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REPLY TO:

Tarrytown Office

December 19, 2025

NEW YORK OFFICE
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DAVID KENNY (NY/NJ)

DAVID L. SNYDER
(1956-2012)

Honorable Supervisor Lachterman and
Members of the Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY 10598

RE: Homeland Towers, LLC
62 Granite Springs Road, Town of Yorktown, NY

Dear Honorable Supervisor Lachterman and Members of the Town Board:

We are the attorneys for Homeland Towers, LLC ("Homeland Towers") in connection with its proposal to lease a portion of the above captioned property from the Town for a proposed public utility wireless telecommunication facility ("Facility"), including a 130-foot tower and equipment compound designed for the collocation of multiple wireless carriers and Town emergency services entities.

Section 300-59(D)(1) of the Town Code expressly states that "wireless telecommunication facilities shall be located on Town-owned lands or facilities." Such facilities are subject to Town Board lease approval.

As you may recall, parkland alienation has already been granted from the New York State legislature. We are now seeking final lease approval, a Stormwater Management Permit, a Tree Permit and a Wetland Permit. In response to the comments at the public hearing and the recent site visit, enclosed please find ten (10) copies of the following documents:

1. Letter from KSCJ dated December 19, 2025, detailing the changes to the Site;
2. Letter from the USFWS dated November 24, 2025 concurring with EBI's determination that the project is not likely to effect threatened or endangered species. As you may recall we previously submitted the Natural Resources Review Letter from EBI, confirming that the project will not likely affect threatened or endangered species, specifically the Indiana bat and Bog Turtle, as tree clearing and ground disturbance of previously undisturbed land shall be completed between October 31 and March 31; and

3. Revised Site Plan.

As you may recall, we previously submitted a Stormwater Management Permit, Tree Permit and Wetland Permit Application Form; Revised Full Environmental Assessment Form; a detailed letter from KSCJ dated July 2, 2025, detailing compliance with the requirements of Chapter 178, Freshwater Wetlands, Chapter 270, Trees, and Chapter 248, Stormwater Management and Erosion and Sediment Control; a Stormwater Pollution Prevention Plan; a RF Justification Report; a Radio Frequency Compliance Report demonstrating that the Facility will be in compliance with FCC regulations pertaining to radio frequency emissions; viewshed maps and visual renderings demonstrating that the proposed Facility will not have an adverse visual impact; a Sound Analysis demonstrating that the Facility will not create an adverse impact due to noise; an Alternative Site Analysis and an Alternative Access Analysis from Klaus Wimmer of Homeland Towers; an FAA Determination of No Hazard to Air Navigation; and a support letter from the Yorktown Heights Fire District.

We look forward to discussing this matter with the Town Board at the February 3, 2026 continued public hearing. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,
SNYDER & SNYDER, LLP

By: 
Robert D. Gaudioso

Enclosures
RDG/ldr
cc: Town Attorney



John Kellard, P.E.
David Sessions, RLA, AICP
Joseph M. Cermele, P.E., CFM
Jan K. Johannessen, RLA, AICP

December 19, 2025

Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York 10598

Attn: Supervisor Ed Lachterman and
Members of the Town Board

RE: Homeland Towers, LLC
Granite Springs

Dear Supervisor Lachterman and Members of the Town Board:

On behalf of our client, Homeland Towers, LLC, KSCJ Consulting is pleased to submit our revised plans in connection with Homeland Towers' application before the Town Board. The subject property consists of ±4.17 acres of land located on the north side of Granite Springs Road in the Town of Yorktown. The property is identified on the Town of Yorktown Tax Map as Section 27.11, Block 1, Lot 33 and Section 27.07, Block 1, Lot 53 with an address of 62 Granite Springs Road.¹ The subject property is owned by the Town of Yorktown and is proposed to be developed with a 130-foot monopole tower, ancillary telecommunications equipment, gravel driveway and gravel compound area. The subject property is the vicinity of residential uses, undeveloped land and farmland.

