

Article 1

Telecommunications Model Law

1.1 GENERAL REFERENCES

Subdivision of Land – See section

Zoning – See

1.2 INTENT

1.3 DEFINITIONS

Accessory Equipment: Any equipment servicing or being used in conjunction with a wireless telecommunications services facility or wireless telecommunication support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds.

Antenna: A system of electrical conductors that transmits or receives electromagnetic waves or radio frequencies signals. Such waves shall include but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS) and microwave telecommunications. This definition does not include rods, wires, or other similar devices affixed to a residence or other structure and used solely to receive radio or television signals.

Base Station: A structure or equipment at a fixed location that enables Public Service Commission or Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this law or any equipment associated with a tower.

Collocation or Co-location: The mounting or installation of transmission equipment on an eligible support structure or any structure for the purpose of transmitting and/or receiving radio frequency signals for communications or telecommunication purposes.

Distributed Antenna System (DAS): A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless telecommunication service within a geographic area or structure.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: i) collocation of new transmission equipment; ii) removal of transmission equipment; or iii) replacement of transmission equipment.

Eligible Support Structure: Any tower or base station as defined in this law, provided that it is existing at the time the relevant application is filed with the _____.

Right-of-way: Surface and space in, on, above, within, over, below, under, or through any real property in which the Village/Town/City has an interest in law or equity including but not limited to any public street, road, highway, alley, sidewalk, or any other place, area, or real property owned by or under the legal or equitable control of the Village/Town/City.

Small Cell Facility: A type of wireless telecommunication services facility consisting of a low-powered wireless base station that functions like a cell in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces.

Substantial Change:

Tower: Any structure built for the sole or primary purpose of supporting any licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Utility Pole: A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control, signage, or a similar function regardless of ownership, including Village/Town/City-owned poles. Such term shall not include structures supporting only wireless telecommunication service facilities. Any pole in excess of 50 feet shall be deemed a tower.

Wireless Telecommunication Services (WTS): The provision of wireless telecommunication services, including those more commonly referred to as “cellular phones” which services are regulated by the Federal Communications Commission (FCC) in accordance with and as the term “personal wireless service” is defined in the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 USC Section 332(c)(7)(c), or as amended.

Wireless Telecommunication Services Facility (WTS Facility): A structure, facility or location designed or intended to be used as, or used to support, antennas. It includes, without limit, freestanding towers, guyed towers, monopoles, small cell facilities whether or not installed on utility poles in the public right-of-way or property of the [redacted] or of another municipal corporation within the [redacted] and similar structures that employ camouflage technology, including but not limited to structures such as a multistory building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, personal telecommunications services, commercial satellite services or microwave telecommunications, but excluding those used exclusively for dispatch telecommunications, or exclusively for private radio and television reception and private citizens’ bands, amateur radio and other similar telecommunications.

1.4 REVIEW PROCEDURE

A. No antenna or communications tower shall hereafter be used, erected, connected to, modified or replaced except pursuant to the following process:

1) Planning Board Pre-Application Review:

- a. The Planning Board shall conduct a pre-application review as required by [redacted] which may, among other things, evaluate the proposed telecommunications facility’s application materials for their completeness and accuracy. The Planning Board is authorized to request from applicant any additional information that the Planning Board determines, in its absolute discretion, is necessary to further explain or describe the proposed telecommunications facility’s application materials and their compliance with all relevant sections within this article. Upon concluding the pre-application review to its sole satisfaction, the Planning Board may render a final determination that the proposed telecommunications facility’s application is complete. The Planning Board shall confirm its final determination in writing to the applicant, which shall include the date upon which the application was deemed to be complete. For small cell facilities, this determination will initiate the shot clock (see § [redacted]).

