



SMALL WIRELESS FACILITIES — SITING, CONSTRUCTION, AND AESTHETIC STANDARDS

The following standards reflect the desire of the City of Albany (“City” or “Albany”) to maintain high quality aesthetics within the City, while allowing for an increase in the availability and quality of wireless broadband.

This document applies to all small wireless antenna applications for placement of new small wireless antennas on City-owned and non-City-owned poles in the public right-of-way (ROW). Applications that conform to these standards will be reviewed by the Department Planning and Development, under Revocable Sidewalk Privilege Application – Small Wireless Facility. Any application, rejected by the Department of Planning and Development as not meeting the standards set forth may be appealed to the Board of Zoning Appeals.

It is intended to create a simplified and streamlined aesthetic review process, establishing a clear and consistent aesthetic standard for placement within the City.

SECTION I: PURPOSE:

The purpose of these guidelines is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, collocation, modification, relocation, operation and removal of small wireless technology within the City’s right-of-way. The goals of these guidelines are to:

- A. Preserve the aesthetic and historic character of the City’s neighborhoods and corridors;
- B. To establish clearly defined and articulated aesthetic standards for use throughout the City;
- C. To minimize the proliferation of new poles by multiple carriers by encouraging the collocation of wireless facilities for various carriers within shared facilities when feasible and without additional visual impacts;
- D. To require, in situations where new poles are placed, that all equipment, cabling, and wiring are concealed to the greatest extent practicable, that the poles are painted to match the other poles in the general area, and that the poles are located in the least obtrusive locations;
- E. To require, in situations where attachments will be made to existing poles, that equipment, cabling, and conduit are concealed and match the color of existing poles,
- F. Ensure that small wireless facilities and support structures conform with all applicable health and safety regulations and will blend into their environment to the greatest extent practicable;
- G. Provide standards, technical criteria, and details for small wireless facilities in the City’s right-of-way to be uniformly applied to all applicants and owners of small wireless facilities or support structures for such facilities;
- H. Enhance the ability of wireless communications carriers to deploy small wireless technology in the City effectively and efficiently so that residents, businesses and visitors benefit from quality wireless service availability and consistent coverage; and
- I. Comply with and not conflict with all applicable state and federal laws.

SECTION II: APPLICATION REQUIREMENTS:

The City of Albany's Department of Planning and Development may develop new or additional permit application forms, checklists, updated aesthetic standards, and other related materials as necessary to optimally meet the goals of the City, its citizens, and its leadership. To avoid unnecessary delay in application processing, applicants are strongly encouraged to check the City's website at www.albanyny.gov before submitting an application in order to confirm that the applicant is complying with the most up-to-date application and requirements.

- A. **Revocable Sidewalk Privilege Application – Small Wireless Facility:** The applicant must submit a completed application, including any fees.
- B. **Maps:** The applicant must submit scaled maps, depicting all existing small wireless facilities (including carrier information) within 2500 feet of the proposed small wireless facility. In addition, applicant must indicate all planned or proposed small wireless facilities within 2500 feet of the small wireless facility / location being proposed. All sites must include GPS location information expressed in terms of Latitude and Longitude and New York State Plane East, NAD83 (feet)Minutes. Allowable positional variation from actual location must yield an accuracy of +/- 1 meter.
- C. **Abutter Notification:** The applicant must notify all property owners within 250' in either direction, on both sides of the street, from the proposed site and submit an abutter report. An abutter report can be generated utilizing the City's Search Albany Site: <https://albanyny.mapgeo.io>
- D. **Site Plans:** The applicant must submit scaled site plans prepared, sealed, stamped, and signed by a Professional Engineer licensed and registered by the State of New York. Drawings must depict above and below ground utilities, poles, curblines or edge of pavement, trees, ROW limits, property lines, building footprints, utility and other easements as well as all other appurtenance within the project area. Site plans shall indicate dimensions from nearby poles, as well as clearance distance between the nearest above ground objects. All freestanding underground-fed (electric or fiber optic) poles must show underground conduit paths, including the connection source point for both electrical and fiber.
- C. **Elevation Drawings:** The applicant must submit scaled elevation drawings prepared, sealed, stamped, and signed by a Professional Engineer licensed and registered by the State of New York. Drawings must depict all proposed equipment, clearance between any project equipment and ground, all underground foundation details. Drawings must include dimensions of all heights or any proposed structure, pole, or equipment, whether on existing utility poles or on new proposed freestanding poles. All elevations must include structural calculation for both existing and proposed poles.
- D. **Photo Simulations:** For all applications, photo simulations from at least three reasonable line-of-site locations near the proposed project site. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic. Angle of at least two of the photo simulations must be at least 90 degrees from one another and provide a full profile depiction. Photo simulations must be included in the application packet.
- E. **Equipment Specifications:** For all equipment depicted on the plans, the applicant must include:
 - 1. The manufacturer's name and model number;
 - 2. Physical dimensions including, without limitation, height, width, depth, volume and weight with mounts and other necessary hardware;

