

A local law amending Local Law No. 2 of the year 2006 to provide for a waiver procedure for certain fees and the deposit required by such local law.

1. Section 20 of Local Law No. 2 of the year 2006 (the Telecommunications Tower Siting Law for the Town of Dryden) is hereby amended to add a new subsection C to read as follows:

“C. (1) At the time that a person submits an application for a Special Use Permit for a Telecommunications Tower, or for co-location on an existing Telecommunications Tower, the applicant may submit a written request for a waiver of a portion of the application fee called for in subsection A above, and/or for the initial deposit required by Section 14(B) above, and/or for the payment of the reasonable costs of the Town’s consultant and expert evaluation of any such application as required by Section 14(B).

(2) No such request shall be considered unless it is in writing and submitted at the time the application is submitted.

(3) No application shall be considered complete until the town board has determined by resolution such request. The town board shall hold a public hearing at least ten (10) days prior notice. At such public hearing the applicant, or the applicant’s authorized representative, shall present the case for such a waiver. In determining such request the town board shall consider only such materials that have been submitted in support of, and in opposition to, such request and the comments made at such public hearing. In submitting such request the applicant shall be deemed to have extended the time in which the town board must decide such application by sixty-two (62) days.

(4) In determining such request for a waiver the town board shall consider the following:

(a) Whether there is public funding involved for the proposed project, the source thereof and the amount in relation to the total project cost;

(b) Whether the proposed project would serve an existing under or un-served population of the town;

(c) Whether the proposed project would benefit public centers such as schools, community centers, fire stations, etc.;

(d) Whether a similar or the same designed tower is proposed on multiple sites;

(e) The completeness and sufficiency of the application and the supporting documentation submitted therewith as required by Local Law No. 2 of the year 2006;

(f) Whether it is in the overall public interest to waive a portion of the fees and/or deposit.

2. This local law shall take effect upon filing with the Secretary of State and shall apply only to the application filed on or after the effective date.