- b. To facilitate the application review process:
 - i. Applicants are strongly encouraged to engage in voluntary pre-application discussions with the Planning Board prior to filing an application; and
 - ii. With respect to applications for a Wireless Telecommunications Facility, Small Cell applications must be submitted no earlier than fourteen (14) days before any scheduled Planning Board meeting.
- 2) SEQRA Review
 - a. All proposed telecommunications facilities shall be SEQRA Type I Actions
 - i. Planning Board as SEQRA Lead Agency. Where the Planning Board is the proper Lead Agency for the proposed telecommunications facility's SEQRA review, the Planning Board shall comply with the provisions of Article 8 of the New York Environmental Conservation Law and its implementing regulations as codified in New York Code Rules and Regulations Title 6, Part 617.
 - ii. Zoning Board of Appeals as SEQRA Lead Agency. Where the Zoning Board of Appeals is the proper Lead Agency for the proposed telecommunications facility's SEQRA review, the Zoning Board of Appeals shall comply with the provisions of Article 8 of the New York Environmental Conservation Law and its implementing regulations as codified in New York Code Rules and Regulations Title 6, Part 617.
- 3) Final Planning Board Review. All proposed TELECOMMUNICATIONS facilities shall be subject to Planning Board review and approval pursuant to this chapter and the requirements and procedures of Article _____, Special Use Permit and Site Plan Approval.
 - a. Final determination by the Planning Board is subject to the following FCC shot clocks once an application has been deemed complete:
 - i. Collocation of small wireless facilities – 60 days
 - ii. Collocation of all other facilities – 90 days
 - iii. Construction of new small wireless facilities – 90 days
 - iv. Construction of all other facilities – 150 days
 - v. If deemed incomplete within 30 days, the shot clock will be paused. If the application has been resubmitted, the Planning Board must deem the application incomplete within 10 days to pause.
- 4) Zoning Board of Appeals Review. The Zoning Board of Appeals shall have the authority to review and approve, approve with modifications or deny Special Use Permits pursuant to this chapter and §_____, Variances.

- a. If a variance is required, the Zoning Board of Appeals shall comply with the provisions of Code of the Village/Town/City of _____.

1.5 PERMITTED DISTRICTS, SPECIAL REQUIREMENTS

- A. Communications towers and antennas shall be permitted in those districts identified in _____, Use Table.
- B. Communications towers and antennas proposed in or within 750 feet of prohibited districts shall be subject to § _____, Variances. In addition to the information mandated by the foregoing provisions, applicant must demonstrate by or provide in the proposed telecommunications facility's application materials, as supported by substantive evidence:
 - 1) Signal strength measurements showing that the applicant would not be able to provide service to the area without locating in the described area.
 - 2) That collocation on existing communications towers would compromise the existing towers' structural integrity and that the tower(s) cannot be modified to support the proposed antenna(s).
 - 3) That collocation on an existing current structure, utility pole, building or a new communications tower within a permitted district is impossible due to surrounding topography or other land features, whether natural or manmade. The fact that additional cost may be incurred and additional antennas may be required is not conclusive of an inability to so collocate.
- C. In the event the applicant meets the criteria of Subsections A and B above, subject to all other requirements of this chapter, a proposed telecommunications facility located outside a district zoned for towers or within 750 feet of a prohibited district must meet the following additional criteria:
 - 1) If the communications tower is less than 35 feet in height or the telecommunications antennas are to be located on a structure of less than 35 feet, the Planning Board in its discretion may require that the communications tower and/or antennas be completely camouflaged to blend with the surroundings, including but not limited to:
 - a. The communications tower being made to look like a tree, silo or other alternative tower masking design selected by the Village/Town/City in its sole discretion.
 - b. Camouflage by artificial leaves, painting or other suitable method. Deteriorating camouflage or paint will be replaced at the Village/Town/City's request, at the tower owner's expense.
 - c. Enclosed with some modification to the structure or similar screening.
 - 2) If applicant has proven that a communications tower greater than 35 feet is needed to provide the required coverage, the Planning Board may require that more than one communications tower being 35 feet or less be built in lieu of a single taller communications tower in order to provide the required coverage. In such case, all of the criteria of this chapter must be fulfilled for each such communications tower.

- 3) In all events of telecommunications facilities located in prohibited districts with a Zoning Board variance, the applicant must provide substantial foliage and landscaping within the vicinity of the communications tower as well as landscaped buffer areas, the adequacy of which shall be determined by the Planning Board pursuant to § _____, Screening and the provisions of this chapter.

1.6 APPLICATION MATERIALS AND SUPPORTING DOCUMENTS

The following information shall be submitted in support of an application for a telecommunications facility. This information is required in addition to the information and documents mandated by _____, pertaining to site plan review, specific use permits or variances. This information is subject to CTC and Planning Board review processes.