3. Technical rendering of all external components, including enclosures and all attachment hardware;
4. Which selection(s) from the approved aesthetic standards match the desired design; and
5. All freestanding poles must show foundation details, underground conduit paths, including the connection source point for both electrical and fiber.

SECTION III: WIRELESS FACILITIES RIGHTS-OF-WAY ACCESS AUTHORIZATION

No permit shall be issued until the applicant has been duly authorized by the City to enter upon, over, under and/or through the City's rights-of-way for the purpose of the provisions of the telecommunications services and deployment of Wireless Facilities.

SECTION IV: FEES:

The City of Albany shall require the following application fee for a Revocable Right-of-Way Permit for any new small wireless Facility:

- \$500 per application, including up to five (5) Sites
- \$100 per site / application thereafter.
- \$270 annual ROW use fee / per location.
- Professional Consultant Review Fee may apply to all applicants.

SECTION V: GENERAL SITING PREFERENCES:

The City of Albany provides the following information for carriers in terms of siting preference. In each case, where the most preferential siting locations are not being proposed, the applicant must provide a thorough analysis, supported by competent technical information, as to why such a location is not being proposed.

- A. **Most Preferred Locations:** The following are the most preferred locations for the siting of new wireless support structures or equipment:
 1. **Non Historic Buildings** where facility can be camouflaged to match existing materials and texture.
 2. **Industrial Zoning Districts** (*I-1, or I-2*) that are not adjacent to City parks, residential zones, or Local or National Register Historic Districts. Preference shall be interior to a parcel, rather than on City Right-of-Way.
 3. **Mixed-use Community Highway** (MU-CH) zoning districts that are not adjacent to City parks, residential zones, or Local or National Register Historic Districts. Preference shall be interior to a parcel, rather than on City Right-of-Way.
- B. **Least Preferred Locations:** The following are the least preferred locations for the siting of new wireless small wireless structures or equipment:
 1. **Residential Zoning Districts.**
 2. **Historic Districts**, both local and National Register Districts.
 3. **Mixed Use Zoning Districts.**

- C. **Order of Preference for Wireless Support Structures:** The following list indicates the order of preference for wireless support structures for small wireless facilities.
1. **Collocations** on an existing small wireless structure should be explored for all new small wireless facilities that are within 250' feet from an existing wireless support structure. Proposals for new small wireless facilities that are within 250' of an existing facility and are not collocated shall be supported by evidence that collocation is either not technically feasible or space on the existing facility is not available.
 2. **Existing Utility Poles:** It is the City's preference that small wireless facilities be installed on existing utility poles (electric or telephone) or lashed onto existing telephone or electrical lines between existing utility poles. Where a new utility pole is being proposed, no final electrical permit will be issued until existing utility pole is removed. New poles must be similar in materials and diameter to the pole it is replacing.
 3. **New Poles:** If the first two items have proven to be unavailable, the City prefers the installation of a new pole to serve as a wireless support structure. A new pole shall be consistent with the heights of poles nearest to the proposed site.
 4. **Non-Decorative Municipal Service Poles:** If the applicant cannot secure the right to use existing utility poles under reasonable terms and conditions or the utilization imposes technical limitations, and locations for new poles are not available, the City prefers that the applicant next look to existing non-decorative municipal street lights.
 5. **Sign Poles or Other Structures:** The only sign poles or structures that may be considered are those that are at least fifteen (15) feet tall.
 6. **Decorative Municipal Service Poles:** The use of decorative City street lights as small wireless support structure is discouraged. These should only be proposed if the items listed above are unavailable or when requested by the City based on the proposed location. These are the least preferred option for a small wireless support structure and will only be considered on a case-by-case basis and based on an applicants establishment that no other feasible alternative is available.

