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County City Town Village
(Select one:)

of Cazenovia

Local Law No. 3 of the year 2024

A Local Law to Amend Chapter 165 (Zoning) of the Town Code of the Town of Cazenovia with Respect to §165-102 (Commercial Mobile Service Facilities)

Be it enacted by the **Town Board** _____ of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Cazenovia _____ as follows:

Be it enacted by the Town Board of the Town of Cazenovia as follows:

SECTION 1. AUTHORITY

This local law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE & INTENT.

The Town of Cazenovia acknowledges the need, demand and national policy supporting the availability of commercial mobile services to the public. Similarly, the Town recognizes the valid concerns and interests its residents have in the aesthetic enjoyment of their homes and properties. The purpose of these provisions relating to commercial mobile services is to encourage the location of commercial mobile service towers, to the extent they are needed, in nonresidential areas of the Town, to encourage the shared use of existing and new towers as a means of reducing the overall need for towers in the Town, to minimize the adverse impacts of commercial mobile service facilities located in the Town and to balance the sometimes competing needs of such uses and their neighbors while at the same time accommodating the public interest in and demand for such services. The Town Board of the Town of Cazenovia finds that amending its current Code regarding commercial mobile service facilities will assist in meeting these needs and is therefore reasonable and appropriate.

SECTION 3. AMENDING §165-102 (“COMMERCIAL MOBILE SERVICE FACILITIES”) OF ARTICLE XX (“COMMERCIAL TOWERS, TELEVISION AND RADIO TOWERS, COMMERCIAL MOBILE SERVICES AND SATELLITE DISH ANTENNAS SOLAR ENERGY SYSTEMS”) OF CHAPTER 165 (“ZONING”)

Section 165-102 (“Commercial mobile service facilities”) of Article XX (“Commercial Towers, Television and Radio Towers, Commercial Mobile Services and Satellite Dish Antennas Solar Energy Systems”) of Chapter 165 (“Zoning”) of the Town Code of the Town of Cazenovia is hereby deleted in its entirety and now shall read as follows:

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

“§165-102. Commercial mobile service facilities.

No commercial mobile service facility shall hereafter be located, constructed, erected, changed, altered, used or added to in any district except in conformity with the following provisions:

A. Findings.

- (1) While the federal government has regulated the commercial mobile industry, it has reserved to local governments the power to regulate uses with regard to placement, construction, and other issues.
- (2) Local governments may not exclude such uses or unreasonably discriminate among providers of functionally equivalent services.
- (3) According to federal law, local governments may not regulate such uses on the basis of radio frequency (RF) radiation.
- (4) The technology underlying commercial mobile service requires that transmitting facilities be located in proximity to one another, as RF signals are passed from one service cell to another, in relay fashion.
- (5) The Town has an interest in minimizing the number of towers that are located within its borders.
- (6) The installation of tower structures can have an aesthetically detrimental impact upon surrounding properties, especially in residential areas.
- (7) In many cases, antennas mounted on existing structures and towers (i.e., co-location) can provide commercial mobile service with minimal or no aesthetic impacts upon neighboring uses.
- (8) Where the construction of new towers is necessary in order to provide commercial mobile services, often it is possible to house more than one such provider on such structure, thus reducing the proliferation of new tower construction.

B. Purpose.

- (1) The purpose of this section is to establish predictable and balanced regulations for the siting of telecommunication facilities in order to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. The Town of Cazenovia wants to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, siting and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures.
- (2) This section also seeks to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures in order to further minimize adverse visual effects from telecommunications towers.
- (3) This section is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall it be used to unreasonably discriminate among the providers of functionally equivalent services consistent with current federal regulations.

- (4) The nature of wireless communication service requires that each single tower site connect to neighboring sites as part of a larger network for effective service. As such, the Town finds that community involvement at the earliest stages of planning will promote efficient location and establishment of wireless communication facilities and increase the reliability of proposed telecommunication network changes.
- (5) Applicants are encouraged to meet with the Town Code Enforcement Officer and Town Planning Board Chair prior to the submission of an application for site plan approval to review the requirements of the Code and this Chapter.