- A. A full application on a form supplied by the Village/Town/City and the truthfulness attested to by a licensed professional engineer:
 - 1) A Full Environmental Assessment Form (EAF), including a site description that identifies and describes:
 - a. The proposed telecommunications facility, including but not limited to:
 - i. the type of service and facilities to be provided;
 - ii. the size of applicant's trading area (overall network area) within the Village/Town/City and five miles beyond as licensed by the FCC;
 - iii. the size of the area to be served by the proposed telecommunications facility;
 - iv. the general service improvements to applicant's customer base that will be achieved if the proposed telecommunications facility is permitted;
 - v. the need for and/or improvements in emergency communications that will be achieved if the proposed telecommunications facility is permitted;
 - vi. any upgrading of necessary infrastructure (if any) for business development within the proposed telecommunications facility's service area; and
 - vii. the elimination of redundant facilities or equipment to be achieved if the proposed telecommunications facility is approved;
 - b. Man-made topographical features at and within one (1) mile of the selected site;
 - c. Environmental resources on or adjacent to the selected site, including but not limited to water bodies and wetlands;
 - d. Surrounding vegetation (i.e. tree species) at the selected site;
 - e. Fencing around the proposed telecommunications facility;

- f. Building materials for equipment sheds;
 - g. Proposed visual impact mitigation measures and a description of applicant's efforts to minimize visual impacts. If this objective cannot be accomplished, applicant shall provide an explanation why the minimization of visual impacts is technically impossible, providing substantive evidence to support this claim. Increased costs associated with minimizing visual impacts shall not be considered sufficient support of a claim of impact mitigation infeasibility.
 - h. Applicant's compliance with the National Environmental Policy Act of 1969 and the National Historic Preservation Act; and
 - i. All SEQRA Involved Agency permits required, as applicable.
- 2) The manufacturer's or applicant's design drawings pertaining to installation, stamped by a licensed professional engineer.
 - 3) The applicant's maintenance and inspection schedule.
 - 4) Site access, road alignment, road width, road surface type, proposed curb-cuts, anticipated construction and operation vehicular traffic to and from the site and construction parking and storage areas. Location of the curb cut is subject to DOT regulations or a Village/Town/City Highway work permit.
 - 5) Each application for installation of antennas shall include either a preliminary or a certified statement that the installation of the antennas, including reception and transmission functions, will not interfere with the radio or television service enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications. In the event only a preliminary statement is submitted with the application, a final certified statement on noninterference will be provided and approved by the Village/Town/City prior to the issuance of a permit. A Village/Town/City-approved professional engineer shall prepare the statement.
 - 6) A safety analysis and certification by a licensed professional engineer that the proposed telecommunications facility will be in compliance with all applicable FAA and FCC laws and regulations.
 - 7) Proof of the site owner's consent, if the applicant is not the owner of the site on which the applicant seeks to locate a commercial telecommunications facility.
 - 8) The name of the operator, owner, lessee(s) to the application, with correct direct contact information for the same.
 - 9) A copy of applicant's FCC License.
 - 10) Names and addresses of adjacent property owners, as contained in public records.
 - 11) An inventory of applicant's existing sites. Each applicant shall provide a map showing applicant's FCC-licensed service area (within the municipality and five miles beyond) with a separate map showing applicant's inventory of its existing communications towers and antenna sites within the Village/Town/City and within one mile of the Village/Town/City's

border including, for each such structure, specific information regarding the communications tower and/or antenna height and the location, street address, tax parcel, latitude and longitude and mean sea level height of the communications tower base.

12) The location of any equipment or other facilities required by each of the three potential collocators or additional users, as provided for in §1.5 of this Article.