SECTION VI: SITING REQUIREMENTS FOR NEW FREESTANDING FACILITIES

- A. **Right-of-Way (ROW) Location Requirements:** The following are requirement for new small wireless facilities located within a public ROW.
1. **Spacing Requirement from Existing Facilities:** No new freestanding pole shall be located within 150' feet of an existing facility where collocation is feasible. Feasibility will be determined by the City based on information provided by the applicant.
 2. **Underground-Fed Decorative Street Lighting:** Any new freestanding pole shall be located at the midpoint of the average spacing for decorative lighting. (i.e., If the street lighting spacing along one side of the street is 150' feet on center, the small wireless facility shall not be closer than 75' feet (O.C) to any street light pole.
 3. **Existing City-owned poles:** Any new freestanding wireless facility must be located as close to the center line (parallel to the curb line) of the nearest two City-owned poles on either side of the proposed small wireless facility.
 4. **Lot or Property Lines:** Any new freestanding small wireless facility must be located on center with the extension of a common property line, perpendicular to the street or curb line and located in line with municipal or other poles.

5. **Existing Buildings / Storefronts:** No new freestanding wireless facility shall be located in front of any window, door, or character defining feature of any building.
6. **Intersection Locations:** No new freestanding small wireless facility shall be located any closer to a street intersection than an existing municipal or utility pole and shall not impede the vision at any intersection or impact pedestrian travel.
7. **Locations Near Trees:** Freestanding small wireless facilities must be located outside of the crown area of any tree (in an average mature state) and must not necessitate any pruning of City street trees.

SECTION VII: CONSIDERATION OF ALTERNATE LOCATIONS:

The City reserves the right to propose an alternate location for wireless support structure to the one proposed in the application. The City may also propose an alternate location for a new wireless support structure within one hundred feet (150) of the proposed location or within a distance that is equivalent to the width of the right-of-way in or on which the new wireless support structure is proposed, whichever is greater.

SECTION VIII: GENERAL DESIGN, AESTHETICS, AND CONSTRUCTION STANDARDS:

The City of Albany's desires to promote safe, well-organized, and aesthetically acceptable facilities using the smallest and least intrusive means available to provide wireless services to the community. All wireless facilities in the public right-of-way must comply with all applicable provisions in this section. Small wireless facilities and/or wireless support structure shall match and be consistent with the materials and finish of the adjacent City-owned poles of the surrounding area adjacent to their location. In the absence of adjacent City-owned poles, the wireless structure and equipment shall match the materials and finish of the adjacent utility poles. Where the utility poles are wood, whether owned by the City or another entity, the wireless poles and equipment shall be either brushed aluminum or black (consult with City). If any other law, regulation or code requires any more restrictive structural design and/or construction requirements, the most restrictive requirement will control.

Generally, an applicant shall construct and maintain small wireless facilities and wireless support structures in a manner that does not (1) obstruct, impede or hinder the usual travel or public safety on a right-of-way; (2) obstruct the legal use of a right-of-way by other utility providers; (3) violate or conflict with any section of City's of Albany's Code, including these design guidelines; and (4) violate the federal Americans with Disabilities Act.

- A. **Collocation:** The City of Albany desires and encourages collocations between multiple wireless service providers on the same support structure whenever feasible. If the applicant chooses to not collocate when options appear available, demonstrative proof must be provided as to why collocation is not feasible.
- B. **Antennas:** The antenna(s) must be concealed within housing that also conceals the cable connections, antenna mount and other hardware. Antennas must be painted or otherwise colored to match the primary pole to which it is attached to.
- C. **Pole-Mounted Equipment Cabinet/Shrouds:** When pole-mounted equipment is either permitted or required, all equipment other than the electric meter and disconnect switch must be concealed within an equipment shroud or cabinet. The equipment shroud must be painted, wrapped, or otherwise colored to match the existing pole.