The configuration of the parcel is referred to as a "flag lot" with the "flagpole" portion of the lot fronting on Granite Springs Road. The western side of the "flagpole" contains wetlands that are part of a larger wetland system located on Lot 53 to the west, also owned by the Town of Yorktown. On-site wetlands and watercourses are jurisdictional to the New York State Department of Environmental Conservation (NYSDEC) as Wetland A-13, the Army Corps of Engineers (ACOE), and the Town of Yorktown. On-site wetlands and watercourses were delineated by this office on November 9, 2021 and the delineation has been accepted as accurate by representatives of the NYSDEC and the Town of Yorktown. See Exhibits 1 and 2 attached hereto respectively.²

¹ Please note that since our office became involved with this project the Town changed the street address from 109 Granite Springs Road to 62 Granite Springs Road. Moreover, the property was re-surveyed during that time and any prior discrepancies were corrected with respect to the location of the property lines.

² On-site wetlands were delineated in accordance with the Corps of Engineers Wetland Delineation Manual, 1987, and its supplements. No disturbance is proposed within the wetland proper and the ACOE does not regulate a wetland adjacent area or buffer area; therefore, no permitting from the ACOE is required. No impervious surfaces are proposed within 100-feet of a NYSDEC wetland or NYCDEP watercourse and land disturbance is less than 2 acres; therefore, approvals/permits from the NYCDEP are not required.

Our prior letter dated July 2, 2025 evaluated the proposed action as it relates to the Town's permitting and mitigation standards applicable to wetlands, specifically Chapter 178, Freshwater Wetlands, Chapter 270, Trees, and Chapter 248, Stormwater Management and Erosion and Sediment Control. Responses to comments received by the Conservation Board and NYSDEC were also provided. Attached as Exhibit 3 is our July 2, 2025 letter for convenience.

The closest house to the proposed location of the tower is 46 Granite Springs Road and the distance from the rear of the home to the tower is approximately 411 feet; note that the area between the proposed tower location and this and other homes on Granite Springs Road is heavily wooded.

Based on a recent site visit and comments at the December 16, 2025 public hearing, the Site Plan has been revised as follows:

1. The width of driveway has been reduced to 10 feet along its entire length.
2. The horizontal alignment of the driveway has been shifted to the west as much as possible without impacting the wetland; this opened up more room for planting along the easterly property line.
3. As a result of the driveway shift, four (4) trees that were previously identified to be removed are now shown to be preserved.
4. In response to comments received from the immediate residential neighbor, the number of trees and shrubs along the easterly property line has been increased to provide a mix of evergreen and deciduous trees. The Site Plan now includes 24 trees, 54 shrubs and 200 perennials. I have signed and sealed the mitigation/landscaping plan as a NYS Licensed Landscape Architect.
5. The total area of disturbance is 28,237 s.f., as illustrated and calculated on the Site Plan.
6. In accordance with Chapter 300, Article XIX, Off-Street Parking, Loading and Vehicular Access, of the Town Zoning Code, Section 300-183 (B) – Layout and Location of Parking Facilities states that "In any residence district, no required off-street parking facility shall be developed within the required front yard to serve other than residential uses, nor shall be developed within five feet of a side or rear lot line." As proposed, the plan provides a setback of 4.5 ft from the nearest edge of the proposed access drive to the northwest corner of the adjacent residential property. Any proposed parking for the project is within or immediately adjacent to the compound area and beyond the minimum required 5 ft setback to a side or rear lot line. The Code does not limit the proximity of the access drive to the property line and is, thereby, compliant.

Supervisor Ed Lachterman and Members of the Town Board

December 19, 2025

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Overall, the proposed development is consistent with the Town's plans and goals, is minimized to the extent possible to lessen impacts, and is respectful of the environment through design. We thank you for your time and consideration and look forward to discussing the project further.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jan K. Johannessen".

