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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.

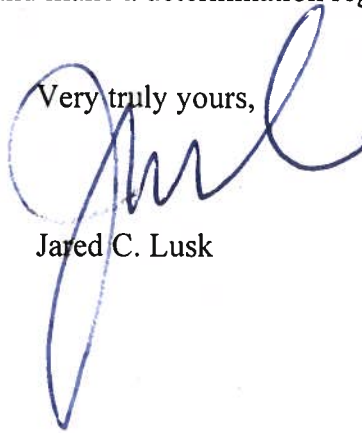
Enclosed as Exhibit S (lettered to follow Exhibits A-R previously submitted with the Application) is a letter from Ms. Brenda Uberty, the owner of the residence that is located approximately 518' from the proposed 180' tower waiving the Tower Setback as authorized by the Revised Code.

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

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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