13) A visual impacts study, generated by an appropriately licensed consultant that:

- a. Complies with the NYS Department of State Model Visual Impact Analysis methodology;
- b. Complies with §§ 1.10 and 1.12 of this Article;
- c. Describes the natural and manmade character of the area surrounding the proposed telecommunications facility's site, including identifying highways and residential and commercial streets and roads, vegetation, land use and visually sensitive sites including but not limited to parks, historic sites and public access facilities (such as trails and boat launches) within a five (5) mile radius of the proposed telecommunications facility's site;
- d. Includes a computer-imaged photograph of any proposed communications tower as it would appear on the site, including any proposed attachments, from at least three different angles selected by the Village/Town/City and during all four seasons of the year;
- e. Includes a list of key viewer groups, including but not limited to residents, hikers, motorists, campers and boaters;
- f. Identifies key viewpoints, such as public roads, recreation areas and residential developments with a determination whether the viewpoints are stationary or moving and the view's duration;
- g. Describes the width of the field of view and the horizontal viewing angle;
- h. States whether the view is through vegetation or open area;
- i. Identifies the natural and manmade features that will be seen by the view in the foreground (0 to 0.5 mile), middle ground (0.5 to 3.5 miles) and background (3.5 to 5 miles) views;
- j. Includes a visual analysis map, line of sight profiles, and visual simulation photographs keyed to the site map consistent with visual analysis methodology;
- k. Demonstrates applicant's compliance with the National Environmental Policy Act of 1969 and the National Historic Preservation Act; and
- l. Includes a description of applicant's efforts to minimize visual impacts. If this objective cannot be accomplished, applicant shall provide an explanation why the minimization of visual impacts is technically impossible, providing substantive evidence to support this claim. The Town may consider these efforts and require

additional efforts if there is a reasonable basis, in the Town's sole discretion, for such requirement.

- 14) No fewer than three (3) alternative sites that meet the applicant's technical requirements and the **Village/Town/City**'s zoning/land use requirements. For each alternative, applicant must describe the proposed communications tower, antennas and support facilities as follows:
 - a. Size (height above ground level to the top of the communications tower and to top of antennas, dimensions of all components, including base and top dimensions);
 - b. Type (e.g. self-supporting monopole, guyed communications tower), materials and color of the communications tower);
 - c. Configuration and sizes of each alternative communications tower's foundation and antenna supports;
 - d. FAA-mandated lighting or striping for each alternative communications tower if required;
 - e. The equipment shelter associated with each alternative communications tower; and
 - f. A viewshed map for each alternative site that identifies those locations within five (5) miles of each proposed site where there is a relatively high probability that the proposed alternative telecommunications facility will be visible. The viewshed map shall be based on the proposed structure height at each location at an elevation of 2 feet above base flood elevation. The viewshed map shall define the maximum area from which the tallest element of the completed telecommunications facility could potentially be seen within the study area (ignoring the screening effects of existing vegetation), with a delineation of foreground (0 to 0.5 mile), middle ground (0.5 to 3.5 miles) and background (3.5 to 5 miles).
- 15) Applicant shall select a preferred alternative site based on the lowest potential visual impact and the preferred alternative site's technical and economic feasibility. Applicant shall provide the Town with:
 - a. A signal propagation study for the preferred alternative site; and
 - b. A detailed explanation supporting the preferred alternative site's selection that includes a demonstrated need for service supported by substantive evidence; environmental, visual and site impacts; initial development and life-cycle costs; and an explanation of why other alternative sites were not preferred.
- 16) Additional submission requirements for communications towers include:
 - a. Identification and description of an anti-climbing device.
 - b. A report from a licensed professional engineer, which describes the communications tower, including its height and design, demonstrates the communications tower's compliance with applicable structural standards (including but not limited to foundation design, wind loading and guy wire plans) and describes the

communications tower's capacity, including the number and types of antennas it can accommodate.

- c. A preliminary or a certified statement that the installation of the communications tower, will not interfere with the telecommunications services enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications. In the event only a preliminary statement is submitted with the application, a final certified statement on noninterference will be provided and approved by the **Village/Town/City** prior to the issuance of a permit. A **Village/Town/City**-approved professional engineer shall prepare the statement.
 - d. The site plan shall show distances between the proposed communications tower structure and structures on adjoining properties within 750 feet, together with the names and addresses of all property owners within 750 feet of the boundary of the property on which the communications tower is proposed, as contained in the public records.
 - e. Identification and location of any telecommunications antennas located within one mile of the proposed communications tower, regardless of ownership.
 - f. As-built drawings certified by a professional licensed engineer, within 60 days after completion of the construction.
 - g. A demolition bond or other security acceptable to the **Village/Town/City** for the purpose of removing the communications tower if the owner fails to do so upon the communications tower disuse for a period of six months, or has been ordered removed by the **Village/Town/City**, because the communications tower is no longer necessary to achieve or facilitate the applicant's permitted use. Such bond or security shall be automatically renewable on each anniversary until advised by the **_____** in writing that it is no longer needed.
- B. Any application to the Planning Board shall include copies of the full application, if one is required, to the Zoning Board of Appeals.

