ADDED E911 ADDRESS

STATE OF NEW YORK — MICHAEL C. RITCHIE — 095184 — LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: D.A.W.

DRAWN BY: A.J.L.

SITE INFORMATION

LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE

GENERAL NOTES

C.E. JOB NUMBER: 8545

SHEET NUMBER: GA002

SHEET 02 OF 11

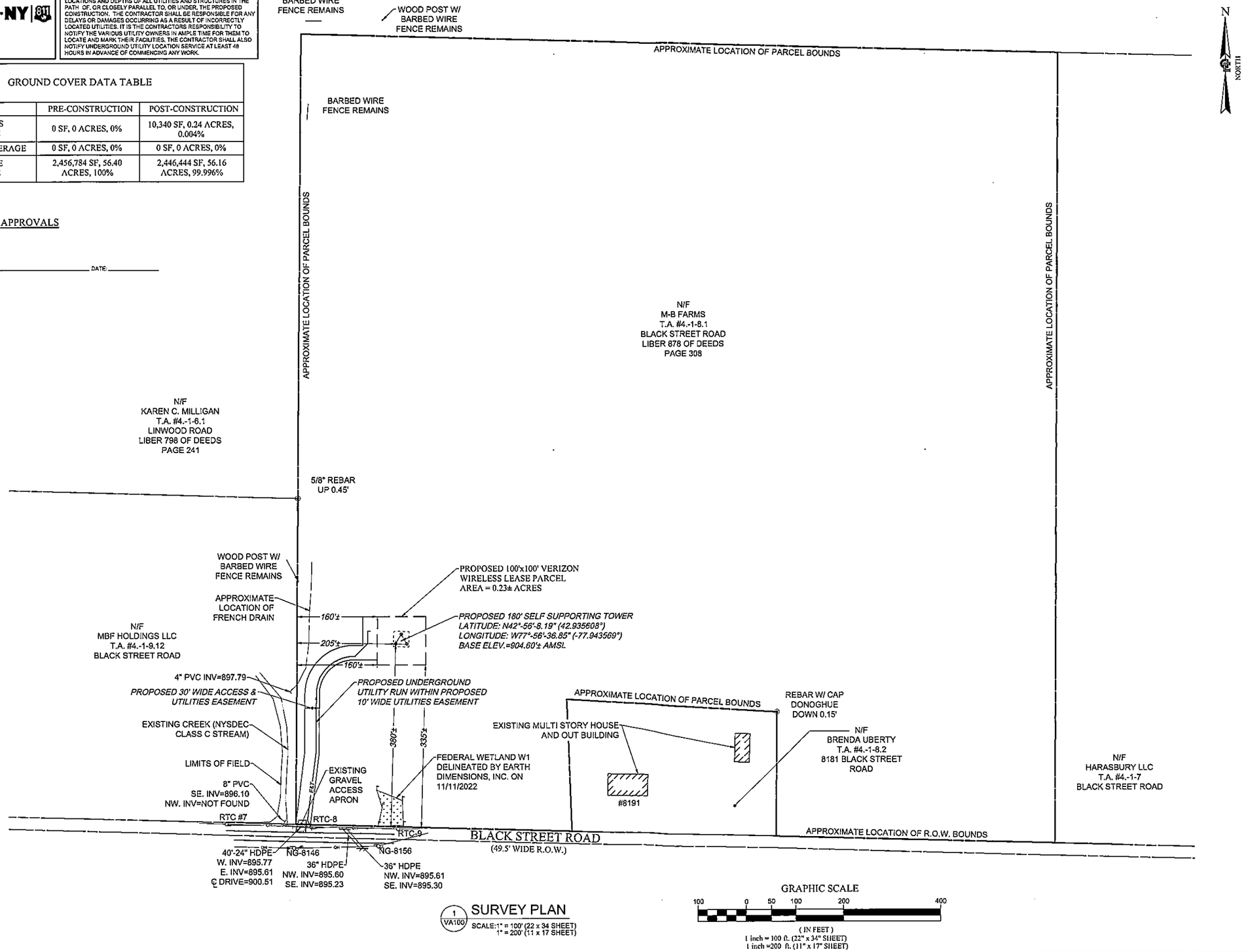
UDIG-NY | 811

EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF, OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES OCCURRING AS A RESULT OF INCORRECTLY LOCATED UTILITIES. IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.

GROUND COVER DATA TABLE		
	PRE-CONSTRUCTION	POST-CONSTRUCTION
IMPERVIOUS COVERAGE	0 SF, 0 ACRES, 0%	10,340 SF, 0.24 ACRES, 0.004%
BUILDING COVERAGE	0 SF, 0 ACRES, 0%	0 SF, 0 ACRES, 0%
OPEN SPACE COVERAGE	2,456,784 SF, 56.40 ACRES, 100%	2,446,444 SF, 56.16 ACRES, 99.996%

APPROVALS

BY:_____ DATE:_____
PLANNING BOARD



1 VA100 SURVEY PLAN
SCALE: 1" = 100' (22 x 34 SHEET)
1" = 200' (11 x 17 SHEET)

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft. (22" x 34" SHEET)
1 inch =200 ft. (11" x 17" SHEET)

verizon
1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
• CIVIL ENGINEERING
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217 LAKE AVENUE ROCHESTER, NY 14608 (585) 458-3020

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3	02/08/2023	ADDED E911 ADDRESS

STATE OF NEW YORK MICHAEL O. RITCHEY 095164 LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION

LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE

SURVEY PLAN

C.E. JOB NUMBER: 8545

SHEET NUMBER: VA100

SHEET 01 OF 11

DESCRIPTION OF LEASE PARCEL

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF PAVILION, COUNTY OF GENESEE, STATE OF NEW YORK, ALL AS SHOWN ON A MAP ENTITLED "LAPLATAVILLE PROJECT # 20222346850 SURVEY PLAN", PREPARED BY COSTICH ENGINEERING, D.P.C., HAVING DRAWING NUMBER 8545 VA100, LAST DATED 12/05/2022, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING THE INTERSECTION OF THE ASSUMED COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY M-B FARMS HAVING T.A. # 4-1-8.1 TO THE EAST AND LANDS NOW OR FORMERLY OWNED BY MBF HOLDINGS, LLC T.A. # 4-1-9.12 TO THE WEST SAID POINT ALSO BEING A POINT ON THE ASSUMED NORTH RIGHT-OF-WAY LINE OF BLACK STREET ROAD; THENCE

A. N27°05'45"E, ALONG A TIE LINE AND THROUGH SAID LANDS NOW OR FORMERLY OWNED BY M-B FARMS A DISTANCE OF 370.77 FEET TO THE POINT AND PLACE OF BEGINNING; THENCE

1. N00°08'52"E, A DISTANCE OF 100.00 FEET TO A POINT; THENCE
2. S89°51'08"E, A DISTANCE OF 100.00 FEET TO A POINT; THENCE
3. S00°08'52"W, A DISTANCE OF 100.00 FEET TO A POINT; THENCE
4. N89°51'08"W, A DISTANCE OF 100.00 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 0.230 ACRES OF LAND, MORE OR LESS.

DESCRIPTION OF ACCESS & UTILITIES EASEMENT

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF PAVILION, COUNTY OF GENESEE, STATE OF NEW YORK, ALL AS SHOWN ON A MAP ENTITLED "LAPLATAVILLE PROJECT # 20222346850 SURVEY PLAN", PREPARED BY COSTICH ENGINEERING, D.P.C., HAVING DRAWING NUMBER 8545 VA100, LAST DATED 12/05/2022, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING THE INTERSECTION OF THE ASSUMED COMMON PROPERTY LINE OF LANDS NOW OR FORMERLY OWNED BY M-B FARMS HAVING T.A. # 4-1-8.1 TO THE EAST AND LANDS NOW OR FORMERLY OWNED BY MBF HOLDINGS, LLC T.A. # 4-1-9.12 TO THE WEST SAID POINT ALSO BEING A POINT ON THE ASSUMED NORTH RIGHT-OF-WAY LINE OF BLACK STREET ROAD; THENCE

1. N07°06'23"E, A DISTANCE OF 145.77 FEET TO A POINT OF CURVATURE; THENCE
2. NORTHERLY ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 07°16'01", A RADIUS OF 65.00 FEET, AND AN ARC LENGTH OF 8.24 FEET, SAID CURVE ALSO HAVING A CHORD OF N03°32'52"E 8.24 FEET TO A POINT; THENCE;
3. N00°08'52"E, A DISTANCE OF 116.99 FEET TO A POINT OF CURVATURE; THENCE
4. NORTHERLY LONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 90°00'00", A RADIUS OF 101.00 FEET, AND AN ARC LENGTH OF 158.65 FEET, SAID CURVE ALSO HAVING A CHORD OF N45°08'52"E 142.84 FEET TO A POINT; THENCE
5. S89°51'08"E, A DISTANCE OF 18.88 FEET TO A POINT; THENCE
6. N00°08'52"E, A DISTANCE OF 59.61 FEET TO A POINT; THENCE
7. S89°51'08"E, A DISTANCE OF 30.00 FEET TO A POINT; THENCE
8. S00°08'52"W, A DISTANCE OF 89.61 FEET TO A POINT; THENCE
9. N89°51'08"W, A DISTANCE OF 48.88 FEET TO A POINT OF CURVATURE; THENCE
10. SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 90°00'00", A RADIUS OF 71.00 FEET, AND AN ARC LENGTH OF 111.53 FEET, SAID CURVE ALSO HAVING A CHORD OF S45°08'52"W 100.41 FEET TO A POINT; THENCE;
11. S00°08'52"W, A DISTANCE OF 116.87 FEET TO A POINT OF CURVATURE; THENCE
12. SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 07°15'14", A RADIUS OF 95.00 FEET, AND AN ARC LENGTH OF 12.03 FEET, SAID CURVE ALSO HAVING A CHORD OF S03°32'29"W 12.02 FEET TO A POINT; THENCE;
13. S07°06'23"W, A DISTANCE OF 142.81 FEET TO A POINT ON SAID NORTH BOUNDS OF BLACK STREET ROAD; THENCE
14. N88°29'45"W, AND ALONG SAID NORTH BOUNDS OF BLACK STREET ROAD A DISTANCE OF 30.14 FEET TO THE POINT AND PLACE OF BEGINNING.

SURVEY NOTES

1. TOPOGRAPHY SHOWN FROM A FIELD SURVEY BY COSTICH ENGINEERING ON 11/17/2022 HORIZONTAL AND VERTICAL DATA OBTAINED THROUGH NYSDOT CORS NETWORK REFERENCED TO THE FOLLOWING MONUMENT:

   MEXICO CORS STATION
   -LATITUDE: 43-28-12.37902 (N) NAD 83 (CORS)
   -LONGITUDE: 076-13-54.88623 (W)
   -ELLIP HEIGHT: 91.143 METERS NAVD 88 (CORS)

2. BOUNDARY SURVEY HAS NOT BEEN PERFORMED BY COSTICH ENGINEERING. BOUNDARY SHOWN HEREON IS APPROXIMATE AND DETERMINED BY LIMITED FIELD LOCATION OF BOUNDARY EVIDENCE, REVIEW OF TITLE COMMITMENT, IF PROVIDED, AND OVERLAY OF COUNTY TAX MAPS AND/OR COUNTY GIS MAPPING.
3. PER THE NYSDEC FRESHWATER WETLANDS MAP, THERE IS A NYSDEC CLASS C STREAM RUNNING ALONG THE WEST SIDE OF THE PROJECT LIMITS AND ALONG BLACK STREET ROAD.
4. PER A WETLANDS DELINEATION COMPLETED BY EARTH DIMENSIONS INC. COMPLETED ON 11/11/2022, THERE ARE FEDERAL WETLANDS WITHIN THE PROJECT AREA.
5. PER THE ERSI/FEMA PROJECT IMPACT HAZARD INFORMATION AND AWARENESS SITE MAP THERE IS A NO 100 YR. FLOOD PLAIN IN THE PROJECT AREA.

TITLE REVIEW

PER STEWART TITLE INSURANCE COMPANY FOR TITLE INSURANCE NO. 71228123, HAVING AN EFFECTIVE DATE SEPTEMBER 30, 2022, SCHEDULE B - SECTION II EXCEPTION (SURVEY PERTINENT ITEMS) DETERMINATIONS ARE:

13. RIGHT OF WAY GRANTED BY LAWRENCE C. GLEBER AND DOROTHY M. GLEBER TO ACHTER KOL CORPORATION, DATED AUGUST 29, 1979 AND RECORDED OCTOBER 1, 1979 IN LIBER 448 OF DEEDS, PAGE 1145. DOCUMENT IS FOR A THIRTY FOOT RIGHT-OF-WAY AND DESCRIBES A PARCEL SOUTH OF BLACK STREET ROAD BEING T.A. # 7-1-7. THIS EASEMENT DOES NOT AFFECT THE PROPOSED ACCESS OR LEASE PARCEL.

14. OIL & GAS LEASE MADE BY LAWRENCE GLEBER AND DOROTHY GLEBER TO HILAND OIL & GAS ENTERPRISES, INC. DATED DECEMBER 17, 1973 AND RECORDED JUNE 11, 1979 IN LIBER 447 OF DEEDS, PAGE 728. PARCEL MAY BE SUBJECT TO A BLANKET OIL AND GAS LEASE FOR THE OPERATION OF A WELL ON SAID PREMISES WITHIN SIX MONTHS DATED DECEMBER 17, 1973.

SCHEDULE A PARENT PARCEL

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF PAVILION, COUNTY OF GENESEE AND STATE OF NEW YORK, BEING PART OF LOT NO. 25, IN WILHELM & JAN WILLINKS 40,000 ACRE TRACT, BEING THE SOUTHWEST PART OF LOT NO. 25, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING IN THE CENTER OF THE ROAD 7 CHAINS 92 1/2 LINKS FORM THE CORNER OF JOHN HOFFMAN'S LAND, RUNNING THENCE EASTERLY IN THE CENTER OF THE ROAD 15 CHAINS AND 85 LINKS; THENCE NORTHERLY PARALLEL WITH THE WEST BOUNDARY LINE OF SAID SOUTHEAST PART OF LOT NO. 25, 25 CHAINS AND 20 LINKS TO JOHN HOFFMAN'S LAND; THENCE WESTERLY ON SAID HOFFMAN'S SOUTH LINE 15 CHAINS AND 85 LINKS; THENCE- SOUTHERLY PARALLEL WITH THE 2ND LINE ABOVE DESCRIBED 25 CHAINS AND 20 LINKS TO THE PLACE OF BEGINNING CONTAINING 40 ACRES OF LAND, BE THE SAME MORE OR LESS.

PARCEL B

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF PAVILION, COUNTY OF GENESEE AND STATE OF NEW YORK, AND BEING PART OF LOT NO. 25 IN WILHELM & JAN WILLINKS 40,000 ACRE TRACT AND WHICH SAID PIECE OR PARCEL OF LAND ON A MAP OR SURVEY OF SAID TRACT INTO LOTS MADE BY WILLIAM PEACOCK, SURVEYOR AND FILED IN GENESEE COUNTY CLERK'S OFFICE IS DISTINGUISHED AS THE SOUTHEAST PART OF SAID LOT NO. 25 IN SAID TRACT; THAT PART OF SAID LOT HEREBY INTENDED TO BE CONVEYED IS BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING IN THE CENTER OF THE ROAD AT THE SOUTHEAST CORNER OF JOHN HOFFMAN'S LAND, RUNNING THENCE EASTERLY IN THE CENTER OF THE ROAD 7 CHAINS AND 92 1/2 LINKS TO LANDS HERETOFORE CONVEYED BY J. DANIEL CARMICHAEL TO JOHN CLEMENTS; THENCE NORTHERLY ON THE WESTERLY BOUNDS OF SAID CLEMENT'S LAND 25 CHAINS AND 20 LINKS TO LAND OF AID HOFFMAN; THENCE WESTERLY ON THE SOUTH LINE OF SAID HOFFMAN'S LAND 7 CHAINS AND 92 1/2 LINKS; THENCE SOUTHERLY ON THE EAST LINE OF SAID HOFFMAN'S LAND 25 CHAINS AND 20 LINKS TO THE PLACE OF BEGINNING, CONTAINING 20 ACRES OF LAND BE THE SAME MORE OR LESS.

