[Within Right-of-Way]

VILLAGE OF CROTON-ON-HUDSON
DESIGN AND DEVELOPMENT STANDARDS
FOR WIRELESS FACILITIES
WITHIN THE PUBLIC RIGHT-OF-WAY

SECTION 1. ADOPTION – These Design and Development Standards for Wireless Facilities in the Village within the Public Right-of-Way were adopted by resolution of the Village of Croton-on- Hudson Board of Trustees on _____, 2025 (the "ROW Design Standards").

SECTION 2. DEFINITIONS. The definitions set forth in Section 206-2 of the Village Code are incorporated by reference into this Resolution.

SECTION 3. DESIGN AND DEVELOPMENT STANDARDS FOR ALL FACILITIES. The following design and development standards shall apply to all Wireless Facilities in the Public Right-of-Ways:

A. Visual Criteria.

(1) Generally. Wireless Facilities shall be designed in the least visible means possible and be aesthetically compatible with the surrounding area and structures (e.g., color, materials, size, and scale).

(a) Materials. The materials used shall be non-reflective and non-flammable.

(b) Concealment. The Wireless Facility and Pole-Mounted equipment should be camouflaged or concealed to blend the Facility with surrounding materials and colors of the Support Structure on which the Facility is installed. Concealment elements include, but are not limited to, the following:

(i) Radio frequency (RF) transparent screening or shrouds;

(ii) Matching the color of the existing Support Structure by painting, coating, or otherwise coloring the Wireless Facility, equipment, mounting brackets, and cabling;

(iii) Placing cables and wires inside the pole or beneath conduit of the smallest size possible;

(iv) Minimizing the size of the site;

(v) Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site; and

(vi) Using paint of durable quality.

B. Location.

(1) Poles Should be Utilized. Consistent with other above-ground infrastructure, Wireless Facilities should be supported by or within poles, and not Support Structures, unless the Support Structures are Stealth Facilities. Where Support Structures must be authorized, the Support Structures should comply as closely as possible to the standards applicable to poles.

(2) Preference for Use on Existing Infrastructure. To prevent clutter in the Public Rights-of-Ways, and to avoid creation of additional hazards in the Public Rights-of-Ways, existing poles should be used when feasible. New poles are not permitted in a corridor where there are existing poles that can be used, or existing poles that can be modified or replaced to support the facilities of a utility, unless it is shown that: (i) it is not technically feasible to use, modify or replace existing poles or (ii) use of the pole can be shown by Applicant to prohibit or effectively prohibit service.

(a) If existing poles are present in the surrounding area, then the new pole shall be designed to resemble the existing poles in appearance, height, color, materials, and distribution pattern/spacing.

(3) Collocations are encouraged.

(4) Curb Setback Requirements. New or replacement poles shall be a minimum of 18 inches from the face of the curb.

(5) Strand-Mounted Facilities. Strand-Mounted Facilities are prohibited unless they are necessary for technical reasons.

C. Equipment.

(1) Prohibition of Generators. Generators are prohibited in the Public Right-of-Ways.

(2) Electric Service. The Village strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. Where meters are required, use the narrowest electric meter, and disconnect available.

(3) Equipment Preferences.

(a) The Village prefers Stealth Facilities or poles where all equipment is inside the pole to exterior mounts for new poles; and where undergrounding is not required, prefers Pole-Mounted to ground-mounted cabinets for new, existing or replacement poles.

(b) Pole-Mounted equipment other than antennas should be mounted high on a pole; concealed in an integrated base; or contained within a pole, as appropriate for the corridor and the type of pole proposed.

(c) While a higher placement should be used except where technically infeasible,

the lowest point of any equipment installed on the exterior of a pole should be 8 feet from ground level, and the equipment may not be placed in a manner that would intrude upon a street, interfere with parking or interfere with safe pedestrian/bicycle passage.

(d) Ground-mounted above-ground equipment, other than approved stealth equipment, or equipment in an integrated base is not permitted in a corridor where there is not already ground-mounted equipment nearby. Where there is ground-mounted equipment, the facilities proposed should be similar in size, and should be placed and shielded in a manner other equipment is placed and shielded (see also location standards). Any equipment not used in direct support of such operations shall not be stored on site.

