

TELEVATE

November 2023

VILLAGE OF CROTON-ON- HUDSON, NEW YORK WIRELESS FACILITIES CODE RECOMMENDATIONS

Background

- Current Village code dates back to 1998
- Since 1996, Federal law has sought to make it easier for communications providers to secure wireless facilities
 - Telecommunications Act of 1996 – “local government ... shall not prohibit ... the provision of personal wireless services”
 - FCC Order to address section 6409(a) of the Tax Relief Act of 2012 regarding substantial vs. non-substantial modification to sites
 - FCC 2018 5G Order establishing expedited process for local review, creation of “small wireless facility (SWF)” category of sites, shot clocks, fees for SWF, updating state and local rules
 - Updated FCC guidance regarding exemptions for environmental evaluation including RF emissions health safety and RF evaluation updates (2017, 2020)

Establish New Code Soon

- Establish a new code **as soon as possible** to account for recent law and formalize the process that complies with the state and federal law. Hire an attorney who specializes in wireless facility siting to draft
 - Current code does not address current federal law, and does not codify collection of information that is within the purview of the Village to review
- Ensure the code addresses the process to secure the Village's rights to regulate wireless facility siting, collect the appropriate decision-making materials from the site builders, and establish a framework for decision making
 - Health (RF Emissions Compliance)
 - Safety (Setbacks)
 - Aesthetics

Address Aggressive Timelines in Code

- New federal law has “Shot Clock” Requirements dictate how long local jurisdictions have to review applications

Type	Shot Clock (days)
Small Wireless Facility – Colocation	60
Small Wireless Facility – new structure	90
Non Small Wireless Facility - Colocation	90
Non Small Wireless Facility – New	150
Non-Substantial Modification*	60

***Local review only allows for determination of the site meeting non-substantial modification**

Recognize the Village's challenging terrain

- The rough terrain in the Village makes application of typical site coverage norms difficult to apply to Croton-on-Hudson
 - Sites within a mile may provide no assistance whatsoever to coverage holes in the Village (e.g., Yorktown Road). Recognize that nearby sites may not help.
- Wireless site height realities
 - Sites below the tree line and below the ridge line will substantially reduce the coverage area of a site, requiring more sites to serve the area
 - Each carrier requires its own equipment and vertical real-estate on the tower/pole – generally 10 feet of vertical space per carrier
 - Hessian Hills proposal from Homeland Towers – 140' tower
 - T-Mobile's preliminary analysis requiring two 150' towers at Hessian Hills and 10 Gerstein Street to provide "coverage in the entire town boundary"

Thank You!

QUESTIONS?

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