

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

INTRODUCTORY LOCAL LAW # ____ OF 2026

**A LOCAL LAW PROVIDING FOR THE REGULATION OF
WIRELESS COMMUNICATIONS FACILITIES
IN THE VILLAGE OF CROTON-ON-HUDSON**

BE IT ENACTED by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1: Purpose and Intent: The Board of Trustees finds that it is necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction, operation, and maintenance of wireless communications facilities and accessory equipment outside and within the Village’s public rights-of-way and provide for the enforcement of said standards and regulations, consistent with federal and state laws and regulations. In order to further these purposes and intents, the Board of Trustees wishes to repeal the Village’s existing local law on telecommunications towers and replace same with a more comprehensive local law on same.

Section 2: Chapter 206 of the Code of the Village of Croton-on-Hudson entitled “Telecommunications Towers” is hereby repealed in its entirety and replaced with the following:

“Chapter 206 **Wireless Communications Facilities**

Article I **General Provisions**

§ 206-1 **Title**

This chapter may be cited as the “Wireless Communications Facilities Law of the Village of Croton-on-Hudson.”

§ 206-2 **Findings and Purpose.**

The purpose of this chapter, consistent with federal and state law and regulations, is to assure access of our local residents to telecommunications technologies while at the same time maintaining the aesthetic qualities of our neighborhoods, scenic locales and historic areas, managing the deployment and controlling the potential proliferation of wireless communications facilities, ensuring meaningful input by the community into important land use decisions,

encouraging cooperation between telecommunications providers and resulting in the fewest possible intrusions on traffic, streets and sidewalks. This chapter is intended to minimize the aesthetic impacts of wireless communications facilities by encouraging the exploration of alternatives that use methods to disguise or camouflage the facilities, by minimizing the height of the facilities, by encouraging co-location of facilities and by locating facilities on existing structures whenever possible. This chapter is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor to discriminate among providers of functionally equivalent services. In furtherance of these goals, the Village shall give consideration to the Comprehensive Plan, Zoning Map, existing land uses and environmentally sensitive areas in approving sites for the location of wireless communications facilities. While the Village has no control over the use of county and state lands, in recognition of the fact that there are approximately _____ acres of county and state lands within the Village, wireless service providers will be encouraged, if consistent with the provisions of this chapter, to consider sites on these lands in addition to those under Village jurisdiction. Notwithstanding anything herein to the contrary, this local law shall not pertain to any property owned or controlled by the Village of Croton-on-Hudson.

§ 206-3 **Definitions.**

The words and phrases set forth below have the following meanings when used in this chapter.

1. *Accessory Equipment* — Any equipment serving or being used in conjunction with a Wireless Communications Facility or Wireless Support Structure, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
2. *Accessory Use* – A use customarily incident and subordinate to the principal use or building and located on the same lot with the principal use or building.
3. *Antenna* — An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
4. *Application* – A formal request, including all required and requested documentation and information, submitted by an applicant to the Village for a Wireless Permit or Wireless Encroachment Permit as the case may be.
5. *Collocated Wireless Communications Facility (Collocated WCF)* — Wireless Communications Facilities Collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower.

6. *Collocation* — The mounting of one or more WCFs, including Antennas, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
7. *Eligible Facilities Request* - Any request for modification of an existing Wireless Communications Facility that meets the requirements of 47 CFR §1.6100s.
8. *Emergency* — A condition that the Village determines (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.
9. *Equipment Compound* — An area surrounding or adjacent to a Wireless Support Structure within which base stations, power supplies, or accessory equipment are located.
10. *Essential Services* - The provision by public utilities, cable television operators, internet service providers, municipal, or other governmental units regulated by the Public Utility Commission (PUC) or the Village or other governmental agencies of underground or overhead gas, electrical, steam or water pipes, sewer and storm sewer facilities, cable television or internet facilities, cabinets, vaults, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities, cable operators, municipal, or governmental units or for the public health, safety or general welfare. Wireless Communications Facilities shall be specifically excluded from this definition.
11. *Modification or Modify* — The improvement, upgrade or expansion of existing Wireless Communications Facilities or base stations on an existing Wireless Support Structure or the improvement, upgrade, or expansion of the Wireless Communications Facilities located within an existing Equipment Compound, if the improvement, upgrade, expansion or replacement does not Substantially Change the physical dimensions of the Wireless Support Structure.
12. *Municipal Infrastructure* – Village-owned or controlled property, structures, objects, and equipment in the ROW, including, but not limited to, streetlights, traffic control structures, banners, street furniture, bus stops, billboards, or other poles, lighting fixtures, or electroliers located within the ROW.
13. *Permittee* – Any person or entity granted a Wireless Permit or Wireless Encroachment Permit, as the case may be, pursuant to this chapter.
14. *Person* — Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the State of New York, provided that “Person” does not include or apply to the Village, or to any department or agency of the Village.

