

§ 164-75. Purpose.

- A. Purpose. The purpose of this article is to establish predictable and balanced regulations for the siting and screening of wireless telecommunications facilities in order to accommodate the growth of telecommunications services within the town. Said regulations are intended to maximize the use of existing towers, tall buildings and other high structures to reduce the number of new towers needed to serve the community; avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and protect the natural features and aesthetic character of the town, with special attention to open space, mountain ridges, recreation areas, scenic roads, view sheds and historic sites, through careful design, siting, landscaping, screening and innovative camouflaging techniques.
- B. Consistency with Federal Regulations. These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, (PWS) nor shall they be used to discriminate among providers of functionally equivalent services, consistent with federal regulations.

§ 164-76. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABOVE GROUND LEVEL (AGL) -- A measurement of height from the natural grade of a site to the highest point of a structure.

CAMOUFLAGED -- A wireless telecommunications facility that is disguised, hidden, part of an existing or proposed structure, placed within an existing or proposed structure or completely hidden by surrounding vegetation is considered camouflaged.

CARRIER -- A company, licensed by the Federal Communications Commission (FCC), that provides personal wireless services.

CO-LOCATION -- The use of a single wireless telecommunications facility, either on the ground or on an existing building or structure, by more than one wireless communications carrier.

EQUIPMENT SHELTER -- An enclosed structure, cabinet, shed or box at the base of the mount within which is housed the electronic receiving and relay equipment for a wireless telecommunications facility. Associated equipment may include air conditioning and emergency generators. This term does not include offices, long-term storage of vehicles or other equipment storage or broadcast studios.

FALL ZONES -- The area on the ground within a prescribed radius from the base of a wireless telecommunications facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FUNCTIONALLY EQUIVALENT SERVICES -- Services include but are not limited to cellular, personal communication services (PCS), enhanced specialized mobile radio, specialized mobile radio and paging.

GUYED TOWER -- A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

LATTICE TOWER -- A self-supporting mount constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

LICENSED CARRIER -- A company authorized by the FCC to construct and operate a commercial mobile radio services system.

MONOPOLE -- A self-supporting mount constructed of a single shaft of wood, steel or concrete with below-grade foundations and a platform (or racks) for panel antennas arrayed at the top.

MOUNT -- The structure or surface upon which antennas are mounted, including the following four types of mounts:

ROOF-MOUNTED -- Mounted on the roof of a building.

SIDE-MOUNTED -- Mounted on the side of a building.

STRUCTURE-MOUNTED -- Mounted on a structure other than a building.

GROUND-MOUNTED -- Mounted on the ground.

PROFESSIONAL ENGINEER -- New York State Licensed Professional Engineer.

RADIO FREQUENCY RADIATION -- The emissions from wireless telecommunications facilities.

RADIO FREQUENCY TECHNICAL EXPERT) A certified or licensed radio frequency engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

REPEATER -- A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a primary sending and receiving site in a wireless telecommunications network.

SECURITY BARRIER -- A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION -- The distance between one carrier's array of antennas and another carrier's array.

WIRELESS TELECOMMUNICATIONS ANTENNA -- An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission, including but not limited to whip, panel and dish telecommunications antennas.

WIRELESS TELECOMMUNICATIONS FACILITY -- A facility for the provision of wireless telecommunications services, as defined by the Telecommunications Act of 1996, and usually consisting of an equipment shelter, a mount and/or antenna(s). Repeaters shall be included in the definition of wireless telecommunications facilities.

WIRELESS TELECOMMUNICATIONS SERVICES -- The three types of services regulated by this article: commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services. These services include cellular, personal communication services (PCS), enhanced specialized mobile radio, specialized mobile radio and paging. Excluded from this definition are services used for fire, police and other dispatch communications or exclusively for private radio and television reception and private citizens bands, amateur radio and other similar private, residential communications.

§ 164-77. District regulations.

- A. Use regulations. A wireless telecommunications facility shall require a building permit in all cases.
- (1) Permitted uses, existing structures. A wireless telecommunications facility may be permitted to locate on any existing guyed tower, lattice tower, monopole, fire tower, water tower, clock tower, bell tower, cross tower, flagpole, road sign, steeple, chimney, silo or other innovative use of appropriate existing structures (as determined by the Planning Board), provided that there is no increase in the height of the existing structure as a result of the installation of the facility. Such installations shall not require a

special use permit but will require site plan approval by the Planning Board in accordance with § 164-46 of this chapter.