Jan K. Johannessen, RLA, AICP
KSCJ Consulting

JKJ/dc

cc: Homeland Towers, LLC
Robert Gaudioso, Esq.

Exhibit 1
NYSDEC Wetland Validation Map

Exhibit 2
Weston & Sampson Wetland Verification

MEMORANDUM

RECEIVED
PLANNING DEPARTMENT

TO: Robyn A. Steinberg, AICP, CPESC
Town of Yorktown, New York

DEC 26 2024

FROM: Daniel P. Biggs, RLA, ISA, CERP

TOWN OF YORKTOWN

DATE: December 20, 2024

SUBJECT: Homeland Towers, LLC – Granite Springs Project – Wetland Verification
Town of Yorktown, New York

As requested, Daniel Biggs of Weston & Sampson PE, LS, LA, ARCHITECTS, PC (Weston & Sampson) completed a review of the wetland boundary delineated by Jan K. Johannessen, RLA, AICP of KSCJ Consulting. A field visit with Jan Johannessen was conducted on December 13, 2024, to inspect the wetland boundary flagging for NYSDEC Wetland A-13, which was validated by Sarah Pawliczak of NYSDEC on 11/9/21. Wetland flagging was in place and easily visible. Flag numbers A-1 through A-14 were accounted for in the site review and illustrated on Existing Conditions and Removals Plan (ZD-2), dated 2/16/22, revised 4/29/24, and NYSDEC Wetland Validation Plan dated 11/18/21.

As a result, the wetland delineation in the field and on the above referenced maps accurately depicts the limits of the wetland on the site.

Applicants should note that beginning January 1st, 2025, the updated NYS freshwater wetland laws take effect. As a result, what may have previously been wetlands regulated only by the federal government will now also be regulated by the NYSDEC and will be expanded to include at a minimum a regulated 100-foot upland adjacent area around the regulated wetlands.

In addition, wetlands of any size which are considered Wetlands of Unusual Importance because they meet any one of eleven newly established criteria will also be regulated. Applicants shall procure the necessary permits/approvals, and abide by all local, state and federal laws pertaining to wetlands and associated buffers.

Please do not hesitate to reach out with any comments or questions regarding our findings and summary of work for this project.

Certification

I certify that all the statements of fact in this appraisal are true, complete, and correct to the best of my knowledge and belief, and that they are made in good faith.

Daniel P. Biggs

12/20/2024

Daniel P. Biggs, RLA, ISA (MA-5119A), CERP
Registered Landscape Architect NY-002443-01

Date
exp. 1/31/2026

Exhibit 3
KSCJ July 2, 2025 Letter



John Kellard, P.E.
David Sessions, RLA, AICP
Joseph M. Cermele, P.E., CFM
Jan K. Johannessen, RLA, AICP

July 2, 2025

Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York 10598

Attn: Mr. Ed Lachterman,
Town Supervisor

RE: Homeland Towers, LLC
Granite Springs

Dear Supervisor Lachterman and Members of the Town Board:

On behalf of our client, Homeland Towers, LLC, KSCJ Consulting is pleased to submit our revised plans in connection with Homeland Towers' application before the Town Board. The subject property consists of ±4.17 acres of land located on the north side of Granite Springs Road in the Town of Yorktown. The property is identified on the Town of Yorktown Tax Map as Section 27.11, Block 1, Lot 33 and Section 27.07, Block 1, Lot 53. The subject property is owned by the Town of Yorktown and is proposed to be developed with a 130-foot monopole tower, ancillary telecommunications equipment, gravel driveway and gravel compound area. The subject property is the vicinity of residential uses, undeveloped land and farmland.

The configuration of the parcel is referred to as a "flag lot" with the "flagpole" portion of the lot fronting on Granite Springs Road. The western side of the "flagpole" contains wetlands that are part of a larger wetland system located on Lot 53 to the west, also owned by the Town of Yorktown. On-site wetlands and watercourses are jurisdictional to the New York State Department of Environmental Conservation (NYSDEC) as Wetland A-13, the Army Corps of Engineers (ACOE), and the Town of Yorktown. On-site wetlands and watercourses were delineated by this office on November 9, 2021 and the delineation has been accepted as accurate by representatives of the NYSDEC and the Town of Yorktown.