C. Approvals required for commercial mobile service facilities.

- (1) Antennas. Antennas and accessory equipment related thereto, other than towers, are permitted in all use districts in the Town, provided they are placed on existing structures 30 feet or more in height, other than one-family and two-family dwellings, subject to the following:
 - (a) Located in nonresidential zoning districts and 20 feet in antenna height or less: site plan approval issued from the Town of Cazenovia Planning Board.
 - (b) Located in nonresidential districts and in excess of 20 feet in antenna height: special use permit issued from the Town of Cazenovia Zoning Board of Appeals.
 - (c) Located in residential districts: special use permit issued from the Town of Cazenovia Zoning Board of Appeals.
- (2) Towers. Towers and accessory equipment related thereto are permitted only in Commercial Overlay (COMO) and Industrial Overlay (IO) Districts, subject to the following:
 - (a) Towers 150 feet in height or less: site plan approval issued from the Town of Cazenovia Planning Board upon the general guidelines, requirements and aesthetic design and standards contained herein.
 - (b) Towers over 150 feet in height but not greater than 200 feet in height: special use permit issued by the Town of Cazenovia Zoning Board of Appeals.
 - (c) Towers proposed to be located within any other district shall obtain a use variance pursuant to applicable law and shall be required to comply with the submission requirements for site plan approval as set forth in this chapter and the general guidelines, requirements and design standards set forth herein.
- (3) Commercial mobile service antennas or towers, other than those specifically allowed under this Subsection C are not permitted in the Town of Cazenovia.

D. General guidelines and requirements.

- (1) Applicants shall provide written notification to all property owners within a one (1) mile radius of the proposed tower site with a copy of such notice to the Town Planning Board or Zoning Board of Appeals, [consistent with Section C] within 30 days of the execution of a contract with a landowner that obligates the landowner to submit an application to the Town to build a tower.

- (2) To facilitate wireless coverage through selection of the best site, any applicant shall discuss a comprehensive wireless coverage plan for the municipality in advance of a specific provider's/landowner's application.
- (3) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such lot and building requirements, the dimensions of the entire lot shall control, even though such antenna or tower may be located on leased parcels within such lots.
- (4) Nonconforming uses. Towers that are constructed and antennas that are installed in accordance with these provisions shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (5) Proof of compliance with other laws.
 - (a) All commercial mobile service facilities must meet or exceed all applicable federal, state and local laws, rules and regulations, including but not limited to any rules, standards or regulations of the FCC and the FAA. If such standards, rules, laws or regulations are changed or amended at any time in the future, then the owners of such facilities shall bring those facilities into compliance with such revised regulations within six months of the effective date of such changes or amendments, unless a more restrictive compliance schedule is mandated by the controlling agency.
 - (b) The operator of any commercial mobile service facility sited within the Town of Cazenovia shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with all applicable federal, state and local radio frequency (RF) radiation emission standards. Such annual certification shall be delivered to the Town Codes Enforcement Officer during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special permit and/or use variance granted for such facilities.
- (6) Compliance with building codes. The owner of any commercial mobile service facility shall locate, construct, erect, use and maintain such facility in accordance with all applicable building codes.
- (7) Height restrictions. The building height restrictions otherwise applicable in the zoning use district in which a commercial mobile service facility is located shall not apply to facilities approved in accordance with these regulations. When measuring structure height in connection with antennas on existing structures, height shall be measured from the mean elevation at finished grade to the highest point of the existing structure. When measuring antenna height in connection with antennas mounted on existing structures, such height shall be measured from the point of such existing structure at which the antenna is mounted to the highest point of the antenna.