SURVEY REFERENCES

1. TITLE REPORT "STEWART TITLE INSURANCE COMPANY" FOR TITLE INSURANCE NO. 71228123, HAVING AN EFFECTIVE DATE SEPTEMBER 30, 2022.

verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

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3	02/08/2023	ADDED E911 ADDRESS

STATE OF NEW YORK · MICHAEL O'RITCHEY · 098194 · LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION

LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE

SURVEY NOTES

C.E. JOB NUMBER: 8545

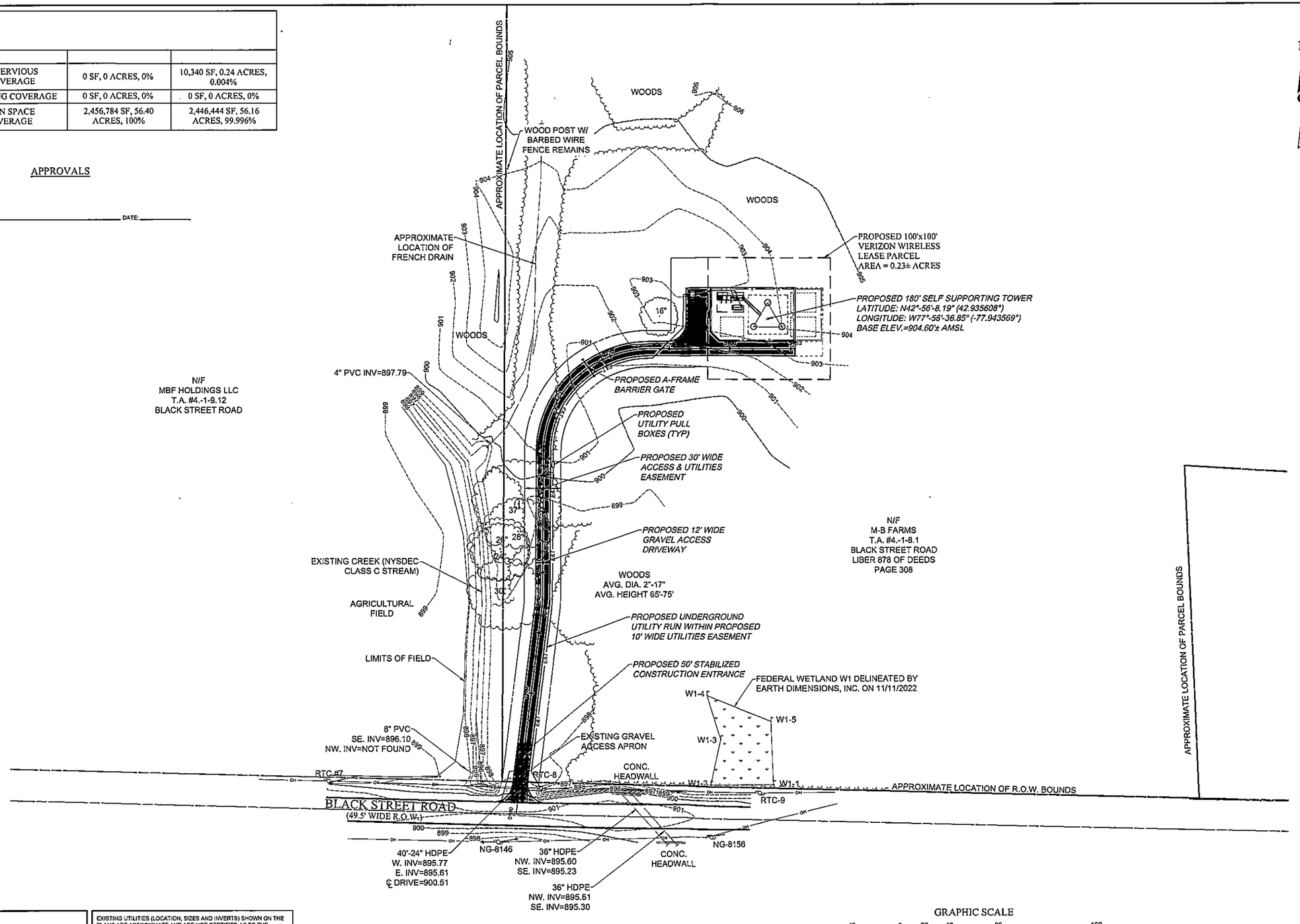
SHEET NUMBER: VA110

SHEET 01 OF 11

IMPERVIOUS COVERAGE	0 SF, 0 ACRES, 0%	10,340 SF, 0.24 ACRES, 0.004%
BUILDING COVERAGE	0 SF, 0 ACRES, 0%	0 SF, 0 ACRES, 0%
OPEN SPACE COVERAGE	2,456,784 SF, 56.40 ACRES, 100%	2,446,444 SF, 56.16 ACRES, 99.996%

APPROVALS

BY:_____ DATE:_____



1 CA100 OVERALL SITE PLAN
SCALE:1" = 40' (22 x 34 SHEET)
1" = 80' (11 x 17 SHEET)

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft. (22" x 34" SHEET)
1 inch = 80 ft. (11" x 17" SHEET)

UDIG·NY 811

EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF, OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES OCCURRING AS A RESULT OF INCORRECTLY LOCATED UTILITIES. IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.

verizon
1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
• CIVIL ENGINEERING
• LAND SURVEYING
• LANDSCAPE ARCHITECTURE
217 LAKE AVENUE
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STATE OF NEW YORK · MICHAEL O. RITCHEY · 096184 · LICENSED PROFESSIONAL ENGINEER

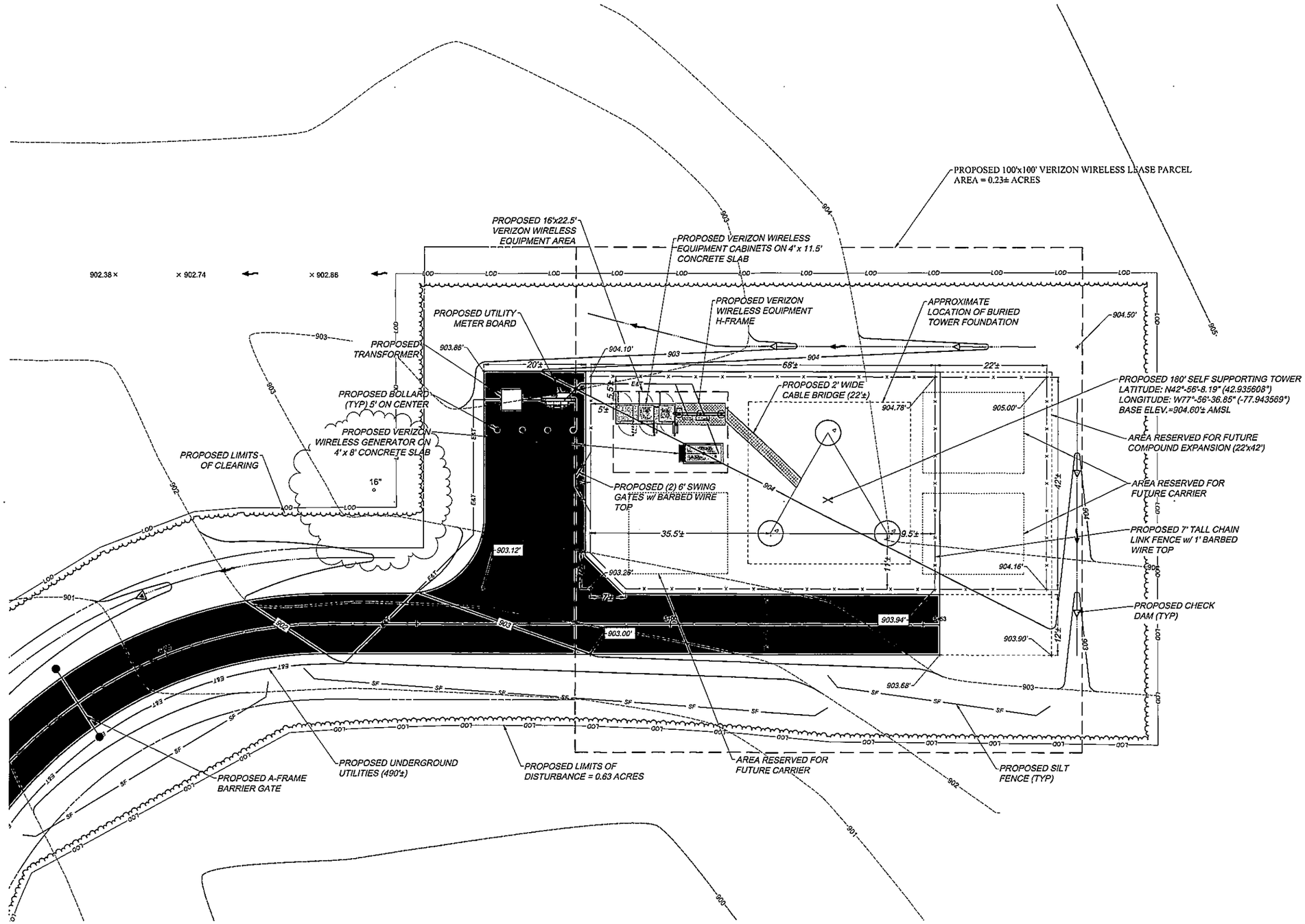
PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION
LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE
OVERALL SITE PLAN

C.E. JOB NUMBER: 8545
SHEET NUMBER: CA100
SHEET 05 OF 11



N
NORTH

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft. (22" x 34" SHEET)
1 inch = 20 ft. (11" x 17" SHEET)

1 CA110 COMPOUND PLAN
SCALE: 1" = 10' (22 x 34 SHEET)
1" = 20' (11 x 17 SHEET)

UDIG-NY 811

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verizon

1275 JOHN STREET, SUITE #100
WEST HENRIETTA, NEW YORK 14586

COSTICH ENGINEERING
• CIVIL ENGINEERING
• LAND SURVEYING
• LANDSCAPE ARCHITECTURE
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

NO.	DATE	COMMENTS
0	12/05/2022	ISSUED PRELIMINARY FOR REVIEW
1	01/02/2023	REVISED TOWER HEIGHT; UPDATED SURVEY NOTES & DESCRIPTIONS
2	02/02/2023	ADDED GROUND COVER DATA TABLE & PLANNING BOARD APPROVAL SIGNATURE BLOCK; ISSUED FINAL
3	02/08/2023	ADDED E911 ADDRESS

STATE OF NEW YORK · MICHAEL O'RIORDAN · 095156 · LICENSED PROFESSIONAL ENGINEER

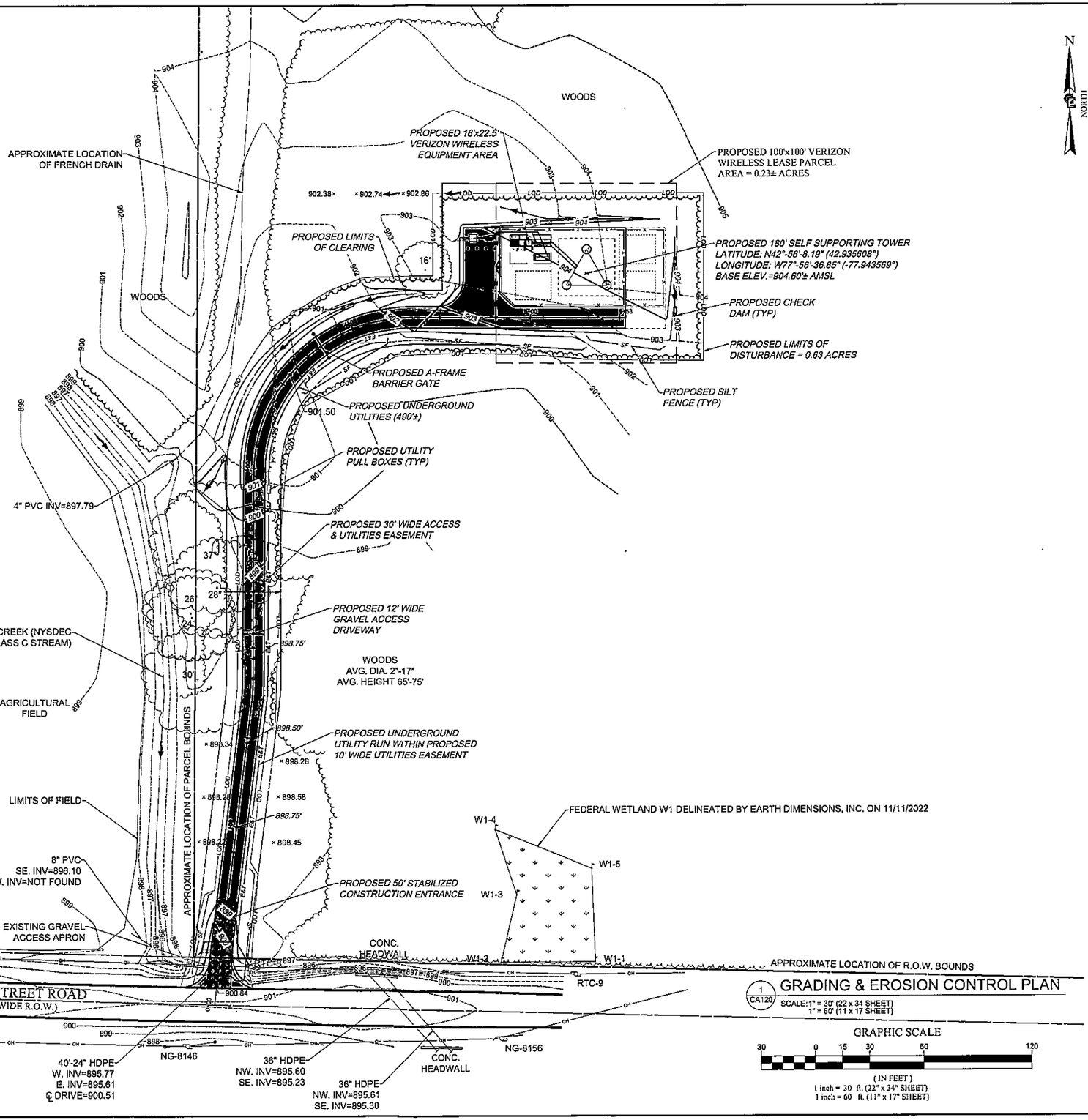
PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION
LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE
COMPOUND PLAN

C.E. JOB NUMBER: 8545
SHEET NUMBER: CA110
SHEET 06 OF 11



1 CA120 GRADING & EROSION CONTROL PLAN
SCALE:1" = 30' (22 x 34 SHEET)
1" = 60' (11 x 17 SHEET)

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft. (22" x 34" SHEET)
1 inch = 60 ft. (11" x 17" SHEET)

UDIG-NY 811

EXISTING UTILITIES (LOCATION, SIZES AND INVERTS) SHOWN ON THE PLANS ARE APPROXIMATE AND ARE NOT CERTIFIED AS TO THE ACCURACY OF THEIR LOCATION OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS AND DEPTHS OF ALL UTILITIES AND STRUCTURES IN THE PATH OF, OR CLOSELY PARALLEL TO, OR UNDER, THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES OCCURRING AS A RESULT OF INCORRECTLY LOCATED UTILITIES. IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE VARIOUS UTILITY OWNERS IN AMPLE TIME FOR THEM TO LOCATE AND MARK THEIR FACILITIES. THE CONTRACTOR SHALL ALSO NOTIFY UNDERGROUND UTILITY LOCATION SERVICE AT LEAST 48 HOURS IN ADVANCE OF COMMENCING ANY WORK.