The purpose of this letter is to evaluate the proposed action as it relates to the Town's permitting and mitigation standards applicable to wetlands, specifically Chapter 178, Freshwater Wetlands, Chapter 270, Trees, and Chapter 248, Stormwater Management and Erosion and Sediment Control. Responses to comments received by the Conservation Board and NYSDEC are also provided herein.

Chapter 178, Freshwater Wetlands

As stated above, on-site wetlands are jurisdictional to the NYSDEC as Wetland A-13. Wetlands were delineated in accordance with the NYSDEC Freshwater Wetlands Delineation Manual, July 1995, and the

CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE | SITE & ENVIRONMENTAL PLANNING

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boundary was verified as being accurate by Sarah Pawliczak of the NYSDEC on November 29, 2021. A fully executed NYSDEC Wetland Validation Map is on file with the Town. In addition to regulating the wetland proper, the NYSDEC regulates a 100-foot Wetland Adjacent Area.

Wetlands were delineated in accordance with the Town's definition of "Wetland/Freshwater Wetland" and the wetland boundary line was evaluated and accepted as accurate by the Town of Yorktown's Wetland Consultant on December 13, 2024. In addition to regulating the wetland proper, the Town regulates a 100-foot wetland/watercourse buffer area. While no disturbance is proposed within the wetland proper, 15,627 s.f. of disturbance is proposed within the wetland buffer and a Wetland Permit from the Town of Yorktown will be required.

On-site wetlands were delineated in accordance with the Corps of Engineers Wetland Delineation Manual, 1987, and its supplements. No disturbance is proposed within the wetland proper and the ACOE does not regulate a wetland adjacent area or buffer area; therefore, no permitting from the ACOE is required. No impervious surfaces are proposed within 100-feet of a NYSDEC wetland or NYCDEP watercourse and land disturbance is less than 2 acres; therefore, approvals/permits from the NYCDEP are not required.

Homeland Towers, LLC is proposing to construct a telecommunications facility in the form of a 130-foot monopole tower and ancillary equipment within a fenced gravel compound area. The facility will be accessed from Granite Springs Road via a ±500-foot gravel access driveway, ±425 feet of which is located within the wetland buffer. Electrical and telecommunication services will be provided to the facility, underground, from Granite Springs Road, and will generally follow the proposed driveway. Due to the topographical, wetland and property line constraints, retaining walls are needed on one or both sides of the driveway for the first ±200 feet off Granite Springs Road; the maximum height of the retaining walls will be ±4 feet. Gabion walls, which are considered pervious, are proposed and consist of metal baskets filled with trap rock.

It is anticipated that the project will result in approximately 28,479 s.f. of total land disturbance. Of the 28,479 s.f. of total land disturbance, approximately 15,627 s.f. of disturbance is proposed to occur within the wetland buffer. Disturbance within the wetland buffer will take the form of tree removal, land grading, construction of a gravel driveway, construction of retaining walls, and installation of electrical/telecom utilities. In terms of tree removal, 41 protected trees are proposed to be removed from within the wetland buffer. Tree removal has been reduced to the maximum practicable and is unavoidable.

The proposed disturbance to the wetland and wetland buffer is necessary and unavoidable. The subject parcel has only one means of ingress and egress and that is through the ±110 feet of road frontage on Granite Springs Road. Homeland Towers, LLC has gone to great lengths over the last three (3) years to seek an alternate means of access to reduce or eliminate wetland impacts, including negotiating an access easement with two (2) different adjoining property owners, to no avail.

