

City of Mount Vernon Planning Board Wireless Telecommunications Checklist



A wireless telecommunications shall demonstrate that the standards of Section 267-28J of the Zoning Code can be met and shall include at least the following information:

1. An application for a special use permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application and shall agree to remove any existing violations and make all existing telecommunications facilities compliant with these regulations and all applicable local, state and telecommunications codes prior to the issuance of any certificate of occupancy or compliance or the functional equivalent for a new or modified wireless facility.
2. The applicant shall include a statement in writing:
 - That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, laws, and regulations, including any and all applicable City, state and federal laws, rules, and regulations.
 - That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the state. Written evidence of that authorization shall be provided.
3. The application shall be signed by an authorized individual on behalf of the applicant. Where a certification is called for, such certification shall bear the signature and seal of a professional engineer licensed in the state.
4. Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily and essentially within the City with service to adjacent municipalities to not exceed 40% of the total area to be covered by the proposed facility. Such documentation shall include propagation studies and maps of the proposed site and all other planned, proposed, in service or existing sites in the City and in all contiguous municipalities. If the applicant is addressing a capacity issue, documentation must be submitted to include but not be limited to the following: usage and forecasted or present blockage; call volume, drive-test data results, including date of test. Locations of tests, and signal strength results; and any other technically pertinent information.
5. The name, address and phone number of the person preparing the report.
6. The name, address, and phone number of the property owner, operator, and applicant, and to include the legal form of the applicant.
7. The postal address and Tax Map parcel number of the property.

8. The zoning district or designation in which the property is situated.
9. Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines; in the case of a new tower, topographical map of property and adjacent land at increments of two feet, zero inches; topographic lines which clearly define the slopes and height of the land and structure location and heights at each finished floor and roof.
10. The location of nearest landmark.
11. The location of nearest residential structure which shall include a vicinity map to show what facilities are adjacent to the installation.
12. The property owner and address of all adjacent residential structures, occupiable structures, child day-care center, schools, camps, public parks and playgrounds.
13. The location, size and height of all structures on the property which is the subject of the application.
14. The location, size and height of all proposed and existing antennas and all appurtenant structures.
15. The type, locations and dimensions of all proposed and existing landscaping, and fencing; in the case of a new tower such shall be shown via the use of plans, sections and three-dimensional models.
16. The number, type and design of the tower(s) and antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users.
17. The owner, make, model and manufacturer of the tower and antenna(s) and the number and type of existing antennas.
18. A description of the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting.
19. The frequency, modulation and class of service of radio or other transmitting equipment.
20. The actual intended transmission and the maximum effective radiated power of the antenna(s).
21. Direction of maximum lobes and associated radiation of the antenna(s).
22. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC and that the proposed site will not produce or contribute to the production

of emissions levels exceeding the thresholds listed in Table IV or any subsequent superseding emission standard adopted by the FCC, based on the maximum equipment output.

23. Certification that the proposed antenna(s) will not cause interference with other telecommunications devices.

24. A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities.

25. Certification that a topographic and geomorphologic study and analysis has been conducted and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site.

26. Certification, where collocation is not proposed, that collocation is not feasible and why.

27. In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the application, along with any letters of rejection stating the reason for rejection.

28. The applicant shall certify that the telecommunications facility, foundation and attachments are designed and will be constructed to meet all local, City, state and federal structural requirements for loads, including wind and ice loads.

29. The applicant shall certify that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

30. An applicant shall be required to submit an environmental assessment form and a visual addendum. Based on the results of the form, including the visual addendum, the City may require submission of a more detailed visual analysis.

31. The applicant shall furnish a visual impact assessment, which shall include:

- A Zone of Visibility Map which shall be provided in order to determine locations from which the tower may be seen by a turning radius of 360°.
- Pictorial representations of before and after views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents.
- An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

32. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed wireless telecommunications facilities.

33. All wireless telecommunications facilities applications shall contain a demonstration that the facility is sited so as to be the least visually intrusive reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the wireless telecommunications facility.

34. Written notification of the application shall be provided to the legislative body of all adjacent municipalities.

35. The tower shall be structurally designed to accommodate at least five additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden.

36. In order to better inform the public, in the case of a new telecommunication tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test." The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the applicant seven and 14 days in advance of the first test date in a newspaper with a general circulation in the City. The applicant shall inform the City, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.

37. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

38. Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, [1] being the highest priority and [6] being the lowest priority:

- [Priority 1] On existing towers or other structures without increasing the height of the tower or structure.
- [Priority 2] On City-owned properties, which includes properties owned by the IDA and Urban Renewal Agency.

- [Priority 3] On properties in areas zoned for industrial use.
- [Priority 4] On properties in areas zoned for commercial use.
- [Priority 5] On properties in areas zoned downtown business use.
- [Priority 6] On properties in areas zoned neighborhood business use.
- [Priority 7] On properties in areas zoned for residential use.

39. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

40. An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the City why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation shall not be a valid basis for any claim of commercial impracticability or hardship.

41. The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

42. The applicant shall submit documentation justifying the total height of any tower, facility and/or antenna and the basis therefore.

43. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

44. Wireless telecommunications facilities shall contain a sign no larger than four square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s); the date of installation and the application number and inspection dates.

45. An applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the City in connection with the review of any application, including the construction and modification of the site, once permitted.

46. The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000 and with such sureties as are

deemed sufficient by the City to assure the faithful performance of the terms and conditions of these regulations and conditions of any special use permit issued pursuant to these regulations.

47. At the time that a person submits an application for a special use permit for a new tower or collocating on an existing tower or other suitable structure where there is an increase in height of the tower or structure, such person shall pay a nonrefundable application fee of \$12,000 to the City, such fee is exclusive of any and all other fees. If the application is for a special use permit for collocating on an existing tower or other suitable structure, where no increase in height of the tower or structure is required, the nonrefundable fee shall be \$6,000.

48. A holder of a special use permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the special use permit.

49. Any application for wireless telecommunication facilities that is proposed for City property, pursuant to these regulations, shall contain a provision with respect to indemnification.

50. Any applicant desiring relief, waiver or exemption from any aspect or requirement of these regulations may request in writing, provided that the relief or exemption is contained in the original application for either a special use permit, or in the case of an existing or previously granted special use permit a request for modification of its tower and/or facilities.