

# TOWN OF HUNTER LOCAL LAW # 1 OF THE YEAR 2002

## TOWN ODF HUNTER CELL TOWER LAW

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### TOWN OF HUNTER CELL TOWER LAW

#### ***Section 1. Findings.***

The Town Board of the Town of Hunter finds an increasing need for the availability- of wireless communications in order to serve the needs of our existing constituents and to facilitate economic development in the township. No local law addresses the sitting of telecommunications towers. Recognizing the effect that telecommunications towers can have on the environment, particularly the view shed of our residents, it is incumbent on the Board to promulgate regulations that promote the proper sitting of said towers in such a manner as to minimize the impact on one of our most valuable assets, our scenic beauty.

#### ***Section 2. Purposes***

1. Facilitating the provisions of wireless telecommunication and other communication services to the residents and businesses of the Town, while simultaneously preserving the character, appearance and aesthetic resources of the Town;
2. Minimizing the adverse visual effects of telecommunications towers and facilities through development of location and approval criteria;
3. Protecting the scenic, historic, environmental, natural and man-made resources of the Town;
4. Preserving the property value of the community;
5. Minimizing the undue proliferation and height of communications towers throughout the community;
6. Avoiding potential harm to adjacent persons and properties from tower failure, noise, falling objects and attractive nuisances through set-back and height limitations;
7. Encouraging the shared use of existing and approved towers in order to reduce the number of towers needed to serve the community where reasonably possible, so as to minimize and mitigate the adverse visual impacts of towers and their facilities.

### ***Section 3. Applicability***

All new and presently existing Telecommunications facilities in the Town of Hunter shall be subject to these and all other applicable regulations.

#### ***Section 3.1 Applicability of Standards and Procedures.***

A). No telecommunication facility as defined in Section 10 of this law shall be used, erected, moved, reconstructed, changed or altered unless in conformity with these standards and criteria. Also, no existing structure shall be modified to serve as a telecommunication tower unless in conformity with these standards and criteria and subject to the approval of the Planning Board. This law applies to all applications currently pending before and hereafter filed with the Town of Hunter Planning Board.

B). The standards and procedures shall apply to all property within the Town of Hunter.

#### ***Section 4 Standards and Criteria***

No approval relating to a telecommunications facility shall be authorized by the Planning Board unless it finds that such a facility meets all of the following:

- (1) Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities;
- (2) Conforms to all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies; and
- (3) Will be designated and constructed in a manner which minimizes visual impact to the maximum extent practical.
- (4) Will follow the preferences listed directly below:

New or modified facilities will be placed according to the following priority:

- 1) Co-location on an existing tower
- 2) Placement of antennas or other telecommunication devices in or on an existing tall structure.
- 3) Placement of a new tower on a lot where a telecommunications tower already exists, on which the existing or new tower would not exceed the tree line
- 4) Placement of a new tower on a lot where a telecommunications tower already exists, on which the existing or new tower would exceed the tree line
- 5) Placement on a new site that does not exceed the adjacent tree line
- 6) Placement on a new site that does exceed the adjacent tree line

In any event, no telecommunications facility will be approved within the immediate view shed of a site which is listed on the State or National Register of Historic Places if the proposed tower will result in a significant impairment of the view from the historic location, as determined by the Planning Board.

#### ***Section 5 Demonstration of Need and Co-location***

An applicant must provide a demonstration of need for a new telecommunication. In the case of an applicant who is seeking approval for an additional facility on an existing structure, the demonstration of need may be limited to providing additional availability and competition. In the case of an applicant who is seeking approval for a new structure, the issues of availability, competition, better and/or wider service coverage, the consideration of alternate sites, and the impracticality of using existing facilities will be addressed as set forth in this law. In evaluating the demonstration of need, the Planning Board will consider the breadth of the service area, both

in size and number of residents and transients serviced, the total number of existing providers and their user base providing the same or similar service, and the impact of approval on the total number of telecommunications towers, both existing and reasonably projected and the priority for the placement of newer modified antennas set forth in section 4.

The shared use of existing telecommunications towers or other structures will be preferred to the construction of new facilities in accordance with the priority for the placement of new or modified antennas set forth in section 4. Any application, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate within a reasonable distance, regardless of municipal boundaries, of the site. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on existing telecommunication facilities or existing structures due to one or more of the following reasons in accordance with section 6.2 and 6.4:

- (1) The planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or other structures, considering existing and planned use for those facilities;
- (2) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- (3) Existing or approved telecommunications facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably; and
- (4) Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures.