- (2) Permitted uses, existing buildings. A wireless telecommunications facility may be permitted to locate on any existing building, with the exception of a designated historic structure, provided that the installation of the new facility does not increase the height of the existing building by more than 10 feet. Such installations shall not require a special use permit but will require site plan approval by the Planning Board in accordance with § 164-46.
 - (3) Permitted uses, existing utility structures. A wireless telecommunications facility may be permitted to locate on any existing electric utility transmission and distribution tower, telephone pole and similar existing utility structure, provided that the installation of the new facility does not increase the height of the existing structure by more than 20 feet. These facilities may locate in all areas of the town, where they are permitted by Zoning, except within 250 feet of a designated historic structure or within 150 feet of the right-of-way of any scenic road as identified in the Town of Warwick Comprehensive Plan. Such facilities may locate within 150 feet of the right-of-way of any scenic road, as identified in the Town of Warwick Comprehensive Plan, provided that the new facility does not increase the height of the existing structure. Such installations shall not require a special use permit but will require site plan approval by the Planning Board in accordance with § 164-46.
 - (4) Special use permit. A wireless telecommunications facility involving construction of one or more ground mounts shall require a special use permit. A special use permit may be granted, provided that the proposed use complies with the height and setback requirements of § 164-77C and the special use permit regulations set forth in § 164-79, is placed to minimize visual and aesthetic impacts and is placed on the side slope of terrain so that, as much as possible, the top of the tower does not protrude over the ridgeline. The Town of Warwick defines the placement, construction and modification of a wireless telecommunications facility requiring a special use permit as a "Type I" action under the New York State Environmental Quality Review Act (SEQR).
- B. Location . Wireless telecommunications facilities shall only be located, upon the grant of site plan approval and, as applicable, a special use permit, on property which allows public utility, radio and television transmission antennas, as set forth in Article IV of this Chapter. Applicants seeking approval for wireless telecommunications facilities shall comply with the following:
- (1) New wireless telecommunications facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, silos, utility poles and towers and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more wireless telecommunications facilities. If an existing tower is not feasible, the applicant shall have the burden of proving that there are no feasible existing structures on which to locate.
 - (2) If the applicant clearly proves that it is not feasible to locate on an existing structure, wireless telecommunications facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to the use of compatible building materials and colors, screening, landscaping, placement within trees and the use of stealth technology to disguise the facility as specified in § 164-79A and as determined by the Planning Board.
 - (3) The applicant must submit documentation of the legal right to install and use the proposed facility mount at the time of application for a building permit and/or special use permit.
- C. Dimensional requirements. Wireless telecommunications facilities shall comply with the following requirements:

- (1) Height. Maximum height of a wireless telecommunications facility is limited to 120 feet above ground level (AGL). The Zoning Board of Appeals may allow wireless telecommunications facilities up to 199 feet if an independent radio frequency consultant determines that adequate coverage would not be provided by a tower up to 120 feet and if the applicant can demonstrate that, based upon topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and/or through the use of screening, that off-site views of the facility will be minimized. The height limitation is waived when the antenna is mounted on an existing structure or building and is completely camouflaged or is located on an existing utility structure.
- (2) Setbacks. All wireless telecommunications facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:
 - (a) To ensure public safety, the minimum distance from the base of any ground-mounted wireless telecommunications facility to any property line, road, habitable dwelling, business or institutional use, accessory structure or public recreation area shall be the height of the facility/mount, including any antennas or other appurtenances. This setback is considered the "fall zone." Additional setbacks may be required by the Planning Board to provide for the public safety.
 - (b) In the event that an existing structure or building is proposed as a mount for a wireless telecommunications facility, a fall zone shall be required unless the Planning Board finds that a substantially better design will result from a reduced setback. In making such a finding, the Planning Board shall consider both the visual and safety impacts of the proposed use.

§ 164-78. Performance standards.

All wireless telecommunications facilities shall comply with the performance standards set forth in this section.