verizon

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COSTICH ENGINEERING
• CIVIL ENGINEERING
• LAND SURVEYING
• LANDSCAPE ARCHITECTURE
217 LAKE AVENUE
ROCHESTER, NY 14608
(585) 458-3020

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STATE OF NEW YORK
MICHAEL O RITCH
096184
LICENSED PROFESSIONAL ENGINEER

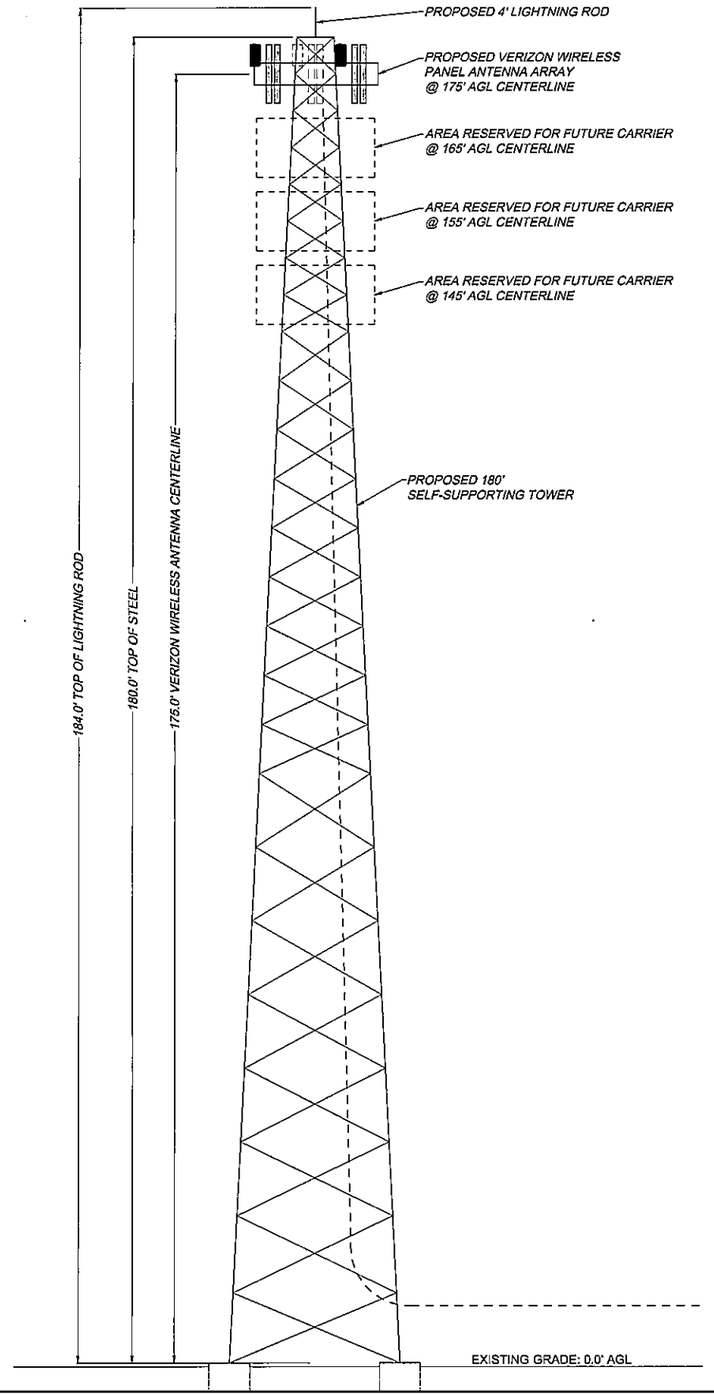
PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION
LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE
GRADING & EROSION CONTROL PLAN

C.E. JOB NUMBER: 8545
SHEET NUMBER: CA120
SHEET 07 OF 11



1 CA500 TOWER ELEVATION
SCALE:1" = 10' (22 x 34 SHEET)
1" = 20' (11 x 17 SHEET)

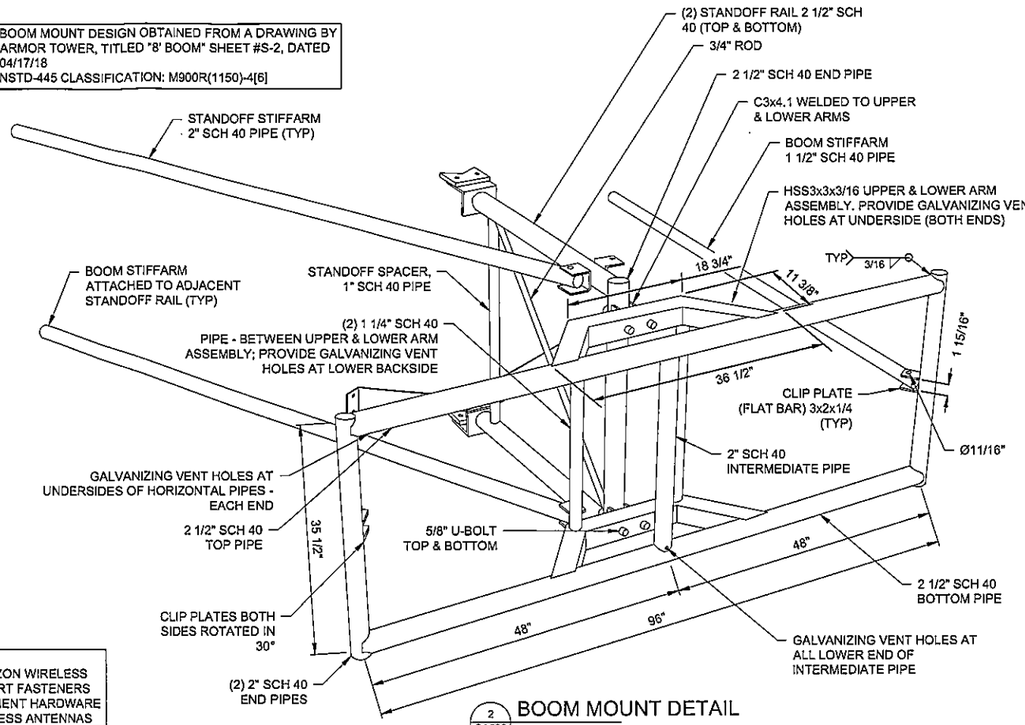
GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft. (22" x 34" SHEET)
1 inch = 20 ft. (11" x 17" SHEET)

NOTE:
CONTRACTORS MUST UTILIZE VERIZON WIRELESS APPROVED LOW-PIM CABLE SUPPORT FASTENERS AND RELATED ANCILLARY ATTACHMENT HARDWARE WITHIN 10 FEET OF VERIZON WIRELESS ANTENNAS

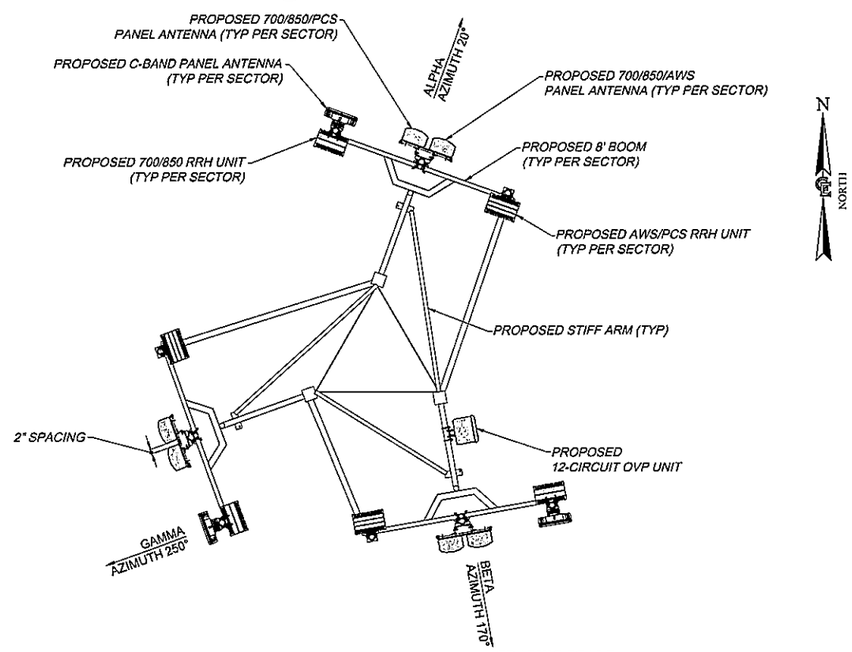
TOWER NOTES

1. THE TOWER SHALL BE CONSTRUCTED WITH GALVANIZED STEEL.
2. NO FAA OBSTRUCTION LIGHTING IS PROPOSED BY VERIZON WIRELESS UNLESS IT IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION OR THE LOCAL MUNICIPALITY.
3. ALL REFERENCES TO THE TOWER AND ITS FOUNDATION ARE TO BE DIRECTED TO THE DESIGN AND DETAIL DRAWINGS BY THE TOWER SUPPLIER.
4. TOWER SHALL BE DESIGNED/CONSTRUCTED TO BE EXPANDABLE TO 195'± AND TO ACCOMMODATE A TOTAL OF FOUR WIRELESS CARRIERS.
5. THERE SHALL BE NO PERMANENT CLIMBING PEGS WITHIN 15' OF THE GROUND OF ANY TOWER.
6. PROPOSED ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE SITE SPECIFIC RF ANTENNA DESIGN SHEET SUPPLIED BY THE RF SYSTEMS ENGINEER.

BOOM MOUNT DESIGN OBTAINED FROM A DRAWING BY ARMOR TOWER, TITLED "8' BOOM" SHEET #S-2, DATED 04/17/18
NSTD-445 CLASSIFICATION: M900R(1150)-4[6]



2 CA500 BOOM MOUNT DETAIL
SCALE: NTS



GRAPHIC SCALE
3 0 1.5 3 6 12
(IN FEET)
1 inch = 3 ft. (22" x 34" SHEET)
1 inch = 6 ft. (11" x 17" SHEET)

3 CA500 ANTENNA ORIENTATION
SCALE:1" = 3' (22 x 34 SHEET)
1" = 6' (11 x 17 SHEET)

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STATE OF NEW YORK MICHAEL O RITCHEY 096186 LICENSED PROFESSIONAL ENGINEER

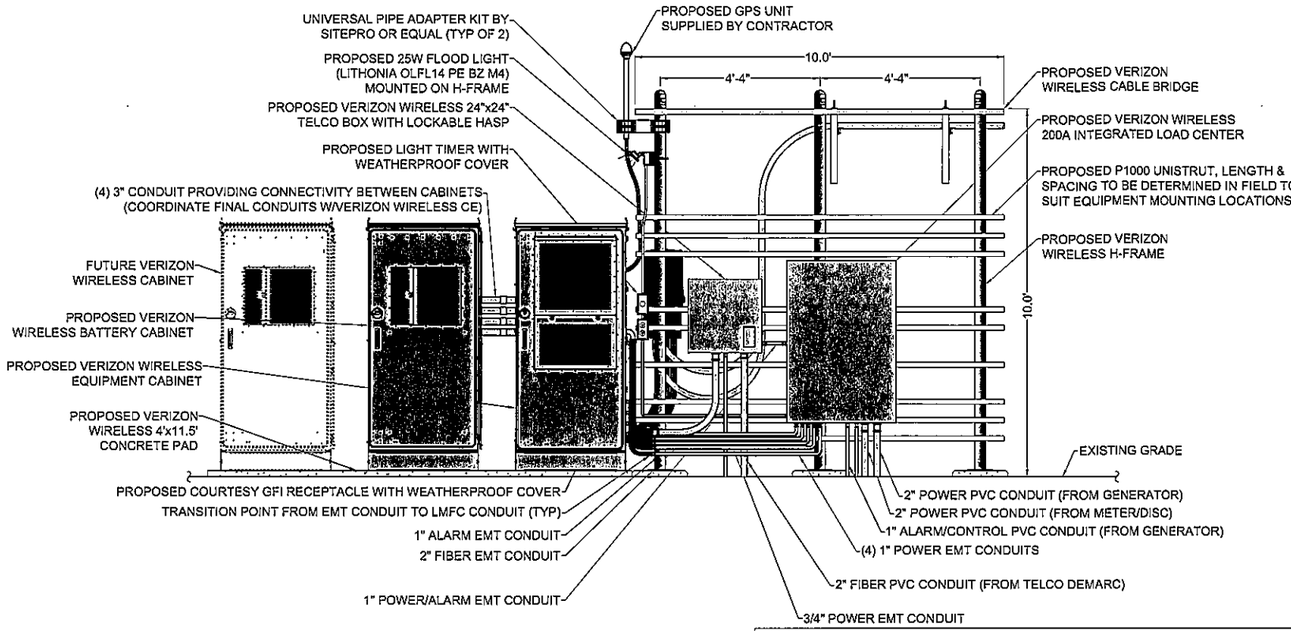
PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION
LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

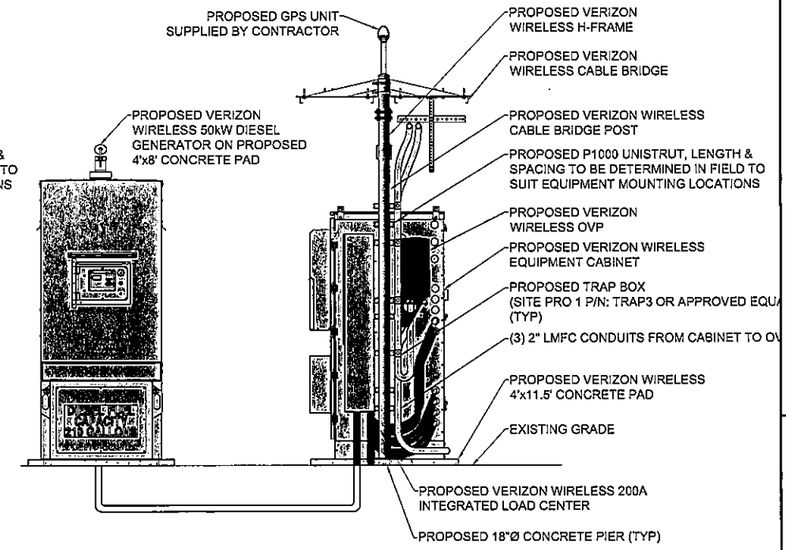
TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE
TOWER ELEVATION, ORIENTATION & RF INFO