## ***Section 6. Requirements for Different Site Placements***

### ***Section 6.1***

***Shared Use of Existing Tall Structures or Existing or Approved Towers:*** At all times, shared use of existing tall structures (for example municipal water towers, multi-story buildings, church steeples, farm silos, etc.) and existing or approved towers shall be strongly preferred to the construction of new towers in accordance with the priority for the placement of new or modified antennas set forth in section 4.

- A. An applicant proposing to share use of an existing tall structure or existing or approved tower shall be required to submit:
  - (i) Requirements as per sections 8.1 of this local law
  - (ii) Documentation of intent from the owner of the existing facility to allow shared use.
  - (iii) A site plan. The site plan shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guide wire(s) and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. In cases where shared use of an existing tall structure is proposed, any methods used to conceal this modification of the existing facility, shall be indicated on the site plan.
  - (iv) A report of a licensed professional engineer certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, or existing approved tower, and explaining what modifications, if any, will be required in order to certify to the above.
  - (v) A complete long form EAF.
  - (vi) A copy of its Federal Communications Commission (FCC) license.
- B. Upon submission of complete and satisfactory documentation in accordance with Section 6.1, subsection A by an applicant proposing shared use of an existing tall structure or tower, the Planning Board will make a determination as to whether any modifications to

the existing tall structure or tower are significant. If a positive determination of significance is made by the Board, whether due to impact on visibility, aesthetics, setback and fall zone requirements or other reasons, the Board will require further review and documentation according to the applicable subsections of Section 7 and Section 8. If the Planning Board determines that the modifications to the tall structure or tower are insignificant, the applicant for shared use of an existing tower will be relieved of the requirements of sections 8.2 through 8.5, and the applicant for shared use of an existing tall structure will be relieved of the requirements of section 8.5 of this law.

### ***Section 6.2***

***New Telecommunication Tower:*** The Planning Board may only consider a new telecommunication tower whether it be sited at an existing tower facility, or at a new location, when the applicant demonstrates to the Planning Board, and The Planning Board determines based on all the information available to it, that shared use of existing tall structures and existing or approved towers is not technologically feasible, does not meet the legitimate service objectives of the applicant and that the use of existing towers and structures will be economically infeasible based on reasonable market conditions. In order to justify the economic feasibility of the use of an existing structure or tower, the applicant must demonstrate that the incremental capital and operating cost for the use of existing structures and towers will cause the applicant's facility not to be economically viable. Where a proposed telecommunications tower will result in significant adverse visual impacts, additional costs for the construction of two or more facilities at the same or in alternative locations which will avoid or eliminate the significant adverse environmental impacts will not be considered economically infeasible, unless the cost of two towers or more would be substantially greater, as determined by the Planning Board. In no event, will the cost of two towers be considered "substantially greater" than the cost of the proposed tower unless the cost of the two towers is greater than 135% of the cost of the proposed tower.

An applicant will be required to present a report which contains an inventory of all existing or approved towers and existing tall structures within the service area (both inside and outside the Town of Hunter) The applicant must provide a detailed explanation of the potential use of the existing or approved towers and tall structures for co-location of the applicant's proposed antenna and why such structures and towers are not feasible. The report will demonstrate the service provider's good faith efforts to utilize the existing structures and approved or existing towers including providing all communications and correspondence between the applicant and the site owner and/or lessee, the technical and engineering bases for rejection of the alternative site and financial infeasibility of the alternative. The report should refer to the priorities for antenna placement set forth in section 4 of the law.

### ***Section 6.3***

#### ***Shared Usage of an Existing Tower Site for New Tower:***

Where shared use of existing tall structures, and existing or approved towers in accordance with the priority for the placement of new or modified antennas set forth in section 4 is found to be not feasible economically or technologically, or does not meet the demonstrated need of increased service area, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with section 6.2 above. Any new telecommunication tower proposed for an existing tower site shall also be subject to the requirements of section 6.5 through section 7.11 below.

