

**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**

**JAN 01 2001**

County  
City  
Town  
Village

of **PRATTSVILLE**

**MISCELLANEOUS  
& STATE RECORDS**

Local Law No. **1** of the year 20**01**

**Telecommunications Towers Standards and Procedures Law**

A local law  
*(Insert Title)*

**TOWN BOARD**

Be it enacted by the \_\_\_\_\_ of the  
*(Name of Legislative Body)*

County  
City  
Town  
Village

**TOWN OF PRATTSVILLE**

as follows:

**PLEASE SEE ATTACHED.**

(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. 1 of 2001 of the ~~(County)~~(City)(Town)(Village) of PRATTSVILLE was duly passed by the TOWN BOARD on JAN. 8 2001, 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 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.  
(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 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.  
(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 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.  
(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 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 \_\_\_\_\_, above.

*Mildred Harkness*

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

Date: *May 5-14-01*

(Seal)

(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 GREENE

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.

*Clifford J. Koppelman*

Signature

ATTORNEY FOR THE TOWN

Title

County  
City of PRATTSVILLE  
Town  
Village

Date: 5/14/01

## **Town of Prattsville Tower Law**

### **Part A. Title of Local Law: Findings, Intent and Purposes**

#### **Section 1. Title**

This Local Law shall be referred to as the Town of Prattsville Telecommunications Towers Standards and Procedures Law.

#### **Section 2. Findings, Intent and Purposes**

The Town Board of the Town of Prattsville finds a growing need for personal wireless service facilities and commercial mobile radio service facilities, as defined in Section 704 of the Telecommunications Act of 1996, based on an increase in demand to locate these facilities in the Town. Prior to the adoption of this Local Law, no specific procedures existed to address recurrent issues related to siting personal wireless service facilities and commercial mobile radio service facilities or other types of communications or broadcast towers and/or facilities. Accordingly, the Town Board finds that the promulgation of a Local Law is necessary to direct the location, construction and maintenance of these facilities. This law does not apply to CB, short wave and/or mobile radio antennae for residential or municipal use.

The purpose of this Local Law is to promote the health, safety and general welfare of the residents of the Town through the establishment of minimum standards to reduce the adverse visual effects of personal wireless service facility and commercial mobile radio service facilities transmission towers and antennae through careful design siting and screening; to protect property values; to protect the physical appearance of the community and to preserve its scenic and natural beauty; to avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of structures; to ensure that the residents of the Town are adequately served by personal wireless services and commercial mobile radio service facilities technology; to protect a citizen's ability to receive communication signals without interference from other communication providers while preserving competition among communications providers; and to maximize the use of existing towers or antenna host sites within prescribed districts so as to minimize the number and visual impact of towers needed to the serve the Town.

#### **Section 3. Applicability**

All new and presently existing Telecommunications Towers in the Town of Prattsville shall be subject to these and all other applicable regulations.

### **Part B. Standards and Procedures for the Siting of Telecommunications Towers.**

#### **Section 1. Applicability of Standards and Procedures**

a. No telecommunication tower as defined in Section 23 of this law shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these standards and procedures. No existing structure shall be modified to serve as a telecommunication tower unless to conformity with these standards and procedures.

b. The standards and procedures shall apply to all property within the Town of Prattsville.

## **Section 2. Shared Use of Existing Tall Structures**

At all times, shared use of existing tall structures (for example municipal water towers, multi-story buildings), and existing or approved towers shall be preferred to the construction of new towers.

a. An applicant proposing to share use of an existing tall structure shall be required to submit to the Town Board:

- (i) a completed application.
- (ii) documentation of intent from the owner of the existing facility to allow shared use.
- (iii) a site plan shall show all existing and proposed structures and improvements including antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility, shall be indicated on the site plan.
- (iv) an engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, and explaining what modifications, if any, will be required in order to certify to the above.
- (v) a completed short EAF and a completed visual EAF addendum.
- (vi) a copy of its Federal Communications Commission (FCC) license.

b. If an applicant proposing to share use of an existing tall structure submits complete and satisfactory documentation in accordance with Section (2) (a) above, and if modifications indicated according to Section (2) (a) are deemed insignificant by the Town Board, and after the Town Board conducts a public hearing and complies with all SEQRA provisions, the Town Board shall grant a permit without further review under this section. If the Town Board determines that any modification indicated according to Section (2) (a) are significant, it may require further review according to Sections (7) through (18) below.

## **Section 3. New Telecommunication or Broadcast Towers**

The Town Board may consider a new telecommunications tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Town Board in consultation with the applicant. The report shall outline opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. The report shall also set forth the specific manner in which the applicant claims that the new proposed tower site is necessary to provide adequate coverage to the Town of Prattsville pursuant to the Federal Telecommunications Act. Written requests and responses for shared use shall be provided. No permit shall be granted for a tower to be built on speculation.

## **Section 4. Shared Usage of an Existing Tower Site for Placement of a New Tower**

Where shared use of existing tall structures, and existing or approved towers, is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Section (2) above. Any proposals for a new telecommunication tower on an existing tower site shall also be subject to the requirements of Sections (7) through (18) below.

