

Section 11.23

Communication Towers.

(As amended by Local Law No. 5 of the Year 2010.)

Adopted December 14, 2010

No communications tower shall hereafter be used, erected, moved, or modified except after the granting of Conditional Use Permit approval by the Town Board in conformity with the provisions of this Section. No existing structure shall be modified to serve as a communications tower unless in conformity with this Section. In reviewing an application for Conditional Use Permit approval for a communications tower, the Town Board shall, at a minimum, require that the following criteria be met;

A. Site Location:

1. Documentation of the need for the use of the site proposed. Higher intensity/density sites are preferred in the following order:
 - a. Property with an existing structure suitable for co-location.
 - b. Industrial Districts (I)
 - c. Residential, Rural, Low Density District (R-1)
2. A completed Visual Environmental Assessment Form (visual EAF), including simulated photographic visualization of the site, with attention to visibility from key viewpoints.

B. Height. Documentation of the minimum height necessary for the applicant's needs.

C. Co-Location and Use of Pre-Existing Structures.

1. Applicants are encouraged to provide their towers for use by other carriers, to co-locate on existing towers or locate antenna on existing structures. An application must include an inventory of existing towers within a reasonable distance of the proposed site with documentation of intent from an existing tower to allow colocation.
2. Inventory of pre-existing structures as alternatives to new construction.
3. If 1 and 2 above are not feasible, communications tower design to accommodate future demand for additional facilities. This requirement may be waived by the Town Board provided that the applicant demonstrates that future shared usage is not feasible based upon:
 - a. The number of Federal Communications Commissioner (FCC) licenses anticipated for the area.

- b. The number of existing and potential licenses without tower spaces/sites.
 - c. Available spaces on existing and approved towers.
- D. Setbacks. Communication towers, guy wire anchors and any accessory structures shall be erected no nearer to the lot line than the greater of:
 - 1. The required setback as specified in the Density Control Schedule, or
 - 2. The tower height plus the tallest antenna.
- E. Visibility and Aesthetics.
 - 1. Monopoles or guyed towers shall be preferred to freestanding communications towers.
 - 2. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Towers shall be galvanized finish or painted gray above the surrounding tree line and painted gray, green, or black below the surrounding tree lines, unless other standards are required by the FAA. Towers shall be designed and sited to avoid the application of FAA lighting and painting requirements.
 - 3. Accessory facilities shall maximize use of location, building materials, colors and textures designed to blend with natural surroundings.
 - 4. No communications tower, antenna or accessory facility shall contain any signs or advertising devices except for safety information.
- F. Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible.
- G. Fencing and Screening.
 - 1. Screening of communication towers shall comply with standards set forth in Section 9.3.
 - 2. All communications towers and accessory facilities shall be enclosed by a fence not less than six (6) feet in height or otherwise sufficiently protected from trespassing and vandalism. Any guy supports shall be sleeved, visibly marked or entirely fenced in to a height of eight (8) feet above the finished grade to protect against accidental impact by persons or animals.
- H. Access. Access is required to assure adequate emergency and service access. Construction of pervious roadways (crushed stone, gravel, etc.) are preferred.

I. Radio Frequency Effects. Communications antennas may be operated only at FCC frequencies and power levels unless otherwise justified.

J. Applicant Build-Out Plan.

1. A build-out plan will include:
 - a. A map of the applicant's facilities in the Town.
 - b. Potential locations for additional facilities within the next twenty-four (24) months.
 - c. A description of the proposed facility's impact on existing communications towers in the Town.
 - d. A map of discontinued or relocated facilities.
2. A build-out plan and certification of use of existing facilities shall be submitted by January 31st of each year, including any further application for additional facilities.

K. Removal of Facilities.

1. Upon abandonment, the applicant shall remove any and all communication structures immediately upon the discontinuance of the permitted use, shall reasonably restore the site, and shall incur all expenses related to the abandonment.
2. The applicant shall post a bond or other surety to be renewed annually with the Town of Corning to ensure #1, above.

L. Exceptions. The provisions of this Section shall not apply to the following:

1. Individual, scientific, medical, weather, navigational, military or government radar antennas and associated communications towers.
2. Pre-existing towers including repair and maintenance of existing communication towers and antennas.
3. Antennas used solely for the residential household television and radio reception.