

## **Policies and Standards for Small Cell Wireless Facility Siting Permits**

The following policies and standards are established for the Village of North Hills, with respect to any application for installation of small cell (“Small Wireless Facility” or “Distributed Antenna Systems” as defined by the Federal Communications Commission [“FCC”]) hardware on any existing or new structure (including a tower, pole, boxes or cabinets, cylinders, antennae, equipment, or any other structure as defined in the Village Zoning Code). These policies are intended to supplement and clarify the provisions of Village Code Chapter 196 and §215-26, and are applicable to any permit application made pursuant to that Chapter, or as required by any other provision in the Village Code.

### **CONTENT AND FILING OF APPLICATIONS**

All applications for small cell facilities shall be submitted to the Village Building Department. No application shall be considered “complete” until it is received by the Building Department, together with (a) all applications for any required approval, fully signed, including complete plans, engineering stamps and other required documentation, and (b) all required application fees, and conforms to the established permit application requirements.

Applications may be filed only by prior appointment made with the Building Department, in order to avoid filings which are too numerous or voluminous for the Building Department and other involved Village agencies to process effectively. In making any appointment for filing applications, the number of applications, and the number of sites, must be disclosed to the Building Department.

Generic applications are not acceptable. All applications must be site-specific.

The Building Department will also schedule voluntary pre-application conferences, to assist applicants in complying with applicable requirements.

In addition to any other information or documentation required for a building permit application, a permit application for a small cell site must conform to the following requirements, at a minimum:

- Each application may include a maximum of five (5) proposed facilities. Each application requires payment of an application filing and processing fee as determined by the Board of Trustees, but not less than \$500 for each application for location on existing poles or structures, and \$1,000 for each application for units proposed to be located on a new pole or structure. In the case of any application which also requires other discretionary relief from a Village board or agency other than the Building Department, the application fee shall also include the fee customarily charged by the Village for such applications. In the case of any application, the Applicant shall be required to reimburse the Village for any reasonable and customary costs or expenses incurred by the Village for professional consultants required for the review of the

application, and the Village may require an advance deposit for such amounts; any unused portion of such deposit shall be refundable.

- In addition to any required paper copies, the application, and all attachments, shall be submitted to the Building Department in an electronic format, unless this requirement is waived by the Building Department for good causes shown. All applications must be fully complete before the review process will begin.
- At least one paper copy of the application must include original signatures from all persons required to sign the application, or any supporting document which is required to be submitted under seal.
- The Applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.
- The names, addresses, telephone numbers, and e-mail addresses of any and all consultants acting on behalf of the Applicant with respect to the filing of the Application.
- A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of the Village Code (including, but not limited to Chapter 196 and §215-26), and applicable regulations of the Federal Communications Commission and the New York State Public Service Commission. The application and drawings shall describe and depict the use of a side mount or top of pole antennae at each location where applicable.
- The application shall state whether any site or facility is an "eligible facility" as defined in 47 U.S.C. 1455(a) (Section 6409 of the Telecommunications Act).
- The Application shall state which "shot clock" the applicant contends is applicable.
- The Application shall state whether the proposed permit is subject to Administrative Review (building permits issued by the Building Department where no special permit is required from the Zoning Board of Appeals) or Discretionary Review (special permit required from the Zoning Board of Appeals).
- If the Applicant is not the owner of the property where the facility is proposed to be located, the application must include documentation as to the identity of the owner of such property, and written authorization, acknowledged in the same manner as required for a deed, from the owner of such property. If the facility is proposed to be located on a property or structure, or portion thereof, which is subject to a lease, such documentation and consent is required from the owner and the lessee of the property.
- Detailed construction drawings regarding the proposed facility. Drawings shall be prepared by a licensed design professional and shall include structural analysis to demonstrate compliance with applicable codes, including, without limitation, all imposed loads (e.g. bending, shear and high wind loads).
- To the extent the proposed facility involves co-location on an existing pole, tower or support structure, a structural report performed by a duly licensed engineer evidencing that the pole, tower or support structure will structurally support the co-location (or that the pole, tower or support structure will be modified to meet structural requirements) in accordance with all applicable Codes. These drawings shall include clear notation of any requested changes to the elevation of Electric facilities and the clearance to communications facilities.

