

CONNECTICUT SITING COUNCIL

PETITION OF NEW CINGULAR)
WIRELESS PCS, LLC (“AT&T”) TO THE)
CONNECTICUT SITING COUNCIL FOR A) PETITION NO. 1010
DECLARATORY RULING THAT NO)
CERTIFICATE OF ENVIRONMENTAL) FEBRUARY 15, 2012
COMPATIBILITY AND PUBLIC NEED IS)
REQUIRED FOR THE PROPOSED)
INSTALLATION OF A CONCEALED)
TOWER ON A WATER TANK AND)
RELATED FACILITIES LOCATED AT A)
WATER TREATMENT PLANT AT 455)
VALLEY RD., GREENWICH, CT)

PRE-FILED TESTIMONY OF RICHARD KOSINSKI

Q1. Please state your name and address.

A1. Richard Kosinski, 470 Valley Road, Cos Cob, CT 06807.

Q2. How close do you live to the subject property at 455 Valley Road?

A2. My property is adjacent to and across the street from the subject property.

Q3. Have you fully reviewed this Petition 1010 which has been filed by AT&T?

A3. Yes.

Q4. After reviewing this Petition 1010, do you have any concerns about AT&T’s proposal?

A4. Yes. I have many very serious concerns about this Petition 1010.

Q5. Can you describe each concern that you have about the Petition 1010?

A5. I am concerned about many issues, including but not limited to:

1. Environmental impact on my drinking water supply and that of approximately 130,000 others in the Town of Greenwich and other surrounding communities;
2. Environmental impact on the wetlands;
3. Environmental impact of increased sound caused by the structure;
4. Imbalanced cost to benefit ratio between the potential benefit of the radio frequency coverage that will be realized by the proposed tower versus the potential negative environmental impacts;
5. Availability of other, more suitable “open space” areas;
6. Negative aesthetics in a residential neighborhood;
7. Clear violation of property rights;
8. Limited viability for co-location;
9. Impact of a tower in a residential neighborhood;
10. Desecration of a significant historic area of Connecticut;
11. Unlawful future upkeep of site;
12. Negative impact on my property value and that of my neighbors;
13. Availability of alternative technologies; and
14. Inconclusive health risk.

Q6. What information or evidence have you discovered which supports any of the concerns that you have about this Petition 1010?

A6.

1. Environmental impact on my drinking water supply and that of 130,000 others in the Town of Greenwich and other surrounding communities. The site sits on the Mianus River. The site is classified by the Connecticut Department of Health as a Class I drinking water source as defined in DPH code 25-37c-1: Establishment of Criteria and Performance Standards for Classification of Water Company Lands SS c (1): "Class 1 land" means all land owned by a water company which is either within two hundred and fifty feet of high water of a reservoir or one hundred feet of any water courses. In addition to my family, this site provides drinking water to more than 130,000 residents in Greenwich, Stamford, Port Chester, Rye Brook and Rye. Both the likely three (3) month construction and the existence of the tower and the necessary equipment shed that will be built are well within one hundred (100) feet. Based on my measurements during the site visit which took place on September 12, 2012, the tower would be within fifty (50) feet of the river, and the equipment shed would be within approximately seventy (70) feet from the water's edge. If the structure failed our drinking water would be at serious risk. I am concerned about the following risks: 1) structural failure that causes that tank to collapse into the river; 2) a leak from the eight (8) to twelve (12) hour batteries that will back-up the site in the event of a power failure; 3) a fuel leak from a generator that is required in the event that power is out for longer than twelve (12) hours (outlast power outage in the October storm saw area power out for more than 24 hours); 4) "run off" into the river during construction; 5) "run off" into the river during normal operations (at my home, I was required to build a dry well to accommodate rainwater run-off; and 6) potential carelessness of site construction crews. These are very real threats to a public drinking water source. To the best of my knowledge, this Petition 1010 has yet to be

reviewed by the Connecticut Department of Public Health. I implore the CSC to not approve this site with the very real risk of even the slightest contamination to my public drinking water source. On or around February 3, 2012, I learned about a diesel fuel spill at the Verizon telecommunications facility in Rye Brook that contaminated a pond with approximately 900 gallons of diesel fuel. This event clearly demonstrates that it is possible that AT&T's proposed use could result in a fuel spill that would contaminate this public drinking water source.

2. Environmental impact on the wetlands: The subject property has inland wetlands which need to be preserved and I am concerned that AT&T's use of the property will impair the inland wetlands there both during construction and when the tower is serviced in the future.
3. Environmental impact of increased sound caused by the structure: At the February 9, 2012 evidentiary hearing, I learned that the unit will be required to have a generator, and an air conditioning unit. I presume the generator will run during power outages lasting longer than the battery back-up. I also assume the air conditioner will run for several months due to extended warm weather. Both will cause varying degrees of added sound to a now, quiet, neighborhood. While generators are commonly heard in this neighborhood during power outages; constantly running air conditioners are not. My concern is that the air conditioner unit that is to cool the shed will be close to the water and will therefore amplify the sound and disturb many of the surrounding residential properties.
4. Imbalanced cost to benefit ratio of this site: the land contour makes this a valley so it is not an optimal site for AT&T to use. I have reviewed marketing materials of

telecommunications companies, including AT&T, Verizon and Sprint. These companies claim that they have cellular coverage in this area. In fact, according to the AT&T Coverage Viewer located on AT&T's website, it is stated that there is 4G data coverage, and that "voice" coverage is moderate (See, attached exhibits). As the site already has both "adequate" data and voice coverage, I do not think that the environmental impact is outweighed by the additional radio frequency coverage that AT&T would gain by this tower.