- D. **Freestanding Wireless Poles:** New poles shall match the color and finish of existing decorative lighting or other poles in the area, (or black where no nearby poles exist).
- E. **Ground-Mounted Equipment:** Ground-mounted equipment is allowed when placed in conjunction with a new stealth pole and concealed in a ground mounted cabinet. The dimensions of ground-mounted cabinet must not exceed more than 1.5 times the width of any existing decorative street lighting base (or 24" in diameter where there are no decorative lights) Any square or rectangular cabinets must be chamfered along all exposed sides and top edges. Ground mounted cabinets must be installed flush to the ground and painted or finished to match any decorative lighting in the area. Ground mounted equipment on sidewalks must not interfere with the flow of pedestrian traffic and must conform to the American's with Disabilities Act (ADA) in regards to appropriate sidewalk spacing.
- F. **Concealment:** The City of Albany requires the applicant to incorporate concealment elements into the proposed design of new wireless facilities and wireless support structures.. Concealment will include approved camouflage or shrouding techniques.
- G. **Utility Lines:** New service lines must be undergrounded to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external protruding junction box, unless it is contained within an approved ground mounted equipment cabinet.
- H. **Lights:** Unless otherwise required for compliance with FAA or FCC regulations, the facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. This subsection is not meant to prohibit installations on streetlights or the installation of luminaires or additional street lighting on new poles when required by the City of Albany.
- I. **Generally Applicable Health and Safety Regulations:** All facilities shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety standards, regulations and laws, including without limitation all applicable regulations for human exposure to RF emissions.
- J. **Dimensional Requirements:**
 - 1. *Small wireless Facilities:* Small wireless facilities shall be installed at least ten (10) feet above the ground. If a small wireless facility attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the City may require the attachment to be installed no less than fifteen (15) feet above the ground.
 - 2. *New wireless support structures:* In areas where there are no wireless support structures or utility poles taller than thirty (30) feet in height above ground level, the maximum allowable height for small wireless facilities shall be 35' feet in residential zones and 40' feet in all other zones. In areas where there are existing utility or other City-owned pole, the wireless support structure may not exceed such poles by greater than 10' feet.
 - 3. *Pole diameter* shall not exceed the diameter of poles on either side of the new wireless support structure along the same side of the street.
 - 4. *Existing wireless support structures:* For an existing wireless support structure, the antenna and any associated shroud or concealment material are permitted to be collocated at the top of the existing wireless support structure and shall not increase the height of the existing wireless support structure by more than five (5) feet.

- L. **Protrusion:** No protrusions from the outer circumference of the existing structure or pole shall be more than two (2) feet. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with Americans with Disabilities Act and shall not obstruct an existing or planned sidewalk or walkway. The City, at its option, may waive the requirement to limit the protrusion to no more than two (2) feet.

M. **Location of Wireless Equipment - General**

Small wireless facilities and related equipment shall not impede pedestrian or vehicular traffic in the right-of-way. If any small wireless facility or wireless support structure is installed in a location that is not in accordance with the plans approved by the City, impedes pedestrian or vehicular traffic and/or does not comply or otherwise renders the right-of-way non-compliant with applicable laws, including the Americans with Disabilities Act, then the operator shall promptly remove the small wireless facilities and/or wireless support structure. If the operator does not complete removal in a reasonable timeframe, the City will remove it and bill the operator for the cost of the removal. The City shall be held harmless by the operator for any damages to the operator's facilities.

The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.

1. *Utility Lines:* Service lines must be undergrounded to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box or other enclosure.
2. *Spools and Coils:* To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for small wireless facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.
3. *Above-Ground Conduit:* On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter / channel, conduit, u-guard, or shroud feasible, with a maximum dimension of 4" diameter. Such conduit shall be finished in zinc, aluminum or stainless steel, and painted or finished to match the color of the wooden utility pole.

- N. **Location of Ground Mounted Equipment:** Ground equipment should be minimal and the least intrusive. It should be placed to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a right-of-way, maximize the line of sight required to add to safe travel of vehicular and pedestrian traffic and maximize that line of sight at street corners and intersections and minimize hazards at those locations. An application that negatively impacts vehicular and/or pedestrian safety may be denied.

The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the metal pole (with the exception of wood power poles) and undergrounded between the pole and the ground-mounted cabinet.

