Village of Stillwater

Local Law No. 3 of 2026

TELECOMMUNICATIONS TOWERS

SECTION 1. Purpose.

(A) The purpose of this article is to promote the health, safety, and general welfare of the residents of the Village of Stillwater; to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment, and appropriate landscaping.

(B) Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 in effect mandates that, notwithstanding Section 704 of the Telecommunications Act of 1996 or any provision of law, a state or local government may not deny, and shall approve, any request relating to an eligible facility for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. A request relating to an eligible facility, in accordance with the Middle Class Tax Relief and Job Creation Act of 2012, means any request for modification of an existing wireless tower or base station that involves:

(1) Co-location of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

(C) Any request made pursuant to § 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 shall follow the application process of this local law (Section “3”, Shared use of existing tall structures).

(D) Pursuant to FCC Declaratory Ruling WT Docket No. 08-165, November 18, 2009, the "reasonable period of time" for state and local zoning authorities to act on a request for expansion of wireless networks is 90 days for processing a co-location application and 150 days for processing applications other than co-locations.

SECTION 2. Compliance Required; Applicable Regulations; Exemptions.

(A) No telecommunications tower, except those approved prior to the effective date of this article, shall be used unless in conformity with this article. No telecommunications tower shall hereafter be erected, moved, reconstructed, changed or altered unless in conformity with this article. No existing structure shall be modified to serve as a telecommunications

tower unless in conformity with this article.

(B) Applicants proposing to co-locate on a previously approved telecommunications tower do not require a special permit. They are, however, subject to site plan review in accordance with Article V of the Village's Form-Based Code. The Village Board ("Planning Board" or "Board") may require the applicant to submit any of the items under Section "8" below as part of the site plan review process.

(C) These regulations shall apply to all property within (1) the V-3 Transect Zone that is located west of NYS State Route 4 and 32 and (2) the V-5 Transect Zone located north of County Route 76 that is located west of Palmer Street, Champlain Road and Colonial Road. Telecommunications towers shall be specifically excluded from all other zones and areas.

(D) Applications for construction of new telecommunications towers shall comply with the Code of Federal Regulations pertaining to objects affecting navigable airspace, as delineated within Federal Aviation Regulations (FAR), Part 77. Additionally, no application for construction of a new telecommunications tower will be approved if the proposed tower violates the criteria for obstructions to air navigation as established by FAR Part 77, Subpart C, Obstruction Standards.

(E) These regulations shall not apply to any telecommunications towers operated by or on behalf of government for public or municipal purposes.

SECTION 3. Shared use of existing tall structures.

At all times, shared use of existing tall structures (for example municipal water towers, multistory buildings, church steeples, farm silos, etc.) and existing or approved towers (see Section "2(B)" above) shall be preferred to the construction of new towers.

(A) An applicant proposing to share use of an existing tall structure shall be required to submit:

(1) A completed application for a special permit.

(2) Documentation of intent from the owner of the existing facility to allow shared use.

(3) A site plan. The site plan shall show all existing and proposed structures and improvements, including antennas, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan.

(4) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure and explaining what modifications, if any, will be required in order to certify to the above.

(5) A completed short EAF and a completed visual EAF addendum.

(6) A copy of its Federal Communications Commission (FCC) license.

(B) If an applicant proposing to share use of an existing tall structure submits complete and satisfactory documentation in accordance with Subsection "A" above, and if modifications indicated according to Subsection "A" are deemed insignificant by the Planning Board, and after the Planning Board conducts a public hearing and complies with all SEQRA provisions, the Planning Board shall grant a special permit without further review under this article. If the Planning Board determines that any modifications indicated according to Subsection "A" are significant, it may require further review according to Sections "8" through "17" below.

SECTION 4. New telecommunications towers.

The Planning Board may consider a new telecommunications tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Planning Board in consultation with the applicant. The report shall outline opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good-faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.

SECTION 5. Shared use of existing tower sites for placement of new towers.

Where shared use of existing tall structures and existing or approved towers is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Section "4" above. Any proposals for a new telecommunications tower on an existing tower site shall also be subject to the requirements of Sections "8" through "17" below.

SECTION 6. New towers at new locations.

The Planning Board may consider a new telecommunications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical, and submits a report as described in Section "4" above, and when the Planning Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with Section "5" above. Any proposal for a new telecommunications tower shall also be subject to the requirements of Sections "8" through "17" below.