- The application shall also include at least two (2) representative pictures of each existing pole, or other proposed antennae structure location, and the immediate surrounding area.
- When two or more sites are being proposed, the application shall also include an aerial photograph or depiction, and a map, of the proposed locations with the addresses of each such site clearly shown in a legend or depicted on the aerial plan or map.
- Specifications must include RF power ratings (intermittent or steady), radiation patterns, and availability of an appropriately labeled local kill switch for the communications equipment when work on the pole or other supporting structure is required by Line Workers.
- The application shall include documentation that the RF signals will conform to and be in compliance with applicable FCC regulations. In any case where FCC regulations do not apply, the application shall include documentation that the RF signals shall not adversely impact residents and other personnel that may be in proximity to the cell site equipment.
- For any new aboveground facilities (including additions or extensions to existing facilities), accurate visual depictions or representations, if not included in the construction drawings.
- A statement whether the site or structure where the facility is proposed to be located was financed in whole or in part by tax-exempt bonds.
- Completed New York State Department of Environmental Conservation Long Form Environmental Assessment Form.
- Traffic Control Plans. In the event that applicant is planning to close any road or public property for construction purposes, the plan shall include (a) a requirement that the Applicant notify Nassau County Police and DPW Departments at least 5 business days in advance of any proposed closing, and (b) a plan for the Applicant to notify the Town of North Hempstead, Nassau County or NYSDOT for work on any roads or properties subject to their respective jurisdictions, and for compliance with the applicable regulations of each such government or agency. All applicable road closing fees will be required to be paid.

## **POLICIES AND REQUIREMENTS FOR APPLICATIONS AND PERMITS**

- The design of the cell antenna and other facilities, along with the selection of the equipment, shall minimize the aesthetic impacts to the community. The design shall include descriptions and depictions of facades or disguises to minimize the visual impact of the antenna and other equipment. The color, size, and shape of the equipment shall be consistent with surrounding structures.
- In approving an application, the Village may impose reasonable conditions with respect to co-location, camouflage design, color, shape, and size of the proposed facility. Where reasonably feasible, all facilities and equipment, whether located on public or private property or easements, must be camouflaged or concealed or otherwise designed to blend in with the surrounding landscape and existing structures.
- No antennae or equipment, may be located where sight triangles at driveways or intersections, or curb cuts, will be blocked or interfered with.

- There shall be no lighting of any tower, pole, antennae, or support structure.
- No signs or advertising, or other similar display, may be included on any site.
- No more than one (1) node may be located on any individual pole or similar structure.
- Antennae and related facilities located on or under the ground are preferred.
- No antennae, together with any structure on which the antennae are mounted, shall exceed a height of 50 feet, measured from the ground level at the base of the structure.
- No antennae shall be mounted on any structure so as to have a height greater than 10% higher than any adjacent structure.
- No antennae may be located so as to extend the height of any existing structure to a height greater than 50 feet above the ground level at the base of the structure, or greater than 10% higher than the existing structure, whichever is greater.
- No individual antennae shall exceed 3 cubic feet in volume. All other equipment or facilities associated with the wireless installation deployment shall not exceed 28 cubic feet in volume.
- No facility may increase the size of existing ground cabinets by more than 10% in height or volume.
- No addition to an existing pole or structure may extend more than six (6) feet from the existing pole or structure, nor across any property line.
- All required spacing requirements with respect to other existing utilities and antennae shall be met. No more than one antennae facility may be located on any single pole or structure except where the Building Department determines that doing so complies with all safety and other regulatory codes, and is reasonable necessary to provide service consistent with FCC regulations.
- Considering the power of the cell site equipment and proximity to existing residential structures or other structures which are customarily occupied, the application shall include satisfactory documentation that the new equipment will not conflict or cause issues with existing high frequency systems in the area including residential and Cable Company Wi-Fi equipment, and that the proposed facility will operate within FCC requirements with respect to RF emissions.
- Cell radios and antennae shall not be attached to “rear property” poles or similar structures, unless they can be accessed by a truck (driveway, road, etc.). Cell site radios and antennae shall not be installed in locations within five pole sections of each other.
- Permits may be granted for reasonable periods of time. Permits issued pursuant to these requirements or issued prior to these requirements, may be renewed for additional reasonable periods of time. Permit renewal applications require an application fee of \$270 per facility, and shall be supported by documentation as required for an initial application, but only with respect to any proposed changes in the facility. Prior to issuing any renewal permit, In appropriate cases where there is insufficient, or no, documentation for an existing facility, the Village may require any or all documentation as would be required for a new facility.
- The Applicant will also be responsible for payment of a “pole attachment fee” to the owner of any pole on which a facility is being located.

