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Volume 13, No. 3/December, 1997

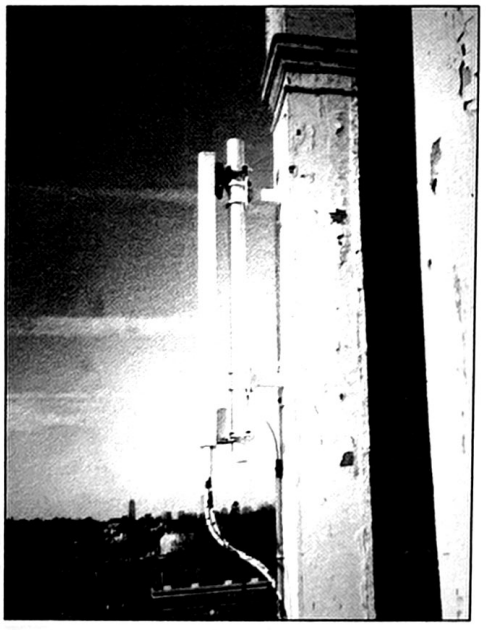
Special Report: Wireless Communication Antennas

Leasing space for communications equipment on steeples and towers has become a new source of income for congregations. While many deals may appear enticing, be cautious before entering into any agreements.

by Kim Lovejoy

For centuries, houses of worship have been used as centers of spiritual communication between God, family, and neighbors. And as communication technology increases, steeples and towers have now become valuable income-producing assets as locations for wireless communication transmitters.

In the past few months, more and more congregations have been approached to lease their buildings as transmitters for cellular phone and mobile radio signals — and the number is likely to increase in the years ahead. Already existing steeples and towers are ideal options for companies that want to avoid building new structures for their equipment. Congregations should be careful before signing any contracts! Familiarity with the financial, legal, aesthetic, and technical issues is essential in order to protect the property and minimize risk.



Andrew Rudin

Wireless communications antenna, one of many similar sections, have been installed around a 19th-century church steeple.

The stakes in signing a communications contract can be significant: Income may range from $700 to $3,000 a month from a single company, depending on a the building location and local business competition. In Massachusetts, about 50 churches have struck deals and dozens more are in negotiations according to a recent article in *The Wall Street Journal*. Five-year renewable leases are typical, providing a steady stream of income that can be dedicated to mission or building maintenance.

In some cases, steeple repairs have also been funded by up-front payments. *The Wall Street Journal* reported that the Wellesley Congregational Church in Massachusetts negotiated a lease with AT & T that included a $6,000 annual gift, steeple repairs, and payments of $2,500 a month for 10 years. The same church also secured a second contract with Omnipoint for $3,000 a month. This suggests the potential for great financial gain. But in his October 1997 report, *Some Advice Concerning Wireless Communication Antennas in Steeples* (see Resources), Andrew Rudin of the Interfaith Coalition on Energy (ICE) suggests patience since the first offer may not be the best deal for the congregation.

Wireless Communications: A Growing Industry

In 1995, the Federal Communications Commission (FCC) began auctioning licenses for wavelength frequencies in service areas across the United States. Since then, telecommunications companies have been racing to build wireless networks for cellular phones, mobile radios, personal communication services, and Internet connections. Carriers will be installing about 70,000 networks nationwide in the next few years, so steeples and towers are ideal alternatives to the cost of erecting large towers that are typically not welcomed by communities. In New York State, wireless communication antenna companies are AT &T, Bell Atlantic Mobile, Nextel, Omnipoint, Sprint, and Windstar, according to information technology consultant Bill Henrey, Managing Principal of Henrey Consultants, Inc., of New York City.

Antennas in Every Steeple?

Does this mean that virtually every steeple or tower could be a candidate for an antenna? By no means. Two critical factors that companies look at in evaluating a site are its location in the service area, and the configuration and materials of the building in relation to technical requirements for successful transmission and reception. Locations near highways, in urban centers, and on hilltops are popular sites for companies. Economics and zoning regulations are also critical factors. Often there are several potential locations for transmitters in a particular service area and a service provider will look for the easiest and least expensive option.