C.E. JOB NUMBER: 8545
SHEET NUMBER: CA500
SHEET 08 OF 11



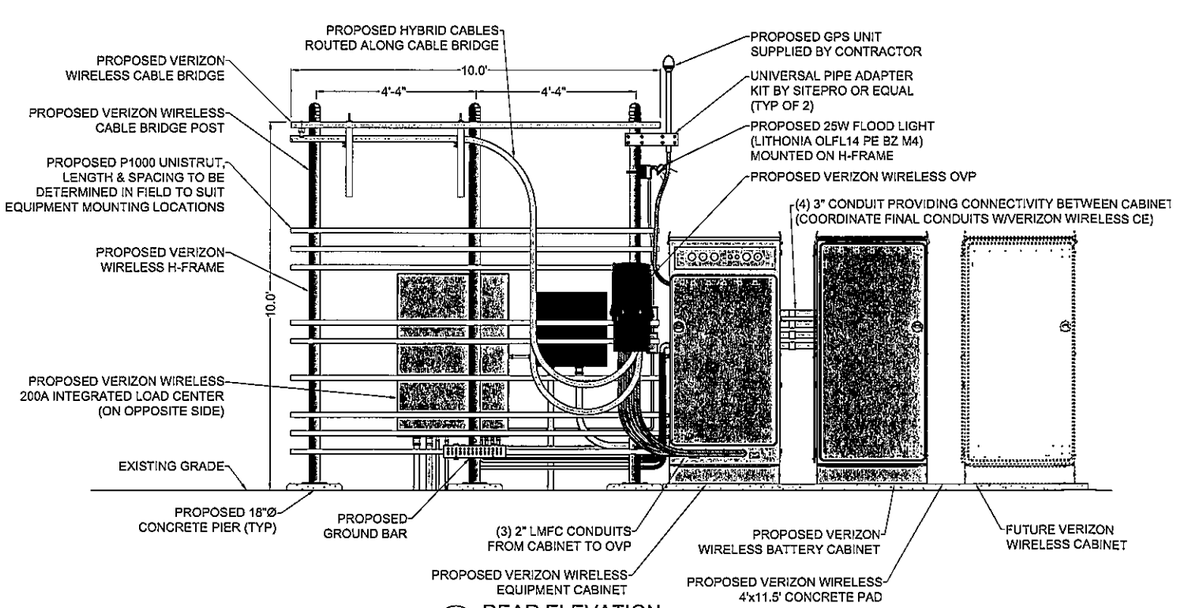
1 CA501 FRONT ELEVATION
SCALE: 1" = 2' (22 x 34 SIZE)
1" = 4' (11 x 17 SIZE)



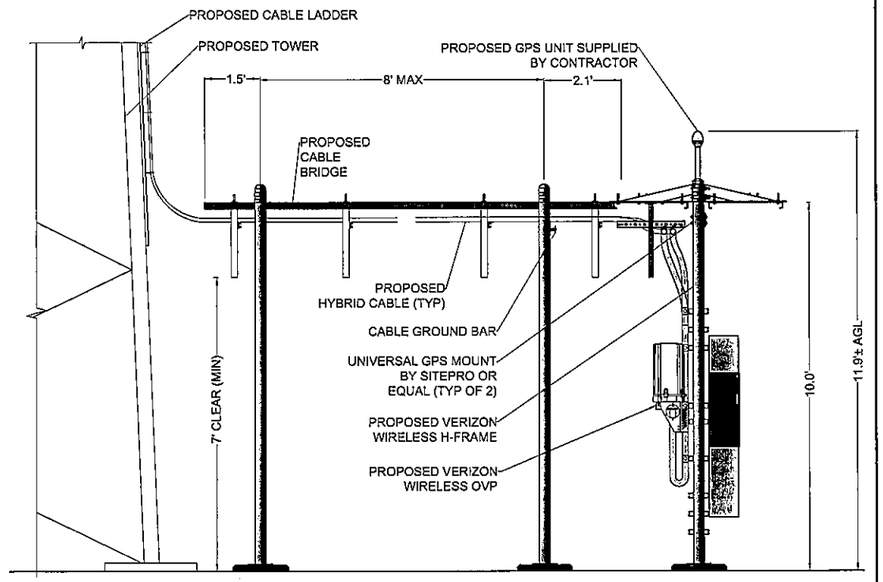
2 CA501 SIDE ELEVATION
SCALE: 1" = 2' (22 x 34 SIZE)
1" = 4' (11 x 17 SIZE)

NOTES:

1. GENERAL CONTRACTOR AND VERIZON WIRELESS SETUP VENDOR TO INSTALL PULL STRINGS IN ALL EQUIPMENT CONDUITS AS APPLICABLE (OVP, ALARM, POWER, FIBER, AND GENERATOR)
2. VERIZON WIRELESS SETUP VENDOR TO ADD PLYWOOD BACKING BOARD INSIDE HOFFMAN BOX.
3. VERIZON WIRELESS SETUP VENDOR TO PROVIDE AND INSTALL CAT6 ETHERNET CABLING FOR ALL ALARM POINTS REQUIRED BY VERIZON WIRELESS STANDARDS.
4. ALL CIVIL SITE WORK (CONDUITS, GROUNDING, CONCRETE) TO BE PERFORMED BY VERIZON WIRELESS GENERAL CONTRACTOR. ALL OTHER WORK TO BE DONE BY OTHERS.



3 CA501 REAR ELEVATION
SCALE: 1" = 2' (22 x 34 SIZE)
1" = 4' (11 x 17 SIZE)



4 CA501 EQUIPMENT ELEVATION
SCALE: 1" = 2' (22 x 34 SIZE)
1" = 4' (11 x 17 SIZE)

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- LANDSCAPE ARCHITECTURE

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ROCHESTER, NY 14608
(585) 458-3020

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STATE OF NEW YORK · MICHAEL O RITCEY · 096194 · LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION

LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

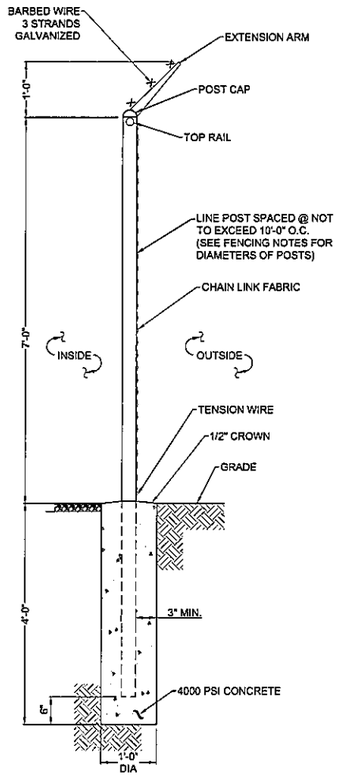
SHEET TITLE

EQUIPMENT ELEVATIONS

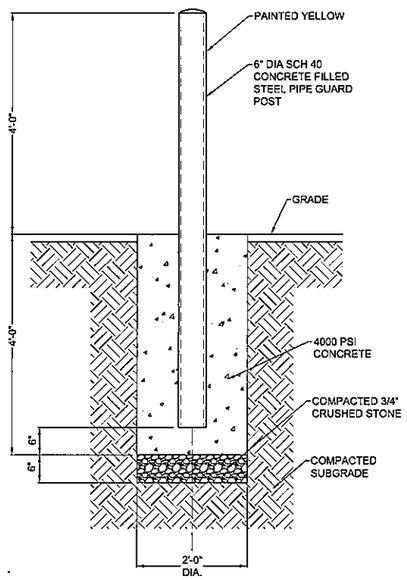
C.E. JOB NUMBER: 8545

SHEET NUMBER: CA501

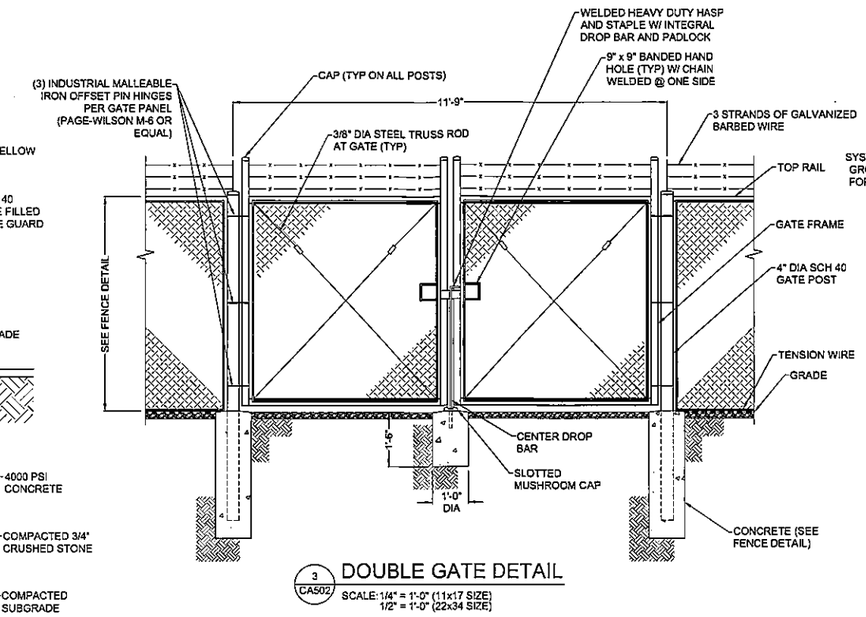
SHEET 09 OF 11



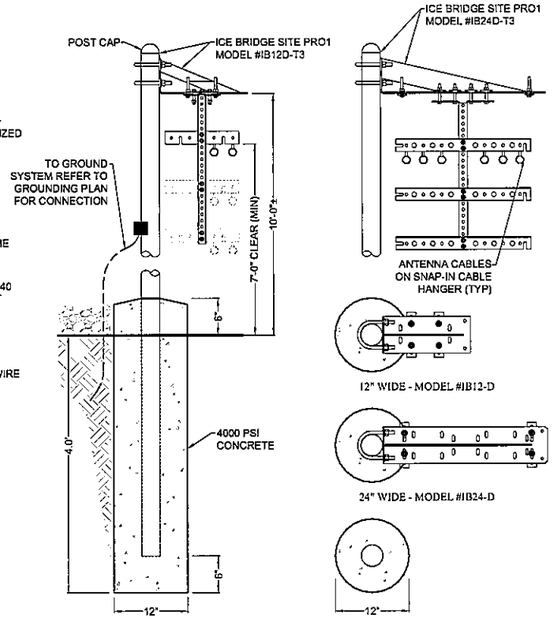
1 CA502 FENCE DETAIL
SCALE: 3/8" = 1'-0" (11x17 SIZE)
3/4" = 1'-0" (22x34 SIZE)



2 CA502 BOLLARD DETAIL
SCALE: 3/8" = 1'-0" (11x17 SIZE)
3/4" = 1'-0" (22x34 SIZE)

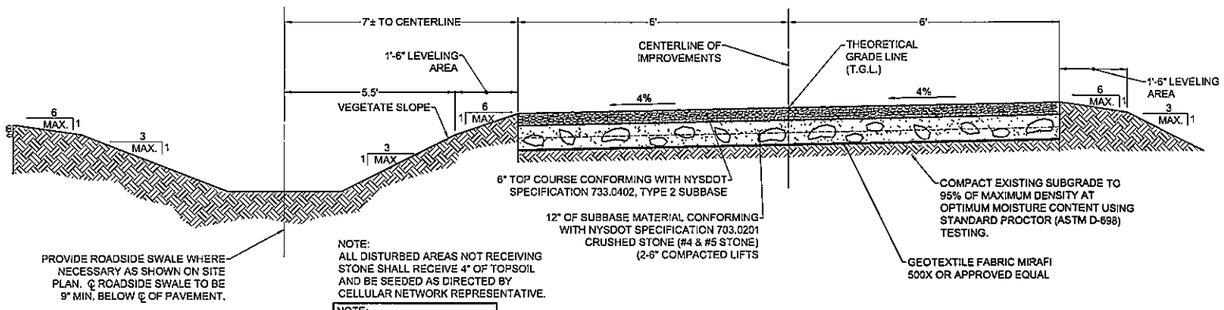


3 CA502 DOUBLE GATE DETAIL
SCALE: 1/4" = 1'-0" (11x17 SIZE)
1/2" = 1'-0" (22x34 SIZE)



SECTION VIEW PLAN VIEW

4 CA502 CABLE BRIDGE DETAIL
SCALE: 1" = 1'-0" (22 x 34 SHEET)
1" = 2'-0" (11 x 17 SHEET)



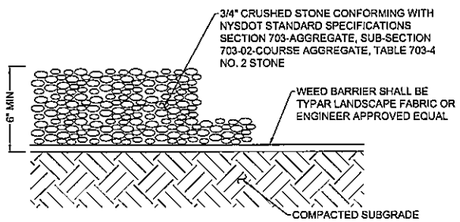
NOTE: ACCESS DRIVE STONE TO BE ACQUIRED FROM N.Y.S.D.O.T. APPROVED QUARRY.

NOTE: SLOPE STABILIZATION TECHNIQUES SUCH AS SURFACE ROUGHENING (SEE NEW YORK GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROL) SHALL BE UTILIZED ON ALL SLOPES GREATER THAN 3:1.

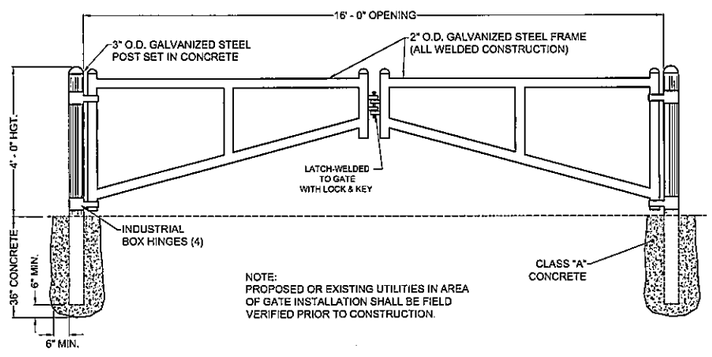
5 CA502 GRAVEL DRIVE CROSS SECTION
SCALE: NTS

EARTH WORK SUBGRADE COMPACTION & SELECT GRANULAR FILL

1. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING & GRUBBING THE CONSTRUCTION SITE AND ROADWAY AREAS. THE CONTRACTOR SHALL COMPLY WITH THE RECOMMENDATIONS CONTAINED WITHIN THE GEOTECHNICAL REPORT, AS PREPARED FOR THIS SITE, WHEN NECESSARY, FOR SITE WORK PREPARATION, & FOUNDATION WORK. AS A MINIMUM THE TOP 3" OF GRADE SHALL BE REMOVED, THE EXPOSED SUBGRADE COMPACTED AND GEOTEXTILE FABRIC INSTALLED AS REQUIRED FOR UNSTABLE SOIL CONDITION.
2. ALL SELECT GRANULAR FILL SHALL BE COMPACTED TO A 95% COMPACTION AT A MAXIMUM DRY DENSITY AS DETERMINED BY MODIFIED PROCTOR TEST (ASTM D-1557) AND WITHIN PLUS OR MINUS 3% OF OPTIMUM MOISTURE CONTENT.
3. CONTRACTOR TO ASSURE THAT EXISTING DRAINAGE PATTERNS ARE MAINTAINED.



6 CA502 GRAVEL SURFACING TREATMENT
SCALE: 1/2" = 1'-0" (11x17 SIZE)
1 1/2" = 1'-0" (22x34 SIZE)



7 CA502 A-FRAME GATE
SCALE: NTS

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WEST HENRIETTA, NEW YORK 14586

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217 LAKE AVENUE ROCHESTER, NY 14608 (585) 458-3032

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STATE OF NEW YORK · MICHAEL O RITCHEY · 098184 · LICENSED PROFESSIONAL ENGINEER

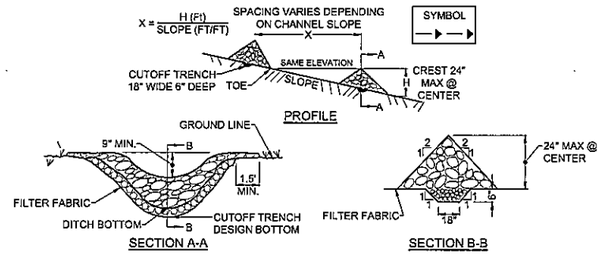
PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION
LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE
SITE DETAILS

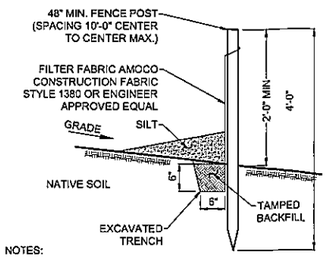
C.E. JOB NUMBER: 8545
SHEET NUMBER: CA502
SHEET 10 OF 11



CONSTRUCTION SPECIFICATIONS

1. STONE WILL BE PLACED ON A FILTER FABRIC FOUNDATION TO THE LINES, GRADES AND LOCATIONS SHOWN IN THE PLAN.
2. SET SPACING OF CHECK DAMS TO ASSUME THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. EXTEND THE STONE A MINIMUM OF 1.5 FEET BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
4. PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.
5. ENSURE THAT CHANNEL APPURTENANCES SUCH AS CULVERT ENTRANCES BELOW CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM DISPLACED STONE.
6. MAXIMUM DRAINAGE AREA 2 ACRES.

