

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2018**

**A LOCAL LAW AMENDING CHAPTER 75 OF THE TOWN CODE  
ENTITLED “WIRELESS TELECOMMUNICATIONS FACILITIES”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead as follows:

**Section 1. Legislative Intent.**

In order to assure that all fees charged by the Town for Town services are contained in one location, the Town Board finds it in the best interests of the Town to amend Chapter 75 of the Town Code to state that the fee for renewal of antenna location permits is found in the Town of North Hempstead Fee Schedule.

**Section 2.**

Section 75-5 of the Town Code is hereby amended as follows:

**§ 75-5 Antenna location permits.**

- A. Wireless telecommunications facility installations eligible for antenna location permits. The Building Department is authorized to issue antenna location permits for the following wireless telecommunications facilities, provided that all of the requirements set forth herein are met.
- (1) Nonresidential zoning districts. Parking District (P), Transportation District (T), Business AA District (B-AA), Business A District (B-A), Business B District (B-B), Planned Industrial Park District (PIP), Industrial A District (I-A), Industrial B (I-B), Modified Planned Industrial Park District (MPIP):
    - (a) Wireless telecommunications facilities on existing public utility structures, including, but not limited to, telephone poles, electric transmission towers, water towers, etc., provided that an increase in the height of the existing structure is not required and that all height, setback and design requirements as set forth in § 75-7 can be met. In addition to these requirements, any wireless telecommunications facility to be installed on a structure within a public right-of-way shall require a franchise agreement with the Town of North Hempstead. Any equipment cabinets, shelters, etc., must also comply with the standards set forth in § 75-7 herein.
    - (b) Collocation of wireless telecommunications facilities on buildings, towers and other structures which contain one or more wireless telecommunications facilities which have been approved in accordance with this chapter or which qualify as incumbent freestanding wireless telecommunications facilities as defined herein, provided that, in the case

of collocation on an existing freestanding wireless facility, an increase in the height of the support structure is not required, and provided that all height, setback and design requirements as set forth in § 75-7 herein can be met. Any accessory structures, including, but not limited to, equipment, equipment cabinets, equipment sheds/shelters, etc., must also comply with the standards set forth in § 75-7 herein.

- (c) New wireless telecommunications facilities on existing commercial or industrial buildings, provided that all height, setback and design requirements as set forth in § 75-7 herein can be met. Any accessory structures, including, but not limited to, equipment, equipment cabinets, equipment sheds/shelters, etc., must also comply with the standards set forth in § 75-7 herein.
- (d) Minor modifications to existing wireless telecommunications facilities, provided that the modifications do not result in an increase in the height of the facility.
- (2) Residential Zoning Districts. Residence Open Space District (R-O-S), Residence AAA District (R-AAA), Residence AA District (R-AA), Residence A District (R-A), Residence B District (R-B), Residence C District (R-C), Residence D District (R-D), Residence District, Multiple (RM), Residence District, Public Housing (RPH), Golden Age Residence District (GAR), Senior Residence District (R-S):
  - (a) Wireless telecommunications facilities on existing public utility structures, including, but not limited to, telephone poles, electric transmission towers, water towers, etc., provided that an increase in the height of the existing structure is not required and that all height, setback and design requirements as set forth in § 75-7 herein can be met. In addition to these requirements, any wireless telecommunications facility to be installed on a structure within a public right-of-way shall require a franchise agreement with the Town of North Hempstead. Any accessory structures including, but not limited to, equipment, equipment cabinets, equipment sheds/shelters, etc., must also comply with the standards set forth in § 75-7 herein.

B. Term and fees for antenna location permits. The fee for an antenna location permit shall be in the amount indicated in the Town of North Hempstead Fee Schedule, and the permit expires and must be renewed every three years.

[Amended 4-11-2006 by L.L. No. 5-2006]

C. Renewal of antenna location permits. At the expiration of its three-year term, an application for renewal of the antenna location permit shall be filed with the Commissioner of Building and Safety Inspection and Enforcement, together with a fee of **\$500 in the amount stated in the Town of North Hempstead Fee Schedule** and current certification by a licensed professional engineer or other qualified person that the wireless telecommunications facility is within the nonionizing electromagnetic radiation levels

adopted by the FCC. The permit may be renewed upon a finding that the wireless facility and all associated equipment and support structures are structurally sound and comply with the provisions of the law.

D. Antenna location permit application requirements. The Commissioner of Building and Safety Inspection and Enforcement is authorized to design appropriate application forms, if necessary, to assist in the completion and evaluation of an application packet. The following materials shall be submitted in triplicate to the Commissioner of Building and Safety Inspection and Enforcement, who shall certify that an application packet is complete before an antenna location permit is issued:

- (1) Name, address and telephone number of the applicant.
- (2) Name, address and telephone number of the owner of the property on which the wireless telecommunications facility will be located.
- (3) Section, block and lot number(s) of the property on which the proposed facility will be located.
- (4) A copy of an agreement between the applicant and the owner of the site which authorizes the use of the site as a location for the proposed wireless telecommunications facility.
- (5) A location map to scale indicating the location of the proposed facility.
- (6) A site plan or plans to scale specifying the location of the proposed facility on the property. All setbacks of the facility from front, rear and side yards shall be shown. (If the facility is located upon an existing structure, the setbacks of the existing structure from front, rear and side yards shall be shown and the location of the facility on the existing structure, including all dimensions, shall be shown).
- (7) Elevations showing the height of all proposed antennas, equipment and supporting structures (i.e., monopoles, towers, etc.) from ground level. Dimensions of all antennas and equipment and the distances of each from the top of any structures upon which they are located shall also be shown.
- (8) Construction/engineering drawings to be reviewed by the Commissioner of Building and Safety Inspection to determine whether the proposed facility meets with all applicable building, fire and safety codes and showing that the facility includes appropriate deicing equipment.
- (9) A completed full environmental assessment form Part I together with a visual assessment addendum.

- (10) A cash deposit or bond from a surety company that is both an admitted carrier in the State of New York and has a Best's Rating of B- or better, or a Best's rating of 4 or better.
  - (a) The cash deposit or bond must be in an amount equal to 200% of the estimated cost of removing any freestanding wireless telecommunications facility, if it is abandoned, and of restoring the site, except that this requirement may be waived for mobile wireless telecommunications facilities (cells on wheels).
  - (b) In the event that a penalty is assessed pursuant to the provisions of this chapter, the Commissioner of Building and Safety Inspection and Enforcement or the Town Comptroller may deduct the amount of such penalty from the cash deposit.
  - (c) The applicant must maintain the required cash deposit or bond at all times.
- (11) A certificate of insurance naming the Town of North Hempstead as an additional insured.
- (12) A copy of any Federal Communications Commission licenses and approvals allowing the applicant to operate a wireless telecommunications facility.
- (13) Certification by a licensed professional engineer or other qualified person that the proposed facility will not cause interference with existing communication devices and that electromagnetic radiation levels at the proposed site are within any threshold levels that have been adopted by the Federal Communications Commission.

### **Section 3.**

This local law shall take effect immediately upon filing with the Secretary of State.