

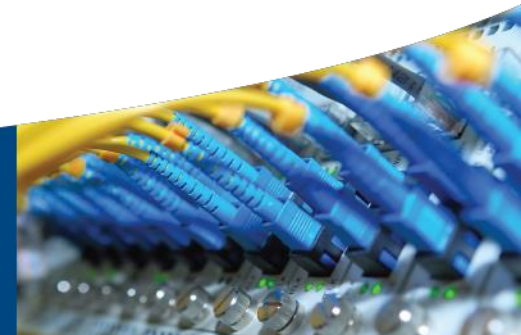


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BEST BEST & KRIEGER^{LLP}
ATTORNEYS AT LAW

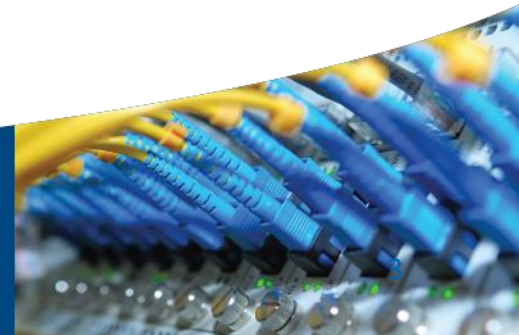
Summary of Proposed Amendments To Scarsdale Zoning Code

PRESENTED BY:
Joseph Van Eaton



Factual Background

- Use of wireless for broadband and basic communication is increasing
- In order to increase network capacity, and to take advantage of new technologies, new and modified antennas are required
- There will be more antennas – and question is how to allow deployment while protecting community



Goals in Light of Public Comment – Encourage Good Service and Deployment But:

- Protect residential property values against harms caused by placement of obtrusive facilities
- Maintain character of community – avoid a proliferation of large towers
- Avoiding proliferation of unneeded facilities [how many facilities will be in any neighborhood?]
- Ensure that Village has done what it can to protect against RF radiation



Approach to Goals

- ALLOW reasonable placement of facilities in the rights of way
- Avoid construction of new large towers
- Avoid proliferation of unneeded facilities [how many facilities will be in any neighborhood?]
- Minimize intrusion
- Ensure Village has done what it can to protect against RF radiation



Specifics: To Obtain A Special Use Permit to Place Facilities in RoW

- An entity using the streets must hold a franchise authorizing use of streets. *The franchise may protect against improper installation anywhere in the Village (310-79(c)(4))*
- The facility must fill a service gap (310-81)
- New poles only if old not available and if consistent in size with other poles in area (310-81.1.F)
- Applicant must demonstrate compliance with FCC RF standards (310-81(C))
- Only utility poles permitted in the Village streets – not stand-alone towers (310-81(E))
- The facility must be on a major arterial road where there are already aerial utilities (310-81.1.F)



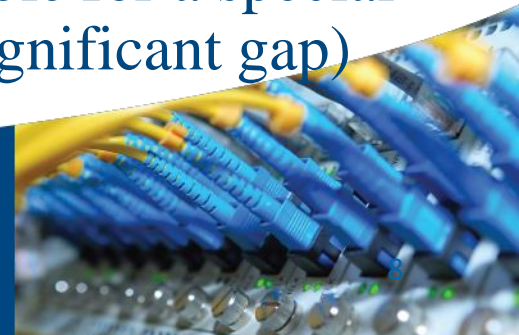
Specifics (Cont'd)

- The facilities installed must be comparable to those already in place (*310-81.1.F*)
- The antenna must be a certain distance from other antennas (*310-81.1.F*)
- The facility may not exceed certain dimensions (*310-81.1.F*)
- An applicant must apply for its entire planned network (to allow Village to assess overall impact) (*310-82*)
- The Village can attach specific conditions to permits, and the permit is revocable if conditions can't be enforced
- Permits limited to 5 years
- An applicant not eligible for a special use permit may seek an exception following existing rules



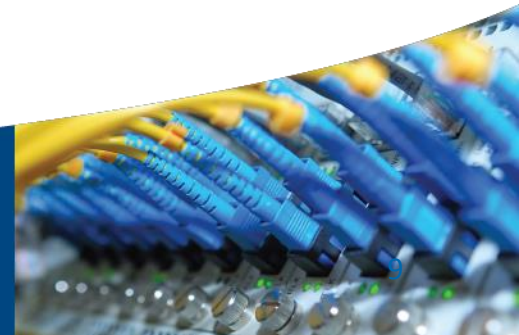
Changes from Prior Version

- Clarified role of building inspector – building inspector does not inspect facilities in RoW; also clarified references to permits issued by building inspector and roles of other departments (*310-78; 310-81.1.D*)
- Defined “modification” to require approval of changes that alter physical appearance of structure; made clear modifications require review and approval if inconsistent with original application
- Clarified definitions, and language regarding the Board’s authority
- Clarified standard facility must meet to be eligible for a special use permit (least intrusive means of closing a significant gap) (*310-81*)



Changes from Prior Version

- Changed description of what is permitted on poles:
 - No more than one antenna array with three antennas with no antenna extending more than twelve inches horizontally from the face of the pole, or a single omnidirectional antenna whose diameter does not exceed the diameter of the existing supporting structure at the point of attachment
 - Allowed a four foot rather than three foot tall box (310-81.1(F)(6)(e)-(f))
- Left open separation distance issue for Board (previously 1200 feet between facilities in RoW)
- There is a garble in the draft - 310-81(G)(4) should read:
“Nothing in this section is intended to permit installation of facilities in the Streets for which a Special Use Permit could not be issued under **§ 310.81-1.**”



Caution

- FCC Will Take An Action Affecting Local Authority Tomorrow
- We Will Advise Village Attorney of Potential Impact
- Village and Its Citizens May Participate in FCC Proceeding