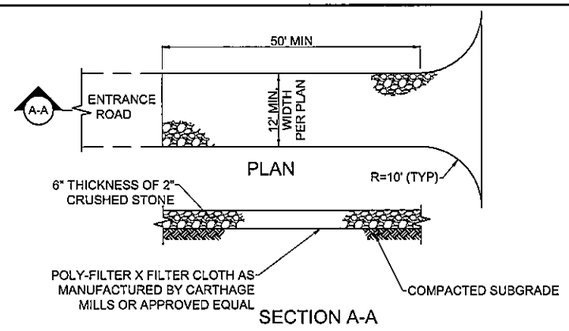
1 / CA503 CHECK DAM DETAIL
SCALE:NTS



NOTES:

1. SILT FENCE SHALL BE MAINTAINED IN PLACE DURING CONSTRUCTION AND SOIL STABILIZATION PERIOD.
2. CONTRACTOR SHALL CONSTRUCT SILT FENCE IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS.
3. EXCAVATE TRENCH 6" WIDE X 6" DEEP. BURY BOTTOM 12" OF FABRIC AND TAMP IN PLACE.
4. WHEN FENCE IS NO LONGER NEEDED, THE ACCUMULATED SILT, ALL THE POSTS AND FABRIC SHALL BE REMOVED AND TRENCH BACK FILLED WITH TOPSOIL AND SEEDED.

2 / CA503 SILT FENCE DETAIL
SCALE:NTS



SECTION A-A

NOTES:

1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET
3. THICKNESS - NOT LESS THAN SIX INCHES
4. WIDTH - 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. IF ACCUMULATED SOIL DOES NOT COME OFF BY WAY OF STABILIZED CONSTRUCTION ENTRANCE, THE CONTRACTOR SHALL KNOCK OFF ACCUMULATED SOIL BY MANUAL METHODS UPSLOPE OF A SILT FENCE BARRIER.
9. SEDIMENT TRAPPING - SILT FENCE BARRIER SHALL BE INSTALLED DOWN SLOPE OF CONSTRUCTION ENTRANCE TO CATCH ANY SEDIMENT THAT COULD POTENTIALLY FALL OFF OF CONSTRUCTION EQUIPMENT AND/OR VEHICLES.
10. PERIODIC INSPECTIONS AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

3 / CA503 STABILIZED CONSTRUCTION ENTRANCE DETAIL
SCALE:NTS

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WEST HENRIETTA, NEW YORK 14586

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STATE OF NEW YORK MICHAEL G RITTER 096184 LICENSED PROFESSIONAL ENGINEER

PROJECT MANAGER: D.A.W.
DRAWN BY: A.J.L.

SITE INFORMATION

LAPLATAVILLE
PROJECT#: 20222346850
LOCATION CODE: 678240

TOWN OF PAVILION
COUNTY OF GENESEE
STATE OF NEW YORK

SHEET TITLE

GRADING & EROSION CONTROL DETAILS

C.E. JOB NUMBER: 8545

SHEET NUMBER: CA503

SHEET 11 OF 11

EXHIBIT Q

verizon

Network Engineering - UPNY
1275 John Street, Suite 100
West Henrietta, New York 14586

February 9, 2023

Planning Board
Town of Pavilion
One Woodrow Drive
Pavilion, New York 14525

RE: Tower Removal Letter
Application for a special use permit and site plan review and approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless ("Verizon Wireless") to construct and operate a 180′ wireless telecommunications tower (plus 4′ lightning rod) and associated improvements on land owned by MB Farms Inc. located at 8135 Black Street Road (S.B.L. # 4-1-8.1) in the Town of Pavilion, Genesee County, New York (Verizon Wireless' "Laplataville" site)

Dear Members of the Planning Board:

Verizon Wireless agrees to remove its facilities and improvements if the proposed wireless telecommunications facility becomes obsolete or ceases to be used for its intended purpose. Removal will occur within twelve (12) months of cessation of use and will submit a renewal bond at the time it applies for a building permit.

Should you have any questions, please do not hesitate to contact me at (585) 321-5446. Thank you for your consideration of our application.

Sincerely,

Katie Jaeckel

Katie Jaeckel
Project Manager

EXHIBIT R

Wetland and Waterbodies Delineation Report

for

VZW LAPLATAVILLE

Town of Pavilion

Genesee County, New York

for

Costich Engineering

EARTH DIMENSIONS, INC.

Soils Investigations • Wetland Delineations

December 19, 2022
EDI Project Code: **W5K22**

REPORT SUMMARIZING
THE RESULTS OF
A WETLAND DELINEATION SURVEY OF

VZW LAPLATVILLE

Prepared for Submission to:

U.S. ARMY CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207

Prepared By:

EARTH DIMENSIONS, INC.
1091 JAMISON ROAD
ELMA, NEW YORK 14059

Prepared For:

DAVE WEISENREDER
COSTICH ENGINEERING
217 LAKE AVENUE
ROCHESTER, NEW YORK 14608
DWEISENREDER@COSTICH.COM
(585) 458-3020

REPORT DATE: December 19, 2022

EDI PROJECT CODE: W5K22

PROJECT INFORMATION

Project Name	VZW Laplataville
Street Address	Black Street Road
SBL Number	4.-1-8.1
Town	Pavilion
County	Genesee
State	New York
Latitude/Longitude (NAD83)	42.93524°N, -77.94305°W
Investigation Area	6± Acres
USGS 7.5 Minute Topographical Map	LeRoy Quadrangle
Waterway	UNT Genesee River
Hydrologic Unit Code	04130103
Date of Delineation	November 11, 2022
Consultant	Earth Dimensions, Inc. 1091 Jamison Road Elma, New York 14059
Point of Contact	Scott Livingstone (716)655-1717 slivingstone@earthdimensions.com
Engineer	Costich Engineering
Property Owner	M-B Farms Inc.
Authority	Section 404
Permit/Letter Being Requested	Jurisdictional Determination

TABLE OF CONTENTS

Appendix E - Wetland Investigation Personnel

EXECUTIVE SUMMARY

Verizon Wireless has proposed the development of a 6± acre parcel located along the north side of Black Street Road in the Town of Pavilion, County of Genesee, and State of New York. Costich Engineering has retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation report that would allow the U.S. Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (NYSDEC) to determine their jurisdictional authority over the investigation area, pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law. The proposed project does not qualify for Bipartisan Infrastructure Law (BIL) funding and consists of the construction of a cellular communications tower.

A preliminary review of available information pertaining to vegetation, soils, and hydrology in the project area was implemented prior to conducting a field investigation at the site. Sources of information included the United States Geological Survey (USGS), Natural Resources Conservation Service (NRCS), National Wetland Inventory (NWI), and NYSDEC Freshwater Wetland maps. The NRCS map indicates the potential for wetlands under federal jurisdiction. All four resource maps indicate the potential for a stream within the investigation area.

EDI applied methodology specified by the Corps of Engineers Wetlands Delineation Manual (January 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region Version 2.0 (January 2012) to perform a delineation of Federal jurisdictional wetlands within the site. EDI identified one (1) wetland area totaling 0.07± acre within the investigation area. The identification number of the wetland, its acreage and boundary flags are as follows:

TABLE 1: WETLAND SUMMARY

Wetland Identification #	Geographic Center (WGS84)		Boundary Flag #	Total Acreage On-site	Wetland Type (Cowardin)	Wetland Type (Reschke)	Jurisdictional Determination
	Latitude	Longitude					
Wetland 1	42.93478	-77.94313	W1-1 through W1-5	0.07±	PFO1B	Hardwood Swamp	Potentially Non-Jurisdictional
Total Wetland Acreage:				0.07±			

TABLE 2: STREAM & DRAINAGE SUMMARY

Stream Identification #	Geographic Center (WGS84)		Waterway	DEC Class	Linear Feet On-site	Highwater Width (Ft)	Flow Regime	Substrate	Classification (Cowardin)	Jurisdictional Determination
	Latitude	Longitude								
Stream 1	42.93458	-77.94387	UNT to Genesee River	C	70 feet	3 to 5	Perennial	Silt, Gravel	R5UBH	Jurisdictional

SECTION I: INTRODUCTION

Costich Engineering has proposed the development of a 6± acre parcel on the north side of Black Street Road in the Town of Pavilion, County of Genesee, and State of New York. The project has been given the name VZW Laplataville and is located on USGS 7.5 minute quadrangle map indexed as LeRoy (Figure 1). The field work was completed on November 11, 2022 using a Trimble Geo 7x GPS to locate wetland and drainage boundaries.

Costich Engineering has retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation study at this site. The investigation was designed to facilitate a determination of the extent of USACE and NYSDEC jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law.

EDI has performed a wetland delineation study at the site under guidelines specified by the *Corps of Engineers Wetlands Delineation Manual*, dated January 1987 (referred to hereafter as the Corps Manual) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region version 2.0* (January 2012) (referred to hereafter as the Northcentral and Northeast Regional Supplement). The purpose of this report is to present EDI's methods, results, conclusions and recommendations with respect to the VZW Laplataville project site.

SECTION II: SITE DESCRIPTION

The VZW Laplataville project area is comprised of a 6± acre irregular shaped investigation area on the north side of Black Street Road and east of Linwood Road which is outlined on Figure 1 and depicted on the Wetland Delineation Map included in Appendix A (Figure 6).

The natural topography of the VZW Laplataville site is flat to gently sloping. The upland within the investigation area consisted of a successional northern hardwoods community. The wetland area was found to consist of a hardwood swamp community. The vegetative communities of the investigation area are described according to *Ecological Communities of New York State* (Edinger et al. 2014).

SECTION III: PRELIMINARY DATA REVIEW

A. SUMMARY OF FINDINGS

Several sources of information may be reviewed to facilitate the completion of a wetland delineation study. In some cases, it is even possible to make a preliminary office wetland determination based upon available vegetation, soils, and hydrologic information for a project area. EDI completed a preliminary review of several data sources at the onset of this study. The results of the review are summarized as follows:

1. USGS 7.5 MINUTE TOPOGRAPHICAL MAP

Figure 1 depicts the VZW Laplataville project site on the LeRoy quadrangle map. The figure depicts the flat to gently sloping topography of the site. A stream was depicted adjacent to the southwest corner of the site.

2. USFWS NATIONAL WETLANDS INVENTORY MAP

The National Wetlands Inventory (NWI) map obtained from the USFWS Wetland Mapper http://www.fws.gov/wetlands/Data/Mapper.html displays one (1) wetland type, R5UBH, within the investigation area. The wetlands can be decoded as:
[R] Riverine, [5] Unknown perennial, [UB] Unconsolidated bottom, [H] Permanently flooded

During the site visit, it was concluded that the perennial stream displayed on the NWI Wetlands Mapper, is actually located to the west of the site before flowing parallel to the road and through an existing culvert under an existing farm lane.

3. NATURAL RESOURCES CONSERVATION SERVICE SOILS MAP

Figure 3 presents the project area outlined on a copy of the Erie County Soil Survey map from the National Cooperative Soil Survey. As shown on that figure, the site has the following soil types:

Soil Conservation Service Legend

Map Unit Symbol	Map Unit Name	Hydric Rating
ApA	Appleton silt loam, 0 to 3% slopes	4
CaA	Canandaigua silt loam, 0 to 2% slopes	95

ClB	Collamer silt loam, 2 to 6% slopes	0
LmB	Lima silt loam, 3 to 8% slopes	1

Appleton Series: The Appleton series consists of very deep, somewhat poorly drained soils formed in calcareous loamy till. They are on low ground moraines and on foot slopes of glaciated hills, ridges, and drumlins. Saturated hydraulic conductivity is moderately high or high in the surface and subsoil, and moderately low or moderately high in the substratum. Slope ranges from 0 to 15 percent. Mean annual temperature is 8 degrees C, and mean annual precipitation is 995 mm.

Canandaigua Series: The Canandaigua series consists of very deep, poorly and very poorly drained soils formed in silty glacio-lacustrine sediments. These soils are on lowland lake plains and in depressional areas on glaciated uplands. Slope ranges from 0 to 3 percent. Mean annual temperature is 49 degrees F. and mean annual precipitation is 39 inches.

Collamer Series: The Collamer series consists of very deep, moderately well drained soils formed in silty glacio-lacustrine sediments. They are on lake plains and till plains that have a thick mantle of lake sediments. Slope ranges from 0 to 25 percent. Mean annual precipitation is about 94 cm, and mean annual air temperature is about 9 degrees C.

Lima Series: The Lima series consists of very deep, moderately well drained soils on till plains. They are nearly level to moderately steep soils formed in till that is strongly influenced by limestone and calcareous shale. The till may be dense. Saturated hydraulic conductivity is moderately high or high within the solum, but is low through moderately high in the underlying substratum. Slope ranges from 0 to 20 percent. Mean annual temperature is 49 degrees F. and mean annual precipitation is 38 inches.

The U.S. Department of Agriculture's National Technical Committee for Hydric Soils Criteria has developed a list of soils that often display hydric soil characteristics. Hydric soil typically forms in places of the landscape where surface water periodically collects for some time and/or where groundwater discharges sufficient to create waterlogged or anaerobic soils. Such anaerobic soils can support the growth and survival of hydrophytic vegetation that is tolerant of such conditions. The Hydric Rating indicates the proportion of map units that meets the criteria for hydric soils. Soil units are designated as "hydric," "predominantly hydric," "partially hydric," "predominantly nonhydric," or

"nonhydric" depending on the hydric rating of its respective components. "Hydric" means that all components listed for a given map unit are rated as being hydric. "Predominantly hydric" means components that comprise 66 to 99 percent of the map unit are rated as hydric. "Partially hydric" means components that comprise 33 to 66 percent of the map unit are rated as hydric. "Predominantly nonhydric" means components that comprise up to 33 percent of the map unit are rated as hydric. "Nonhydric" means that none of the components are rated as hydric. Wetland hydrologic conditions, hydric soils, and hydrophytic vegetation are the three criteria of a wetland.

4. NYSDEC Freshwater Wetlands Map

The NYSDEC Freshwater Wetlands map obtained from the online NYSDEC Environmental Resource Mapper displays a Class C stream in the southwestern portion of the investigation area. After the site visit, it was concluded that this stream is located to the west of the site before flowing parallel to the road and through a culvert under an existing farm lane.

B. RESULTS OF AGENCY INFORMATION REVIEW

The preliminary data review revealed that the Corps may have jurisdiction over wetlands at the project location. The evidence consisted of a potential federally regulated stream on the NWI map (Figure 2) and hydric soils and soils with possible inclusions depicted within the project area as shown on the NRCS map (Figure 3). Therefore, it was considered necessary to perform a field investigation at the site in order to determine the presence of federal and state protected wetlands. The methods specified in the Corps of Engineers Wetlands Delineation Manual (January 1987) and Northcentral and Northeast Regional Supplement Version 2.0 (January 2012) were employed during the field investigation. Procedures, results, and conclusions of the wetland delineation study are presented in the remainder of this report.

SECTION IV: FIELD INVESTIGATION PROCEDURES

WETLANDS:

Step 1

EDI applied methodology specified by the 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region to perform a delineation of Federal jurisdictional wetlands within the site. EDI used the Level 2 Routine Determination method (on-site inspection necessary) since insufficient information was available for making a determination for the entire project area. This methodology is consistent with Part IV, Section D of the Corps Manual.

Step 2

EDI's initial evaluation of the project area revealed that no atypical situations existed. If an atypical situation had existed, EDI would have used methodology outlined in Part IV, Section F of the Corps manual and/or Section 5 of the Northcentral and Northeast Supplement.