### ***Section 6.4***

***New Tower at a New Location:*** The Planning Board may consider a new telecommunication tower on a site not previously developed with an existing tower when the applicant meets the requirements of Section 6.2 and submits a report as described in section 6.2 above; and when the

Planning Board determines that shared use of an existing tower site for a new tower does not meet the requirements of section 6.3. Any proposed new telecommunication tower at a new location shall also be subject to the requirements of section 6.5 through section 7.11 below.

### ***Section 6.5***

***Future Shared Use of New Towers:*** The applicant will be required to design a proposed new telecommunication tower to accommodate future demand for reception and transmitting facilities. The environmental and site plan review of a new tower, including but not limited to the visual impact assessment, will consider the potential full build out of the tower taking into account the future shared-use of the tower. The applicant shall submit to the Planning Board a letter of intent committing the new tower owner, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers or users in the future. This letter, which shall be filed with the building inspector prior to the issuance of a building permit (assuming the telecommunications tower is approved according to this section), shall commit the new tower owner and his/her successors in interest to:

- A) Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
- B) Negotiate in good faith concerning future requests for shared use of the new tower, by other telecommunications providers or users.
- C) Allow shared use of the new tower if another telecommunications provider or user agrees in writing to pay charges.
- D) Make no more than a reasonable charge for shared use based on current market rates for similar coverage area and population. Reasonable costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference may be passed on to the applicant. The Planning Board will be the arbiter of 'current market rates' and 'reasonable costs', and may employ a consultant at the cost of the applicant.
- E) Provide a study by an engineer experienced in wireless services demonstrating:
  - that three providers can be co-located on the tower
  - that the tower is at the minimum height possible to accommodate three providers taking into consideration alternative technologies and physical arrangements
  - if the applicant intends to accommodate more than three providers, the feasibility and visual impact of two adjacent towers, or the ability to accommodate more providers without exceeding the minimum height needed for three providers (i.e. in the case of transmitting pager signals, Internet or other data as well as vocal transmission).

For towers to be located near or on mountain ridges, the Planning Board will assess the effect of the co-location requirements on the visual impact of the tower. If it is determined to the satisfaction of the Planning Board, either through its own assessment or that of interested parties in the views shed of the tower, that the co-location requirements will result in adverse visual impacts, the Planning Board may exempt the tower from the co-location requirements. In such event, the Planning Board will consider whatever mitigation measures and alternatives which may be necessary in order to reduce such impacts to the maximum extent practicable.

### ***Section 7 Submission Procedures and Requirements***

The applicant will arrange a pre-submission conference in which the following issues will be addressed:

- A) Demonstration of Need, as per section 5.

B) The type of facility sought-shared use, existing tall structure, existing tower site, or new site- as well as the basic rationale for this choice

C) An outline of the visual impact assessment, including , but not limited to, the appropriate key sites (State and National Natural Landmarks, Historic Preserves, Historic Register and Forest Preserves, state hiking trails, Scenic Highways, tourist venues and recreation areas, and natural resources of statewide importance), tower height overall and above the tree line(where applicable), and methods to be used (balloon test, computer simulation, etc.), as per section 8.5

D) The technological data to be submitted (Radio Frequency Propagation studies, drive through studies, etc.), as well as who (the Town or the applicant) will employ consultants to produce this data.

E) A determination of the expected costs for consultants to be employed by the Town will be estimated and provisions for the placement of funds by the applicant into escrow to cover these costs will be made.

F) In the event the applicant is not a provider of telecommunications services, evidence that the applicant has an enforceable contract with a provider subject to approval by the Planning Board and minor modifications based on the results of the application process.

G) Evidence that standards as outlined in Section 4 above and minimum height considerations have been addressed.

Once these issues have been addressed to the satisfaction of the Planning Board, a formal submission may be presented to the Planning Board. The submission will address the points in Section 7.1 through 7.11, and include all documentation delineated in Section 8.

### ***Section 7.1***

***Lot Size and Setbacks:*** All proposed telecommunication towers and accessory structures shall be set back from abutting parcels, established hiking trails, recorded rights of way, and street lines a distance sufficient to substantially contain on-site all ice-falling or debris from tower failure and preserve the privacy of any adjoining residential properties.

A) Lot size of parcels containing a tower shall be determined by the amount of land required to meet setback requirements.

B)Telecommunication Towers shall be located with a minimum setback from any property line equal to one and one-half (1 1/2) times the height of the tower, or one hundred (100) feet, which ever is greater.