- Following the completion of construction work, Applicant will be required to arrange for a post-construction installation inspection and shall provide a “stamped” letter from a licensed NY State Professional Engineer (PE) that the work was completed as designed and is in compliance with all applicable codes and regulations. Any work required to be performed to correct a deficiency will be at the expense of the Applicant. No facility will be permitted to operate without first having received a letter of completion or other similar certification from the Building Department.
- All approvals will be subject to a reservation of rights by the Village to withdraw or amend an approval, or any part thereof, in the event of any determination by a court of competent jurisdiction that all or any part of the FCC regulations upon which the permit approval is based is invalid.

Applications will be processed on a timely basis, in accordance with State law, FCC Regulations and Village Zoning Code requirements.

All proposed work must be in accordance with the current version of the National Electric Safety Code (NESC) to protect residents, utility workers, communications workers as well as utility equipment. The National Electric Safety Code is a set of standards used by Electric Utilities to determine how they design their systems to protect the public as well as the equipment and to help ensure the reliability of the electric system. The installation of the cell radios and antennas shall NOT comprise the integrity of the Electric System.

Upon a determination by the Building Department that an application is complete, the Applicant promptly shall arrange for a joint walk down of the proposed locations with all concerned utilities that are currently on the pole or structure, to identify potential issues and determine the required “make ready” work.

Following the walk down, the applicant shall coordinate the determination costs for “make ready” work. All make ready work shall be completed before the cell radios and any antennae are installed. The Applicant is responsible for all “make ready” work costs to accommodate the cell radio and antenna. Based on existing pole agreements, New York Telephone (now Verizon) or another utility may be responsible for replacing poles to accommodate new equipment; in the event neither Verizon nor any other utility is responsible for such replacement, the Applicant shall be responsible for all costs and expenses for such replacement costs.

All work shall be performed in compliance with all federal, State and local regulations including OSHA. Personnel installing all equipment shall have the appropriate training, skills, knowledge experience to perform the work in a safe manner. Contractors installing the equipment shall demonstrate that they shall have the appropriate insurance as determined by the Village in accordance with customary Village requirements.

Upon approval of a permit application, the applicant shall promptly apply for electric service for each location.

No construction work shall be performed pursuant to any permit unless the Applicant, or the Applicant's contractor, shall have given written notice to the Village Building Department, and all residents and businesses located within three hundred feet of the location where construction is to be performed, at least three business days in advance of commencement of such construction work. Such notice shall include a reasonable description of the work to be done, and the dates and times when such work will be done, and the duration of such construction. No work shall be performed at dates or times which are prohibited by the Village Code, or which are not included in the aforesaid notices.

Permit conditions may require insurance consistent with customary Village requirements, including liability insurance documentation naming the Village, its officers, employees, agents and volunteers as additional named insureds.

THE FOREGOING POLICIES AND STANDARDS SHALL BE EFFECTIVE IMMEDIATELY UPON APPROVAL BY THE VILLAGE BOARD OF TRUSTEES, AND SHALL BE APPLICABLE TO ANY APPLICATIONS PENDING ON THE DATE OF APPROVAL.

ALL OF THE FOREGOING POLICIES, OR APPLICABLE PORTIONS THEREOF, SHALL NOT BE EFFECTIVE IN THE EVENT THE FCC OR ANY COURT OF COMPETENT JURISDICTION ISSUES A STAY WITH RESPECT TO ALL OR ANY PART OF THE FCC SMALL CELL REGULATIONS. IN THE EVENT ANY SUCH STAY IS ISSUED, AND LATER TERMINATED OR MODIFIED, THE EFFECTIVENESS OF THE FOREGOING POLICIES WILL BE DETERMINED ON A CASE BY CASE BASIS.

THE FOREGOING POLICIES AND STANDARDS SHALL REMAIN IN EFFECT UNTIL MODIFIED BY FURTHER APPROVAL BY THE BOARD OF TRUSTEES

COMPLETE APPLICATIONS FILED ON OR AFTER THE DATE OF APPROVAL OF THE FOREGOING POLICIES AND STANDARDS, WILL BE GOVERNED BY THE POLICIES AND STANDARDS IN EFFECT UPON THE DATE OF FILING THE COMPLETE APPLICATION.

DATE OF APPROVAL BY THE BOARD OF TRUSTEES: January 23, 2019.