



Planning Department

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Memorandum

To: Town Board

C: Town Clerk, Town Attorney

From: David Sprout

Subject: Telecommunications SUP Re-certification & Amendment (Section 18 Procedure)
T-Mobile
154 Simms Hill Road

Date: September 14, 2016

Jeffrey Davis of the law firm Barclay Damon, LLP, has submitted a written request, on behalf of T-Mobile Northeast, LLC (T-Mobile), to amend and re-certify T-Mobile's Telecommunications Special Permit.

In 1998, T-Mobile, formerly operating as Omnipoint Communications, was issued a Special Permit to co-locate antennas and equipment on a telecommunications tower located at 154 Simms Hill Road.

An amendment is necessary pursuant to Section 18 of the Town's 2006 Telecommunication Facilities Law. Section 18, paragraph E, when replacing antennas or equipment with different models, types or operating frequencies, when changing the quantity of antennas or equipment and when there is a change of power level, orientation, or radiation pattern.

The purpose of the amendment is to allow T-Mobile to: remove and replace four (4) panel antennas, remove and replace two (2) tower mounted amplifiers (TMAs), install two (2) Bias Tee equipment boxes (bias Tees feed DC to the coax and extract it at the amplifier), and install one (1) equipment cabinet at the base of the tower on the existing concrete pad.

The written request for an amendment must contain the following information:

1. The name of the holder of the Special Permit for the Telecommunications Tower;
2. The number of the Special Permit (if applicable);
3. The Date of the original granting of the Special Permit;
4. Whether the tower was moved, relocated, rebuilt, repaired, or otherwise modified;
5. Whether the Board approved any of the actions described above;

6. Any requests for waivers of relief from the requirements of the telecommunications law;
7. That the tower is in compliance with the Special Permit and applicable codes, laws, rules and regulations;
8. A copy of the documentation of the NIER (nonionizing electromagnetic radiation) levels for the site, and
9. A copy of the inspection and maintenance records for the tower.

All of the required information has been provided except the NIER document. That document will be available before the public hearing.

Section 6409 of the federal Middle Class Tax Relief and Job Creation Law (TRA, 2012) mandates that a state or local government approve certain telecommunication facilities requests for modifications and co-locations of equipment on existing tower or base stations.

Because of the TRA mandate and T-Mobile's compliance with the requirements of Section 18, Town Board approval of the amendment and re-certification is a ministerial act involving no exercise of discretion (SEQR 217.5c19). As such it is an exempt, Type II action.

The Planning Department has forwarded this request to the Tompkins County Planning Department for 239 review.