Step 3

EDI made the determination that normal environmental conditions were present, as the area was not lacking hydrophytic vegetation or hydrologic indicators due to annual, seasonal or long-term fluctuations in precipitation, surface water, or groundwater levels. The Northcentral and Northeast Supplement defines the growing season as beginning when one of the following indicators of biological activity are evident in a given year: (1) above-ground growth and development of vascular plants and/or (2) soil temperature measured at 12" below ground surface reaches 41°F. The end of the growing season is defined as the point at which deciduous species lose their leaves or the last herbaceous plants cease flowering and their leaves become dry or brown, whichever comes latest.

Step 4

In order to accurately identify the limits of various vegetative communities and extent of wetlands on-site, a routine determination method was used. As depicted in Appendix A and included in Appendix B, four (4) data points were used to characterize the site.

Step 5

The plant community inhabiting each observation point was characterized in accordance with methods specified in the Northcentral and Northeast Regional Supplement. Dominant plant species were identified within four vegetative strata (i.e. herb, sapling/shrub, tree and liana (woody vines) at each sampling point. The Northcentral and Northeast Regional Supplement defines the vegetative strata in the following manner:

Herb – A non-woody individual of a macrophytic species. Seedlings of woody plants (including vines) that are less than 3.28 feet in height are considered to be herbs.

Sapling/Shrub – A layer of vegetation composed of woody plants < 3.0 inches in diameter at breast height but greater than 3.28 feet in height, exclusive of woody vines.

Tree – A woody plant > 3.0 inches in diameter at breast height, regardless of height (exclusive of woody vines)

Liana – A layer of vegetation in forested plant communities that consist of woody vines greater than 3.28 feet in height.

As outlined in the manual, the quadrant sizes used for the vegetative strata were (i) a 3.28-foot radius for herbs; (ii) a ten-foot radius for saplings/shrubs and woody vines; and (iii) a 30-foot radius for trees. Dominant plant species were estimated using aerial coverage methods. Dominant species are defined in the Corps Manual as the most abundant plant species that when ranked in descending order of abundance and cumulatively totaled immediately exceed 50 percent of the total dominance measure for the stratum, plus any additional species comprising 20 percent or more of the total dominance measure.

The wetland indicator status (OBL, FACW, FAC, FACU, or UPL) listed for each identified species by the U.S. Fish and Wildlife Service in the National List of Plant Species that Occur in Wetlands: Northeast (Region 1) was recorded. The U.S. Fish and Wildlife wetland indicator status listings are defined as follows:

OBL – Plants that occur almost always (estimated probability >99 percent) in wetlands under natural conditions, but which may also occur rarely (estimated probability < 1 percent) in nonwetlands.

FACW – Plants that occur usually (estimated probability >67 percent to 99 percent) in wetlands, but also occur (estimated probability 1 percent to 33 percent) in nonwetlands.

FAC – Plants with a similar likelihood (estimated probability 33 percent to 67 percent) of occurring in both wetlands and nonwetlands.

FACU – Plants that occur sometimes (estimated probability 1 percent to <33 percent) in wetlands but occur more often (estimated probability >67 percent to 99 percent) in nonwetlands.

UPL – Plants that occur rarely (estimated probability < 1 percent) in wetlands but occur almost always (estimated probability >99 percent) in nonwetlands under natural conditions.

The plant community data was summarized on the data forms provided in the Northcentral and Northeast Regional Supplement included in this report as Appendix B.

Step 6

Plant data from each observation point were tested against the hydrophytic vegetation criterion specified in the Corps Manual and Northcentral and Northeast Regional Supplement. The Northcentral and Northeast Regional Supplement identifies a four-tiered approach for making a determination of whether or not the hydrophytic vegetation criteria is met for a sample plot. Indicator 1 (Rapid Test for Hydrophytic Vegetation) was first applied to determine if all dominant species across all strata are rated OBL and/or FACW. If Indicator 1 did not meet the hydrophytic vegetation criteria, Indicator 2 was then applied (dominance test); if greater than 50% of all plant species across all strata were rated OBL, FACW, or FAC, the hydrophytic vegetation criteria was considered met. In rare cases, when Indicators 1 and 2 did not meet the hydrophytic vegetation criteria but soils and hydrology criteria were met, Indicators 3 (Prevalence Index) and 4 (Morphological Adaptations) were used to make a final determination. All observation points that met the hydrophytic vegetation criterion were considered potential wetlands. Soils were then characterized.

Step 7

The Corps Manual specifies that soils need not be characterized (and are assumed hydric soils) at sampling points meeting the hydrophytic vegetation criterion if: (i) all dominant plant species have an indicator status of OBL, or (ii) all dominant species have an indicator status of OBL and/or FACW, and the wetland boundary is abrupt (at least one dominant OBL species must be present). All observation points sampled during this field investigation were examined directly for soil and hydrologic characteristics.

Step 8

At observation points requiring a soil evaluation, soil borings were performed by an EDI Soil Scientist using methods specified in the Northcentral and Northeast Regional Supplement. Soil pits were dug using a tile spade. Testpits were generally dug to a depth of 20 inches below ground surface. Soils were examined for any of the hydric soil indicators, as outlined in the Field Indicators of Hydric Soils in the United States. A determination was made as to whether or not the hydric soil criterion was met. Soils data was recorded on the data forms included in Appendix B of this report.

Step 9

EDI's Soil Scientist examined hydrologic indicators using methods specified by the Northcentral and Northeast Regional Supplement at each observation point. The wetland hydrology criterion was met if: (i) one or more primary field indicators was materially present, (ii) available hydrologic records provided necessary evidence, or (iii) two or more secondary indicators were present. Results were recorded on data forms taken from the Corps Manual and are included in this report as Appendix B.

Step 10

A wetland determination was made for every observation point. If a sample plot met the hydrophytic vegetation, hydric soil, and wetland hydrology criteria, the area was considered to be wetland.

Step 11

Based on the results of the transected data, wetland boundaries were established for each identified wetland using survey ribbon labeled "wetland delineation" and numbered consecutively along each wetland boundary. As outlined in the Corps Manual, the placement of flags was based on the limits of areas where all three parameters were met. Wetland flags were labeled W1-1 through W1-5.

STREAMS & DRAINAGES:

The federally regulated Ordinary High Water (OHW) mark of streams within the Project area were delineated utilizing the definitional criteria as presented in Title 33, Code of Federal Regulations, Part 328, and the USACE Regulatory Guidance Letter 05-05 – Guidance on Ordinary

High Water Mark Identification. Each stream is categorized in regard to its flow regime as perennial, intermittent, or ephemeral, as defined by the USACE. The Ordinary High Water (OHW) mark for each stream is surveyed using the handheld Garmin GPSmap 62s. Each stream is assigned a letter designation, and survey points are numbered consecutively. Substrate characteristics and water depth are noted. Streams classified as AA, A, B, C, C(t), C(ts) and D in the State of New York are regulated by NYSDEC under Article 15 Use and Protection of Waters. Streams are given classifications which designate the level of protection afforded to each waterbody. Class AA and A are assigned to sources of drinking water. Class B streams are best suited for swimming and other contact recreation, but not drinking water. Class C streams identify waters that support fishing and non-contact activities. A classification with (t) designated a stream with the potential to support trout populations. A classification of (ts) identifies waters that may support trout spawning. Class D waters are the lowest classification and are often highly imperiled.

SECTION V: RESULTS AND CONCLUSIONS

Earth Dimensions, Inc. (EDI) has completed a wetland delineation study at the VZW Laplataville site located in the Town of Pavilion, County of Genesee, and State of New York. A field investigation was conducted by a Soil Scientist and a Wetland Ecologist from EDI. The wetland delineation study identified one (1) wetlands totaling 0.07± acre present within the VZW Laplataville site. No streams or waterbodies were identified within the investigation area.

Figure 5 depicts the vegetative communities as they existed at the time of the investigation. The uplands within the investigation area were comprised of a successional northern hardwoods community. The wetland areas were found to consist of a hardwood swamp community. The vegetative communities of the investigation area are described according to Ecological Communities of New York State (Edinger et al. 2014).

The successional northern hardwood community was dominated by the following species: red oak (*Quercus rubra*), tatarian honeysuckle (*Lonicera tatarica*), black raspberry (*Rubus occidentalis*), white ash (*Fraxinus americana*), garlic mustard (*Alliaria petiolata*), summer grape (*Vitis aestivalis*), black walnut (*Juglans nigra*), white oak (*Quercus alba*), yellow avens (*Geum aleppicum*), flowering raspberry (*Rubus odoratus*), common buckthorn (*Rhamnus cathartica*), and white heath aster (*Symphyotrichum ericoides*).

Wetland W1 is a 0.07± acre hardwood swamp dominated by American elm (*Ulmus americana*), swamp white oak (*Quercus bicolor*), green ash (*Fraxinus pennsylvanica*), and calico aster (*Symphyotrichum lateriflorum*). Soils within wetland W1 are mapped as Canandaigua silt loam and had a topsoil color of 10YR3/1 with 3% 10YR5/8 mottles and a subsoil color of 10YR5/1 with 15% 10YR5/8 mottles. The texture is silt loam. This soil fits the NRCS F3 indicator (Depleted Matrix) and F6 indicator (Redox Dark Surface). Hydrology indicators present in Wetland W1 included Water Marks (B1) and Water-Stained Leaves (B9). It is EDI's professional opinion that Wetland W1 is not Federally jurisdictional under the currently applicable Rapanos Rule due to a lack of significant nexus to a traditionally navigable water.

SECTION VI: RECOMMENDATIONS

One (1) wetland area was identified during the course of a field investigation based upon the three-parameter technique (vegetation, soils, and hydrology) outlined in the Corps Manual and Northcentral and Northeast Regional Supplement. It is EDI's professional opinion that the wetland area is not regulated by the USACE under Section 404 of the Clean Water Act or Article 24 of the New York Conservation Law. USACE and NYSDEC approach their regulatory analyses by first considering avoidance of wetlands and minimization of wetland losses. EDI recommends the following:

(1) If no impacts are proposed to federal regulated wetlands or streams, it is the professional opinion of EDI that the project may proceed without the need for a Section 404 Permit.

(2) If any federal jurisdictional wetland impacts are proposed, it is EDI's recommendation that a Joint Application for Permit and supporting documentation be submitted to the USACE with a request for a Section 404 Permit.

VZW LAPLATAVILLE

APPENDIX A - FIGURES

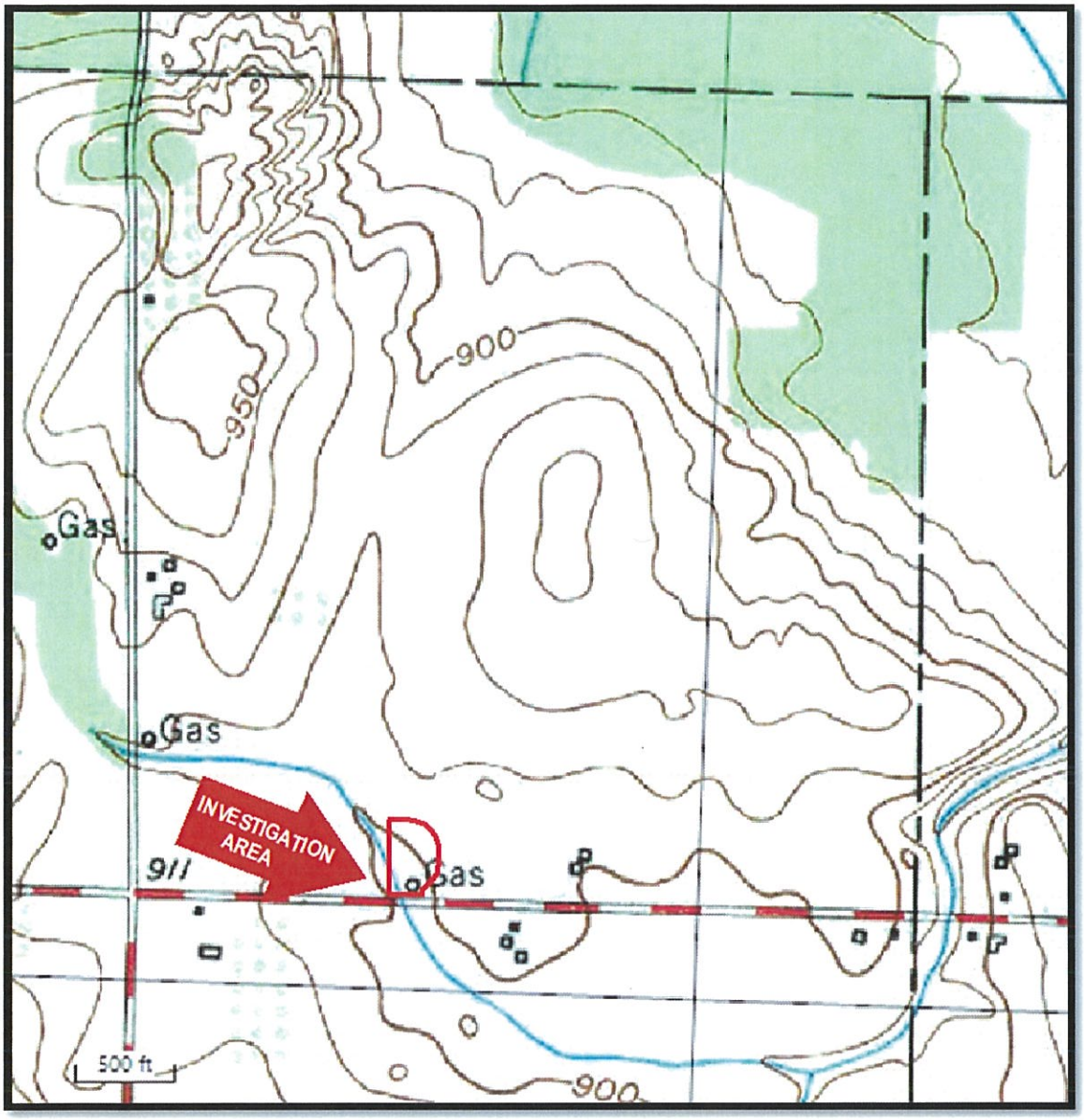


FIGURE 1: USGS 7.5 MINUTE TOPOGRAPHICAL MAP

LeRoy Quadrangle / U.S. Geological Survey

VZW Laplataville

Town of Pavilion, Genesee County, New York

FIGURE 2: NATIONAL WETLANDS INVENTORY MAP

http://www.fws.gov/wetlands/data/mapper.HTML (Visited 11/11/22)

VZW Laplataville

Town of Pavilion, Genesee County, New York

Hydric Rating by Map Unit—Genesee County, New York
(Invest Area)

Map Scale: 1:1,450 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 20 40 80 120

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Lines
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Points
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Genesee County, New York
Survey Area Data: Version 23, Sep 10, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 3, 2021—Nov 7, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
ApA	Appleton silt loam, 0 to 3 percent slopes	4	0.2	2.7%
CaA	Canandaigua silt loam, 0 to 2 percent slopes	95	2.3	27.4%
CIB	Collamer silt loam, 2 to 6 percent slopes	0	0.0	0.0%
LmB	Lima silt loam, 3 to 8 percent slopes	1	6.0	69.9%
Totals for Area of Interest			**8.5**	**100.0%**

FIGURE 4: NYSDEC ENVIRONMENTAL RESOURCE MAPPER

https://gisservices.dec.ny.gov/gis/erm/ (Visited 11/11/22)

