

## **PROPOSED LOCAL LAW 7-2021**

**(Formerly Proposed Local Law 8-2019)**

A Local Law amending Chapter 246 (Telecommunications) of the Village of Ossining Code.

**BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:**

**Section 1.** Chapter 246, Section 19 (Telecommunications- Public Hearing Required) is amended as follows by adding new subsections C, D, E, F, G and H with new matter underlined.

**C** In addition to the notice requirement detailed in subsection A, every applicant for a special use permit for wireless telecommunications facilities must post one or more notification signs on the property which is the subject of said application no later than ten (10) calendar days prior to the initial public hearing on the application and must maintain the posted sign(s) in place until the Board of Trustees has rendered its final decision approving or denying said application. The applicant shall post one sign per 300 linear feet of frontage on each street upon which the subject property fronts. The sign(s) shall be erected not more than 10 feet from each boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of each sign so erected shall be positioned no less than 14 inches and no more than 36 inches above the ground. In the event that the subject property abuts more than one road, additional signs will be posted facing each road on which the property abuts. If the sign(s) visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign(s) from the road. If the property does not abut a public road, one or more signs shall be posted in Village-approved locations that can readily be seen by the public. Any sign(s) erected under this provision must be removed and returned to the Village of Ossining Planning Department within ten (10) calendar days after the approval authority has rendered its final decision approving or denying said application. The size and location of sign(s) will be determined by the Director of Planning.

**D.** In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign(s) within five calendar days of withdrawing the application or of receiving notice from the approval authority that the application has been designated inactive. For the purposes of this section, any application which has not appeared on the Board of Trustees' agenda for six or more months shall be designated inactive. The Board of Trustees shall notify the applicant in writing that the application has become inactive and instruct the applicant to remove the sign(s) until such time as the application shall be reactivated. Once the application is reactivated, the sign(s) shall be posted within three calendar (3) days.

**E.** Signage.

The Village of Ossining Planning Department will supply the sign(s), and the initial cost will be included in the application fee. However, if the Director of Planning

determines that signs larger than those provided by the Planning Department are required, the applicant shall be responsible for obtaining the signs at the applicant's expense. The applicant shall be responsible for replacing any sign(s) that is (are) damaged, destroyed, lost or stolen during the pendency of the application. A replacement fee will be charged for each sign that needs to be replaced. The sign(s) shall indicate the time and place of the public meeting on the application and such other information as deemed necessary by the Planning Department.

- F. The applicant shall maintain the sign(s) and ensure that it remains plainly visible and legible while the application is pending. If the applicant places sign(s) at the time and in the manner detailed in this section, but the sign(s) does not stand for the entire period required, the Board of Trustees, if satisfied that the sign(s) had stood for a sufficient period of time and that the applicant had taken all reasonable steps to restore the sign(s) once the applicant had become aware that the sign(s) was not standing, may act upon the application if the applicant can demonstrate to the Board of Trustees' satisfaction that the failure to comply was not the applicant's fault.
- G. If final action is not taken upon an application on the date shown on the sign(s), the sign(s) shall be updated to show the next date, time and place when the application will appear on the agenda of the approval authority. The sign(s) shall be updated no later than ten (10) calendar days before the date of the meeting when the application will next appear on the agenda of the Board of Trustees.
- H. At least twenty-four (24) hours prior to the public hearing/public meeting, the applicant shall submit to the Planning Department an affidavit stating that the applicant has posted the sign(s) meeting the requirements described in this section along with photographic evidence to verify the placement and maintenance of the sign(s).

## **Section 2. Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.