

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Greenburgh

FILED  
STATE RECORDS

OCT 24 2022

Local Law No. 16 of the year 2022 DEPARTMENT OF STATE

A local law modifying Chapter 480 of the Code of the Town of Greenburgh, entitled Antenna Review  
(Insert Title)  
Board, reducing the number of members to three and creating an alternate member  
position

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

County  City  Town  Village  
(Select one.)

of Greenburgh

as follows:

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 16 of 2022 of the (County)(City)(Town)(Village) of Town of Greenburgh was duly passed by the Town Board on October 18 2022, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*[Handwritten Signature]*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *October 21, 2022*

(Seal)

*[Faint circular stamp]*



## TOWN of GREENBURGH

### Local Law No. 16 / 2022

A local law amending Chapter 480 of the Code of the Town of Greenburgh entitled, "Antenna Review Board," pursuant to New York State Constitution Article IX and New York Municipal Home Rule Law Section 10, New York Environmental Conservation Law Article 8 (SEQR).

**BE IT ENACTED** by the Town Board of the Town of Greenburgh:

- § 1. **Title.**
- § 2. **Legislative Findings and Intent.**
- § 3. **Amendment to § 480**
- § 4. **Supersession.**
- § 5. **Severability.**
- § 6. **Effective Date.**

**§ 1. Title.**

This law is entitled "A local law amending Chapter 480 of the Code of the Town of Greenburgh, "Antenna Review Board."

**§ 2. Legislative Findings and Intent.**

The Town Board of the Town of Greenburgh finds it in the best interest of the Town to amend Chapter 480 of the Code of the Town of Greenburgh to update the number of members which would constitute the Antenna Review Board.

**§ 3. Amendments to Chapter 480.**

Chapter 480 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in ~~strikeout~~; new text underlined):

§ 480-1. Establishment.

An Antenna Review Board is hereby created, consisting of three members appointed by the Town Board to serve staggered three-year terms to review ongoing advancements in antenna technology, monitor zoning code compliance with Federal Communications Commission rulings, offer recommendations to the Town Board regarding subsequent amendments and enforcement, offer recommendations on special permit and variance applications to the Zoning Board of Appeals or Town Board as to the siting of antenna(s) and antenna support

structure(s) and the aesthetic considerations stated in § 285-37A(20) when requested by such Boards, offer recommendations to applicants on as-of-right applications as to the siting of antenna(s) and antenna support structure(s), and to act as a board to make determinations as to the completeness of antenna applications with respect to § 285-37A(16) and to act as a board with decision-making responsibilities and final review authority as to the aesthetic considerations stated in § 285-37A(20) and § 285-37A(3)(i) and visibility considerations in § 285-37A(2) on as-of-right applications. The creation of such Board shall be consistent with the following.

§ 480-2. Appointment of members.

The Town Board shall appoint an Antenna Review Board consisting of three members knowledgeable of Federal Communications Commission rulings, communications law and Town-wide planning objectives and shall designate the Chair thereof. When selecting candidates for the Antenna Review Board, the Town Board shall weigh and consider geographical representation and endeavor to ensure that membership is representative of the larger population to the extent possible. In the absence of a Chair, the Advisory Board may designate a member to serve as Acting Chair. The Town Board may provide for compensation to be paid to experts, clerks and a secretary out of antenna escrow funds and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purpose. In making such appointments, the Town Board may require Antenna Review Board members to complete training and continuing education courses to ensure competency in the subject area. A member of the Conservation Advisor Committee, Zoning Board of Appeals or Planning Board may serve on the Antenna Review Board; however, no person who is a member of the Town Board shall be eligible for membership on the Antenna Review Board. The Town Board may appoint one alternate member to serve on the Antenna Review Board to participate in all meetings of the board, with voting privileges only when so designated by the Chair when a member is unable to attend a board meeting or is recused on a specific application, or when a member has resigned.

§ 4. **Supersession:**

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

§ 5. **Severability:**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**§ 6. Effective Date:**

This law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH AMENDING CHAPTER 480 OF THE CODE OF THE TOWN OF GREENBURGH REDUCING THE NUMBER OF MEMBERS OF THE ANTENNA REVIEW BOARD TO THREE AND CREATING AN ALTERNATE MEMBER POSITION**

**WHEREAS**, on Wednesday, October 12, 2022, the Town Board conducted a Public Hearing to consider a Local Law amending Chapter 480 of the Code of the Town of Greenburgh entitled “Antenna Review Board,” reducing their members to three (3) and creating an alternate member position; and

**WHEREAS**, after considering comments at the Public Hearing, the Town Board concludes and finds it in the best interest of the Town to amend Chapter 480 of the Code of the Town of Greenburgh to update the number of members of the Antenna Review Board;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby adopts the attached Local Law amending Chapter 480 of the Code of the Town of Greenburgh reducing the number of members of the Antenna Review Board to three and creating an alternate member position.