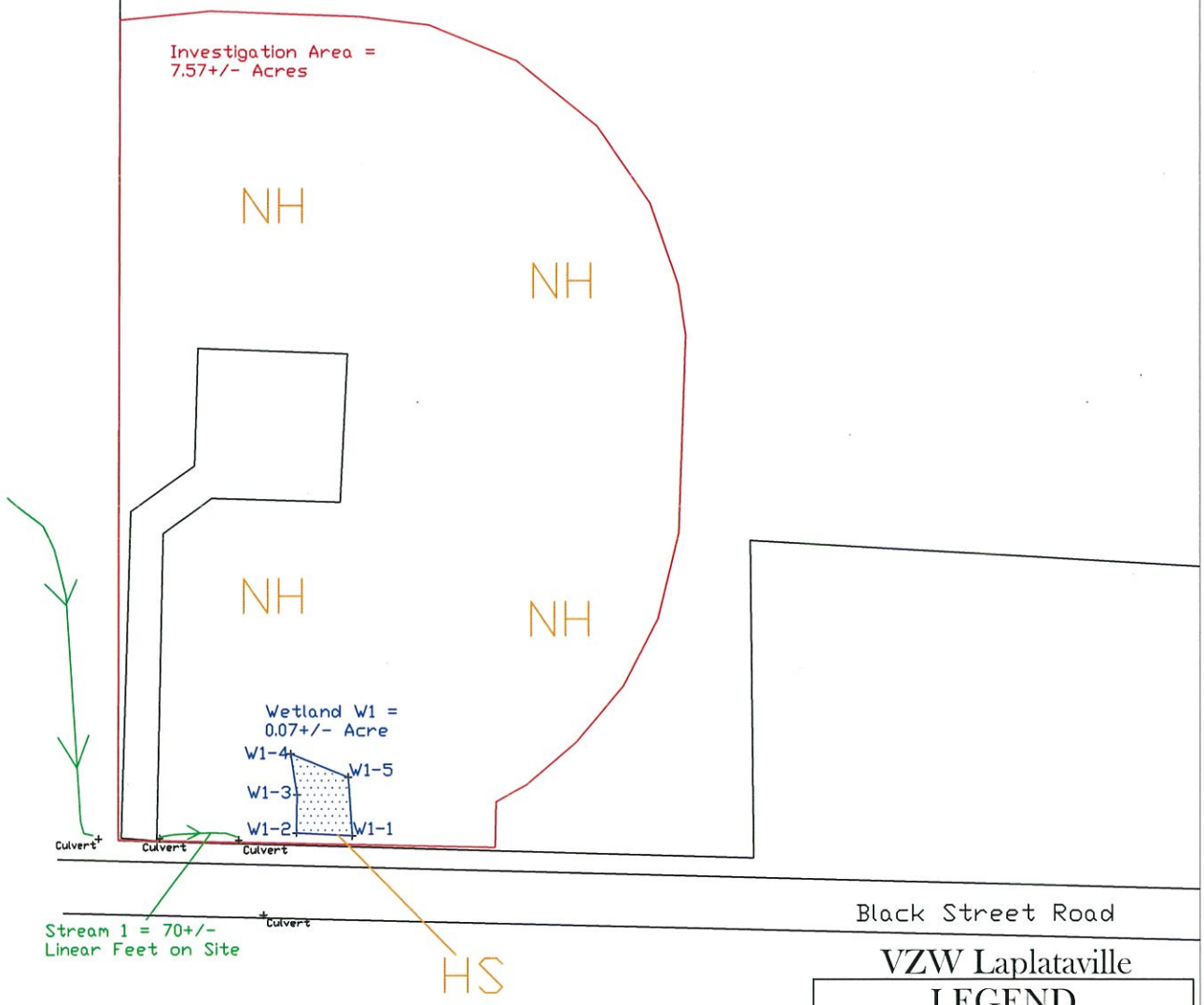
VZW Laplataville

Town of Pavilion, Genesee County, New York

Figure 5: General Vegetation Map

Town of Pavilion Genesee County, New York

EARTH DIMENSIONS, INC.
1091 Jamison Road | Elma, NY 14059
(716) 655-1717 | www.earthdimensions.com



VZW Laplataville

LEGEND

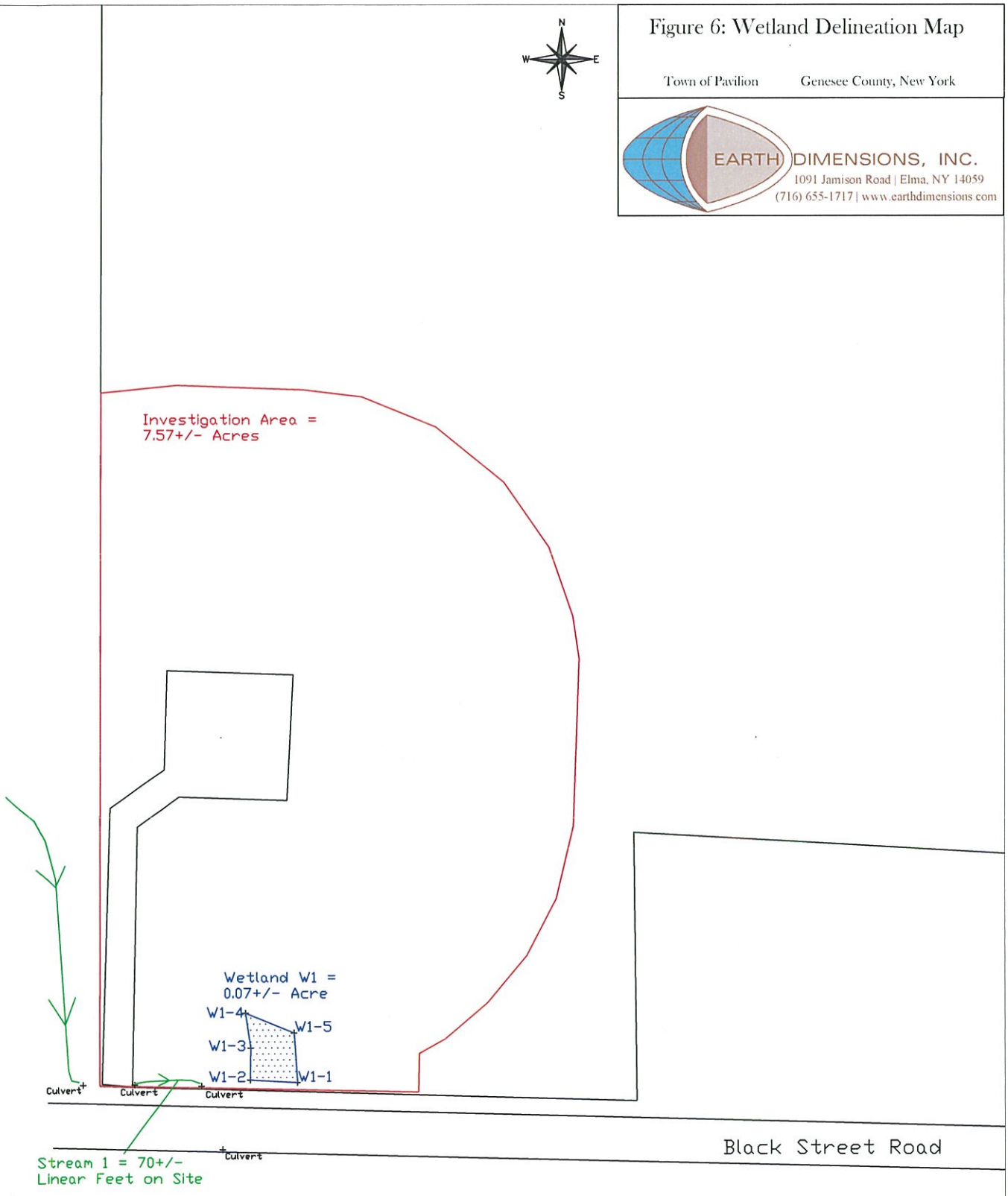
- Limits of Investigation
- Community Boundary
- W1-1 Wetland Boundary Flag
- Wetland Area
- NH Northern Hardwood
- HS Hardwood Swamp

Scale: 0 100' 200'
Map Date: November 11, 2022/ TJS for EDI Revised:
Base Map Provided By: Trimble Geo 7X GPS
File Name: Delineation map.dwg
EDI Project Code: W5K22

Figure 6: Wetland Delineation Map

Town of Pavilion Genesee County, New York

EARTH DIMENSIONS, INC.
1091 Jamison Road | Elma, NY 14059
(716) 655-1717 | www.earthdimensions.com



VZW Laplataville

LEGEND

- Limits of Investigation
- Drainages
- W1-1 Wetland Boundary Flag
- Wetland Area
- Proposed Project Layout

Scale: 0 100' 200'
Map Date: November 11, 2022/ TJS for EDI Revised:
Base Map Provided By: Trimble Geo 7X GPS
File Name: Delineation map.dwg
EDI Project Code: W5K22

FIGURE 7: DRAINAGE MAP

https://streamstats.usgs.gov/ss/ (Visited 11/11/22)

VZW Laplataville

Town of Pavilion, Genesee County, New York

FIGURE 8: SITE AERIAL PHOTOGRAPH

https://gis.erie.gov/Html5Viewer133/index.html?viewer=ErieCountyNY.HTML5_2_11_0

VZW Laplataville

Town of Pavilion, Genesee County, New York

Figure 9: Aerial Photo With Wetlands

GoogleEarth.com (Visited 11/11/22)

VZW Laplataville

Town of Pavilion, Genesee County, New York

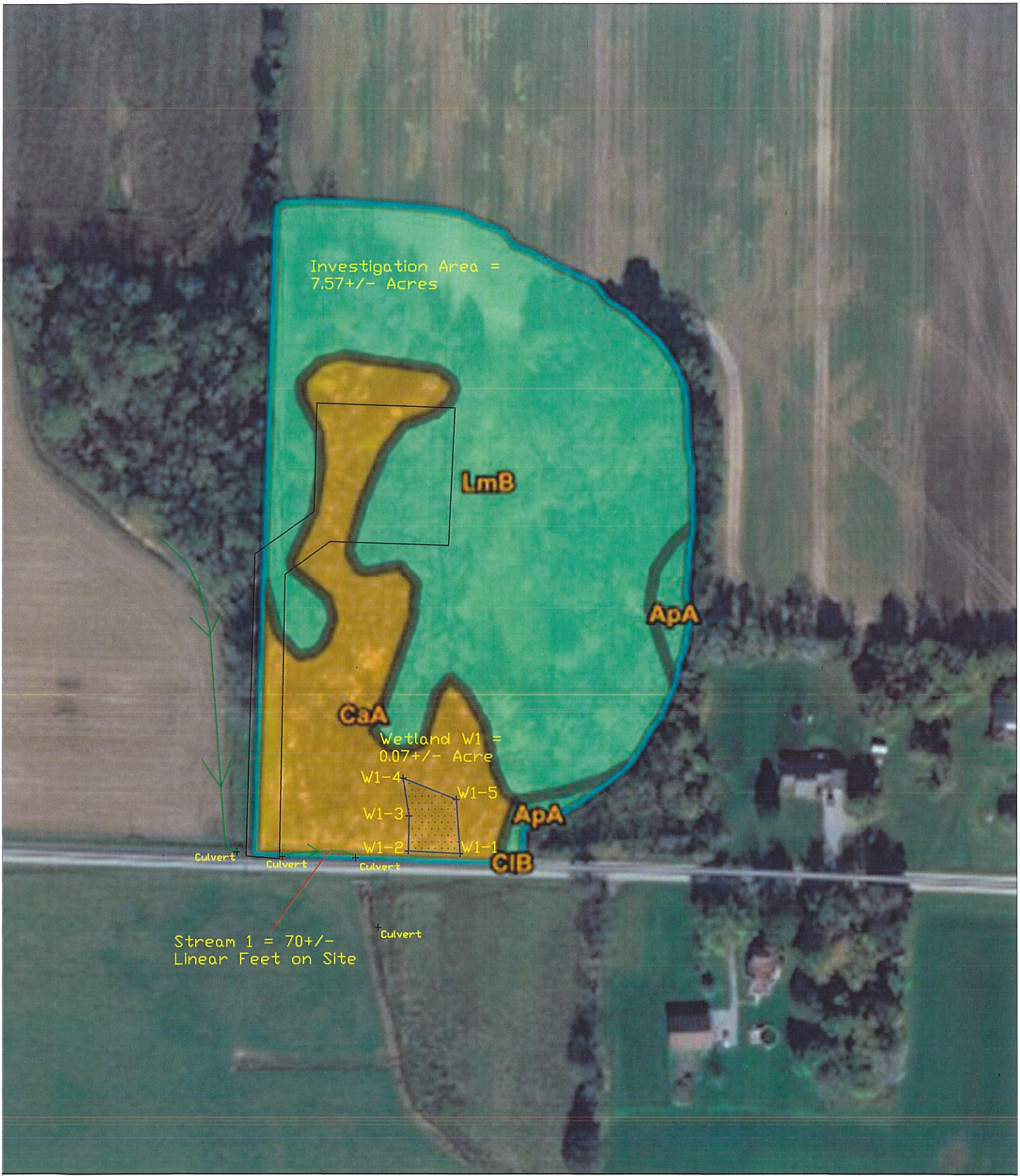


Figure 10: Soils Map With Wetlands

GoogleEarth.com (Visited 11/11/22)

VZW Laplataville

Town of Pavilion, Genesee County, New York

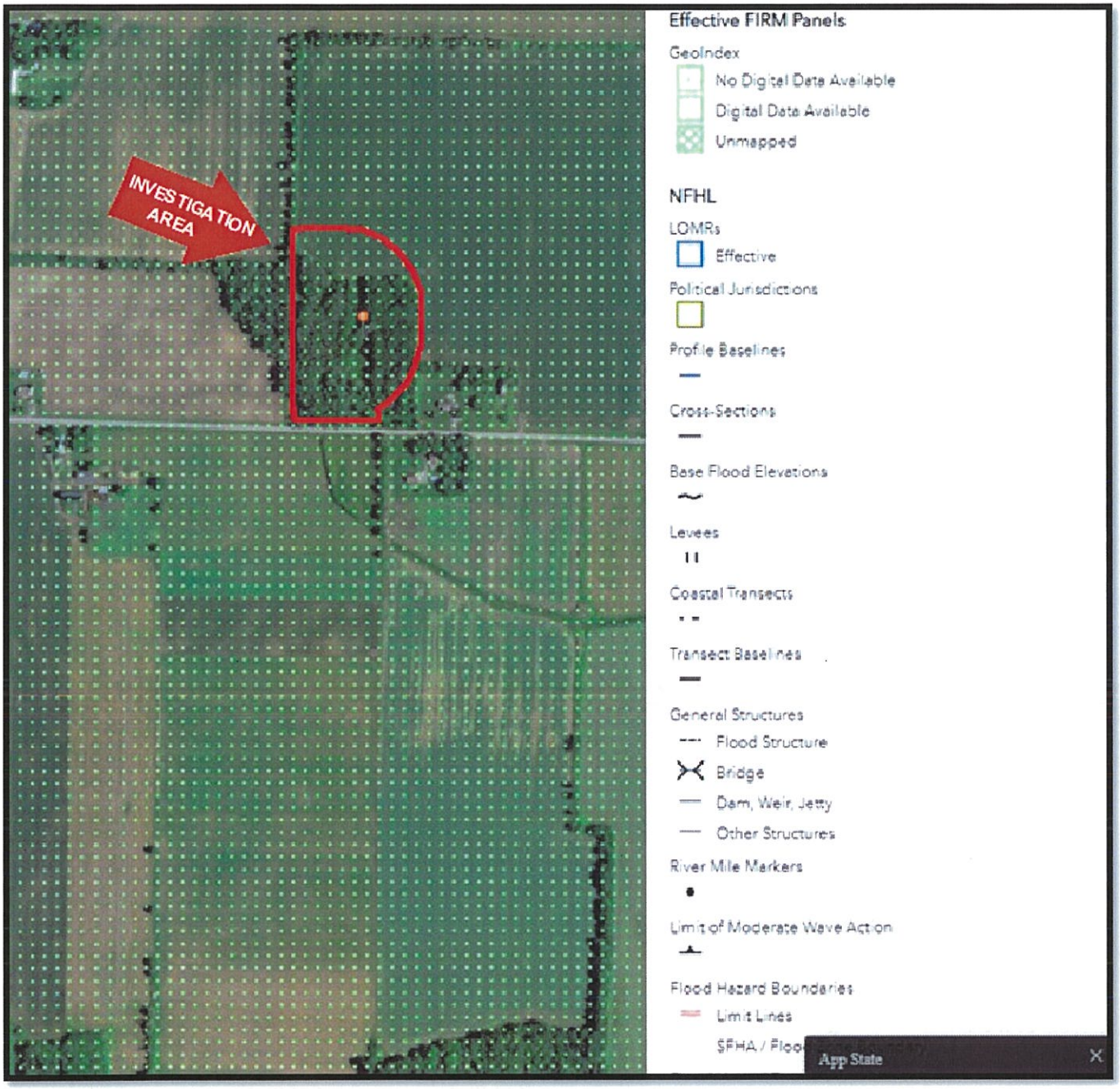


FIGURE 11: FEMA FLOODPLAIN MAP

https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd

(Visited 11/11/22)

VZW Laplataville

Town of Pavilion, Genesee County, New York

VZW LAPLATAVILLE

APPENDIX B – DATA SHEETS

Project Code: W5K22

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: VZW Laplataville – Black Street Road Town/County: Pavilion/Genesee County Sampling Date: November 11, 2022

Applicant/Owner: Costich Engineering State: New York Sampling Point: D1

Investigator(s): Scott Livingstone & Tom Sommerville Section, Township, Range: 4-1-8.1

Landform (hillslope, terrace, etc.): Till Plain Local relief (concave, convex, none): CONVEX Slope (%): 5

Subregion (LRR or MLRA) LRRR Lat: Long: Datum: NAD83

Soil Map Unit Name: LIMA SILT LOAM, 3-8% SLOPES NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	Is the Sampled Area within a Wetland? Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	If yes, optional Wetland Site ID: N/A

Remarks: (Explain alternative procedures here or in a separate report.)