A. Camouflage.

- (1) All wireless telecommunications facilities shall be designed to blend into the surrounding environment through the use of design and color except in such instances where color is dictated by federal or state authorities, such as the Federal Aviation Administration.
- (2) A wireless telecommunications facility which is roof-mounted on a building shall be concealed within or behind existing architectural features to limit its visibility from public ways and shall be stepped back from the front facade in order to limit its impact on the building's silhouette.
- (3) A wireless telecommunications facility which is side-mounted on a building shall be painted or constructed of materials to match the color of the building material directly behind it.
- (4) The use of stealth technology to camouflage new ground mounts is required as specified in § 164-79A.

B. Lighting. Wireless telecommunications facilities shall not be artificially lighted or display strobe lights unless required by the Federal Aviation Administration (FAA) or other applicable authority.

C. Noise. Roof-mounted or side-mounted equipment for wireless telecommunications facilities shall not generate noise in excess of 50 dB at ground level at the base of the building closest to the antenna, including standby power generation equipment.

D. Radio frequency radiation (RFR) standards. All equipment proposed for a wireless telecommunications facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radio

Frequency Radiation (FCC Guidelines). The owner of the facility shall submit evidence of compliance with the FCC standards on a yearly basis to the Planning Board. If new, more restrictive standards are adopted by any appropriate federal or state agency, the facility shall be made to comply or continued operations may be restricted by the Planning Board. The cost of verification of compliance shall be borne by the owner and/or operator of the facility.

§ 164-79. Special use permit regulations.

All wireless telecommunications facilities requiring a special use permit shall comply with the regulations set forth in this section, in addition to those found in § 164-46.

A. Design standards.

- (1) **Camouflage.** The wireless telecommunications facility shall be designed to eliminate, to the greatest extent possible, the visibility of the proposed facility as viewed from a residence, public road or pathway, or public area by means of concealment, camouflage, disguise, or placement. The applicant shall make every available effort to ensure that the visibility of the proposed wireless telecommunications facility is slight or non-existent. Wireless telecommunications facilities shall be camouflaged by vegetation and/or design as follows:
 - (a) **Camouflage by vegetation.** If wireless telecommunications facilities are not camouflaged from public viewing by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Ground-mounted wireless telecommunications facilities shall provide a vegetative buffer of sufficient height and depth to effectively screen the facility. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. The Planning Board shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.
 - (b) **Camouflage by design.** In open areas, wireless telecommunications facilities shall be camouflaged to resemble or mimic a native coniferous species of tree or by other means, such as new construction of a silo, flagpole, clock tower, bell tower, cross tower, steeple or other innovative replication of a structure that would be consistent with the character of the community as determined by the Planning Board.
- (2) **Lighting.** Wireless telecommunications facilities shall not be artificially lighted or display strobe lights unless required by the Federal Aviation Administration (FAA) or other applicable authority. Security lighting of equipment structures and other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and foot-candle measurements at the property line shall be 0.25 initial foot-candles when measured at grade.
- (3) **Signs.**
 - (a) Signs shall be limited to those needed to identify the property and the owner and to warn of any danger. No advertising is permitted anywhere on the facility, with the exception of the identification signage. All signs shall comply with the requirements of the town's sign regulations.
 - (b) All ground-mounted wireless telecommunications facilities shall be surrounded by a security barrier which shall be posted with no-trespassing signs. A twenty-four-hour emergency telephone number shall be posted adjacent to the entry gate. If high voltage is necessary for the operation of equipment within the facility, signs shall be posted stating "Danger-High Voltage."

