

PUBLIC HEARING

April 28, 2021

At 8:05 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on April 28, 2021, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law to repeal Chapter 292 of the Town of North Castle Town Code entitled “Telecommunications Facilities” and create a new Chapter 292 entitled “Wireless Communication Facilities” to repeal certain existing provisions and enact new provisions relating to wireless telecommunications in the Town of North Castle.

The proposed local law is available in the Town Clerk’s office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Alison Simon, Town Clerk

Dated: April 17, 2021  
Armonk, NY

The Public Notice was marked Exhibit “A” for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit “B” for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit “C” for the record.

Letter from Director of Planning Adam Kaufman, dated February 5, 2021 was marked Exhibit “D” for the record.

Letter from Westchester County Planning Board, dated April 23, 2021, stating that the matter was for local determination, was marked Exhibit “E” for the record.

Short Environmental Assessment Form (EAF), Parts 1, 2, and 3 was marked Exhibit “F” for the record.

The Town Clerk noted there was a Negative Declaration for consideration.

The Town Clerk noted there was a proposed Local Law for consideration.

The Town Clerk noted there was a Revised Master Fee Schedule, to include Application Fees and an Annual Fee, for consideration.

The Town Clerk noted there was a Small Wireless Communications Facility Design Manual for consideration.

Supervisor Schiliro noted that the Town Board engaged the Cohen Law Group in 2020 to revise the draft wireless facilities local law. The Board held a Work Session with the Cohen Law Group on April 22, 2021 to review the proposed local law.

Director of Planning Adam Kaufman explained that the existing telecommunications facilities law deals with the existing 4G technology with a few cell towers or building mounted towers which can cover the majority of the Town. The purpose of the proposed local law is to describe and regulate how 5G cells will be constructed within the Town. Mr. Kaufman noted that the FCC (Federal Communications Commission) has said that these types of facilities can be installed within the right-of-way. He explained that the biggest technological difference between the existing 4G technology and the 5G technology is the frequency of the broadcast of the antennas which requires more antennas throughout the Town. Mr. Kaufman said the most

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expedient way to accomplish this is to install antennas on utility poles in the right-of-way. The proposed local law is very specific with regard to the appearance of the antennas and their preferred location siting. In order to regulate the antennas under the FCC parameters, the Town must comply with FCC requirements; the most significant is a very short window to review the applications.

As stated in Mr. Kaufman's letter to the Town Board, dated February 5, 2021, the proposed local law would require Planning Board approval of all new smaller cells installations, would continue to require to Town Board approval of all new large wireless facilities, require minimization of visual impacts, sets up preferred location siting, and creates regulations and fees applicable to permits in the public right-of-way.

Town Attorney Roland Baroni confirmed that the Town Board has not yet received a recommendation from the Planning Board, and the public hearing should be adjourned to the second meeting in May.

Councilman Berra moved, seconded by Councilman Reiter, receipt of a letter from the Westchester County Planning Board, dated April 23, 2021.

Councilman Hussain expressed support of the proposed local law, noting there is a balance between regulating visual impact, and not making it too difficult to bring new technology to the Town. Councilman DiGiacinto also expressed support of the proposed local law.

Discussion took place regarding the process for the review of proposed language changes to the proposed local law.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman Reiter, that the Public Hearing be adjourned at 8:27 p.m., and reconvened at the May 26, 2021 Town Board Meeting.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

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Alison Simon, Town Clerk

Dated: May 7, 2021