

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 29 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of EAST AURORA, NEW YORK 14052
~~Town~~
Village

Local Law No. 3-2003 of the year 19^{XX} 2003

A local law TO AMEND CHAPTER 93 OF THE CODE OF THE VILLAGE OF EAST AURORA,
(Insert Title)
NEW YORK, ENTITLED "ZONING"

Be it enacted by the VILLAGE BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~County~~
~~City~~ of VILLAGE OF EAST AURORA as follows:
~~Town~~
Village

(SEE ATTACHED PAGES 1A, 1B, 1C & 1D)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

BE IT ENACTED by the Board of Trustees of the Village of East Aurora, New York, as follows:

A LOCAL LAW TO AMEND CHAPTEd 93 OF THE CODE OF THE VILLAGE OF EAST AURORA, NEW YORK, ENTITLED "ZONING"

NOTE: Material within brackets is eliminated.
The material underlined is added to and
Included in the Code of the Village of East Aurora, New York

Sect. 93-1 thru Section 93-25.1 *****

Sect. 93-25.2 Amateur ("HAMS") Communications Station Facilities, Including Antennas and Support Structures

A. The legislative intent and purpose of this Section is to recognize the distinction between amateur communications station facilities, including antennas and support structures and public telecommunications stations, antennas and support structures otherwise regulated herein. The intent and purpose is to establish a balance between the requirements under Federal and State Laws, Rules and Regulations to reasonably accommodate amateur communications with the legitimate concerns of the Village of East Aurora to protect to the maximum extent practicable, the suburban character of the Village, aesthetic considerations and the health, safety and general welfare of the public.

B. Amateur Communications Station Facilities

Amateur Communications Station Facilities, including antennas and support structures may be permitted as accessory structures and uses in any zoning district, subject to the reasonable limitations and regulations on any lot. This shall include any devices, antenna, support structures, including poles and support towers placed in the yard area of a lot to be utilized by Amateur Radio Operators (known as "HAMS"), licensed by the Federal Communications Commission.

A building (installation) permit must be obtained from the Village Code Enforcement Officer, upon recommendation from the Village Planning Board, a Negative Declaration in accordance with the applicable New York State Environmental Quality Review Act and approval of this site plan by the Village Board of Trustees, prior to the installation of such Amateur Communications Station Facilities. No such permit shall be issued in the absence of the following conditions and limitations being met:

1) Site Plan

The Applicant shall submit a Site Plan which shall be drawn to scale, showing the location of all buildings on the lot, lot lines and of any existing poles on the lot (utility, flag, etc.). The Site Plan shall also clearly indicate the location of the antenna support structure on the lot and its dimensions and characteristics, such as height and width and shall indicate, where reasonably required, the type of anti climb devices to be installed.

2) License

The Applicant shall provide the Village Code Enforcement Officer with a copy of his/her license issued by the Federal Communications Commission, with proof that license is current and valid. The Applicant shall further provide proof that all required County, State and Federal permits have been obtained.

3) Specifications

The Applicant shall provide to the Village Code Enforcement Officer, the Manufacturer's specifications or generally recognized engineering handbooks for installation of antenna support structures, details of footings, braces or other necessary aspects of installation.

4) Number

Not more than any one (1) Antenna Tower shall be permitted on any lot.

5) Height

The maximum height of a freestanding Antenna or an Antenna Tower which is mounted on the ground shall be fifty (50') feet. Said height shall be measured from the highest part of the freestanding Antenna or Antenna Tower and attached antennas to the ground at the base of the freestanding Antenna or Antenna Tower.

- a) The Applicant shall submit to the Village Code Enforcement Officers sufficient information to justify the proposed height of an Antenna or Antenna Tower as a minimum necessary to achieve its coverage objectives.
- b) Any person desiring to erect or install an antenna or an antenna tower higher than the height permitted herein, must obtain a Variance from the Zoning Board of Appeals.

6) Location

6) Location

Antennas and Antenna Towers shall be permitted in rear yards only, unless a Variance is granted by the Zoning Board of Appeals.

