



PAWLING, N.Y. – A lawyer, representing homeowners whose properties abut the land where a cell phone tower has been proposed in Pawling, said the application process should never have been allowed to move forward because state law would prohibit the issuance of a building permit at the location.

Whitney Singleton, an attorney for the Mt. Kisco-based law firm of Singleton, Davis and Singleton, represents the Nichols and Irwin families who live on Cunningham Lane, which is where [Homeland Towers LLC](#), in conjunction with AT&T, have proposed to build a 110-foot cell tower.

During the second of three public hearings being held Wednesday night on the application for a special-use permit and site plan approval, Singleton told the Pawling Planning Board that state law prohibits issuing a building permit for a parcel of land that has no frontage or does not abut a street or highway.

“This has all been a waste of everyone’s time,” he said. “We are here to evaluate a site that can’t even be utilized.”

Singleton said he has contacted the Pawling town attorney on the matter, but has yet to receive an opinion.

“It boggles my mind,” Singleton said. “You are always entitled to enforce the law. It’s open and shut – it’s statutory. Thousands of case decisions have determined that and the town can’t waive it.”

The Planning Board nor representatives of Homeland or AT&T responded to Singleton’s contentions during the public hearing, which at times grew heated and contentious.

Homeland Towers filed the application to build the tower at the Cunningham Lane location 13 months ago. Residents in the surrounding neighborhood immediately banded together to oppose its construction.

AT&T said that its cell phone service throughout the town and village of Pawling is lacking and there are numerous gaps in coverage and a new tower is needed. They said it’s not only a service issue, but a safety issue as well.

Ron Graiff, an independent radio frequency engineer hired by the town to act as a consultant, affirmed AT&T's contention that there are gaps in coverage, but said that the Cunningham Lane site, as well as a proposed alternative site at Debby Lane are not the most ideal locations but noted that Pawling, due to its hilly terrain, does not have a lot of options.

Homeland Tower is required to consider alternative sites in addition to the original proposal and the Debby Lane property came to the forefront during previous planning board meetings on the cell tower plan. Graiff said Wednesday night that the two sites are comparable.

"The two sites do meet the need to fill portions of the gaps," he said. "The Cunningham Lane site provides a slight edge because of the service it would provide to the village. But they are very close. It boils down to which one would make most sense for the town."

However, Christopher Fisher, an attorney representing Homeland, said it recently came to his attention that the Debby Lane site might not be a viable option due a covenant that would prohibit the construction of a cell tower there.

"That site does not look like it is legally available," he said. "But we may be working through the system to remove or modify those covenants."

Planning board members said that the Debby Lane site remains up for discussion and shouldn't be taken off the table.

"We are not discounting Debby Lane," Fisher replied. "Data indicates it will work. But it has become a big question mark."

Meanwhile, Manuel Viscente, president and owner of Homeland Towers, defended his choice of the Cunningham Lane site, saying it was not an arbitrary decision and that a lot of thought went into it.

"We take a lot of pride in what we do and we take on a lot of difficult projects," he said. "The idea that we just stumbled upon this [property] is insane. There was a lot of research and it took years to select this project. We were very thorough and took our time. We would not have bothered the community if we didn't do the research. The idea that we just fell on this property is just fantasy."

A third option for the tower was proposed during the public hearing. Keith McLaughlin told the board he was an attorney representing property owners at 120 Old Route 55 and they would like to be considered as the location for the tower project. He was directed by the board to file the necessary paperwork with the exact coordinates of where the tower would be placed so Homeland could test it to see if it was a viable option.

Both the planning board and Homeland Towers said they would still welcome even more potential sites for the tower. They are asking Pawling property owners who think they may have a viable parcel of land to reach out to the planning department by calling 845-855-0959.

During the course of the public hearing, both the public and board members also expressed concerns about the possible negative impact a tower would have on surrounding property values.

“Under SEQR, we have to know how does it economically impact property values,” said Planning Board member Steve Sollozzo. “That’s everyone’s concern. That’s the elephant in the room. Going forward, maybe we can get that information.”

Fisher told the board that Homeland would have a study conducted on the property value impact in the area and present it to the town, which could then have it peer reviewed.

The third and final public hearing on the Cunningham Lane application is scheduled for Nov. 18.

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Award-winning journalist Bob Dumas’ writing and editing career spans more than 25 years. He is the recipient of the prestigious Maggie Award for outstanding magazine writing, and has won several