Being Pro-Active

Since competition for these deals is increasing, commercial property owners, utilities, and consortiums of municipalities have taken pro-active steps to influence the selection of antenna sites and have negotiated revenue-producing deals, often working with telecommunications consultants. Denominational organizations can benefit as well by being pro-active — not only by seeking revenue, but by ensuring that church boards are well-informed of the issues and know how to protect their interests. For instance, the Episcopal Diocese of New York, responding to inquiries from parishes who have been approached by service providers, has retained Henrey Consultants to develop a master plan and negotiate leases. According to Mr. Henrey, "wireless providers are looking for property owners with multiple sites over a large area in which the company is planning to build its network over several years. If a number of these sites are good locations for transmitters, a master lease can be negotiated, with supplemental agreements covering details on each individual property." At a minimum, a congregation should hire a real estate attorney experienced with cellular communications.

Zoning Regulations

Antennas that receive and transmit electromagnetic waves come in a variety of shapes and sizes, such as flat or curved bars, grills, dishes, and devices the size of a bread box. While erecting a new tower may require a zoning variance or a special permit (in New York City, a new tower requires an Environmental Impact Statement and probably a prohibitively difficult Special Permit), getting permits to install antennas on an existing building is comparatively quick and easy.

Equipment Installations

One of the most important considerations when contemplating installation of a communication device is the impact on the significant architectural features of a building. Valerie Campbell, Counsel for the New York City Landmarks Preservation Commission, says that staff-approved communications equipment installed on landmark buildings is typically of two types: a dish or antenna on a rooftop, not visible from public ways; and small steel antennae mounted on corners of buildings at about the third floor level, anchored into mortar joints, painted to match the color of the masonry, and minimally visible from the street.

"The impact on the building is usually minimal," says Tom Evarts of Yankee Steeplejack Co., Concord, MA, who installs equipment for Sprint. He adds, "cables are run through the weatherdeck and clipped to small brackets bolted on walls; antennas are secured to pipes mounted with angle irons; a new steel deck may be placed over the floor and drainage improved if necessary; and ladders installed for access." Antennas installed inside steeples are typically flat bars measuring three to four feet high, 10 inches across, and 6 inches wide, in sets of three.

It is advisable to have up-front information on the maintenance and repair procedures of the equipment: is there a seasonal maintenance schedule; who will perform and pay for the work; will it require access through the building and at what times; and will access potentially damage roof surfaces, building finishes, etc? Congregations need to ensure that the building will not be damaged by shoddy installation and subsequent wear-and-tear of the site due to maintenance and repairs.

In some cases, however, existing building materials may interfere with wave transmission. Depending on the exact configuration of the building and antennae, metals (copper roof cladding, lead paint, or leaded glass), slate roofs, masonry, wood, and glass can block waves. Alterations that may be proposed to make transmitters work in a particular steeple may not always be acceptable on a landmark building. If this situation arises, seek assistance from a local landmarks commission and/or state historic preservation office, and work with the company to determine if there are any acceptable alternatives. It is not worth compromising the architectural integrity of the building.

Guidelines for Antennas on Historic Religious Properties

1. Be businesslike. You must protect your interests and you may be competing with commercial property owners. Retain a real estate lawyer experienced in communications equipment negotiations to review leases.
2. Do not necessarily accept the first offer. Seek proposals from multiple companies. You may be able to get more than one to lease space and at higher rates than the initial offer. Consider five-year renewable leases. Get a substantial non-refundable down payment to avoid getting stuck with legal and consulting fees if the deal falls through.
3. Make sure the appearance, historic building materials, and structure of your building are not threatened by the equipment and that it can be removed without damaging the site. Equipment should be hidden or, at most, minimally visible from public ways. Have a knowledgeable person review architectural and engineering drawings and oversee installation.
4. Have the company pay for its electric power usage, either by installing a separate meter, or using a demand-reading submeter, recommends Andrew Rudin of ICE.
5. Require the company to secure approvals and permits in compliance with FCC regulations, Section 106, local zoning, and landmark ordinances.
6. "Pass risk on to the company," advises Scott Konrad, Vice President of Client Services for the Church Insurance Co., based in Avon, CT. Require annually updated evidence of adequate insurance on the property, including general liability for bodily injury and property damage; have the company assume responsibility for claims relating to the equipment; agree to defend and hold harmless if any claims; and have the church named as additional insured on the policy. Contractors who perform repairs and install equipment must also be insured.
7. Comply with state laws concerning religious corporations. Thomas Hand, a real estate lawyer in Yonkers, says that leases of five years or longer require approval from a State Supreme Court Justice, and the petitioner must demonstrate that the purpose is in accordance with the corporation's charter (for example, to promote social welfare).

Special thanks to Andrew Rudin of ICE for several of these recommendations. To obtain a copy of ICE's publication, see *Some Advice Concerning Wireless Communication Antennas in Steeples*, see Resources.