5. Availability of other, more suitable "open space" areas: The petitioner should consider other "open space" areas in the vicinity that would provide better radio frequency coverage than the subject property which as deficient land contours;
6. Negative aesthetics in a residential neighborhood: The water tank already is an eyesore which conflicts with the serene residential nature of the surrounding area. The addition of a large tower atop the water tank will only further impair views of the surrounding residences.
7. Impact of a tower in a residential neighborhood: The water tank sits amidst a residential neighborhood. It is at eye level to several homes. Increasing the tank by building a tower atop the structure now puts it at eye level with several people's bedrooms. Aesthetically, I find this objectionable and the CSC should as well.
8. Desecration of a significant historic area of Connecticut: During the public hearing, there were two neighbors who cited the historic value of this land for hundreds of years. I would urge the CSC to carefully read the public testimony of Mr. Bill Cameron and Ms. Elizabeth Agresta. This land played a role in the Civil War as well as in the development of this community. My understanding is that when it was a Mill, there were many toxic

materials that were used on the site, including dyes, and this is one of the reasons that the town fathers decided to put a deed restriction on the property—to protect the environment and the neighborhood in the future.

9. Unlawful future upkeep of site: When the land was sold to Aquarion in 1953, that land came with some significant requirements as to complete screening of the site. In a document from the Town of Greenwich’s Planning and Zoning Commission, dated December 22, 1953, the document states: “...further, that the wash water tank be thoroughly screened by shrubbery and trees and that the entire construction be of such character as not to impair the natural beauty of the area” (*See*, attached exhibits). The photographs included in the attached Exhibits demonstrate that the subject property is out of character with the natural beauty of the area.
10. Negative impact on my property value and that of my neighbors: There would be very few buyers who would consider purchasing a home with an active Cell Tower hundreds of feet away. For the petitioner to state that it is a “concealed” cell tower certainly does not hide a potential buyer’s fear of having a cell tower immediately across the street. AT&T has not provided any evidence that the cell tower will not negatively impact the fair market value of neighboring properties.
11. Inconclusive health risk: While this is my final concern, it by no means makes it less important. In fact, as a father of two small children, this was my first concern. I recognize that the Federal Telecommunications Act of 1996 “preempts state and local jurisdictions - including this agency - with respect to the finding of need and the effects of radio-frequency (RF) emissions.” However, as a father, that doesn’t make me any less concerned of the potential health risk to young children.

Q7. Have any other residents expressed to you any concern about this Petition 1010?

A7. Yes.

Q8. To the best of your recollection, what are their names?

A8.

Brooke Jaeger
Susan Herrmann
Richard Kosinski
Peter Janis
George Bennett
Sandi Coughlin
Pam Daly
Martha Drake
Kenneth Herrmann
Scott Caffrey
Peter Moss
Ronnie Caffrey
Gary Ashley
Angela Alfano
Alison Fels
Lilach Buehler
Erin Bates-Letourneau
Alan Gunzburg
Eric Alfano
Sage Volpe
Jesse Shultis III
Laura Larossa
Anthony Pompa
Alyson Ferrara
Alyson Febus
Carolyn Zimmerman
James Webster
Ashley Pedrosa
Tom Volpe
Rick Harris
Joanne Casco
Jesse Shultis Jr

Patrick Daly
Alison Marullo
Elizabeth Nickerson
Susan Kosinski
Kimberly Fox
Tanya Rama
Michael Fox
Richard Kral
Brooke Jaeger
Pavel Schukin
Laura Ortega
Linda Kennedy
Roger Bowgen
Leslie McElwreath
Barbara Daly
Ed Caffrey
John Rinello
Virginia Hamilton
Stephen Bittker
Susan Russo
Barbara Stephens
Harold Mondschein
Suzanne Wind
David Dall
Michele Dall
Jonathan Hanes
Kristen Studwell
William Breck
Kevin Mackay
Karen Hasterok
Ashley Turner
Ellen Roth
Anthony Whyte
Catherine Polkinghorne
David Ayres
Elizabeth Schinto
Hans Lindh
Paulette Marshall
Jennifer Lewis
Amy Blake
Erin Woerz
Sara Keller
Logue logue

Ann Anderson
Sean Grogan
Amy Phillips
Colleen Alfano
David Alfano
Rosaura Artola
Julia Toal
Lindy Urso
Stephen Kellogg

Q9. Based upon the information, evidence and testimony that you have observed so far, do you think that the Connecticut Siting Council should approve or deny this application?