### ***Section 7.2***

***New Tower Design:*** Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of proposed new tower shall comply with the following:

A) The Planning Board will require that any new tower be designed to accommodate future shared use by other telecommunications providers and users, as per section 6.5.

B) Unless specifically required by other regulations, all towers shall have a neutral earth tone or similar painted finish that shall minimize the degree of visual impact. If a painted finish is required, said painted finish shall thereafter be maintained and repainted as required to minimize the visual impact.

C) The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state and/or federal law and/or regulation. The applicant will submit proof that this requirement has been met from the Federal Aviation Authority and any other applicable authority.

D) The Planning Board may request a review of the application by a qualified engineer in order to evaluate the need for and the design of any new tower.

E) Accessory structures and attachments to towers shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

F) No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to: company name, phone numbers, banners, and streamers.

### ***Section 7.3***

***Existing Vegetation:*** Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding (4) inches in diameter (measured at a height of four (4) feet off the ground), shall take place prior to site plan approval.

### ***Section 7.4***

***Screening:*** Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets screening shall be required.

### ***Section 7.5***

***Access:*** Adequate emergency and service access plans shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at times, minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

### ***Section 7.6***

***Parking:*** Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard.

### ***Section 7.7***

***Fencing:*** Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility. The Planning Board may require signs to be placed upon said fence identifying the owner and/or operator of the facility, its business address, telephone numbers (business number and emergency number), and that no trespassing upon the site is allowed.

### ***Section 7.8***

***Removal:*** The applicant shall submit to the Planning Board a letter of intent committing the tower owner, and his/her successors in the interest, to notify the building inspector within thirty (30) days of the discontinuance of use of the tower. Obsolete or unused towers and accessory structures shall be removed from any site within four (4) months of such notification. This letter will also give the Town authority to remove the tower at the applicant's expense if it is removed within six (6) months of the time of discontinuance. This letter shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunication tower is approved according to this section). At that time, the applicant will post a bond in an amount sufficient to cover the costs of removal of the tower. Failure to notify and/or remove the obsolete or unused tower in accordance with these regulations, shall be a violation of this Local Law and shall be punishable by a fine of \$100 per day until the violation is remedied.

### ***Section 7.9***

An application for a telecommunications requires approval by the Planning Board. In addition to Planning Board approval, an application for a tower which is higher than 125 feet in total height

or thirty feet or more above the tree line, as determined by the Planning Board, b on the application of generally accepted professional standards, must also obtain a variance from the Town Board. The Town Board will hold a public hearing on the variance application after notice is provided in accordance with the provisions of section 9.1 The applicant must demonstrate to the Town Board technical and economic hardship in order to obtain the variance to construct the proposed tower higher than 125 feet in total height or thirty feet or more above the tree line and that there is a compelling public need for the tower of such height to be constructed at the proposed site.

### ***Section 7.10***

The Planning Board will require the applicant to supply the technological and environmental information which is reasonable and necessary to perform a thorough review of the application. This information may include, but not limited to, Radio Frequency Propagation studies, drive through tests, computer simulations, and/or balloon tests of visual impact. To the extent possible, this information will be specified in the presubmission conference. However, the Planning Board may request additional information after a full submission has been made.

### ***Section 7.11***

No application for a telecommunications tower or facility shall be considered, and no application shall be approved, by the Planning Board unless it is submitted by:(1) a service provider pursuant to a duly issued FCC license to provide service coverage for the area in question and with a legally enforceable contract with the land owner to construct the tower at the site in question, or (2) the landowner of the site in question who submits a legally binding commitment by a service provider which is in possession of a duly issued FCC license to provide service coverage in the area in question.

### ***Section 8 Submission Requirements.***

After the requirements of the presubmission conference have been satisfied, the applicant must provide the following information and documentation specified in Section 8.1 through 8.5 in full before an application will be considered.

### ***Section 8.1***

#### ***Project Participants***

Provide the names, addresses, phone and fax numbers of the following involved parties, as appropriate:

- 1) The landowner of the project site to be purchased or leased;
- 2) The service provider-corporate and point of contact [ include the FCC license number and certificate of need as a public utility (as/if applicable)];
- 3) Engineering consultant(s);
- 4) Legal representative (s); and
- 5) Other authorized service providers proposing to co-locate on the tower now or in the future.