The proposed facility is needed in the community to fill a gap in coverage. While other sites in the vicinity were evaluated, the subject parcel was determined to be the only feasible and least intrusive alternative. While the property does present some challenges in terms of access, the majority of the parcel, where the tower is to be constructed, is environmentally unconstrained. All practical efforts have been made to first explore potential alternatives to avoid or minimize disturbance to the wetland buffer and then to minimize impacts to the extent possible through project design and mitigation. The following components have been incorporated into the design to minimize impacts:

- The driveway and compound area will be constructed entirely of gravel; the driveway apron meeting the asphalt road will be a porous Grasscrete paver; impervious surfaces have been reduced to the extent possible and there are no impervious surfaces located within the wetland buffer.
- The width of the driveway has been reduced to 10 feet wide which limits the footprint of the driveway to the greatest extent practicable.
- A gabion style retaining wall system is proposed which is considered porous.
- The area of land disturbance has been minimized to the extent possible, thereby reducing tree removal and grading.
- The vertical alignment of the driveway follows the natural topography to the extent possible and reduces grading (cut & fill).
- A wetland mitigation plan has been prepared in the form of native wetland buffer plantings and protection of existing trees to remain.
- A Stormwater Pollution Prevention Plan (SWPPP) has been prepared, as required.

In accordance with Section 178-12B, the approval authority must make the following findings when issuing a wetland permit; our response to each finding is provided below:

1. The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve wetland functions and the benefits they provide, as set forth in § 178-3 of this chapter, by preventing the despoliation and destruction of wetlands and regulating the development of such wetlands consistent with the general welfare and development of the town.

The proposed action is consistent with the Town's policies for preserving and protecting wetlands while improving the general welfare of the public by filling a gap in cellular coverage. The proposed action does not involve direct impacts to the wetland proper and disturbance to the wetland buffer has been minimized to the greatest extent possible. The vertical alignment of the driveway follows the existing topography thereby reducing grading and keeping the limits of land

disturbance and tree removal tight to the driveway and compound area. The proposed action will not increase or exacerbate flooding and there are no known unique vegetative communities or habitat that will be affected by the project. A Stormwater Pollution Prevention Plan has been prepared which will ensure that erosion and sedimentation will not occur outside the limits of disturbance and that disturbed areas will be stabilized upon project completion.

2. The proposed regulated activity is consistent with the land use regulations governing wetlands application in the Town of Yorktown and the local legislation is at least as restrictive as the laws of New York State regarding wetlands protection.

The project requires an Article 24 Freshwater Wetland Permit from the NYSDEC and the project will be compliant with both local and NYSDEC wetland regulations.

3. The proposed regulated activity is compatible with the public health and welfare.

The proposed action will have a positive effect on the public health and welfare as its purpose is to fill a gap in wireless service coverage.

4. The proposed regulated activity cannot practically be relocated on the site so as to eliminate or reduce the intrusion into the wetland and/or wetland/watercourse buffer.

Alternatives sites and access points have been evaluated and are not possible; the proposed action is the only viable option. The extent of disturbance to the wetland buffer has been reduced to the greatest extent practicable.

5. The proposed regulated activity minimizes the degradation to or loss of any part of the wetlands and the wetland buffer and minimizes any adverse impacts on the functions and benefits that said wetland provides as set forth in § 178-3 of this chapter.

The project will not result in the loss of wetlands. The project design, as discussed above, minimizes the impact to the wetland buffer and therefore preserves the function and benefits that the wetland provides.

6. The proposed regulated activities are in compliance with the standards set forth in 6 NYCRR 665.7(e) and 665.7(g), as amended.

By virtue of obtaining a NYSDEC Article 24 Freshwater Wetland Permit, the proposed action will comply with the above-referenced regulations.