A9. Based on what I have observed so far, I think that the CSC needs to deny this application.

Q10. If the Connecticut Siting Council were to approve this Petition 1010, do you think that the approval should require any changes to what AT&T has proposed so far?

A10. Yes.

Q11. What changes do you suggest?

A11. If this tower is approved, I think the CSC should require the following conditions of approval:

- a) Any generator used by AT&T, or any future telecommunications company cannot use any liquid fuel source;
- b) The equipment shed must be sound-proof;
- c) The air conditioning unit that will likely run 24/7 during the late spring and summer months should be state-of-the-art "low sound";
- d) AT&T is required to construct a special dry well to absorb the rain-water run-off that will be increased due to the added surface area;

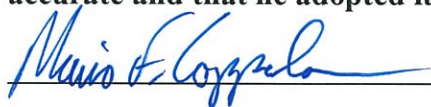
We recently requested a continuance (for 12 days) for a second time and, again AT&T refused. As a taxpayer and citizen of the state of Connecticut, I find it offensive that a multi-national firm such as AT&T can just bulldoze a neighborhood to try and get their petition approved. Given the facts that emerged in AT&T's responses to questioning during the February 9, 2012 evidentiary hearing, we merely requested a brief extension of time to consult with some experts regarding our issues of concern brought upon by AT&T's responses to the posed questions, as well as the *lack* of response to some questions. Furthermore, we served AT&T with over forty (40) Interrogatories to which AT&T has not yet responded. The second request for an extension of time would have provided us with the minimum amount of time necessary to review and analyze AT&T's responses to our Interrogatories.

I, RICHARD KOSINSKI, duly sworn, hereby verify that this statement was prepared by me or under my direct supervision and is believed to be true and accurate to the best of my knowledge and belief.


Richard Kosinski

2/14/12
Date


The above signed, RICHARD KOSINSKI, personally appeared before me and verified that the above pre-file testimony for the Connecticut Siting Council is true and accurate and that he adopted it by his free act and deed on this 14th day of February.



Commissioner of Superior Court
~~Notary Public~~
~~My Commission expires~~

RESPECTFULLY SUBMITTED BY:

LEE HIGGINS, KAORI HIGGINS,
PETER JANIS, ELIZABETH JANIS,
RICHARD KOSINSKI & SUSAN KOSINSKI

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Email: mcoppola@bmdl.com
Their Attorneys

CERTIFICATE OF SERVICE

This is to certify that on the above date a true copy of the foregoing has been sent both electronically and by U.S. Mail, first-class, postage pre-paid, to the following parties of record:

Ms. Linda Roberts, Executive Director, Connecticut Siting Council, 10 Franklin Sq., New Britain, CT 06051 (1 original, 15 copies, plus 1 electronic)

New Cingular Wireless, PCS, LLC (AKA – AT&T), Christopher Fisher, Esq. Cuddy & Feder, LLP, 445 Hamilton Avenue, 14th Fl., White Plains, NY 10601


Mario F. Coppola, Esq.

Mianus River Valley



Coverage Legend Terms

BEST: In general, the areas shown in dark orange should have the strongest signal strength and be sufficient for most in-building coverage. However, in-building coverage can and will be adversely affected by the thickness/construction type of walls, or your location in the building (i.e., in the basement, in the middle of the building with multiple walls, etc.) This AT&T owned network provides 3G, GSM, GPRS, and EDGE service. [Learn more about our technology.](#)

GOOD: The areas shown in the medium orange should be sufficient for on-street or in-the-open coverage, most in-vehicle coverage, and possibly some in-building coverage. This AT&T owned network provides 3G, GSM, GPRS, and EDGE service. [Learn more about our technology.](#)

MODERATE: The areas shown in the light orange should have sufficient signal strength for on-street or in-the-open coverage, but may not have it for in-vehicle coverage or in-building coverage. This AT&T owned network provides 3G, GSM, GPRS, and EDGE service. [Learn more about our technology.](#)

PARTNER: The areas shown as an orange striped pattern represent the coverage of unaffiliated carriers and should have sufficient signal strength for on-street or in-the-open coverage, but may not have it for in-vehicle coverage or in-building coverage. Excessive use of Partner coverage may subject your service to early termination, in accordance with your service terms. Data services may not be available.

4G: The areas shown in darkest blue represent AT&T owned HSPA+ network with enhanced backhaul, AT&T's HSPA+ network is capable of delivering 4G speeds when combined with enhanced backhaul. [Learn more about 4G.](#)

Mobile Broadband: 3G Voice and Mobile Broadband coverage is available in select metropolitan areas. Mobile Broadband capable device and eligible rate plan required. However like all coverage it can and will be adversely affected by distance from cell site, weather, foliage, tower congestion and other factors. You'll know you're in our Mobile Broadband coverage area when the Mobile Broadband network indicator appears beside the signal bars on your phone. If you are outside our Mobile Broadband coverage area, you can still access services using our EDGE network. [Learn more about Mobile Broadband.](#)

3G GoPhone: 3G coverage for GoPhone is available in select areas and requires a 3G capable handset to receive service. However, like all coverage it can and will be adversely affected by distance from cell site, weather, foliage, tower congestion and other factors. You'll know you're in our 3G GoPhone coverage area when the Mobile Broadband (3G) network indicator appears beside the signal bars on your phone. If you are outside our 3G GoPhone coverage area, you can still access services using our AT&T National GoPhone coverage.

