

Local Law # 2-2013

**A LOCAL LAW TO AMEND THE ZONING CODE OF THE TOWN OF CLARKSON**

Be it enacted by the Town Board of the Town of Clarkson:

**Section 1.** This Local Law is enacted pursuant to the authority contained in Article 2 of the Municipal Home Rule Law of the State of New York and Article 16 of the New York State Town Law.

**Section 2.** That the purpose of this Local Law is amend Section 140-16.1 of the Clarkson Code with respect to telecommunications towers.

**Section 3. §140-16.1 the Clarkson Code is amended as follows:**

**Paragraph E (4) (c) is amended as follows:**

**The sentence “In all cases, guyed towers shall be preferable to freestanding structures.” shall be deleted.**

**Paragraph G is amended to read as follows:**

**G.** When an applicant wishes to make a change to an existing tower, and that the applicant contends that the modification does not substantially change the physical dimensions within the meaning of Section 6409 of the 2012 Middle Class Tax Relief and Job Creation Act, the following procedure shall apply:

- (1) The application shall be submitted to the Building Inspector accompanied by the required fee and deposit.
- (2) The Building Inspector shall forward the application to the following:
  - (a) Town Engineer for a written report regarding any structural changes or concerns.
  - (b) The RF Engineer selected by the Town Board for a written report with respect to the justification submitted by the applicant.
- (3) Upon receipt of the two written reports if, in the opinion of the Building Inspector, there is no substantial change being proposed, and upon the payment of any building permit fees and balances due for engineering, the Building Inspector shall issue the requested permit.
- (4) Upon receipt of the two written reports, if in the opinion of the Building Inspector, there is a substantial change being proposed, the Building Inspector

shall refer the application to the Zoning Board of Appeals for modification of the Special Use Permit and the Planning Board for Site Plan Approval.

(5) Anyone aggrieved by the Building Inspector's decision under (3) or (4) above shall have the right to appeal the decision to the Zoning Board of Appeals which appeal may be concurrent with the application of modification of the Special Use Permit.

**Existing paragraph G shall be renumbered paragraph H and the text shall remained unchanged,**

**Section 4. Severability.** The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

**Section 5.** That this local law shall take effect immediately.