- (8) Maximum tower height measured from ground surface. Applicants shall demonstrate that the maximum height proposed for a tower shall not exceed that which is reasonably necessary for adequate service or coverage. In no event shall any tower exceed a height of 200 feet. Tower height shall be measured from the average elevation at grade level to the highest point of the tower structure, including all antennas and accessory equipment attached thereto. To minimize visual impact, the applicant shall present an option for stealth towers in wooded areas with a maximum height of 20 feet above the existing crown canopy top measured from the tallest tree within a 100 foot radius around the tower. In non-wooded areas, the applicant shall limit height to a maximum of 75 feet when adequate coverage can be achieved.
- (9) Tower inspections. Towers shall be inspected annually on behalf of the tower owner by a licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the Town Codes Enforcement Officer no later than December 31 of each calendar year.
- (10) Tower design preference. The Town may require camouflage to minimize aesthetic impacts associated with the installation. Such camouflaging shall be appropriate to the agricultural/residential/hamlet nature of the Town, shall be of appropriate scale for the camouflage technique selected.
- (11) Maintenance and repair. All commercial mobile service facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for emergency repairs, which may be undertaken at any time with prior notice to the Town Codes Enforcement Officer.
- (12) Existing structures. By way of illustration, existing structures, as referred to in these regulations governing the siting of commercial mobile service facilities, shall include but not be limited to signs, church spires, belfries, cupolas, domes, monuments, water towers, preexisting tower structures, windmills, chimneys, smokestacks, buildings, utility towers, clock towers, silos, barns or other agricultural buildings, steeples, radio or television towers and commercial parking lot light poles.
- (13) Restriction on multiple towers. No more than one tower may be permitted on any parcel of land.
- (14) Tower separation. For towers 130 feet or taller, a minimum radius of 4,000 feet must be maintained between any proposed tower and any existing tower, whether located in the Town of Cazenovia or in any adjacent municipality, unless it is demonstrated that the additional tower is necessary for adequate service and/or coverage. For towers less than 130 feet, there is no minimum tower separation as the Town finds that visual impacts are minimized by installation of a larger number of towers at a lower height than by fewer towers at a taller height.
- (15) Retrofit of existing towers. Any tower additions that add height to an existing tower shall require site plan approval and/or a use or area variance under this Article.

E. Aesthetics and design standards.

- (1) The Town of Cazenovia is largely undeveloped and is characterized by rolling hills with scenic vistas. Preservation of its skyline, to the extent practicable, is an important asset both to the Town and residents of Central New York. Accordingly significant attention must be paid to the visual intrusion potential of telecommunications towers consistent with the needs for communications within the area.
- (2) Fencing. The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower, as well as any and all accessory equipment and structures used in connection therewith.
- (3) Landscaping. All commercial mobile service facilities located, installed or constructed at ground level, including towers, tower anchors, accessory structures to towers or antennas or fencing surrounding such uses, shall be visually screened from adjoining residential properties and public rights-of-way by one row of native evergreen shrubs or trees capable of forming a continuous hedge of at least six feet in height within two years of planting. Additional vegetative screening may be required, as needed, in order to minimize adverse visual impacts on neighboring properties. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the appropriate site plan or special permit review and approval. Such landscaping shall be preserved, maintained and replaced as needed.
- (4) Signs. Signs shall not be permitted on commercial mobile service towers, antennas or related accessory facilities, except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.
- (5) Lighting. Commercial mobile service facilities shall not be artificially lighted, unless so required by the FAA. If lighting is required, the lighting alternatives and design used shall be the minimum mandated by the FAA.
- (6) Utility connections. All utility connections to commercial mobile service facilities shall be installed beneath the ground surface.
- (7) Color.
 - (a) Towers. Towers shall be colored so as to reduce visual obtrusiveness, with a galvanized finish or painted a neutral or a camouflaging color, , subject to any FAA restrictions.
 - (b) Antennas. Antennas and accessory equipment installed on existing structures shall be painted a color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (c) Accessory structures located at ground level. Accessory equipment and structures (other than towers) located at ground level shall be painted neutral colors that will blend with their natural surroundings to the maximum extent possible.

- (8) Tower access and parking. A road and parking for one vehicle shall be provided in order to assure adequate emergency and service access. Maximum use of existing roads and drives shall be made, and at all times ground and vegetation disturbance shall be minimized.
- (9) Antennas affixed to the face of existing structures. Antennas affixed to the face of existing structures may not protrude in excess of five feet horizontally between the antenna and the existing structure face.
- (10) Tower co-location. Commercial mobile service towers shall, be designed so that they can be retrofitted, with site plan approval, to accommodate at least two providers. However, such co-location standards shall maintain the lowest tower height possible for the single applicant.
- (11) Accessory equipment located on building roofs. Any accessory equipment located on building roofs shall be located so as not to be seen or so as to minimize visibility from ground level.
- (12) System connections. Where technologically feasible, connections between commercial mobile service facilities and the network of which they are a part shall be made by use of land line cable rather than by parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.
- (13) Tower setbacks. Towers shall not be located closer than 200 feet to the nearest residential property line. In all other cases, towers shall be set back from adjoining properties a distance equal to at least the fall zone (tower height plus 10%) of such tower. Furthermore, other telecommunication accessory facilities shall comply with all existing setbacks within the affected zone. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities. Additional setbacks may be required by the Zoning Board or Planning Board to contain substantially onsite all icefall or debris from tower failure and/or to preserve privacy of adjoining residential and public property.
- (14) Visibility. All commercial mobile service facilities shall be sited, located and designed so as to have the least possible practical visual impact on the environment and surroundings.
- (15) Fall zones. Telecommunication facilities shall be constructed so as to minimize the potential safety hazards and be located in such a manner that if the facility should fall, it will remain within the property boundaries and avoid habitable structures, public streets, utility lines and other telecommunication facilities.