15. *Replacement* — The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.
16. *Roadway Classification Map* — The existing Roadway Classification Map included in the Village's 2003 Comprehensive Plan as same has been and may be amended from time to time, or such comparable map or plan as the Village may develop.
17. *Small Wireless Communications Facility* — Shall have the same meaning as set forth in 47 CFR § 1.6002(1), or any successor provision.
18. *Stealth Technology* — Camouflaging methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
19. *Strand Mounted Facility* — A facility that:
 - (1) is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, including all mounting brackets, fasteners, cabling and antennas;
 - (2) has an exterior antenna, if any, not longer than 11 inches; and
 - (3) is mounted on a preexisting cable or wire.
20. *Substantial Change* or *Substantially Change* — A modification substantially changes the physical dimensions of a support structure if it meets the criteria established by 47 CFR §1.6100.
21. *Technically Feasible* — By virtue of engineering or spectrum usage, the proposed placement for a WCF or its design or site location can be implemented without a material reduction in the functionality of the WCF.
22. *Tower Based Wireless Communications Facility (Tower-Based WCF)* — Any structure that is used for the primary purpose of supporting one or more Antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment.

23. *Underground District* — A zoning district in which all utility installations are required to be installed underground on a non-discriminatory basis.
24. *Utility Pole* — A structure in the ROW designed to support electric, telephone and similar utility lines. A Tower is not a Utility Pole.
25. *Wireless Communications Facility (WCF)* — An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
26. *Wireless Communications Facility Applicant (WCF Applicant)* — Any person that applies for a Wireless Permit, Wireless Encroachment Permit, and/or any other permission to construct or modify a wireless communications facility.
27. *Wireless Encroachment Permit* — A permit issued pursuant to this chapter authorizing the placement or modification of a WCF of a design specified in the permit at a particular location within the ROW; and the modification of any existing Support Structure to which the WCF is proposed to be attached.
28. *Wireless Permit* — A permit issued pursuant to this chapter authorizing the placement or modification of a WCF of a design specified in the permit at a particular location outside of the Public Rights-of-Way; and the modification of any existing Support Structure to which the WCF is proposed to be attached.
29. *Wireless Support Structure* — A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

§206-4 Wireless Communications Facilities.

- A. General Requirements for All Wireless Communications Facilities. The following regulations shall apply to all Wireless Communications Facilities located within the Village:
- (1) Permit Required. All Persons seeking to construct a Wireless Communications Facility within the Village shall be required to obtain either a Wireless Encroachment Permit or Wireless Permit as required by this Chapter.
 - (2) Compliance.
 - (a) In addition to the Wireless Encroachment Permit or Wireless Permit required by this Chapter, the placement of a WCF requires the Person who will own or control such WCF to obtain all permits required by applicable law, and to comply with applicable law.

- (b) All WCFs shall meet or exceed all applicable standards and provisions of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate WCFs, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI) Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the structure. In case of conflict, the most stringent requirements shall prevail.
 - (c) If such standards or regulations are changed, the owner of the WCF shall bring such WCF into compliance with the revised standards within six (6) months of the effective date of such standards or regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such facilities into compliance shall constitute grounds for revocation of the WCF permit and removal of the WCF at the owner's expense.
 - (d) The WCF Applicant shall submit proof of compliance with all applicable federal and state standards, including but not limited to those established by the Federal Communications Commission, as part of any complete WCF application.
- (3) Eligible Facilities Requests. WCF Applicants proposing a Modification to an existing WCF shall be required to obtain a permit from the Village Engineer. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Village Engineer in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed Modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR §1.6100. The permit application shall detail all dimensional changes being made to the WCF and Wireless Support Structure.
- (4) Exemptions. This article does not apply to:
- (a) The placement or modification of WCFs by the Village or by any other agency of the state solely for public safety purposes.
 - (b) Installation of a "cell on wheels," "cell on truck," or a similar structure for a temporary period in connection with an emergency or event, provided that such installation is for no longer than required for the emergency or event, and provided that such installation does not involve excavation, movement, or removal of existing facilities.
 - (c) Installation of a WCF on the strand between two Utility Poles, provided that such WCF meets the definition of a Strand Mounted Facility set forth in § 206-3 of the Village Code.

