

TOWN OF HARPERSFIELD
LOCAL LAW NO. 003 OF THE YEAR 2024

AMENDING THE TOWN OF HARPERSFIELD COMMUNICATION TOWER AND
FACILITIES LAW.

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

SECTION 1. LEGISLATIVE INTENT. This Local Law is adopted to further the intent and purpose of the Harpersfield Communication Tower and Facilities Local Law which seeks to accommodate necessary infrastructure for the provision of communication services within the Town, and to address the visual, aesthetic and land use compatibility aspects of communications facilities, towers and antennas. Specifically, this Local Law seeks to accommodate advances in communications technology since the original Law was adopted in 2001 by giving the Planning Board the ability to consider and grant waivers from the strict application of the Law's requirements upon good cause shown.

SECTION 2. AUTHORITY. This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

SECTION 3. AMENDMENT. Local Law No. 001 Of The Year 2001, entitled the Town of Harpersfield Communication Tower and Facilities Law, is hereby amended to add a new Section 502, entitled "Waiver Provision" as follows:

SECTION 502 – "Waiver Provision". The Planning Board of the Town of Harpersfield may, after a public hearing (which may be combined with other public hearings on the proposed facility) grant a waiver from the strict application of the standards set forth in Section 501 (A) for good cause shown, as determined by the Town of Harpersfield Planning Board. A request for a waiver must be submitted in writing at the time of the application and shall be referenced in all public hearing notices on the application.

SECTION 5. SEVERABILITY. If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Local Law shall remain in effect.

SECTION 6. EFFECTIVE DATE. This Local Law shall take effect upon filing with the Secretary of State.