

MEMORANDUM

TO: Anthony Ruggiero, City Administrator

FROM: Keane & Beane, P.C.

RE: Proposed Local Law on Wireless Telecommunication Facilities

DATE: December 3, 2018

On August 6, 2018, the City Council adopted Local Law 13-2018 to create Section 223-26.4 of the Code of the City of Beacon to regulate small cell wireless facilities. This local law specifically established policies and procedures for the deployment and installation of small cell wireless telecommunication facilities in the City of Beacon.

Existing Section 223-24.5 of the Code of the City of Beacon regulates all other wireless telecommunication facilities not specifically addressed by the provisions of Local Law 13-2018. Section 223-24.5 requires all these wireless telecommunication facilities to obtain a special use permit from the City Council. The purpose of these regulations is to reasonably control the location, construction, and maintenance of wireless telecommunication service facilities in the City of Beacon. These provisions have not been updated since 2002. As they exist now, the provisions set forth in Section 223-24.5 conflict with Local Law 13-2018.

Our office has prepared the attached local law to update Section 223-24.5 to regulate the placement, construction, and modification of wireless telecommunication facilities not regulated by Local Law 13-2018, to protect the City's health, safety, welfare, and environmental features. The proposed amendments to Section 223-24.5 eliminate any conflict with the provisions of Local Law 13-2018. Specifically, the proposed local law makes it clear that wireless telecommunication facilities that obtain small cell permits from the Planning Board are exempt from the special permit application process and requirements set forth in Section 223-24.5. The proposed local law also sets forth different locational priorities for small cell facilities and other wireless telecommunication service facilities and requires applicants to submit additional information with their special use permit application. In addition, the proposed local law includes provisions to regulate the removal of wireless telecommunication facilities (§ 223-24.5T). This section is also the same as §223-26.4K of Local Law 13-2018.

It is important to note that certain small cell facilities will require special permit approval if the small cell facility fails to meet requirements set forth in § 223-26.4C(3) of Local Law 13-2018. The special permit approval process is designed to capture

different types of wireless telecommunication facilities that are not described in or regulated by Local Law 13-2018.

The City Council will need to workshop the attached local law and hold a public hearing. An EAF is not required, however the local law will need to be referred to the Dutchess County and City Planning Boards.

Please let us know if you have any questions or comments.

Ecc: Nicholas Ward-Willis, Esq.
Jennifer Gray, Esq.
Tim Dexter, Building Inspector
John Clarke, City Planner