F. Factors and considerations in granting special use permits for commercial mobile service facilities. The following factors and considerations shall be considered by the Zoning Board of Appeals in reviewing applications for special use permits related to commercial mobile service facilities in addition to the standards and findings required in Article XII of the Zoning Ordinance:

- (1) The applicant must demonstrate that location of the commercial mobile service facility, as proposed, is necessary to meet the frequency reuse and spacing needs of

the applicant's system and to provide adequate service and coverage to the intended area.

- (2) The applicant must demonstrate that all reasonable measures have been taken to minimize the visual impacts of the proposed facilities.
- (3) Additional standards and factors to be considered in reviewing special use permits relating to towers:
 - (a) Height of the proposed tower.
 - (b) Proximity of the proposed tower to residential structures and residential district boundaries.
 - (c) Nature of uses on adjacent and nearby properties.
 - (d) Surrounding topography.
 - (e) Surrounding existing tree coverage and foliage.
 - (f) Design of the proposed tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (g) Proposed ingress and egress to site.
 - (h) Alternatives analysis. The applicant must demonstrate that no existing structure, tower or alternative technology that does not require the construction of a new tower can accommodate the applicant's coverage and service needs, i.e., that the proposed site is the most appropriate site among those available. Evidence submitted to demonstrate that no such alternative is reasonably available may consist of the following:
 - [1] No existing towers or structures which meet the applicant's engineering requirements are located within the geographic area (search ring).
 - [2] Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - [3] Existing towers or structures do not have sufficient structural strength or space to support applicant's proposed needs.
 - [4] The applicant's proposed antenna would cause electromagnetic interference with the existing or planned antennas on the existing towers or structures, or such existing or planned antennas would cause such interference with the applicant's antenna.
 - [5] The existing tower or structure owner is unwilling to provide access, or the fees, costs or contractual provisions required by the owner of the existing tower or structure in order for the applicant to co-locate on such tower or structure are unreasonable. Costs exceeding new tower construction are presumed to be unreasonable.
 - [6] The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.

[7] There is no governmental (federal, state or local) property available to the applicant within the geographical area (search ring) which will meet the applicant's engineering requirements.

(i) Vegetation and screening.

[1] Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter shall take place prior to approval of the special use permit. Clear-cutting of all trees in a single contiguous area shall be minimized to the extent possible.

[2] The Zoning Board may require appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

G. Application materials and supporting documentation.

(1) The following information shall be submitted in support of any application (site plan, special permit, variance) for a commercial mobile service facility. This information is required in addition to any other information or documents required under sections of the Zoning Ordinance pertaining to site plan review, special use permits or variances.

(a) Full application on forms provided by the Town with review fees, including the names, addresses, phone and fax numbers of the following involved parties, as appropriate:

[1] The landowner of the project site to be purchased or leased;

[2] The service provider-corporate and point of contact [include the FCC license number and certificate of need as a public utility (as/if applicable)];

[3] Engineering consultant(s);

[4] Legal representative(s); and

[5] Other authorized service providers proposing to co-locate on the tower now or in the near future.

[6] Where co-location is proposed, provide the names, addresses and phone numbers of the current owner(s) of the tower, building or structure upon which the co-location was considered or is proposed.

(b) Full environmental assessment form (long-form EAF), including a visual environmental assessment form (VEAF).

(c) The make and model of the planned facility.

(d) The manufacturer's design data pertaining to installation.

(e) The applicant's maintenance and inspection schedule.

(f) Identification of the effects such facility will have on other existing facilities.

