



## Village of Bronxville

200 Pondfield Road, Bronxville, NY 10708

Telephone: (914) 337-7338 Fax: (914) 337-0158

## Application for Wireless Communication Facility Renewal

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**FILING FEE:** \$250 plus \$5,000 Consultant Escrow Deposit (Separate Check Required)

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### Wireless Facility Location:

Facility: \_\_\_\_\_

Building Name: \_\_\_\_\_

Street Address \_\_\_\_\_

Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

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### Property Owner Information:

Company Name: \_\_\_\_\_

Contact: First Name \_\_\_\_\_ Last Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ - \_\_\_\_\_

Telephone: Office (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

Email \_\_\_\_\_

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### Facility Operator Information:

Company Name: \_\_\_\_\_

Contact: First Name \_\_\_\_\_ Last Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ - \_\_\_\_\_

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### Antenna Information: (Submit current photograph all existing antenna arrays 8-1/2" X 11" sheet.)

Manufacturer: \_\_\_\_\_ Model Number: \_\_\_\_\_

Antenna Size: Width \_\_\_\_\_ in. Height: \_\_\_\_\_ in. Depth: \_\_\_\_\_ in.

Total number of antenna(s): \_\_\_\_\_

Locations of antenna (If antennas are mounted on multiple locations list all locations, number and identify, submit site location sketch showing location of all antenna 8-1/2" X 11" sheet):

Location #1 \_\_\_\_\_

Location #2 \_\_\_\_\_

Location #3 \_\_\_\_\_

Location #4 \_\_\_\_\_

Additional \_\_\_\_\_

By signing this application the applicant hereby certifies that the existing wireless telecommunications facility shall be maintained in a safe manner and in compliance with all conditions of the special permit, without exception, unless specifically granted relief by the Village in writing, as well as all applicable and permissible local codes, laws and regulations, including any and all applicable Village, state and federal laws, rules and regulations; and the operation of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in the state.

**Applicants Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

### Applicant Information:

Company Name: \_\_\_\_\_

Contact: First Name \_\_\_\_\_ Last Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ - \_\_\_\_\_

Telephone: Office (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

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### Office Use Only

Date Received	Spec Permit No.	# Antenna	Total Fee				Permit Exp Date

## SPECIAL PERMIT CONDITIONS AND INSURANCE REQUIREMENTS

### § 310-42.A(5)(j) Annual NIER Certification.

The holder of the special permit shall, annually, certify to the Village that NIER levels at the site are within the threshold levels adopted by the FCC.

### § 310-42.A(5)(k) Recertification.

- [1] During the 12 months prior to each five-year anniversary of the effective date of the special permit, the holder of the special permit shall submit a written application for recertification of the special permit.
- [2] Subject to the provisions of [4] below, the Planning Board shall issue a recertification of the special permit if it finds that the holder of the special permit is in compliance with the terms of the special permit, the requirements of this subsection and the requirements of applicable state and federal law. If the recertification process is not complete by such anniversary date, the special permit may be extended for no more than six months. In the event of disapproval of the recertification application, the wireless telecommunications facility shall not be used after the date that the applicant receives written notice of disapproval.
- [3] Unless recertified, each special permit and any authorizations granted there under shall terminate as of the last day of the then current term.
- [4] Notwithstanding the foregoing, in connection with each recertification, the Planning Board shall consider changes to wireless technology since the date of issuance or last recertification, as applicable, of the special permit and determine whether the special permit should be modified or terminated as a result of such change.

### § 310-42.A(5)(l) Default and/or revocation.

If a wireless telecommunications facility is not in compliance with this chapter or with its special permit, the Planning Board may revoke the special permit in accordance with § 310-40B of this chapter.

### § 310-42.A(5)(m) Removal.

If a special permit for a wireless telecommunications facility shall expire, terminate or be revoked, or if a wireless telecommunications facility is not operated for the provision of wireless telecommunications services for a continuous period of 12 months or more, the holder of the special permit and the owner of the property on which such facility is located shall jointly and severally be obligated to dismantle and remove such facility and all associated structures and facilities from the site and restore the site to as close to its original condition as is possible, within 90 days of receipt of written notice from the Planning Board, or within such shorter time as determined by the Planning Board if the violation causes, creates or presents an imminent danger or threat to the residents of the Village. If the facility is not removed within 90 days after the permit holder and the property owner



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have received a removal notice (or such shorter time as the Planning Board may determine), then the Village may order officials or representatives of the Village to remove and dispose of the facility at the sole expense of the special permit holder and such property owner.

### **§ 310-42.A(5)(n) Compliance.**

The special permit holder shall obtain and maintain at all times all required federal and state permits and licenses regarding the wireless telecommunications facility and shall comply with all other relevant state and federal requirements regarding such facility.

### **§ 310-42.A(5)(m) Application Fee.**

A nonrefundable fee shall be payable with each application for a new wireless telecommunications facility and with each application for a modification or renewal in such amount as shall be set by the Board of Trustees.