EDGE/GPRS: The areas shown in the medium blue represent AT&T owned GSM network providing Enhanced Data rates for GSM Evolution with typical speeds of 75 to 135 kbps, advanced mobile services like video and music clips, full picture & video messaging, high-speed color Internet access, and email on the move are possible. [Learn more about our technology.](#)

AT&T DataConnect Pass: DataConnect Pass coverage is available throughout the AT&T company owned 4G, Mobile Broadband and EDGE networks. It can only be



AT&T Coverage Viewer

United States

International

Enter your location to see coverage in your area.

Address

Latitude/Longitude

Enter in Decimal Degree Format (e.g., Lat. 33,767711 Long. -84,41819)

Latitude

41.06787574817457

Longitude

-73.5798459266394

[View Map](#)

Coverage last updated on: 12/02/11
Map depicts an approximation of coverage.

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The Nation's Fastest Mobile Broadband network is getting faster with 4G LTE

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[Shop for Prepaid Cell Phones](#)

[Wireless Support](#)

Coverage Type

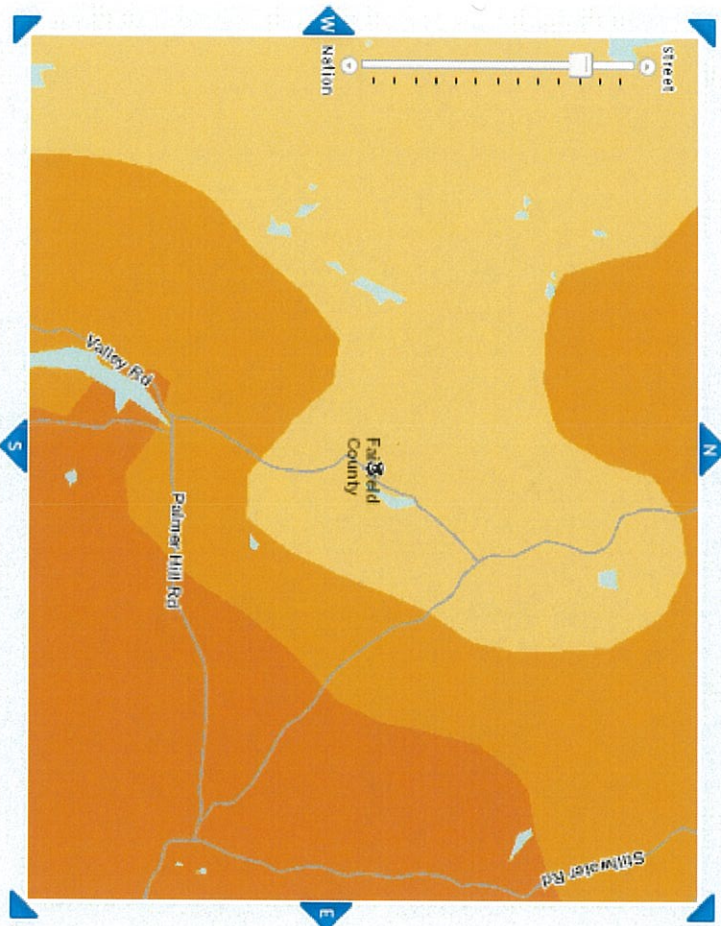
[Voice](#)

[Data](#)

[GoPhone](#)

[Smart Limits & FamilyMap](#)

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Voice Coverage Legend

- Best :g
- Good :g
- Moderate :g
- Requires 3G Capable Handset
- Partner :g
- No Service Available



AT&T Coverage Viewer

United States | International

Enter your location to see coverage in your area.

Address Latitude/Longitude

Street Address or Intersection 455 Valley Road

City

State/US Territory ZIP Code 06807

Coverage last updated on: 12/02/11
Map depicts an approximation of coverage.
[Learn More](#)

