

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Nanticoke
Town
Village

Local Law No. 1 of the year 1984

A local law Providing That There Shall Be No Tax Exemption As Provided In Section 485-b of the Real Property Tax Law (Business Investment Exemption)

Be it enacted by the Town Board of the (Name of Legislative Body)

County
City of Nanticoke as follows:
Town
Village

SECTION 1. There shall be no tax exemption provided under Section 485-b of the Real Property Tax Law for any commercial, business or industrial improvements made subsequent to the effective date of this local law. The percentage of exemption, otherwise allowed pursuant to Section 485-b of the Real Property Tax Law with respect to certain real property in the Town of Nanticoke constructed, altered, installed or improved for the purpose of commercial, business or industrial activity be and the same is hereby reduced to zero, provided, however, that exemptions existing prior in time to the passage of this Local Law shall not be subject to such reduction so effected hereby.

SECTION 2. This Local Law shall take effect immediately.

Date: August 21, 1984

Dear Sir/Madam:

Please be advised that Local Law(s) No. 1 of 1984 of the Town of Nanticoke was/were received and filed on August 15, 1984

Additional forms for filing local laws with this office will be forwarded upon request.

TOWN OF NANTICOKE

LOCAL LAW NO. 3-1998

A LOCAL LAW IMPOSING AND EXTENDING A
3 MONTH MORATORIUM ON PLACEMENT OF
CELLULAR, DIGITAL AND TELECOMMUNICATION
ANTENNAS FOR A PERIOD OF 3 MONTHS

Section 1. Title.

This Local Law shall be referred to as the "Local Law Imposing and Extending a 3 Month Moratorium on Placement of Cellular, Digital and Telecommunication Antennas for a Period of 3 Months."

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Nanticoke (hereinafter referred to as Town) to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board (hereinafter referred to as Town Board) of the Town hereby declares a three month moratorium on the establishment, placement, construction, enlargement and erection of cellular, digital, and telecommunication antennas in the Town.

The Town Board finds and determines that:

A number of Towns near the Town recently received a number of applications for the construction and location of cellular telephone antennas. It is clear that applications for these facilities may be proliferating. The rapidly evolving technology and the unique location of several major transportation corridors, including Route 81 and Route 26, near or within the Town indicates that applications for the construction and location of

cellular telephone antennas may soon be received by the Town, and that similar applications for digital and telecommunication antennas may also be received.

The integration of these commercial facilities within the Town's existing pattern of predominantly residential and agricultural land use emphasizes the need for suitable siting, land use and zoning standards and controls with reference to cellular, digital, and telecommunication antennas.

The Town Board of the Town desires to address, in a careful manner, the establishment, placement, construction, enlargement and erection of cellular, digital, and telecommunication antennas on a comprehensive Town-wide basis, rather than on an ad-hoc basis, and to adopt Local Law provisions to specifically regulate same. The Town Board of the Town finds and determines that it needs to have the time period prescribed by this Local Law in order to study, in a careful manner, the issues described hereinabove.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any approvals which would have as the result the establishment, placement, construction, enlargement or the erection of a cellular, digital, or telecommunication antenna within the Town.

2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit which would have as a result the establishment, placement, construction, enlargement or the erection of a cellular, digital, or telecommunication antenna within the Town.

3. The Building and Code Inspector of the Town shall not issue any permit which would result in the establishment, placement, construction, enlargement or the erection of a cellular, digital, or telecommunication antenna within the Town.

B. The Town Board of the Town reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 4. No Consideration of New Applications.

No applications for construction affected by this Local Law or for approvals for site plan, subdivision, variance, special use permit or other permits relating to cellular, digital, or telecommunication antennas shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of three (3) months from the effective date of this Local Law.

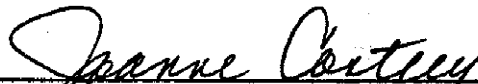
Section 6. Penalties.

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any cellular, digital, or telecommunication antenna in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and

I, JOANN COSTLEY, Town Clerk of the Town of Nanticoke, do hereby certify that the foregoing constitutes a true, correct, and complete copy of a Resolution duly adopted by the Town Board of the Town of Nanticoke at a meeting thereof held on July 9, 1998, by the following roll call vote: John D. Roat, Supervisor ABSENT; Leroy J. Youngs, Town Councilman YES; Robert L. Davis, Town Councilman YES; James R. Dean, Town Councilman YES; and Edward Loveless, Town Councilman YES.

Dated: July 9, 1998



JOANN COSTLEY, Town Clerk
Town of Nanticoke

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with, or in violation of, this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Hardship.

— A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure.

Upon submission of a written application to the Town Clerk of the Town by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the Official Newspaper of the Town. At said Public Hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the

Town Board shall within fifteen (15) days of the close of said Public Hearing render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 9. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.