1.7 COLLOCATION REQUIREMENTS

- A. All antennas and communications towers erected, constructed or located within the **Village/Town/City** shall comply with the following requirements:
- 1) A proposal for a communications tower shall not be approved unless the Planning Board finds that the antenna planned for the proposed communications tower cannot be accommodated on an existing or approved communications tower or structure due to one or more of the following reasons:
 - a. The antenna would exceed the structural capacity of the existing or approved communications tower or structure, as documented by a qualified professional engineer, and the existing or approved communications tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna. All reasonable costs of such modification or replacement of the communications tower or structure shall be presumed to be borne by the owner of the proposed antenna.

- b. The antenna would cause interference materially impacting the usability of other existing or planned antenna at the communications tower or building as documented by a qualified professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved communications towers and structures cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer, and cannot be modified or replaced as provided for in §1.5A-1a above.
 - d. Other unforeseen reasons that make it infeasible to locate the antenna upon an existing or approved communications tower or structure.
- 2) Any proposed communications tower shall be designed, in all respects, to accommodate both the applicant's antennas and comparable antennas for three or more additional users. Communications towers must be designed to allow for future rearrangement of antennas upon the communications tower and to accept antennas mounted at varying heights. Additionally, the necessary land to accommodate the equipment of said additional users shall be under the control of the communications tower applicant. This control may be through ownership, lease or contract with a period of time no less than the control the applicant has over the land used for the equipment for subject communications tower application.
 - 3) The applicant shall submit to the Planning Board a letter of intent committing the applicant, and his/her successors in interest, to negotiate in good faith for shared use of the proposed communications tower or structure by other telecommunications providers in the future.
 - 4) Collocation on communications towers, structures or land encumbered by an antenna, structure or communications tower existing prior to **July 2018**.

Notwithstanding anything to the contrary herein, the collocation requirements of this chapter are intended to be enforceable as to existing antennas, communications towers and structures and/or land encumbered by antennas, structures or communications towers. Accordingly, upon a renewal, extension or exercise of option for a renewal term of an existing lease for land, structure or communications tower, a clause in any such lease, whether entered into prior to or after the enactment of this chapter, which provides for exclusivity as to the land, structure or communications tower in favor of one or more carriers shall not be enforceable against a carrier seeking collocation.

1.8 ADDITIONAL REQUIREMENTS FOR SMALL CELL FACILITIES

- A. All small cell facilities erected, constructed or located within the **Village/Town/City** shall comply with the following requirements:
 - 1) Small cell facilities shall not be staffed and shall consist of one or more antennas attached to a support structure or building.

- 2) Each antenna shall be located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna with exposed elements, the antenna and all its exposed elements shall theoretically fit within an enclosure of no more than six (6) cubic feet
- 3) All other wireless equipment associated with the facility shall have a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission

1.9 ADHERENCE TO LOCAL, STATE, AND FEDERAL STANDARDS; PROOF OF COMPLIANCE

All telecommunications facilities must meet or exceed all applicable federal, state and local laws, rules, standards or regulations of the FCC and the FAA. If such standards, rules, laws or regulations are changed or amended, at any time in the future, then the owners of such facilities shall bring those facilities into compliance with such revised regulations if such changes or amendments provide for existing communications towers and/or antennas to be brought into compliance.