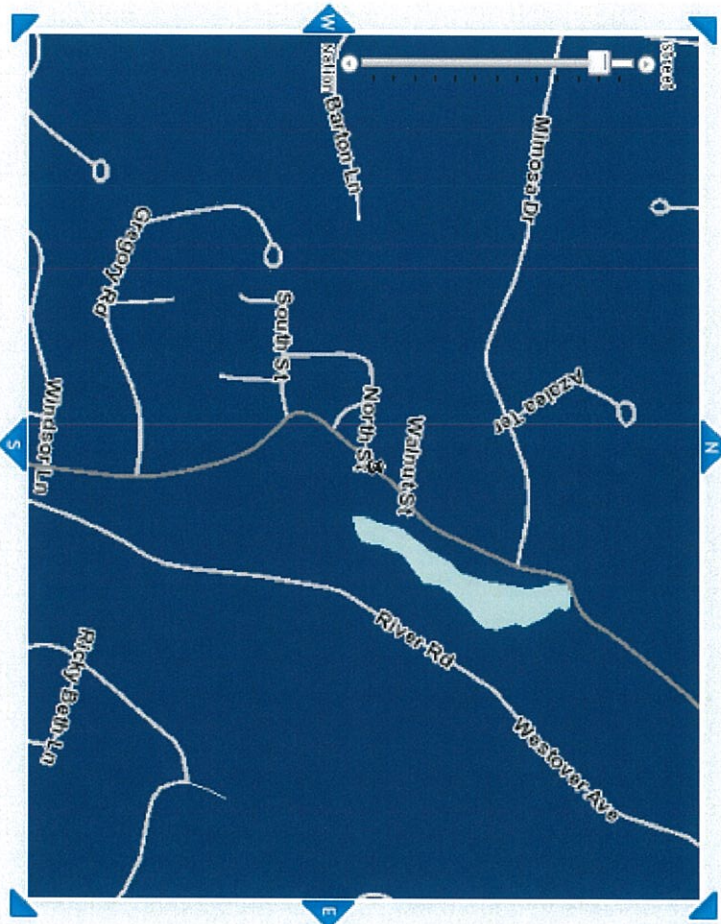
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Coverage Type
[Voice](#) | [Data](#) | [Gophone](#) | [Smart Limits & FamilyMap](#)

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Data Coverage Legend

- 4G [DataConnect Pass](#)
- Mobile Broadband* [DataConnect Pass](#)
- EDGE/GPRS* [DataConnect Pass](#)
- Partner EDGE*
- Partner GPRS*
- No Service Available

*Supports optional features such as AT&T Media, including Cellular Video.



AT&T Coverage Viewer

United States **International**

Enter your location to see coverage in your area.

Address	Latitude/Longitude
Street Address or Intersection ?	
455 Valley Road	
City	
cos cob	
State/US Territory ?	ZIP Code
ct	06807
View Map	

Coverage last updated on: 12/02/11
Map depicts an approximation of coverage.
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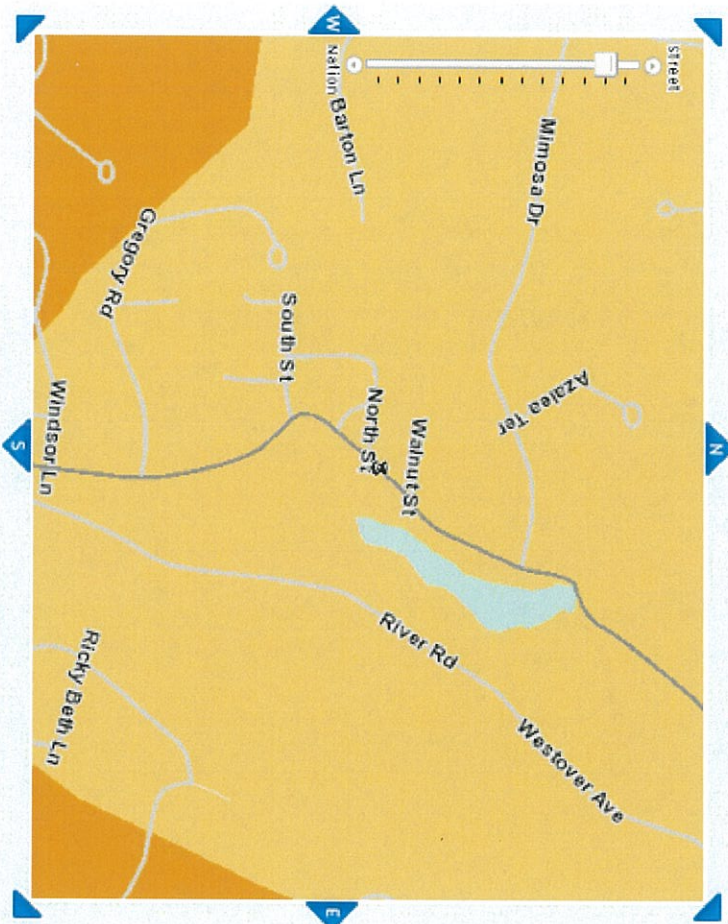
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Coverage Type
[Voice](#) | [Data](#) | **[GoPhone](#)** | [Smart Limits & FamilyMap](#)

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GoPhone Coverage Legend

- Pay As You Go
- Pick Your Plan
- Best [?](#)
- Good [?](#)
- Moderate [?](#)
- Partner [?](#)
- 3G GoPhone - requires 3G capable handset [?](#)
- No Service Available



AT&T Coverage Viewer

United States | **International**

Enter your location to see coverage in your area.