7) Setbacks

The minimum setbacks from all lot lines for antennas and Antenna Towers including, but not limited to, the base on which they are placed, shall comply with the minimum setbacks established for the district in which structures are located. The antenna span shall not encroach into the neighboring property line.

8) Exemptions

Exempt from the Regulations established in this Section are antennas which consist of a single wire, provided that wire is not attached to a mast, pole or Antenna Tower.

9) Aesthetics

Antennas, Antenna Towers and accessory Antenna structures shall be designed, located and screened or buffered in such a manner which provides to the maximum extent practicable compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences to the extent practical, the Planning Board may recommend reasonable conditions on said structures including, but not limited to, the following:

a) Visual Screening.

The Planning Board may recommend the base of the antenna, Antenna Tower or accessory Antenna structure to be visibly screened from adjoining lots. Said visual screening shall include, but shall not be limited to, fences, walls and landscaping. Existing on-site trees and other vegetation shall be preserved to the maximum extent practicable and may be substituted or enhanced in order to meet landscaping requirements. The shield required herein shall be sufficient to shield the view of the lower most six (6') feet from the road and in neighboring yards.

10) Lighting

Unless otherwise required by Federal or State Law, Rules and Regulations, artificial lighting shall not be permitted to be placed on or to shine onto antennas, Antenna Towers or support structures. If artificial lighting is used, that lighting shall be aimed or shielded to the maximum extent practicable so as to minimize adverse effects on surrounding premises.

11) Colors and Painting

Unless otherwise required by Federal or State Law, Rules and Regulations, antennas and Antenna Towers shall have a galvanized finish or be painted matte gray. All support structures shall maximize the use of building materials, colors and textures which are designed to blend with the natural surroundings.

12) Signs

Unless otherwise required by Federal or State Law, Rules and Regulations or specifically mandated by the Planning Board for warning, modification or other purpose, signs shall not be permitted on antennas or Antenna Towers or their supportive structure.

13) Structural Safety

The owner of an Antenna or Antenna Tower shall provide a certification from a New York State Licensed Professional Engineer that the design of the Antenna or Antenna Tower meets all applicable structural safety requirements. The Antenna or Antenna Tower shall be placed, erected or constructed and maintained in conformity with all applicable Codes, Rules and Regulations.

14) Building Department Fee

Prior to the placement, erection or construction of an antenna, Antenna Tower or its supporting structure, pursuant to this Section, the owner shall apply to the Code Enforcement Officer for a building permit and shall pay to the Village Clerk a fee in the amount equal to that amount otherwise set forth in this Code for the placement, erection or construction of an accessory structure. Application for the Building Permit shall include a site plan, drawn to scale.

15) All fees paid pursuant to this Section are non-refundable to the Applicant.

16) This local law shall take effect immediately.

Section 93-26 thru Section 93-69 *****

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3-2003 of ~~19~~^{XX} 2003 of the (County)(City)(Town)(Village) of EAST AURORA, NEW YORK 14052 was duly passed by the VILLAGE BOARD OF TRUSTEES on 8/25/2003, ~~XXXX~~ in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

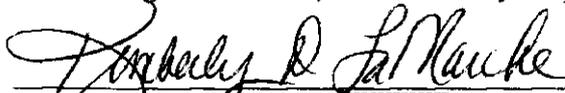
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

KIMBERLY D. LAMARCHE

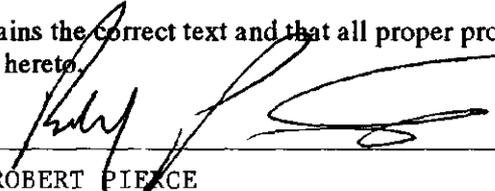
(Seal)

Date: AUGUST 26, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

ROBERT PIERCE

Title

VILLAGE ATTORNEY

~~COUNTY~~
~~CITY~~ of EAST AURORA, NY 14052
~~TOWN~~
Village

Date: AUGUST 26, 2003