1.10 INSPECTIONS AND LICENSES

- A. Communications towers shall be inspected every five years on behalf of the communications tower owner by a licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the Clerk with the application for a license during the month of December every five years. This requirement shall be considered a condition to any specific use permit, variance or any other permit or license required by this chapter.
- B. Operators shall obtain **Village/Town/City** licenses for each communications tower and/or antenna operated pursuant to this chapter no later than January 31 of the sixth year from the year in which the communications tower or antenna initially becomes operational, and every five years thereafter. The license fee shall be set from time to time by the **Village/Town/City** Board.
- C. The operator of any telecommunications facility sited within the shall submit certification every five years, signed by a New York State licensed professional engineer, verifying such facility is in compliance with all applicable federal, state and local radio frequency radiation emission standards. Such certification shall be delivered to the Clerk with the application for a license during the month of December every five years. This requirement shall be considered a condition to any specific use permit, variance or other permit or license required by this chapter.

1.11 PERFORMANCE STANDARDS

- A. Antenna safety. Antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner shall submit evidence of compliance with the FCC General Population exposure standard every five years, with the application for a license, as provided for elsewhere in this chapter. If new, more restrictive standards are adopted, the antennas shall be made to comply or the **Village/Town/City** may restrict continued operations. The cost of verification of compliance shall be borne by the owner and operator of the communications tower.

- B. Random testing. The [REDACTED], in its sole and reasonable discretion, reserves the right to randomly test any telecommunications facility at any time for FCC compliance, at the tower owner's expense.
- C. Powering up. Once erected, the power output of any telecommunications facility or its antennas may not be increased without the prior express written consent from the Village/Town/City Planning Board, and existing antennas may only be replaced with similar antennas, but in no event shall the new antennas emit higher levels of radio frequency (RF) radiations than the antennas being replaced.
- D. Noncompliance. To the extent any telecommunications facilities and antennas are not FCC compliant as required by Subsections A and C hereof, the owner of such facilities or antennas shall have thirty (30) days to cure such non-compliance and bring its facilities or antennas to code. In the event such breach has not been corrected within thirty (30) days following written notification of non-compliance from the Village/Town/City to the applicant, the Zoning Board of Appeals, in its sole discretion, reserves the right to (a) suspend or revoke any permits or approvals that had previously granted for the installation of such facilities or antennas or (b) request an immediate shut down of the respective facilities with no re-activation option unless, and until, a hearing is conducted before the appropriate local zoning authority. In the event of a permanent revocation and shut down, the removal of existing communications towers and attachments thereto shall be conducted at the owner's expense and in accordance with §1.15 hereof.
- E. Communications tower lighting. Communications towers shall be designed and sited to avoid the application of FAA lighting and painting requirements. Communications towers shall not be illuminated by artificial means and shall not display strobe lights unless the FAA or other federal or state authority for a particular communications tower specifically requires such lighting.
- F. Signs and advertising on communications towers. The use of any portion of a communications tower for signs other than warning or equipment information signs is prohibited. Said signs shall not be larger than two square feet.

1.12 SCREENING AND SECURITY OF COMMUNICATIONS TOWERS AND ACCESORY STRUCTURES

- A. Existing on-site vegetation shall be preserved to the maximum extent practicable, and applicant shall be required to comply with all applicable landscaping requirements for the district in which the proposed telecommunications facility is to be located.
- B. The base of the communications tower and any accessory structures shall be landscaped and meet the required screening of the district. The equipment shed associated with the communications tower may be separated from the communications tower to maintain vegetation necessary to achieve maximum screening;
- C. Communications towers and accessory structures shall be provided with Village/Town/City-approved security fencing to prevent unauthorized entry.

1.13 DESIGN OF ANTENNAS, COMMUNICATIONS TOWERS, ACCESSORY STRUCTURES AND SITE

- A. Communications towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA. Communications towers shall be a galvanized finish or painted grey above the surrounding tree line and painted grey, black or green below the surrounding tree lines. For communications towers on structures, every antenna and communications tower shall be of neutral colors that blend with the natural features, buildings and structures surrounding such antenna and structure; provided, however, that directional or panel antenna and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna communications tower shall be of colors that match, and cause the antenna to blend with, the exterior of the building. Accessory structures will be designed to be architecturally compatible with principal structures on the site and adjoining sites. Applicant shall be responsible for the regular maintenance and upkeep of all said design elements.
- B. The maximum height of a communications tower is limited to 100 feet above the ground upon which the antenna is placed.
- C. The use of guyed communications towers is discouraged unless a demonstrated safety issue requires them. Communications towers should be self-supporting without the use of wires, cables, beams or other means. The preferred design should utilize a monopole configuration, unless the applicant can demonstrate through reports by a licensed professional engineer that an open framework construction is the only feasible method that will allow the provider to provide service to the area to be served and that a monopole will not allow for that service to be provided. In the event guys are allowed, all guy supports shall be sleeved and entirely fenced in to a height of 8 feet above the finished grade. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.
- D. A driveway and an appropriate parking area will be provided to ensure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. As an occasionally used facility, all pavements shall be grass block or porous material, to minimize runoff and preserve natural vegetation. Location of road cut shall be approved by the planning board and will comply with the DOT and Town requirements.