- (5) Permit Duration. A Wireless Permit or Wireless Encroachment Permit (referred to collectively herein as a “Permit”) shall be valid for a period of five (5) years, unless pursuant to another provision of the Village Code or these conditions, it expires sooner or is terminated. At the end of five (5) years from the date of issuance, such Permit shall automatically expire, unless an extension or renewal has been granted. A person holding a Wireless Permit or Wireless Encroachment Permit must either (1) remove the WCF within thirty (30) days following the Permit’s expiration (provided that any Support Structure owned by the Village, a utility, or another entity authorized to maintain the Support Structure need not be removed, but must be restored to its prior condition, except as specifically permitted by the Village); or (2) at least ninety (90) days prior to expiration, submit an Application to renew the Permit, which Application must, among all other requirements, demonstrate that the impact of the WCF cannot be reduced. The WCF may remain in place until it is acted upon by the Village of Croton-on-Hudson Planning Board and all appeals from the Village of Croton-on-Hudson Planning Board’s decision exhausted.
- (6) Timing of Installation. The installation and construction authorized by a Permit shall begin within one (1) year after its approval, or it will expire without further action by the Village. The installation and construction authorized by a Permit shall conclude, including any necessary post-installation repairs and/or restoration to the ROW, within ninety (90) days following the day construction commenced.
- (7) Commencement of Operations. The operation of the approved WCF shall commence no later than sixty (60) days after the completion of installation, or the Permit will expire without further action by the Village. The Village Engineer is authorized to develop means by which to verify operations and the costs for such verification shall be captured in the Application fee established by the Village fee schedule.
- (8) Wind and ice. All WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
- (9) Aviation safety. WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (10) Public safety communications. WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (11) Radio frequency emissions. No WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for

Human Exposure to Radio Frequency Electromagnetic Fields," as amended. Proof of compliance with such standards shall be included in any application for a WCF. The Village may periodically request proof a WCF's continued compliance with such standards.

- (12) Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Chapter 160 of the Village Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (13) Permit fees. The Village may assess appropriate and reasonable permit fees directly related to the Village's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring and related costs as determined by the Village.
- (14) Performance Bond. Prior to issuance of a Permit, the Permittee shall file with the Village, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety, a letter of credit, or another form of security for the removal of the WCF in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in an amount as deemed satisfactory by the Village Engineer as necessary to cover the cost of physically removing the WCF and all Accessory Equipment on the site, based on the higher of two contractor's quotes for removal that are provided by the Permittee. In addition, the security shall be applied to all penalties incurred by the Permittee in this article. The Permittee shall reimburse the Village for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the Board of Trustees. Reimbursement shall be paid when the security is posted and during each administrative review.
- (15) Inspection. The Village reserves the right to inspect any WCF to ensure compliance with the provisions of this subsection and any other provisions found within the Village Code or state or federal law.
- (16) Abandonment; Removal. In the event that use of a WCF is to be discontinued, the owner shall provide written notice to the Village of its intent to discontinue use and the date on which the use shall be discontinued. A WCF not operated for a period of six (6) months or a WCF for which the applicable Permit has expired without recertification shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:
 - (a) All abandoned or unused WCFs and Accessory Equipment shall be removed within six (6) months of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Village, unless a time extension is approved by the Village.

- (b) If the WCF or Accessory Equipment is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Village, the WCF and Accessory Equipment may be removed by the Village and the cost of removal assessed against the owner of the WCF regardless of the owner's or operator's intent to operate the WCF in the future.
 - (c) The Village reserves the right to pursue all available remedies under the law to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay by the Village in taking action shall not invalidate the Village's right to take action.
 - (d) Where there are two or more users of a single WCF, this provision shall not become effective until all users have terminated use of the WCF for a period of six (6) months.
- (17) Insurance.
 - (a) Each person that owns or operates a Collocated WCF or Small WCF shall provide the Village with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the WCF.
 - (b) Each person that owns or operates a Tower-Based WCF shall provide the Village with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the WCF.
- (18) Indemnification. Each Person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Village, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each Person that owns or operates a WCF shall defend any actions or proceedings against the Village in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

(19) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

- (a) The WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Village's residents.
- (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

(20) Engineer signature. All plans and drawings for a WCF shall contain a seal and signature of a professional structural engineer, licensed in the State of New York.