- (g) A safety analysis and certification by a licensed professional engineer that the proposed facility will be in compliance with all applicable FAA and FCC laws and regulations.
- (h) Proof of the site owner's consent, if the applicant is not the owner of the site on which the applicant seeks to locate a commercial mobile service facility.
- (i) Inventory of existing sites. Each applicant shall provide an inventory of its existing tower sites or other buildings or structures suitable for potential co-location within the Town or within three miles of the border thereof, including specific information regarding the height, location and design of each tower facility or structure, including the name, address and phone number of the owners. The Town may share this information with other applicants without representing or warranting that such sites are available or suitable.
- (j) A site plan. An applicant seeking approval for siting a commercial mobile service facility shall submit:
 - [1] A narrative description of the proposed use, including:
 - [a] Existing site improvements, including access, utilities, and the presence of existing towers, buildings, or other structures;
 - [b] Vegetative cover (*e.g.*, plant cover types, species, tree types (average, minimum, and maximum); relative condition (health) of the vegetation; and tree stand (density) slopes;
 - [c] Soils and the depth to bedrock;
 - [d] Wetlands and surface water bodies;
 - [e] Site drainage;
 - [f] Any special plant and animal habitats contained on the NYSDEC Natural Heritage Program database;
 - [g] Any historic or archaeological resources on the site and any historic resources adjacent to the site; and
 - [h] Where co-location is proposed, provide to-scale site plans and elevations of the existing tower, building or structure to be used for co-location; provide plans, elevations and details showing the proposed electronic communication facilities and existing antennas located on the tower.
 - [2] A site plan in conformance with the Zoning Ordinance which, in addition to the items required to be shown hereunder, shall include the following items:
 - [a] The exact location of the proposed facility, including any mounting devices, appendages, support structures and accessory equipment, storage cabinets, or other materials used in connection therewith.
 - [b] The location of all structures on the site.

- [c] The maximum height, each of the proposed facility and any structure on which it is proposed to be affixed.
- [d] The location, type and intensity of any lighting.
- [e] Property boundaries, adjacent uses and zoning classifications; if part of a larger parcel; include a map of the larger, parent parcel and the location of the area to be acquired or leased for the project.
- [f] Names and addresses of adjacent property owners, as contained in public records.
- [g] Landscaping and screening plan, including type and size of existing vegetation and any proposed removal of same.
- [h] Location and nature of utility services and connecting land line.
- [i] Location and nature of access.
- [j] Details showing compliance with these regulations.
- [k] Scale, North arrow, date and name of preparer.
- [l] All bodies of water, wetlands, permanent or intermittent streams; and mean high water mark for larger bodies on or adjoining the project site.
- [m] Existing and proposed topographic contours at two-foot intervals in and within 200 feet of all proposed areas to be disturbed.
- [n] The proposed limits of vegetation disturbance and/or clearing related to the proposed construction of the site access, tower, and accessory structures.
- [o] All trees four inches or greater in size (diameter at breast height, DBH) to be removed.
- [p] All existing and proposed drainage and erosion control and stormwater management facilities.
- [q] For any new or improved access roads or driveways, provide a grading plan, center-line profile, and cross sections (every 100 feet, showing proposed and existing contours at two-foot intervals) and identify the construction material(s) (*e.g.*, gravel, asphalt).
- [r] Provide detailed construction plans and elevation of the proposed tower, antennas, equipment shelters (enclosing building, structure, cabinet, shed or box to contain batteries and electrical equipment); show all foundations, piers, structural supports, cross arms, guy wires and anchors, antenna-mounting mechanisms and signage; label the size, material and provide color samples of all towers, antennas,

and accessory structures (*e.g.*, equipment shelters, security fencing, signage).

- (2) Additional submission requirements for towers.
 - (a) Identification and description of any anti-climb device.
 - (b) A report from a licensed professional engineer which describes the tower, including its height and design, demonstrates the tower's compliance with applicable structural standards and describes the tower's capacity, including the number and types of antennas it can accommodate.
 - (c) A legal description (metes and bounds) of the site on which the tower is proposed to be located.
 - (d) The site plan shall also show distances between the proposed tower structure and structures on adjoining properties within 500 feet, together with the names and addresses of all property owners within 500 feet of the boundary of the property on which the tower is proposed, as contained in public records.
 - (e) A drawing of the proposed tower, including any proposed attachments, accessory equipment, cabinets or other items used in connection therewith.
 - (f) Identification and location of any commercial mobile towers located within the Town or within one mile of the Town, regardless of ownership.
 - (g) As-built drawings, within 30 days after completion of tower construction.
 - (h) Visual impact analysis as found in the sample provided in Appendix I of this Chapter.¹
 - [1] In addition, the applicant shall submit photo documentation to demonstrate the potential visual impacts from vantage points selected by the reviewing board. Photo documentation shall also be provided to demonstrate that no more than 20 feet of the structure and associated antenna are visible from all residential properties within 1 mile of the site at the time of application to the Town. Visibility will be determined during warm months when leaves are on deciduous trees. The applicant will coordinate photo documentation efforts with the Town's Code Enforcement Officer. The photo documentation shall demonstrate the twenty-foot exposure compliance at a scale of approximately one inch equals 10 feet. The Zoning Board of Appeals will be the sole authority in determining whether the twenty-foot criteria have been met.
 - (i) Telecommunications data. The following documentation will accompany the initial application for new base transceiver station (BTS) facility construction or colocation. Two distinct classes of proposed sites are coverage sites and capacity sites. Some items listed below may not be required in cases where the reviewing board determines that the proposed

