

LOCAL LAW NO. 4 OF 2021
EXTENDING THE MORATORIUM ON
WIRELESS TELECOMMUNICATION FACILITIES IN THE TOWN OF CORINTH

NOW, THEREFORE, BE IT ENACTED BY THE CORINTH TOWN BOARD AS FOLLOWS:

1. Title and Authority: This Local Law shall be known as the Town of Corinth Wireless Telecommunication Facilities Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.

2. Purpose: (a) The Town Board recognizes that wireless telecommunications facilities (or "cell towers") offer benefits for wireless communications and, as such, the development of wireless telecommunications facilities continues to grow. However, the installation of large-scale wireless telecommunications facilities, equipment and accessories may have adverse impacts on neighboring land uses while the Town of Corinth's Land Use Law currently does not provide any regulation of these facilities. This Moratorium is necessary in order to temporarily restrict the development of wireless telecommunications facilities so that the Town Board may consider enactment of land use regulations to encourage appropriate development of wireless telecommunications facilities that is consistent with the Town's land use development and zoning objectives. The Town Board has determined that this would best enhance and protect the health, safety and welfare of the citizens of the Town of Corinth. This moratorium is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services and shall not be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

(b) The Town Board previously imposed a six-month Moratorium on the construction establishment, installation, review or approval of any new Wireless Telecommunications Facilities from March 11, 2021 until September 11, 2021, and a draft Local Law is being prepared to address issues presented by Wireless Telecommunications Facilities. However, the Board has determined that additional time is needed for its review of proposed regulations, finalization of a draft Local Law and compliance with statutory procedural requirements to ensure that regulations governing Wireless Telecommunications Facilities adequately protect the public health, safety and welfare of the citizens of the Town.

3. Definitions:

"Wireless Telecommunications Facility" means any ground-mounted pole taller than 35 feet in height, including supporting lines, cables, wires, braces and masts, built

for the purpose of mounting a wireless telecommunications equipment, including telephone service, which is capable of receiving and/or transmitting signals.

4. Moratorium Extension: The Corinth Town Board hereby extends the Moratorium on the construction establishment, installation, review or approval of any new Wireless Telecommunications Facilities from the expiration of the current moratorium on September 11, 2021 until March 11, 2022, and further provides that no application for Wireless Telecommunications Facilities will be accepted or reviewed during that period. The provisions of this Local Law shall be applicable to any construction, establishment, installation, review or approval of any new Wireless Telecommunications Facilities, for which applications for all necessary Town approvals had not been made by March 11, 2021.

5. Additional Extensions: This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Corinth and accomplish the stated purposes and intent of this Local Law.

6. Termination: This moratorium may be terminated earlier than March 11, 2022 upon enactment of local legislation governing Wireless Telecommunications Facilities.

7. Variance Procedure: The Town Board shall have the power, after a Public Hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose extraordinary hardship upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk. The Town Board shall conduct a Public Hearing on the application on not less than five (5) days' public notice and shall make its decision within thirty (30) days after the close of the Public Hearing. Any project which is granted a variance from this Local Law shall be subject to all requirements under the Town Code which would have been applicable to the project if the moratorium had not been adopted.

8. Severability: The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

9. Effective Date: This Local Law shall take effect upon filing by the Office of the New York Secretary of State or as otherwise provided by law and shall be operative as of September 11, 2021 as provided in paragraph 4 above.