(21) Submission Location. The WCF Applicant shall submit a paper copy and an electronic copy of any Application, amendments, or supplements to an Application, or responses to requests for information regarding and Application, to:

Village of Croton-on-Hudson
ATTN: Village Engineer
1 Van Wyck Street
Croton-on-Hudson, NY 10520

[ADD EMAIL FOR ELECTRONIC COPY]

(22) Waivers. Requests for waivers from any requirement of this section shall be made in writing to the Village Engineer or their designee. The Village Engineer may grant or deny a request for a waiver pursuant to this subsection at their sole discretion. The Village Engineer may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the Village Engineer will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be granted only on a case-by-case basis, and narrowly tailored to minimize deviation from the requirements of the Village Code.

(23) Notice. Once an Application for a WCF is submitted, a public notice shall be sent by U.S. Mail to all owners of real property, including the owner of the Site if any part of which is located within two hundred (200) feet of the proposed WCF location. The notice must contain, at minimum: (1) a general description of the proposed project, including the project location, plans, photo simulations, or renderings that depict the WCF installation in the context of the natural and built environment; (2) the Applicant's name and contact information as provided on the Application form; (3) contact information; and (4) how to request a copy of the decision. In addition to the mailed public notice, a notice shall be placed at the site of the proposed WCF, as is feasible at eye level, but in no event more than five (5)

feet off the ground. To the greatest extent practicable, this notice shall be posted for the entire duration that the Application is pending a decision.

(24) **Contact.** The Permittee shall at all times maintain accurate contact information for all parties responsible for the WCF, which shall include a twenty-four-hour contact number, a business hours phone number, street mailing address and email address for at least one natural person.

(25) **Timing of Approval.** The following table details the applicable timeframe of approval for each type of WCF application:

Type of WCF/Application	Notice of Incompleteness	Final Decision
Eligible Facilities Request	30 calendar days from receipt of initial application; 10 calendar days from receipt of supplemental application for subsequent notices.	60 total calendar days from receipt of initial application.
Collocated WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	90 total calendar days from receipt of initial application.
Small WCF (Collocated)	10 calendar days from receipt of initial or supplemental application.	60 total calendar days from receipt of initial application.
Small WCF (New or replacement Wireless Support Structure)	10 calendar days from receipt of initial or supplemental application.	90 total calendar days from receipt of initial application.
Tower-Based WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	150 total calendar days from receipt of initial application.

§206-5 Specific Requirements for Tower-Based Wireless Communications Facilities. The following regulations shall apply to all Tower-Based Wireless Communications that do not meet the definition of a Small WCF.

- A. Permit Required. Prior to constructing any Tower-Based WCF located outside the public rights-of-way, a WCF Applicant shall properly apply for and obtain a Wireless Permit as required by this Chapter.
- B. Application Requirements.
 - (1) Applications for Tower-Based WCFs shall be submitted to the Village Planning Board and reviewed for compliance with this article.
 - (2) Each Applicant proposing the construction of a Tower-Based WCF shall be required to obtain a Wireless Permit prior to the construction of the WCF.
 - (3) Applications for Tower-Based WCFs shall include the following:
 - (a) The name and contact information, including phone number and email, for both the WCF Applicant and the owner of the proposed Tower-Based WCF.
 - (b) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Tower-Based WCF, and a certification that the WCF Applicant has included all information required by the Village Code, signed by a representative of the WCF Applicant.
 - (c) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Tower-Based WCF.
 - (d) A description of the type and manufacturer of all proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, the dimensions of each piece of equipment, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
 - (e) An aerial photograph of the proposed site showing the area within a 1,500 foot radius of the Tower-Based WCF. The aerial photograph shall identify all structures and WCFs within such radius.
 - (f) Photo simulations depicting the Tower-Based WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Tower-Based WCF.