¹ Editor's Note: Appendix I is on file in the Town offices.

site is suitable as proposed. Such cases may arise when it is determined that a site will not cause significant visual impact.

- [1] Additional application document submissions relevant to BTS coverage sites:
 - [a] Search ring map with alternate sites marked.
 - [b] Existing cellular/PCS coverage propagation plot showing existing operational neighboring sites up to 1/2 mile beyond the boundary of the municipality.
 - [c] Depiction of all currently proposed sites that are not the subject of the pending application from the last two years.
 - [d] A list of a reasonable number of alternate primary and secondary sites/locations (one plot per proposed site, antenna elevation at the required height) evaluated by the applicant.
 - [e] A narrative of sufficient detail to demonstrate to the reviewing board why any individual site is deemed non-viable (technical and/or visual) and why the proposed site stands out as the best visual prospect of all the alternate sites.
- [2] Initial application documents relevant to BTS capacity sites.
 - [a] History plot of busy hour capacity approaching sector capacity.
 - [b] Statistical call record data to demonstrate coverage capacity shortage.
 - [c] Information demonstrating the proposed site will provide sufficient coverage overlap to the capacity challenged site(s).
 - [d] A narrative or outline addressing the antenna height required for the new capacity site and the reduction of antenna height (if so proposed) that results at neighboring sites. Such antenna height reductions may provide the opportunity for removal of tower sections so as to reduce the existing visual impact.

- H. Removal of unused towers; demolition bond. An applicant seeking permission to construct a commercial mobile service tower shall agree, in writing, to remove such tower and related facilities if it becomes obsolete or ceases to be used for its intended purpose for a period of 12 consecutive months. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The applicable board shall require the applicant to provide a demolition bond or other security acceptable to the Town for the purpose of removing such facilities in case the applicant fails to do so as required above.

I. Fees.

- (1) An applicant for site plan approval, a special use permit, or use variance for a commercial mobile service facility shall submit a nonrefundable fee, as established from time to time by resolution of the Town Board, to reimburse the Town for the costs of reviewing such applications. Such fee shall be a deposit, and the applicant shall reimburse the reasonable and necessary costs associated with review of its application.
- (2) In addition to the preceding subsection, the applicable board(s) may retain technical consultants as it deems necessary to provide assistance in the review of the site location alternatives analysis. The applicant shall bear all reasonable and necessary costs associated with such consultation, which shall be assessed as an additional application fee. These additional costs shall be limited to the consultant's review of the site location alternatives analysis and its report to the applicable board(s).

J. Exemptions. The following are exempt from the provisions of this section:

- (1) Commercial mobile service facilities located on Town of Cazenovia property.
- (2) Private, noncommercial television and radio antennas.
- (3) Commercial mobile service facilities may be repaired or maintained without restriction.
- (4) Law enforcement, fire control, E911 and medical emergency facilities.

K. Waivers. In approving a site plan or special use permit, the Board of Appeals or the Town Planning Board, as the case may be, may waive any of the provisions of these regulations when it finds that doing so will have no detrimental impact on surrounding properties or on the public health, safety and welfare and that such waiver is in keeping with the purposes herein set forth.

L. Power to impose conditions. In granting any site plan approval, special use permit or variance for a commercial service facility, the Board of Appeals or the Town Planning Board, as the case may be, may impose conditions to the extent that such board concludes that such conditions are necessary to minimize any adverse effect of the proposed tower on neighboring properties.”

SECTION 4. VALIDITY & SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall be effective upon adoption.