- (4) Equipment shelters. Equipment shelters for wireless telecommunications facilities shall be designed consistent with one of the following design standards:
 - (a) Equipment shelters shall be located in underground vaults; or
 - (b) Equipment shelters shall be designed to be architecturally compatible, both in style and materials, with principal structures on the site, as determined by the Planning Board; or
 - (c) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer equal to the height of the proposed building. The Planning Board shall determine the types of plant materials and depth of the needed buffer based on site conditions.
 - (5) Accessory structures. Accessory structures for wireless telecommunications facilities shall be permitted if the structures are constructed for the sole and exclusive use and operation of the telecommunications facility and meet the following requirements:
 - (a) Accessory structures may not include office, long-term vehicle storage, other outdoor storage or other uses that are not needed to send or receive wireless telecommunications transmissions.
 - (b) Accessory structures must be less than 500 square feet and 15 feet in height.
 - (c) Accessory structures must be camouflaged behind an effective year-round landscape buffer equal in height to the proposed structure.
 - (d) In residential zones, the use of compatible building materials, such as wood, brick or stucco, is required for all accessory structures, which shall be designed to match architecturally the exterior of residential structures in the neighborhood, as determined by the Planning Board. In no case will metal exteriors be allowed for accessory structures.
 - (6) Scenic landscapes and vistas. Wireless telecommunications facilities shall not be located within open areas that are visible from public roads, recreational areas or residential development. As required in § 164-75D(1)(a)[2], all ground-mounted wireless telecommunications facilities shall be surrounded by a buffer of dense tree growth or shall be camouflaged by design to minimize the adverse visual and aesthetic impact.
- B. Environmental standards.
- (1) Wireless telecommunications facilities shall not be located in wetlands or in regulated wetland buffer areas, in endangered, threatened, or special concern species habitats, water bodies, historic, or archaeological sites.
 - (2) No hazardous waste shall be discharged on the site of any wireless telecommunications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
 - (3) Any increase in stormwater runoff shall be contained on site.
 - (4) Ground-mounted equipment for wireless telecommunications facilities shall not generate noise in excess of 50 dB at the property line, including standby power generation equipment.
- C. Safety standards.
- (1) Radio frequency radiation (RFR) standards. All equipment proposed for a wireless telecommunications facility shall be authorized per the FCC Guidelines. The owner of the facility shall submit evidence of compliance with the FCC Guidelines on a yearly basis to the Planning

Board. If new, more restrictive standards are adopted by any appropriate federal or state agency, the facility shall be made to comply or continued operations may be restricted by the Planning Board. The cost of verification of compliance shall be borne by the owner and operator of the facility.

- (2) Security barrier. All wireless telecommunications facilities shall be provided with security measures, such as fencing, anti-climbing devices, electronic monitoring and other methods, sufficient to prevent unauthorized entry and vandalism. Fencing shall be solid wood and shall include a locking security gate. Electrified fence, barbed or razor wire shall be prohibited.
- (3) Structural soundness and fall zone. Wireless telecommunications facilities shall be designed by a licensed professional engineer to withstand overturning and failure. In the event of failure, facilities shall be designed so that they will fall within the setback area of the site and/or away from adjacent residential properties. The Planning Board shall require a foundation design and certificate of safety from the carrier to document structural soundness.

§ 164-80. Application procedures.

- A. Procedures. The Planning Board is authorized to review and approve, approve with modifications or disapprove site plans and special use permits pursuant to § 164-46 of the Zoning Law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed antenna, mount or equipment structure(s). Any decision by the Planning Board to deny or approve a request to place, construct or modify wireless telecommunications facilities shall be in writing and supported by substantial evidence. The Planning Board may seek the advise and recommendations of the Town of Warwick Wireless Facilities Advisory Committee on any application involving the construction or expansion of a wireless facility within the Town.
- B. Application filing requirements, site plan approval. All applicants for a wireless telecommunications facility shall fulfill the site plan requirements for § 164-46 of the Zoning Law and shall, in addition, provide the following:
 - (1) Proof that the applicant or co applicant is a licensed carrier or public utility.
 - (2) A statement, certified by a Radiofrequency Technical Expert and approved by the Planning Board, that the installation of the proposed antenna, including reception and transmission functions, will not interfere with the radio or television service enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications, in accordance with FCC standards.
 - (3) A statement, certified by a professional engineer and approved by the Planning Board, documenting the structural soundness of the wireless telecommunications facility.
 - (4) Proof that the wireless telecommunications facility shall be fully automated and requiring only occasional maintenance of the facility and site.
 - (5) A Report shall be submitted documenting what existing structures, buildings, and utility structures were considered for use as possible sites, the reason and supporting scientific analysis documenting why these existing facilities are inadequate, and what considerations and analysis were made to ensure the minimizing of potential aesthetic impacts when choosing the proposed site.
- C. Application filing requirements, special use permit. Applicants for a special use permit for a wireless telecommunications facility shall fulfill the requirements of a Type 1 action under SEQR and shall, in addition, provide the following:
 - (1) A survey of all existing structures, buildings and utility structures within the town outlining the opportunities for the use of these existing structures and buildings as an alternative to the proposed