- (g) A written certification by a structural engineer licensed in the State of New York confirming that the proposed Tower-Based WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
 - (h) A report by a qualified engineering expert which shows that the Tower-Based WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
 - (i) The WCF Applicant shall include a copy of a written agreement for use of the land if the WCF Applicant is not the owner the parcel on which the Tower-Based WCF will be constructed.
 - (j) A certificate of insurance as required by this Chapter.
 - (k) Certification of the application's compliance with all requirements of this Chapter.
 - (l) All application fees required by the Village as detailed in the Village fee schedule.
- C. Proof of Ownership or Agreement. The WCF Applicant shall include a copy of a written agreement for use of the property upon which the WCF will located if the WCF Applicant is not the owner such property.
- D. Location Standards.
- (1) Tower-Based WCFs are permitted outside the public Rights-of-Way in the following zoning districts, subject to the requirements of this article: **TBD**
 - (2) Tower-Based WCFs are permitted outside the public Rights-of-Way on property owned by the Village in any zoning district, provided the owner of such Tower-Based WCF enters into a valid lease agreement with the Village for the placement of such Tower-Based WCF.
 - (3) Tower-Based WCFs shall not be located in an area in which all utilities are located underground.
 - (4) Tower-Based WCFs shall not be permitted in any of the following locations unless the WCF Applicant is granted an exception pursuant to Section 206-5C(4):
 - (a) Any location within 500 feet of a residential dwelling unit;
 - (b) Any location within 500 feet of a daycare facility or school;
 - (c) Any location within 500 feet of a house of worship; or

- (d) Any location within parkland.
 - (5) In order to be granted an exception, a WCF Applicant must provide evidence that the proposed location is the only available Technically Feasible location for the proposed WCF and that denial of the Application would effectively prohibit the provision of wireless service by the WCF Applicant. Such exceptions shall be granted at the Village's sole discretion.
- E. Sole use on a lot. A Tower-Based WCF may be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in the Village Code and the following standards:
 - (1) The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - (2) A Tower-Based WCF shall be set back from any building, structure, property line, or right-of-way by a minimum distance equal to the height of the Tower-Based WCF.
- F. Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - (1) The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - (2) A Tower-Based WCF shall be set back from any building, structure, property line, or right-of-way by a minimum distance equal to the height of the Tower-Based WCF.
- G. Design Regulations.
 - (1) Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF Applicants must submit documentation to the Village Planning Board justifying the total height of the structure. The maximum total height of any Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred fifty (150) feet in height.
 - (2) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Village Planning Board.

- (3) Any Substantial Change to an existing Tower-Based WCF shall require the prior approval of Village Planning Board to the extent permitted by applicable law. The Village reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the charter of the Village.
- (4) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
- (5) The Village Planning Board may require a Tower-Based WCF to be equipped with an anti-climbing device, as approved by the manufacturer.

H. Surrounding Environs.

- (1) The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- (2) The WCF Applicant shall submit a soil report to the Village to document and verify the design specifications of the foundation of the Tower-Based WCF and anchors for guy wires, if used.

I. Fence/Screen.

- (1) A security fence having a height not to exceed eight (8) feet shall completely surround any Tower-Based WCF located outside the Public Rights-of-Way, as well as guy wires, or any building housing WCF equipment.
- (2) Except for entrances, all fences and walls shall be screened with acceptable landscaping and screening techniques, so that no more than one half (1/2) of the surface of the fence or wall is visible from a public street or any adjoining property within three years after erection of the WCF. All required landscaping shall be of the evergreen variety and shall be properly maintained to ensure continuous health and vitality. The WCF Applicant shall have an ongoing obligation to maintain at least the minimum screening required in this subsection, including, as soon as seasonally practicable, the removal and replacement of any screening which dies or is damaged.

J. Accessory Equipment.

- (1) Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF shall be underground or screened from public view using Stealth Technology.

- (2) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
- K. Engineer Inspection. Prior to the issuance of a zoning permit authorizing construction and erection of a Tower-Based WCF, a structural engineer licensed in the State of New York shall issue to the Village a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
- L. Collocation and Siting. An application for a new Tower-Based WCF shall demonstrate that the proposed WCF cannot be accommodated on an existing or approved structure or building. The Village Planning Board may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the WCF on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter (1/4) mile radius of the site proposed, sought permission to install a WCF on those structures, buildings, and towers and was denied for one of the following reasons:
- (1) The proposed Antenna and Accessory Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
- (2) The proposed Antenna and Accessory Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
- (3) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (4) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- M. Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Village Planning Board with a written commitment that it will allow at the maximum number of service providers to Collocate WCFs on the Tower-Based WCF where Technically Feasible. To the extent permissible under state and federal law, the owner of a Tower-Based WCF shall not install any additional Antennas without obtaining approval pursuant to this article.
- N. FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and Emergency telephone number for the operator of the facility.

