

Dear Town Board and Planning Board -

I am writing to supplement the letter I submitted yesterday in opposition to the cell tower that Homeland Towers, LLC (hereinafter “the applicant”) proposes to build at 62 Granite Springs Road.

After I sent my letter yesterday, I reviewed the Supervisor’s press release about this project, and supporting documents, (Footnote 1) more closely.

As you are aware, the Town Board first convened a public hearing on the issuance of final lease approval and the applicable permits on December 16, 2025. In advance of that date, the Town Supervisor did not issue a press release and instead only a public notice was posted (Footnote 2). Now, after receiving substantial opposition from the public, both at the December meeting and via letters/emails since the December meeting, the Town Supervisor has chosen to issue a press release about the continued public hearing, presumably to drum up support for the project. In said press release, only the applicant’s position is presented and not those of the opposition. Further, the press release references the Cityscape Report as evidence that there is a gap in cellular service, but it does not include the recommendations in the Cityscape Report that unequivocally recommend small cells at the proposed location and not a macro tower.

The Cityscape Report, the applicant’s viewshed analysis, and the applicant’s alternate site analysis are still not posted on the Town’s webpage for this project, despite the fact that the

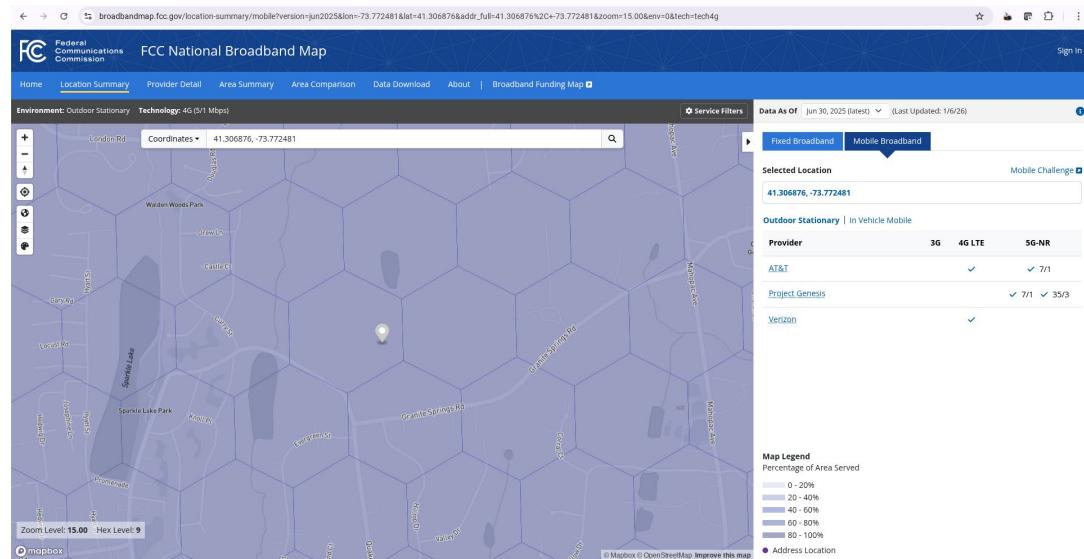
applicant is relying on these documents at the public hearing. The fact that the applicant's viewshed analysis and alternate site analysis were not made publicly available until yesterday, and the fact that they were only made publicly available in connection with a one-sided press release, violates both the spirit, and letter, of New York's Open Meetings Law.

It is misleading that only the portion of the Cityscape Report that supported the applicant was referenced by the Town Supervisor in the press release, and that the portion of the Cityscape Report that wholly undermines the applicant's position was not included.

Further, I would like the Town Supervisor to provide a citation for his conclusory statement, included within yesterday's press release, that the Cityscape Report's Yorktown Infrastructure Analysis is "good for ten years". The Cityscape Report was developed using population census data from 2020, community survey data from 2021, and an infrastructure inventory from 2022. Additional macro cell towers have been constructed in Yorktown since the Cityscape Report data was collected. Indeed, subsequent to the Cityscape Report's Infrastructure Analysis, this same applicant erected a macro tower on Route 6/Hill Boulevard, within two miles of the proposed location of the proposed new tower. **The Town Board should direct the applicant to explain whether their argument is that the macro tower they erected at Route 6/Hill Boulevard made no appreciable difference in the area's cellular service or whether they concede that our cellular capabilities have improved since the Cityscape Report.**

Pursuant to Section 178-12B, in order to be granted a Wetlands permit, the applicant must demonstrate that the proposed tower is **consistent with the general welfare of the town**, and **compatible with the public health and welfare**. The applicant can only meet this burden if they demonstrate that there is **both** a) an actual gap in cellular service and b) that their proposed tower would remedy such a gap.

