



Legislation Text

File #: Res 1035-2005, **Version:** *

Res. No. 1035

By Council Members Vallone Jr., Oddo, Addabbo Jr., Avella, Fidler, Foster, James, Nelson, Sanders Jr., Gerson, Gentile, Martinez and Lanza

Resolution to amend the text of the New York City Zoning Resolution to require a Special Permit to be granted by the City Planning Commission for the installation of telephone exchanges or communications equipment in Residence Districts.

Whereas, Section 201 of the New York City Charter allows, *inter alia*, the Land Use Committee of the City Council to file an application for changes to the Zoning Resolution if two-thirds of the members of the Committee shall have voted to do so; and

Whereas, since 1984 Section 22-21 of the Zoning Resolution has required the grant of a Special Permit by the Board of Standards and Appeals (“BSA”) for the “Public utility or public service facilities...Telephone exchanges or other communication equipment structures...”; and

Whereas, on July 1, 1998 the Department of Buildings (“DOB”) issued Technical Policy and Procedure Notice #3/98 that interpreted Section 22-21 of the Zoning Resolution and held that cellular antennae and related equipment did not require a BSA Special Permit if certain specifications and requirements are met; and

Whereas, as a result of such interpretation and holding by the Department of Buildings, the installation of cellular antennae and related equipment now requires only the filing of an alteration application and the issuance of a permit by DOB; and

Whereas, meaningful public review and input has been effectively removed from the approval process for the installation of cellular antennae and related equipment and such installations have proliferated at an alarming rate; and

Whereas, the City Council Land Use Committee is desirous of re-instituting meaningful public review

and input for decisions regarding cellular antennae and related equipment by requiring a Special Permit to be granted by the City Planning Commission pursuant to Section 197c of the Charter; and

Whereas, an application for a change to the text of the Zoning Resolution made by the City Council Land Use Committee will be considered and reviewed in the manner set forth in Section 200 of the Charter and will undergo such environmental review as is required by law; now, therefore, be it RESOLVED that the Land Use Committee hereby approves the filing of an application that will amend the Zoning Resolution of the City of New York in the manner set forth below:

Underlined matter is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

**22-20
USES PERMITTED BY SPECIAL PERMIT**

**22-21
By the Board of Standards and Appeals**

* * *

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 _____

Public utility or public service facilities

- Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet
- Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet
- Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more than 40,000 square feet
- Public utility stations for oil or gas metering or regulating
- ~~Telephone exchanges or other communications equipment structures~~
- Terminal facilities at river crossings for access to electric, gas or steam lines
- Water or sewage pumping stations

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**22-22
By the City Planning Commission**

* * *

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 _____

Public utility or public service facilities

Telephone exchanges or other communications equipment structures

* * *

73-14

Public Service Establishments

In all *Residence Districts*, the Board of Standards and Appeals may permit electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet, potable water pumping stations, ~~or telephone exchanges or other communications equipment structures~~, provided that the following findings are made:

* * *

74-611

Telephone Exchanges or Other Communications Structures

In all *Residence Districts*, the City Planning Commission may permit Telephone Exchanges or other Communications Structures of any size, provided that the following findings are made:

- (a) that there are serious difficulties in locating such use in a nearby district where it is permitted as-of-right;
- (b) that such proposed telephone exchanges or communications structures meet or exceed all regulatory requirements of the Federal Communications Commission and the New York State Public Service Commission where applicable;
- (c) that the installation of such telephone exchanges or communications structures will be positioned in such a way as to blend harmoniously with surrounding structures and buildings;
- (d) that the installation of such telephone exchanges or communications structures will not alter the essential character of the neighborhood or district in which it is proposed to be located.

The City Planning Commission may prescribe additional, appropriate conditions and safeguards to minimize the adverse effects attendant to the granting of such a permit.