

Local Law Filing

(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.

County City Town Village

(Select one.)

of Airmont

FILED
STATE RECORDS

DEC 05 2016

DEPARTMENT OF STATE

Local Law No. 9 of the year 20 16

A local law Amending Chapter 187, Titled Telecommunication, Adding Technical Language
(Insert Title)
Language

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of Airmont

as follows:

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

(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. 9 of 20 16 of the (County)(City)(Town)(Village) of Village of Airmont was duly passed by the Village Board of Trustees on November 7, 2016, in accordance with the applicable provisions of law.

~~**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 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.~~

~~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 _____ 20____, in accordance with the applicable provisions of law.~~

~~**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 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* 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.)

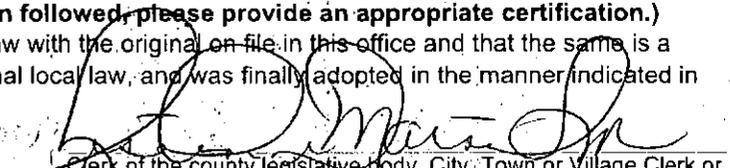
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____ 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 1 above.



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

Date: November 7, 2016

(Seal)



**NOTICE OF PUBLIC HEARING ON PROPOSED
LOCAL LAW - VILLAGE OF AIRMONT**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of the Village of Airmont, Rockland County, in the Village Hall, 251 Cherry Lane, Airmont, New York, on November 7, 2016 at 8:00 p.m., or as soon thereafter as possible, for the purpose of considering the adoption of amendments to Local Law entitled,

"A LOCAL LAW TO AMEND Chapter 187 of the Village Code of the Village of Airmont by adding language to clarify the meaning of phrases and correct technical errors"

The purpose of the proposed Local Law amendments is to add words to clarify the meaning of terms used in the 2015 amendments to Chapter 187, Telecommunications and to make technical corrections.

A copy of the proposed Local Law is on file in the Office of the Village Clerk, 251 Cherry Lane, Airmont, New York.

ALL parties in interest and citizens will be heard by the Village Board at the public hearing to be held as aforesaid.

Dated: October 26, 2016

Sean Mack
Village Attorney
Village of Airmont
251 Cherry Lane
Airmont, New York

Lisa-Ann DiMarsico-Smith
Village Clerk

**Village of Airmont
Notice of Adoption**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Airmont on November 7, 2016 adopted Local Law No. 9 of 2016 Amending Chapter 187, Titled Telecommunications, Adding Technical Language

PLEASE TAKE FURTHER NOTICE, that all interested parties may review copies of said Local Law during normal business hours 9 – 4 p.m., Monday through Friday at the Village Clerk's Office in Airmont Village Hall, 251 Cherry Lane, Tallman, New York 10982.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF AIRMONT, AIRMONT, NEW YORK.

**LISA-ANN DIMARSICO-SMITH
VILLAGE CLERK-TREASURER
VILLAGE OF AIRMONT**

Date: November 7, 2016

VILLAGE OF AIRMONT
LOCAL LAW NO. 9 of 2016
AMENDING CHAPTER 187, TITLED TELECOMMUNICATIONS, ADDING TECHNICAL
LANGAUGE

A LOCAL LAW TO AMEND Chapter 187 of the Village Code of the Village of Airmont by adding language to clarify the meaning of phrases and correct technical errors.

BE IT ENACTED by the Village Board of the Village of Airmont, Rockland County, New York, as follows:

That the following additions and deletions be reflected in Chapter 187 of the Village Code as follows:

187-11 Statutory Authority; jurisdiction, exemption of village owned property; nonresidential antennas on existing structures E.(6) For proposals involving a height increase to an existing approved [wireless telecommunications facilities (WTF)] where the overall facility height is proposed to be increased to over 120 feet above grade, the Building Inspector reserves the right to refer the proposal to the Planning Board for review, in which case an application for special use permit will be required.

TITLE: § 187-18. Procedures for Category B, C and D sites.

BODY: A. The Planning Board is hereby authorized to issue a special permit under the provisions of this chapter subject to all of the special requirements and conditions herein and any requirements which may be made a part hereof, except that if the Planning Board determines that the interests of this chapter would otherwise be satisfied, the Planning Board may, in its discretion, but shall not be required to, deem individual requirements and conditions satisfied by issuing a waiver or relaxation in relation thereto. Any waiver or relaxation is made are found not to be requisite in the interest of public health, safety or general welfare, and may only be exercised in the event that the Planning Board, in issuing a waiver or relaxation, makes specific findings that the interests of this chapter would otherwise be satisfied, the waiver or relaxation is reasonably necessary for the provision of wireless communications services consistent with the interests of both this chapter and the [federal Telecommunications Act of 1996 (TCA)]and the applicant has taken all reasonably available mitigation measures. Every

special permit shall also conform to all special findings that are specified herein.

TITLE: § 187-25. Placement and height of wireless telecommunications facilities.

E. In residential districts, wireless communication facilities shall not exceed 70 feet in height unless the requirements of Subsection F below are met. In nonresidential districts, wireless communications facilities shall not exceed 100 feet in height unless the requirements of Subsection F below are met. These height requirements shall supersede those of Chapter [210] Zoning.

(4) The site or building on which the facility is proposed to be installed does not become nonconforming or increase in nonconformity by reason of the installation of wireless communications facilities. This includes, but is not limited to, yard, buffer, floor area ratio for equipment buildings, parking, open space and other requirements. Height requirements of Chapter [210], Zoning, shall apply to buildings and equipment shelters.

TITLE: § 187-27. Visual impact; lighting, painting and equipment shelters.

(4) The site or building on which the facility is proposed to be installed does not become nonconforming or increase in nonconformity by reason of the installation of wireless communications facilities. This includes, but is not limited to, yard, buffer, floor area ratio for equipment buildings, parking, open space and other requirements. Height requirements of Chapter [210], Zoning, shall apply to buildings and equipment shelters.

TITLE: §187-34. Existing installations.

BODY: A. The operator of any wireless communications facility existing at the time that the [2015] amendments to this chapter take effect shall be permitted to remain in operation, subject to the provisions of their existing permits and the provisions of this chapter relating to recertification and renewal of permits. Operating antennas or towers that are legally nonconforming with respect to area regulations of this chapter shall be permitted to remain until such time as a request is made to modify the antenna or tower.

TITLE: § 187-37. Recertification.

C. This sections shall also apply to permits and special permits issued prior to the date of enactment of the [2015] amendments to this chapter, as well as to permits issued by the Building Inspector. As to permits issued by the Building Inspector, the recertification request shall be made to and determined by the Building Inspector.

D. Any permit or special permit which does not contain an expiration date shall be deemed to expire unless renewed through recertification, five years from the date of enactment of the [2015] amendments to this chapter, and shall expire each five years thereafter or after 60 days' notice form the Village, whichever is later.

TITLE: § 187-42. Definitions.

BODY: As used in this chapter, the following terms shall have the meanings indicated:

[4G (FOURTH GENERATION)]. The abbreviation for the fourth generation of broadband wireless that is superseding 3G and is characterized by a bandwidth exceeding 100 Mbps.

ANTENNA PATTERN

Refers to the shape of the antenna beam in the horizontal and vertical plane in an ideal nonreflective environment

COVERAGE

The general term that describes the ability of a WTF to send and receive wireless signals of sufficient strength to provide reliable cellular/PCS service.