Chapter 270 – Trees

The proposed action will result in the removal of 88 protected trees, as defined under Chapter 270 of the Town Code. The removal of trees on this wooded site is unavoidable and necessary to meet the goals and objectives of the project. Tree removal has been reduced to the greatest extent possible by incorporating the below measures into the project design:

- The width of the driveway has been reduced to 10 feet wide which limits the footprint of the driveway to the greatest extent practicable.
- The vertical alignment of the driveway follows the natural topography to the extent possible to reduce grading (cut & fill).
- Retaining walls are proposed, where necessary, to reduce grading and tree removal.
- The limits of land disturbance have been minimized to the extent possible, thereby reducing tree removal and grading. The limits of disturbance will be staked in the field prior to the commencement of work.

The proposed action is consistent with the legislative intent of Chapter 270, Trees. Tree removal has been reduced to the greatest extent practicable and the proposed action will not create surface drainage problems; will not increase municipal expenditures to control drainage; will not impact the stability and value of nearby properties; will not adversely affect fundamental ecological systems; and will not create unsightly and baren conditions.

Regarding the required tree removal mitigation plan, we note that Section 270-5K of the Town Code states that where disturbance in a protected woodland is also located within the wetland/wetland buffer, mitigation required under Chapter 178, Freshwater Wetlands, and Chapter 270, Trees, can be combined. In accordance with Section 270-10, a mitigation plan has been prepared and includes the following:

1. The limits of disturbance has been minimized and will be staked in the field prior to the commencement of work.
2. Tree protection measures will be employed and are shown on the Erosion and Sediment Control Plan.
3. Trees and shrubs are proposed, where practicable. The limits of disturbance is tight and there are limited areas to plant trees without being below the existing tree canopy, where new tree plantings tend to have lower survival rates due to dense shade. The applicant is committed to installing evergreen trees along the common residential property to provide a landscaped buffer for the neighbor. Overall, 88 trees (1,302 caliper inches) will be removed as a result of the project. The

Mr. Ed Lachterman,
Town Supervisor
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proposed planting plan includes 23 new trees, 24 new shrubs, and 200 perennials. The applicant is willing to make a payment into the Town's Tree Bank Fund in accordance with Section 270-10D.4.f, if determined necessary.

4. All proposed trees, shrubs and ground cover will be native species.
5. Proposed plantings will be protected from deer browse by either netting or fencing.

Stormwater Management

The project site lies within the Croton River Basin, part of the NYC Drinking Water Supply. Development of the site will involve disturbances to a total of ± 0.65 acres ($\pm 28,479$ s.f.). The project has been designed in accordance with Chapter 248 – Stormwater Management and Erosion and Sediment Control of the Code of the Town of Yorktown. Although the project disturbance is less than an acre, the disturbance is greater than 5,000 square feet and within the NYCDEP East-Hudson watershed, the project requires coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit, GP-0-25-001, for Stormwater Discharges from Construction Activity ("General Permit") for a basic SWPPP (Erosion and Sediment Control only).

Under the post development condition, a grasscrete apron entering the site off of Granite Springs Road and a gravel access driveway shall be constructed upslope to a gravel compound area. The change in land cover will result in a nominal increase to peak rates of runoff. In order to mitigate this increase, the gravel compound area will be constructed with a 1-foot deep drainage layer, set level, to serve as stormwater detention. Although this layer will allow for infiltration, conservatively this design does not take infiltration into account and only considers this to be storage for calculation purposes. The SWPPP provided demonstrates a reduction in the peak rates of runoff for the 1, 10 and 100-year storm events when comparing the existing to the proposed condition.

Response to Conservation Board Comments, dated May 15, 2024

1. Please find the attached revised EAF, prepared by Saratoga Associates and letter from EBI Consulting regarding endangered or threatened species.
2. No temporary or permanent disturbance is proposed within the wetland proper; therefore, mitigation for wetland loss is not necessary.
3. The project will result in approximately 15,627 s.f. of wetland buffer disturbance. A wetland mitigation plan has been prepared in the form of native wetland buffer plantings and protection of existing trees to remain. See the "Wetland" section above for additional information.