Address Latitude/Longitude

Street Address or Intersection 455 Valley Road

City

City

cos cob

State/US Territory ZIP Code 06807

CT

[View Map](#)

Coverage last updated on: 12/02/11
Map depicts an approximation of coverage.
[Learn More](#) :g

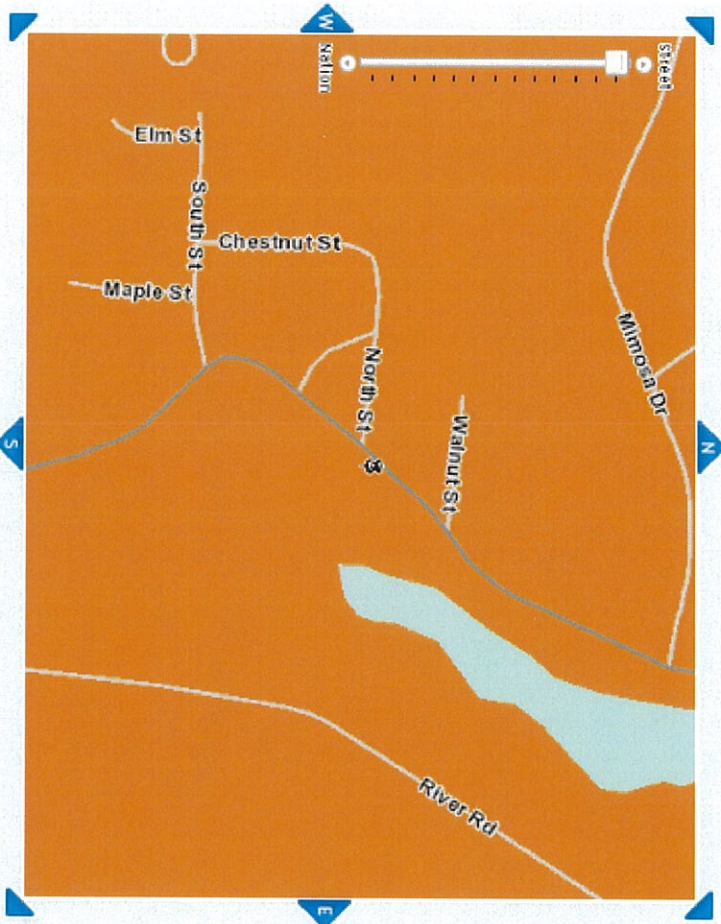
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Coverage Type
[Voice](#) | [Data](#) | [Gophone](#) | [Smart Limits & FamilyMap](#)

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AT&T Smart Limits and AT&T FamilyMap Coverage Legend

- AT&T Smart Limits for Wireless and AT&T FamilyMap :g
- AT&T Smart Limits Partner :g
- No Service Available

[View details about Smart Limits](#) :g, and [FamilyMap](#) :g



Search

Coverage Locator

Street Address

City, State

Zip

or



Select Coverage Type

- Voice & Messaging** [?](#)
 - Voice Calls
 - Text Messaging
- Data Coverage** [?](#)
 - Mobile Broadband
 - NationalAccess
 - V CAST - Video/Music
 - Email/Web/Messaging
 - VZ Navigator/Family
- 4G Data Coverage** [?](#)
 - 4G
- Push to Talk** [?](#)
 - Push to Talk
- Prepaid** [?](#)
 - Prepaid

