

INCORPORATED VILLAGE OF SALTAIRE

LOCAL LAW NO. OF THE YEAR 2008

A LOCAL LAW AMENDING SECTION 55-13
OF THE SALTAIRE VILLAGE CODE TO ADOPT
REGULATIONS REGARDING TELECOMMUNICATION
TOWERS OF THE SALTAIRE VILLAGE CODE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED
VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Section 55-13 of the Saltaire Village Code

3.0 Severability and Validity

3.1 Severability and Validity

**Section 1.0 Title, Enactment, Effective Date,
Purpose, and Definitions.**

1.1. Title

This Local Law shall be entitled, "Local Law of 2008 Amending Section 55-13 Adopting
Regulations Regarding Telecommunication Towers of the Village of Saltaire Village Code."

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York, the Incorporated Village of Saltaire, County of Suffolk and State of New York, hereby enacts by this Local Law of 2008, a Local Law of the Incorporated Village of Saltaire.

1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4. Purpose and Intent of Local Law.

A. Purpose

The purpose of this Local Law is to promote and protect:

- i. The public safety and welfare of the residents of the Village of Saltaire, their guests, and the visitors to the Village; and
- ii. To preserve the quality and value of property in the Village and the ability of the property owners, residents and guests to enjoy the peaceful use of their property and the aesthetic assets and qualities of the Village of Saltaire.

B. Intent

The intent of the Local law is to amend Section 55-13 to adopt Regulations Regarding Telecommunication Towers to the Saltaire Village Code.

2.0 General Provisions

2.1 Amendment to Section 55-13 of the Saltaire Village Code to Adopt Regulations Regarding Telecommunication Towers in the Village of Saltaire

A. Amendment to Section 55-13(D):

Section 55-13(D) of the Saltaire Village Code is hereby amended to read as follows:

“(D). Radio and television antennas. Television and FM receiving antennas of the normal

dipole type may be erected on or through the roof of any structure (other than a structure constructed or used principally to support an antenna), provided that the supporting mast does not exceed four (4) feet in height above the peak or highest elevation of the roof structure as established by § 55-13 of this chapter, and not more than one (1) such antenna is placed on any structure.”

B. Amendment to Section 55-13(E)

Section 55-13(E) of the Saltaire Village Code is hereby amended to read as follows:

“(E). Antennas for the principal purpose of citizen band, amateur radio or marine frequency transmitting and receiving antennas may be erected on the roof or chimney of any structure, provided that the lead-in base of such antennas is located not more than two (2) feet above the peak or highest elevation of the roof structure as established by § 55-13 of this chapter.”

C. Creation of Section 55-13(F)

There shall be a new Section 55-13(F) created which shall read as follows:

“(F)(1). For purposes of this Section, a wireless communication tower is any structure designed or constructed primarily for the purpose of supporting one or more antennas for telephone, radio or similar communications purposes, including, without limitation, radio and television transmission tower or antenna, microwave tower, common-carrier tower, cellular telephone tower or alternative tower structure, but not including Long Island Power Authority (LIPA) transmission poles, telephone poles and street light poles.

(F)(2). A wireless communication tower may be erected at ground level, provided it, and any accessory facility, are adequately anchored and protected on all four (4) sides by a suitable louvered or palisade fence not to exceed eight (8) feet in height and four hundred

(400) square feet in area and shall not be within one hundred (100) feet of any residential structure, including a residential structure on the property with the tower and any accessory facility are to be located. Such tower and any accessory facility must adhere to (i) the normal building setback restrictions established by Section 55-10A, B and C, as well as set back a distance equal to 100% of the height of the tower from an adjoining lot line and (ii) the fence law and regulations in Chapter 55 as to use of material.

(F)(3). A special building permit will be required for such tower and any accessory structure. The information in the application for the special building permit shall include:

- (a) A scaled site plan showing existing and proposed structures and vegetation and existing and proposed elevations, grades and topography.
- (b) Setbacks between the proposed tower and the adjoining properties.
- (c) Information establishing that the power tower has proper design and sufficient structure to sustain hurricane or stronger winds.
- (d) A written description of the application's compliance with all applicable requirements of this article and with all applicable federal, state and local laws.

(F)(4) Any property owner who enters into negotiations with a wireless service provider for the construction of a wireless communications tower must within ten (10) days of the commencement of such negotiations notify the Village Administrator and all property owners within a two hundred foot (200') radius of the subject property of the proposed placement of such tower.

D. Creation of Section 55-13(G)

There shall be created a new Section 55-13(G) which shall read as follows:

“(G) Site Plan Aspects

(1) Visibility (i) All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.

(ii) Telecommunication towers shall not be artificially lighted except in accordance with the safety requirements of the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green, black or similar colors designed to blend into the natural surrounding treeline unless other standards are required by the FAA. In all cases, structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to free-standing towers for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

(iii) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(2) Existing Vegetation – Existing on-site vegetation shall be preserved to the maximum extent possible, and there shall be no cutting of trees prior to approval of the special permit use.

(3) Screening – Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas.

E. Creation of new Section 55-13(H)

There shall be created a new Section 55-13(H) which shall read as follows:

“(H). Authority to Impose Conditions:

The Board of Trustees shall have the authority to impose such reasonable conditions

and restrictions as are directly related to and incidental to the proposed telecommunication tower special use or site plan.”

F. Creation of new Section 55-13(I)

There shall be created a new Section 55-13(I) which shall read as follows:

“(I) Removal Upon Abandonment:

Any tower or antenna which has been abandoned or the use of which as a telecommunications tower or antenna has been discontinued must be dismantled and the tower or antenna and any associated equipment or accessory structures removed from the site, and the site restored to its original condition.”

3.0 Severability and Validity

3.1 Severability and Validity

In the event that any portion or portions of this Local Law of 2008 shall be determined to be invalid or unenforceable for any reason, the remainder of the Local Law, and its provisions shall remain in full force and effect.