- O. Access Road. The Village Planning Board may require that an access road, turnaround space and parking shall be provided to ensure adequate Emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF Applicant shall present documentation to the Village that the property owner has granted an easement or other property right for the proposed WCF site.
- P. Historic Buildings. No Tower-Based WCF may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or New York Registers of Historic Places, located within a historic district, or is included in the official historic structures list maintained by the Village.
- Q. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- R. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Village Clerk.
- S. Retention of experts. The Village may hire any consultant(s) and/or expert(s) necessary to assist the Village in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Subsection. The WCF Applicant shall reimburse the Village for all costs of the Village's consultant(s) in providing expert evaluation and consultation in connection with these activities.

§206-6 Specific Requirements for Collocated Wireless Communications Facilities. The following regulations shall apply to all Collocated WCF that do not meet the definition of a Small WCF:

- A. Permit Required. Prior to constructing any Collocated WCF located outside the public rights-of-way, a WCF Applicant shall properly apply for and obtain a Wireless Permit as required by this Chapter.
- B. Application Procedures.
 - (1) Applications for Collocated WCFs shall be submitted to the Village Planning Board and reviewed for compliance with this article.

- (2) Each Applicant proposing the construction of a Collocated WCF shall be required to obtain a Wireless Permit prior to the construction of the WCF.
- (3) Applications for Collocated WCFs shall include the following:
 - (a) The name and contact information, including phone number and email, for both the WCF Applicant and the owner of the proposed Collocated WCF.
 - (b) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Collocated WCF, and a certification that the WCF Applicant has included all information required by the Village Code, signed by a representative of the WCF Applicant.
 - (c) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Collocated WCF. If the structure upon which the Collocated WCF will be located currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.
 - (d) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Collocated WCF.
 - (e) An aerial photograph of the proposed site showing the area within 1,500 feet of the Collocated WCF. The aerial photograph shall identify all structures within such radius.
 - (f) Photo simulations depicting the Collocated WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Collocated WCF.
 - (g) A written certification by a structural engineer licensed in the State of New York confirming that the design of the proposed Small WCF is structurally sound and shall not endanger public health and safety.
 - (h) A report by a qualified engineering expert which shows that the Collocated WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
 - (i) A certificate of insurance as required by this Chapter.
 - (j) Certification of the application's compliance with all requirements of this Chapter.

- (k) All application fees required by the Village as detailed in the Village fee schedule.
- C. Proof of Ownership or Agreement. The WCF Applicant shall include a copy of a written agreement for use of the property upon which the WCF will located if the WCF Applicant is not the owner such property.
- D. Location Standards. Permitted in all zones subject to regulations. Collocated WCF are permitted outside the public Rights-of-Way in all zones subject to the restrictions and conditions prescribed below and subject to generally applicable permitting by the Village.
- E. Historic buildings. No Collocated WCF may be located on a building or structure that is listed on either the National or New York Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Village.
- F. Retention of experts. The Village may hire any consultant(s) and/or expert(s) necessary to assist the Village in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this subsection. The WCF Applicant shall reimburse the Village for all costs of the Village's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- G. Development regulations. Collocated WCFs shall be Collocated on existing structures, such as existing buildings or Tower-Based WCFs, if possible, subject to the following conditions:
 - (1) If the WCF Applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - (2) An eight (8) foot high security fence shall surround any separate ground mounted communications equipment building. Except for entrances, all fences and walls shall be screened with acceptable landscaping and screening techniques, so that no more than one half (1/2) of the surface of the fence or wall is visible from a public street or any adjoining property within three years after erection of the WCF. All required landscaping shall be of the evergreen variety and shall be properly maintained to ensure continuous health and vitality. Existing vegetation shall be preserved to the maximum extent possible and may be credited, when appropriate, towards the required screening. The WCF Applicant shall have an ongoing obligation to maintain at least the minimum screening required in this subsection, including, as soon as seasonally practicable, the removal and replacement of any screening which dies or is damaged.
- H. Design regulations.

- (1) Collocated WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Village.
- (2) The total height of the Collocated WCF and underlying structure upon which the Collocated WCF is attached, shall not exceed a height of fifteen (15) feet above the pre-existing height of the structure upon which they are attached or the maximum height permitted in the underlying zoning district, whichever is lesser.
- (3) All WCF Applicants must submit documentation to the Village justifying the total height of the Collocated WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.
- (4) Antennas and their respective accompanying support structures shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

I. Removal; replacement; modification.

- (1) The removal or replacement of Collocated WCFs and/or Accessory Equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennas.
- (2) Any Substantial Change to a Wireless Communications Facility shall be treated as a new WCF and the owner of such WCF shall submit a new application to the Village in accordance with this article.