### **§ 310-42.A(5)(p) Retention of Experts.**

- [1] Pursuant to the Professional Consultation Fees Law, Chapter 310, Article X of the Village Code, the Planning Board may hire any consultant and/or expert necessary to assist the Planning Board in reviewing and evaluation any application for the construction of a new or modification of an existing wireless telecommunications facility or the recertification of the special permit for any such facility. The applicant and Board shall comply with all provisions and procedures established under the Professional Consultation Fees Law. [Amended 5-14-2007 by L.L. No. 3-2007]
- [2] Each applicant shall deposit with the Village funds sufficient to reimburse the Village for all reasonable costs of consultants and/or experts retained by the Planning Board in connection with the review of any application for the construction of a new or modification of an existing wireless telecommunications facility or the recertification of the special permit for any such facility. The initial deposit shall be \$5,000. Any such consultants/experts shall invoice the Village for services in reviewing the application, including the construction and modification of the site, once permitted. If at any time during the process the remaining balance of the deposit shall be less than \$1,500, the applicant shall immediately, upon notification by the Planning Board, replenish said deposit so that it has a balance of at least \$2,500. Such additional funds shall be deposited with the Village before any further action or consideration is taken on the application. In the event that the deposit amount held by the Village is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.
- [3] The total amount of the funds needed as set forth in Subsection A(5)(p)[2] of this section may vary with the scope and complexity of the project, the completeness of the application and the completeness of such submissions of other information as may be required by the Planning Board.

### **§ 310-42.A(5)(q) Equipment Removal Bond.**

Operator to submit a bond acceptable in form to the Village Attorney and in an amount determined by the Planning Board to be sufficient to ensure the safe and timely removal of the wireless telecommunications facility in accordance with the provisions of this subsection, which such bond shall be renewed by the applicant annually thereafter.



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### § 310-42.A(5)(r) Insurance.

A holder of a special permit for a wireless telecommunication facility 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 permit in amounts as set forth below:

- [a] Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  - [b] Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
  - [c] Workers compensation and disability, statutory amounts.
- [2] The commercial general liability insurance policy shall specifically include the Village and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.
  - [3] The insurance policies shall be issued by an insurance company licensed to do business in the State of New York and with a Best's rating of at least A.
  - [4] The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village with at least 30 days' prior written notice in advance of the cancellation of the insurance.
  - [5] Renewal or replacement policies or certificates shall be delivered to the Village at least 15 days before the expiration of the insurance that such policies are to renew or replace.
  - [6] Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after the grant of the special permit, the holder of the special permit shall deliver to the Village a copy of each of the policies or certificates representing the insurance in the required amounts.

### § 310-42.A(5)(s) Indemnification.

As a condition of approval of any wireless telecommunication facility special permit, the applicant shall file a written statement (Form Blank Attached) with the Village Engineer, by which the wireless telecommunications facility owner agrees to indemnify, hold harmless and defend the Village, its officers and employees against any loss, liability or damage, including expenses and costs, for bodily or personal injury and for property damage sustained by any person as a result of the installation, use and/or maintenance of a wireless telecommunication facility within the Village



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### SUBMISSION CHECK LIST

- ✓ Completed signed application form
- ✓ Site plan sketch showing all antenna and equipment locations. 8-1/2" X 11"
- ✓ Signed indemnification agreement. (Form Attached)
- ✓ Current equipment removal bond, amount suitable to cover cost of complete facility removal.
- ✓ Insurance certificate with Village of Bronxville listed as certificate holder and additional insured.
- ✓ Filing fee of \$250.00 (non refundable).
- ✓ Escrow deposit of \$5,000 for expert fees, unused balance to be refunded upon final action by the Planning Board. (see § 310-42.A(5)(p) Retention of Experts).
- ✓ Copy of signed lease agreement. (Note: If the applicant is not the owner of the property on which the wireless telecommunications facility is proposed to be located, a copy of the signed lease or other agreement pursuant to which the applicant is entitled to utilize such property for such facility, which may have proprietary business terms redacted.)
- ✓ Antenna information including the number, location, size and height of all existing antenna(s) and all appurtenant structures, indicate make, model and manufacturer of the antenna(s). Submit current photograph all existing antenna arrays.
- ✓ Certification bearing the original signature and seal of a professional engineer licensed in the State of New York that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;
- ✓ Certification bearing the original signature and seal of a professional engineer licensed in the State of New York that the proposed antenna(s) will not cause interference with existing communication devices.
- ✓ Certification bearing the original signature and seal of a professional engineer licensed in the State of New York that the wireless telecommunications facility, foundation and attachments are in accordance with original design and have been installed and maintained as required to sustain all anticipated design loads and meet all local, Village, state, and federal structural requirements for loads, including wind and ice loads.
- ✓ Certification bearing the original signature and seal of a professional engineer licensed in the State of New York that the wireless telecommunications facility is effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- ✓ Copy of the FCC license applicable for the intended use of the wireless telecommunications facility.



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### Indemnification Agreement.

The wireless telecommunications facility owner, by signing this form does to the extent permitted by applicable law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village, its officers, boards, employees, committee members, attorneys, agents and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility; excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the grossly negligent or intentional acts or omissions of the Village or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fee, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Village.

**Wireless Telecommunications Facility Owner:**

\_\_\_\_\_

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Company Name: \_\_\_\_\_

Print: First Name \_\_\_\_\_ Last Name \_\_\_\_\_ Middle Initial \_\_\_\_\_

Facility  
Location: \_\_\_\_\_