- O. **Location of Pole Mounted Equipment:** When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cabinet. All pole-mounted equipment must be installed as flush to the pole as possible. The bottom of a pole mounted equipment cabinet, must be installed no lower than ten (10') feet above ground level on the pedestrian side of the pole or fifteen (15') above the street level on the vehicular side of the pole.

It is preferred that equipment shrouds be mounted flush to the pole, subject to the pole owner's approval. Standoff mounts are permitted. Cabinets shall not project more than 12" from the outside surface of the pole when surface mounted or 18" when standoff brackets are required. The height of such cabinets shall not exceed 40" and the width shall not exceed two (2) times the diameter of the pole to which it is mounted. All pole mounted equipment shall be located as close together as technically possible and if possible, on the same side of the pole.

1. *Electric Meter:* The City strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. When a meter is necessary, site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should be painted to match the pole.
2. *Telephone/Fiber Optic Utilities:* Cabinets for telephone and/or fiber optic utilities may not extend more than 24 inches from the face of the pole, and must be painted, wrapped or otherwise colored to match the pole. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

P. **Underground Equipment Vaults:** Equipment in an environmentally controlled underground vault may be required in some areas where technologically feasible and appropriate for the location.

Q. **New Wireless Support Structures**

1. *Spacing:* The City strongly discourages more than one (1) new wireless support structure per block and will not approve more than one per 250 feet on each side of the street to minimize the hazard of poles adjacent to roadways and minimize visual clutter and distractions to vehicular traffic. An exemption may be granted if the applicant can demonstrate that this restriction has the effect of preventing wireless service to this location. Wireless support structures shall be spaced apart from utility poles or wireless support structures supporting small wireless facilities at the same spacing between utility poles in the immediate proximity.

If multiple requests are received to install two or more poles that would violate the spacing requirement or to collocate two or more small wireless facilities on the same wireless support structure, priority will be given to the first request received that meets these guidelines.

2. *Alignment with Other Poles:* The centerline of any new wireless support structure must be aligned, as much as possible, with the centerlines of existing poles on the same street segment.
3. *General Restrictions on New Wood Poles:* In all locations, the City reserves the right to require a metal pole rather than a wood pole based on the building and/or natural environmental character of the proposed site location.
4. *Wood Pole Footings and Foundations:* All new wood poles must be direct buried to a depth based on structural requirements. The design shall be stamped, sealed and signed by a professional engineer licensed and registered by the State of New York, and subject to the City's review and approval.
5. *Metal Pole Footings and Foundations:* All new metal poles must be supported with a reinforced concrete pier. The design including the pier, footings and anchor bolts shall be stamped, sealed and signed by a professional engineer licensed and registered by the State of New York, and subject to the City's review and approval. All anchor bolts must be concealed from public view with an appropriate pole boot or cover subject to the City's prior approval.

6. *Metal Pole Material*: All metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant materials approved by the City and finished in accordance with these guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvements.
7. *Metal Pole Finish*: Metal poles must match nearby poles. The applicant may select a paint or powder coat system in compliance with ATSM standards.
8. *Lighting, Planters, Flags, Banners*: The City may require the applicant to install functional streetlights and/or brackets to hold hanging flower planters, flags and/or banners when technically feasible and the City determines that such additions will enhance the overall appearance and usefulness of the proposed facility. The City may install hanging flower planters, flags and/or banners utilizing the brackets.