Map Legend

- Dig
- No

International Coverage

Refresh Map



Coverage Locator

Directions | Print

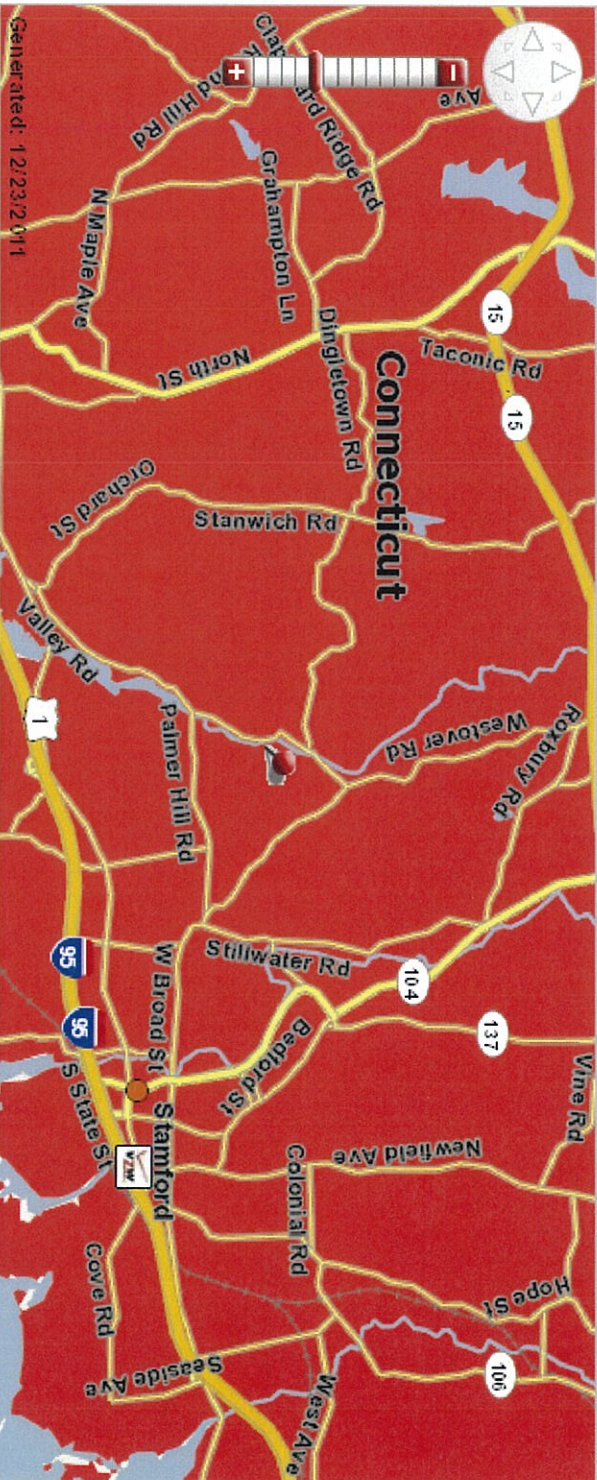
Street Address

City, State

Zip

or

Search



Generated: 12/23/2011

Select Coverage Type

- Voice & Messaging [?]
 - Voice Calls
 - Text Messaging
- Data Coverage [?]
 - Mobile Broadband
 - NationalAccess
 - V CAST - Video/Music
 - Email/Web/Messaging
 - VZ Navigator/Family
- 4G Data Coverage [?]
 - 4G
- Push to Talk [?]
 - Push to Talk
- Prepaid [?]
 - Prepaid

International Coverage

Refresh Map

Map Legend

- Verizon Wireless 3G
- Verizon Wireless 1X
- Extended 3G Data
- Extended 1X Data
- Canadian 3G
- Canadian 1X
- No Coverage





Search

Coverage Locator

Street Address

City, State

Zip

or



Select Coverage Type

- Voice & Messaging [?]
 - Voice Calls
 - Text Messaging
- Data Coverage [?]
 - Mobile Broadband
 - NationalAccess
 - V CAST - Video/Music
 - Email/Web/Messaging
 - VZ Navigator/Family
- 4G Data Coverage [?]
 - 4G
- Push to Talk [?]
 - Push to Talk
- Prepaid [?]
 - Prepaid
- International Coverage