J. Retention of experts. The Village may hire any consultant(s) and/or expert(s) necessary to assist the Village in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Subsection. The WCF Applicant shall reimburse the Village for all costs of the Village's consultant(s) in providing expert evaluation and consultation in connection with these activities.

§206-7 Regulations Applicable to all Small Wireless Communications Facilities. The following regulations shall apply to all Small Wireless Communications Facilities in the Village:

- A. In General. There shall be a type of encroachment permit entitled a “Wireless Encroachment Permit.” Unless exempted, every person who desires to place a Small WCF in the Public Right-of-Way must obtain a Wireless Encroachment Permit authorizing the

placement or modification in accordance with this article. Except for Small WCFs, no other WCFs shall be permitted in the public Rights-of-Way.

B. Location Requirements.

- (1) Small WCFs inside the public Rights-of-Way shall be a permitted use in all Village zoning districts, subject to the requirements of this Section 206-7 and generally applicable permitting as required by the Village Code.
- (2) Small WCFs that are Collocated on existing structures outside the public Rights-of-Way shall be a permitted use in all Village zoning districts, subject to the requirements of this article and generally applicable permitting as required by the Village Code
- (3) Small WCFs, located outside the public Rights-of-Way, that require the installation of a new or replacement Wireless Support Structure shall be permitted in [DEFINE AREAS HERE], subject to the requirements of this article.
- (4) In the event that a proposed WCF would be within 500 feet of a residence, the Technically Feasible location furthest from all residences will be deemed to be the most preferred location.

C. Application Procedures.

- (1) Applications for Small WCFs shall be submitted to the Village Planning Board and reviewed for compliance with this article.
- (2) Each Applicant proposing the construction of a Small WCF in the public Rights-of-Way shall be required to obtain a Wireless Encroachment Permit prior to the construction of the WCF.
- (3) Each Applicant proposing the construction of a Small WCF outside the public Rights-of-Way shall be required to obtain a Wireless Permit prior to the construction of the WCF.
- (4) Applications for Small WCFs shall include the following:
 - (a) The name and contact information, including phone number and email, for both the WCF Applicant and the owner of the proposed Small WCF.
 - (b) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Small WCF, and a certification that the WCF Applicant has included all information required by the Village Code, signed by a representative of the WCF Applicant.

- (c) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Small WCF.
 - (i) If the Small WCF is proposed for location on an existing or replacement Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.
 - (ii) If installation of a new or replacement Wireless Support Structure is being proposed, the depiction shall include the color, dimensions, material and type of Wireless Support Structure proposed.
- (d) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Small WCF.
- (e) An aerial photograph of the proposed site showing the area within 500 feet of the Small WCF. The aerial photograph shall identify all structures within such radius.
- (f) Photo simulations depicting the Small WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Small WCF.
- (g) A written certification by a structural engineer licensed in the State of New York confirming that the proposed Small WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
- (h) A report by a qualified engineering expert which shows that the Small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
- (i) A certificate of insurance as required by this Subsection Chapter.
- (j) Certification of the application's compliance with all requirements of this Subsection Chapter.
- (k) All application fees required by the Village as detailed in the Village fee schedule.

D. Historic Buildings. No Small WCF may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or New York Registers of Historic Places, located within a historic district, or is included in the official historic structures list maintained by the Village.

- E. Time, Place and Manner. The Village shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Small WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
- F. Accessory Equipment. Small WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Village.
- G. Attachment to municipal structures. Collocation of Small WCFs on structures owned by the Village may be permitted in the Village's sole discretion. Such collocation shall be subject to an agreement between the Village and the owner of any such WCF.
- H. Graffiti. Any graffiti on the Small WCF, Wireless Support Structure or on any Accessory Equipment shall be removed at the sole expense of the owner within forty-eight (48) hours of notification by the Village.
- I. Design standards. All Small WCFs in the Village shall comply with the requirements of the Village's applicable Design and Development Guidelines as same may be amended from time to time by resolution of the Board of Trustees.
- J. Relocation or Removal of Facilities. Within ninety (90) days following written notice from the Village, or such longer period as the Village determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Village, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - (1) The construction, repair, maintenance or installation of any Village or other public improvement in the right-of-way;
 - (2) The operations of the Village or other governmental entity in the Right-of-Way;
 - (3) Vacation of a street or road or the release of a utility easement; or
 - (4) An emergency as determined by the Village
- K. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the Village's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Village's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Village. The owner of each Small

WCF shall pay an annual fee to the Village to compensate the Village for the Village's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

§ 206-8 Appeals.