With my letter yesterday, I attached the cellular coverage maps for the three major wireless providers in our area which showed that a) AT&T, T-Mobile and Verizon have no cellular service gaps at the proposed location, and b) Verizon has a significant cellular service gap in Somers. Below is the FCC's Mobile Broadband map of the proposed location illustrating there is no gap in coverage at the proposed location (Footnote 3).

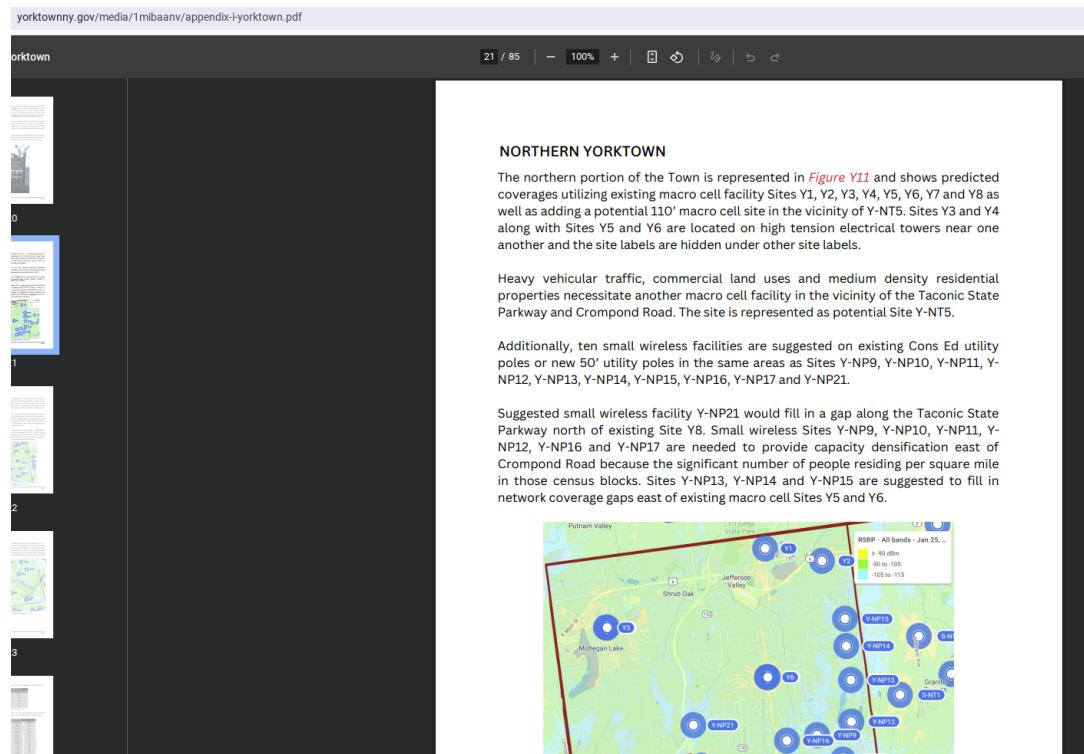


There is no gap in cellular service at the proposed location. It is illogical to rely on an

outdated report, as opposed to these coverage maps that are current, in determining whether there is a cellular coverage gap as the proposed site.

Nonetheless, if the applicant wants the Town Board to credit the Cityscape Report to establish a lack of cellular service, the Town Board must also credit the Cityscape Report's recommendations which clearly demonstrate that the applicant's plan is not what is recommended for the proposed site.

Below is a screenshot of the Cityscape Report's recommendations for the proposed site.



As I explained in my letter yesterday, The location where the applicant wants to build a macro cell tower is identified in Figure Y11 on page 121 as Site Y-NP12 and the recommendation for that location is a small cell.

The Town Board should deny the applicant the applicable permits and final lease approval because the applicant has not established there is a gap in cellular service. Alternatively, if the Town Board decides to credit the Cityscape Report in determining there is a lack of cellular service, they should also credit the recommendations included with the Cityscape Report and find that the applicant had not met their burden in demonstrating that this project is consistent with general welfare of the town.

As stated in my prior letter, an independent wireless consultant opined that the applicant's plan was to remedy a cellular service gap in the Town of Somers, not the Town of Yorktown. The applicant has admitted at multiple Town Board meetings that they first approached Stuart's Farm - a property located within the Town of Somers - to build the proposed tower at that location. The applicant also admitted at a Conservation Board meeting this week that they approached JILCO - another property located within the Town of Somers - to build the proposed tower at that location. The applicant has therefore conceded that they approached multiple towns for a purported gap in cellular coverage in Yorktown. In other words, the

applicant has admitted that they will go to a location within a neighboring town to remedy cellular service gaps in a different town. The cellular coverage maps clearly demonstrate that the gaps in service are in Somers, yet the applicant is coming before this Town Board which should give the Town Board pause to consider why that might be. Even a cursory comparison of our applicable town code with that of the Town of Somers reveals that our town code is comparably less restrictive and less protective (Footnote 4).