SECTION 7. Future shared use of new towers.

The applicant shall design a proposed new telecommunications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Board a letter of

intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. This letter shall be filed with the Building Inspector prior to issuance of a building permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special permit. The letter shall commit the new tower owner and his/her successors in interest to:

(A) Respond within 90 days to a request for information from a potential shared-use applicant.

(B) Negotiate in good faith concerning future requests for shared use of a new tower by other telecommunications providers.

(C) Allow shared use of the new tower if another telecommunications provider agrees, in writing, to pay reasonable charges. The charge may include but is not limited to a prorated share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

SECTION 8. Site plan review submission requirements.

(A) An applicant shall be required to submit a site plan in accordance with Article V of the Village's Form-Based Code. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire and anchors, antennas, parking and landscaping, and shall include grading plans for new facilities and roads.

(B) Supporting documentation. The applicant shall submit a complete short EAF, a complete visual environmental assessment form (visual EAF addendum), and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The applicant shall also submit a copy of its Federal Communications Commission (FCC) license.

(C) Lot size and setbacks. All proposed telecommunications towers and accessory structures shall be located on a single parcel and shall be set back from abutting parcels and street lines a distance sufficient to substantially contain on site all icefall or debris from tower failure and to preserve the privacy of any adjoining residential properties.

(1) The lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire area required shall be leased from a single parcel, unless the Board determines that this provision may be waived.

(2) Telecommunications towers shall be set back from the property line of the lot on which it is located at a distance equal to, not less than, the total height of the facility, including support structure, measured from the highest point of such support structure to the finished grade elevation of the ground on which it is situated, plus ten percent (10%) of

such total height. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

(D) Visual impact assessment. The Planning Board may require the applicant to undertake a visual impact assessment, which may include:

(1) A Zone of Visibility Map shall be provided in order to determine locations where the tower may be seen.

(2) Pictorial representations of "before" and "after" views from key viewpoints, both inside and outside of the Village, including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Planning Board shall determine the appropriate key sites at a presubmission conference with the applicant.

(3) Assessment of alternative tower designs and color schemes, as described in Section “9” below.

(4) Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

SECTION 9. New tower design.

(A) Alternative designs shall be considered for new towers, including lattice and single-pole structures. The design of a proposed new tower shall comply with the following:

(B) Any new tower shall be designed to accommodate future shared use by other telecommunications providers.

(C) Unless specifically required by other regulations, a tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.

(D) The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state and/or federal law and/or regulation. The Planning Board, at its discretion, may modify this requirement if the applicant can justify the need to exceed this height limitation.

(E) The Planning Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower. The cost of this review shall be borne by the applicant.

(F) Accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

(G) No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, and streamers.

SECTION 10. Existing vegetation.

Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the approval of the special permit.

SECTION 11. Screening.

Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

SECTION 12. Access.

Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

SECTION 13. Parking.

Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard.

SECTION 14. Fencing.

The tower and any accessory structures shall be adequately enclosed by a fence, the design of which shall be approved by the Board. This requirement may be waived by the Planning Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

SECTION 15. Action upon discontinuance of use; removal.

The applicant shall submit to the Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the Building Inspector within 30 days of the discontinuance of use of the tower. This letter shall be filed with the Building Inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this article). Obsolete or unused towers and accessory structures shall be removed from any site within four months of such notification. Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations shall be a violation of this chapter and shall be punishable according to Article 8

VIII of the Village's Form-Based Code. The Planning Board may, at its discretion, also require the submission of a letter of credit guaranteeing the removal.

SECTION 16. Intermunicipal notification for new towers.

In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, and to assist in the continued development of County 911 services, the Planning Board shall require that:

(A) An applicant who proposes a new telecommunications tower shall notify, in writing, the legislative body of each municipality that borders the Village of Stillwater as well as the Saratoga County Planning Board and the Director of Saratoga County Emergency Services. Notification shall include the exact location of the proposed tower and a general description of the project, including but not limited to the height of the tower and its capacity for future shared use.

(B) Documentation of this notification shall be submitted to the Board at the time of application.

SECTION 17. Notification of nearby landowners.

The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within 500 feet of the property line of the parcel on which a new tower is proposed. Notice shall also be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Planning Board prior to the public hearing.