(e) In an area where other utility equipment is underground, a Wireless Service Provider will be expected to place equipment below ground absent a showing of technical infeasibility. However, the Village recognizes that antennas and the structures that support them cannot be placed underground. In order to use the Public Rights-of-Ways absent a showing of effective prohibition, a design consistent with the corridor in which the Facility will be placed should be utilized.

D. Security. All equipment and Facilities shall be installed in a manner to avoid being an attractive nuisance and to prevent unauthorized access, climbing, and graffiti.

E. Safety. All Wireless Facilities in the Public Right-of-Way, including each piece of equipment, shall be located, and placed in a manner so as to not interfere with the use of the Public Right-of-Way; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the Public Right-of-Way. Further, all Wireless Facilities and associated equipment in the Public Right-of-Way shall comply with Americans with Disabilities Act (ADA) and the National Electric Safety Code (NESC), as applicable.

F. Noise. Wireless Facilities and all accessory equipment and transmission equipment must comply with all noise regulations and shall operate as quietly as technologically feasible based on then current marketplace equipment availability, but in any event, either individually or cumulatively no greater than 65 dBA as measured from any residential property line.

G. Lighting. Facilities shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority.

(1) If lighting is required, the Village Engineer, or their designee, may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding view.

(2) The use of floodlighting is prohibited.

(3) No signage or other identifying markings of a commercial nature shall be permitted upon any Tower or Pole.

H. Signs. No Facility may display any signage or advertisement unless it is expressly allowed by the Village in a written approval, recommended under FCC regulations, or required by law or permit condition. Every Facility shall at all times display signage that accurately identifies the Facility owner and provides the owner's unique site number and a local or toll-free telephone number to contact the Facility owner's operations center.

I. Trees. No trees shall be removed, damaged or otherwise trimmed except in accordance with Chapter 208 hereof, "Trees" or as may be approved in advance by the Village Engineer.

J. Landscaping. In addition to any landscaping used for concealment or screening purposes, the Applicant shall propose and install additional landscaping to replace any existing landscaping displaced during construction or installation of the Applicant's Facility in the Public Right-of-Ways. The Applicant's landscaping plan shall be subject to the Village's review and approval but shall, at a minimum, match the existing landscaping and foliage surrounding the installation site.

K. Modifications. Any modifications to existing Facilities or equipment or collocations shall not defeat the concealment elements of the existing Support Structure/Facility.

L. Spacing. In addition to all other requirements in this document, Facility deployments and all related equipment and improvements shall:

(1) Be installed with a minimum spacing of 500 feet between sites in residential areas. The separation distances shall be measured by drawing a straight line between the base of the existing Tower/Pole and the base of the proposed Tower/Pole pursuant to the Site plan.

(2) Be placed as close as possible to the property line between two parcel that abut the public right-of-way;

(3) not be placed directly in front of any door or window;

(4) not be placed within any sight distance triangles at any intersections or driveway connections.

SECTION 4. DESIGN AND DEVELOPMENT STANDARDS FOR POLE-MOUNTED FACILITIES. In addition to the generally applicable standards set forth in Section 3 of this Resolution, the design and development standards for Pole-Mounted Facilities in the ROW are as follows:

A. Definition of Pole-Mounted Facility. For purposes of this Resolution, the term "Pole-Mounted Facility" means a Wireless Facility that is, or is proposed to be, attached to, contained in or on, or otherwise mounted to, in, or on a pole.

B. Definition of Stealth Facility. For the purposes of this Resolution, the term "Stealth Facility" (or "Stealth Facilities") shall mean a Small Cell Facility designed to look like some feature other than a Tower or Base Station.

C. Poles, Generally. For Facilities installed on any pole:

(1) Antennas. Antennas shall be top-mounted in a shroud. Antennas attached to the side of the pole are discouraged, but if they are required due to technical reasons, should use the smallest antenna volume possible and be stacked vertically and close together with minimal distance from the pole.