UPLAND WOODS (PROPOSED CELL TOWER LOCATION)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): N/A
Water Table Present?	Yes ____	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes ____	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: W5K22

VEGETATION : Use scientific names of plants. Sampling Point: D1

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Fraxinus americana	40	Y	FACW
2. Quercus rubra	15	Y	FACU
3. Ulmus americana	10	N	FACW
4.			
5.			
6.			
7.			
	65	= Total Cover	

Sapling/Shrub Stratum (Plot size: 15')			
1. Lonicera tatarica	60	Y	FACU
2. Prunus pensylvanica	5	N	FACU
3. Fraxinus americana	5	N	FACW
4.			
5.			
6.			
7.			
	70	= Total Cover	

Herb Stratum (Plot size: 5')			
1. Rubus occidentalis	15	Y	UPL
2. Alliaria petiolata	12	Y	FACU
3. Lonicera tatarica	5	N	FACU
4. Polygonum virginianum	3	N	FAC
5. Fragaria virginiana	3	N	FACU
6. Solidago juncea	2	N	FACU
7.			
8.			
9.			
10.			
11.			
12.			
	40	= Total Cover	

Woody Vine Stratum (Plot size: 30')			
1. Vitis aestivalis	15	Y	FACW
2.			
3.			
4.			
	15	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	–	x 1 =	–
FACW species	–	x 2 =	–
FAC species	3	x 3 =	9
FACU species	172	x 4 =	688
UPL species	15	x 5 =	75
Column Totals:	190 (A)		772 (B)

Prevalence Index = B/A = 4.06

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is < 3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: Successional N. Hardwoods

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # P1 Direction of Photo Southwest

Project Code: W5K22

SOIL

Sampling Point: D1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-8	10YR 4/3	100					gr. l	
8-20	10YR 5/4	100					gr l	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR R, MLRA 149B)**
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ Coast Prairie Redox (A16) **(LRR K, L, R)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Dark Surface (S7) **(LRR K, L, M)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Mesic Spodic (TA6) **(MLRA 144A, 145, 149B)**
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: NONE

Depth (inches): N/A

Hydric Soil Present? Yes ____ No X

Remarks:

Project Code: W5K22

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: VZW Laplataville – Black Street Road Town/County: Pavilion/Genesee County Sampling Date: November 11, 2022

Applicant/Owner: Costich Engineering State: New York Sampling Point: DZ

Investigator(s): Scott Livingstone & Tom Sommerville Section, Township, Range: 4,-1-8.1

Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): CONVEX Slope (%): 7

Subregion (LRR or MLRA) LRRR Lat: Long: Datum: NAD83

Soil Map Unit Name: CANANDAIGUA SILT LOAM, 0-2% Slopes NW I classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	If yes, optional Wetland Site ID: N/A

Remarks: (Explain alternative procedures here or in a separate report.)

UPLAND WOODS

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches): N/A
Water Table Present?	Yes ____	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes ____	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: W5K22

VEGETATION : Use scientific names of plants.

Sampling Point: D2

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Juglans nigra	30	Y	FACU
2. Quercus alba	20	Y	FACU
3.			
4.			
5.			
6.			
7.			
	50 = Total Cover		

Sapling/Shrub Stratum (Plot size: 15')			
1. Lonicera tatarica	45	Y	FACU
2. Fraxinus americana	35	Y	FACU
3. Prunus pensylvanica	5	N	FACU
4.			
5.			
6.			
7.			
	80 = Total Cover		

Herb Stratum (Plot size: 5')			
1. Rubus occidentalis	20	Y	UPL
2. Geum aleppicum	10	Y	FAC
3. Rubus odoratus	10	Y	UPL
4. Solidago canadensis	9	N	FACU
5. Symphyotrichum cordifolius	3	N	FACU
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	52 = Total Cover		

Woody Vine Stratum (Plot size: 30')			
1. Vitis aestivalis	16	Y	FACU
2.			
3.			
4.			
	16 = Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 13% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	—	x 1 =	—
FACW species	—	x 2 =	—
FAC species	10	x 3 =	30
FACU species	163	x 4 =	652
UPL species	30	x 5 =	150
Column Totals:	203 (A)		832 (B)

Prevalence Index = B/A = 4.09

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- ___ 2 - Dominance Test is >50%
- ___ 3 - Prevalence Index is ≤ 3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: Successional N. Hardwood

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # P2 Direction of Photo South

Project Code: W5K22

SOIL

Sampling Point: D2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-7	10YR4/3	100					grl	
7-16	10YR5/4	100					grl	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR R, MLRA 149B)**
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ Coast Prairie Redox (A16) **(LRR K, L, R)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Dark Surface (S7) **(LRR K, L, M)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Mesic Spodic (TA6) **(MLRA 144A, 145, 149B)**
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: NONE

Depth (inches): N/A

Hydric Soil Present? Yes ____ No X

Remarks:

Project Code: W5K22

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: VZW Laplataville -- Black Street Road Town/County: Pavilion/Genesee County Sampling Date: November 11, 2022

Applicant/Owner: Costich Engineering State: New York Sampling Point: D3

Investigator(s): Scott Livingstone & Tom Sommerville Section, Township, Range: 4-1-8.1

Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): CONCAVE Slope (%): 0

Subregion (LRR or MLRA) LRRR Lat: _____ Long: _____ Datum: NAD83

Soil Map Unit Name: CANANDAIGUA SILT LOAM, 0-2% Slopes NWI classification: PFO

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No _____	Is the Sampled Area within a Wetland? Yes X No _____
Hydric Soil Present?	Yes X	No _____	
Wetland Hydrology Present?	Yes X	No _____	If yes, optional Wetland Site ID: W1

Remarks: (Explain alternative procedures here or in a separate report.)

• W1-1 → W1-5 (CLOSED)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- X Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No X	Depth (inches): N/A
Water Table Present?	Yes ___	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes ___	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: W5K22

VEGETATION: Use scientific names of plants. Sampling Point: D3

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Ulmus americana	30	Y	FACW
2. Quercus bicolor	30	Y	FACW
3. Fraxinus pennsylvanica	5	N	FACW
4.			
5.			
6.			
7.			
	65	= Total Cover	

Sapling/Shrub Stratum (Plot size: 15')			
1. Ulmus americana	20	Y	FACW
2. Fraxinus pennsylvanica	15	Y	FACW
3.			
4.			
5.			
6.			
7.			
	35	= Total Cover	

Herb Stratum (Plot size: 5')			
1. Symphyotrichum lateriflorum	45	Y	FAC
2. Lysimachia nummularia	8	N	FACW
3. Glyceria striata	3	N	OBL
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	56	= Total Cover	

Woody Vine Stratum (Plot size: 30')			
1.			
2.			
3.			
4.			
		= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species	x 1 =
FACW species	x 2 =
FAC species	x 3 =
FACU species	x 4 =
UPL species	x 5 =
Column Totals: (A)	(B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:

- __ 1 - Rapid Test for Hydrophytic Vegetation
- X 2 - Dominance Test is >50%
- __ 3 - Prevalence Index is < 3.0[1]
- __ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- __ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: Hardwood Swamp

Hydrophytic Vegetation Present? Yes X No __

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # P3 Direction of Photo North

Wetland W1

Project Code: W5K22

SOIL

Sampling Point: D3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-6	10YR 3/1	97	10YR 5/8	3	C	M	S.L	
6-16	10YR 5/1	85	10YR 5/8	15	C	M	S.L	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) (**LRR R, MLRA 149B**)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L, M**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: NONE

Depth (inches): N/A

Hydric Soil Present? Yes X No ___

Remarks:

Project Code: W5K22

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: VZW Laplataville – Black Street Road Town/County: Pavilion/Genesee County Sampling Date: November 11, 2022

Applicant/Owner: Costich Engineering State: New York Sampling Point: D4

Investigator(s): Scott Livingstone & Tom Sommerville Section, Township, Range: 4-1-8.1

Landform (hillslope, terrace, etc.): Till Plain Local relief (concave, convex, none): CONVEX Slope (%): 2

Subregion (LRR or MLRA) LRRR Lat: Long: Datum: NAD83

Soil Map Unit Name: CANANDAIGUA SILT LOAM, 0-2% Slopes NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____ No X	**Is the Sampled Area within a Wetland?**	Yes ____ No X
Hydric Soil Present?	Yes ____ No X		
Wetland Hydrology Present?	Yes ____ No X	If yes, optional Wetland Site ID:	N/A

Remarks: (Explain alternative procedures here or in a separate report.)

UPLAND WOODS

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required: check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____ No X	Depth (inches):	N/A
Water Table Present?	Yes ____ No X	Depth (inches):	N/A
Saturation Present? (includes capillary fringe)	Yes ____ No X	Depth (inches):	N/A

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: W5K22

VEGETATION : Use scientific names of plants.

Sampling Point: D4

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Fraxinus americana	50	Y	FACU
2.			
3.			
4.			
5.			
6.			
7.			
	50 = Total Cover		

Sapling/Shrub Stratum (Plot size: 15')			
1. Lonicera tatarica	45	Y	FACU
2. Rhamnus cathartica	25	Y	FAC
3. Fraxinus americana	10	N	FACU
4.			
5.			
6.			
7.			
	80 = Total Cover		

Herb Stratum (Plot size: 5')			
1. Symphyotrichum ericoides	7	Y	FACU
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	7 = Total Cover		

Woody Vine Stratum (Plot size: 30')			
1. Vitis aestivalis	25	Y	FACU
2.			
3.			
4.			
	25 = Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 20% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species —	x 1 = —
FACW species —	x 2 = —
FAC species 25	x 3 = 75
FACU species 137	x 4 = 548
UPL species —	x 5 = —
Column Totals: 162 (A)	623 (B)

Prevalence Index = B/A = 3.84

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is < 3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: Successional N. Hardwood

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # P4 Direction of Photo West

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SOIL

Sampling Point: D4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-7	10YR4/2	100					S:L	
7-20	10YR5/4	85	10YR5/6	15	C	M	S:L	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) **(LRR R, MLRA 149B)**
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ Coast Prairie Redox (A16) **(LRR K, L, R)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Dark Surface (S7) **(LRR K, L, M)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Mesic Spodic (TA6) **(MLRA 144A, 145, 149B)**
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: NONE

Depth (inches): N/A

Hydric Soil Present? Yes _____ No X

Remarks:

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APPENDIX C - SITE PHOTOGRAPHS

Photo 1: Facing southwest. Depicts the northern hardwood community of data point D1.

Photo 2: Facing south. Depicts the northern hardwood community of data point D2.

Photo 3: Facing north. Depicts the hardwood swamp community of W1 at data point D3.

Photo 4: Facing west. Depicts the northern hardwood community of data point D4.

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APPENDIX D - REFERENCES

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APPENDIX E - WETLAND INVESTIGATION PERSONNEL

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June 1, 2023

VIA FEDERAL EXPRESS

Planning Board
Town of Pavilion
One Woodrow Drive
Pavilion, New York 14525

RE: Application for a special use permit and site plan review and approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless ("Verizon Wireless") to construct and operate a 180′ wireless telecommunications tower (plus 4′ lightning rod) and associated improvements on land owned by MB Farms Inc. located at 8135 Black Street Road (S.B.L. # 4-1-8.1) in the Town of Pavilion, Genesee County, New York (Verizon Wireless' "Laplataville" site)

Dear Members of the Planning Board:

By application dated February 9, 2023, Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless ("**Verizon Wireless**"), submitted the above-referenced Application (the "**Application**") to the Town of Pavilion Planning Board (the "**Town**") for the above-referenced project (the "**Project**"). On February 8, 2023, a moratorium was imposed by the Town Board.

In correspondence dated April 26, 2023, Town Attorney Boylan informed us that the Town Board was in the process of adopting an updated Wireless Telecommunications Tower Law (the "**Revised Code**") and that the only material change proposed was a 3X tower height setback from adjacent residences (the "**Tower Setback**"). Since Verizon Wireless' proposed tower does not meet the Tower Setback, the language of the Revised Code provided by Mr. Boylan authorizes the Tower Setback to be waived by the owner of the adjacent home.

Enclosed as Exhibit S (lettered to follow Exhibits A-R previously submitted with the Application) is a letter from Ms. Brenda Uberty, the owner of the residence that is located approximately 518′ from the proposed 180′ tower waiving the Tower Setback as authorized by the Revised Code.

Should the Planning Board have any additional questions, kindly let us know. Otherwise, note that in order for the Town to comply with the 150-Day FCC Shot Clock, the Planning Board

must complete review of the Application and make a determination regarding same on or before July 10, 2023.

Very truly yours,

Jared C. Lusk

JCL/mkv
Enclosures
cc: Mark Boylan, Esq.
Jeff Szkolnick

EXHIBIT S

May 31, 2023

Planning Board
Town of Pavilion
One Woodrow Drive
Pavilion, New York 14525

RE: Application for a special use permit and site plan review and approval from the Planning Board by Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless ("Verizon Wireless") to construct and operate a 180' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by MB Farms Inc. located at 8135 Black Street Road (S.B.L. # 4-1-8.1) in the Town of Pavilion, Genesee County, New York (Verizon Wireless' "Laplataville" site)

Dear Members of the Planning Board:

I am the owner of the parcel of land located to the southeast of the lease parcel where the 180' tower is proposed to be constructed. I understand that the Town of Pavilion is in the process of adopting (or has adopted) revisions to its local law for wireless telecommunications towers that requires that proposed towers be located a distance of at least 300% of the tower height from residential structures (the "3X Setback") unless the requirement is waived by the owner of the impacted property.

Based on the height of the proposed tower, the 3X Setback requires the proposed tower to be located at least 540' from the residential structure on my property. As proposed, the tower is located approximately 500' from the residence.

Being fully aware that the proposed tower will not meet the 3X Setback, we hereby waive the 3X Setback as it relates to our property.

Very truly yours,

Brenda Uberty

Brenda Uberty