Mr. Ed Lachterman,
Town Supervisor
July 2, 2025
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4. Evergreen trees are proposed along the east side of the proposed driveway, along the neighbors northerly property line and along the south side of the proposed compound for screening purposes; altogether 23 screening trees are proposed.
5. A gate has been incorporated at the driveway entrance on Granite Springs Road, as requested, and a detail provided.
6. It is acknowledged that a tree permit will be required. As described in more detail under the "Tree" section above, the applicant is committed to installing evergreen trees along the common residential property to provide a landscaped buffer for the neighbor. Overall, 88 trees (1,302 caliper inches) will be removed as a result of the project. The proposed planting plan includes 23 new trees, 24 new shrubs, and 200 perennials. The applicant is willing to make a payment into the Tree Bank Fund in accordance with Section 270-10D.4.f, if determined necessary.

Response to Comments Provided by the NYSDEC, dated November 25, 2022

1. The proposed action will not disturb the bed or banks of a NYSDEC regulated watercourse and, therefore, an Article 15 Protection of Waters Permit is not required.
2. The wetland boundary has been delineated by this office and verified as being accurate by the NYSDEC and the Town of Yorktown; a signed NYSDEC wetland boundary validation block is provided on the plans.
3. No disturbance to the wetland proper is proposed, therefore, a permit from the Army Corps of Engineers and a Water Quality Certification from the NYSDEC are not required.
4. We acknowledge that the NYSDEC has confirmed that there are no records of state-listed sensitive species on the subject property.
5. We acknowledge that the site is located within the NYC East of Hudson Watershed and is subject to the NYCDEP Rules and Regulations. As the limit of land disturbance is less than 2-acres and as no impervious surface is proposed within 100-feet of a NYSDEC regulated wetland or NYCDEP regulated watercourse, approval from the NYCDEP is not required.
6. We acknowledge that coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-25-001) is required; a SWPPP has been prepared in compliance with both local and NYSDEC standards.

Mr. Ed Lachterman,

Town Supervisor

July 2, 2025

Page 8 of 8

Overall, the proposed development is consistent with the Town's plans and goals, is minimized to the extent possible to lessen impacts, and is respectful of the environment through design. We thank you for your time and consideration and look forward to discussing the project further.

Very truly yours,



Jan K. Johannessen, RLA, AICP
KSCJ Consulting

JKJ/dc

cc: Homeland Towers, LLC
Robert Gaudioso, Esq.

https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Project Docs P/YRHOMELAND900/KSC Correspondence/2025-07-02_YRHomeland900_YorktownTB_Lachterman_Submission Ltr.docx



United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, New York 13045



November 24, 2025

Bill Gowacki
Biologist I
EBI Consulting
21 B Street
Burlington, MA 01803
wgowacki@ebiconsulting.com

Dear Bill Gowacki,

This letter responds to your August 14, 2025, letter regarding the project referenced as 057168-PR/Granite Springs that is proposed at 62 Granite Springs Road in the Town of Yorktown, Westchester County, New York. This project is filed under project code 2025-0129885 in the United States Fish and Wildlife Service (Service) online Information for Planning and Consultation (IPaC) system.

This project involves the construction a 130-foot-tall monopole telecommunications tower and associated support equipment. Consultation on this development was originally completed in 2022, but revisions have been made to the scope of the project. We understand that the proposed fenced compound will be reduced from 57 feet by 75 feet to 60 feet by 50 feet. The proposed gravel access drive will be shifted to avoid the need for an easement within the adjacent parcel and to include a gravel turn-around area next to the facility. Retaining wall locations will be adjusted along the proposed access drive and a perennial planting will be created. Approximately 0.26 acres of tree will be removed for this project.

As you are aware, Federal agencies, such as the Federal Communications Commission (FCC), have responsibilities under section 7 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to consult with the U.S. Fish and Wildlife Service (Service) regarding projects that may affect federally listed species or designated critical habitat, and confer with the Service regarding projects that are likely to jeopardize federally proposed species or adversely modify proposed critical habitat. We understand that all FCC licensees, applicants, tower companies, and their representatives have been designated as the FCC's non-federal representative for the purposes of completing informal consultation pursuant to Section 7(a)(2) of the ESA. We appreciate the opportunity to provide the following comments pertaining to threatened and endangered species under our jurisdiction.