## **Section 5. New Tower at a New Location**

The Town Board may consider a new telecommunications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared use of existing tall structures, and existing or approved towers, is impractical; that the new proposed tower site is necessary to provide adequate coverage to the Town of Prattsville pursuant to the Federal Telecommunications Act; and submits a report as described in Section (2) above; and when the Town Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with Section (3). Any proposal for a new telecommunication tower shall also be subject to the requirements of Section (7) through (18) below.

## **Section 6. New Towers: Future Shared Use**

The applicant shall design a proposed new telecommunications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Town Board a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. This letter shall be filed with the building inspector prior to issuance of a building permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the permit. The letter shall commit the new tower owner and his/her successors in interest to:

- a. Respond within 90 days to a request for information from a potential shared-use applicant.
- b. Negotiate in good faith concerning future request for shared use of a new tower by other telecommunications providers or broadcasters.
- c. Allow shared use of the new tower if another telecommunications provider or broadcaster agrees in writing to pay reasonable charges. The charges may include, but is not limited to, a pro-rated share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

## **Section 7. Submission Requirements**

- a. An applicant shall be required to submit a site plan in accordance with the Town of Prattsville Subdivision Law. The site plan shall show all existing and proposed structures and improvements including roads, building, tower(s), guy wire and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads.
- b. Supporting Documentation - The applicant shall submit along with his exact legal name, address of principal place of business and phone number; a complete short EAF, a complete Visual Environmental Assessment Form (visual EAF addendum), and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The applicant shall also submit a copy of its Federal Communications Commission (FCC) license.

## **Section 8. Lot Size and Setbacks**

All proposed telecommunication towers and accessory structures shall be setback from abutting parcels, established hiking trails, recorded rights of way, and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining residential properties.

a. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements.

b. Telecommunication or Broadcast Towers shall comply with all existing setback requirements (if applicable), or shall be located with a minimum setback from any property line equal to one and one-half (1½) of the height of the tower, whichever is greater.

### **Section 9. Visual Impact Assessment**

The Town Board may require the applicant to undertake a visual impact assessment which may include:

a. At times set by the Town Board, and to be announced in the local paper, a 3-foot or larger diameter brightly colored balloon shall be floated at the maximum height and location of proposed tower, at least twice, once during the week and once during the weekend.

b. A "Zone of Visibility Map" shall be provided in order to determine locations where the tower may be seen.

c. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The board shall determine the appropriate key sites at a presubmission conference with the applicant.

d. Assessment of alternative tower designs and color schemes, as described in Section (10) below.

e. Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

### **Section 10. New Tower Design**

Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:

a. Any new tower shall be designed to accommodate future shared use by other telecommunications providers.

b. Unless specifically required by other regulations, a tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact. In accordance with the best existing technology, including a camouflage design of the tower, ie: a conifer tree type or other stealth design.

c. The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal law and/or regulation. The Town Board at its discretion, may modify this requirement if the applicant can justify the need to exceed this height limitation.

d. The Town Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design, of, any new tower. All Town engineering fees shall be paid by the applicant as follows:

The applicant shall be required to establish an escrow account to reimburse the Town of Prattsville for the legitimate costs of review associated with the use of professionals qualified to review the required plans, reports and other technical information submitted in support of an application for a communication or broadcast tower and facility. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost to erect the proposed tower and facility but in no case shall be less than \$3000.00 or a larger amount estimated by the Town Board to be reasonable and necessary to cover the cost of the review to be incurred by the Town. All necessary reviewing professionals assisting the Town in such reviews shall provide an estimate of the approximate cost of review services. The Town shall submit an itemized bill to the applicant at least thirty days prior to any deduction of such amount billed from the escrow account. The Town Board may periodically and at its discretion require the replenishment of the escrow account established hereunder. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within thirty days of the submission and payment of the final bill by the Town and payment in full of all application and approval fees.

e. Accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

f. No portion of any tower or accessory structure shall be used for a sign or other advertising purposes, including but not limited to: company name, phone numbers, banners, and streamers. However, if the tower and any accessory structures are enclosed by a fence, the Town Board may require signage with an area no greater than two square feet to be placed upon said fence identifying the owner and/or operator of the facility, its business address, telephone numbers, (business number and emergency number), and that no trespassing upon the site is allowed.

#### **Section 11. Existing Vegetation**

Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground), shall take place after the initial application.

#### **Section 12. Screening**

Deciduous or evergreen tree planting may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

#### **Section 13. Access**

Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

#### **Section 14. Parking**

Parking shall be provided to assure adequate emergency and service access. The Town Board shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard.



## **Section 15. Fencing**

The tower and any accessory structures shall be adequately enclosed by a fence, design of which shall be approved by the Town Board. This requirement may be waived by the Town Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility. The Town Board may require signage with an area no greater than two square feet to be placed upon said fence identifying the owner and/or operator of the facility, its business address, telephone numbers (business number and emergency number), and that no trespassing upon the site is allowed.

