

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board of Trustees has received a special permit application for a renewal of a Personal Wireless Services Facility at 1 Van Wyck Street

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF) and a Coastal Assessment Form (CAF); and

WHEREAS, this application was referred to the Planning Board in accordance with Village Law; and,

WHEREAS, the application, EAF and CAF was referred to the Waterfront Advisory Committee for a review of preliminary consistency; and

WHEREAS, the Planning Board has issued a memo to the Village Board with a favorable recommendation; and

WHEREAS, the Waterfront Advisory Committee has issued a preliminary review of consistency,

WHEREAS, on October 3, 2011 the Village Board adopted a Negative Declaration with respect to this matter and directed the Waterfront Advisory Committee to conduct a final review of consistency; and

WHEREAS, in its memo dated October 06, 2011, the Waterfront Advisory Committee issued a final review of consistency; and

WHEREAS, on November 7, 2011, the Village Board issued a determination of consistency with its Local Waterfront revitalization Plan; and

WHEREAS, a Public Hearing was held and closed on November 7, 2011,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby issue a Special Permit to Nextel of New York, Inc. for the collocation of a personal wireless facility at 1 Van Wyck Street with the following conditions:

1. This permit expires on September 5, 2016 and must be renewed in accordance with the Telecommunications Chapter of the Village Code
2. That, the Nextel facility shall at all times during the life of the facility comply with the applicable FCC regulations pertaining to radio frequency emissions, including such regulations as applicable to cumulative radio frequency emissions. Any necessary mitigation measures to ensure compliance shall follow FCC requirements, procedures and protocols.

3. That in accordance with section 206-5(B) of the Village Code antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner of the antenna shall submit to the Board of Trustees evidence of compliance with the FCC standards on a yearly basis. If new, more restrictive standards are adopted, the antennas shall be made to comply or continued operations may be restricted or prohibited by the Board of Trustees. The cost of verification of compliance shall be borne by the owner and operator of the tower.
4. That, within 60 days of the issuance of this special permit, as had been required under the initial special permit, a fire/smoke detector and strobe connected to the Municipal Building's fire alarm system shall be installed in the Nextel equipment room by the Village's fire alarm company with the cost of the installation being paid by Nextel.
5. That, Nextel is advised that the Village may switch to the Statewide Wireless Network system or other Emergency Services communication system in the future and that the Nextel system must be operated to prohibit interference, including implementation of the FCC rebanding plan, to current and future Village wireless systems.
6. That, within 60 days of the issuance of this special permit the electrical circuit for the attic lights and roll-up door be switched over to the Village's electrical panel with the cost of the work being paid by Nextel
7. That, any additional monthly cost charged by the Village's fire alarm company for the fire/smoke detector and strobe horn in the Nextel facility shall be paid by Nextel. The lease agreement with Nextel shall be amended to reflect the payment of this additional cost.
8. That, in order to secure the completion of items #4 and #6 above, a bond in the amount of \$3000 shall be required, which shall be submitted to the Village within 60 days of the issuance of the special permit. The bond shall be held until items #4 and #6 are completed and accepted by the Village Engineer. If the work required by items #4 and #6 above is not completed within the time frame specified the Village shall have the right to use the bond to have these items completed.
9. That, within six months from the issuance of this permit Nextel shall submit an engineer's report evaluating the feasibility of connecting the Nextel facility to the Village's emergency backup power system (diesel generator).
10. That, if the connection of the Nextel facility to the Village's emergency backup power supply is feasible Nextel shall meet with the Village to discuss the details and a reasonable timeframe to complete this connection.

Dated: November 7, 2011