

**NOTICE OF PUBLIC HEARING
REGARDING TOWN OF ELLICOTT
INTRODUCTORY LOCAL LAW #4-2018**

NOTICE IS HEREBY GIVEN that there has been presented to the Town Council of the Town of Ellicott, New York, Introductory Local Law Number Four (4) for the year 2018. The Local Law “*pertains to adopting an interim application process for wireless telecommunications facilities (i.e. cellular towers)*”.

THEREFORE, pursuant to statute, the Town Council of the Town of Ellicott will hold a ***Public Hearing*** on Introductory Local Law #4-2018 at the Administration Building, 215 South Work Street, Falconer, New York at 12:00 PM on Wednesday, September 5, 2018 at which time all persons interested will be heard. A copy of the proposed local law is filed in the office of the Town Clerk at the Administration Building where it is available for review by any interested person during regular office hours. It may also be viewed on the town’s website: www.townofellicott.com.

Dated: August 21, 2018

Michael C. Erlandson
Town Clerk

A LOCAL LAW ADOPTING AN INTERIM APPLICATION PROCESS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated continued substantial growth in the erection of wireless telecommunications facilities; and

WHEREAS, there has been discussion concerning the construction and impact of such facilities within the Town of Ellicott, New York; and

WHEREAS, there are significant shortcomings with respect to the Town's current regulatory mechanism regarding wireless facilities, especially as regards the impact of the facilities on the community and controlling and minimizing such impact and assuring the safety of towers and wireless facilities; and

WHEREAS, the Town wishes to implement a Local Law to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, for reviewing and analyzing an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services; and

WHEREAS, a reasonable time for the Town to complete its aforementioned review, and for the Town to enact any required legislation resulting therefrom is deemed to be three months from the date such local ordinance enacting said Interim Application Process is adopted; and

WHEREAS, the Town has no pending formal applications for wireless telecommunications facilities that it has formally accepted; and

WHEREAS, this Interim Application Process is not meant to be prohibitive or exclusionary in nature, during the pendency of the adoption of the new/revised/updated regulations, applications for a building permit, special use permit or site plan approval, or use variance or other necessary Town approval for a monopole, lattice tower or other telecommunications antennae installations, including, but not limited to cellular/PCS antennae installations, shall be accepted and processed by the Town. However, in initiating an application for a new site during the period of this Interim Application Process any applicant must submit an escrow deposit of \$8,500.00, and for initiating an application for a modification or collocation of an eligible facility any applicant must submit an escrow deposit of \$5,000.00 for consulting costs to assist the Town in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the Town Code and that any unexpended balance of the deposit shall promptly returned at the conclusion of the application process. BE IT ENACTED by the Town of as follows:

Section 1. A three month Interim Application Process, effective upon the date of adoption of this local ordinance

There is hereby enacted a three month Interim Application Process for the issuance of permits by the Town of Ellicott, New York on applications for the construction of wireless telecommunications towers, facilities and related facilities.

Section 2. The new Local Law will include requirements covering the filing of an application to include: pre application meeting and site visit, proof of need, fees, proof of location and height of facility, meeting of RF emission requirements, SEQR, setbacks, aesthetic considerations, insurance requirements and removal bond.

Section 3. Effective Date: This Local Law shall take effect immediately upon passage