## **Section 16. Monitoring and Evaluation of Compliance**

The Town Board may require any of the following conditions:

- a. Ongoing/periodic monitoring of microwave emissions by an independent agency.
- b. Ongoing structural inspections.
- c. Liability insurance covering applicant who shall provide annually to the Town Clerk a certificate of such insurance.
- d. An initial cash bond posted in a reasonable amount determined and approved by the Town Board. This bond shall be in force to cover the costs of the remediation of any damage to the landscape which occurs during the cleaning of the site; and to cover the cost of the removal of the Tower from the site, and remediation of the landscape should the tower cease to operate.

## **Section 17. Removal**

The applicant shall submit to the Town Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the building inspector within thirty (30) days of the discontinuance of use of the tower. This letter shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunication tower is approved according to this section). Obsolete or unused towers and accessory structures shall be removed from any site within four (4) months of such notification.

The terms of any approval for a communication or broadcast tower and facilities, shall require the applicant to deposit with the Town an amount in escrow a sum of money sufficient to remove the tower, antenna and associated facilities. Such amount shall be arrived at based upon the recommendation of the Town's engineer and other appropriate professionals, including the owner/operator's engineer. Said funds shall be deposited in a separate, interest bearing account and shall not be utilized for any purpose except as stated herein. The interest earned on said funds may, upon the written request of the applicant, be returned to applicant on an annual basis. At any time, the Town Board may review the sufficiency of the amount in escrow to complete the removal of the tower and facility and may require a further or additional amount to be deposited in the event a determination is made that same is necessary based upon the recommendation of the Town's engineer and other appropriate professionals including the owner/operator's engineer. The Town shall not utilize the escrow funds herein to remove the tower and facility unless same has been abandoned as defined herein and the owner/operator or its successor in interest has failed to remove the facility after more than 30 (thirty) days following a written demand by the Town to do so. The owner/operator and/or its affiliate shall be liable for all applicable penalties and fines independent of any amount remaining in escrow and relating to any obligation(s) which arise regarding the issuance and use of a special use permit and site plan review approval.

**Section 18. Inter-municipal Notification for New Towers**

In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, and to assist in the continued development of County 911 Services, the Board shall require that:

a. An applicant who proposes a new telecommunication tower shall notify in writing the legislative body of each municipality that borders Prattsville, the Greene County Town Board, the Director of Greene County Emergency Preparedness and the Greene County Fire Coordinator. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.

b. Documentation of this notification shall be submitted to the Town Board at the time of application.

**Section 19. Notification of Nearby Landowners**

The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within five hundred (500) feet of the property line of the parcel on which a new tower is proposed. Notice shall also be mailed to the administrator of any State or Federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by Certified Mail. Documentation of this notification shall be submitted to the Town Board prior to the public hearing.

**Section 20. Enforcement**

Any person, corporation, partnership, or other legal entity that shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto, shall be guilty of an offense and subject to a fine of not more than two hundred and fifty dollars (\$250.00) or by penalty of two hundred and fifty dollars (\$250.00) to be recovered by the Town in a criminal action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

**Section 21. Severability**

The provision of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

**Section 22. Definitions**

**ANTENNA(S)** - A device used in communications which receives and transmits electromagnetic waves, microwave or other electronic communication signals from or to satellites or other instruments for television, radio, data, imagery, telephone or other forms of telecommunications or broadcast.

**ANTENNA ARRAY** - One or more whips, panels, discs, or similar devices used for the transmission or reception of frequency signals, which include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (disc) but does not include the Support Structure defined hereinbelow.

**CAMOUFLAGING** – The construction of facilities to house or support towers so that the towers blend readily with the landscape, neighborhood, and adjacent architectural features. Examples of camouflaging that may be used are silo and barn, windmill and simulated tree.

**CEASE TO OPERATE/ABANDONMENT** – A discontinuance of use, not performing the normal functions associated with the tower and its equipment on a continuous and on-going basis for over one-hundred-and-twenty (120) days, unless extended by the Town Board for good cause shown.

**CO-LOCATION** - The mounting of antenna(s) or other telecommunication or broadcast equipment used by two or more providers, persons, firms or corporations on the same antenna support structure, monopole or antenna tower.

**COMMUNICATION OR BROADCAST TOWER** - A structure on which antennas or other telecommunications or broadcast devices are located for television, radio, data, imagery, telephone or other forms of telecommunications.

**COMMUNICATION OR BROADCAST TOWERS AND FACILITIES** - A site development including a structure on which antennas or other telecommunications or broadcast devices are located for television, radio, data, imagery, telephone or other forms of telecommunications and all related structures and improvements necessary for the operation of said facility.

**MONOPOLE** - Any free-standing pole that serves as a communication or broadcast tower, and upon which an antenna, or antennas or other telecommunications or broadcast equipment, is or has been located.

**SUPPORT STRUCTURE** – A structure defined and constructed specifically to support an array antenna, and may include a monopole, self-supporting (lattice) tower, guy wire support tower and other similar structures. Any device which is used to attach a tower facility to an existing building or structure shall be included in this definition.

**TOWER FACILITY OR FACILITY** - See “communication or broadcast tower and facilities.”