R. **City-Owned Poles or Structures**

1. *Required Load Analysis*: Installations on all City-owned poles or other structures shall have an industry standard pole load analysis completed, sealed and signed by a Professional Engineer licensed and registered by the State of New York and submitted to the City with each permit application indicating that the City-owned pole to which the small wireless facility will to be attached will safely support the load.
2. *Height of Attachments*: All attachments on all City-owned poles other structures shall be at least ten (10) feet above grade and if a small wireless facility is projecting toward the street, for the safety and protection of the public and vehicular traffic, the City may require the attachment to be installed no less than fifteen (15) feet above the ground.
3. *Power Source*: A small wireless facility on a City-owned wireless support structure may not use the same power source that provides power for the original purpose of the wireless support structure.
4. *Installations on Traffic Signals*: Installations on all City-owned traffic signal poles or structures will not be permitted. For non-city owned traffic poles or structures, the wireless equipment must not interfere with the integrity of the facility in any way that may compromise the safety of the public.
5. *Installations on Street Light Poles*: Installations on City-owned streetlights will rarely be permitted. Where it is considered, the wireless equipment must not interfere with the integrity of the facility in any way that may compromise the safety of the public. The installation must not interfere with other existing uses on the pole such as, street lights, smart nodes, photocells, hanging flower planters, flags, and/or banners. Installation of small wireless facilities on any street light pole shall (a) be encased in a separate (internal to the pole) conduit than the street light electronics; (b) have a separate electric power connection than the street light; and (c) have a separate access point than the street light pole.
6. *Installations on Sign Poles or Sign Structures (15 feet or taller)*: Installations on sign poles may be considered only if the sign pole or sign structure is fifteen (15) feet or taller.
7. *Reservation of space for future public safety or transportation uses*: An application for space on a City owned or operated wireless support structure that conflicts with space reserved for future public safety or transportation uses documented in an approved plan in place at the time of the application will be denied unless the operator pays for the replacement of the pole or wireless support structure and the replaced pole or wireless support structure will accommodate the future use and the small wireless facility.

SECTION IX: ADMINISTRATIVE ADJUSTMENTS:

The Chief Planning Official may provide the following administrative adjustments if the applicant can demonstrate the strict adherence with the dimensional, and/or siting requirement are not technically feasible:

- Pole Height:** Up to 10% Adjustment
- Pole Location:** Up to 10' off property line extension (providing no windows, doorways, or character defining features are obscured.
Up to 1' from center line of existing poles on either side, if conflicts exist with other utilities, and if location can meet all ADA and City Sidewalk Standards.
- Pole Diameter:** Up to 10% when required for structural integrity.
- Cabinet Dimensions:** Up to 6" in width and 12" in height for both pole and ground mounted.

SECTION X: DEFINITIONS:

Abandoned means any wireless facilities or wireless support structures that are unused for a period of one (1) year without the operator otherwise notifying the City and receiving the City's approval.

Antenna means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

Applicable Codes means the building, fire, electrical, plumbing, and mechanical codes adopted by the State of New York and applicable within the City of Albany.

Applicant means any Person or entity applying for a Permit hereunder.

Application means a request for a permit to collocate small wireless facilities in the ROW or to install a pole in the ROW to support a small wireless facility.

City means the City of Albany.

City-owned pole means a pole owned, managed or operated by or on behalf of the City of Albany.

Collocate or Collocation means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a pole or wireless support structure.

County means Albany County, New York.

Decorative Pole means a pole, arch, or structure placed in the right-of-way, specifically designed and placed for aesthetic purposes, typically for street lighting or informational or directional signage. Decorative Poles often include appurtenances or attachments for flags, banners, planters ,and/or other aesthetic features.

Freestanding Wireless Pole shall mean a pole that is specifically for wireless facilities and is fed with fiber optic and electric underground rather than overhead.

Operator means a wireless service provider, cable operator, or a video service provider that operates a small wireless facility and provides wireless service. Operator includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(2), and services that are fixed in nature or use unlicensed spectrum.

Permit means the non-exclusive grant of authority issued by the City of Albany to install a small wireless facility and/or a wireless support structure in a portion of the right-of-way in accordance with these guidelines.

Permittee means the owner and/or operator issued a Permit pursuant to these guidelines.

Person means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

Person means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

Pole means a vertically oriented, often cylindrical in shape, section of wood or metal, typically used with one end placed or anchored to the ground used as a support for something. A pole may be used in whole or in part for communications, electric transmission or distribution, lighting, signage, or a similar function.

Rights of Way means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City of Albany.

Small Wireless Facility means a wireless facility that meets the following requirements:

1. Are mounted on structures 50 feet or less in height including their antennas, or are mounted on structures no more than 10 percent taller than other adjacent structures, or do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
2. Each antenna associated with the deployment, excluding associated antenna equipment is more than three cubic feet in volume.
3. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume.
4. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

State means the State of New York.

Toll means the pause or delay of the running of the required time period.

Utility Pole means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.

Wireless Facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies and rectifiers, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated.

Wireless Provider means a person who provides wireless services or builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures.

Wireless Support Structure means a freestanding structure, such as a monopole; a tower, either guyed or self-supporting; billboard; or, other existing or proposed structure designed to support or capable of supporting wireless facilities.