1.14 COMMUNICATIONS TOWER SETBACKS AND VISIBILITY

- A. A communications tower's setback may be altered in the sole discretion of the Zoning Board of Appeals to allow the integration of a communications tower into an existing or proposed structure such as a church steeple, light pole, power line or similar structure.
- B. Communications towers shall not be located closer than 750 feet to the nearest prohibited district. In all other cases, communications towers shall be set back from adjoining properties a distance equal to 150% the communications tower height.
- C. In addition to the requirements of §1.10:
 - 1) Communications towers and facilities shall avoid ridge lines where the communications tower will be silhouetted against the sky; and

- 2) Communications towers and facilities shall be back-dropped by existing trees and topography.
- D. It shall be demonstrated to the satisfaction of the Planning Board that the proposed facility is set back adequately to prevent damage or injury resulting from ice fall or debris resulting from the failure of a wireless telecommunications facility, or any part thereof and to avoid and minimize all other impacts upon adjoining properties, including but not limited to noise, lighting, traffic and storm water runoff.

1.15 COMPLIANCE WITH OTHER AGENCIES AND GOVERNMENTS

The operator of every telecommunications antenna shall submit to the Planning Board copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

1.16 ASSIGNMENT OF PERMIT

Every permit granting approval of an antenna or communications tower shall state that any assignment or transfer of the permit or any rights thereunder may be made only upon 60 days prior written notice of such transfer or assignment to the **Village/Town/City**. In the event of non-compliance, the **Village/Town/City** shall in its sole discretion revoke the assignment and such assignment shall become null and void effective immediately.

1.17 REMOVAL OF ABANDONED OR UNUSED COMMUNICATIONS TOWERS

Abandoned or unused communications towers or portions of communications towers shall be removed as follows:

- A. The applicant shall remove all abandoned or unused communications towers and associated facilities and subsurface features, within six months of the cessation of operations unless the Zoning Board of Appeals approves a time extension. If the applicant is not a landowner, a copy of the relevant portions of a signed lease which requires the applicant to remove the communications tower and associated facilities and subsurface features upon cessation of operations at the site shall be submitted at the time of application. In the event that a communications tower, associated facilities and subsurface features are not removed within six months of the cessation of operations at a site, the **Village/Town/City** will utilize the funds held in the decommissioning bond required pursuant to §1.6A-16 to remove the communications tower and associated facilities and subsurface features.
- B. Unused portions of communications towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a communications tower previously removed requires the issuance of a new specific use permit.

1.18 EXEMPTIONS

The **_____** shall be exempt from this chapter, as shall any ambulance, emergency services, police or fire protection agencies.

1.19 FEES

- A. An applicant for licenses, permits, site plan approval and specific use permit for a telecommunications facility shall submit an application fee that is established from time to time by resolution of the Village/Town/City Board together with technical review fees for the costs of reviewing such applications.
- B. The Village/Town/City may retain technical consultants, at the expense of the applicant, as it deems necessary to provide assistance in the review of the site location alternatives analysis. These additional costs shall be limited to the consultant's review of the site location alternatives analysis, its report to the Planning Board, Zoning Board of Appeals and license application reviews.
- C. Fees may include the following:
 - 1) On-time and recurring charges made by state or local government in either a regulatory or proprietary capacity
 - 2) Application review fees, hearing fees, appeal fees, permit issuance fees, plan check fees, inspection fees, etc.
 - 3) Lease rent, franchise fees, pecuniary value of in-kind consideration, signing bonuses, etc.