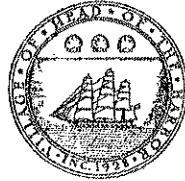


Village of
Head-of-the-Harbor

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January 20, 2026

VIA FIRST CLASS MAIL and EMAIL

Peter Marullo, Chairperson
Village of Nissequogue Planning Board
631 Moriches Road
St James, NY 11780

Re: Opposition to Application for Cell Tower at 541 Long Beach Road

Dear Chairperson Marullo:

I am writing on behalf of the Village of Head of the Harbor to express our firm opposition to the proposed 140-foot cellular communications tower at 541 Long Beach Road in your village. Because the site is directly adjacent to our community and visible from the Village of Head of the Harbor, this application raises significant legal, procedural, and substantive concerns that warrant denial.

It is important that the procedural requirements for the proposal were followed, including compliance with SEQRA and proper inter-municipal notice. We would appreciate clarification regarding whether the Village of Head of the Harbor received formal notice of the application. Given the proximity of the proposed tower and its potential visual impact, inter-municipal notice would help ensure that our residents have an opportunity for meaningful participation in the review process. Further, any approval would be improper without strict compliance with the State Environmental Quality Review Act (SEQRA). Please advise as to whether all environmental review procedures have been followed, including notice to the New York State Historic Preservation Office (SHPO) and other relevant agencies.

The proposed tower poses significant environmental risks that have not been adequately assessed or mitigated. Construction will harm local species and vegetation and negatively affect sensitive waterways near the site. We feel that the environmental assessment provided is insufficient, and approval should not proceed without a comprehensive impact analysis that evaluates alternatives and mitigation measures.

Federal courts have held that, “aesthetics is a permissible ground for denial of a permit under the TCA.” Omnipoint Communs., Inc. v City of White Plains, 430 F3d 529, 533 (2d Cir 2005). The visual and aesthetic impact of a 140-foot industrial structure on our historic community raises serious concerns. The tower would permanently degrade the scenic views of our harbor that have defined our waterfront for nearly a century. As the Village of Head of the Harbor approaches its 100th anniversary in 2028, we remain committed to preserving the historic character and natural beauty that are central to our identity. This proposal represents an incompatible industrial intrusion into a carefully preserved residential and historic setting. We submit that such impacts have not been properly evaluated nor justified by the applicant.

The Court in Omnipoint Communs., Inc. v City of White Plains also held that concerns regarding property values are valid reasons for a denial of a permit. The proposed facility will negatively affect property values in both communities. Studies consistently show that cellular towers reduce residential property values and deter prospective buyers. Introducing an incompatible industrial element undermines the residential character our zoning codes are designed to protect.

The proposed cell tower is out of place when considering the character of the surrounding area, and its height, mass, and visual profile render it excessive in this particular location. The installation would introduce a prominent and permanent visual intrusion that is neither necessary nor well-suited to its setting. Moreover, the stated coverage objectives can be achieved through less intrusive means. As widely recognized in the telecommunications industry, advancements in technology, including the use of small cells, provide technologically efficient and effective solutions while minimizing aesthetic impacts. Under these circumstances, approval of the proposed structure is not justified where reasonable, less visually disruptive alternatives exist to accomplish the same functional goals.

In light of the concerns regarding notice, we request an additional public comment period with sufficient notice to ensure our residents have the opportunity to participate. If our community is denied the opportunity to meaningfully participate, it would violate fundamental principles of public involvement in land use decisions.

Based on procedural deficiencies, environmental risks, and substantial adverse effects on our community, the Village of Head of the Harbor strongly opposes this application and respectfully requests that the Planning Board deny it.

Thank you for your consideration.

Sincerely yours,



Michael Utevsky
Mayor, Village of Head of the Harbor

CC: Hon. Richard B. Smith, Mayor, Village of Nissequogue
Board of Trustees, Village of Head of the Harbor
Margaret O'Keefe, Village Clerk
Brian Egan, Village Attorney