

## Donna Conkling

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**From:** Mayor  
**Sent:** Sunday, December 05, 2021 3:29 PM  
**To:** robertbergesq@aol.com  
**Cc:** Clerk's Department; Manager's Department; Attorney's Office; zberg4@gmail.com; Trustee Arest; Trustee Crandall; Trustee Brew; Trustee Whitestone; Trustee Lewis; Trustee Ahuja  
**Subject:** Re: City of Ithaca, NY Strengthens and Updates its Wireless Code Provisions - Scarsdale Should Consider These Provisions

Bob, thanks for sharing the bulleted list. We have been back and forth with counsel, incorporating community and board feedback. I am copying the full board on this correspondence as we have all been spending time here.

Board, no need to reply, just review.

With thanks, Jane

**Jane Veron**  
**Mayor**  
Village of Scarsdale  
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On Dec 5, 2021, at 3:22 PM, robertbergesq@aol.com wrote:

**CAUTION:** External sender.

Dear Mayor, Village Manager, Trustees, and Village Attorney,

Zoe and I have just learned that the City of Ithaca, New York has recently updated its wireless code provisions, in Ordinance 2021, strengthening its local control and further protecting residents. Quite a number of the significant newly enacted provisions are substantially the same as Zoe and I have proposed that the Village of Scarsdale adopt. They include:

- A 1500 foot setback between antennas (old code: 0 feet)
- A 250 foot setback between antennas and homes/schools (old code: 8 feet)
- Requiring proof of a significant gap in service coverage for any antenna, proven by 'in-kind' testing (such as drive-by tests and dropped calls)
- Clarifying that an applicant's claim that it needs the proposed tower for "future capacity" or to "improve coverage" is not sufficient to establish that it suffers from a significant gap in coverage
- Requiring the least intrusive methods to fill any coverage gap for antennas
- Requiring that a visual impact analysis be submitted for any new proposed antennas
- Requiring General Liability Insurance without a pollution exclusion

- Allowing for random, unannounced radiation testing for all towers done by the City at the expense of the applicant
- Including fall-zone requirements that wireless facilities are maintained at a sufficient distance from other structures and the general public
- Allowing for revocability (a clause allowing the voiding of any contract requiring its modification in the event of a regulatory change)
- Mandating certified mail notices of any proposed tower be sent to people living near a proposed site before approval, paid for by the applicant.
- Establishing a procedure for any disabled persons suffering from EHS to submit requests/grievances in accordance with the ADA
- Establishing that the codes apply to all wireless transmitting antennas, including any on private homes (aimed at the OTARD challenge)
- Deputizing any citizen to test for RF emissions
- Protecting against reductions in property values of properties situated near wireless facilities
- Requiring that everything submitted by the applicant is done so under oath and penalty of perjury.

The City of Ithaca (home of Cornell University and Ithaca College) went through a thorough and open public process, including retaining expert telecom counsel, before adopting these legislative changes which maximize local control consistent with federal and state law. The City of Ithaca, while located in a generally rural area upstate, is itself highly developed, high tech, with a much larger commercial zone than the Village of Scarsdale. And yet the City's Common Council nevertheless has implemented these necessary legislative changes to protect its residents from a blight of uncontrolled wireless infrastructure deployment. Please consider the City of Ithaca's newly-amended Wireless Code as you finalize the proposed updates to Scarsdale's.

Best regards, Bob Berg.