On July 31, 2025, EBI Consulting (EBI) acting on behalf of FCC, used the Service's IPaC system to obtain an Official Species List (OSL) of federally listed species potentially within the project area. The following species were identified on the OSL:

- northern long-eared bat (*Myotis septentrionalis*; NLEB, Endangered)

- Indiana bat (*Myotis sodalis*; IBat, Endangered)
- tricolored bat (*Perimyotis subflavus*; TCB, Proposed Endangered)
- bog turtle (*Glyptemys muhlenbergii*; Threatened)
- monarch butterfly (*Danaus plexippus*; Proposed Threatened)

EBI then completed IPaC's Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (D-Key) to obtain assisted effects determinations for the NLEB and the TCB. The D-Key provided "may affect" determinations for both the NLEB and the TCB, which require additional review from our office.

On August 14, 2025, EBI provided additional details to further evaluate potential effects to these species. EBI determined that the project is "not likely to adversely affect" the NLEB or the TCB because tree removal and drilling will be restricted to dates between October 1 and March 31, which is when bats will be in hibernation and away from their summer roosting habitat. Minimal drilling is required to secure the foundation for the proposed communication tower. Given the proposed time of year restriction, we concur with your determination for the NLEB and TCB. Please note that if the TCB is federally listed before the project is complete and the project "may affect" the species, then EBI will need to consult with the Service at that time.

EBI also completed IPaC's Northeast Endangered Species D-Key to receive assisted effects determinations for the IBat and the bog turtle. The D-Key provided "may affect" determinations for both species.

EBI determined that the project is "not likely to adversely affect" the IBat because the conservation measure that will be implemented to conserve the NLEB (tree removal between October 1 and March 31) will also minimize adverse effects to the IBat. Given this conservation measure, we concur with your effects determination for the IBat.

EBI also determined that the project is "not likely to adversely affect" the bog turtle. EBI will implement Best Management Practices to avoid adverse impacts to the adjacent wetland. Such conservation measures will include the use of silt fencing, wattles, and implementing erosion and sedimentation control measures. Additionally, tree removal will occur during the bog turtle's brumation period, which lasts from approximately October 1 to April 14¹. Because of these avoidance and minimization measures, we concur with your effects determination for the bog turtle.

Furthermore, the monarch butterfly was identified on the OSL for this project. EBI did not proactively assess potential project impacts on the monarch butterfly because consultation is not required for species that are proposed for listing. We have no further comment on the monarch butterfly.

No further coordination or consultation under the ESA is required with the Service for this project at this time. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. Until the proposed project is complete, we recommend that you check IPaC regularly from the

¹ U.S. Fish and Wildlife Service. 2022. Interim Species Status Assessment/Biological Report for the northern population of the bog turtle (*Glyptemys muhlenbergii*). Version 1. New York Field Office, U.S. Fish and Wildlife Service, Cortland, New York. 92 pp + Appendices.

date of this letter to ensure that listed species presence/absence information for the proposed project is current.*

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation, Region 3, New Paltz Office.

Thank you for the opportunity to review this project. If you require additional information or assistance, please contact Andrew Gordon at andrew_gordon@fws.gov or at 607-753-9334. Future correspondence with us on this project should reference project file code 2025-0129885.

Sincerely,

IAN DREW  Digitally signed by IAN DREW
Date: 2025.11.24 14:58:49 -05'00'

Ian Drew
Field Supervisor

*Additional information referred to above may be found on our website at:
<https://www.fws.gov/office/new-york-ecological-services-field/new-york-project-reviews>

cc: NYSDEC, Region 3, New Paltz Office, dep.r3@dec.ny.gov
NaturalResources@ebiconsulting.com