- A.** Any person or entity adversely affected by the decision of the Planning Board pursuant to this Article may appeal such decision to the Village Board of Trustees which may decide the issues de novo, and whose written decision will be the final decision of the Village.
- B.** All appeals must be filed within two (2) business days of the written decision of the Planning Board, unless the Planning Board extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law.
- C.** Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.

§ 206-9 Breach; Termination; Violations and Penalties

- A.** For Breach. A Permit may be revoked for failure to comply with the conditions of the permit or applicable law. Upon revocation, the WCF must be removed; provided that removal of a Support Structure owned by Village, a utility, or another entity authorized to maintain a Support Structure in the Public Right-of-Way need not be removed, but must be restored to its prior condition, except as specifically permitted by the Village. All costs incurred by the Village in connection with the revocation and removal shall be paid by entities who own or control any part of the WCF.
- B.** For Installation Without a Permit. A WCF installed without a Permit (except for those exempted by this article) must be removed; provided that removal of Support Structure owned by Village, a utility, or another entity authorized to maintain a Support Structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the Village. All costs incurred by the Village in connection with the revocation and removal shall be paid by entities who own or control any part of the WCF.
- C.** The Village may use any combination of the following enforcement actions, remedies, and penalties to stop, abate, and enjoin a violation of this article:
 - (1) Citation noting violation. The Planning Board or a Village of Croton-on-Hudson Code Enforcement Officer may issue a citation to the person pursuing the activity or activities in violation of this article, requiring appearance before the municipal court.
 - (2) Stop order. The Planning Board, or a Village of Croton-on-Hudson Code Enforcement Officer may issue and serve upon a person pursuing the activities in violation of this article a stop work order requiring that the person stop all activities in violation of this article.
 - (3) Permit suspension or revocation. Any Wireless Permit, or other form of authorization required under this article may be suspended or revoked if Permittee fails to abate any violation within ten (10) days after a written notice has been sent by the Planning

Board, or a Village of Croton-on-Hudson Code Enforcement Officer after they determine that:

- (a) There is a failure to comply with the approved plans, specifications, terms or conditions required under the Wireless Permit;
 - (b) The Wireless Permit was procured by false representation; or
 - (c) The Wireless Permit was issued in error.
- (4) Fine. A violation of this article is hereby punishable by a fine not exceeding \$10,000.00 per day per occurrence or imprisonment of Permittee's local executive responsible for the Permit for a period not to exceed fifteen (15) days. Each day's continued violation shall constitute a separate offense. Installation of Wireless Facilities without a Wireless Permit shall result in all fines assessed being doubled.
- (5) Written notice of suspension or revocation shall be mailed or served upon the property owner, agent, applicant, or other person to whom the Wireless Permit was issued or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the notice. Each Permittee is responsible for notifying the Village of any change in the name, address and telephone number of the person to whom notice may be sent under this article.
- (6) Civil remedies. In addition to all other remedies and penalties outlined in this article, the Village of Croton-on-Hudson Planning Board may initiate an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of this article.

§ 206-10 Infrastructure Controlled by Village.

The Village, as a matter of policy, will negotiate agreements for use of Municipal Infrastructure. The placement of WCFs on those structures shall be subject to such agreement. The agreement shall specify the compensation to the Village for use of the structures. The person seeking such agreement shall additionally reimburse the Village for all costs the Village incurs in connection with its review, including vendor review, of, and action upon the applicant's request for, such an agreement. The location of any Village-owned infrastructure utilized for the placement of WCFs at the time of the effective date of this law shall be deemed grandfathered for the purposes of this article.

§ 206-11 Village of Croton-on-Hudson Planning Board Authority.

The Village of Croton-on-Hudson Planning Board, or its designee is directed to execute all documents and to perform all other necessary acts to implement and enforce this article.

§ 206-12 Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this article is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be

severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this article, it being the intent of the Village that the remainder of the article shall be and shall remain in full force and effect, valid, and enforceable.

Section 3: Effective Date: This Local Law shall take effect immediately upon filing with the Secretary of State.