Where co-location is proposed, provide the names, addresses and phone numbers of the current owner(s) of the tower, building or structure upon which the co-location was considered or is proposed.

### ***Section 8.2***

***Site Description:*** Provide a narrative description of the proposed project site, including:

- 1) Existing site improvements, including access, utilities and the presence of existing towers, buildings or other structures;



- 2) Vegetative cover (e.g., plant cover types, species, tree types (average, minimum and maximum) relative condition (health) of the vegetation; and tree stand density slopes;
- 3) Soils and the depth to bedrock;
- 4) Wetlands and surface water bodies;
- 5) Site drainage
- 6) Any special plant and animal habitats contained on the NYS DEC Natural Heritage Program database; and
- 7) Any historic or archeological resources on the site and any historic resources adjacent to the site.

Where co-location is proposed, provide to-scale site plans and elevations of the existing tower, building or structure to be used for co-location. Provide plans, elevations and details showing the proposed electronic communication facilities and existing antennae located on the tower.

### ***Section 8.3***

***Site Plan and Construction Details:*** Provide a detailed, labeled, and to-scale site plan that includes the following information:

- 1) Scale, north arrow, date and name of preparer;
- 2) Project site boundaries (if part of a larger parcel, include a map of the larger, parent parcel and the location of the area to be acquired or leased for the project);
- 3) Abutting property owners, names and addresses;
- 4) All bodies of water; wetlands; permanent or intermittent streams; and mean high water mark for larger water bodies on or adjoining the project site;
- 5) Existing and proposed topographic contours at two-foot intervals in and within 200 feet of proposed areas to be disturbed;
- 6) All existing and proposed buildings, structures, roads, utilities, and driveways;
- 7) Existing vegetation cover types and tree lines;
- 8) The proposed limits of vegetation disturbance and/or clearing related to the proposed construction of the site access, tower, and accessory structures;
- 9) All trees 4 inches or greater in size (diameter at breast height, DBH) to be removed;
- 10) All proposed plantings; and
- 11) All existing and proposed drainage and erosion control and storm water management facilities.

For any new or improved access roads or driveways, provide a grading plan, centerline profile, and cross sections (every 100 feet showing proposed and existing contours at two foot intervals) and identify the construction material(s) (e.g., gravel, asphalt).

Provide detailed construction plans and elevation of the proposed tower, antennae, equipment shelters (enclosed building, structure, cabinet, shed or box to contain batteries and electrical equipment). Show all foundations, piers, structural supports, cross arms, guy wires and anchors, antennae mounting mechanisms and signage. Label the size, material and provide color sample of all towers, antennae, and accessory structures (e.g., equipment shelter, security fencing, signage).

### ***Section 8.4***

***Site Access, Construction and Operation:*** Describe the type, location, and size of any road and/or driveway providing existing and proposed access to the proposed tower site. Describe any

proposed temporary or permanent improvements, including any proposed vegetation removal, site drainage, crossing of streams or wetlands and installation of impervious, paved surfaces and utilities.

### ***Section 8.5***

***Visual Impact Assessment:*** The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new tower, or any proposed modification of any existing tower, unless the modification is deemed by the Planning Board to be insignificant pursuant to subsection 6.1B above. The visual impact assessment shall include:

- A) A “Zone of Visibility Map” shall be provided in order to determine locations where the tower may be seen. The radius of the impacts to be examined will be five miles from the project site, or greater if the Planning Board determines that there are impacts beyond five miles.
- B) Photo-simulations of “before and after” views from key viewpoints of the town, including, but not limited to: state highways and other major roads, state and local parks and all of the sites listed in Section 7 C). The Planning Board shall determine the appropriate key sites at the pre-submission conference with the applicant. The applicant will also submit line of sight profile, photographs of a balloon test(s) and other visual data as required in the presubmission conference or as determined as necessary by the Planning Board after reviewing the applicant’s submission. Photo-simulations shall include leaf off, as well as leaf on pictures, and a worst case scenario. If deemed necessary by the Planning Board, the balloon test(s) will be run leaf off. The applicant will publish notice of the balloon test(s) at least two weeks prior and provide alternate dates for the balloon flight at that time.
- C) Where the proposed telecommunications facility will result in significant adverse impacts to key sites listed in Section 7C and Section 8.5B, the Planning Board will require the applicant to submit proposed mitigation measures in order to reduce or eliminate the significant adverse impacts. The Planning Board will determine the range of mitigation measures which must be addressed by the applicant including but not limited to: design, siting, use of non specular materials, relocation, screening, camouflage, disguise, downsizing and alternative technologies.
- D) Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

### ***Section 9 Notification, Insurance and Severability.***

Intermunicipal Notification of New Towers: In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, the Planning Board shall require that:

- A) An applicant who proposes a new telecommunication tower shall notify in writing the legislative body of each municipality that borders the Town of Hunter, and the Greene County Planning Board. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.
- B) Documentation of this notification shall be submitted to the Planning Board at the time of application.