(2) Dimensions. Antennas shall be of the smallest feasible size, but in no case more than three cubic feet in volume. Pole-top Wireless Facilities, including shroud, shall be no more than 72 inches in height and 14.5 inches in diameter.

(3) Accessory Equipment. Undergrounding equipment that cannot be placed with the antenna in the shroud, is preferred where technically feasible. Vaults and pull boxes shall be installed flush to grade. Ground-mounted equipment is prohibited unless required for technical reasons. If required, ground-mounted equipment shall incorporate camouflaging and shrouding to match the colors, appearance, and materials of existing facilities and screen facilities from public view as much as is technically feasible. Further, if ground-mounted equipment is required, it must be enclosed in cabinets, sized only for the needed equipment, and camouflaged using paint that matches the surrounding environment.

(4) Cables and Wiring. All cables and wiring must be within the structure, or if not feasible, within conduit on the exterior of the structure. The conduit must be a color that matches the pole and of the smallest size technically feasible.

(5) Pole Owner Authorization. Proof of authorization from the pole owner is required. If the Village owns the pole, then the Applicant must enter into an agreement with Village to install the Pole-Mounted Facility.

D. Utility Poles. In addition to complying with the standards above, installations on Utility Poles must be Stealth Facilities, as defined in this Resolution. The Facility shall be designed, painted, coated, and otherwise made to look like the Utility Pole rather than a Wireless Facility, Tower, or Base Station.

E. Replacement Poles. If an Applicant proposes a replacement pole to accommodate the Facility:

(1) Placement. The base of the replacement pole shall be a minimum of 18 inches away from the face of the curb. Further, a replacement pole must be in the same location as the pole that it is replacing or as close to the original location as possible, taking into account pole owner safety-related requirements and all applicable location and placement standards herein.

(2) Design. Replacement poles should match the design (e.g., color, dimensions, height, style, and materials) of the existing pole that is being replaced to the greatest extent feasible. The maximum pole height is 35 feet, excluding wireless equipment unless Applicant can demonstrate such a limitation prohibits or effectively prohibits service.

(3) Stealth. Replacement poles should fit within the context of the environment and their accompanying small cell facilities should be stealth, as defined above, unless technically infeasible.

F. New Poles.

(1) Waiver Required. New poles are prohibited unless a waiver is approved by the Village to prevent a prohibition of service. The Village strongly discourages waivers but in order to avoid the cost and burden of litigation, the Village is required to permit the opportunity for waiver under federal law.

(2) Design. New poles shall have a maximum height of 35 feet and a maximum diameter of 14 inches unless Applicant can demonstrate such a limitation prohibits or effectively prohibits service. The poles should be designed so that cables and wiring can be contained inside the poles or concealed in coverings that mirror the pole in color. Wooden poles, while not prohibited, should not be a first option. If existing poles are present in the surrounding area, then the new pole shall be designed to resemble the existing poles in appearance, color, materials, and distribution pattern/spacing.

(3) Installations on New Poles. Antennas shall be pole top- mounted in a shroud, and cables and wiring shall be contained within the new pole. Equipment that cannot fit in the shroud with the antenna shall be undergrounded, but if undergrounding is not technically feasible, then equipment shall be enclosed in cabinets, sized only for the needed equipment, and camouflaged using paint that matches the surrounding environment. The antennas and equipment on a new pole must be stealth, as defined above.

SECTION 5. GENERAL STANDARD. The Wireless Regulations and decisions on Applications for placement of Wireless Facilities within the ROW shall, at a minimum, ensure that the requirements of these ROW Design Standards are satisfied, unless it is determined that the Applicant has established that such requirements would, within the meaning of federal law, prohibit or effectively prohibit the provision of Personal Wireless Services, or otherwise violate applicable laws or regulations. If that determination is made, the ROW Design Standards herein may be waived, but only to the minimum extent required to avoid the prohibition or violation.

SECTION 6. SEVERABILITY. If any provision of these ROW Design Standards or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of these Design Standards Within The ROW that can be given effect without the invalid provision or application, and to this extent, the provisions of the ROW Design Standards are severable.

SECTION 7. AMENDMENT. The Board of Trustees may amend these ROW Design Standards from time to time by resolution.