

VILLAGE OF AIRMONT
LOCAL LAW NO. 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 ~~290~~ [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 ~~290~~ [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 ~~290~~ [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 ~~2012~~ [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 ~~2012~~ [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 ~~2012~~ [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 ~~+1+~~

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. ~~+2+~~