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CONSOLIDATED ZONING BOARD OF APPEALS
TOWN OF HIGHLANDS, VILLAGE OF HIGHLAND FALLS

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In the Matter of

DEBORAH KOPALD,

Applicant,

KOPALD AFFIDAVIT

For a Decision Pursuant to New York Town Law Article 16 and
Town of Highlands Code Article VII

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1. I, Deborah Kopald, resident of 88 Forest Hill Road, Fort Montgomery, NY, whose property is adjacent to the Sec/Lot Blk 11-1-1.52 of concern (owned by David Tonneson, Deborah Tonneson and Jaidin Paisley-Tonneson (“Tonnesons”) submit this affidavit *in further support* of my aggrieved neighbor appeal pending before the Zoning Board of Appeals requesting a reversal of the certificate of occupancy issued by the Town’s Building Inspector/Code Enforcement Officer to the Tonnesons on June 15, 2020.

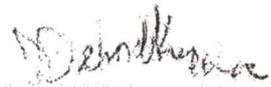
2. I was familiar with the subject parcel. It was a well forested area to the point where it blocked noise, it blocked view of everything below me to the point it even blocked the Hudson River for the portion of the year the leaves are on the trees. I had walked through to Hemlock Street periodically and certainly several times since 2016 through 2019 and there were no noticeable changes natural or otherwise to the area.

3. When no construction is going on, I am routinely exposed to noise that I was protected from previously by the tree buffer both from the subject parcel and from areas below. As previously indicated, it was always quiet at my house with the exception of the occasional barge. I would have to be listening very closely to hear a train whistle at night and downstairs where my office and bedroom are. I almost never discerned anthropomorphic noise during the day before construction. I can hear cars driving up Hemlock, C-scale noise (leaf blowers, lawn mower type noise, power tools, etc.) coming from the Hemlock Street area, cars on 9W, more

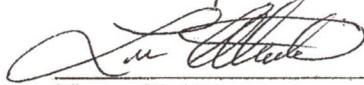
train noise etc. When construction is not occurring, things should revert to normal. They have not and will not absent redress, which I continue to assert I am legally entitled to.

4. Tonneson's affidavit misrepresented what C-scale noise is. The New York City code distinguishes between C-scale and A-scale noise. The former is low frequency noise from machinery; the later are other anthropomorphic noises like hammering, shouting, etc. With regard to the comments in his affidavit about the McCarthy property which is one lot over and at a higher elevation, sometimes noxious construction noise occurred, but it was a fraction of what occurred at the Tonneson site. The issue was the use of machinery emitting C-scale noise and the relative time of use of same. Most stick-built home activities involve A-scale noise. Again, ongoing non-construction C-scale noise was not something I was exposed to before construction occurred.

5. There were consistently no Wi-Fi networks visible in my yard, around my bedroom and office or in most of the upper floors year after year until last fall. I and others checked on cell phones and macbooks and saw no networks. There is now at least one consistent one, "Spectrum Setup 70". My inability to use my usual bedroom actually dates back to the fall after trees were removed; the remediation that I did is inadequate and more needs to be done to restore previous levels. There are other sources of electromagnetic radiation besides Wi-Fi; again tree cover is a major barrier to all sources; the more cover, the more of a barrier.


Deborah Kopald

Sworn to before me this
4th day of August 2020
September


Notary Public

LISA ALVARADO
Notary Public, State of New York
No. 01AL6101150
Qualified in Orange County
Commission Expires November 3, 2023

Notarization was made pursuant to
NY Governor's Executive Order 202.7,
as extended.