Refresh Map





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Digital Lounge

Community

Support

Phones

Plans

Services

Accessories

4G

Promotions

Coverage Maps

Shopping Cart

Coverage Check

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Coverage details for

455 VALLEY RD, COS COB, CT 06807

Map new locations

Recent searches

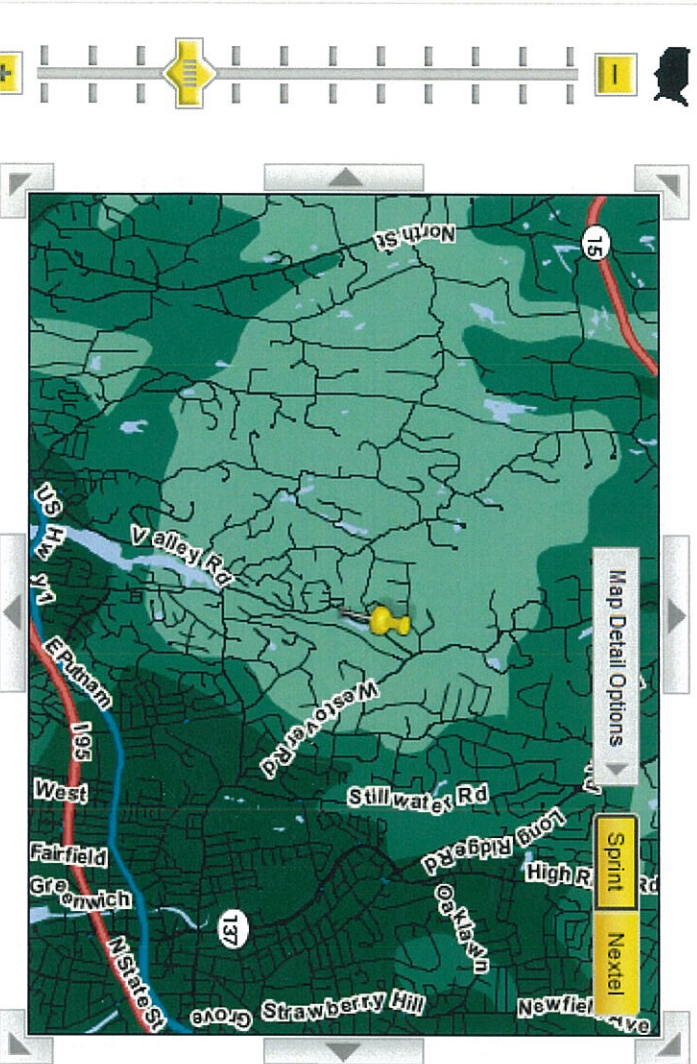
455 valley road 06807

Voice

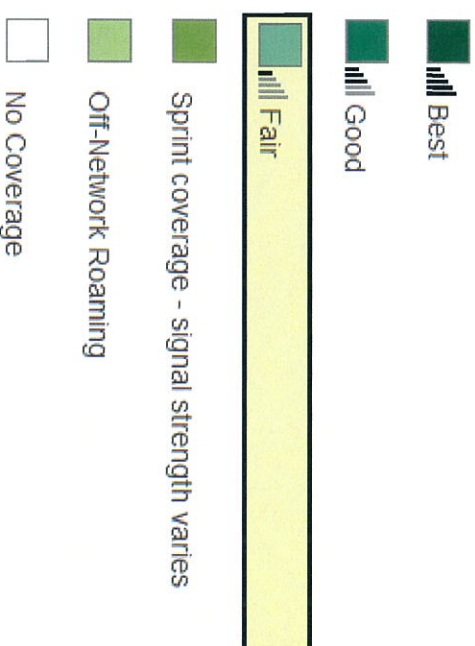
4G

3G and more

Direct Connect



Voice Coverage Experience



Coverage Check

Got questions? Click to chat

Coverage details for

455 VALLEY RD, COS COB, CT 06807

Map new locations

Recent searches

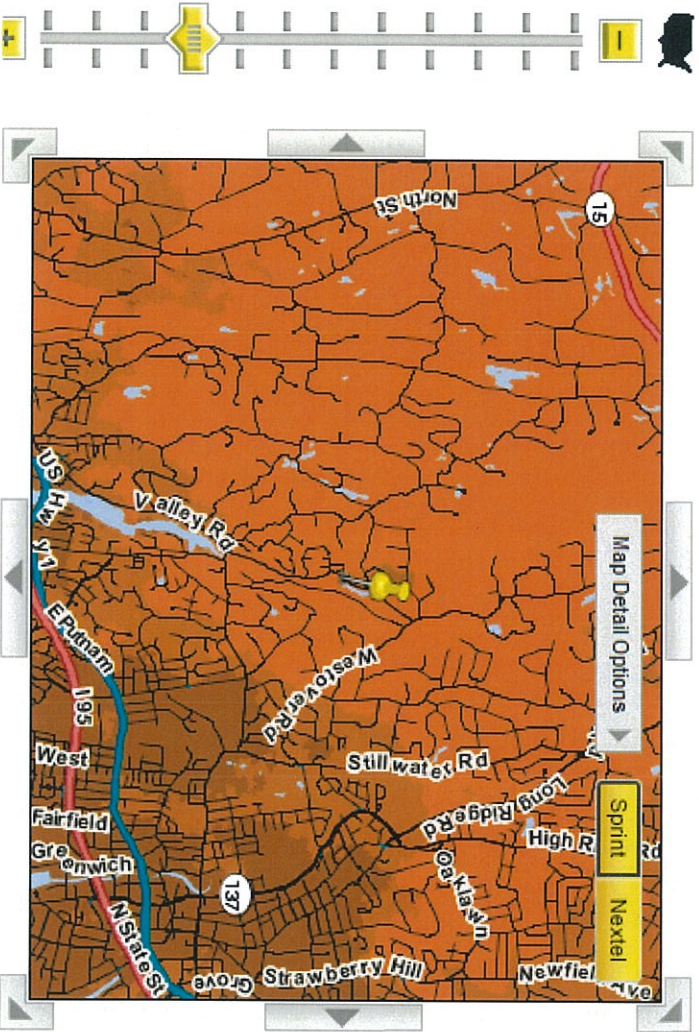
455 valley road 06807

Voice

4G

3G and more

Direct Connect



Data Coverage Experience

4G Coverage - only available on some devices

In-building

You will be able to use 4G data inside most buildings, in a car, and outside.

On-street

You will be able to use 4G data inside some buildings, in a car, and outside.

Other Data

Other Data Coverage

See the 3G and more tab for more detailed coverage information.

No Coverage

Coverage Check

Coverage details for

455 VALLEY RD, COS COB, CT 06807

[Map new locations](#)

Recent searches

455 valley road 06807

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- Voice
- 4G
- 3G and more
- Direct Connect

[Map Detail Options](#)

Data Coverage Experience

See detailed info about download and upload speeds. Review detailed [service availability](#).

Sprint 3G network



- On Network**
 - Off-Network Roaming**
- Similar level of service as on network, but Sprint Family Locator, Sprint Navigation and TeleNav will not work

Nationwide Sprint Network

- On Network**
 - Off-Network Roaming**
- Similar level of service as on network, but Sprint Family Locator, Sprint Navigation and TeleNav will not work