site. The applicant must demonstrate that the proposed wireless telecommunications facility cannot be accommodated on an existing structure, building or utility structure. In the event that location on an existing structure, building or utility structure is not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Planning Board. The Planning Board may hire an independent technical expert in the field of radio frequency engineering to verify if location on an existing structure, building or utility structure is not feasible and to evaluate the need for the proposed facility. The cost for such a technical expert shall be at the expense of the applicant and shall be fair and in line with similar costs in other communities. The failure of an applicant to demonstrate a good faith effort to collocate may be grounds for denial of the special use permit.

- (2) The applicant must demonstrate the need for the proposed facility showing the impracticality of upgrading or expanding an existing site and must project facility expansion needs within the town for a minimum of five (5) years.
- (3) Proposed location of antenna, mount (include latitude and longitude) and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
- (4) Proposed security barrier, indicating type and extent as well as point of controlled entry.
- (5) Drawings, dimensioned and to scale, which show the ultimate appearance and operation of the wireless telecommunications facility at full buildout, including representations of the proposed mount, antennas, equipment shelters, cable runs, driveways, parking areas and any other construction or development attendant to the wireless telecommunications facility. If the security barrier will block views of the wireless telecommunications facility, the barrier drawing shall be cut away to show the view behind the barrier.
- (6) Materials of the proposed facility specified by generic type and specific treatment. These shall be provided for the antennas, mounts, equipment shelters, cables, as well as cable runs, and security barrier.
- (7) Colors of the proposed facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables, as well as cable runs, and security barrier.
- (8) Landscape plan, including existing trees and shrubs, by dominant species and current height and those proposed to be added, identified by size of specimen at installation and species.
- (9) The following material shall be provided to allow the Planning Board to determine the level of visual impact and the appropriateness of the facility:
 - (a) Existing (before condition) color photographs of views of the site from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, scenic roads and scenic viewsheds identified in the Town of Warwick Comprehensive Plan and from any other location where the site is visible to residents or visitors. The Planning Board shall determine the key viewpoints from which the site shall be photographed.
 - (b) Proposed (after condition) simulations. Each of the existing condition photographs shall have the proposed wireless telecommunications facility superimposed on to it to show what would be seen from the key viewpoints if the proposed facility is built.
- (10) Within 21 days of filing an application for a Special Use Permit, the applicant shall arrange to fly, or raise upon a temporary crane, a six foot brightly colored balloon at the subject site to illustrate the height of the proposed facility. The dates, (including a second date in case of poor visibility or unfavorable wind conditions), times, and location of such tests shall be advertised in the official

newspaper of the Town at seven (7) and fourteen (14) days prior to the tests. The applicant shall meet with the Planning Board prior to arranging for the balloon tests to review and agree upon acceptable dates, times and locations from which the photographs shall be taken.

- D. Waivers. The Planning Board may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed wireless telecommunications facility.

§ 164-81. Co-location requirements.

All wireless telecommunications facilities requiring a special use permit shall comply with the following requirements:

- A. Location of other facilities . Applicants shall provide a town-wide map showing the location of other existing, approved, or proposed wireless telecommunications facilities within the Town of Warwick and all bordering municipalities inside and outside New York State outlining opportunities for co-location use as an alternative to the proposed site. The applicant must demonstrate that the proposed wireless telecommunications facility cannot be accommodated on an existing, approved, or proposed telecommunications tower, structure or facility due to one or more of the following reasons:
- (1) The antenna would exceed the structural capacity of the existing, approved, or proposed wireless telecommunications facility, as documented by a qualified professional engineer, and the existing, approved, or proposed facility cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna at a reasonable cost.
 - (2) The antenna would exceed the structural capacity of the existing, approved, or proposed wireless telecommunications facility, as documented by a qualified Radiofrequency Expert, and the existing, approved, or proposed facility cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna at a reasonable cost.
 - (3) Existing, approved, or proposed wireless telecommunications facilities cannot accommodate the antenna at a height necessary to function as documented by a qualified Radiofrequency Expert.
 - (4) Other foreseen reasons that make it not feasible to locate the antenna upon an existing, approved, or proposed wireless telecommunications facility. In the event that co-location is not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Planning Board. The Planning Board may hire an independent technical expert in the field of RF engineering to verify if co-location is not feasible and to evaluate the need for the proposed facility. The cost for such a technical expert shall be at the expense of the applicant.
- B. Provision for new facilities. Any proposed ground-mounted wireless telecommunications facility shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the mount is over 100 feet in height or for at least one additional user if the mount is over 60 feet in height. Mounts must be designed to allow for future rearrangement of antennas upon the mount and to accept antennas mounted at varying height. The applicant shall submit to the Planning Board a letter of intent committing the applicant, and his/her successors in interest, to negotiate in good faith for shared use of the proposed facility by any wireless service providers in the future. The issuance of a permit (assuming the facility is approved according to this section) shall commit the new facility owner and his/her successors in interest to:
- (1) Respect in a timely comprehensive manner to a request for information from a potential shared-use applicant.

- (2) Negotiate in good faith concerning future requests for shared use of the new facility by other wireless service providers.
 - (3) Allow shared use of the new facility if another wireless service provider agrees in writing to pay charges.
 - (4) Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity depreciation and all of the costs of adapting the facility to accommodate a shared user without causing electromagnetic interference.
- C. Inter-municipal cooperation. In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing wireless telecommunications facility in a neighboring municipality be considered for shared use, the Planning Board shall require that:
- (1) An applicant who proposes a new wireless telecommunications facility shall notify in writing the legislative body of each municipality that borders the town and the County Planning Board. Notification shall include the exact location of the proposed facility and the general description of the project, including, but not limited to, the height of the facility and its capacity for future shared use.
 - (2) Documentation of this notification shall be submitted to the Planning Board at the time of application.

§ 164-82. Modifications.

A modification of a wireless telecommunications facility may be considered equivalent to an application for a new facility and will require a special use permit when the following events apply:

- A. Alterations. The applicant intends to alter the terms of the special use permit by changing the number of facilities permitted on site or by changing the technology used for the facility.
- B. Additions. The applicant intends to add any equipment or additional height not specified in the original design filing.

§ 164-83. Monitoring and maintenance.

- A. Monitoring. After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations and at annual intervals from the date of issuance of the special use permit, the following:
 - (1) Existing measurements of RFR from the wireless telecommunications facility.
 - (2) Existing measurements of noise from the wireless telecommunications facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the noise standards section of this article.
- B. Maintenance. Wireless telecommunications facilities shall be inspected annually by a professional engineer approved by the Planning Board, and a copy of the inspection report shall be submitted to the Town of Warwick Building Inspector.

§ 164-84. Abandonment or discontinuation of use.

- A. Abandonment. Any wireless telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of the facility shall physically remove it within 90 days of a receipt of notice. "Physically remove" shall include, but not be limited to:
- (1) Removal of antennas, mount, equipment shelters and security barriers from the subject property.
 - (2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - (3) Restoring the location of the facility to its natural condition, with the exception of landscaping and grading.
- B. If the carrier fails to remove the facility in accordance with this section of the Zoning Law, the town will have the authority to enter the property and remove the facility, with the costs of removal assessed against the property.

§ 164-85. Reconstruction or replacement of existing towers and monopoles.

No reconstruction, alteration, extension or replacement shall exceed the height of the existing facility.

§ 164-86. Term of special use permit.

A special use permit issued for any wireless telecommunications facility shall be valid for five years. At the end of that time period, the wireless telecommunications facility shall be removed by the carrier or a new special use permit shall be required. In reviewing the new application for a special use permit, the Planning Board shall determine whether the technology in the provision of the facility has changed such that the necessity for the permit at the time of its approval has been eliminated or modified and whether the permit should be modified or terminated as a result of any such change. Upon initial issuance of a special use permit for a wireless telecommunications facility, the new facility shall be put into operation within two (2) years of approval of the special use permit. If the facility is not in operation within this time frame, the special use permit shall expire. The project will be reviewed as a new application if the special use permit is allowed to expire.

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