Included on the town's webpage for this project is a response written by the Town Supervisor to a letter in opposition of this project (Footnote 5). In his response, the Town Supervisor states that when a tree came down on Curry Street on Halloween, it pulled down electrical lines and that "(t)he resident that called it in said that it took him many tries to do so and had to walk down the street to finally make a connection." I would ask that the Town Supervisor identify who that male resident was and in which direction he walked. My neighbor was on site and saw only one other individual - a former town supervisor - and that individual was looking at the tree as he talked on his cell phone, suggesting that he was the individual who reported the incident. It would be misleading to suggest that a resident had an emergency and was unable to connect with emergency services when in fact, if the resident was the former town supervisor, he was likely not contacting 911 but instead contacting someone else. I have reviewed all the 911 calls that resulted in responses by the Yorktown Police Department, Yorktown Fire District, and Yorktown Volunteer Ambulance Corps for Curry Street, all intersecting cross streets, and other streets in the vicinity, which were obtained pursuant to a FOIL request. There is no record of any individual from that area calling 911 on October 31, 2025 which would support the conclusion that the individual referenced is the former town supervisor. I also submit to the Town Board that, regardless of who the individual was, if they were walking to get better cell service, they were likely walking in the direction of the proposed site, not away from it. Further, it is a known fact that power outages can negatively affect cellular service (Footnote 6).

The simple fact is that cellular service is not necessary for an individual to connect with 911. FCC law requires wireless service providers to connect calls to 911, even if the caller does not subscribe to the provider's service (Footnote 7). Further, anyone with an iPhone 14 or later is able to use Emergency SOS via satellite to text emergency services if they have no cellular or Wi-Fi service (Footnote 8). If the applicant intends to meet their burden for issuance of a wetlands permit by arguing that the proposed tower will enhance public safety by better enabling residents to connect with 911, and/or by enabling first responders to better respond to emergency calls, they must first provide the Town Board with proof that such improvements are needed. In reviewing all the 911 calls that resulted in responses by the Yorktown Police Department, Yorktown Fire District, and Yorktown Volunteer Ambulance Corps for all the streets near the proposed location for the past several years, I have found no such evidence.

Our Town's Fire Commissioner has written to the Town Board twice (Footnote 9) stating that he has worked with the applicant on prior occasions and that the applicant has made commitments that "have not always been fully honored." Similarly, in the many months since the applicant built the macro tower on Route 6/Hill Boulevard, none of the other wireless companies that the applicant stated could use the tower have actually co-located there.

I reiterate again that I do not think this tower is necessary and I am strongly opposed to the Town Board granting final lease approval, as well as the applicable permits, to the applicant. If you are able to look beyond the conclusory statements and misdirection, you will see that the proposed plan calls for the Town of Yorktown to assume all the risks, costs and negative consequences of constructing and operating a 130-foot monopole cellular tower on our

Town's land, for the sole benefit of another town.

I respectfully request that, pursuant to Section 300-59C, the Town Board direct the applicant to a) pay for an independent wireless infrastructure expert to assess the necessity of this tower at the proposed location, b) pay for an independent Radio Frequency expert to prepare a Radio Frequency report as the report contained in the July 2022 submission is deficient, c) pay for an independent firm to conduct a balloon test and prepare a visual shed report as the report contained in the July 2022 submission is deficient, and d) pay for an independent expert to conduct a wildlife survey of the proposed site. I would also encourage the Town Board to compare the relevant statutes in our town code with that of the Town of Somers and consider directing the applicant to pay for an independent wireless infrastructure consultant to review our applicable town laws and make recommendations on changes that would benefit the Town and its residents.

Thank you for your time and consideration,

Justin Waytowich

Footnote 1: <https://www.yorktownny.gov/news/posts/town-supervisors-letter-to-residents-regarding-the-granite-springs-road-cell-tower-proposal/>

Footnote 2: https://www.yorktownny.gov/media/44rofk4i/public-hearing-notice_homeland-towers_december-16-2025_109-granite-springs-road.pdf

Footnote 3:

<https://broadbandmap.fcc.gov/home>

Footnote 4:

<https://ecode360.com/11115825#11115859> compared with <https://ecode360.com/6854493>

Footnote 5:

https://www.yorktownny.gov/media/xp3fhutw/resident-comment_viziolli.pdf

Footnote 6:

<https://airwaveadvisors.com/blog/cell-towers-power-outages/>

Footnote 7:

<https://www.fcc.gov/consumers/guides/wireless-911-service>

Footnote 8:

<https://support.apple.com/en-us/101573>

Footnote 9: <https://www.yorktownny.gov/media/jsklhmr/fire-commissioner-mcgannon.pdf>