### ***Section 9.1***

**Notification of New Nearby Landowners:** Upon submission of an application, the Town shall be required to mail notice directly to all landowners whose property is abutting or located within five hundred (500) feet of the property line of the parcel on which a new telecommunications facility. Upon setting of a public hearing by the Town Board, the Town shall be re to mail notice of the public hearing directly to all landowners whose property is abutting or located within five hundred (500) feet of the property line of the parcel on which a new telecommunications tower or facility is proposed. Notice shall also be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be submitted to the Planning Board prior to the public hearing. All notices shall include a description of the project, the information required in section 8.1, and the project location.

### **Section 9.2**

**General Public Liability Insurance:** A policy of General Public Liability Insurance shall be obtained by the applicant at the time that site plan review is approved. The policy shall be obtained from an insurance company licensed to do business in the State of New York. The policy shall be in the amount of at least \$3,000,000.00 per occurrence. A certificate of insurance shall be presented to the Planning Board at the time of final approval, showing the Town of Hunter named as an additional insured. Said insurance coverage shall be maintained until such time as the telecommunication tower has been removed.

### **Section 9.3**

**Severability Clause:** If any clause, sentence paragraph section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly f involved in the controversy in which such judgment shall have been rendered.

### **Section 9.4**

**Enforcement:** These regulations are enforced by the Town of Hunter in accordance with its local law entitled “Penalties for Failure to comply with the Cell Tower Law.”

### **Section 9.5**

**Effective Date:** This local law shall take effective immediately upon filing with the Office of Secretary of the State.

## **Section 10 Glossary of Terms.**

**Antenna:** the device that radiates and receives electromagnetic waves needed for cellular/PCS operation.

**Co-location:** the practice of mounting and locating the antennas and equipment for more than one service provider at the same BTS facility site.

**Coverage:** the general term that describes the ability of a BTS to send and receive wireless signals of sufficient strength to provide reliable cellular/PCS service.

**Drive Test:** the process of erecting a temporary transmit antenna for the purpose of measuring path loss from a proposed BTS location or otherwise measuring the actual system performance of an existing BTS facility to establish the operational feasibility of such a site.

**Lattice Tower:** description of the type of tower construction typified by cross-bracing between three posts that constitute a rigid antenna support structure.

**Monopole Tower:** a unified self-supporting structure typified by a smooth tapered steel pole similar to roadway light supports.

**Propagation Study:** sometime called a “computer simulation”, it is the graphical representation of the expected signal strength at specific locations within a cell and the nearby area.

**Provider:** see “Service provider.”

**RF (radio-frequency):** the general term referring to high-frequency waves utilized in wireless systems to facilitate propagation of information from one location to another.

**RF Drive Test:** see “Drive Test.”

**Search Ring:** the relatively small geographic area plotted on a map and centered at proposed BTS in which it is likely that a technically viable (if not aesthetically acceptable) location can be found for the facility.

**SEQRA:** the acronym for the State Environmental Quality Review Act.

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**Service Provider:** for the cellular/PCS and wireless industry, these are generally the entities that have acquired wireless operating licenses through the FCC auction process. Such entities have mandates to provide wireless services to the general population.

**“Spec Tower”:** A new term that refers to building towers on speculation that a service provider will want to lease space on the tower and locate a BTS at the site.

**Telecommunication tower:** A structure on which one or more antenna will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen’s bands, amateur radio and other similar private, residential communications.

**Telecommunication antenna:** A system of electrical conductors that transmit or receive radio frequency waves.

**Telecommunications facility:** Any or all of the physical elements of the central cell facility, including the tower if present and the antenna that contains all the receivers, transmitters, and other apparatus needed for cellular/pc’s operation.

**View shed:** The area from which the facility can be seen.